

# Motor Carrier Transportation Advisory Committee

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Commerce and Compliance Division  
Oregon Department of Transportation  
Thursday, July 16, 2026

# Housekeeping

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- Today's meeting is being recorded.
- We are in a hybrid format.
- For those on Teams:
  - Please mute your visual device and turn down the volume if calling in via phone for audio.
  - Please use “raise hand” function for questions/comments.
- We will pause throughout for questions/comments.
- Please introduce yourself before speaking.

# MCTAC Agenda



## Motor Carrier Transportation Advisory Committee

Thursday, July 16, 2026 | 9 am to 10:30 am

Meeting Materials: <https://www.oregon.gov/odot/MCT/Pages/MCTAC.aspx>

[Click here to join the meeting](#) Audio only: +1 971-277-1965,,339809420#

| Time                                                     |        |    | Topic                                                                                                                                                                                                                                                                   | Action                     | Lead                             |
|----------------------------------------------------------|--------|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------------|
|                                                          |        |    | Welcome and Housekeeping                                                                                                                                                                                                                                                | Introduction               | Jason Lawrence                   |
| 9:00-9:30                                                | 30 min | 01 | OTA Report on Governor’s Rebuilding Our Transportation Vision Workgroup                                                                                                                                                                                                 | Information and Discussion | Jana Jarvis                      |
|                                                          |        |    | <ul style="list-style-type: none"><li>Jana will provide the committee a report on the Workgroup’s progress</li></ul>                                                                                                                                                    |                            |                                  |
| 9:30-9:40                                                | 10 min | 02 | New ODOT Transportation Safety Action Plan                                                                                                                                                                                                                              | Information                | Mary McGowan                     |
|                                                          |        |    | <ul style="list-style-type: none"><li>Mary will inform the committee about the new TSAP and its public comment period</li></ul>                                                                                                                                         |                            |                                  |
| 9:40-9:50                                                | 10 min | 03 | Truck Parking Study Update                                                                                                                                                                                                                                              | Information                | Erik Havig                       |
|                                                          |        |    | <ul style="list-style-type: none"><li>Erik will give the committee an update on the truck parking study project</li></ul>                                                                                                                                               |                            |                                  |
| 9:50-10:05                                               | 15 min | 04 | Household Goods Legislative and Compliance Updates                                                                                                                                                                                                                      | Information                | Leah Cisneros                    |
|                                                          |        |    | <ul style="list-style-type: none"><li>Leah will provide a report on HHG compliance efforts following recent legislative changes</li></ul>                                                                                                                               |                            |                                  |
| 10:05-10:30                                              | 25 min | 05 | WMT Simplification Updates                                                                                                                                                                                                                                              | Information and Discussion | Sven Johnson and Elisha Brackett |
|                                                          |        |    | <ul style="list-style-type: none"><li>Elisha will provide an overview of CCD’s communications strategy for WMT simplification</li><li>Sven will present proposed OAR amendments necessary for WMT simplification along with other technical fixes and cleanup</li></ul> |                            |                                  |
| Close                                                    |        | 06 | Agenda Build and Close                                                                                                                                                                                                                                                  | Discussion                 | All                              |
|                                                          |        |    | <ul style="list-style-type: none"><li>Please send agenda items for October’s meeting to Jason</li></ul>                                                                                                                                                                 |                            |                                  |
| Next Meeting: Thursday, October 15, 2026 9:00am-10:30 am |        |    |                                                                                                                                                                                                                                                                         |                            |                                  |

## **MCTAC Summary Notes – April 16, 2026**

**Attendees:** Members – Carla Phelps (ODOT-CCD), Mark Gibson (OTA), Kristine Kennedy (Highway Heavy Hauling), Donny Callahan (OTTA), Kaiger Braseth (Mountain West Moving), Craig Campbell (ORRA); Support – Jason Lawrence (ODOT-CCD)

Presenters and Guests – Elisha Brackett (ODOT-CCD), Jenny Galvin (ODOT-CCD), Nick Hopper (ODOT-CCD), Lloyd Pratt (ODOT-CCD), Tim Ghormley (ODOT-CCD), Travis Brouwer (ODOT), Meliah Masiba (ODOT), Kimberly Patton (ODOT-DMV)

**Introductions and housekeeping:** Introduced new MCTAC member Craig Campbell (ORRA) and CCD's new Program Modernization and Operations Branch Manager, Tim Ghormley.

**Agency Updates – ODOT Management:** Travis Brouwer joined us to provide an update on ODOT's continued work in closing the budget gap and what lies ahead. Kimberley Patton from DMV joined us to give an update on changes to limited term CDL/CLPs. Elizabeth Papadopoulos provided us with a look at what ODOT's maintenance and operations plans look like for 2026 following last year's budget bill, including plans for how vacancies will be filled. Carla Phelps then gave an overview of CCD's priorities for this biennium. Finally, Meliah Masiba presented on the legislative landscape following 2026's short session and looking ahead to the next long session in 2027; Carla also joined the presentation to give an overview of CCD's proposed legislative concepts for the 2027 session.

**Weight-Mile Tax Simplification Impacts – Jenny Galvin, CCD Tax Program Branch Manager:** Jenny provided an overview of weight-mile tax simplification, including the benefits for both the agency and industry, and gave us the plan of work ahead for the July 1, 2027, implementation date.

*Action item:* Donny had questions specific to WMT simplification's impact for the towing industry; we scheduled a call with Donny to follow up on those questions and CCD will join OTTA at their next meeting in October 2026.

**Agenda build discussion. Close of meeting.**



# Member Report: Governor's Rebuilding Our Transportation Vision Workgroup

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Jana Jarvis, President and CEO, Oregon Trucking Association



# Goals

Build an achievable and comprehensive vision for Oregon's transportation system

Review needs, funding challenges, priorities and tradeoffs

Provide recommendations to the Legislature focusing on affordability, accountability, safety and economic vitality



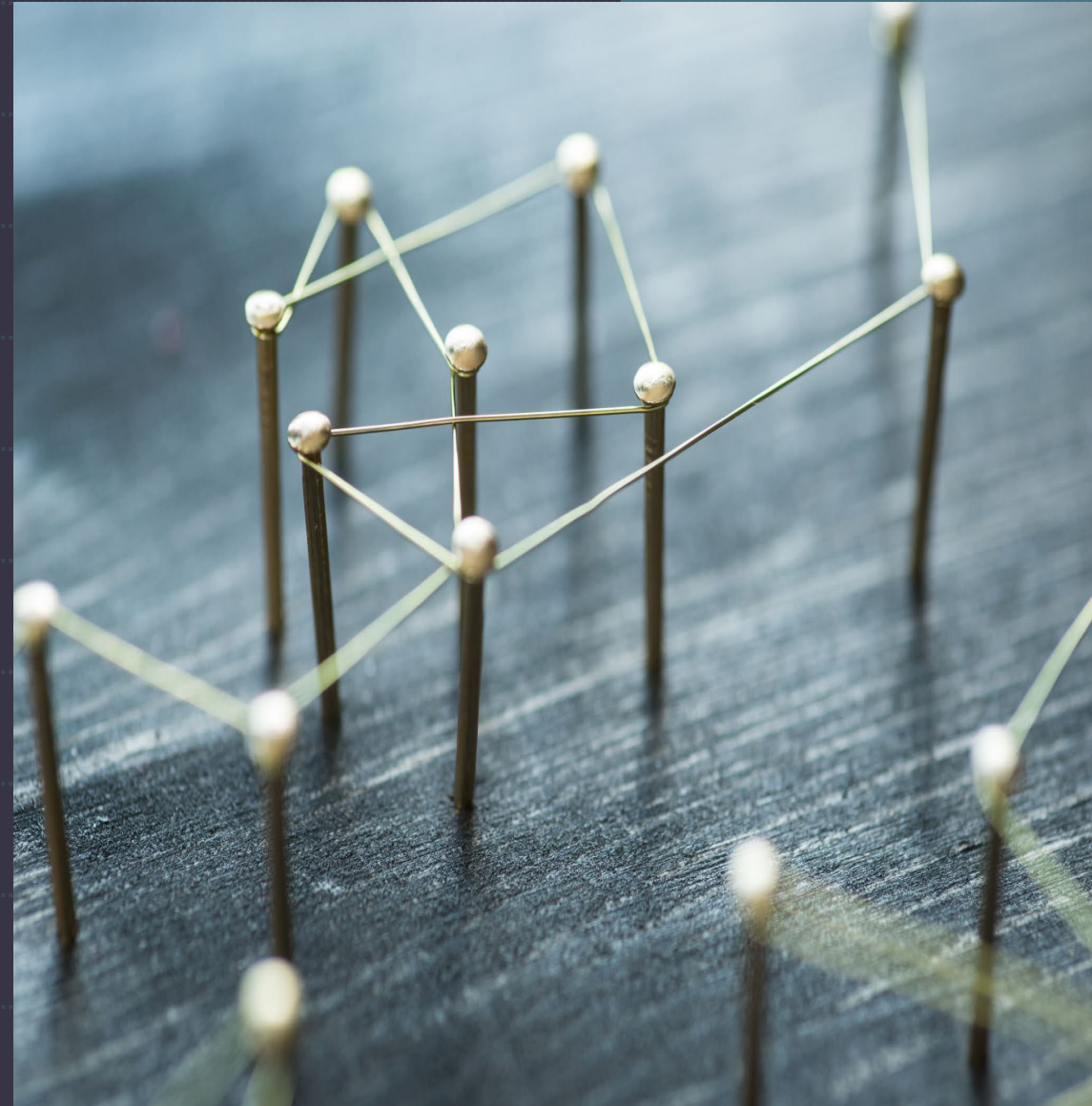
# Workgroup Structure

Co-chaired by:

- Grace Crunica, former ODOT director and has held key leadership posts in the transportation industry for over 40 years
- Bruce Hanna, served five-terms in the Oregon House of Representatives (Roseburg) and has a long career in the beverage distribution industry

Ten members come from a variety of backgrounds and perspectives

Monthly meetings from May to November 2026



# Visioning Workgroup Monthly Meetings Overview

- Reports & Updates from Subcommittees
- Interact with Legislators
- Hear from a Variety of Transportation Experts
- Consider Recommendations from Subcommittees
- Report on Options to Legislative Members

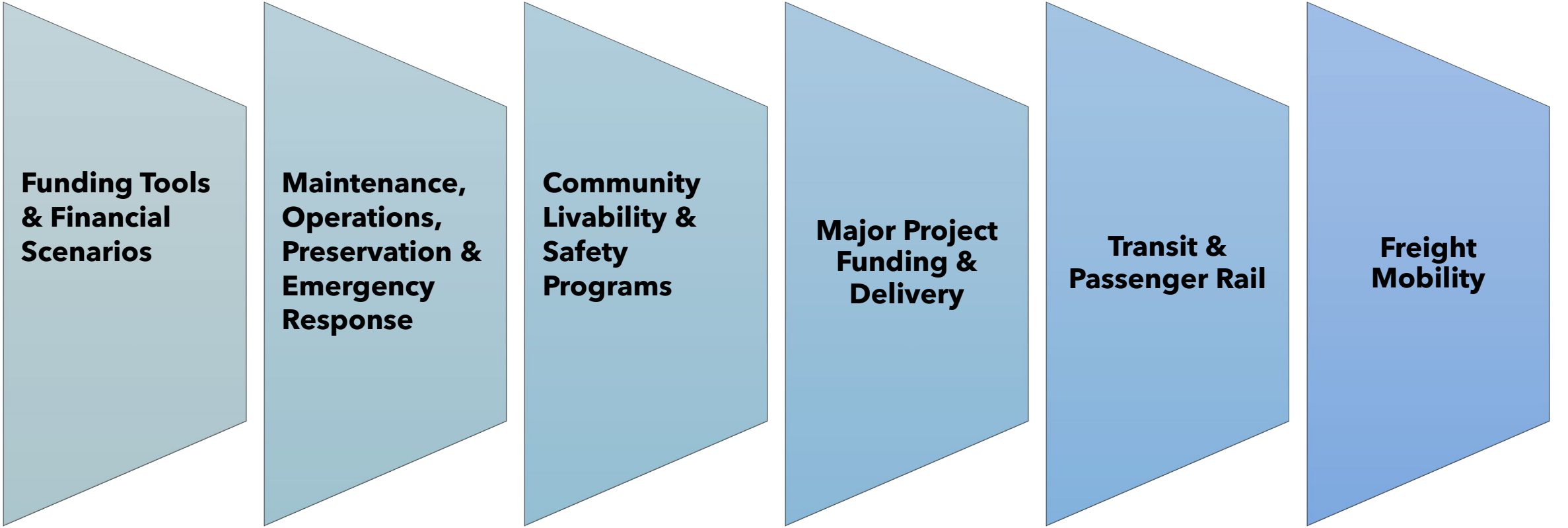


# Incorporating Subcommittees

Subcommittees will meet up to six times by mid-September

While Vision Workgroup meetings are public, subcommittees are not, which:

- Allows for free flow of discussion to consider options
- Offers an open venue to seek consensus on three levels of funding



**Funding Tools  
& Financial  
Scenarios**

**Maintenance,  
Operations,  
Preservation &  
Emergency  
Response**

**Community  
Livability &  
Safety  
Programs**

**Major Project  
Funding &  
Delivery**

**Transit &  
Passenger Rail**

**Freight  
Mobility**

► Six subcommittees provide analysis and recommendations to the committee

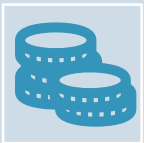
# Subcommittees Provide Options to the Workgroup



Impact of No Change to Funding



Impact of Adjustments for Inflation



Impact of Modest Increases to ODOT Funding



# Public Engagement & Outcomes

- Workgroup meetings are open to the public
- Meeting recordings & materials are posted online ([Governor's website - Councils](#))
- Feedback can be sent to:  
[RebuildingTransportion@odot.oregon.gov](mailto:RebuildingTransportion@odot.oregon.gov)
- This Workgroup *will not* produce a definitive legislative proposal or bill
- Findings will be presented to the Legislature in late December/early January



Rebuilding Our  
Transportation Vision  
Workgroup



# Questions?

Jana Jarvis

[jana@ortrucking.org](mailto:jana@ortrucking.org)

503-522-5902





# New Transportation Safety Action Plan

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Mary McGowan, TSAP Project Manager

Walt McAllister, Safe Communities Program Manager

# What is the TSAP?

- The **Transportation Safety Action Plan** unifies transportation safety planning in Oregon for:
  - All users
  - On all roads
  - Across all agencies & jurisdictions
- The TSAP establishes the vision of zero deaths and life changing injuries on Oregon's transportation system.



# Key elements of the draft 2026 TSAP

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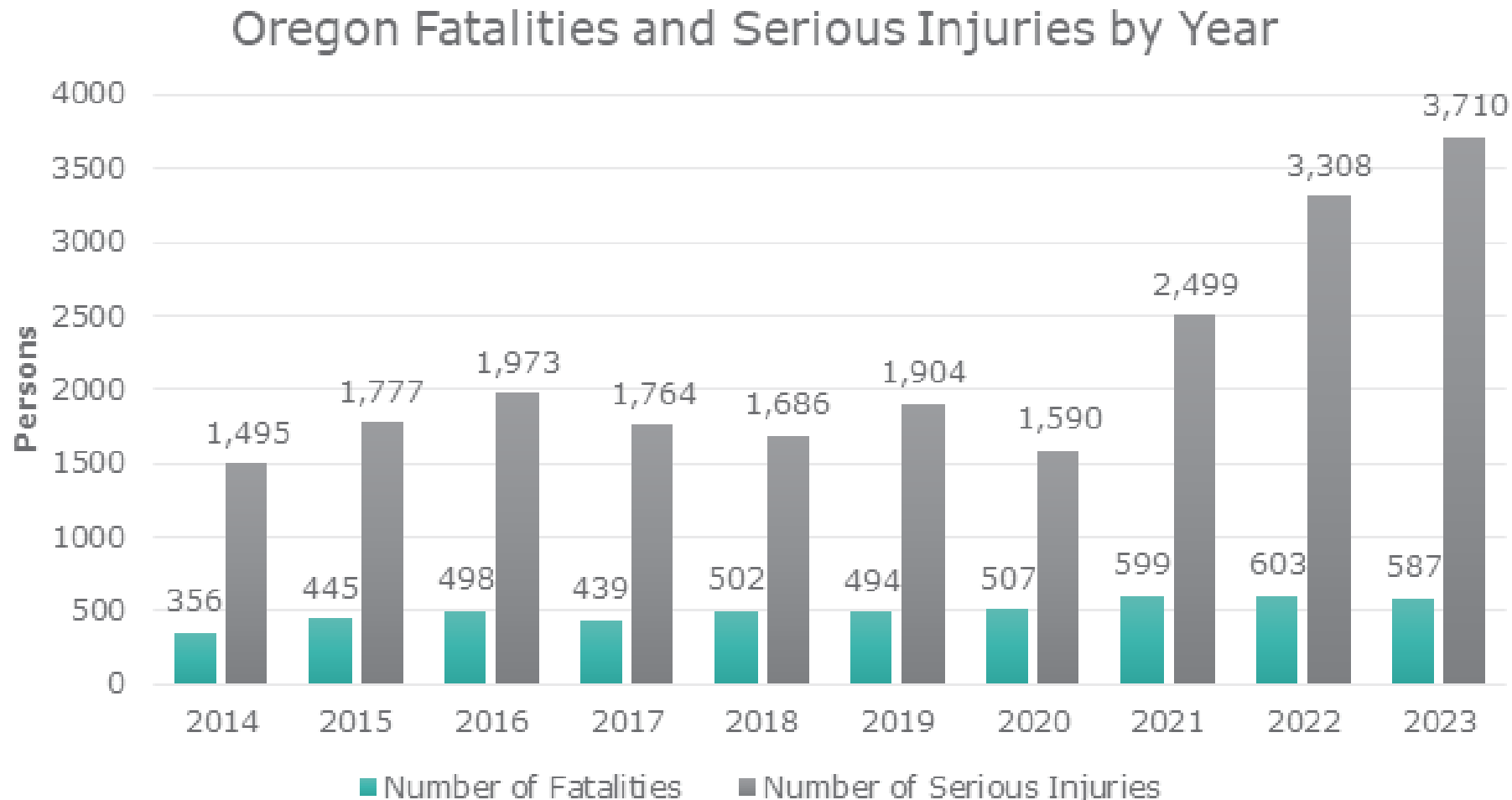
- Advances Oregon Transportation Plan policy direction — Safe System Approach
- Sets clear safety targets — 30% reduction of fatal and serious injuries by 2035, Zero by 2050
- Uses data to focus on the most important safety issues, making the total system safer for all
- Addresses main causes and behaviors that lead to fatal and serious injury crashes
- Identifies updated strategic actions to implement over the next 5-years, in alignment with other safety plans

A worker in a red safety suit and hard hat stands on a blue aerial lift platform, working on a steel bridge structure. The background is a dense forest of evergreen trees. The image has a blue tint.

# Key Takeaways: What We Learned

# What we learned from safety data:

## Trends by year



**Data Methods:**  
Compare most recent data (2019-2023) to previous 5 years (2014-2018)

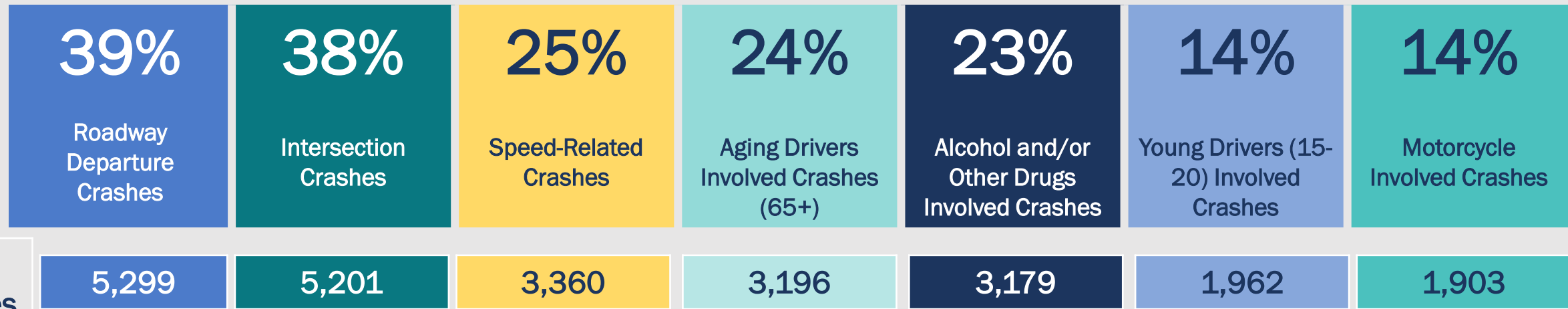
Statewide focus on trends – not location specific

**Take away:**  
Overall number of crashes has gone down, but severity has increased

# What we learned from safety data: Top contributing factors

## Proportion of Fatal and Serious Injury (FSI) Crashes

2019-23



# What we learned from safety data: Top contributing factors

**+44%**  
All FSI Crashes

## Percent Increase in Number of FSI Crashes 2014-18 to 2019-23

|         | <b>+116%</b><br>Distracted Driver<br>Involved Crashes | <b>+68%</b><br>Unrestrained<br>Occupant Involved<br>Crashes | <b>+54%</b><br>Aging Drivers (65+)<br>Involved Crashes | <b>+53%</b><br>Medium and Heavy<br>Truck Involved<br>Crashes | <b>+52%</b><br>Intersection<br>Crashes | <b>+50%</b><br>Alcohol and/or<br>Other Drugs<br>Involved Crashed | <b>+49%</b><br>Speed-Related<br>Crashes |
|---------|-------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------------|----------------------------------------|------------------------------------------------------------------|-----------------------------------------|
| '14-'18 | 806                                                   | 900                                                         | 2,082                                                  | 527                                                          | 3,413                                  | 2,121                                                            | 2,251                                   |
| '19-'23 | 1,737                                                 | 1,513                                                       | 3,196                                                  | 805                                                          | 5,201                                  | 3,179                                                            | 3,360                                   |

# Draft 2026 TSAP Emphasis Areas

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## Top Tier

- Roadway Departure
- Intersections
- Speed-related
- Alcohol and/or Other Drugs

## Second Tier

- Aging Drivers (65+)
- Pedestrians and Bicyclists
- Young Drivers (15-20)
- Unrestrained Occupants
- Distracted Drivers
- Medium and Heavy Trucks
- Motorcycles

A worker wearing an orange safety suit and a hard hat is standing on a blue aerial lift platform. The worker is positioned on a steel bridge structure, possibly performing maintenance or construction. The background is a dense forest of evergreen trees. The image has a blue tint.

# Next Steps

# Project schedule and adoption timeline

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- **June-July 2026**
  - Public review of draft TSAP: June 15<sup>th</sup> - July 31<sup>st</sup>
- **August 2026**
  - Refinement of the draft TSAP to incorporate public comment and testimony
- **September 2021**
  - Endorse and recommend TSAP adoption by Oregon Transportation Safety Committee
- **October 2026**
  - Anticipated TSAP adoption by OTC
  - FHWA submittal
  - Begin TSAP implementation, monitoring and reporting

A worker wearing a red safety suit and a hard hat is standing on a blue aerial lift platform. The worker is positioned on a steel bridge structure, possibly performing maintenance or construction. The background is a dense forest of evergreen trees. The entire image has a blue tint.

# Discussion

# Discussion

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- Feedback or questions on the draft TSAP?
- What are the key safety topics and/or Emphasis Areas you think we should focus on for implementation?

# How to comment on the draft TSAP

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- Submit comments through July 31<sup>st</sup> via [comment form](#)
- Information is available on project website:  
<https://www.oregon.gov/odot/Safety/Pages/TSAP.aspx>

## Contacts:

- Walt McAllister, TSO Safe Communities Program,  
[Walter.J.McAllister@odot.Oregon.gov](mailto:Walter.J.McAllister@odot.Oregon.gov)
- Mary McGowan, ODOT Statewide Planning,  
[Mary.M.Mcgowan@odot.Oregon.gov](mailto:Mary.M.Mcgowan@odot.Oregon.gov)

# Questions or Comments?

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Thank you!



# Truck Parking Study Update

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Erik Havig, Statewide Policy and Planning Manager

A wide-angle photograph of the Oregon State Capitol building in Salem, Oregon. The building is a large, light-colored stone structure with a prominent central dome topped by a statue. In the foreground, there is a large green lawn with a modern, abstract sculpture in the center. The lawn is surrounded by numerous cherry blossom trees in full bloom, their white and pink flowers creating a soft, hazy atmosphere. The sky is overcast with grey clouds. The overall scene is a blend of natural beauty and architectural grandeur.

# Household Goods Update

# Household Goods Compliance Efforts

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Leah Cisneros, Investigation and Compliance Unit Manager

# Compliance Efforts

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- Rotational investigator focused on unauthorized mover compliance
- Compliance through education – seeking compliance at the lowest level
- Community engagement with senior care homes, realtors, storage units and government agencies
- Enforcement actions with law enforcement partners
- Responding to input from consumers or authorized movers

# Compliance Efforts – 2026 by the Numbers

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- 18 new unauthorized movers identified
- 20+ advisory letters sent
  - 4 movers called the investigator and engaged in additional conversations
- 9 unauthorized mover cases in progress
  - 5 cases involve consumer complaints where transportation was provided
  - 3 cases involve advertising
  - 1 case involves an offer

# Conclusion

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- Legislative updates to 825.100 and 825.950 expanded our ability to address unauthorized moving companies and increased the civil monetary penalty.
- We seek to educate to compliance first, but we will impose civil monetary penalties when needed.
- Community engagement, advisory letters and civil monetary penalties are some of the tools we use to gain compliance.
  - These are actively being used to address noncompliance in the industry.

# Questions or Comments?

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Thank you!

# Weight-Mile Tax Simplification Update



# WMT Simplification Communications Strategy

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Elisha Brackett, Commercial Vehicle Tax Program Branch Manager



# Weight Mile Tax (WMT) Simplification and Flat Fee Changes

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Effective July 1, 2027

## What will change:

- Weight-Mile Tax based on **registered** weight
- No longer need to declare and report multiple weights for different configurations
- Fewer tax rates (from 85 to 10)
- Elimination of the the \$5 per vehicle suspension fee
- Flat fee changes:
  - Sand and gravel rates increase
  - Log rates decrease

## Benefits to you:

- Less record keeping
- Simplified reporting
- Fair and equitable fee structure

# Mandatory One-Time Amendment (MOTA)

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## Why is this needed?

- Prior to 7/1/27, carriers can declare different tax weights for each configuration.
- Enrollments may have multiple tax declared weights in our databases.
- Effective 7/1/27, only one weight per vehicle is needed (the registration weight)

## What will be needed?

- All carriers will be asked to amend their tax enrollments through Trucking Online.
- Information from our system and the federal databases will be presented (when available)

## When will carriers do this?

- Spring 2027 and no later than 6/30/27

# Communication Strategy

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- Engage in two-way dialogue
- Provide frequent and consistent messaging
- Tailor the message where appropriate
- Adjust as needed



# WEIGHT-MILE TAX SIMPLIFICATION CARRIER COMMUNICATIONS CAMPAIGN

*Keeping Carriers Informed. Prepared. Supported.*



**PHASE 1**  
**AWARENESS & EDUCATION**  
June–December 2026



**Goal:**

Build awareness and understanding of WMT simplification and the impacts to carriers.



**PHASE 2**  
**ENROLLMENT & PREPARATION**  
January–June 2027



**Goal:**

Prepare carriers for changes to the WMT structure and the Mandatory One-Time Amendment process.



**PHASE 3**  
**IMPLEMENTATION & REINFORCEMENT**  
July–November 2027



**Goal:**

Support implementation and ongoing success.

## CHANNELS AND TACTICS THROUGHOUT THE CAMPAIGN



GovDelivery



Website /  
Project Page



Webinars



Videos



Print Materials



Partner Outreach



On-Hold  
Messaging



Social Media

# What to Expect

- Regular Updates
- Instructions for Amending Weights

Things you can do now:

Subscribe to  
Oregon Motor Carrier News

<https://public.govdelivery.com/accounts/ORDOT/subscriber/new>



# Questions or Comments?

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Thank you!



# OAR Amendments for WMT Simplification

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Sven Johnson, Tax Program Analyst

# Overview

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- Changes to each division of Chapter 740
- Focus on WMT simplification, including elimination of axles, weight and configuration changes, solo and combined weights, and declared weight based on registration weight
- Additional cleanup includes:
  - Removing references to RUAF reporting
  - Changing "defendant" to "respondent" and “12 months” to “one year”
  - Elimination of 1P regular route passenger authority (previously de-regulated)
  - Elimination of certain crash collision reporting requirements

# OAR 740 Division 35

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- 740-035-0145, Application for New Permit Authority
- 740-035-0110, Classification of Motor Carriers
  - Removing 1P (Regular Route Passenger Regulation) permit language from both rules

# OAR 740 Division 35

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- Complete removal of rule 0142, Solo Vehicle Weight
  - Solo weight not required in addition to combined weight
  - One declared weight under simplification based on vehicle registration weight

# OAR 740 Division 45

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- A couple of minor simplification amendments to note:
  - Updating “declared weight” to registered weight in 740-045-0120
  - Adding ORS 825.474 to statutes implemented footnotes

# OAR 740 Division 55, **New Rule 0040**

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740-055-0040, Weight-Mile Tax for Vehicles without a Registered Weight

Unless otherwise exempt under ORS 825, vehicles that are issued temporary or permanent registration credentials without being required to establish or display a registration weight at the time of issuance are subject to payment of weight-mile tax for operations on public highways in the State of Oregon. The tax weight for these operations shall be determined by the total empty weight of all vehicles in a combination plus the total weight of the load carried on that combination of vehicles during the reporting period.

Statutory/Other Authority: ORS 184.619, 823.011 & 825.474

Statutes/Other Implemented: ORS 825.474



# OAR 740 Division 55 - Recordkeeping

## 740-055-0120, Weight-Mile Tax Records Requirements

(4) In addition to the requirements listed above, all carriers must maintain records containing the following information for each vehicle:

[...]

(c) A monthly summary of the total distance traveled in Oregon and the total taxable distance traveled in Oregon *[in each configuration]*;

*[(d) Carriers operating motor vehicles that are issued or required to obtain an annual variance permit under ORS 818.200(1)(a) to (c) with a combined weight of more than 80,000 pounds shall also provide for each reporting period:*

*(A) Number of axles in the vehicle configuration; and*

*(B) A record of changes of operation. A change of operation occurs when the vehicle configuration remains the same but the actual weight of the vehicle and load changes from over 80,000 lbs. to 80,000 lbs. or under. Empty movements are not changes in operation; and*

*(e) Carriers operating motor vehicles in multiple configurations shall provide the number of miles operated in each motor vehicle configuration for each trip.]*

# OAR 740 Division 65

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- Simplification amendments include **simply changing declared weights and combined weights to registered weights** per new simplification standards

# OAR 740 Division 100

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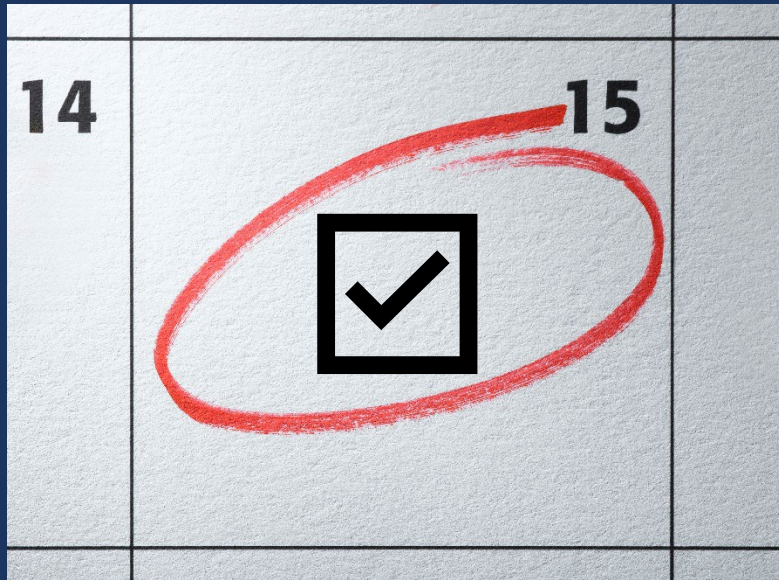
- 740-100-0020, Motor Carrier Collision Notification and Reporting
  - Removed language regarding immediate notification of fatal collisions
  - Necessary following statutory changes

# Questions or Comments?

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Thank you!

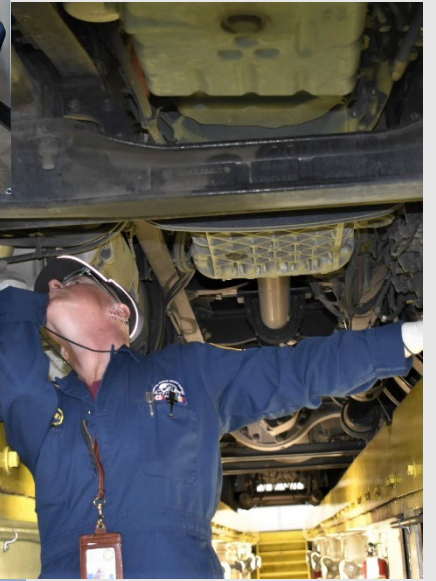
# Agenda Build for October 15, 2026



- What would you like us to cover in October?
- Please send your suggestions to Jason

# Open House Event

Thursday, October 1, 2026  
Woodburn Port of Entry  
9am to 5pm



# Additional Resources & Information

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- [Oregon Transportation Plan](#)
- [Oregon Transportation Commission](#)
- [Oregon Freight Advisory Committee](#)
- [Urban Mobility Office](#)
- [Equity and Mobility Advisory Committee](#)
- [Oregon Safety Transportation Plan](#)



For questions or comments about MCTAC meetings, please email:

[MCTACContacts@odot.Oregon.gov](mailto:MCTACContacts@odot.Oregon.gov)

**Highlights** represent rules that will be discussed in detail during the meeting:

OAR 740 Division 10: Technical fix, simply updating titles of CCD branch managers in delegation order for emergency waivers

OAR 740 Division 15: Technical fixes, simply correcting titles and removing an unnecessary statutory reference

OAR 740 Division 20: Technical fix, simply removing an unnecessary statutory reference

OAR 740 Division 30: Technical fixes, simply correcting grammar/punctuation and removing an unnecessary statutory reference

**OAR 740 Division 35: Removing language for 1P authority**

OAR 740 Division 40: Technical fixes, simply correcting grammar and removing dated and unnecessary over-dimension permit references from pre-ORION system

OAR 740 Division 45: Technical fixes, simply correcting type-o's and grammar, and removing dated Trusted Carrier Program language following the sunset of that program; **Simplification amendments, updating "declared weight" to registered weight in 740-045-0120 and adding ORS 825.474 to statutes implemented footnotes**

OAR 740 Division 50: Technical fixes, simply correcting rule numbering and cleaning up language regarding household goods tariffs, and removing unnecessary statutory and publication references

OAR 740 Division 55: Technical fixes, simply correcting grammar and errors, removing unnecessary statutory and table references, streamlining penalties language in 0100, streamlining household goods records language and removing unnecessary financial report forms language; **Simplification amendments in 740-055-0035 and 0120, and new simplification language creating rule 0040**

OAR 740 Division 60: Technical fixes, simply correcting punctuation, removing unnecessary subparagraph labels and removing unnecessary statutory references

OAR 740 Division 65: Technical fix, simply correcting misspelling of "willfully"; **Simplification amendments, simply changing declared weights and combined weights to registered weights per new simplification standards**

OAR 740 Division 100, 105 and 110: Technical fixes, simply correcting punctuation, removing unnecessary statutory and publication references, removing language regarding the reporting of fatal collisions and correcting phone numbers and CCD's Salem address

OAR 740 Division 200: Technical fixes, simply removing an unnecessary note on availability of FMCSA reference materials and cleaning up language regarding our ability to waive IFTA penalties per IFTA standards

OAR 740 Division 300: Technical fixes cleaning up convoluted penalties language

Text to be added in **bold**

Text to be deleted in [*italics*]

Division 10  
PROCEDURAL RULES

740-010-0020

Emergency Suspension of Statutes — Delegation

The Director of the Oregon Department of Transportation authorizes the following line of succession to temporarily suspend operation of statutes involving motor carriers as described in ORS 823.012 in the event the Director is not available:

- (1) Administrator of the Commerce and Compliance Division (CCD);
- (2) **Commercial Vehicle Licensing Services Branch Manager [of the Salem Motor Carrier Services Section]** of CCD;
- (3) **Roadside Enforcement and Safety Compliance Branch Manager [of Investigations/Safety/Federal Programs Section]** of CCD.;
- (4) **Manager of Field Motor Carrier Services Section of CCD.**

Statutory/Other Authority: ORS 184.619, 823.011 & 823.012

Statutes/Other Implemented: ORS 823.012

History:

MCTD 5-2020, minor correction filed 05/07/2020, effective 05/07/2020

MCTD 7-2005, f. & cert. ef. 12-14-05

MCTD 4-2005(Temp), f. & cert. ef. 8-18-05 thru 2-13-06

Division 15  
MOTOR CARRIER ELECTRONIC COMMERCE AND ONLINE TRANSACTIONS

740-015-0010

Purpose

Chapter 740, **D[d]ivision** 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

History:

MCTD 1-2025, amend filed 01/16/2025, effective 01/16/2025

MCTD 6-2020, minor correction filed 05/07/2020, effective 05/07/2020

MCTD 5-2003, f. & cert. ef. 10-24-03

740-015-0020

Definitions

For purposes of OAR **C[c]hapter** 740, **D[d]ivision** 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

History:

MCTD 1-2025, amend filed 01/16/2025, effective 01/16/2025

MCTD 5-2021, amend filed 11/23/2021, effective 11/23/2021

MCTD 8-2020, minor correction filed 05/08/2020, effective 05/08/2020

MCTD 4-2008, f. & cert. ef. 12-15-08

MCTD 5-2003, f. & cert. ef. 10-24-03

740-015-0030

General Provisions

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 **C[c]hapter** 740, **D[d]ivision** 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

History:

MCTD 1-2025, amend filed 01/16/2025, effective 01/16/2025

MCTD 5-2021, amend filed 11/23/2021, effective 11/23/2021

MCTD 7-2020, minor correction filed 05/07/2020, effective 05/07/2020

MCTD 5-2003, f. & cert. ef. 10-24-03

740-015-0070

Signature

For any transaction that is required under Oregon law to be in writing and have a signature, an electronic signature shall have the same legal force and effect as if the person or organization had submitted the transaction in hardcopy with a handwritten signature in ink on paper.

Statutory/Other Authority: ORS [184.616,] 184.619 & 802.012

Statutes/Other Implemented: ORS 802.012

History:

MCTD 5-2003, f. & cert. ef. 10-24-03

740-015-0090

Electronic Records

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, D[d]ivision 55.

Statutory/Other Authority: ORS 184.619 & 802.012

Statutes/Other Implemented: ORS 802.012 & 825.515

History:

MCTD 1-2025, amend filed 01/16/2025, effective 01/16/2025

MCTD 13-2020, minor correction filed 05/08/2020, effective 05/08/2020

MCTD 5-2003, f. & cert. ef. 10-24-03

Division 20  
DEPARTMENT WORKFORCE ETHICS

740-020-0020

Employee Disciplinary Action — Failure to File a Statement Regarding Pecuniary Interest

(1) The department may take disciplinary action that may include dismissal of a department employee who performs one or more of the functions described in OAR 740-020-0010(2) if the employee:

(a) Is employed on or before September 1, 2003, and fails to file the statement required by ORS 823.007 before September 15, 2003;

(b) Is employed after September 1, 2003, and fails to file the statement required by ORS 823.007 before the 15th day after the date of employment;

(c) Fails to file the supplementary statement required by ORS 823.007 before the 15th day following acquisition of a pecuniary interest; or

(d) Fails to cause divestiture of a pecuniary interest within the time specified in an order issued pursuant to ORS 823.007.

(2) Dismissal of an employee under section (1) of this rule is subject to either:

(a) The procedure and appeal as provided in ORS 240.555 and 240.560 for unrepresented employees; or

(b) The labor agreement for represented employees.

(3) An employee dismissed under section (2) is eligible for reemployment.

Statutory/Other Authority: ORS [184.616,] 184.619 & 823.007

Statutes/Other Implemented: ORS 823.007

History:

MCTD 3-2003, f. & cert. ef. 7-17-03

Division 30  
DEFINITIONS; GENERAL PROVISIONS

740-030-0010  
Applicability, References and Terminology

(1) No rule listed in Divisions 30 through 60 and 105 through 115 is intended to expand the authority granted in existing certificates.

(2) When grants of operating territory are expressed in terms of miles for for-hire carriers of household goods, air miles will be employed as the measure unless otherwise described or specified. This shall apply to any lateral distances from designated highways and named points.

(3) "Air miles" express distance as statute miles of 5,280 feet, measured in a straight line without regard to terrain features or differences in elevation on maps designated by the Department of Transportation.

(4) When "air miles" are designated in an application for for-hire household goods authority, a known ascertainable reference point must be designated from which the air mile radius or distance should be computed.

(5) Some household goods carrier certificates of authority, issued prior to the effective date of this rule, express an authorized territory in terms of "road miles." If any certificate holder claims a particular highway or roadway as a measure to place his operations within the scope of such defined authority, the burden of proof is upon said holder to show that such highway or roadway is practical and operational for use in transporting the affected traffic and the certificate holder normally and regularly uses such highway or roadway to transport the affected traffic.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.100, 825.110, 825.202 & 825.224

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-061-0005

PUC 15-1984, f. & cert. ef. 8-8-84

PUC 156, f. 8-6-73, cert. ef. 8-15-73, Renumbered from 860-031-0005

PUC 148, f. 7-29-68, cert. ef. 9-1-68

PUC 135, f. 5-9-66, cert. ef. 5-15-66

PUC 120, f. & cert. ef. 10-26-62

PUC 18, f. 1-21-55, cert. ef. 9-1-54

740-030-0030  
Special Operations

(1) "Special Operations" is an irregular route service for transportation of passengers to special events or for special purposes where tickets are sold on an individual basis at various points in route.

(2) "Special Event" or "for special purposes" refers to a particular public happening which has a definite beginning and end, or to a one-of-a-kind special purpose trip. Although the event or trip may be scheduled in advance, and occur intermittently, it does not occur on an extended everyday basis, and the transportation is not conducted for the sole purpose of moving passengers from one point to another.

Statutory/Other Authority: ORS 823 & 825

Statutes/Other Implemented: ORS 825.202

History:

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-061-0015

PUC 7-1984, f. & ef. 3-27-84, Order No. 84-232

PUC 14-1983(Temp), f. & ef. 11-16-83, Order No. 83-726

Division 35  
CERTIFICATES, PERMITS, LICENSES AND DOCUMENTS

740-035-0010

Applications for Authority or Change of Authority

- (1) All applications for a certificate or permit or for the extension, contraction, abandonment or other change in operating authority or for adding vehicles to certificate or permit must be made on forms approved by the Department.
- (2) Additional filing requirements and attachments to or in support of applications are specified in OAR 740-035-0150.

Statutory/Other Authority: ORS [184.616], 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.100, 825.102, 825.110 & 825.202

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-062-0005

MCT 2-1996, f. & cert. ef. 2-16-96

PUC 156, f. 8-6-73, cert. ef. 8-15-73, Renumbered from 860-032-0005

PUC 148, f. 7-29-68, cert. ef. 9-1-68

PUC 135, f. 5-9-66, cert. ef. 5-15-66

PUC 120, f. 10-26-62, cert. ef. 11-15-62

PUC 18, f. 1-21-55, ef. 9-1-54

740-035-0030

Misclassification of Application — Effort

- (1) If upon investigation it appears that an applicant proposes to operate in a class different from that applied for, applicant will be required to amend [his] their application accordingly before the matter will be assigned for hearing, or if no hearing is required, then before the application is granted.
- (2) If upon hearing the evidence indicates that applicant is entitled to receive a lesser authority than applied for, such lesser authority will be granted.

Statutory/Other Authority: ORS 823 & 825

Statutes/Other Implemented: ORS 825.125

History:

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-062-0015

PUC 12-1981, f. & cert. ef. 12-16-81, Order No. 81-880

PUC 156, f. 8-6-73, cert. ef. 8-15-73, Renumbered from 860-032-0015

PUC 148, f. 7-29-68, cert. ef. 9-1-68, Order No. 44783

PUC 135, f. 5-9-66, cert. ef. 5-15-66, Order No. 42332

PUC 120, f. 10-26-62, cert. ef. 11-15-62, Order No. 38811

PUC 111, f. & cert. ef. 4-20-62, Order No. 38367

PUC 18, f. 1-21-55, cert. ef. 9-1-54, Order No. 33203

740-035-0050

Holding Out as For-Hire Carrier

No person shall hold [himself or herself] themselves out to the public as willing to transport persons or property for hire by motor vehicle without holding [operating authority] a permit or certificate from the Department.

Statutory/Other Authority: ORS 823.011

Statutes/Other Implemented: ORS 825.100

History:

MCT 8-1997, f. & cert. ef. 11-17-97  
MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-062-0025  
MCT 2-1996, f. & cert. ef. 2-16-96  
PUC 19-1984, f. & cert. ef. 9-10-84, Order No. 84-713  
PUC 4-79, f. & cert. ef. 9-21-79, Renumbered from 860-032-0025

740-035-0110  
Classification of Motor Carriers

The issuance of certificates or permits to for-hire and private carriers will be classified as follows:

- (1)(a) 1A Intrastate Carrier — Property, except Household Goods;
- (b) 1G Intrastate For-Hire Carrier — Other than Local Cartage Household Goods;
- (c) 1C Intrastate For-Hire Carrier — Local Cartage Household Goods;
- (d) 1B Intrastate For-Hire Carrier — Local Cartage Household Goods under ORS 825.240;
- [(e) 1P Intrastate For-Hire, Regular Route Full-Service Scheduled Carrier — Passengers;]* and
- [(f)] (e)1R Intrastate, For-Hire[, Other Than Regular Route Full-Service Scheduled Carrier]* — Passengers.
- (2)(a) 4A Interstate For-Hire Carrier — Regulated Commodities; and
- (b) 4E Interstate For-Hire Carrier — Exempt Commodities.
- (3)(a) 3A Oregon-Based Private Carrier; and
- (b) 6A Foreign-Based Private Carrier.
- (4) 7W Carriers Operating Under ORS 825.020.

Statutory/Other Authority: ORS 823.011 & 825.232  
Statutes/Other Implemented: ORS 825.230 & 825.234  
History:

MCTD 2-2009, f. & cert. ef. 9-29-09  
MCT 8-1997, f. & cert. ef. 11-17-97  
MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-062-0060  
MCT 2-1996, f. & cert. ef. 2-16-96  
PUC 5-1995, f. & cert. ef. 6-23-95, Order No. 95-561  
PUC 16-1994(Temp), f. 12-28-94, cert. ef. 1-1-95, Order No. 94-2077  
PUC 8-1993, f. & cert. ef. 3-19-93, Order No. 93-286  
PUC 15-1984, f. & cert. ef. 8-8-84, Order No. 84-602  
PUC 1-1984, f. & cert. ef. 2-9-84, Order No. 84-076  
PUC 12-1981, f. & cert. ef. 12-16-81, Order No. 81-880  
PUC 4-1980, f. & cert. ef. 10-13-80, Renumbered from 860-032-0060  
PUC 3-80, Part 1, f. & cert. ef. 6-30-80, Order No. 79-805  
PUC 2-80, f. & cert. ef. 3-27-80, Order No. 80-179  
PUC 181, f. 12-30-77, cert. ef. 1-15-78, Order No. 77-896  
PUC 156, f. 8-6-73, cert. ef. 8-15-73, Order No. 73-507  
PUC 148, f. 7-29-68, cert. ef. 9-1-68, Order No. 44783  
PUC 135, f. 5-9-66, cert. ef. 5-15-66, Order No. 42332

PUC 120, f. 10-26-62, cert. ef. 11-15-62, Order No. 38811  
PUC 18, f. 1-21-55, cert. ef. 9-1-54, Order No. 33203

740-035-0140  
Vehicle Additions, Deletions or Alterations

Motor carriers must immediately apply for amendment of vehicle registration listing on forms furnished by the Department when:

- (1) Any motor vehicle has been reconstructed; or
- (2) Any motor vehicle has been materially altered, modified, or added to in body **[or seating arrangement]** or carrying capacity; or

**[(3) The declared combined weight of the motor vehicle is increased or decreased or]**

**(3[4])** Any motor vehicle has been withdrawn from service.

Statutory/Other Authority: ORS 823 & 825  
Statutes/Other Implemented: ORS 825.450  
History:  
MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-062-0065  
PUC 7-1993, f. & cert. ef. 3-19-93, Renumbered from 860-032-0065  
PUC 156, f. 8-6-73, cert. ef. 8-15-73, Order No. 73-507  
PUC 152, f. & cert. ef. 12-22-69, Order No. 46489  
PUC 148, f. 7-29-68, cert. ef. 9-1-68, Order No. 44783  
PUC 135, f. 5-9-66, cert. ef. 5-15-66, Order No. 42332  
PUC 120, f. 10-26-62, cert. ef. 11-15-62, Order No. 38811  
PUC 18, f. 1-21-55, ef. 9-1-54, Order No. 33203

**[740-035-0142]**

**Solo Vehicle Weight**

**(1) Solo vehicle, for the purposes of ORS 825.005(4) and 825.474, means any motor vehicle that is self-propelled or designed for self-propulsion. It includes, but is not limited to: A truck tractor, a dromedary truck-tractor, a motor truck, a bus, a fixed load power unit, or any motor vehicle used in furtherance of a commercial business.**

**(2) The declared weight for a solo motor vehicle that is designed and used exclusively to pull trailers and cannot carry a load on the motor vehicle itself is determined by subtracting the maximum weight the trailer can legally carry from the declared weight of the first combination weight for the vehicle.**

**(3) The declared weight for a solo motor vehicle that is designed and used to haul a load, or is a fixed load power unit, and does not operate in combination with a trailer is the highest weight at which the motor carrier declares the vehicle will be operated.**

**(4) The declared weight for a solo motor vehicle that is designed and used to haul a load or is a fixed load power unit, and operates in combination with a trailer is determined by subtracting the maximum weight the trailer can legally carry from the declared weight of the first combination weight for the vehicle, or the highest weight at which the motor carrier declares the vehicle will be operated, whichever is greater.**

**(5) When the declared weight of a solo vehicle is 26,000 pounds or less, all solo operations are subject to use fuel tax unless the actual weight is over 26,000 pounds.**

**(6) If the weight of a solo vehicle exceeds 26,000 pounds, all solo operations during the reporting period are subject to ORS 825.474.**

*Statutory/Other Authority: ORS 823.011 & 825.450*

*Statutes/Other Implemented: ORS 825.005 & 825.474*

*History:*

*MCTD 2-2010, f. & cert. ef. 7-30-10]*

740-035-0145

Application for New Permit Authority

(1) Applications for new Class 1A intrastate permit authority must be accompanied by the following:

(a) A filing fee in the amount provided in ORS 825.180;

(b) An "Application For Class 1A Permit," ODOT Form Number 735-9745;

(c) An "Application For Motor Carrier Account," ODOT Form Number 735-9075;

(d) Certification of liability and cargo insurance coverage as required by OAR 740-040-0010, 740-040-0020, and 740-040-0030; and

(e) Information or documentation of the form of business organization for the motor carrier that shows the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.

(2) Applications for new Class 1B intrastate permit authority to transport household goods in local cartage service under ORS 825.240 must be accompanied by the following:

(a) A filing fee in the amount provided in ORS 825.180;

(b) An "Application for Motor Carrier Account," ODOT Form Number 735-9075;

(c) Certification of liability and cargo insurance coverage as required by OAR 740-040-0010, 740-040-0020, and 740-040-0030; and

(d) Information or documentation of the form of business organization for the motor carrier and that the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.

(3) Applications for new Class 1R intrastate permit authority to transport passengers for-hire in other than as a regular route, full-service, scheduled carrier, must be accompanied by the following:

(a) A filing fee in the amount provided in ORS 825.180;

(b) An "Application For An Oregon Intrastate Permit To Transport Persons (Except In Regular Route, Full-Service Scheduled Transportation)," ODOT Form Number 735-9751;

(c) An "Application For Motor Carrier Account," ODOT Form Number 735-9075;

(d) Certification of liability insurance coverage as required by OAR 740-040-0010, and 740-040-0020; and

(e) Information or documentation of the form of business organization for the motor carrier and that the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.

[(4) Applications for new Class 1P intrastate permit authority to transport passengers, for-hire in regular route, full-service, scheduled transportation, must be accompanied by the following:

(a) A filing fee in the amount provided in ORS 825.180;

(b) An "Application For A 1P Permit Oregon Intrastate Permit To Transport Passengers In Regular Route, Full-Service Scheduled Transportation" ODOT Form Number 735-9057p;

(c) Certification of liability insurance coverage as required by OAR 740-040-0010, and 740-040-0020; and

(d) Information or documentation of the form of business organization for the motor carrier and that the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.]

**(4) [(5)]** Applications for new, Class 4A, 4E, 3A, 6A, or 7W permits must be accompanied by the following:

(a) An "Application For Motor Carrier Account," ODOT Form Number 735-9075.

(b) Verification of all applicable insurance coverage required by ORS chapter 825.

**(5) [(6)]** Permits are non-transferable.

Statutory/Other Authority: 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.100, 825.102, 825.104, 825.106, 825.108 & 825.202

History:

MCTD 5-2021, amend filed 11/23/2021, effective 11/23/2021

MCTD 3-2016, f. & cert. ef. 9-26-16

MCTD 2-2009, f. & cert. ef. 9-29-09

740-035-0150

Application for New Authority, Extension or Transfer of Certificate, Intrastate

(1) Applications for new intrastate authority and applications for extension of existing intrastate authority must be accompanied by the following:

(a) Exhibits describing the requested territory, if the application is for household goods authority;

(b) Proposed Tariff of Rates if required by ORS Chapter 825, in the form prescribed by OAR 740-050-0400, 740-050-0410 and 740-050-0500;

(c) A filing fee in the amount provided in ORS 825.180;

(d) Certification that the applicant can or will provide proof of liability and cargo insurance coverage, or acceptable surety, as required by ORS 825.166, OAR 740-040-0010, 740-040-0020, and 740-040-0030. No certificate will be issued until the Department has received proof that the required coverage is in effect;

(e) A current financial statement consisting of the following:

(A) A balance sheet showing the value of assets owned, the amount of liabilities owed and net worth; and

(B) An income statement for the most recently completed year immediately preceding the date of the application showing revenues, expenses and profits or losses; or

(C) A pro-forma, or projected, income statement for the first year of operations if a new business.

(f) The results of a criminal background check for each applicant for authority, except for an applicant seeking an extension of existing authority. For the purpose of criminal background checks, "applicant" has the meaning ascribed to it in ORS 825.135, and includes each sole proprietor, all partners of a partnership, all officers and majority stockholders of a corporation, and all members of a limited liability company. The Department may obtain, or require an applicant to provide, a fingerprint based criminal background check if the Department is not satisfied that the criminal background check provided with the application is current or accurate.

(g) Any other information or documents pertaining to the above requirements that the Department may deem appropriate.

(2) Authority granted for extension of geographic area shall not be broader in terms of types of services offered than that granted in the original application. An application to remove a service restriction from an existing authority must be made as an application for new authority.

(3) Authority sought by application for transfer must be limited to that authority contained in the certificate subject to transfer.

(4) An application for transfer of a certificate must be accompanied by the following:

(a) All items listed in subsections (1)(a) through (g) of this rule;

(b) A written consent of transfer signed by the certificate holder or the certificate holder's personal representative; and

(c) Evidence under ORS 825.129 of authority to transfer the certificate or license, if the individual certificate holder is deceased, and the operation is to be continued for purpose of transfer.

(5) When a certificate holder is granted additional authority by transfer or extension, the two authorities will be merged and a single authority will be issued.

(6) Any application, petition or other filing that contains false information, is incomplete, or does not comply with all the Department's rules and regulations may be rejected.

(7) No certificate holder shall hold more than one certificate authorizing the same service.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.102, 825.110, 825.202, 825.224 & 825.240

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCTD 2-2009, f. & cert. ef. 9-29-09

MCTB 1-2002, f. 6-21-02, cert. ef. 7-1-02

MCT 8-1997, f. & cert. ef. 11-17-97

MCT 5-1996, f. & cert. ef. 9-17-96

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-062-0070

MCT 2-1996, f. & cert. ef. 2-16-96

PUC 14-1992, f. & cert. ef. 11-9-92, Order No. 92-1560

PUC 1-1991, f. & cert. ef. 1-11-91, Order No. 91-20

PUC 14-1986, f. & cert. ef. 10-31-86, Order No. 86-1116

PUC 1-1986, f. & cert. ef. 2-5-86, Order No. 86-100

PUC 15-1984, f. & cert. ef. 8-8-84, Order No. 84-602

PUC 7-1983(Temp), f. & cert. ef. 7-11-83, Order No. 83-389

PUC 12-1981, f. & cert. ef. 12-16-81, Order No. 81-880

PUC 181, f. 12-30-77, cert. ef. 1-15-78, Renumbered from 860-032-0070

PUC 156, f. 8-6-73, cert. ef. 8-15-73, Order No. 73-507

PUC 148, f. 7-29-68, cert. ef. 9-1-68, Order No. 44783  
PUC 135, f. 5-9-66, cert. ef. 5-15-66, Order No. 42332  
PUC 120, f. 10-26-62, cert. ef. 11-15-62, Order No. 38811  
PUC 18, f. 1-21-55, cert. ef. 9-1-54, Order No. 33203

740-035-0165

#### Applications for Authority to Transport Household Goods

The application of any person requesting operating authority to transport household goods will be evaluated by the department to determine if it complies with provisions of law set out in ORS 825.110, 825.115 and 825.135. The application will be approved if the department finds that it meets the requirements of OAR 740-035-0150(1)(a)–(g), and the applicant demonstrates to the department’s satisfaction that it is fit, willing and able to perform the service proposed. For the purpose of this rule:

(1) “Fit” means that the applicant has not, during the five years preceding the application, been convicted of a crime punishable by imprisonment for a period of time in excess of one year under the law under which he or she was convicted, or a crime regardless of punishment involving:

- (a) Theft;
- (b) Burglary;
- (c) Sexual conduct;
- (d) Manufacture, sale or distribution of a controlled substance;
- (e) Identity theft; or
- (f) False statements.

(2) “Willing” means the applicant is prepared to provide all service sought in the application in compliance with ORS Chapter 825 and Department rules; and

(3) “Able” means:

- (a) The applicant has or can provide adequate facilities, vehicles and equipment to perform the service proposed;
- (b) The applicant certifies that these vehicles comply with all Oregon laws and rules covering vehicle safety and operations, and will be so maintained; and
- (c) There is no significant evidence concerning the proposed service submitted by the applicant, by members of the public, or in the department’s files that suggests a compelling reason to deny the application. Examples of evidence of a compelling reason to deny an application may include:

- (A) A record of a pattern of violations of laws or rules administered by the Department.
- (B) Two or more complaints from customers regarding applicant’s unsatisfactory resolution of loss or damage claims.

(4) Application approval and disapproval decisions will be documented by issuance of notices of intent and final orders of the agency.

(a) Approval of applications will be documented by issuance of a final order approving the application for authority and issuance of a new or amended certificate of authority.

(b) Proposed disapproval of applications will be documented by issuance of a notice of intent to issue a final order disapproving application.

(A) The notice will cite the reason or reasons for disapproval and provide an opportunity for the applicant to request a contested case hearing. Contested case hearings will be conducted in accordance with ORS Chapter 183;

(B) Judicial review of final orders of the department issued after a contested case hearing may be obtained by filing a petition with the Oregon Court of Appeals within sixty (60) days of service of the final order under the provisions of ORS 183.482.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 183.482, 825.110, 825.115, 825.135, 825.202, 285.224 & Ch. 433 & OL 2009

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCTD 2-2009, f. & cert. ef. 9-29-09

740-035-0200

Motor Carrier Education Program

The Motor Carrier Education Program provides motor carriers with basic information required to conduct motor carrier operations in Oregon. The Department administers the program, and third-party agents provide the education. In addition to the provisions of ORS 825.402, the following apply to the Motor Carrier Education Program:

*[(1) 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.]*

**[1[2]]** Motor Carriers applying for authority for the first time or as required by ORS 825.402(3) shall pay a non-refundable \$40 ODOT Administrative fee to defray the cost of the program.

**[2[3]]** In addition to the ODOT non-refundable administrative fee, a motor carrier shall be responsible for payment of fees assessed by the third-party agent appointed by the department to provide the Motor Carrier Education Program training.

**[3[4]]** As used in ORS 825.402 and OAR 740-035-0200 through 740-035-0260, "Participate in the program" means that a person having a substantial interest or control, directly or indirectly, in or over the operations conducted or to be conducted under the certificate or permit issued to the motor carrier must participate in the Motor Carrier Education Program. Under these rules, a motor carrier is not required to participate in the Motor Carrier Education Program more than one time except when motor carriers are required to participate additional times under ORS 825.402 (3).

**[4[5]]** The Department will conduct unscheduled training audits of third-party agents to ensure compliance with the education curriculum and provisions of any contract or agreement entered into with the department.

Statutory/Other Authority: ORS 823.011 & 825.402

Statutes/Other Implemented: ORS 825.400 & 825.402

History:

MCTD 9-2023, amend filed 10/09/2023, effective 10/09/2023

MCTD 3-2005, f. & cert. ef. 7-22-05

MCTB 5-2002, f. & cert. ef. 11-18-02

MCT 5-1996, f. & cert. ef. 9-17-96

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-062-0090

PUC 1-1991, f. & cert. ef. 1-11-91, Order No. 91-20

740-035-0260

## Motor Carrier Education Curriculum

The Department will provide motor carriers with the information needed to meet the participation requirements. The Department will provide educational information including, but not limited to:

- (1) Driver Qualifications;
- (2) Vehicle Inspection and Maintenance Requirements;
- (3) Motor Carrier Safety Regulations;
- (4) Weight **l** Mile Tax/Reporting Requirements;
- (5) Authority Suspensions;
- (6) Permissible Size and Weight Limits; and,
- (7) Over-dimension **l** Permits and How to Obtain Them.

Statutory/Other Authority: ORS 823.011 & 825.400

Statutes/Other Implemented: ORS 825.400

History:

MCTD 9-2023, amend filed 10/09/2023, effective 10/09/2023

MCTB 5-2002, f. & cert. ef. 11-18-02

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-062-0102

PUC 1-1991, f. & cert. ef. 1-11-91, Order No. 91-20

Division 40  
INSURANCE AND BONDS

740-040-0060  
Irrevocable Letters of Credit

(1) **[In lieu] Instead** of filing liability insurance or cargo insurance, a motor carrier may file **an irrevocable letter of credit** with the Department **[an irrevocable letter of credit]**.

(2) Any irrevocable letter of credit must meet the definition and requirements of ORS 75.1010 through 75.1170 and must:

- (a) State the name and address of the issuing bank;
- (b) State the name of the motor carrier;
- (c) List the account number or numbers upon which draws may be made;
- (d) Identify the Department as beneficiary of the letter;
- (e) Set forth the amount of credit of the letter;
- (f) Allow for partial draws;
- (g) State the effective and termination dates of the letter;
- (h) Be signed by a person with authority to bind the issuing bank; and
- (i) Contain a provision that the issuing bank agrees to provide the Department written notice of at least 30 days before the issuing bank cancels the letter.

(3) The minimum amount of credit in an irrevocable letter of credit shall be as follows:

- (a) For liability insurance, the minimum limit required by OAR 740-040-0020;
- (b) For cargo insurance, the minimum limit required by OAR 740-040-0030.

(4) A claimant requesting that the Department make a payment under an irrevocable letter of credit shall provide:

- (a) A true copy of an agreement showing that the motor carrier has consented to settle for the amount of the payment; or
- (b) A true copy of a judgment showing that a court is requiring the motor carrier to tender the amount of the payment and a statement certifying:
  - (A) That the judgment has not been appealed and that the time for appeal has run; or
  - (B) That the motor carrier has exhausted its appeal rights and that such appeal or appeals were unsuccessful.

(5) If the Department's authorization of payment will cause the amount of credit in an irrevocable letter of credit to fall below the applicable minimum of section (3) of this rule, the Department shall, prior to such authorization, send the motor carrier a written notice requiring the motor carrier to increase the amount of credit so that, after payment, the amount of credit will at least equal the applicable minimum of section (3) of this rule.

(6) On or before the tenth day following the date of the written notice required by section (5) of this rule, the motor carrier shall increase the amount of credit in its irrevocable letter of credit so that, after payment, the amount of credit will at least equal the applicable minimum of section (3) of this rule.

(7) A motor carrier that fails to comply with any requirement of this rule is subject to suspension of its authority.

Statutory/Other Authority: ORS 823.011, 825.160 & 825.164

Statutes/Other Implemented: ORS 825.166

History:

MCTD 4-2010, f. & cert. ef. 10-25-10

MCTB 2-1998, f. & cert. ef. 8-20-98

MCT 8-1997, f. & cert. ef. 11-17-97

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-063-0017

PUC 9-1992, f. & cert. ef. 6-4-92

740-040-0070

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

(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;

(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) More than one weight-mile tax report filed late;

(D) Fees not **timely** paid **timely**;

(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) 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 **timely**;

(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, in accordance with OAR 740-055-0020;

(b) A bond in the form prescribed and furnished by the Department of Transportation; or

(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;

(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

History:

MCTD 4-2026, minor correction filed 04/02/2026, effective 04/02/2026

MCTD 3-2026, amend filed 03/12/2026, effective 03/20/2026

MCTD 1-2025, amend filed 01/16/2025, effective 01/16/2025

MCTD 7-2012, f. & cert. ef. 8-17-12

MCTD 4-2010, f. & cert. ef. 10-25-10

MCTB 4-2002, f. & cert. ef. 8-23-02

MCTB 1-2002, f. 6-21-02, cert. ef. 7-1-02

MCTB 3-1998, f. & cert. ef. 10-16-98

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-063-0020

PUC 2-1992, f. & cert. ef. 1-24-92

PUC 12-1990, f. & cert. ef. 7-6-90

PUC 8-1985, f. & cert. ef. 6-10-85

PUC 11-1984, f. & cert. ef. 5-25-84

PUC 6-1984(Temp), f. & cert. ef. 3-19-84

PUC 3-1980, Part 1, f. & cert. ef. 6-30-80, Renumbered from 860-033-0020

PUC 156-1973, f. 8-6-73, cert. ef. 8-15-73

PUC 148-1968, f. 7-29-68, cert. ef. 9-1-68

PUC 135-1966, f. 5-9-66, cert. ef. 5-15-66

PUC 120-1962, f. 10-26-62, cert. ef. 11-15-62

Division 45

IDENTIFICATION, ISSUANCE AND PLACEMENT OF PLATES, MARKERS, DEVICES OR PASSES

740-045-0020

Oregon Commercial or Apportioned Vehicle Registration Plates, Placement

(1) For the purpose of this rule, "front of the vehicle" means the front bumper, grill, header board or other front-end cab protection structure, the location of which allows a person facing the front of the vehicle to easily view the identification plate.

(2) Commercial or apportioned vehicle registration plates must be displayed as follows:

(a) Tractors and truck-tractors display plate on the front of the vehicle;

(b) Buses and trucks display one plate on the front of the vehicle and one plate on the rear of the vehicle; and

(c) In addition to the prohibitions found in ORS 803.550, plates must be kept legible, free of dirt and mud and not otherwise covered or hidden so as to be visible and easily read at all times.

Statutory/Other Authority: ORS 823.011, 825.450 & 826.031

Statutes/Other Implemented: ORS 825.450 & 826.035

History:

MCTB 1-2002, f. 6-21-02, cert. ef. 7-1-02

MCTB 3-1999, f. & cert. ef. 10-13-99

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-064-0006

PUC 7-1993, f. & cert. ef. 3-19-93 (Order No. 93-285)

PUC 12-1981, f. & cert. ef. 12-16-81 (Order No. 81-880)

PUC 4-79, f. & cert. ef. 9-21-79 (Order No. 79-641), Renumbered from 860-034-0006

PUC 156, f. 8-6-73, cert. ef. 8-15-73 (Order No. 73-507)

PUC 152, f. & cert. ef. 12-22-69 (Order No. 46489)

PUC 148, f. 7-29-68, cert. ef. 9-1-68 (Order No. 44783)

PUC 135, f. 5-9-66, cert. ef. 5-15-66 (Order No. 42332)

PUC 120, f. 10-26-62, cert. ef. 11-15-62 (Order No. 38811)

PUC 18, f. 9-1-54, cert. ef. 1-21-55 (Order No. 33203)

740-045-0050

Trusted Carrier Partner

Motor carriers who meet the qualifications found in OAR 740-045-0060 are eligible to participate in Oregon's Trusted Carrier Partner program. Participants are eligible for the following benefits:

(1) Waiver of bond requirement;

(2) Being subject only to probable cause safety inspections;

(3) Being subject only to probable cause safety compliance reviews; and

(4) Inclusion on ODOT's Trusted Carrier list.

Statutory/Other Authority: ORS 818.270, 823.011, 825.232 & 825.252

Statutes/Other Implemented: ORS 818.270, 825.232, 825.250 & 825.506

History:

MCTB 6-2000, f. 12-15-00 cert. ef. 1-1-01

MCTB 4-1998, f. & cert. ef. 10-16-98

740-045-0060

Qualifications for Trusted Carrier Partner Program for a Property-Carrying Motor Carrier

(1) In order to qualify for participation in the Trusted Carrier Partner program, a motor carrier must:

(a) Have at least 12 months history of Oregon operations;

(b) Have a valid USDOT number;

(c) Be a participant in Oregon's commercial vehicle electronic preclearance weigh station bypass program (GreenLight);

(d) Not have an unsatisfactory safety rating with the State or Federal regulatory agencies;

(e) Not be a carrier identified by the FMCSA Safety Measurement System as a carrier needing corrective interventions;

(f) Not have a record of safety violations, including, but not limited to, violating an out-of-service order or having a driver found driving under the influence; or

(g) Not have a driver and/or vehicle out-of-service percentage greater than the national compliance average.

(2) In addition to the requirements found in section (1) of this rule, the Department may deny participation in the Trusted Carrier Partner program for violations or conditions related to registration or tax requirements including, but not limited to:

(a) Suspensions with the Department;

(b) Civil monetary penalty actions;

(c) Revocations of IFTA tax license;

(d) More than one motor carrier related tax report filed late; or

(e) More than one repayment plan entered into or satisfactorily concluded.

Statutory/Other Authority: ORS 184.616, 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.212, 825.232 & 825.250

History:

MCTD 9-2012, f. & cert. ef. 10-23-12

MCTB 4-1998, f. & cert. ef. 10-16-98

740-045-0065

Qualifications for Trusted Carrier Partner Program for a Passenger-Carrying Motor Carrier

(1) In order to qualify for participation in the Trusted Carrier Partner program, a motor carrier must:

(a) Have at least 12 months history of Oregon operations;

(b) Have a valid USDOT number;

(c) Not have an unsatisfactory safety rating with the State or Federal regulatory agencies;

(d) Not be a carrier identified by the FMCSA Safety Measurement System as a carrier needing corrective interventions;

(e) Not have a record of safety violations, including, but not limited to, violating an out-of-service order or having a driver found driving under the influence; or

(f) Not have a driver and/or vehicle out-of-service percentage greater than the national compliance average.

(2) In addition to the requirements found in section (1) of this rule, the Department may deny participation in the Trusted Carrier Partner program for violations or conditions related to registration or tax requirements including, but not limited to:

(a) Suspensions with the Department;

(b) Civil monetary penalty actions;

(c) Revocations of IFTA tax license;

(d) More than one motor carrier related tax report filed late; or

(e) More than one repayment plan entered into or satisfactorily concluded.

(3) Passenger carrying vehicles identified by the Trusted Carrier Partner program are subject to periodic inspection by ODOT.

Statutory/Other Authority: ORS 184.616, 184.619, 823.011, 825.250 & 825.232

Statutes/Other Implemented: ORS 825.212, 825.232 & 825.250

History:

MCTD 9-2012, f. & cert. ef. 10-23-12

740-045-0070

Trusted Carrier Partner Plates for Property-Carrying Vehicles

(1) In order to identify their status, Trusted Carrier Partners will be issued Trusted Carrier Partner plates (TCP plates) for each motor vehicle in their fleet.

(2) A Trusted Carrier Partner must:

(a) Display TCP plates on the front of the vehicle(s) and in accordance with OAR 740-045-0020(2)(c); and

(b) Display the motor carrier's USDOT number on the TCP plate.

(3) TCP plates are valid unless the Trusted Carrier Partner to which they are issued:

(a) No longer meets the qualifications identified in OAR 740-045-0060;

(b) Uses the transponder or other device or TCP plate in a manner not authorized by the Department; or

(c) Files bankruptcy.

(4) When the motor carrier is notified by the Department that a TCP plate is invalidated, the motor carrier must immediately remove the plate from the motor vehicle and return it to the Department.

(5) A Trusted Carrier Partner who leases a motor vehicle with a TCP plate to another motor carrier must remove the TCP plate until the leased motor vehicle is returned to the control of the Trusted Carrier Partner.

Statutory/Other Authority: ORS 184.619, 823.011, 825.250 & 825.232

Statutes/Other Implemented: ORS 825.212, 825.232 & 825.250

History:

MCTD 27-2020, amend filed 05/28/2020, effective 05/28/2020

MCTD 9-2012, f. & cert. ef. 10-23-12

MCTB 1-2002, f. 6-21-02, cert. ef. 7-1-02  
MCTB 4-1998, f. & cert. ef. 10-16-98

740-045-0075

*Trusted Carrier Partner Plates for Passenger-Carrying Vehicles*

(1) In order to identify their status, Trusted Carrier Partners will be issued Trusted Carrier Partner plates (TCP plates).

(2) A Trusted Carrier Partner must:

(a) Display TCP plates on the front of the vehicle(s) and in accordance with OAR 740-045-0020(2)(c); and

(b) Display the motor carrier's USDOT number on the TCP plate.

(3) TCP plates are valid unless the Trusted Carrier Partner to which they are issued:

(a) No longer meets the qualifications identified in OAR 740-045-0065;

(b) Uses TCP plate in a manner not authorized by the Department; or

(c) Files bankruptcy.

(4) When the motor carrier is notified by the Department that a TCP plate is invalidated, the motor carrier must immediately remove the plate from the motor vehicle and return it to the Department.

(5) A Trusted Carrier Partner who leases a motor vehicle with a TCP plate to another motor carrier must remove the TCP plate until the leased motor vehicle is returned to the control of the Trusted Carrier Partner.

Statutory/Other Authority: ORS 184.616, 184.619, 823.011, 825.250 & 825.232

Statutes/Other Implemented: ORS 825.212, 825.232 & 825.250

History:

MCTD 9-2012, f. & cert. ef. 10-23-12]

740-045-0120

Registration and Identification

(1) A vehicle leased by a motor carrier may not be used in Oregon intrastate commerce unless the lease is presented to the Department and the vehicle is registered for use under the lessee's operating authority.

(2) Except as provided in section (3) of this rule relating to short-term leases, a vehicle with a combined weight in excess of 26,000 pounds may not operate under lease in Oregon intrastate commerce, unless the lessee has enrolled the vehicle in the weight-mile tax program.

(3) If the vehicle with a combined weight in excess of 26,000 pounds is to be operated under lease for less than 10 days, the carrier must apply for and receive a temporary pass in lieu of enrolling the vehicle in the weight-mile tax program, and pay such fees as are required by the Department, and the lessee must agree to pay highway use taxes for extreme miles of travel in Oregon, both loaded and empty, **based on the registered weight of the vehicle. [on a declared combined weight basis.]**

(4) Vehicles operated under lease shall at all times be externally identified with the lessee's name, in the manner prescribed by OAR 740-100-0010.

(5) A copy of the lease must be carried on the vehicle during operation under lease and must be maintained at the carrier's principal place of business for a period of three years after the termination of the lease.

Statutory/Other Authority: ORS 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.100, 825.474, 825.104 & 825.210

History:

MCTD 4-2020, amend filed 04/03/2020, effective 04/03/2020

MCTD 4-2019, temporary amend filed 10/22/2019, effective 10/22/2019 through 04/17/2020

MCTB 1-2002, f. 6-21-02, cert. ef. 7-1-02

MCTB 2-1998, f. & cert. ef. 8-20-98

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-065-0141

PUC 10-1995, f. & cert. ef. 8-30-95, Order No. 95-882

PUC 1-1995(Temp), f. & cert. ef. 2-15-95, Order No. 95-186

PUC 4-1994, f. & cert. ef. 1-27-94, Order No. 94-192

740-045-0170

Leasing, Loaning, or Renting of Certificates, Licenses or Permits Prohibited

(1) No certificate, permit or license holder shall engage in any conduct which falsely **[tends to]** creates the appearance that services **[being furnished]** or operations **[under such certificate, permit or license]** are being provided by the holder, when in fact they are not.

(2) No lease, device or arrangement constituting a leasing, loaning, or renting of a certificate, license, or permit will be recognized or approved by the Department.

Statutory/Other Authority: ORS 824 & 825

Statutes/Other Implemented: ORS 825.100, 825.104 & 825.470

History:

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-062-0075

PUC 181-1978, f. 12-30-77, cert. ef. 1-15-78, Order No. 77-896, Renumbered from 860-032-0075

PUC 156-1973, f. 8-6-73, cert. ef. 8-15-73, Order No. 73-507

PUC 148-1968, f. 7-29-68, cert. ef. 9-1-68, Order No. 44783

PUC 135-1966, f. 5-9-66, cert. ef. 5-15-66, Order No. 42332

PUC 120-1962, f. 10-26-62, cert. ef. 11-15-62, Order No. 38811

PUC 18, f. 9-1-54, cert. ef. 1-21-55, Order No. 33203

Division 50  
AMENDMENTS OF TARIFFS AND TIME SCHEDULES

740-050-0010  
Regulation of Oregon Intrastate Motor Carrier Rates and Routes, Classifications and Mileage Guides

**(1) The rules of the Department in Division 50 shall apply:**

**(a) To the transportation of household goods; and**

**(b) To tariff provisions relating to classifications and mileage guides which have been submitted to the Department for review and approval.**

**[(1)] (2)** "Participating carriers" means a carrier for whom an agent files a tariff, or any part thereof, with the Department for review and approval.

**[(2)] (3)** To provide antitrust immunity to persons who collaborate for the purpose of determining all rates for the transportation of household goods for the transportation of other property, classifications, mileage guides and other publications relating to the transportation of property, the Department will accept for review and approval tariffs and other relevant submissions presented by carriers or their agents. The following apply to mileage guides:

(a) Mileage guides, electronic or otherwise, or any amendments thereto, shall be submitted to the Department for approval; and

(b) The Department shall, within 60 days, determine the accuracy of the mileage guide, or amendments thereto, and shall either accept or reject the submission. In determining accuracy, the Department shall, to the extent possible, rely on the Official Highway Map of Oregon.

**[(4) The rules of the Department in Division 50 shall apply:**

**(a) To the transportation of household goods; and**

**(b) To tariff provisions relating to classifications and mileage guides which have been submitted to the Department for review and approval.]**

**[(5)] (4)** Tariffs which are subject to the jurisdiction of the Department and are filed by a carrier for review and approval may be filed by an authorized agent of the carrier if the carrier has provided the agent with a written power of attorney authorizing the agent to act on its behalf. A tariff published and filed by an agent on behalf of a carrier shall identify clearly the carrier for whom the tariff is being published.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.100, 825.200, 825.202 & 825.224

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCT 6-1996, f. & cert. ef. 12-19-96

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-067-0000

PUC 2-1995, f. & cert. ef. 3-13-95, Order No. 95-266

PUC 17-1994(Temp), f. 12-28-94, cert. ef. 1-1-95, Order No. 94-1954

740-050-0050

Size and Form of Tariffs and Time Schedules

(1) Tariffs and time schedules must be in book, loose-leaf, sheet or pamphlet form. Individual pages to loose leaf tariffs shall be designated so that changes can be made by reissuing individual pages or pages published as a unit.

(2) Tariffs and time schedules or supplements thereto containing five or more pages must be printed on regular letter size paper of good quality, 8 or 8-1/2 x 11 inches, from type of size not less than 6 point, full face. Tariffs and time schedules containing four pages or less may be typewritten, provided all copies are clear and legible. Alterations in writing or erasures must not be made. Reproduction may be by any process, providing all copies are clear and permanently legible.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.200, 825.202 & 825.224

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCT 6-1996, f. & cert. ef. 12-19-96

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-067-0020

PUC 156-1973, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-037-0020

PUC 148-1968, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)

PUC 135-1966, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)

PUC 69, f. 9-10-58, cert. ef. 9-10-59, (Order No. 2115)

740-050-0060

Form of Appointment of Agent

The following form will be used in giving a power of attorney to an agent:

POWER OF ATTORNEY

To be filed with the Oregon

Department of Transportation

\_\_\_\_\_ (Name of Carrier in full) \_\_\_\_\_

\_\_\_\_\_ (Place) \_\_\_\_\_ (Date) \_\_\_\_\_

Form A.F. 1 No. \_\_\_\_\_

To the OREGON

DEPARTMENT OF TRANSPORTATION

Salem, Oregon

This is to certify that (name of carrier) has made, constituted and appointed and by these presents does make, constitute and appoint (name of person appointed) the true and lawful attorney and agent for the said carrier and in its name, place and stead: (1) for it alone, and (2) for it jointly with other carriers, to file tariffs, classifications, and exception sheets and supplements thereto, as required of transportation companies under the laws of Oregon and rules and regulations established by the Oregon Department of Transportation, thereunder for the period of time, the traffic and territory herein named:

\_\_\_\_\_  
\_\_\_\_\_  
And the said (name of carrier) does hereby give and grant unto said attorney and agent full power and authority to do and perform all and every act and thing above specified, as fully to all intents and purposes as if the same were done and performed by the said carrier, hereby ratifying and confirming all that said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of said attorney and agent hereunder.

IN WITNESS WHEREOF, the said carrier has caused these presents to be signed (in its name by its legal executive officer) at \_\_\_\_\_ in the State of Oregon, on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_(Name of Carrier)\_\_\_\_\_

By:

\_\_\_\_\_(Name of Officer)\_\_\_\_\_

\_\_\_\_\_(Title of Officer)\_\_\_\_\_

Attest:

(Corporate Seal)

Carrier issuing this form will file the original with the Department and will furnish duplicate to the agent to whom power of attorney is given.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.100, 825.202 & 825.224

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-067-0025

PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-037-0025

PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)

PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)

PUC 69, f. 9-10-58, cert. ef. 9-10-59, (Order No. 2115)

740-050-0100

Adoption of Tariffs — Time Schedules

(1) In case a for-hire household goods carrier tariff, is transferred from the operating control of one company to that of another, or when its name is changed, the new carrier, if it intends to use tariffs issued by the old carrier powers of attorney granted by the old carrier, shall issue and file supplements to such tariffs and/or time schedules containing an adoption notice reading substantially as follows:

“The \_\_\_\_ (Name of Carrier) \_\_\_\_ hereby adopts, ratifies, and makes its own in every respect as if the same had been originally issued and filed by it, all tariffs, rules, notices, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Public Utility Commission of Oregon or the Oregon Department of Transportation by the \_\_\_\_ (Name of Old Carrier) \_\_\_\_ prior to (date) the beginning of its possession. By this notice it also adopts and ratifies all supplements or amendments to any of the above tariffs, which have heretofore been filed with said Commission or the Department.”

(2) Powers of attorney so adopted must be replaced and superseded by new powers of attorney issued by and in the name of the new carrier, and in each instance cancelling the powers of attorney superseded.

(3) In case a household goods carrier secures permission from the Department to temporarily discontinue operation of all or a part of its service, it shall issue and file supplements to its tariffs containing notice of such temporary discontinuance, and upon resumption of the discontinued service file further supplements containing notice of such resumption.

(4) Adoption, discontinuance and resumption supplements shall be assigned the next consecutive supplement number. Adoption notices may be filed and made effective immediately. Discontinuance and resumption supplements will be made effective in accordance with the Department's permission in each case. Such supplements will not be counted against the number of supplements permitted to such tariffs.

(5) Subsequent amendments to adopted tariffs must be filed in consecutively numbered supplements until the tariffs are reissued. The reissued tariffs and/or time schedules shall be numbered in the ODOT Oregon series of the new carrier.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.200, 825.202 & 825.224

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-067-0045

PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-037-0045

PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)

PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)

PUC 69, f. 9-10-58, cert. ef. 9-10-59, (Order No. 2115)

740-050-0110

Suspension of Tariff and Schedule Publications

(1) When the Department suspends the operation and defers the use of a tariff the following course shall be pursued by carriers.

(2) Upon receipt of the order of suspension the carrier or agent shall immediately issue and file with the Department a supplement stating that the tariff is under suspension and shall not be used until further and proper notice.

(3) When the Department vacates an order of suspension, the carrier or agent who published and filed such suspended tariff or supplement thereto shall immediately issue and file with the Department a supplement stating the date upon which the tariff or supplement becomes effective.

(4) Every suspension or vacation supplement issued under authority of this rule must bear on title page the following notation: "Issued under authority of OAR 740-050-0110 and in compliance with Order No. \_\_\_\_\_ of the Oregon Department of Transportation of (date) \_\_\_\_\_, 20 \_\_."

(5) Suspension and/or vacation supplements will be assigned the next consecutive supplement number and will not be counted against the number of supplements permitted to such tariffs.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.100, 825.202 & 825.224

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-067-0050  
PUC 181, f. 12-30-77, cert. ef. 1-15-78, (Order No. 77-896), Renumbered from 860-037-0050  
PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507)  
PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)  
PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)  
PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)  
PUC 69, f. 9-10-58, cert. ef. 9-10-59, (Order No. 2115)

#### 740-050-0120 Rejected Tariffs

When a tariff is rejected by the Department, it must not thereafter be referred to, nor the ODOT Oregon number or carrier's serial number assigned thereto again used, except to note on a new publication that it is issued in lieu of such rejected tariff, i.e.:

"In lieu of \_\_\_\_\_, rejected by the Department."

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232  
Statutes/Other Implemented: ORS 825.100, 825.202 & 825.224

#### History:

MCTD 3-2016, f. & cert. ef. 9-26-16  
MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-067-0055  
PUC 181, f. 12-30-77, cert. ef. 1-15-78, (Order No. 77-896), Renumbered from 860-037-0055  
PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507)  
PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)  
PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)  
PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)  
PUC 69, f. 9-10-58, cert. ef. 9-10-59, (Order No. 2115)

#### 740-050-0140 Posting of Tariffs

- (1) The provisions of this rule shall apply to for-hire carriers transporting household goods.
- (2) A copy of the tariffs of carriers showing all rates, classifications, charges, or rules and regulations affecting rates, classifications or charges shall be kept by every carrier readily accessible for inspection by the public at all reasonable times in every station or office of such carrier where property is received for transportation, when such station or office is in charge of an agent.
- (3) Agents shall be provided with facilities for tariffs in readily accessible form and shall be instructed and required to give information contained in such tariffs to lend assistance to seekers for information therefrom and to accord inquirers opportunity to examine any of said tariffs without requiring the inquirer to assign any reason for such desire.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232  
Statutes/Other Implemented: ORS 825.200, 825.202, 825.224 & 825.234

#### History:

MCTD 3-2016, f. & cert. ef. 9-26-16  
MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01  
MCT 3-1996, f. & cert. ef. 3-14-96  
MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-067-0075  
PUC 181, f. 12-30-77, cert. ef. 1-15-78, (Order No. 77-896), Renumbered from 860-037-0075  
PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507)  
PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)  
PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)  
PUC 69, f. 9-10-58, cert. ef. 9-10-59, (Order No. 2115)

740-050-0220  
Title Page of Every Tariff

Title page of every tariff shall show:

(1) Oregon DOT number of tariff at the top of the page, and immediately thereunder the Oregon DOT number or numbers, if any, cancelled thereby. Oregon DOT serial number will be assigned to each tariff and run consecutively. Tariff serial number of carrier may also be entered on title page, run consecutively and show cancellations. Separate serial Oregon DOT numbers will be used for tariffs related to household goods.

(2) Name of issuing carrier or agent.

(3) Whether tariff is local, and whether it is a class, commodity, mileage, or combination of same, or a tariff of rules and regulations.

(4) The territory or points from, to or between which the tariff applies, briefly stated. Where detailed information is required, the title page may give reference to the items where the application of the tariff and the governing publications may be found.

(5) Date of issue on the lower left and date effective on the lower right hand of the page.

(6) Name, title and address of officer by whom tariff is issued on the lower part of the page.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.200, 825.202 & 825.224

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-067-0140

PUC 8-1988, f. & cert. ef. 4-6-88, (Order No. 88-334)

PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-037-0140

PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)

PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)

PUC 69, f. 9-10-58, cert. ef. 9-10-59, (Order No. 2115)

740-050-0230  
Tariffs Shall Contain in the Order Named

All tariffs related to the transportation of household goods shall contain:

(1) Table of contents or index: a full and complete statement, in alphabetical order, of the exact location where information under general headings will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that the contents are plainly disclosed, the table of contents or index may be omitted.

(2) Names of issuing carriers, alphabetically arranged, or by proper reference describe the tariff containing these provisions. If there be not more than five participating carriers, their names may be shown on the title page. The form and number of power of attorney to the tariff must be shown (see OAR 740-050-0060).

(3) Complete index, alphabetically arranged, of all commodities upon which commodity rates are named, showing page upon which such rates will be found, also item numbers.

- (4) Complete index, alphabetically arranged, of all commodities upon which exceptions to the classification are made, showing page upon which they are found, also item number.
- (5) Complete index, alphabetically or geographically arranged, of all points from and to which tariff rates or fares apply, showing the index numbers and/or item numbers under which rates or fares will be found.
- (6) An official list of all the points in connection with which the tariff applies.
- (7) The different routes via which tariff applies must be shown together with appropriate reference to application of rates. When a tariff specifies routing, the rates may not be applied via routes not specified.
- (8) Explanation of reference marks and technical abbreviations used in the tariff, except that a special provision applying to a particular rate may be shown in connection with and on the same page with such rate.
- (9) Such explanatory statement in clear and explicit terms regarding the general application of rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.
- (10) Complete description of all commodities upon which exception to the classification class ratings, rules or requirements are authorized showing item number, classification and other detail information.
- (11) Rules and regulations which govern the tariff, the title of each rule or regulation to be shown, or by proper reference describe the tariff containing such rules and regulations. Under this head all of the rules, regulations or conditions which in any way affect the rates named in the tariff will be entered.
- (12) An explicit statement of the rates, in cents or in dollars and cents together with the names of the points from, to or between which they apply, arranged in a simple and systematic manner, under proper index and item numbers. Tariffs shall be arranged in sections to separate different kinds of rates or provisions. The sections must be consecutively numbered and differentiation among sections must be clear.
- (13) Each tariff which contains class and/or commodity rates shall also contain a rule reading, "Whenever a class rate and a commodity rate are named between specified points, the lower of such rates is the lawful rate."
- (14) Tariff publications or supplements thereto must indicate increases, reductions, changes made in existing rates, charges, rules, regulations or classifications, or the insertion of new material, by the use of uniform symbols. Clear explanation of the use of symbols must be made in the tariff.
- (15) At the foot of the last page of a tariff or supplement the words "The End" or "Last Page" should be shown.
- (16) The terms "all points," "in the vicinity of" or similar terms must not be used in any tariff for the purpose of indicating the points from, to or between which rates or fares named therein apply.
- (17) Commodity rates must be specific and must not be applied to analogous articles.

Statutory/Other Authority: ORS [184.616](#), 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.200, 825.202 & 825.224

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-067-0145

PUC 8-1988, f. & cert. ef. 4-6-88, (Order No. 88-334)

PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-037-0145

PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)

PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)  
PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)  
PUC 69, f. 9-10-58, cert. ef. 9-10-59, (Order No. 2115)

740-050-0500  
Filing Requirements for Tariffs

(1) Applicants for authority to transport household goods must:

(a) File two copies of a proposed tariff of rates, charges, classifications, practices, privileges and rules, compiled in conformity with Division 50 rules and secure tariff approval; or

(b) Designate a tariff publishing agent and file:

(A) Written power of attorney appointing such agent; or

(B) Confirming letter from such agent indicating that a tariff filing will be made in behalf of applicant if and when the requested authority is granted;

(2) Applicants designating tariff publishing agents will not be issued a certificate until such agent has established in its tariff the rates and charges applicable to the proposed operation.

(3) All supplements or amendments to original tariffs and reissues thereof must also be filed.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.202, 825.224 & 825.234

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-14-96, Renumbered from 860-067-0265

PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-037-0265

PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)

PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)

PUC 18, f. 9-1-54, cert. ef. 1-21-55, (Order No. 33203)

740-050-0600  
New Rates Effective on Granting of Authority

The initial rates of a household goods carrier shall be effective with the granting of authority to operate as a motor carrier.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.110, 825.202 & 825.224

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-067-0295

PUC 2-1980, f. & cert. ef. 3-27-80, (Order No. 80-179), Renumbered from 860-037-0295

PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507)

PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)

PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)  
PUC 19, f. 1-1-50, cert. ef. 7-3-58, (Order No. 24027)

740-050-0820

Collection of Transportation Charges — Extension of Credit

(1) The provisions of this rule shall apply to carriers for hire in the transportation of household goods and other for-hire carriers of property that elected to be subject to this rule by filing a written election to that effect with the Department.

(2) Except as provided in this rule and OAR 740-060-0040(3), no for-hire carrier shall deliver or relinquish possession of any freight until all lawful transportation charges thereon have been paid.

(3) This rule does not prevent extension of credit for such transportation charges provided:

(a) An arrangement has been made providing for payment within 7 days (excluding Sundays and legal holidays) following delivery;

(b) Such 7-day period shall commence at 12 a.m. of the day following delivery whenever the freight bill is presented at or before delivery of the freight;

(c) Such 7-day period shall commence at 12 a.m. of the day following presentation of the freight bill if presented after delivery of freight; and

(d) The freight bill must in any case be presented within 7 days after delivery of the freight.

(4) A motor carrier may extend credit in excess of the time period provided in section (3) of this rule to the United States, the State of Oregon, any county, city, town or municipality in this state or any department of any of them.

(5) All charges incident to transportation must be paid in lawful money of the United States. This rule shall not be construed to prohibit the payment by valid checks, drafts, credit cards or money orders which are convertible into cash on demand in the ordinary course of business.

(6) Under no condition may payment and any charges incident to transportation of household goods be made by credit memorandum, personal service, merchandise or the exchange of goods or services. The offsetting or balancing of amounts receivable against accounts payable by means of accounting entries is prohibited.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.200, 825.202 & 825.224

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCT 8-1997, f. & cert. ef. 11-17-97

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-066-0015

PUC 3-1991, f. & cert. ef. 1-16-91, (Order No. 90-1916)

PUC 1-1983, f. & cert. ef. 1-17-83, (Order No. 83-024)

PUC 181, f. 12-30-77, cert. ef. 1-15-78, (Order No. 77-896), Renumbered from 860-036-0015

PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507)

PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)

PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)

PUC 18, f. 9-1-54, cert. ef. 1-21-55, (Order No. 33203)

740-050-0840

Loss and Damage Claims Against Carriers

The rules and regulations prescribed by the U. S. Department of Transportation for the investigation and voluntary disposition of loss and damage claims and for the processing of salvage, contained in 49 CFR Part 370, with all amendments thereto revised as of August 1998, are adopted and prescribed by the Department to be observed by all carriers of household goods operating within the State of Oregon.

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

Statutory/Other Authority: ORS 823.011 & 825.202

Statutes/Other Implemented: ORS 823.101 & 825.202

History:

MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-063-0040

PUC 3-1991, f. & cert. ef. 1-16-91, (Order No. 90-1916)

PUC 181, f. 12-30-77, cert. ef. 1-15-78, (Order No. 77-896), Renumbered from 860-033-0040

Division 55  
RECORDS, REPORTS, AND ACCOUNTING FEES AND TAXES

740-055-0010  
Payment of Weight-Mile Tax, Reporting Period Variations

- (1) All motor carriers must report and pay fees as provided in ORS Chapter 825 for all motor vehicles they operate.
- (2) Motor carriers must retain a copy of highway use tax reports and all work papers or reference data used in, or received in, the conduct of their business and affecting the computation of fees. Unless such supporting data and other required accounting records are fully and accurately maintained, the motor carrier may, upon audit, be denied credit for any unsupported items and in addition be subject to other penalties prescribed by ORS Chapter 825.
- (3) Information contained in the highway use tax report must be legible and readable. A report is legible when the observer is able to identify enough letters and numerals to positively and quickly determine the reporter's intent. A report is readable when the observer is able to recognize a group of letters or numerals as words or complete numbers.
- (4) If a highway use tax report is illegible or unreadable, the Department will mark the report as illegible or unreadable and return the report to the motor carrier. The Department will consider the illegible or unreadable highway use tax report as unfiled.
- (5) The date the motor carrier files a legible and readable highway use tax report will determine the report's timeliness.
- (6) If a motor carrier fails to file a legible and readable highway use tax report to replace the returned, illegible or unreadable tax report, the motor carrier may be considered delinquent in reporting taxes and subject to the penalties set forth in ORS 825.139, including suspension or cancellation of authority.
- (7) Motor carriers desiring to report mileage taxes on other than a calendar-month basis must submit a written request to the Department. The number of reporting periods in any 12-month period must not be less than 12. The application must specifically identify the requested reporting periods. Motor carriers must submit a new request for each calendar year:
  - (a) Reports will be due on or before the last day of the following reporting period. Taxes and fees incurred in the last half of any reporting period may be reported and paid to the Department on or before the end of the second reporting period following the period in which the taxes or fees were incurred. Reports, taxes, or fees that are not reported in conformance with this paragraph are subject to a 10 percent late payment charge; and
  - (b) If a motor carrier does not obtain approval for other than calendar month reporting, the Department may impose a 10 percent late payment charge for any operations reported outside of standard calendar month reporting pursuant to ORS 825.490(1). The Department may revoke a motor carrier's authority to report on an other than calendar-month basis for failure to comply with Weight-Mile tax requirements.

Statutory/Other Authority: ORS [184.616](#), 184.619 & 823.011

Statutes/Other Implemented: ORS 825.137, 825.139, 825.232 & 825.490

History:

MCTD 5-2011, f. & cert. ef. 12-22-11

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-068-0005

PUC 7-1990, f. & cert. ef. 5-25-90, (Order No. 90-836)

PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-038-0005

PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)

PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)

PUC 18, f. 9-1-54, cert. ef. 1-21-55, (Order No. 33203)

740-055-0025  
Temporary Pass Fees

The department may issue a temporary pass as described in ORS 825.470 for a single trip or short-time operation not exceeding 10 days. A pass fee of \$9 will be collected for each pass issued.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.470  
Statutes/Other Implemented: ORS 825.470  
History:  
MCTD 7-2012, f. & cert. ef. 8-17-12

740-055-0030  
International Fuel Tax Agreement Fees

(1) Each Oregon based International Fuel Tax Agreement (IFTA) licensee shall pay Oregon an annual fee as established in this rule. The annual fee is based on the number of motor vehicles the licensee elects to operate under IFTA and shall be computed as follows: *[[Table not included see ED. NOTE.]]*

(2) The IFTA licensee shall pay the fee to the Department at the time of making application for, or renewing, IFTA credentials. Subsequent addition(s) to the number of participating motor vehicles may require payment of additional fees. Additional fees, if applicable, are due at the time of making application for additional participating motor vehicles.

(3) The Department may suspend, revoke or cancel IFTA participation for failure to timely pay required IFTA fees or comply with the provisions of ORS 825.555.

(4) Farmers, for the purpose of this rule, are those persons having more than 50% of their participating vehicles registered as farm vehicles pursuant to ORS 805.300.  
*[[ED. NOTE: Tables referenced are available from the agency.]]*

Statutory/Other Authority: ORS [184.616,] 184.619 & 825.555  
Statutes/Other Implemented: Sec. 1, Ch. 698 & OL 2001  
History:  
MCTD 6-2005, f. & cert. ef. 10-20-05  
MCTB 3-2001, f. & cert. ef. 11-9-01

740-055-0035  
Change in Fee Basis

(1) As used in this rule, a fee basis is the method a carrier uses to report and pay Highway Use Tax, for example Monthly, Flat Monthly, Quarterly and Annual Mileage.

(2) Tax status is determined by the **registered** weight of the vehicle **as shown on the registration document for the period of operation**, commodity being transported, purpose of the transportation and highways traveled. The tax status is established by the operation performed at the time the commodity is transported, including without limitation; farm operations, for hire operations, exempt operations, such as school and non-profit operations, **[operations less than 26,000 pounds]** or operations on private roads and commodities designated as flat fee.

(3) A change in fee basis occurs when a commodity is loaded on a vehicle causing a change in the tax status. The vehicle remains in the fee basis indicated by the load while transporting that load and for any subsequent operations, including unladen travel, until a loaded commodity changes the fee basis.

Statutory/Other Authority: ORS [184.616,] 184.619 & 823.011  
Statutes/Other Implemented: ORS 319.020, 319.530, 825.017, 825.474 & 825.480  
History:  
MCTD 4-2013, f. & cert. ef. 5-16-13

#### 740-055-0040

##### Weight-Mile Tax for Vehicles without a Registered Weight

Unless otherwise exempt under ORS 825, vehicles that are issued temporary or permanent registration credentials without being required to establish or display a registration weight at the time of issuance are subject to payment of weight-mile tax for operations on public highways in the State of Oregon. The tax weight for these operations shall be determined by the total empty weight of all vehicles in a combination plus the total weight of the load carried on that combination of vehicles during the reporting period.

Statutory/Other Authority: ORS 184.619, 823.011 & 825.474

Statutes/Other Implemented: ORS 825.474

#### 740-055-0045

##### Determination of Mailing Date

For reports and payments transmitted through the United States Postal Service on which the post-office cancellation mark on the envelope or wrapper containing the report or payment is omitted or is not legible, the department will consider the report or fee deposited in the United States mail as five (5) postal delivery days prior to the date received by the department.

Statutory/Other Authority: ORS [184.616,] 184.619 & 823.011  
Statutes/Other Implemented: ORS 818.225, 825.472 & 825.555  
History:  
MCTD 5-2014, f. & cert. ef. 9-22-14

#### 740-055-0100

##### Maintenance and Production of Records and Vehicles — Penalties

(1) At the request of the Department or its authorized representative, each motor carrier must produce for inspection or audit all records required to be prepared or maintained by statute or rules of the Department and all motor vehicles subject to the Department's jurisdiction. *[Each succeeding day that the records or vehicles are not made available for inspection or audit will constitute a separate violation of this rule until such records or vehicles are made available at the place stated in the request.]*

**(2) Each day the records or vehicles are not made available for inspection or audit will constitute a separate violation of this rule until such records or vehicles are made available at the place stated in the request.**

**[(2)] (3)** In addition to any other penalty authorized by law, the operating authority of a person who fails to prepare, maintain, or produce records required by statute or the rules of the Department or fails to produce vehicles for inspection will be subject to suspension or cancellation.

**[(3)] (4)** The penalties authorized will not be imposed unless the Department's request to produce vehicles for inspection or records for audit gives the motor carrier a reasonable time and place to produce said vehicles for inspection or records for audit.

**[(4)] (5)** If a motor carrier makes records available for a weight-mile tax audit, but the records made available do not meet Department requirements in OAR 740-055-0120, and the records as a whole are deemed so inadequate that they cannot be audited in the normally prescribed method, the Department may impose penalties described in OAR

740-300-0010. These penalties may be imposed even if the Department is able to complete an audit of the carrier's records by relying on any information available to the Department as described in ORS 825.490(3). The penalties are in addition to any other penalties authorized by law.

Statutory/Other Authority: ORS 184.616, 184.619 & 823.011

Statutes/Other Implemented: ORS 825.210, 825.212, 825.232 & 825.515

History:

MCTD 4-2011, f. & cert. ef. 11-23-11

MCT 8-1997, f. & cert. ef. 11-17-97

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-068-0048

PUC 9-1994, f. & cert. ef. 4-21-94, (Order No. 94-637)

PUC 1-1983, f. & cert. ef. 1-17-83, (Order No. 83-024)

PUC 181, f. 12-30-77, cert. ef. 1-15-78, (Order No. 77-896), Renumbered from 860-038-0048

740-055-0110

Fuel Purchase Records and Refunds

(1) All motor carriers must obtain an invoice covering every purchase of motor vehicle fuel and preserve the same for a period of three (3) years subject to inspection by the Department or its representatives at all reasonable times. Fuel Card statements reflecting purchases from retail stations must clearly separate and identify retail and cardlock purchases. Purchases from retail stations require an invoice or receipt from the original seller to be accepted.

(2) Such invoice or statement must disclose:

(a) Date and location of purchase;

(b) From whom purchased;

(c) Kind of fuel and number of gallons purchased;

(d) Base jurisdiction, license plate number of vehicle enrolled in the weight-mile tax program, temporary pass number, or Special Transportation Permit of the vehicle if fuel is delivered directly into such vehicle; and

(e) Amount of fuel tax paid.

(3) Motor carriers purchasing fuel in Oregon may claim a credit for Oregon state fuel tax paid at the pump. Carriers shall deduct the amount of fuel tax paid from the highway use tax due on the highway use tax report for the period in which the fuel was purchased. Motor carriers taking a deduction on the highway use tax report for fuel tax paid shall attach a copy of all fuel invoices for which credit is claimed. Carriers who purchase fuel in bulk shall attach to the highway use tax report for the period in which the fuel was dispensed into a motor vehicle copies of invoices from fuel suppliers indicating Oregon state fuel tax paid and fueling records showing fuel dispensed for each motor vehicle.

(4) Motor carriers may submit a written request for refund of Oregon state fuel tax paid up to three years after purchase. A written request for refund may be granted for any Oregon fuel tax paid but not deducted from the highway use tax report for the period in which the fuel was purchased. Motor carriers requesting refund must attach copies of all invoices. No such refund will be issued until an audit has been performed.

Statutory/Other Authority: ORS 184.619 & 823.011

Statutes/Other Implemented: ORS 825.476, 825.480, 825.484 & 825.486

History:

MCTD 4-2020, amend filed 04/03/2020, effective 04/03/2020

MCTD 4-2019, temporary amend filed 10/22/2019, effective 10/22/2019 through 04/17/2020  
MCTB 4-2015, f. & cert. ef. 9-21-15  
MCTB 1-2002, f. 6-21-02, cert. ef. 7-1-02  
MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-068-0050  
PUC 9-1990, f. & cert. ef. 5-25-90, (Order No. 90-835)  
PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-038-0050  
PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)  
PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)  
PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)  
PUC 18, f. 9-1-54, cert. ef. 1-21-55, (Order No. 33203)

740-055-0120

#### Weight-Mile Tax Records Requirements

(1) All carriers must maintain records of their motor vehicle operations and make reports on forms approved by the Department. Such records must be:

- (a) Stored at the carrier's principal office or place of business;
- (b) Made available for inspection by the Department or its representatives upon request; and
- (c) Retained for a period of three (3) years unless otherwise authorized by the Department.

(2) Distance records produced by a means other than a vehicle-tracking system must meet all requirements in section

(1) of this rule and contain the following information for each vehicle:

- (a) Origin and destination points;
- (b) Oregon entry and exit points;
- (c) Actual Oregon miles for each trip;
- (d) Pickup and delivery points in Oregon for each trip;
- (e) Routes of travel for each trip;
- (f) Dates of each trip;
- (g) Daily beginning and ending odometer or other mileage recording device readings for each vehicle;

(3) Distance records produced wholly or partly by a vehicle-tracking system, including a system based on a global positioning system (GPS) may be used **[in lieu] instead** of, or in addition to, the records required in this rule provided the electronic records meet all the requirements of section (1) of this rule and contain the following information for each vehicle:

- (a) The original latitude and longitude coordinates carried out to, at minimum, 5 decimal places, for the vehicle to which the records pertain;
- (b) The date and time of each coordinate capture, at a minimum of 15-minute intervals and at every significant event to validate the total distance traveled. A significant event is defined as: Engine being turned on or off and crossing into or out of the State of Oregon;

(c) The daily beginning and ending reading from the odometer, hubodometer, engine control module (ECM), or any similar device;

(d) The calculated distance between each GPS or other system reading;

(e) The total distance traveled by the vehicle in Oregon; and

(f) Exception reports containing adjustments made to distance traveled in Oregon including equipment malfunction, tampering or random unexplained coordinate capture.

(4) In addition to the requirements listed above, all carriers must maintain records containing the following information for each vehicle:

(a) Identification of any exempt miles claimed, which shall include beginning and ending odometer or other mileage recording device readings for the exempt portion of each trip. If repeated trips are made to and from the same locations, a one-time recording of odometer or other mileage recording device readings for the exempt portion of those trips may be applied to the total number of trips;

(b) Load tickets and/or bills of lading for each shipment transported; **and**

(c) A monthly summary of the total distance traveled in Oregon and the total taxable distance traveled in Oregon, **[ in each configuration ]**;

***[(d) Carriers operating motor vehicles that are issued or required to obtain an annual variance permit under ORS 818.200(1)(a) to (c) with a combined weight of more than 80,000 pounds shall also provide for each reporting period:***

***(A) Number of axles in the vehicle configuration; and***

***(B) A record of changes of operation. A change of operation occurs when the vehicle configuration remains the same but the actual weight of the vehicle and load changes from over 80,000 lbs. to 80,000 lbs. or under. Empty movements are not changes in operation; and***

***(e) Carriers operating motor vehicles in multiple configurations shall provide the number of miles operated in each motor vehicle configuration for each trip.]***

(5) All registrants that pay registration fees via registration trip permits must retain a copy of each registration trip permit.

Statutory/Other Authority: ORS 184.619, 823.011 & 825.515

Statutes/Other Implemented: ORS 825.212 & 825.515

History:

MCTD 4-2023, amend filed 05/15/2023, effective 05/15/2023

MCTD 1-2020, amend filed 01/31/2020, effective 01/31/2020

MCTD 1-2003, f. & cert. ef. 2-13-03

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-068-0055

PUC 7-1993, f. & cert. ef. 3-19-93, (Order No. 93-285)

PUC 4-1993, f. & cert. ef. 1-15-93, (Order No. 93-058)

PUC 13-1990, f. & cert. ef. 7-6-90, (Order No. 90-949)

PUC 5-1982, f. & cert. ef. 3-15-82, (Order No. 82-162)

PUC 1-1982(Temp), f. & cert. ef. 2-3-82, (Order No. 82-080)

PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)

PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-038-0055

PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

PUC 120, f. 10-26-62, cert. ef. 11-15-62, (Order No. 38811)  
PUC 18, f. 9-1-54, cert. ef. 1-21-55, (Order No. 33203)

740-055-0130  
For-Hire Farmers' Operating Records

(1) All farm carriers operating under a Class 1A permit issued under ORS 825.024(3), must maintain daily records on their motor vehicle operations and make reports on forms approved by the Department.

(2) The ODOT "Daily Record of Farm Vehicle Operation" form must be maintained on each vehicle registered under ORS 825.024(3):

(a) Entries must be made for each for-hire trip;

(b) Entries must be made for each farm exempt trip unless the vehicle is used solely in farm-exempt operations for a series of consecutive days, in which case the carrier may record the beginning and ending odometer readings for that period of time;

(c) If record keeping indicates that a vehicle was used solely in farm-exempt operations for a series of consecutive days and it is determined that the vehicle was used in a for-hire capacity at any point during that period of time, all miles recorded in the series of days may be assessed as taxable;

(d) Failure to maintain records accounting for both farm-exempt and for-hire operations may result in penalties under OAR 740-055-0100, suspension of the Class 1A permit, and all miles traveled may be assessed as taxable.

(3) Such records must be kept at the carrier's **[principle] principal** office or place of business and must be made available for inspection by the Department or its representatives at all reasonable times.

(4) Such records must be preserved for three years.

(5) In addition to any other requirements, farm carriers operating under a Class 1A permit issued under ORS 825.024(3), are also subject to the following record-keeping requirements: ORS 825.515 and OAR 740-055-0010, 740-055-0020, 740-055-0100, 740-055-0110, and 740-055-0220.

Statutory/Other Authority: ORS 823.011, 825.024 & 825.515

Statutes/Other Implemented: ORS 825.024

History:

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-068-0056

PUC 7-1994, f. & cert. ef. 4-15-94, (Order No. 94-554)

PUC 1-1984, f. & cert. ef. 2-9-84, (Order No. 84-076)

740-055-0140  
Out-of-State Farm Verification

(1) All out-of-state persons claiming a farm exemption from ORS Chapter 825 under 825.024 shall:

(a) Obtain a temporary pass from the Oregon Department of Transportation and pay highway use tax at the time of entry into Oregon;

(b) Complete the Out-of-State Farm Verification form and have their appropriate tax assessor or other authorized official sign and notarize it; and

(c) Carry a copy of the approved Out-of-State Farm Verification form and current authorization letter in all vehicles claiming the exemption.

(2) The Out-of-State Farm Verification form shall be valid for two years from date of approval by the agency unless sooner revoked by the Department.

(3) Upon receipt of a valid Out-of-State Farm Verification, the Oregon Department of Transportation shall reimburse fees paid by qualified farmers provided the verification complies with ORS 825.024, and the claim is submitted within 90 days of the date the temporary pass was obtained.

[ED. NOTE: Forms referenced are available from the agency.]

Statutory/Other Authority: ORS 823.011 & 825.024

Statutes/Other Implemented: ORS 825.024

History:

MCTB 2-1998, f. & cert. ef. 8-20-98

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-068-0058

PUC 22-1984, f. & cert. ef. 10-16-84, (Order No. 84-806)

740-055-0150

Records — General — Household Goods

(1) Carriers authorized to transport household goods shall keep and maintain complete and comprehensive records of all business transactions as set forth in the prescribed Uniform System of Accounts.

(2) *[All papers, books, accounts, payroll, records, time records, bills, invoices, notes, mortgages, memoranda, correspondence files, vouchers, journals, ledgers, contracts, leases and agreements, operating and statistical statements or exhibits, stock books, minutes of meetings of directors, trustees and/or stockholders, records of mileage operated, annual or other periodic or special reports, working sheets or papers and all other papers and records disclosing or]* **All accounts, manifests, receipts and records disclosing or** *[appertaining]* **pertaining** to operations of holders of certificates or permits authorizing transportation of household goods shall be maintained and shall at all reasonable times be available for examination, inspection and audit by the Oregon Department of Transportation and its authorized representatives.

Statutory/Other Authority: ORS **[184.616,]** 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 823.029, 825.200, 825.202, 825.212 & 825.224

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-068-0063

PUC 5-1982, f. & cert. ef. 3-15-82, (Order No. 82-162)

PUC 1-1982(Temp), f. & cert. ef. 2-3-82, (Order No. 82-080)

PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-038-0063

PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)

PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

740-055-0170

Bills of Lading (Shipping Receipts) and Freight Bills

(1) The provisions of this section shall apply to carriers for hire in the transportation of household goods in intrastate commerce within the State of Oregon which are submitted to the Department for review and approval.

(2) Carriers shall prepare freight bills for each and every shipment transported. Unless otherwise authorized by the Department, bills of lading, freight bills, and combination bills of lading and freight bills must be issued in sets of not less than triplicate for each shipment transported.

(3) Bills of lading shall show the date, name of the carrier, consignor, consignee, origin, destination, number of packages, or if in bulk, the quantity, description of articles and marks, description of the manner in which the shipment is packed and weight of shipment. The bill of lading shall also show whether the freight charges are to be prepaid or collect. The original of the bill of lading shall be signed and given to the consignor and shall constitute receipt by the carrier of the property for transportation. The number two copy (the shipping order) shall be retained by the carrier. If freight is delivered on the bill of lading, the consignee receives the memorandum copy. The consignee shall sign the carrier's shipping order as a receipt for freight delivery.

(4)(a) A freight bill shall contain the following information: date, freight bill number, name and address of carrier, consignor, consignee, origin, destination, number of packages, or if in bulk, the quantity, description of articles and marks, weight, rate and freight charge. When the rate assessed is a class rate, the applicable classification rating of the article(s) shall be shown on the freight bill. The freight bill shall also show charges for accessorial or special services provided by the carrier. If detention charges are applicable, the freight bill shall show the time that the equipment was placed on detention and when it was released from detention;

(b) If the applicable rates are published on an hourly or time basis, the freight bill or other documentation retained by the carrier shall show time taken for meals and other nonproductive time, and either:

(A) Time of departure of carrier's equipment from its terminal and time of return of equipment to carrier's terminal or next point of loading; or

(B) Time of arrival of the vehicle at the point of origin and the time service is completed at the point of destination, if rates are based on time consumed between arrival at origin and departure from destination.

(c) The freight bill shall also show advances or other charges, space to note whether the shipment is collect or prepaid, space for carrier to receipt for charges paid, and space for consignee to receipt for shipment. The signed original shall be given to the party paying transportation charges, a signed copy shall be retained by the carrier as a receipt for delivery of freight and a copy shall be given to the consignee on prepaid shipments.

(5) When a combination bill of lading and freight bill form is used, it must contain the same information required of a bill of lading and freight bill. The signed original is to be given to the party paying the freight bill, the second part (shipping order) is retained by the carrier, the third part is given to the consignor on a collect shipment or to the consignee on a prepaid shipment.

(6) If the combination bill of lading and freight bill is used as a bill of lading only, and an invoice for the transportation is issued by the carrier for submitting to the party paying the freight charges, the distribution of copies remains the same as delineated in section (3) of this rule.

(7) Shipments of machinery, machines, or heavy equipment shall be fully described on the bill of lading, freight bill, and combination bill of lading and freight bill by recording the trade name, model, number, type, kind of special equipment and parts, size, and capacity.

Statutory/Other Authority: ORS **[184.616]**, 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 823.101, 825.202, 825.204 & 825.224

History:

MCTD 3-2016, f. & cert. ef. 9-26-16

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-068-0067

PUC 5-1995, f. & cert. ef. 6-23-95, (Order No. 95-561)

PUC 16-1994(Temp), f. 12-28-95, cert. ef. 1-1-95, (Order No. 94-2077)

PUC 8-1988, f. & cert. ef. 4-6-88, (Order No. 88-334)

PUC 3-1980, Part I, f. & cert. ef. 6-30-80, (Order No. 79-805), Renumbered from 860-038-0067  
PUC 181, f. 12-30-77, cert. ef. 1-15-77, (Order No. 77-896)  
PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507)  
PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)  
PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

740-055-0180

#### Certified Scale Weights Required

Actual weight of shipments of household goods must be obtained by having such shipments weighed over a certified scale whenever a scale is available at point of origin, destination or enroute. The scale ticket shall be attached to the carrier's copy of the freight bill and be retained as a part of the carrier's records.

Statutory/Other Authority: ORS 823.011, 825.202 & 825.224

Statutes/Other Implemented: ORS 825.202 & 825.224

History:

MCT 3-1996, f. & cert. ef. 3-14-96  
MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-068-0069  
PUC 12-1986, f. & cert. ef. 10-2-86, (Order No. 86-1026)  
PUC 9-1986(Temp), f. & cert. ef. 8-19-86, (Order No. 86-831)  
PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-038-0069  
PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)  
PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

740-055-0190

#### Record of Receipts and Disbursements

(1) Household goods carriers shall maintain a record of all moneys received from any source. The record shall show the date received, amount received, from whom received, number of freight bills being paid or description of service rendered for which payment is received, and any other pertinent information necessary to explain the transaction. The record shall show whether amount collected is retained as cash on hand or deposited in the bank and the account to be credited with the amount of collection.

(2) Household goods carriers shall keep and maintain a complete and accurate record of all moneys disbursed in conducting their operations whether such disbursements are made in cash or by check:

(a) The record must show amount disbursed, a description of what the payment covers, the proper account chargeable and all essential information to identify and explain the disbursement;

(b) All bills, invoices, receipts, memoranda and papers supporting and explaining payments must be carefully filed and retained for the prescribed time.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.200, 825.202, 825.204 & 825.224

History:

MCTD 3-2016, f. & cert. ef. 9-26-16  
MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01  
MCT 3-1996, f. & cert. ef. 3-14-96  
MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-068-0071  
PUC 5-1982, f. & cert. ef. 3-15-82, (Order No. 82-162)  
PUC 1-1982(Temp), f. & cert. ef. 2-3-82, (Order No. 82-080)  
PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-038-0071  
PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)  
PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

740-055-0210  
Ledger and Journal

- (1) All household goods carriers shall keep and maintain a ledger in which shall be recorded in appropriate accounts the assets, liabilities, capital, surplus, revenues, expenses, other income, other deductions and all other accounts prescribed by the Uniform System of Accounts and necessary to meet the requirements in OAR 740-055-0310 and 740-055-0320.
- (2) Accounts shall be written up monthly and accruals stated on a monthly basis to permit preparation of financial exhibits from the books of record.
- (3) All accounts must be closed on December 31 of each year and the profit or loss determined and stated in the books of record.
- (4) All entries for which special journals have not been provided must be journalized in a general journal before posting to the ledger account. Entries must be fully explanatory and entered in sufficient detail to permit audit at any time. References to supporting papers and records must be specific and such subsidiary records and memoranda shall be filed and retained to support the entries in the general journal.

Statutory/Other Authority: ORS [184.616,] 814.619, 823.011 & 825.232  
Statutes/Other Implemented: ORS 825.200, 825.202, 825.204, 825.224 & 825.515  
History:

MCTD 3-2016, f. & cert. ef. 9-26-16  
MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01  
MCT 3-1996, f. & cert. ef. 3-14-96  
MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-068-0075  
PUC 5-1982, f. & cert. ef. 3-15-82, (Order No. 82-162)  
PUC 1-1982(Temp), f. & cert. ef. 2-3-82, (Order No. 82-080)  
PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-038-0075  
PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)  
PUC 135, f. 5-9-66, cert. ef. 5-15-66, (Order No. 42332)

[740-055-0400

*Financial Report Forms Required*

*Financial reports will be submitted on the most current form adopted and prescribed by the Department.*

Statutory/Other Authority: ORS 823 & 825

Statutes/Other Implemented: ORS 825.202

History:

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-068-0141  
PUC 181, f. 12-30-77, cert. ef. 1-15-78, (Order No. 77-896), Renumbered from 860-038-0141  
PUC 174, f. 3-18-76, cert. ef. 3-20-76, (Order No. 76-109)  
PUC 160, f. & cert. ef. 2-26-74, (Order No. 74-108)  
PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507)  
PUC 148, f. 7-29-68, cert. ef. 9-1-68, (Order No. 44783)  
PUC 142, f. & cert. ef. 3-27-67, (Order No. 43543)  
PUC 137, f. & cert. ef. 4-13-66, (Order No. 42600)  
PUC 132, f. & cert. ef. 3-29-65, (Order No. 41035)]

Division 60  
TRANSPORTATION OF HOUSEHOLD GOODS

740-060-0010

Information for Shippers and General Information Bulletin for Moving Household Goods in Oregon

(1) As used in [d]Division 60 rules, the term shipper refers to the owner of the household goods, or the owner's representative. The term carrier refers to the authorized intrastate for-hire motor carrier of household goods.

(2) Each carrier must give every prospective shipper an information bulletin titled General Information Bulletin for Moving Household Goods in Oregon ODOT form [#]735-9943.

(3) The text of the information bulletin, "General Information Bulletin for Moving Household Goods in Oregon," ODOT form [#]735-9943 includes the following information:

- (a) Estimates;
- (b) Changes to estimates;
- (c) Underestimates;
- (d) Bills of Lading;
- (e) Inventories;
- (f) Packing, delivery and inspection;
- (g) Storage needs;
- (h) Ready to assemble furniture;
- (i) Levels of protection and valuation options for household goods;
- (j) Payment to mover;
- (k) Loss or damage claims; and
- (L) Complaints.

(4) The Mandatory Receipt must contain the following statements:

- (a) Acknowledgement of receipt of General Information Bulletin for Moving Household Goods in Oregon;
- (b) Final charges for services are based on rates that have been approved by ODOT and published in a tariff regardless of any estimate of service provided by the carrier.

(5) Each carrier must request the shipper to sign and date a Mandatory Receipt to acknowledge receipt of the information bulletin. The signed copy of the Mandatory Receipt must be retained for three years as a part of the carrier's documentation for the move.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.202, 825.204 & 825.224

History:

MCTD 5-2013, f. & cert. ef. 6-20-13

MCT 4-1997, f. & cert. ef. 7-15-97

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-069-0005

PUC 5-1994, f. & cert. ef. 2-16-94, (Order No. 94-298)

PUC 17-1987, f. & cert. ef. 12-31-87, (Order No. 87-1309)

PUC 12-1986, f. & cert. ef. 10-2-86, (Order No. 86-1026)

PUC 9-1986(Temp), f. & cert. ef. 8-19-86, (Order No. 86-831)

PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-039-0005

740-060-0020

Inventories

(1) An inventory of items will be prepared when requested by the shipper or when household goods are received into storage in transit or permanent storage.

(2) The carrier must list any damage or unusual wear.

(3) Shippers must be allowed to note in writing on the inventory documents any disagreement with entries regarding damage or unusual wear noted by the carrier.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.202, 825.204 & 825.224

History:

MCTD 5-2013, f. & cert. ef. 6-20-13

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-069-0006

PUC 12-1986, f. & cert. ef. 10-2-86, (Order No. 86-1026)

PUC 9-1986(Temp), f. & cert. ef. 8-19-86, (Order No. 86-831)

740-060-0035

Cargo Insurance and Valuation Declaration

(1) A carrier is liable for loss or damage to household goods when the property is in its care, custody or control. The required minimum level of cargo insurance coverage is specified in OAR 740-040-0030. The level of liability assumed by the carrier is altered based on the selection of the valuation protection option chosen by the shipper.

(2) Prior to beginning any regulated household goods move, a carrier must ensure that the shipper has selected a valuation option. The carrier must provide the shipper with information that clearly explains the different valuation options offered, the charges for each option, and an example comparing the total cost of a move with Full Replacement Cost Protection and with Released Value Protection.

(3) All household goods carriers must offer at least the following valuation protection options:

(a) Released Value: When the shipper elects the no-additional-cost Released Value option, claims for damage or loss will be settled based on the weight of the article multiplied by the price per pound. If a shipper fails to state a declared value in writing and the shipment is accepted by the carrier, the shipment will be estimated calculating the weight of the shipment as seven pounds per cubic foot of space utilized;

(b) Replacement Cost Protection: The shipper must declare a lump sum value of the shipment. Under this option, if any article is lost, destroyed, or damaged while in the carrier's custody, the carrier will, at its option, guarantee either replacement of articles lost or damaged, reimbursement for full replacement cost, or satisfactory repairs.

(4) If for any reason, the carrier fails to obtain the shipper's written confirmation of valuation option selection on the bill of lading, and the shipment is accepted for transport, the carrier will provide Replacement Cost Protection at the shipper expense.

Statutory/Other Authority: ORS [184.616] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.202, 825.204 & 825.224

History:

MCTD 5-2013, f. & cert. ef. 6-20-13

740-060-0045

#### Criminal Background Checks

(1) Each carrier must obtain a criminal background check for each employee or any agent representing the carrier whose duties may require contact with the public or entry into a private residence or storage facility for the purpose of providing or facilitating the transportation of household goods. For the purpose of this rule:

(a) Carriers subject to these requirements are referred to as "Subject Employers."

(b) Employees or agents whose duties are described in this rule are referred to as "Subject Individuals."

(c) Criminal background checks must be completed prior to employment of Subject Individual and must be completed every three years.

(2) Criminal Background Check means a public record of court actions regarding the Subject Individual covering each state the Subject Individual has resided in the last five years.

(a) Subject Employers must require each Subject Individual, as a condition of employment, to sign a release authorizing the Subject Employer to obtain the criminal background check required by this rule;

(b) The Department may require Subject Employers to obtain additional criminal background information from law enforcement on Subject Individuals;

(c) Criminal background checks must include a list of offenses that the Subject Employee has been convicted in a court of law and the date of each conviction.

(3) Subject Employers must certify in their annual report due April 1 of each year that they are in compliance with all rules of the department and provide the following information about criminal history check activities:

(a) The number of Subject Individuals on whom criminal history checks were done during the preceding calendar year;

(b) The number of criminal history checks resulting in evidence of a criminal history including:

(A) Information about what was found without identifying the individual by name; and

(B) The Subject Employer's decision as to whether the Subject Individual was hired, or continued in employment, and if so, an explanation as to why.

(4) Subject Individuals may not perform duties which may require contact with the public or entry into a private residence or storage facility for the purpose of providing or facilitating the transportation of household goods if they have been convicted of any felony within the five years preceding the criminal background check. In addition to any felony conviction, Subject Individuals may not have been convicted of a misdemeanor involving:

(a) Theft;

(b) Burglary;

(c) Sexual conduct;

(d) Manufacture, sale or distribution of a controlled substance;

(e) Identity theft or

(f) False statements.

(5) Criminal background checks required by this rule must be retained by the carrier for at least three years from the date obtained.

Statutory/Other Authority: [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: 825.202, 825.204, 825.224 & 825.325

History:

MCTD 5-2013, f. & cert. ef. 6-20-13

MCTD 2-2009, f. & cert. ef. 9-29-09

740-060-0055

Additional Fees

Each carrier must pay an annual fee of \$100 or .1 percent of its gross revenue derived from Oregon intrastate household goods moving activity in the preceding year, whichever is greater. The fee is due by April 1 and must be reported on a form provided by the Department. A household goods carrier that fails to pay the fee required by the due date will be subject to suspension under ORS 825.139.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.139 & 825.247

History:

MCTD 5-2013, f. & cert. ef. 6-20-13

MCTD 3-2004, f. 6-24-04, cert. ef. 6-29-04

MCTD 9-2003(Temp), f. 12-12-03, cert. ef. 1-1-04 thru 6-28-04

740-060-0060

Signed Receipt for Shipment — Release Prohibited

Shipping documents or other records signed by the shipper to acknowledge delivery must not include language that releases or discharges the carrier from liability. A statement that the property has been received in apparent good condition except as noted may be included on the shipping documents.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 823.101 & 825.224

History:

MCTD 5-2013, f. & cert. ef. 6-20-13

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-069-0020

PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-039-0020

740-060-0070

Claims for Loss or Damage

(1) For a shipper to be compensated for loss or damage, a written claim must be filed with the carrier or carrier's agent within three months of the date of delivery.

(2) [Acknowledgment of claims.] Written claims for loss or damage to household goods must be acknowledged by the carrier in writing within 30 calendar days of the receipt of the claim. The carrier must record the date and time the claim was received.

(3) **[Handling by carrier.]** A carrier must pay, decline[, ] or make a firm compromise settlement offer in writing to the shipper within 120 days from the date the claim was received. If the claim is not **[be]** resolved within 120 days from the date the claim was received, the carrier must inform the shipper and the Department of the reason in writing. Written communication with the shipper and the Department of reasons why the claim is not resolved must be provided each succeeding 60-day period while the claim remains unresolved.

(4) **[Register of loss and damage claims.]** Every carrier must maintain a freight claim register. The claim register must show each cargo loss and damage claim received, the claim number, date, and amount; the waybill or expense bill number and date; name of claimant; kind of commodity; date claim was paid; total amount paid; or date claim was disallowed and reasons; amount of salvage recovered, if any; amounts reimbursed by insurance companies, connecting carriers, or others, and the amount absorbed by the carriers. Claim registers and supporting documentation must be retained for three years.

Statutory/Other Authority: ORS **[184.616,]** 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 823.101, 823.103 & 825.202

History:

MCTD 5-2013, f. & cert. ef. 6-20-13

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-069-0030

PUC 156, f. 8-6-73, cert. ef. 8-15-73, (Order No. 73-507), Renumbered from 860-039-0030

740-060-0080

Determination of Weight for Weight Distance Moves

(1)(a) A carrier subject to rates based on weight must determine the gross weight, tare weight and net weight or constructive weight of a shipment. A carrier transporting shipments of household goods subject to rates based on the weight of shipment must determine the tare weight of each vehicle used by having it weighed prior to the transportation of each shipment, with the driver for the proposed trip but without the crew. The weight must be determined by a certified weighmaster or on a certified scale, and the fuel tanks on the vehicle must be full and the vehicle must contain all pads, chains, dollies, hand trucks, and other equipment needed in the transportation of shipments to be loaded, and the weight must then be entered on the bill of lading. After the vehicle has been loaded, it must be weighed, with the same driver and equipment but without the crew, at the certified scale nearest to the point of origin of the shipment, and the net weight of the shipment must be obtained by deducting the tare weight from the gross weight, and both the gross and net weights must be entered on the bill of lading. Where no certified scale is available at the point of origin, the gross weight must be obtained at the nearest certified scale either in the direction of the movement of the shipment, or in the direction of the next pickup or delivery in the case of part loads. In the transportation of part loads, this rule must apply in all respects, except that the gross weight of a vehicle containing one or more part loads must be used as the tare weight of such vehicle as to part loads subsequently loaded. Also, the person paying the freight charges, or his representative, at the request of either, must be permitted, without charge, to accompany the carrier to the weighing station in his own vehicle and to observe the weighing of his shipment after loading. The carrier must use a certified scale which will permit the shipper to observe the weighing of his shipment without causing delay; or

(b) If no certified scale is available at origin at any point en route or at destination, a constructive weight, based upon 7 pounds per cubic foot of properly loaded van space, may be used, provided the shipper is notified prior to unloading that this method will be used to determine weight and charges on the shipment.

(2) **[Obtaining weight tickets.]** The carrier must obtain a weight ticket signed by the weighmaster for each weighing required under this rule, with tare and gross weights evidenced by separate tickets, and the driver must enter the number of the bill of lading accompanying the shipment involved. No other additions or alterations will be made on the ticket. True copies must be attached to the receipt or bill of lading accompanying the shipment[, ] and retained in the carrier's file for three years. A true copy of each weight ticket pertaining to a shipment must be given to the shipper at the weighing station if the shipper is present or at delivery of the shipment if the shipper is not present at the weighing. A part load for any one shipper not exceeding 1,000 pounds may be weighed on a certified scale prior to

being loaded on the vehicle. Additionally, an automobile or other article weighing in excess of 500 pounds which is mounted on wheels may be weighed separately by obtaining the weight of such article on a certified scale prior to loading on the vehicle to be used in its transportation.

(3) [**Minimum weight shipments.**] Before accepting a shipment of household goods for transportation which appears to be subject to the minimum weight provisions of the carrier's tariff, the carrier must advise the shipper of the minimum weight provisions.

(4) [**Reweighing of shipment.**] The carrier must reweigh the shipment, if the shipper requests a reweigh prior to the delivery date of the shipment. The carrier must inform the shipper, within a reasonable time prior to the gross reweighing, of the tariff charges and the location of a certified scale which will be used. The carrier, without altering or deleting the initial weights, will write on the bill of lading the gross, tare and net weights on reweigh, and must give the shipper, or his representative, original or true copies of the weight tickets on reweigh in the same manner as prescribed for initial weighing. The lower of the two net scale weights must be used for determining the applicable charges. Charges for reweighing will be determined by tariff rates.

Statutory/Other Authority: ORS [**184.616,**] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.202

History:

MCTD 5-2013, f. & cert. ef. 6-20-13

MCTD 2-2013(Temp), f. 1-17-13, cert. ef. 1-18-13 thru 7-15-13

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-069-0040

PUC 156, f. 8-6-73, ef. 8-15-73, (Order No. 73-507), Renumbered from 860-039-0040

740-060-0085

Hourly Rate Local Moves

A carrier must apply a local hourly rate when a move is wholly within a city limit or commercial zone specified in the carrier's ODOT approved local cartage authority. The Department may approve an extension to the radius of mileage for a commercial zone when approving a tariff.

Statutory/Other Authority: ORS [**184.616,**] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.202

History:

MCTD 5-2013, f. & cert. ef. 6-20-13

740-060-0090

Hourly Rate Distance Moves

If a carrier elects to provide an hourly distance rate, as specified in its tariff, the hourly rate charged for the transit time to and from the move locations are limited to the following;

(1) The calculation of time it takes for a carrier to travel from the terminal location to the origin of the move must be determined by Google Maps miles or a truck routing and mileage software program using the address-to-address locations to establish the estimated time of travel to be charged to the shipper.

(2) The return trip from the destination of the move to the terminal location must be determined by Google Map miles or a truck routing and mileage software program using the address-to-address locations to establish the estimated time of travel to be charged to the shipper.

Statutory/Other Authority: ORS [**184.616,**] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.202

History:

MCTD 5-2013, f. & cert. ef. 6-20-13

740-060-0100

Cartage Areas Exempt from Economic Regulation

Carriers engaged in the transportation of household goods moving wholly within the incorporated city limits of each of the cities as set out in Exhibit 1 are exempt from regulations, pursuant to ORS 825.240. A carrier that performs local cartage moves within the cities specified in Exhibit 1 must obtain a permit in accordance with ORS 825.127.

[ED. NOTE: Exhibits referenced are available from the agency.]

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.127 & 825.240

History:

MCTD 5-2013, f. & cert. ef. 6-20-13

MCTD 2-2009, f. & cert. ef. 9-29-09

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-069-0050

PUC 1-1983, f. & cert. ef. 1-17-83, (Order No. 83-024)

PUC 5-1978, f. & cert. ef. 12-20-78, (Order No. 78-924), Renumbered from 860-039-0050

740-060-0110

Commercial Zones

(1) The territorial limits of the commercial zone of each designated city include[s] the following areas:

(a) Astoria, Oregon includes all points located within the incorporated city limits of Astoria, Hammond, and Warrenton and within one (1) airmile distance of their combined city limits;

(b) Coos Bay, Oregon includes all points located within the incorporated city limits of Coos Bay, Eastside, and North Bend and within one (1) airmile distance of their combined city limits;

(c) Eugene, Oregon includes all points located within the incorporated city limits of Eugene and Springfield, Oregon, and within a three (3) airmile distance of their combined city limits;

(d) Klamath Falls, Oregon includes all points located within the incorporated city limits of Klamath Falls, Oregon, and within four (4) airmile distance of the city limits;

(e) Medford, Oregon includes all points located within the incorporated city limits of Central Point, Jacksonville, Medford, Phoenix, and the unincorporated community of White City. The Medford Commercial Zone also includes other points located and within an eight (8) airmile radius of the intersection of I-5 and Crater Lake Highway (OSH 62);

(f) Salem, Oregon includes all points located within the incorporated city limits of Salem and Keizer. The Salem Commercial Zone also includes other points within a three (3) airmile distance of the city limits of Salem;

(g) Portland, Oregon includes all points located within the incorporated city limits of Portland, Oregon, and within a ten (10) airmile distance of said city limits; and includes all of the area located within the incorporated limits of any city any part of which is located within a ten (10) airmile distance of the city limits of Portland.

(2) Local Cartage operating authority of household goods carriers at any city located within a commercial zone as defined in subsections (1)(a) to (g) of this rule includes transportation of household goods between all points located within the territorial limits of the Commercial Zone.

Statutory/Other Authority: ORS [184.616] 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.234 & 825.240

History:

MCTD 5-2013, f. & cert. ef. 6-20-13

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-069-0060

PUC 16-1983, f. & cert. ef. 12-28-83, (Order No. 83-863)

PUC 7-1980, f. & cert. ef. 11-6-80, (Order No. 80-845), Renumbered from 860-039-0060

PUC 2-1980, f. & cert. ef. 3-27-80, (Order No. 80-179)

PUC 5-1978, f. & cert. ef. 12-20-78, (Order No. 78-924)

Division 65  
ELECTRONIC TRUCK TRACKING REPORTS

740-065-0010  
General Provisions

(1) Any motor carrier that has an EHUT vehicle equipped with an electronic distance recorder, as specified in sections (2) and (3), that is properly working and provides an accurate and reliable record relating to the identity, distance travelled by, and the location of the EHUT vehicle may file tax reports and transmit taxes for the Oregon Highway Use Tax using an electronic system. Mixed fleets containing both EHUT equipped vehicles and non-EHUT equipped vehicles may also file tax reports and transmit taxes for Oregon Highway Use Tax using an electronic system provider if at least 50 percent of the fleet are equipped with EHUT equipment and the provisions of section (1) are otherwise met. Electronic system providers must identify transmitted data originating from non-EHUT equipped vehicles.

(2) The EHUT vehicle must be fitted with an electronic distance recorder that:

(a) Is provided by an electronic system provider;

(b) Is fitted in accordance with these rules; and

(c) Accurately records the distance travelled by the EHUT vehicle at all times.

(3) A motor carrier is not eligible to file tax returns under these rules if the motor carrier:

(a) Operates the EHUT vehicle with an electronic distance recorder that has not been provided by an electronic system provider;

(b) Operates the EHUT vehicle with an electronic distance recorder not fitted to the motor vehicle in accordance with these rules;

(c) Operates the EHUT vehicle with an electronic distance recorder fitted to the vehicle that is not accurately recording the distance travelled by the motor vehicle;

(d) Willfully alters, damages or tampers with an electronic distance recorder fitted to a EHUT vehicle, or any equipment that is required for the operation of the electronic distance recorder fitted to the vehicle, in a manner that affects, or is likely to affect, the accuracy of the electronic distance recorder;

(e) Operates the EHUT vehicle on a taxable road if the motor carrier knows, or should have known, that the electronic distance recorder fitted to the EHUT vehicle has been modified or repaired, except as authorized by these rules; or

(f) Modifies or attempts to modify or repair, any part of an electronic distance recorder fitted to the EHUT vehicle except as provided by these rules.

(4) Taxes for an EHUT vehicle are based on the **registered** **[declared combined]** weight of the EHUT vehicle in accordance with the weight group tax rates shown in the tables set forth in ORS 825.476. However, whenever a motor carrier operates an EHUT vehicle at a weight higher than its **registered** **[declared combined]** weight, the motor carrier must report and pay at the heaviest weight all miles operated **[in that configuration]** for the entire reporting period.

(5) The tax status of an EHUT vehicle operating under flat fees is determined by the **registered** weight of the vehicle, the commodity being transported, the purpose of the transportation and highways traveled. The tax status of the EHUT vehicle's operation will be determined by the motor carrier pursuant to OAR 740-055-0035 and entered in the electronic system for that operation. Any changes in the tax status of the EHUT vehicle will also be determined by motor carrier pursuant to OAR 740-055-0035 and entered in the electronic system.

(6) If a motor carrier provides information that the motor carrier knows, or should have known, is incorrect regarding the **declared registered** weight or actual **combined** weight of an EHUT vehicle the motor carrier will be assessed taxes on the EHUT vehicle based on the higher **combined** weight, in addition to interest and penalties.

(7) Any motor carrier that operates an EHUT vehicle under these rules agrees that when the electronic system is properly working, the system's records related to the identity, distance traveled by, and the location of the EHUT vehicle, may be used in calculating tax reports.

Statutory/Other Authority: ORS 184.616, 184.619 & 823.011

Statutes/Other Implemented: ORS 319.020, 319.530, 825.017, 825.474 & 825.480

History:

MCTD 7-2014, f. & cert. ef. 9-22-14

740-065-0050

Due Date of Taxes, Fees, and Reports

(1) The electronic system provider must electronically submit tax reports required under ORS **818.225,** 825.480, 825.490 and 825.492 for each subscribing motor carrier on or before the statutorily defined due dates. A subscribing motor carrier that remits taxes and fees to the electronic system provider on or before the statutorily defined due date will be deemed to have met statutory due date for such taxes and fees.

(2) The electronic system provider must electronically convey payments, along with the detail by motor carrier of taxes and fees received from subscribing motor carriers to the Department no later than five (5) business days following the statutorily defined due dates.

(3) The subscribing motor carrier's tax liability is not satisfied until the electronic service provider has transmitted the funds to the Department.

Statutory/Other Authority: ORS 184.616, 184.619 & 823.011

Statutes/Other Implemented: ORS 818.225, 825.137, 825.139, 825.232, 825.480 & 825.490

History:

MCTD 7-2014, f. & cert. ef. 9-22-14

Division 100

VEHICLES, DRIVER, EQUIPMENT: EQUIPMENT REQUIRED AND CONDITION OF VEHICLES

740-100-0015

Commercial Vehicle Inspector

(1) The Department may certify an individual as a commercial vehicle inspector pursuant to ORS 810.560 if the individual:

(a) Is an employee of the Department and:

(A) Successfully completes a commercial vehicle safety inspector training program administered by the Department; and

(B) Annually performs the minimum number of North American Standard safety inspections as required by U.S. Department of Transportation (USDOT); or

(b) Is employed by an Executive Branch agency of state government, or is employed by an agency or party under contract with the Department to conduct commercial vehicle inspections and:

(A) Successfully completes a commercial vehicle safety inspector training program administered by the Department;

(B) Annually performs the minimum number of North American Standard safety inspections as required by USDOT; and

(C) Has disclosed to the Department any pecuniary interest in, or current employment relationship with, a regulated motor carrier, and if requested by the Department, has divested of any such pecuniary interest or severed any such employment relationship.

(2) A commercial vehicle inspector certification may be revoked by the Department if Department records or investigation indicates that the inspector:

(a) No longer meets the criteria established in section (1) of this rule;

(b) Has repeatedly failed, without adequate reason, to maintain annual equipment or driver out-of-service rates that are reasonably consistent with, or exceed, Oregon out-of-service averages;

(c) Has failed to adhere to the Commercial Vehicle Safety Plan published by the Department;

(d) Has failed to follow the guidelines regarding the Oregon Commercial Vehicle Inspection decal; or

(e) Has committed malfeasance in the performance of official duties.

(3) A commercial vehicle inspector who has had their certification revoked[,] may be re-certified only after Department approval.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011, 825.232 & 825.252

Statutes/Other Implemented: ORS 810.560, 825.210 & 825.250

History:

MCTD 3-2015, f. & cert. ef. 8-24-15

MCTD 3-2010, f. & cert. ef. 7-30-10

MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05

MCTD 1-2004, f. & cert. ef. 1-15-04

740-100-0020

## Motor Carrier Collision Notification and Reporting

(1) Definition of Reportable Collision: The term "reportable collision" means an occurrence, involving a commercial motor vehicle operated on public highways by a motor carrier subject to the provisions of ORS Chapter 825, resulting in:

- (a) Fatality: The death of a human being at the scene or within 30 days as a result of the collision;
- (b) Injury: A person injured as a result of the collision, and transported from the scene for medical treatment; or
- (c) Towaway: Vehicles disabled as a result of the collision, and towed from the scene, or assisted in order to proceed under their own power.

### **(2) Immediate Notification of Fatal Collision:**

*(a) When a reportable collision involves the death of one or more persons, the motor carrier will notify ODOT within 24 hours of the time they learned of the fatality. Notification should be made by telephone (503) 986-3507, or by fax (503) 986-4249, and must include the information in subsection (b) of this section.*

*(b) The notification required by subsection (a) of this section must include the most reliable information available to the motor carrier on the following subjects:*

*(A) Date and time of the collision;*

*(B) Location of the collision;*

*(C) Name of each carrier involved;*

*(D) Number of persons killed;*

*(E) Brief description of the collision; and*

*(F) Name and telephone number of the person reporting.*

### **(3)] (2) Reporting of Collision:**

(a) Within 30 days after the date of a reportable collision, the motor carrier must submit the completed original of ODOT Form 735-9229 (Motor Carrier Collision Report) with Form 735-32 "Oregon Traffic Collision and Insurance Report" to the ODOT DMV Collision Reporting Unit, 1905 Lana Ave. NE, Salem OR 97314.

(b) The motor carrier must fill in the form completely and accurately with the most reliable information available to the carrier at the time the report is submitted.

(c) ODOT Form 735-9229 is attached to Form 735-32 "Oregon Traffic Collision and Insurance Report," available at DMV offices statewide or by phone at 503-945-5098.

Statutory/Other Authority: ORS 823.011 & 825.252

Statutes/Other Implemented: ORS 825.252

History:

MCTD 4-2025, amend filed 03/13/2025, effective 03/13/2025

MCTD 2-2011, f. & cert. ef. 5-27-11

MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05

MCTB 5-2000, f. & cert. ef. 9-21-00

MCT 5-1997, f. & cert. ef. 8-26-97  
MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-065-0012  
PUC 6-1994, f. & cert. ef. 3-28-94, (Order No. 94-525)

740-100-0040  
Chains/Traction Devices

All motor carriers are required to carry and use chains and traction tires as provided in OAR [c]Chapter 734 [d]Division 17 rules.

Statutory/Other Authority: ORS 823.011 & 825.252  
Statutes/Other Implemented: ORS 815.140  
History:  
MCTB 5-2000, f. & cert. ef. 9-21-00  
MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-065-0020  
PUC 6-1994, f. & cert. ef. 3-28-94, (Order No. 94-525)  
PUC 4-1987, f. & cert. ef. 6-9-87, (Order No. 87-509)  
PUC 17-1986(Temp), f. & cert. ef. 12-3-86, (Order No. 86-1239)

740-100-0045  
North American Standard Level I and V Commercial Vehicle Inspection Procedures

Inspections must be performed by North American Standard Level I certified inspectors. The term “Level 1 certified inspectors” means the government employee conducting inspections must meet the certification requirements found in Title 49, Code of Federal Regulations, Part 385, Subpart C. Level I and V commercial vehicle inspections must be conducted in accordance with the North American Standard Inspection Procedures and all applicable policies.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011, 825.232 & 825.252  
Statutes/Other Implemented: ORS 810.560, 825.210 & 825.250  
History:  
MCTD 3-2015, f. & cert. ef. 8-24-15

740-100-0049  
Oregon Commercial Vehicle Inspection Decal

The North American Standard Level I and V commercial vehicle inspections are the only inspections that may result in issuance of an Oregon Commercial Vehicle Inspection Decal. Level I certified inspectors may apply decals to vehicles in accordance with the procedures contained in the North American Standard Level I and V Inspection Procedures. Decals, when affixed, shall remain valid for a period not to exceed three consecutive months. The issuance, distribution, or display of inspection decals other than by authorized persons is prohibited.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011, 825.232 & 825.252  
Statutes/Other Implemented: ORS 810.560, 825.210 & 825.250  
History:  
MCTD 3-2015, f. & cert. ef. 8-24-15

740-100-0055  
Commercial Vehicle Inspection Reciprocity

In general, vehicles displaying a valid Oregon Commercial Vehicle Inspection Decal are not subject to re-inspection. However, if an obvious defect is noticed on a vehicle with a current decal, nothing prevents a party from re-inspecting that vehicle. Maximum reciprocity will be granted to inspections conducted pursuant to the North American Standard Inspection procedures by other jurisdictions.

Statutory/Other Authority: ORS [184.616,] 184.619, 823.011, 825.232 & 825.252

Statutes/Other Implemented: ORS 810.560, 825.210 & 825.250

History:

MCTD 3-2015, f. & cert. ef. 8-24-15

Division 105

WELDED REPAIR OF LOG TRUCK REACHES; EQUIPMENT: LOGS, POLES OR PILING

740-105-0100

General

(1) Definitions. As used in this section, the following abbreviations have the following meaning:

(a) AWS, "American Welding Society";

(b) LTR, "Log Truck Reach" typically, a 9" x 7" x .188"/.250" rectangular tubing used to steer a log trailer;

(c) SMAW, "Shielded Metal Arc Welding";

(d) FCAW, "Flux Cored Arc Welding";

(e) ASTM, "American Society of Testing Materials";

(f) DC, "Direct Current."

(2) LTR Repairs. Welded repair(s) of log truck reaches may only be accomplished in accordance with OAR 740-105-0100 through 740-105-0270.

(3) Welder certification. Maintenance personnel who perform welding services to effect repairs of an LTR must be certified to the AWS Structural Welding Code D1.1., 1992.

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

Statutory/Other Authority: ORS 183.335, 823.011, 825.210 & 825.252

Statutes/Other Implemented: ORS 825.210 & 825.252

History:

Renumbered from 860-066-0100, MCT 3-1996, f. & cert. ef. 3-14-96

PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157)

740-105-0140

Filler Metals

(1) Filler metals used for production welding shall conform to one of the following AWS classifications:

(a) SMAW Process — E7018-X;

(b) FCAW Process — E71T-6;

(c) These electrodes must conform to the requirements of AWS A5.1 and AWS A5.20.

(2) Low Hydrogen Electrode Storage Conditions — All electrodes having low hydrogen coverings conforming to AWS A5.5 shall be purchased in hermetically sealed containers or shall be dried for at least two hours between 450°F (230°C) and 500°F (260°C) before they are used. Electrodes shall be dried prior to use if the hermetically sealed container shows evidence of damage. Immediately after opening of the hermetically sealed container or removal of the electrodes from drying ovens, electrodes shall be stored in ovens held at a temperature of at least 250°F (120°C).

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

Statutory/Other Authority: ORS 183.335, 823.011, 825.210 & 825.252

Statutes/Other Implemented: ORS 825.210 & 825.252

History:

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-066-0104  
PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157)

740-105-0250  
Welder Qualification

- (1) Welders performing work under this procedure shall be qualified in accordance with AWS D1.1-92.
- (2) Certificate of Welder Qualifications can be arranged for at community colleges, unions, and testing laboratories.
- (3) Record of Certification. A record of welder certification shall be maintained by motor carriers employing welders completing welded repairs on LTRs. Such records shall be maintained at the motor carrier's or repair facility's address where such repairs are completed. The record of certification shall include at a minimum:
  - (a) Welder's name;
  - (b) Certification number;
  - (c) Date of certification;
  - (d) Name of facility where certification was completed;
  - (e) Name and title of person who issued the certification; and
  - (f) Dates this certification was used.

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

Statutory/Other Authority: ORS 183.335, 823.011, 825.210 & 825.252

Statutes/Other Implemented: ORS 825.210 & 825.252

History:

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-066-0115

PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157)

Division 110  
TRANSPORTATION OF HAZARDOUS MATERIALS

740-110-0040  
Incidents

(1) In the event of an incident, the transporter shall immediately notify all of the following:

(a) Oregon Emergency Response System telephone: (1-)(503)(-)378-6377 when initiating the call within Oregon; and (1-)(800)(-)452-0311 when initiating the call from outside Oregon;

(b) National Response Center (Telephone: (1-)(800)(-)424-8802);

(c) Waste Generator (Telephone: see manifest or other shipping papers).

(2) The transporter shall note on the manifest the time and location of the incident and the type and amount of the hazardous waste which has spilled.

(3) Within 30 days after the incident, the transporter shall file a Hazardous Materials Incident Report (DOT Form F5800.1) with the Oregon Department of Transportation.

Statutory/Other Authority: ORS 183, 469, 823, 824 & 825

Statutes/Other Implemented: ORS 825.258

History:

MCTD 4-2022, minor correction filed 12/19/2022, effective 12/19/2022

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-066-0066

PUC 1-1991, f. & cert. ef. 1-11-91, (Order No. 91-20)

PUC 7-1989, f. & cert. ef. 5-23-89, (Order No. 89-663)

PUC 13-1984, f. & cert. ef. 7-26-84, (Order No. 84-546)

PUC 3-1979, f. 7-27-79, cert. ef. 8-23-79, (Order No. 79-527), Renumbered from 860-036-0066

740-110-0090  
Notification of Inspection

A motor carrier engaged in the transportation of radioactive materials shall provide notification as follows:

(1) Notification pursuant to Nuclear Regulatory Commission rules found in Title 10, Code of Federal Regulations, Part 71.97 and Part 73.37(f) for irradiated reactor fuel and other materials shall be to: Administrator, Nuclear Safety and Emergency Preparedness Division, Oregon Department of Energy, 550 Capitol St. NE, Salem, Oregon 97301, Telephone: (503) 378-4040, Fax: (503) 339-2017.

(2) Notice for shipments described in OAR 740-110-0080(1) must be made by the carrier as follows:

(a) As soon as practicable, but no later than 48 hours before time of shipment in Oregon;

(b) When, as a result of conditions not subject to the control of the carrier, it is not possible to comply with the 48-hour minimum notification, then notice shall be made immediately by telephone, or in any event not later than on the next working day, and shall explain why the carrier could not comply with the 48-hour requirement;

(c) When an inspection has been scheduled, additional notice is required if the shipment is cancelled, or if carrier's arrival at the inspection location will miss the designated inspection time by two or more hours (early or late);

(d) All notices and inspection schedule changes shall be in writing or by telephone between 0800 and 1700 Pacific Time to: Oregon Department of Transportation, Commerce and Compliance Division (CCD), 455 Airport Road SE **Building A**, Salem, Oregon 97301. Telephone: (503) 373-0982, Fax (503) 378-7481; and

(e) Notice must include the following information:

(A) Carrier's name, address, telephone number and Oregon CCD File Number;

(B) Shipper's and receiver's names, addresses and telephone numbers;

(C) A description of the material, which shall include proper shipping name, hazard class, hazardous material identification number, and total quantity by weight or volume, and number of curies;

(D) A description of the route and approximate schedule; and

(E) A description of the transport vehicle(s) and name of driver(s).

Statutory/Other Authority: ORS 184.619, 469.470, 823.011, 825.252 & 825.258

Statutes/Other Implemented: ORS 825.258

History:

MCTD 5-2022, minor correction filed 12/19/2022, effective 12/19/2022

MCTD 23-2020, minor correction filed 05/08/2020, effective 05/08/2020

MCTD 2-2004, f. & cert. ef. 3-26-04

MTCB 3-2000, f. & cert. ef. 4-28-00

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-066-0077

PUC 4-1991, f. & cert. ef. 3-14-91, (Order No. 91-310)

Division 200  
RECIPROCAL AGREEMENTS AND INTERSTATE COMPACTS

740-200-0020

Adoption of Federal Rules Governing Payment of Heavy Vehicle Use Tax (HVUT)

The Department hereby adopts the rules of the United States Internal Revenue Service contained in 26 CFR Part 41 (Excise Tax on Use of Certain Highway Motor Vehicles) and all amendments thereto in effect January 1, 2026. These rules apply to carriers conducting operations subject to ORS Chapter 826. As provided in CFR Title 26 Part 41.6001-2(b)(3), the Department will suspend the registration of a vehicle for which proof of HVUT payment has not been received within four months of the effective date of registration.

***[[Note: The Code of Federal Regulations Title 26 Part 41.6001-2(b)(3) (Proof of payment for State registration purposes) referenced above is available at the Commerce and Compliance Division.]]***

Statutory/Other Authority: ORS 184.619, 823.011 & 826.003

Statutes/Other Implemented: ORS 803.370(5) & 826.007

History:

MCTD 8-2025, amend filed 12/11/2025, effective 01/01/2026  
MCTD 2-2025, amend filed 01/16/2025, effective 01/16/2025  
MCTD 1-2024, amend filed 01/26/2024, effective 01/26/2024  
MCTD 1-2023, amend filed 01/12/2023, effective 01/12/2023  
MCTD 5-2021, amend filed 11/23/2021, effective 11/23/2021  
MCTD 1-2021, amend filed 01/28/2021, effective 01/28/2021  
MCTD 25-2020, minor correction filed 05/08/2020, effective 05/08/2020  
MCTD 3-2020, amend filed 04/03/2020, effective 04/03/2020  
MCTD 3-2018, amend filed 12/07/2018, effective 01/01/2019  
MCTD 1-2018, amend filed 02/16/2018, effective 02/16/2018  
MCTD 2-2017, f. & cert. ef. 3-7-17  
MCTD 1-2017, f. & cert. ef. 2-22-17  
MCTD 2-2016, f. & cert. ef. 7-27-16  
MCTD 2-2015, f. & cert. ef. 5-26-15  
MCTD 7-2013, f. 12-20-13, cert. ef. 1-1-14  
MCTD 1-2013, f. & cert. ef. 1-17-13  
MCTD 2-2012, f. & cert. ef. 2-21-12  
MCTD 1-2011, f. & cert. ef. 2-18-11  
MCTD 2-2008, f. 6-23-08, cert. ef. 7-1-08  
MCTD 4-2004, f. 12-28-04, cert. ef. 1-1-05  
MCTD 8-2003, f. & cert. ef. 11-18-03, cert. ef. 1-1-04  
MCTB 6-2002, f. & cert. ef. 11-18-02  
MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-081-0015  
PUC 7-1993, f. & cert. ef. 3-19-93, (Order No. 93-285)  
PUC 19-1990, f. & cert. ef. 12-31-90, (Order No. 90-1919)

740-200-0040

Adoption of International Fuel Tax Agreement

(1) The provisions contained in the International Fuel Tax Agreement (IFTA) Articles of Agreement, the IFTA Audit Manual and the IFTA Procedures Manual, and all amendments thereto in effect January 1, 2026, are hereby adopted and prescribed by the Oregon Department of Transportation (ODOT) and apply to Oregon-based motor carriers who participate in IFTA.

(2) In addition to the requirements described in section (1) of this rule, the following requirements apply to Oregon-based motor carriers who participate in IFTA:

(a) Records required to be maintained for distance data must denote intermediate trip stops;

(b) Records of monthly over the road and bulk fuel reconciliations must be maintained;

(c) The Department will assess a penalty of \$50 or 10 percent of the amount of delinquent taxes due, whichever is greater, for failing to file a return, filing a late return, or underpaying taxes due on a return;

**(d) The Department may waive assessed penalties under section 2(c) as permitted by the IFTA Articles of Agreement, the IFTA Audit Manual and the IFTA Procedures Manual;**

**[(d)] (e)** The Department will assess a penalty of 10 percent of the amount of delinquent taxes due, for additional assessments as the result of an audit;

**[(e)] (f)** Any person against whom a proposed assessment is made by the Department may petition the Department for reassessment within 30 days after service upon the person of the assessment notice. If a petition for reassessment is not filed within the 30-day period, the assessment becomes final. If a petition for reassessment is timely filed, the Department will reconsider the assessment. The decision of the Department upon a petition for reassessment will become final 30 days after notice of the decision is served to the petitioner. A petitioner may submit a request for hearing in the petition for reassessment;

**[(f)] (g)** If a request for hearing is timely received, a hearing will be scheduled and conducted in accordance with the provisions of ORS Chapter 183. The petitioner will be provided a minimum of 10 days' notice of the time and place of the hearing; and

**[(g)] (h)** An amendment may be made to, or audit conducted of, a tax return not more than four (4) years from the date the taxes or fees were filed.

Statutory/Other Authority: ORS 184.619 & 823.011

Statutes/Other Implemented: ORS 825.490, 825.494 & 825.555

History:

MCTD 8-2025, amend filed 12/11/2025, effective 01/01/2026

MCTD 2-2025, amend filed 01/16/2025, effective 01/16/2025

MCTD 1-2024, amend filed 01/26/2024, effective 01/26/2024

MCTD 1-2023, amend filed 01/12/2023, effective 01/12/2023

MCTD 5-2021, amend filed 11/23/2021, effective 11/23/2021

MCTD 1-2021, amend filed 01/28/2021, effective 01/28/2021

MCTD 3-2020, amend filed 04/03/2020, effective 04/03/2020

MCTD 3-2018, amend filed 12/07/2018, effective 01/01/2019

MCTD 1-2018, amend filed 02/16/2018, effective 02/16/2018

MCTD 2-2017, f. & cert. ef. 3-7-17

MCTD 1-2017, f. & cert. ef. 2-22-17

MCTD 2-2016, f. & cert. ef. 7-27-16

MCTD 2-2015, f. & cert. ef. 5-26-15

MCTD 8-2014, f. & cert. ef. 9-22-14

MCTD 7-2013, f. 12-20-13, cert. ef. 1-1-14

MCTD 1-2013, f. & cert. ef. 1-17-13

MCTD 2-2012, f. & cert. ef. 2-21-12

MCTD 1-2011, f. & cert. ef. 2-18-11

MCTD 4-2009, f. 12-22-09, cert. ef. 1-1-10

MCTD 2-2008, f. 6-23-08, cert. ef. 7-1-08

MCTD 4-2004, f. 12-28-04, cert. ef. 1-1-05

MCTD 8-2003, f. 11-18-03, cert. ef. 1-1-04

MCTB 6-2002, f. & cert. ef. 11-18-02

Division 300  
PENALTIES

740-300-0005

Failure to Report or Pay Oregon Highway Use Tax

(1) A motor carrier adjudicated to have repeatedly violated Oregon Revised Statute (ORS) Chapter 825 or the rules of the Department by failing to report and pay all operations and Oregon Highway Use Tax, as described in ORS 825.450, et seq., at the discretion of the Department may be required to implement and use an “electronic system” defined in OAR 740-065-0005(7) to report and pay its tax electronically through the “electronic system provider” defined in 740-065-0005(8) for all vehicles operating in Oregon.

(2) When notified by the Department of the requirement to use an “electronic system”, the motor carrier must prove, to the satisfaction of Department, the “electronic system” is installed and operational in all registered vehicles operating in Oregon within 30 calendar days from the date of the notification.

(3) As a condition of maintaining a continuing account with the Department, the motor carrier must satisfy payment requirements determined by the Department for any outstanding debt.

(4) After 36 months or the satisfaction of the debt, whichever occurs first, the motor carrier may request a review by the Department to report and pay taxes without a requirement to use an “electronic system.”

(5) Failing to comply with paragraphs (1) through (3) of this rule will result in the suspension of the motor carrier authority.

Statutory/Other Authority: ORS [184.616,] 184.619 & 823.011

Statutes/Other Implemented: ORS 825.137, 825.139, 825.135, 825.450, 825.474, 825.490 - 825.496 & 825.506

History:

MCTD 5-2015, f. & cert. ef. 9-21-15

740-300-0010

Failure to Produce Records — Penalties

(1) Except as otherwise ordered by the Department in a particular case, after written notice, any motor carrier who fails to produce records as required by the Department under OAR 740-055-0100, in addition to any other penalties authorized by law, will be subject to the following penalties under ORS 825.137(2)(g) and 825.950:

[(1)] (a) \$100 [per day] for each day of failure after the records request was made for a maximum of [period not to exceed] 10 days, and except as described in subsection [(3)] (2), suspension of operating authority until reinstated by the Department;

[(2)](b) \$100 [per day] for each day of failure [from] beginning the 16th day after [of] the date of the order [entry of the order under subsection (1) of this section,] for a maximum of [period not to exceed] 20 days, and cancellation of operating authority;

[(3)] (2) Any suspension of authority imposed for failure to produce records as described in OAR 740-055-0100(4) will be held in abeyance for one year if the motor carrier has not been found in violation of OAR 740-055-0100(4) within the prior five years. A second failure to produce records subjects the motor carrier to a five-day suspension of operating authority. A third failure to produce records under this section may result in cancellation of operating authority.

Statutory/Other Authority: ORS 183, 823 & 825

Statutes/Other Implemented: ORS 823.029

History:

MCTD 4-2011, f. & cert. ef. 11-23-11  
MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-061-0020  
PUC 14-1992, f. & cert. ef. 11-9-92, (Order No. 92-1560)

740-300-0020  
Failure to Produce Records — Mitigation

**(1)** Except as otherwise ordered by the Department in a particular case, the following mitigation policy shall apply to any **motor carrier respondent** who incurs a penalty under OAR 740-300-0010 for failure to produce records:

**(1)(2)** A **defendant respondent** who produces the required records prior to the **date entry** of the **penalty** order and **who** has had no **prior** orders **with respect to** for similar violations within the preceding five years, is eligible for a 50-percent reduction of the assessed monetary penalty and no suspension of operating authority. **Staff shall advise the Department when required records are produced prior to entry of the penalty order.**

**(2)(3)** A **defendant respondent** who produces the required records prior to the entry of the penalty order, but who has a previous history of such violation within the preceding five years, is subject to the full monetary penalty, but no suspension shall be imposed, nor shall the authority be canceled. **Staff shall advise the Department when required records are produced prior to the entry of the penalty order.**

**(3)(4)** **No mitigation will be considered for a defendant. A respondent** who has not answered the notice of proposed civil penalty or **who** has not produced the requested records prior to **entry** the **date** of a penalty order **will not be allowed mitigation of the monetary penalty and respondent's operating authority will be suspended until the requested records are produced.**

**(4)(5)** For purposes of determining mitigation, 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 823.029  
History:  
MCT 3-1997, f. & cert. ef. 5-9-97  
MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-061-0030  
PUC 14-1992, f. & cert. ef. 11-9-92, (Order No. 92-1560)

740-300-0030  
Violation of ORS 825.100(1), Relating to Operating Without a Permit — Penalties

**(1)** 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 in **sections (2), (3) and (4) of this rule**:

**(1)(2)** Level I finding of violations(s) apply if no **penalty** order **or other notice or cease and desist order** has been entered **or is pending** against the **defendant respondent** 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)(3)** Level II penalties, except as provided in **sub**section **(3)(4) of this section**, apply to a **defendant respondent** who does not meet the criteria in **sub**section **(1)(2) 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)](4)** Level III penalties apply to a **[defendant] respondent** who has been penalized at Level II within **[12 months] one year** 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)](5)** 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)](6)** 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

History:

MCTD 7-2025, amend filed 12/11/2025, effective 01/01/2026

MCTB 4-2001, f. & cert. ef. 11-9-01

MCT 3-1997, f. & cert. ef. 5-9-97

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-061-0060

PUC 12-1995, f. & cert. ef. 11-27-95, (Order No. 95-1218) PUC 14-1992, f. & cert. ef. 11-9-92, (Order No. 92-1560)

740-300-0040

Violation of ORS Chapter 825 and 826 Not Otherwise Provided For — General Penalties

(1) Except as otherwise ordered by the Department in a particular case, any person who violates any provision of ORS Chapter 825 or 826, or any rule or order of the Department related thereto which has not otherwise been provided for in the Department's rules, **in addition to any other penalties authorized by law**, shall be subject to the penalties in sections (3), (4) and (5) of this rule.

(2) As used in this rule, "similar violation" means a violation which is similar to **a [the] violation [alleged]** in the **preceding order [notice of proposed civil penalty]**. For the purpose of determining similarity under this rule, violations shall be classified as those relating to:

(a) Registration of vehicles;

(b) Weight-mile tax credentials, temporary pass, enrollment in Oregon's weight-mile tax program or other authorized identification devices;

(c) Economic regulation of transportation of household goods, except rates;

(d) Rates for the transportation of household goods; or

(e) Violations of a statute or rule not included in subsections (a) through (d) of this section.

(3) Level I finding of violation(s) apply if no **[penalty] order or other notice, cease and desist order** or finding of violation(s) has been entered **or is pending** against the **[defendant] respondent** within the preceding five years for similar violations of statutes and rules described in this **rule. [section and no other notice of proposed civil penalty or notice of proposed finding of violation(s) is pending against the defendant for similar violations. If such violations have been found within the last five years, or a notice of proposed penalty or notice of proposed finding of violation(s) is**

*pending against the defendant for violations described in this rule, penalties will be assessed at Level II. Upon a finding of violation(s) at Level I, t) The Department will issue an order finding such violation(s).*

(4) Level II penalties, except as provided in section (5) of this rule, apply to a **respondent [defendant]** who does not meet the criteria in section (3) of this rule. The penalties shall include:

(a) \$100 for each new violation committed; and

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

(5) Level III penalties apply to a defendant who has been penalized for similar violations at Level II within **one year [12 months]** preceding the violation. The penalties shall include:

(a) \$100 for each new violation committed;

(b) Imposition of penalties suspended under prior orders for similar violations, unless suspensions have 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, for violation of ORS Chapter 825 or 826.

(6) Unregistered Vehicles: For the purpose of assessing penalties for violations of ORS 826.031, a **respondent [defendant]** will be deemed to have committed one violation for each unregistered vehicle operated in a given month.

(7) Vehicles Operated Without Enrollment in the Weight-mile Tax Program or other Authorized Identification: For the purpose of assessing penalties for violations of ORS 825.470, a **respondent [defendant]** will be deemed to have committed:

*[(a) One violation per day for each vehicle operated without first enrolling in the weight-mile tax program or obtaining a valid temporary pass; or]*

*[(b)] (a) One violation per day [vehicle] for each vehicle operated without valid enrollment in the weight-mile tax program.*

Statutory/Other Authority: ORS 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 818.210, 818.230, 825.104, 825.110, 825.160, 825.166, 825.202, 825.204, 825.206, 825.224, 825.234, 825.320, 825.470, 825.950 & 826.031

History:

MCTD 4-2020, amend filed 04/03/2020, effective 04/03/2020

MCTD 4-2019, temporary amend filed 10/22/2019, effective 10/22/2019 through 04/17/2020

MCTD 3-2016, f. & cert. ef. 9-26-16

MCTB 1-2002, f. 6-21-02, cert. ef. 7-1-02

MCTB 4-2001, f. & cert. ef. 11-9-01

MCTB 5-1998, f. & cert. ef. 11-18-98

MCT 11-1997, f. & cert. ef. 12-22-97

MCT 8-1997, f. & cert. ef. 11-17-97

MCT 3-1997, f. & cert. ef. 5-9-97

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-061-0065

PUC 12-1995, f. & cert. ef. 11-27-95, (Order No. 95-1218)

740-300-0045

Violation of ORS Chapter 818 — General Penalties

(1) Except as otherwise ordered by the Department in a particular case, any person who violates **[or aids and abets a violation of]** any provision of ORS Chapter 818, or any rule or order of the Department related thereto which has not

otherwise been provided for in the Department's rules, **in addition to any other penalties authorized by law**, shall be subject to the penalties in sections (2), (3) and (4) of this rule.

(2) Level I penalties **apply if no penalty order, or other notice has been entered or is pending against the respondent within the preceding five years for violations as described in this rule. The penalty is as follows:** *[are \$100 for each new violation if:]*

(a) **\$100 for each new violation committed.** *[No penalty order or cease and desist order has been entered against the defendant within the preceding five years for similar violations of statutes and rules described in this section; and*

*(b) No other notice of proposed civil penalty is pending against the defendant for similar violations.]*

(3) Level II penalties, except as provided in section (4) *[of this rule]*, apply to a **respondent** *[defendant]* who does not meet the criteria in *[sub]section[s] (2)[(a) and (b) of this rule]*. The penalties shall include:

(a) \$100 for each new violation committed;

(b) Imposition of penalties suspended under prior orders for similar violations, unless suspensions have been **made** permanent by the terms of the order; and

(c) Suspension of ability to operate under variance permit for five working days if warranted by the circumstances of the particular case.

(4) Level III penalties apply to a **respondent** *[defendant]* who has been penalized for similar violations at Level II within one year preceding the violation. The penalties shall include:

(a) \$100 for each new violation committed;

(b) Imposition of penalties suspended under prior orders for similar violations; and

(c) Suspension or cancellation of ability to operate under variance permit if warranted by the circumstances of the particular case.

Statutory/Other Authority: ORS 823.011 & 825.232

Statutes/Other Implemented: ORS 818.220, 818.450 & 825.950

History:

MCTB 4-2001, f. & cert. ef. 11-9-01

740-300-0050

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

A **[petitioner] respondent** 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 **permanently** suspend 50 percent of the monetary penalty assessed or requested under OAR 740-300-0045 for each **new** violation **[at Level I]** on the condition that **[petitioner] respondent** 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 **new** 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] respondent 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] respondent** provided false information to the Department staff about the nature of its operations;

(b) Where the **[petitioner] respondent** willfully evaded or attempted to evade compliance, **[such as registration at a port of entry]**; or

(c) Where the **[petitioner] respondent** has failed to pay previously assessed penalties.

Statutory/Other Authority: ORS 823.011 & 825.232

Statutes/Other Implemented: ORS 825.950

History:

MCTD 7-2025, amend filed 12/11/2025, effective 01/01/2026

MCTB 4-2001, f. & cert. ef. 11-9-01

MCT 3-1997, f. & cert. ef. 5-9-97

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-061-0070

PUC 12-1995, f. & cert. ef. 11-27-95, (Order No. 95-1218)

PUC 14-1992, f. & cert. ef. 11-9-92, (Order No. 92-1560)

740-300-0060

Violation of Statutes and Rules Related to Safety (Except Hazardous Materials) — General Penalties

**(1)** Except as otherwise ordered by the Department in a particular case, any person who violates a provision of ORS 825.210, 825.250, 825.252, 825.254, 825.410, and related rules, in addition to any other penalties authorized by law will be subject to penalties in sections **[(2)](3)**, **[(3)](4)** and **[(4)](5)** of this rule.

**[(1)](2)** As used in this rule, “similar violation” means a violation that is similar to the violation alleged in the notice of proposed civil penalty. For the purpose of determining similarity, violations will be classified as those relating to:

(a) Driver qualifications;

(b) Driver hours of service;

(c) Vehicle maintenance;

(d) Drug and alcohol testing or use; and

(e) Records and reports not included in subsections (a), (b), (c) or (d) of this section.

**[(2)](3)** Level I finding of violation(s) apply if no **[penalty]** order, **or other notice** **[cease and desist order or finding of violation(s)]** has been entered **or is pending** against the **[defendant] respondent** within the preceding five years for **similar** violations of statutes or rules described in this rule. **[If such violations have been found within the last five years**

*or a cease and desist order has been issued, the penalties will be assessed at Level II. At Level I,* The Department will issue an order finding such violation(s).

**[(3)](4)** Level II penalties, except as provided in section **[(4)](5) [of this rule]** apply to a **[defendant] respondent** who does not meet the criteria in section **[(2)](3) [of this rule]**. The penalties shall include:

(a) **[Level II]** Penalties for all safety violations other than those specified in ORS 825.955(1)(c) are \$100 **[per] for each new violation committed;**

(b) **[Level II]** Penalties for each violation specified in ORS 825.955(1)(c) related to drug and alcohol testing are \$500 **[per] for each new violation committed;** and

(c) **[Penalties assessed under subsections (a) and (b) of this section include]** Suspension of operating authority for five working days.

**[(4)](5)** Level III penalties apply to a **[defendant] respondent** who has been penalized at Level II within **[the 12 months] one year** preceding the violation. **The penalties shall include:**

(a) **[Level III]** Penalties for all safety violations other than those specified in ORS 825.955(1)(c) are \$100 **[per] for each new violation committed;**

(b) **[Level III]** Penalties for each violation specified in ORS 825.955(1)(c) related to drug and alcohol testing are \$1,000 **[per] for each new violation committed;**

(c) **[Penalties assessed under subsections (a) and (b) of this section include]** **[i]** Imposition of suspended penalties under prior orders for similar violations **are included,** unless **such** suspensions have become permanent; and

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

**[(5)](6)** 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 **[184.616,]** 184.619, 823.011 & 825.232

Statutes/Other Implemented: ORS 825.250, 825.410, 825.950 & 825.955

History:

MCTD 3-2012, f. & cert. ef. 3-26-12

MCTB 4-2001, f. & cert. ef. 11-9-01

MCTB 1-2001, f. & cert. ef. 1-17-01

MCT 3-1997, f. & cert. ef. 5-9-97

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-061-0040

PUC 12-1995, f. & cert. ef. 11-27-95, (Order No. 95-1218)

PUC 6-1994, f. & cert. ef. 3-28-94, (Order No. 94-525)

PUC 14-1992, f. & cert. ef. 11-9-92, (Order No. 92-1560)

740-300-0070

Violation of Statutes and Rules Related to Safety (Except Hazardous Materials) — General Mitigation

A **[petitioner] respondent** who has admitted the allegations of a notice of proposed civil penalty for penalties under OAR 740-300-0060, 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, the mitigation policy set forth in sections (1) and (2) of this rule shall apply to any person who incurs a penalty under OAR 740-300-0060 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 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]**.

(2) 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 **new** 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.

Statutory/Other Authority: ORS 823.011 & 825.232

Statutes/Other Implemented: ORS 825.950

History:

MCTB 4-2001, f. & cert. ef. 11-9-01

MCT 3-1997, f. & cert. ef. 5-9-97

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-061-0050

PUC 12-1995, f. & cert. ef. 11-27-95, (Order No. 95-1218)

PUC 14-1992, f. & cert. ef. 11-9-92, (Order No. 92-1560)

740-300-0090

Violation of Rules — Civil Penalties Under ORS 825.258

(1) Any person who transports or who causes to be transported, a hazardous material, as defined in OAR 740-110-0020, who violates a rule of the Department adopted under ORS 825.258, **in addition to any other penalties authorized by law will [shall]** be subject to the penalties in section **[(5)] (9)** of this rule.

(2) As used in this rule, the following definitions apply:

(a) "Similar violation" means a violation similar to a violation that was documented either by a five-day corrective notice or an order issued by the Department of Transportation;

(b) "Hazardous materials" means a hazardous substance as defined by OAR 740-110-0020(1); and

(c) "Audit" means a Safety Compliance Review **[at the transporter's place of business]**, or other investigation or inspection to determine compliance with rules adopted under ORS 825.258.

**(3) Level I finding of violation(s) applies if no penalty order or finding of violation(s) has been entered or is pending against the respondent within the preceding five years for similar violations of statutes and rules described in this rule. The Department will issue an order finding such violation(s).**

**(4) Level II penalties, except as provided in section (5) of this rule, apply to a respondent who does not meet the criteria in section (3) of this rule. The penalties shall include:**

**(a) Monetary penalties as described in section (9); and**

**(b) The Department shall suspend the operating authority of the respondent for five working days.**

**(5) Level III penalties apply to a respondent who has been penalized at Level II within one year preceding the violation(s). The Department shall impose the following penalties:**

**(a) Monetary penalties as described in section (9);**

**(b) Any penalties suspended under prior orders, except suspensions of penalties which have become permanent; and**

(c) Suspension of any operating authority of the respondent for five additional days or cancellation of such authority if justified by the circumstances of the particular case.

(6) A person who causes to be transported a hazardous substance as defined in OAR 740-110-0020(3) shall have five business days from the date of written notice of violation(s) by the Department of Transportation to correct the violation(s) without being subject to penalties under this rule, except when:

(a) The person has committed similar violations as defined in subsection (2)(a) of this rule within the previous five years; or

(b) As determined by the Department of Transportation, the violation could or does cause substantial harm to human health or the environment.

(7) Staff Guidelines for Monetary Penalties: Penalties requested by staff in a notice of proposed civil penalty shall be guided by application of the Hazardous Materials Penalty Matrix contained in OAR 740-300-0100. The guidelines of the matrix shall be applied to each violation separately. A copy of the penalty matrix worksheet shall be attached to each notice showing the calculation of the penalty and the value assigned to each violation. The worksheet shall indicate the values assigned to each rule violation in a manner which will allow the Department to adjust the total points to eliminate the effect of an alleged violation found not to have been committed.

(8) Evidence Relating to Application of Matrix: The Department shall not accept evidence with respect to the weighing by staff of rules violations unless the evidence shows that staff have not applied the guidelines in good faith.

(9) Monetary penalties shall be determined by the Echelon value resulting from the point values applied in the Hazardous Materials Matrix contained in OAR 740-300-0100 as follows:

(a) Echelon I violations equal \$250 per violation to a maximum of \$2,500;

(b) Echelon II violations equal \$500 per violation to a maximum of \$5,000;

(c) Echelon III violations equal \$1,000 per violation to a maximum of \$10,000; and

(d) Echelon IV violations equal \$10,000 per violation with no maximum.

(10) 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.

*[(3) Staff Guidelines for Monetary Penalties: Penalties requested by staff in a notice of proposed civil penalty shall be guided by application of the Hazardous Materials Penalty Matrix contained in OAR 740-300-0100. The guidelines of the matrix shall be applied to each violation separately. A copy of the penalty matrix worksheet shall be attached to each notice showing the calculation of the penalty and the value assigned to each violation. The worksheet shall indicate the values assigned to each rule violation in a manner which will allow the Department to adjust the total points to eliminate the effect of an alleged violation found not to have been committed.]*

*(4) Evidence Relating to Application of Matrix: The Department shall not accept evidence with respect to the weighting by staff of rules violations unless the evidence shows that staff have not applied the guidelines in good faith.*

*(5) Monetary penalties shall be determined by the Echelon value resulting from the point values applied in the Hazardous Materials Matrix contained in OAR 740-300-0100 as follows:*

*(a) Echelon I violations equal \$250 per violation to a maximum of \$2,500;*

*(b) Echelon II violations equal \$500 per violation to a maximum of \$5,000;*

*(c) Echelon III violations equal \$1,000 per violation to a maximum of \$10,000; and*

*(d) Echelon IV violations equal \$10,000 per violation with no maximum.*

*(6) Upon a finding of violation(s) at Level I, the Department will issue an order finding such violation(s).*

*(7) Level II: If within the five years preceding the violation, the defendant has been found by order of the Department in violation of rules in the same group, or has received a cease and desist order or order finding violations occurred with respect thereto, penalties will be assessed at Level II. In addition to monetary penalties, the Department shall suspend the operating authority of the transporter for five working days.*

*(8) Level III: For a defendant who has been penalized at Level II within the 12 months preceding the violation, in addition to monetary penalties, the Department will impose any penalties suspended under prior orders, except suspensions of penalties which have become permanent and shall suspend for an additional five days any operating authority of the transporter or cancel such authority if justified by the circumstances of the particular case.*

*(9) 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.*

*(10) A person who causes to be transported a hazardous substance as defined in OAR 740-110-0020(3) shall have five business days from the date of written notice of violation(s), by the Department of Transportation, to correct the violation(s) without being subject to penalties under this rule except when:*

*(a) The person has committed similar violations as defined in subsection (2)(a) of this rule within the previous five years; or*

*(b) As determined by the Department of Transportation, the violation could or does cause substantial harm to human health or the environment.]*

Statutory/Other Authority: ORS 823.011 & 825.258

Statutes/Other Implemented: ORS 823.061, 823.063 & 825.258

History:

MCTB 4-2001, f. & cert. ef. 11-9-01

MCT 3-1997, f. & cert. ef. 5-9-97

MCT 5-1996, f. & cert. ef. 9-17-96

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-061-0090

PUC 14-1992, f. & cert. ef. 11-9-92, (Order No. 92-1560)

740-300-0110

Violation of Rules Under ORS 825.258 — Mitigation

A **[petitioner] respondent** who has admitted the allegations of a notice of proposed civil penalty for penalties imposed under OAR 740-300-0090, and who has requested mitigation within 15 days of service of a penalty order, may be eligible for mitigation of penalties under the guidelines established in sections (1) and (2) of this rule. Except as otherwise ordered by the Department in a particular case, the mitigation policy shall apply to any person who incurs a penalty under OAR 740-300-0090 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 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]**.

(2) 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 **new** monetary penalties imposed or requested *[at Level III]*. However, the Department may hold in abeyance any new suspension of operating authority *[which has been imposed or requested at Level III]*. Where the Department has ordered cancellation of authority, it will consider mitigation of such order on a case-by-case basis.

Statutory/Other Authority: ORS 823.011 & 825.258

Statutes/Other Implemented: ORS 825.258

History:

MCTB 4-2001, f. & cert. ef. 11-9-01

MCT 3-1997, f. & cert. ef. 5-9-97

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-061-0110

PUC 14-1992, f. & cert. ef. 11-9-92, (Order No. 92-1560)

740-300-0120

Violations Specified in ORS 825.960, Relating to Out-Of-Service Orders or Notices — Penalties

(1) Any person who commits the violation specified in ORS 825.960, related to Out-Of-Service orders or notices, in addition to any penalties otherwise provided by law, shall be subject to the following penalties:

(a) \$10,000 for each violation committed; and

(b) For a **[motor carrier]respondent** who, within the **[12 months]one year** preceding the violation, has been found by order of the Department in violation of ORS 825.960, a suspension of operating authority for five working days.

(2) There shall be no mitigation for a penalty imposed under ORS 825.960 and this OAR 740-300-0120 relating to violation of provisions of an Out-Of-Service order or notice.

Statutory/Other Authority: ORS 823.011 & 825.232

Statutes/Other Implemented: ORS 825.137 & 825.960

History:

MCTD 2-2023, amend filed 03/09/2023, effective 03/09/2023

MCTB 4-2001, f. & cert. ef. 11-9-01

MCTB 1-2001, f. & cert. ef. 1-17-01

MCTB 5-1998, f. & cert. ef. 11-18-98

MCT 12-1997, f. & cert. ef. 12-22-97

MCT 3-1997, f. & cert. ef. 5-9-97

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-061-0120

PUC 14-1992, f. & cert. ef. 11-9-92, (Order No. 92-1560)