740-020-0010
Scope Defined
(1) ORS 823.007(1) requires each employee of the department who performs a function concerning the economic regulation of motor carriers to file with the department an employee statement of pecuniary interests in motor carriers. Division 20 rules establish when a statement is required, defines terms associated with the statement and describes the circumstances under which disciplinary action may occur for failure to comply with ORS 823.007(1).
(2) For the purposes of ORS 823.007(2), "a function concerning economic regulation of motor carriers" means any action or transaction that affects or potentially affects the financial status of a motor carrier. Such functions include, but may not be limited to:
(a) Entry, including issuance of operating authority;
(b) Regulation and establishment of rates of household goods carriers described in ORS 825.202;
(c) Registration of commercial motor vehicles for highway use tax purposes;
(d) Registration or apportioned registration of commercial motor vehicles;
(e) Receiving, collecting and accounting for money received from motor carriers;
(f) Enforcement of motor carrier regulations, including audit, inspection and investigation for compliance with tax, safety and other regulations;
(g) Issuance of variance permits under ORS Chapter 818;
(h) Weighing commercial vehicles and enforcing highway size and weight standards;
(i) Authorization of farm registration under ORS Chapter 805;
(j) Processing insurance and surety deposit filings; and
(k) Processing refunds.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 805.300, 818.200, 823.007, 825.100, 825.202 & 825.224

740-030-0010
Applicability, References and Terminology
(1) No rule listed in Divisions 30 through 60 and 105 through 115 is intended to expand the authority granted in existing certificates.
(2) When grants of operating territory are expressed in terms of miles for for-hire carriers of household goods, air miles will be employed as the measure unless otherwise described or specified. This shall apply to any lateral distances from designated highways and named points.
(3) "Air miles" express distance as statute miles of 5,280 feet, measured in a straight line without regard to terrain features or differences in elevation on maps designated by the Department of Transportation.
(4) When "air miles" are designated in an application for for-hire household goods authority, a known ascertainable reference point must be designated from which the air mile radius or distance should be computed.
(5) Some household goods carrier certificates of authority, issued prior to the effective date of this rule, express an authorized territory in terms of "road miles." If any certificate holder claims a particular highway or roadway as a measure to place his operations within the scope of such defined authority, the burden of proof is upon said holder to show that such highway or roadway is practical and operational for use in transporting the affected traffic and the certificate holder normally and regularly uses such highway or roadway to transport the affected traffic.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.100, 825.110, 825.202 & 825.224

740-035-0010
Applications for Authority or Change of Authority
(1) All applications for a certificate or permit or for the extension, contraction, abandonment or other change in operating authority or for adding vehicles to certificate or permit must be made on forms approved by the Department.
(2) Additional filing requirements and attachments to or in support of applications are specified in OAR 740-035-0150.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.100, 825.102, 825.110 & 825.202

740-035-0145
Application for New Permit Authority
(1) Applications for new Class 1A intrastate permit authority must be accompanied by the following:
(a) A filing fee in the amount provided in ORS 825.180;
(b) An "Oregon Class 1A Permit Application," ODOT Form Number 735-974;
(c) An "Application For Motor Carrier Account," ODOT Form Number 735-9075;
(d) Certification of liability and cargo insurance coverage as required by OAR 740-040-0010, 740-040-0020, and 740-040-0030; and
(e) Documentation of the form of business organization for the motor carrier that shows the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.
(2) Applications for new Class 1B intrastate permit authority to transport household goods in local cartage service under ORS 825.240 must be accompanied by the following:
(a) A filing fee in the amount provided in ORS 825.180;
(b) An "Application for Motor Carrier Account," ODOT Form Number 735-9075;
(c) Certification of liability and cargo insurance coverage as required by OAR 740-040-0010, 740-040-0020, and 740-040-0030; and
(d) Documentation of the form of business organization for the motor carrier and that the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.
(3) Applications for new Class 1R intrastate permit authority to transport passengers for-hire in other than as a regular route, full-service, scheduled carrier, must be accompanied by the following:
(a) A filing fee in the amount provided in ORS 825.180;
(b) An "Application For An Oregon Intrastate Permit To Transport Persons (In Other than Regular Route, Full-Service Scheduled Transportation)," ODOT Form Number 735-9751;
(c) An "Application For Motor Carrier Account," ODOT Form Number 735-9075;
(d) Certification of liability insurance coverage as required by OAR 740-040-0010, and 740-040-0020; and
(e) Documentation of the form of business organization for the motor carrier and that the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.
(4) Applications for new Class 1P intrastate permit authority to transport passengers, for-hire in regular route, full-service, scheduled transportation, must be accompanied by the following:
(a) A filing fee in the amount provided in ORS 825.180;

(b) An “Application For A 1P Permit Oregon Intrastate Permit To Transport Passengers In Regular Route, Full-Service Scheduled Transportation” ODOT Form Number 735-9057p;
(c) Certification of liability insurance coverage as required by OAR 740-040-0010, and 740-040-0020; and
(d) Documentation of the form of business organization for the motor carrier and that the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.
(5) Applications for new, Class 4A, 4E, 3A, 6A, or 7W permits must be accompanied by the following:
(a) An “Application For Motor Carrier Account,” ODOT Form Number 735-9075.
(b) Verification of all applicable insurance coverage required by ORS chapter 825.
(6) Permits are non-transferable.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.100, 825.102, 825.104, 825.106, 825.108 & 825.202

740-035-0150
Application for New Authority, Extension or Transfer of Certificate, Intrastate
(1) Applications for new intrastate authority and applications for extension of existing intrastate authority must be accompanied by the following:
(a) Exhibits describing the requested territory, if the application is for household goods authority;
(b) Proposed Tariff of Rates if required by ORS Chapter 825, in the form prescribed by OAR 740-050-0400, 740-050-0410 and 740-050-0500;
(c) A filing fee in the amount provided in ORS 825.180;
(d) Certification that the applicant can or will provide proof of liability and cargo insurance coverage, or acceptable surety, as required by ORS 825.166, OAR 740-040-0010, 740-040-0020, and 740-040-0030. No certificate will be issued until the Department has received proof that the required coverage is in effect;
(e) A current financial statement consisting of the following:
(A) A balance sheet showing the value of assets owned, the amount of liabilities owed and net worth; and
(B) An income statement for the most recently completed year immediately preceding the date of the application showing revenues, expenses and profits or losses; or
(C) A pro-forma, or projected, income statement for the first year of operations if a new business.
(f) The results of a criminal background check for each applicant for authority, except for an applicant seeking an extension of existing authority. For the purpose of criminal background checks, “applicant” has the meaning ascribed to it in ORS 825.135, and includes each sole proprietor, all partners of a partnership, all officers and majority stockholders of a corporation, and all members of a limited liability company. The Department may obtain, or require an applicant to provide, a fingerprint based criminal background check if the Department is not satisfied that the criminal background check provided with the application is current or accurate.
(g) Any other information or documents pertaining to the above requirements that the Department may deem appropriate.
(2) Authority granted for extension of geographic area shall not be broader in terms of types of services offered than that granted in the original application. An application to remove a service restriction from an existing authority must be made as an application for new authority.

(3) Authority sought by application for transfer must be limited to that authority contained in the certificate subject to transfer.
(4) An application for transfer of a certificate must be accompanied by the following:
(a) All items listed in subsections (1)(a) through (g) of this rule;
(b) A written consent of transfer signed by the certificate holder or the certificate holder's personal representative; and
(c) Evidence under ORS 825.129 of authority to transfer the certificate or license, if the individual certificate holder is deceased, and the operation is to be continued for purpose of transfer.
(5) When a certificate holder is granted additional authority by transfer or extension, the two authorities will be merged and a single authority will be issued.
(6) Any application, petition or other filing that contains false information, is incomplete, or does not comply with all the Department's rules and regulations may be rejected.
(7) No certificate holder shall hold more than one certificate authorizing the same service.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.102, 825.110, 825.202, 825.224 & 825.240

740-035-0165
Applications for Authority to Transport Household Goods
The application of any person requesting operating authority to transport household goods will be evaluated by the department to determine if it complies with provisions of law set out in ORS 825.110, 825.115 and 825.135. The application will be approved if the department finds that it meets the requirements of OAR 740-035-0150(1)(a)–(g), and the applicant demonstrates to the department's satisfaction that it is fit, willing and able to perform the service proposed. For the purpose of this rule:
(1) "Fit" means that the applicant has not, during the five years preceding the application, been convicted of a crime punishable by imprisonment for a period of time in excess of one year under the law under which he or she was convicted, or a crime regardless of punishment involving:
(a) Theft;
(b) Burglary;
(c) Sexual conduct;
(d) Manufacture, sale or distribution of a controlled substance;
(e) Identity theft; or
(f) False statements.
(2) "Willing" means the applicant is prepared to provide all service sought in the application in compliance with ORS Chapter 825 and Department rules; and
(3) "Able" means:
(a) The applicant has or can provide adequate facilities, vehicles and equipment to perform the service proposed;
(b) The applicant certifies that these vehicles comply with all Oregon laws and rules covering vehicle safety and operations, and will be so maintained; and
(c) There is no significant evidence concerning the proposed service submitted by the applicant, by members of the public, or in the department's files that suggests a compelling reason to deny the application. Examples of evidence of a compelling reason to deny an application may include:
(A) A record of a pattern of violations of laws or rules administered by the Department.

(B) Two or more complaints from customers regarding applicant's unsatisfactory resolution of loss or damage claims.
(4) Application approval and disapproval decisions will be documented by issuance of notices of intent and final orders of the agency.
(a) Approval of applications will be documented by issuance of a final order approving the application for authority and issuance of a new or amended certificate of authority.
(b) Proposed disapproval of applications will be documented by issuance of a notice of intent to issue a final order disapproving application.
(A) The notice will cite the reason or reasons for disapproval and provide an opportunity for the applicant to request a contested case hearing. Contested case hearings will be conducted in accordance with ORS Chapter 183;
(B) Judicial review of final orders of the department issued after a contested case hearing may be obtained by filing a petition with the Oregon Court of Appeals within sixty (60) days of service of the final order under the provisions of ORS 183.482.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 183.482, 825.110, 825.115, 825.135, 825.202, 285.224 & Ch. 433, OL 2009

740-045-0110
Lease of Vehicles by Household Goods Carriers
(1) Except as otherwise expressly provided, a vehicle may be operated under lease in for-hire carriage of household goods in Oregon intrastate commerce only in accordance with the terms of OAR 740-045-0110 to 740-045-0130 and a written agreement on a form supplied by the Department. The compliance of a lease with the requirements of the rules of the Department pertaining to leasing is the responsibility of the parties to the lease. The filing of the lease with the Department does not constitute approval by the Department of the terms of the lease or the legality of the operations thereunder.
(2) A vehicle lease shall contain all of the terms and conditions of the lease, and shall provide:
(a) The full name and address of each contracting party (lessor and lessee);
(b) A complete description of the vehicle;
(c) That the lessee has the right to exclusive possession, use and control of the leased vehicle, with the exception that the lessor may use the leased vehicle for personal noncommercial uses with the permission of the lessee;
(d) A detailed statement of the compensation to be paid for the use of the vehicle while under lease;
(e) A statement of the terms of renewal, if any;
(f) That during the period of the lease:
(A) The lessee shall assume full and sole responsibility for payment of all Oregon highway use taxes, fees and penalties arising from operation of the vehicle, except to the extent lessee is relieved of such responsibility by OAR 740-045-0150 and shall not be reimbursed by the lessor for such taxes, fees and penalties, directly or indirectly;
(B) The lessee will bear all risk of loss or damage to property or injury to persons incident to the operation of the vehicle and shall be responsible to maintain cargo and liability insurance covering all operations of the vehicle under the lease. In fulfilling this requirement, it is permissible for the lessor to name the lessee as an insured on the lessor's insurance policy;
(C) The lessee assumes full responsibility for compliance with the rules of the Department, and in particular, OAR 740-045-0110 to 740-045-0130, relating to leasing, and the laws of the State of Oregon applicable to the operation of motor vehicles.

(3) The lessee shall exercise exclusive supervision and control of a leased vehicle during the period of the lease, except for the personal uses of the lessor referred to in subsection (2)(c) of this rule. Furthermore, neither the lessor, nor a driver furnished or arranged for by the lessor, shall participate in any of the following activities:
(a) The dispatching of traffic;
(b) The billing and collection of freight charges for transportation performed by the vehicle; and
(c) The solicitation of shipments other than that which takes place in conjunction with the pickup or delivery of freight at a shipper's place of business.
(4) If the lessor provides a driver to a lessee who is a for-hire carrier of household goods and any party to the lease has been found by order of the Department to have violated ORS 825.100, ORS 825.950, OAR 740-045-0110, 740-045-0120 or 740-045-0170 through a leasing arrangement within the preceding two years of the effective date of the lease, the lessee shall include the driver on the payroll of the lessee if lease compensation for the use of the vehicle is based on a division of revenues. "Payroll," as used in sections (4) and (6) of this rule, means that with respect to the compensation paid the driver, the lessee's records reflect that the lessee has included the driver as one of its employees in reports of employment to governmental agencies.
(5) The lessee shall be solely responsible for the safe operation of the vehicle. The parties may agree that, as between themselves, the lessor may maintain the vehicle and assume such other costs of vehicle maintenance, including fuel costs, as are specifically listed in the lease. If not included as part of the compensation for the use of the vehicle, the terms of compensation for maintenance shall be expressly stated in the lease.
(6) If the transportation to be performed under the lease is private carriage, the lessee must actually include the driver on the payroll of the lessee and treat such driver as an employee of the lessee in all respects as it does any regular employee.
(7) Within 90 days from the date of any transportation performed, the lessee shall pay to the lessor all compensation which the lessor has earned under the lease. The payment shall be in settlement of all obligations which have accrued under the lease, after deduction of just credits and offsets. The lessee shall prepare an itemized record of the settlement, including credits and deductions, and shall maintain such record for a period of three years after the termination of the lease.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.100, 825.202, 825.224 & 825.950

DIVISION 50
TARIFFS

740-050-0010
Regulation of Oregon Intrastate Motor Carrier Rates and Classifications and Mileage Guides

(1) "Participating carriers" means a carrier for whom an agent files a tariff, or any part thereof, with the Department for review and approval.
(2) To provide antitrust immunity to persons who collaborate for the purpose of determining all rates for the transportation of household goods for the transportation of other property, classifications, mileage guides and other publications relating to the transportation of property, the Department will accept for review and approval tariffs and other relevant submissions presented by carriers or their agents. The following apply to mileage guides:
(a) Mileage guides, electronic or otherwise, or any amendments thereto, shall be submitted to the Department for approval; and

(b) The Department shall, within 60 days, determine the accuracy of the mileage guide, or amendments thereto, and shall either accept or reject the submission. In determining accuracy, the Department shall, to the extent possible, rely on the Official Highway Map of Oregon.
(4) The rules of the Department in division 50 shall apply:
(a) To the transportation of household goods; and
(b) To tariff provisions relating to classifications and mileage guides which have been submitted to the Department for review and approval.
(5) Tariffs which are subject to the jurisdiction of the Department and are filed by a carrier for review and approval may be filed by an authorized agent of the carrier if the carrier has provided the agent with a written power of attorney authorizing the agent to act on its behalf. A tariff published and filed by an agent on behalf of a carrier shall identify clearly the carrier for whom the tariff is being published.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.100, 825.200, 825.202 & 825.224

740-050-0020
Tariffs Must Conform to Rules Prescribed Herein and Must Be Filed
All tariffs related to the intrastate for-hire transportation of household goods must be filed and compiled in compliance with and conform to these rules. The Department may direct the reissuance of any such tariff or time schedule at any time.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202 & 825.224

740-050-0050
Size and Form of Tariffs and Time Schedules
(1) Tariffs and time schedules must be in book, loose-leaf, sheet or pamphlet form. Individual pages to loose leaf tariffs shall be designated so that changes can be made by reissuing individual pages or pages published as a unit.
(2) Tariffs and time schedules or supplements thereto containing five or more pages must be printed on regular letter size paper of good quality, 8 or 8-1/2 x 11 inches, from type of size not less than 6 point, full face. Tariffs and time schedules containing four pages or less may be typewritten, provided all copies are clear and legible. Alterations in writing or erasures must not be made. Reproduction may be by any process, providing all copies are clear and permanently legible.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202 & 825.224

740-050-0060
Form of Appointment of Agent
The following form will be used in giving a power of attorney to an agent:
POWER OF ATTORNEY
To be filed with the Oregon
Department of Transportation
_____(Name of Carrier in full)_____
_____(Place)_____(Date)_____
Form A.F. 1 No._____
To the OREGON DEPARTMENT OF TRANSPORTATION

Salem, Oregon
This is to certify that (name of carrier) has made, constituted and appointed and by these presents does make, constitute and appoint (name of person appointed) the true and lawful attorney and agent for the said carrier and in its name, place and stead: (1) for it alone, and (2) to file tariffs, classifications, and exception sheets and supplements thereto, as required of transportation companies under the laws of Oregon and rules and regulations established by the Oregon Department of Transportation, thereunder for the period of time, the traffic and territory herein named:
_____
_____
And the said (name of carrier) does hereby give and grant unto said attorney and agent full power and authority to do and perform all and every act and thing above specified, as fully to all intents and purposes as if the same were done and performed by the said carrier, hereby ratifying and confirming all that said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of said attorney and agent hereunder.
IN WITNESS WHEREOF, the said carrier has caused these presents to be signed (in its name by its legal executive officer) at _____ in the State of Oregon, on this_____ day of _____, 19__.
_____(Name of Carrier)_____
By:
_____(Name of Officer)_____
_____(Title of Officer)_____
Attest:
(Corporate Seal)
Carrier issuing this form will file the original with the Department and will furnish duplicate to the agent to whom power of attorney is given.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.100, 825.202 & 825.224

740-050-0100
Adoption of Tariffs
(1) In case a for-hire household goods carrier tariff, is transferred from the operating control of one company to that of another, or when its name is changed, the new carrier, if it intends to use tariffs issued by the old carrier powers of attorney granted by the old carrier, shall issue and file supplements to such tariffs and/or time schedules containing an adoption notice reading substantially as follows:
"The ____(Name of Carrier)____ hereby adopts, ratifies, and makes its own in every respect as if the same had been originally issued and filed by it, all tariffs, rules, notices, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Public Utility Commission of Oregon or the Oregon Department of Transportation by the ___(Name of Old Carrier)___ prior to (date) the beginning of its possession. By this notice it also adopts and ratifies all supplements or amendments to any of the above tariffs, which have heretofore been filed with said Commission or the Department."
(2) Powers of attorney so adopted must be replaced and superseded by new powers of attorney issued by and in the name of the new carrier, and in each instance cancelling the powers of attorney superseded.

(3) In case a household goods carrier secures permission from the Department to temporarily discontinue operation of all or a part of its service, it shall issue and file supplements to its tariffs containing notice of such temporary discontinuance, and upon resumption of the discontinued service file further supplements containing notice of such resumption.
(4) Adoption, discontinuance and resumption supplements shall be assigned the next consecutive supplement number. Adoption notices may be filed and made effective immediately. Discontinuance and resumption supplements will be made effective in accordance with the Department's permission in each case. Such supplements will not be counted against the number of supplements permitted to such tariffs.
(5) Subsequent amendments to adopted tariffs must be filed in consecutively numbered supplements until the tariffs are reissued. The reissued tariffs and/or time schedules shall be numbered in the ODOT Oregon series of the new carrier.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202 & 825.224

740-050-0110
Suspension of Tariff
(1) When the Department suspends the operation and defers the use of a tariff the following course shall be pursued by carriers.
(2) Upon receipt of the order of suspension the carrier or agent shall immediately issue and file with the Department a supplement stating that the tariff is under suspension and shall not be used until further and proper notice.
(3) When the Department vacates an order of suspension, the carrier or agent who published and filed such suspended tariff or supplement thereto shall immediately issue and file with the Department a supplement stating the date upon which the tariff or supplement becomes effective.
(4) Every suspension or vacation supplement issued under authority of this rule must bear on title page the following notation: "Issued under authority of OAR 740-050-0110 and in compliance with Order No._____ of the Oregon Department of Transportation of (date) _____, 20 __."
(5) Suspension and/or vacation supplements will be assigned the next consecutive supplement number and will not be counted against the number of supplements permitted to such tariffs.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.100, 825.202 & 825.224

740-050-0120
Rejected Tariffs
When a tariff is rejected by the Department, it must not thereafter be referred to, nor the ODOT Oregon number or carrier's serial number assigned thereto again used, except to note on a new publication that it is issued in lieu of such rejected tariff, i.e.: "In lieu of _____, rejected by the Department."
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.100, 825.202 & 825.224

740-050-0140
Posting of Tariffs
(1) The provisions of this rule shall apply to for-hire carriers transporting household goods.

(2) A copy of the tariffs of carriers showing all rates, classifications, charges, or rules and regulations affecting rates, classifications or charges shall be kept by every carrier readily accessible for inspection by the public at all reasonable times in every station or office of such carrier where property is received for transportation, when such station or office is in charge of an agent.
(3) Agents shall be provided with facilities for tariffs in readily accessible form and shall be instructed and required to give information contained in such tariffs to lend assistance to seekers for information therefrom and to accord inquirers opportunity to examine any of said tariffs without requiring the inquirer to assign any reason for such desire.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202, 825.224 & 825.234

740-050-0220
Title Page of Every Tariff
Title page of every tariff shall show:
(1) Oregon DOT number of tariff at the top of the page, and immediately thereunder the Oregon DOT number or numbers, if any, cancelled thereby. Oregon DOT serial number will be assigned to each tariff and run consecutively. Tariff serial number of carrier may also be entered on title page, run consecutively and show cancellations. Separate serial Oregon DOT numbers will be used for tariffs related to household goods.
(2) Name of issuing carrier or agent.
(3) Whether tariff is local, and whether it is a class, commodity, mileage, or combination of same, or a tariff of rules and regulations.
(4) The territory or points from, to or between which the tariff applies, briefly stated. Where detailed information is required, the title page may give reference to the items where the application of the tariff and the governing publications may be found.
(5) Date of issue on the lower left and date effective on the lower right hand of the page.
(6) Name, title and address of officer by whom tariff is issued on the lower part of the page.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202 & 825.224

740-050-0230
Tariffs Shall Contain in the Order Named
All tariffs related to the transportation of household goods shall contain:
(1) Table of contents or index: a full and complete statement, in alphabetical order, of the exact location where information under general headings will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that the contents are plainly disclosed, the table of contents or index may be omitted.
(2) Names of issuing carriers, alphabetically arranged, or by proper reference describe the tariff containing these provisions. If there be not more than five participating carriers, their names may be shown on the title page. The form and number of power of attorney to the tariff must be shown (see OAR 740-050-0060).
(3) Complete index, alphabetically arranged, of all commodities upon which commodity rates are named, showing page upon which such rates will be found, also item numbers.
(4) Complete index, alphabetically arranged, of all commodities upon which exceptions to the classification are made, showing page upon which they are found, also item number.

(5) Complete index, alphabetically or geographically arranged, of all points from and to which tariff rates or fares apply, showing the index numbers and/or item numbers under which rates or fares will be found.
(6) An official list of all the points in connection with which the tariff applies.
(7) The different routes via which tariff applies must be shown together with appropriate reference to application of rates. When a tariff specifies routing, the rates may not be applied via routes not specified.
(8) Explanation of reference marks and technical abbreviations used in the tariff, except that a special provision applying to a particular rate may be shown in connection with and on the same page with such rate.
(9) Such explanatory statement in clear and explicit terms regarding the general application of rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.
(10) Complete description of all commodities upon which exception to the classification class ratings, rules or requirements are authorized showing item number, classification and other detail information.
(11) Rules and regulations which govern the tariff, the title of each rule or regulation to be shown, or by proper reference describe the tariff containing such rules and regulations. Under this head all of the rules, regulations or conditions which in any way affect the rates named in the tariff will be entered.
(12) An explicit statement of the rates, in cents or in dollars and cents together with the names of the points from, to or between which they apply, arranged in a simple and systematic manner, under proper index and item numbers. Tariffs shall be arranged in sections to separate different kinds of rates or provisions. The sections must be consecutively numbered and differentiation among sections must be clear.
(13) Each tariff which contains class and/or commodity rates shall also contain a rule reading, "Whenever a class rate and a commodity rate are named between specified points, the lower of such rates is the lawful rate."
(14) Tariff publications or supplements thereto must indicate increases, reductions, changes made in existing rates, charges, rules, regulations or classifications, or the insertion of new material, by the use of uniform symbols. Clear explanation of the use of symbols must be made in the tariff.
(15) At the foot of the last page of a tariff or supplement the words "The End" or "Last Page" should be shown.
(16) The terms "all points," "in the vicinity of" or similar terms must not be used in any tariff for the purpose of indicating the points from, to or between which rates or fares named therein apply.
(17) Commodity rates must be specific and must not be applied to analogous articles.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202 & 825.224

740-050-0500
Filing Requirements for Tariffs
(1) Applicants for authority to transport household goods must:
(a) File two copies of a proposed tariff of rates, charges, classifications, practices, privileges and rules, compiled in conformity with Division 50 rules and secure tariff approval; or
(b) Designate a tariff publishing agent and file:

(A) Written power of attorney appointing such agent; or
(B) Confirming letter from such agent indicating that a tariff filing will be made in behalf of applicant if and when the requested authority is granted;
(2) Applicants designating tariff publishing agents will not be issued a certificate until such agent has established in its tariff the rates and charges applicable to the proposed operation.
(3) All supplements or amendments to original tariffs and reissues thereof must also be filed.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.202, 825.224 & 825.234

740-050-0600
New Rates Effective on Granting of Authority
The initial rates of a household goods carrier shall be effective with the granting of authority to operate as a motor carrier.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.110, 825.202 & 825.224

740-050-0610
Procedures for Changing Tariffs
(1) All rates, charges, classifications and rules and regulations governing the practices or services of a motor carrier transporting household goods in intrastate commerce in Oregon must be filed as a tariff and fixed by order of the Department. Changes in tariffs must be made pursuant to Division 50 rules.
(2)(a) Written petitions to amend tariffs may be submitted to the Department by a household goods carrier, a tariff bureau under OAR 740-050-0640, or by any other party having an interest in the matter;
(b) The Department may permit a tariff change to become temporarily effective if that action is in the public interest.
(3)(a) All petitions for changes in tariffs will be assigned for public hearing. The hearing notice will set the time and place for the hearing;
(b) If the petition is for a general increase, the Department will use the Oregon Consumer Price Index-Urban (ORCPI-U) as the basis for determining if the requested increase is justified. The Department will use a comparison of the ORCPI-U in effect at the time of the last general increase with the current ORCPI-U;
(c) As used in this rule, “general increase” means a general increase in, restructuring of, or substantial change in rates previously approved by the Oregon Public Utility Commission or the Oregon Department of Transportation.
(4)(a) The Department’s notice will designate as respondents in petitions for general increases, unless specifically exempted, all carriers who possess authority to transport household goods and who are members of Oregon tariff bureaus pursuant to OAR 740-050-0640, or who publish individual tariffs and generate Oregon intrastate revenues from economically regulated commodities of $500,000 or more annually;
(b) Exemptions under subsection (4)(a) of this rule may be granted by the Department upon a showing that the territory served by the carrier, or the carrier’s method of operation is such that the carrier does not compete with the petitioner;
(c) If the Department approves the petition for general increase, the tariff change will apply to all respondents. A respondent may tender evidence at the hearing justifying independent rates which will apply only to that carrier. Upon giving seven days written notice to the Department, the

petitioning carrier and any supporting rate bureau, any respondent may participate at the hearing as a party in opposition to application of the proposed general increases for its account. Upon a proper showing the Department may exclude such respondent from the application of the general increase proposal.
(5)(a) A tariff bureau may support or oppose another tariff bureau's petition at the Department's hearing;
(b) If the Department approves a tariff bureau petition which is not a general increase, the tariff change will apply to members of all Oregon tariff bureaus;
(c) For a tariff bureau petition, other than that described in section (3) of this rule, the notice shall describe as respondents all carriers who possess authority and who are members of Oregon tariff bureaus pursuant to OAR 740-050-0640.
(6) Individual carrier proposals submitted by independent action and approved by the Department shall apply only to the petitioning carrier.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202, 825.224 & 825.226

740-050-0630
Rates Orders
Unless otherwise provided by rule or specific order of the Department, rate orders related the transportation of household goods shall be mandatory upon all carriers enjoying operating authority to transport the affected commodities.
Stat. Auth.: ORS 184.619, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202 & 825.224

740-050-0820
Collection of Transportation Charges -- Extension of Credit
(1) The provisions of this rule shall apply to carriers for hire in the transportation of household goods and other for-hire carriers of property that elected to be subject to this rule by filing a written election to that effect with the Department.
(2) Except as provided in this rule and OAR 740-060-0040(3), no for-hire carrier shall deliver or relinquish possession of any freight until all lawful transportation charges thereon have been paid.
(3) This rule does not prevent extension of credit for such transportation charges provided:
(a) An arrangement has been made providing for payment within 7 days (excluding Sundays and legal holidays) following delivery;
(b) Such 7-day period shall commence at 12 a.m. of the day following delivery whenever the freight bill is presented at or before delivery of the freight;
(c) Such 7-day period shall commence at 12 a.m. of the day following presentation of the freight bill if presented after delivery of freight; and
(d) The freight bill must in any case be presented within 7 days after delivery of the freight.
(4) A motor carrier may extend credit in excess of the time period provided in section (3) of this rule to the United States, the State of Oregon, any county, city, town or municipality in this state or any department of any of them.
(5) All charges incident to transportation must be paid in lawful money of the United States. This rule shall not be construed to prohibit the payment by valid checks, drafts, credit cards or money orders which are convertible into cash on demand in the ordinary course of business.

(6) Under no condition may payment and any charges incident to transportation of household goods be made by credit memorandum, personal service, merchandise or the exchange of goods or services. The offsetting or balancing of amounts receivable against accounts payable by means of accounting entries is prohibited.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202 & 825.224

740-050-0830
Overcharge Claims Against Household Goods Carriers
(1) Claims by shippers must be submitted to for-hire carriers of household goods in writing.
(2) The following documents must be furnished in support of overcharge claims:
(a) Original paid freight bill;
(b) Original sales invoice or certified copy, when claim is based on weight or valuation or when shipment has been improperly described;
(c) Original bill of lading, if not previously surrendered to carrier, when shipment was prepaid or when claim is based on misrouting or valuation;
(d) Weight certificate or certified statement of weight when claim is based on weight; and
(e) Bond of indemnity in lieu of original bill of lading or freight bill when lost or destroyed.
(3) When claim is paid by agent, signature of claimant must be secured. All claim papers must be attached to collection sheet on which credit is taken.
(4) All claims must be promptly acknowledged by the carrier. If the claim is not paid in full, the carrier shall advise the claimant in writing of the reason for refusal to make full payment, including reference to any applicable tariff.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.100, 825.200, 825.202, 825.224 & 825.950

740-055-0150
Records -- General -- Household Goods
(1) Carriers authorized to transport household goods shall keep and maintain complete and comprehensive records of all business transactions as set forth in the prescribed Uniform System of Accounts.
(2) All papers, books, accounts, payroll, records, time records, bills, invoices, notes, mortgages, memoranda, correspondence files, vouchers, journals, ledgers, contracts, leases and agreements, operating and statistical statements or exhibits, stock books, minutes of meetings of directors, trustees and/or stockholders, records of mileage operated, annual or other periodic or special reports, working sheets or papers and all other papers and records disclosing or appertaining to operations of holders of certificates or permits authorizing transportation of household goods shall be maintained and shall at all reasonable times be available for examination, inspection and audit by the Oregon Department of Transportation and its authorized representatives.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 823.029, 825.200, 825.202, 825.212 & 825.224

740-055-0170
Bills of Lading (Shipping Receipts) and Freight Bills
(1) The provisions of this section shall apply to carriers for hire in the transportation of household goods in intrastate commerce within the State of Oregon which are submitted to the Department for review and approval.

(2) Carriers shall prepare freight bills for each and every shipment transported. Unless otherwise authorized by the Department, bills of lading, freight bills, and combination bills of lading and freight bills must be issued in sets of not less than triplicate for each shipment transported.
(3) Bills of lading shall show the date, name of the carrier, consignor, consignee, origin, destination, number of packages, or if in bulk, the quantity, description of articles and marks, description of the manner in which the shipment is packed and weight of shipment. The bill of lading shall also show whether the freight charges are to be prepaid or collect. The original of the bill of lading shall be signed and given to the consignor and shall constitute receipt by the carrier of the property for transportation. The number two copy (the shipping order) shall be retained by the carrier. If freight is delivered on the bill of lading, the consignee receives the memorandum copy. The consignee shall sign the carrier's shipping order as a receipt for freight delivery.
(4)(a) A freight bill shall contain the following information: date, freight bill number, name and address of carrier, consignor, consignee, origin, destination, number of packages, or if in bulk, the quantity, description of articles and marks, weight, rate and freight charge. When the rate assessed is a class rate, the applicable classification rating of the article(s) shall be shown on the freight bill. The freight bill shall also show charges for accessorial or special services provided by the carrier. If detention charges are applicable, the freight bill shall show the time that the equipment was placed on detention and when it was released from detention;
(b) If the applicable rates are published on an hourly or time basis, the freight bill or other documentation retained by the carrier shall show time taken for meals and other nonproductive time, and either:
(A) Time of departure of carrier's equipment from its terminal and time of return of equipment to carrier's terminal or next point of loading; or
(B) Time of arrival of the vehicle at the point of origin and the time service is completed at the point of destination, if rates are based on time consumed between arrival at origin and departure from destination.
(c) The freight bill shall also show advances or other charges, space to note whether the shipment is collect or prepaid, space for carrier to receipt for charges paid, and space for consignee to receipt for shipment. The signed original shall be given to the party paying transportation charges, a signed copy shall be retained by the carrier as a receipt for delivery of freight and a copy shall be given to the consignee on prepaid shipments.
(5) When a combination bill of lading and freight bill form is used, it must contain the same information required of a bill of lading and freight bill. The signed original is to be given to the party paying the freight bill, the second part (shipping order) is retained by the carrier, the third part is given to the consignor on a collect shipment or to the consignee on a prepaid shipment.
(6) If the combination bill of lading and freight bill is used as a bill of lading only, and an invoice for the transportation is issued by the carrier for submitting to the party paying the freight charges, the distribution of copies remains the same as delineated in section (3) of this rule.
(7) Shipments of machinery, machines, or heavy equipment shall be fully described on the bill of lading, freight bill, and combination bill of lading and freight bill by recording the trade name, model, number, type, kind of special equipment and parts, size, and capacity.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 823.101, 825.202, 825.204 & 825.224

740-055-0190
Record of Receipts and Disbursements
(1) Household goods carriers shall maintain a record of all moneys received from any source. The record shall show the date received, amount received, from whom received, number of freight bills being paid or description of service rendered for which payment is received, and any other pertinent information necessary to explain the transaction. The record shall show whether amount collected is retained as cash on hand or deposited in the bank and the account to be credited with the amount of collection.
(2) Household goods shall keep and maintain a complete and accurate record of all moneys disbursed in conducting their operations whether such disbursements are made in cash or by check:
(a) The record must show amount disbursed, a description of what the payment covers, the proper account chargeable and all essential information to identify and explain the disbursement;
(b) All bills, invoices, receipts, memoranda and papers supporting and explaining payments must be carefully filed and retained for the prescribed time.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202, 825.204 & 825.224

740-055-0210
Ledger and Journal
(1) All household goods carriers shall keep and maintain a ledger in which shall be recorded in appropriate accounts the assets, liabilities, capital, surplus, revenues, expenses, other income, other deductions and all other accounts prescribed by the Uniform System of Accounts and necessary to meet the requirements in OAR 740-055-0310 and 740-055-0320.
(2) Accounts shall be written up monthly and accruals stated on a monthly basis to permit preparation of financial exhibits from the books of record.
(3) All accounts must be closed on December 31 of each year and the profit or loss determined and stated in the books of record.
(4) All entries for which special journals have not been provided must be journalized in a general journal before posting to the ledger account. Entries must be fully explanatory and entered in sufficient detail to permit audit at any time. References to supporting papers and records must be specific and such subsidiary records and memoranda shall be filed and retained to support the entries in the general journal.
Stat. Auth.: ORS 184.616, 814.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202, 825.204, 825.224 & 825.515

740-055-0500
Motor Carriers of Property
Except as modified by ORS 825.515, “Preservation of Records,” contained in 49 CFR, Parts 1220-1239, revised as of October 1, 2015, a copy of which is available from ODOT Motor Carrier Transportation Division, is adopted and prescribed by the Department for all for-hire motor carriers of property.
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.202, 825.232 & 825.515

740-300-0040

Violation of ORS Chapter 825 and 826 Not Otherwise Provided For -- General Penalties

(1) Except as otherwise ordered by the Department in a particular case, any person who violates any provision of ORS Chapter 825 or 826, or any rule or order of the Department related thereto which has not otherwise been provided for in the Department's rules, shall be subject to the penalties in sections (3), (4) and (5) of this rule.

(2) As used in this rule, "similar violation" means a violation which is similar to the violation alleged in the notice of proposed civil penalty. For the purpose of determining similarity under this rule, violations shall be classified as those relating to:

(a) Registration of vehicles;

(b) Oregon Weight Receipt and Tax Identifiers or other authorized identification devices;

(c) Economic regulation of transportation of household goods, except rates;

(d) Rates for the transportation of household goods; or

(e) Violations of a statute or rule not included in subsections (a) through (d) of this section.

(3) Level I finding of violation(s) apply if no penalty order, cease and desist order or finding of violation(s) has been entered against the defendant within the preceding five years for similar violations of statutes and rules described in this section and no other notice of proposed civil penalty or notice of proposed finding of violation(s) is pending against the defendant for similar violations. If such violations have been found within the last five years, or a notice of proposed penalty or notice of proposed finding of violation(s) is pending against the defendant for violations described in this rule, penalties will be assessed at Level II. Upon a finding of violation(s) at Level I, the Department will issue an order finding such violation(s).

(4) Level II penalties, except as provided in section (5) of this rule, apply to a defendant who does not meet the criteria in section (3) of this rule. The penalties shall include:

(a) $100 for each new violation committed; and

(b) Suspension of operating authority for five working days.

(5) Level III penalties apply to a defendant who has been penalized for similar violations at Level II within12 months preceding the violation. The penalties shall include:

(a) $100 for each new violation committed;

(b) Imposition of penalties suspended under prior orders for similar violations, unless suspensions have become permanent; and

(c) Suspension of operating authority for five working days, or cancellation of authority if warranted by the circumstances of the particular case, for violation of ORS Chapter 825 or 826.

(6) Unregistered Vehicles: For the purpose of assessing penalties for violations of ORS 826.031, a defendant will be deemed to have committed one violation for each unregistered vehicle operated in a given month.

(7) Vehicles Operated Without Oregon Weight Receipt and Tax Identifier or other Authorized Identification: For the purpose of assessing penalties for violations of ORS 825.450 or 825.470, a defendant will be deemed to have committed:

(a) One violation per day for each vehicle operated without an Oregon Weight Receipt and Tax Identifier or valid temporary pass; or

(b) One violation per vehicle for each vehicle operated with an expired (non-renewed) Oregon Weight Receipt and Tax Identifier.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232

Stats. Implemented: ORS 818.210, 818.230, 825.104, 825.110, 825.160, 825.166, 825.202, 825.204, 825.206, 825.224, 825.234, 825.320, 825.470, 825.950 & 826.031