



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation
Office of the Director
355 Capitol St. NE, Room 135
Salem, OR 97301

DATE: April 2, 2007
TO: House Committee on Transportation
FROM: Jack Evans, Legislative Liaison
SUBJECT: HB 3273 – Motor Carrier Enforcement

INTRODUCTION:

HB 3273 allows ODOT weighmasters and motor carrier enforcement officers to use warning lights and other signals to stop commercial motor vehicles when a driver fails to stop or comply with the commercial vehicle enforcement requirements in ORS 818.400.

BACKGROUND:

In the past, ODOT weighmasters or Motor Carrier Enforcement Officers (MCEO) were allowed to stop trucks using their overhead lights. In April of 2004 the practice was stopped in response to advice from the Department of Justice (DOJ) that MCEO staff should not use the lights on their vehicles to stop trucks – primarily because they lack clear statutory authority to do so. The DOJ also observed that MCEO vehicles lack appropriate (blue) lights and that MCEO personnel lack the special training required to safely pursue and stop commercial vehicles.

Oregon law allows MCEO staff to act when a truck (1) fails to stop at a weigh station, (2) fails to move to the right lane to go over weigh-in-motion scales, or (3) fails to follow officer instructions. As a result of DOJ advice, MCEO personnel do not pursue and stop trucks, but instead notify law enforcement or identify the truck and mail a citation to the driver or company. From March of 2006 to March 2007 there were a total of 1,742 instances in which trucks bypassed weigh stations. This represents less than 1% (.05%) of all trucks static weighed or weighed in motion.

WHAT THE BILL DOES:

HB 3273 allows a motor carrier enforcement officer to stop and detain vehicles using warning lights or other signal. In effect, the bill authorizes MCEO personnel to pursue, stop and detain vehicles failing to comply with applicable motor carrier laws.

Should this policy be adopted in legislation, ODOT's principle concern is with the safety of its employees and the public. Accordingly, a number of decisions will need to be made regarding adequate employee training in pursuing and detaining vehicles as well as related actions. Based on DOJ advice, ODOT will also need to consider upgrading MCEO vehicles with safety equipment such as blue lights. Further, ODOT will develop clear policies addressing which situations require the intervention of professional law enforcement officers.

SUMMARY:

HB 3273 allows a motor carrier enforcement officer to stop and detain vehicles using warning lights or other signal. If implemented, this legislation will require personnel training, clear operating procedures and appropriate safety equipment for ODOT vehicles.