

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 5 - 0 - 0

**Yeas:** George, Schrader, Starr, Verger, Metsger

**Nays:** -

**Exc.:** -

**Prepared By:** Jim Stembridge, Administrator

**Meeting Dates:** 1/29, 2/19, 2/26

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**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's 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's 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, effective upon passage.

**ISSUES DISCUSSED:**

- Compliance with federal regulation
- Penalties associated with non-compliance with federal regulation
- Frequency of revisions in federal regulation
- Audit of ODOT Division of Motor Vehicles (DMV) statutes by federal Motor Carrier Safety Administration
- Farm endorsements and commercial driver licenses
- Overloading of light vehicles as a way of avoiding weight limitations
- Provisions of the measure, section-by-section
- New federal medical certificate provisions

**EFFECT OF COMMITTEE AMENDMENT:** Moves and consolidates civil penalty language. Removes "knowingly" criterion from driver violation of out-of-service order. Removes requirement that farm endorsement be cancelled based on disqualification from commercial driver license for violations including railroad crossing, driving while intoxicated, and refusal to submit to alcohol test.

**BACKGROUND:** SB 129-A brings Oregon into compliance with federal rules to implement provisions of the 1986 Commercial Driver License (CDL) Act and the 1999 Motor Carrier Safety Improvement Act 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. SB 129-A includes clarification of statute changes from HB 3380, HB 2321, and HB 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.

3/4/2009 10:13:00 AM

*This summary has not been adopted or officially endorsed by action of the committee.*