

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rules(s) adopted on September 16, 2009 by the
Date prior to or same as filing date.

Oregon Department of Transportation, Transportation Safety Division

Agency and Division

737

Administrative Rules Chapter Number

Lauri Kunze

Rules Coordinator

355 Capitol St. NE, Rm. 29, Salem OR 97301

Address

503-986-3171

Telephone

to become effective

upon filing

Date upon filing or later

through

March 20, 2010

A maximum of 180 days including the effective date.

RULE CAPTION

Adopts Minimum Safety Standards for Low-Speed Vehicles and for Medium Speed Electric Vehicles.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

ADOPT: 737-010-0000, 737-010-0010 and 737-010-0020

AMEND:

SUSPEND:

ORS 184.616, 184.619, 802.010, 815.010, 815.030 and Section 14, Ch. 865, OL 2009

Stats. Auth.

Title 49 CFR Part 571

Other Authority

ORS 815.010, 815.030 and Section 14, Ch. 865, OL 2009

Stats. Implemented

RULE SUMMARY

Section 14, Chapter 865, Oregon Laws 2009 requires the Oregon Department of Transportation to adopt rules establishing minimum safety standards for low-speed vehicles and medium-speed electric vehicles. Minimum safety standards adopted by the department must be consistent with, but may exceed safety standards adopted by the federal government. The department is prohibited from issuing registration to a low-speed vehicle or medium-speed vehicle if the department has reason to believe the vehicle does not meet the safety standards adopted by the department.

OAR 737-010-0010 adopts by reference the federal motor vehicle safety standards (FMVSS) for low-speed vehicles, as set forth under Title 49 CFR Part 571.500 (October 1, 2008), as the minimum vehicle safety standards for low-speed vehicles.

OAR 737-010-0020 adopts by reference the FMVSS, as set forth in Title 49 CFR Part 571 (October 1, 2008), applicable to light vehicles and FMVSS Standard no. 305 relating to electrolyte spillage and electrical shock protection as the minimum vehicle safety standards for medium speed electric vehicles.

OAR 737-010-0000 defines terms.

Authorized Signer

Troy E. Costales

Printed name

Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Department of Transportation, Transportation Safety Division
Agency and Division

737
Administrative Rules Chapter Number

In the Matter of the Temporary Adoption of OAR 737-010-0000, 737-010-0010 and 737-010-0020 Regarding Minimum Safety Standards for Low-Speed Vehicles and for Medium-Speed Electric Vehicles.

Rule Caption: Adopts Minimum Safety Standards for Low-Speed Vehicles and for Medium Speed Electric Vehicles.

Statutory Authority: ORS 184.616, 184.619, 802.010, 815.010, 815.030 and Section 14, Ch. 865, OL 2009

Other Authority: Title 49 CFR Part 571

Statutes Implemented: ORS 815.010, 815.030 and Section 14, Ch. 865, OL 2009

Need for the Temporary Rule(s): This rulemaking is needed to implement legislation enacted by the 2009 Legislative Assembly:

Section 14, Chapter 865, Oregon Laws 2009 requires the Oregon Department of Transportation to adopt rules establishing minimum safety standards for low-speed vehicles and medium-speed electric vehicles. Minimum safety standards adopted by the department must be consistent with, but may exceed safety standards adopted by the federal government. The department is prohibited from issuing registration to a low-speed vehicle or medium-speed vehicle if the department has reason to believe the vehicle does not meet the safety standards adopted by the department.

OAR 737-010-0010 adopts by reference the federal motor vehicle safety standards (FMVSS) for low-speed vehicles, as set forth under Title 49 CFR Part 571.500 (October 1, 2008), as the minimum vehicle safety standards for low-speed vehicles.

OAR 737-010-0020 adopts by reference the FMVSS, as set forth in Title 49 CFR Part 571 (October 1, 2008), applicable to light vehicles and FMVSS Standard no. 305 relating to electrolyte spillage and electrical shock protection as the minimum vehicle safety standards for medium speed electric vehicles.

OAR 737-010-0000 defines terms.

Documents Relied Upon, and where they are available: Section 14, Chapter 865, Oregon Laws 2009 or Title 49 CFR Part 571. To request a copy of the document, please contact David Eyerly at 503-945-5243. Alternatively, the document is available electronically at: <http://www.leg.state.or.us>

Justification of Temporary Rules(s): The temporary adoption of these rules is necessitated by the enactment of section 14, Chapter 865, Oregon Laws 2009, which becomes effective September 28, 2009. The Transportation Safety Division of the Oregon Department of Transportation (TSD) intends to permanently adopt these rules, however, there is not sufficient time to complete the permanent rulemaking process to coincide with the effective date of the act.

TSD finds that its failure to act promptly will delay implementation of the legislation and create inconvenience and hardship for customers who purchase or own a low-speed vehicle or purchase a medium-speed electric vehicle. Until minimum vehicle safety standards are adopted, DMV is unable to register low-speed vehicles and medium-speed electric vehicles for operation on Oregon roadways and would be unable to renew the registration of currently registered low-speed vehicles.

Authorized Signer

Troy E. Costales

Printed name

Date