

# House Bill 2291

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Transportation)

## 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 enforce law prohibiting illegal alteration or display of registration plate.

Changes how Department of Transportation calculates weight of buses and bus trailers.

Provides that motor vehicles subject to rules regarding transportation of hazardous waste are also subject to rules regarding hazardous materials and PCB. Permits department to impound vehicle if person violates rules.

## A BILL FOR AN ACT

1  
2 Relating to motor vehicles weighing more than 26,000 pounds; creating new provisions; and amend-  
3 ing ORS 803.435, 810.530, 825.005, 825.026, 825.260 and 826.015.

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

## WEIGHMASTER ENFORCEMENT OF MOTOR VEHICLE LAWS

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

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

- 13 (a) Violation of maximum weight limits under ORS 818.020.  
14 (b) Violation of posted weight limits under ORS 818.040.  
15 (c) Violation of administratively imposed weight or size limits under ORS 818.060.  
16 (d) Violation of maximum size limits under ORS 818.090.  
17 (e) Exceeding maximum number of vehicles in combination under ORS 818.110.  
18 (f) Violation of posted limits on use of road under ORS 818.130.  
19 (g) Violation of towing safety requirements under ORS 818.160.  
20 (h) Operating with sifting or leaking load under ORS 818.300.  
21 (i) Dragging objects on highway under ORS 818.320.  
22 (j) Unlawful use of devices without wheels under ORS 815.155.  
23 (k) Unlawful use of metal objects on tires under ORS 815.160.  
24 (L) Operation without pneumatic tires under ORS 815.170.  
25 (m) Operation in violation of vehicle variance permit under ORS 818.340.  
26 (n) Failure to carry and display permit under ORS 818.350.  
27 (o) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400.  
28 (p) Violation of any provision of ORS chapter 825.

**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 (q) Operation without proper fenders or mudguards under ORS 815.185.

2 (r) Operating a vehicle without driving privileges in violation of ORS 807.010 if the person is  
3 operating a commercial motor vehicle and the person does not have commercial driving privileges.

4 (s) Violation driving while suspended or revoked in violation of ORS 811.175 if the person is  
5 operating a commercial motor vehicle while the person's commercial driving privileges are sus-  
6 pended or revoked.

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

9 **(u) Illegally altering or displaying registration plate in violation of ORS 803.550.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (8) A weighmaster or motor carrier enforcement officer may exercise the same authority as a  
 10 police officer under ORS 810.490 to enforce vehicle requirements and detain vehicles. A person who  
 11 fails to comply with the authority of a weighmaster or motor carrier enforcement officer under this  
 12 subsection is subject to penalty under ORS 818.400.

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 14 **CALCULATION OF WEIGHT FOR BUSES AND BUS TRAILERS**

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 16 **SECTION 2.** ORS 825.005 is amended to read:

17 825.005. As used in this chapter:

18 (1) "Carrier" or "motor carrier" means for-hire carrier or private carrier.

19 (2) "Cartage carrier" means any person who undertakes to transport any class of property by  
 20 motor vehicle for compensation when the transportation is performed wholly within an incorporated  
 21 city or a commercial zone adjacent to an incorporated city.

22 (3) "Certificate" means an authority issued to a for-hire carrier under ORS 825.110.

23 (4) "Combined weight" means the weight of the motor vehicle plus the weight of the maximum  
 24 load which the applicant has declared such vehicle will carry. Any declared combined weight is  
 25 subject to audit and approval by the Department of Transportation. [*The combined weight of motor*  
 26 *buses or bus trailers is the light weight of the vehicle plus the weight of the maximum seating capacity*  
 27 *including the driver's seat estimated at 170 pounds per seat, exclusive of emergency seats, except that*  
 28 *transit-type motor vehicles may use 150 pounds per seat in determining combined weight. In cases*  
 29 *where a bus has a seating capacity which is not arranged for separate or individual seats, 18 lineal*  
 30 *inches of such capacity shall be deemed the equivalent of a passenger seat.]*

31 (5) "Department" means the Department of Transportation.

32 (6) "Extreme miles" or "extreme mileage" means the total miles operated by a vehicle over the  
 33 public highways, except the extra miles necessarily operated in traversing detours or temporary  
 34 routes on account of road blockades in the state.

35 (7) "For-hire carrier" means:

36 (a) Any person who transports persons or property for hire or who publicly purports to be  
 37 willing to transport persons or property for hire by motor vehicle; or

38 (b) Any person who leases, rents or otherwise provides a motor vehicle to the public and who  
 39 in connection therewith in the regular course of business provides, procures or arranges for, di-  
 40 rectly, indirectly or by course of dealing, a driver or operator therefor.

41 (8) "Household goods" means the personal effects or other property used or to be used in a  
 42 dwelling but does not include property transported from a store or factory or property exclusively  
 43 for office use.

44 (9) "Motor vehicle" means any self-propelled vehicle and any such vehicle in combination with  
 45 any trailing units, used or physically capable of being used upon any public highway in this state

1 in the transportation of persons or property, except vehicles operating wholly on fixed rails or  
 2 tracks and electric trolley buses. "Motor vehicle" includes overdimension vehicles or vehicles per-  
 3 mitted excessive weights pursuant to a special authorization issued by a city, county or the De-  
 4 partment of Transportation.

5 (10) "Permit" means an authority issued to a carrier under ORS 825.102, 825.106, 825.108 or  
 6 825.127.

7 (11) "Private carrier" means any person who operates a motor vehicle over the public highways  
 8 of this state for the purpose of transporting persons or property when the transportation is inci-  
 9 dental to a primary business enterprise, other than transportation, in which such person is engaged.

10 (12) "Privilege taxes" means the weight-mile tax and fees prescribed in this chapter.

11 (13) "Property" includes, but is not limited to, permanent loads such as equipment, appliances,  
 12 devices, or ballast that are attached to, carried on, or made a part of the vehicle and that are de-  
 13 signed to serve some functional purpose.

14 (14) "Public highway" means every street, alley, road, highway and thoroughfare in this state  
 15 used by the public or dedicated or appropriated to public use.

16 (15) "Transit-type motor vehicle" means any passenger-carrying vehicle that does not have a  
 17 separate space for transporting baggage or express.

18 (16) "Transporter" has the meaning given that term in ORS 466.005.

19 **SECTION 3.** ORS 803.435 is amended to read:

20 803.435. A declaration of weight required for purposes of complying with ORS 803.440 and for  
 21 purposes of determining vehicle registration fees under ORS 803.420 shall contain the following:

22 (1) For vehicles required to establish a registration weight under ORS 803.430, the declaration  
 23 shall contain the registration weight.

24 (2) For buses, the declaration shall contain the unloaded weight of the vehicle plus the unloaded  
 25 weight of any bus trailer to be used in combination with the vehicle. The declaration shall also in-  
 26 dicate the number of persons, including the driver, to be carried in the vehicle, plus the number of  
 27 persons to be carried on any bus trailer to be used in combination with the vehicle. *[For purposes*  
 28 *of determining the fee for registration of the vehicle under ORS 803.420, the Department of Transpor-*  
 29 *tation shall determine the weight of the vehicle by adding the unloaded weight of the vehicle, plus the*  
 30 *unloaded weight of any bus trailer to be used in combination with the vehicle, to a weight determined*  
 31 *by multiplying the maximum seating capacity of the vehicle plus the maximum seating capacity of any*  
 32 *bus trailer to be used in combination with the vehicle, including the driver's seat but excluding emer-*  
 33 *gency seats, times 170 pounds, if the vehicle has a separate compartment for transporting baggage or*  
 34 *express, or 150 pounds, if the vehicle has no separate compartment for transporting baggage or express.*  
 35 *If the vehicle has a seating capacity that is not arranged for separate or individual seating, 18 lineal*  
 36 *inches shall be deemed the equivalent of a passenger seat.]*

37 (3) For fixed load vehicles, the declaration shall contain the weight of the vehicle including the  
 38 cab, chassis, frame and all appurtenances necessary for making the vehicle self-propelled including  
 39 front bumpers, fenders, windshield, tire carrier and spare wheel, and including the fixed or perma-  
 40 nent load of the vehicle but excluding the spare tire.

41 (4) For tow vehicles that are used to transport property for hire other than as described in ORS  
 42 822.210, the declaration shall contain the combined weight at which the vehicle will be used to  
 43 transport property for hire.

44 (5) For all vehicles not otherwise provided for by this section and for which a declaration is  
 45 prepared or required, the declaration shall contain the registration weight of the vehicle.

**SECTION 4.** ORS 826.015 is amended to read:

826.015. *[A declaration of weight required for purposes of determining vehicle registration fees shall contain the following:]*

(1) For vehicles registered under ORS 826.031 or under proportional registration pursuant to ORS 826.009 or 826.011, the declaration of **weight** shall contain the combined weight of the vehicle.

(2) For commercial buses, the declaration of **weight** shall contain the unloaded weight of the vehicle plus the unloaded weight of any bus trailer to be used in combination with the vehicle. The declaration shall also indicate the number of persons, including the driver, to be carried in the vehicle, plus the number of persons to be carried on any bus trailer to be used in combination with the vehicle. *[For purposes of determining the fee for registration of the vehicle under ORS 803.420, the Department of Transportation shall determine the weight of the vehicle by adding the unloaded weight of the vehicle, plus the unloaded weight of any bus trailer to be used in combination with the vehicle, to a weight determined by multiplying the maximum seating capacity of the vehicle plus the maximum seating capacity of any bus trailer to be used in combination with the vehicle, including the driver's seat but excluding emergency seats, times 170 pounds, if the vehicle has a separate compartment for transporting baggage or express, or 150 pounds, if the vehicle has no separate compartment for transporting baggage or express. If the vehicle has a seating capacity that is not arranged for separate or individual seating, 18 lineal inches shall be deemed the equivalent of a passenger seat.]*

**HAZARDOUS MATERIALS**

**SECTION 5.** ORS 825.026 is amended to read:

825.026. This chapter does not apply to the vehicles described in ORS 825.017 and 825.024 except as provided in ORS 825.030 and except that the vehicles are subject to ORS 825.258, **825.260** and 825.990 (3) and (4) and the rules adopted by the Department of Transportation relating to the safety of the vehicles while engaged in the transportation of hazardous wastes, **hazardous materials and PCB** on public highways.

**SECTION 6.** ORS 825.260 is amended to read:

825.260. (1) In addition to any other enforcement measure allowed, if a person violates the provisions of ORS 466.080 or 825.258 or rules adopted by the Department of Transportation under ORS 466.080 or 825.258, the department may impound the person's vehicle transporting, about to transport or that has transported hazardous waste, PCB or hazardous substance within the state. The department may charge a reasonable fee for the costs of impoundment and storage, if any, before releasing any vehicle to its owner.

(2) As used in this section and ORS **825.026 and** 825.258:

(a) "Hazardous substance" includes any substance defined by the department as hazardous.

(b) "Hazardous waste" has the meaning given that term in ORS 466.005.

(c) "PCB" has the meaning given that term in ORS 466.505 when the PCB is a waste product of an industrial, commercial or other activity.

**APPLICABILITY**

**SECTION 7. The amendments to ORS 810.530 and 825.026 by sections 1 and 5 of this 2017 Act apply to conduct occurring on or after the effective date of this 2017 Act.**

CAPTIONS

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**SECTION 8. The unit captions used in this 2017 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2017 Act.**

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