

House Bill 2141

Testimony regarding clean-up of motor carrier statutes.

*Delivered by Steve Johnston, Manager, Field Motor Carrier Services,
ODOT Motor Carrier Transportation Division*

February 7, 2001

INTRODUCTION

House Bill 2141 makes a number of housekeeping-related changes to statutes.

WHAT THE BILL DOES

HB2141 makes several changes to statutes:

- Replaces one reference to the Interstate Commerce Commission with reference to the U.S. Department of Transportation. Motor carrier-related functions were transferred from the ICC to the DOT several years ago.
- Deletes provisions that specify certain vehicles may exceed the maximum width limit if they do not exceed eight and one-half feet. These provisions are no longer needed since the legal width for all vehicles is now eight and one-half feet.
- Adds to the formula for determining maximum allowable weight on tires so it includes the manufacturer's sidewall tire rating. This change conforms Oregon law with federal safety regulations prohibiting the operation of vehicles with tires that carry a weight greater than that marked on the tire sidewall (49 CFR, Part 393.75(f)).
- Adds two weights in a table of maximum allowable weights that were left blank in error.

Removes an unneeded statute related to securing log loads. Federal safety regulations cover log load securement. Logs are often hauled interstate and motor carriers should not have to conform to a unique state requirement.

SUMMARY

This bill removes several unneeded statutory provisions, corrects an error of omission, and conforms Oregon load securement and tire loading laws with federal motor carrier safety regulations.

House Bill 2141 A-Engrossed

Testimony regarding clean-up of motor carrier statutes, add citation authority.

*Delivered by Steve Johnston, Manager, Field Motor Carrier Services,
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May 8, 2001

INTRODUCTION

House Bill 2141 A-Engrossed gives ODOT's Motor Carrier Enforcement Officers the authority to issue citations to motor carriers who are suspended for failing to meet certain basic business requirements for operating in Oregon. This would most commonly include suspensions for failing to file tax reports and pay taxes and fees. This bill also includes a number of housekeeping-related changes to statutes.

DISCUSSION

HB2141 A-Engrossed gives Motor Carrier Enforcement Officers authority to issue citations for Class A traffic violations, with a base fine of \$295, for the following offenses:

- (a) Repeatedly violating or avoiding an order or rule of the Department of Transportation.
- (b) Repeatedly failing to furnish intrastate household goods moving service, or regular-route bus service, authorized by a certificate of authority.
- (c) Failing to file an annual economic regulation-related report, as required of intrastate household goods and regular-route passenger carriers.
- (d) Failing to maintain required records or failing to produce records for examination.
- (e) Failing to appear for a required hearing.
- (f) Filing an application that is false with regard to the ownership, possession or control of equipment used or operations conducted.
- (g) Failing to report or pay taxes, fees, or penalties due.
- (h) Failing to file a required cash deposit or surety bond.
- (i) Failing to comply with a requirement to attend a new Motor Carrier Education seminar.

The Motor Carrier Transportation Division currently suspends operating authority when a carrier commits one of these offenses (see ORS 825.137 and 825.139). Carriers are most commonly suspended for failure to submit a tax report and failure to pay taxes.

This bill would let enforcement officers issue citations for the specific business-related problems that led to suspension. An officer will just need to check computer records available to them at the Port or weigh station to find evidence and reasonably determine that the violation occurred. As is appropriate, the citation will be the responsibility of the vehicle owner or lessee, rather than the driver, when the driver is not the vehicle owner.

The Oregon Department of Justice has advised that we seek this citation authority, rather than continuing a practice of stopping trucks operated by suspended carriers and preventing them from proceeding if the carrier doesn't correct the problem. In late-1999, that practice was challenged by an interstate carrier who was suspended for failure to file a required weight-mile tax report. The carrier based its challenge on the 1994 Federal Aviation Administration Authorization Act, which preempts states from regulating interstate carriers except for reasons related to safety and financial responsibility, and the Commerce Clause of the U.S. Constitution, which prohibits states from impeding interstate commerce.

HB2141 A-Engrossed also includes housekeeping related changes to statutes:

- Replaces one reference to the Interstate Commerce Commission with reference to the U.S. Department of Transportation. Motor carrier-related functions were transferred from the ICC to the DOT several years ago.
- Deletes provisions that specify certain vehicles may exceed the maximum width limit if they do not exceed eight and one-half feet. These provisions are no longer needed since the legal width for all vehicles is now eight and one-half feet.
- Adds to the formula for determining maximum allowable weight on tires so it includes the manufacturer's sidewall tire rating. This change conforms Oregon law with federal safety regulations prohibiting the operation of vehicles with tires that carry a weight greater than that marked on the tire sidewall (49 CFR, Part 393.75(f)).
- Adds two weights in a table of maximum allowable weights that were left blank in error.
- Removes an unneeded statute related to securing log loads. Federal safety regulations cover log load securement. Logs are often hauled interstate and motor carriers should not have to conform to a unique state requirement.
- Changes the spacing for Type 1 fenders or mudguards so that they must be within five feet, rather than four feet, of the tire tread of the tires on the last axle. Some trucks are now being manufactured with fenders and mudguards spaced five feet from the tires, with no negative impact on safety.

SUMMARY

House Bill 2141 A-Engrossed gives enforcement officers the authority to issue citations to truck owners who are suspended for failing to meet certain basic business requirements for operating in Oregon. This gives the Motor Carrier Transportation Division an effective way to address problems that lead to suspension without physically forcing carriers to stop operating in the state. This bill also includes housekeeping-related changes to statutes.