

# Senate Bill 182

Sponsored by Senator BOQUIST (at the request of Don Colvin) (Pre-session filed.)

## 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**.

Exempts certain for-hire carriers of household goods from economic regulation.

### A BILL FOR AN ACT

Relating to for-hire carriers of household goods; amending ORS 825.127 and 825.240.

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

**SECTION 1.** ORS 825.240 is amended to read:

825.240. (1) The provisions of ORS 825.202 (1), 825.220, 825.224 and 825.234, *except for ORS 825.202 (2), (3) and (4),* do not apply to for-hire carriers of household goods. *[who are engaged in local cartage of property within areas designated in rules adopted by the Department of Transportation. The department shall designate a local cartage area as exempt]* **The Department of Transportation shall exempt the following for-hire carriers of household goods** from economic regulation if the department finds from the record and evidence in a rulemaking proceeding that:

(a) The gross revenue *[derived from local cartage]* **of a for-hire carrier** of household goods *[in the designated cartage area by carriers]* does not exceed *[\$100,000]* **\$500,000** a year; **or**

**(b) The fleet of a for-hire carrier of household goods does not include any vehicle or combination of vehicles with a combined weight of 26,001 pounds or more.**

*[(b) The population of the affected city or cartage area is less than 10,000;]*

*[(c) The incorporated city or designated cartage area is not an essential part of a metropolitan, industrial or homogeneous economic area;]*

*[(d) The incorporated city or cartage area is not contiguous to another city or within the area encompassed by the commercial zone of another city;]*

*[(e) Service to the public would not be adversely affected;]*

*[(f) The carrier's ability to render service would not be adversely affected; and]*

*[(g) It is not otherwise adverse to the public interest to exclude such area from regulation.]*

(2) If the department finds *[in a future rulemaking proceeding that adequate service is not being provided or that the public interest demands that the exemption be removed]* **that a for-hire carrier no longer meets the qualifications for the exemption specified in subsection (1) of this section**, the department shall remove the exemption and require the affected *[cartage carriers]* **carrier** to comply with the provisions of this chapter.

*[(3) Within 90 days after the effective date of the order removing the exemption, carriers who operated within the local cartage area for at least six consecutive months immediately preceding the effective date of the order may file with the department an application for operating authority. The application shall be accompanied by evidence of qualified operations in the local cartage area. If the department finds that the applicant has engaged in qualified operations in the area, the department*

**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 shall issue an appropriate certificate authorizing the carrier to provide service within the area. Appli-  
 2 cants may continue to provide service pending the department's decision on the application.]

3 **SECTION 2.** ORS 825.127 is amended to read:

4 825.127. (1) The Department of Transportation may [*grant issuance of*] **issue** a permit to a for-  
 5 hire carrier **that is** engaged in [*performing*] local cartage of household goods [*within areas desig-*  
 6 *nated by the department pursuant to ORS 825.240*] **if the carrier meets the criteria described in**  
 7 **subsection (2) of this section.**

8 (2) **To qualify for a permit under subsection (1) of this section, the department must find**  
 9 **that:**

10 (a) **The gross revenue derived from local cartage of household goods in the designated**  
 11 **cartage area by carriers does not exceed \$100,000 a year;**

12 (b) **The population of the affected city or cartage area is less than 10,000;**

13 (c) **The incorporated city or designated cartage area is not an essential part of a metro-**  
 14 **politan, industrial or homogeneous economic area;**

15 (d) **The incorporated city or cartage area is not contiguous to another city or within the**  
 16 **area encompassed by the commercial zone of another city;**

17 (e) **Service to the public would not be adversely affected;**

18 (f) **The carrier's ability to render service would not be adversely affected; and**

19 (g) **It is not otherwise adverse to the public interest to exclude such area from regu-**  
 20 **lation.**

21 (3) **If the department finds that a for-hire carrier of household goods no longer qualifies**  
 22 **as a local cartage carrier, the department shall, by order, disqualify the carrier as a local**  
 23 **cartage carrier and require the affected carrier to comply with the provisions of this chap-**  
 24 **ter.**

25 (4) **A carrier affected by an order under subsection (3) of this section may dispute the**  
 26 **order within 90 days from the effective date of the order. If a carrier has operated within the**  
 27 **local cartage area for at least six consecutive months immediately preceding the effective**  
 28 **date of the order, the carrier may file with the department an application for operating au-**  
 29 **thority. The application shall be accompanied by evidence of qualified operations in the local**  
 30 **cartage area. If the department finds that the applicant has engaged in qualified operations**  
 31 **in the local cartage area, the department shall issue an appropriate certificate authorizing**  
 32 **the carrier to provide service within the area. Applicants may continue to provide service**  
 33 **pending the department's decision on the application.**