

HB 4036-14
(LC 193)
2/10/20 (HE/ASD/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Department of Transportation)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4036**

1 On page 1 of the printed bill, line 3, after “319.330,” insert “319.665,
2 319.671, 319.950.”

3 In line 4, after “810.180,” insert “811.602, 811.604, 811.605, 811.613, 811.616,
4 819.010, 819.016.”

5 In line 5, after “824.060,” insert “824.068.”

6 In line 6, delete “, 824.068”.

7 On page 4, after line 34, insert:

8 **“SECTION 1a.** ORS 811.602 is amended to read:

9 “811.602. (1) A disabled person parking permit is a means of identifying
10 vehicles being used to exercise the parking privileges described in ORS
11 811.635. The following are disabled person parking permits:

12 “(a) A special decal described in ORS 811.605 issued by the Department
13 of Transportation to be affixed to a golf cart or substantially similar vehicle;

14 “(b) An individual placard described in ORS 811.605;

15 “(c) A program placard issued by the department under ORS 811.607;

16 “(d) A family placard issued by the department under ORS 811.609;

17 “(e) A foreign visitor placard issued by the department under ORS 811.611;

18 “(f) A ‘Wheelchair User’ placard or decal issued by the department under
19 ORS 811.613; and

20 “(g) An ‘Oregon Wounded Warrior’ placard or decal issued by the de-
21 partment under ORS 811.616.

1 “(2) The department shall issue a disabled person parking permit in the
2 form of a decal or individual placard to any person who submits an appli-
3 cation that complies with ORS 811.604. Nothing in this section prohibits the
4 department from issuing a decal or individual placard to a person who has
5 disabled veteran registration plates issued under ORS 805.100 and who qual-
6 ifies for the decal or placard.

7 “(3) Except as otherwise provided in this subsection, the department may
8 not issue more than one individual placard to an applicant. The department
9 may issue a replacement placard upon receipt of proof satisfactory to the
10 department that the original placard has been lost, mutilated or destroyed.
11 The department may issue a temporary duplicate permit to a person who
12 needs a duplicate permit for travel purposes. A temporary duplicate permit
13 shall be valid for 30 days. The department shall adopt rules governing ap-
14 plication for and issuance of temporary duplicate permits. Nothing in this
15 subsection prohibits issuance of an individual placard to a person who has
16 been issued a decal.

17 “[~~(4)~~ *Permits issued under this section may be renewed by mail.*]

18 “[~~(5)~~ **(4)** Permits for use on vehicles that are regularly used as part of a
19 program for the transportation of persons with disabilities are issued as
20 provided in ORS 811.607.

21 “[~~(6)~~ **(5)** Except as provided in subsection [~~(7)~~ **(6)**] of this section, the
22 department shall determine the form, size and content of any decal or placard
23 issued under this section and shall adopt rules governing their issuance,
24 display and use as necessary to carry out this section.

25 “[~~(7)(a)~~ **(6)(a)** Except as provided in paragraph (b) of this subsection, the
26 department may not require a decal or placard issued under this section to
27 an individual or a family to contain any identifying information about the
28 person to whom the decal or placard is issued, including any of the follow-
29 ing:

30 “(A) Name;

- 1 “(B) Address;
- 2 “(C) Telephone number;
- 3 “(D) Social Security number;
- 4 “(E) Driver license number;
- 5 “(F) Golf cart driver permit number;
- 6 “(G) Identification card number;
- 7 “(H) Passport or visa number; or
- 8 “(I) Photograph.

9 “(b) The department may require a decal or placard issued under this
10 section to an individual or a family to contain not more than four digits of
11 the driver license or identification card number of the person to whom the
12 decal or placard is issued.

13 **“SECTION 1b.** ORS 811.602, as amended by section 2, chapter 413,
14 Oregon Laws 2019, is amended to read:

15 “811.602. (1) A disabled person parking permit is a means of identifying
16 vehicles being used to exercise the parking privileges described in ORS
17 811.635. The following are disabled person parking permits:

18 “(a) A special decal described in ORS 811.605 issued by the Department
19 of Transportation to be affixed to a golf cart or substantially similar vehicle;

20 “(b) An individual placard described in ORS 811.605;

21 “(c) A program placard issued by the department under ORS 811.607;

22 “(d) A family placard issued by the department under ORS 811.609;

23 “(e) A foreign visitor placard issued by the department under ORS 811.611;

24 “(f) A ‘Wheelchair User’ placard or decal issued by the department under
25 ORS 811.613; and

26 “(g) An ‘Oregon Wounded Warrior’ placard or decal issued by the de-
27 partment under ORS 811.616.

28 “(2) The department shall issue a disabled person parking permit in the
29 form of a decal or individual placard to any person who submits an appli-
30 cation that complies with ORS 811.604. Nothing in this section prohibits the

1 department from issuing a decal or individual placard to a person who has
2 disabled veteran registration plates issued under ORS 805.100 and who qual-
3 ifies for the decal or placard.

4 “(3) Except as otherwise provided in this subsection, the department may
5 not issue more than one individual placard to an applicant. The department
6 may issue a replacement placard upon receipt of proof satisfactory to the
7 department that the original placard has been lost, mutilated or destroyed.
8 The department may issue a temporary duplicate permit to a person who
9 needs a duplicate permit for travel purposes. A temporary duplicate permit
10 shall be valid for **up to** 120 days. The department shall adopt rules governing
11 application for and issuance of temporary duplicate permits. Nothing in this
12 subsection prohibits issuance of an individual placard to a person who has
13 been issued a decal.

14 “[4] *Permits issued under this section may be renewed by mail.*]

15 “[5] (4) Permits for use on vehicles that are regularly used as part of a
16 program for the transportation of persons with disabilities are issued as
17 provided in ORS 811.607.

18 “[6] (5) Except as provided in subsection [(7)] (6) of this section, the
19 department shall determine the form, size and content of any decal or placard
20 issued under this section and shall adopt rules governing their issuance,
21 display and use as necessary to carry out this section.

22 “[7](a) (6)(a) Except as provided in paragraph (b) of this subsection, the
23 department may not require a decal or placard issued under this section to
24 an individual or a family to contain any identifying information about the
25 person to whom the decal or placard is issued, including any of the follow-
26 ing:

27 “(A) Name;

28 “(B) Address;

29 “(C) Telephone number;

30 “(D) Social Security number;

- 1 “(E) Driver license number;
- 2 “(F) Golf cart driver permit number;
- 3 “(G) Identification card number;
- 4 “(H) Passport or visa number; or
- 5 “(I) Photograph.

6 “(b) The department may require a decal or placard issued under this
7 section to an individual or a family to contain not more than four digits of
8 the driver license or identification card number of the person to whom the
9 decal or placard is issued.

10 **“SECTION 1c. Section 1d of this 2020 Act is added to and made a**
11 **part of the Oregon Vehicle Code.**

12 **“SECTION 1d. The Department of Transportation shall invalidate**
13 **a disabled parking permit issued under ORS 811.602 if any of the fol-**
14 **lowing occurs:**

15 **“(1) The person issued an individual or ‘Wheelchair User’ placard**
16 **or permit has since obtained a driver license or driver permit issued**
17 **by another jurisdiction or has since obtained an identification card in**
18 **another jurisdiction that is similar to person’s identification card is-**
19 **sued by this state.**

20 **“(2) The department receives notice that the person issued a disa-**
21 **bled parking permit is deceased.**

22 **“(3) The department determines that the disabled parking permit**
23 **was issued under fraudulent circumstances.**

24 **“(4) The person, program or family for which the permit was issued**
25 **no longer qualifies for the permit.**

26 **“SECTION 1e. ORS 811.604 is amended to read:**

27 **“811.604. Application for issuance or renewal of a disabled person parking**
28 **permit in the form of an individual placard or decal issued under ORS**
29 **811.602 shall include:**

30 **“(1) A certificate, signed and dated within six months preceding the date**

1 of application, by a licensed physician, a licensed nurse practitioner or a li-
2 censed physician assistant to the Department of Transportation that the ap-
3 plicant is a person with a disability or a certificate, signed and dated within
4 six months preceding the date of application, by a licensed optometrist that
5 the applicant is a person with a disability because of loss of vision or sub-
6 stantial loss of visual acuity or visual field beyond correction;

7 “(2) The state-issued licensing number of the licensed physician, certified
8 nurse practitioner, licensed physician assistant or licensed optometrist who
9 signed the certificate described in subsection (1) of this section; and

10 “(3) The number of a [*current, valid*] driver license, [*golf cart*] driver per-
11 mit, identification card or parking identification card issued to the applicant
12 by the department.

13 **“SECTION 1f.** ORS 811.605 is amended to read:

14 “811.605. (1) An applicant for an individual placard or decal issued by the
15 Department of Transportation under ORS 811.602 must have a driver license,
16 a [*disability golf cart*] driver permit, an identification card or a parking
17 identification card issued by the department. [*The placard or decal shall be*
18 *valid so long as the license, permit, identification card or parking identifika-*
19 *tion card is valid and may be renewed when the license, permit or card is re-*
20 *newed.*]

21 “(2) An individual placard or decal shall contain an expiration date that
22 is visible from outside the vehicle when the placard or decal is displayed on
23 or in the vehicle. [*The expiration date shall be the same as the expiration date*
24 *of the driver license, golf cart driver permit, identification card or parking*
25 *identification card of the holder of the placard.*]

26 **“(3) A placard or decal issued under this section shall be valid for**
27 **a period of eight years from the date of issue. A placard or decal may**
28 **be renewed in a manner determined by the department by rule.**

29 **“SECTION 1g.** ORS 811.613 is amended to read:

30 “811.613. (1) The Department of Transportation shall issue a ‘Wheelchair

1 User' disabled person parking permit in the form of a 'Wheelchair User'
2 placard or decal for use by a person who uses a wheelchair or similar low-
3 powered motorized or mechanically propelled vehicle designed specifically for
4 use by a person with a physical disability.

5 "(2) The department shall determine the form, size and content of the
6 placards or decals, except that the department shall require that the placards
7 or decals:

8 "(a) Include the words 'Wheelchair User.'

9 "(b) Have an expiration date that is visible from outside the vehicle when
10 the placard or decal is displayed on or in the vehicle.

11 "(3) The department shall by rule determine how a person may qualify for
12 a 'Wheelchair User' placard or decal under this section.

13 "(4) An applicant for a 'Wheelchair User' placard or decal issued by the
14 department under this section must have a driver license, a [*disability golf*
15 *cart*] driver permit or an identification card issued by the department. [*The*
16 *placard or decal shall be valid as long as the license, permit or identification*
17 *card is valid and may be renewed when the license, permit or identification*
18 *card is renewed.*]

19 "[*(5) The expiration date shall be the same as the expiration date of the*
20 *driver license, disability golf cart driver permit or identification card of the*
21 *holder of the placard or decal.*]

22 **"(5) A placard or decal issued under this section shall be valid for**
23 **a period of eight years from the date of issue. A placard or decal may**
24 **be renewed in a manner determined by the department by rule.**

25 **"SECTION 1h.** ORS 811.616 is amended to read:

26 "811.616. (1) The Department of Transportation shall issue an 'Oregon
27 Wounded Warrior' disabled person parking permit in the form of an 'Oregon
28 Wounded Warrior' placard or decal for use by a wounded warrior.

29 "(2) A person is a wounded warrior who qualifies for an 'Oregon Wounded
30 Warrior' parking permit if the person:

1 “(a) Submits written proof to the Department of Transportation of having
2 a United States Department of Veterans Affairs total disability rating of at
3 least 50 percent as a result of an injury or illness that the veteran incurred,
4 or that was aggravated, during active military service; and

5 “(b) Received a discharge or release under other than dishonorable con-
6 ditions.

7 “(3) The Department of Transportation shall determine the form, size and
8 content of the placards or decals, except that the department shall require
9 that the placards or decals:

10 “(a) Include the words ‘Oregon Wounded Warrior.’

11 “(b) Have an expiration date that is visible from outside the vehicle when
12 the placard or decal is displayed on or in the vehicle.

13 “(4) The Department of Transportation shall by rule determine how a
14 person may apply for an ‘Oregon Wounded Warrior’ placard or decal under
15 this section.

16 “(5) An applicant for an ‘Oregon Wounded Warrior’ placard or decal is-
17 sued by the Department of Transportation under this section must have a
18 driver license, a [*disability golf cart*] driver permit or an identification card
19 issued by the department. [*The placard or decal shall be valid as long as the*
20 *license, permit or identification card is valid and may be renewed when the*
21 *license, permit or identification card is renewed.*]

22 “[(6) *The expiration date shall be the same as the expiration date of the*
23 *driver license, disability golf cart driver permit or identification card of the*
24 *holder of the placard or decal.*]

25 “**(6) A placard or decal issued under this section shall be valid for**
26 **a period of eight years from the date of issue. A placard or decal may**
27 **be renewed in a manner determined by the Department of Transpor-**
28 **tation by rule.**

29 “**SECTION 1i.** ORS 819.016 is amended to read:

30 “819.016. (1) Except as provided in subsection (2) of this section, when the

1 provisions of ORS 819.010, 819.012 or 819.014 require a person to surrender
2 to the Department of Transportation a certificate of title for a vehicle, or
3 when a person acquires a vehicle under the provisions of ORS 819.215, the
4 person shall apply to the department for a salvage title for the vehicle. The
5 application shall comply with the requirements of ORS 803.140.

6 “(2) When the person is not required to surrender a certificate of title
7 because title for the vehicle was issued in some other form, the person shall
8 follow procedures adopted by the department by rule.

9 “[*(3) Subsections (1) and (2) of this section do not apply if the person does*
10 *not intend to rebuild or repair the vehicle, to transfer the vehicle or to use the*
11 *frame or unibody of the vehicle for repairing or constructing another vehicle.*]

12 “(3) **Subsections (1) and (2) of this section do not apply if the person:**

13 “(a) **Does not intend to rebuild or repair the vehicle, to transfer the**
14 **vehicle or to use the frame or unibody of the vehicle for repairing or**
15 **constructing another vehicle; or**

16 “(b) **The person rebuilds or repairs the vehicle and applies to title**
17 **the vehicle with the designation of assembled, reconstructed or rep-**
18 **lica.**

19 “**SECTION 1j.** ORS 824.068 is amended to read:

20 “824.068. (1) The Department of Transportation shall prescribe standards
21 for water quality [*and sanitation facilities*] on railroad locomotives [*and*
22 *cabooes*] in this state.

23 “(2) The department may for good cause shown permit variances from the
24 standards so prescribed.

25 “**SECTION 1k.** ORS 319.665 is amended to read:

26 “319.665. (1) The seller of fuel for use in a motor vehicle shall collect the
27 tax provided by ORS 319.530 at the time the fuel is sold, unless one of the
28 following situations applies:

29 “[*(a) The Department of Transportation has issued a weight identifier un-*
30 *der ORS 825.450 for the vehicle into which the seller delivers or places the*

1 *fuel.]*

2 “(a) The Department of Transportation has issued for the vehicle
3 into which the seller delivers or places the fuel a weight identifier
4 under ORS 825.450 or a valid user’s emblem under ORS 319.600.

5 “(b) The fuel is dispensed at a nonretail facility, in which case the seller
6 shall collect any tax owed at the same time the seller collects the purchase
7 price from the person to whom the fuel was dispensed at the nonretail fa-
8 cility. A seller is not required to collect the tax under this paragraph from
9 a person who certifies to the seller that the use of the fuel is exempt from
10 the tax imposed under ORS 319.530.

11 “(c) A cardlock card is used for purchase of the fuel at an attended por-
12 tion of a retail facility equipped with a cardlock card reader, in which case
13 the cardlock card issuer licensed in this state is responsible for collecting
14 and remitting the tax unless the person making the purchase certifies to the
15 seller that the use of the fuel is exempt from the tax imposed under ORS
16 319.530.

17 “(2) If a cardlock card is used for purchase of fuel at an attended portion
18 of a retail facility equipped with a cardlock card reader, the seller at the
19 retail facility may deduct fuel purchases made with a cardlock card from the
20 seller’s retail transactions if the seller provides the department with the
21 following information:

22 “(a) A monthly statement from a cardlock card issuer that details the
23 cardlock card purchases at the retail facility; and

24 “(b) A listing of cardlock card issuers and gallons of fuel purchased at
25 the retail facility by the issuers’ customers.

26 “(3) The department shall supply each seller of fuel for use in a motor
27 vehicle with a chart which sets forth the tax imposed on given quantities
28 of fuel.

29 “**SECTION 1L.** ORS 319.671 is amended to read:

30 “319.671. (1) The seller of fuel for any purpose shall make a duplicate in-

1 voice for every sale of fuel for any purpose and shall retain one copy and
2 give the other copy to the user. The Department of Transportation may pre-
3 scribe the form of the invoice. The invoice shall show:

4 “(a) The seller’s name and address;

5 “(b) The date;

6 “(c) The amount of the sale in gallons; and

7 “(d) The name and address of the user.

8 “(2) In addition to the invoice entries listed in subsection (1) of this sec-
9 tion, the seller of fuel for use in a motor vehicle shall indicate on the invoice
10 the amount of the tax collected, if any, and:

11 “(a) The license plate number, if the vehicle bears a license plate issued
12 by the department or another jurisdiction;

13 “(b) The emblem number, if the vehicle bears a user’s emblem; [or]

14 “(c) The temporary pass number, if the vehicle bears no valid user’s
15 emblem [or license plate issued by the department.]; or

16 **“(d) The license plate number, if the vehicle bears no valid user’s
17 emblem or temporary pass number issued by the department.**

18 “(3) Notwithstanding subsection (1) of this section, this section does not
19 require any invoice to be prepared for any sale where fuel is delivered into
20 the fuel tank of a vehicle described in this subsection unless the operator
21 of the vehicle requests an invoice. If an invoice is prepared under this sub-
22 section, the name and address of a user is not required to be shown on the
23 invoice for sales where the fuel is delivered into the fuel tanks of vehicles
24 described in this subsection. This subsection applies to vehicles:

25 “(a) That have a combined weight of 26,000 pounds or less; and

26 “(b)(A) For which the tax under ORS 319.530 must be paid at the time of
27 sale under ORS 319.665; or

28 “(B) For which an emblem has been issued under ORS 319.535.

29 **“SECTION 1m.** ORS 819.010 is amended to read:

30 “819.010. (1) A person commits the offense of failure to comply with re-

1 quirements for destruction of a vehicle if the person wrecks, dismantles[,]
2 **or** disassembles [*or substantially alters*] the form of any vehicle that is or is
3 required to be registered or titled under the vehicle code or under ORS
4 chapter 826 and the person does not comply with all of the following:

5 “(a) The person must give notice to the Department of Transportation, in
6 a form specified by the department, of the person’s intention to dismantle,
7 disassemble[,] **or** wreck [*or substantially alter*] the form of the vehicle at
8 least seven days prior to commencement thereof.

9 “(b) If the vehicle is visible from a public right of way, the person must
10 complete the wrecking, dismantling[,] **or** disassembling [*or substantial alter-*
11 *ation*] of **the form of the vehicle** within 30 days from the commencement
12 thereof.

13 “(c) If the vehicle is registered by this state, the person must deliver or
14 mail to the department the registration card, certificate of title, if one has
15 been issued, and registration plates of the vehicle within 30 days after the
16 person wrecks, dismantles[,] **or** disassembles [*or substantially alters*] the form
17 of the vehicle.

18 “(d) If no certificate of title has been issued for the vehicle, the person
19 must notify the department in a manner determined by the department by
20 rule within 30 days after the person wrecks, dismantles[,] **or** disassembles
21 [*or substantially alters*] the form of the vehicle.

22 “(e) If required to do so under ORS 819.016, the person shall apply for a
23 salvage title for the vehicle.

24 “(2) This section does not apply to persons who are acting within the
25 scope of a dismantler certificate issued under ORS 822.110.

26 “(3) The offense described in this section, failure to comply with require-
27 ments for destruction of vehicle, is a Class A misdemeanor.

28 “**SECTION 1n.** ORS 319.950 is amended to read:

29 “319.950. (1) **The governing body of** a city, county or other local gov-
30 ernment may enact or amend any charter provision, ordinance, resolution or

1 other provision taxing fuel for motor vehicles after submitting the proposed
2 tax to the electors of the local government for their approval.

3 **“(2) The governing body of a local government that imposes a tax**
4 **on fuel for motor vehicles pursuant to this section may enter into an**
5 **agreement with the Department of Transportation pursuant to which**
6 **the department shall collect and distribute the revenues from the tax.**

7 **“SECTION 10. The amendments to ORS 319.950 by section 1n of this**
8 **2020 Act apply to agreements entered into on or after January 1, 1977,**
9 **by the governing body of a city, county or other local government with**
10 **the Department of Transportation for purposes of the collection and**
11 **distribution of revenues from taxes on fuel for motor vehicles by the**
12 **department.”.**

13 On page 11, delete lines 31 through 45.

14 On page 12, delete lines 1 through 17 and insert:

15 **“SECTION 14. ORS 803.102 is amended to read:**

16 **“803.102. (1) As used in this section:**

17 **“(a) ‘Transferee’ means any person to whom ownership of a motor vehicle**
18 **is transferred by purchase, gift or any other means other than by creation**
19 **of a security interest and any person who, as an agent, signs an odometer**
20 **disclosure statement for the transferee.**

21 **“(b) ‘Transferor’ means any person who transfers ownership of a motor**
22 **vehicle by sale, gift or any means other than by creation of a security in-**
23 **terest and any person who, as an agent, signs an odometer disclosure state-**
24 **ment for the transferor.**

25 **“(2) Except as otherwise provided in this section, upon transfer of any**
26 **interest in a motor vehicle, an odometer disclosure statement shall be made**
27 **by the transferor to the transferee. The disclosure shall be in a form that**
28 **complies with the provisions of ORS 803.120 and shall contain the informa-**
29 **tion required under ORS 803.122.**

30 **“(3) If a transfer requiring a disclosure statement involves a leased vehi-**

1 cle, the lessor shall notify the lessee that the lessee is required to provide
2 odometer disclosure. The lessee shall furnish the lessor with a form that
3 complies with the requirements of ORS 803.120 and shall provide the infor-
4 mation required by ORS 803.122 except that for purposes of the required in-
5 formation, the lessee shall be considered the transferor, the lessor shall be
6 considered the transferee and the date shall be the date of the disclosure
7 statement.

8 “(4) Where an interest in a vehicle is transferred by operation of law, the
9 Department of Transportation shall determine by rule whether an odometer
10 disclosure statement is required and if so, who is required to provide it.

11 “[*(5) The odometer disclosure requirements of this section do not apply upon*
12 *transfer of an interest where the transfer is due solely to the creation, release*
13 *or assignment of a security interest, or upon transfer of an interest in any of*
14 *the following:*]

15 “[*(a) A vehicle with a gross vehicle weight rating of more than 16,000*
16 *pounds.*]

17 “[*(b) A vehicle that is not self-propelled.*]

18 “[*(c) A vehicle that is at least 10 years old.*]

19 “[*(d) A vehicle that is sold directly by the manufacturer to any agency of*
20 *the United States in conformity with contractual specifications.*]

21 “[*(e) A vehicle that is exempted from the requirement by rules of the de-*
22 *partment.*]

23 “**(5) The department, by rule, may exempt vehicles from the**
24 **odometer disclosure requirements of this section in accordance with**
25 **federal laws, rules or regulations pertaining to odometer disclosure**
26 **requirements.**

27 “(6) A person may provide an odometer reading to the department, in the
28 manner prescribed by the department by rule, for a vehicle that is 10 years
29 old or older.

30 “**SECTION 14a. The amendments to ORS 803.102 by section 14 of this**

1 **2020 Act become operative on January 1, 2021.”.**

2 On page 14, line 8, delete “submit” and insert “inspect” and delete “in-
3 spection” and insert “identification”.

4 On page 20, line 9, restore “824.068,”.

5 In line 26, delete “, 824.068”.

6 _____