

Enrolled House Bill 2730

Sponsored by Representatives READ, BARTON, DAVIS, MCLAIN, KENNEMER, RAYFIELD, Senators HANSELL, WINTERS; Representatives BOONE, DOHERTY, FAGAN, GILLIAM, HACK, HUFFMAN, MCKEOWN, PILUSO, Senators DEMBROW, DEVLIN, MONROE, RILEY, ROBLAN, SHIELDS, STEINER HAYWARD (Pre-session filed.)

CHAPTER

AN ACT

Relating to transportation; creating new provisions; amending ORS 803.530 and 805.205 and section 2, chapter 823, Oregon Laws 2009; repealing ORS 805.202 and 805.206 and section 5, chapter 404, Oregon Laws 2015 (Enrolled Senate Bill 943); and declaring an emergency.

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

PORTLAND TRAIL BLAZERS REGISTRATION PLATE PROGRAM

SECTION 1. Sections 2 and 3 of this 2015 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) The Department of Transportation shall establish a Portland Trail Blazers registration plate program to issue special registration plates to support charitable initiatives through the Trail Blazers Foundation established by the Portland Trail Blazers. The special registration plates shall be issued upon request to owners of motor vehicles registered under ORS 803.420 (1). In addition, the department may adopt rules for issuance of Portland Trail Blazers registration plates for vehicles not registered under ORS 803.420 (1).

(2) In addition to any other fee authorized by law, for each set of Portland Trail Blazers registration plates issued under subsection (1) of this section, the department shall collect a surcharge of \$40 payable when the plates are issued and upon each subsequent renewal of registration of a vehicle bearing the plates. The department shall distribute the moneys from the surcharge as provided in section 3 of this 2015 Act.

(3) Notwithstanding ORS 803.530, Portland Trail Blazers registration plates may be transferred from vehicle to vehicle if the department stops issuing the plates, as long as the plates are not too old, damaged, mutilated or otherwise rendered illegible to be useful for purposes of identification.

(4) The Portland Trail Blazers registration plate must include the name or logo of the Portland Trail Blazers basketball team. The department shall design the plate in consultation with the Portland Trail Blazers. The final design of the plate is subject to approval by the Portland Trail Blazers. The department may enter into agreements necessary for the use of

the logo, name, marks or slogans associated with the Portland Trail Blazers or the National Basketball Association.

(5) Except as otherwise required by the design approved by the department, Portland Trail Blazers registration plates must comply with the requirements of ORS 803.535.

FUNDS TO THE TRAIL BLAZERS FOUNDATION

SECTION 3. (1) Moneys from the surcharge imposed by section 2 of this 2015 Act must be transferred to the Trail Blazers Foundation established by the Portland Trail Blazers after deduction of the cost of administration of the Portland Trail Blazers registration plate program, including but not limited to the costs of collecting the Portland Trail Blazers registration plate surcharge and transferring Portland Trail Blazers registration plates that are above the normal costs of issuing, renewing and transferring registration plates in the normal course of business of the Department of Transportation. Any royalties due to the National Basketball Association are the responsibility of the Portland Trail Blazers.

(2) The Trail Blazers Foundation shall use the surcharge proceeds received under this section to issue grants for youth-related programs and initiatives.

(3) Each year, the Trail Blazers Foundation shall report to a committee or interim committee of the Legislative Assembly related to transportation. The report must provide information about the grants awarded with the funds from the surcharge.

SECTION 4. (1) The Department of Transportation may not begin creating or issuing the Portland Trail Blazers registration plate until the department receives the amount necessary to cover the department's anticipated costs of initiating the Portland Trail Blazers registration plate program established under section 2 of this 2015 Act. The anticipated costs under this section shall include, but are not limited to, the Portland Trail Blazers registration plate design, computer programming and production setup. Any portion of amounts received and not used for initiating the Portland Trail Blazers registration plate program must be transferred to the Trail Blazers Foundation established by the Portland Trail Blazers.

(2) If the initial costs are not provided by the Portland Trail Blazers, the department may accept donations, gifts, grants or contributions from any public or private source for the purpose of carrying out this section.

BREAST CANCER AWARENESS REGISTRATION PLATE PROGRAM

SECTION 5. Sections 6 and 7 of this 2015 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 6. (1) The Department of Transportation shall establish a breast cancer awareness registration plate program to issue special registration plates called "breast cancer awareness registration plates" upon request to owners of motor vehicles registered under ORS 803.420 (1). In addition, the department may adopt rules for issuance of breast cancer awareness registration plates for vehicles not registered under ORS 803.420 (1).

(2) In addition to any other fee authorized by law, for each set of breast cancer awareness registration plates issued under subsection (1) of this section, the department shall collect a surcharge of \$40 payable when the plates are issued and upon each subsequent renewal of registration of a vehicle bearing the plates. The department shall distribute the surcharge as provided in section 7 of this 2015 Act.

(3) Notwithstanding ORS 803.530, breast cancer awareness registration plates may be transferred from vehicle to vehicle if the department stops issuing the plates, as long as the plates are not too old, damaged, mutilated or otherwise rendered illegible to be useful for purposes of identification.

FUNDS TO OREGON BREAST AND CERVICAL CANCER PROGRAM

SECTION 7. (1) Moneys from the surcharge imposed by section 6 of this 2015 Act must be transferred to the Oregon Health Authority Fund established by ORS 413.101 after deduction of the cost of administration of the breast cancer awareness registration plate program, including but not limited to the costs of collecting the breast cancer awareness registration plate surcharge and transferring breast cancer awareness registration plates that are above the normal costs of issuing, renewing and transferring registration plates in the normal course of business of the Department of Transportation.

(2) Moneys deposited under subsection (1) of this section are continuously appropriated to the Oregon Health Authority for activities under ORS 414.534 related to early detection of breast and cervical cancers as part of the Oregon Breast and Cervical Cancer Program.

SECTION 8. (1) The Department of Transportation may not begin creating or issuing the breast cancer awareness registration plate until the department receives the amount necessary to cover the department's anticipated costs of initiating the breast cancer awareness registration plate program established under section 6 of this 2015 Act. The anticipated costs under this section shall include, but are not limited to, the breast cancer awareness registration plate design, computer programming and production setup. Any portion of amounts received and not used for initiating the breast cancer awareness registration plate program must be transferred to the Oregon Health Authority Fund as provided in section 7 of this 2015 Act.

(2) The department may accept donations, gifts, grants or contributions from any public or private source for the purpose of carrying out this section.

DESIGN

SECTION 9. (1) The Department of Transportation shall design the breast cancer awareness registration plates issued under section 6 of this 2015 Act and shall ensure that the design includes a symbol or artwork representing breast cancer awareness.

(2) Except as otherwise required by subsection (1) of this section, breast cancer awareness registration plates must comply with the requirements of ORS 803.535.

REPEAL LIMITATION ON NUMBER OF SPECIALTY PLATES

SECTION 10. ORS 805.202 is repealed.

SPECIAL REGISTRATION PLATE PROGRAM

SECTION 11. Sections 12 and 13 of this 2015 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 12. (1) The Department of Transportation shall establish a special registration program and provide for issuance of special registration plates for nonprofit groups meeting the qualifications for tax exempt status under section 501(c)(3) of the Internal Revenue Code, for institutions of higher education and for public bodies, as defined in ORS 174.109.

(2) Plates issued under this section may be issued to owners of motor vehicles registered under the provisions of ORS 803.420 (1). In addition, the department may adopt rules for issuance of special registration plates issued pursuant to this section for vehicles not registered under ORS 803.420 (1).

(3) Plates issued under this section may not contain expressions of political opinion or religious belief.

(4) Rules adopted under this section shall include, but need not be limited to, rules that:

(a) Describe general qualifications to be met by any nonprofit group, institution of higher education or public body in order to be eligible for plates issued under this section.

(b) Specify circumstances under which the department may cease to issue plates under this section.

(c) Require each nonprofit group, institution of higher education or public body for which plates are issued to file an annual statement on a form designed by the department showing that the group is a nonprofit group, institution of higher education or public body and that the nonprofit group, institution of higher education or public body otherwise meets the qualifications imposed for eligibility for plates issued under this section. The statement shall include names and addresses of current directors or officers of the nonprofit group, institution of higher education or public body or of other persons authorized to speak for the nonprofit group, institution of higher education or public body on matters affecting plates issued under this section.

(d) Specify the manner in which a nonprofit group, institution of higher education or public body may apply for a special registration plate.

(5) In addition to any other fee authorized by law, for each set of special registration plates issued pursuant to this section, the department shall collect a surcharge of \$40 payable when the plates are issued and upon each subsequent renewal of registration of a vehicle bearing the plates. The department shall distribute the moneys from the surcharge as provided in subsection (8) of this section.

(6) The department, in consultation with the nonprofit group, institution of higher education or public body requesting the special registration plate, shall develop a unique design for each plate issued under this section. Any design must comply with requirements described under ORS 803.535.

(7) The department shall determine how many sets of plates shall be manufactured for each plate approved under this section. If the department does not issue 2,000 sets of plates for a particular nonprofit group, institution of higher education or public body in any one year, the department shall cease production of those plates.

(8) Each nonprofit group, institution of higher education or public body that is found by the department to be eligible for plates issued under this section may designate an account into which the net proceeds of the surcharge collected by the department under subsection (5) of this section are to be deposited. The department shall keep accurate records of the number of plates issued for each nonprofit group, institution of higher education or public body that qualifies. After payment of administrative expenses of the department, moneys collected under this section for a nonprofit group, institution of higher education or public body shall be deposited by the department into an account specified by that nonprofit group, institution of higher education or public body. If any nonprofit group, institution of higher education or public body does not specify an account for the moneys collected from the sale of plates issued under this section, the department shall deposit moneys collected for those plates into the Passenger Rail Transportation Account established under ORS 802.100 to be used as other moneys in the account are used. Deposits under this subsection shall be made at least quarterly.

SECTION 13. (1) A nonprofit group, institution of higher education or public body, as defined in ORS 174.109, that requests issuance of a special registration plate under section 12 of this 2015 Act shall:

(a) Submit an application, in the manner prescribed by the Department of Transportation by rule.

(b) Pay to the department the anticipated costs of adding the plate to the special registration plate program, as determined by the department. The department shall refund any amount of the payment that is not needed to pay the costs of adding the plate to the program.

(c) Collect and hold prepaid vouchers for new special registration plates, until it has received at least 3,000 vouchers along with required fees. Once a participating nonprofit group, institution of higher education or public body has received at least 3,000 vouchers, it shall submit the vouchers, along with the required fees, to the department.

(2) The department shall begin designing, producing and issuing the plates after the nonprofit group, institution of higher education or public body submits the following:

(a) The application;

(b) Payment for the anticipated costs of adding the plate as determined under subsection (1) of this section; and

(c) Three thousand prepaid vouchers along with required fees.

(3) For purposes of this section, costs of adding a new special registration plate include, but are not limited to, computer programming costs and vendor set-up fees.

(4) The department shall adopt rules for the administration and implementation of the special registration plate program.

ELIMINATION OF NEW GROUP PLATES

SECTION 14. ORS 805.206 is repealed.

SECTION 15. ORS 805.205 is amended to read:

805.205. (1) **Except as provided in subsection (7) of this section**, the Department of Transportation shall provide for issuance of registration plates described in [subsections (3), (7) and (8) of] this section for nonprofit groups meeting the qualifications for tax exempt status under section 501(c)(3) of the Internal Revenue Code and for institutions of higher education. Plates issued under this section may be issued to owners of motor vehicles registered under the provisions of ORS 803.420 (1). Plates issued under this section may not contain expressions of political opinion or religious belief. Rules adopted under this section shall include, but need not be limited to, rules that:

[*(a) Describe general qualifications to be met by any group in order to be eligible for plates issued under this section.*]

[*(b)*] (a) Specify circumstances under which the department may cease to issue plates for any particular group.

[*(c)*] (b) Require each group for which plates are issued to file an annual statement on a form designed by the department showing that the group is a nonprofit group or is an institution of higher education and that the group or institution otherwise meets the qualifications imposed for eligibility for plates issued under this section. The statement shall include names and addresses of current directors or officers of the group or institution or of other persons authorized to speak for the group or institution on matters affecting plates issued under this section.

(2)(a) Except as otherwise provided in paragraphs (b) and (c) of this subsection, in addition to any other fee authorized by law, upon issuance of a plate under this section and upon renewal of registration for a vehicle that has plates issued under this section, the department shall collect a surcharge for each year of the registration period. The surcharge shall be determined by the department by rule and may not be less than \$2.50 per plate or more than \$16 per plate. In setting the amount of the surcharge, the department shall consult with the nonprofit group for which the plates are issued.

(b) In addition to any other fee authorized by law, upon issuance of a plate under this section that recognizes an institution of higher education in this state, and upon renewal of registration for a vehicle that has such plates, the department shall collect a surcharge of \$8 per plate for each year of the registration period.

(c) In addition to any other fee authorized by law, upon issuance of a Share the Road registration plate[, as described in subsection (7) of this section,] the department shall collect a surcharge of \$5 per year of registration.

(3) Plates issued under this section shall be from the current regular issue of plates except that:

(a) If the group requesting the plates is an institution of higher education, the plates shall, upon request, contain words that indicate the plates are issued to recognize the institution or shall contain the institution's logo or an image of the institution's mascot; or

(b) If the group requesting the plates is a group that recognizes fallen public safety officers, the plates shall, upon request, contain a decal that indicates the plates are issued to recognize fallen public safety officers.

(4) Except as otherwise required by the design chosen, the plates shall comply with the requirements of ORS 803.535. The department shall determine how many sets of plates shall be manufactured for each group approved under this section. If the department does not sell or issue renewal for 500 sets of plates for a particular group in any one year, the department shall cease production of those plates.

(5) Except as otherwise provided in subsection (6) of this section, each group that is found by the department to be eligible for plates issued under this section may designate an account into which the net proceeds of the surcharge collected by the department under subsection (2) of this section are to be deposited. The department shall keep accurate records of the number of plates issued for each group that qualifies. After payment of administrative expenses of the department, moneys collected under this section for each group shall be deposited by the department into an account specified by that group. If any group does not specify an account for the moneys collected from the sale of plates issued under this section, the department shall deposit moneys collected for those plates into the Passenger Rail Transportation Account established under ORS 802.100 to be used as other moneys in the account are used. Deposits under this subsection shall be made at least quarterly.

(6)(a) Each institution of higher education that requests a plate under this section shall designate an account in the general fund of the institution, and the proceeds in the account shall be used for the purpose of academic enrichment at the institution.

(b) Net proceeds of the surcharge collected by the department for Share the Road registration plates shall be deposited into two accounts designated by the Bicycle Transportation Alliance and Cycle Oregon. The department shall evenly distribute the net proceeds to each account. Deposits under this paragraph shall be made at least quarterly. At any time that the department determines that the accounts designated by the Bicycle Transportation Alliance and Cycle Oregon cease to exist, the department may deposit the proceeds into the Passenger Rail Transportation Account established under ORS 802.100.

(c) Net proceeds of the surcharge collected by the department for Keep Kids Safe registration plates shall be deposited into an account designated by the Children's Trust Fund of Oregon Foundation to fund strategies and approaches shown to prevent or reduce child abuse. Deposits made under this paragraph shall be made at least quarterly. At any time that the department determines that the account designated by the Children's Trust Fund of Oregon Foundation ceases to exist, the department shall deposit the proceeds into the Keep Kids Safe Registration Plate Account established in ORS 805.207. At the beginning of each biennium, the Early Learning Council shall evenly distribute the moneys in the Keep Kids Safe Registration Plate Account to the counties in this state, until each county receives \$1,000. After each county has received \$1,000, the council shall distribute any remaining moneys to each county in an amount equal to the percentage of Keep Kids Safe registration plates sold in that county. Each county shall use the moneys received under this paragraph solely for the purpose of funding strategies and approaches shown to prevent or reduce child abuse.

[(7) Notwithstanding subsection (3) of this section, the department shall design a Share the Road registration plate in consultation with the Bicycle Transportation Alliance and Cycle Oregon.]

[(8) Notwithstanding subsection (3) of this section, the department shall design a Keep Kids Safe registration plate in consultation with the Children's Trust Fund of Oregon Foundation and the regional entity that provides services to children and families in Deschutes County.]

(7) The department may not accept applications to create new group registration plates on or after the effective date of this 2015 Act.

APPLICABILITY OF GROUP PLATE PROGRAM REPEAL

SECTION 16. The repeal of ORS 805.206 by section 14 of this 2015 Act applies only to applications to create new group registration plates received by the Department of Transportation on or after the effective date of this 2015 Act. Processing of an application to create a new group registration plate received by the department before the effective date of this 2015 Act in accordance with the law then in effect may be completed after the effective date of this 2015 Act as if this 2015 Act had not been enacted. Group registration plates available for issuance immediately before the effective date of this 2015 Act shall continue to be governed by the law applicable to group registration plates in effect immediately before the effective date of this 2015 Act.

CONFORMING AMENDMENTS

SECTION 17. ORS 803.530 is amended to read:

803.530. Registration plates assigned to a vehicle by the Department of Transportation shall remain with the vehicle to which the plates are assigned and are valid only during the registration period for which the plates are issued except as provided in the following:

(1) The department may allow registration plates to be transferred to another vehicle upon receipt of an application and payment of a plate transfer fee under ORS 803.575 in addition to any required registration fee. The department shall transfer registration plates under this subsection unless the department determines that the plates are:

(a) So old, damaged, mutilated or otherwise rendered illegible as to be not useful for purposes of identification; or

(b) Not any of the following:

(A) From a current issue of registration plates;

(B) Customized registration plates described under ORS 805.240;

(C) Oregon Trail commemorative registration plates issued under section 113, chapter 741, Oregon Laws 1993; [or]

(D) Special registration plates issued under ORS 805.255, 805.260, [or] 805.263 or **805.266 or section 2 or 6 of this 2015 Act**];

(E) Group plates issued under ORS 805.205; or

(F) Veterans plates issued under ORS 805.105.

(2) The owner of a registered vehicle to which a plate is assigned may replace a registration plate that is illegally altered or that is lost, destroyed or mutilated in a manner that renders illegible any identification on the plate. The following apply to this subsection:

(a) To replace a plate under this subsection, the owner must apply to the department for replacement of the damaged or lost plate in a form prescribed by the department and pay the replacement plate fee established under ORS 803.575.

(b) The application must state the facts of the damage, destruction or loss of the plate.

(c) The department, in lieu of replacement, may issue duplicate plates for the same fee as charged for replacements.

(d) The plates issued under this subsection are valid only for the period of the plates replaced.

(3) This section does not apply to special interest registration plates approved under ORS 805.210.

SECTION 17a. Section 5, chapter 404, Oregon Laws 2015 (Enrolled Senate Bill 943) (amending ORS 803.530), is repealed.

SECTION 18. Section 2, chapter 823, Oregon Laws 2009, as amended by section 8, chapter 709, Oregon Laws 2011, and section 1, chapter 390, Oregon Laws 2015 (Enrolled Senate Bill 472), is amended to read:

Sec. 2. (1) The Department of Transportation shall establish a Pacific Wonderland registration plate program to issue special registration plates called "Pacific Wonderland registration plates"

upon request to owners of motor vehicles registered under the provisions of ORS 803.420 (1). In addition, the department may adopt rules for issuance of Pacific Wonderland registration plates for vehicles not registered under the provisions of ORS 803.420 (1).

(2) In addition to any other fee authorized by law, for each set of Pacific Wonderland registration plates issued under subsection (1) of this section, the department shall collect a surcharge of \$100 payable when the plates are issued. The department shall transfer the moneys from the surcharge as provided in section 3, chapter 823, Oregon Laws 2009.

(3) Notwithstanding ORS 803.530, Pacific Wonderland registration plates may be transferred from vehicle to vehicle if the department stops issuing the plates, as long as the plates are not so old, damaged, mutilated or otherwise rendered illegible as to be not useful for purposes of identification.

(4) The department shall limit the total number of Pacific Wonderland registration plates to 80,000 sets of plates.

[(5) Notwithstanding ORS 805.202, until the department has issued 80,000 sets of plates under this section, the department may issue five kinds of special registration plates at any one time.]

OPERATIVE DATE

SECTION 19. Sections 11 to 13 of this 2015 Act become operative on July 1, 2016.

EXPENDITURE LIMITATION

SECTION 20. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 5 (9), chapter __, Oregon Laws 2015 (Enrolled House Bill 5040), for the biennium beginning July 1, 2015, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received as reimbursement from the United States Department of Transportation, but excluding lottery funds and federal funds not described in section 5, chapter __, Oregon Laws 2015 (Enrolled House Bill 5040), collected or received by the Department of Transportation, is increased by \$248,095 for services and supplies to establish two new registration plate programs.

CAPTIONS

SECTION 21. The unit captions used in this 2015 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2015 Act.

EMERGENCY CLAUSE

SECTION 22. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House June 30, 2015

Repassed by House July 6, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate July 3, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State