

House Bill 2271

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Transportation)

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 **as introduced**.

Revises definition of "registration weight" to include loaded weight.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to registration weight; amending ORS 801.420, 803.430, 803.600 and 810.490; and declaring
3 an emergency.

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

5 **SECTION 1.** ORS 801.420 is amended to read:

6 801.420. "Registration weight" means the combined weight **or the loaded weight** required to
7 be declared and established as the maximum combined weight **or loaded weight** at which certain
8 vehicles will be operated on the highway. Vehicles for which registration weights must be declared
9 and established and the procedures for establishing registration weights are described under ORS
10 803.430.

11 **SECTION 2.** ORS 803.430 is amended to read:

12 803.430. (1) Registration weight is established for the following purposes:

13 (a) The registration weight is the weight used in the declaration of weight under ORS 803.435
14 to determine the registration fees under ORS 803.420 for vehicles required to establish registration
15 weight under this section.

16 (b) A vehicle that is required to establish registration weight by this section is in violation of
17 ORS 803.315 if the vehicle is operated on a highway of this state at a weight in excess of the reg-
18 istration weight except when carrying a load:

19 (A) Under the provisions of ORS 376.305 to 376.390;

20 (B) Of over 105,500 pounds combined weight **or loaded weight** under a variance permit issued
21 under ORS 818.200;

22 (C) Under a registration weight trip permit issued under ORS 803.600; or

23 (D) Consisting of towed motor vehicles required to be registered under the vehicle code.

24 (2) Registration weight is established at the time of registration and whenever the vehicle has
25 been altered or reconstructed by furnishing a declaration of weight described under ORS 803.435
26 that contains a declaration of the maximum combined weight **or loaded weight** at which the vehicle
27 will be operated on the highways of this state except when carrying loads described under sub-
28 section (1)(b) of this section. The maximum registration weight for any vehicle required to establish
29 a registration weight under this section is 105,500 pounds. Vehicles operating at weights above
30 105,500 pounds will operate under a variance permit issued under ORS 818.200.

31 (3) Except as provided in subsection (4) of this section, the following vehicles are required to

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 establish a registration weight under this section:

2 (a) Any motor truck that will be operated on the highways at a combined weight **or loaded**
 3 **weight** of more than 10,000 pounds not including the weight of any camper or trailing vehicle de-
 4 scribed in subsection (5) of this section, or any trailing manufactured structure.

5 (b) Any truck tractor that will be operated on the highways at a combined weight of more than
 6 8,000 pounds not including the weight of any camper or trailing vehicle described in subsection (5)
 7 of this section, or any trailing manufactured structure.

8 (c) An armored car, tow vehicle, hearse or ambulance.

9 (d) Any other motor vehicle that will be operated on the highways at a combined weight **or**
 10 **loaded weight** of more than 10,000 pounds not including the weight of any camper or trailing vehi-
 11 cle as described in subsection (5) of this section, or any trailing manufactured structure.

12 (e) A self-propelled mobile crane.

13 (f) Any motor vehicle registered as a farm vehicle under ORS 805.300.

14 (4) A vehicle that is being registered under a specific provision of the vehicle code where fees
 15 are not based on weight or where registration weight is specifically not required is not required to
 16 establish registration weight under this section.

17 (5) The weight of a camper or the following trailing vehicles may not be included in the regis-
 18 tration weight:

19 (a) Trailers with a loaded weight of 8,000 pounds or less.

20 (b) Special use trailers, travel trailers and fixed load vehicles.

21 (c) Towed motor vehicles.

22 (6) The weight of a trailing manufactured structure may not be included in the registration
 23 weight.

24 **SECTION 3.** ORS 803.600 is amended to read:

25 803.600. A trip permit grants authority to temporarily operate a vehicle on the highways of this
 26 state under circumstances where the operation would not otherwise be legal because the vehicle is
 27 not registered by this state or because provisions relating to the vehicle's registration do not allow
 28 the operation. The Department of Transportation shall provide for the issuance of trip permits in a
 29 manner consistent with this section. All of the following apply to permits issued under this section:

30 (1) The department shall issue the following types of trip permits to authorize the described type
 31 of operation and, except as provided in subsection (2) of this section, may not issue trip permits for
 32 any other purpose:

33 (a) A heavy motor vehicle trip permit may be issued for a motor vehicle with a combined weight
 34 **or loaded weight** of more than 8,000 pounds or that is a fixed load motor vehicle, and that is not
 35 registered in this state. A permit described in this paragraph is valid for 10 consecutive days.

36 (b) A heavy trailer trip permit may be issued for a trailer that will be operated on the highways
 37 at a loaded weight of more than 8,000 pounds or that is a fixed load vehicle, and that is not regis-
 38 tered to allow operation of the vehicle in this state. A permit described in this paragraph is valid
 39 for 10 consecutive days. This paragraph does not apply to travel trailers.

40 (c) A light vehicle trip permit may be issued for a vehicle with a combined weight **or loaded**
 41 **weight** of less than 8,001 pounds that is not a fixed load vehicle and that is not registered to allow
 42 operation of the vehicle in this state. Permits described in this paragraph may be issued for a period
 43 of 21 consecutive days. The department may not issue more than two permits under this paragraph
 44 in a 12-month period for any one vehicle unless all registered owners of the vehicle are replaced
 45 by new owners. If there is a complete change in ownership of the vehicle, as shown by the regis-

1 tration records for the vehicle, a new owner may receive permits for the vehicle under this para-
 2 graph as if no permits had been issued for the vehicle. This paragraph does not apply to campers,
 3 travel trailers or motor homes, which are eligible for recreational vehicle trip permits under para-
 4 graph (d) of this subsection.

5 (d) A recreational vehicle trip permit may be issued for a period of up to 10 consecutive days
 6 for a camper, travel trailer or motor home that is not registered for operation in this state. A
 7 person buying a recreational vehicle trip permit must show proof satisfactory to the Department of
 8 Transportation that the person is the owner of the camper, travel trailer or motor home for which
 9 the permit will be granted. A person may not receive recreational vehicle trip permits authorizing
 10 more than 10 days of operation in any 12-month period. A person who applies for a recreational
 11 vehicle trip permit must certify that the person has not been granted permits that together, and
 12 including the permit applied for, exceed the maximum number of days of operation allowed by this
 13 paragraph.

14 (e) A registration weight trip permit may be issued for a vehicle that is registered in this state,
 15 to allow the vehicle to be operated with a greater combined weight **or loaded weight** than is per-
 16 mitted by the registration weight established for the vehicle or at a greater combined weight **or**
 17 **loaded weight** than is otherwise permitted under the registration for the vehicle if the vehicle is
 18 not required to establish a registration weight. A permit issued under this paragraph does not au-
 19 thorize movements or operations for which a variance permit is required under ORS 818.200. A
 20 permit issued under this paragraph shall show the maximum registration weight allowed for opera-
 21 tion under the permit. A permit issued under this paragraph is valid for 10 consecutive days.

22 (f) A registered vehicle trip permit may be issued for a vehicle that is registered in this state
 23 to allow the vehicle to operate under conditions or in ways not permitted by the terms of the vehicle
 24 registration. The department shall determine by rule the kinds of operation for which permits may
 25 be issued under this paragraph. A permit issued under this paragraph is valid for 10 consecutive
 26 days.

27 (2) The department shall allow a person issued a vehicle dealer certificate under ORS 822.020
 28 or a towing business certificate under ORS 822.205 to issue a 10-day trip permit to a person who
 29 buys a motor vehicle from the person with the certificate if the registration stickers are removed
 30 in accordance with ORS 803.565. The following apply to trip permits issued under this subsection:

31 (a) A permit issued under this subsection allows operation of the motor vehicle in this state for
 32 the purpose of registering the vehicle.

33 (b) A permit issued under this subsection is valid for a period of 10 consecutive days.

34 (c) A person with a vehicle dealer certificate or a towing business certificate may not issue
 35 more than two permits under this subsection for the same motor vehicle.

36 (3) The following requirements for records are established concerning permits issued under this
 37 section:

38 (a) Any carrier regulated by the department shall maintain records of heavy motor vehicle and
 39 heavy trailer trip permits and registration weight trip permits issued to the carrier as required by
 40 the department by rule.

41 (b) Requirements for the department to maintain records concerning trip permits are established
 42 under ORS 802.200.

43 (4) An owner or operator of a vehicle may obtain a trip permit. The fees for issuance of trip
 44 permits are as provided under ORS 803.645.

45 (5) The department shall make the trip permits available to all field offices and agents main-

1 tained by the department and may make arrangements for the issuance of the permits by designated
2 individuals, firms or associations for the convenience of the motoring public. This subsection does
3 not require the department to make trip permits described in subsection (2) of this section available
4 to anyone other than persons with vehicle dealer certificates or towing business certificates.

5 (6) The department may also sell heavy motor vehicle, heavy trailer and registration weight trip
6 permits in advance of issuance to contractors, transportation companies and other users for issuance
7 to their own vehicles or vehicles under their control.

8 (7) The department shall adopt rules for the issuance, sale and control of trip permits.

9 (8) Trip permits are not required for the operation of unregistered vehicles where such operation
10 is permitted as follows:

11 (a) By vehicle dealers as permitted under ORS 822.040.

12 (b) By vehicle transporters as permitted under ORS 822.310.

13 (c) By towing businesses as permitted under ORS 822.210.

14 (9) Trip permits are not required for the operation of unregistered vehicles where such operation
15 is permitted under ORS 803.305.

16 (10) Unregistered vehicles that are operated without a trip permit are subject to the prohibitions
17 and penalties for operation of unregistered vehicles under ORS 803.300 or 803.315, as appropriate.

18 (11) A trip permit may be issued to a school vehicle registered under ORS 805.050 for use of the
19 vehicle for purposes not permitted under ORS 805.050.

20 **SECTION 4.** ORS 810.490 is amended to read:

21 810.490. (1) Any police officer may stop, measure and weigh any vehicle or combination of ve-
22 hicles by means of either portable or stationary measures and scales, and having reason to believe
23 that any vehicle or combination of vehicles, including any load thereon, is unlawful, or having rea-
24 son to believe that the combined weight **or loaded weight** of the vehicle exceeds the registration
25 weight for the vehicle, may require that such vehicle or combination of vehicles be driven to the
26 nearest public or certified scales, in the event such scales are within five miles. When it is neces-
27 sary for the vehicle or combination of vehicles to reverse direction in order to proceed to the scales,
28 the police officer shall assist the driver of the vehicle or combination of vehicles so that the turning
29 movement can be made in safety.

30 (2) If the police officer finds that the vehicle or combination of vehicles, including any load
31 thereon, is of any dimension or has any weight not authorized by ORS 818.010, 818.020, 818.040,
32 818.060, 818.080, 818.090, 818.110 and 818.130 or not authorized by the terms of any permit issued
33 under ORS 818.200, the police officer shall require the driver to move the vehicle or combination
34 of vehicles to a suitable place and remain standing while a Uniform Traffic Citation and Complaint
35 is being issued and until such portion of the load is removed as may be necessary to reduce any
36 dimension and any weight to the limits authorized by the statute or permit. All material or goods
37 removed from the load shall be removed and cared for by the driver, chauffeur or owner of the ve-
38 hicle or combination of vehicles at the risk of the driver, chauffeur or owner of the vehicle.

39 (3) The police officer may, within the discretion of the officer, permit the driver to proceed
40 without removing the excess dimensions, or weights if the amount of excess weight does not exceed
41 the following:

44 Individual wheel	500 pounds
45 Axle	1,000 pounds

1	Tandem axles	2,000	pounds
2	Group of axles	3,000	pounds
3	Vehicle or combination		
4	of vehicles	4,000	pounds

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(4) Discretionary action by the police officer under this section does not relieve the driver or chauffeur and owner of the vehicle or combination of vehicles of any criminal or other liability or responsibility.

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(5) Failure to comply with a police officer's directions under this section is subject to penalty under ORS 818.400.

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SECTION 5. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

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