

AN ACT

HB 2142

Relating to motor vehicles; creating new provisions; amending ORS 366.524, 367.605, 367.620, 803.090 and 821.040; prescribing an effective date; and providing for revenue raising that requires approval by a three-fifths majority.

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

SECTION 1. ORS 367.620 is amended to read:

367.620. (1) Except as provided in subsection (2) of this section, the principal amount of Highway User Tax Bonds issued under ORS 367.615 shall [*not exceed in the aggregate a principal sum of \$138.4 million*] be subject to the provisions of ORS 286.505 to 286.545.

(2) Highway User Tax Bonds may be issued under ORS 367.615 for the purposes described in section 2 of this 2001 Act in an aggregate principal amount sufficient to produce net proceeds of not more than \$400 million. The provisions of ORS 286.505 to 286.545 do not apply to bonds described in this subsection.

SECTION 2. (1) As used in this section:

(a) “Highway” has the meaning given that term in ORS 801.305.

(b) “Modernization” has the meaning given that term in ORS 184.651.

(c) “Preservation” has the meaning given that term in ORS 184.651.

(2) Bonds described in ORS 367.620 (2) shall be used to finance preservation and modernization projects chosen by the Oregon Transportation Commission. The commission shall select projects from among the following:

(a) Highways that need increased lane capacity.

(b) Highways and bridges that have weight limitations.

(c) State and local bridges.

(d) Interchanges on multilane highways.

(e) District highways in cities and counties that require preservation. The Department of Transportation shall adopt rules defining “district highway” for purposes of this paragraph.

(3) In choosing projects under subsection (2) of this section, the commission shall use the following criteria, in addition to any criteria developed under section 3 of this 2001 Act:

(a) Lane capacity projects shall be chosen from a financially constrained list.

(b) Bridge projects shall be chosen on the basis of a bridge inventory or rating system recognized by the commission.

(c) Priority for interchange projects shall be given to projects on multilane highways where safety can be enhanced by constructing a grade-separated interchange to replace an at-grade crossing.

(d) Priority for district highway preservation projects shall be given to those projects that may facilitate transfer of jurisdiction over the highway from the state to a local government.

(e) Projects selected for financing under this section shall be equitably distributed throughout the state, using the criteria for distribution of projects that are used for the Statewide Transportation Improvement Program.

SECTION 3. In establishing criteria other than those specified in section 2 of this 2001 Act for selection of projects, and in choosing projects under section 2 of this 2001 Act, the Oregon Transportation Commission shall consult with local governments, metropolitan planning organizations

and regional transportation advisory groups.

SECTION 4. Projects to be funded from the proceeds of the bonds described in ORS 367.620 (2) shall be chosen by February 1, 2002.

SECTION 5. ORS 366.524 is amended to read:

366.524. The taxes collected under ORS 319.020, 319.530, **803.090**, 803.420, 818.225, 825.476 and 825.480, **minus \$71.2 million per biennium**, shall be allocated 24.38 percent to counties under ORS 366.525 and 15.57 percent to cities under ORS 366.800.

SECTION 6. Each biennium, \$71.2 million of moneys available to the Department of Transportation shall be used to pay any principal and interest due on bonds described in ORS 367.620 (2). However, any portion of the \$71.2 million that is not needed for payment of principal and interest on the bonds shall be allocated 50 percent to the Department of Transportation, 30 percent to counties and 20 percent to cities. Moneys allocated to counties and cities under this section shall be distributed in the same manner as moneys allocated under ORS 366.524 are distributed.

SECTION 7. ORS 803.090 is amended to read:

803.090. The following fees are the fees for the transaction described:

(1) The transfer fee under ORS 803.092[, \$10]:

(a) For a salvage title, \$17.

(b) For a trailer over 8,000 pounds, a motor vehicle with a gross vehicle weight rating of 26,000 pounds or more or a truck tractor, \$90.

(c) For vehicles not described in paragraph (b) of this subsection, \$30.

(2) The fee for issuance of a certificate of title under ORS 803.045 [*or a salvage title certificate under ORS 803.140, \$10.*]:

(a) For a trailer over 8,000 pounds, a motor vehicle with a gross vehicle weight rating of 26,000 pounds or more or a truck tractor, \$90.

(b) For vehicles not described in paragraph (a) of this subsection, \$30.

(3) The fee for issuance of a salvage title certificate under ORS 803.140, \$17.

[(3)] (4) The fee for issuance of a duplicate or replacement certificate of title [*or salvage title certificate*] under ORS 803.065[, \$10]:

(a) For a duplicate or replacement salvage title certificate, \$17.

(b) For a trailer over 8,000 pounds, a motor vehicle with a gross vehicle weight rating of 26,000 pounds or more or a truck tractor, \$90.

(c) For a vehicle not described in paragraph (b) of this subsection, \$30.

(5) The fee under [*this*] subsection (4) of this section must be paid at the same time as a transfer fee under this section if application is made at the same time as application for transfer.

[(4)] (6) The fee for issuance of a new certificate of title under ORS 803.220 indicating a change of name or address[, \$10]:

(a) For a new salvage title certificate, \$17.

(b) For a trailer over 8,000 pounds, a motor vehicle with a gross vehicle weight rating of 26,000 pounds or more or a truck tractor, \$90.

(c) For a vehicle not described in paragraph (b) of this subsection, \$30.

[(5)] (7) The fee for late presentation of certificate of title under ORS 803.105, \$25 from the 31st day after the transfer through the 60th day after the transfer and \$50 thereafter.

[(6)] (8) The fees for title transactions involving a form of title other than a certificate shall be the amounts established by the Department of Transportation by rule under ORS 803.012.

SECTION 8. ORS 367.605 is amended to read:

367.605. This section establishes the moneys available for use or pledge for purposes of issuing bonds under ORS 367.615 or 367.670. Such moneys are established as provided under the following:

(1) Except as provided in subsection (2) of this section, moneys, once deposited in the highway fund established under ORS 366.505, from all of the following sources are subject to the use or pledge described by this section:

[(a) Moneys credited to the highway fund under ORS 153.630.]

[(b)] **(a) Moneys from the [tax] taxes and fees on motor carriers imposed under ORS 825.474 and 825.480.**

[(c)] **(b) Moneys from the tax on motor vehicle fuel imposed under ORS 319.020.**

[(d)] **(c) Moneys from the tax on fuel used in motor vehicles imposed under ORS 319.530.**

[(e)] **(d) Moneys described under ORS 803.090 from the titling of vehicles.**

[(f)] **(e) Moneys described under ORS 803.420 from the registration of vehicles.**

[(g)] **(f) Moneys described under ORS 807.370 relating to the issuance of driver licenses and driver permits.**

(g) Moneys received by the Department of Transportation from taxes, fees or charges imposed after January 1, 2001, or other revenues received by the department from sources not listed in paragraphs (a) to (f) of this subsection that are available for the use or pledge described by this section.

(h) Any other moneys legally available to the department for the use or pledge described in this section.

(2) Moneys described under subsection (1) of this section do not include any moneys described in the following:

(a) Moneys provided for appropriations to counties under ORS 366.525 to 366.540.

(b) Moneys provided for appropriations to cities under ORS 366.785 to 366.820.

(c) Moneys in the account established under ORS 366.512 for parks and recreation.

(3) Notwithstanding ORS 366.507, the lien or charge of any pledge of moneys securing bonds issued under ORS 367.615 or 367.670 shall be superior or prior to any other lien or charge and to any law of the state requiring the department to spend moneys for specified highway purposes.

SECTION 9. ORS 821.040 is amended to read:

821.040. (1) A person commits the offense of operation of an off-road vehicle without required equipment if the person is operating a vehicle described in ORS 821.010 in an area described in ORS 821.020 and the vehicle is not equipped in compliance with all of the following:

(a) The vehicle must be equipped with a muffler that meets the standards for noise emissions established under ORS 821.030.

(b) The vehicle must be equipped with brakes that meet the requirements established under ORS 821.030.

(c) The vehicle must be equipped with a windshield wiper if the vehicle is equipped with a windshield.

(d) When the vehicle is operated on sand, the vehicle must be equipped with a flag that meets the requirements established under ORS 821.030.

(e) The vehicle must be equipped with any safety equipment required under ORS 821.030.

(f) At any time from one-half hour after sunset to one-half hour after sunrise, the vehicle must be equipped with and display headlights and taillights.

(2) Motorcycles and mopeds are not required by this section to be equipped with windshield wipers [*or flags*].

(3) The offense described in this section, operation of off-road vehicle without required equipment, is a Class C traffic violation.

SECTION 10. This 2001 Act takes effect on the 91st day after the date on which the regular session of the Seventy-first Legislative Assembly adjourns sine die.

Approved by the Governor June 28, 2001

Filed in the office of Secretary of State June 28, 2001

Effective date October 6, 2001
