

HB 2118-2
(LC 3062)
2/13/19 (ASD/ps)

Requested by HOUSE COMMITTEE ON REVENUE (at the request of Representative Nancy Nathanson for the Oregon Trucking Associations)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2118**

1 On page 1 of the printed bill, line 5, after “811.745” insert “, 825.224”.

2 On page 34, after line 6, insert:

3 **“SECTION 39.** ORS 825.224 is amended to read:

4 “825.224. (1) The rates, classifications, rules and practices used by for-hire
5 carriers in the transportation of household goods shall be prescribed by the
6 Department of Transportation and:

7 “(a) Be plainly stated in tariffs available to the public at each carrier’s
8 office, and at the office of the department; and

9 “(b) Be just, reasonable and fair and may not be unduly discriminatory,
10 prejudicial or preferential.

11 **“(2)(a) If a for-hire carrier of household goods with an individual**
12 **tariff on file with the department, or a rate bureau, files a petition for**
13 **a general increase, the department shall determine whether the re-**
14 **quested increase is justified based on a comparison of the Consumer**
15 **Price Index for All Urban Consumers, West Region, in effect at the**
16 **time of the most recent general increase, with the Consumer Price**
17 **Index for All Urban Consumers, West Region, in effect at the time of**
18 **the determination.**

19 **“(b) As used in this subsection:**

20 **“(A) ‘Consumer Price Index for All Urban Consumers, West**
21 **Region’ means the Consumer Price Index for All Urban Consumers,**

1 **West Region (All Items), as published by the Bureau of Labor Statis-**
2 **tics of the United States Department of Labor.**

3 **“(B) ‘General increase’ has the meaning given that term in rules**
4 **adopted by the department.**

5 “[2] (3) A for-hire carrier of household goods may not:

6 “(a) Charge, collect or receive [*a different*] remuneration for the trans-
7 portation of household goods, or for any related service, [*than*] **that differs**
8 **from** the rates that have been legally prescribed and filed with the depart-
9 ment.

10 “(b) Refund or remit in any manner or by any device any portion of the
11 rates required to be collected by its tariffs or written contracts on file with
12 the department.

13 “[3](a) (4)(a) Any action against for-hire carriers of household goods for
14 recovery of overcharges, or by the carriers for the collection of undercharges,
15 shall be commenced within two years from the time the cause of action ac-
16 crued.

17 “(b) As used in this subsection:

18 “(A) ‘Overcharges’ means charges assessed for transportation service that
19 are more than the rates applicable under the tariff lawfully in effect or in
20 written contracts on file with the department.

21 “(B) ‘Undercharges’ means charges assessed for transportation service
22 that are less than the rates applicable under the tariff lawfully in effect or
23 in written contracts on file with the department.

24 “[4] (5) The department shall check the records of for-hire carriers of
25 household goods for the purpose of discovering all discriminations and re-
26 bates. The department:

27 “(a) Upon the department’s own motion, may, and upon the complaint of
28 any aggrieved person, shall, pursuant to written notice served upon any
29 carrier subject to this subsection, investigate the carrier’s service and the
30 carrier’s rates, classifications, rules and practices; and

1 “(b) To the extent that the rates, classifications, rules or practices are
2 found by the department to be unreasonable, unlawful, unfair or unduly
3 discriminatory, preferential or prejudicial, shall, by orders based upon the
4 evidence, require the carrier to comply with just, fair, lawful and reasonable
5 rates, classifications, rules and practices established by the department. Such
6 carrier shall immediately comply with such orders.

7 “[(5)] **(6)** The department may suspend a tariff of for-hire carriers of
8 household goods that the department believes will impair the ability of the
9 carriers to serve the public or that appears to be unjust, unfair, unreason-
10 able, prejudicial, discriminatory or otherwise unlawful.”.

11 In line 6, delete “39” and insert “40” and delete “38” and insert “39”.

12 In line 9, delete “38” and insert “39”.

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