

## HOUSE AMENDMENTS TO HOUSE BILL 3055

By JOINT COMMITTEE ON TRANSPORTATION

June 7

- 1 On page 1 of the printed bill, line 2, delete “166.360.”.
- 2 Delete lines 3 through 8 and insert “279C.307, 279C.335, 315.591, 319.020, 319.330, 319.665,  
3 319.671, 319.890, 319.950, 320.400, 346.510, 367.010, 367.095, 367.105, 367.555, 367.560, 367.615, 367.806,  
4 367.816, 381.312, 383.001, 383.003, 383.004, 383.009, 383.014, 383.015, 383.017, 383.035, 383.045, 383.075,  
5 383.150, 757.357, 801.133, 803.102, 803.210, 803.525, 803.530, 806.040, 806.070, 806.200, 806.240, 807.072,  
6 807.173, 807.175, 809.120, 809.130, 809.310, 809.440, 809.510, 809.515, 809.520, 809.545, 809.700, 810.180,  
7 810.530, 811.182, 811.260, 811.602, 811.604, 811.605, 811.613, 811.616, 813.055, 813.130, 813.410, 813.460,  
8 815.045, 815.140, 815.145, 819.010, 819.016, 824.022, 824.026, 824.060, 824.068, 824.088, 824.990, 824.992,  
9 825.400, 825.402, 825.410, 825.415, 825.490, 825.496, 825.960 and 836.055 and section 7, chapter 700,  
10 Oregon Laws 2015; repealing ORS 184.631, 383.006, 383.013, 383.023, 383.065, 383.155, 809.010,  
11 809.020, 809.030, 809.040, 809.050, 809.080, 824.104, 825.404, 825.412 and 825.418”.
- 12 In line 9, delete “383.155 and 824.104”.
- 13 On page 2, line 8, after the second “for” insert “up to”.
- 14 In line 37, after “(1)” insert “The department receives information that”.
- 15 In line 45, after “(4)” insert “The department determines that”.
- 16 On page 3, line 23, after the period delete the rest of the line and delete lines 24 and 25.
- 17 On page 5, line 3, delete “The person”.
- 18 On page 7, line 3, delete “agreement” and insert “intergovernmental agreement under ORS  
19 190.010”.
- 20 In line 7, before “agreements” insert “intergovernmental”.
- 21 On page 10, delete lines 16 through 45.
- 22 On page 11, delete lines 1 through 13 and insert:  
23 “**NOTE:** Section 17 was deleted by amendment. Subsequent sections were not renumbered.”.
- 24 Delete lines 40 through 45 and delete pages 12 through 14.
- 25 On page 15, delete lines 1 through 9 and insert:  
26 “**SECTION 19.** ORS 825.400 is amended to read:  
27 “825.400. (1) The Department of Transportation shall [*adopt rules to*] establish a program for the  
28 education of motor carriers that covers, at a minimum, safety, weight mile tax and [*insurance*] **reg-**  
29 **istration** and size and weight regulations administered by the department.  
30 “(2) **The department may appoint agents to carry out the program established under this**  
31 **section.**  
32 “(3) **The department shall prescribe fees sufficient to defray the costs of the program.**  
33 **Agents appointed by the department may assess the fees.**  
34 “(4) **The department shall adopt rules to carry out the provisions of this section.**  
35 “**SECTION 20.** ORS 825.404 is repealed.

1       “**SECTION 21.** ORS 757.357 is amended to read:  
2       “757.357. (1) As used in this section:  
3       “(a) ‘Electric company’ has the meaning given that term in ORS 757.600.  
4       “(b)(A) **‘Infrastructure measures’ includes, but is not limited to, investments in, expenses**  
5 **related to or rebates for:**  
6       “(i) **Distribution system infrastructure that supports transportation electrification;**  
7       “(ii) **Communication and control technologies that support transportation electrification;**  
8 **and**  
9       “(iii) **Behind-the-meter infrastructure that supports transportation electrification and is**  
10 **owned by an electric company or by a customer.**  
11       “(B) **‘Infrastructure measures’ does not include investments in or expenses related to**  
12 **education and outreach activities related to transportation electrification, or other trans-**  
13 **portation electrification-related activities determined by the Public Utility Commission to be**  
14 **separate and distinct from the development of infrastructure.**  
15       “(c) **‘Retail electricity consumer’ has the meaning given that term in ORS 757.600.**  
16       “[(b)] (d) ‘Transportation electrification’ means:  
17       “(A) The use of electricity from external sources to provide power to all or part of a vehicle;  
18       “(B) Programs related to developing the use of electricity for the purpose described in subpar-  
19 agraph (A) of this paragraph; [and]  
20       “(C) Infrastructure [investments] **measures** related to developing the use of electricity for the  
21 purpose described in subparagraph (A) of this paragraph[.]; **and**  
22       “(D) **Programs related to supporting the adoption and service of vehicles powered as de-**  
23 **scribed in subparagraph (A) of this paragraph.**  
24       “[(c)] (e) ‘Vehicle’ means a vehicle, vessel, train, boat or any other equipment that is mobile.  
25       “(2) The Legislative Assembly finds and declares that:  
26       “(a) Transportation electrification is necessary to reduce petroleum use, achieve optimum levels  
27 of energy efficiency and carbon reduction, meet federal and state air quality standards, meet this  
28 state’s greenhouse gas emissions reduction goals described in ORS 468A.205 and improve the public  
29 health and safety;  
30       “(b) Widespread transportation electrification requires that electric companies increase access  
31 to the use of electricity as a transportation fuel;  
32       “(c) Widespread transportation electrification requires that electric companies increase access  
33 to the use of electricity as a transportation fuel in low and moderate income communities;  
34       “(d) Widespread transportation electrification should stimulate innovation and competition, pro-  
35 vide consumers with increased options in the use of charging equipment and in procuring services  
36 from suppliers of electricity, attract private capital investments and create high quality jobs in this  
37 state;  
38       “(e) Transportation electrification and the purchase and use of electric vehicles should assist in  
39 managing the electrical grid, integrating generation from renewable energy resources and improving  
40 electric system efficiency and operational flexibility, including the ability of an electric company to  
41 integrate variable generating resources;  
42       “(f) Deploying transportation electrification and electric vehicles creates the opportunity for an  
43 electric company to propose, to the [Public Utility] commission, that a net benefit for the customers  
44 of the electric company is attainable; and  
45       “(g) Charging electric vehicles in a manner that provides benefits to electrical grid management

1 affords fuel cost savings for vehicle drivers.

2 “(3)(a) The [Public Utility] commission shall direct each electric company to file [applications,  
3 in a form and manner prescribed by the commission, for programs to accelerate transportation  
4 electrification.]:

5 “(A) Applications for programs to support transportation electrification; and

6 “(B) A plan, for acceptance by the commission, that integrates the electric company’s  
7 transportation electrification actions.

8 “(b) The applications and plan must be filed in a form and manner prescribed by the  
9 commission.

10 “(c) A program proposed by an electric company may include prudent investments in or cus-  
11 tomer rebates for electric vehicle charging and related infrastructure.

12 “(4) The commission may allow an electric company to recover costs from retail elec-  
13 tricity consumers for prudent infrastructure measures to support transportation  
14 electrification if the infrastructure measures are consistent with and meet the requirements  
15 of subsection (5) of this section.

16 “(5) If undertaken by an electric company, an infrastructure measure to support trans-  
17 portation electrification is a utility service and a benefit to utility customers if the  
18 infrastructure measure can be reasonably anticipated to:

19 “(a) Support reductions of transportation sector greenhouse gas emissions over time; and

20 “(b) Benefit the electric company’s customers in ways that may include, but need not be  
21 limited to:

22 “(A) Distribution or transmission management benefits;

23 “(B) Revenues to utilities from electric vehicle charging to offset utilities’ fixed costs  
24 that may otherwise be charged to customers;

25 “(C) System efficiencies or other economic values inuring to the benefit of customers  
26 over the long term; or

27 “(D) Increased customer choice through greater transportation electrification  
28 infrastructure deployment to increase the availability of and access to public and private  
29 electric vehicle charging stations.

30 “[4] (6) When considering a transportation electrification program and determining cost re-  
31 covery for investments and other expenditures that are not infrastructure measures and that  
32 are related to a program proposed by an electric company under subsection (3) of this section, the  
33 commission shall consider whether the investments and other expenditures:

34 “(a) Are within the service territory of the electric company;

35 “(b) Are prudent as determined by the commission;

36 “(c) Are reasonably expected to be used and useful as determined by the commission;

37 “(d) Are reasonably expected to enable the electric company to support the electric company’s  
38 electrical system;

39 “(e) Are reasonably expected to improve the electric company’s electrical system efficiency and  
40 operational flexibility, including the ability of the electric company to integrate variable generating  
41 resources; and

42 “(f) Are reasonably expected to stimulate innovation, competition and customer choice in elec-  
43 tric vehicle charging and related infrastructure and services.

44 “(7) In undertaking infrastructure measures that involve the installation of one or more  
45 electric vehicle charging stations, an electric company must allow for customer choice in the

1 selection of the type of electric vehicle charging station to be installed, subject to equipment  
2 eligibility as determined by the electric company. An electric company may prequalify mul-  
3 tiple types of eligible electric vehicle charging stations based on criteria determined by the  
4 electric company.

5 “(8) Nothing in this section restricts or prohibits a corporation, company, partnership,  
6 individual or association of individuals exempt from regulation under ORS 757.005 (1)(b)(G)  
7 from furnishing electricity to any number of customers for use in motor vehicles.

8 “[5(a)] (9)(a) Tariff schedules and rates allowed pursuant to [subsection (3)] subsections (3)  
9 to (6) of this section:

10 “(A) May allow a return of and a return on an investment made by an electric company under  
11 [subsection (3)] subsections (3) to (6) of this section; and

12 “(B) Shall be recovered from [all customers] the retail electricity consumers of an electric  
13 company in a manner [that is similar to the recovery of distribution system investments] determined  
14 by the commission.

15 “(b) A return on investment allowed under this subsection may be earned for a period of time  
16 that does not exceed the depreciation schedule of the investment approved by the commission. When  
17 an electric company’s investment is fully depreciated, the commission may authorize the electric  
18 company to donate the electric vehicle charging infrastructure to the owner of the property on  
19 which the infrastructure is located.

20 “[6] (10) For purposes of ORS 757.355, electric vehicle charging infrastructure provides utility  
21 service to the customers of an electric company.

22 “[7] (11) In authorizing programs described in subsection (3) of this section, the commission  
23 shall review data concerning current and future adoption of electric vehicles and utilization of  
24 electric vehicle charging infrastructure. If market barriers unrelated to the investment or expen-  
25 ditures made by an electric company prevent electric vehicles from adequately utilizing available  
26 electric vehicle charging infrastructure, the commission may not permit additional investments in  
27 or expenditures related to supporting transportation electrification without a reasonable showing  
28 that the investments or expenditures would not result in long-term stranded costs recoverable from  
29 the [customers] retail electricity consumers of electric companies.

30 “SECTION 22. Section 23 of this 2021 Act and ORS 757.357 are added to and made a part  
31 of ORS chapter 757.

32 “SECTION 23. (1) As used in this section, ‘natural gas utility’ means a natural gas utility  
33 regulated by the Public Utility Commission under ORS chapter 757.

34 “(2) The commission may allow a natural gas utility to recover costs from all retail na-  
35 tural gas customers for prudent investments in or expenses related to infrastructure meas-  
36 ures that support the adoption and service of alternative forms of transportation vehicles if  
37 the investments or expenses are consistent with and meet the requirements of subsection  
38 (3) of this section. An investment or expense by a natural gas utility may include an invest-  
39 ment in or an expense related to infrastructure behind the customer meter.

40 “(3) An investment in or expense related to infrastructure measures that support the  
41 adoption and service of alternative forms of transportation vehicles is a utility service and  
42 a benefit to retail natural gas customers if the investment or expense can be reasonably  
43 anticipated to:

44 “(a) Support the adoption of alternative vehicles that are powered by renewable natural  
45 gas or hydrogen;

1       “(b) Support reductions of transportation sector greenhouse gas emissions over time; and  
2       “(c) Benefit the natural gas utility system. Benefits may include, but need not be limited  
3 to:

4       “(A) Distribution or transmission management benefits;

5       “(B) System efficiencies or other economic values inuring to the benefit of retail natural  
6 gas customers over the long term; or

7       “(C) Revenues to natural gas utilities from fueling alternative forms of transportation  
8 vehicles to offset utilities’ fixed costs that may otherwise be charged to retail natural gas  
9 customers.”.

10       On page 20, delete lines 27 through 29.

11       On page 24, delete lines 17 through 21 and insert:

12       “(D) To assist commercial air service to rural Oregon.

13       “(b) The Oregon Department of Aviation may adopt a definition of ‘rural Oregon’ for purposes  
14 of paragraph (a)(D) of this subsection.

15       “(c) The State Aviation Board may establish by rule priorities for the distributions made pur-  
16 suant to this subsection.”.

17       On page 25, after line 2, insert:

18       “**SECTION 41a.** ORS 836.055 is amended to read:

19       “836.055. (1) In operating an airport or air navigation facility owned or controlled by the  
20 state, the Oregon Department of Aviation, as authorized by the State Aviation Board, may enter  
21 into contracts, leases and other arrangements, for a term not exceeding 30 years [*with any*  
22 *persons*] **for noncommercial arrangements or 50 years for commercial arrangements:**

23       “(a) Granting the privilege of using or improving [*such*] **the** airport or air navigation facility,  
24 or any portion or facility [*thereof*] **of**, or space [*therein*] **in, the airport or air navigation facility,**  
25 for commercial purposes;

26       “(b) Conferring the privilege of supplying goods, commodities, things, services or facilities at  
27 [*such*] **the** airport or air navigation facility; or

28       “(c) Making available services to be furnished by the department or its agents at [*such*] **the**  
29 airport or air navigation facility.

30       “(2) In each [*such*] case the department may establish the terms and conditions and fix the  
31 charges, rentals or fees for the privileges or services, which shall be reasonable and uniform for the  
32 same class of privilege or service and shall be established with due regard to the property and im-  
33 provements used and the expenses of operation to the state; provided, that in no case shall the  
34 public be deprived of its rightful, equal and uniform use of the airport, air navigation facility, or  
35 portion or facility [*thereof*] **of the airport or air navigation facility.**

36       “**SECTION 41b.** The amendments to ORS 836.055 by section 41a of this 2021 Act apply to  
37 contracts, leases and other arrangements entered into on or after the effective date of this  
38 2021 Act.”.

39       On page 26, delete lines 27 through 45 and delete page 27.

40       On page 28, delete lines 1 through 27 and insert:

41       “**NOTE:** Section 47 was deleted by amendment. Subsequent sections were not renumbered.

42       “**SECTION 48.** ORS 279C.307 is amended to read:

43       “279C.307. (1) Except as provided in [*subsection (2)*] **subsections (2) and (3)** of this section, a  
44 contracting agency that procures personal services for the purpose of administering, managing,  
45 monitoring, inspecting, evaluating compliance with or otherwise overseeing a public contract that

1 is subject to this chapter may not:

2 “(a) Procure the personal services from a contractor or an affiliate of a contractor who is a  
3 party to the public contract that is subject to administration, management, monitoring, inspection,  
4 evaluation or oversight by means of the personal services; or

5 “(b) Procure the personal services through the public contract that is subject to administration,  
6 management, monitoring, inspection, evaluation or oversight by means of the personal services.

7 “(2) Subsection (1) of this section does not apply to a **combination of preconstruction services**  
8 **and construction services in a** procurement for construction manager/general contractor services  
9 or to a **combination of design services and construction services in** a design-build procurement,  
10 as defined in rules the Attorney General or a contracting agency adopts under ORS 279A.065.

11 “(3)(a) **If a contracting agency anticipates that the contracting agency must procure**  
12 **personal services of the type described in subsection (1) of this section and the contracting**  
13 **agency intends to accept a bid or proposal from a contractor that would be subject to the**  
14 **prohibition set forth in subsection (1) of this section, the contracting agency shall apply to**  
15 **an appropriate authority for an exception to the prohibition before awarding a public con-**  
16 **tract for the personal services or amending an existing public contract to include the per-**  
17 **sonal services.**

18 “(b) **For a state contracting agency, the appropriate authority is the Director of the**  
19 **Oregon Department of Administrative Services. For a local contracting agency, the appro-**  
20 **priate authority is the local contracting agency’s local contract review board. For the De-**  
21 **partment of Transportation, with respect to a procurement described in ORS 279A.050 (3)(b),**  
22 **the appropriate authority is the Director of Transportation.**

23 “(c) **In preparing an application under paragraph (a) of this subsection, a contracting**  
24 **agency shall consult with legal counsel to ensure compliance with the provisions of this**  
25 **section and this chapter. The requirements of this paragraph are in addition to any re-**  
26 **quirements for legal sufficiency approval under ORS 291.047.**

27 “(d) **An application under paragraph (a) of this subsection must include findings and**  
28 **justifications, along with sufficient facts to support the findings and justifications, that ena-**  
29 **ble the authority to make an independent judgment as to whether:**

30 “(A) **The contracting agency requires the personal services described in subsection (1)**  
31 **of this section;**

32 “(B) **Accepting a bid or proposal from a contractor that would be subject to the prohibi-**  
33 **tion described in subsection (1) of this section is in the best interest of the contracting**  
34 **agency; and**

35 “(C) **Approving an exception:**

36 “(i) **Is unlikely to encourage favoritism in awarding public contracts or to substantially**  
37 **diminish competition for public contracts; and**

38 “(ii)(I) **Is reasonably expected to result in substantial cost savings to the contracting**  
39 **agency or the public; or**

40 “(II) **Otherwise substantially promotes the public interest in a manner that could not be**  
41 **practicably realized by complying with the prohibition described in subsection (1) of this**  
42 **section.**

43 “(e)(A) **If the appropriate authority approves the contracting agency’s application under**  
44 **paragraph (a) of this subsection, the appropriate authority shall prepare written findings and**  
45 **justifications for the approval. The contracting agency’s findings, justifications and facts and**

1 the appropriate authority's findings, justifications and approval are public records that are  
2 subject to disclosure as provided in ORS 192.311 to 192.478.

3 “(B) If the appropriate authority disapproves the contracting agency’s application, the  
4 appropriate authority shall state the reasons for the disapproval in a written notice to the  
5 contracting agency and shall indicate whether the disapproval extends only to the contract-  
6 ing agency’s acceptance of a bid or proposal from a contractor that would be subject to the  
7 prohibition described in subsection (1) of this section or whether the appropriate authority  
8 also disagrees with the contracting agency’s stated need for the personal services.

9 “(C) The appropriate authority’s approval or disapproval is final.

10 “(f) In approving an exception under this subsection, the appropriate authority may di-  
11 rect a contracting agency to consult with legal counsel to ensure compliance with applicable  
12 law in conducting a procurement for personal services of the type described in subsection (1)  
13 of this section.”.

14 On page 31, delete lines 25 through 45 and delete pages 32 through 47.

15 On page 48, delete lines 1 through 13 and insert:

16 “**SECTION 50.** The amendments to ORS 279A.142, 279C.307 and 279C.335 by sections 46,  
17 48 and 49 of this 2021 Act apply to contracts that a contracting agency or state agency ad-  
18 vertises or otherwise solicits, or, if the contracting agency or state agency does not advertise  
19 or solicit the public contract, to public contracts into which the contracting agency or state  
20 agency enters or amends on or after the effective date of this 2021 Act.

21 “**NOTE:** Sections 51 to 80 were deleted by amendment. Subsequent sections were not renun-  
22 bered.”.

23 On page 49, line 40, delete “Lane” and insert “Clackamas”.

24 In line 42, delete “Lane” and insert “Clackamas”.

25 In line 43, delete “Lane” and insert “Clackamas”.

26 On page 51, delete lines 28 through 45 and delete page 52 and insert:

## 27 28 “SHORT-TERM BORROWING

29  
30 “**SECTION 82.** ORS 367.105 is amended to read:

31 “367.105. (1) In addition to the authority for short-term borrowing granted in ORS 286A.025 (2)(d)  
32 and 286A.045, the Department of Transportation, acting through the State Treasurer, may borrow  
33 money by entering into a credit agreement, a line of credit or a revolving line of credit, or by is-  
34 suing a note, a warrant, a short-term promissory note, commercial paper or another similar obli-  
35 gation, for the following purposes:

36 “(a) Providing matching funds as set forth in ORS 366.564.

37 “(b) Providing funds with which to pay when due the principal or interest of bonded indebt-  
38 edness created for highway purposes, the payment of which is necessary to preserve the financial  
39 credit of the state.

40 “(c) Meeting emergencies.

41 “(d) Providing funds for use by the department during times when expenditures exceed revenues,  
42 whether or not the department anticipated that expenditures would exceed revenues.

43 “(e) Providing funds for the payment of current expenses in anticipation of revenue, grants or  
44 other moneys intended for payment of the current expenses.

45 “(f) Providing funds for interim financing of a capital asset or project to be undertaken by the

1 department.

2 “(g) Refunding an outstanding obligation.

3 “(2) Short-term borrowing under this section may be in such denominations or for such sums as  
4 the department fixes and may draw interest at a negotiated rate.

5 “(3) The total outstanding indebtedness created by the short-term borrowing under this section  
6 may not exceed [*\$100*] **\$600** million in outstanding principal amount.

7 “(4) All short-term borrowing issued pursuant to this section shall mature within [*three*] **five**  
8 years from the date of issuance. **This subsection does not apply to refunding revenue bonds is-  
9 sued under subsection (5) of this section.**

10 **“(5) The State Treasurer may issue refunding revenue bonds to refund outstanding  
11 short-term borrowings issued under this section.**

12 “[*(5) The department shall pay for and secure short-term borrowing under this section with funds  
13 from the State Highway Fund or other funds that are legally available to the department for the pur-  
14 poses for which the moneys were borrowed, including moneys received by the department from the  
15 United States government.*]

16 **“(6) Using funds from the State Highway Fund or other funds that are legally available  
17 to the department or State Treasurer for the purposes for which the moneys were borrowed,  
18 including moneys received by the department or State Treasurer from the United States  
19 government:**

20 **“(a) The department shall pay for and secure short-term borrowing under this section;  
21 and**

22 **“(b) The department shall pay for any refunding revenue bonds issued under this section.**

23 **“(7) ORS 286A.035 does not apply to borrowings under this section.**

24  
25 **“DRIVER SUSPENSION HEARINGS**

26  
27 **“SECTION 83.** ORS 809.440 is amended to read:

28 **“809.440. (1)** When other procedures described under this section are not applicable to a sus-  
29 pension or revocation under ORS 809.409 to 809.421, the procedures described in this subsection  
30 shall be applicable. All of the following apply to this subsection:

31 **“(a)** The hearing shall be given before the department imposes the suspension or revocation of  
32 driving privileges.

33 **“(b)** Before the hearing, the department shall notify the person in the manner described in ORS  
34 809.430.

35 **“(c)** The hearing shall be in the county where the person resides unless the person and the de-  
36 partment agree otherwise.

37 **“(d)** The hearing shall be conducted by an administrative law judge assigned from the Office of  
38 Administrative Hearings established under ORS 183.605.

39 **“(2)** The following apply when administrative review is provided under any statute or rule of the  
40 department:

41 **“(a)** An administrative review shall consist of an informal administrative process to assure  
42 prompt and careful review by the department of the documents upon which an action is based.

43 **“(b)** It shall be a defense to the department’s action if a petitioner can establish that:

44 **“(A)** A conviction on which the department’s action is based was for an offense that did not  
45 involve a motor vehicle and the department’s action is permitted only if the offense involves a motor



1 vehicle.

2 “(B) An out-of-state conviction on which the department’s action is based was for an offense that  
3 is not comparable to an offense under Oregon law.

4 “(C) The records relied on by the department identify the wrong person.

5 “(c) A person requesting administrative review has the burden of showing by a preponderance  
6 of the evidence that the person is not subject to the action.

7 “(d) Actions subject to administrative review shall be exempt from the provisions of ORS chap-  
8 ter 183 applicable to contested cases, and from the provisions of subsection [(4)] (5) of this section  
9 applicable to post-imposition hearings. A suspension, revocation or cancellation may not be stayed  
10 during the administrative review process or by the filing of a petition for judicial review. A court  
11 having jurisdiction may order the suspension, revocation or cancellation stayed pending judicial re-  
12 view.

13 “(e) Judicial review of a department order affirming a suspension or revocation after an admin-  
14 istrative review shall be available as for review of orders other than contested cases, and the de-  
15 partment may not be subject to default for failure to appear in such proceedings. The department  
16 shall certify its record to the court within 20 days after service upon the department of the petition  
17 for judicial review.

18 “(f) If the suspension or revocation is upheld on review by a court, the suspension or revocation  
19 shall be ordered for the length of time appropriate under the appropriate statute except that the  
20 time shall be reduced by any time prior to the determination by the court that the suspension or  
21 revocation was in effect and was not stayed.

22 “(g) The department shall adopt any rules governing administrative review that are considered  
23 necessary or convenient by the department.

24 “(3) **At a hearing for failure to make a future responsibility filing or false certification**  
25 **of financial responsibility requirements under ORS 809.415, it is a defense to the**  
26 **department’s action if the petitioner can establish that:**

27 “(a) **An error was committed by the department;**

28 “(b) **The person in fact was in compliance with financial responsibility requirements on**  
29 **the date specified by the department by rule under ORS 806.150;**

30 “(c) **An error was committed by an insurance company in notifying the department re-**  
31 **garding the correctness of proof of compliance with financial responsibility requirements**  
32 **provided under ORS 806.150;**

33 “(d) **The person was not in compliance with financial responsibility requirements on the**  
34 **date specified by the department by rule under ORS 806.150, and the department also deter-**  
35 **mines that the person reasonably and in good faith believed that the person was in compli-**  
36 **ance with financial responsibility requirements on the date the department sent the notice**  
37 **of verification and that the person currently is in compliance with financial responsibility**  
38 **requirements; or**

39 “(e) **At the time of the accident the person reasonably and in good faith believed that the**  
40 **person was in compliance with financial responsibility requirements, and the person is cur-**  
41 **rently in compliance with financial responsibility requirements.**

42 “[3] (4) When permitted under this section or under any other statute, a hearing may be ex-  
43 pedited under procedures adopted by the department by rule. The procedures may include a limited  
44 time in which the person may request a hearing, requirements for telephone hearings, expedited  
45 procedures for issuing orders and expedited notice procedures.

1           “[(4)] (5) When permitted under ORS 809.417, 809.419, 809.421 or 809.510 to 809.545, a hearing  
2 may be a post-imposition hearing under this subsection. A post-imposition hearing is a hearing that  
3 occurs after the department imposes the suspension or revocation of driving privileges. All of the  
4 following apply to this subsection:

5           “(a) The department must provide notice in the manner described in ORS 809.430 before the  
6 suspension or revocation may take effect.

7           “(b) Except as provided in this subsection, the hearing shall be conducted as a contested case  
8 in accordance with ORS chapter 183.

9           “(c) Unless there is an agreement between the person and the department that the hearing be  
10 conducted elsewhere, the hearing shall be held either in the county where the person resides or at  
11 any place within 100 miles, as established by the department by rule.

12           “[(5)] (6) The department has complied with a requirement for a hearing or administrative re-  
13 view if the department has provided an opportunity for hearing or review and the person with the  
14 right to the hearing or review has not requested it. Any request for hearing or review must be made  
15 in writing.

16           “[(6)] (7) For any hearing described under this section, and for administrative review described  
17 under this section, no further notice need be given by the department if the suspension or revocation  
18 is based upon a conviction and the court gives notice, in a form established by the department, of  
19 the rights to a hearing or review and of the suspension or revocation.

20           “**SECTION 84.** ORS 809.515, as amended by section 9, chapter 10, Oregon Laws 2020 (first spe-  
21 cial session), is amended to read:

22           “809.515. (1)(a) The Department of Transportation shall suspend the commercial driving privi-  
23 leges of a person if the department receives a notice from another jurisdiction that the person failed  
24 to appear in a prosecution on a citation for a traffic offense or for a violation in the other juris-  
25 diction that, if committed in this state, would be grounds for suspension under ORS 809.220, and the  
26 person held commercial driving privileges or was operating a commercial motor vehicle at the time  
27 of the offense. The period of a suspension under this subsection is the shorter of:

28           “(A) Ten years; or

29           “(B) Until the department receives notice from the other jurisdiction that the person appeared.

30           “(b) The department shall suspend a person’s commercial driving privileges under this sub-  
31 section without regard to whether the other jurisdiction suspends any driving privileges of the per-  
32 son by reason of the person’s failure to appear.

33           “(c) This subsection does not apply to failure to appear in a proceeding relating to a parking,  
34 pedestrian, vehicle defect or bicycling offense.

35           “(2) The department shall suspend the commercial driving privileges of a person if the depart-  
36 ment receives a notice from the Federal Motor Carrier Safety Administration that the person has  
37 been disqualified from operating a commercial motor vehicle and that the disqualification is due to  
38 a determination that the driving of that person constitutes an imminent hazard. The department  
39 shall immediately suspend commercial driving privileges under this subsection without hearing, but  
40 the person may request a post-imposition hearing under ORS 809.440 [(4)] (5), without regard to any  
41 hearings conducted by the Federal Motor Carrier Safety Administration. The period of a suspension  
42 under this section is the period of suspension prescribed by the Federal Motor Carrier Safety Ad-  
43 ministration, or one year, whichever is shorter.

44  
45           **“REPEAL OF VEHICLE REGISTRATION SUSPENSIONS**

1       “**SECTION 85.** ORS 809.010, 809.020, 809.030, 809.040, 809.050 and 809.080 are repealed.

2       “**SECTION 86.** ORS 806.040 is amended to read:

3       “806.040. Financial responsibility requirements are designed to provide for minimum payment  
4 of judgments of the type described in this section. For the purposes of ORS 806.130, 806.140,  
5 [809.020,] 809.130 and 809.470, judgments of the type described in this section must:

6       “(1) Have become final by expiration, without appeal, of the time within which an appeal might  
7 have been perfected or by final affirmation on appeal;

8       “(2) Be rendered by a court of competent jurisdiction of any state or of the United States;

9       “(3) Be upon a cause of action for damages of the type described under subsection (4) of this  
10 section or upon a cause of action on an agreement of settlement for such damages; and

11       “(4) Be for one or more of the following kinds of damage arising out of a motor vehicle accident  
12 on public or private property:

13       “(a) Damages, including damages for care and loss of services, because of bodily injury to or  
14 death of any person.

15       “(b) Damages because of injury to or destruction of property, including the loss of use thereof.

16       “**SECTION 87.** ORS 806.070 is amended to read:

17       “806.070. (1) This section establishes a schedule of payments for the following purposes:

18       “(a) An insurance policy described under ORS 806.080 must provide for payment of at least  
19 amounts necessary to cover the minimum required payments under this section to qualify for use for  
20 financial responsibility under ORS 806.060.

21       “(b) A person who is self-insured under ORS 806.130 must agree to pay according to the payment  
22 schedule established by this section.

23       “(c) The payment schedule is the minimum required payment of a judgment for purposes of ORS  
24 [809.020,] 809.130 and 809.415.

25       “(2) The schedule of payments is as follows:

26       “(a) \$25,000 because of bodily injury to or death of one person in any one accident;

27       “(b) Subject to that limit for one person, \$50,000 because of bodily injury to or death of two or  
28 more persons in any one accident; and

29       “(c) \$20,000 because of injury to or destruction of the property of others in any one accident.

30       “**SECTION 88.** ORS 806.200 is amended to read:

31       “806.200. (1) A person commits the offense of failure to make a future responsibility filing after  
32 an accident if:

33       “(a) The person is the owner or driver of a motor vehicle involved in an accident;

34       “(b) At the time of the accident the vehicle was operated in violation of ORS 806.010;

35       “(c) The person does not make a future responsibility filing within 30 days after the accident;  
36 and

37       “(d) The person is not exempt under ORS 806.210 from making a future responsibility filing.

38       “(2) The employer of a driver is subject to the requirements and penalties under this section if  
39 the driver is an employee exempted from this section under ORS 806.210. *[If an employer is subject*  
40 *to this section, the registration of the employer’s vehicles may be suspended as provided under ORS*  
41 *809.050.]*

42       “(3) In addition to any other penalties under this section, violation of this section subjects the  
43 violator to suspension of driving privileges as provided under ORS 809.415.

44       “(4) The offense described in this section, failure to make a future responsibility filing after an  
45 accident, is a Class B traffic violation.

1       “**SECTION 89.** ORS 806.240 is amended to read:

2       “806.240. Future responsibility filings required by ORS 806.200, 806.220 or 806.230 or by any  
3 other law of this state are subject to all of the following:

4       “(1) Except as provided in subsection (3) of this section, the person required to make the filing  
5 must file with the Department of Transportation, or have filed with the department for the benefit  
6 of the person, proof of compliance that meets the requirements of this section and must maintain the  
7 proof of compliance as required under ORS 806.245. The filing is made on the date it is received by  
8 the department if it is received during regular business hours.

9       “(2) The proof of compliance filed under subsection (1) of this section must be:

10       “(a) A certificate or certificates of insurance that meet the requirements under ORS 806.270; or

11       “(b) A valid certificate of self-insurance issued by the department under ORS 806.130.

12       “(3) The owner of a motor vehicle may make a future responsibility filing under this section on  
13 behalf of the owner’s employee or a member of the owner’s immediate family or household in lieu  
14 of the filing being made by the person. Filing under this subsection permits the person on whose  
15 behalf the filing is made to operate only a motor vehicle covered by the proof of compliance given  
16 in the filing. The department shall endorse restrictions, as appropriate, on any license or driver  
17 permit the person holds as the department determines necessary to limit the person’s ability to op-  
18 erate vehicles consistent with this subsection.

19       “(4) Whenever proof of compliance filed under this section no longer meets the requirements of  
20 this section, the department shall require the furnishing of other proof of compliance for the future  
21 responsibility filing. If other proof of compliance is not furnished, the department shall suspend the  
22 driving privileges of the person as provided under ORS 809.415 [*or, if applicable, any registration as*  
23 *provided under ORS 809.050*].

24       “**SECTION 90.** ORS 809.120 is amended to read:

25       “809.120. (1) In addition to any other punishment imposed under ORS 818.040, a convicting court  
26 has authority to order the suspension of the driving privileges of the operator of the vehicle used  
27 to violate ORS 818.040 or the registration of the vehicle if the vehicle is required to be registered  
28 by the Department of Transportation. The authority of a court to order the suspension of driving  
29 privileges or registration under this section is subject to the following:

30       “(a) Subject to paragraph (b) of this subsection, the court may only order suspension for a period  
31 of up to 90 days.

32       “(b) For a second or subsequent violation of ORS 818.040, within one year after the first con-  
33 viction, the court shall order the suspension for not less than 30 days nor more than 90 days.

34       “(2) Upon ordering a suspension under this section, a court shall secure the license, driver  
35 permit or registration plates ordered suspended and shall immediately forward them to the depart-  
36 ment with the order of suspension as provided under ORS 809.275.

37       “(3) Upon receipt of an order under this section, the department shall proceed as provided under  
38 ORS [*809.020 or*] 809.280.

39       “**SECTION 91.** ORS 809.130 is amended to read:

40       “809.130. (1) If a court notifies the Department of Transportation under this section that a  
41 judgment remains unsettled as described by ORS 809.470, the department must initiate action to  
42 determine whether to suspend or revoke driving privileges under ORS 809.415 [*or vehicle registration*  
43 *of the employer under ORS 809.020*]. A court shall immediately give the department notice of an  
44 unsettled judgment under this section if:

45       “(a) A judgment of the type described under ORS 806.040 is rendered against a person by a court

1 of this state;

2 “(b) The person fails within 60 days to settle the judgment in the manner required under ORS  
3 809.470; and

4 “(c) The judgment creditor or the judgment creditor’s attorney makes a written request for for-  
5 warding to the department a certificate stating the judgment has not been settled as described in  
6 ORS 809.470.

7 “(2) A court that has given the department notice of an unsettled judgment under this section  
8 shall immediately forward to the department a certificate stating that the judgment is appropriately  
9 settled and describing the judgment and parties sufficiently for identification if:

10 “(a) The judgment is settled in the manner required under ORS 809.470; and

11 “(b) The judgment debtor or the judgment debtor’s attorney makes a written request for for-  
12 warding to the department a certificate stating the judgment has been settled as described in ORS  
13 809.470.

14 “(3) The notice made to the department under this section shall be given by the clerk of the  
15 court or, if the court has no clerk, by the judge.

16 “**SECTION 92.** ORS 809.700 is amended to read:

17 “809.700. A court may order a motor vehicle impounded or immobilized upon conviction for the  
18 traffic offenses described in this section. The authority to impound or immobilize a vehicle under  
19 this section is subject to all of the following:

20 “(1) The court may order a vehicle impounded or immobilized under this section when a person  
21 is convicted:

22 “(a) For driving a motor vehicle while the person’s license is suspended or revoked in violation  
23 of ORS 811.175 or 811.182; or

24 “(b) On a second or subsequent charge of driving while under the influence of intoxicants in  
25 violation of ORS 813.010.

26 “(2) A vehicle may be impounded or immobilized under this section for not more than one year  
27 from judgment.

28 “(3) The following vehicles may be impounded under this section:

29 “(a) Any motor vehicle of which the convicted person is the owner.

30 “(b) Any motor vehicle which the convicted person is operating at the time of arrest.

31 “(4) A vehicle may be immobilized under this section if the vehicle is registered in this state and  
32 is a vehicle that may be impounded under subsection (3) of this section.

33 “(5)(a) If a vehicle is ordered to be immobilized under this section and if the convicted person  
34 resides in the jurisdiction of the law enforcement agency that arrested the person for the offense  
35 described in subsection (1) of this section, the arresting law enforcement agency shall install a ve-  
36 hicle immobilization device on the vehicle. If the convicted person does not reside in the jurisdiction  
37 of the law enforcement agency that arrested the person, the sheriff of the county in which the per-  
38 son resides shall install the device.

39 “(b) A vehicle ordered immobilized under this section shall be immobilized at the residence of  
40 the owner of the vehicle or at the location where the owner regularly parks the vehicle.

41 “(c) A vehicle ordered immobilized under this section may be immobilized only in a location at  
42 which the vehicle may be legally stored for the period of the immobilization order. If no location is  
43 available at which the vehicle may be legally stored, the vehicle may be impounded for the period  
44 of the immobilization order.

45 “(d) A vehicle owner who fails to allow installation of a vehicle immobilization device ordered

1 under this section shall be subject to contempt of court proceedings under ORS 33.015 to 33.155.

2 “(6)(a) If a vehicle is impounded under this section, the person convicted shall be liable for the  
3 expenses incurred in the towing and storage of the vehicle under this section, whether or not the  
4 vehicle is returned to the person convicted.

5 “(b) If a vehicle is immobilized under this section, the person convicted shall be liable for the  
6 expenses incurred in installation and removal of the vehicle immobilization device and for rental of  
7 the device during the period the device is installed on the vehicle, whether or not the vehicle is  
8 released to the person convicted.

9 “(7) A vehicle shall be released or returned to the person convicted or the owner only upon  
10 payment of the expenses incurred in the immobilization or towing and storage of the vehicle under  
11 this section.

12 “(8) If a vehicle is not reclaimed within 30 days after the time set for the return of the vehicle  
13 in an impounding order or release of the vehicle in an immobilization order, the vehicle may be  
14 disposed of in accordance with procedures under ORS 819.110 to 819.215.

15 “(9) The court may order that a motor vehicle of which the convicted person is not the owner  
16 be impounded or immobilized under this section only if the court is satisfied by a preponderance of  
17 the evidence that the owner knew or had good reason to know that the convicted person:

18 “(a) Did not have a valid license and knowingly consented to the operation of the vehicle by the  
19 convicted person; or

20 “(b) Was operating the vehicle while under the influence of intoxicants.

21 “(10) The authority to impound or immobilize a vehicle under this section is subject to the rights  
22 of a security interest holder under a security agreement executed before an arrest for violation of  
23 an offense for which the vehicle may be impounded or immobilized under this section. A vehicle  
24 shall be released for the purpose of satisfying a security interest if:

25 “(a) A request in writing is made to the court; **and**

26 “(b) [*If the vehicle has been impounded or immobilized,*] The security interest holder pays the  
27 expenses in towing and storage or in immobilization of the vehicle[; *and*]

28 “[*(c) If the registration of the vehicle has been suspended under ORS 809.010, the security interest*  
29 *holder takes possession of the vehicle subject to the suspension of the registration remaining in effect*  
30 *against the registered owner*].

31 “(11) A security interest holder’s obligation to pay and right to recover towing and storage or  
32 immobilization expenses under subsection (10) of this section are limited to the recovery of those  
33 towing and storage or immobilization expenses incurred during the initial 20-day period when the  
34 vehicle was in public storage or immobilized, unless the authority taking the vehicle into custody  
35 or immobilizing the vehicle under this section has transmitted by certified mail a written notice to  
36 the holder concerning the accrual of storage or immobilization expenses. If the vehicle is in private  
37 storage, the lien claimant shall transmit the written notice.

38  
39 “**OReGO**

40  
41 “**SECTION 93.** ORS 319.890 is amended to read:

42 “319.890. (1) A person wishing to pay the per-mile road usage charge imposed under ORS 319.885  
43 must apply to the Department of Transportation on a form prescribed by the department.

44 “(2) The department shall approve a valid and complete application submitted under this section  
45 if:

1 “(a) The applicant **has applied for registration or** is the registered owner or lessee of a motor  
2 vehicle;

3 “(b) The motor vehicle is equipped with a method selected pursuant to ORS 319.900 for collect-  
4 ing and reporting the metered use by the motor vehicle of the highways in Oregon;

5 “(c) The motor vehicle is classified as a passenger vehicle by the department; and

6 “(d) The vehicle has a rating of at least 20 miles per gallon, such rating to be established by the  
7 department.

8 “(3) An electric vehicle or a vehicle with a rating of 40 miles per gallon or greater for which  
9 an application [*is*] **has been submitted or** approved under this section is not subject to the addi-  
10 tional amount of registration fees imposed under ORS 803.422.

11 “(4) Approval of an application under this section subjects the applicant to the requirements of  
12 ORS 319.920 until the person ends the person’s voluntary participation in the road usage charge  
13 program in the manner required under subsection (5) of this section.

14 “(5) A person may end the person’s voluntary participation in the road usage charge program  
15 at any time by notifying the department, returning any emblem issued under ORS 319.945 to the  
16 department and paying any outstanding amount of road usage charge for metered use by the  
17 person’s subject vehicle.

18 “(6)(a) This subsection applies to a person whose subject vehicle is described in subsection (3)  
19 of this section[.] **and:**

20 “[*(b)*] **(A) [*If the person*] Who** ends [*the person’s*] voluntary participation in the per-mile road  
21 usage charge program with respect to the subject vehicle[.];

22 **“(B) Whose application is not approved under this section; or**

23 **“(C) Whose subject vehicle has been removed from the per-mile road usage charge pro-  
24 gram.**

25 **“(b)** In addition to any amount due under subsection (5) of this section, the **department may**  
26 **collect an** additional amount [*of*] **equal to the** registration fees that would otherwise have been due  
27 **with respect to the subject vehicle** for the current registration period under ORS 803.422 [*becomes*  
28 *due and*] **or a portion of the fees.**

29 **“(c) The department shall establish by rule the circumstances in which a person de-  
30 scribed in paragraph (a)(C) of this subsection is required to pay an additional amount under  
31 paragraph (b) of this subsection.**

32 **“(d)** The department may deny registration for the subject vehicle until the additional amount  
33 [*of registration fees is*] **imposed under paragraph (b) of this subsection has been paid.**

34 “(7) The Department of Transportation shall consult with vehicle dealers that sell passenger  
35 vehicles to determine the most effective methods, at the point of sale, to encourage participation in  
36 the per-mile road usage charge program.

37  
38 **“TRACTION TIRE OR CHAIN USE**

39  
40 **“SECTION 94. Section 95 of this 2021 Act is added to and made a part of the Oregon  
41 Vehicle Code.**

42 **“SECTION 95. (1) A person commits the offense of failure to carry vehicle traction tires  
43 or chains if the person drives or moves or owns and causes or knowingly permits to be  
44 driven or moved any motor vehicle or trailer on any highway if the highway is posted  
45 showing conditions that require the person to carry vehicle traction tires or chains within**

1 the vehicle and the vehicle does not contain vehicle traction tires or chains.

2 “(2) Traction tires or chains that are referred to in this section are those established by  
3 rule under the authority granted under ORS 815.045.

4 “(3) This section does not apply to vehicles exempted from this section under ORS  
5 815.145.

6 “(4) This section applies only to sections of highway on which a road authority requires  
7 a person to carry traction tires or chains within the vehicle and on which signs requiring the  
8 carrying of traction tires or chains have been posted as provided in ORS 815.045.

9 “(5) A court may not find a person to be in violation of the offense described under this  
10 section if the court determines that the conditions of the highway at the time the person  
11 was cited did not require posting under rules adopted under ORS 815.045. The defense under  
12 this subsection may be affirmatively asserted by any person cited for violation of the offense  
13 described in this section.

14 “(6) The offense described in this section, failure to carry vehicle traction tires or chains,  
15 is a Class C traffic violation.

16 “**SECTION 96.** ORS 810.530 is amended to read:

17 “810.530. (1) A weighmaster or motor carrier enforcement officer in whose presence an offense  
18 described in this subsection is committed may arrest or issue a citation for the offense in the same  
19 manner as under ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a  
20 police officer. This subsection applies to the following offenses:

21 “(a) Violation of maximum weight limits under ORS 818.020.

22 “(b) Violation of posted weight limits under ORS 818.040.

23 “(c) Violation of administratively imposed weight or size limits under ORS 818.060.

24 “(d) Violation of maximum size limits under ORS 818.090.

25 “(e) Exceeding maximum number of vehicles in combination under ORS 818.110.

26 “(f) Violation of posted limits on use of road under ORS 818.130.

27 “(g) Violation of towing safety requirements under ORS 818.160.

28 “(h) Operating with sifting or leaking load under ORS 818.300.

29 “(i) Dragging objects on highway under ORS 818.320.

30 “(j) Unlawful use of devices without wheels under ORS 815.155.

31 “(k) Unlawful use of metal objects on tires under ORS 815.160.

32 “(L) Operation without pneumatic tires under ORS 815.170.

33 “(m) Operation in violation of vehicle variance permit under ORS 818.340.

34 “(n) Failure to carry and display permit under ORS 818.350.

35 “(o) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400.

36 “(p) Violation of any provision of ORS chapter 825.

37 “(q) Operation without proper fenders or mudguards under ORS 815.185.

38 “(r) Operating a vehicle without driving privileges in violation of ORS 807.010 if the person is  
39 operating a commercial motor vehicle and the person does not have commercial driving privileges.

40 “(s) Violation driving while suspended or revoked in violation of ORS 811.175 if the person is  
41 operating a commercial motor vehicle while the person’s commercial driving privileges are sus-  
42 pended or revoked.

43 “(t) Failure to use vehicle traction tires or chains in violation of ORS 815.140 if the person is  
44 operating a motor vehicle subject to ORS chapter 825 or 826.

45 “(u) Failure to carry vehicle traction tires or chains in violation of section 95 of this 2021



1 **Act if the person is operating a motor vehicle subject to ORS chapter 825 or 826.**

2 “[*u*] (v) Illegally altering or displaying registration plate in violation of ORS 803.550.

3 “(2) A weighmaster or motor carrier enforcement officer in whose presence an offense described  
4 in this subsection is committed by a person operating a commercial motor vehicle may issue a ci-  
5 tation for the offense. A weighmaster or motor carrier enforcement officer who finds evidence that  
6 an offense described in this subsection has been committed by a person operating a commercial  
7 motor vehicle or by a motor carrier for which the person is acting as an agent may issue a citation  
8 for the offense. A weighmaster or motor carrier enforcement officer issuing a citation under this  
9 subsection has the authority granted a police officer issuing a citation under ORS 810.410. A citation  
10 issued under this subsection to the operator of a commercial motor vehicle shall be considered to  
11 have been issued to the motor carrier that owns the commercial motor vehicle if the operator is not  
12 the owner. This subsection applies to the following offenses, all of which are Class A traffic vio-  
13 lations under ORS 825.990 (1):

14 “(a) Repeatedly violating or avoiding any order or rule of the Department of Transportation.

15 “(b) Repeatedly refusing or repeatedly failing, after being requested to do so, to furnish service  
16 authorized by certificate.

17 “(c) Refusing or failing to file the annual report as required by ORS 825.320.

18 “(d) Refusing or failing to maintain records required by the department or to produce such re-  
19 cords for examination as required by the department.

20 “(e) Failing to appear for a hearing after notice that the carrier’s certificate or permit is under  
21 investigation.

22 “(f) Filing with the department an application that is false with regard to the ownership, pos-  
23 session or control of the equipment being used or the operation being conducted.

24 “(g) Delinquency in reporting or paying any fee, tax or penalty due to the department under  
25 ORS chapter 825 or 826.

26 “(h) Refusing or failing to file a deposit or bond as required under ORS 825.506.

27 “(i) Failing to comply with the applicable requirements for attendance at a motor carrier edu-  
28 cation program as required by ORS 825.402.

29 “(3) A weighmaster or motor carrier enforcement officer who finds evidence that a person op-  
30 erating a commercial motor vehicle has committed the offense of failure to pay the appropriate  
31 registration fee under ORS 803.315 may issue a citation for the offense in the same manner as under  
32 ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a police officer.

33 “(4) The authority of a weighmaster or motor carrier enforcement officer to issue citations or  
34 arrest under this section is subject to ORS chapter 153.

35 “(5)(a) A person is a weighmaster for purposes of this section if the person is a county  
36 weighmaster or a police officer.

37 “(b) A person is a motor carrier enforcement officer under this section if the person is duly  
38 authorized as a motor carrier enforcement officer by the Department of Transportation.

39 “(6) A weighmaster or motor carrier enforcement officer may accept security in the same man-  
40 ner as a police officer under ORS 810.440 and 810.450 and may take as security for the offenses, in  
41 addition to other security permitted under this section, the sum fixed as the presumptive fine for the  
42 offense.

43 “(7) A weighmaster or motor carrier enforcement officer may arrest a person for the offense of  
44 failure to appear in a violation proceeding under ORS 153.992 if the violation is based upon a cita-  
45 tion for any offense described in subsection (1) or (3) of this section except those described in sub-

1 section (1)(p) of this section.

2 “(8) A weighmaster or motor carrier enforcement officer may exercise the same authority as a  
3 police officer under ORS 810.490 to enforce vehicle requirements and detain vehicles. A person who  
4 fails to comply with the authority of a weighmaster or motor carrier enforcement officer under this  
5 subsection is subject to penalty under ORS 818.400.

6 “**SECTION 97.** ORS 815.045 is amended to read:

7 “815.045. (1) The Oregon Transportation Commission shall adopt rules necessary to carry out  
8 ORS 815.140 **and section 95 of this 2021 Act.** The rules adopted by the commission:

9 “(a) Shall establish the various types of conditions under which vehicle traction tires or chains  
10 must be used **or carried.**

11 “(b) Shall define types of vehicle traction tires or chains that may be used **or carried** under  
12 various road conditions. The commission rules under this paragraph shall comply with the following:

13 “(A) Traction tire shall be defined to include any tire that meets traction standards established  
14 by the Department of Transportation.

15 “(B) Retractable studded tires or tires with studs that are permitted under ORS 815.165 shall  
16 be allowed as traction tires under the rules.

17 “(C) The department may require that traction tires without studs bear identifying marks, de-  
18 fined by the department, that indicate that the tire was manufactured specifically for adverse  
19 weather conditions.

20 “(D) Chains shall be defined to include link chains, cable chains or any other device that at-  
21 taches to the wheel, vehicle or outside of the tire and that augments the traction of a vehicle.

22 “(E) Retractable studded tires shall be defined to include tires with embedded studs that project  
23 beyond the tread surface only when a vehicle operator extends the studs to augment the traction  
24 of the vehicle.

25 “(c) Shall establish signs to be posted under conditions that require vehicle traction tires or  
26 chains **to be used or carried.**

27 “(d) May establish types or classes of vehicles that are exempt from requirements to use **or**  
28 **carry** vehicle traction tires or chains under certain conditions if the commission determines that the  
29 operation of the class or type of vehicle would be safe under those conditions.

30 “(2) A road authority shall:

31 “(a) Determine when conditions on a segment of highway require [*the use of*] **a person to use**  
32 **or carry** vehicle traction tires or chains as defined by the commission;

33 “(b) Determine which segments of a highway shall be posted as described under this section to  
34 require **a person to use or carry** vehicle traction tires or chains; and

35 “(c) Provide for the placement and removal of signs requiring [*the use of*] **a person to use or**  
36 **carry** vehicle traction tires or chains.

37 “**SECTION 98.** ORS 815.145 is amended to read:

38 “815.145. (1) This section establishes exemptions from ORS 815.140 **and section 95 of this 2021**  
39 **Act.**

40 “(2) The following are completely or partially exempt as described:

41 “[1] (a) Police vehicles under any conditions.

42 “[2] (b) Fire vehicles when responding to a fire.

43 “[3] (c) An ambulance when responding to an emergency.

44 “[4] (3) A passenger vehicle or truck is not required to use chains if the vehicle or truck:

45 “(a) Has an unloaded weight of 6,500 pounds or less;

1 “(b) Is equipped and operated to provide power to both front and rear wheels;

2 “(c) Is carrying chains as defined in ORS 815.045;

3 “(d) Is equipped with tires, on all wheels, that are vehicle traction tires as defined in ORS  
4 815.045;

5 “(e) Is not towing another vehicle other than as may be necessary to remove disabled vehicles  
6 from the roadway; and

7 “(f) Is not being operated in a manner or under conditions where the vehicle loses traction while  
8 stopping, cornering or moving.

9 “[5] *Vehicles exempt by rule under ORS 815.045.*]

10 **“SECTION 99. Section 95 of this 2021 Act and the amendments to ORS 810.530, 815.045**  
11 **and 815.145 by sections 96 to 98 of this 2021 Act apply to offenses occurring on or after the**  
12 **effective date of this 2021 Act.**

13  
14 **“INTEREST CHARGED ON REPORTED WEIGHT-MILE TAX**

15  
16 **“SECTION 100.** ORS 825.490 is amended to read:

17 “825.490. (1) On or before the last day of each month, except for the time of payment provided  
18 in ORS 825.480 and 825.492, all persons shall report and pay to the Department of Transportation  
19 the amount of taxes and fees due from them for the preceding calendar month. However, taxes and  
20 fees incurred after the 15th day of any month may be reported and paid to the department on or  
21 before the last day of the second calendar month following the month in which the taxes or fees  
22 were incurred. If no taxes or fees are due in any reporting period, the report shall so state. If pay-  
23 ment is not made on or before the date it is due, there shall be added as a late payment charge a  
24 sum equal to 10 percent of the unpaid amount of the tax.

25 “(2) The department may permit a person to report and pay motor carrier taxes and fees on a  
26 periodic basis other than the calendar-month basis prescribed in subsection (1) of this section, pro-  
27 vided that the number of reporting periods in any 12-month period is not less than 12. If no taxes  
28 or fees are due in any reporting period, the report shall so state. If payment is not made on or before  
29 the date it is due, there shall be added as a late payment charge a sum equal to 10 percent of the  
30 unpaid amount of the tax.

31 “[3] *Whenever practicable, and in no event later than three years after any report of taxes or fees*  
32 *is filed, the department shall audit the report if the department deems such audit practicable. If the*  
33 *department is not satisfied with the report filed or amount of taxes or fees, including fees for temporary*  
34 *passes required under ORS 825.470, paid to the state by any person, the department may, not later than*  
35 *three years after the report was filed or the taxes or fees were paid, make a proposed assessment of*  
36 *additional taxes or fees due from such person based upon any information available to the department.*  
37 *There shall be added to each such assessment, as a late payment charge, a sum equal to 10 percent of*  
38 *the amount of additional taxes or fees due.*]

39 “[4] *Every such additional assessment shall bear interest at the rate of one percent per month, or*  
40 *fraction thereof, from the last day of the month following the close of the month for which the addi-*  
41 *tional assessment is imposed until paid.*]

42 **“(3) Whenever practicable, and in no event later than three years after any report of**  
43 **taxes or fees is filed, the department shall audit the report. If the department is not satisfied**  
44 **with the report filed or the amount received, including fees for temporary passes required**  
45 **under ORS 825.470, the department may calculate the remaining amount due based on any**

1 information available to the department. The department shall add a late payment charge  
2 equal to 10 percent of the remaining amount due.

3 “(4) The department may require a person who fails to pay any tax or fee due to pay in-  
4 terest. Interest shall be computed at the rate of one percent per month, or fraction thereof,  
5 beginning on the last day of the month following the close of the month for which the re-  
6 maining amount due was incurred, until paid.

7 “(5) If the [additional assessment imposed] remaining amount due exceeds by at least five per-  
8 cent but not more than 15 percent the amount of taxes or fees reported or paid, a penalty of five  
9 percent of the remaining amount due [of the additional assessment] shall be added thereto in addi-  
10 tion to the 10 percent late payment charge provided in subsection (3) of this section.

11 “(6) If the [additional assessment imposed] remaining amount due exceeds by more than 15  
12 percent the amount of taxes or fees reported or paid, a penalty of 20 percent of the remaining  
13 amount due [of the additional assessment] shall be added thereto in addition to the 10 percent late  
14 payment charge provided in subsection (3) of this section.

15 “(7) The department shall give to the person concerned written notice of [such additional as-  
16 sessment] any amounts due.

17 “(8) Except as provided in ORS 825.484 (3), the department shall refund to any person the  
18 amount of any overpayment caused by any incorrect report.

19 “(9) Whenever the department has made an assessment pursuant to this section that has become  
20 final the department may not reopen or reassess such taxes, interest or penalties unless the de-  
21 partment is satisfied that the taxpayer fraudulently or with intent to evade taxation destroyed,  
22 concealed or withheld any books, accounts, papers, records or memoranda required to be maintained  
23 by the taxpayer pursuant to this chapter or the rules of the department.

24 “**SECTION 101.** ORS 825.496 is amended to read:

25 “825.496. (1) Any person against whom an assessment is made under ORS 825.490 or 825.494,  
26 may petition the Department of Transportation for a reassessment within 30 days after service upon  
27 the person of notice. If a petition is not filed within the 30-day period, the assessment becomes final.  
28 If a petition for reassessment is filed within the 30-day period the department shall reconsider the  
29 assessment and, if the person has requested in the petition, shall grant such person a hearing and  
30 give the person 10 days’ notice of the time and place of the hearing. The department has power to  
31 continue the hearing from time to time as may be necessary. The decision of the department upon  
32 a petition for reassessment shall become final 30 days after service of notice upon the person con-  
33 cerned.

34 “(2) The department may waive or reduce the interest and penalties provided in ORS 825.490  
35 [(1) to (6)] or 825.494 (2) or (3) on those terms as the department considers proper if request for  
36 waiver or reduction is made within 30 days after service of notice of assessment upon the person  
37 concerned, or as part of the pleas made in the department’s reconsideration of the assessment.

38 “(3) Every assessment made by the department under ORS 825.490 to 825.496 becomes due and  
39 payable at the time it becomes final and if not paid to the department when due and payable there  
40 shall be added to the assessment a penalty of 10 percent of the amount of the tax.

41 “(4) If any person who has requested a hearing pursuant to this section fails to appear at the  
42 scheduled hearing and failed to withdraw the petition for reassessment at least five days before the  
43 date of the hearing, the department may require such person to pay a charge of \$150 in addition to  
44 any other fees, taxes and charges which may be imposed under this chapter.



1 “(2) The department may cancel any driver license or permit that contains any error or defect  
2 or that is found to have been issued on the basis of false information given to the department.  
3 Cancellation under this subsection is in addition to any suspension of driving privileges authorized  
4 for the same conduct.

5 “(3) The department may suspend any driving privileges or right to apply for privileges or any  
6 identification card or right to apply for a card upon determining that the person issued or applying  
7 for the driving privileges or identification card has committed any of the following acts:

8 “(a) Failed to give the required or correct information in the application for the driving privi-  
9 leges or for an identification card, in violation of ORS 807.430 or 807.530.

10 “(b) Committed false swearing in making application for the driving privileges in violation of  
11 ORS 807.520.

12 “(c) Used an invalid license or identification card in violation of ORS 807.430 or 807.580.

13 “(d) Permitted misuse of license, permit or identification card in violation of ORS 807.430 or  
14 807.590.

15 “(e) Used the license, permit or identification card of another in violation of ORS 807.430 or  
16 807.600.

17 “(f) Produced identification cards, licenses, permits, forms or camera cards in violation of ORS  
18 807.500.

19 “(4) **The department may determine by rule circumstances in which the department may**  
20 **cancel the commercial driving privileges, or the right to apply for commercial driving privi-**  
21 **leges, of an individual if the individual’s commercial driving privileges are suspended, can-**  
22 **celled or revoked for any reason in another jurisdiction.**

23 “[4] (5) Upon suspension or cancellation of driving privileges under this section, a person  
24 whose privileges are suspended or canceled shall surrender to the department any license or driver  
25 permit issued for the driving privileges. Failure to comply with this subsection is subject to penalty  
26 as provided under ORS 809.500.

27 “[5] (6) To obtain driving privileges after the period of suspension or cancellation under this  
28 section, a person must reapply for driving privileges in the manner established by law.

29 “**SECTION 106.** ORS 809.510 is amended to read:

30 “809.510. (1) Except as otherwise provided by ORS 809.510 to 809.545, the Department of  
31 Transportation shall suspend the commercial driving privileges of a person for a period of one year  
32 when the department receives:

33 “(a) A record of conviction under ORS 811.700 or 811.705 of failure to perform the duties of a  
34 driver.

35 “(b) A record of conviction of a crime punishable as a felony involving the operation of a motor  
36 vehicle.

37 “(c) A record of conviction for driving a commercial motor vehicle while, as a result of prior  
38 violations committed while operating a commercial motor vehicle, the commercial driving privileges  
39 of the driver were suspended.

40 “(d) A record of conviction of assault in the first degree, or any degree of criminally negligent  
41 homicide, manslaughter or murder, if the conviction results from the operation of a commercial  
42 motor vehicle.

43 “(e) A record of conviction of aggravated vehicular homicide or aggravated driving while sus-  
44 pended or revoked.

45 “(f) A record of conviction for driving while under the influence of intoxicants under ORS

1 813.010.

2 “(g) **A record of diversion under ORS 813.230.**

3 “(2) The department shall suspend the commercial driving privileges of a person for a period of  
4 three years if the department receives a record of a conviction under subsection (1) of this section  
5 and the person was driving a commercial motor vehicle containing a hazardous material at the time  
6 of the offense.

7 “(3) The department shall suspend the commercial driving privileges of a person for a period of  
8 one year if the department receives a report from a police officer pursuant to ORS 813.120 that the  
9 person was driving a commercial motor vehicle and submitted to a breath or blood test and the  
10 [*person’s blood, as shown by the test, had 0.04 percent or more by weight of alcohol*] **level of alcohol**  
11 **in the person’s blood was 0.04 percent or more by weight of alcohol in the blood of the person**  
12 **as shown by chemical analysis of the breath or blood.** The department shall suspend the com-  
13 mercial driving privileges of the person for a period of three years if the person was driving a  
14 commercial motor vehicle containing a hazardous material at the time of the offense.

15 “(4) **The department shall suspend the commercial driving privileges of a person for a**  
16 **period of one year if the department receives a report from a police officer pursuant to ORS**  
17 **813.120 that the person was driving a motor vehicle and submitted to a breath or blood test**  
18 **and the level of alcohol in the person’s blood was 0.08 percent or more by weight of alcohol**  
19 **in the blood of the person as shown by chemical analysis of the breath or blood.**

20 “[4] (5) The department shall suspend the commercial driving privileges of a person for a pe-  
21 riod of three years if the department receives a report from a police officer pursuant to ORS 813.120  
22 that the person was driving a motor vehicle and refused to submit to a test under ORS 813.100. The  
23 department shall suspend the commercial driving privileges of the person for a period of five years  
24 if the person was driving a commercial motor vehicle containing a hazardous material at the time  
25 of the offense.

26 “[5] (6) The department shall suspend the commercial driving privileges of a person if the de-  
27 partment receives a notice of a conviction in another jurisdiction of an offense that, if committed  
28 in this state, would be grounds for the suspension of the person’s commercial driving privileges. The  
29 period of suspension under this subsection shall be the same as would be imposed on the person if  
30 the conviction were for an offense committed in this state. For the purposes of this subsection,  
31 ‘conviction’ means an unvacated adjudication of guilt, a determination that a person has violated  
32 or failed to comply with the law in a court of original jurisdiction or in an authorized administrative  
33 tribunal, **entry into a diversion program**, an unvacated forfeiture of bail or collateral deposited  
34 to secure the person’s appearance in court, a plea of guilty or nolo contendere accepted by the  
35 court, the payment of a fine or court cost or the violation of a condition of release without bail,  
36 regardless of whether or not the penalty is rebated, suspended or probated.

37 “[6] (7) The department shall suspend the commercial driving privileges of a person in this  
38 state if the department receives a notice from another jurisdiction that the person has had com-  
39 mercial driving privileges suspended or revoked in another jurisdiction for reasons that would be  
40 grounds for suspension of the person’s commercial driving privileges in this state. The period of  
41 suspension under this subsection is the same as would be imposed on the person if the violation  
42 were committed in this state.

43 “[7] (8) If the department receives a record, report or notice under this section for a person  
44 who does not hold commercial driving privileges in this state, the department shall suspend the  
45 person’s right to apply for commercial driving privileges as provided in ORS 809.540 (1).

1           “[(8)] (9) A suspension imposed under this section is consecutive to any other suspension im-  
2 posed under ORS 809.525, 809.530 or 809.535 if the suspensions do not arise out of the same incident.

3           “**SECTION 107.** ORS 809.520 is amended to read:

4           “809.520. (1) Notwithstanding ORS 809.510, the Department of Transportation shall permanently  
5 suspend a person’s commercial driving privileges for the lifetime of the person if the department  
6 receives a record of conviction for a crime punishable as a felony in which a motor vehicle was used  
7 and that involved the manufacturing, distributing or dispensing of a controlled substance, as defined  
8 in ORS 475.005. The department may not reinstate commercial driving privileges of a person whose  
9 commercial driving privileges are suspended under this subsection.

10           “(2) **Notwithstanding ORS 809.510, the department shall permanently suspend a person’s**  
11 **commercial driving privileges for the lifetime of the person if the department receives a re-**  
12 **cord of conviction for a crime in which a commercial motor vehicle was used and that in-**  
13 **volved an act or practice of severe forms of trafficking in persons as defined by the**  
14 **department by rule. The department may not reinstate commercial driving privileges of a**  
15 **person whose commercial driving privileges are suspended under this subsection.**

16           “[(2)] (3) Notwithstanding ORS 809.510, the department shall suspend a person’s commercial  
17 driving privileges for the lifetime of the person if the department receives a second or subsequent  
18 record, report or notice described in ORS 809.510 that does not arise out of the same incident and  
19 that would be grounds for suspension of the person’s commercial driving privileges under ORS  
20 809.510.

21           “[(3)] (4) Except as provided in subsections (1), (2) and [(4)] (5) of this section, a person whose  
22 commercial driving privileges were suspended under subsection [(2)] (3) of this section may apply  
23 to the department for reinstatement of the person’s commercial driving privileges. An application for  
24 reinstatement may not be made under this subsection earlier than 10 years after the date that the  
25 person’s commercial driving privileges were suspended under subsection [(2)] (3) of this section. The  
26 department may reinstate the person’s commercial driving privileges if:

27           “(a) The person meets all other requirements for the granting of commercial driving privileges;

28           “(b) The department, in its sole discretion, finds good cause exists for reinstatement; and

29           “(c) The department finds that the person has successfully completed rehabilitation as approved  
30 by the department.

31           “[(4)] (5) The department shall permanently suspend a person’s commercial driving privileges for  
32 the lifetime of the person if the department receives a record, report or notice described in sub-  
33 section [(2)] (3) of this section that relates to conduct that occurred after the person’s commercial  
34 driving privileges were reinstated under subsection [(3)] (4) of this section. The department may not  
35 reinstate the commercial driving privileges for the lifetime of a person whose commercial driving  
36 privileges are suspended under this subsection.

37           “**SECTION 108.** ORS 809.520, as amended by section 107 of this 2021 Act, is amended to read:

38           “809.520. (1) Notwithstanding ORS 809.510, the Department of Transportation shall permanently  
39 suspend a person’s commercial driving privileges for the lifetime of the person if the department  
40 receives a record of conviction for a crime punishable as a felony in which a motor vehicle was used  
41 and that involved the manufacturing, distributing or dispensing of a controlled substance, as defined  
42 in ORS 475.005. The department may not reinstate commercial driving privileges of a person whose  
43 commercial driving privileges are suspended under this subsection.

44           “(2) Notwithstanding ORS 809.510, the department shall permanently suspend a person’s com-  
45 mercial driving privileges for the lifetime of the person if the department receives a record of con-



1 viction for a crime in which a commercial motor vehicle was used and that involved an act or  
2 practice of severe forms of trafficking in persons as defined by the department by rule. The depart-  
3 ment may not reinstate commercial driving privileges of a person whose commercial driving privi-  
4 leges are suspended under this subsection.

5 “(3)(a) Notwithstanding ORS 809.510, the department shall suspend a person’s commercial driv-  
6 ing privileges for the lifetime of the person if the department receives a second or subsequent re-  
7 cord, report or notice described in ORS 809.510 that does not arise out of the same incident and that  
8 would be grounds for suspension of the person’s commercial driving privileges under ORS 809.510.

9 “(b) **The department may adopt rules providing for the reinstatement of commercial**  
10 **driving privileges suspended under this subsection. The department may not reinstate com-**  
11 **mercial driving privilege suspensions under this subsection earlier than 10 years after the**  
12 **date that the person’s commercial driving privileges are suspended under paragraph (a) of**  
13 **this subsection.**

14 “(c) **The department shall permanently suspend a person’s commercial driving privileges**  
15 **for the lifetime of the person if the department receives a record, report or notice described**  
16 **in paragraph (a) of this subsection that relates to conduct that occurred after the person’s**  
17 **commercial driving privileges were reinstated under paragraph (b) of this subsection. The**  
18 **department may not reinstate the commercial driving privileges of a person whose com-**  
19 **mercial driving privileges are suspended under this paragraph.**

20 “(4) **A suspension imposed under this section is consecutive to any other suspension im-**  
21 **posed under ORS 809.510, 809.525, 809.530 or 809.535, if the suspensions do not arise out of the**  
22 **same incident.**

23 “[4] *Except as provided in subsections (1), (2) and (5) of this section, a person whose commercial*  
24 *driving privileges were suspended under subsection (3) of this section may apply to the department for*  
25 *reinstatement of the person’s commercial driving privileges. An application for reinstatement may not*  
26 *be made under this subsection earlier than 10 years after the date that the person’s commercial driving*  
27 *privileges were suspended under subsection (3) of this section. The department may reinstate the*  
28 *person’s commercial driving privileges if:]*

29 “[a] *The person meets all other requirements for the granting of commercial driving privileges;]*

30 “[b] *The department, in its sole discretion, finds good cause exists for reinstatement; and]*

31 “[c] *The department finds that the person has successfully completed rehabilitation as approved*  
32 *by the department.]*

33 “[5] *The department shall permanently suspend a person’s commercial driving privileges for the*  
34 *lifetime of the person if the department receives a record, report or notice described in subsection (3)*  
35 *of this section that relates to conduct that occurred after the person’s commercial driving privileges*  
36 *were reinstated under subsection (4) of this section. The department may not reinstate the commercial*  
37 *driving privileges for the lifetime of a person whose commercial driving privileges are suspended under*  
38 *this subsection.]*

39 “**SECTION 109. (1) The amendments to ORS 809.520 by section 107 of this 2021 Act become**  
40 **operative on September 23, 2022.**

41 “(2) **The amendments to ORS 809.520 by section 108 of this 2021 Act become operative on**  
42 **January 1, 2023.**

43 “**SECTION 110.** ORS 809.545 is amended to read:

44 “809.545. (1) Except as provided in subsections (2) and (3) of this section, a person is entitled to  
45 administrative review under ORS 809.440 for a suspension of commercial driving privileges under

1 ORS 809.510 to 809.545, or a suspension of the right to apply for commercial driving privileges under  
2 ORS 809.540.

3 “(2) A person is entitled to a hearing under ORS 813.410 for a suspension of commercial driving  
4 privileges under ORS 809.510 (3) or (4), or a suspension of the right to apply for commercial driving  
5 privileges under ORS 809.540 based on ORS 809.510 (3) or (4).

6 “(3) A person is entitled to a hearing under ORS 813.410 for a suspension of commercial driving  
7 privileges under ORS 809.520 [(2) or (4)] **(3) or (5)** when the suspension is based on conduct de-  
8 scribed in ORS 809.510 (3) or (4), or a suspension of the right to apply for commercial driving priv-  
9 ileges under ORS 809.540 when the suspension is based on conduct described in ORS 809.510 (3) or  
10 (4).

11 **“SECTION 111.** ORS 809.545, as amended by section 110 of this 2021 Act, is amended to read:

12 “809.545. (1) Except as provided in subsections (2) and (3) of this section, a person is entitled to  
13 administrative review under ORS 809.440 for a suspension of commercial driving privileges under  
14 ORS 809.510 to 809.545, or a suspension of the right to apply for commercial driving privileges under  
15 ORS 809.540.

16 “(2) A person is entitled to a hearing under ORS 813.410 for a suspension of commercial driving  
17 privileges under ORS 809.510 [(3) or (4)] **(3), (4) or (5)**, or a suspension of the right to apply for  
18 commercial driving privileges under ORS 809.540 based on ORS 809.510 [(3) or (4)] **(3), (4) or (5)**.

19 “(3) A person is entitled to a hearing under ORS 813.410 for a suspension of commercial driving  
20 privileges under ORS 809.520 (3) [or (5)] when the suspension is based on conduct described in ORS  
21 809.510 [(3) or (4)] **(3), (4) or (5)**, or a suspension of the right to apply for commercial driving priv-  
22 ileges under ORS 809.540 when the suspension is based on conduct described in ORS 809.510 [(3) or  
23 (4)] **(3), (4) or (5)**.

24 **“SECTION 112.** (1) **The amendments to ORS 809.545 by section 110 of this 2021 Act become**  
25 **operative on September 23, 2022.**

26 **“(2) The amendments to ORS 809.545 by section 111 of this 2021 Act become operative on**  
27 **January 1, 2023.**

28 **“SECTION 113.** ORS 811.182 is amended to read:

29 “811.182. (1) A person commits the offense of criminal driving while suspended or revoked if the  
30 person violates ORS 811.175 and the suspension or revocation is one described in this section, or if  
31 the hardship permit violated is based upon a suspension or revocation described in subsection (3)  
32 or (4) of this section.

33 “(2) Affirmative defenses to the offense described in this section are established under ORS  
34 811.180.

35 “(3) The offense described in this section, criminal driving while suspended or revoked, is a  
36 Class B felony if the suspension or revocation resulted from any degree of murder, manslaughter,  
37 criminally negligent homicide or assault resulting from the operation of a motor vehicle, if the sus-  
38 pension or revocation resulted from aggravated vehicular homicide or aggravated driving while  
39 suspended or revoked or if the revocation resulted from a conviction for felony driving while under  
40 the influence of intoxicants.

41 “(4) The offense described in this section, criminal driving while suspended or revoked, is a  
42 Class A misdemeanor if the suspension or revocation is any of the following:

43 “(a) A suspension under ORS 809.411 (2) resulting from commission by the driver of any degree  
44 of recklessly endangering another person, menacing or criminal mischief, resulting from the opera-  
45 tion of a motor vehicle.

1 “(b) A suspension under ORS 813.410 resulting from refusal to take a test prescribed in ORS  
2 813.100 or for taking a breath or blood test the result of which discloses a blood alcohol content  
3 of:

4 “(A) 0.08 percent or more by weight if the person was not driving a commercial motor vehicle;

5 “(B) 0.04 percent or more by weight if the person was driving a commercial motor vehicle; or

6 “(C) Any amount if the person was under 21 years of age.

7 “(c) A suspension of commercial driving privileges under ORS 809.510 resulting from failure to  
8 perform the duties of a driver under ORS 811.700.

9 “(d) A suspension of commercial driving privileges under ORS 809.510 [(6)] (7) where the  
10 person’s commercial driving privileges have been suspended or revoked by the other jurisdiction for  
11 failure of or refusal to take a chemical test to determine the alcoholic content of the person’s blood  
12 under a statute that is substantially similar to ORS 813.100.

13 “(e) A suspension of commercial driving privileges under ORS 809.520.

14 “(f) A revocation resulting from habitual offender status under ORS 809.640.

15 “(g) A suspension resulting from any crime punishable as a felony with proof of a material ele-  
16 ment involving the operation of a motor vehicle, other than a crime described in subsection (3) of  
17 this section.

18 “(h) A suspension for failure to perform the duties of a driver under ORS 811.705.

19 “(i) A suspension for reckless driving under ORS 811.140.

20 “(j) A suspension for fleeing or attempting to elude a police officer under ORS 811.540.

21 “(k) A suspension or revocation resulting from misdemeanor driving while under the influence  
22 of intoxicants under ORS 813.010.

23 “(L) A suspension for use of a motor vehicle in the commission of a crime punishable as a felony.

24 “(5) In addition to any other sentence that may be imposed, if a person is convicted of the of-  
25 fense described in this section and the underlying suspension resulted from driving while under the  
26 influence of intoxicants, the court shall impose a minimum fine of at least \$1,000 if it is the person’s  
27 first conviction for criminal driving while suspended or revoked and a minimum fine of at least  
28 \$2,000 if it is the person’s second or subsequent conviction.

29 “(6)(a) The Oregon Criminal Justice Commission shall classify a violation of this section that is  
30 a felony as crime category 4 of the rules of the commission.

31 “(b) Notwithstanding paragraph (a) of this subsection, the commission shall classify a violation  
32 of this section that is a felony as crime category 6 of the rules of the commission, if the suspension  
33 or revocation resulted from:

34 “(A) Any degree of murder, manslaughter or criminally negligent homicide or an assault that  
35 causes serious physical injury, resulting from the operation of a motor vehicle; or

36 “(B) Aggravated vehicular homicide or aggravated driving while suspended or revoked.

37 “**SECTION 114. Section 115 of this 2021 Act is added to and made a part of the Oregon**  
38 **Vehicle Code.**

39 “**SECTION 115. The provisions of ORS 809.510 to 809.545 apply:**

40 “**(1) When an individual’s conduct involves driving a commercial motor vehicle, without**  
41 **regard to whether an individual held commercial driving privileges on the date the conduct**  
42 **occurred.**

43 “**(2) When an individual’s conduct involves driving a motor vehicle, if the individual held**  
44 **commercial driving privileges in any jurisdiction on the date the conduct occurred.**

45 “**SECTION 116. ORS 813.055 is amended to read:**

1 “813.055. (1) The Department of Transportation shall impose a civil penalty on the operator of  
2 a commercial motor vehicle if:

3 “(a) The operator has violated an out-of-service order issued under ORS 813.050 or any other  
4 out-of-service order or notice issued by the department or an authorized representative of the de-  
5 partment; or

6 “(b) The department receives notification that a person has violated any out-of-service order or  
7 notice issued by a state or federal agency.

8 “(2) For the purposes of this section, ‘notification’ may include, but is not limited to, a record  
9 of conviction or a record of a determination by a state or federal agency with jurisdiction to de-  
10 termine that the operator has violated an out-of-service order or notice.

11 “(3) **The department may adopt rules establishing a schedule of civil penalties that may**  
12 **be imposed under this section. The civil penalties imposed may not be reduced.**

13 “[3] (4) Civil penalties under this section shall be imposed in the manner provided in ORS  
14 183.745. *[and may not be reduced. The civil penalties are:]*

15 “*[(a) \$2,500 for the first violation of an out-of-service order or notice.]*

16 “*[(b) \$5,000 for a second or subsequent violation of an out-of-service order or notice.]*

17 “**SECTION 117.** ORS 813.130 is amended to read:

18 “813.130. *[This section establishes the requirements for information about rights and consequences*  
19 *for purposes of ORS 813.100 and 813.410. The following apply to the information about rights and*  
20 *consequences:]*

21 “(1) **For the purposes of ORS 813.100 and 813.410,** the information about rights and conse-  
22 quences shall be substantially in the form prepared by the Department of Transportation. The de-  
23 partment may establish any form it determines appropriate and convenient.

24 “(2) Except as provided in subsection (3) of this section, the information about rights and con-  
25 sequences shall be substantially as follows:

26 “(a) Driving under the influence of intoxicants is a crime in Oregon, and the person is subject  
27 to criminal penalties if a test under ORS 813.100 shows that the person is under the influence of  
28 intoxicants. If the person fails a test, evidence of the failure may also be offered against the person.

29 “(b) The person will fail a test under ORS 813.100 for purposes of criminal penalties if the test  
30 discloses a blood alcohol content of 0.08 percent or more by weight of alcohol in the blood of the  
31 person as shown by chemical analysis of the breath or blood. The person will fail a test for purposes  
32 of the Motorist Implied Consent Law if the test discloses a blood alcohol content of:

33 “(A) 0.08 percent or more by weight of alcohol in the blood of the person as shown by chemical  
34 analysis of the breath or blood if the person was not driving a commercial motor vehicle;

35 “(B) 0.04 percent or more by weight of alcohol in the blood of the person as shown by chemical  
36 analysis of the breath or blood if the person was driving a commercial motor vehicle; or

37 “(C) Any amount if the person was under 21 years of age.

38 “(c) If the person fails a test under ORS 813.100, the person’s driving privileges will be sus-  
39 pended. The outcome of a criminal charge for driving under the influence of intoxicants will not  
40 affect the suspension.

41 “(d) If the person fails a breath test under ORS 813.100 and has an Oregon driver license or  
42 permit, the license or permit will be taken immediately and, unless the person does not currently  
43 have full valid driving privileges, a temporary driving permit will be issued to the person.

44 “(e) After taking a test under ORS 813.100, the person will have a reasonable opportunity, upon  
45 request, for an additional chemical test for blood alcohol content to be performed at the person’s

1 own expense by a qualified individual of the person's choosing.

2 "(f) The person has a right to a hearing to challenge the validity of the suspension before the  
3 suspension becomes effective. The person must make a written request to the department for such  
4 a hearing. If the person wins at the hearing, the person's driving privileges will not be suspended.  
5 If the person loses at the hearing, the suspension will remain in effect during any court review of  
6 the hearing.

7 "(g) If the person is issued a temporary driving permit under ORS 813.100, the information pro-  
8 vided to the person shall include the number of hours before the driving permit will be effective and  
9 the number of days the permit will be effective.

10 "(h) The information provided to the person shall include the number of days within which a  
11 person must request a hearing under ORS 813.410.

12 "(i) The information provided to the person shall include the number of days within which a  
13 hearing under ORS 813.410 will be held.

14 "(j) The person may possibly qualify for a hardship permit in 30 days if the person fails a test,  
15 depending on the person's driving record.

16 "(k) If the person is driving a commercial motor vehicle, and takes a breath or blood test under  
17 ORS 813.100 after being informed of the rights and consequences under paragraphs (a) to (j) of this  
18 subsection, the following additional information shall be provided:

19 "(A) If the level of alcohol in the person's blood is 0.04 percent or more by weight of alcohol in  
20 the blood of the person as shown by chemical analysis of the breath or blood, the person's com-  
21 mercial driving privileges or right to apply for commercial driving privileges will be suspended and  
22 no hardship permit authorizing the person to drive a commercial motor vehicle will be issued.

23 "(B) The suspension of the person's commercial driving privileges or right to apply for com-  
24 mercial driving privileges will be for the person's lifetime if the person takes a breath or blood test  
25 and the level of alcohol in the person's blood is 0.04 percent or more by weight of alcohol in the  
26 blood of the person as shown by chemical analysis of the breath or blood and:

27 "(i) The person previously has been convicted of failure to perform the duties of a driver **while**  
28 **holding commercial driving privileges or while driving a commercial motor vehicle;**

29 "(ii) The person previously has been convicted of a crime punishable as a felony and the person  
30 was driving a motor vehicle **while holding commercial driving privileges** at the time the offense  
31 was committed;

32 "**(iii) The person previously has been convicted of a crime punishable as a felony and the**  
33 **person was driving a commercial motor vehicle;**

34 "[*iii*] **(iv)** The person previously has been convicted of driving a commercial motor vehicle  
35 while the person's commercial driving privileges or right to apply for commercial driving privileges  
36 was suspended or revoked for offenses committed while operating a commercial motor vehicle;

37 "[*iv*] **(v)** The person previously has been convicted of any degree of murder, manslaughter or  
38 criminally negligent homicide resulting from the operation of a commercial motor vehicle or assault  
39 in the first degree resulting from the operation of a commercial motor vehicle;

40 "**(vi) The person previously has been convicted of aggravated vehicular homicide while**  
41 **holding commercial driving privileges or while driving a commercial motor vehicle;**

42 "**(vii) The person previously has been convicted of aggravated driving while suspended or**  
43 **revoked while holding commercial driving privileges or while driving a commercial motor**  
44 **vehicle;**

45 "[*v*] **(viii)** The person previously has been convicted of driving while under the influence of

1 intoxicants **while holding commercial driving privileges or while driving a commercial motor**  
2 **vehicle;**

3 “(ix) **The person’s commercial driving privileges previously have been suspended under**  
4 **ORS 809.510 for a diversion agreement entered into under ORS 813.230 with respect to con-**  
5 **duct that occurred while the person held commercial driving privileges;**

6 “[vi] (x) **The person’s commercial driving privileges previously have been suspended or revoked**  
7 **for refusal to submit to, or failure of, a breath or blood test under ORS 813.100 for conduct that**  
8 **occurred while the person held commercial driving privileges or was operating a commercial**  
9 **motor vehicle; or**

10 “[vii] (xi) **The person’s right to apply for commercial driving privileges previously has been**  
11 **suspended or revoked for refusal to submit to, or failure of, a breath or blood test under ORS 813.100**  
12 **resulting from the operation of a commercial motor vehicle or resulting from the operation of a**  
13 **motor vehicle while holding commercial driving privileges.**

14 “(3) **A person who refuses to submit to a chemical test after being informed of the rights and**  
15 **consequences in subsection (2) of this section shall be provided additional information, substantially**  
16 **as follows:**

17 “(a) **If the person refuses to provide consent to a breath or blood test, and is thereafter re-**  
18 **quested to provide only physical cooperation to submit to a breath or blood test, and the person**  
19 **refuses to physically submit to a test, evidence of that refusal may be offered against the person.**

20 “(b) **If the person refuses to submit to a test under ORS 813.100, the person’s driving privileges**  
21 **will be suspended. The outcome of a criminal charge for driving under the influence of intoxicants**  
22 **will not affect the suspension. The suspension will be substantially longer if a person refuses a test.**

23 “(c) **If the person refuses to submit to a breath test under ORS 813.100 and has an Oregon driver**  
24 **license or permit, the license or permit will be taken immediately and, unless the person does not**  
25 **currently have full valid driving privileges, a temporary driving permit will be issued to the person.**

26 “(d) **If the person refuses to submit to a test under ORS 813.100, the person is not eligible for**  
27 **a hardship permit for at least 90 days, and possibly for three years, depending on the following**  
28 **factors set forth in ORS 813.430:**

29 “(A) **Whether the person is presently participating in a driving while under the influence of**  
30 **intoxicants diversion program in this state or in any similar alcohol or drug rehabilitation program**  
31 **in this or another jurisdiction; or**

32 “(B) **Whether within the five years preceding the date of arrest any of the following occurred:**

33 “(i) **A suspension of the person’s driving privileges under ORS 813.410 or 482.540 (1981 Re-**  
34 **placement Part) became effective;**

35 “(ii) **The person was convicted of driving while under the influence of intoxicants in violation**  
36 **of ORS 813.010 or the statutory counterpart to ORS 813.010 in another jurisdiction, as described in**  
37 **ORS 813.430;**

38 “(iii) **The person was convicted of driving while under the influence of intoxicants in violation**  
39 **of a municipal ordinance in this state or another jurisdiction, as described in ORS 813.430; or**

40 “(iv) **The person commenced participating in a driving while under the influence of intoxicants**  
41 **diversion program in this state or in any similar alcohol or drug rehabilitation program in this or**  
42 **another jurisdiction, as described in ORS 813.430.**

43 “(e) **If the person refuses to submit to a breath test under ORS 813.100, or refuses to provide a**  
44 **urine sample under ORS 813.131 and 813.132, the person is subject to a fine of at least \$500 and not**  
45 **more than \$1,000.**

1 “(f) The person has a right to a hearing to challenge the validity of the suspension before the  
2 suspension becomes effective. The person must make a written request to the department for such  
3 a hearing. If the person wins at the hearing, the person’s driving privileges will not be suspended.  
4 If the person loses at the hearing, the suspension will remain in effect during any court review of  
5 the hearing.

6 “(g) If the person is issued a temporary driving permit under ORS 813.100, the number of hours  
7 before the driving permit will be effective and the number of days the permit will be effective.

8 “(h) The number of days within which a person must request a hearing under ORS 813.410.

9 “(i) The number of days within which a hearing under ORS 813.410 will be held.

10 “(j) The person may possibly qualify for a hardship permit in 30 days if the person fails a test,  
11 depending on the person’s driving record.

12 “(k) If the person is driving a commercial motor vehicle, further information as follows:

13 “(A) If the person refuses to submit to a test under ORS 813.100, the person’s commercial driving  
14 privileges or right to apply for commercial driving privileges will be suspended and no hardship  
15 permit authorizing the person to drive a commercial motor vehicle will be issued. The suspension  
16 will be substantially longer if the person refuses the test.

17 “(B) The suspension of the person’s commercial driving privileges or right to apply for com-  
18 mercial driving privileges will be for the person’s lifetime if the person refuses to submit to a test  
19 under ORS 813.100 and:

20 “(i) The person previously has been convicted of failure to perform the duties of a driver **while**  
21 **holding commercial driving privileges or while driving a commercial motor vehicle;**

22 “(ii) The person previously has been convicted of a crime punishable as a felony and the person  
23 was driving a motor vehicle **while holding commercial driving privileges** at the time the offense  
24 was committed;

25 “(iii) **The person previously has been convicted of a crime punishable as a felony and the**  
26 **person was driving a commercial motor vehicle;**

27 “[*iii*] (iv) The person previously has been convicted of driving a commercial motor vehicle  
28 while the person’s commercial driving privileges or right to apply for commercial driving privileges  
29 was suspended or revoked for offenses committed while operating a commercial motor vehicle;

30 “[*iv*] (v) The person previously has been convicted of any degree of murder, manslaughter or  
31 criminally negligent homicide resulting from the operation of a commercial motor vehicle or assault  
32 in the first degree resulting from the operation of a commercial motor vehicle;

33 “(vi) **The person previously has been convicted of aggravated vehicular homicide while**  
34 **holding commercial driving privileges or while driving a commercial motor vehicle;**

35 “(vii) **The person previously has been convicted of aggravated driving while suspended or**  
36 **revoked while holding commercial driving privileges or while driving a commercial motor**  
37 **vehicle;**

38 “[*v*] (viii) The person previously has been convicted of driving while under the influence of  
39 intoxicants **while holding commercial driving privileges or while driving a commercial motor**  
40 **vehicle;**

41 “(ix) **The person’s commercial driving privileges previously have been suspended under**  
42 **ORS 809.510 for a diversion agreement entered into under ORS 813.230 with respect to con-**  
43 **duct that occurred while the person held commercial driving privileges;**

44 “[*vi*] (x) The person’s commercial driving privileges previously have been suspended or revoked  
45 for refusal to submit to, or failure of, a breath or blood test under ORS 813.100 **for conduct that**

1 **occurred while the person held commercial driving privileges or was operating a commercial**  
2 **motor vehicle; or**

3 “[vii] **(xi)** The person’s right to apply for commercial driving privileges previously has been  
4 suspended or revoked for refusal to submit to, or failure of, a breath or blood test under ORS 813.100  
5 resulting from the operation of a commercial motor vehicle **or resulting from the operation of a**  
6 **motor vehicle while holding commercial driving privileges.**

7 “(4) Nothing in this section prohibits the department from providing additional information  
8 concerning rights and consequences that the department considers convenient or appropriate.

9 “**SECTION 118.** ORS 813.410 is amended to read:

10 “813.410. (1) If the Department of Transportation receives from a police officer a report that is  
11 in substantial compliance with ORS 813.120, the department shall suspend the driving privileges of  
12 the person in this state on the 30th day after the date of arrest or, if the report indicates that the  
13 person failed a blood test, on the 60th day after receipt of the report, unless, at a hearing described  
14 under this section, the department determines that the suspension would not be valid as described  
15 in this section. A suspension of driving privileges imposed under this subsection shall be for a period  
16 of time established under ORS 813.420.

17 “(2) If the department receives from a police officer a report under ORS 813.120 and the person  
18 holds commercial driving privileges and the person was driving a motor vehicle or commercial motor  
19 vehicle and refused to submit to a test under ORS 813.100 or the person was driving a commercial  
20 motor vehicle and submitted to a breath or blood test and the person’s blood, as shown by the test,  
21 had 0.04 percent or more by weight of alcohol, the department shall suspend the person’s commercial  
22 driving privileges on the 30th day after the date of arrest or, if the report indicates that the person  
23 failed a blood test, on the 60th day after receipt of the report, unless, at a hearing described under  
24 this section, the department determines that the suspension would not be valid as described in this  
25 section. A commercial driving privileges suspension imposed under this subsection shall be for a  
26 period of time established under ORS 809.510 or 809.520.

27 “(3) **If the department receives from a police officer a report under ORS 813.120 and the**  
28 **person holds commercial driving privileges and the person was driving a motor vehicle that**  
29 **is not a commercial motor vehicle and submitted to a breath or blood test and the person’s**  
30 **blood, as shown by the test, had 0.08 percent or more by weight of alcohol, the department**  
31 **shall suspend the person’s commercial driving privileges on the 30th day after the date of**  
32 **arrest or, if the report indicates that the person failed a blood test, on the 60th day after**  
33 **receipt of the report, unless, at a hearing described under this section, the department de-**  
34 **termines that the suspension would not be valid as described in this section. A commercial**  
35 **driving privileges suspension imposed under this subsection shall be for a period of time es-**  
36 **tablished under ORS 809.510 or 809.520.**

37 “[3] (4) If within 10 days from the date of arrest, or, if the person fails a blood test, within 10  
38 days from the date the department sends notice of suspension, the department receives a request for  
39 a hearing from a person whose driving privileges or commercial driving privileges the department  
40 proposes to suspend under this section, the department shall provide a hearing in accordance with  
41 this section. The person shall request a hearing in the form and manner prescribed by the depart-  
42 ment by rule. Except as otherwise provided under this section, a hearing held by the department  
43 under this section is subject to the provisions for contested cases, other than appeal provisions,  
44 under ORS chapter 183. The applicable appeal provisions are as provided under ORS 813.450 and  
45 section 24, chapter 672, Oregon Laws 1985. Notwithstanding ORS 809.430, the department is not



1 required to give any notice of intent to suspend or suspension in addition to that provided under  
2 ORS 813.100.

3 “[4] (5) Except as provided in subsection [(5)] (6) of this section, a hearing required by this  
4 section is subject to all of the following:

5 “(a) The hearing shall be conducted by an administrative law judge assigned from the Office of  
6 Administrative Hearings established under ORS 183.605.

7 “(b) The administrative law judge shall conduct the hearing by telephone or other two-way  
8 electronic communication device.

9 “(c) The department may authorize the administrative law judge to issue a final order in any  
10 case.

11 “(d) A person who requests a hearing under this section and who fails, without just cause, to  
12 appear personally or through an attorney waives the right to a hearing. If a person waives a right  
13 to a hearing under this paragraph, the department is not required to make any showing at hearing.

14 “(e) Except as provided in ORS 813.440 or upon remand under ORS 813.450, the department shall  
15 hold the hearing and issue a final order within 30 days of the date of the arrest or, if the person fails  
16 a blood test, within 60 days from the date the department received the report of the failure.

17 “(f) In connection with the hearing, the department or its authorized representative may ad-  
18 minister oaths and shall issue subpoenas for the appearance of witnesses by telephone or other  
19 two-way electronic communication device at the hearing requested by the person or the department  
20 and the production of relevant documents.

21 “(g) The hearing shall be recorded by whatever means may be determined by the department  
22 and shall include testimony and exhibits, if any. The record of the proceedings may not be tran-  
23 scribed unless requested by a party to the proceeding.

24 “[5)(a)] (6)(a) A person or a police officer may request that a hearing required by this section  
25 be conducted in person.

26 “(b) The department, by rule, shall establish the manner and time limitation requirements by  
27 which a person or a police officer may request that a hearing be conducted in person.

28 “(c) Unless there is an agreement between the person and the department that the hearing be  
29 conducted elsewhere, a hearing requested under this subsection shall be held either in the county  
30 where the alleged offense occurred or at any place within 100 miles of the place where the offense  
31 is alleged to have occurred, as established by the department by rule.

32 “(d) In connection with the hearing, the department or its authorized representative may ad-  
33 minister oaths and shall issue subpoenas for the attendance of witnesses at the hearing requested  
34 under this subsection by the person and the production of relevant documents.

35 “[6)] (7) This subsection shall be narrowly construed so as to effect the legislative purpose of  
36 limiting the scope of hearings under this section. The scope of a hearing under this section shall  
37 be limited to whether the suspension is valid as described in this subsection. A suspension under this  
38 section is valid if all of the following requirements have been met:

39 “(a) The person, at the time the person was requested to submit to a test under ORS 813.100,  
40 was under arrest for driving while under the influence of intoxicants in violation of ORS 813.010 or  
41 a municipal ordinance.

42 “(b) The police had reasonable grounds to believe, at the time the request was made, that the  
43 person arrested had been driving under the influence of intoxicants in violation of ORS 813.010 or  
44 of a municipal ordinance.

45 “(c) The person refused a test under ORS 813.100, or took a breath or blood test and the test

1 disclosed that the level of alcohol in the person's blood at the time of the test was:

2 "(A) 0.08 percent or more by weight if the person was not driving a commercial motor vehicle;

3 "(B) 0.04 percent or more by weight if the person was driving a commercial motor vehicle; or

4 "(C) Any amount if the person was under 21 years of age.

5 "(d) If the report under ORS 813.120 indicates that the person was driving a commercial motor  
6 vehicle, the vehicle was in fact a commercial motor vehicle as defined in ORS 801.208.

7 "(e) The person had been informed under ORS 813.100 of rights and consequences as described  
8 under ORS 813.130.

9 "(f) The person was given written notice required under ORS 813.100.

10 "(g) If the person arrested submitted to a test under ORS 813.100, the person administering the  
11 test was qualified to administer the test under ORS 813.160.

12 "(h) If the person arrested submitted to a test under ORS 813.100, the methods, procedures and  
13 equipment used in the test complied with requirements under ORS 813.160.

14 "[ (7) ] (8) A suspension imposed under this section shall remain in effect pending any appeal or  
15 remand of a final order issued under this section and there shall be no stay of the suspension  
16 pending appeal or remand.

17 "[ (8) ] (9) Unless a person fails, without just cause, to appear personally or through an attorney  
18 at a hearing requested under this section, a person shall have the right to appeal any final order  
19 by the department after a hearing under this section by filing a petition. The following apply to this  
20 subsection:

21 "(a) The person shall file the petition in the circuit court for the county where the person re-  
22 sides or, if the person does not reside in Oregon, in the circuit court of the county in which the  
23 arrest took place within 30 days after issuance of the final order of the department.

24 "(b) The court upon receipt of the petition shall set the matter for hearing upon 10 days' notice  
25 to the department and the petitioner unless hearing is waived by both the department and the  
26 petitioner.

27 "**SECTION 119.** ORS 813.460 is amended to read:

28 "813.460. If the Department of Transportation verifies to its satisfaction that it has suspended  
29 the driving privileges of the wrong person under ORS 813.410 because a person arrested for driving  
30 under the influence of intoxicants gave false identification at the time of the arrest, all the following  
31 apply:

32 "(1) The department shall immediately rescind the suspension order under the false name and  
33 shall issue a suspension order for the period set forth in ORS 813.420 to the person arrested.

34 "(2) The department shall issue the order in the manner set forth in ORS 809.430.

35 "(3) No further notice of suspension need be given.

36 "(4) The time limitations in ORS 813.410 (1), (2), (3) [*and (4)(e)*], (4) **and** (5)(e) do not apply to  
37 a suspension order issued under this section.

38 "**SECTION 120.** ORS 825.410 is amended to read:

39 "825.410. (1) Every motor carrier must:

40 "(a) Have an in-house drug and alcohol testing program that meets the federal requirements of  
41 49 C.F.R. part 382; or

42 "(b) Be a member of a consortium, as defined in 49 C.F.R. 382.107, that provides testing that  
43 meets the federal requirements.

44 "(2) At the time of registration or renewal of registration of a commercial vehicle or a com-  
45 mercial motor vehicle under any provision of ORS chapter 803 or 826, a motor carrier must certify

1 to the Department of Transportation that the carrier is in compliance with subsection (1) of this  
2 section and, if the carrier belongs to a consortium, must provide the department with the names of  
3 persons who operate the consortium.

4 “[(3) When a medical review officer of a motor carrier’s testing program or of the consortium the  
5 carrier belongs to determines that a positive test result is valid, the officer must report the finding to  
6 the department.]

7 “**SECTION 121.** ORS 825.415 is amended to read:

8 “825.415. (1) As used in this section [*and ORS 825.418*], ‘school transportation provider’ means  
9 a school district or a school district contractor that uses school buses or school activity vehicles  
10 for:

11 “(a) The transportation of students or school personnel to or from school or school-related ac-  
12 tivities; or

13 “(b) Public transportation purposes as provided in ORS 332.427.

14 “(2) Every school transportation provider shall:

15 “(a) Have an in-house drug and alcohol testing program that meets the federal requirements of  
16 49 C.F.R. part 382; or

17 “(b) Be a member of a consortium, as defined in 49 C.F.R. 382.107, that provides testing that  
18 meets the federal requirements.

19 “(3) Each calendar year, a school transportation provider shall certify to the Department of  
20 Education that the provider is in compliance with subsection (2) of this section and, if the provider  
21 belongs to a consortium, shall provide the department with the names of persons who operate the  
22 consortium.

23 “(4) When a medical review officer of a school transportation provider’s testing program or of  
24 the consortium the provider belongs to determines that a positive test result is valid, the officer  
25 shall report the finding to the [*Department of Transportation and to the*] department [*of Education*].

26 “**SECTION 122.** ORS 825.960 is amended to read:

27 “825.960. (1) When the Department of Transportation receives notification that a person has vi-  
28 olated an out-of-service order or notice, the department shall impose a civil penalty [*of not less than*  
29 *\$2,750 or more than \$25,000*] on the employer of an operator of a commercial motor vehicle if the  
30 department finds that the employer knowingly allowed, permitted, authorized or required the oper-  
31 ator to violate the order or notice.

32 “(2) For purposes of this section, ‘notification’ includes, but is not necessarily limited to, a re-  
33 cord of conviction and a record of a determination by a state or federal agency with jurisdiction to  
34 make such determinations that the person has violated an out-of-service order or notice.

35 “(3) Civil penalties under this section shall be imposed in the manner provided by ORS 183.745.

36 “(4) If the amount of the penalty is not paid to the department, the Attorney General, at the  
37 request of the department, shall bring an action in the name of the State of Oregon in the Circuit  
38 Court of Marion County to recover such penalty. The action shall not be commenced until after the  
39 time has expired for an appeal from the findings, conclusions and order of the department. In all  
40 such actions the procedure and rules of evidence shall be the same as an ordinary civil action ex-  
41 cept as otherwise provided in this chapter.

42 “(5) **The department may adopt by rule a schedule establishing the amount of the civil**  
43 **penalty that may be imposed under this section.**

44 “**SECTION 123.** ORS 825.412 and 825.418 are repealed.

45 “**SECTION 124.** (1) **Section 115 of this 2021 Act and the amendments to statutes by**

1 sections 104 to 108, 113, 116 to 119 and 122 of this 2021 Act apply to conduct giving rise to a  
2 driving privilege restriction, cancellation, suspension or revocation imposed on or after the  
3 applicable operative date specified in section 165 of this 2021 Act. Driving privilege re-  
4 strictions, cancellations, suspensions or revocations imposed before the applicable operative  
5 date specified in section 165 of this 2021 Act shall continue to be governed by the law appli-  
6 cable to driving privilege restrictions, cancellations, suspensions and revocations in effect  
7 immediately before the applicable operative date specified in section 165 of this 2021 Act.

8 “(2) Section 103 of this 2021 Act does not apply to a person who holds a commercial driver  
9 license, school bus endorsement, passenger endorsement or hazardous materials endorse-  
10 ment before February 7, 2022.

11 “(3) Section 103 of this 2021 Act applies to conduct giving rise to a driving privilege can-  
12 cellation or suspension imposed on or after February 7, 2022.

#### 13 14 “DEFINITION OF AUTOCYCLE

15  
16 “**SECTION 125.** ORS 801.133 is amended to read:

17 “801.133. ‘Autocycle’ means a motorcycle that:

18 “(1) Is manufactured to travel on three wheels;

19 “[2) *Has a steering wheel for steering control;*]

20 “[3)] (2) Has nonstraddle seating; and

21 “[4)] (3) Is equipped with a manufacturer-installed three-point safety belt or safety harness.

#### 22 23 “REPLACING VEHICLE REGISTRATION PLATES

24  
25 “**SECTION 126.** ORS 803.530 is amended to read:

26 “803.530. (1) Registration plates assigned to a vehicle by the Department of Transportation shall  
27 remain with the vehicle to which the plates are assigned and are valid only during the registration  
28 period for which the plates are issued except as provided in this section.

29 “(2) The department may allow registration plates to be transferred to another vehicle if:

30 “(a) The department receives an application;

31 “(b) The applicant pays the plate transfer fee under ORS 803.575; and

32 “(c) The applicant complies with the registration qualifications described in ORS 803.350.

33 “(3) The department shall transfer registration plates under this section if the applicant and the  
34 vehicle qualify for the plates and the plates are:

35 “(a) Legible and capable of being used for identification purposes; and

36 “(b) Any of the following:

37 “(A) From a current issue of registration plates;

38 “(B) Customized registration plates described under ORS 805.240;

39 “(C) Oregon Trail commemorative registration plates issued under section 113, chapter 741,  
40 Oregon Laws 1993;

41 “(D) Special registration plates issued under ORS 805.255, 805.260, 805.263, 805.266, 805.278 or  
42 805.283;

43 “(E) Group registration plates issued under ORS 805.205;

44 “(F) Veterans’ recognition registration plates issued under ORS 805.105;

45 “(G) Pacific Wonderland registration plates issued under ORS 805.287; or

1 “(H) Registration plates issued through the special registration program under ORS 805.222.

2 “(4) Notwithstanding ORS 803.400, when registration plates are transferred from one vehicle to  
3 another vehicle owned by the same person, the registration period represented by the plates also  
4 transfers with the plates. When registration plates are transferred from one vehicle to another ve-  
5 hicle not owned by the same person, the remaining registration period represented by the trans-  
6 ferred plates ceases for both the vehicle receiving the transferred plates and the vehicle from which  
7 the plates were removed.

8 “(5) The owner of a registered vehicle to which a plate is assigned may replace a registration  
9 plate. The following apply to this subsection:

10 “(a) To replace a plate under this subsection, the owner must apply to the department for re-  
11 placement of the plate in a form prescribed by the department and pay the replacement plate fee  
12 established under ORS 803.575.

13 “(b) The department, in lieu of replacement, may issue duplicate plates for the same fee as  
14 charged for replacements.

15 “(c) The plates issued under this subsection are valid only for the period of the plates replaced.

16 “(d) **The replaced plates may not be considered customized plates when they are replaced,**  
17 **if:**

18 **“(A) The original plates were from plates currently issued;**  
19 **“(B) The original plates were not customized plates; and**  
20 **“(C) The replacement plates are a duplicate of the original plates.**

21 **“(e) When a vehicle is assigned a pair of plates and the owner wishes to replace a single**  
22 **plate, the department may replace a single plate rather than replace both plates.**

23 “(6) A county may replace a registration plate that is from a specially designed government se-  
24 ries with a registration plate that is from a regular series. The following apply to this subsection:

25 “(a) To replace a plate under this subsection, the county must apply to the department for re-  
26 placement of the plate in a form prescribed by the department and pay the replacement plate fee  
27 established under ORS 803.575.

28 “(b) The plates issued under this subsection are valid only for the period of the plates replaced.

29 “(7) If the department retired the vehicle’s registration under ORS 819.030 because the vehicle  
30 is totaled or substantially altered, a person may apply under subsection (2) of this section to transfer  
31 the registration plates to another vehicle.

32 “(8) Subject to subsections (2) and (4) of this section, after the department authorizes the use  
33 of special interest plates under ORS 805.210, a person may apply to transfer the plates to either:

34 “(a) A vehicle that was previously determined by the department to qualify as a vehicle of spe-  
35 cial interest; or

36 “(b) A vehicle approved by the department as a vehicle of special interest at the time of appli-  
37 cation.

38 “(9) If a person described in subsection (8) of this section provides the department with only one  
39 special interest registration plate for transfer and the department’s vehicle records show the special  
40 interest registration plate belongs to a vehicle record with no owner matching an applicant, the  
41 applicant shall provide proof, as determined by the department by rule, that the plate is no longer  
42 used on the vehicle it is currently showing being registered to in the department’s vehicle records.

43 **“SECTION 127. ORS 803.525 is amended to read:**

44 **“803.525. The Department of Transportation shall issue two registration plates for every vehicle**  
45 **that is registered by the department except as otherwise provided in this section or ORS 803.530.**

1 Upon renewal or when otherwise provided under ORS 803.555, the department may issue stickers in  
2 lieu of or in addition to registration plates. The following shall be issued plates as described:

3 “(1) Only one registration plate shall be issued for a moped, motorcycle, trailer, antique vehicle  
4 or vehicle of special interest registered by the department.

5 “(2) Only one plate shall be issued for a camper that is registered. Stickers may be issued in lieu  
6 of a plate.

7  
8 **“CONFORMING AMENDMENTS GENERALLY**

9  
10 **“SECTION 128.** ORS 824.990 is amended to read:

11 “824.990. (1) In addition to all other penalties provided by law:

12 “(a) Every person who violates or who procures, aids or abets in the violation of ORS 824.060  
13 (1), 824.084, 824.088, 824.304 (1) or 824.306 (1) or any order, rule or decision of the Department of  
14 Transportation shall incur a civil penalty of not more than \$1,000 for every such violation.

15 “(b) Every person who violates or who procures, aids or abets in the violation of any order, rule  
16 or decision of the department promulgated pursuant to ORS 824.052 (1), 824.056 (1), 824.068, 824.082  
17 (1) or 824.208 shall incur a civil penalty of not more than \$1,000 for every such violation.

18 “(2) Each such violation shall be a separate offense and in case of a continuing violation every  
19 day’s continuance is a separate violation. Every act of commission or omission that procures, aids  
20 or abets in the violation is a violation under subsection (1) of this section and subject to the penalty  
21 provided in subsection (1) of this section.

22 “(3) Civil penalties imposed under subsection (1) of this section shall be imposed in the manner  
23 provided in ORS 183.745.

24 “(4) The department may reduce any penalty provided for in subsection (1) of this section on  
25 such terms as the department considers proper if:

26 “(a) The defendant admits the violations alleged in the notice and makes timely request for re-  
27 duction of the penalty; or

28 “(b) The defendant submits to the department a written request for reduction of the penalty  
29 within 15 days from the date the penalty order is served.

30  
31 **“GENERAL REPEALS**

32  
33 **“SECTION 129.** ORS 184.631 and 824.104 and sections 2 and 3, chapter 24, Oregon Laws  
34 2018, are repealed.

35  
36 **“TRANSPORTATION PROJECTS**

37  
38 **“SECTION 130.** ORS 367.095 is amended to read:

39 “367.095. (1) The following amounts shall be distributed in the manner prescribed in this section:

40 “(a) The amount attributable to the increase in tax rates by section 45, chapter 750, Oregon  
41 Laws 2017, and the amendments to ORS 319.020 and 319.530 by sections 40 to 43, chapter 750,  
42 Oregon Laws 2017.

43 “(b) The amount attributable to the vehicle registration and title fees imposed under ORS  
44 803.091 and 803.422.

45 “(c) The amount attributable to the increase in taxes and fees by the amendments to ORS

1 803.420, 803.645, 818.225, 818.270, 825.476, 825.480 and 826.023 by sections 34, 35, 48, 49, 51, 52, 54,  
2 63, 64, 66, 67 and 70, chapter 750, Oregon Laws 2017.

3 “(2) The amounts described in subsection (1) of this section shall be distributed in the following  
4 order and for the following purposes:

5 “(a)(A) For calendar years beginning on or after January 1, 2022, \$30 million per year shall be  
6 used **to pay** for:

7 “(i) The Interstate 5 Rose Quarter Project;

8 “(ii) **The Interstate 205 Improvements: Stafford Road to Oregon Route 213 Project;**

9 “(iii) **The Interstate 5 Boone Bridge and Seismic Improvement Project; and**

10 “(iv) **The implementation of the toll program established under ORS 383.150.**

11 “(B) *[This]* **The amount described in subparagraph (A) of this paragraph** shall be used to pay  
12 for *[the Interstate 5 Rose Quarter Project,]* **costs**, including project costs on a current basis and  
13 paying for debt service on bonds issued to finance the *[project]* **projects or toll program**, only until  
14 the later of the date on which the *[project]* **projects or toll program** is completed or on which all  
15 bonds issued to fund the *[project]* **projects or toll program** have been repaid. Any remaining mon-  
16 eys shall be distributed as described in subsection (3) of this section.

17 “(b) \$10 million per year shall be deposited into the Safe Routes to Schools Fund for the purpose  
18 of providing Safe Routes to Schools matching grants under ORS 184.742. The remainder of the  
19 moneys shall be distributed as described in subsection (3) of this section.

20 “(3) The moneys described in subsection (1) of this section that remain after the allocation of  
21 moneys described in subsection (2) of this section shall be allocated as follows:

22 “(a) 50 percent to the Department of Transportation.

23 “(b) 30 percent to counties for distribution as provided in ORS 366.762.

24 “(c) 20 percent to cities for distribution as provided in ORS 366.800.

25 “(4) The moneys described in subsection (3)(a) of this section or equivalent amounts that become  
26 available to the Department of Transportation shall be allocated as follows:

27 “(a) \$10 million for safety.

28 “(b) Of the remaining balance:

29 “(A) Forty percent for bridges.

30 “(B) Thirty percent for seismic improvements related to highways and bridges.

31 “(C) Twenty-four percent for state highway pavement preservation and culverts.

32 “(D) Six percent for state highway maintenance and safety improvements.

33 “**SECTION 131.** ORS 367.095, as amended by section 47, chapter 491, Oregon Laws 2019, is  
34 amended to read:

35 “367.095. (1) The following amounts shall be distributed in the manner prescribed in this section:

36 “(a) The amount attributable to the increase in tax rates by section 45, chapter 750, Oregon  
37 Laws 2017, and the amendments to ORS 319.020 and 319.530 by sections 40 to 43, chapter 750,  
38 Oregon Laws 2017.

39 “(b) The amount attributable to the vehicle registration and title fees imposed under ORS  
40 803.091 and 803.422.

41 “(c) The amount attributable to the increase in taxes and fees by the amendments to ORS  
42 803.420, 803.645, 818.225, 825.476, 825.480 and 826.023 by sections 34, 35, 48, 49, 51, 52, 63, 64, 66, 67  
43 and 70, chapter 750, Oregon Laws 2017.

44 “(2) The amounts described in subsection (1) of this section shall be distributed in the following  
45 order and for the following purposes:

1 “(a)(A) \$30 million per year shall be used to pay for:

2 “(i) The Interstate 5 Rose Quarter Project;

3 “(ii) **The Interstate 205 Improvements: Stafford Road to Oregon Route 213 Project;**

4 “(iii) **The Interstate 5 Boone Bridge and Seismic Improvement Project; and**

5 “(iv) **The implementation of the toll program established under ORS 383.150.**

6 “(B) [*This*] **The amount described in subparagraph (A) of this paragraph** shall be used to pay  
7 for [*the Interstate 5 Rose Quarter Project*] **costs**, including project costs on a current basis and  
8 paying for debt service on bonds issued to finance the [*project*] **projects or toll program**, only until  
9 the later of the date on which the [*project*] **projects or toll program** is completed or on which all  
10 bonds issued to fund the [*project*] **projects or toll program** have been repaid. Any remaining mon-  
11 eys shall be distributed as described in subsection (3) of this section.

12 “(b) \$15 million per year shall be deposited into the Safe Routes to Schools Fund for the purpose  
13 of providing Safe Routes to Schools matching grants under ORS 184.742. The remainder of the  
14 moneys shall be distributed as described in subsection (3) of this section.

15 “(3) The moneys described in subsection (1) of this section that remain after the allocation of  
16 moneys described in subsection (2) of this section shall be allocated as follows:

17 “(a) 50 percent to the Department of Transportation.

18 “(b) 30 percent to counties for distribution as provided in ORS 366.762.

19 “(c) 20 percent to cities for distribution as provided in ORS 366.800.

20 “(4) The moneys described in subsection (3)(a) of this section or equivalent amounts that become  
21 available to the Department of Transportation shall be allocated as follows:

22 “(a) \$10 million for safety.

23 “(b) Of the remaining balance:

24 “(A) Forty percent for bridges.

25 “(B) Thirty percent for seismic improvements related to highways and bridges.

26 “(C) Twenty-four percent for state highway pavement preservation and culverts.

27 “(D) Six percent for state highway maintenance and safety improvements.

28  
29 “**TOLLING**

30  
31 “**SECTION 132. ORS 383.001 is added to and made a part of ORS 383.003 to 383.075.**

32 “**SECTION 133.** ORS 383.001 is amended to read:

33 “383.001. The Legislative Assembly finds that:

34 “(1) The development, improvement, expansion and maintenance of an efficient, safe and well-  
35 maintained system of roads, highways and other transportation facilities is essential to the economic  
36 well-being and high quality of life of the people of this state.

37 “(2) Public sources of revenues, including federal funding, to provide an efficient transportation  
38 system have not kept pace with the state’s growing population and growing transportation needs,  
39 and all available alternative sources of funding should be utilized to supplement available public  
40 sources of revenues.

41 “(3) Because public funding sources are not providing the state with sufficient funds to meet all  
42 of its transportation needs, private funding should be encouraged as an additional source of funding  
43 for transportation projects and facilities.

44 “(4) Various alternatives for utilizing the funds of private entities in the acquisition, design,  
45 construction, reconstruction, operation and maintenance of transportation facilities exist, including



1 arrangements whereby private entities obtain exclusive agreements to design, build, own, lease or  
2 operate with private funds all or a portion of transportation projects and facilities in exchange for  
3 the right to receive certain revenues generated from the operation and utilization of such trans-  
4 portation projects and facilities.

5 “(5) Another important alternative for the funding of transportation facilities is the use of fed-  
6 eral funds pursuant to 23 U.S.C. 129(a), as amended by section 112 of the Intermodal Surface  
7 Transportation Efficiency Act of 1991, which established a program authorizing federal participation  
8 in construction of publicly or privately owned toll highways, bridges and tunnels.

9 “(6) The federal legislation allows for a mix of federal funding and private funding of transpor-  
10 tation facilities, allowing the states to leverage available federal funds as a means for attracting  
11 private capital.

12 “(7) Legislation for the utilization of private funding of transportation facilities should be flexi-  
13 ble enough to permit the Department of Transportation to obtain the advantages of any available  
14 alternative under which the acquisition, design, construction, reconstruction, operation, maintenance  
15 and repair of transportation facilities can be financed in whole or in part or in combination by any  
16 available sources of private or public funding.

17 “(8) The funding of transportation facilities through the imposition of tolls on those who use  
18 such facilities is a fair and impartial means of assessing the costs of improvements against those  
19 who most benefit from such improvements, and is consistent with public policy.

20 “(9) Joint endeavors of public and private entities do the following:

21 “(a) Take advantage of private sector efficiencies in designing, constructing and operating  
22 transportation projects.

23 “(b) Allow for the rapid formation of capital necessary for funding transportation projects.

24 “(c) Require continued compliance with environmental requirements and applicable state and  
25 federal laws that all publicly financed projects must address.

26 “(10) **Significant traffic congestion adversely impacts Oregon’s economy and the quality**  
27 **of life of Oregon’s communities. Where appropriate, variable rate tolls should be applied to**  
28 **reduce traffic congestion and support the state’s greenhouse gas emissions reduction goals.**

29 “**SECTION 134.** ORS 383.003 is amended to read:

30 “383.003. As used in ORS 383.003 to 383.075:

31 “(1) ‘Department’ means the Department of Transportation.

32 “[2] ‘*Electronic toll collection system*’ means a system that records use of a tollway by electronic  
33 transmissions to or from the vehicle using the tollway and that collects tolls, or that is capable of  
34 charging an account established by a person for use of the tollway.]

35 “[3] ‘*Photo enforcement system*’ means a system of sensors installed to work in conjunction with  
36 an electronic toll collection system and other traffic control devices and that automatically produces  
37 videotape or one or more photographs, microphotographs or other recorded images of a vehicle in  
38 connection with the collection or enforcement of tolls.]

39 “(2) **‘Electronic toll collection system’ means a system for collecting tolls that:**

40 **“(a) Does not require a vehicle to stop at a toll booth to pay the toll; and**

41 **“(b) Uses transponder readers and license plate capture cameras to aid in collecting tolls.**

42 “[4] (3) ‘Private entity’ means any nongovernmental entity, including a corporation, partner-  
43 ship, company or other legal entity, or any natural person.

44 “[5] (4) ‘Related facility’ means any real or personal property that:

45 “(a) Will be used to operate, maintain, renovate or facilitate the use of the tollway;

1 “(b) Will provide goods or services to the users of the tollway; or  
2 “(c) [*Can be developed efficiently when tollways are developed and*] Will generate revenue that  
3 may be used to reduce tolls or will be deposited in the [*State Tollway Account*] **Toll Program**  
4 **Fund.**

5 “[~~(6)~~] **(5)** ‘Toll’ means any fee or charge for the use of a tollway.

6 “[~~(7)~~] *‘Toll booth collections’ means the manual or mechanical collection of cash or charging of an*  
7 *account at a toll plaza, toll booth or similar fixed toll collection facility.*]

8 “[~~(8)~~] **(6)** ‘Tollway’ means any roadway, path, highway, bridge, tunnel, railroad track, bicycle  
9 path or other paved surface or structure specifically designed as a land vehicle transportation route  
10 **for the use of which tolls are assessed**, [*the construction, operation or maintenance of which is*  
11 *wholly or partially funded with toll revenues resulting from an agreement under ORS 383.005*].

12 “[~~(9)~~] **(7)** ‘Tollway operator’ means the unit of government or the private entity that is respon-  
13 sible for **all or any portion of** the construction, reconstruction, [*installation,*] improvement, financ-  
14 ing, maintenance, repair and operation of a tollway or a related facility.

15 “[~~(10)~~] **(8)** ‘Tollway project’ means any capital project involving the [*acquisition of land for, or*  
16 *the construction, reconstruction, improvement, installation,*] development, **operation** or equipping of[,]  
17 a tollway, related facilities or any portion thereof.

18 “**(9) ‘Tollway project revenue bonds’ means revenue bonds designated as tollway project**  
19 **revenue bonds under section 19 of this 2021 Act.**

20 “[~~(11)~~] **(10)** ‘Unit of government’ means any department or agency of the federal government, any  
21 state, any department or agency of a state, any bistate entity created by agreement under ORS  
22 190.420 or other law for the purposes of the Interstate 5 bridge replacement project, and any city,  
23 county, district, port or other public corporation organized and existing under statutory law or un-  
24 der a voter-approved charter.

25 “**SECTION 135.** ORS 383.004 is amended to read:

26 “383.004. (1) Except as provided in subsection (2) of this section, a toll may not be established  
27 unless the Oregon Transportation Commission has reviewed and approved the toll. The commission  
28 shall adopt rules specifying the process under which proposals to establish tolls will be reviewed.  
29 When reviewing a proposal to establish tolls, the commission shall take into consideration:

30 “(a) The amount and classification of the traffic using, or anticipated to use, the tollway;

31 “(b) The amount of the toll proposed to be established for each class or category of tollway user  
32 and, if applicable, the different amounts of the toll depending on time and day of use;

33 “(c) The extent of the tollway, including improvements necessary for tollway operation and im-  
34 provements necessary to support the flow of traffic onto or off of the tollway;

35 “(d) The location of [*toll plazas or toll collection devices*] **toll booths or electronic toll col-**  
36 **lection systems** to collect the toll for the tollway;

37 “(e) The cost of constructing, reconstructing, improving, installing, maintaining, repairing and  
38 operating the tollway;

39 “(f) The amount of indebtedness incurred for the construction of the tollway and **all expenses**  
40 **and obligations related to the indebtedness including, without limitation, financial covenants,**  
41 **debt service requirements, reserve requirements and any other funding requirements estab-**  
42 **lished under the terms of any indenture prepared under section 150 of this 2021 Act and any**  
43 **other contracts establishing the terms of the indebtedness, if any;**

44 “(g) The value of assets, equipment and services required for the operation of the tollway;

45 “(h) The period of time during which the toll will be in effect;

1 “(i) The process for altering the amount of the toll during the period of operation of the tollway;  
2 “(j) The method of collecting the toll; and  
3 “(k) The rate of return that would be fair and reasonable for a private equity holder, if any, in  
4 the tollway.  
5 “(2)(a) Nothing in ORS 383.003 to 383.075 prohibits a city or county from establishing a toll on  
6 any highway, as defined in ORS 801.305, that the city or county has jurisdiction over as a road au-  
7 thority pursuant to ORS 810.010.  
8 “(b) Nothing in ORS 383.003 to 383.075 prohibits Multnomah County from establishing a toll on  
9 the bridges across the Willamette River that are within the boundaries of the City of Portland and  
10 that are operated and maintained by Multnomah County as required under ORS 382.305 and 382.310.  
11 “(c) **Nothing in ORS 383.003 to 383.075 prohibits the Port of Hood River from establishing**  
12 **a toll on the bridges across the Columbia River that are operated and maintained by the port.**  
13 “(d) **Nothing in ORS 383.003 to 383.075 prohibits the Port of Cascade Locks from estab-**  
14 **lishing a toll on the bridges across the Columbia River that are operated and maintained by**  
15 **the port.**  
16 “**SECTION 136.** ORS 383.009 is amended to read:  
17 “383.009. (1) There is hereby established the [*State Tollway Account*] **Toll Program Fund** as a  
18 separate [*account*] **and distinct fund** [*within*] **from** the State Highway Fund. The [*State Tollway*  
19 *Account*] **Toll Program Fund** shall consist of:  
20 “(a) All moneys and revenues received by the Department of Transportation from or made  
21 available by the federal government to the department for any tollway project or for the operation  
22 or maintenance of any tollway;  
23 “(b) Any moneys received by the department from any other unit of government or any private  
24 entity for a tollway project or from the operation or maintenance of any tollway;  
25 “(c) All moneys and revenues received by the department from any **agreement entered into**  
26 **or** loan made by the department for a tollway project pursuant to ORS 383.005, and from any lease,  
27 agreement, franchise or license for the right to the possession and use, operation or management  
28 of a tollway project;  
29 “(d) All tolls and other revenues received by the department **or tollway operator** from the users  
30 of any tollway project;  
31 “(e) The proceeds of any bonds authorized to be issued for tollway projects;  
32 “(f) Any moneys that the department has legally transferred from the State Highway Fund to  
33 the [*State Tollway Account*] **Toll Program Fund** for tollway projects;  
34 “(g) All moneys and revenues received by the department from all other sources that by **gift,**  
35 **bequest,** donation, grant, contract or law **from any public or private source are for deposit in**  
36 **the Toll Program Fund** [*are allocated or dedicated for tollway projects*];  
37 “(h) All interest earnings on investments made from any of the moneys held in the [*State*  
38 *Tollway Account*] **Toll Program Fund**; [*and*]  
39 “(i) All civil penalties and administrative fees paid to the department from the enforcement of  
40 tolls[.];  
41 “(j) **Fees paid to the department for information provided under ORS 383.075;**  
42 “(k) **Moneys appropriated for deposit in or otherwise transferred to the Toll Program**  
43 **Fund by the Legislative Assembly; and**  
44 “(L) **Moneys received from federal sources or other state or local sources, excluding**  
45 **proceeds of Highway User Tax Bonds issued under ORS 367.615 that finance projects other**

1 **than toll projects.**

2 “(2) Moneys in the [State Tollway Account] **Toll Program Fund** may be used by the department  
3 for the following purposes:

4 “(a) To finance preliminary studies and reports for any tollway project;

5 “(b) To acquire land to be owned by the state for tollways and any related facilities therefor;

6 “(c) To finance the construction, renovation, operation, improvement, maintenance or repair of  
7 any tollway project;

8 “(d) To make grants or loans to a unit of government for tollway projects;

9 “(e) To make loans to private entities for tollway projects;

10 “(f) To pay the principal, interest and premium due with respect to, and to pay the costs con-  
11 nected with the issuance or ongoing administration of, any bonds or other financial obligations au-  
12 thorized to be issued by, or the proceeds of which are received by, the department for any tollway  
13 project, **including capitalized interest and any rebates or penalties due to the United States**  
14 **in connection with the bonds;**

15 “(g) To provide a guaranty or other security for any bonds or other financial obligations, in-  
16 cluding but not limited to financial obligations with respect to any bond insurance, surety or credit  
17 enhancement device issued or incurred by the department, a unit of government or a private entity,  
18 for the purpose of financing a single tollway project or any related group or system of [tollways]  
19 **tollway projects** or related facilities; [and]

20 “(h) To pay the costs incurred by the department in connection with its oversight, operation and  
21 administration of the [State Tollway Account] **Toll Program Fund**, the proposals and projects sub-  
22 mitted under ORS 383.015 and the tollway projects financed under ORS 383.005[.];

23 “(i) **To develop, implement and administer the toll program established under ORS**  
24 **383.150, including the cost of consultants, advisors, attorneys or other professional service**  
25 **providers appointed, retained or approved by the department; and**

26 “(j) **To make improvements or fund efforts on the tollway and on adjacent, connected or**  
27 **parallel highways to the tollway to reduce traffic congestion as a result of a tollway project,**  
28 **improve safety as a result of a tollway project and reduce impacts of diversion as a result**  
29 **of a tollway project.**

30 “(3) For purposes of paying or securing bonds or providing a guaranty, surety or other security  
31 authorized by [subsection (2)(g) of] this section, the department may:

32 “(a) Irrevocably pledge all or any portion of the amounts that are credited to, or are required  
33 to be credited to, the [State Tollway Account] **Toll Program Fund;**

34 “(b) Establish subaccounts in the [State Tollway Account] **Toll Program Fund**, and make  
35 covenants regarding the credit to and use of amounts in those [accounts and] subaccounts; and

36 “(c) Establish separate trust funds or accounts and make covenants to transfer to those separate  
37 trust funds or accounts all or any portion of the amounts that are required to be deposited in the  
38 [State Tollway Account] **Toll Program Fund.**

39 “(4) Notwithstanding any other provision of ORS 383.001 to 383.075, the department shall not  
40 pledge any funds or amounts at any time held in the [State Tollway Account] **Toll Program Fund**  
41 as security for the obligations of a **unit of government or a private entity** unless the department  
42 has entered into a binding and enforceable agreement that provides the department reasonable as-  
43 surance that the department will be repaid, with appropriate interest, any amounts that the de-  
44 partment is required to advance pursuant to that pledge.

45 “(5) Moneys in the [State Tollway Account] **Toll Program Fund** are continuously appropriated

1 to the department for purposes authorized by this section.

2 “(6) Notwithstanding subsection (1) of this section, a city, county, district, port or other  
3 public corporation organized and existing under statutory law or under a voter-approved  
4 charter is not required to deposit into the Toll Program Fund tolls, or other revenues are  
5 received from the users of any tollway, that are assessed by a city, county, district, port or  
6 other public corporation organized and existing under statutory law or under a voter-  
7 approved charter.

8 “(7) Moneys in the Toll Program Fund that are transferred from the State Highway Fund  
9 or are derived from any revenues under Article IX, section 3a, of the Oregon Constitution,  
10 may be used only for purposes permitted by Article IX, section 3a, of the Oregon Constitu-  
11 tion.

12 “SECTION 137. The Toll Program Fund is a continuation of the State Tollway Account.  
13 Moneys contained in the State Tollway Account on the effective date of this 2021 Act are  
14 considered to be moneys in the Toll Program Fund.

15 “SECTION 138. ORS 383.155 is repealed.

16 “SECTION 139. (1) The Congestion Relief Fund, established under ORS 383.155, is abol-  
17 ished.

18 “(2) Any moneys remaining in the Congestion Relief Fund on the effective date of this  
19 2021 Act that are unexpended, unobligated and not subject to any conditions shall be trans-  
20 ferred to the Toll Program Fund established under ORS 383.009.

21 “SECTION 140. ORS 383.014 is amended to read:

22 “383.014. [*The Oregon Transportation Commission shall set standards by rule for electronic toll*  
23 *collection systems and photo enforcement systems used on tollways in this state to ensure that systems*  
24 *used in Oregon and systems used in the State of Washington are compatible to the extent technology*  
25 *permits.] **The Oregon Transportation Commission shall establish criteria when selecting elec-**  
26 **tronic toll collection systems used in this state to ensure interoperability with tolling sys-**  
27 **tems used in other states, to the extent that technology facilitating interoperability exists.***

28 “SECTION 141. ORS 383.017 is amended to read:

29 “383.017. [*(1) The Department of Transportation may award any contract, franchise, license or*  
30 *agreement related to a tollway project, other than a concession for the provision of goods or services*  
31 *at a rest area, under a competitive process or by private negotiation with one or more entities, or by*  
32 *any combination of competition and negotiation without regard to any other laws concerning the pro-*  
33 *curement of goods or services for projects of the state.]*

34 “[*(2) When using a competitive process for the award of a tollway project contract, the department*  
35 *shall consider the following factors in addition to the proposer’s estimate of cost:]*

36 “[*(a) The quality of the design, if applicable, submitted by a proposer. In considering the quality*  
37 *of the design of a tollway project, the department shall take into consideration.]*

38 “[*(A) The structural integrity of the design, including the probable effect of the design on the future*  
39 *costs of maintenance of the tollway;]*

40 “[*(B) The aesthetic qualities of the design, including such factors as the width of lane separators,*  
41 *landscaping and sound walls;]*

42 “[*(C) The traffic capacity of the design;]*

43 “[*(D) The aspects of the design that affect safety, such as the lane width, the quality of lane*  
44 *markers and separators, the shape and positioning of ramps and curves and the changes in elevation;*  
45 *and]*

1           “(E) The ease with which traffic will be able to pass through the toll collection facilities.]

2           “(b) The extent to which small businesses will be involved in the tollway project. The department

3 shall encourage participation by small businesses to the maximum extent the department determines is

4 practicable. As used in this paragraph, ‘small business’ means an independent business with fewer than

5 20 employees and with average annual gross receipts over the last three years not exceeding \$1 million

6 for construction firms and \$300,000 for nonconstruction firms. ‘Small business’ does not include a

7 subsidiary or parent company belonging to a group of firms that are owned and controlled by the same

8 individuals and that have average aggregate annual gross receipts in excess of \$1 million for con-

9 struction firms or \$300,000 for nonconstruction firms over the last three years.]

10           “(c) The financial stability of the proposer and the ability of the proposer to provide funding for

11 the tollway project and surety for its performance and financial obligations with respect to the tollway

12 project.]

13           “(d) The experience of the proposer and its subcontractors in building and operating projects such

14 as the tollway project.]

15           “(e) The terms of the financial arrangement proposed or accepted by the proposer with respect to

16 franchise fees, license fees, lease payments or operating expenses and the proposer’s required rate of

17 return from its operation or maintenance of the tollway.]

18           “(3)(a) The department may adopt rules and procedures for the award of franchises, licenses,

19 leases or other concessions for rest areas without regard to any other laws concerning the procurement

20 of goods or services for projects of the state. All such franchises, licenses, leases or other concessions

21 shall require the franchisee, licensee, lessee or concessionaire, as applicable, to maintain the subject

22 premises in accordance with all applicable state and federal health and safety standards, to maintain

23 one or more policies of casualty and property insurance and adequate workers’ compensation insurance,

24 and to pay and discharge all taxes, utilities, fees and other charges or claims that are levied, assessed

25 or charged against the premises or concession or that may become a lien upon the premises. The rules

26 shall encourage participation by small businesses to the maximum extent the department determines is

27 practicable. The department may grant any small business a 10 percent or greater bid advantage in

28 any bidding process for a concession.]

29           “(b) As used in this subsection, ‘small business’ means an independent business with fewer than

30 20 employees and with average annual gross receipts over the last three years not exceeding \$300,000.

31 ‘Small business’ does not include a subsidiary or parent company belonging to a group of firms that

32 are owned and controlled by the same individuals and that have average aggregate annual gross re-

33 cepts in excess of \$300,000 over the last three years. ‘Small business’ also does not include a franchise

34 of any business that has average aggregate annual gross receipts in excess of \$300,000 over the last

35 three years.]

36           “(4) Notwithstanding any other provision of this section, the department may use any method for

37 the award of any contract, franchise, license or agreement that is necessary to comply with the re-

38 quirements of any grant or other funding source.]

39           “(5) If public funds are involved in the project, construction of a tollway project shall be subject

40 to the prevailing wage requirements of ORS 279C.800 to 279C.870.]

41           “(6) For purposes of complying with applicable state and local land use laws, including statewide

42 planning goals, comprehensive plans, land use regulations, ORS chapters 195, 196, 197, 198, 199, 215,

43 221, 222 and 227, and any requirement imposed by the Land Conservation and Development Commis-

44 sion, a tollway project shall be treated as a project of the department and not as a project of any other

45 person or entity.]

1 “[7] (1) Tollways, and any related facilities that would normally be purchased, constructed or  
2 installed by the Department of **Transportation** if the tollway were a conventional highway that  
3 was constructed and operated by the department, shall be exempt from ad valorem property taxa-  
4 tion.

5 “[8] (2) Tollways are considered state highways for purposes of law enforcement and applica-  
6 tion of the Oregon Vehicle Code.

7 “**SECTION 142.** ORS 383.035 is amended to read:

8 “383.035. (1) **A person shall pay a toll established under ORS 383.004.**

9 “[1] (2) A person who fails to pay a toll[,] established [*pursuant to*] **under** ORS 383.004[,] shall  
10 pay to the Department of Transportation the amount of the toll, a civil penalty [*of not more than*  
11 \$25] and an administrative fee established by the tollway operator not to exceed the actual cost of  
12 collecting the unpaid toll. **The department shall adopt by rule the amount of civil penalty that**  
13 **may be imposed for each violation of subsection (1) of this section.**

14 “(3) **A civil penalty imposed under this section may be remitted or reduced upon such**  
15 **terms and conditions as the department considers proper and consistent.**

16 “[2] (4) In addition to any other penalty, the department shall refuse to renew the motor ve-  
17 hicle registration of [*the*] a motor vehicle [*owned by a person who*] **when the registered owner of**  
18 **the motor vehicle** has not paid the toll, the civil penalty and any administrative fee charged under  
19 this section.

20 “[3] (5) This section does not apply to:

21 “[*a*] A person operating a vehicle owned by a unit of government or the tollway operator;]

22 “[*b*] (a) A person who is a member of a category of persons exempted by the Oregon Trans-  
23 portation Commission from paying a toll; or

24 “[*c*] (b) A person who is a member of a category of persons made eligible by the commission  
25 for paying a reduced toll, to the extent of the reduction.

26 “[4] *Subsection (1) of this section does not apply to a person who fails to pay a toll established*  
27 *under section 8, chapter 4, Oregon Laws 2013.*]

28 “[5]*(a) Upon receiving a request from the State of Washington, or from the State of Washington’s*  
29 *designee that has contracted with the State of Washington to collect tolls, the department shall provide*  
30 *information to identify registered owners of vehicles who fail to pay a toll established under section*  
31 *8, chapter 4, Oregon Laws 2013.*]

32 “[*b*] *If the State of Washington, or the State of Washington’s designee that has contracted with the*  
33 *State of Washington to collect tolls, gives notice to the department that a person has not paid a toll*  
34 *established under section 8, chapter 4, Oregon Laws 2013, or a civil penalty or administrative fee im-*  
35 *posed by reason of failure to pay the toll, the department shall refuse to renew the Oregon motor vehicle*  
36 *registration of the motor vehicle operated by the person at the time of the violation.*]

37 “[*c*] *The department may renew an Oregon motor vehicle registration of a person described in*  
38 *paragraph (b) of this subsection upon receipt of a notice from the State of Washington, or from the*  
39 *State of Washington’s designee, indicating that all tolls, civil penalties and other administrative fees*  
40 *owed by the person have been paid.*]

41 “(6) **Civil penalties imposed under this section shall be imposed in the manner provided**  
42 **by ORS 183.745.**

43 “**SECTION 143.** ORS 383.045 is amended to read:

44 “383.045. (1) **A recorded image produced by an electronic toll collection system shall cap-**  
45 **ture only images of a vehicle and the license plate of the vehicle.**

1 “[(1)] (2) Except as provided in subsection [(2)] (3) of this section, a recorded image of a vehicle  
2 and the [registration] license plate of the vehicle produced by [a photo enforcement] **an electronic**  
3 **toll collection** system at the time the driver of the vehicle did not pay a toll shall be prima facie  
4 evidence that the registered owner of the vehicle is the driver of the vehicle.

5 “[(2)] (3) If the registered owner of a vehicle is a person in the vehicle rental or leasing busi-  
6 ness, the registered owner may elect to identify the person who was operating the vehicle at the  
7 time the toll was not paid or to pay the toll, civil penalty and administrative fee.

8 “[(3)] (4) A registered owner of a vehicle who pays the toll, civil penalty and administrative fee  
9 is entitled to recover the same from the driver, renter or lessee of the vehicle.

10 **“SECTION 144.** ORS 383.075 is amended to read:

11 “383.075. (1) Except as provided in subsections (2) and (3) of this section, records and informa-  
12 tion used to collect and enforce tolls are exempt from disclosure under public records law and are  
13 to be used solely for toll collection [and traffic management by the Department of Transportation].

14 “(2) Information collected or maintained by an electronic toll collection system may not be dis-  
15 closed to anyone except:

16 “(a) The owner of an account that is charged for the use of a tollway;

17 “(b) **A collection agency, as defined in ORS 697.005, a payment processor as defined by the**  
18 **Department of Transportation by rule, an agency, as defined in ORS 183.310, or a financial**  
19 institution, as necessary to collect tolls owed;

20 “(c) Employees of the department;

21 “(d) The tollway operator and authorized employees of the operator;

22 “(e) A law enforcement officer who is acting in the officer’s official capacity in connection with  
23 toll enforcement; [and]

24 “(f) An administrative law judge or court in an action or proceeding in relation to unpaid tolls  
25 or administrative fees or civil penalties related to unpaid tolls[.]; **and**

26 **“(g) As requested for use in any civil, criminal or other legal proceeding or investigation**  
27 **that relates to the use of a tollway.**

28 “(3) Information collected or maintained by a photo enforcement system may not be disclosed  
29 to anyone except:

30 “(a) The registered owner [or apparent driver] of the vehicle;

31 “(b) Employees of the department;

32 “(c) The tollway operator and authorized employees of the operator;

33 “(d) A law enforcement officer who is acting in the officer’s official capacity in connection with  
34 toll enforcement; and

35 “(e) An administrative law judge or court in an action or proceeding in relation to unpaid tolls  
36 or administrative fees or civil penalties related to unpaid tolls.

37 **“(4) The department may charge a reasonable fee under ORS 192.324 for providing infor-**  
38 **mation under this section.**

39 **“(5) The department may adopt rules specifying conditions that must be met by a person**  
40 **or unit of government requesting information under this section. Conditions may include but**  
41 **are not limited to:**

42 **“(a) Providing reasonable assurance of the identity of the requester;**

43 **“(b) Providing reasonable assurance of the uses to which the information will be put, if**  
44 **applicable;**

45 **“(c) Showing that the person whose information is to be disclosed has given permission**



1 for the disclosure, if permission is required; and

2 “(d) Submitting a written request for the information in a form prescribed by the de-  
3 partment.

4 “**SECTION 145.** ORS 383.150 and sections 147 to 152 of this 2021 Act are added to and  
5 made a part of ORS 383.003 to 383.075.

6 “**SECTION 146.** ORS 383.150 is amended to read:

7 “383.150. (1) The Oregon Transportation Commission shall establish a [*traffic congestion relief*  
8 *program*] **toll program.**

9 “[*(2) No later than December 31, 2018, the commission shall seek approval from the Federal*  
10 *Highway Administration, if required by federal law, to implement value pricing as described in this*  
11 *section.*]

12 “[*(3)*] **(2) As part of the toll program,** after seeking and receiving approval from the Federal  
13 Highway Administration, the commission [*shall implement value pricing to reduce traffic congestion*]  
14 **may assess variable rate tolls.** [*Value pricing*] **Tolling** may include, but is not limited to **assessing**  
15 **variable rate tolls for the purpose of:**[*, variable time-of-day pricing.*]

16 “(a) **Managing congestion; and**

17 “(b) **Partially or wholly funding the construction, operation or maintenance of a highway.**

18 “(3) The commission shall [*implement value pricing*] **assess tolls** in the following locations:

19 “(a) On Interstate 205, beginning at the Washington state line and ending where it intersects  
20 with Interstate 5 in this state.

21 “(b) On Interstate 5, beginning at the Washington state line and ending where it intersects with  
22 Interstate 205.

23 “[*(4) In addition to areas listed in subsection (3) of this section, the commission may implement*  
24 *value pricing in other areas of this state.*]

25 “[*(5) Notwithstanding ORS 383.009, the revenues received from value pricing under this section*  
26 *shall be deposited into the Congestion Relief Fund established under ORS 383.155 for the implemen-*  
27 *tation and administration of the congestion relief program established pursuant to this section, includ-*  
28 *ing but not limited to the Value Pricing Set-Up Project.*]

29 “[*(6) Subject to any restrictions in an agreement with the Federal Highway Administration or other*  
30 *federal law, in addition to the amounts received from value pricing under this section, the moneys in*  
31 *the Congestion Relief Fund shall be used to implement and administer the traffic congestion relief*  
32 *program.*]

33 “(4) **To the extent necessary and permitted by state and federal law and Article IX, sec-**  
34 **tion 3a, of the Oregon Constitution, the commission shall ensure tolls assessed pursuant to**  
35 **subsection (3) of this section or tolls assessed as part of the Interstate 5 Boone Bridge and**  
36 **Seismic Improvement Project:**

37 “(a) **Reduce traffic congestion by managing demand on the tollway and by improving op-**  
38 **erations on the tollway;**

39 “(b) **Reduce traffic congestion as a result of the tollway, not only on the tollway but also**  
40 **on adjacent, connected or parallel highways to the tollways, regardless of ownership;**

41 “(c) **Improve safety not only on the tollway but also on adjacent, connected or parallel**  
42 **highways to the tollways, regardless of ownership; and**

43 “(d) **Minimize and mitigate impacts to historically and currently underrepresented and**  
44 **disadvantaged communities.**

45 “(5) **Any unit of government assessing tolls on highways for which the unit of govern-**

1 **ment is the road authority, pursuant to ORS 810.010, shall collaborate with other units of**  
2 **government to:**

3 **“(a) Determine whether assessing tolls may result in traffic, equity, safety or climate**  
4 **impacts as a result of assessing tolls;**

5 **“(b) Determine appropriate investments or efforts that may minimize or reduce any po-**  
6 **tential impacts; and**

7 **“(c) Periodically review any investments or efforts identified and implemented under this**  
8 **subsection.**

9 **“[(7)] (6) Before [imposing value pricing] assessing tolls in the locations described under**  
10 **subsection (3) of this section, the commission shall report to the Joint Committee on Transporta-**  
11 **tion established under ORS 171.858.**

12 **“[(8)] (7) The commission may enter into agreements with the State of Washington, or the State**  
13 **of Washington’s tollway operator or other** designee, relating to establishing, reviewing, adjusting  
14 and collecting tolls for the program described in this section.

15 **“(8) As used in this section, ‘highway’ has the meaning given that term in ORS 366.005.**

16 **“SECTION 147. Revenue bonds for tollway projects. (1) In accordance with the applicable**  
17 **provisions of ORS chapter 286A, the State Treasurer, at the request of the Department of**  
18 **Transportation, may issue and sell revenue bonds known as tollway project revenue bonds**  
19 **for the purpose of financing tollway projects, provided that such bonds do not constitute a**  
20 **debt or general obligation of the department or of this state or any of its political subdi-**  
21 **visions, but shall be payable solely from the revenues, amounts, funds and accounts de-**  
22 **scribed in ORS 383.009 and sections 148 and 151 of this 2021 Act.**

23 **“(2) The proceeds of bonds issued under this section may be used by the department or**  
24 **loaned or granted to a private entity or a local government, as defined in ORS 174.116, for**  
25 **the purposes of:**

26 **“(a) Financing any portion of the costs related to the purposes described in ORS 383.009**  
27 **(2);**

28 **“(b) Funding any required reserves; and**

29 **“(c) Paying costs of issuing the bonds.**

30 **“(3) The bonds authorized by this section may be issued as taxable bonds or as tax-**  
31 **exempt bonds under the income tax laws of the United States.**

32 **“(4) Notwithstanding the status of the bonds for federal income tax purposes, interest**  
33 **paid to the owners of the bonds shall be exempt from personal income taxes imposed by this**  
34 **state.**

35 **“(5) Subject to the limitations under ORS 383.004 and 383.009, when issuing bonds under**  
36 **this section, the department and the State Treasurer may make covenants with bondholders**  
37 **regarding the imposition and regulation of tolls to meet the department’s obligations under**  
38 **the terms of any indenture prepared under section 150 of this 2021 Act, any loan agreement**  
39 **and any grant agreement, including without limitation:**

40 **“(a) Financial covenants, debt service requirements, reserve requirements and any other**  
41 **funding requirements;**

42 **“(b) The use of the amounts required to be deposited in the Toll Program Fund; and**

43 **“(c) The issuance of additional bonds.**

44 **“(6) The state may not in any way impair obligations of any agreement between the state**  
45 **and holders of tollway project revenue bonds issued under this section.**

1       “(7) The department, with the approval of the State Treasurer, may designate the extent  
2 to which a series of tollway project revenue bonds authorized under this section is secured  
3 and payable:

4       “(a) On a parity of lien or on a subordinate basis to existing or future Highway User Tax  
5 Bonds issued under ORS 367.615, but only if sufficient moneys described under ORS 367.605  
6 may be pledged to:

7       “(A) First, pay the annual bond debt service of all Highway User Tax Bonds issued pur-  
8 suant to ORS 367.615 and 367.620; and

9       “(B) Second, pay the annual bond debt service for all tollway project revenue bonds is-  
10 sued under this subsection; or

11       “(b) From additional revenue sources as permitted under section 148 of this 2021 Act.

12       “(8) A holder of tollway project revenue bonds issued under this section may not compel  
13 the payment of federal transportation funds to the department.

14       “(9) This section is supplemental and in addition to any other authority in ORS chapters  
15 286A, 366 and 367 for the issuance of bonds by the State Treasurer at the request of the de-  
16 partment.

17       “SECTION 148. Sources of funds to secure revenue bonds for tollway projects. (1) Moneys  
18 deposited in the Toll Program Fund established under ORS 383.009 are pledged to the pay-  
19 ment of tollway project revenue bonds issued under section 147 of this 2021 Act.

20       “(2) The Department of Transportation, with the approval of the State Treasurer, may  
21 designate in any revenue declaration or indenture prepared under section 150 of this 2021  
22 Act additional revenues as security for the payment of tollway project revenue bonds. The  
23 department shall set the order of priority for the additional revenues used. Additional re-  
24 venues may include:

25       “(a) Moneys under ORS 367.605, which are pledged to payment of Highway User Tax  
26 Bonds issued under ORS 367.615, on a parity of lien or on a subordinate and junior basis;

27       “(b) Moneys received by the department from the United States government; or

28       “(c) Any other moneys legally available to the department.

29       “(3) The lien or charge of any pledge of moneys in the Toll Program Fund to secure bonds  
30 designated as tollway project revenue bonds under section 147 of this 2021 Act is superior  
31 or prior to any other lien or charge and to any law of the state requiring the department to  
32 spend moneys for tollway project revenue projects. As long as any tollway project revenue  
33 bonds issued under section 147 of this 2021 Act are outstanding, moneys deposited to the Toll  
34 Program Fund shall be applied first to the payment of principal of, and interest on, any bonds  
35 designated as tollway project revenue bonds under section 147 of this 2021 Act and then to  
36 any other purposes described under ORS 383.009.

37       “SECTION 149. Collection and use of federal transportation funds. (1) If allowed by fed-  
38 eral law, the Department of Transportation may use federal transportation funds for the  
39 following purposes:

40       “(a) For deposit into one or more special funds or accounts that may be pledged to secure  
41 payment of the tollway project revenue bonds issued under section 147 of this 2021 Act.

42       “(b) For payment of the costs of tollway projects.

43       “(c) For reimbursement to the department of moneys previously spent on tollway  
44 projects.

45       “(2) The department may request the United States government to deposit federal

1 transportation funds directly with a trustee for the holders of tollway project revenue bonds  
2 to secure payment of the bonds.

3 **SECTION 150. Revenue declaration or indenture; contents; purpose.** (1) Before tollway  
4 project revenue bonds are issued under section 147 of this 2021 Act, the Department of  
5 Transportation must prepare a revenue declaration or indenture authorizing issuance of the  
6 bonds. The revenue declaration or indenture must be signed by the Director of Transporta-  
7 tion or a person designated by the director and must be approved by the State Treasurer or  
8 a person designated by the State Treasurer.

9 **“(2) A revenue declaration or indenture prepared under this section may do any of the  
10 following:**

11 **“(a) Pledge any part or all of moneys described under section 148 of this 2021 Act for  
12 purposes of the bonds to be issued.**

13 **“(b) Limit the purpose for which the proceeds of the sale may be applied by the depart-  
14 ment.**

15 **“(c) Make pledges concerning the proceeds of the sale or moneys described under section  
16 148 of this 2021 Act as necessary to secure payment of bonds of the department.**

17 **“(d) Limit or establish terms upon which additional bonds or refunding bonds may be is-  
18 sued under section 147 of this 2021 Act.**

19 **“(e) Provide for procedures, if any, by which the terms of contracts with bondholders  
20 may be amended or rescinded, for the percentage of the bondholders that must consent to  
21 amendment or rescission of the contract and for the manner of bondholder consent to any  
22 amendment or rescission of the contract.**

23 **“(f) Establish a trustee and vest the trustee with property, rights, powers and duties in  
24 trust, as the State Treasurer determines appropriate.**

25 **“(g) Provide for other matters affecting the issuance of bonds.**

26 **“(h) Provide for a debt service reserve pursuant to ORS 286A.025 (6).**

27 **“(i) Provide for certain covenants pursuant to ORS 286A.025 (4)(c) and ORS 286A.102 (10).**

28 **SECTION 151. Reserve account.** (1) The Department of Transportation may establish  
29 one or more separate reserve accounts within, or separate and distinct from, the Toll Pro-  
30 gram Fund in connection with the issuance of tollway project revenue bonds issued under  
31 section 147 of this 2021 Act.

32 **“(2) The moneys held in any account established under this section may be subject to the  
33 provisions of any revenue declaration or indenture prepared under section 150 of this 2021  
34 Act.**

35 **SECTION 152. Bond form, issuance and maturity; provisions subject to determination  
36 of State Treasurer.** (1) A tollway project revenue bond issued under section 147 of this 2021  
37 Act:

38 **“(a) Must contain on its face a statement that the ad valorem taxing power of this state  
39 is not pledged to the payment of the principal or the interest on the bond.**

40 **“(b) Shall be issued as provided in ORS chapter 286A.**

41 **“(c) Must mature on or before a date determined by calculation of the expected economic  
42 life of the improvements, assets and projects financed with the proceeds of the bond.**

43 **“(2) The State Treasurer shall determine, after consultation with the Department of  
44 Transportation, all aspects relating to the sale of bonds under section 147 of this 2021 Act  
45 that are not otherwise specifically provided in sections 147 to 152 of this 2021 Act.**



1 *is subject to the provisions of ORS 286A.035.] and those portions of a tollway project, as defined*  
2 **in ORS 383.003, that constitute building or maintaining permanent roads.**

3 **“(2) The principal amount of any bonds issued under this section is subject to the pro-**  
4 **visions of ORS 286A.035.**

5 **“SECTION 156.** ORS 367.560 is amended to read:

6 **“367.560.** All moneys obtained from the sale of general obligation bonds under ORS 367.555 to  
7 367.600 must be paid over to the State Treasurer and credited by the State Treasurer to **either** the  
8 State Highway Fund **or the Toll Program Fund**. Such moneys may be used only for the purposes  
9 *[stated in ORS 367.555 to 367.600 and, pending the use of such moneys for highway purposes]* **for**  
10 **which the bonds were authorized to be sold and, pending the use of the moneys,** may be in-  
11 vested as provided by law.

12 **“SECTION 157.** ORS 367.615 is amended to read:

13 **“367.615. (1)** The Department of Transportation may request the State Treasurer to issue and  
14 sell revenue bonds known as Highway User Tax Bonds as provided in this section.

15 **“(2)** Bonds issued under this section do not constitute a debt or general obligation of this state  
16 or any political subdivision of this state but are secured and payable from moneys described under  
17 ORS 367.605. A holder of bonds issued under this section may not compel the exercise of the ad  
18 valorem taxing power of the state to pay the bond debt service on the bonds.

19 **“(3)** This state shall provide for the continued assessment, levy, collection and deposit into the  
20 highway fund of moneys described under ORS 367.605 in amounts sufficient to pay, when due, the  
21 annual bond debt service and other amounts necessary to meet requirements established by  
22 indenture under ORS 367.640.

23 **“(4)** This state may not in any way impair obligations of any agreement between this state and  
24 the holders of bonds issued under this section.

25 **“(5)** The authority granted by this section is continuing and the department reserves the right  
26 to request the State Treasurer to issue additional bonds under this section subject to the following:

27 **“(a)** Additional bonds must be secured equally and ratably by the pledge and appropriation of  
28 moneys described under ORS 367.605 unless the State Treasurer, as permitted by law and the con-  
29 tracts with owners of outstanding Highway User Tax Bonds, issues additional bonds in different  
30 series and secures each series by a lien on and pledge of moneys described under ORS 367.605 that  
31 is superior to or subordinate to the lien of the pledge securing any other series of Highway User  
32 Tax Bonds.

33 **“(b)** The State Treasurer may only issue additional bonds **under this section** if sufficient mon-  
34 eys described under ORS 367.605 may be pledged to pay the annual bond debt service for all out-  
35 standing bonds issued under this section as well as for the additional bonds.

36 **“(6)** Proceeds from the sale of bonds under this section are declared to be for the purpose of  
37 building and maintaining permanent public roads and may be used:

38 **“(a)** To finance the cost of state highway, county road and city street projects in this state.

39 **“(b)** To pay the cost of issuing the bonds.

40 **“(c)** For loans to cities and counties as provided under ORS 367.035 or 367.655.

41 **“(d)** To pay the bond debt service of the bonds.

42 **“(e)** To pay the costs of the State Treasurer and the department to administer and maintain the  
43 bonds and the Highway User Tax Bond program, including the cost of consultants, advisors, attor-  
44 neys or other professional service providers appointed, retained or approved by the treasurer or the  
45 department.

1 “(f) To pay capitalized interest, principal or premium, if any, of the bonds.

2 “(g) For rebates or penalties due to the United States in connection with the bonds.

3 “(7) The State Treasurer, at the request of the department, may issue Highway User Tax Bonds  
4 as capital appreciation bonds, auction rate bonds, variable rate bonds, deep discount bonds or de-  
5 ferred interest bonds.

6 “(8) The State Treasurer or the Director of Transportation, if so directed by the treasurer, may  
7 obtain credit enhancement or an agreement for exchange of interest rates to provide additional se-  
8 curity or liquidity for the bonds or to provide funding, in lieu of cash, for all or a portion of a bond  
9 debt service reserve account established with respect to the bonds.

10  
11 **“CONFORMING AMENDMENTS RELATED TO TOLLING**

12  
13 **“SECTION 158.** ORS 367.806 is amended to read:

14 “367.806. (1) As part of the Oregon Innovative Partnerships Program established under ORS  
15 367.804, the Department of Transportation may:

16 “(a) Enter into any agreement or any configuration of agreements relating to transportation  
17 projects with any private entity or unit of government or any configuration of private entities and  
18 units of government. The subject of agreements entered into under this section may include, but  
19 need not be limited to, planning, acquisition, financing, development, design, construction, recon-  
20 struction, replacement, improvement, maintenance, management, repair, leasing and operation of  
21 transportation projects.

22 “(b) Include in any agreement entered into under this section any financing mechanisms, in-  
23 cluding but not limited to the imposition and collection of franchise fees or user fees and the de-  
24 velopment or use of other revenue sources.

25 “(2) As part of the Oregon Innovative Partnerships Program established under ORS 367.804, the  
26 department shall enter into agreements to undertake transportation projects the subjects of which  
27 include the application of technology standards to determine whether to certify technology, the  
28 collection of metered use data, tax processing and account management, as these subjects relate to  
29 the operation of a road usage charge system pursuant to ORS 319.883 to 319.946.

30 “(3) The agreements among the public and private sector partners entered into under this sec-  
31 tion must specify at least the following:

32 “(a) At what point in the transportation project public and private sector partners will enter the  
33 project and which partners will assume responsibility for specific project elements;

34 “(b) How the partners will share management of the risks of the project;

35 “(c) How the partners will share the costs of development of the project;

36 “(d) How the partners will allocate financial responsibility for cost overruns;

37 “(e) The penalties for nonperformance;

38 “(f) The incentives for performance;

39 “(g) The accounting and auditing standards to be used to evaluate work on the project; and

40 “(h) Whether the project is consistent with the plan developed by the Oregon Transportation  
41 Commission under ORS 184.617 and any applicable regional transportation plans or local transpor-  
42 tation system programs and, if not consistent, how and when the project will become consistent with  
43 applicable plans and programs.

44 “(4) The department may, either separately or in combination with any other unit of government,  
45 enter into working agreements, coordination agreements or similar implementation agreements to

1 carry out the joint implementation of any transportation project selected under ORS 367.804.

2 “(5) Except for ORS 383.015[, 383.017 (1), (2), (3) and (5)] and 383.019, the provisions of ORS  
3 383.003 to 383.075 apply to any tollway project entered into under ORS 367.800 to 367.824.

4 “(6) The provisions of ORS 279.835 to 279.855 and ORS chapters 279A, 279B and 279C do not  
5 apply to concepts or proposals submitted under ORS 367.804, or to agreements entered into under  
6 this section, except that if public moneys are used to pay any costs of construction of public works  
7 that is part of a project, the provisions of ORS 279C.800 to 279C.870 apply to the public works. In  
8 addition, if public moneys are used to pay any costs of construction of public works that is part of  
9 a project, the construction contract for the public works must contain provisions that require the  
10 payment of workers under the contract in accordance with ORS 279C.540 and 279C.800 to 279C.870.

11 “(7)(a) The department may not enter into an agreement under this section until the agreement  
12 is reviewed and approved by the Oregon Transportation Commission.

13 “(b) The department may not enter into, and the commission may not approve, an agreement  
14 under this section for the construction of a public improvement as part of a transportation project  
15 unless the agreement provides for bonding, financial guarantees, deposits or the posting of other  
16 security to secure the payment of laborers, subcontractors and suppliers who perform work or pro-  
17 vide materials as part of the project.

18 “(c) Before presenting an agreement to the commission for approval under this subsection, the  
19 department must consider whether to implement procedures to promote competition among subcon-  
20 tractors for any subcontracts to be let in connection with the transportation project. As part of its  
21 request for approval of the agreement, the department shall report in writing to the commission its  
22 conclusions regarding the appropriateness of implementing such procedures.

23 “(8)(a) Except as provided in paragraph (b) of this subsection, documents, communications and  
24 information developed, exchanged or compiled in the course of negotiating an agreement with a  
25 private entity under this section are exempt from disclosure under ORS 192.311 to 192.478.

26 “(b) The documents, communications or information described in paragraph (a) of this subsection  
27 are subject to disclosure under ORS 192.311 to 192.478 when the documents, communications or in-  
28 formation are submitted to the commission in connection with its review and approval of a trans-  
29 portation project under subsection (7) of this section.

30 “(9) The terms of a final agreement entered into under this section and the terms of a proposed  
31 agreement presented to the commission for review and approval under subsection (7) of this section  
32 are subject to disclosure under ORS 192.311 to 192.478.

33 “(10) As used in this section:

34 “(a) ‘Public improvement’ has the meaning given that term in ORS 279A.010.

35 “(b) ‘Public works’ has the meaning given that term in ORS 279C.800.

36 “**SECTION 159.** ORS 367.816 is amended to read:

37 “367.816. (1) Notwithstanding ORS 367.020, the Department of Transportation may use moneys  
38 in the Oregon Transportation Infrastructure Fund established by ORS 367.015 to ensure the repay-  
39 ment of loan guarantees or extensions of credit made to or on behalf of private entities engaged in  
40 the planning, acquisition, financing, development, design, construction, reconstruction, replacement,  
41 improvement, maintenance, management, repair, leasing or operation of any transportation project  
42 that is part of the program established under ORS 367.804.

43 “(2) The lien of a pledge made under this section is subordinate to the lien of a pledge securing  
44 bonds payable from moneys in the State Highway Fund described in ORS 366.505, the [*State Tollway*  
45 *Account*] **Toll Program Fund** established by ORS 383.009 or the State Transportation Enterprise



1 Fund established by ORS 367.810.

2 “**SECTION 160.** ORS 381.312 is amended to read:

3 “381.312. (1) The Port of Hood River, or any private entity or unit of government that the port  
4 designates to operate a bridge in an agreement the port enters into under ORS 381.205 to 381.314,  
5 may establish, collect or alter a reasonable toll, administrative fee or civil penalty in connection  
6 with the bridge.

7 “(2) The port or the private entity or unit of government that the port designates shall deposit  
8 any proceeds from a toll, administrative fee or civil penalty into an account established under an  
9 agreement described in ORS 381.310. The port or unit of government shall deposit the share of  
10 proceeds that the port or unit of government receives with a depository that meets the requirements  
11 set forth in ORS chapter 295. A private entity shall deposit the share of proceeds that the private  
12 entity receives with an insured institution, as defined in ORS 706.008.

13 “(3)(a) The Department of Transportation, on behalf of the port, shall:

14 “(A) Assess and collect the amount of a toll that a person fails to pay, plus a civil penalty and  
15 administrative fee; and

16 “(B) Refuse to renew the motor vehicle registration of the motor vehicle of a person that failed  
17 to pay a toll, a civil penalty or an administrative fee assessed under this subsection.

18 “(b) For the purpose of conducting the activities described in paragraph (a) of this subsection,  
19 the department shall:

20 “(A) Treat a toll established in connection with the bridge as a toll that was established under  
21 ORS 383.004;

22 “(B) Apply the exemptions set forth in ORS 383.035 [(3)] (5); and

23 “(C) Adopt rules to establish a process by means of which the port, a private entity or a unit  
24 of government may request action from the department under this subsection.

25 “**SECTION 161.** ORS 383.015 is amended to read:

26 “383.015. (1) Tollway projects may be initiated by the Department of Transportation, by a unit  
27 of government having an interest in the installation of a tollway, or by a private entity interested  
28 in constructing or operating a tollway project. The department shall charge an administrative fee  
29 for reviewing and considering any tollway project proposed by a private entity, which the depart-  
30 ment shall establish by rule. All such administrative fees shall be deposited into the [*State Tollway*  
31 *Account*] **Toll Program Fund**.

32 “(2) The department shall adopt rules pursuant to which it will consider authorization of a  
33 tollway project. The rules shall require consideration of:

34 “(a) The opinions and interests of units of government encompassing or adjacent to the path of  
35 the proposed tollway project in having the tollway installed;

36 “(b) The probable impact of the proposed tollway project on local environmental, aesthetic and  
37 economic conditions and on the economy of the state in general;

38 “(c) The extent to which funding other than state funding is available for the proposed tollway  
39 project;

40 “(d) The likelihood that the estimated use of the tollway project will provide sufficient revenues  
41 to independently finance the costs related to the construction and future maintenance, repair and  
42 reconstruction of the tollway project, including the repayment of any loans to be made from moneys  
43 in the [*State Tollway Account*] **Toll Program Fund**;

44 “(e) With respect to tollway projects, any portion of which will be financed with state funds or  
45 department loans or grants:

1 “(A) The relative importance of the proposed tollway project compared to other proposed  
2 tollways; and

3 “(B) Traffic congestion and economic conditions in the communities that will be affected by  
4 competing tollway projects; and

5 “(f) The effects of tollway implementation on community and local street traffic.

6 “(3) Notwithstanding any other provision of ORS 383.001 to 383.075, no tollway project shall be  
7 authorized unless the department finds that either:

8 “(a) Based on the department’s estimate of present and future traffic patterns, the revenues  
9 generated by the tollway project will be sufficient, after payment of all obligations incurred in con-  
10 nection with the acquisition, construction and operation of such tollway project, to ensure the con-  
11 tinued maintenance, repair and reconstruction of the tollway project without the contribution of  
12 additional public funds; or

13 “(b) The revenues generated by the tollway project will be at least sufficient to pay its opera-  
14 tional expenses and a portion of the costs of its construction, maintenance, repair and recon-  
15 struction, and the importance of the tollway project to the welfare or economy of the state is great  
16 enough to justify the use of public funding for a portion of its construction, maintenance, repair and  
17 reconstruction.

18 “(4) If the department finds that a proposed tollway project qualifies for authorization under this  
19 section, the department may conduct or cause to be conducted any environmental, geological or  
20 other studies required by law as a condition of construction of the tollway project. The costs of  
21 completing the studies for any proposed tollway project may be paid from moneys in the [*State*  
22 *Tollway Account*] **Toll Program Fund** that are reimbursed from the permanent financing for the  
23 project.

24  
25 **“REPORT ON EQUITABLE INCOME-BASED TOLL RATES**

26  
27 **“SECTION 162. (1) As used in this section, ‘toll’ and ‘tollway’ have the meanings given**  
28 **those terms in ORS 383.003.**

29 **“(2) Before the Department of Transportation assesses a toll, the department shall im-**  
30 **plement a method for establishing equitable income-based toll rates to be paid by users of**  
31 **tollways.**

32 **“(3) At least 90 days before the date the Oregon Transportation Commission seeks ap-**  
33 **proval from the Federal Highway Administration to use the income-based toll rates developed**  
34 **under subsection (1) of this section, the department shall prepare and submit a report on the**  
35 **method developed to the Joint Committee on Transportation and the Oregon Transportation**  
36 **Commission. The department may also submit to the Joint Committee on Transportation any**  
37 **recommended legislative changes. The report shall be provided to the Joint Committee on**  
38 **Transportation, in the manner provided under ORS 192.245, on or before September 15, 2022.**

39 **“SECTION 163. Section 162 of this 2021 Act is repealed on January 2, 2023.**

40  
41 **“CAPTIONS**

42  
43 **“SECTION 164. The unit and section captions used in this 2021 Act are provided only for**  
44 **the convenience of the reader and do not become part of the statutory law of this state or**  
45 **express any legislative intent in the enactment of this 2021 Act.**

1  
2  
3 **“OPERATIVE DATES**

4 **“SECTION 165. (1) The amendments to ORS 803.525, 803.530, 810.180, 825.400 and 825.402**  
5 **by sections 18, 19, 81, 126 and 127 of this 2021 Act and the repeal of ORS 825.404 by section**  
6 **20 of this 2021 Act become operative on January 1, 2022.**

7 **“(2) Section 103 of this 2021 Act becomes operative on February 7, 2022.**

8 **“(3) Section 115 of this 2021 Act and the amendments to statutes by sections 104 to 106,**  
9 **113, 116 to 119 and 122 of this 2021 Act become operative on January 1, 2023.**

10 **“(4) The Department of Transportation may take any action before the operative dates**  
11 **specified in subsections (1) to (3) of this section that is necessary to enable the department**  
12 **to exercise, on and after the operative dates specified in subsections (1) to (3) of this section,**  
13 **all of the duties, functions and powers conferred on the department by sections 103 and 115**  
14 **of this 2021 Act, the amendments to statutes by sections 18, 19, 81, 104 to 106, 113, 116 to 119,**  
15 **122, 126 and 127 of this 2021 Act and the repeal of ORS 825.404 by section 20 of this 2021 Act.**

16 **“EFFECTIVE DATE**

17  
18 **“SECTION 166. This 2021 Act takes effect on the 91st day after the date on which the 2021**  
19 **regular session of the Eighty-first Legislative Assembly adjourns sine die.”**  
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