TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

HWD 6-2019
CHAPTER 734
DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION

FILING CAPTION: Elimination of the Department of Transportation's Oregon Weight Receipt & Tax Identifier and associated fee

EFFECTIVE DATE: 10/23/2019 THROUGH 04/17/2020

AGENCY APPROVED DATE: 10/18/2019

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NEED FOR THE RULE(S):
The 2019 Oregon Legislature passed House Bill 2592 which amends ORS 825.450. The amendment eliminates the Oregon Weight Receipt and Tax Identifier previously issued by the Department of Transportation along with the attendant $8 fee and replaces it with an electronic weight identifier. These amendments are needed to implement this statutory change.

This chapter 734 filing is part one of three. There are additional rules being amended in chapters 735 and 740. Taken together, the 10 rules being amended represent one rulemaking action to implement HB 2592.

JUSTIFICATION OF TEMPORARY FILING:
The Oregon Legislature made House Bill 2592 effective on the 91st day after sine die, which is September 29. The temporary rules reflecting the statutory change are necessary because permanent rulemaking cannot be completed by September 29, when the law becomes effective.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
None

AMEND: 734-072-0010

RULE SUMMARY: Amendment removes reference to tax registration and replaces it with the requirement that vehicles be enrolled in the weight-mile tax program.

CHANGES TO RULE:

734-072-0010
Self-Issuance Program for Variance Permits

(1) The self-issuance program for variance permits provides for three levels of authorization:

(a) Level I authorization allows a motor carrier to self-issue single trip permits following the telephone application process established in OAR 734-072-0015;  
(b) Level II authorization allows a motor carrier providing service described in OAR 734-076-0115(4) to independently issue a "pre-authorized" self-issue single trip permit to a "specific" power unit without calling the Motor Carrier Transportation Division; and  
(c) Level III authorization allows a motor carrier to independently self-issue single trip permits without contacting the Department.

(2) To qualify for Level I authorization, a motor carrier must make application to the Over-Dimension Permit Unit of the Motor Carrier Transportation Division located in Salem.

(3) To qualify for Level II authorization, a motor carrier must make application to the Over-Dimension Permit Unit of the Motor Carrier Transportation Division located in Salem and certify that it has read and understands Level II requirements.

(4) To qualify for Level III authorization, a motor carrier must submit an application to the Over-Dimension Permit Unit of the Motor Carrier Transportation Division located in Salem, and the carrier must:

(a) Have an established Motor Carrier Account, register for Oregon Trucking Online and be approved to charge fees to the Motor Carrier Account;  
(b) Successfully complete a training program administered by the Over-Dimension Permit Unit. All motor carrier representatives issuing permits under this rule must complete a training program;  
(c) Have purchased a minimum of 125 single trip permits for oversize/overweight movements within the 12 months preceding the application for self-issuance of permits;  
(d) Sign an agreement of responsibility for the permitted moves;  
(e) Have no more than one late highway use tax report as required by ORS 825.139 or Road Use Assessment Fee (RUAF) mileage report as required by OAR 734-082-0003 in the 12 months preceding the application;  
(f) Have maintained current vehicle and tax registration or enroll in the weight-mile tax program with the Department during the 12 months preceding application;  
(g) Have no suspensions of Motor Carrier Transportation Division account during the 12 months preceding the application;  
(h) Have no more than one late payment of fees due as required by ORS 818.270 in the 12 months preceding the application;  
(i) Have no more than a fifteen percent underpayment finding on the most current weight-mile tax audit;  
(j) Have no incidents involving damage or potential damage to any roadway, roadway device, or structure as a result of not complying with the provisions of an oversize/overweight permitted movement during the past 12 months preceding the application;  
(k) Have a satisfactory safety rating with the United States Department of Transportation, Federal Motor Carrier Safety Administration; and  
(L) File proof of general liability insurance with the Motor Carrier Transportation Division in the amount and manner described in OAR 734-072-0011.

(5) Level III approval to self-issue permits is conditionally approved for six months from the effective date of the initial application. Before expiration of the conditional certification, the Department may review the motor carrier’s compliance with the following:

(a) Qualifications for entry into Level III self-issue permits program, as described in section (4)(b) and (d) to (L) of this rule; and  
(b) Self-issued permits are issued in conformance with the program.

(6) Motor carriers that comply with the requirements as described in section (5)(a) and (b) of this rule may be recertified for up to two years.

(7) Unless otherwise required by the Department, subsequent recertification will be required every two years.
Before recertifying, the Department may review the motor carrier's compliance with the requirements described in section (5)(a) and (b) of this rule.

(8) Level I and II authorized carriers may purchase blank permits for the purpose of self-issuance from the Motor Carrier Transportation Division, Over-Dimension Permit Unit office located in Salem. The fee for each blank permit form is the fee required under ORS 818.270, not to exceed $8.00.

(9) Level III authorized carriers may only self-issue permits through Oregon Trucking Online. The fee for each permit is the fee required under ORS 818.270, not to exceed $8.00.

(10) The Department may revoke the ability for the carrier to participate in the Self-Issue Permits Program after investigation, if there is reasonable grounds to believe the carrier violated one or more provisions of permit issued under this program.

(11) The Administrator of the Motor Carrier Transportation Division may waive the requirements described in Sections (4) to (7) of this rule.

Statutory/Other Authority: ORS 184.616, 184.619, 818.220, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220