

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass and Be Referred to the Committee on Ways and Means
Vote:	4 - 3 - 0
Yeas:	Buckley, Read, Tomei, Beyer
Nays:	Butler, Gilman, Smith G.
Exc.:	0
Prepared By:	Judith Callens, Administrator
Meeting Dates:	4/2, 4/30

WHAT THE MEASURE DOES: Allows weighmaster or motor carrier enforcement officer to use warning lights or other signal for purposes of stopping driver of commercial motor vehicle.

ISSUES DISCUSSED:

- Department of Justice opinion ending practice in 2004
- Safety concern for weighmasters; recommended training
- Certain counties currently have this authority
- Difficulty in staying precisely within weight limits when farm trucks are field loaded

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Until 2004, Oregon Department of Transportation (ODOT) weighmasters or Motor Carrier Enforcement Officers (MCEO) were allowed to stop trucks using their overhead lights. In April 2004, the practice was stopped in response to a Department of Justice (DOJ) opinion advising that MCEO staff should not use the lights on their vehicles to stop trucks due to lack of clear statutory authority. The Department of Justice further advised that MCEO vehicles lack appropriate blue lights and that MCEO personnel lack the special training required to safely pursue and stop commercial vehicles.

Oregon law allows ODOT and MCEO staff to act when a truck: 1) fails to stop at a weigh station, 2) fails to move to the right lane to go over weigh-in-motion scales, or 3) fails to follow officer instructions. As a result of the DOJ opinion, personnel do not currently pursue and stop trucks, but instead notify law enforcement or identify the truck and mail a citation to the driver or company. From March 2006 to March 2007, there were a total of 1,742 instances in which trucks bypassed weigh stations representing one-half of one percent of all trucks static weighed or weighed-in-motion. HB 3273 allows a weighmaster or motor carrier enforcement officer to stop and detain vehicles, using warning lights or other signals, for failing to comply with motor carrier laws.

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This summary has not been adopted or officially endorsed by action of the committee.