

HB 4036-7  
(LC 193)  
1/31/20 (HE/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Oregon Trucking Association)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4036**

1 On page 1 of the printed bill, line 5, delete “and 824.992” and insert “,  
2 824.992, 825.400, 825.402 and 825.404”.

3 On page 4, after line 34, insert:

4 **“SECTION 1a.** ORS 825.402 is amended to read:

5 “825.402. (1) Except as provided in subsection (4) of this section, all motor  
6 carriers that are domiciled in Oregon and that receive a certificate or permit  
7 from the Department of Transportation for the first time on or after July 1,  
8 1990, shall participate in the program established under ORS 825.400.

9 “(2) A motor carrier required by subsection (1) of this section to partic-  
10 ipate in the program must do so within 90 days of the date on which it re-  
11 ceives a certificate or permit from the department.

12 “(3) In addition to motor carriers required to participate in the program  
13 established under ORS 825.400, the department may require participation by  
14 any motor carrier that:

15 “(a) Has underpaid its tax obligation for the use of the highways by 15  
16 percent or more;

17 “(b) Exceeds by more than 15 percent, in a one-year period, the industry  
18 average for out-of-service violations for vehicle inspection or for accidents  
19 per mile; or

20 “(c) Receives, in a one-year period, two or more citations for being 10,000  
21 pounds or more overweight.

1 “(4) Subsection (1) of this section does not apply to a carrier receiving a  
2 certificate or permit for the first time on or after July 1, 1990, if the carrier  
3 is a successor in interest to a carrier that held a certificate or permit prior  
4 to that date.

5 “(5) Rules adopted by the department under ORS 825.400 shall require  
6 each motor carrier participating in the program to have at least one person  
7 having a substantial interest or control, directly or indirectly, in or over the  
8 operations conducted or to be conducted under the certificate or permit is-  
9 sued to the motor carrier participate in the program. No rule shall require  
10 the participation of a motor carrier more than one time except for motor  
11 carriers required to participate under subsection (3) of this section.

12 **“(6) Rules adopted by the department under ORS 825.400 shall re-**  
13 **quire each motor carrier participating in the program to attend at**  
14 **least eight hours of classroom instruction. The instruction may be**  
15 **provided in person or by an interactive, instructor-led webinar.**

16 **“SECTION 1b.** ORS 825.400 is amended to read:

17 “825.400. (1) The Department of Transportation shall adopt rules to es-  
18 tablish a program for the education of motor carriers that covers, at a min-  
19 imum, safety, weight mile tax and [*insurance*] **registration** and size and  
20 weight regulations administered by the department.

21 **“(2) The department may appoint agents to carry out the program**  
22 **established under this section.**

23 **“(3) Agents shall carry out the program in accordance with rules**  
24 **prescribed by the department and shall charge and collect the program**  
25 **fees prescribed by law. In addition to the program fee, the department**  
26 **may authorize any agent other than a department employee to charge**  
27 **a service fee of \$2.**

28 **“SECTION 1c.** ORS 825.404 is amended to read:

29 “825.404. The Department of Transportation shall assess a fee to defray  
30 the cost of the program, but the fee [*shall*] **may** not exceed [*\$60*] **\$200.”.**

