



OREGON STATE SENATE
900 COURT STREET ST NE
SALEM, OREGON 97301

March 23, 2023

RE: SB 780 – Legislative Counsel Response to Questions

Chair Prozanski, Vice-Chair Thatcher, and members of the committee,

My office asked legislative counsel to respond to the questions posed in committee and the additional question about trucks under load that was emailed afterward. LC's response is below (emphasis added):

First question, **could a person operating a motor vehicle that is capable of rising four or more inches be cited for violation of the offense? In short, no.** The section applies to motor vehicles that are modified such that the actual fender height differential is four or more inches as measured vertically from the ground through the centerline of the wheel to the bottom of the fender. If the vehicle is operating within the limits of the height differential described in the bill, the person operating the vehicle does not violate this section. In other words, **a person who operates a motor vehicle that is merely capable of creating the height differential is not subject to this section so long as they don't operate in a way that violates the height differential while on a highway or premises open to the public.**

As to vehicles of special interest. That is something to be explored but would have to be undertaken in a different bill as the relating clause for this bill is too narrow. You can find the current definition of "vehicles of special interest" in ORS 801.605 and see what vehicles are currently listed in that category.

Finally, we discussed whether the term "modified" could include carrying a heavy load that impacts the vehicle in such a way as to cause a height differential that is prohibited under the language of the bill. While I believe **it is unlikely carrying a heavy load is the same thing as modifying the body of the vehicle**, in an abundance of caution, I would suggest an amendment to add clarification. The amendment would state that the offense does not apply when a motor vehicle is carrying a load that causes the height of the front fender to be four or more inches greater than the height of the rear fender.

My office has asked legislative counsel to prepare the amendment to clarify the concern of the last question so that a vehicle leaning due to a heavy load could not be cited for violating the bill.

Thank you for your consideration and engagement.

Sincerely,

Lew Frederick
State Senator
District 22 – N/NE Portland