

HB 2682-8
(LC 1776)
4/6/21 (TSB/ps)

Requested by HOUSE COMMITTEE ON BUSINESS AND LABOR (at the request of ORCAPA and AFSCME)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2682**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the
2 rest of the line and line 3 and insert “and prescribing an effective date.”.

3 In line 5, delete “701” and insert “654”.

4 Delete lines 6 through 25 and delete pages 2 through 6 and insert:

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

6 **“(a) ‘Contracting agency’ has the meaning given that term in ORS**
7 **279A.010.**

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

13 **“(B) ‘Rent’ does not include an arrangement under which consid-**
14 **eration that a contracting agency pays for use of the utility vehicle**
15 **results in a transfer of ownership of the utility vehicle to the con-**
16 **tracting agency.**

17 **“(c) ‘Utility vehicle’ means a self-propelled vehicle with a gross ve-**
18 **hicle weight of 5,000 pounds or more that a driver operates for agri-**
19 **cultural, construction, industrial, maritime, mining or forestry uses.**

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

1 “(a) Records that describe in detail the results of the most recent
2 inspection that the person performed or had performed on the utility
3 vehicle’s traction, structure, power train, control components and re-
4 lated parts and equipment in compliance with applicable rules, regu-
5 lations or standards of:

6 “(A) The National Highway Traffic Safety Administration;

7 “(B) The American National Standards Institute;

8 “(C) The federal Mine Safety and Health Administration;

9 “(D) The United States Department of Transportation;

10 “(E) The Department of Transportation;

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

12 and

13 “(G) The Department of Consumer and Business Services, with re-
14 spect to occupational safety and health;

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

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

22 “(d) A signed affidavit in which the person attests to compliance
23 with applicable safety standards and to performing or having per-
24 formed regular inspections of the utility vehicle.

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

30 “(a) A contracting agency may delay paying any consideration due

1 under an agreement to rent the utility vehicle until the person re-
2 places the utility vehicle with a utility vehicle that meets the appli-
3 cable standards or performs repairs or maintenance necessary to
4 ensure that the utility vehicle meets the applicable standards; and

5 “(b) A contracting agency may seek an offset of or reimbursement
6 for labor costs that the contracting agency incurs as a result of delays
7 in work that are a consequence of the person’s initial delivery of a
8 utility vehicle that does not meet applicable standards. The contract-
9 ing agency may not seek reimbursement or an offset for costs that the
10 contracting agency incurs after the contracting agency begins using
11 the utility vehicle.

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

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

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

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