

Senate Bill 221

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (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**.

Specifies that exemption from certain state motor carrier regulations does not constitute exemption from federal motor carrier safety regulations.

A BILL FOR AN ACT

1
2 Relating to motor carrier safety; amending ORS 825.015, 825.017, 825.020, 825.024, 825.026 and
3 825.030.

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

5 **SECTION 1.** ORS 825.030 is amended to read:

6 825.030. This chapter applies to interstate and foreign commerce, except insofar as it may be in
7 conflict with the provisions of the Constitution and the laws of the United States. **Nothing in this**
8 **chapter exempts a person from federal motor carrier safety regulations when operating in**
9 **interstate or foreign commerce.**

10 **SECTION 2.** ORS 825.015 is amended to read:

11 825.015. (1) **Except as provided in ORS 825.030**, this chapter does not apply to motor vehicles
12 with a seating capacity of less than 16 persons while used in nonprofit operation for commuting to
13 job, job training or educational facilities.

14 (2) For the purposes of this section, "nonprofit operation" means a voluntary commuter
15 ridesharing arrangement that may charge a fee to defray expenses but remains nonprofit in its op-
16 eration without reference to any entity that may sponsor it. In establishing the fee, the following
17 items may be included as expenses:

18 (a) The cost of acquiring the vehicle;

19 (b) Insurance;

20 (c) Maintenance of the vehicle;

21 (d) Fuel; and

22 (e) Other reasonable expenses attributable to use of the vehicle for ridesharing purposes.

23 **SECTION 3.** ORS 825.017 is amended to read:

24 825.017. Except as provided in ORS 825.026 **and 825.030**, this chapter does not apply to the
25 persons or vehicles described in this section. The exemption under this section applies to the fol-
26 lowing persons and vehicles:

27 (1) Vehicles being used by, or under contract with, any school board, district or person respon-
28 sible for the administration of elementary or secondary school activities, and engaged exclusively
29 in transporting students or combinations of students and other persons to or from school, to or from
30 authorized school activities or other activities sponsored by the State Board of Higher Education,

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 or for purposes provided under ORS 332.427. This exemption shall not be affected by the charging
2 of a fee to cover the costs of the transportation.

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

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

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

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

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

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

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

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

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

20 (a) An agency of the United States;

21 (b) The State Board of Forestry;

22 (c) The State Forester; or

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

24 (8) Vehicles being used on any county road for the removal of forest products as defined in ORS
25 321.005, or the products of forest products converted to a form other than logs at or near the har-
26 vesting site, if:

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

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

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

37 (9) Vehicles being used in the transportation of persons for hire if the operation:

38 (a) Is performed by a nonprofit entity;

39 (b) Is not in competition with a regular route full-service scheduled carrier of persons that is
40 subject to the provisions of this chapter or a service provided by a mass transit district formed un-
41 der ORS chapter 267;

42 (c) Is performed by use of vehicles operating in compliance with ORS 820.020 to 820.070; and

43 (d) Is approved by the Department of Transportation as complying with paragraphs (a) to (c) of
44 this subsection.

45 (10) Vehicles being used in transporting disabled persons, with or without their supervisors or

1 assistants, to or from rehabilitation facilities or child care services if the motor vehicle is a pas-
 2 senger motor vehicle with a seating capacity of not more than 12 passengers. The exemption pro-
 3 vided by this subsection applies only when the motor vehicle is operated by or under contract with
 4 any person responsible for the administration of rehabilitation facilities as defined in ORS 344.710
 5 to 344.730 or child care services provided by a facility licensed under ORS 657A.030 and 657A.250
 6 to 657A.450.

7 (11) Vehicles owned or operated by the United States or by any governmental jurisdiction within
 8 the United States except when owned or operated as a carrier of property for hire.

9 (12) Vehicles owned or operated by a mass transit district created under ORS chapter 267.

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

14 (14) Vehicles owned or operated by, or under contract with, a charitable organization when ex-
 15 clusively engaged in performing transportation, either one way or round trip, necessary to the op-
 16 eration of the charitable organization. As used in this subsection, "charitable organization" means
 17 an organization that has no capital stock and no provision for making dividends or profits, but de-
 18 rives its funds principally from public and private charity and holds them in trust for the promotion
 19 of the welfare of others and not for profit. Any organization claiming an exemption under this sub-
 20 section shall file an affidavit with the department stating that it is organized and operated in ac-
 21 cordance with the requirements of this subsection.

22 (15) Vehicles with a maximum speed that does not exceed 35 miles per hour that are designed
 23 for off-road use and that are operated on the public highways in any one calendar year a number
 24 of miles that does not exceed 15 percent of the total number of miles the vehicle is operated for that
 25 calendar year.

26 (16) Passenger vehicles with a passenger seating capacity that does not exceed five when used
 27 in the transportation of new telephone books.

28 (17) A vehicle that is used in a limousine service operation in which the destination and route
 29 traveled may be controlled by the passenger and the fare is calculated on the basis of any combi-
 30 nation of initial fee, distance traveled and waiting time if the vehicle:

- 31 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed eight;
- 32 (b) Carries passengers for hire between points in Oregon; and
- 33 (c) Operates on an irregular route basis.

34 (18) Fire trucks and rescue vehicles that are designated as emergency vehicles by the Depart-
 35 ment of Transportation under ORS 801.260, while involved in emergency and related operations.

36 **SECTION 4.** ORS 825.020 is amended to read:

37 825.020. Except as otherwise provided in this section **and ORS 825.030**, this chapter does not
 38 apply to the persons or vehicles described in this section. The provisions of ORS 825.100, 825.137,
 39 825.139, 825.141, 825.160, 825.164, 825.166, 825.168, 825.210 (1) and (3), 825.212, 825.450, 825.454,
 40 825.470, 825.472, 825.474, 825.476, 825.480, 825.484, 825.488, 825.490, 825.492, 825.494, 825.496, 825.498,
 41 825.504, 825.506, 825.507, 825.508 and 825.515 apply to any of the following vehicles or combinations
 42 of vehicles with a combined weight of more than 26,000 pounds:

- 43 (1) Vehicles being used exclusively in the transportation of United States mail on a trip basis.
- 44 (2) Vehicles being used in the transportation of persons for hire, in vehicles with a seating ca-
 45 pacity of more than five persons, within a city and within three air miles of the city. When the

1 three air mile radius extends into the corporate limits of another city, the two cities shall be con-
 2 sidered as one city for the purposes of this subsection. The following apply to this subsection:

3 (a) Service may also be provided to or from any area surrounding the area described under this
 4 subsection so long as the service does not compete with a carrier granted authority by the Depart-
 5 ment of Transportation under this chapter to operate in that surrounding area.

6 (b) Any vehicle exempt from the provisions of this chapter under this subsection is subject to
 7 regulation by the city or cities in which it is operated.

8 (3) Vehicles being used for the purpose of transporting persons or property in connection with
 9 the patrolling of forests for the prevention or fighting of forest fires.

10 (4) Vehicles being used in towing or otherwise transporting vehicles at the direction of a police
 11 officer or in servicing, towing or transporting wrecked or disabled vehicles, or in towing or trans-
 12 porting a replacement vehicle for such wrecked or disabled vehicle if the vehicle:

13 (a) Is not otherwise used in transporting goods and merchandise for compensation; and

14 (b) In the case of towing, is specially constructed for that use or has a combined weight not
 15 exceeding 8,000 pounds.

16 (5) Vehicles being used by a for-hire carrier to transport within this state free or at reduced
 17 rates:

18 (a) The carrier's officers, agents or employees, or dependent members of the families of those
 19 individuals, or the personal effects or household goods of those individuals.

20 (b) Ministers of religions, inmates of hospitals and individuals exclusively engaged in charitable
 21 and eleemosynary work.

22 (c) Indigent, destitute and homeless individuals and the necessary agents employed in the
 23 transportation.

24 (d) Witnesses attending legal investigations in which the carrier is interested.

25 (e) Persons injured in wrecks and physicians and nurses attending those persons.

26 (f) Persons providing relief in cases of general epidemic, pestilence or other emergency.

27 (g) Persons traveling under commuter, party or excursion passenger tickets, if available to all
 28 persons applying under like circumstances or conditions.

29 (h) Persons traveling under an exchange of passes between for-hire carriers.

30 (6) Vehicles being used to transport plants, artificial and natural flowers and accompanying
 31 florist accessories in movements originating at retail shops.

32 (7) Any vehicle used by a person licensed under ORS 508.235 while the person is transporting
 33 the person's own, unsold catch of fish from the point of landing to the first point where fish from
 34 the catch will be sold, placed in storage or processed in any way.

35 (8) Vehicles owned or operated by truck leasing companies operated empty over the public
 36 highways for the purpose of relocation of equipment. This exemption does not apply to motor vehi-
 37 cles operated empty as a result of or for the purpose of transporting passengers or property.

38 **SECTION 5.** ORS 825.024 is amended to read:

39 825.024. (1) Except as provided in ORS 825.026 **and 825.030** or as otherwise provided in this
 40 section, this chapter does not apply to a motor vehicle or combination owned or leased by a farmer
 41 who meets the qualifications under ORS 805.310 if the vehicle or combination:

42 (a) Is used for transportation described under ORS 805.390.

43 (b) Is used for transporting sand, gravel, rock, dirt, debris, cinders or asphaltic concrete mix to
 44 a project of a district or corporation organized under ORS chapter 545, 547 or 554 when the project
 45 is being constructed on land owned or leased by the farmer and the materials are directly related

1 to the construction of the project.

2 (c) Has three or fewer permanent axles and is used in part to provide transportation services
 3 for hire when such services relate to the farm of another and are services that the vehicle owner
 4 could perform in the operation of the owner’s farm under farm vehicle registration issued under ORS
 5 805.300 or with the farm device issued under ORS 805.400. For purposes of this paragraph, a single
 6 drop axle is not a permanent axle.

7 (d) Is a combination of a pickup truck and a trailer and is used in part to provide transportation
 8 services for hire when such services relate to the farm of another and are services that the vehicle
 9 owner could perform in the operation of the owner’s farm under farm vehicle registration issued
 10 under ORS 805.300 or with the farm device issued under ORS 805.400.

11 (2) Vehicles or combinations that either are registered under ORS 805.300 or have a farm device
 12 issued under ORS 805.400 are subject to the provisions of ORS 825.210, 825.250 and 825.252 if the
 13 vehicles or combinations:

14 (a) Are operating in interstate commerce; or

15 (b) Have a combined weight of more than 80,000 pounds.

16 (3) Any farmer with a vehicle registered under ORS 805.300, or with a farm device issued under
 17 ORS 805.400, may obtain a permit under ORS 825.102 that will authorize partial use of the vehicle
 18 to provide transportation services for hire.

19 (4) Any person issued a permit as described in subsection (3) of this section must comply with
 20 record keeping requirements and reporting requirements that the Department of Transportation de-
 21 termines necessary for the department to administer this section. The department may deny the ex-
 22 emptions from provisions of this chapter provided to persons issued permits as described in
 23 subsection (3) of this section if a person fails to comply with record keeping requirements.

24 **SECTION 6.** ORS 825.026 is amended to read:

25 825.026. This chapter does not apply to the vehicles described in ORS 825.017 and 825.024 except
 26 **as provided in ORS 825.030 and except** that the vehicles are subject to ORS 825.258 and 825.990
 27 (3) and (4) and the rules adopted by the Department of Transportation relating to the safety of the
 28 vehicles while engaged in the transportation of hazardous wastes on public highways.

29 _____