

Legislative Summary

2020





Oregon’s annual legislative session came to a close March 8, 2020. There were 283 bills, memorials, and resolutions introduced during the 2020 session. Legislators advanced three bills, one of which directly impacts ODOT. If you have questions about 2020 transportation-related legislation, please contact Government Relations staff.

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Measures signed into law are known as “session laws” and are available on the legislative website under Oregon Laws. Permanent laws passed during the 2020 Legislative Session will not be codified until the 2021 edition of Oregon Revised Statutes is released. The 2021 ORS will be distributed and made available online late summer 2021.

Cover photos:
OR 99W: Newburg-Dundee Bypass
Spring at Oregon’s State Capitol

¹ Nikotris Perkins joined the Oregon Department of Transportation shortly after publication of this summary.



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Legislation Passed

Cultural Trust License Plate Surcharge

House Bill 4061

Effective Date: January 1, 2021

House Bill 4061 increases the fee for Cultural Trust license plates issued and renewed by DMV, from \$15 to \$25 per plate. Revenues generated from the sale of these plates are deposited in the Trust for Cultural Development Account for Business Oregon's Cultural Development Grant Program, established in ORS 359.400. The projected net revenue increase in the 2019-21 biennium is \$136,000, and \$217,000 in the 2023-25 biennium.

Emergency Board Action

Oregon Crisis Funding

As the Oregon Legislature did not pass necessary budget bills during the 2020 Legislative Session, the Legislature’s Emergency Board convened on March 9, 2020 and passed a series of funding allocations, known as Oregon Crisis Funding. These funding allocations included:

Eastern Oregon Flood Damage Mitigation

Housing and Community Services Department

- \$2,000,000 from the Emergency Fund for development of new affordable housing units for Umatilla County flood victims, including residents of the Umatilla Indian reservation.
- \$1,500,000 from the Emergency Fund for rapid rehousing, including rental assistance, to victims of the February 2020 flooding in Umatilla County, including residents of the Umatilla Indian reservation.
- \$4,000,000 from the Emergency Fund for housing and infrastructure replacement associated with damage and losses sustained in the February 2020 flooding in Umatilla County, including those on the Umatilla Indian reservation. This funding allocation will not be unscheduled by the Department of Administrative Services (DAS) until a plan is presented and approved by the Legislative Fiscal Office and the DAS Chief Financial Office.

Oregon Business Development Department

- \$1,800,000 from the Emergency Fund for deposit into the Special Public Works Fund to the City of Pendleton for levee repairs.
- \$1,500,000 from the Emergency Fund for the Strategic Reserve Fund for support of business clean-up and restoration expenses necessitated by flooding in Eastern Oregon that are not reimbursed by insurance.

Department of Administrative Services

- \$500,000 from the Emergency Fund for a grant to the Blue Mountain Foundation to fund additional housing rehabilitation needs.
- \$350,000 from the Emergency Fund for special payments to the City of Milton-Freewater to defray significant flood debris clean-up costs incurred by local public works entities.

Novel Coronavirus (COVID-19) Response

Oregon Health Authority

- \$5,000,000 from the Emergency Fund, and increase Federal Funds expenditure limitation by \$20,000,000 to support the Authority’s response to cases of COVID-19, with the understanding that DAS will unschedule \$4,000,000 of the Emergency Fund allocation and \$10,000,000 of the Federal Funds expenditure limitation increase pending the identification of the specific response activity costs, the agency’s notification to the

Legislature of its request for federal financial assistance consistent with the statewide federal grant approval process, and identification of the level of and eligible uses for any federal funding awarded to the agency. The Federal Funds expenditure limitation is an estimate of Oregon’s share of Congressional action to provide \$8.3 billion of federal funding nationwide for coronavirus preparedness and response.

All-Hazard Emergency Preparedness and Response

Military Department

- \$2,700,000 from the Emergency Fund for the following enhancements of emergency preparedness activities currently provided by the Office of Emergency Management, and the creation of two new emergency preparedness functions that do not currently exist:
 - \$888,036 and one management position to create a grant program to fund up to ten logistics staging bases, and to develop one logistics staging base site as a proof of concept with safety and security measures, storage capacity, redundant energy supply and communications capacity, traffic management and control supplies, a cache of life-saving/sustaining supplies, and other supplies, equipment, or resources required for a functional logistics staging base. No resources are provided for the grant program.
 - \$732,150 and one management position to develop a state-supported incident management team program to train, equip, and exercise 20 all-hazards incident management teams over a ten-year period; and to train, equip, and exercise one all-hazards incident management team as proof of concept. No staffing requirements for incident management teams are identified.
 - \$1,079,814 for six positions and funding for supplies, training, preparedness educational materials, vehicles, and equipment to enhance local emergency preparedness plans and activities.

Greenhouse Gas Emissions Policy Rulemaking

Department of Environmental Quality

- \$5,000,000 from the Emergency Fund to be used for rulemaking and other actions with the goal of reducing greenhouse gas emissions across all emissions sources, including point sources, natural gas emissions, and transportation fuels. To potentially implement these activities, the Emergency Board authorizes the establishment of ten permanent positions for the Department.

Budget (Not Passed)

Budget Reconciliation (HB 5204)

House Bill 5204 was the budget reconciliation bill (also known as the End of Session Bill or Christmas Tree Bill), which provided various budget adjustments for state agencies.

House Bill 5204 increased ODOT's 2019-21 budget limitation by \$66,041,237 and 50 positions (59.42 FTE) for statewide compensation changes, as well as DMV's proposed comprehensive staffing proposal to accommodate increased transaction volumes related to Real ID implementation.

Budget Notes (Not Passed)

HB 2015 (2019) Communications & Outreach (HB 5204)

The Oregon Department of Transportation is directed to work with community-based organizations and other stakeholders to ensure broad community outreach and engagement related to implementation of HB 2015 (2019). The Department is further directed to use existing resources of up to \$500,000 for such outreach and to contract with one or more trusted community-based organizations with a track record of providing culturally competent and linguistically appropriate community outreach. No later than September 2020, the Department shall report to the Emergency Board on the details of the community outreach activities.

Legislation Considered (Not Passed)

Unemployment Insurance Benefits (HB 4007)

House Bill 4007 ensured that an individual otherwise eligible for unemployment insurance benefits is not disqualified for any week that the individual's unemployment is due to a labor dispute in active progress at their place of employment. The measure directed the Employment Department to promptly examine each claim to determine if the individual is eligible for or disqualified from unemployment insurance.

The measure remained in the House Committee on Business and Labor upon adjournment.

Corporate Activity Tax (HB 4009)

House Bill 4009 made technical and policy clarifications to the corporate activity tax, established by House Bill 3427 (2019). The measure specified that a taxpayer is required to register once rather than annually; provided that returns and allowances are allowed as offsets against commercial activity; excluded certain activity such as certain fees and taxes, crop insurance payments, and certain dairy sales of milk, among other technical and policy changes. The measure applied to tax years beginning on or after January 1, 2020.

The measure failed to receive a second reading by the House of Representatives.

Omnibus Transportation Bill (HB 4036)

House Bill 4036 was the 2020 legislative session's omnibus transportation bill. The measure included various technical corrections and programmatic changes to statutes governing ODOT's work and affecting the transportation sector.

The measure:

- Disconnected the validity of a disabled person parking placard from a driver license or identification card;
- Made technical corrections related to ODOT's Use Fuel Tax Emblem;
- Provided explicit authority for ODOT to enter into agreements with local governments for the collection of local option fuel taxes;
- Made changes to statutes governing the use of flashing circular yellow signals, and flashing yellow beacons;
- Made changes to Commerce and Compliance Division's training programs, requiring at least eight hours of classroom instruction, and increased the fee allowable under the program to \$200.
- Allowed electric and natural gas companies to recover from retail consumers, costs from prudent infrastructure investments to support transportation electrification and the use of alternative fuel vehicles;

- Changed the date on which ODOT is required to report on the condition of state and local roadways;
- Made technical adjustments to statutes related to locomotives;
- Authorized ODOT to develop rules related to federal odometer disclosure requirements;
- Exempted Park Model Recreational Vehicles from VIN inspections at DMV title transactions;
- Authorized ODOT to develop rules to exempt out-of-state Class C driver license applicants from knowledge test requirements;
- Made technical adjustments to the definition of ‘bicycle’;
- Provided an increase in both the jet fuel and aviation gas tax;
- Made statutory changes to consolidate the Statewide Transportation Improvement Fund (STIF) and Special Transportation Fund (STF), as directed via budget note in HB 5039 (2019).

The measure failed to receive a second reading by the House of Representatives.

Oregon Emergency Management (HB 4041)

House Bill 4041 renamed the Office of Emergency Management as Oregon Department of Emergency Management (ODEM). This measure made ODEM independent from the Oregon military Department and transferred the Oregon Emergency Response System from the Department of State Police. Established Emergency Preparedness Advisory Council and the Emergency management Restructuring Task Force.

The measure failed to receive a second reading by the House of Representatives.

Contracting Preferences for Emergency Preparedness (HB 4042)

House Bill 4042 required contracting agencies to give preference in contract awarding to bidders or proposers who are certified by the Office of Emergency Management as “emergency preparedness partners.” The Office of Emergency Management was directed to establish a program for training and certifying businesses to meet requirements.

The measure remained in the House Committee on Business and Labor upon adjournment.

Surety Bonds for Mechanics (HB 4058)

House Bill 4058 required those that provide services in connection with a motor vehicle to maintain a surety bond or irrevocable letter of credit with ODOT.

The measure failed to receive a second reading in the Senate.

Driver License Suspension for Failure to Pay (HB 4065)

House Bill 4065 eliminated the courts' ability to order a driver license suspension for individuals who fail to pay a fine. The measure would have resulted in a significant reduction in workload for DMV staff, allowing for the diversion of resources to other critical work. ODOT supported passage of the measure.

The measure failed to receive a second reading in the Senate.

Electric Vehicle Infrastructure (HB 4066)

House Bill 4066 permitted the Public Utility Commission to allow electric companies to recover costs from ratepayers for prudent investments or expenses supporting transportation electrification. A minority report was filed for this measure, removing the provisions allowing electric companies to recover costs, and directed the Public Utility Commission, in consultation with Portland State University, to study the potential cost increases to retail electricity consumers due to electric company programs to accelerate transportation electrification.

The measure failed to receive a second reading in the Senate.

Memorial Highway Road Signs (HB 4083)

House Bill 4083 modified the criteria for erecting roadside memorial signs by allowing roadside memorial signs be erected without first having a concurrent resolution adopted by the Legislative Assembly for those individuals who were formerly designated as either a prisoner of war or unaccounted for by the Defense POW/MIA Accounting Agency.

The measure failed to receive a third reading in the Senate.

Non-Payment of Transportation Fares (HB 4097)

House Bill 4097 prohibited police officers from conducting or participating in activities intended to determine whether a person has paid certain user charges, fees, or tolls imposed by a mass transit district.

This measure failed to receive a second reading in the Senate.

Highway Speed Designation (HB 4103)

House Bill 4103 expanded the Department of Transportation's authority to allow cities and specified counties to designate speeds on highways within governing body's jurisdiction under certain circumstances. The measure provided ODOT rulemaking authority to establish the delegation process, criteria, and reporting requirements for jurisdictions seeking speed-setting delegation.

The measure failed to receive a second reading in the Senate.

Oil Transportation and Vapor Pressure (HB 4105)

House Bill 4105 prohibited state agencies from authorizing construction of new infrastructure for exploration, development, or production of oil or gas on state-owned real property or for transportation of oil or gas across state-owned real property. Additionally this measure required facilities unloading oil or gas received by rail to provide advance notice to Department of Transportation and prohibited facilities from loading or unloading oil or gas with vapor pressure of nine pounds per square inch or more. Imposed maximum penalty of \$2,500 per day per railcar for facility violations.

The measure failed to receive a second reading in the House.

Refusal of US Currency & Discrimination (HB 4107)

House Bill 4107 prohibited a place of public accommodation's refusal to accept US Coin or currency as payment for goods and/or services, with limited exceptions. The measure allowed a person to file a complaint with the Commissioner of Bureau of Labor and Industries alleging an unlawful practice, and authorized civil actions beginning January 1, 2022. Additionally, the measure expanded the meaning of the term 'race,' to include natural hair, hair texture, hair type, and protective hairstyles, with regard to antidiscrimination statutes.

The measure failed to receive a second reading in the Senate.

Electrification of Transportation (HB 4135)

House Bill 4135 required electric companies to invest one percent or more of total rates collected annually from retail electricity consumers in programs intended to accelerate transportation electrification; as the measure also authorized the Public Utility Commission to allow an electric company to recover costs from ratepayers for prudent investments in infrastructure that support transportation electrification. The sections of the measure requiring electric companies to invest one percent or more of total rates in transportation electrification expired January 2, 2026. The measure required governing bodies of consumer-owned utilities to report annually to the Legislative Assembly on programs funded through the measure.

The measure remained in the House Committee on Energy and Environment upon adjournment.

Student Transportation Grants (HB 4136)

House Bill 4136 narrowed the grant requirement that student transportation costs be prioritized for school districts that did not receive public moneys in the previous school year for the same student transportation costs.

This measure remained in the Joint Committee on Ways and Means upon adjournment.

Privilege Tax Increase (HB 4151)

House Bill 4151 increased privilege and use tax rates imposed on motor vehicle dealers, by 0.5 percent to a total of 1 percent, beginning January 1, 2021. The measure directed the incremental increase in revenue to the Department of Environmental Quality’s Charge Ahead Program for zero-emission and electric vehicle rebates.

Additionally, the measure required electric companies located within part of the Portland metropolitan service district to invest one-half of one percent of total rates collected annually from retail electricity consumers to support the acceleration of transportation electrification.

The measure remained in the House Committee on Revenue upon adjournment.

Program Change (HB 4163)

House Bill 4163 was the 2020 Legislative Session Program Change Bill, containing statutory and programmatic changes necessary to align with budgetary adjustments made during session. Among other provisions, the measure made statutory changes to merge the Special Transportation Fund with the Statewide Transportation Improvement Fund, as directed by a Budget Note from the 2019 Legislative Session.

The measure failed to receive a second reading in the House of Representatives.

Honoring Oregon State Police Trooper (HCR 203)

House Concurrent Resolution recognized and honored Oregon State Police Trooper Dale Benjamin Courtney for his service to the state from 1925 to 1950. The resolution would allow for a Fallen Officer roadside memorial sign to be erected to commemorate Trooper Courtney.

The measure failed to receive a second reading in the Senate.

Driving Under the Influence of Intoxicants Clarification (SB 1503)

Senate Bill 1503 clarified driving under the influence of intoxicants (DUII) statutes by providing that an individual is guilty of DUII if that person is found to have a .08 or higher percent blood alcohol level within two hours of driving. The measure also defined “statutory counterpart” for the purpose of counting previous DUII convictions.

The measure remained in the House Committee on Rules upon adjournment.

Studying the Reclassification of Diesel Fuel (SB 1504)

Senate Bill 1504 directed ODOT, in consultation with the Department of Environmental Quality, to study modifying the classification of diesel fuel from fuel as defined in ORS 319.520, to motor vehicle fuel as defined in ORS 319.010. The measure required the study to include:

- Any necessary changes to law to ensure the compliance of fuel sellers and motor vehicle fuel dealers;
- Any potential impacts this change may have on motor vehicle fuel tax revenue collections;
- Any potential impacts this change may have on weight-mile tax revenue collections;
- The most efficient methods for maintaining fairness and proportionality of revenues described in Article IX, section 3a (3) of the Oregon Constitution;
- Any potential impacts this change may have on operations of the Department of Transportation pursuant to its oversight and regulatory functions;
- Whether vehicles with a registration weight over 10,000 pounds should be included within a weight-mile tax system; and
- Any necessary changes to law regarding the treatment for purposes of taxation, of dyed fuels, including connections to the Internal Revenue Code, testing for illegal use, and compliance and enforcement provisions.

The measure required the report be submitted to the Joint Committee on Transportation during the 2021 regular session, including an implementation plan to reclassify diesel fuel beginning January 1, 2022.

The measure failed to receive a second reading in the Senate.

Stream Restoration (SB 1511)

Senate Bill 1511 directed the Department of Fish and Wildlife (ODFW) to develop a program to approve voluntary stream restoration weirs (sometimes known as artificial beaver dams). The measure directed ODFW to coordinate with ODOT to consider potential impacts to existing or planned transportation infrastructure prior to authorizing an environmental restoration weir. The measure authorized ODFW to require the modification of environmental restoration weirs if one

was found to adversely impact transportation infrastructure or planned transportation infrastructure.

The measure failed to receive a second reading by the House of Representatives.

Construction Project Contracting Subject to Property Tax Exemption Programs (SB 1525)

Senate Bill 1525 established requirements for business firms advertising construction project that would be subject to property tax exemption program. The measure required an enterprise zone sponsor or county to provide Oregon Business Development Department with annual report of all project labor agreements entered into under construction projects within property tax exemption programs. Senate Bill 1525 also required Oregon Business Development Department to report annually on details of business firm participation in property tax exemption programs.

The measure failed to receive a third reading by the House of Representatives.

Oregon Cap and Trade (SB 1530)

Senate Bill 1530 modified Oregon's greenhouse gas (GHG) emissions reduction goals to at least 45% below 1990 levels by 2035, and 80% below 1990 levels by 2050. The measure established the Oregon Greenhouse Gas Reduction Board, and the Office of Greenhouse Gas Regulation within the Department of Environmental Quality, and directed the office to establish the Oregon Greenhouse Gas Initiative to administer a cap and trade system in Oregon.

The program directed emissions regulation economy-wide, including from the transportation fuel sector. Therefore, much of the revenue generated from the sale of emission allowances to fuel importers and producers would be subject to Article IX, Section 3a of the Oregon Constitution, directing a significant amount of funds to ODOT for specified projects (10% of available funds); and distribution to cities, counties, and metropolitan planning organizations for the development and implementation of metropolitan climate plans (90% of available funds).

The measure established new procurement and contracting provisions for projects funded using monies from the program. Procurement provisions included preference for Oregon nursery stock and manufactured goods and building materials produced by entities subject to a carbon pricing program. Contracting provisions applied to projects receiving more than \$50,000 in program funds, and required projects pay prevailing wage, offer health care and retirement benefits, participate in an apprenticeship program, and demonstrate compliance with labor conditions. Projects over \$200,000 required the use of project labor agreements.

Certain provisions of the measure became effective immediately, with the first sale of emissions allowances occurring in 2022.

The measure failed to receive a second reading in the Senate.

Similar introduced measures related to a greenhouse gas emission reduction program included House Bill 4159, House Bill 4167, Senate Bill 1574, Legislative Concept 314, Legislative Concept 316, and Legislative Concept 317.

Tax Changes (SB 1531)

Senate Bill 1531 made corrections and updates to tax statutes relating to a variety of topics, three of which impacted ODOT directly:

- A biennial review of the special use fuel license fee provided in ORS 319.535, and any recommended legislation for adjustments to the fee;
- Authorization for the Department of Revenue to disclose certain information related to the vehicle privilege tax, to ODOT;
- Clarification that both owned and leased railroads are eligible for a tax credit provided to short-line railroad rehabilitation projects.

The measure failed to receive a second reading in the Senate.

Mandatory State Police Staffing Levels (SB 1545)

Senate Bill 1545 directed Oregon State Police to maintain staffing level of at least 15 patrol troopers per 100,000 residents of this state, beginning January 1, 2030.

The measure failed to receive a second reading in the Senate.

State Board of Towing (SB 1569)

Senate Bill 1569 established the State Board of Towing within the Department of Transportation. The measure directed the Board to, by rule, develop a schedule of civil penalties, and to receive and investigate complaints made against towing businesses in Oregon. Under this measure the Board was authorized to issue a civil penalty; order ODOT to deny, suspend, or refuse renewal of a towing business certificate; or remove participation in the Oregon State Police’s rotational list of towing businesses, for certain violations. The measure became operative January 1, 2021.

The measure failed to receive a second reading in the Senate.

Expunction of Juvenile Records (SB 1573)

Senate Bill 1573 modified the procedure for expunction of certain juvenile records, and required the juvenile department to file an application for the automatic expunction of juvenile records, as soon as the individual reaches 18 years of age. The measure provided counsel to individuals seeking to have their juvenile records expunged, and reduces the penalty for releasing expunged information from a Class C misdemeanor to a Class A violation.

The measure failed to receive a second reading in the Senate.

Oregon Cap and Trade (SB 1574)

Senate Bill 1574 modified state anthropogenic greenhouse gas emission reduction level goals. The measure would have also established the Greenhouse Gas Reduction Board and the Office of Greenhouse Gas Regulation, and required the Board to adopt the Oregon Greenhouse Gas Initiative by rule. The measure also required the Board to cap the total amount of regulated greenhouse gas emissions through setting allowance budgets starting in 2022 through 2050, and provided a system for covered entities to buy and sell allowances and offset credits used to demonstrate compliance.

This measure failed to receive a second reading in the Senate.

Similar introduced measures related to a greenhouse gas emission reduction program included House Bill 4159, House Bill 4167, Senate Bill 1530, Legislative Concept 314, Legislative Concept 316, and Legislative Concept 317.

Refunds for Increased Fuel Costs Related to Cap and Trade (SB 1578)

Senate Bill 1578 established a fuel cost rebate program for low- and middle-income Oregonians, intended to mitigate fuel cost increases as a result of a Cap and Trade program. The measure directed ODOT to establish and administer the program using revenues from the Transportation Decarbonization Investment Account (established in SB 1530) to fund rebates. The measure was contingent upon passage of SB 1530.

The measure failed to receive a second reading in the Senate.

Similar introduced measures related to a greenhouse gas emission reduction program included House Bill 4159, House Bill 4167, Senate Bill 1530, Senate Bill 1574, Legislative Concept 314, Legislative Concept 316, and Legislative Concept 317.

Short Line Railroad Tax Credit (SB 5701)

Senate Bill 5701 would have ratified new application fees for the short line railroad rehabilitation tax credit (HB 2164 (2019)). The fees were adopted by the Department of Transportation and approved by the Oregon Department of Administrative Services but require ratification by the legislature.

The measure failed to receive a second reading in the Senate.

Vehicle Inspection Certification Fee Increase (SB 5702)

Senate Bill 5702 increased vehicle inspection certification fees for the Department of Environmental Quality's (DEQ) Vehicle Inspection Program. The measure increased Portland Metro area fees to \$25 from \$21; and Medford area fees to \$15 from \$10. Additionally this measure increased the Dealer Testing Fee to \$30 from \$26. ODOT's Driver and Motor Vehicle Services Division partners with DEQ to issue vehicle registration through DEQ's Vehicle Inspection Program. Without these fee increases, DEQ services may be reduced, requiring more vehicle registration transactions be conducted in DMV field offices.

The measure failed to receive a second reading in the Senate.