

# Enrolled Senate Bill 1558

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Joint Committee on Transportation)

CHAPTER .....

## AN ACT

Relating to transportation; creating new provisions; amending ORS 320.435 and 815.140; repealing ORS 802.093; and prescribing an effective date.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 815.140 is amended to read:

815.140. (1) A person commits the offense of failure to use vehicle traction tires or chains if the person drives or moves or owns and causes or knowingly permits to be driven or moved any motor vehicle or trailer on any highway if the highway is posted showing conditions that require vehicle traction tires or chains and the vehicle is not equipped with vehicle traction tires or chains that are required for the posted conditions.

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

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

(4) This section only applies to sections of highway on which a road authority requires the use of traction tires or chains and on which signs requiring the use of traction tires or chains have been posted as provided in ORS 815.045.

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

*[(6) The offense described in this section, failure to use vehicle traction tires or chains, is a specific fine traffic violation. The presumptive fine for failure to use vehicle traction tires or chains is \$880.]*

**(6) Except as provided in subsection (7) of this section, the offense described in this section, failure to use vehicle traction tires or chains, is a Class C traffic violation.**

**(7) Failure to use vehicle traction tires or chains is a specific fine traffic violation if the person was operating a motor vehicle registered under ORS chapter 826 at the time of the offense. The presumptive fine for failure to use vehicle traction tires or chains is \$880.**

**SECTION 2.** The amendments to ORS 815.140 by section 1 of this 2022 Act apply to offenses committed on or after the effective date of this 2022 Act.

**SECTION 3.** ORS 802.093 is repealed.

**SECTION 4.** The repeal of ORS 802.093 by section 3 of this 2022 Act applies to citations issued on or after the operative date specified in section 6 of this 2022 Act.

**SECTION 5.** ORS 320.435 is amended to read:

320.435. (1) The Department of Revenue shall deposit all revenue collected from the privilege tax imposed under ORS 320.405 and the use tax imposed under ORS 320.410 in a suspense account established under ORS 293.445 for the purpose of receiving the revenue. The department may pay expenses for the administration and enforcement of the privilege and use taxes out of moneys received from the privilege and use taxes. Amounts necessary to pay administrative and enforcement expenses are continuously appropriated to the department from the suspense account.

(2) After payment of administrative and enforcement expenses under subsection (1) of this section and refunds or credits arising from erroneous overpayments, the department shall transfer the balance of the moneys received from the privilege and use taxes as follows:

(a) Moneys attributable to the privilege tax shall be transferred as follows:

(A) **The greater of \$12 million or 45 percent of the gross amount of the moneys received from the privilege tax** shall be transferred annually to the Zero-Emission Incentive Fund established under ORS 468.449.

(B) After the transfer required under subparagraph (A) of this paragraph, the balance of the moneys shall be transferred to the Connect Oregon Fund established under ORS 367.080.

(b) Moneys attributable to the use tax shall be transferred to the State Highway Fund.

**SECTION 6. The amendments to ORS 320.435 by section 5 of this 2022 Act and the repeal of ORS 802.093 by section 3 of this 2022 Act, become operative on January 1, 2023.**

**SECTION 7. This 2022 Act takes effect on the 91st day after the date on which the 2022 regular session of the Eighty-first Legislative Assembly adjourns sine die.**

Passed by Senate February 21, 2022

.....  
Lori L. Bocker, Secretary of Senate

.....  
Peter Courtney, President of Senate

Passed by House February 23, 2022

.....  
Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2022

Approved:

.....M.,....., 2022

.....  
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2022

.....  
Shemia Fagan, Secretary of State