

# House Bill 2884

Sponsored by Representative KAHL; Representatives BAILEY, CLEM, Senator MONROE

## 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 weighmaster or motor carrier enforcement officer to use warning lights or other signal for purpose of stopping driver of commercial motor vehicle. Sunsets authorization January 2, 2014.

Requires Department of Transportation to provide training and education for weighmasters and motor carrier enforcement officers that will address how to safely stop and detain vehicles.

## A BILL FOR AN ACT

1  
2 Relating to motor carrier enforcement; creating new provisions; and amending ORS 810.530 and  
3 818.400.

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

5 **SECTION 1.** ORS 810.530 is amended to read:

6 810.530. (1) A weighmaster or motor carrier enforcement officer in whose presence an offense  
7 described in this subsection is committed may arrest or issue a citation for the offense in the same  
8 manner as under ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a  
9 police officer. This subsection applies to the following offenses:

- 10 (a) Violation of maximum weight limits under ORS 818.020.  
11 (b) Violation of posted weight limits under ORS 818.040.  
12 (c) Violation of administratively imposed weight or size limits under ORS 818.060.  
13 (d) Violation of maximum size limits under ORS 818.090.  
14 (e) Exceeding maximum number of vehicles in combination under ORS 818.110.  
15 (f) Violation of posted limits on use of road under ORS 818.130.  
16 (g) Violation of towing safety requirements under ORS 818.160.  
17 (h) Operating with sifting or leaking load under ORS 818.300.  
18 (i) Dragging objects on highway under ORS 818.320.  
19 (j) Unlawful use of devices without wheels under ORS 815.155.  
20 (k) Unlawful use of metal objects on tires under ORS 815.160.  
21 (L) Operation without pneumatic tires under ORS 815.170.  
22 (m) Operation in violation of vehicle variance permit under ORS 818.340.  
23 (n) Failure to carry and display permit under ORS 818.350.  
24 (o) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400.  
25 (p) Violation of any provision of ORS chapter 825.  
26 (q) Operation without proper fenders or mudguards under ORS 815.185.  
27 (r) Vehicle operating without driving privileges in violation of ORS 807.010 if the person is op-  
28 erating a commercial motor vehicle and the person does not have a commercial driver license or  
29 does not have an appropriate permit.  
30 (s) Violation driving while suspended or revoked in violation of ORS 811.175 if the person is

**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 operating a commercial motor vehicle while the person's commercial driver license is suspended or  
 2 revoked.

3 (t) Failure to use vehicle traction tires or chains in violation of ORS 815.140 if the person is  
 4 operating a motor vehicle subject to ORS chapter 825 or 826.

5 (2) A weighmaster or motor carrier enforcement officer in whose presence an offense described  
 6 in this subsection is committed by a person operating a commercial motor vehicle may issue a ci-  
 7 tation for the offense. A weighmaster or motor carrier enforcement officer who finds evidence that  
 8 an offense described in this subsection has been committed by a person operating a commercial  
 9 motor vehicle or by a motor carrier for which the person is acting as an agent may issue a citation  
 10 for the offense. A weighmaster or motor carrier enforcement officer issuing a citation under this  
 11 subsection has the authority granted a police officer issuing a citation under ORS 810.410. A citation  
 12 issued under this subsection to the operator of a commercial motor vehicle shall be considered to  
 13 have been issued to the motor carrier that owns the commercial motor vehicle if the operator is not  
 14 the owner. This subsection applies to the following offenses, all of which are Class A traffic vio-  
 15 lations under ORS 825.990 (1):

16 (a) Repeatedly violating or avoiding any order or rule of the Department of Transportation.

17 (b) Repeatedly refusing or repeatedly failing, after being requested to do so, to furnish service  
 18 authorized by certificate.

19 (c) Refusing or failing to file the annual report as required by ORS 825.320.

20 (d) Refusing or failing to maintain records required by the department or to produce such re-  
 21 cords for examination as required by the department.

22 (e) Failing to appear for a hearing after notice that the carrier's certificate or permit is under  
 23 investigation.

24 (f) Filing with the department an application that is false with regard to the ownership, pos-  
 25 session or control of the equipment being used or the operation being conducted.

26 (g) Delinquency in reporting or paying any fee, tax or penalty due to the department under ORS  
 27 chapter 825 or 826.

28 (h) Refusing or failing to file a deposit or bond as required under ORS 825.506.

29 (i) Failing to comply with the applicable requirements for attendance at a motor carrier educa-  
 30 tion program as required by ORS 825.402.

31 (3) A weighmaster or motor carrier enforcement officer who finds evidence that a person oper-  
 32 ating a commercial motor vehicle has committed the offense of failure to pay the appropriate reg-  
 33 istration fee under ORS 803.315 may issue a citation for the offense in the same manner as under  
 34 ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a police officer.

35 (4) The authority of a weighmaster or motor carrier enforcement officer to issue citations or  
 36 arrest under this section is subject to ORS chapter 153.

37 (5)(a) A person is a weighmaster for purposes of this section if the person is a county  
 38 weighmaster or a police officer.

39 (b) A person is a motor carrier enforcement officer under this section if the person is duly au-  
 40 thorized as a motor carrier enforcement officer by the Department of Transportation.

41 (6) A weighmaster or motor carrier enforcement officer may accept security in the same manner  
 42 as a police officer under ORS 810.440 and 810.450 and may take as security for the offenses, in ad-  
 43 dition to other security permitted under this section, the sum fixed as the base fine for the offense.

44 (7) A weighmaster or motor carrier enforcement officer may arrest a person for the offense of  
 45 failure to appear in a violation proceeding under ORS 153.992 if the violation is based upon a cita-

tion for any offense described in subsection (1) or (3) of this section except those described in subsection (1)(p) of this section.

(8)(a) **In order to enforce commercial motor vehicle requirements**, a weighmaster or motor carrier enforcement officer may **stop and detain vehicles**:

(A) *[exercise]* **Exercising** the same authority as a police officer under ORS 810.490 *[to enforce vehicle requirements and detain vehicles]*.

**(B) Using warning lights or other signal.**

(b) A person who fails to comply with the authority of a weighmaster or motor carrier enforcement officer under this subsection is subject to penalty under ORS 818.400.

**SECTION 2.** ORS 818.400 is amended to read:

818.400. (1) A person commits the offense of failure to comply with commercial vehicle enforcement requirements if the person is driving a vehicle or combination of vehicles and the person does not comply with any of the following or if the person is the owner of a vehicle or combination of vehicles and the person causes or permits the vehicle or combination not to comply with any of the following:

(a) A vehicle or combination of vehicles must stop and submit to any enforcement of commercial vehicle weight, size, load, conformation or equipment regulation when directed to do so by an "OPEN" sign displayed at a permanently established truck scale.

(b) A vehicle or combination of vehicles must stop and submit to any enforcement of commercial vehicle weight, size, load, conformation or equipment regulation when directed to do so by any sign, **warning lights** or **other** signal displayed or given by a police officer, motor carrier enforcement officer or weighmaster acting in accordance with authority granted under ORS 810.490.

(c) A vehicle or combination of vehicles must move into the right lane for purposes of a weight or size check when instructed to do so by a sign indicating the presence of a weigh-in-motion scale.

(d) The directions of any police officer, motor carrier enforcement officer or weighmaster that are given in accordance with authority granted under ORS 810.490 or 810.530 must be complied with.

(2) The requirement of subsection (1)(a) of this section does not apply to:

(a) An empty combination of a log truck and pole trailer if the pole trailer is bunked on the log truck and there is no other load; or

(b) A vehicle or combination of vehicles if:

(A) The normal route of the vehicle or combination of vehicles requires turning off the highway after passing the "OPEN" sign but before reaching the scale; and

(B) The vehicle or combination of vehicles is en route to a terminal or other legitimate business.

(3) Operation of any vehicle or combination of vehicles in violation of this section is prima facie evidence that the owner of such vehicle or combination caused or permitted it to be so operated and the owner shall be liable for any penalties imposed under this section.

(4) The offense described in this section, failure to comply with commercial vehicle enforcement requirements, is a Class B misdemeanor. The penalty provided under this subsection is in addition to any penalty provided for violation of any prohibition relating to vehicle weight, size, load, conformation or equipment.

**SECTION 3.** Section 4 of this 2009 Act is added to and made a part of the Oregon Vehicle Code.

**SECTION 4.** The Department of Transportation shall provide training and education for weighmasters and motor carrier enforcement officers that will address how to safely stop and detain vehicles.

1       **SECTION 5.** The Department of Transportation shall provide a report to the Seventy-  
 2 seventh Legislative Assembly on the effectiveness of the amendments to ORS 810.530 and  
 3 818.400 by sections 1 and 2 of this 2009 Act in enforcing commercial motor vehicle require-  
 4 ments.

5       **SECTION 6.** ORS 810.530, as amended by section 1 of this 2009 Act, is amended to read:

6       810.530. (1) A weighmaster or motor carrier enforcement officer in whose presence an offense  
 7 described in this subsection is committed may arrest or issue a citation for the offense in the same  
 8 manner as under ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a  
 9 police officer. This subsection applies to the following offenses:

- 10       (a) Violation of maximum weight limits under ORS 818.020.
- 11       (b) Violation of posted weight limits under ORS 818.040.
- 12       (c) Violation of administratively imposed weight or size limits under ORS 818.060.
- 13       (d) Violation of maximum size limits under ORS 818.090.
- 14       (e) Exceeding maximum number of vehicles in combination under ORS 818.110.
- 15       (f) Violation of posted limits on use of road under ORS 818.130.
- 16       (g) Violation of towing safety requirements under ORS 818.160.
- 17       (h) Operating with sifting or leaking load under ORS 818.300.
- 18       (i) Dragging objects on highway under ORS 818.320.
- 19       (j) Unlawful use of devices without wheels under ORS 815.155.
- 20       (k) Unlawful use of metal objects on tires under ORS 815.160.
- 21       (L) Operation without pneumatic tires under ORS 815.170.
- 22       (m) Operation in violation of vehicle variance permit under ORS 818.340.
- 23       (n) Failure to carry and display permit under ORS 818.350.
- 24       (o) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400.
- 25       (p) Violation of any provision of ORS chapter 825.
- 26       (q) Operation without proper fenders or mudguards under ORS 815.185.
- 27       (r) Vehicle operating without driving privileges in violation of ORS 807.010 if the person is op-  
 28 erating a commercial motor vehicle and the person does not have a commercial driver license or  
 29 does not have an appropriate permit.
- 30       (s) Violation driving while suspended or revoked in violation of ORS 811.175 if the person is  
 31 operating a commercial motor vehicle while the person's commercial driver license is suspended or  
 32 revoked.

33       (t) Failure to use vehicle traction tires or chains in violation of ORS 815.140 if the person is  
 34 operating a motor vehicle subject to ORS chapter 825 or 826.

35       (2) A weighmaster or motor carrier enforcement officer in whose presence an offense described  
 36 in this subsection is committed by a person operating a commercial motor vehicle may issue a ci-  
 37 tation for the offense. A weighmaster or motor carrier enforcement officer who finds evidence that  
 38 an offense described in this subsection has been committed by a person operating a commercial  
 39 motor vehicle or by a motor carrier for which the person is acting as an agent may issue a citation  
 40 for the offense. A weighmaster or motor carrier enforcement officer issuing a citation under this  
 41 subsection has the authority granted a police officer issuing a citation under ORS 810.410. A citation  
 42 issued under this subsection to the operator of a commercial motor vehicle shall be considered to  
 43 have been issued to the motor carrier that owns the commercial motor vehicle if the operator is not  
 44 the owner. This subsection applies to the following offenses, all of which are Class A traffic vio-  
 45 lations under ORS 825.990 (1):

1 (a) Repeatedly violating or avoiding any order or rule of the Department of Transportation.

2 (b) Repeatedly refusing or repeatedly failing, after being requested to do so, to furnish service  
3 authorized by certificate.

4 (c) Refusing or failing to file the annual report as required by ORS 825.320.

5 (d) Refusing or failing to maintain records required by the department or to produce such re-  
6 cords for examination as required by the department.

7 (e) Failing to appear for a hearing after notice that the carrier's certificate or permit is under  
8 investigation.

9 (f) Filing with the department an application that is false with regard to the ownership, pos-  
10 session or control of the equipment being used or the operation being conducted.

11 (g) Delinquency in reporting or paying any fee, tax or penalty due to the department under ORS  
12 chapter 825 or 826.

13 (h) Refusing or failing to file a deposit or bond as required under ORS 825.506.

14 (i) Failing to comply with the applicable requirements for attendance at a motor carrier educa-  
15 tion program as required by ORS 825.402.

16 (3) A weighmaster or motor carrier enforcement officer who finds evidence that a person oper-  
17 ating a commercial motor vehicle has committed the offense of failure to pay the appropriate reg-  
18 istration fee under ORS 803.315 may issue a citation for the offense in the same manner as under  
19 ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a police officer.

20 (4) The authority of a weighmaster or motor carrier enforcement officer to issue citations or  
21 arrest under this section is subject to ORS chapter 153.

22 (5)(a) A person is a weighmaster for purposes of this section if the person is a county  
23 weighmaster or a police officer.

24 (b) A person is a motor carrier enforcement officer under this section if the person is duly au-  
25 thorized as a motor carrier enforcement officer by the Department of Transportation.

26 (6) A weighmaster or motor carrier enforcement officer may accept security in the same manner  
27 as a police officer under ORS 810.440 and 810.450 and may take as security for the offenses, in ad-  
28 dition to other security permitted under this section, the sum fixed as the base fine for the offense.

29 (7) A weighmaster or motor carrier enforcement officer may arrest a person for the offense of  
30 failure to appear in a violation proceeding under ORS 153.992 if the violation is based upon a cita-  
31 tion for any offense described in subsection (1) or (3) of this section except those described in sub-  
32 section (1)(p) of this section.

33 (8)(a) *In order to enforce commercial motor vehicle requirements,* A weighmaster or motor carrier  
34 enforcement officer may *[stop and detain vehicles:]*

35 *[(A) Exercising]* **exercise** the same authority as a police officer under ORS 810.490 **to enforce**  
36 **vehicle requirements and detain vehicles.**

37 *[(B) Using warning lights or other signal.]*

38 *[(b)]* A person who fails to comply with the authority of a weighmaster or motor carrier  
39 enforcement officer under this subsection is subject to penalty under ORS 818.400.

40 **SECTION 7.** ORS 818.400, as amended by section 2 of this 2009 Act, is amended to read:

41 818.400. (1) A person commits the offense of failure to comply with commercial vehicle enforce-  
42 ment requirements if the person is driving a vehicle or combination of vehicles and the person does  
43 not comply with any of the following or if the person is the owner of a vehicle or combination of  
44 vehicles and the person causes or permits the vehicle or combination not to comply with any of the  
45 following:

1 (a) A vehicle or combination of vehicles must stop and submit to any enforcement of commercial  
2 vehicle weight, size, load, conformation or equipment regulation when directed to do so by an  
3 “OPEN” sign displayed at a permanently established truck scale.

4 (b) A vehicle or combination of vehicles must stop and submit to any enforcement of commercial  
5 vehicle weight, size, load, conformation or equipment regulation when directed to do so by any  
6 sign[, *warning lights or other*] **or** signal displayed or given by a police officer, motor carrier  
7 enforcement officer or weighmaster acting in accordance with authority granted under ORS 810.490.

8 (c) A vehicle or combination of vehicles must move into the right lane for purposes of a weight  
9 or size check when instructed to do so by a sign indicating the presence of a weigh-in-motion scale.

10 (d) The directions of any police officer, motor carrier enforcement officer or weighmaster that  
11 are given in accordance with authority granted under ORS 810.490 or 810.530 must be complied with.

12 (2) The requirement of subsection (1)(a) of this section does not apply to:

13 (a) An empty combination of a log truck and pole trailer if the pole trailer is bunked on the log  
14 truck and there is no other load; or

15 (b) A vehicle or combination of vehicles if:

16 (A) The normal route of the vehicle or combination of vehicles requires turning off the highway  
17 after passing the “OPEN” sign but before reaching the scale; and

18 (B) The vehicle or combination of vehicles is en route to a terminal or other legitimate business.

19 (3) Operation of any vehicle or combination of vehicles in violation of this section is prima facie  
20 evidence that the owner of such vehicle or combination caused or permitted it to be so operated and  
21 the owner shall be liable for any penalties imposed under this section.

22 (4) The offense described in this section, failure to comply with commercial vehicle enforcement  
23 requirements, is a Class B misdemeanor. The penalty provided under this subsection is in addition  
24 to any penalty provided for violation of any prohibition relating to vehicle weight, size, load, con-  
25 formation or equipment.

26 **SECTION 8. Section 4 of this 2009 Act is repealed on January 2, 2014.**

27 **SECTION 9. The amendments to ORS 810.530 and 818.400 by sections 6 and 7 of this 2009**  
28 **Act become operative on January 2, 2014.**

29