

**A-Engrossed**  
**House Bill 2281**

Ordered by the House April 15  
Including House Amendments dated April 15

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Transportation and Economic Development)

**SUMMARY**

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

*[Requires Department of Transportation to study development of uniform speed bump height and markings.]*

*[Sunsets January 2, 2018.]*

**For purposes of per-mile road usage charge, makes issuance by Department of Transportation of emblem of exemption from motor vehicle fuel taxes permissive, removes exception to requirement that seller collect use fuel taxes on motor vehicle paying per-mile road usage charge and removes requirement that Department of Transportation round metered use of subject vehicle up to next whole mile.**

**Takes effect on 91st day following adjournment sine die.**

**A BILL FOR AN ACT**

1  
2 Relating to transportation; amending ORS 319.665, 319.890, 319.920 and 319.945; and prescribing an  
3 effective date.

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

5 **SECTION 1.** ORS 319.945 is amended to read:

6 319.945. (1) *[Upon application on a form prescribed by]* The Department of Transportation~~, the~~  
7 *department shall* **may** issue an emblem to the registered owner of a subject vehicle to show that the  
8 use of fuel in the subject vehicle is exempt from taxation under ORS 319.510 to 319.880.

9 (2) An emblem issued under this section shall be displayed:

10 (a) In a conspicuous place on the subject vehicle; and

11 (b) Only upon the subject vehicle with respect to which it is issued.

12 **SECTION 2.** ORS 319.890 is amended to read:

13 319.890. (1) A person wishing to pay the per-mile road usage charge imposed under ORS 319.885  
14 must apply to the Department of Transportation on a form prescribed by the department.

15 (2) The department shall approve a valid and complete application submitted under this section  
16 if:

17 (a) The applicant is the registered owner or lessee of a motor vehicle;

18 (b) The motor vehicle is equipped with a method selected pursuant to ORS 319.900 for collecting  
19 and reporting the metered use by the motor vehicle of the highways in Oregon;

20 (c) The motor vehicle has a gross vehicle weight rating of 10,000 pounds or less; and

21 (d) Approval does not cause the number of subject vehicles active in the road usage charge  
22 program on the date of approval to exceed 5,000, of which no more than 1,500 may have a rating  
23 of less than 17 miles per gallon and no more than 1,500 may have a rating of at least 17 miles per

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

1 gallon and less than 22 miles per gallon, such ratings to be determined pursuant to a method es-  
2 tablished by the department.

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

6 (4) A person may end the person's voluntary participation in the road usage charge program at  
7 any time by notifying the department, returning [*the*] **any** emblem issued under ORS 319.945 to the  
8 department and paying any outstanding amount of road usage charge for metered use by the  
9 person's subject vehicle.

10 **SECTION 3.** ORS 319.665, as amended by section 17, chapter 781, Oregon Laws 2013, is  
11 amended to read:

12 319.665. (1) The seller of fuel for use in a motor vehicle shall collect the tax provided by ORS  
13 319.530 at the time the fuel is sold, unless one of the following situations applies:

14 (a) The vehicle into which the seller delivers or places the fuel bears a valid permit or user's  
15 emblem issued by the Department of Transportation.

16 (b) The fuel is dispensed at a nonretail facility, in which case the seller shall collect any tax  
17 owed at the same time the seller collects the purchase price from the person to whom the fuel was  
18 dispensed at the nonretail facility. A seller is not required to collect the tax under this paragraph  
19 from a person who certifies to the seller that the use of the fuel is exempt from the tax imposed  
20 under ORS 319.530.

21 (c) A cardlock card is used for purchase of the fuel at an attended portion of a retail facility  
22 equipped with a cardlock card reader, in which case the cardlock card issuer licensed in this state  
23 is responsible for collecting and remitting the tax unless the person making the purchase certifies  
24 to the seller that the use of the fuel is exempt from the tax imposed under ORS 319.530.

25 [*(d) Metered use by the vehicle is subject to the per-mile road usage charge imposed under ORS*  
26 *319.885.*]

27 (2) If a cardlock card is used for purchase of fuel at an attended portion of a retail facility  
28 equipped with a cardlock card reader, the seller at the retail facility may deduct fuel purchases  
29 made with a cardlock card from the seller's retail transactions if the seller provides the department  
30 with the following information:

31 (a) A monthly statement from a cardlock card issuer that details the cardlock card purchases  
32 at the retail facility; and

33 (b) A listing of cardlock card issuers and gallons of fuel purchased at the retail facility by the  
34 issuers' customers.

35 (3) The department shall supply each seller of fuel for use in a motor vehicle with a chart which  
36 sets forth the tax imposed on given quantities of fuel.

37 **SECTION 4.** ORS 319.920 is amended to read:

38 319.920. (1) On a date determined by the Department of Transportation under ORS 319.910, the  
39 registered owner or lessee of a subject vehicle shall report the metered use by the subject  
40 vehicle[, *rounded up to the next whole mile,*] and pay to the department the per-mile road usage  
41 charge due under ORS 319.885 for the reporting period.

42 (2) Unless a registered owner or lessee presents evidence in a manner approved by the depart-  
43 ment by rule that the subject vehicle has been driven outside this state, the department shall assume  
44 that all metered use reported represents miles driven by the subject vehicle on the highways in  
45 Oregon.

1        **SECTION 5. This 2015 Act takes effect on the 91st day after the date on which the 2015**  
2        **regular session of the Seventy-eighth Legislative Assembly adjourns sine die.**  
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