

# House Bill 3495

Sponsored by Representative CHAICHI

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Exempts electric vehicles from motor vehicle privilege and use taxes.  
Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to the taxation of electric vehicles; creating new provisions; amending ORS 320.400; and  
3 prescribing an effective date.

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

5 **SECTION 1.** ORS 320.400 is amended to read:

6 320.400. As used in ORS 320.400 to 320.490 and 803.203:

7 (1)(a) "Bicycle" means:

8 (A) A vehicle that is designed to be operated on the ground on wheels for the transportation  
9 of humans and is propelled exclusively by human power; or

10 (B) An electric assisted bicycle as defined in ORS 801.258.

11 (b) "Bicycle" does not include:

12 (A) Carts;

13 (B) Durable medical equipment;

14 (C) In-line skates;

15 (D) Roller skates;

16 (E) Skateboards;

17 (F) Stand-up scooters;

18 (G) Strollers designed for the transportation of children;

19 (H) Trailer cycles or other bicycle attachments; or

20 (I) Wagons.

21 (2)(a) "Retail sales price" means the total price paid at retail for a taxable vehicle, exclusive  
22 of the amount of any excise, privilege or use tax, to a seller by a purchaser of the taxable vehicle.

23 (b) "Retail sales price" does not include the retail value of:

24 (A) Modifications to a taxable vehicle that are necessary for a person with a disability to enter  
25 or drive or to otherwise operate or use the vehicle.

26 (B) Customized industrial modifications to the chassis of a truck that has a gross vehicle weight  
27 rating of at least 10,000 pounds and not more than 26,000 pounds.

28 (3) "Seller" means:

29 (a) With respect to the privilege tax imposed under ORS 320.405 and the use tax imposed under  
30 ORS 320.410, a vehicle dealer.

31 (b) With respect to the excise tax imposed under ORS 320.415, a person engaged in whole or in

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 part in the business of selling bicycles.

2 (4) "Taxable bicycle" means a new bicycle that has a retail sales price of \$200 or more.

3 (5) "Taxable motor vehicle" means a vehicle **other than an electric motor vehicle** that:

4 (a) Has a gross vehicle weight rating of 26,000 pounds or less;

5 (b)(A) If equipped with an odometer, has 7,500 miles or less on the odometer; or

6 (B) If not equipped with an odometer, has a manufacturer's certificate of origin or a  
7 manufacturer's statement of origin; and

8 (c) Is:

9 (A) A vehicle as defined in ORS 744.850, other than an all-terrain vehicle or a trailer;

10 (B) A camper as defined in ORS 801.180;

11 (C) A commercial bus as defined in ORS 801.200;

12 (D) A commercial motor vehicle as defined in ORS 801.208;

13 (E) A commercial vehicle as defined in ORS 801.210;

14 (F) A fixed load vehicle as defined in ORS 801.285;

15 (G) A moped as defined in ORS 801.345;

16 (H) A motor home as defined in ORS 801.350;

17 (I) A motor truck as defined in ORS 801.355;

18 (J) A tank vehicle as defined in ORS 801.522;

19 (K) A trailer as defined in ORS 801.560 that is required to be registered in this state;

20 (L) A truck tractor as defined in ORS 801.575; or

21 (M) A worker transport bus as defined in ORS 801.610.

22 (6) "Taxable vehicle" means a taxable bicycle or a taxable motor vehicle.

23 (7) "Transportation project taxes" means the privilege tax imposed under ORS 320.405, the use  
24 tax imposed under ORS 320.410 and the excise tax imposed under ORS 320.415.

25 (8)(a) "Vehicle dealer" means:

26 (A) A person engaged in business in this state that is required to obtain a vehicle dealer cer-  
27 tificate under ORS 822.005; and

28 (B) A person engaged in business in another state that would be subject to ORS 822.005 if the  
29 person engaged in business in this state.

30 (b) Notwithstanding paragraph (a) of this subsection, a person is not a vehicle dealer for pur-  
31 poses of ORS 320.400 to 320.490 and 803.203 to the extent the person:

32 (A) Conducts an event that lasts less than seven consecutive days, for which the public is  
33 charged admission and at which otherwise taxable motor vehicles are sold at auction; or

34 (B) Sells an otherwise taxable motor vehicle at auction at an event described in this paragraph.

35 **SECTION 2. The amendments to ORS 320.400 by section 1 of this 2023 Act apply to sales**  
36 **of taxable motor vehicles that occur on or after the effective date of this 2023 Act.**

37 **SECTION 3. This 2023 Act takes effect on the 91st day after the date on which the 2023**  
38 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

39