

Enrolled House Bill 2682

Sponsored by Representative RAYFIELD, Senators GELSER, LIEBER; Representatives CAMPOS, GRAYBER, SCHOUTEN, Senator RILEY (Pre-session filed.)

CHAPTER

AN ACT

Relating to safety standards for construction vehicles; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 654.

SECTION 2. (1) As used in this section:

(a) “Contracting agency” has the meaning given that term in ORS 279A.010.

(b)(A) “Rent” means a transfer of, or the act of transferring, in return for consideration and under conditions set forth in a written agreement, the right to possess and use a utility vehicle for a term of less than a year or for a period of time otherwise specified in the agreement.

(B) “Rent” does not include an arrangement under which consideration that a contracting agency pays for use of the utility vehicle results in a transfer of ownership of the utility vehicle to the contracting agency.

(c) “Utility vehicle” means a self-propelled vehicle with a gross vehicle weight of 5,000 pounds or more that a driver operates for agricultural, construction, industrial, maritime, mining or forestry uses.

(2) A person that rents a utility vehicle to a contracting agency shall, at the contracting agency’s request, provide:

(a) Records that describe in detail the results of the most recent inspection that the person performed or had performed on the utility vehicle’s traction, structure, power train, control components and related parts and equipment in compliance with applicable rules, regulations or standards of:

(A) The National Highway Traffic Safety Administration;

(B) The American National Standards Institute;

(C) The federal Mine Safety and Health Administration;

(D) The United States Department of Transportation;

(E) The Department of Transportation;

(F) The federal Occupational Safety and Health Administration; and

(G) The Department of Consumer and Business Services, with respect to occupational safety and health;

(b) Instructions about how to comply with recommendations from the utility vehicle’s manufacturer for operating and maintaining the utility vehicle on and off the site where the contracting agency will use the utility vehicle and for safe work practices;

(c) Records of all incidents in which use of the utility vehicle during previous rentals resulted in injuries or deaths because of equipment failure; and

(d) A signed affidavit in which the person attests to compliance with applicable safety standards and to performing or having performed regular inspections of the utility vehicle.

(3) If a person delivers to a work site specified under a public contract or other agreement a utility vehicle for usage by an employee of the contracting agency and upon inspection the utility vehicle does not meet applicable standards specified under subsection (2) of this section:

(a) A contracting agency may delay paying any consideration due under an agreement to rent the utility vehicle until the person replaces the utility vehicle with a utility vehicle that meets the applicable standards or performs repairs or maintenance necessary to ensure that the utility vehicle meets the applicable standards; and

(b) A contracting agency may seek an offset of or reimbursement for labor costs that the contracting agency incurs as a result of delays in work that are a consequence of the person's initial delivery of a utility vehicle that does not meet applicable standards. The contracting agency may not seek reimbursement or an offset for costs that the contracting agency incurs after the contracting agency begins using the utility vehicle.

(4) This section does not apply to a person that receives \$100,000 or more in income from renting utility vehicles to other persons during the calendar year before the year in which the rental of the utility vehicle to the contracting agency occurs.

SECTION 3. Section 2 of this 2021 Act applies to public contracts that include an agreement to rent a utility vehicle and into which a contracting agency enters on or after the effective date of this 2021 Act.

SECTION 4. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by House April 16, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 28, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State