

Requested by Representative BOSHART DAVIS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4165**

1 In line 3 of the printed bill, after “responsibility;” delete the rest of the  
2 line and insert “; creating new provisions; amending ORS 319.010, 319.550,  
3 319.690, 366.507, 366.508, 366.739, 366.744, 366.752, 367.095, 367.173, 367.605,  
4 367.621, 376.390, 802.500, 802.520, 810.530, 818.225, 822.040, 822.213, 823.012,  
5 825.005, 825.007, 825.020, 825.022, 825.137, 825.139, 825.232, 825.354, 825.400,  
6 825.450, 825.475, 825.500, 825.504, 825.515, 825.517, 826.005, 826.007 and 826.031  
7 and section 5, chapter 865, Oregon Laws 2009, and section 18, chapter 30,  
8 Oregon Laws 2010; repealing ORS 825.212, 825.470, 825.472, 825.474, 825.476,  
9 825.480, 825.482, 825.484, 825.486, 825.488, 825.490, 825.492, 825.494, 825.496,  
10 825.502, 825.506, 825.507 and 825.550; prescribing an effective date; and pro-  
11 viding for revenue raising that requires approval by a three-fifths  
12 majority.”.

13 Delete lines 4 through 11 and insert:  
14

15 **“REPEAL OF WEIGHT-MILE TAX AND FLAT FEES**  
16

17 **“SECTION 1. ORS 825.212, 825.470, 825.472, 825.474, 825.476, 825.480,**  
18 **825.482, 825.484, 825.486, 825.488, 825.490, 825.492, 825.494, 825.496, 825.502,**  
19 **825.506, 825.507 and 825.550 are repealed.**

20 **“SECTION 2. Notwithstanding the repeal of ORS 825.490, 825.494 and**  
21 **825.496 by section 1 of this 2024 Act, the Department of Transportation**

1 may follow the provisions of ORS 825.490, 825.494 and 825.496, as those  
2 statutes were in effect on the day before the operative date specified  
3 in section 55 of this 2024 Act, for the purposes of auditing carriers and  
4 collecting taxes, interest, penalties and other liabilities due to the de-  
5 partment that have accrued prior to the operative date specified in  
6 section 55 of this 2024 Act.

7 **“SECTION 2a. Section 2 of this 2024 Act is repealed on January 2,**  
8 **2027.**

9

10 **“WEIGHMASTER AND MOTOR CARRIER ENFORCEMENT**

11

12 **“SECTION 3.** ORS 810.530 is amended to read:

13 “810.530. (1) A weighmaster or motor carrier enforcement officer in whose  
14 presence an offense described in this subsection is committed may arrest or  
15 issue a citation for the offense in the same manner as under ORS 810.410 as  
16 if the weighmaster or motor carrier enforcement officer were a police officer.  
17 This subsection applies to the following offenses:

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

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

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

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

23 “(e) Exceeding maximum number of vehicles in combination under ORS  
24 818.110.

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

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

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

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

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

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

1       “(L) Operation without pneumatic tires under ORS 815.170.  
2       “(m) Operation in violation of vehicle variance permit under ORS 818.340.  
3       “(n) Failure to carry and display permit under ORS 818.350.  
4       “(o) Failure to comply with commercial vehicle enforcement requirements  
5 under ORS 818.400.  
6       “(p) Violation of any provision of ORS chapter 825.  
7       “(q) Operation without proper fenders or mudguards under ORS 815.185.  
8       “(r) Operating a vehicle without driving privileges in violation of ORS  
9 807.010 if the person is operating a commercial motor vehicle and the person  
10 does not have commercial driving privileges.  
11       “(s) Violation driving while suspended or revoked in violation of ORS  
12 811.175 if the person is operating a commercial motor vehicle while the  
13 person’s commercial driving privileges are suspended or revoked.  
14       “(t) Failure to use vehicle traction tires or chains in violation of ORS  
15 815.140 if the person is operating a motor vehicle subject to ORS chapter 825  
16 or 826.  
17       “(u) Failure to carry vehicle traction tires or chains in violation of ORS  
18 815.142 if the person is operating a motor vehicle subject to ORS chapter 825  
19 or 826.  
20       “(v) Illegally altering or displaying registration plate in violation of ORS  
21 803.550.  
22       “(2) A weighmaster or motor carrier enforcement officer in whose pres-  
23 ence an offense described in this subsection is committed by a person oper-  
24 ating a commercial motor vehicle may issue a citation for the offense. A  
25 weighmaster or motor carrier enforcement officer who finds evidence that  
26 an offense described in this subsection has been committed by a person op-  
27 erating a commercial motor vehicle or by a motor carrier for which the  
28 person is acting as an agent may issue a citation for the offense. A  
29 weighmaster or motor carrier enforcement officer issuing a citation under  
30 this subsection has the authority granted a police officer issuing a citation

1 under ORS 810.410. A citation issued under this subsection to the operator  
2 of a commercial motor vehicle shall be considered to have been issued to the  
3 motor carrier that owns the commercial motor vehicle if the operator is not  
4 the owner. This subsection applies to the following offenses, all of which are  
5 Class A traffic violations under ORS 825.990 (1):

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

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

10 “(c) Refusing or failing to file the annual report as required by ORS  
11 825.320.

12 “(d) Refusing or failing to maintain records required by the department  
13 or to produce such records for examination as required by the department.

14 “(e) Failing to appear for a hearing after notice that the carrier’s certifi-  
15 cate or permit is under investigation.

16 “(f) Filing with the department an application that is false with regard  
17 to the ownership, possession or control of the equipment being used or the  
18 operation being conducted.

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

21 “[*h*] *Refusing or failing to file a deposit or bond as required under ORS*  
22 *825.506.*]

23 “[*i*] **(h)** Failing to comply with the applicable requirements for attend-  
24 ance at a motor carrier education program as required by ORS 825.402.

25 “(3) A weighmaster or motor carrier enforcement officer who finds evi-  
26 dence that a person operating a commercial motor vehicle has committed the  
27 [*offense of failure to pay the appropriate registration fee under ORS 803.315*]  
28 **following offenses** may issue a citation for the offense in the same manner  
29 as under ORS 810.410 as if the weighmaster or motor carrier enforcement  
30 officer were a police officer[.]:

- 1       **“(a) Failure to register a vehicle under ORS 803.300.**
- 2       **“(b) Failure to pay the appropriate registration fee under ORS**  
3 **803.315.**
- 4       **“(c) Failure to submit a declaration of weight under ORS 803.440.**
- 5       **“(d) Failure to renew vehicle registration under ORS 803.455.**
- 6       **“(e) Failure to carry a registration card under ORS 803.505.**
- 7       **“(f) Failure to display registration plates under ORS 803.540.**
- 8       **“(g) Improper display of validating stickers under ORS 803.560.**
- 9       **“(h) Failure to comply with the requirements of an international**  
10 **fuel tax agreement under section 5 of this 2024 Act.**

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

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

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

18       “(6) A weighmaster or motor carrier enforcement officer may accept se-  
19 curity in the same manner as a police officer under ORS 810.440 and 810.450  
20 and may take as security for the offenses, in addition to other security per-  
21 mitted under this section, the sum fixed as the presumptive fine for the of-  
22 fense.

23       “(7) A weighmaster or motor carrier enforcement officer may arrest a  
24 person for the offense of failure to appear in a violation proceeding under  
25 ORS 153.992 if the violation is based upon a citation for any offense de-  
26 scribed in subsection (1) or (3) of this section except those described in sub-  
27 section (1)(p) of this section.

28       “(8) A weighmaster or motor carrier enforcement officer may exercise the  
29 same authority as a police officer under ORS 810.490 to enforce vehicle re-  
30 quirements and detain vehicles. A person who fails to comply with the au-

1 thority of a weighmaster or motor carrier enforcement officer under this  
2 subsection is subject to penalty under ORS 818.400.

3 **“SECTION 4. Section 5 of this 2024 Act is added to and made a part**  
4 **of the Oregon Vehicle Code.**

5 **“SECTION 5. (1) A person commits the offense of failure to comply**  
6 **with the requirements of an international fuel tax agreement if the**  
7 **person is required to comply with the requirements of an international**  
8 **fuel tax agreement entered into under ORS 825.555 or any rule adopted**  
9 **by the Department of Transportation under ORS 825.555, and the per-**  
10 **son fails to comply.**

11 **“(2) The offense described under this section, failure to comply with**  
12 **the requirements of an international fuel tax agreement, is a Class D**  
13 **traffic violation.**

14

15

#### **“MOTOR VEHICLE FUEL TAXES**

16

17 **“SECTION 6. ORS 319.010 is amended to read:**

18 **“319.010. As used in ORS 319.010 to 319.430, unless the context requires**  
19 **otherwise:**

20 **“(1) ‘Aircraft’ means every contrivance now known, or hereafter invented,**  
21 **used or designed for navigation of or flight in the air, operated or propelled**  
22 **by the use of aircraft fuel.**

23 **“(2) ‘Aircraft fuel’ means any gasoline and any other inflammable or**  
24 **combustible gas or liquid by whatever name such gasoline, gas or liquid is**  
25 **known or sold, usable as fuel for the operation of aircraft, except gas or**  
26 **liquid, the chief use of which, as determined by the Department of Trans-**  
27 **portation is for purposes other than the propulsion of aircraft.**

28 **“(3) ‘Airport’ means any area of land or water, except a restricted landing**  
29 **area, which is designed for the landing and takeoff of aircraft.**

30 **“(4) ‘Broker’ means and includes every person other than a dealer engaged**

1 in business as a broker, jobber or wholesale merchant dealing in motor ve-  
2 hicle fuel or aircraft fuel.

3 “(5) ‘Bulk transfer’ means any change in ownership of motor vehicle fuel  
4 or aircraft fuel contained in a terminal storage facility or any physical  
5 movement of motor vehicle fuel or aircraft fuel between terminal storage  
6 facilities by pipeline or marine transport.

7 “(6) ‘Dealer’ means any person who:

8 “(a) Imports or causes to be imported motor vehicle fuels or aircraft fuels  
9 for sale, use or distribution in, and after the same reaches the State of  
10 Oregon, but ‘dealer’ does not include any person who imports into this state  
11 motor vehicle fuel in quantities of 500 gallons or less purchased from a  
12 supplier who is licensed as a dealer under ORS 319.010 to 319.430 and who  
13 assumes liability for the payment of the applicable license tax to this state;

14 “(b) Produces, refines, manufactures or compounds motor vehicle fuels or  
15 aircraft fuels in the State of Oregon for use, distribution or sale in this state;

16 “(c) Acquires in this state for sale, use or distribution in this state motor  
17 vehicle fuels or aircraft fuels with respect to which there has been no license  
18 tax previously incurred; or

19 “(d) Acquires title to or possession of motor vehicle fuels or aircraft fuels  
20 in this state and exports the product out of this state.

21 “(7) ‘Department’ means the Department of Transportation.

22 “(8) ‘Distribution’ means, in addition to its ordinary meaning, the delivery  
23 of motor vehicle fuel or aircraft fuel by a dealer to any service station or  
24 into any tank, storage facility or series of tanks or storage facilities con-  
25 nected by pipelines, from which motor vehicle fuel or aircraft fuel is with-  
26 drawn directly for sale or for delivery into the fuel tanks of motor vehicles  
27 whether or not the service station, tank or storage facility is owned, oper-  
28 ated or controlled by the dealer.

29 “(9) ‘First sale, use or distribution of motor vehicle fuel or aircraft fuel’  
30 means the first withdrawal, other than by bulk transfer, of motor vehicle fuel

1 or aircraft fuel from terminal storage facilities for sale, use or distribution.  
2 ‘First sale, use or distribution of motor vehicle fuel or aircraft fuel’ also  
3 means the first sale, use or distribution of motor vehicle fuel or aircraft fuel  
4 after import into this state if the motor vehicle fuel or aircraft fuel is de-  
5 livered other than to the terminal storage facilities of a licensed dealer.

6 “(10) ‘Highway’ means every way, thoroughfare and place, of whatever  
7 nature, open for use of the public for the purpose of vehicular travel.

8 “(11) ‘Motor vehicle’ means all vehicles, engines or machines, movable or  
9 immovable, operated or propelled by the use of motor vehicle fuel.

10 “(12)(a) ‘Motor vehicle fuel’ means [*and includes*] gasoline, **diesel** and  
11 any other inflammable or combustible gas or liquid, by whatever name [*such*  
12 *gasoline, gas or liquid is*] known or sold, usable as fuel for the operation of  
13 motor vehicles, except gas or liquid[,] the chief use of which, as determined  
14 by the department, is for purposes other than the propulsion of motor vehi-  
15 cles upon the highways of this state.

16 “(b) **‘Motor vehicle fuel’ does not mean dyed diesel fuel used on**  
17 **public highways if the dyed diesel fuel is exempt from taxation under**  
18 **federal or state law.**

19 “(13) ‘Person’ includes every natural person, association, firm, partner-  
20 ship, corporation or the United States.

21 “(14) ‘Restricted landing area’ means any area of land or water, or both,  
22 which is used or made available for the landing and takeoff of aircraft, the  
23 use of which, except in case of emergency, is provided from time to time by  
24 the department.

25 “(15) ‘Service station’ means [*and includes*] any place operated for the  
26 purpose of retailing and delivering motor vehicle fuel into the fuel tanks of  
27 motor vehicles or aircraft fuel into the fuel tanks of aircraft.

28 “(16) ‘Terminal storage facility’ means any fuel storage facility that has  
29 marine or pipeline access.

30 **SECTION 7. (1) Before operating a motor vehicle on the public**



1 **highways of this state for commercial purposes, an out-of-state user**  
2 **of motor vehicle fuel as defined in ORS 319.010 that is not registered**  
3 **under an international fuel tax agreement shall obtain a valid fuel**  
4 **permit from the Department of Transportation in accordance with this**  
5 **section.**

6 **“(2)(a) A fuel permit becomes valid only after the following fees and**  
7 **excise tax have been paid, for each fuel permit issued:**

8 **“(A) A filing fee of \$1;**

9 **“(B) An administrative fee of \$10; and**

10 **“(C) An excise tax of \$15.**

11 **“(b) The fees and excise tax are in lieu of any motor vehicle fuel**  
12 **tax that would otherwise be assessable against the out-of-state user**  
13 **for importing and using motor vehicle fuel on the public highways of**  
14 **this state.**

15 **“(c) No report of mileage shall be required for the motor vehicle to**  
16 **which the fuel permit relates.**

17 **“(3) A fuel permit issued under this section is valid:**

18 **“(a) For three consecutive days beginning and ending on the dates**  
19 **specified on the face of the fuel permit, unless invalidated sooner; and**

20 **“(b) Only for the motor vehicle for which the fuel permit was is-**  
21 **sued.**

22 **“(4) Fees and excise taxes collected by the department for fuel per-**  
23 **mits under this section shall be credited and deposited in the same**  
24 **manner as the motor vehicle fuel taxes collected under ORS 319.010 to**  
25 **319.430 and are not subject to exchange, refund or credit.**

26 **“(5) The department shall adopt rules necessary to administer the**  
27 **provisions of this section.**

28 **“SECTION 8. Section 9 of this 2024 Act is added to and made a part**  
29 **of ORS 295.001 to 295.108.**

30 **“SECTION 9. (1) This section applies to the following moneys:**

1       **“(a) Motor fuel taxes, penalties and interest that are:**  
2       **“(A) Imposed on motor carriers; and**  
3       **“(B) Payable through a clearinghouse operated under an interna-**  
4 **tional fuel tax agreement entered into under ORS 825.555; and**  
5       **“(b) Registration fees and other fixed fees and taxes that are:**  
6       **“(A) Imposed on motor carriers for motor vehicles proportionally**  
7 **registered in this state and other jurisdictions;**  
8       **“(B) Apportioned to this state; and**  
9       **“(C) Payable through a clearinghouse operated under an agreement**  
10 **for proportional registration entered into under ORS 826.007.**  
11       **“(2) Moneys described in subsection (1) of this section are not public**  
12 **funds for purposes of ORS 295.001 to 295.108 for the period during which**  
13 **the moneys are held by a clearinghouse described in subsection (1) of**  
14 **this section pending disbursement to, or payment on behalf of, this**  
15 **state.**  
16       **“SECTION 10. (1) As used in this section and section 11 of this 2024**  
17 **Act:**  
18       **“(a) ‘Former motor carrier revenue law’ means Oregon law, as in**  
19 **effect and operative on December 31, 2024, governing the amount of**  
20 **weight-mile taxes, fuel taxes, registration fees, permit fees and any**  
21 **other charges imposed on motor carriers and collected by the Depart-**  
22 **ment of Transportation.**  
23       **“(b) ‘New motor carrier revenue law’ means Oregon law, as in effect**  
24 **and operative on January 1, 2025, governing the amount of fuel taxes,**  
25 **registration fees, permit fees and any other charges imposed on motor**  
26 **carriers and collected by the Department of Transportation.**  
27       **“(2)(a) As part of the highway cost allocation study reported by**  
28 **January 31, 2027, under ORS 366.506 (5), the Oregon Department of**  
29 **Administrative Services shall determine, for the period beginning on**  
30 **January 1, 2025, and ending on June 30, 2025, the difference between**

1 the amount of revenue collected under the new motor carrier revenue  
2 law and the amount that would have been collected under the former  
3 motor carrier revenue law.

4 “(b) The highway cost allocation study shall propose adjustments  
5 in the rates of the registration fee imposed under ORS 803.420 neces-  
6 sary to achieve fairness and proportionality between light and heavy  
7 vehicles and revenue neutrality between the new motor carrier reve-  
8 nue law and the former motor carrier revenue law.

9 “(3) If the department determines that, for the period beginning on  
10 January 1, 2025, and ending on June 30, 2025, the revenue that would  
11 have been collected under the former motor carrier revenue law ex-  
12 ceeds the revenue collected under the new motor carrier revenue law,  
13 the adjustments proposed under subsection (2)(b) of this section must  
14 include temporary increases to compensate the State Highway Fund  
15 for the loss of revenue for that period.

16 “(4) If the department determines that, for the period beginning on  
17 January 1, 2025, and ending on June 30, 2025, the revenue that would  
18 have been collected under the former motor carrier revenue law is less  
19 than the revenue collected under the new motor carrier revenue law,  
20 the adjustments proposed under subsection (2)(b) of this section must  
21 include temporary decreases in order to reimburse carriers for the  
22 amount of the increase in revenue under the new motor carrier reve-  
23 nue law for that period.

24 “SECTION 11. (1)(a) As part of the highway cost allocation study  
25 reported by January 31, 2027, under ORS 366.506 (5), the Oregon De-  
26 partment of Administrative Services shall determine, for the period  
27 beginning on July 1, 2025, and ending on June 30, 2026, the difference  
28 between the amount of revenue collected under the new motor carrier  
29 revenue law and the amount that would have been collected under the  
30 former motor carrier revenue law.

1       **“(b) The highway cost allocation study shall propose adjustments**  
2 **in the rates of the registration fee imposed under ORS 803.420 neces-**  
3 **sary to achieve fairness and proportionality between light and heavy**  
4 **vehicles and revenue neutrality between the new motor carrier reve-**  
5  **nue law and the former motor carrier revenue law.**

6       **“(2) If the department determines that, for the period beginning on**  
7 **July 1, 2025, and ending on June 30, 2026, the revenue that would have**  
8 **been collected under the former motor carrier revenue law exceeds the**  
9 **revenue collected under the new motor carrier revenue law, the ad-**  
10 **justments proposed under subsection (1)(b) of this section must in-**  
11 **clude temporary increases to compensate the State Highway Fund for**  
12 **the loss of revenue for that period.**

13       **“(3) If the department determines that, for the period beginning on**  
14 **July 1, 2025, and ending on June 30, 2026, the revenue that would have**  
15 **been collected under the former motor carrier revenue law is less than**  
16 **the revenue collected under the new motor carrier revenue law, the**  
17 **adjustments proposed under subsection (1)(b) of this section must in-**  
18 **clude temporary decreases in order to reimburse carriers for the**  
19 **amount of the increase in revenue under the new motor carrier reve-**  
20  **nue law for that period.**

21       **“SECTION 12. Section 13 of this 2024 Act is added to and made a**  
22 **part of ORS 319.010 to 319.430.**

23       **“SECTION 13. (1) The Department of Transportation shall allow**  
24 **refunds as provided in this section to a user of motor vehicle fuel**  
25 **presenting a claim as follows:**

26       **“(a) For diesel fuel used in a motor vehicle designed to carry logs,**  
27 **poles, pilings, sand or gravel, a claimant shall be allowed a refund of:**

28       **“(A) Up to 25 percent of the tax paid on all diesel fuel used by the**  
29 **claimant in this state, provided that the claimant shows evidence of**  
30 **the total number of gallons of diesel fuel used in this state on the**

1 highways and of the total number of gallons used in this state off the  
2 highways; or

3 “(B) Up to 15 percent of the tax paid without providing evidence of  
4 the total number of gallons of diesel fuel used in this state on the  
5 highways or of the total number of gallons used in this state off the  
6 highways.

7 “(b) For diesel fuel used in a motor vehicle exclusively owned and  
8 operated by an investor-owned utility, a claimant shall be allowed a  
9 refund of 70 percent of the tax paid.

10 “(c) For diesel fuel used in a separate fuel supply dedicated to the  
11 operation of ancillary equipment and not used to propel the motor  
12 vehicle, a claimant shall be allowed a refund of 100 percent of the tax  
13 paid.

14 “(2) A claim for a refund under this section must be submitted to  
15 the department within 15 months after the payment of the tax for  
16 which a refund is claimed.

17 “(3)(a) A claim for a refund under this section must include a  
18 signed statement by the claimant indicating the amount of diesel fuel  
19 for which a refund is claimed and the manner in which the diesel fuel  
20 was used that qualifies the claimant for a refund.

21 “(b) If the diesel fuel for which the refund is claimed was obtained  
22 from a seller to which the diesel fuel tax was paid, the claim must be  
23 supported by the invoices that cover the purchase of the diesel fuel.

24 “(c) If the claimant paid the diesel fuel tax directly to the depart-  
25 ment, the claimant must indicate the source of the diesel fuel and the  
26 date the fuel was obtained.

27 “(4) The department may require any claimant for a refund under  
28 this section to furnish a statement, under penalties for false swearing,  
29 setting forth the claimant’s occupation, a description of the machines  
30 or equipment in which the diesel fuel was used, the place where the

1 **diesel fuel was used and any other information the department may**  
2 **require.**

3  
4 **“CONFORMING AMENDMENTS**

5  
6 **“SECTION 14.** ORS 319.550 is amended to read:

7 “319.550. (1) Except as provided in this section, a person may not use fuel  
8 in a motor vehicle in this state unless the person holds a valid user’s license.

9 “(2) A nonresident may use fuel in a motor vehicle not registered in  
10 Oregon for a period not exceeding 30 consecutive days without obtaining a  
11 user’s license or the emblem issued under ORS 319.600, if, for all fuel used  
12 in a motor vehicle in this state, the nonresident pays to a seller, at the time  
13 of the sale, the tax provided in ORS 319.530.

14 “(3) A user’s license is not required for a person who uses fuel in a motor  
15 vehicle if, for all fuel used in a motor vehicle in this state, the person pays  
16 to a seller, at the time of the sale, the tax provided in ORS 319.530.

17 “[~~(4)~~ *A user’s license is not required for a person who is subject to the*  
18 *weight-mile tax described in ORS 825.474 and 825.476 or the flat fee rate de-*  
19 *scribed in ORS 825.480.]*

20 “[~~(5)(a)~~] **(4)(a)** A user’s license is not required for a person who uses fuel  
21 as described in ORS 319.520 (7) in the vehicles specified in this subsection  
22 if the person pays to a seller, at the time of the sale, the tax provided in  
23 ORS 319.530.

24 “(b) Paragraph (a) of this subsection applies to the following vehicles:

25 “(A) Motor homes as defined in ORS 801.350.

26 “(B) Recreational vehicles as defined in ORS 174.101.

27 “[~~(6)~~] **(5)** A user’s license is not required for a person who uses fuel in a  
28 motor vehicle:

29 “(a) Metered use by which is subject to the per-mile road usage charge  
30 imposed under ORS 319.885; and

1 “(b) That also uses fuels subject to ORS 319.510 to 319.880.

2 “[7] (6) A user’s license is not required for a person who uses fuel in a  
3 motor vehicle on which an emblem issued for the motor vehicle pursuant to  
4 ORS 319.535 is displayed.

5 **“SECTION 15.** ORS 319.690 is amended to read:

6 “319.690. (1)(a) Except as provided in subsection (2) of this section and  
7 ORS 319.692, each user of fuel in a motor vehicle required to be licensed  
8 under ORS 319.550 shall, on or before the 20th day of each month, file with  
9 the Department of Transportation a report showing the amount of fuel used  
10 during the immediately preceding calendar month by the user and such other  
11 information as the department may require for the purposes of ORS 319.510  
12 to 319.880.

13 “(b) The department shall prescribe the form of the report.

14 “(c) The user shall file the report with the department in the manner  
15 provided by the department by rule.

16 “(d) Each report shall be accompanied by a remittance payable to the  
17 department for the amount of all the tax shown by the report to be due and  
18 payable.

19 “(e) Any tax paid to a seller is a credit against the amount of tax other-  
20 wise due and payable to the state under ORS 319.510 to 319.880 or 818.225[,  
21 825.474, 825.476 and 825.480. Also] **or**, when filing a monthly tax report, a  
22 user may, in lieu of claiming a refund, take a deduction or credit for the tax  
23 on any fuel which would otherwise be subject to refund under ORS 319.831  
24 (1).

25 “(2)(a) Each user of fuel in a motor vehicle with a light weight of less  
26 than 8,000 pounds required to be licensed under ORS 319.550 may file an  
27 annual report of all fuel used upon Oregon highways.

28 “(b) The report for each calendar year shall be filed on or before March  
29 1 of the year following and shall be accompanied by a remittance payable to  
30 the department of all the tax shown to be due and payable on the amount

1 of fuel used.

2 **“SECTION 16.** Section 18, chapter 30, Oregon Laws 2010, as amended by  
3 section 71L, chapter 750, Oregon Laws 2017, section 32, chapter 93, Oregon  
4 Laws 2018, and section 11, chapter 491, Oregon Laws 2019, is amended to  
5 read:

6 **“Sec. 18.** The Department of Transportation shall report semiannually to  
7 the legislative committees on revenue if the Legislative Assembly is in ses-  
8 sion or, if the Legislative Assembly is not in session, to the Legislative  
9 Revenue Officer. The department’s report shall include:

10 “(1) An estimate of the amounts received in the previous two quarters  
11 from the increased taxes and fees established in ORS 803.091 and 803.422 and  
12 section 45, chapter 750, Oregon Laws 2017, and the amendments to ORS  
13 319.020, 319.530, 803.420, 803.645, 818.225, 818.270[, 825.476, 825.480] and 826.023  
14 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54[, 63, 64, 66, 67] and 70, chapter  
15 750, Oregon Laws 2017, and an estimate of the projected revenue in the cur-  
16 rent quarter and the next quarter from the increased taxes and fees estab-  
17 lished in ORS 803.091 and 803.422 and section 45, chapter 750, Oregon Laws  
18 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225,  
19 818.270[, 825.476, 825.480] and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51,  
20 52, 54[, 63, 64, 66, 67] and 70, chapter 750, Oregon Laws 2017.

21 “(2) An estimate of the amounts received in the previous biennium to date  
22 from the increased taxes and fees established in ORS 803.091 and 803.422 and  
23 section 45, chapter 750, Oregon Laws 2017, and the amendments to ORS  
24 319.020, 319.530, 803.420, 803.645, 818.225, 818.270[, 825.476, 825.480] and 826.023  
25 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54[, 63, 64, 66, 67] and 70, chapter  
26 750, Oregon Laws 2017, and an estimate of the projected revenue in the re-  
27 maining current biennium from the increased taxes and fees established in  
28 ORS 803.091 and 803.422 and section 45, chapter 750, Oregon Laws 2017, and  
29 the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270[,  
30 825.476, 825.480] and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54[,



1 63, 64, 66, 67] and 70, chapter 750, Oregon Laws 2017.

2 “(3) Information about the expenditures and distributions made under  
3 ORS 367.095, including but not limited to:

4 “(a) Information about the department’s total funds as well as the funds  
5 raised separately by the increased taxes and fees established in ORS 803.091  
6 and 803.422 and section 45, chapter 750, Oregon Laws 2017, and the amend-  
7 ments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270[, 825.476,  
8 825.480] and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54[, 63, 64, 66,  
9 67] and 70, chapter 750, Oregon Laws 2017, and expended as described in ORS  
10 367.095 (3).

11 “(b) Semiannual amounts that include all the actual and forecasted ex-  
12 penditures and distributions made under ORS 367.095 for each quarter of the  
13 current biennium and the forecasted expenditures and distributions for the  
14 following biennium.

15 **“SECTION 17.** Section 5, chapter 865, Oregon Laws 2009, as amended by  
16 section 2, chapter 30, Oregon Laws 2010, is amended to read:

17 **“Sec. 5.** (1) The Department of Transportation shall provide information  
18 on the department’s website about:

19 “(a) Transportation projects described in section 64, chapter 865, Oregon  
20 Laws 2009; and

21 “(b) Any other transportation projects funded by the increase in taxes and  
22 fees by the amendments to:

23 “(A) ORS 803.090 by section 42, chapter 865, Oregon Laws 2009;

24 “(B) ORS 803.420 by section 43, chapter 865, Oregon Laws 2009;

25 “(C) ORS 803.420 by section 43a, chapter 865, Oregon Laws 2009;

26 “(D) ORS 803.570 by section 44, chapter 865, Oregon Laws 2009;

27 “(E) ORS 803.645 by section 44a, chapter 865, Oregon Laws 2009;

28 “(F) ORS 319.020 by section 48, chapter 865, Oregon Laws 2009;

29 “(G) ORS 319.530 by section 49, chapter 865, Oregon Laws 2009; **and**

30 “(H) ORS 818.225 by section 51, chapter 865, Oregon Laws 2009.[;]

1        “[I] ORS 825.476 by section 52, chapter 865, Oregon Laws 2009; and]

2        “[J] ORS 825.480 by section 53, chapter 865, Oregon Laws 2009.]

3        “(2) The department shall make the information accessible directly from  
4 the department’s website home page.

5        “(3) For each project listed, the department shall provide a short de-  
6 scription of the project, the intended benefit of the project, an estimated date  
7 for inviting bids and entering into contracts, an estimated contract cost, an  
8 estimated completion date, any change in the estimated completion date and  
9 any change in the project cost. The department shall also provide explana-  
10 tion for any change in the estimated completion date or change in project  
11 cost.

12        “(4) The department shall update the information required by this section  
13 each week until all projects are completed.

14        “(5) The department shall report to the interim House and Senate com-  
15 mittees related to transportation on the progress the department is making  
16 toward achieving the goals of this section.

17        **“SECTION 18.** ORS 366.507 is amended to read:

18        “366.507. (1) The Department of Transportation shall use, **to establish**  
19 **and operate a state modernization program for highways**, an amount  
20 equal to:

21        “(a) The amount of moneys in the State Highway Fund that becomes  
22 available for its use from the increase in tax rates created by the amend-  
23 ments to ORS 319.020[,] **and** 319.530[, 825.476 and 825.480] by sections [1, 2  
24 and 10 to 15] **1, 2, 12 and 13**, chapter 209, Oregon Laws 1985[, and];

25        “(b) An amount equal to one-third of the amount of moneys in the State  
26 Highway Fund that becomes available for its use from any increase in tax  
27 rates created by the amendments to ORS 319.020[,] **and** 319.530[, 825.476 and  
28 825.480] by sections [5, 6 and 8 to 15] **8 to 11, 14 and 15**, chapter 899, Oregon  
29 Laws 1987[,]; and

30        “(c) **One-third of the amount that results** from any increase in tax

1 rates that results from the provisions of sections 16 and 17, chapter 899,  
2 Oregon Laws 1987[, *to establish and operate a state modernization program for*  
3 *highways*].

4 “**(2)** The program established under this section and the use of moneys in  
5 the program are subject to the following:

6 “[*(1)*] **(a)** The moneys may be used by the department to retire bonds that  
7 the department issues for the modernization program under bonding author-  
8 ity of the department.

9 “[*(2)*] **(b)** The intent of the modernization program is to increase highway  
10 safety, to accelerate improvements from the backlog of needs on the state  
11 highways and to fund modernization of highways and local roads to support  
12 economic development in Oregon. Projects both on and off the state highway  
13 system are eligible.

14 “[*(3)*] **(c)** Projects to be implemented by the modernization program shall  
15 be selected by the Oregon Transportation Commission. The criteria for se-  
16 lection of projects will be established after public hearings that allow citi-  
17 zens an opportunity to review the criteria. The commission may use up to  
18 one-half of moneys available under this section for modernization projects  
19 selected by the commission from a list of projects of statewide significance.

20 “[*(4)*] **(d)** In developing criteria for selection of projects, the commission  
21 shall consider the following:

22 “[*(a)*] **(A)** Projects must be of significance to the state highway system.

23 “[*(b)*] **(B)** Except for projects that are of statewide significance, projects  
24 must be equitably distributed throughout Oregon.

25 “[*(c)*] **(C)** Projects may be on county or city arterial roads connecting to  
26 or supporting a state highway.

27 “[*(d)*] **(D)** Priority may be given to projects that make a meaningful con-  
28 tribution to increased highway safety.

29 “[*(e)*] **(E)** Priority may also be given to projects that encourage economic  
30 development where:

1       “[(A)] (i) There is commitment by private industry to construct a facility.

2       “[(B)] (ii) There is support from other state agencies.

3       “[(f)] (F) Priority may be given where there is local government or pri-  
4 vate sector financial participation, or both, in the improvement in addition  
5 to improvements adjacent to the project.

6       “[(g)] (G) Priority may be given where there is strong local support.

7       “[(5)] (e) Except as otherwise provided in this [subsection] **paragraph**,  
8 federal moneys or moneys from the State Highway Fund other than those  
9 described in this section may be used for the modernization program as long  
10 as the total amount used is equal to the amount described in this section.  
11 Federal moneys that are appropriated by Congress for specific projects and  
12 federal moneys that are allocated by the United States Department of  
13 Transportation for specific projects may not be used for the modernization  
14 program under this section.

15       “**SECTION 19.** ORS 366.744 is amended to read:

16       “366.744. (1) The following moneys shall be allocated as provided in sub-  
17 section (2) of this section:

18       “(a) The amount attributable to the increase in title fees by the amend-  
19 ments to ORS 803.090 by section 1, chapter 618, Oregon Laws 2003[.];

20       “(b) The amount attributable to the increase in registration fees by the  
21 amendments to ORS 803.420 by section 2, chapter 618, Oregon Laws 2003,  
22 except for the amount paid to the State Parks and Recreation Department  
23 Fund under ORS 366.512; and

24       “(c) The amount attributable to the increase in fees [*and tax rates*] by the  
25 amendments to ORS 818.225[, 825.476 and 825.480 by sections 3, 4 and 5,  
26 *chapter 618, Oregon Laws 2003*] **by section 3, chapter 618, Oregon Laws**  
27 **2003.**

28       “(2) The moneys described in subsection (1) of this section shall be allo-  
29 cated as follows:

30       “(a) 57.53 percent to the Department of Transportation.

1       “(b) 25.48 percent to the department to pay the principal and interest due  
2 on bonds authorized under ORS 367.620 (3) that are issued for replacement  
3 and repair of bridges on county highways. However, any portion of the 25.48  
4 percent that is not needed for payment of principal and interest on the bonds  
5 described in this paragraph shall be allocated to counties. Moneys allocated  
6 to counties under this paragraph shall be distributed in the same manner as  
7 moneys allocated to counties under ORS 366.739 are distributed.

8       “(c) 16.99 percent to the department to pay the principal and interest due  
9 on bonds authorized under ORS 367.620 (3) that are issued for replacement  
10 and repair of bridges on city highways. However, any portion of the 16.99  
11 percent that is not needed for payment of principal and interest on the bonds  
12 described in this paragraph shall be allocated to cities. Moneys allocated to  
13 cities under this paragraph shall be distributed in the same manner as mon-  
14 eys allocated to cities under ORS 366.739 are distributed.

15       “(3)(a) Multnomah County shall spend a majority of moneys distributed  
16 to it under subsection (2)(b) of this section on bridges in the county.

17       “(b) Moneys distributed to Multnomah County under subsection (2)(b) of  
18 this section that are not spent on bridges shall be distributed equitably  
19 within the county, based on the agreement described in paragraph (c) of this  
20 subsection.

21       “(c) Multnomah County and the cities within the county shall agree upon  
22 the distribution of moneys described in paragraph (b) of this subsection.  
23 When the county and the cities have reached an agreement, they shall notify  
24 the Oregon Transportation Commission of the agreement. If the commission  
25 does not receive notice of an agreement by June 30, 2004, the Department  
26 of Transportation may not distribute moneys that would otherwise go to the  
27 county under paragraph (b) of this subsection. Such moneys shall revert to  
28 the State Highway Fund for use by the Department of Transportation.

29       “**SECTION 20.** ORS 366.752 is amended to read:

30       “366.752. (1) The following moneys shall be allocated as described in sub-

1 sections (2) and (3) of this section:

2 “(a) The amount attributable to the fee increases by the amendments to  
3 ORS 803.090 by section 42, chapter 865, Oregon Laws 2009.

4 “(b) The amount attributable to the fee increases by the amendments to  
5 ORS 803.420 by section 43, chapter 865, Oregon Laws 2009.

6 “(c) The amount attributable to the fee increases by the amendments to  
7 ORS 803.420 by section 43a, chapter 865, Oregon Laws 2009.

8 “(d) The amount attributable to the fee increases by the amendments to  
9 ORS 803.570 by section 44, chapter 865, Oregon Laws 2009.

10 “(e) The amount attributable to the fee increase by the amendments to  
11 ORS 803.645 by section 44a, chapter 865, Oregon Laws 2009.

12 “(f) The amount attributable to the increase in fees and tax rates by the  
13 amendments to ORS 319.020, 319.530[,] **and** 818.225[, 825.476 and 825.480] by  
14 sections 48, 49 and 51 [to 53], chapter 865, Oregon Laws 2009.

15 “(2) The moneys described in subsection (1) of this section shall be allo-  
16 cated first in an amount of \$24 million per year in monthly installments to  
17 the Department of Transportation for the purposes described in the long-  
18 range plan developed pursuant to ORS 184.617. The remainder of the moneys  
19 shall be allocated as provided in subsection (3) of this section.

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

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

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

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

26 “(4) Except as provided in subsection (5) of this section, the moneys de-  
27 scribed in subsection (3)(a) of this section or equivalent amounts that become  
28 available to the Department of Transportation shall be allocated as follows:

29 “(a) 33 percent for maintenance, preservation and safety of highways.

30 “(b) 15.75 percent for the state modernization program for highways as

1 described in ORS 366.507.

2 “(c) 51.25 percent for the purposes described in ORS 367.620 (3)(c) and  
3 section 64, chapter 865, Oregon Laws 2009.

4 “(5) The moneys allocated in subsection (4) of this section may be used  
5 to secure and pay bond debt service on Highway User Tax Bonds under ORS  
6 367.615.

7 “(6) For the purposes of this section:

8 “(a) ‘Bond’ has the meaning given that term in ORS 367.010.

9 “(b) ‘Bond debt service’ has the meaning given that term in ORS 367.010.

10 **“SECTION 21.** ORS 367.095 is amended to read:

11 “367.095. (1) The following amounts shall be distributed in the manner  
12 prescribed in this section:

13 “(a) The amount attributable to the increase in tax rates by section 45,  
14 chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020 and  
15 319.530 by sections 40 to 43, chapter 750, Oregon Laws 2017.

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

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

22 “(2) The amounts described in subsection (1) of this section shall be dis-  
23 tributed in the following order and for the following purposes:

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

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

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

28 “(iii) The Interstate 5 Boone Bridge and Seismic Improvement Project;  
29 and

30 “(iv) The implementation of the toll program established under ORS

1 383.150.

2 “(B) The amount described in subparagraph (A) of this paragraph shall  
3 be used to pay for costs, including project costs on a current basis and pay-  
4 ing for debt service on bonds issued to finance the projects or toll program,  
5 only until the later of the date on which the projects or toll program is  
6 completed or on which all bonds issued to fund the projects or toll program  
7 have been repaid. Any remaining moneys shall be distributed as described in  
8 subsection (3) of this section.

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

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

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

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

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

19 “(4) The moneys described in subsection (3)(a) of this section or equiv-  
20 alent amounts that become available to the Department of Transportation  
21 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  
26 bridges.

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

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

30 **“SECTION 22.** ORS 367.173 is amended to read:



1 “367.173. The principal, interest, premium, if any, and the purchase or  
2 tender price of the grant anticipation revenue bonds issued under ORS  
3 367.161 to 367.181 are payable solely from the following moneys:

4 “(1) Federal transportation funds.

5 “(2) To the extent affirmatively pledged at the time issuance of revenue  
6 bonds is authorized, the following moneys that are lawfully available:

7 “(a) Moneys deposited in the State Highway Fund established under ORS  
8 366.505.

9 “(b) Except as provided in paragraph (c) of this subsection, moneys, once  
10 deposited in the State Highway Fund established under ORS 366.505, from  
11 the following sources may be affirmatively pledged:

12 “[*A*] *Moneys from the taxes and fees on motor carriers imposed under ORS*  
13 *825.474 and 825.480.*]

14 “[*B*] **(A)** Moneys from the tax on motor vehicle fuel imposed under ORS  
15 319.020.

16 “[*C*] **(B)** Moneys from the tax on fuel used in motor vehicles imposed  
17 under ORS 319.530.

18 “[*D*] **(C)** Moneys from the special use fuel license fee under ORS 319.535.

19 “[*E*] **(D)** Moneys described under ORS 803.090 from the titling of vehi-  
20 cles.

21 “[*F*] **(E)** Moneys described under ORS 803.420 from the registration of  
22 vehicles.

23 “[*G*] **(F)** Moneys described under ORS 807.370 relating to the issuance  
24 of driver licenses and driver permits.

25 “[*H*] **(G)** Moneys received by the Department of Transportation from  
26 taxes, fees or charges imposed after January 1, 2001, or other revenues or  
27 moneys received by the department from sources not listed in subparagraphs  
28 [*A to G*] **(A) to (F)** of this paragraph that are lawfully available to be  
29 pledged under this section.

30 “(c) Moneys described in paragraph (b) of this subsection do not include:

1 “(A) Moneys provided for appropriations to counties under ORS 366.762  
2 to 366.768.

3 “(B) Moneys provided for appropriations to cities under ORS 366.785 to  
4 366.820.

5 “(C) Moneys in the account established under ORS 366.512 for parks and  
6 recreation.

7 **“SECTION 23.** ORS 367.605 is amended to read:

8 “367.605. (1) Moneys deposited in the State Highway Fund established  
9 under ORS 366.505 are pledged to payment of Highway User Tax Bonds is-  
10 sued under ORS 367.615.

11 “(2) Except as provided in subsection (3) of this section, moneys, once  
12 deposited in the highway fund from the following sources are subject to the  
13 use or pledge described in subsection (1) of this section:

14 “[*a*] *Moneys from the taxes and fees on motor carriers imposed under ORS*  
15 *825.474 and 825.480.*]

16 “[*b*] **(a)** Moneys from the tax on motor vehicle fuel imposed under ORS  
17 319.020.

18 “[*c*] **(b)** Moneys from the tax on fuel used in motor vehicles imposed  
19 under ORS 319.530.

20 “[*d*] **(c)** Moneys from the special use fuel license fee under ORS 319.535.

21 “[*e*] **(d)** Moneys described under ORS 803.090 from the titling of vehicles.

22 “[*f*] **(e)** Moneys described under ORS 803.420 from the registration of  
23 vehicles.

24 “[*g*] **(f)** Moneys described under ORS 807.370 relating to the issuance of  
25 driver licenses and driver permits.

26 “[*h*] **(g)** Moneys received by the Department of Transportation from  
27 taxes, fees or charges imposed after January 1, 2001, or other revenues re-  
28 ceived by the department from sources not listed in paragraphs [*a*] to [*g*]  
29 **(a) to (f)** of this subsection that are available for the use or pledge described  
30 by this section.

1 “(3) Moneys described under subsection (2) of this section do not include:

2 “(a) Moneys provided for appropriations to counties under ORS 366.762  
3 to 366.768.

4 “(b) Moneys provided for appropriations to cities under ORS 366.785 to  
5 366.820.

6 “(c) Moneys in the account established under ORS 366.512 for parks and  
7 recreation.

8 “(4) To the extent affirmatively pledged, moneys from the following  
9 sources are subject to the use or pledge described in subsection (1) of this  
10 section:

11 “(a) Moneys received by the Department of Transportation from the  
12 United States government.

13 “(b) Any other moneys legally available to the department.

14 “(5) Notwithstanding ORS 366.507, the lien or charge of any pledge of  
15 moneys securing bonds issued under ORS 367.615 is superior or prior to any  
16 other lien or charge and to any law of the state requiring the department  
17 to spend moneys for specified highway purposes.

18 “**SECTION 24.** ORS 367.621 is amended to read:

19 “367.621. It is the policy of the State of Oregon to use increased revenues  
20 from the amendments to ORS 803.090, 803.420[,] **and** 818.225[, 825.476 and  
21 825.480] by sections 1 to [5] **3**, chapter 618, Oregon Laws 2003, in a manner  
22 that maximizes the creation of new jobs. Each public body, as defined in ORS  
23 174.109, that receives moneys from the revenues generated by the amend-  
24 ments to ORS 803.090, 803.420[,] **and** 818.225[, 825.476 and 825.480] by sections  
25 1 to [5] **3**, chapter 618, Oregon Laws 2003, shall use private sector resources  
26 to the greatest extent possible in accomplishing the work funded by revenues  
27 [from the amendments to ORS 803.090, 803.420, 818.225, 825.476 and 825.480  
28 by sections 1 to 5, chapter 618, Oregon Laws 2003] **described in this**  
29 **section.**

30 “**SECTION 25.** ORS 376.390 is amended to read:

1 “376.390. Nothing in ORS 376.305 to 376.390 relieves the forest road con-  
2 tractor or agents or subcontractors of the forest road contractor from pay-  
3 ment of any taxes or fees prescribed by law[, *except that, with respect to a*  
4 *motor vehicle operated upon a contract forest road by a forest road contractor,*  
5 *or agent or subcontractor of the forest road contractor, the road tax mileage*  
6 *fees prescribed by ORS 825.474, 825.476, 825.480 and 825.484 shall be assessed*  
7 *upon the declared combined weight of the motor vehicle or 76,000 pounds,*  
8 *whichever is less*].

9 **“SECTION 26.** ORS 818.225 is amended to read:

10 “818.225. (1) As used in this section, ‘equivalent single-axle load’ means  
11 the relationship between actual or requested weight and an 18,000 pound  
12 single-axle load as determined by the American Association of State Highway  
13 and Transportation Officials Road Tests reported at the Proceedings Con-  
14 ference of 1962.

15 “(2)(a) In addition to any fee for a single-trip nondivisible load permit, a  
16 person who is issued the permit or who operates a vehicle in a manner that  
17 requires the permit is liable for payment of a road use assessment fee of ten  
18 and nine-tenths cents per equivalent single-axle load mile traveled.

19 “(b) If the road use assessment fee is not collected at the time of issuance  
20 of the permit, the department shall bill the permittee for the amount due.  
21 The account shall be considered delinquent if not paid within 60 days of  
22 billing.

23 “[*(c) The miles of travel authorized by a single-trip nondivisible load permit*  
24 *shall be exempt from taxation under ORS chapter 825.*]

25 “(3) The department may adopt rules:

26 “(a) To standardize the determination of equivalent single-axle load com-  
27 putation based on average highway conditions; and

28 “(b) To establish procedures for payment, collection and enforcement of  
29 the fees and assessments established by this chapter.

30 **“SECTION 27.** ORS 822.040 is amended to read:

1 “822.040. (1) The holder of a current, valid vehicle dealer certificate issued  
2 under ORS 822.020 may exercise the following privileges under the certifi-  
3 cate:

4 “(a) Subject to ORS 822.045, a dealer is authorized, without violating ORS  
5 803.025 or 803.300, to use and operate over and along the highways of this  
6 state vehicles displaying the dealer’s plates whether registered or not or  
7 whether or not a title is issued for the vehicle if the vehicle:

8 “(A) Is owned or controlled by the dealer;

9 “(B) Is used by the dealer, members of the dealer’s firm, any salesperson  
10 thereof or any person authorized by the dealer;

11 “(C) Indicates it is offered for sale; and

12 “(D) When offered for sale, is available for display during the vehicle  
13 dealer’s normal business hours.

14 “(b) A dealer is entitled to receive dealer plates or devices and replace-  
15 ment or additional dealer plates or devices. As many additional dealer plates  
16 as may be desired may be obtained upon the filing of a formal application  
17 for additional plates with the Department of Transportation. The plates is-  
18 sued to dealers shall require the payment of fees as provided under ORS  
19 805.250.

20 “(c) The person is not subject to the prohibitions and penalties under ORS  
21 822.005 as long as the holder’s vehicle dealer business is conducted in a lo-  
22 cation approved under the certificate.

23 “(d) The dealer shall be considered the owner of vehicles manufactured  
24 or dealt in by the dealer, before delivery and sale of the vehicles, and of all  
25 vehicles in the dealer’s possession and operated or driven by the dealer or  
26 the dealer’s employees.

27 “[e] *Notwithstanding ORS 825.474, in lieu of paying the weight-mile tax*  
28 *imposed under ORS 825.474, the dealer may pay the fuel taxes imposed under*  
29 *ORS 319.020 and 319.530, when the vehicle:]*

30 “[A] *Displays the dealer’s plates;]*

1       “[(B) *Is actually owned or controlled by the dealer and in actual use by the*  
2 *dealer, members of the dealer’s firm, any salesperson of the dealer or any*  
3 *person authorized by the dealer;*]

4       “[(C) *Is operated on the highway for the purpose of test driving the vehicle;*  
5 *and]*

6       “[(D) *Is unloaded.*]

7       “(2) The holder of a vehicle dealer certificate may open additional places  
8 of business under the same business name by obtaining a supplemental cer-  
9 tificate from the department under this subsection. The following all apply  
10 to a supplemental certificate issued under this subsection:

11       “(a) The department may not issue a supplemental certificate under this  
12 subsection if the additional place of business opened will be operated under  
13 a different business name than that indicated on the current certificate. Any  
14 business that a vehicle dealer operates under a separate business name must  
15 be operated under a separate certificate and the dealer must apply for and  
16 pay the fees for a regular dealer certificate for the business.

17       “(b) A supplemental certificate issued under this subsection is subject to  
18 the fee for supplemental certificate under ORS 822.700.

19       “(3) The holder of a vehicle dealer certificate may move a place of busi-  
20 ness or change a business name by obtaining a corrected certificate from the  
21 department. For purposes of this subsection, ‘place of business’ includes a  
22 recreational vehicle service facility as defined in ORS 822.082. The following  
23 apply to a corrected certificate issued under this subsection:

24       “(a) The department shall prescribe the form for application for a cor-  
25 rected certificate.

26       “(b) A person applying for a corrected certificate shall pay the fee for the  
27 corrected certificate established in ORS 822.700.

28       “(4) The department may establish by rule the requirements a holder of  
29 a vehicle dealer certificate must meet to display a vehicle at a location other  
30 than the dealer’s place of business for the purpose of advertising without

1 first obtaining a supplemental certificate from the department. In addition  
2 to any requirements established by the department by rule, all of the fol-  
3 lowing apply:

4 “(a) The dealer must have a signed agreement with the owner of the  
5 property or the person using the property where the vehicle is to be dis-  
6 played stating that the vehicle is for an advertising promotion only and that  
7 the processing of any documents or other activities required to purchase a  
8 vehicle must be done at the dealer’s place of business.

9 “(b) The vehicle on display must be clearly marked with the dealer’s name  
10 and contact information and a notice that the vehicle is displayed only for  
11 the purpose of advertising and may be purchased only at the dealer’s place  
12 of business.

13 “(c) Displaying the vehicle must not violate any zoning laws or ordi-  
14 nances.

15 “(d) The dealer or the dealer’s employees may not remain with the vehicle  
16 except for the purpose of moving the vehicle in or out of the display area.

17 **“SECTION 28.** ORS 822.213 is amended to read:

18 “822.213. [(1)] In addition to the privileges described under ORS 822.210,  
19 the holder of a current, valid towing business certificate issued under ORS  
20 822.205 may use a tow vehicle to transport property for hire other than as  
21 described in ORS 822.210 if:

22 “[a] (1) The tow vehicle is used primarily for the purposes described in  
23 ORS 822.210 in a manner specified by the department by rule;

24 “[b] (2) The tow vehicle has a combined weight of 26,001 pounds or more;

25 “[c] (3) The holder of the towing business certificate has submitted a  
26 declaration of weight under ORS 803.435 and has registered the tow vehicle  
27 under ORS 803.420 (14)(a); and

28 “[d] (4) The holder of the towing business certificate operates in ac-  
29 cordance with the provisions of ORS chapter 825.

30 “[2) *A tow vehicle that is used to transport property for hire other than*

1 *as described in ORS 822.210 is subject to the weight-mile tax imposed under*  
2 *ORS 825.474.]*

3 **“SECTION 29.** ORS 823.012 is amended to read:

4 “823.012. (1) If the Director of Transportation determines that an emer-  
5 gency, as defined in ORS 401.025, has occurred or is imminent, the director  
6 may suspend operation of one or more of the following statutes involving  
7 motor carriers for the purpose of expediting the movement of persons or  
8 property:

9 “(a) ORS 818.400, compliance with commercial vehicle enforcement re-  
10 quirements related to commercial vehicle weight, size, load, conformation or  
11 equipment.

12 “(b) ORS 825.100, certificate or permit requirement for commercial trans-  
13 portation of persons or property.

14 “(c) ORS 825.104, registration requirement for for-hire or private carrier  
15 engaged in interstate operations.

16 “(d) ORS 825.160, requirement for person operating as motor carrier to  
17 have policy of public liability and property damage insurance.

18 “(e) ORS 825.162, requirement for person operating as for-hire carrier of  
19 freight or express to have cargo insurance.

20 “(f) ORS 825.250, requirement to stop and submit to an inspection of the  
21 driver, the cargo or the vehicle or combination of vehicles.

22 “(g) ORS 825.252, safety regulations for for-hire and private carriers.

23 “(h) ORS 825.258, rules for transportation of hazardous waste, hazardous  
24 material and PCB.

25 “[*i*] ORS 825.450, *weight identifiers issued by Department of Transporta-*  
26 *tion.*]

27 “[*j*] ORS 825.470, *temporary pass for single trip or short-time operation of*  
28 *vehicle.*]

29 “[*k*] ORS 825.474, *assessment of tax for use of highways.*]

30 “[*L*] (i) ORS 826.031, registration of certain vehicles not already regis-



1 tered with state.

2 “(2) A suspension under this section may occur prior to a declaration of  
3 a state of emergency under ORS 401.165, but may not exceed 72 hours unless  
4 a state of emergency is declared under ORS 401.165. If a state of emergency  
5 is declared under ORS 401.165, the suspension shall last until the state of  
6 emergency is terminated as provided under ORS 401.204.

7 “(3) The director may designate by rule a line of succession of deputy  
8 directors or other employees of the department who may suspend operations  
9 of statutes under this section in the event the director is not available. Any  
10 suspension by a person designated by the director under this subsection has  
11 the same force and effect as if issued by the director, except that, if the di-  
12 rector can be reached, the suspension must be affirmed by the director when  
13 the director is reached. If the director does not set aside a suspension within  
14 24 hours of being reached, the suspension shall be considered affirmed by the  
15 director.

16 **“SECTION 30.** ORS 825.005 is amended to read:

17 “825.005. As used in this chapter:

18 “(1) ‘Carrier’ or ‘motor carrier’ means for-hire carrier or private carrier.

19 “(2) ‘Cartage carrier’ means any person who undertakes to transport any  
20 class of property by motor vehicle for compensation when the transportation  
21 is performed wholly within an incorporated city or a commercial zone adja-  
22 cent to an incorporated city.

23 “(3) ‘Certificate’ means an authority issued to a for-hire carrier under  
24 ORS 825.110.

25 “(4) ‘Combined weight’ means the weight of the motor vehicle plus the  
26 weight of the maximum load which the applicant has declared such vehicle  
27 will carry. Any declared combined weight is subject to audit and approval  
28 by the Department of Transportation.

29 “(5) ‘Department’ means the Department of Transportation.

30 “[6) ‘*Extreme miles*’ or ‘*extreme mileage*’ means the total miles operated

1 *by a vehicle over the public highways, except the extra miles necessarily oper-*  
2 *ated in traversing detours or temporary routes on account of road blockades*  
3 *in the state.]*

4 “[7] **(6)** ‘For-hire carrier’ means:

5 “(a) Any person who transports persons or property for hire or who pub-  
6 licly purports to be willing to transport persons or property for hire by motor  
7 vehicle; or

8 “(b) Any person who leases, rents or otherwise provides a motor vehicle  
9 to the public and who in connection therewith in the regular course of  
10 business provides, procures or arranges for, directly, indirectly or by course  
11 of dealing, a driver or operator therefor.

12 “[8] **(7)** ‘Household goods’ means the personal effects or other property  
13 used or to be used in a dwelling but does not include property transported  
14 from a store or factory or property exclusively for office use.

15 “[9] **(8)** ‘Motor vehicle’ means any self-propelled vehicle and any such  
16 vehicle in combination with any trailing units, used or physically capable  
17 of being used upon any public highway in this state in the transportation  
18 of persons or property, except vehicles operating wholly on fixed rails or  
19 tracks and electric trolley buses. ‘Motor vehicle’ includes overdimension ve-  
20 hicles or vehicles permitted excessive weights pursuant to a special author-  
21 ization issued by a city, county or the Department of Transportation.

22 “[10] **(9)** ‘Permit’ means an authority issued to a carrier under ORS  
23 825.102, 825.106, 825.108 or 825.127.

24 “[11] **(10)** ‘Private carrier’ means any person who operates a motor ve-  
25 hicle over the public highways of this state for the purpose of transporting  
26 persons or property when the transportation is incidental to a primary  
27 business enterprise, other than transportation, in which such person is en-  
28 gaged.

29 “[12] ‘Privilege taxes’ means the weight-mile tax and fees prescribed in this  
30 chapter.]

1        “[13] (11) ‘Property’ includes, but is not limited to, permanent loads such  
2 as equipment, appliances, devices, or ballast that are attached to, carried on,  
3 or made a part of the vehicle and that are designed to serve some functional  
4 purpose.

5        “[14] (12) ‘Public highway’ means every street, alley, road, highway and  
6 thoroughfare in this state used by the public or dedicated or appropriated  
7 to public use.

8        “[15] (13) ‘Transit-type motor vehicle’ means any passenger-carrying ve-  
9 hicle that does not have a separate space for transporting baggage or ex-  
10 press.

11        “[16] (14) ‘Transporter’ has the meaning given that term in ORS 466.005.

12        **“SECTION 31.** ORS 825.007 is amended to read:

13        “825.007. (1) The business of operating as a motor carrier of persons or  
14 property for hire upon the highways of this state is declared to be a business  
15 affected with the public interest. It is hereby declared to be the state trans-  
16 portation policy to do the following:

17        “(a) Promote safe, adequate, economical and efficient service and to pro-  
18 mote the conservation of energy.

19        “(b) Promote sound, economic conditions in transportation.

20        “(c) Encourage the establishment and maintenance of reasonable rates for  
21 transportation services, without unjust discriminations, undue preferences  
22 or advantages or unfair or destructive competitive practices.

23        “(d) Provide specific state action immunity against all antitrust claims  
24 and prosecution in those instances when carriers lawfully develop, publish  
25 and charge rates relating to the transportation of household goods and joint  
26 line rates relating to the transportation of other property and provide ser-  
27 vices specifically prescribed and subject to regulation by the Department of  
28 Transportation and in those instances when carriers lawfully engage in prior  
29 consultation for purposes described in this paragraph.

30        “(2) The volume of motor carrier traffic presents dangers and hazards on

1 public highways and makes it imperative that:

2 “(a) Stringent rules be employed, to the end that the highways may be  
3 rendered safe for the use of the general public;

4 “(b) The wear of such highways be controlled;

5 “(c) A minimum of inconvenience to other users of the highways be ef-  
6 fected;

7 “(d) A minimum hindrance and stoppage to other users of the highways  
8 compatible with needs of the public for adequate transportation service, be  
9 effected;

10 “(e) The highways be safeguarded from improper or unnecessary usage;

11 “(f) Operation by irresponsible persons or any other operation threatening  
12 the safety of the public or detrimental to the general welfare be prevented;

13 “(g) Congestion of traffic on the highways be minimized;

14 “(h) The various transportation agencies of the state be adjusted and  
15 correlated so that public highways may serve the best interest of the general  
16 public; and

17 “(i) A method of assessing [*privilege*] taxes be provided to enable the  
18 further construction of highways and to provide for the operation, preserva-  
19 tion and maintenance of highways already built.

20 “(3) The Legislative Assembly hereby declares that to effect the ends and  
21 purposes listed in this section, this chapter is adopted.

22 “**SECTION 32.** ORS 825.020 is amended to read:

23 “825.020. Except as otherwise provided in this section and ORS 825.030,  
24 this chapter does not apply to the persons or vehicles described in this sec-  
25 tion. The provisions of ORS 825.100, 825.137, 825.139, 825.141, 825.160, 825.164,  
26 825.166, 825.168, 825.210 (1) and (3), [825.212,] 825.450, 825.454, [825.470,  
27 825.472, 825.474, 825.476, 825.480, 825.484, 825.488, 825.490, 825.492, 825.494,  
28 825.496,] 825.498, 825.504, [825.506, 825.507,] 825.508 and 825.515 apply to any  
29 of the following vehicles or combinations of vehicles with a combined weight  
30 of more than 26,000 pounds:

1 “(1) Vehicles being used exclusively in the transportation of United States  
2 mail on a trip basis.

3 “(2) Vehicles being used in the transportation of persons for hire, in ve-  
4 hicles with a seating capacity of more than five persons, within a city and  
5 within three air miles of the city. When the three air mile radius extends  
6 into the corporate limits of another city, the two cities shall be considered  
7 as one city for the purposes of this subsection. The following apply to this  
8 subsection:

9 “(a) Service may also be provided to or from any area surrounding the  
10 area described under this subsection so long as the service does not compete  
11 with a carrier granted authority by the Department of Transportation under  
12 this chapter to operate in that surrounding area.

13 “(b) Any vehicle exempt from the provisions of this chapter under this  
14 subsection is subject to regulation by the city or cities in which it is oper-  
15 ated.

16 “(3) Vehicles being used for the purpose of transporting persons or prop-  
17 erty in connection with the patrolling of forests for the prevention or fight-  
18 ing of forest fires.

19 “(4) Vehicles being used in towing or otherwise transporting vehicles at  
20 the direction of a police officer or in servicing, towing or transporting  
21 wrecked or disabled vehicles, or in towing or transporting a replacement  
22 vehicle for such wrecked or disabled vehicle if the vehicle:

23 “(a) Is not otherwise used in transporting goods and merchandise for  
24 compensation; and

25 “(b) In the case of towing, is specially constructed for that use or has a  
26 combined weight not exceeding 8,000 pounds.

27 “(5) Vehicles being used by a for-hire carrier to transport within this  
28 state free or at reduced rates:

29 “(a) The carrier’s officers, agents or employees, or dependent members of  
30 the families of those individuals, or the personal effects or household goods

1 of those individuals.

2 “(b) Ministers of religions, inmates of hospitals and individuals exclu-  
3 sively engaged in charitable and eleemosynary work.

4 “(c) Indigent, destitute and homeless individuals and the necessary agents  
5 employed in the transportation.

6 “(d) Witnesses attending legal investigations in which the carrier is in-  
7 terested.

8 “(e) Persons injured in wrecks and physicians and nurses attending those  
9 persons.

10 “(f) Persons providing relief in cases of general epidemic, pestilence or  
11 other emergency.

12 “(g) Persons traveling under commuter, party or excursion passenger  
13 tickets, if available to all persons applying under like circumstances or  
14 conditions.

15 “(h) Persons traveling under an exchange of passes between for-hire car-  
16 riers.

17 “(6) Vehicles being used to transport plants, artificial and natural flowers  
18 and accompanying florist accessories in movements originating at retail  
19 shops.

20 “(7) Any vehicle used by a person licensed under ORS 508.235 while the  
21 person is transporting the person’s own, unsold catch of fish from the point  
22 of landing to the first point where fish from the catch will be sold, placed  
23 in storage or processed in any way.

24 “(8) Vehicles owned or operated by truck leasing companies operated  
25 empty over the public highways for the purpose of relocation of equipment.  
26 This exemption does not apply to motor vehicles operated empty as a result  
27 of or for the purpose of transporting passengers or property.

28 **“SECTION 33.** ORS 825.022 is amended to read:

29 “825.022. The provisions of ORS 825.160, 825.450, 825.454[, 825.470, 825.472,  
30 825.474, 825.476, 825.480, 825.484, 825.488, 825.490, 825.492, 825.494, 825.496] and

1 825.515 do not apply to any of the following:

2 “(1) A vehicle or combination of vehicles with a combined weight of 26,000  
3 pounds or less.

4 “(2) A vehicle being used in the transportation of persons for hire if the  
5 operation:

6 “(a) Is performed by a nonprofit entity;

7 “(b) Is performed by use of vehicles operating in compliance with ORS  
8 820.020 to 820.070; and

9 “(c) Is approved by the Department of Transportation as complying with  
10 paragraphs (a) and (b) of this subsection.

11 “(3) A vehicle owned or operated by a transportation district organized  
12 under ORS 267.510 to 267.650.

13 “(4) A vehicle owned or operated by a county service district authorized  
14 to provide public transportation under ORS 451.010.

15 “(5) A vehicle owned or operated by an intergovernmental body formed  
16 by two or more public bodies, as defined in ORS 174.109, to provide public  
17 transportation.

18 **“SECTION 34.** ORS 825.137 is amended to read:

19 “825.137. (1) Certificates and permits when issued shall be valid until  
20 suspended or revoked when the carrier is found by the Department of  
21 Transportation to be in violation of this chapter or ORS chapter 818. A  
22 variance permit issued under ORS chapter 818 shall be valid for the length  
23 of time for which it is issued unless prior to that time the permit is sus-  
24 pended or revoked by the Department of Transportation for violation of this  
25 chapter or ORS chapter 818.

26 “(2) Certificates or permits, or variance permits issued pursuant to ORS  
27 chapter 818, may be suspended or canceled by the department based upon the  
28 department’s own motion after notice and hearing, when the certificate or  
29 permit holder:

30 “(a) Or agents or employees of the holder have repeatedly violated this

1 chapter or other highway or motor laws of this state. In applying this para-  
2 graph the department may consider violations by agents or employees of the  
3 holder that occurred prior to the time they became agents or employees of  
4 the holder, but only if the agent or employee has a substantial interest or  
5 control, directly or indirectly, in or over the operation of the holder.

6 “(b) Has repeatedly violated or avoided any order or rule of the depart-  
7 ment.

8 “(c) Is a transporter of household goods and has repeatedly made unlawful  
9 rebates or repeatedly underestimated transportation charges to clients.

10 “(d) Has repeatedly refused or has repeatedly failed, after being requested  
11 to do so, to furnish service authorized by certificate. The department in such  
12 cases may also, in the discretion of the department, restrict the certificate  
13 to conform with operations conducted.

14 “(e) Has not, except for reasons beyond the control of the holder, trans-  
15 ported household goods authorized by the certificate for a period exceeding  
16 180 consecutive days immediately preceding the filing of the complaint in the  
17 proceeding. The department in these cases may also, in the discretion of the  
18 department, restrict the certificate to conform with operations performed  
19 that were required by the public convenience and necessity.

20 “(f) Has not, except for reasons beyond the control of the holder, trans-  
21 ported property authorized by the permit for a period exceeding one year  
22 immediately preceding the filing of the complaint in the proceeding.

23 “(g) Has refused, or has failed, within the time provided, to file the an-  
24 nual report required by ORS 825.320 or has failed or refused to maintain re-  
25 cords required by the department or to produce such records for examination  
26 within the time set by the department.

27 “(h) Has failed to appear for hearing after notice that the certificate or  
28 permit is under investigation.

29 “(i) Has filed with the department an application which is false with re-  
30 gard to the ownership, possession or control of the equipment being used or



1 the operation being conducted.

2 “(3) The department [*shall*] **may** not suspend or revoke a certificate or  
3 permit of a vehicle or person described in ORS 825.020 unless the person or  
4 vehicle is in violation of this section and ORS 825.139, 825.141, 825.160,  
5 825.164, 825.166, 825.168, 825.210 (1) and (3), [825.212,] 825.450, 825.454,  
6 [825.470, 825.472, 825.474, 825.476, 825.480, 825.484, 825.488, 825.490, 825.492,  
7 825.494, 825.496,] 825.498, 825.504, [825.506, 825.507,] 825.508 or 825.515.

8 **“SECTION 35.** ORS 825.139 is amended to read:

9 “825.139. (1) A certificate or permit is subject to suspension or cancella-  
10 tion, if the holder [*thereof*]:

11 “[*(a)*] is delinquent in reporting or paying any fees, taxes or penalties due  
12 the Department of Transportation, whether imposed under this chapter or  
13 under ORS chapter 826; *or*]

14 “[*(b)* *Has refused or failed, within the time provided, to file a deposit or*  
15 *bond requested under ORS 825.506*].

16 “(2) A written 10-day notice of suspension shall be given to the certificate  
17 or permit holder and unless a hearing is requested within such time, the  
18 certificate or permit shall be deemed suspended without further notice or  
19 hearing until the report[, *payment, bond or deposit*] is filed **or payment is**  
20 **made** with the department.

21 “(3) Upon a written 10-day notice by the department, a certificate or  
22 permit may be suspended or canceled for [*any of*] the reasons [*set forth*] **de-**  
23 **scribed** in subsection (1) of this section. If the certificate or permit is sus-  
24 pended, [*the filing of the report,*] **filing the report or making the**  
25 **payment**[, *bond or deposit will*] **does** not reinstate the authority until the  
26 suspension period has expired, except on order of the department.

27 **“SECTION 36.** ORS 825.354 is amended to read:

28 “825.354. The Department of Transportation may appoint agents [*to issue*  
29 *temporary passes provided in ORS 825.470 and*] to collect any fees and taxes  
30 required by this chapter. The department shall prescribe the duties and

1 compensation of such agents and may require them to give bonds or irrev-  
2 ovable letters of credit issued by an insured institution, as defined in ORS  
3 706.008, in such amount as the department determines appropriate, condi-  
4 tioned upon the faithful performance of their duties.

5 **“SECTION 37.** ORS 825.400 is amended to read:

6 “825.400. (1) The Department of Transportation shall establish a program  
7 for the education of motor carriers that covers, at a minimum, safety, [*weight*  
8 *mile tax and*] registration and size and weight regulations administered by  
9 the department.

10 “(2) The department may appoint agents to carry out the program estab-  
11 lished under this section.

12 “(3) The department shall prescribe fees sufficient to defray the costs of  
13 the program. Agents appointed by the department may assess the fees.

14 “(4) The department shall adopt rules to carry out the provisions of this  
15 section.

16 **“SECTION 38.** ORS 825.450 is amended to read:

17 “825.450. (1) Upon application by a carrier, the Department of Transpor-  
18 tation may issue a weight identifier for each vehicle the carrier enrolls with  
19 the department, which must state the combined weight of the vehicle or  
20 combination of vehicles. The department shall record each weight identifier  
21 electronically. [*This subsection does not apply to vehicles issued a temporary*  
22 *pass under ORS 825.470.*]

23 “(2) A person may not load any motor vehicle in excess of the combined  
24 weight stated on the weight identifier issued for that motor vehicle under  
25 subsection (1) of this section.

26 “(3) Weight identifiers issued under this section are valid from the first  
27 day of any calendar quarter to the last day of the fourth consecutive calen-  
28 dar quarter. Each carrier may select the calendar quarter in which the pe-  
29 riod will begin except that, if necessary for administrative convenience, the  
30 department may require a carrier to adopt a starting date chosen by the de-

1 department.

2 “(4) All vehicles operating under the carrier’s authority shall have the  
3 same four-quarter period of weight identifier validity. The department may  
4 allow a carrier to operate with expired weight identifiers for up to one extra  
5 quarter if the renewal application has been submitted. The extension of time  
6 allowed by this subsection shall be granted only if the department determines  
7 that the extension is necessary for the administrative convenience of the  
8 department.

9 “(5) The department may adopt rules necessary to administer the pro-  
10 visions of this section.

11 **“SECTION 39.** ORS 825.475 is amended to read:

12 “825.475. Notwithstanding ORS 319.020[,] **and** 319.530 [*and 825.474*], a  
13 person operating a motor vehicle with a combined weight of 26,000 pounds  
14 or more is not required to pay [*the weight-mile tax imposed under ORS*  
15 *825.474 or*] fuel taxes imposed under ORS 319.020 and 319.530, if:

16 “(1) The person is not operating as a for-hire carrier; and

17 “(2) The person is operating the motor vehicle for the purpose of emis-  
18 sions research and development and the United States Environmental Pro-  
19 tection Agency has provided a testing exemption from complying with federal  
20 emission requirements.

21 **“SECTION 40.** ORS 825.515 is amended to read:

22 “825.515. [(1) *Every for-hire carrier and private carrier shall keep daily re-*  
23 *ords, upon forms prescribed by the Department of Transportation, of all ve-*  
24 *hicles used during the current month.*]

25 “[2) *On or before the last day of the month following, except as otherwise*  
26 *permitted under ORS 825.492, they shall certify to the department, upon forms*  
27 *prescribed therefor, the true and correct summaries of their daily records*  
28 *which shall show the extreme miles traveled in this state during the preceding*  
29 *month, the amount of fuel tax paid to the state during the preceding month,*  
30 *and such other information as the department may require.*]

1        “[3] **Every motor carrier shall keep daily records of all vehicles**  
2 **used.** The daily records shall be kept on file in the office of the **motor**  
3 **carrier** and thereafter preserved [*until written permission for their destruction*  
4 *is given by the department*] **for four years.**

5        **“SECTION 41.** ORS 825.517 is amended to read:

6        “825.517. (1) The following are not public records unless the public inter-  
7 est requires disclosure in the particular instance:

8        “(a) Reports from motor carriers required to be filed with the Department  
9 of Transportation in connection with the imposition or collection of any tax  
10 **or fee.**

11        “(b) Information collected by the department from a motor carrier for the  
12 purpose of conducting a tax audit **or fee audit.**

13        “(2) A motor carrier to whom the information pertains, or a person who  
14 has written permission from the carrier, may inspect information described  
15 in subsection (1) of this section.

16        “(3) The department, upon request or as required by law, shall disclose  
17 information from the records described in subsection (1) of this section to a  
18 government agency for use in carrying out its governmental functions.

19        **“SECTION 42.** ORS 826.031 is amended to read:

20        “826.031. (1) **A motor carrier as defined in ORS 825.005 that is the**  
21 **owner of a vehicle that** [*is subject to the tax imposed under ORS 825.474*]  
22 **weighs 26,001 pounds or more** and that is not registered under the pro-  
23 portional registration provisions of this chapter and is not registered in any  
24 other jurisdiction shall register the vehicle with the Department of Trans-  
25 portation if the vehicle is to be operated in this state. Registration under  
26 this section is in lieu of registration under ORS chapter 803.

27        “(2) The department shall determine the form of application for registra-  
28 tion and renewal of registration and may require any information that it  
29 determines necessary to facilitate the registration process.

30        “(3) A vehicle registered under this section is subject to the insurance

1 requirements of ORS 825.160 and not to the financial responsibility require-  
2 ments of ORS chapter 806. Proof of compliance with financial responsibility  
3 requirements as specified in ORS 803.460 is not required for renewal of reg-  
4 istration of a vehicle under this section.

5 “(4) A vehicle registered under this section shall be deemed to be fully  
6 registered in this state for any type of movement or operation, except that  
7 in those instances in which a grant of authority is required for intrastate  
8 movement or operation, no such vehicle shall be operated in intrastate com-  
9 merce in this state unless the owner thereof has been granted intrastate  
10 authority or right by the department and unless the vehicle is being operated  
11 in conformity with such authority and rights.

12 “(5) A vehicle may be registered under this section prior to a certificate  
13 of title being issued for the vehicle but nothing in this section affects any  
14 requirement that a certificate of title be issued.

15 **“SECTION 43.** ORS 366.508 is amended to read:

16 “366.508. (1) The Legislative Assembly finds that:

17 “(a) Estimated highway, road and street revenues from current sources  
18 will not adequately meet the need for continued development of a statewide  
19 road and bridge system that is economically efficient, provides accessibility  
20 to and from commercial, agricultural, industrial, tourist and recreational  
21 facilities and enhances the highway safety, environmental quality and land  
22 use goals of this state;

23 “(b) Responsibility for the cost of the highway, road and street system  
24 should be proportional and should be based on the number and types of ve-  
25 hicles that use the system and on the frequency of their use; and

26 “(c) Expansion, modernization, maintenance, repair, reconstruction, in-  
27 creased capacity and enhanced safety on all roads and bridges is crucial to  
28 the economic revitalization of Oregon.

29 “(2) The Legislative Assembly declares that the purpose of this section  
30 and ORS 319.020, 319.530, 366.507, 366.739, 366.774[,] **and** 366.790[, 825.476 and

1 825.480] is:

2 “(a) To enhance the revenue base for the state, counties and cities for  
3 continued development and maintenance of the road and bridge system; and

4 “(b) To enhance the revitalization of this state’s economy by implement-  
5 ing a long-term plan for the state, counties and cities that establishes pri-  
6 orities for road and bridge improvements.

7 **“SECTION 44.** ORS 366.739 is amended to read:

8 “366.739. Except as otherwise provided in ORS 366.744, the taxes collected  
9 under ORS 319.020, 319.530, 803.090, 803.420[,] **and** 818.225[, 825.476 and  
10 825.480] and the special use fuel license fees collected under ORS 319.535,  
11 minus \$71.2 million per biennium, shall be allocated 24.38 percent to counties  
12 under ORS 366.762 and 15.57 percent to cities under ORS 366.800.

13 **“SECTION 45.** ORS 825.232 is amended to read:

14 “825.232. (1) The Department of Transportation shall, by general order or  
15 otherwise, prescribe and enforce rules in conformity with this chapter to  
16 better accomplish the enforcement of its provisions, which shall cover and  
17 include for-hire carriers and private carriers and their operations.

18 “(2) The department may make such subdivisions of the carriers, as clas-  
19 sified in this chapter, as in the opinion of the department may work to the  
20 efficient administration of this chapter and shall do all things necessary to  
21 carry out and enforce its provisions.

22 “(3) All rules made by the department pursuant to this chapter and filed  
23 in the office of the department have the force and effect of law.

24 “(4) This section does not restrict the powers of the county courts or  
25 boards of county commissioners under existing laws and amendments thereof.

26 “(5) Without restricting the general powers conferred upon the depart-  
27 ment to prescribe and enforce rules, the department is vested with special  
28 authority with respect to the matters listed in ORS 825.204[,] **and** 825.210  
29 [and 825.212].

30 **“SECTION 46.** Sections 47 and 48 of this 2024 Act are added to and

1 made a part of the Oregon Vehicle Code.

2 **“SECTION 47. (1) Whenever practicable, and in any event no later**  
3 **than three years after any report of taxes or fees is filed in accordance**  
4 **with ORS chapter 825 or 826, the International Registration Plan or**  
5 **an international fuel tax agreement, the Department of Transporta-**  
6 **tion shall audit the report if the department deems such audit practi-**  
7 **cable. If the department is not satisfied with the report filed or the**  
8 **amount of taxes or fees paid to the state by any person, the depart-**  
9 **ment may, not later than four years after the report was filed or the**  
10 **taxes or fees were paid, make a proposed assessment of additional**  
11 **taxes or fees due from such person based upon any information avail-**  
12 **able to the department. A late payment charge shall be added to each**  
13 **registration assessment, in a sum equal to 10 percent of the amount**  
14 **of additional Oregon taxes or fees due.**

15 **“(2) Every additional assessment under subsection (1) of this section**  
16 **shall bear interest at the rate of one percent per month, or fraction**  
17 **thereof, from the last day of the month following the close of the**  
18 **month for which the additional assessment is imposed until paid.**

19 **“(3) If the additional Oregon registration assessment imposed ex-**  
20 **ceeds by at least five percent but not more than 15 percent the amount**  
21 **of registration fees reported or paid, a penalty of five percent of the**  
22 **amount of the additional assessment shall be added thereto in addition**  
23 **to the 10 percent late payment charge provided in subsection (1) of this**  
24 **section.**

25 **“(4) If the additional Oregon registration assessment imposed ex-**  
26 **ceeds by more than 15 percent the amount of registration fees reported**  
27 **or paid, a penalty of 20 percent of the amount of the additional as-**  
28 **essment shall be added thereto in addition to the 10 percent late**  
29 **payment charge provided in subsection (1) of this section.**

30 **“(5) A penalty charge in the amount of 10 percent of the net as-**

1 assessment due shall be imposed on additional fuel tax assessments re-  
2 sulting from international fuel tax agreement assessment audits.

3 “(6) The department shall give to the person concerned written no-  
4 tice of any additional assessment.

5 “(7) The department shall refund to any person the amount of any  
6 overpayment caused by any incorrect report.

7 “(8) Whenever the department has made an assessment pursuant  
8 to this section that has become final pursuant to section 48 of this 2024  
9 Act, the department may not reopen or reassess such taxes, fees, in-  
10 terest or penalties unless the department is satisfied that the taxpayer  
11 fraudulently or with intent to evade taxation destroyed, concealed or  
12 withheld any books, accounts, papers, records or memoranda required  
13 to be maintained by the taxpayer pursuant to ORS chapter 825 or 826  
14 or the rules of the department.

15 **“SECTION 48. (1) Any person against whom an assessment is made**  
16 **under section 47 of this 2024 Act may petition the Department of**  
17 **Transportation for a reassessment within 30 days after service upon**  
18 **the person of notice. If a petition is not filed within the 30-day period,**  
19 **the assessment becomes final and further appeal is waived. If a peti-**  
20 **tion for reassessment is filed within the 30-day period, the department**  
21 **shall reconsider the assessment and, if the person has requested a**  
22 **hearing in the petition, shall grant such person a hearing and give the**  
23 **person 10 days’ notice of the time and place of the hearing. The de-**  
24 **partment may continue the hearing from time to time as may be**  
25 **necessary. The decision of the department upon a petition for reas-**  
26 **essment shall become final 30 days after service of notice of the de-**  
27 **cision upon the person concerned.**

28 “(2) The department may waive or reduce the late payment charge,  
29 penalty and interest amounts under section 47 of this 2024 Act on such  
30 terms as the department considers proper if request for waiver or re-



1 **duction is filed within 30 days after service of notice of assessment**  
2 **upon the person concerned, or as part of the pleas made in the**  
3 **department’s reconsideration of the assessment. Consideration of**  
4 **waiver or reduction of late payment, penalty and interest charges on**  
5 **audits completed pursuant to an International Registration Plan or**  
6 **an international fuel tax agreement is contingent on authority granted**  
7 **by the appropriate agreement.**

8 **“(3) Every assessment made by the department under section 47 of**  
9 **this 2024 Act becomes due and payable at the time it becomes final.**  
10 **If the assessment is not paid to the department when due and payable,**  
11 **there shall be added to the assessment a penalty of 10 percent of the**  
12 **amount of the tax or, in the case of registration fees, of the Oregon**  
13 **registration fees due.**

14 **“(4) If any person that has requested a hearing pursuant to this**  
15 **section fails to withdraw the petition for reassessment at least five**  
16 **days before the date of the hearing and fails to appear at the scheduled**  
17 **hearing, the department may require such person to pay a charge of**  
18 **\$150 in addition to any other fees, taxes and charges that may be im-**  
19 **posed.**

20 **“(5) A petition for reassessment under subsection (1) of this section**  
21 **or a request for waiver or reduction under subsection (2) of this sec-**  
22 **tion is considered filed upon receipt of the petition or request in the**  
23 **office designated by the department.**

24 **“SECTION 49. ORS 825.500 is amended to read:**

25 **“825.500. (1) Interest and penalties for delinquent payments of road use**  
26 **assessment fees payable pursuant to the provisions of ORS 818.225 and of**  
27 **single-trip nondivisible load permits shall be calculated in the same manner**  
28 **that interest and penalties are calculated for registration fees under [ORS**  
29 **825.490 and 825.494] section 47 of this 2024 Act.**

30 **“(2) An audit conducted by the Department of Transportation pursuant**

1 to its authority under this chapter may include an examination of records  
2 of the carrier pertaining to the road use assessment fee imposed under ORS  
3 818.225. If the audit shows that movement by a carrier exceeds the mileage  
4 authorized by a single-trip nondivisible load permit, the department shall  
5 determine the amount of the road use assessment fee that is due. The de-  
6 partment shall collect the amount due and may impose any penalties or ad-  
7 ditional assessments authorized by this chapter for delinquent payment of  
8 taxes.

9 **“SECTION 50.** ORS 825.504 is amended to read:

10 “825.504. (1) If any tax, or fee in lieu of tax, reported due, or any final  
11 assessment made by the Department of Transportation under [*ORS 825.490,*  
12 *825.494 and 825.496*] **section 47 or 48 of this 2024 Act**, including any penal-  
13 ties or charges therein imposed, or any final penalty imposed under ORS  
14 825.950, 825.955 or 825.960, is not paid in full, the department may issue a  
15 warrant for the amount of the tax, fee or assessment, with the added penal-  
16 ties or charges, interest and the cost of executing the warrant. A copy of the  
17 warrant shall be mailed or delivered to the taxpayer by the department at  
18 the taxpayer’s last-known address.

19 “(2) At any time after issuing a warrant under this section, the depart-  
20 ment may record the warrant in the County Clerk Lien Record of any county  
21 of this state. Recording of the warrant has the effect described in ORS  
22 205.125. After recording a warrant, the department may direct the sheriff for  
23 the county in which the warrant is recorded to levy upon and sell the real  
24 and personal property of the taxpayer found within that county, and to levy  
25 upon any currency of the taxpayer found within that county, for the appli-  
26 cation of the proceeds or currency against the amount reflected in the war-  
27 rant and the sheriff’s cost of executing the warrant. The sheriff shall proceed  
28 on the warrant in the same manner prescribed by law for executions issued  
29 against property pursuant to a judgment, and is entitled to the same fees as  
30 provided for executions issued against property pursuant to a judgment. The

1 fees of the sheriff shall be added to and collected as a part of the warrant  
2 liability.

3 “(3) In the discretion of the department a warrant under this section may  
4 be directed to any agent authorized by the department to collect amounts  
5 under this section, and in the execution of the warrant the agent has all of  
6 the powers conferred by law upon sheriffs, but is entitled to no fee or com-  
7 pensation in excess of actual expenses paid in the performance of such duty.

8 “(4) Until a warrant issued under this section is satisfied in full, the de-  
9 partment has the same remedies to enforce the claim for the tax, fee or as-  
10 sessment as if the state had recovered judgment against the taxpayer for the  
11 amount of the tax, fee or assessment.

12 “(5) The procedures authorized by this section may also be used for col-  
13 lection of any fees and penalties imposed on persons registering vehicles  
14 under ORS chapter 826.

15 **“SECTION 51.** ORS 802.500 is amended to read:

16 “802.500. The Director of Transportation may enter into agreements with  
17 the duly authorized representatives of any jurisdiction that issues registra-  
18 tion to establish reciprocal privileges or registration exemptions for vehicles  
19 as described in this section. All of the following apply to an agreement es-  
20 tablished under the authority granted by this section:

21 “(1) An agreement may establish any of the following benefits, privileges  
22 and exemptions with respect to the operation of commercial or noncommer-  
23 cial vehicles in this state:

24 “(a) For purposes of ORS 803.305 exemptions from registration and pay-  
25 ment, wholly or partially, of any vehicle or registration fees.

26 “(b) Privileges relating to vehicles used by persons with disabilities.

27 “(c) Privileges relating to vehicle parking.

28 “(d) Privileges relating to vehicle dealers.

29 “(e) Privileges, exemptions or benefits relating to farm vehicles or imple-  
30 ments of husbandry.

1 “(f) Privileges relating to persons commercially transporting vehicles.

2 “(g) Any similar privileges, benefits or exemptions relating to the opera-  
3 tion of vehicles.

4 “(h) Privileges, benefits or exemptions relating to the registration of  
5 fleets of vehicles.

6 “(2) An agreement shall only grant the privileges, benefits and exemptions  
7 to a vehicle or the owner of a vehicle if the vehicle is any of the following:

8 “(a) Registered in the jurisdiction where the person registering the vehi-  
9 cle has a legal residence.

10 “(b) A commercial vehicle registered in a jurisdiction where the commer-  
11 cial enterprise in which the vehicle is used has a place of business. To  
12 qualify under this paragraph the vehicle must be assigned to the place of  
13 business and the place of business must be the place from which or in which  
14 the vehicle is most frequently dispatched, garaged, serviced, maintained, op-  
15 erated or otherwise controlled.

16 “(c) A commercial vehicle registered in a jurisdiction where the vehicle  
17 has been registered because of an agreement between two jurisdictions or a  
18 declaration issued by any jurisdiction.

19 “(3) An agreement shall retain the right of the Department of Transpor-  
20 tation to make the final determination as to the proper place of registration  
21 of a vehicle when there is a dispute or doubt concerning the proper place  
22 of registration. An agreement shall retain the right of the department to  
23 confer with the departments of other jurisdictions affected when making a  
24 determination under this subsection.

25 “(4) An agreement [*shall*] **may** not provide for any benefit, exemption or  
26 privilege with respect to fuel taxes, use fuel taxes[, *weight mile taxes*] or any  
27 other fees or taxes levied or assessed against the use of highways or use or  
28 ownership of vehicles except registration taxes, fees and requirements.

29 “(5) An agreement must provide that any vehicle registered in this state  
30 will receive a similar kind or degree of exemptions, benefits and privileges

1 when operated in another jurisdiction that is party to the agreement as ve-  
2 hicles registered in the other jurisdiction receive when operated in this state.

3 “(6) An agreement, in the judgment of the director, shall be in the best  
4 interest of this state and its citizens, shall be fair and equitable to this state  
5 and its citizens and shall be determined on the basis and recognition of  
6 benefits that accrue to the economy of this state from the uninterrupted flow  
7 of commerce.

8 “(7) An agreement may authorize a vehicle that would otherwise be re-  
9 quired to be registered in one jurisdiction to be registered in another juris-  
10 diction without losing any benefit, exemption or privilege under the  
11 agreement if the vehicle is operated from a base located in the other juris-  
12 diction.

13 “(8) An agreement may allow the lessee or lessor of a vehicle, subject to  
14 the terms and conditions of the lease to receive benefits, exemptions and  
15 privileges under the agreement.

16 “(9) An agreement may authorize the department to suspend or cancel any  
17 exceptions, benefits or privileges granted to any person under the agreement  
18 if the person violates any of the terms or conditions of the agreement or  
19 violates any law or rule of this state relating to vehicles.

20 “(10) All agreements shall be in writing and filed with the department  
21 within 10 days after execution or the effective date of the agreement,  
22 whichever is later.

23 “(11) An agreement may be a limited type agreement with any state bor-  
24 dering this state as described in this subsection. An agreement described  
25 under this subsection is subject to all of the following:

26 “(a) The benefits, exemptions and privileges under the agreement shall  
27 only be extended to vehicles or a class of vehicles as specified in the agree-  
28 ment.

29 “(b) The agreement shall be applicable only within an area in each state  
30 that is situated along the boundary between the states and that is substan-

1 tially equal in size.

2 “(c) The usage permitted of the vehicles in the two areas shall be as  
3 substantially equal as may be practicable.

4 “(d) The areas and usage subject to the agreement shall be described in  
5 the agreement.

6 “(e) Proportional registration [*shall not be*] **is not** required under the  
7 agreement.

8 “(f) The agreement shall comply with other mandatory provisions of this  
9 section and may contain any other provisions described under this section.

10 “(g) A vehicle operating under the agreement may be required to obtain  
11 a permit under ORS 803.610.

12 “(12) An agreement may require the display or submission of evidence of  
13 registration for any vehicle operating under the agreement.

14 “**SECTION 52.** ORS 802.520 is amended to read:

15 “802.520. The Director of Transportation may examine the laws and re-  
16 quirements of any jurisdiction that issues out-of-state registration and may  
17 grant a privilege or a registration exemption described in this section to  
18 vehicles or owners of vehicles registered in that jurisdiction. All of the fol-  
19 lowing apply to the authority granted by this section:

20 “(1) The director may only grant privileges or registration exemptions  
21 under this section to vehicles that are registered in jurisdictions that do not  
22 have an agreement with this state for privileges or registration exemptions  
23 under ORS 802.500 or 826.005 or an agreement for proportional registration  
24 with this state under ORS 826.007.

25 “(2) All grants of privileges and registration exemptions under this sec-  
26 tion shall be by declaration, shall be in writing and shall be filed with the  
27 Department of Transportation within 10 days after execution or effective  
28 date, whichever is later.

29 “(3) A declaration may grant benefits, privileges and exemptions with re-  
30 spect to the operation of commercial or noncommercial vehicles in this state

1 of the same type that may be established by agreement under ORS 802.500  
2 or 826.005.

3 “(4) A declaration shall only grant the privileges, benefits and exemptions  
4 to a vehicle or the owner of a vehicle if the vehicle is any of the following:

5 “(a) Registered in the jurisdiction where the person registering the vehi-  
6 cle has a legal residence.

7 “(b) A commercial vehicle registered in a jurisdiction where the commer-  
8 cial enterprise in which the vehicle is used has a place of business. To  
9 qualify under this paragraph the vehicle must be assigned to the place of  
10 business and the place of business must be the place from which or in which  
11 the vehicle is most frequently dispatched, garaged, serviced, maintained, op-  
12 erated or otherwise controlled.

13 “(c) A commercial vehicle registered in a jurisdiction where the vehicle  
14 has been registered because of an agreement between two jurisdictions or a  
15 declaration issued by any jurisdiction.

16 “(5) The department shall make any final determination in any case of  
17 doubt or dispute as to the proper place of registration of a vehicle, but may  
18 confer with departments of other jurisdictions affected.

19 “(6) A declaration [*shall*] **may** not provide for any benefit, exemption or  
20 privilege with respect to fuel taxes, use fuel taxes[, *weight mile taxes*] or  
21 other fees or taxes levied or assessed against the use of highways or use or  
22 ownership of vehicles except registration taxes, fees and requirements.

23 “(7) A declaration shall only grant benefits, exemptions or privileges that  
24 are, in the judgment of the director, in the best interest of this state and its  
25 citizens, fair and equitable to this state and its citizens and determined on  
26 the basis and with recognition of benefits that accrue to the economy of this  
27 state from the uninterrupted flow of commerce.

28 “(8) A declaration may authorize a vehicle that would otherwise be re-  
29 quired to be registered in one jurisdiction to be registered in another juris-  
30 diction without losing any benefit, exemption or privilege under the

1 declaration if the vehicle is operated from a base located in the other juris-  
2 diction.

3 “(9) A declaration may allow the lessee or lessor of a vehicle, subject to  
4 the terms and conditions of the lease, to receive benefits, exemptions and  
5 privileges under the declaration.

6 “(10) A declaration may authorize the department to suspend or cancel  
7 any exemptions, benefits or privileges granted to any person under the dec-  
8 laration if the person violates any of the terms or conditions of the decla-  
9 ration or violates any law or rule of this state relating to vehicles.

10 **“SECTION 53.** ORS 826.005 is amended to read:

11 “826.005. (1) The Department of Transportation may enter into agreements  
12 with the duly authorized representatives of any jurisdiction that issues reg-  
13 istration to establish reciprocal privileges or registration exemptions for ve-  
14 hicles as described in this section. An agreement entered into by the  
15 department under the authority granted by this section may establish ex-  
16 emptions from proportional registration fees.

17 “(2) An agreement shall only grant the privileges, benefits and exemptions  
18 to a vehicle or the registrant of a vehicle if the vehicle is any of the fol-  
19 lowing:

20 “(a) Registered in the jurisdiction where the person registering the vehi-  
21 cle has a legal residence.

22 “(b) A commercial vehicle registered in a jurisdiction where the commer-  
23 cial enterprise in which the vehicle is used has a place of business. To  
24 qualify under this paragraph, the vehicle must be assigned to the place of  
25 business and the place of business must be the place from which or in which  
26 the vehicle is most frequently dispatched, garaged, serviced, maintained, op-  
27 erated or otherwise controlled.

28 “(c) A commercial vehicle registered in a jurisdiction where the vehicle  
29 has been registered because of an agreement between two jurisdictions or a  
30 declaration issued by any jurisdiction.



1 “(3) An agreement shall retain the right of the department to make the  
2 final determination as to the proper place of registration of a vehicle when  
3 there is a dispute or doubt concerning the proper place of registration. An  
4 agreement shall retain the right of the department to confer with the de-  
5 partments of other jurisdictions affected when making a determination under  
6 this subsection.

7 “(4) An agreement shall not provide for any benefit, exemption or privi-  
8 lege with respect to fuel taxes, use fuel taxes[, *weight mile taxes*] or any  
9 other fees or taxes levied or assessed against the use of highways or use or  
10 ownership of vehicles except registration taxes, fees and requirements.

11 “(5) An agreement must provide that any vehicle registered in this state  
12 will receive a similar kind or degree of exemptions, benefits and privileges  
13 when operated in another jurisdiction that is party to the agreement as ve-  
14 hicles registered in the other jurisdiction receive when operated in this state.

15 “(6) An agreement, in the judgment of the department, shall be in the best  
16 interest of this state and its citizens, shall be fair and equitable to this state  
17 and its citizens and shall be determined on the basis and recognition of  
18 benefits that accrue to the economy of this state from the uninterrupted flow  
19 of commerce.

20 “(7) An agreement may authorize a vehicle that would otherwise be re-  
21 quired to be registered in one jurisdiction to be registered in another juris-  
22 diction without losing any benefit, exemption or privilege under the  
23 agreement if the vehicle is operated from a base located in the other juris-  
24 diction.

25 “(8) An agreement may allow the lessee or lessor of a vehicle, subject to  
26 the terms and conditions of the lease, to receive benefits, exemptions and  
27 privileges under the agreement.

28 “(9) An agreement may authorize the department to suspend or cancel any  
29 exceptions, benefits or privileges granted to any person under the agreement  
30 if the person violates any of the terms or conditions of the agreement or

1 violates any law or rule of this state relating to vehicles.

2 “(10) All agreements shall be in writing and filed with the department  
3 within 10 days after execution or the effective date of the agreement,  
4 whichever is later.

5 “(11) An agreement may be a limited type agreement with any state bor-  
6 dering this state as described in this subsection. An agreement described  
7 under this subsection is subject to all of the following:

8 “(a) The benefits, exemptions and privileges under the agreement shall  
9 only be extended to vehicles or a class of vehicles as specified in the agree-  
10 ment.

11 “(b) The agreement shall be applicable only within an area in each state  
12 that is situated along the boundary between the states and that is substan-  
13 tially equal in size.

14 “(c) The usage permitted of the vehicles in the two areas shall be as  
15 substantially equal as may be practicable.

16 “(d) The areas and usage subject to the agreement shall be described in  
17 the agreement.

18 “(e) Proportional registration shall not be required under the agreement.

19 “(f) The agreement shall comply with other mandatory provisions of this  
20 section and may contain any other provisions described under this section.

21 “(g) A vehicle operating under the agreement may be required to obtain  
22 a permit under ORS 803.610.

23 “(12) An agreement may require the display or submission of evidence of  
24 registration for any vehicle operating under the agreement.

25 **“SECTION 54.** ORS 826.007 is amended to read:

26 “826.007. The Department of Transportation may enter into agreements  
27 with the duly authorized representatives of any jurisdiction that issues out-  
28 of-state registration to provide for proportional registration of vehicles and  
29 for the apportionment of registration fees and other fixed fees and taxes on  
30 vehicles proportionally registered in this state and the other jurisdiction.

1 All of the following apply to an agreement established under authority  
2 granted by this section:

3 “(1) An agreement may provide proportional registration only for com-  
4 mercial vehicles that are engaged in interjurisdictional commerce or com-  
5 bined interjurisdictional and intrajurisdictional commerce.

6 “(2) An agreement may provide for proportional registration for vehicles  
7 individually or in fleets but must comply with the requirements for propor-  
8 tional registration under ORS 826.009 for all proportionally registered vehi-  
9 cles and with the requirements under ORS 826.011 for all proportionally  
10 registered fleets.

11 “(3) An agreement may include provisions necessary to facilitate the ad-  
12 ministration of proportional registration.

13 “(4) Any apportionment of registration fees and other fixed vehicle fees  
14 or taxes may be made on a basis commensurate with and determined on the  
15 miles traveled on and use made of the highways of this state as compared  
16 with the miles traveled on and use made of other jurisdictions’ highways,  
17 or may be made on any other equitable basis of apportionment.

18 “(5) No agreement shall contain any provision that requires a vehicle to  
19 be proportionally registered if the vehicle is:

20 “(a) Registered by this state;

21 “(b) Operating in this state under any vehicle permit that allows opera-  
22 tion of an unregistered vehicle; or

23 “(c) Legally operated in this state under an exemption provided under  
24 ORS 803.305.

25 “(6) Nothing in an agreement shall affect the right of the department to  
26 adopt rules as described in this subsection. The department may adopt any  
27 rules the department deems necessary to effectuate and administer the pro-  
28 visions of the agreement.

29 “(7) An agreement shall only provide for proportional registration of ve-  
30 hicles if the vehicle is any of the following:

1       “(a) Registered in the jurisdiction where the person registering the vehi-  
2 cle has a legal residence.

3       “(b) Registered in a jurisdiction where the commercial enterprise in which  
4 the vehicle is used has a place of business where the vehicle has been as-  
5 signed and from which or in which the vehicle is most frequently dispatched,  
6 garaged, serviced, maintained, operated or otherwise controlled.

7       “(c) Registered in a jurisdiction where the vehicle has been registered  
8 because of an agreement between two jurisdictions or a declaration issued  
9 by any jurisdiction.

10       “(8) An agreement shall retain the right of the department to make the  
11 final determination as to the proper place of registration of a vehicle when  
12 there is a dispute or doubt concerning the proper place of registration. An  
13 agreement shall retain the right of the department to confer with the de-  
14 partments of other jurisdictions affected when making a determination under  
15 this subsection.

16       “(9) An agreement may provide that the department may deny any person  
17 further benefits under the agreement until all fees or taxes have been paid  
18 if the department determines that the person should have proportionally  
19 registered more vehicles in this state or paid additional fees or taxes on ve-  
20 hicles proportionally registered in this state.

21       “(10) An agreement may provide for arrangements with agencies of this  
22 state or other jurisdictions for joint audits of registrants of proportionally  
23 registered vehicles and for the exchange of audit information on persons who  
24 have proportionally registered vehicles.

25       “(11) An agreement may authorize a vehicle that would otherwise be re-  
26 quired to be registered in one jurisdiction to be registered in another juris-  
27 diction without losing any benefits under the agreement if the vehicle is  
28 operated from a base located in the other jurisdiction.

29       “(12) An agreement may allow the lessee or lessor of a vehicle, subject  
30 to the terms and conditions of the lease, to receive benefits of proportional

1 registration under the agreement.

2 “(13) An agreement may authorize the department to suspend or cancel  
3 any benefits under the agreement if the person violates any of the terms or  
4 conditions of the agreement or violates any law or rule of this state relating  
5 to vehicles.

6 “(14) All agreements shall be in writing and shall be filed with the de-  
7 partment within 10 days after execution or the effective date of the agree-  
8 ment, whichever is later.

9 “(15) Vehicles that are proportionally registered under an agreement,  
10 whether individually or in a fleet, are fully registered in this state for pur-  
11 poses of ORS 803.300 and any other portion of the vehicle code and are ac-  
12 corded the same privileges and duties as other vehicles registered in this  
13 state even though the vehicle may have primary registration in some other  
14 jurisdiction. This subsection does not grant authority required for intrastate  
15 movement where such authority is required under ORS chapter 825. Such  
16 authority must be granted in accordance with ORS chapter 825.

17 “(16) An agreement may only provide the benefits of proportional regis-  
18 tration to a vehicle that is registered either proportionally or otherwise in  
19 at least one other jurisdiction in addition to this one.

20 “(17) Nothing in an agreement shall affect the right of the department to  
21 act under this subsection. The department may refuse to issue proportional  
22 registration in this state for vehicles from jurisdictions that do not grant  
23 similar privileges for vehicles from this state.

24 “(18) An agreement shall not provide for any benefit, exemption or privi-  
25 lege with respect to fuel taxes, use fuel taxes[, *weight mile taxes*] or any  
26 other fees or taxes levied or assessed against the use of highways or use or  
27 ownership of vehicles except registration taxes, fees and requirements.

28 “(19) An agreement may control the requirements for type, manner of  
29 display, number and other provisions relating to registration plates, regis-  
30 tration cards or other proof of registration for vehicles that are subject to

1 the agreement.

2  
3 **“OPERATIVE DATE**

4  
5 **“SECTION 55. (1) Sections 5, 7, 9, 10, 11, 13, 47 and 48 of this 2024**  
6 **Act, the amendments to statutes and session law by sections 3, 6, 14**  
7 **to 45 and 49 to 54 of this 2024 Act and the repeal of ORS 825.212, 825.470,**  
8 **825.472, 825.474, 825.476, 825.480, 825.482, 825.484, 825.486, 825.488, 825.490,**  
9 **825.492, 825.494, 825.496, 825.502, 825.506, 825.507 and 825.550 by section 1**  
10 **of this 2024 Act become operative on January 1, 2025.**

11 **“(2) Notwithstanding the operative date specified in subsection (1)**  
12 **of this section, a state agency on which duties, functions and powers**  
13 **are conferred under sections 5, 7, 9, 10, 11, 13, 47 and 48 of this 2024**  
14 **Act, the amendments to statutes and session law by sections 3, 6, 14**  
15 **to 45 and 49 to 54 of this 2024 Act and the repeal of ORS 825.212, 825.470,**  
16 **825.472, 825.474, 825.476, 825.480, 825.482, 825.484, 825.486, 825.488, 825.490,**  
17 **825.492, 825.494, 825.496, 825.502, 825.506, 825.507 and 825.550 by section 1**  
18 **of this 2024 Act may take any action before the operative date specified**  
19 **in subsection (1) of this section that is necessary to enable the agency**  
20 **to exercise, on and after the operative date specified in subsection (1)**  
21 **of this section, all the duties, functions and powers conferred on the**  
22 **agency by sections 5, 7, 9, 10, 11, 13, 47 and 48 of this 2024 Act, the**  
23 **amendments to statutes and session law by sections 3, 6, 14 to 45 and**  
24 **49 to 54 of this 2024 Act and the repeal of ORS 825.212, 825.470, 825.472,**  
25 **825.474, 825.476, 825.480, 825.482, 825.484, 825.486, 825.488, 825.490, 825.492,**  
26 **825.494, 825.496, 825.502, 825.506, 825.507 and 825.550 by section 1 of this**  
27 **2024 Act.**

28  
29 **“CAPTIONS**

1       **“SECTION 56. The unit captions used in this 2024 Act are provided**  
2 **only for the convenience of the reader and do not become part of the**  
3 **statutory law of this state or express any legislative intent in the**  
4 **enactment of this 2024 Act.**

5

6

**“EFFECTIVE DATE**

7

8       **“SECTION 57. This 2024 Act takes effect on the 91st day after the**  
9 **date on which the 2024 regular session of the Eighty-second Legislative**  
10 **Assembly adjourns sine die.”.**

11

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