

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

Ordinance No. 122

An Ordinance Imposing a Tax Upon Motor Vehicle Rentals;
Fixing Rates; Providing for Administration, Collection and
Other Related Matters; Requiring Licenses; and Imposing
Penalties.

Multnomah County ordains as follows:

Section 1. Definitions.

As used in this ordinance, unless otherwise provided or
unless the context otherwise requires, the following words
shall have the following meanings:

A. "Motor vehicle" means, without limitation, automobiles,
trucks having a manufacturer's gross vehicle weight not
exceeding 24,000 pounds, motor homes, motorcycles, pickup
campers, and any motorized passenger vehicles designed to
carry less than ten persons, which are capable of being used
on the highways of Oregon.

B. "Person" means a natural person, sole proprietorship,
partnership, joint venture, association, corporation, estate,
trust, or any other entity in the name of which a motor vehicle
is rented under this ordinance.

C. "Commercial establishment" means any person or other
entity, any part of whose business consists of providing the
use of motor vehicles for a rental fee.

D. "Rental" or "renting" means obtaining in Multnomah County the use of a motor vehicle from a commercial establishment in Multnomah County for a rental fee, and includes all services, supplies and commodities furnished by the commercial establishment in connection with providing the use of the vehicle. The word does not include leasing or other transactions where title of a motor vehicle is permanently or temporarily transferred from the commercial establishment to any other person or entity.

E. "Rental fee" means the gross fee, whatever the basis of its calculation, paid to a commercial establishment by any person for the rental of a motor vehicle.

Section 2. Imposition of Tax.

A. A tax is hereby imposed on every person renting a motor vehicle from a commercial establishment in Multnomah County if the rental is for a period of thirty (30) days or less. A rental shall be considered as having a duration of thirty (30) days or less if the actual possession or use by the person renting the vehicle terminates not later than the end of a thirty (30) day period or if any contract governing the rental has a duration of thirty (30) days or less.

B. The rate of the tax imposed by subsection A of this section shall be equal to ten percent (10%) of the gross rental fee charged by the commercial establishment for the rental.

C. If, with respect to any rental fee, the tax imposed under this section does not equal an amount calculable to a whole cent, the commercial establishment shall charge a tax

equal to the next highest whole cent; provided, however, that the amount remitted to the Director of the Department of Administrative Services of Multnomah County (hereinafter "Director") by the commercial establishment for each quarter shall be equal only to ten percent (10%) of the total rental fees collected by such commercial establishment during the quarter.

Section 3. Collection of Tax.

A. The tax imposed by section 2 of this ordinance shall be collected by the commercial establishment at the time it collects a rental fee.

B. On or before the 30th day of January, April, July and October of each year, each commercial establishment shall remit to the Director all taxes collected during the preceding calendar quarter. The remittance shall be accompanied by a report showing (1) the amount of the gross rental fees collected by the commercial establishment during the preceding quarter; (2) the amount, if any, of said rental fees which is attributable to and identified on the records or billings of the commercial establishment as being for gasoline sales; and (3) such further information as the Director may prescribe.

C. All commercial establishments shall maintain accurate records of rental fees assessed and of taxes collected, and such records shall be subject to review, inspection and audit by the Director or his designee at all reasonable times.

D. In the case of motor vehicle rentals which originate

in Multnomah County but for which the rental fee is collected at some other location, the commercial establishment which provided the vehicle in the county shall be responsible for remittance of the tax prescribed herein, based on the total rental fee, wherever collected.

E. The amount of tax required to be collected under section 2 of this ordinance shall be a debt owed by the commercial establishment to the county until remitted under this section.

Section 4. Use of Tax by County.

The taxes collected under this ordinance shall be general fund revenue of the county, except that the portion of taxes attributable to gasoline sales shall be subject to the limitations on use prescribed by the Constitution and laws of Oregon.

Section 5. Exemption.

The tax imposed hereby shall not be applicable to a rental fee which Oregon or federal law exempts from the tax.

Section 6. License.

A. Every commercial establishment shall be required to obtain from the Director an annual license for its operation in Multnomah County. Such licenses shall expire and be renewable on January 1 of each year and no commercial establishment may be operated in the county without a currently valid license. The Director shall collect a fee of \$2.00 for each license or renewed license issued.

B. The fee for a license procured in the year this ordinance first takes effect shall be \$3.00, and such license shall expire on December 31, 1977.

Section 7. Rules, Regulations and Procedures.

The Director is hereby authorized to establish such rules, regulations and procedures for the implementation and enforcement of this ordinance, consistent with the provisions hereof, as he deems necessary and appropriate.

Section 8. Penalties.

A. In addition to any other penalties prescribed by law, any commercial establishment which fails to collect and remit all taxes collected by it or otherwise to comply with this ordinance shall be subject to a penalty equal to fifty percent (50%) of any deficiency in the taxes remitted by it, or to such lesser penalty as the Director may assess.

B. The penalty imposed by subsection A of this section shall be a debt owed by the commercial establishment to the county.

C. Any person who wilfully violates any provision of this ordinance shall, upon conviction, be subject to a fine of not more than \$500, imprisonment in the county jail for not more than six months, or both such fine and imprisonment.

Section 9. Operative Date.

The tax imposed hereby shall apply to all rental fees subject hereto which are collected on or after July 1, 1976.

Section 10. Period of Effect.

This ordinance shall remain in effect for a period of

three years following its effective date.

ADOPTED this 15th day of April, 1976, being
the date of its second reading before the Board of County
Commissioners of Multnomah County, Oregon

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By Donald S. Clark
Chairman

APPROVED AS TO FORM:

GEORGE M. JOSEPH
County Counsel for
Multnomah County, Oregon

By Martin B. Vidgoff
Martin B. Vidgoff
Deputy County Counsel