

Senate Bill 299

Testimony regarding Motor Carrier Enforcement, Citation Authority.

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INTRODUCTION

Senate Bill 299 gives the Oregon Department of Transportation (ODOT) Motor Carrier Enforcement Officers the authority to issue citations for four offenses: (1) driving a commercial motor vehicle without a commercial driver license, (2) driving a commercial vehicle with a suspended license, (3) failing to use vehicle traction tires or chains when required, and (4) failing to pay appropriate truck registration fees. In the case of the first three violations, the officers currently cannot issue a citation for violation of state statutes, but can issue a citation for violation of federal motor carrier safety regulations.

DISCUSSION

SB299 amends the Oregon law that outlines offenses for which Motor Carrier Enforcement Officers can issue citations. It gives officers authority to issue citations for:

1. Operating a commercial vehicle without a commercial driver license, a Class B traffic violation with a standard fine of \$175.
2. Operating a commercial vehicle with a suspended or revoked CDL, a Class A violation with a fine of \$295.
3. Failing to use traction tires or chains when required, a Class C violation with a fine of \$109.
4. Failing to pay appropriate truck registration fees, a Class D violation with a fine of \$77.

Adding authority to issue citations for CDL-related violations and traction device-related violations is needed to harmonize citations issued by ODOT with citations issued by other enforcement agencies. ODOT officers currently issue citations for those types of offenses, but they cite federal safety regulations because they do not have authority to cite state statutes. Other state law enforcement officers, on the other hand, have authority to issue the citations and cite state statutes. This has the effect of confusing judges and drivers due to the different base fines, and different references to statutes and federal regulations, for the same violations.

Adding authority to issue citations for failing to pay appropriate truck registration fees is needed to address a problem with carriers operating at greater weights than their registered weight in an attempt to underpay registration fees or avoid commercial driver license requirements. The officers were given this citation authority as one small part of legislation passed in 1999, House Bill 2082, but that entire bill was referred to voters and rejected as Measure 82 in the May 2000 election.

SUMMARY

SB299 gives ODOT's Motor Carrier Enforcement Officers additional citation authority so they can enforce commercial driver license requirements and traction tires and chain requirements in the same manner as other enforcement agencies. It also gives officers additional authority to cite for failure to pay appropriate truck registration fees.