

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass

Vote: 7 - 3 - 0

Yeas: Bailey, Boone, Edwards D., Kahl, Schaufler, Weidner, Beyer

Nays: Bentz, Berger, Gilman

Exc.: 0

Prepared By: Patrick Brennan, Administrator

Meeting Dates: 5/4, 5/20

WHAT THE MEASURE DOES: Increases penalty for violation of an Oregon Department of Transportation (ODOT) out-of-service order from \$1,100-\$2,750 to \$2,500 for the first violation and \$5,000 for the second and each subsequent violation. Increases suspension of commercial driver license for first violation of ODOT out-of-service order from 90 to 180 days. Increases penalty on employer of commercial motor vehicle operator who violated ODOT out-of-service order, if the employer knowingly allowed the violation, from \$2,700-\$11,000 to \$25,000. Prohibits ODOT from issuing a commercial driver license with hazardous materials endorsement to an individual who is not a United States citizen or permanent legal resident. Makes related changes to commercial driving regulation. Declares an emergency and takes effect upon passage.

ISSUES DISCUSSED:

- History of federal Commercial Motor Vehicle Safety Act (1986)
- Measure needed to bring Oregon into compliance with federal laws and regulations
- Impact on persons holding Class C licenses with farm endorsements

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The federal Commercial Motor Vehicle Safety Act (1986) and subsequent Motor Carrier Safety Improvement Act (1999) established national standards for commercial motor vehicle operation to provide greater consistency among states and to help reduce accidents involving trucks and buses. States administer commercial driver license (CDL) programs based on federal laws and regulations, including enforcing standards for testing and licensing operators of commercial vehicles and disqualifying drivers who fail to meet those standards or commit specified offenses identified in state and federal law.

Senate Bill 129-A brings Oregon into compliance with federal rules to implement provisions of the 1986 and 1999 federal legislation as identified in the 2007 federal audit of Oregon's CDL program. According to ODOT, if Oregon is determined to be out of compliance with federal regulations, the state risks losing up to \$12 million per year in federal highway funds. Senate Bill 129-A includes clarification of statute changes from House Bill 3380, House Bill 2321, and House Bill 2268 (2007) to be more consistent with federal guidance. For example, penalties imposed on drivers and employers for violation of out-of-service orders are increased to be at levels required by federal regulation.