

LC 2448 Section-by-Section Summary

<u>Section</u>	<u>Requester</u>	<u>Effect</u>
1-7	ODOT (HB 4036-A)	<p>Clarifies language related to issuing, renewing, and invalidating cards, placards, and decals that expire on the recipient’s birthday eight years following year of issuance:</p> <ul style="list-style-type: none"> • Eliminates renewal of disabled parking permits by mail (section 1); • Specifies when an individual or “wheelchair user” placard is to be invalidated (such as being licensed in another state, being deceased, discovery that it was issued under fraudulent circumstances, or no longer qualifies (section 3)); • Clarifies information to be provided by applicant for disabled parking permit (section 4); • Specifies that an individual placard issued is valid for eight years from the date of issue, separate from renewal date of license or ID card, and may be renewed in manner determined by rule (section 5); • Specifies term and renewal process for “Wheelchair User” placards identical to that for individual placards (section 6); • Specifies term and renewal process for “Wounded Warrior” placards, identical to that for individual and Wheelchair User placards (section 7).
8	ODOT (HB 4036-A)	<p>Clarifies that surrendering title or application for salvage title does not apply if the person does not intend to rebuild or repair the vehicle, transfer the vehicle, or use the frame or unibody for repairing or constructing another vehicle (which is current law), or if the person rebuilds or repairs the vehicle and applies to title the vehicle with the designation of assembled, reconstructed, or replica (new provision).</p>
9	ODOT (HB 4036-A)	<p>Eliminates requirement that ODOT prescribe standards for sanitation facilities on railroad locomotives, and sanitation facilities and water quality on cabooses – this is part of a cleanup designed to remove outdated language (sanitation facilities) and requirements no longer relevant (cabooses, which are no longer in use) from railroad statutes.</p>
10	ODOT (HB 4036-A)	<p>Provides for use of weight identifier or valid user’s emblem for collection of tax on use fuels (such as propane or compressed natural gas) – this language was inadvertently amended out of the statute by an earlier bill related to weight receipts (House Bill 2592, 2019).</p>

11	ODOT (HB 4036-A)	Adds requirement that license plate number be recorded on fuel invoice in cases where no valid user’s emblem or temporary pass number is present – previous legislation deleted reference to license plates, but there are situations where a license plate may be the only valid identifier (this is another clarifying change following House Bill 2592, 2019).
12	ODOT (HB 4036-A)	Modifies offense of failure to comply with requirements for destruction of vehicle by removing terms “substantial alteration” and “substantially alter” and “substantially alters” – both this section and section 8 (salvage titles) are related to House Bill 2576 (2019) and meant to clarify those provisions.
13-14	ODOT (HB 4036-A)	<p>Provides explicit statutory authority for ODOT to continue to collect local fuels taxes on behalf of cities, counties, and local governments that impose a local fuels tax under ORS 319.950 – this has been common practice since 1977; however, a close review of the statute amended here showed that the statutory authority to conduct this collection may not be airtight, so this section makes the amendment explicit (section 13);</p> <p>Section 14 makes the explicit authorization to collect local fuel taxes retroactive to January 1, 1977.</p>
15	Jackson County Airport (HB 4036-A)	Adds county-owned airports to definition of “visitor venue” to make them exempt from provisions providing preferences for persons who are blind with regard to operating vending facilities. This is a provision that already applied to commercial airports owned by cities and port districts, but not to the Rogue Valley International-Medford Airport, which is the state’s only commercial airport owned and operated by a county (Jackson County) – it is thus considered a technical clarification to align that airport with other commercial airports in the state.
16	Sen. Gelser (HB 4036-A)	Requires drivers to pay extra attention to message provided by flashing yellow beacon and follow requirements of the other traffic control device which might otherwise not be applicable at all times – this is an enhancement to ORS 811.260 requested to address an issue with a particular interchange that had difficulty with the flashing yellow signal and had used additional signage to clarify how drivers are to proceed at the intersection – the additional language specifies that drivers are to also obey the additional traffic signs.

17	Port of Portland (HB 4036-A)	Adds passenger terminals of commercial service airports to list of facilities where open carry of weapons, including firearms, is prohibited – the provision applies to two airports – Portland International Airport and Southwest Oregon Regional Airport in North Bend. There was no known opposition to this provision during the 2020 Session.
18-20	Oregon Trucking Associations (HB 4036-A)	<p>Amends provisions related to motor carrier mandatory training programs in Oregon:</p> <ul style="list-style-type: none"> • Requires motor carriers participating in mandatory education program to attend at least eight hours of classroom instruction, which may include a webinar option (section 18); • Specifies ODOT may appoint agents to carry out the program in accordance with rules prescribed by ODO; specifies ODOT may charge a \$2 service fee (section 19); • Increases maximum allowable fee ODOT may charge to defray costs for program from \$60 to \$200 (section 20).
21-23	Sen. Beyer & NW Natural (HB 4036-A)	<p>Allows electric company or natural gas utility to recover costs from consumers for expenses of infrastructure to support adoption of alternative forms of transportation vehicles if certain conditions are met:</p> <ul style="list-style-type: none"> • Defines “infrastructure measures” for support of transportation electrification, which do not include education and outreach; allows electric companies to recover costs from retail electricity consumers for prudent infrastructure measures to support transportation electrification if they: support reductions in GHG from transportation sector; benefit the electric company’s customers through transmission/distribution, revenue, system efficiencies, or increased customer choice; requires allowing customer choice in selection of type of vehicle charging station to be installed; clarifies that cost recovery is from retail electricity customers in manner determined by Public Utility Commission (section 21); • Allows natural gas utilities to recover costs from investments related to infrastructure to support alternative fuel vehicles; specifies investments considered eligible for program, including those related to natural gas or hydrogen (section 23). <p>Over42-8</p>

24	ODOT (HB 4036-A)	Extends, from April 1 of each odd-numbered year to June 1 of each odd-numbered year, the reporting date for describing and reporting the condition of transportation infrastructure – this is a technical fix to better align the required report with other reports that are prepared and delivered by the Oregon Department of Transportation.
25	ODOT (HB 4036-A)	Eliminates outdated term “icing from statutes regulating railroads. in the 19 th century, a ‘reefer’ refrigerated boxcar would use ice in compartments to keep temperatures in the car low enough to avoid spoilage on long trips and in warm weather; today, refrigeration is used to maintain cold temperatures, and so the term “icing” is finally being phased out as an anachronism.
26	ODOT (HB 4036-A)	Replaces term “stop and detain” with “inspect” to replace provisions related to oversight by railroad inspectors, to reflect changes in statute pre-empted by federal law – the updated terminology more accurately reflects current language used in the industry.
27-29	ODOT (HB 4036-A)	<p>Makes additional modifications related to railroads:</p> <ul style="list-style-type: none"> • Eliminates the requirement that locomotive engines <i>and cabooses</i> be equipped with fire extinguishers; specifies that fire extinguishers may be foam, dry chemical, or carbon dioxide; specifies minimum capacity, placement, and maintenance requirements for fire extinguishers on locomotives; and allows for limited-time exemption from updated fire extinguisher requirements (section 27); • Eliminates reference to October 1977 effective date for requirement that trains exceeding 2,000 feet in length and carrying hazardous materials be equipped with radio handsets (section 28); • Updates reference in violations section to the aforementioned fire extinguisher requirement updates (section 29).
30-31	ODOT (HB 4036-A)	<p>Aligns statutory odometer check requirement with federal law:</p> <ul style="list-style-type: none"> • by limiting requirement to qualified vehicles at least 20 years old; specifies that ODOT may exempt vehicles from odometer disclosure requirements by rule in accordance with federal laws, rules and regulations (section 30); • Specifies that updated odometer requirements become operative January 1, 2022 (section 31).

32	ODOT (HB 4036-A)	Exempts park model recreational vehicles under ORS 803.035, thereby exempting their owners from VIN inspections during title transactions – this is consistent with past practice when DMV used to title park model vehicles under the definition of “manufactured structures.”
33	Sen. Boquist (HB 4036-A)	Allows ODOT to waive test or demonstration requirements for applicants for Class C driver licenses that currently hold a valid, out-of-state driver license to operate motor vehicles and for completion of motorcycle rider education courses for applicants for motorcycle endorsement.
34-35	Staff (HB 4036-A)	<p>Clarification of definition of “bicycle” for purposes of bicycle excise tax imposed by HB 2017 (2017):</p> <ul style="list-style-type: none"> • Adds “for the transportation of humans” to definition of vehicle designed to be operated on the ground on wheels and propelled exclusively by human power (section 34); • Applies definition to bicycles sold before, on, or after the effective date of measure (section 35).
36-38, 41	Rep. McKeown, Rep. McLain (HB 4036-A)	<p>Modifications to aviation fuel taxes and grant programs:</p> <ul style="list-style-type: none"> • Eliminates sunset on temporary two-cent increases in jet fuel and aviation fuel taxes enacted with House Bill 2075 (2015) and that is currently scheduled to sunset January 2, 2022 (section 36, 37); • Clarifies effective date of permanent increase of aircraft fuel tax to 11 cents and jet fuel tax to three cents is January 1, 2022 (section 38); • Modifies grant programs administered by Oregon Department of Aviation by increasing from 50 percent to 75 percent the allocation to assist airports with match requirement for FAA Airport Improvement Program, by eliminating prioritizations among allowable uses, and by adding assisting rural commercial air service as an allowable use; directs Board of Aviation to establish priorities by rule; requires Board to submit reports on projects selected to Joint Committee on Transportation (section 39); • Applies modifications to grant program to applications submitted on or after measure’s effective date (section 40); • Deletes repeal provision from House Bill 2075 (2015) (section 41).

42	ODOT (new)	Exempts applicants from motorcycle rider education course requirements for persons temporarily residing outside the state, domiciled in or is a resident, and who completes a motorcycle rider education course outside the state that is approved by ODOT by rule.
43	ODOT (new)	Modifies offense of failure to use vehicle traction tires or chains and fine for offense by modifying the fine from a Class C traffic violation to a specific presumptive fine of \$880
44-45	ODOT (new)	<p>Short line railroad tax credit for short line railroads:</p> <ul style="list-style-type: none"> • Specifies that qualifying infrastructure includes tracks, switches, sidings, roadbeds, railroad bridges and industrial leads owned <i>or leased by</i> a short line railroad (section 44); • Applies previous section to tax years beginning January 1, 2020 and ending January 1, 2026 (section 45).
46-47	ODOT (new)	<p>Expands ODOT’s Emerging Small Business Program contracting limit:</p> <ul style="list-style-type: none"> • Allows activation of ESB competition limit for public contracting by ordinance, resolution, <i>or other appropriate legislative action</i>; increases maximum price of project from \$100,000 to \$250,000 (section 46); • Clarifies language allowing award of contract to other than lowest competitive bid if awarded to ESB and funded by moneys from ESB Account (section 47);
48, 50-51	ODOT (new)	<p>Alternate delivery method other than low-bid under certain circumstances:</p> <ul style="list-style-type: none"> • Clarifies language allowing award to award for procurement of services, including preconstruction and construction services; defines “responsible authority” for reviewing application by contracting authority for exception; outlines criteria for approving exception (best interest of contracting agency, unlikely to encourage favoritism or diminish competition, expected to result in cost savings, otherwise promotes public interest); requires written findings and justifications for approval or disapproval; specifies responsible authority’s decision is final; requires additional approval of Attorney General for award to entity otherwise prohibited by other provisions of section after additional determinations (no unwarranted advantage or compensation, no irreconcilable conflict of interest between contractor and contracting agency) (section 48);

		<ul style="list-style-type: none"> • Applies to contracts that contracting agency advertises or solicits or to contracts into which the agency enters on or after the effective date of Act (section 50); • Authorizes Attorney General, DAS, ODOT, and contracting agencies to adopt rules necessary to undertake and exercise powers and duties under sections (section 51).
49	ODOT (new)	Specifies that contracting agencies awarding contracts of price \$250,000 or less with funds from ESB Account shall still solicit competitive quotes as required by ORS 279C.414. makes state agency public hearings optional before granting exceptions but requires notice be published in at least one trade newspaper at least 14 days before approval or disapproval of exemption.
52-71	ODOT (new)	<p>General revision of statutes related to tolling programs:</p> <ul style="list-style-type: none"> • Modifies definition of “electronic toll collection system” to specify it does not require vehicle to stop to pay the toll and that uses transponders and license plate capture cameras to aid in toll collection; defines “tollway project revenue bonds” (section 52); • Replaces terms “toll plazas or toll collection devices” with “toll booths or electronic toll collection systems; adds all expenses and obligations related to indebtedness incurred for tollway construction in toll rate setting and approval (section 53); • Changes name of “State Tollway Account” to “Toll Program Fund” and associates Fund with General Fund rather than State Highway Fund; adds sources of fund to include fees paid to ODOT for information, moneys appropriated to the Fund by Legislative Assembly, and moneys received from federal sources (excluding Highway User Tax Bonds that finance projects other than toll projects); specifies that moneys transferred from State Highway Fund or derived from revenues subject to State Highway Fund, are subject to constitutional limitations under Article IX, section 3a (section 54); • Specifies Toll Program Fund is continuation of State Tollway Account (section 55); • Repeals ORS 383.155 – Congestion Relief Fund (section 56); • Abolishes Congestion Relief Fund and transfers all moneys remaining therein to Toll Program Fund (section 57); • Modifies language requiring interoperability with technology in other states (section 58);

		<ul style="list-style-type: none">• Deletes provisions related to contracting for tollway projects (section 59);• Requires persons to pay applicable tolls; deletes \$25 civil penalty and replaces with rulemaking to adopt amount of civil penalty for violation, including allowance for reducing or remitting civil penalty; eliminates government exception from tolls; clarifies manner for imposing civil penalties (section 60);• Specifies recorded image collected for toll system shall capture only images of vehicle and license plate (section 61);• Allows disclosure of information collected by toll collection system to collection agencies, payment processors, and state agencies, boards, and commissions, or as requested for use in legal proceedings related to use of the tollway; allows ODOT to charge fee for providing such information and to adopt rules specifying conditions for information disclosure (section 62);• Makes traffic congestion relief program part of general tollway provisions (section 63);• Deletes requirement to seek FHWA approval to implement pricing program; replaces term “value pricing” with “tolling” (section 64);• Authorizes State Treasurer to issue tollway project revenue bonds to finance tollway projects, payable solely by revenues derived from sections 66 and 69; prescribes use of bond proceeds; allows issuance of taxable or tax-exempt bonds; allows covenants related to issuance and use of moneys; clarifies that bond holders may not compel payment of federal transportation funds to ODOT (section 65);• Specifies sources of funds that may be used to secure revenue bonds for tollway projects; specifies that moneys deposited in Toll Program Fund shall be applied first to principal and interest on tollway project revenue bonds (section 66);• Specifies use of federal transportation funds for payment of cost of tollway projects and reimbursement to ODOT for moneys previously spent on tollway projects (section 67);• Requires revenue declaration of indenture prior to issuing tollway project revenue bonds (section 68);• Allows ODOT to establish one or more separate reserve accounts within Toll Program Fund (section 69);• Bond form, issuance, maturity (section 70);• Section repeals (section 71).
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72-80	ODOT (new)	<p>General revision of statutes related to financing for tollway projects:</p> <ul style="list-style-type: none"> • Adds paper dealers to entities that may be due amounts in bond debt service (section 72); • Allows bond issuance to defray costs of portions of tollway project that constitute building or maintaining permanent roads (section 73); • Specifies all moneys obtained from sale of General Obligation Bonds be credited to either State Highway Fund or Toll Program Fund (section 74); • Limits State Treasurer to issuing additional bonds <i>unddr this section</i> if sufficient moneys may be pledged to pay annual bond debt service for all outstanding bonds issued under this section as well as for the additional bonds (section 75).
76-80	ODOT (new)	Conforming amendments related to tolling.
81	City of Portland (HB 4103-A)	Authorizes ODOT to delegate authority to Multnomah County, Lane County, or a city with jurisdiction over a highway to establish different speed limits for those highways upon determination that the entity will exercise the authority according to the criteria adopted by the Department. Specifies that designated speed established becomes effective 30 days after city or county provides written notice to ODOT of the modification.
82-84	Staff	Conforming amendments, repeals (related to sections above).
85-86	Staff	Operative and effective dates.