



Oregon

Kate Brown, Governor

Department of Transportation

Director's Office

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DATE: May 3, 2017

TO: Senate Committee on Business and Transportation

FROM: Amy Joyce, Legislative Liaison

SUBJECT: HB 2575-A, brake exemption for dory trailers

INTRODUCTION

States are required to have laws that meet federal standards for commercial motor vehicles. The braking standard in HB 2575-A complies with federal requirements.

DISCUSSION

The Federal Motor Carrier Safety Administration (FMCSA) enforces the requirement that each state must meet the minimum standards included in federal regulations for commercial vehicles. States that do not meet those standards can face loss of federal funding.

Federal safety regulations require brakes for motor vehicles and trailers that are considered “commercial motor vehicles.” Under federal law a dory and its trailer that are used for recreation or sport fishing, because they are not being used for commercial purposes, would not require brakes. Also, the federal regulations do not apply to a dory and its trailer being used for commercial purposes (e.g. transporting a catch to market), in interstate commerce, if the combination does not exceed 10,000 pounds. Finally, the federal regulations do not apply when the dory and trailer are being used for commercial purposes, in *intrastate* commerce, if the combination does not exceed 26,000 pounds. The department understands the dory fleet typically transports its catch to an Oregon processing facility, which processes the fish before they are transported out of state or out of country. That makes the dory operators’ transport of fish to market *intrastate* commerce.

The bill’s allowance for increased weight at which a dory trailer does not require brakes, when in *intrastate* commerce, is allowed by federal regulation.

SUMMARY

The provisions of this bill do not violate federal law.