

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2281**

1 On page 1 of the printed A-engrossed bill, line 2, after “transportation;”
2 insert “creating new provisions;” and delete “and 319.945” and insert “,
3 319.945 and 825.017”.

4 On page 2, after line 45, insert:

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

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

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

13 **“(2) The person is operating the motor vehicle for the purpose of
14 emissions research and development and the United States Environ-
15 mental Protection Agency has provided a testing exemption from
16 complying with federal emission requirements.**

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

18 **“825.017. Except as provided in ORS 825.026 and 825.030, this chapter does
19 not apply to the persons or vehicles described in this section. The exemption
20 under this section applies to the following persons and vehicles:**

21 **“(1) Vehicles being used by, or under contract with, any school board,
22 district or person responsible for the administration of elementary or sec-**

1 onday school activities, and engaged exclusively in transporting students
2 or combinations of students and other persons to or from school, to or from
3 authorized school activities or other activities sponsored by the State Board
4 of Higher Education, or for purposes provided under ORS 332.427. This ex-
5 emption shall not be affected by the charging of a fee to cover the costs of
6 the transportation.

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

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

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

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

15 “(3) Vehicles being used for the transportation of property by private
16 carrier by means of a single vehicle or combination of vehicles with a com-
17 bined weight that does not exceed 8,000 pounds.

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

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

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

21 “(7) Vehicles being used on any road, thoroughfare or property, other
22 than a state highway, county road or city street, for the removal of forest
23 products as defined in ORS 321.005, or the product of forest products con-
24 verted to a form other than logs at or near the harvesting site, or when used
25 for the construction or maintenance of the road, thoroughfare or property,
26 pursuant to a written agreement or permit authorizing the use, construction
27 or maintenance of the road, thoroughfare or property, with:

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

29 “(b) The State Board of Forestry;

30 “(c) The State Forester; or

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

2 “(8) Vehicles being used on any county road for the removal of forest
3 products as defined in ORS 321.005, or the products of forest products con-
4 verted to a form other than logs at or near the harvesting site, if:

5 “(a) The use is pursuant to a written agreement entered into with the
6 State Board of Forestry, the State Forester or an agency of the United
7 States, authorizing the owner of the motor vehicle to use the road and re-
8 quiring the owner to pay for or to perform the construction or maintenance
9 of the county road, including any operator of a motor vehicle retained to
10 transport logs, poles and piling for the owners who are exempt under this
11 section;

12 “(b) The board, officer or agency that entered into the agreement or
13 granted the permit, by contract with the county court or board of county
14 commissioners, has assumed the responsibility for the construction or main-
15 tenance of the county road; and

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

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

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

21 “(b) Is not in competition with a regular route full-service scheduled
22 carrier of persons that is subject to the provisions of this chapter or a ser-
23 vice provided by a mass transit district formed under ORS chapter 267;

24 “(c) Is performed by use of vehicles operating in compliance with ORS
25 820.020 to 820.070; and

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

28 “(10) Vehicles being used in transporting persons with disabilities, with
29 or without their supervisors or assistants, to or from rehabilitation facilities
30 or child care services if the motor vehicle is a passenger motor vehicle with

1 a seating capacity of not more than 12 passengers. The exemption provided
2 by this subsection applies only when the motor vehicle is operated by or
3 under contract with any person responsible for the administration of reha-
4 bilitation facilities as defined in ORS 344.710 to 344.730 or child care services
5 provided by a facility licensed under ORS 329A.030 and 329A.250 to 329A.450.

6 “(11) Vehicles owned or operated by the United States or by any govern-
7 mental jurisdiction within the United States except when owned or operated
8 as a carrier of property for hire.

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

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

16 “(14) Vehicles owned or operated by, or under contract with, a charitable
17 organization when exclusively engaged in performing transportation, either
18 one way or round trip, necessary to the operation of the charitable organ-
19 ization. As used in this subsection, ‘charitable organization’ means an or-
20 ganization that has no capital stock and no provision for making dividends
21 or profits, but derives its funds principally from public and private charity
22 and holds them in trust for the promotion of the welfare of others and not
23 for profit. Any organization claiming an exemption under this subsection
24 shall file an affidavit with the department stating that it is organized and
25 operated in accordance with the requirements of this subsection.

26 “[15] *Vehicles with a maximum speed that does not exceed 35 miles per*
27 *hour that are designed for off-road use and that are operated on the public*
28 *highways in any one calendar year a number of miles that does not exceed 15*
29 *percent of the total number of miles the vehicle is operated for that calendar*
30 *year.*]

1 “[~~16~~] **(15)** Passenger vehicles with a passenger seating capacity that does
2 not exceed five when used in the transportation of new telephone books.

3 “[~~17~~] **(16)** A vehicle that is used in a limousine service operation in
4 which the destination and route traveled may be controlled by the passenger
5 and the fare is calculated on the basis of any combination of initial fee,
6 distance traveled and waiting time if the vehicle:

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

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

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

11 “[~~18~~] **(17)** Fire trucks and rescue vehicles that are designated as emer-
12 gency vehicles by the Department of Transportation under ORS 801.260,
13 while involved in emergency and related operations.

14 “[~~19~~] **(18)** A person who provides services related to the packing or
15 loading of household goods if the person does not:

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

18 “(b) Act as an agent for any person who does provide or operate a motor
19 vehicle for the movement of the household goods.”.

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

21
