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PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 740
DEPARTMENT OF TRANSPORTATION
COMMERCE AND COMPLIANCE DIVISION

FILED

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FILING CAPTION: Amendments to improve access to online systems for motor carriers.

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RULES:

740-015-0010, 740-015-0020, 740-015-0030, 740-015-0040, 740-015-0050, 740-015-0060, 740-015-0080, 740-015-0090, 740-015-0100, 740-015-0110, 740-035-0015, 740-040-0070

AMEND: 740-015-0010

RULE TITLE: Purpose

NOTICE FILED DATE: 10/17/2024

RULE SUMMARY: The change to these rules eliminated unnecessary and redundant language as related to electronic transactions and business at CCD. These changes were minor, and did not substantively change the rule.

RULE TEXT:

Chapter 740, division 15 rules are adopted by CCD to:

- (1) Specify the procedures and requirements under which a motor carrier may, by electronic means, conduct business with CCD; and
- (2) Promote the development and use of electronic transactions between CCD and its customers while providing service that is efficient, secure, convenient and responsive.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.012

STATUTES/OTHER IMPLEMENTED: ORS 802.012

AMEND: 740-015-0020

RULE TITLE: Definitions

NOTICE FILED DATE: 10/17/2024

RULE SUMMARY: Added definition for authorized systems which are used in subsequent rules in the Division to replace "website" and "Oregon Trucking Online." Additionally, removed definitions using the term "PIN" which is being changed to "password" in subsequent rules. Removed other definitions that do not need to be in rule either because they refer to specific websites that are defined on CCD's website, or because the terms defined are commonly understood.

RULE TEXT:

For purposes of OAR chapter 740, division 15, the following definitions apply:

- (1) "Agent" means a person or organization appointed or assigned by a Power of Attorney to conduct all business on behalf of a motor carrier.
- (2) "Authorized system" means any website or system authorized by CCD and the State of Oregon for online transactions.
- (3) "CCD" means the Commerce and Compliance Division of the Oregon Department of Transportation.
- (4) "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means.
- (5) "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person or organization with the intent to sign the record.
- (6) "Electronic transaction" means the exchange of an electronic record and, in those transactions where an ink on paper signature would also be required under Oregon law, an electronic signature, between a motor carrier and CCD for the purposes of:
 - (a) Facilitating access to public records or public information;
 - (b) Purchasing or selling goods or services;
 - (c) Transferring funds;
 - (d) Facilitating the submission of an electronic record or electronic signature required or accepted by CCD; or
 - (e) Creating records upon which CCD or another person or organization will reasonably rely upon and may use for audit purposes, including but not limited to formal communications, notices, certifications and any other record that is issued under a signature.
- (7) "Hardcopy" means a document printed on paper.
- (8) "Motor carrier" means a for-hire or private carrier, as defined in ORS 825.005, and except for the purposes of OAR 740-015-0040, includes any agent or person authorized by the motor carrier to conduct business on behalf of the motor carrier.
- (9) "Record" means a document or information that is customarily printed on paper, which contains information relating to and evidencing the transaction of business between a motor carrier and CCD.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.012

STATUTES/OTHER IMPLEMENTED: ORS 802.012

AMEND: 740-015-0030

RULE TITLE: General Provisions

NOTICE FILED DATE: 10/17/2024

RULE SUMMARY: Amended the rule to include the ability for Agents to performs electronic transactions on behalf of motor carriers. Additionally, amended the rule to include reference to the previously defined "authorized system(s)."

RULE TEXT:

An electronic transaction conducted between CCD and a motor carrier or Agent, including but not limited to the submission of documents or information to CCD:

- (1) Is made at the sole discretion of the motor carrier or Agent submitting the information;
- (2) Must be conducted through an authorized system and may require a password for certain electronic transactions;
- (3) Must be conducted in accordance with:
 - (a) The provisions of chapter 740, division 15 rules;
 - (b) All applicable laws and administrative rules; and
 - (c) Any instructions and terms of agreement contained on an authorized system; and
- (4) Has the same level of legal protection and effect that is given to a hardcopy transaction and may not be denied legal effect, validity or enforceability solely because it is conducted electronically.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.012

STATUTES/OTHER IMPLEMENTED: ORS 802.012

REPEAL: 740-015-0040

RULE TITLE: Personal Identification Number (PIN); Unique Identifiers

NOTICE FILED DATE: 10/17/2024

RULE SUMMARY: Repealed this rule, which further defines PINs which are no longer being used at CCD and have been changed to "password(s)" in current business practices.

RULE TEXT:

- (1) CCD may require the use of a PIN or other unique identifier for certain electronic transactions.
- (2) When a PIN is required, a motor carrier may request a PIN by submitting a completed PIN Request Form (downloaded at <http://www.odot.state.or.us/trucking/online/>) to CCD. A PIN Request Form must be signed by an owner, partner, corporate officer, or manager member of a limited liability company and submitted to CCD by U.S. mail or facsimile.
- (3) Upon receipt of a PIN Request Form, CCD will assign and e-mail the PIN to the e-mail address provided on the PIN Request Form. CCD will send, by U.S. mail, an activation notice to the motor carrier's address of record.
- (4) CCD reserves the right to terminate a PIN issued under this rule if:
 - (a) The PIN is not activated, or used at CCD's Web site, within a 12-month period;
 - (b) The Department determines that a transaction was conducted fraudulently; or
 - (c) The Department determines the PIN holder has not complied with the provisions of division 15 rules, ORS Chapter 825 or ORS 826, or any other Oregon law regarding electronic transactions.
- (5) The motor carrier to whom a PIN is assigned is responsible for the security of the PIN and transactions conducted using the PIN.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.012, 825.212

STATUTES/OTHER IMPLEMENTED: ORS 802.012, 825.212

AMEND: 740-015-0050

RULE TITLE: Certifications

NOTICE FILED DATE: 10/17/2024

RULE SUMMARY: Amended the rule to clarify the language around submitting information to CCD via an authorized system. This represents a minor change and does not substantively change the rule.

RULE TEXT:

Pursuant to ORS 802.012(2), if a motor carrier submits information to CCD via an authorized system to comply with statute or rule, the submission shall:

- (1) Constitute a certification, including but not limited to a certification as to the truth and accuracy of the document or information submitted in the electronic record; and
- (2) Be considered received whether or not the information submitted is signed by the person or organization that submits the information.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.012

STATUTES/OTHER IMPLEMENTED: ORS 802.012

AMEND: 740-015-0060

RULE TITLE: Date and Time Information is Considered Submitted; Received

NOTICE FILED DATE: 10/17/2024

RULE SUMMARY: Amended the rule to replace website with authorized system, to coincide with other changes throughout the Division.

RULE TEXT:

(1) An electronic record submitted to CCD via an authorized system shall be deemed received by CCD on the date and time that the record is received by the system's Web server.

(2) An electronic record must be received by CCD not later than midnight Pacific Time on the deadline for submitting the record, if applicable, to be considered received or submitted timely.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.012

STATUTES/OTHER IMPLEMENTED: ORS 802.012, 825.472, 825.490

AMEND: 740-015-0080

RULE TITLE: Payment of Fees; Use of Credit Cards; Debit Cards

NOTICE FILED DATE: 10/17/2024

RULE SUMMARY: Amended the language to add authorized system. Additionally, changed "may" to "shall" for all information needed to complete an electronic transaction through CCD; these pieces of information are required and should therefore be defined as such in rule. Added CVV to this list of required information to align with current business practices.

RULE TEXT:

(1) If an electronic transaction requires the payment of taxes or fees to CCD, payment of those taxes or fees within the electronic transaction shall be:

(a) Payment by credit card or debit card approved by CCD as designated on an authorized system;

(b) Payment through an Automated Clearing House; or

(c) Charged to a motor carrier's account upon prior approval by CCD.

(2) All payments shall be made in US funds.

(3) To pay required fees to CCD by credit card or debit card within an electronic transaction, a motor carrier shall be required to submit the following information to CCD:

(a) Credit cardholder or debit cardholder name and billing address, including city, state, and zip code;

(b) Credit cardholder or debit cardholder phone number and e-mail address;

(c) Credit card or debit card number;

(d) Expiration date of the credit card or debit card;

(e) Card Verification Value (CVV) from the back of the debit or credit card;

(f) Motor carrier name and address, including city, state (or province), and zip code; and

(g) Motor carrier phone number and e-mail address.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.012, 825.502

STATUTES/OTHER IMPLEMENTED: ORS 825.490, 825.502

AMEND: 740-015-0090

RULE TITLE: Electronic Records

NOTICE FILED DATE: 10/17/2024

RULE SUMMARY: Amended language to include authorized system to align with other rule changes.

RULE TEXT:

CCD records pertaining to electronic transactions conducted via an authorized system site are subject to all requirements for processing and records maintenance as described in OAR 740, division 55.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.012

STATUTES/OTHER IMPLEMENTED: ORS 802.012, 825.515

REPEAL: 740-015-0100

RULE TITLE: Transactions Available

NOTICE FILED DATE: 10/17/2024

RULE SUMMARY: Repealed this rule which describes the electronic transactions available on trucking online as it is no longer necessary for current business practices.

RULE TEXT:

CCD will maintain a list of electronic transactions available and instructions on the CCD Trucking Online Web site: www.oregontruckingonline.com.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.012

STATUTES/OTHER IMPLEMENTED: ORS 802.012

AMEND: 740-015-0110

RULE TITLE: Rental Agencies

NOTICE FILED DATE: 10/17/2024

RULE SUMMARY: Removed unnecessary punctuation from the rule to improve clarity.

RULE TEXT:

Rental agencies that conduct electronic transactions with CCD pursuant to a written agreement must comply with the provisions of division 15 rules.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.012

STATUTES/OTHER IMPLEMENTED: ORS 802.012

AMEND: 740-035-0015

RULE TITLE: Application for Motor Carrier Account

NOTICE FILED DATE: 10/17/2024

RULE SUMMARY: Changed "will" to "may" to align with current business practices that allow leniency on the requirement for a motor carrier to establish an account after purchasing at the temp pass limit. Additionally, amended the rule to extend single vehicle temp pass limits from 5 to 10.

RULE TEXT:

(1) A motor carrier operating under a temporary account may be required to apply and be approved for an established account, if any one vehicle in the fleet exceeds 10 temporary passes or if the entire account exceeds 35 temporary passes within one twelve-month period.

(2) Applications for motor carrier accounts or other supporting documents must provide the department with sufficient information to identify the legal entity of the motor carrier and must be made on forms furnished by the Department. A motor carrier may have only one account per legal entity.

STATUTORY/OTHER AUTHORITY: 184.619, 823.011

STATUTES/OTHER IMPLEMENTED: ORS 823.027, 823.029, 825.470

AMEND: 740-040-0070

RULE TITLE: Deposits to Secure Payment of Fees, Taxes, Charges, Penalties and Interest

NOTICE FILED DATE: 10/17/2024

RULE SUMMARY: Removed language relating to the cash deposit, which is no longer a business practice at CCD.

RULE TEXT:

(1) The Department requires each motor carrier that does not qualify for a deposit waiver under section (4) of this rule to deposit with the Department an amount of money necessary to insure the collection of fees, taxes, charges, penalties and interest.

(2) For purposes of this rule:

(a) "New carrier" means any motor carrier that has not:

(A) Previously received a permit or certificate of authority from the Department; or

(B) Operated in Oregon for 12 months or more in the most recent 36 month period after receiving a permit or certificate of authority from the Department.

(b) "Established carrier" means any motor carrier that has operated in Oregon for 12 months or more in the most recent 36-month period;

(c) If an applicant, carrier, or employee of the applicant or carrier has had substantial interest or control, directly or indirectly, in or over the operations conducted in Oregon under any carrier's authority, the Department may treat the applicant or carrier as an established carrier.

(3) The security deposit schedule is as follows:

(a) Except as described in subsections (c) and (d) of this section, for new carriers:

(A) One vehicle — \$2,000;

(B) Plus \$375 for each additional vehicle from 2-5 vehicles;

(C) Plus \$250 for each additional vehicle from 6-10 vehicles;

(D) Plus \$125 for each additional vehicle above 10 vehicles;

(E) Maximum deposit required — \$10,000.

(b) Except as described in subsections (c) and (d) of this section, for established carriers required to have a deposit, the deposit amount will be an amount determined by a review of Department records or as specified in paragraph (A) to (E) of this subsection, whichever is greater:

(A) One vehicle — \$2,000;

(B) Plus \$750 for each additional vehicle from 2-5 vehicles;

(C) Plus \$500 for each additional vehicle from 6-10 vehicles;

(D) Plus \$250 for each additional vehicle from 10 vehicles;

(E) Maximum deposit required -- \$20,000.

(c) For private carriers, carriers that conduct operations under ORS 825.020 or farmers issued permits under 825.024 who operate motor vehicles weighing under 55,000 pounds that use gasoline on which gasoline tax provided by law has been paid to the State of Oregon:

(A) One vehicle — \$500;

(B) Plus \$150 for each additional vehicle;

(C) Maximum deposit required — \$10,000.

(d) For private carriers, carriers that conduct operations under ORS 825.020 or farmers issued permits under 825.024 who operate motor vehicles weighing under 55,000 pounds that use any fuel other than gasoline or use gasoline on which gasoline tax provided by law has not been paid to the State of Oregon:

(A) One vehicle — \$750;

(B) Plus \$225 for each additional vehicle;

(C) Maximum deposit required — \$15,000.

(4) The Department may waive the deposit required of:

- (a) A new carrier with a Dun & Bradstreet rating of 3A2 or higher;
- (b) An established carrier if the Department finds that in the previous 12 months the motor carrier has been required to file weight-mile tax reports for each of the reporting periods (monthly, quarterly, or annually) and has had no:
 - (A) Suspensions with the Department;
 - (B) Revocation of IFTA tax license;
 - (C) Weight-mile tax reports filed late;
 - (D) Fees not timely paid;
 - (E) More than two estimated weight-mile tax reports filed;
 - (F) More than one estimated weight-mile tax report filed without an actual report filed within a 30-day period;
 - (G) Non-sufficient fund check(s) or returned Automated Clearing House (ACH) transaction(s); and
 - (H) Outstanding billings for over-dimensional variance permits.
- (5) Notwithstanding subsection (4) of this rule, a carrier may not qualify for a waiver of the deposit if within the previous 36 months the carrier has had:
 - (a) A weight-mile tax audit resulting in an assessment that exceeds by more than 15% the amount of the weight-mile taxes and fees reported and paid during the audit period; or
 - (b) An outstanding balance with the Department's Collection Unit for fees owed to the Department under ORS chapter 825 and/or ORS 818.225.
- (6) The deposit required of a motor carrier may be increased, or a previously waived deposit may be required of a motor carrier, in accordance with subsection (3)(b) of this rule, if Department records indicate that:
 - (a) In the previous 12 months the motor carrier has had:
 - (A) Any suspensions with the Department;
 - (B) Revocation of IFTA tax license;
 - (C) More than one weight-mile tax report filed late;
 - (D) Fees not timely paid;
 - (E) More than two estimated weight-mile tax reports filed;
 - (F) More than one estimated weight-mile tax report filed without an actual report filed within 30 days;
 - (G) Any non-sufficient fund check(s) or returned ACH transaction(s) with the Department; or
 - (H) Delinquent billings for over-dimensional variance permits, including associated road use assessment fees;
 - (I) Delinquent reports required for operations subject to ORS 818.225; or
 - (b) In the previous 36 months, the carrier has had a weight-mile tax audit resulting in an assessment that exceeds by more than 15% the amount of the weight-mile taxes and fees reported and paid during the audit period; or
 - (c) The carrier has had an outstanding balance with the Department's Collection Unit for fees owed to the Department under ORS 818.225 and/or ORS chapter 825.
- (7) The Department may delay granting a waiver of the security deposit if the carrier is being audited.
- (8) If a carrier's cash deposit is applied to an outstanding balance or a claim is filed against a carrier's highway use tax bond filed pursuant to ORS 825.506, the authority under the certificate or permit shall be suspended until the cash deposit has been replaced or the full bond requirements have again been met.
- (9) Acceptable forms of deposit. Any motor carrier may deposit:
 - (a) Cash;
 - (b) A bond in the form prescribed and furnished by the Department of Transportation;
 - (c) Bonds, negotiable by delivery, of the State of Oregon, school districts therein, or obligations of the United States, or obligations for which the faith of the United States is pledged for the payment of both principal and interest, equal in value to the amount of the requested deposit; or
 - (d) Bank or savings and loan savings certificates.
- (10) The Department reserves the right to modify or waive a deposit required by this rule if Department records indicate such modification, or waiver, is in the public interest.

STATUTORY/OTHER AUTHORITY: ORS 823.011, 825.506

STATUTES/OTHER IMPLEMENTED: ORS 825.506