

HOUSE AMENDMENTS TO HOUSE BILL 2281

By COMMITTEE ON TRANSPORTATION AND ECONOMIC DEVELOPMENT

April 15

1 In line 2 of the printed bill, before the period insert “; amending ORS 319.665, 319.890, 319.920
2 and 319.945; and prescribing an effective date”.

3 Delete lines 4 through 11 and insert:

4 “**SECTION 1.** ORS 319.945 is amended to read:

5 “319.945. (1) [*Upon application on a form prescribed by*] The Department of Transportation[, *the*
6 *department shall*] **may** issue an emblem to the registered owner of a subject vehicle to show that the
7 use of fuel in the subject vehicle is exempt from taxation under ORS 319.510 to 319.880.

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

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

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

11 “**SECTION 2.** ORS 319.890 is amended to read:

12 “319.890. (1) A person wishing to pay the per-mile road usage charge imposed under ORS 319.885
13 must apply to the Department of Transportation on a form prescribed by the department.

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

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

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

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

20 “(d) Approval does not cause the number of subject vehicles active in the road usage charge
21 program on the date of approval to exceed 5,000, of which no more than 1,500 may have a rating
22 of less than 17 miles per gallon and no more than 1,500 may have a rating of at least 17 miles per
23 gallon and less than 22 miles per gallon, such ratings to be determined pursuant to a method es-
24 tablished by the department.

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

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

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

34 “319.665. (1) The seller of fuel for use in a motor vehicle shall collect the tax provided by ORS
35 319.530 at the time the fuel is sold, unless one of the following situations applies:

1 “(a) The vehicle into which the seller delivers or places the fuel bears a valid permit or user’s
2 emblem issued by the Department of Transportation.

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

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

12 “[(d) Metered use by the vehicle is subject to the per-mile road usage charge imposed under ORS
13 319.885.]

14 “(2) If a cardlock card is used for purchase of fuel at an attended portion of a retail facility
15 equipped with a cardlock card reader, the seller at the retail facility may deduct fuel purchases
16 made with a cardlock card from the seller’s retail transactions if the seller provides the department
17 with the following information:

18 “(a) A monthly statement from a cardlock card issuer that details the cardlock card purchases
19 at the retail facility; and

20 “(b) A listing of cardlock card issuers and gallons of fuel purchased at the retail facility by the
21 issuers’ customers.

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

24 “**SECTION 4.** ORS 319.920 is amended to read:

25 “319.920. (1) On a date determined by the Department of Transportation under ORS 319.910, the
26 registered owner or lessee of a subject vehicle shall report the metered use by the subject
27 vehicle[, rounded up to the next whole mile,] and pay to the department the per-mile road usage
28 charge due under ORS 319.885 for the reporting period.

29 “(2) Unless a registered owner or lessee presents evidence in a manner approved by the de-
30 partment by rule that the subject vehicle has been driven outside this state, the department shall
31 assume that all metered use reported represents miles driven by the subject vehicle on the highways
32 in Oregon.

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