

House Bill 2902

Sponsored by Representative BEYER; Representatives BUCKLEY, BUTLER, GILMAN, Senators METSGER, STARR
(at the request of Oregon Trucking Associations)

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**.

Increases penalties for violation of maximum vehicle size limits.

Allows issuance of fine of \$500 for violation of weight limits in lieu of per pound penalty if vehicle could have qualified for variance permit at time of offense.

A BILL FOR AN ACT

1
2 Relating to penalties for violations of maximum weight requirements; creating new provisions; and
3 amending ORS 818.020, 818.040, 818.060 and 818.420.

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

5 **SECTION 1.** ORS 818.420 is amended to read:

6 818.420. (1) This subsection establishes a schedule of penalties for certain offenses in ORS
7 818.060, 818.090 and 818.340. Commission of any of the described offenses relating to height or width
8 limits is punishable according to the following schedule:

9 (a) Except as otherwise provided in this section, upon a first conviction, an offense is punishable
10 as a [*Class D*] **Class A** traffic violation.

11 (b) Upon a second conviction within one year after the first conviction, an offense is punishable
12 as a [*Class C*] **Class A** traffic violation.

13 (c) Upon a third or subsequent conviction within one year after the first conviction, an offense
14 is punishable as a [*Class B*] **Class A** traffic violation.

15 (2) Any offense that is described in ORS 818.060, 818.090 or 818.340 and that is not punishable
16 under subsection (1) of this section, is punishable as a [*Class D*] **Class A** traffic violation.

17 **SECTION 2.** ORS 818.020 is amended to read:

18 818.020. (1) A person commits the offense of violating maximum weight limits if the person does
19 any of the following:

20 (a) Drives or moves on a highway any vehicle or combination of vehicles that exceed the weight
21 limits established under ORS 818.010.

22 (b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination
23 of vehicles to be driven or moved on a highway when the vehicle or combination of vehicles exceeds
24 the weight limits established under ORS 818.010. Operation of any vehicle or combination of vehicles
25 in violation of this section is prima facie evidence that the owner of the vehicle or combination
26 caused or permitted the vehicle or combination to be so operated and the owner shall be liable for
27 any penalties imposed under subsection (4) of this section as a result of the operation.

28 (2) The application of this section is subject to the exemptions from this section established
29 under ORS 818.030.

30 (3) Violation of the offense described in this section is subject to civil liability under ORS

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.

1 818.410.

2 (4) **Except as provided in subsection (5) of this section**, the offense described in this section,
 3 violating maximum weight limits, is punishable by penalties established in Schedule I of the sched-
 4 ules of penalties under ORS 818.430.

5 (5) **A person shall pay a fine of \$500 in lieu of the penalties described in subsection (4)**
 6 **of this section if at the time of the offense an enforcement officer determines the vehicle**
 7 **was eligible for a variance permit under ORS 818.200.**

8 **SECTION 3.** ORS 818.040 is amended to read:

9 818.040. (1) A person commits the offense of violation of posted weight limits if the person does
 10 any of the following:

11 (a) Drives or moves on a highway any vehicle or combination of vehicles that exceed any weight
 12 limits imposed on the highway or portion of highway and indicated by appropriate signs giving no-
 13 tice of the limits.

14 (b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination
 15 of vehicles to be driven or moved on a highway when the vehicle or combination exceeds any weight
 16 limits imposed on the highway or portion of highway and indicated by appropriate signs giving no-
 17 tice of the limits. Operation of any vehicle or combination of vehicles in violation of this section
 18 is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle
 19 or combination to be so operated and the owner shall be liable for any penalties imposed under
 20 subsection (5) of this section as a result of the operation.

21 (2) The authority to establish and change weight limits for purposes of the prohibitions and
 22 penalties under this section is under ORS 810.030.

23 (3) The application of this section is subject to the exemptions from this section established
 24 under ORS 818.050.

25 (4) Violation of the offense described in this section is subject to civil liability under ORS
 26 818.410.

27 (5) **Except as provided in subsection (6) of this section**, the offense described in this section,
 28 violation of posted weight limits, is punishable as provided under Schedule III of the penalties under
 29 ORS 818.430. The penalties under this subsection are in addition to any suspension of driving priv-
 30 ileges under ORS 809.120 or any suspension of vehicle registration under ORS 809.120.

31 (6) **A person shall pay a fine of \$500 in lieu of the penalties described in subsection (5)**
 32 **of this section if at the time of the offense an enforcement officer determines the vehicle**
 33 **was eligible for a variance permit under ORS 818.200.**

34 **SECTION 4.** ORS 818.060 is amended to read:

35 818.060. (1) A person commits the offense of violation of administratively imposed weight or size
 36 limits if the person does any of the following:

37 (a) Drives or moves on a highway any vehicle or combination of vehicles that exceeds weight
 38 or size limits imposed under ORS 810.050 or 810.060.

39 (b) Owns a vehicle or combination of vehicles and causes or permits the vehicle or combination
 40 of vehicles to be driven or moved on a highway when the vehicle or combination of vehicles exceeds
 41 weight or size limits imposed under ORS 810.050 or 810.060. Operation of any vehicle or combination
 42 of vehicles in violation of this section is prima facie evidence that the owner of the vehicle or
 43 combination caused or permitted the vehicle or combination to be so operated and the owner shall
 44 be liable for any penalties imposed under subsection (4) of this section as a result of the operation.

45 (2) The application of this section is subject to the exemptions from this section established

1 under ORS 818.070.

2 (3) Violation of the offense described in this section is subject to civil liability under ORS
3 818.410.

4 (4) The offense described in this section, violation of administratively imposed weight or size
5 limits, is subject to penalty as follows:

6 (a) Violation of any size limit is subject to penalty under the schedule of penalties in ORS
7 818.420.

8 (b) **Except as provided in subsection (5) of this section**, violation of any weight limit is sub-
9 ject to penalty under Schedule I of the penalties in ORS 818.430.

10 **(5) A person shall pay a fine of \$500 in lieu of the penalties described in subsection (4)(b)**
11 **of this section if at the time of the offense an enforcement officer determines the vehicle**
12 **was eligible for a variance permit under ORS 818.200.**

13 **SECTION 5. The amendments to ORS 818.020, 818.040, 818.060 and 818.420 by sections 1**
14 **to 4 of this 2007 Act apply to violations that occur on or after the effective date of this 2007**
15 **Act.**

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