

Secretary of State
NOTICE OF PROPOSED RULEMAKING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Transportation, Motor Carrier Transportation Division
Agency and Division

740

Administrative Rules Chapter Number

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RULE CAPTION

ODOT intends to amend rules regarding acceptable payment methods from motor carriers.

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

RULEMAKING ACTION

ADOPT: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND: 740-055-0020

REPEAL:

RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND & RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 30.071, 184.616, 184.619, 823.011 & 825.502
Stat. Auth..

None

Other Authority

ORS 30.071, 825.498 & 825.502
Stats. Implemented

RULE SUMMARY

OAR 740-055-0020 describes payment options for motor carriers. The rule needs to be updated to reflect current practice and to address a recent situation when an agent for a motor carrier remitted payment on behalf of the motor carrier with a non-sufficient fund (NSF) check. The current rule does not contemplate such action and is being amended to place responsibility on the motor carrier when an agent provides a NSF check. Other changes clarify that the Department will accept payment from an agent, and a motor carrier that is not registered with ODOT may pay fees and taxes by credit card.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

November 23, 2009

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Signature

Lauri Kunze

Printed name

Date

* The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Department of Transportation, Motor Carrier Transportation Division
Agency and Division

740
Administrative Rules Chapter Number

In the Matter of the Amendment of OAR 740-055-0020 related to payment of motor carrier fees.

Rule Caption: ODOT intends to amend rules regarding acceptable payment methods from motor carriers.

Statutory Authority: ORS 30.071, 184.616, 184.619, 823.011 & 825.502

Other Authority: None

Statutes Implemented: ORS 30.071, 825.498 & 825.502

Need for the Rule(s): OAR 740-055-0020 describes payment options for motor carriers. The rule needs to be updated to reflect current practice and to address a recent situation when an agent for a motor carrier remitted payment on behalf of the motor carrier with a non-sufficient fund (NSF) check. The current rule does not contemplate such action and is being amended to place responsibility on the motor carrier when an agent provides a NSF check. Other changes clarify that the Department will accept payment from an agent, and a motor carrier that is not registered with ODOT may pay fees and taxes by credit card.

Documents Relied Upon and where they are available: None

Fiscal and Economic Impact, including Statement of Cost of Compliance: The proposed changes have no anticipated financial impact on other agencies or business, including small business, or members of the public. The proposed amendments impose no new fees or costs, but describe current practice and clarify that responsibility for proper payment resides with the motor carrier. There is no anticipated added cost of compliance. There is no anticipated impact on administrative cost, or additional equipment or supplies to comply with the proposed amendments.

How were small businesses involved in the development of this rule? The proposed changes were sent to 14 groups representing small businesses seeking comment and none responded.

Administrative Rule Advisory Committee consulted?: No specific advisory committee was formed to draft the proposed amendments, however the Motor Carrier Transportation Advisory Committee approved of the proposed changes at its July 16, 2009 meeting.

Authorized Signer

Lauri Kunze
Printed name

Date