

# Senate Bill 223

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, Office of Regulatory Streamlining of Department of Consumer and Business Services)

## 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**.

Allows certain vehicles to exceed weight limitations when vehicle is equipped with idle reduction system.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to exemption from weight limitations for vehicles with idle reduction systems; amending  
3 ORS 818.030 and 818.340; and declaring an emergency.

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

5 **SECTION 1.** ORS 818.030 is amended to read:

6 818.030. This section establishes exemptions from the maximum weight limitations under ORS  
7 818.010 and 818.020. The exemptions under this section are in addition to any exemptions under ORS  
8 801.026. Operation in accordance with one of the exemptions described is not subject to the penalties  
9 in ORS 818.020. Exemptions are partial or complete as described in the following:

10 (1) The maximum weight limitations do not apply on any way, thoroughfare or place owned by  
11 a district formed under ORS chapters 545, 547 and 551 or a corporation formed under ORS chapter  
12 554.

13 (2) The maximum weight limitations do not apply on any road or thoroughfare or property in  
14 private ownership or any road or thoroughfare, other than a state highway or county road, used  
15 pursuant to any agreement with any agency of the United States or with a licensee of such agency,  
16 or both.

17 (3) The maximum weight limitations do not apply to any vehicle, combination of vehicles, article,  
18 machine or other equipment while being used by the federal government, the State of Oregon or any  
19 county or incorporated city in the construction, maintenance or repair of public highways and at  
20 the immediate location or site of such construction, maintenance or repair.

21 (4) The maximum weight limitations do not apply to vehicles while being used on the roads of  
22 a road authority by mass transit districts for the purposes authorized under ORS 267.010 to 267.390,  
23 provided the weight of the vehicles is approved by the road authority for the roads.

24 (5) Subject to the maximum weight limitations under Tables I and III of ORS 818.010, any vehicle  
25 with a single rear axle specially equipped with a self-compactor and used exclusively for garbage  
26 or refuse operations may have a loaded weight upon a single axle of not more than 22,000 pounds  
27 when laden with garbage or refuse. When unladen or when operating on any highway that is part  
28 of the federal interstate highway system such vehicles shall comply with the weight limitations un-  
29 der Table II of ORS 818.010.

**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 (6) Weight limitations are not applicable in any place and to the extent the weight limitations  
 2 are modified by a road authority under ORS 810.060. The exemption under this subsection is subject  
 3 to the limitations imposed by the road authority exercising the powers granted under ORS 810.060.

4 (7) Operations authorized to exceed weight limitations by a variance permit issued under ORS  
 5 818.200 are subject to the terms of the permit. It shall be a defense to any charge of violation of  
 6 ORS 818.020 if the person so charged produces a variance permit issued under ORS 818.200 author-  
 7 izing the operation of the vehicle or combination of vehicles issued prior to and valid at the time  
 8 of the offense.

9 (8)(a) Notwithstanding Table III of ORS 818.010, two consecutive sets of tandem axles may have  
 10 a loaded weight of 34,000 pounds each when operating on interstate highways with a permit and on  
 11 other highways without a permit, providing the distance between the first and last axles of the two  
 12 sets of tandem axles is at least 30 feet but less than 36 feet.

13 (b) Notwithstanding Table III of ORS 818.010, two consecutive sets of tandem axles may have  
 14 a loaded weight of 34,000 pounds each when operating on any highway if the overall distance be-  
 15 tween the first and the last axles of the sets of tandem axles is 36 feet or more.

16 (9) Notwithstanding Table III of ORS 818.010, a group of four axles consisting of a set of tandem  
 17 axles and two axles spaced nine feet or more apart may have a loaded weight of more than 65,500  
 18 pounds and up to 70,000 pounds when operating on interstate highways with a permit and on other  
 19 highways without a permit, providing the distance between the first and last axles of the group is  
 20 35 feet or more.

21 **(10) The maximum weight limitations do not apply to a vehicle equipped with a fully**  
 22 **functional idle reduction system designed to reduce fuel use and emissions from engine idl-**  
 23 **ing. The vehicle may exceed the weight limitations established under ORS 818.010 by not**  
 24 **more than 400 pounds.**

25 **SECTION 2.** ORS 818.340 is amended to read:

26 818.340. (1) A person commits the offense of operating in violation of a variance permit if the  
 27 person has been issued a variance permit under ORS 818.200 that authorized the movement of any-  
 28 thing and the person does any of the following:

29 (a) Drives, moves or operates anything in violation of the terms of the permit.

30 (b) Owns anything and causes or permits it to be driven, moved or operated in violation of the  
 31 permit. Operation in violation of this section is prima facie evidence that the owner caused or per-  
 32 mitted the operation and the owner shall be liable for any penalties imposed under subsection (5)  
 33 of this section as a result of the operation.

34 (2) A person is in violation of the terms of a permit for purposes of this section if the person  
 35 misrepresents any size or weight required to be specified when applying for the permit.

36 (3) It shall be a defense to any charge of violation of this section if the person so charged  
 37 produces a variance permit issued under ORS 818.200 that authorized the operation and that was  
 38 issued prior to and valid at the time of operation.

39 **(4) A person does not commit the offense described in this section if the person is driv-**  
 40 **ing, moving or operating anything under a variance permit issued under ORS 818.200 and:**

41 **(a) The permit authorizes the person to exceed the maximum weight limitations;**

42 **(b) The person is operating a vehicle with a fully functional idle reduction system de-**  
 43 **signed to reduce fuel use and emissions from engine idling; and**

44 **(c) The total weight of the vehicle is not more than 400 pounds greater than the weight**  
 45 **authorized by the variance permit.**

1        [(4)] (5) Violation of the offense described in this section is subject to civil liability under ORS  
2 818.410.

3        [(5)] (6) The offense described in this section, operating in violation of a variance permit, is  
4 punishable according to the following:

5        (a) Violation of any provisions of the permit other than weight provisions is punishable accord-  
6 ing to the schedule of penalties under ORS 818.420.

7        (b) Violation of any weight provision by a vehicle that is authorized by permit to exceed axle  
8 or tandem axle weights specified in ORS 818.010 (1) or (2) is subject to penalty under Schedule II  
9 of the penalties in ORS 818.430.

10        (c) Violation of any weight provision by a vehicle listed in ORS 818.210 is subject to penalty  
11 under Schedule I of the penalties in ORS 818.430.

12        **SECTION 3. This 2007 Act being necessary for the immediate preservation of the public**  
13 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
14 **on its passage.**

15 \_\_\_\_\_