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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 734  
DEPARTMENT OF TRANSPORTATION  
HIGHWAY DIVISION

**FILED**

07/28/2023 8:41 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amendment clarifying that CMV triple-trailer-combination drivers must follow federal regulations for skills testing

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2023 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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NEED FOR THE RULE(S)

This rule currently mandates that drivers wanting to operate commercial motor vehicle triple-trailer-combinations must complete a road test established by the Oregon Department of Transportation. The amendment now clarifies that such drivers must instead complete a skills test established in Part 380 of the Federal Motor Carrier Transportation Regulations which Oregon adopts by reference.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

49 CFR Part 380  
eCFR :: 49 CFR Part 380 -- Special Training Requirements

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule change aligns Oregon Administrative Rule and The Code of Federal Regulations. It applies to all companies, large and small operating Long Combination Vehicles (triples) and their employees. CCD does not believe that this will affect racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

See statements below.

COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost*

of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) None

(2)(a) The precise number is unknown. The Commerce and Compliance Division does not ask motor carriers how many people they employ when those companies register. This amendment applies to any carrier large or small when qualifying their drivers to operate triple-trailer combinations.

(2)(b) and (c) None

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Fourteen groups representing small businesses received a copy of the proposed amendments and were asked to submit comments on fiscal and economic impact.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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AMEND: 734-074-0070

RULE SUMMARY: Conditions company and driver must meet before a vehicle combination permit can be issued to a motor carrier.

CHANGES TO RULE:

734-074-0070

Triple Trailer Driver Requirements ¶¶

(1) All triple trailer drivers must have a current Commercial Drivers License with a doubles/triples endorsement and no airbrake restriction.¶¶

(2) Triple trailer drivers and all individuals and companies operating triple trailers must comply with Part 391 - Qualifications of Drivers of the Federal Motor Carrier Safety Regulations (FMCSR) and Part 395 - Driver Hours of Service. Driver exemptions as set forth in Section 391.67 of the FMCSR shall not apply to triple trailer drivers.¶¶

(3) Triple trailer drivers must have a minimum of one-year experience driving commercial vehicle combinations.¶¶

(4) Triple trailer drivers hired by the permit holder after the effective date of this rule, must successfully complete a roadskills test, using triple trailers. ~~This shall be the road test established by the Oregon Department of Transportation, Driver and Motor Vehicle Services Division. The road test must be conducted by an experienced triple trailer driver or trainer, as described in 49 CFR 380.~~ The permittee must maintain a record of the roadskills test for inspection by ODOT personnel for three years following the roadskills test.¶¶

(5) Triple trailer drivers must be directly supervised by the company or individual holding the triple trailer permit.¶¶

(6) Triple trailers may not be operated by any driver convicted of two or more speeding violations in Oregon as provided by ORS Chapter 811 within the last three years while operating a triple trailer combination after being informed by ODOT that the driver is disqualified.¶¶

(7) Triple trailers may not be operated by a driver if suspension or revocation of driving privileges arises from operation of a commercial motor vehicle in any state or province during the past three years.¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ~~ORS 184.616~~, 184.619, 818.200

Statutes/Other Implemented: ORS 818.200, 818.220