

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	7 - 0 - 0
<b>Yeas:</b>	Buckley, Butler, Gilman, Read, Smith G., Tomei, Beyer
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Judith Callens, Administrator
<b>Meeting Dates:</b>	4/4

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**WHAT THE MEASURE DOES:** Creates a Class A traffic violation for violating maximum weight limits if an enforcement officer determines the vehicle was eligible for a variance permit. Provides that all other weight limit violations are punishable by penalties established in Schedule I under ORS 818.430. Applies to violations that occur on or after the effective date.

**ISSUES DISCUSSED:**

- Permits required for trucks with loaded weights over 80,000 pounds
- Violating maximum weight limits without a permit carries a penalty of 24 cents per pound overweight
- Field loaded trucks may be unaware of weight violation
- Court may apply fine to driver or truck owner or both
- Oregon Department of Transportation Habitual offender program

**EFFECT OF COMMITTEE AMENDMENT:** Replaces original measure.

**BACKGROUND:** Under current law, vehicles over 80,000 pounds require a permit from the Department of Transportation as well as those local jurisdiction authorizing such operations. The cost of a truck permit with a loaded weight between 80,000 and 105,500 pounds is \$8.00 for operating on the State highway system and certain local jurisdictions may charge an additional \$2.75 to \$8.00 to operate on their city or county roads. These permits are valid for one year. Vehicles over 105,500 are issued permits for single trips only. The purpose of the permit is to inform the truck driver of unsafe, impractical or impassable road conditions for these heavier trucks.

Truck drivers that are unable to produce a valid permit at weight stations are cited for operating in excess of authorized weight. If a truck is operating at 105,500 pounds but can not produce a permit, the current fine is 24 cents per pound over 80,000 pounds or \$6,120. The Oregon Trucking Association believes such a fine is disproportionate to the offense of failing to obtain an \$8.00 permit. HB 2902A establishes a new violation for failure to obtain a permit as a Class A traffic violation for trucks operating at legal weights between 80,000 and 105,500 pounds. The Class A traffic violation penalty under these circumstances is a \$495 fine.