

A-Engrossed
Senate Bill 142

Ordered by the Senate March 20
Including Senate Amendments dated March 20

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Subjects vehicles owned or operated by [*transportation districts*] **certain public bodies** to laws regulating motor carriers.

Deregulates for-hire carriers of persons.

A BILL FOR AN ACT

Relating to motor carriers; creating new provisions; amending ORS 803.420, 811.111, 811.460, 811.530, 816.320, 820.020, 825.007, 825.017, 825.022, 825.028, 825.102, 825.110, 825.115, 825.135, 825.137, 825.180, 825.202, 825.222, 825.224, 825.234 and 825.950; and repealing ORS 267.610 and 451.568.

Be It Enacted by the People of the State of Oregon:

EXCEPTIONS TO MOTOR CARRIER REGULATIONS

SECTION 1. ORS 825.017 is amended to read:

825.017. Except as provided in **this section and** ORS 825.026 and 825.030, this chapter does not apply to the persons or vehicles described in this section. The exemption under this section applies to the following persons and vehicles:

(1) Vehicles being used by, or under contract with, any school board, district or person responsible for the administration of elementary or secondary school activities, and engaged exclusively in transporting students or combinations of students and other persons to or from school, to or from authorized school activities or other activities sponsored by the State Board of Higher Education, or for purposes provided under ORS 332.427. This exemption shall not be affected by the charging of a fee to cover the costs of the transportation.

(2) Vehicles being used in a taxicab operation if the vehicle:

(a) Is a passenger vehicle with a passenger seating capacity that does not exceed five;

(b) Carries passengers for hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled or waiting time; and

(c) Is transporting persons or property, or both, between points in Oregon.

(3) Vehicles being used for the transportation of property by private carrier by means of a single vehicle or combination of vehicles with a combined weight that does not exceed 8,000 pounds.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) Vehicles being used in operating implements of husbandry.

2 (5) Vehicles being used as a hearse or ambulance.

3 (6) Vehicles being used over any private road or thoroughfare.

4 (7) Vehicles being used on any road, thoroughfare or property, other than a state highway,
5 county road or city street, for the removal of forest products as defined in ORS 321.005, or the
6 product of forest products converted to a form other than logs at or near the harvesting site, or
7 when used for the construction or maintenance of the road, thoroughfare or property, pursuant to
8 a written agreement or permit authorizing the use, construction or maintenance of the road,
9 thoroughfare or property, with:

10 (a) An agency of the United States;

11 (b) The State Board of Forestry;

12 (c) The State Forester; or

13 (d) A licensee of an agency named in this subsection.

14 (8) Vehicles being used on any county road for the removal of forest products as defined in ORS
15 321.005, or the products of forest products converted to a form other than logs at or near the har-
16 vesting site, if:

17 (a) The use is pursuant to a written agreement entered into with the State Board of Forestry,
18 the State Forester or an agency of the United States, authorizing the owner of the motor vehicle
19 to use the road and requiring the owner to pay for or to perform the construction or maintenance
20 of the county road, including any operator of a motor vehicle retained to transport logs, poles and
21 piling for the owners who are exempt under this section;

22 (b) The board, officer or agency that entered into the agreement or granted the permit, by con-
23 tract with the county court or board of county commissioners, has assumed the responsibility for the
24 construction or maintenance of the county road; and

25 (c) Copies of the agreements or permits required by this subsection are filed with the Director
26 of Transportation.

27 *[(9) Vehicles being used in the transportation of persons for hire if the operation:]*

28 *[(a) Is performed by a nonprofit entity;]*

29 *[(b) Is not in competition with a regular route full-service scheduled carrier of persons that is*
30 *subject to the provisions of this chapter or a service provided by a mass transit district formed under*
31 *ORS chapter 267;]*

32 *[(c) Is performed by use of vehicles operating in compliance with ORS 820.020 to 820.070; and]*

33 *[(d) Is approved by the Department of Transportation as complying with paragraphs (a) to (c) of*
34 *this subsection.]*

35 *[(10)]* **(9)** Vehicles being used in transporting persons with disabilities, with or without their
36 supervisors or assistants, to or from rehabilitation facilities or child care services if the motor ve-
37 hicle is a passenger motor vehicle with a seating capacity of not more than 12 passengers. The ex-
38 emption provided by this subsection applies only when the motor vehicle is operated by or under
39 contract with any person responsible for the administration of rehabilitation facilities as defined in
40 ORS 344.710 to 344.730 or child care services provided by a facility licensed under ORS 329A.030
41 and 329A.250 to 329A.450.

42 *[(11)]* **(10)** Vehicles owned or operated by the United States or by any governmental jurisdiction
43 within the United States except **as provided in ORS 825.022. This chapter does apply to vehicles**
44 when owned or operated:

45 **(a)** As a carrier of property for hire[.];

1 **(b) By a transportation district organized under ORS 267.510 to 267.650;**

2 **(c) By a county service district authorized to provide public transportation under ORS**
3 **451.010; or**

4 **(d) By an intergovernmental body formed by two or more public bodies, as defined in ORS**
5 **174.109, to provide public transportation.**

6 [(12)] **(11) Vehicles owned or operated by a mass transit district [created] organized under ORS**
7 **[chapter 267] 267.010 to 267.390.**

8 [(13)] **(12) Vehicles owned or operated by, or under contract with, a person responsible for the**
9 **construction or reconstruction of a highway under contract with the Department of Transportation**
10 **or with an agency of the United States when operated within the immediate construction project**
11 **as described in the governmental agency contract during the construction period.**

12 [(14)] **(13) Vehicles owned or operated by, or under contract with, a charitable organization**
13 **when exclusively engaged in performing transportation, either one way or round trip, necessary to**
14 **the operation of the charitable organization. As used in this subsection, “charitable organization”**
15 **means an organization that has no capital stock and no provision for making dividends or profits,**
16 **but derives its funds principally from public and private charity and holds them in trust for the**
17 **promotion of the welfare of others and not for profit. Any organization claiming an exemption under**
18 **this subsection shall file an affidavit with the department stating that it is organized and operated**
19 **in accordance with the requirements of this subsection.**

20 [(15)] **(14) Vehicles with a maximum speed that does not exceed 35 miles per hour that are de-**
21 **signed for off-road use and that are operated on the public highways in any one calendar year a**
22 **number of miles that does not exceed 15 percent of the total number of miles the vehicle is operated**
23 **for that calendar year.**

24 [(16)] **(15) Passenger vehicles with a passenger seating capacity that does not exceed five when**
25 **used in the transportation of new telephone books.**

26 [(17)] **(16) A vehicle that is used in a limousine service operation in which the destination and**
27 **route traveled may be controlled by the passenger and the fare is calculated on the basis of any**
28 **combination of initial fee, distance traveled and waiting time if the vehicle:**

29 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed eight;

30 (b) Carries passengers for hire between points in Oregon; and

31 (c) Operates on an irregular route basis.

32 [(18)] **(17) Fire trucks and rescue vehicles that are designated as emergency vehicles by the**
33 **Department of Transportation under ORS 801.260, while involved in emergency and related oper-**
34 **ations.**

35 [(19)] **(18) A person who provides services related to the packing or loading of household goods**
36 **if the person does not:**

37 (a) Provide or operate a motor vehicle for the movement of the household goods; and

38 (b) Act as an agent for any person who does provide or operate a motor vehicle for the move-
39 **ment of the household goods.**

40 **SECTION 2. ORS 267.610 and 451.568 are repealed.**

41 **SECTION 3.** ORS 825.022 is amended to read:

42 825.022. The provisions of ORS 825.160, 825.450, 825.454, 825.470, 825.472, 825.474, 825.476,
43 825.480, 825.484, 825.488, 825.490, 825.492, 825.494, 825.496 and 825.515 do not apply to **any of the**
44 **following:**

45 (1) [Any] A vehicle or combination of vehicles with a combined weight of 26,000 pounds or less.

1 **(2) A vehicle being used in the transportation of persons for hire if the operation:**

2 **(a) Is performed by a nonprofit entity;**

3 **(b) Is performed by use of vehicles operating in compliance with ORS 820.020 to 820.070;**
4 **and**

5 **(c) Is approved by the Department of Transportation as complying with paragraphs (a)**
6 **and (b) of this subsection.**

7 **(3) A vehicle owned or operated by a transportation district organized under ORS 267.510**
8 **to 267.650.**

9 **(4) A vehicle owned or operated by a county service district authorized to provide public**
10 **transportation under ORS 451.010.**

11 **(5) A vehicle owned or operated by an intergovernmental body formed by two or more**
12 **public bodies, as defined in ORS 174.109, to provide public transportation.**

13 **SECTION 4.** ORS 803.420 is amended to read:

14 803.420. This section establishes registration fees for vehicles. If there is uncertainty as to the
15 classification of a vehicle for purposes of the payment of registration fees under the vehicle code,
16 the Department of Transportation may classify the vehicle to assure that registration fees for the
17 vehicle are the same as for vehicles the department determines to be comparable. The registration
18 fees for the vehicle shall be those based on the classification determined by the department. Except
19 as otherwise provided in this section, or unless the vehicle is registered quarterly, the fees described
20 in this section are for an entire registration period for the vehicle as described under ORS 803.415.
21 The department shall apportion any fee under this section to reflect the number of quarters regis-
22 tered for a vehicle registered for a quarterly registration period under ORS 803.415. The fees are
23 payable when a vehicle is registered and upon renewal of registration. Except as provided in ORS
24 801.041 (3) and 801.042 (7), the fee shall be increased by any amount established by the governing
25 body of a county or by the governing body of a district, as defined in ORS 801.237, under ORS
26 801.041 or 801.042 as an additional registration fee for the vehicle. The fees for registration of ve-
27 hicles are as follows:

28 (1) Vehicles not otherwise provided for in this section or ORS 821.320, \$43 for each year of the
29 registration period.

30 (2) Mopeds, \$24 for each year of the registration period.

31 (3) Motorcycles, \$24 for each year of the registration period.

32 (4) Government-owned vehicles registered under ORS 805.040, \$3.50.

33 (5) State-owned vehicles registered under ORS 805.045, \$3.50 on registration or renewal.

34 (6) Undercover vehicles registered under ORS 805.060, \$3.50 on registration or renewal.

35 (7) Antique vehicles registered under ORS 805.010, \$54.

36 (8) Vehicles of special interest registered under ORS 805.020, \$81.

37 (9) Electric vehicles and hybrid vehicles that use electricity and another source of motive power,
38 as follows:

39 (a) The registration fee for an electric or hybrid vehicle not otherwise described in this sub-
40 section is \$43 for each year of the registration period.

41 (b) The registration fee for electric or hybrid vehicles that have two or three wheels is \$43. This
42 paragraph does not apply to electric or hybrid mopeds. Electric or hybrid mopeds are subject to the
43 same registration fee as otherwise provided for mopeds under this section.

44 (c) The registration fees for the following electric or hybrid vehicles are the same as for com-
45 parable nonelectric vehicles described in this section plus 50 percent of such fee:

1 (A) Motor homes.

2 (B) Commercial buses.

3 (C) Vehicles registered as farm vehicles under ORS 805.300.

4 (D) Vehicles required to establish registration weight under ORS 803.430 or 826.013.

5 (10) Motor vehicles required to establish a registration weight under ORS 803.430 or 826.013,
6 tow vehicles used to transport property for hire other than as described in ORS 822.210, and com-
7 mercial buses, as provided in the following chart, based upon the weight submitted in the declara-
8 tion of weight prepared under ORS 803.435 or 826.015:

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11	Weight in Pounds	Fee
12	8,000 or less	\$ 55
13	8,001 to 10,000	344
14	10,001 to 12,000	391
15	12,001 to 14,000	438
16	14,001 to 16,000	485
17	16,001 to 18,000	532
18	18,001 to 20,000	593
19	20,001 to 22,000	640
20	22,001 to 24,000	703
21	24,001 to 26,000	764
22	26,001 to 28,000	375
23	28,001 to 30,000	391
24	30,001 to 32,000	422
25	32,001 to 34,000	438
26	34,001 to 36,000	468
27	36,001 to 38,000	485
28	38,001 to 40,000	515
29	40,001 to 42,000	532
30	42,001 to 44,000	562
31	44,001 to 46,000	578
32	46,001 to 48,000	593
33	48,001 to 50,000	625
34	50,001 to 52,000	656
35	52,001 to 54,000	672
36	54,001 to 56,000	686
37	56,001 to 58,000	717
38	58,001 to 60,000	750
39	60,001 to 62,000	780
40	62,001 to 64,000	811
41	64,001 to 66,000	827
42	66,001 to 68,000	857
43	68,001 to 70,000	874
44	70,001 to 72,000	904
45	72,001 to 74,000	921

1	74,001	to	76,000	951
2	76,001	to	78,000	967
3	78,001	to	80,000	998
4	80,001	to	82,000	1,014
5	82,001	to	84,000	1,045
6	84,001	to	86,000	1,061
7	86,001	to	88,000	1,092
8	88,001	to	90,000	1,108
9	90,001	to	92,000	1,139
10	92,001	to	94,000	1,155
11	94,001	to	96,000	1,185
12	96,001	to	98,000	1,202
13	98,001	to	100,000	1,218
14	100,001	to	102,000	1,249
15	102,001	to	104,000	1,265
16	104,001	to	105,500	1,295

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19 (11)(a) Motor vehicles with a registration weight of more than 8,000 pounds that are described
 20 in ORS 825.015, that are operated by a charitable organization as defined in ORS 825.017 [(14)]
 21 (13), as provided in the following chart:

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24	Weight in Pounds		Fee
25	8,001	to 10,000	\$ 50
26	10,001	to 12,000	60
27	12,001	to 14,000	65
28	14,001	to 16,000	75
29	16,001	to 18,000	80
30	18,001	to 20,000	90
31	20,001	to 22,000	95
32	22,001	to 24,000	105
33	24,001	to 26,000	110
34	26,001	to 28,000	120
35	28,001	to 30,000	125
36	30,001	to 32,000	135
37	32,001	to 34,000	140
38	34,001	to 36,000	150
39	36,001	to 38,000	155
40	38,001	to 40,000	165
41	40,001	to 42,000	170
42	42,001	to 44,000	180
43	44,001	to 46,000	185
44	46,001	to 48,000	190
45	48,001	to 50,000	200

1	50,001	to	52,000	210
2	52,001	to	54,000	215
3	54,001	to	56,000	220
4	56,001	to	58,000	230
5	58,001	to	60,000	240
6	60,001	to	62,000	250
7	62,001	to	64,000	260
8	64,001	to	66,000	265
9	66,001	to	68,000	275
10	68,001	to	70,000	280
11	70,001	to	72,000	290
12	72,001	to	74,000	295
13	74,001	to	76,000	305
14	76,001	to	78,000	310
15	78,001	to	80,000	320
16	80,001	to	82,000	325
17	82,001	to	84,000	335
18	84,001	to	86,000	340
19	86,001	to	88,000	350
20	88,001	to	90,000	355
21	90,001	to	92,000	365
22	92,001	to	94,000	370
23	94,001	to	96,000	380
24	96,001	to	98,000	385
25	98,001	to	100,000	390
26	100,001	to	102,000	400
27	102,001	to	104,000	405
28	104,001	to	105,500	415

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31 (b) Motor vehicles with a registration weight of more than 8,000 pounds that are certified under
 32 ORS 822.205, unless the motor vehicle is registered under subsection (10) of this section or that are
 33 used exclusively to transport manufactured structures, as provided in the following chart:

34

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36	Weight in Pounds		Fee
37	8,001	to 10,000	\$ 102
38	10,001	to 12,000	122
39	12,001	to 14,000	132
40	14,001	to 16,000	153
41	16,001	to 18,000	163
42	18,001	to 20,000	183
43	20,001	to 22,000	193
44	22,001	to 24,000	214
45	24,001	to 26,000	224

1	26,001	to	28,000	244
2	28,001	to	30,000	255
3	30,001	to	32,000	275
4	32,001	to	34,000	285
5	34,001	to	36,000	306
6	36,001	to	38,000	316
7	38,001	to	40,000	336
8	40,001	to	42,000	346
9	42,001	to	44,000	367
10	44,001	to	46,000	377
11	46,001	to	48,000	387
12	48,001	to	50,000	407
13	50,001	to	52,000	428
14	52,001	to	54,000	438
15	54,001	to	56,000	448
16	56,001	to	58,000	468
17	58,001	to	60,000	489
18	60,001	to	62,000	509
19	62,001	to	64,000	530
20	64,001	to	66,000	540
21	66,001	to	68,000	560
22	68,001	to	70,000	570
23	70,001	to	72,000	591
24	72,001	to	74,000	601
25	74,001	to	76,000	621
26	76,001	to	78,000	631
27	78,001	to	80,000	652
28	80,001	to	82,000	662
29	82,001	to	84,000	682
30	84,001	to	86,000	692
31	86,001	to	88,000	713
32	88,001	to	90,000	723
33	90,001	to	92,000	743
34	92,001	to	94,000	754
35	94,001	to	96,000	774
36	96,001	to	98,000	784
37	98,001	to	100,000	794
38	100,001	to	102,000	815
39	102,001	to	104,000	825
40	104,001	to	105,500	845

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43 (c) The owner of a vehicle described in paragraphs (a) and (b) of this subsection must certify
44 at the time of initial registration, in a manner determined by the department by rule, that the motor
45 vehicle will be used exclusively to transport manufactured structures or exclusively as described in

1 ORS 822.210, unless the motor vehicle is registered under subsection (10) of this section, or as de-
2 scribed in ORS 825.015 or 825.017 [(14)] (13). Registration of a vehicle described in paragraphs (a)
3 and (b) of this subsection is invalid if the vehicle is operated in any manner other than that de-
4 scribed in the certification under this paragraph.

5 (12) Trailers registered under permanent registration, \$10.

6 (13) Fixed load vehicles as follows:

7 (a) If a declaration of weight described under ORS 803.435 is submitted establishing the weight
8 of the vehicle at 3,000 pounds or less, \$54.

9 (b) If no declaration of weight is submitted or if the weight of the vehicle is in excess of 3,000
10 pounds, \$75.

11 (14) Trailers for hire that are equipped with pneumatic tires made of an elastic material and that
12 are not travel trailers or trailers registered under permanent registration, \$27.

13 (15) Trailers registered as part of a fleet under an agreement reached pursuant to ORS 802.500,
14 the same as the fee for vehicles of the same type registered under other provisions of the Oregon
15 Vehicle Code.

16 (16) Travel trailers, campers and motor homes as follows, based on length as determined under
17 ORS 803.425:

18 (a) For travel trailers or campers that are 6 to 10 feet in length, \$81.

19 (b) For travel trailers or campers over 10 feet in length, \$81 plus \$6.75 a foot for each foot of
20 length over the first 10 feet.

21 (c) For motor homes that are 6 to 14 feet in length, \$54.

22 (d) For motor homes over 14 feet in length, \$126 plus \$7.50 a foot for each foot of length over
23 the first 10 feet.

24 (17) Special use trailers as follows, based on length as determined under ORS 803.425:

25 (a) For lengths 6 to 10 feet, \$54.

26 (b) For special use trailers over 10 feet in length, \$54 plus \$3 a foot for each foot of length over
27 the first 10 feet.

28 (18) Fees for vehicles with proportional registration under ORS 826.009, or proportioned fleet
29 registration under ORS 826.011, are as provided for vehicles of the same type under this section
30 except that the fees shall be fixed on an apportioned basis as provided under the agreement estab-
31 lished under ORS 826.007.

32 (19) For any vehicle that is registered under a quarterly registration period, a minimum of \$15
33 for each quarter registered plus an additional fee of \$1.

34 (20) In addition to any other fees charged for registration of vehicles in fleets under ORS
35 805.120, the department may charge the following fees:

36 (a) A \$2 service charge for each vehicle entered into a fleet.

37 (b) A \$1 service charge for each vehicle in the fleet at the time of renewal.

38 (21) The registration fee for vehicles with special registration for disabled veterans under ORS
39 805.100 is a fee of \$15.

40 (22) Subject to subsection (19) of this section, the registration fee for motor vehicles registered
41 as farm vehicles under ORS 805.300 is as follows based upon the registration weight given in the
42 declaration of weight submitted under ORS 803.435:

43
44
45 Weight in Pounds Fee

1	8,000	or	less	\$	35
2	8,001	to	10,000		46
3	10,001	to	12,000		53
4	12,001	to	14,000		68
5	14,001	to	16,000		76
6	16,001	to	18,000		91
7	18,001	to	20,000		99
8	20,001	to	22,000		114
9	22,001	to	24,000		121
10	24,001	to	26,000		137
11	26,001	to	28,000		144
12	28,001	to	30,000		159
13	30,001	to	32,000		167
14	32,001	to	34,000		182
15	34,001	to	36,000		190
16	36,001	to	38,000		205
17	38,001	to	40,000		213
18	40,001	to	42,000		228
19	42,001	to	44,000		235
20	44,001	to	46,000		251
21	46,001	to	48,000		258
22	48,001	to	50,000		273
23	50,001	to	52,000		281
24	52,001	to	54,000		288
25	54,001	to	56,000		304
26	56,001	to	58,000		319
27	58,001	to	60,000		326
28	60,001	to	62,000		334
29	62,001	to	64,000		349
30	64,001	to	66,000		364
31	66,001	to	68,000		372
32	68,001	to	70,000		380
33	70,001	to	72,000		395
34	72,001	to	74,000		402
35	74,001	to	76,000		418
36	76,001	to	78,000		425
37	78,001	to	80,000		440
38	80,001	to	82,000		448
39	82,001	to	84,000		463
40	84,001	to	86,000		471
41	86,001	to	88,000		486
42	88,001	to	90,000		493
43	90,001	to	92,000		509
44	92,001	to	94,000		516
45	94,001	to	96,000		531

1	96,001	to	98,000	539
2	98,001	to	100,000	554
3	100,001	to	102,000	562
4	102,001	to	104,000	577
5	104,001	to	105,500	585

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(23) The registration fee for school vehicles registered under ORS 805.050 is \$7.50.

(24) The registration fee for a low-speed vehicle is \$43, for each year of the registration period.

(25) A rental or leasing company, as defined in ORS 221.275, that elects to initially register a vehicle for an annual or biennial registration period shall pay a fee of \$1 in addition to the vehicle registration fee provided under this section.

(26) Racing activity vehicles registered under ORS 805.035, \$81.

(27) Medium-speed electric vehicles, \$43 for each year of the registration period.

SECTION 5. ORS 811.111 is amended to read:

811.111. (1) A person commits the offense of violating a speed limit if the person:

(a) Drives a vehicle on an interstate highway at a speed greater than 65 miles per hour or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed.

(b) Notwithstanding paragraph (a) of this subsection, drives any of the following vehicles at a speed greater than 55 miles per hour on any highway or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed:

(A) A motor truck with a gross vehicle weight rating of more than 10,000 pounds or a truck tractor with a gross vehicle weight rating of more than 8,000 pounds.

(B) A school bus.

(C) A school activity vehicle.

(D) A worker transport bus.

(E) A bus operated for transporting children to and from church or an activity or function authorized by a church.

(F) Any vehicle used in the transportation of persons for hire by a nonprofit entity [*as provided in ORS 825.017 (9)*].

(c) Drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than any of the following:

(A) Any designated speed for ocean shores that is established and posted under ORS 810.180.

(B) If no designated speed is posted under ORS 810.180, 25 miles per hour.

(d) Drives a vehicle upon a highway in any city at a speed greater than a speed posted by authority granted under ORS 810.180 or, if no speed is posted, the following:

(A) Fifteen miles per hour when driving on an alley or a narrow residential roadway.

(B) Twenty miles per hour in a business district.

(C) Twenty-five miles per hour in a public park.

(D) Twenty-five miles per hour on a highway in a residence district if the highway is not an arterial highway.

(E) Sixty-five miles per hour on an interstate highway.

(F) Fifty-five miles per hour in locations not otherwise described in this paragraph.

(e) Drives a vehicle in a school zone at a speed greater than 20 miles per hour if the school zone is:

1 (A) A segment of highway described in ORS 801.462 (1)(a) and:

2 (i) The school zone has a flashing light used as a traffic control device and operated under ORS
3 810.243 and the flashing light indicates that children may be arriving at or leaving school; or

4 (ii) If the school zone does not have a flashing light used as a traffic control device, the person
5 drives in the school zone between 7 a.m. and 5 p.m. on a day when school is in session.

6 (B) A crosswalk described in ORS 801.462 (1)(b) and:

7 (i) A flashing light used as a traffic control device and operated under ORS 810.243 indicates
8 that children may be arriving at or leaving school; or

9 (ii) Children are present, as described in ORS 811.124.

10 (2) The offense described in this section, violating a speed limit, is punishable as provided in
11 ORS 811.109.

12 **SECTION 6.** ORS 811.460 is amended to read:

13 811.460. (1) A person commits the offense of failure to follow rail crossing procedures for high-
14 risk vehicles if the person takes any vehicle described in this section across any railroad or rail
15 fixed guideway system tracks at grade without doing all of the following:

16 (a) Stopping the vehicle at a clearly marked stop line or, if there is not a clearly marked stop
17 line, not less than 15 feet nor more than 50 feet from the nearest rail of the railroad or rail fixed
18 guideway system.

19 (b) While so stopped, listening and looking in both directions along the tracks for approaching
20 trains or rail fixed guideway system vehicles and for signals indicating approaching trains or rail
21 fixed guideway system vehicles.

22 (c) Proceeding across the tracks after stopping only when such movement can be performed
23 safely in the gear of the motor vehicle that does not require manually changing gears while pro-
24 ceeding.

25 (d) Proceeding across the tracks without manually changing gears.

26 (2) This section applies to the following vehicles when moved across railroad or rail fixed
27 guideway system tracks:

28 (a) A school bus.

29 (b) A school activity vehicle with a loaded weight of 10,000 pounds or more.

30 (c) A worker transport bus.

31 (d) Any bus operated for transporting children to and from church or an activity or function
32 authorized by a church.

33 (e) Any vehicle used in the transportation of persons for hire by a nonprofit entity [*as provided*
34 *under ORS 825.017 (9)*].

35 (f) A commercial bus.

36 (g) A motor vehicle carrying as a cargo or part of a cargo any explosive substance, inflammable
37 liquids, corrosives or similar substances or any cargo that the Department of Transportation deter-
38 mines to be hazardous. For purposes of this paragraph, the department may only determine a sub-
39 stance to be hazardous by rule. Any rules adopted by the department to determine hazardous
40 substances must be consistent with substances classified as hazardous by the United States Secre-
41 tary of Transportation.

42 (h) A tank vehicle, whether loaded or empty, used for the transportation of any hazardous ma-
43 terial.

44 (3) Exemptions to this section are provided under ORS 811.465.

45 (4) The offense described in this section, failure to follow rail crossing procedures for high-risk

1 vehicles, is a Class B traffic violation.

2 **SECTION 7.** ORS 811.530 is amended to read:

3 811.530. (1) A person commits the offense of failure to post warnings for a disabled vehicle if the
4 person is the driver, or other person in charge of a vehicle subject to this section, and the person
5 does not cause the placement of such roadside vehicle warning devices as the Department of
6 Transportation may require under ORS 815.035 when the vehicle is disabled during limited visibility
7 conditions and cannot immediately be removed from the main traveled portion of a highway outside
8 of a business district or residence district.

9 (2) This section applies only to the following vehicles:

10 (a) School buses.

11 (b) School activity vehicles.

12 (c) Worker transport buses.

13 (d) Vehicles used in transportation of persons for hire by a nonprofit entity [*as provided in ORS*
14 *825.017 (9)*].

15 (e) A bus being operated for transporting children to and from religious services or an activity
16 or function authorized by the religious organization.

17 (f) Commercial buses.

18 (g) Motor trucks with a registration weight in excess of 8,000 pounds.

19 (h) Trailers with a registration weight in excess of 8,000 pounds.

20 (3) Requirements to be equipped with roadside vehicle warning devices are contained in ORS
21 815.285.

22 (4) The offense described in this section, failure to post warnings for a disabled vehicle, is a
23 Class B traffic violation.

24 **SECTION 8.** ORS 816.320 is amended to read:

25 816.320. This section establishes requirements for ORS 816.330. Where specific types of lighting
26 equipment are mentioned by this section, those types are types described under ORS 816.040 to
27 816.290. Except where an exemption under ORS 816.340 specifically provides otherwise, a vehicle
28 that does not comply with this section is in violation of ORS 816.330:

29 (1) A motor vehicle shall be equipped with all of the following in addition to any other re-
30 quirements under this section:

31 (a) Headlights. Motor vehicles other than motorcycles or mopeds shall be equipped with at least
32 two. Motorcycles or mopeds shall be equipped with at least one.

33 (b) Taillights. Motor vehicles other than motorcycles shall be equipped with two taillights. Mo-
34 torcycles are only required to be equipped with one taillight.

35 (c) Registration plate light.

36 (d) Brake lights. Motor vehicles other than motorcycles and mopeds shall be equipped with at
37 least two brake lights. Motorcycles and mopeds are only required to be equipped with one brake
38 light.

39 (e) Turn signal lights.

40 (f) Rear reflectors.

41 (2) All trailers shall be equipped with all of the following in addition to any other requirements
42 under this section:

43 (a) Taillights. Trailers are required to be equipped with two taillights.

44 (b) Registration plate lights.

45 (c) Two brake lights.

1 (d) Turn signal lights.

2 (e) Two rear reflectors.

3 (3) The motor vehicles described in this subsection shall be equipped with forward and rearward
4 side reflectors on each side of the vehicle and forward and rearward side marker lights on each side
5 of the vehicle in addition to any requirements under subsection (1) of this section. This subsection
6 applies to the following vehicles:

7 (a) School buses.

8 (b) Worker transport buses.

9 (c) Vehicles used in transportation of persons for hire by a nonprofit entity [*as provided in ORS*
10 *825.017 (9)*].

11 (d) A bus being operated for transporting children to and from religious services or an activity
12 or function authorized by the religious organization.

13 (e) Commercial buses.

14 (f) Motor trucks with a registration weight in excess of 8,000 pounds.

15 (4) In addition to any other requirements under this section, any motor truck with a registration
16 weight in excess of 8,000 pounds, commercial bus or trailer that is 80 inches or more in overall
17 width and less than 30 feet in overall length shall be equipped with the following:

18 (a) Two front and two rear clearance lights.

19 (b) Front and rear identification lights.

20 (5) In addition to any other requirements under this section, any motor truck with a registration
21 weight of more than 8,000 pounds, commercial bus or trailer that is more than 30 feet in overall
22 length, regardless of its width shall be equipped with the following:

23 (a) Two front and two rear clearance lights.

24 (b) Front and rear identification lights.

25 (c) Intermediate side marker lights and intermediate side reflectors on each side of the vehicle.

26 (6) Every motor vehicle that has multiple-beam lighting equipment shall be equipped with a high
27 beam indicator.

28 (7) Tow vehicles shall be equipped with tow vehicle warning lights.

29 **SECTION 9.** ORS 820.020 is amended to read:

30 820.020. Vehicles [*described in this section*] **used in transportation of persons for hire by a**
31 **nonprofit entity** are subject to safety regulation under ORS 820.030 to 820.070 in addition to worker
32 transport vehicles subjected to such regulation under ORS 820.010. [*This section applies to every*
33 *motor vehicle that is exempt from ORS chapter 825 by ORS 825.017 (9).*]

34
35 **DEREGULATION OF FOR-HIRE CARRIERS OF PERSONS**

36
37 **SECTION 10.** ORS 825.202 is amended to read:

38 825.202. The Department of Transportation shall supervise and regulate the transportation of
39 [*persons and of*] household goods by for-hire carriers and with respect [*thereto*] **to the transporta-**
40 **tion service** shall:

41 (1) After hearing, regulate and prescribe just, fair and reasonable rates, classifications and
42 practices.

43 (2)(a) Prescribe the kind and form of accounts, manifests, receipts and records to be used and
44 kept pertaining to operation, [*and*] **prescribe** the method and manner of keeping [*them*] **the ac-**
45 **counts, manifests, receipts and records** and require their preservation for such time as the de-

1 partment may determine proper[,]; and

2 (b) Have access *[thereto]* to the accounts, manifests, receipts and records with right of audit
3 and inspection at all reasonable times.

4 (3) Require the filing of such periodical or other reports or data of such carriers as the depart-
5 ment deems necessary.

6 (4) Require reasonably adequate service and facilities.

7 *[(5) Regulate operating schedules of for-hire regular route full-service scheduled carriers of persons*
8 *so as to meet the needs of any community served and so as to prevent unnecessary duplication of for-*
9 *hire carrier services.]*

10 **SECTION 11.** ORS 825.224 is amended to read:

11 825.224. (1) The rates, **classifications**, rules and practices used by for-hire carriers in the
12 transportation of *[persons and of]* household goods shall be prescribed by the Department of Trans-
13 portation and:

14 (a) Be plainly stated in tariffs *[or schedules]* available to the public at each carrier's office, and
15 at the office of the department; and

16 (b) Be just, reasonable and fair and *[shall]* **may** not be unduly discriminatory, prejudicial or
17 preferential.

18 (2) *[No]* **A** for-hire carrier of *[persons or]* household goods *[shall]* **may not**:

19 (a) Charge, collect or receive a different remuneration for the transportation of *[persons or]*
20 household goods, or for any **related** service *[in connection therewith]*, than the rates *[which]* **that**
21 have been legally prescribed and filed with the department.

22 (b) Refund or remit in any manner or by any device any portion of the rates required to be
23 collected by its tariffs or written contracts on file with the department.

24 (3)(a) Any action against for-hire carriers of *[persons or]* household goods for recovery of over-
25 charges, or by the carriers for the collection of undercharges, shall be commenced within two years
26 from the time the cause of action accrued.

27 (b) As used in this subsection[,]:

28 (A) "Overcharges" *[or undercharges shall mean]* **means** charges assessed for transportation
29 service *[different from those]* **that are more than the rates** applicable under the tariff lawfully in
30 effect **or in written contracts on file with the department.**

31 (B) "Undercharges" **means charges assessed for transportation service that are less than**
32 **the rates applicable under the tariff lawfully in effect or in written contracts on file with the**
33 **department.**

34 (4) The department shall check the records of *[for-hire carriers of persons and of]* for-hire carri-
35 ers of household goods for the purpose of discovering all discriminations and rebates. The depart-
36 ment:

37 (a) Upon the department's own motion, may, and upon the complaint of any aggrieved person,
38 shall, pursuant to written notice served upon any carrier subject to this subsection, investigate the
39 **carrier's service and the carrier's** rates, classifications, rules and practices *[of the carrier and*
40 *investigate service in connection therewith]*; and

41 (b) To the extent that the rates, classifications, rules or practices are found by the department
42 to be unreasonable, unlawful, unfair or unduly discriminatory, preferential or prejudicial, shall, by
43 orders based upon the evidence, require the carrier to comply with just, fair, lawful and reasonable
44 rates, classifications, rules and practices established by the department. Such carrier shall
45 *[forthwith]* **immediately** comply with such orders.

1 (5) The department may suspend a tariff [*or time schedule*] of **for-hire** carriers of [*persons or*]
2 household goods that the department believes will impair the ability of the carriers to serve the
3 public or **that** appears to be unjust, unfair, unreasonable, prejudicial, discriminatory or otherwise
4 unlawful.

5 **SECTION 12.** ORS 825.234 is amended to read:

6 825.234. [(1) *As used in this section:*]

7 [(a) *“Regular route scheduled transportation” means the transportation of persons between desig-*
8 *nated points over designated routes under time schedules that provide a regularity of service.*]

9 [(b) *“Full-service” means service that is offered during any part of more than 10 consecutive months*
10 *in any 12-month period.*]

11 [(2)] (1) For-hire carriers of [*persons or of*] household goods shall be classified, and the classi-
12 fication shall be shown on the carrier’s certificate when issued or reissued by the Department of
13 Transportation, as follows:

14 [(a) *Regular route full-service scheduled transportation of persons.*]

15 [(b)] (a) Irregular route transportation of household goods.

16 [(c)] (b) Local cartage of household goods.

17 [(3) *Carriers providing regular route full-service scheduled transportation of persons shall file a*
18 *schedule setting forth the termini between which service is rendered, the hours of departure and arrival,*
19 *and tariffs and classifications governing rates.*]

20 [(4)] (2) Irregular route carriers of household goods shall file tariffs and classifications governing
21 rates.

22 [(5)] (3) Cartage carriers of household goods shall file tariffs and classifications governing rates.
23 The department shall, after hearing, determine what territorial limits will be included within the
24 commercial area adjacent to the limits of any incorporated city.

25 **SECTION 13.** ORS 825.007 is amended to read:

26 825.007. (1) The business of operating as a motor carrier of persons or property for hire upon
27 the highways of this state is declared to be a business affected with the public interest. It is hereby
28 declared to be the state transportation policy to do the following:

29 (a) Promote safe, adequate, economical and efficient service and to promote the conservation
30 of energy.

31 (b) Promote sound, economic conditions in transportation.

32 (c) Encourage the establishment and maintenance of reasonable rates for transportation ser-
33 vices, without unjust discriminations, undue preferences or advantages or unfair or destructive
34 competitive practices.

35 (d) Provide specific state action immunity against all antitrust claims and prosecution in those
36 instances when carriers lawfully develop, publish and charge rates relating to the transportation of
37 [*persons or*] household goods and joint line rates relating to the transportation of other property and
38 provide services specifically prescribed and subject to regulation by the Department of Transporta-
39 tion and in those instances when carriers lawfully engage in prior consultation for purposes de-
40 scribed in this paragraph.

41 (2) The volume of motor carrier traffic presents dangers and hazards on public highways and
42 makes it imperative that:

43 (a) Stringent rules be employed, to the end that the highways may be rendered safe for the use
44 of the general public;

45 (b) The wear of such highways be controlled;

1 (c) A minimum of inconvenience to other users of the highways be effected;

2 (d) A minimum hindrance and stoppage to other users of the highways compatible with needs
3 of the public for adequate transportation service, be effected;

4 (e) The highways be safeguarded from improper or unnecessary usage;

5 (f) Operation by irresponsible persons or any other operation threatening the safety of the public
6 or detrimental to the general welfare be prevented;

7 (g) Congestion of traffic on the highways be minimized;

8 (h) The various transportation agencies of the state be adjusted and correlated so that public
9 highways may serve the best interest of the general public; and

10 (i) A method of assessing privilege taxes be provided to enable the further construction of
11 highways and to provide for the operation, preservation and maintenance of highways already built.

12 (3) The [*legislature*] **Legislative Assembly** hereby declares that to effect the ends and purposes
13 listed in this section, this chapter is adopted.

14 **SECTION 14.** ORS 825.028 is amended to read:

15 825.028. (1) For-hire carriers may provide transportation of [*persons or*] household goods for
16 charitable organizations or civic nonprofit organizations and festivals at no charge or at reduced
17 rates or in exchange for promotional services by the charitable organization or civic nonprofit or-
18 ganization or festival.

19 (2) As used in this section:

20 (a) "Charitable organization" has the meaning given [*for*] that term in ORS 825.017 [(14)] (13).

21 (b) "Civic nonprofit organization" or "festival" means an organization or festival classified under
22 the Internal Revenue Code as having a 501(c)(3) or 501(c)(4) tax exempt status.

23 **SECTION 15.** ORS 825.102 is amended to read:

24 825.102. (1) Except as provided in subsection (6) of this section and ORS 825.135, the Department
25 of Transportation shall issue a permit to a person to provide transportation **service** as a for-hire
26 carrier over any highway in this state in intrastate commerce if the person applies for the permit
27 and the department is satisfied that the person is able to comply with the provisions of this chapter
28 and the rules of the department.

29 (2) In deciding whether to approve an application for a permit under this section, the department
30 shall consider any evidence demonstrating that the applicant is unable to comply with this chapter
31 and the rules of the department and shall deny the application if the applicant does not meet the
32 financial responsibility and safety requirements established by this chapter and by rules of the de-
33 partment.

34 (3) If an application for a permit under this section is denied, the department shall notify the
35 applicant of the reasons for denial. The applicant is entitled to a hearing if written request for a
36 hearing is made within 15 days of the notification of denial.

37 (4) A permit granted under this section is not transferable. The department shall determine by
38 rule what constitutes transfer of a permit.

39 (5) A permit issued under this section may be suspended or revoked as provided in this chapter.
40 Grounds for suspension or revocation include, but are not limited to, failure to maintain compliance
41 with safety requirements, failure to maintain compliance with financial responsibility requirements
42 and failure to report or pay fees, taxes or penalties due the department.

43 (6) [*A permit shall not be granted under this section for transportation of persons by a regular*
44 *route full-service scheduled carrier or*] **The department may not issue a permit under this section**
45 *for transportation of household goods. [Regular route full-service scheduled carriers of persons and]*

1 **For-hire** carriers of household goods are subject to the certificate provisions of ORS 825.110.

2 **SECTION 16.** ORS 825.110 is amended to read:

3 825.110. *[(1) When a person files with the Department of Transportation an application for a cer-*
4 *tificate to operate as a for-hire regular route full-service scheduled carrier of persons as described in*
5 *ORS 825.234, for the extension of an existing certificate or for the transfer of a certificate, the depart-*
6 *ment shall serve notice of the application upon every person who has an application filed and pending*
7 *before the department to serve the territory proposed to be served by the applicant, or who holds a*
8 *certificate to serve that territory. If any person desires to protest the issuance, extension or transfer of*
9 *the certificate, the person may file notice thereof with the department within 15 days from the date of*
10 *service of the notice of application. The department thereupon shall fix a time and place for a hearing*
11 *upon the application, and shall serve notice of the hearing upon the applicant and any person who has*
12 *filed a protest. For the purpose of being properly and fully informed, the department may hold a*
13 *hearing on an application although no protest is filed.]*

14 *[(2) If no person protests within the time provided in subsection (1) of this section, or if all protests*
15 *to the application are withdrawn prior to the closing of the record, the department may order the is-*
16 *suance, extension or transfer of the certificate if the applicant shows compliance with subsection (4)(a),*
17 *(b) and (d) to (f) of this section.]*

18 *[(3)] (1) When a person files with the Department of **Transportation** an application for a cer-*
19 *tificate to operate as a for-hire carrier of household goods, for the extension of an existing certif-*
20 *icate or for the transfer of a certificate, the department may issue, extend or transfer the certificate*
21 *if the department determines the applicant meets the requirements of subsection [(4)(a), (b) and (d)*
22 *to (f)] (2) of this section.*

23 *[(4)] (2) If the application for issuance, extension or transfer of a certificate under this section*
24 *is the subject of a hearing, the department shall issue the certificate if the applicant has complied*
25 *with this chapter and the rules of the department, and if the department finds from the record and*
26 *the evidence submitted at the hearing that:*

27 (a) The applicant is fit, willing and able to perform the **transportation** service proposed;

28 (b) The applicant has certified that the vehicles listed on the application comply with all Oregon
29 laws and rules covering vehicle safety and operations and will be so maintained;

30 *[(c) The service proposed, to the extent authorized, is or will be required by the present or future*
31 *public convenience and necessity or in case of proceedings under ORS 825.129 if the department finds*
32 *the assignment or other transfer is in the public interest;]*

33 *[(d)] (c) The service proposed will not be attended with substantial damage to the highways or*
34 *danger to other highway users or to the public;*

35 *[(e)] (d) The rates[, schedules] or contracts proposed by the applicant, if an intrastate operator,*
36 *are approved by the department; and*

37 *[(f)] (e) The applicant can and will furnish and file the insurance, bond or substitute security*
38 *or qualify as self-insurer as provided in this chapter.*

39 *[(5)] (3) [If the application for issuance or transfer of a certificate is the subject of a hearing,*
40 *and] If the department does not find that all the conditions provided in subsection [(4)] (2) of this*
41 *section are satisfied, the department may deny the application or may defer issuance of the certif-*
42 *icate pending compliance by the applicant with those conditions provided in subsection [(4)] (2) of*
43 *this section.*

44 **(4) If an application for a certificate under this section is denied, the department shall**
45 **notify the applicant of the reasons for denial. The applicant is entitled to a hearing if written**

1 **request for a hearing is made within 15 days after the notification of denial.**

2 [(6)] (5) If the applicant fails to appear at the time and place fixed for the hearing, the applica-
3 tion may be denied.

4 [(7)(a)] (6)(a) Pending determination of application for transfer of a certificate, the
5 department[, *without hearing,*] may grant approval of the temporary operation of the certificate by
6 the prospective transferee[,] or, if the transferor's service to the public may be substantially im-
7 paired, may authorize temporary management of the transferor's motor carrier operations by the
8 prospective transferee.

9 (b) Service performed under temporary authority granted under this section is subject to all
10 provisions of this chapter and the rules of the department.

11 [(c) *Service performed under temporary authority granted under this section creates no presumption*
12 *that transfer of the certificate is required by the public convenience and necessity or is in the public*
13 *interest.*]

14 [(d) *Evidence of operation under temporary authority as provided in this section is not admissible*
15 *to show the extent of utilization of the certificate to be transferred.*]

16 [(8)] (7) The department may require an applicant for a certificate to operate as a for-hire car-
17 rier of household goods issued under this section to complete a criminal background check. The
18 department shall adopt rules describing the standards used by the department to determine if an
19 applicant is unfit based on the results of the applicant's criminal history.

20 **SECTION 17.** ORS 825.115 is amended to read:

21 825.115. (1) [*The Department of Transportation may grant temporary authority for a for-hire car-*
22 *rier to provide transportation of persons where it is shown that a need exists for such service.*] The
23 Department **of Transportation** may grant temporary authority for a for-hire carrier to provide
24 transportation of household goods where it is in the public interest. Such temporary authority may
25 be authorized only if the department receives a request for service from a user of the proposed
26 transportation service, and if the department concludes, after investigation, that the request re-
27 presents a true need or is in the public interest.

28 (2) [*The department shall provide for protest and hearing under ORS 825.110 within 90 days after*
29 *temporary authority is issued under this section to a for-hire carrier of persons.*] The department shall
30 cancel immediately any temporary authority granted under this section if the department determines
31 that the temporary authority issued does not comply with requirements for grant of authority under
32 ORS 825.110.

33 (3) The department may not grant temporary authority under this section for an initial period
34 of more than six months.

35 (4) The department may renew temporary authority granted under this section one time for a
36 period of not more than six months.

37 (5) A person who is granted temporary authority under this section may apply for permanent
38 authority to provide the transportation **service** after the expiration of the temporary authority by
39 making application in the manner provided for application for permanent authority under this
40 chapter.

41 (6) A grant of temporary authority under this section does not establish any right to a grant
42 of permanent authority under this chapter[, *but a for-hire carrier of persons may use evidence from*
43 *operation under temporary authority under this section to establish a need for transportation services*
44 *and to establish an ability to provide those services*].

45 **SECTION 18.** ORS 825.135 is amended to read:

1 825.135. (1) As used in this section, “applicant” includes, but is not limited to, any person having
2 a substantial interest or control, directly or indirectly, in or over the operations conducted or to
3 be conducted under the carrier’s authority.

4 (2) Notwithstanding any other provision of law, the Department of Transportation may not grant
5 to an applicant a certificate, permit, transfer of any operating authority, extension of any operating
6 authority or variance permit under ORS chapter 818 if the department has reasonable grounds to
7 believe, based on information contained in department files and records, or based on evidence pre-
8 sented [either] during [hearing held under the provisions of ORS 825.110 or during] a hearing with
9 respect to an application filed under ORS 825.102, that any of the following apply:

10 (a) The applicant is not capable of conducting the transportation service contemplated, in com-
11 pliance with the law and rules of the department.

12 (b) The applicant is or has been a repeated and intentional violator of the provisions of this
13 chapter, of ORS chapter 818 or of the rules of the department. This paragraph does not apply to
14 violations for which an applicant has been penalized under subsection (3) of this section.

15 (c) The information contained in the application pertaining to ownership, possession or control
16 of the equipment or operation to be conducted is false.

17 (3) A person whose application has been denied under subsection (2) of this section is not eli-
18 gible to renew the application or to operate or participate directly or indirectly in the proposed
19 operation for a period of time ordered by the department. The period of time ordered by the de-
20 partment under this subsection shall in no event be less than a period of six months from the date
21 application has been denied and shall continue until the applicant has complied with any other
22 penalties ordered by the department under this or other provisions of this chapter. An applicant
23 may renew an application without prejudice by past violations after the penalty period under this
24 subsection.

25 (4) Upon request, any person whose application has been denied under subsection (2) of this
26 section shall be granted a hearing. This subsection does not require a separate or additional hearing
27 for applicants if the issues are addressed as part of any hearing on the application. After the hear-
28 ing, the department shall grant or deny the application in conformity with the findings.

29 (5) Subsection (2) of this section shall be strictly construed for purposes described in this sub-
30 section and shall control over any other purposes or policy considerations under the laws relating
31 to motor carriers. The department shall exercise the authority granted under subsection (2) of this
32 section to assure that persons described in subsection (2)(b) of this section:

33 (a) Achieve an awareness of and respect for the provisions of this chapter, ORS chapter 818 and
34 rules of the department.

35 (b) Do not legitimize activities that violate this chapter, ORS chapter 818 or the rules of the
36 department by applying for and receiving any operating authority to continue previously unlawful
37 activities.

38 (6) If the department determines that a carrier issued authority under this chapter is not pro-
39 viding requested transportation services that are within the authority of the carrier, the department
40 shall limit the authority of the carrier to service that the carrier is actually providing unless the
41 carrier provides full transportation services permitted under the carrier’s authority.

42 **SECTION 19.** ORS 825.137 is amended to read:

43 825.137. (1) Certificates and permits when issued shall be valid until suspended or revoked when
44 the carrier is found by the Department of Transportation to be in violation of this chapter or ORS
45 chapter 818. A variance permit issued under ORS chapter 818 shall be valid for the length of time

1 for which it is issued unless prior to that time the permit is suspended or revoked by the Depart-
2 ment of Transportation for violation of this chapter or ORS chapter 818.

3 (2) Certificates or permits, or variance permits issued pursuant to ORS chapter 818, may be
4 suspended or canceled by the department based upon the department's own motion after notice and
5 hearing, when the certificate or permit holder:

6 (a) Or agents or employees of the holder have repeatedly violated this chapter or other highway
7 or motor laws of this state. In applying this paragraph the department may consider violations by
8 agents or employees of the holder that occurred prior to the time they became agents or employees
9 of the holder, but only if the agent or employee has a substantial interest or control, directly or
10 indirectly, in or over the operation of the holder.

11 (b) Has repeatedly violated or avoided any order or rule of the department.

12 (c) Is a transporter of [*persons or*] household goods and has repeatedly made unlawful rebates
13 or repeatedly underestimated transportation charges to clients.

14 (d) Has repeatedly refused or has repeatedly failed, after being requested to do so, to furnish
15 service authorized by certificate. The department in such cases may also, in the discretion of the
16 department, restrict the certificate to conform with operations conducted.

17 (e) Has not, except for reasons beyond the control of the holder, transported [*persons or*]
18 household goods authorized by the certificate for a period exceeding 180 consecutive days imme-
19 diately preceding the filing of the complaint in the proceeding. The department in these cases may
20 also, in the discretion of the department, restrict the certificate to conform with operations per-
21 formed that were required by the public convenience and necessity.

22 (f) Has not, except for reasons beyond the control of the holder, transported property [*or*
23 *persons*] authorized by the permit for a period exceeding one year immediately preceding the filing
24 of the complaint in the proceeding.

25 (g) Has refused, or has failed, within the time provided, to file the annual report required by
26 ORS 825.320 or has failed or refused to maintain records required by the department or to produce
27 such records for examination within the time set by the department.

28 (h) Has failed to appear for hearing after notice that the certificate or permit is under investi-
29 gation.

30 (i) Has filed with the department an application which is false with regard to the ownership,
31 possession or control of the equipment being used or the operation being conducted.

32 (3) The department shall not suspend or revoke a certificate or permit of a vehicle or person
33 described in ORS 825.020 unless the person or vehicle is in violation of this section and ORS 825.139,
34 825.141, 825.160, 825.164, 825.166, 825.168, 825.210 (1) and (3), 825.212, 825.450, 825.454, 825.470,
35 825.472, 825.474, 825.476, 825.480, 825.484, 825.488, 825.490, 825.492, 825.494, 825.496, 825.498, 825.504,
36 825.506, 825.507, 825.508 or 825.515.

37 **SECTION 20.** ORS 825.180 is amended to read:

38 825.180. (1) In addition to the other fees prescribed in this chapter:

39 (a) A person applying for a certificate under ORS 825.110 shall pay an application fee of \$300.

40 (b) A person applying for a permit under ORS 825.127 shall pay a fee of \$50.

41 (c) A person applying for a permit under ORS 825.102 shall pay an application fee of \$300.

42 (d) A person applying for a change in a permit shall pay a fee of \$50.

43 (e) A person applying for transfer of a certificate shall pay a fee of \$300.

44 (f) A person making an application under any provision of this chapter not specified in this
45 subsection shall pay a fee of \$150 if the matter is set for a hearing.

1 (2) The Department of Transportation may refund the fees collected under this section if the
2 applicant parties or their duly authorized representatives make written request *[therefor]* **for a re-**
3 **fund**, if:

4 (a) Request for withdrawal of the application was received by the department no later than five
5 days before the hearing date, or if no hearing is required, such request must have been received
6 prior to issuance of authority; and

7 (b) The department finds that:

8 (A) **The** applicant is not eligible to file **the** application;

9 (B) Certificate authority is not needed for the service intended;

10 (C) **The** applicant's death or serious illness precludes conducting the operations for which ap-
11 plication was made; or

12 (D) **The** transferor withdraws consent for **the** transfer of **the** certificate.

13 *[(3) When the department fixes a time and place for a hearing as required by ORS 825.110 (1), if*
14 *any person who protested fails to appear at the hearing and failed to withdraw the protest at least five*
15 *days before the date of the hearing, the department may require such person to pay a sum equal to the*
16 *application fee required by this section.]*

17 **SECTION 21.** ORS 825.222 is amended to read:

18 825.222. When directed by the Department of Transportation, any **for-hire** carrier of *[persons*
19 *or]* household goods, or agent on behalf of the carrier, *[which]* **that** proposes the establishment or
20 modification of a rate, classification or practice shall publish notice *[thereof]* **of the proposal** in a
21 newspaper of general circulation in the area in which the proposal shall be effective. Publication
22 shall be within the time provided by the department.

23 **SECTION 22.** ORS 825.950 is amended to read:

24 825.950. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, in addition to
25 all other penalties provided by law, every person who violates or who procures, aids or abets in the
26 violation of any provision of this chapter, ORS chapter 818 or 826 or any order, rule or decision of
27 the Department of Transportation shall incur a civil penalty of not more than \$100 for every such
28 violation.

29 (b) In addition to all other penalties provided by law, every person who violates or who pro-
30 cures, aids or abets in the violation of ORS 825.100 by offering to transport or transporting house-
31 hold goods without a certificate shall incur a civil penalty of not more than \$1,000 for every such
32 violation.

33 (2) Each violation described in this section is a separate offense and in case of a continuing
34 violation every day's continuance is a separate violation. Every act of commission or omission
35 *[which]* **that** procures, aids or abets in the violation is a violation under this section and subject to
36 the civil penalty provided in this section.

37 (3) Civil penalties under this section shall be imposed in the manner provided in ORS 183.745.

38 (4) The Department of Transportation may reduce any civil penalty provided for in this section
39 on such terms as the department considers proper if:

40 (a) The defendant admits the violations alleged in the notice and makes timely request for re-
41 duction of the penalty; or

42 (b) The defendant submits to the department a written request for reduction of the penalty
43 within 15 days from the date the penalty order is served.

44 (5) If the amount of such penalty is not paid to the department, the Attorney General, at the
45 request of the department, shall bring an action in the name of the State of Oregon in the Circuit

1 Court of Marion County to recover such penalty. The action [*shall*] **may** not be commenced until
2 after the time has expired for an appeal from the findings, conclusions and order of the department.
3 In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action
4 except as otherwise provided in this chapter.

5 (6) Any motor carrier of [*persons or of*] household goods found knowingly to have assessed
6 charges for transportation service less than published in its tariffs or written contracts on file with
7 the department may be directed to collect the undercharges from the persons liable [*therefor*] **for**
8 **the undercharges** and to remit [*such*] **the** undercharges to the department in addition to any
9 monetary penalties imposed against the carrier for charging less than the tariff or contract pre-
10 scribes.

11 (7) Any motor carrier of [*persons or of*] household goods found to have assessed charges for
12 transportation service more than the rates [*which*] **that** have been legally filed with and prescribed
13 by the department shall refund the overcharges to the persons from whom collected. If the carrier
14 is unable to do so, the carrier may be required to remit such overcharges to the department in ad-
15 dition to any monetary penalties imposed against the carrier for charging more than the applicable
16 tariff or contract prescribes.

17
18 **MISCELLANEOUS**
19

20 **SECTION 23. The unit captions used in this 2015 Act are provided only for the conven-**
21 **ience of the reader and do not become part of the statutory law of this state or express any**
22 **legislative intent in the enactment of this 2015 Act.**
23
