

Senate Bill 514

Sponsored by Senator GEORGE; Representatives WEIDNER, WINGARD

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**.

Eliminates requirement that person seeking certificate to operate as for-hire carrier of persons or household goods demonstrate that service provided is necessary for community.

A BILL FOR AN ACT

1
2 Relating to for-hire carriers; amending ORS 825.110.

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

4 **SECTION 1.** ORS 825.110 is amended to read:

5 825.110. (1) When a person files with the Department of Transportation an application for a
6 certificate to operate as a for-hire regular route full-service scheduled carrier of persons as de-
7 scribed in ORS 825.234 or as a for-hire carrier of household goods, for the extension of an existing
8 certificate, or for the transfer of a certificate, the department shall serve notice of the application
9 upon every person who has an application filed and pending before the department to serve the
10 territory proposed to be served by the applicant, or who holds a certificate to serve that territory.
11 If any person desires to protest the issuance, extension or transfer of the certificate, the person may
12 file notice thereof with the department within 15 days from the date of service of the notice of ap-
13 plication. The department thereupon shall fix a time and place for a hearing upon the application,
14 and shall serve notice of the hearing upon the applicant and any person who has filed a protest. For
15 the purpose of being properly and fully informed, the department may hold a hearing on an appli-
16 cation although no protest is filed.

17 (2) If no person protests within the time provided in subsection (1) of this section, the depart-
18 ment may order the issuance, transfer or extension of the certificate without a hearing, if the ap-
19 plicant shows compliance with subsection (4)[(a), (b) and (d) to (f)] of this section.

20 (3) If all protests to the application are withdrawn prior to the closing of the record, the de-
21 partment may order the issuance or transfer of the certificate if the applicant shows compliance
22 with subsection (4)[(a), (b) and (d) to (f)] of this section.

23 (4) If the application for issuance or transfer of a certificate is the subject of a hearing, the
24 department shall issue the certificate if the applicant has complied with this chapter and the rules
25 of the department, and if the department finds from the record and the evidence submitted at the
26 hearing that:

27 (a) The applicant is fit, willing and able properly to perform the service proposed;

28 (b) The applicant has certified that the vehicles listed on the application comply with all Oregon
29 laws and rules covering vehicle safety and operations and will be so maintained;

30 *[(c) The service proposed, to the extent authorized, is or will be required by the present or future
public convenience and necessity or in case of proceedings under ORS 825.129 if the department finds*

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 *the assignment or other transfer is in the public interest;]*

2 [(d)] (c) The service proposed will not be attended with substantial damage to the highways or
3 danger to other highway users or to the public;

4 [(e)] (d) The rates, schedules or contracts proposed by the applicant, if an intrastate operator,
5 are approved by the department; and

6 [(f)] (e) The applicant can and will furnish and file the insurance, bond or substitute security
7 or qualify as self-insurer as provided in this chapter.

8 (5) If the application for issuance or transfer of a certificate is the subject of a hearing, and if
9 the department does not find that all the conditions provided in subsection (4) of this section are
10 satisfied, the department may deny the application or may order that issuance of the certificate be
11 deferred pending compliance by the applicant with those conditions provided in subsection (4) of this
12 section specified in the order.

13 (6) If the applicant fails to appear at the time and place fixed for the hearing, the application
14 may be denied.

15 (7)(a) Pending determination of application for transfer of a certificate, the department, without
16 hearing, may grant approval of the temporary operation of the certificate by the prospective
17 transferee, or, if the transferor's service to the public may be substantially impaired, may authorize
18 temporary management of the transferor's motor carrier operations by the prospective transferee.

19 (b) Service performed under any temporary authority granted under this section is subject to
20 all provisions of this chapter and the rules of the department.

21 (c) Service performed under any temporary authority granted under this section creates no
22 presumption that transfer of the certificate is required by the public convenience and necessity or
23 is in the public interest.

24 (d) Evidence of operation under a temporary authority as provided in this section is not admis-
25 sible to show the extent of utilization of the certificate to be transferred.

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