**Note: These are draft rules for the mandatory program only. The rules for the voluntary program will be revised after these rules are closer to finalization--MR**

## Oregon Administrative Rules Chapter 90

## 731-090-0000 Definitions

The following definitions apply to 731-090-0000 to 731-090-0XXX unless otherwise stated.

(1) "Account Manager" means the Department or a Certified Service Provider under ORS 319.915.

(2) "Combined rating" means the weighted average of city and highway miles per gallon, or miles per gallon equivalent (MPGe) values calculated by weighting the city value, the highway value and the electric value, as determined by the United States Environmental Protection Agency.

(3) "Commercial Account Manager" means an entity operating within a commercial market that has entered into an agreement with the Department under ORS 367.806 and 319.915 for reporting metered use by a subject vehicle or for administrative services related to the collection of Road Usage Charges.

(4) "Electric vehicle" has the meaning given in ORS 319.883.

(5) "Highway" has the meaning given in ORS 319.883(3).

(6) "Hybrid electric vehicle" has the meaning given in ORS 319.883 (4)

(7) "Lessee" has the meaning given in ORS 319.883.

(8) "Metered use" means the miles driven on RUC-liable roads and highways in Oregon.

(9) "Metered use report" means an Account Manager's periodic report of its RUC Payer's metered use of Oregon's public roads for submittal to the Department.

(10) "Metered use reporting period" means the period of time for which metered use, or the miles driven, are reported by the RUC Payer to the Account Manager and by the Account Manager to the Department on a frequency determined by contract between the Department and the Account Manager.

(11) "Motive Power" means the energy used to power a vehicle, including, but not limited to, gasoline or electricity.

(12) Motor vehicle" has the meaning given in ORS 319.883 (6).

(13) "Motor vehicle rental company" has the meaning given in ORS 319.883 (7).

(14) “ODOT” or “Department” means the Oregon Department of Transportation.

(15) “ODOT Account Manager” means an entity that has entered into an agreement with the Department to act as a public account manager, under ORS 367.806 and 319.915, to report metered use by a subject vehicle or for administrative services related to the collection of Road Usage Charges.

(16) “Personally Identifiable Information” has the meaning given in ORS 319.915

(17) “Plug-in hybrid electric vehicle” has the meaning given in ORS 319.883 (8).

(18) “Registered Owner” has the meaning given in ORS 319.883 (8).

(19) “Road Usage Charge” or “RUC” means both a per-mile fee charged at the statutory rate per mile driven on Oregon public roads or an annual flat fee charged at the statutory rate.

(20) “RUC Flat Fee” or “flat fee” means an annual fee charged once per annum at the statutory rate.

(21) “Plug-in hybrid electric vehicle” has the meaning given in ORS 319.883(8).

(22) “RUC Payer” refers to the registered owners or lessees of a subject vehicle under ORS 319.883 (10).

(23) “RUC Participant” refers to the registered owners or lessees of vehicles that are not subject to the mandatory program ORS 319.883 and who voluntarily apply to enroll an eligible vehicle in the Voluntary Road Usage Charge Program under ORS 319.890 and are approved by the Department.

(24) “RUC year” means the span of time between the enrollment date and the renewal date when the flat fee becomes due again, if selected, and the account becomes eligible for changes in RUC reporting options.

(25) “Subject Vehicle” has the meaning given in ORS 319.883 (10).

(26) “Vehicle dealer” has the meaning given in ORS 319.XX.

(27) “Voluntary Road Usage Charge program” or “Voluntary RUC program” refers to the program created under ORS 319.883 to 319.947, effective XX, 20XX, and repealed by HB 3991 (2025), effective July 1, 2031.

## 731-090-0100 Mandatory Road Usage Charge (RUC) Program

The 2025 Legislative Assembly amended ORS chapter 319.883 to 319.947, Oregon’s Voluntary Road Usage Charge (RUC) program, to create a mandatory pay-per-mile charge for miles driven on Oregon’s public roads and highways. The Road Usage Charge program applies to all electric and hybrid vehicles in a phased enrollment beginning July 2027. The purpose of the Division 90 rules is to

explain when vehicles are subject to the mandatory program, reporting options, and what is required of registered owners or lessees.

The Voluntary Road Usage Charge program under ORS 381.890 remains in effect until July 1, 2031. The rules applicable to the Voluntary Road Usage Charge program are 731-090-0500 to 731-090-ZZZZ.

## 731-090-0110 Initial Enrollment

(1) Beginning July 1, 2027, owners or lessees of an electric vehicle currently registered in Oregon must enroll the vehicle with an Account Manager and select an option for paying the RUC charge described in OAR 731-090-0100 on or before the vehicle's next registration renewal, to be effective the day after the renewal deadline.

(2) Beginning January 1, 2028, owners or lessees who register an electric vehicle not previously registered in Oregon must enroll the vehicle with an Account Manager and select an option for paying the RUC charge described in OAR 731-090-0100 on or before the registration date, to be effective the day after registration.

(3) Beginning July 1, 2028, owners or lessees who register or renew registration of a hybrid electric vehicle or a plug-in hybrid electric vehicle must enroll the vehicle with an Account Manager and select an option for paying the RUC charge described in OAR 731-090-0100 on or before the registration date, to be effective the day after registration.

(4) The RUC Account renewal date of the subject vehicle is the date of initial enrollment, unless otherwise stated in OAR 731, division 90.

(5) A RUC payer who fails to enroll a subject vehicle and select an option for paying the RUC charge on or before the initial enrollment deadline is in non-compliance status and may be subject to fees, penalties and other action described in OAR 731-090-0300, 731-090-0310 and 731-090-0320.

## 731-090-0200 RUC Reporting Options—Per Mile or Flat Fee

(1) The registered owners or lessees of a subject vehicle must choose one of the following payment options for the RUC charge:

a. An annual Flat Fee of $340, as provided in 319.885; or

b. A pay-per-mile road usage charge for metered use of **Oregon's public roads and highways** by the subject vehicle.

i. The rate of the per-mile road usage charge is $0.02 per mile. The rate is established by ORS 319.020 and Section 45, chapter 750, Oregon Laws 2017.

(2) RUC Payers who select the pay-per-mile road usage charge must select a mileage reporting option, the manner in which the RUC Payer reports miles driven and other data to the Account Manager. All mileage reporting options must be approved and certified by the Department for use in the Road Usage Charge Program. The mileage reporting method must be configured to report metered use at least once a month.

a. Mileage reporting options may include, but are not limited to:

i. Odometer capture apps;

ii. In-vehicle telematics;

iii. OBD-II plug-in devices.

(3) During the term of a lease, the lessees of a subject vehicle must pay the per-mile road usage charge based on the subject vehicle's use of Oregon's public roads and highways.

(4) All persons listed on the vehicle registration are liable to pay for RUC charges incurred, regardless of who has primary possession of the vehicle, per ORS 319.885. The Account Manage may impose fees and penalties on noncompliant accounts, per the Account Manager service agreement with the RUC Payer.

## 731-090-0210 Pay-Per-Mile Option—Reporting and Payment

(1) RUC Payers who select the Pay Per Mile option must:

a. choose either:

i. A Commercial Account Manager or

ii. The ODOT Account Manager.

b. Enter a service agreement with the Account Manager and provide the Account Manager with the following information for the subject vehicle:

i. Vehicle identification number;

ii. Registration plate number;

iii. Vehicle make, model and year;

iv. Odometer reading.

c. Select a mileage reporting option from those offered by the Account Manager; and

d. Pay the Road Usage Charge for metered use of Oregon's public roads and highways.

(2) RUC Payers who have used fuel to drive taxable miles on Oregon's public roads and highways will receive a credit toward their road usage charges incurred in the reporting period.

a. For hybrid electric vehicles and plug-in hybrid electric vehicles, the Account Manager will determine motive power and miles per gallon by using a single algorithm and the best government-sourced data available to identify vehicles subject to the mandate.

b. Electric Vehicles will not receive a fuels tax credit.

(3) If the RUC Payer is an emblemed use fuel user with the Department's Fuels Tax Group, then the Department will assume that the RUC Payer is fueling only with tax-exempt fuel and is therefore not entitled to a fuels tax credit to be applied against the RUC Payer's road usage charge.

## 731-090-0230 Refunds for Out of State Mileage/Non-Public Road Mileage

(1) A RUC Payer who has been assessed road usage charges for miles operated off of public roads or roads outside of Oregon may request a refund from the Department once per quarter on a form prescribed by the Department.

(2) The refund requests must include:

a. An odometer reading at the start and end of the quarter in which a refund is claimed;

b. Dates of travel;

c. Destination;

d. Miles driven; and

e. Acceptable evidence may include, but is not limited to,

i. IRS mileage logs

ii. GPS enabled device records

iii. Records demonstrating the trips on out-of-state or non-public road miles by the subject vehicle.

f. RUC Payers that do not maintain and report this information will not be entitled to a refund. The Department will determine, on a case-by-case basis, what travel is eligible for refund.

(3) Refund requests are subject to a minimum total of $25.00, unless approved by the Department and must be submitted no later than 20 days after the end of the quarter for which a refund is claimed. The department will process refund applications once each quarter.

(4) Falsification of mileage records or false statements on a refund request form is subject to penalties described in OAR 731-090-0330.

## 731-090-0240 Annual Flat Fee Option and Payment

(1) A RUC Payer who chooses the annual RUC Flat Fee described in OAR 731-090-0200 must :

a. Enroll the vehicle with the ODOT Account Manager;

b. Provide the ODOT Account Manager with the following information for the subject vehicle:

i. Vehicle identification number;

ii. Registration plate number;

iii. Vehicle make, model and year; and

iv. Odometer reading.

(2) The annual Flat Fee must be paid at the beginning of the RUC Year. The flat fee is non-refundable and may not be prorated.

(3) A RUC Payer who has defaulted to the flat fee for non-compliance may not change to pay-per-mile option or transfer to a Commercial Account Manager until the RUC Year renewal date.

## 731-090-0300 Compliance

(1) A RUC Payer is noncompliant if they fail to:

a. Enroll a subject vehicle and select a reporting option in OAR 731-090-0200 by the deadline required in OAR 731-090-0110;

b. Accurately and timely report mileage as required by OAR 731-090-0210 or the RUC service agreement; or

c. Pay road usage charges for mileage driven per OAR 731-090-0210 or the annual flat fee per OAR 731-090-0240 or the account manager's RUC service agreement;
d. Commit or attempt to commit fraud under OAR 731-090-0330.

(2) If a registered owner or lessee of a subject vehicle does not enroll with an account manager and select a reporting option per OAR 731-090-0210 by the applicable deadline described in OAR 731-090-0110, the Department will enroll the vehicle with the ODOT Account Manager under the annual Flat Fee option and invoice the registered owners or lessee for the amount of the flat fee and administrative fees per OAR 731-090-0310 or 731-090-0320.

(3) RUC Payers in noncompliance per section (1) or (2) of this rule are subject to fees, penalties and collection action described in the chapter 731, division 90.

## 731-090-0310 ODOT Account Manager—Administrative Fees and Noncompliance

(1) RUC Payers enrolled with ODOT Account Manager are subject to the following administrative fees:
a. Accounts not paid in full on or before the invoice due date will be charged a $10.00 administrative rebilling fee.
b. Accounts in noncompliance per OAR 731-090-0300 that are not paid in full on or before the invoice due date will be charged a penalty of 10 percent of the total amount due.
c. Accounts transferred by a Commercial Account Manager to the Oregon Account Manager for noncompliance with the terms of the service agreement are subject to a $15.00 administrative fee.
d. RUC Payers or RUC Participants switching from the RUC flat fee option to the pay-per-mile option are subject to a $15.00 administrative fee.

(2) If a final noncompliance invoice is not paid in full on or before the due date, the account will be transferred to the ODOT Collections Unit. Accounts transferred to ODOT Collections Unit are subject to liquidation, statutory interest, and transfer to the Department of Revenue for collection under ORS 293.231.

## 731-090-0320 Commercial Account Manager Administrative Fees and Noncompliance

(1) A Commercial Account Manager may impose reasonable fees, such as late fees, if the RUC Payer has received notice of the fee amounts and circumstances in which a fee may be imposed in the Commercial Account Manager's RUC service agreement.

(2) A Commercial Account Manager may discontinue a RUC Payer and transfer the account to the ODOT Account Manager for:

   a. Noncompliance, as defined in OAR 731-090-0300;

   b. Actual, attempted or suspected fraud, including tampering with reporting equipment; or

   c. Other acts of bad faith, per the terms of the RUC service agreement.

(3) A RUC Payer remains liable for any balance owed for reported miles or fees imposed while enrolled with the Commercial Account Manager.

## 731-090-0330 RUC Program—Fraud and Investigation of Fraud

(1) Per chapter ORS 319.935 and OAR 731, division 90, a person commits fraud when the person:

   a. Intentionally makes a false statement in a report or refund application under OAR 731-090-0230 or when supplying other information required under OAR 731-090-0210.

   b. Tampers with the RUC payer's Mileage Reporting Device or other attempts to alter reportable miles.

   c. Applies for, receives or attempts to receive a refund under OAR 731-090-0230 and ORS 319.925 or 319.930 to which the person is not entitled.

   d. Intentionally aids or assists another person to violate any provision of OAR 731, division 90 rules or ORS 319.920, 319.925 or 319.930.

(2) The department will conduct a noncompliance investigation of a RUC payer who the department determines may have attempted or committed fraud per section (1) of this rule and ORS 319.935 .

   a. If the department is satisfied that the results of the investigation demonstrate attempted or actual fraud, the department shall impose a penalty of 10 percent of the account balance.

b. If the department is satisfied that the results of the investigation demonstrate attempted or actual fraud, the department may impose a Class A violation and be subject to maximum fine of $2,000.

## 731-090-0340 Dispute Resolution

(1) A RUC Payer who challenges a charge assessment or other action of an account manager must follow the dispute resolution process provided in the account manager's service agreement.

(2) If a RUC Payer and account manager are not able to resolve the issue, the RUC Payer may request an issue resolution conference with the Department. The request must be made in writing on a form prescribed by the Department within 30 days of account manager's determination.

a. The Department will issue a determination in writing within X days of submission.

## 731-090-0350 RUC Payer Consent for Record Retention, Aggregation and Use

(1) When an Account Manager proposes to retain Personally Identifiable Information beyond the 30-day retention period, described in ORS 319.915, or retain, aggregate and use the Personally Identifiable Information of a RUC Payer for traffic management or research purposes under ORS 319.915, the Account Manager must obtain the RUC Payer's prior written consent. The request must include a description of the specific information to be retained and the date the records will be destroyed.

(2) When an Account Manager proposes to disclose Personally Identifiable Information to a third party, the Account Manager must obtain the RUC Payer's prior written consent. The request must include the name of the party to whom the Personally Identifiable Information will be released, a detailed description of the information to be disclosed and the specific use to which it will be put.

(3) An Account Manager may not condition entering into a RUC service agreement upon receipt of the RUC Payer's consent, as described in sections (1) or (2) of this rule.

(4) A RUC Payer's written consent to an Account Manager's request, as described in section (1), (2) or (3) of this rule, may not be incorporated into the terms and conditions of a RUC service

agreement and must be provided on a separate form not incorporated into the contract in any way.

## 731-090-0360 Transfer of Ownership, Theft

(1) A RUC Payer who no longer has possession of an enrolled subject vehicle due to sale or other transfer of interest or theft must notify the account manager per the terms of the account manager's service agreement with the RUC Payer and the Driver and Motor Vehicle section under OAR 735-020-0080.

(2) RUC charges will continue to accumulate on the account for the subject vehicle until such point as the RUC Payer provides notice of the transfer to the account manager and Driver and Motor Vehicle section per section (1) of this rule.