

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2281

By COMMITTEE ON BUSINESS AND TRANSPORTATION

June 11

1 On page 1 of the printed A-engrossed bill, line 2, after “transportation;” insert “creating new  
2 provisions;” and delete “and 319.945” and insert “, 319.945 and 825.017”.

3 On page 2, after line 45, insert:

4 **“SECTION 5. Section 6 of this 2015 Act is added to and made a part of ORS chapter 825.**

5 **“SECTION 6. Notwithstanding ORS 319.020, 319.530 and 825.474, a person operating a**  
6 **motor vehicle with a combined weight of 26,000 pounds or more is not required to pay the**  
7 **weight-mile tax imposed under ORS 825.474 or fuel taxes imposed under ORS 319.020 and**  
8 **319.530, if:**

9 **“(1) The person is not operating as a for-hire carrier; and**

10 **“(2) The person is operating the motor vehicle for the purpose of emissions research and**  
11 **development and the United States Environmental Protection Agency has provided a testing**  
12 **exemption from complying with federal emission requirements.**

13 **“SECTION 7. ORS 825.017 is amended to read:**

14 **“825.017. Except as provided in ORS 825.026 and 825.030, this chapter does not apply to the**  
15 **persons or vehicles described in this section. The exemption under this section applies to the fol-**  
16 **lowing persons and vehicles:**

17 **“(1) Vehicles being used by, or under contract with, any school board, district or person re-**  
18 **sponsible for the administration of elementary or secondary school activities, and engaged exclu-**  
19 **sively in transporting students or combinations of students and other persons to or from school, to**  
20 **or from authorized school activities or other activities sponsored by the State Board of Higher Ed-**  
21 **ucation, or for purposes provided under ORS 332.427. This exemption shall not be affected by the**  
22 **charging of a fee to cover the costs of the transportation.**

23 **“(2) Vehicles being used in a taxicab operation if the vehicle:**

24 **“(a) Is a passenger vehicle with a passenger seating capacity that does not exceed five;**

25 **“(b) Carries passengers for hire where the destination and route traveled may be controlled by**  
26 **a passenger and the fare is calculated on the basis of any combination of an initial fee, distance**  
27 **traveled or waiting time; and**

28 **“(c) Is transporting persons or property, or both, between points in Oregon.**

29 **“(3) Vehicles being used for the transportation of property by private carrier by means of a**  
30 **single vehicle or combination of vehicles with a combined weight that does not exceed 8,000 pounds.**

31 **“(4) Vehicles being used in operating implements of husbandry.**

32 **“(5) Vehicles being used as a hearse or ambulance.**

33 **“(6) Vehicles being used over any private road or thoroughfare.**

34 **“(7) Vehicles being used on any road, thoroughfare or property, other than a state highway,**  
35 **county road or city street, for the removal of forest products as defined in ORS 321.005, or the**

1 product of forest products converted to a form other than logs at or near the harvesting site, or  
2 when used for the construction or maintenance of the road, thoroughfare or property, pursuant to  
3 a written agreement or permit authorizing the use, construction or maintenance of the road,  
4 thoroughfare or property, with:

5 “(a) An agency of the United States;

6 “(b) The State Board of Forestry;

7 “(c) The State Forester; or

8 “(d) A licensee of an agency named in this subsection.

9 “(8) Vehicles being used on any county road for the removal of forest products as defined in  
10 ORS 321.005, or the products of forest products converted to a form other than logs at or near the  
11 harvesting site, if:

12 “(a) The use is pursuant to a written agreement entered into with the State Board of Forestry,  
13 the State Forester or an agency of the United States, authorizing the owner of the motor vehicle  
14 to use the road and requiring the owner to pay for or to perform the construction or maintenance  
15 of the county road, including any operator of a motor vehicle retained to transport logs, poles and  
16 piling for the owners who are exempt under this section;

17 “(b) The board, officer or agency that entered into the agreement or granted the permit, by  
18 contract with the county court or board of county commissioners, has assumed the responsibility for  
19 the construction or maintenance of the county road; and

20 “(c) Copies of the agreements or permits required by this subsection are filed with the Director  
21 of Transportation.

22 “(9) Vehicles being used in the transportation of persons for hire if the operation:

23 “(a) Is performed by a nonprofit entity;

24 “(b) Is not in competition with a regular route full-service scheduled carrier of persons that is  
25 subject to the provisions of this chapter or a service provided by a mass transit district formed un-  
26 der ORS chapter 267;

27 “(c) Is performed by use of vehicles operating in compliance with ORS 820.020 to 820.070; and

28 “(d) Is approved by the Department of Transportation as complying with paragraphs (a) to (c)  
29 of this subsection.

30 “(10) Vehicles being used in transporting persons with disabilities, with or without their super-  
31 visors or assistants, to or from rehabilitation facilities or child care services if the motor vehicle is  
32 a passenger motor vehicle with a seating capacity of not more than 12 passengers. The exemption  
33 provided by this subsection applies only when the motor vehicle is operated by or under contract  
34 with any person responsible for the administration of rehabilitation facilities as defined in ORS  
35 344.710 to 344.730 or child care services provided by a facility licensed under ORS 329A.030 and  
36 329A.250 to 329A.450.

37 “(11) Vehicles owned or operated by the United States or by any governmental jurisdiction  
38 within the United States except when owned or operated as a carrier of property for hire.

39 “(12) Vehicles owned or operated by a mass transit district created under ORS chapter 267.

40 “(13) Vehicles owned or operated by, or under contract with, a person responsible for the con-  
41 struction or reconstruction of a highway under contract with the Department of Transportation or  
42 with an agency of the United States when operated within the immediate construction project as  
43 described in the governmental agency contract during the construction period.

44 “(14) Vehicles owned or operated by, or under contract with, a charitable organization when  
45 exclusively engaged in performing transportation, either one way or round trip, necessary to the

1 operation of the charitable organization. As used in this subsection, ‘charitable organization’ means  
2 an organization that has no capital stock and no provision for making dividends or profits, but de-  
3 rives its funds principally from public and private charity and holds them in trust for the promotion  
4 of the welfare of others and not for profit. Any organization claiming an exemption under this sub-  
5 section shall file an affidavit with the department stating that it is organized and operated in ac-  
6 cordance with the requirements of this subsection.

7 “[(15) Vehicles with a maximum speed that does not exceed 35 miles per hour that are designed for  
8 off-road use and that are operated on the public highways in any one calendar year a number of miles  
9 that does not exceed 15 percent of the total number of miles the vehicle is operated for that calendar  
10 year.]

11 “[(16)] (15) Passenger vehicles with a passenger seating capacity that does not exceed five when  
12 used in the transportation of new telephone books.

13 “[(17)] (16) A vehicle that is used in a limousine service operation in which the destination and  
14 route traveled may be controlled by the passenger and the fare is calculated on the basis of any  
15 combination of initial fee, distance traveled and waiting time if the vehicle:

16 “(a) Is a passenger vehicle with a passenger seating capacity that does not exceed eight;

17 “(b) Carries passengers for hire between points in Oregon; and

18 “(c) Operates on an irregular route basis.

19 “[(18)] (17) Fire trucks and rescue vehicles that are designated as emergency vehicles by the  
20 Department of Transportation under ORS 801.260, while involved in emergency and related oper-  
21 ations.

22 “[(19)] (18) A person who provides services related to the packing or loading of household goods  
23 if the person does not:

24 “(a) Provide or operate a motor vehicle for the movement of the household goods; and

25 “(b) Act as an agent for any person who does provide or operate a motor vehicle for the move-  
26 ment of the household goods.”.

27 On page 3, line 1, delete “5” and insert “8”.