



Oregon

Kate Brown, Governor

Department of Transportation

Director's Office

355 Capitol St. NE, MS 11

Salem, OR 97301

DATE: February 1, 2017

TO: House Committee on Transportation Policy

FROM: Amy Joyce, Legislative Liaison

SUBJECT: HB 2575, brake exemption for dory trailers

INTRODUCTION

States are required to have laws that meet federal standards for commercial motor vehicles. To the limited extent that HB 2575 could allow an exemption from federal standards for braking, it may run afoul of federal requirements. An amendment could fix this issue.

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 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), if the combination does not exceed 10,000 pounds. Only to the extent the exemption would extend to commercial motor vehicles (commercial purpose and over 10,000 pounds) would it be required to have brakes under the federal requirements. To ensure the proposed change keeps us in compliance with federal law, an amendment could be drafted to clarify this.

SUMMARY

The bill makes no distinction between commercial motor vehicles and those that are not. To the extent the combination is for commercial use, and exceeds a particular weight, the exemption from the brakes requirement would not comply with federal law. Oregon could potentially lose federal dollars if the FMCSA deems our state out of compliance. An amendment to the bill could fix this issue.