

LC 1105

11/8/02 (JR/ps)

D R A F T

SUMMARY

Authorizes Department of Transportation to structure fees for certain pilot programs to take account of highway congestion.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1

2 Relating to fees for pilot programs of Department of Transportation; amend-
3 ing section 3, chapter 862, Oregon Laws 2001; and prescribing an effective
4 date.

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

6 **SECTION 1.** Section 3, chapter 862, Oregon Laws 2001, is amended to
7 read:

8 **Sec. 3.** (1) The Department of Transportation may develop one or more
9 pilot programs to test alternatives to the current system of taxing highway
10 use through motor vehicle fuel taxes. Pilot programs may include, but need
11 not be limited to, programs testing technology and methods for:

12 (a) Identifying vehicles;

13 (b) Collecting and reporting the number of miles traveled by a particular
14 vehicle; *[and]*

15 **(c) Collecting and reporting information about when and where a**
16 **particular vehicle travels; and**

17 *[(c)]* **(d) Receiving payments from participants in pilot projects.**

18 (2) Technology and methods tested under subsection (1) of this section
19 shall be tested for:

20 (a) Reliability;

21 (b) Ease of use;

22 (c) Public acceptance;

23 (d) Cost of implementation and administration; and

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.

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1 (e) Potential for evasion of accurate reporting.

2 (3) The department may solicit volunteers for participation in pilot pro-
3 grams developed under this section. A participant must:

4 (a) Report the participant's use of the highway system in Oregon as re-
5 quired by the program;

6 (b) Pay the fee established for the program for use of the highway system;
7 and

8 (c) Display in the participant's vehicle an emblem issued under subsection
9 (6) of this section.

10 (4) The department shall establish a fee for each pilot program the de-
11 partment undertakes. The fee shall be a highway use fee and shall be paid
12 by each participant in the program. **The fee may include a surcharge for**
13 **travel in specified places during specified times.** The program may be
14 designed so that the fee is imposed in lieu of any tax on motor vehicle fuel
15 imposed under ORS 319.020 or any tax on the use of fuel in a vehicle under
16 ORS 319.530 that would otherwise be paid by the participant.

17 (5) If a person who participates in a pilot program under this section pays
18 the motor vehicle fuel tax under ORS 319.020, the department may refund the
19 taxes paid.

20 (6) The department shall issue an emblem for each vehicle that will be
21 used by a participant as part of a pilot program under this section. A seller
22 of fuel for use in a motor vehicle may not collect the tax that would other-
23 wise be due under ORS 319.530 from a person operating a vehicle for which
24 an emblem has been issued under this subsection.

25 (7) If a person participating in a pilot program under this section ends
26 the person's participation in the program prior to termination of the pro-
27 gram, the person shall pay to the department any amount of the highway use
28 fee established for the program under subsection (4) of this section that the
29 person has not yet paid. The person shall return to the department any
30 emblem issued to the person under subsection (6) of this section.

31 (8) The department may terminate a pilot program at any time and may

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1 terminate participation by any particular person at any time. When a pro-
2 gram is terminated or a person's participation is terminated by the depart-
3 ment, the department shall collect any unpaid highway use fees established
4 for the program under subsection (4) of this section.

5 (9) The department may adopt any rules the department deems necessary
6 for the implementation of this section, including but not limited to rules
7 establishing methods of collecting highway use fees from program partic-
8 ipants and rules establishing reporting requirements for participants.

9 (10) The department may compensate participants in pilot programs es-
10 tablished under this section.

11 (11) In designing, implementing and evaluating pilot programs under this
12 section, the department shall consider the recommendations of the task force
13 created by section 2, chapter 862, Oregon Laws 2001 [*of this 2001 Act*].

14 **SECTION 2. This 2003 Act takes effect on the 91st day after the date**
15 **on which the regular session of the Seventy-second Legislative As-**
16 **sembly adjourns sine die.**

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