

# House Bill 2670

Sponsored by COMMITTEE ON BUSINESS, LABOR AND CONSUMER AFFAIRS (at the request of Oregon Petroleum Association)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows motor vehicle fuel dealers to retain two percent of fuel tax collected as reimbursement for certain costs.

## A BILL FOR AN ACT

1  
2 Relating to motor vehicle fuel taxes; creating new provisions; and amending ORS 319.180.

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

4 **SECTION 1.** ORS 319.180 is amended to read:

5 319.180. (1) The license tax imposed by ORS 319.020 shall be paid on or before the 25th day of  
6 each month to the Department of Transportation [*which, upon request, shall receipt the dealer there-*  
7 *for.*] **except that the dealer may retain two percent of the amount of the tax payable under**  
8 **this subsection as reimbursement to the dealer for costs of collection and of compliance with**  
9 **ORS 319.010 to 319.430. Upon request of the dealer, the department shall issue a receipt to**  
10 **the dealer for the tax paid.**

11 (2) Except as provided in subsection (4) of this section, to any license tax not paid as required  
12 by subsection (1) of this section there shall be added a penalty of one percent of such license tax.  
13 **In addition, a dealer may not retain the two percent allowed under subsection (1) of this**  
14 **section for any month in which the license tax payment required by subsection (1) of this**  
15 **section is not made.**

16 (3) Except as provided in subsection (4) of this section, if the tax and penalty required by sub-  
17 section (2) of this section are not received on or before the close of business on the last day of the  
18 month in which the payment is due, a further penalty of 10 percent shall be paid in addition to the  
19 penalty provided for in subsection (2) of this section.

20 (4) If the department determines that the delinquency was due to reasonable cause and without  
21 any intent to avoid payment, the penalties provided by subsections (2) and (3) of this section may  
22 be waived. Penalties imposed by this section shall not apply when the penalty provided in ORS  
23 319.090 has been assessed and paid.

24 (5)(a) If the license tax imposed by ORS 319.020 is not paid as required by subsection (1) of this  
25 section, interest shall be charged at the rate of 0.0329 percent per day until the tax and interest  
26 have been paid in full.

27 (b) If the license tax imposed by ORS 319.020 is overpaid, the department may credit interest to  
28 the account of the taxpayer in the amount of 0.0329 percent per day up to a maximum amount that  
29 equals any interest assessed against the taxpayer under paragraph (a) of this subsection in any given  
30 audit period.

31 (6) No dealer who incurs a tax liability as provided for in ORS 319.010 to 319.430, shall know-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 ingly and willfully fail to report and pay the same to the department as required by ORS 319.010 to  
2 319.430.

3 **SECTION 2. The amendments to ORS 319.180 by section 1 of this 2005 Act apply to taxes**  
4 **that become due on or after the effective date of this 2005 Act.**

5

---