



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 740

DEPARTMENT OF TRANSPORTATION

COMMERCE AND COMPLIANCE DIVISION

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RULES:

740-035-0005, 740-300-0030, 740-300-0035, 740-300-0050, 740-300-0055

AMEND: 740-035-0005

RULE TITLE: Definitions

NOTICE FILED DATE: 10/30/2025

RULE SUMMARY: These amendments and additions to definitions in division 035 are required following the passing of SB 839 (2025).

RULE TEXT:

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

- (1) To "Advertise" means utilizing any form of media including broadcasting, publishing, or the internet to promote the transportation of household goods.
- (2) A motor carrier is "domiciled" in Oregon if the motor carrier has an established place of business in Oregon as specified on an application for authority.
- (3) An "Established Account" results when the department has received and approved an application for a motor carrier account or farm certification containing sufficient information to identify the legal entity of the motor carrier.
- (4) "Household goods" is defined in ORS 825.005(8)
- (5) A "Legal Entity" means an association, corporation, partnership, proprietorship, trust, individual or other entity that has a separate existence for tax or other purposes of accountability under law. A legal entity has standing to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions.
- (6) An "Offer" means expressing readiness or the intent to provide transportation of household goods for or on behalf of someone, through all forms of communication
- (7) A "Temporary Account" results when the department has issued an account number for the purpose of issuing temporary passes but has not received or approved an application for a motor carrier account or a farm certification.
- (8) A "Third Party Agent" is any person or entity authorized by the Department to implement or conduct the Motor

Carrier Education Program training as prescribed by the Department.\

(9) To “Transport” means utilizing a motor vehicle to move household goods.

(10) A “Valid Certificate” means an Oregon Intrastate Certificate to Transport Household Goods, that is not suspended under ORS 825.137, 825.139 or 825.164.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 823.011

STATUTES/OTHER IMPLEMENTED: ORS 823.027, 825.354

AMEND: 740-300-0030

RULE TITLE: Violation of ORS 825.100(1), Relating to Operating Without a Permit — Penalties

NOTICE FILED DATE: 10/30/2025

RULE SUMMARY: These amendments are required following the passing of SB 839 (2025), aligning rules with the new statutory language.

RULE TEXT:

Except as otherwise ordered by the Department in a particular case, any person who violates ORS 825.100(1) by operating without proper authority, or any rule or order related thereto, in addition to any other penalties authorized by law, shall be subject to the following penalties:

(1) Level I finding of violation(s) apply if no penalty order or cease and desist order has been entered against the defendant within the preceding five years for violations described in this rule and no other notice of proposed civil penalty or notice of proposed finding of violation(s) is pending against the defendant for violations described in this rule. Upon a finding of violation(s) at Level I, the Department will issue an order finding such violation(s).

(2) Level II penalties, except as provided in subsection (3) of this section, apply to a defendant who does not meet the criteria in subsection (1) of this section. The penalties shall include:

(a) \$250 for each new violation committed; and

(b) Suspension of operating authority for five working days.

(3) Level III penalties apply to a defendant who has been penalized at Level II within 12 months preceding the violation. The penalties shall include:

(a) \$500 for each new violation committed;

(b) Imposition of suspended penalties under prior orders for previous violations of ORS 825.100(1), unless suspension of prior penalties has become permanent; and

(c) Suspension of operating authority for five working days, or cancellation of authority if warranted by the circumstances of the particular case.

(4) For the purpose of assessing penalties under this rule, each operation of a motor vehicle in violation of this rule is a separate violation.

(5) For purposes of determining which penalty level is applicable, a corporate carrier will not be held responsible for orders entered against it while under a different controlling interest.

STATUTORY/OTHER AUTHORITY: ORS 823.011, 825.232

STATUTES/OTHER IMPLEMENTED: ORS 825.100, 825.950

AMEND: 740-300-0035

RULE TITLE: Violation of ORS 825.100(2) – Penalties

NOTICE FILED DATE: 10/30/2025

RULE SUMMARY: These amendments are required following the passing of SB 839 (2025), aligning rule with new statutory language.

RULE TEXT:

Except as otherwise ordered by the Department in a particular case, any person who violates ORS 825.100(2) or any rule or order related thereto, in addition to any other penalties authorized by law, shall be subject to a penalty of \$3,000.

STATUTORY/OTHER AUTHORITY: ORS 825.950, Ch. 433 OL 2009

STATUTES/OTHER IMPLEMENTED: ORS 825.100, 825.950

AMEND: 740-300-0050

RULE TITLE: Mitigation for Violations Described in OAR 740-300-0030, 740-300-0040 and 740-300-0045

NOTICE FILED DATE: 10/30/2025

RULE SUMMARY: The amendment to this rule including OAR 740-300-0045 is required by the passing of SB 839 (2025) and its statutory requirements.

RULE TEXT:

A petitioner who has admitted the allegations of a notice of proposed civil penalties under OAR 740-300-0030, 740-300-0040 or 740-300-0045, or who has requested mitigation under ORS 825.950(4)(b) within 15 days of service of a penalty order, may be eligible for mitigation of penalties. Except as otherwise ordered by the Department in a particular case, and except as provided in section (4) of this rule, the mitigation policy set forth in sections (1), (2) and (3) of this rule shall apply to any person who incurs a penalty under OAR 740-300-0030, 740-300-0040 or 740-300-0045 and who has taken corrective action to remedy the violation(s) and otherwise is in substantial compliance with the laws and rules of the Department:

- (1) Level I Penalties: The Department shall suspend 50 percent of the monetary penalty assessed or requested under OAR 740-300-0045 for each violation at Level I on the condition that petitioner must not violate similar statutes or regulations within one year from the date of the penalty order.
- (2) Level II Penalties: There shall be no mitigation of monetary penalties for violations at Level II, but the Department may hold in abeyance any suspension of operating authority which has been imposed or requested.
- (3) Level III Penalties: There shall be no mitigation allowed with respect to penalties imposed or requested that were imposed and suspended under prior orders, nor shall mitigation be allowed with respect to monetary penalties imposed at Level III. However, the Department may hold in abeyance any new suspension of operating authority which has been imposed at Level III. Where the Department has ordered cancellation of authority, it will consider mitigation of such order on a case-by-case basis.
- (4) The Department shall consider the history of violations by the petitioner and the number of violations charged in determining whether the mitigation guidelines in sections (1), (2) and (3) of this rule are appropriate. There shall be no mitigation in the following cases:
 - (a) Where the petitioner provided false information to the Department staff about the nature of its operations;
 - (b) Where the petitioner willfully evaded or attempted to evade compliance, such as registration at a port of entry; or
 - (c) Where the petitioner has failed to pay previously assessed penalties.

STATUTORY/OTHER AUTHORITY: ORS 823.011, 825.232

STATUTES/OTHER IMPLEMENTED: ORS 825.950

ADOPT: 740-300-0055

RULE TITLE: Mitigation for Violations Described in OAR 740-300-0035

NOTICE FILED DATE: 10/30/2025

RULE SUMMARY: The adoption of this new rule is required by the passing of SB 839 (2025), ensuring that rule aligns with new statutory language and its requirements.

RULE TEXT:

A respondent who has violated ORS 825.100(2) and admitted the allegations of a notice of proposed civil penalties under OAR 740-300-0035, or who has requested mitigation under ORS 825.950(4)(b) within 15 days of service of a penalty order, may be eligible for mitigation of penalties. The mitigation guidelines set forth below shall apply to any person who incurs a penalty under OAR 740-300-0035 and who has taken corrective action, as approved by the Department, to remedy the violation(s) and otherwise is in substantial compliance with the laws and rules of the Department:

- (1) If respondent has not previously received mitigation for any proposed civil penalty under OAR 740-300-0035, the Department may suspend up to 50 percent of the monetary penalty assessed or requested on the condition that the respondent must not violate ORS 825.100(2) within one year from the date of the penalty order.
- (2) There shall be no mitigation allowed with respect to penalties that were imposed and suspended under prior orders.
- (3) The Department shall consider the history of violations by the respondent and the number of violations charged in determining whether the mitigation guidelines of this rule are appropriate. There shall be no mitigation in the following cases:
 - (a) Where the respondent has failed to pay previously assessed penalties.
 - (b) Where the respondent provided false or misleading information to Department staff about the nature of its operations.
 - (c) Where the respondent has already received mitigation for the proposed corrective action.

STATUTORY/OTHER AUTHORITY: ORS 823.011, 825.232, 825.950

STATUTES/OTHER IMPLEMENTED: ORS 825.100, 825.950