

House Bill 2259

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Transportation and Economic Development)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies authority of Department of Transportation to issue variance permits to operate self-loading log truck.

Authorizes department to issue refund for payment of fuel tax if person pays both fuel tax and road use assessment fee.

A BILL FOR AN ACT

Relating to motor vehicles weighing 26,000 pounds or more operating under special transportation permits; amending ORS 319.690, 818.210, 825.484 and 825.486.

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

SECTION 1. ORS 818.210 is amended to read:

818.210. Except as provided under ORS 818.220, a road authority shall not issue a variance permit under ORS 818.200 for any vehicle or load that can readily or reasonably be dismantled or disassembled. The limit under this section does not apply to the following:

(1) Combinations of vehicles consisting of not more than a motor truck with a registration weight of more than 8,000 pounds and two self-supporting trailers or a truck tractor and semitrailer drawing two self-supporting trailers or semitrailers mounted on dollies equipped with fifth wheels having an overall length not in excess of 105 feet. The self-supporting trailers or semitrailers must be reasonably uniform in length.

(2) Vehicles or combinations of vehicles having a length in excess of that permitted under ORS 818.060 or 818.090.

(3) Any self-loading log truck. In the granting of permits to vehicles described in this subsection, a granting authority shall observe and be governed by the following maximum loaded weights:

(a) The loaded weight of any individual wheel, axle or tandem axles of any vehicle or combination of vehicles shall not exceed the maximum loaded wheel, axle and tandem axle weights set forth in Tables I and II of ORS 818.010.

(b) The loaded weight of any group of axles of any vehicle or combination of vehicles, when the distance between the first and last axles of any group of axles is 18 feet or less, and the loaded weight of any vehicle when the distance between the first and last axles of all of the axles of the vehicle is 18 feet or less, shall not exceed that set forth in the following table of weights, or the sum of the permissible axle or tandem axle weights, whichever is less:

Distance in feet between	Maximum loaded weight,
the first and last axles	in pounds, of any
of any group of axles of	group of axles of any

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1	any vehicle or combination	vehicle or combination
2	of vehicles, or between the	of vehicles, or
3	first and last axles of all	of any vehicle:
4	the axles of any vehicle:	
5	6	34,000
6	7	34,000
7	8	34,000
8	9	39,000
9	10	40,000
10	11	40,000
11	12	40,000
12	13	40,000
13	14	43,200
14	15	44,000
15	16	44,800
16	17	45,600
17	18	50,000

18
19

20 (c) The loaded weight of any vehicle or combination of vehicles, where the distance between the
21 first and last axles of the vehicle or combination of vehicles is more than 18 feet, shall not exceed
22 that set forth in the following table of weights, or the sum of the permissible axle, tandem axle or
23 group of axles weights, whichever is less:

24 [_____]

25

26	<i>Distance in feet</i>	<i>Maximum loaded weight,</i>
27	<i>between the first and</i>	<i>in pounds, of any</i>
28	<i>last axles of all the</i>	<i>vehicle or combination</i>
29	<i>axles of a vehicle or</i>	<i>of vehicles: 5 axles</i>
30	<i>combination of vehicles:</i>	<i>or more</i>
31	19	50,000
32	20	50,000
33	21	50,000
34	22	50,000
35	23	50,400
36	24	51,200
37	25	55,250
38	26	56,100
39	27	56,950
40	28	57,800
41	29	58,650
42	30	59,500
43	31	60,350
44	32	61,200
45	33	62,050

1	34	62,900	
2	35	63,750	
3	36	64,600	
4	37	65,450	
5	38	66,300	
6	39	68,000	
7	40	70,000	73,000
8	41	72,000	73,500
9	42	73,280	74,500
10	43	73,280	75,000
11	44	73,280	75,500
12	45	73,280	76,000
13	46	73,280	77,000
14	47	73,280	77,500
15	48	73,280	78,000
16	49	73,280	78,500
17	50	73,280	79,500
18	51	73,280	80,000
19	52	73,600	80,000
20	53	74,400	80,000
21	54	75,200	80,000
22	55 or over	76,000	80,000

23 [_____]

24
25 _____

27	Distance in feet		Maximum loaded weight,			
28	between the first and		in pounds, of any			
29	last axles of all the		vehicle or combination			
30	axles of a vehicle or		of vehicles:			
31	combination of vehicles:					
32	Wheel	Max	5 Axles	6 Axles	7 Axles	8 or
33	Base	Weight				More
34						Axles
35	19	50,000				
36	20	50,000				
37	21	50,000				
38	22	50,000				
39	23	50,400				
40	24	51,200				
41	25	55,250				
42	26	56,100				
43	27	56,950				
44	28	57,800				
45	29	58,650				

1	30	59,500				
2	31	60,350				
3	32	61,200				
4	33	62,050				
5	34	62,900				
6	35	63,750				
7	36	64,600				
8	37	65,450				
9	38	66,300				
10	39	68,000				
11	40	70,000	73,000			
12	41	72,000	73,500			
13	42	73,280	74,500			
14	43	73,280	75,000			
15	44	73,280	75,500			
16	45	73,280	76,000			
17	46	73,280	77,000			
18	47	73,280	77,500	81,000	81,000	81,000
19	48	73,280	78,000	82,000	82,000	82,000
20	49	73,280	78,500	83,000	83,000	83,000
21	50	73,280	79,500	84,000	84,000	84,000
22	51	73,280	80,000	84,500	85,000	85,000
23	52	73,600	80,500	85,000	86,000	86,000
24	53	74,400	81,000	86,000	87,000	87,000
25	54	75,200	81,500	86,500	88,000	91,000
26	55	76,000	82,500	87,000	89,000	92,000
27	56	-	83,000	87,500	90,000	93,000
28	57	-	83,500	88,000	91,000	94,000
29	58	-	84,000	89,000	92,000	95,000
30	59	-	85,000	89,500	93,000	96,000
31	60	-	85,500	90,000	94,000	97,000
32	61	-	86,000	90,500	95,000	98,000
33	62	-	87,000	91,000	96,000	99,000
34	63	-	87,500	92,000	97,000	100,000
35	64	-	88,000	92,500	97,500	101,000
36	65	-	88,500	93,000	98,000	102,000
37	66	-	89,000	93,500	98,500	103,000
38	67	-	90,000	94,000	99,000	104,000
39	68	-	90,000	95,000	99,500	105,000
40	69	-	90,000	95,500	100,000	105,500
41	70	-	90,000	96,000	101,000	105,500
42	71	-	90,000	96,500	101,500	105,500
43	72	-	90,000	96,500	102,000	105,500
44	73	-	90,000	96,500	102,500	105,500
45	74	-	90,000	96,500	103,000	105,500

1	75	-	90,000	96,500	104,000	105,500
2	76	-	90,000	96,500	104,500	105,500
3	77	-	90,000	96,500	105,000	105,500
4	78	-	90,000	96,500	105,500	105,500

(4) Any vehicle, combination of vehicles, load, article, property, machine or thing that:

(a) Is used in the construction, maintenance or repair of public highways; and

(b) Is either not being used by the federal government, State of Oregon or any county or incorporated city or not being used at the immediate location or site.

(5) Combinations of vehicles having a combined loaded weight in excess of that authorized under Table III of ORS 818.010.

(6) A vehicle engaged in the transportation of secondary wood products, which may be issued a permit for an overlength load. As used in this subsection, "secondary wood products" means laminated wood products and wooden I-beams. A vehicle engaged in the transportation of secondary wood products may also transport a divisible load of secondary wood products that otherwise exceeds allowable load length limits if:

(a) The load contains a permitted, nondivisible secondary wood product that exceeds the length allowed in ORS 818.080 or 818.100;

(b) The divisible load does not exceed the length allowed for the nondivisible wood product in the permit; and

(c) Not more than 49 percent of each divisible load item, by length or weight, authorized by this subsection overhangs the vehicle transporting the load.

(7) A vehicle engaged in the transportation of lumber, veneer or plywood, which may be issued a permit for an overwidth load if the width of the divisible load does not exceed nine feet.

(8) A vehicle transporting an overheight marine container to or from a marine port facility.

(9) A vehicle or combination of vehicles engaged in hauling grass seed straw, grass hay or cereal grain straw, which may be issued a permit to allow the load to be up to 14 feet 6 inches high. A permit issued under this subsection shall be valid for one year and shall specify the routes over which the overheight load may be hauled.

(10) A vehicle or combination of vehicles that has a variance permit and that can carry items related to the already permitted load without increasing the size of the vehicle needed to carry the item requiring the variance permit.

(11) A vehicle engaged in hauling poplar logs or the processing residual from the logs, which may be issued an annual overwidth permit for a vehicle and load with a combined width of not more than 12 feet. The annual permit shall allow movement of the vehicle only on Patterson Ferry Road and Frontage Road in Morrow County and only for a distance of 5,000 feet or less.

(12) A vehicle or combination of vehicles engaged in hauling bagged grass seed or mint leaves in sacks, which may be issued a permit to allow the load to be up to nine feet six inches wide. A permit issued under this subsection shall be valid for one year and shall specify the routes over which the overwidth load may be hauled.

SECTION 2. ORS 319.690 is amended to read:

319.690. (1) Except as provided in subsection (2) of this section and ORS 319.692, each user of fuel in a motor vehicle required to be licensed under ORS 319.550 shall, on or before the 20th day of each month, file with the Department of Transportation a report showing the amount of fuel used

1 during the immediately preceding calendar month by the user and such other information as the
 2 department may require for the purposes of ORS 319.510 to 319.880. The department shall prescribe
 3 the form of the report. The user shall file the report with the department in the manner provided
 4 by the department by rule. Each report shall be accompanied by a remittance payable to the de-
 5 partment for the amount of all the tax shown by the report to be due and payable. Any tax paid
 6 to a seller is a credit against the amount of tax otherwise due and payable to the state under ORS
 7 319.510 to 319.880 or **818.225**, 825.474, 825.476 and 825.480. Also, when filing a monthly tax report,
 8 a user may, in lieu of claiming a refund, take a deduction or credit for the tax on any fuel which
 9 would otherwise be subject to refund under ORS 319.831 (1).

10 (2) Each user of fuel in a motor vehicle with a light weight of less than 8,000 pounds required
 11 to be licensed under ORS 319.550 may file an annual report of all fuel used upon Oregon highways.
 12 The report for each calendar year shall be filed on or before March 1 of the year following and shall
 13 be accompanied by a remittance payable to the department of all the tax shown to be due and
 14 payable on the amount of fuel used.

15 **SECTION 3.** ORS 825.484 is amended to read:

16 825.484. (1) The fees or taxes listed in ORS 825.474, 825.476 and 825.480 shall be in addition to,
 17 and not in lieu of, other fees and taxes of the state, county or municipality which may be imposed,
 18 levied, assessed or collected against the business or property of such carrier. This section does not
 19 authorize the imposition of license fees by municipalities upon intercity carriers, or deprive any city
 20 within which a passenger motor vehicle, having a seating capacity of not more than seven passen-
 21 gers, is principally operated for hire, from imposing and collecting license fees upon and from such
 22 motor vehicle, or the owner or operator thereof, as to such portion of its operations as are wholly
 23 within the corporate limits of such city.

24 (2) ORS 319.510 to 319.880 do not apply to vehicles or fuels used therein when the vehicles are
 25 subject to, and report and pay[.]:

26 (a) The tax for the use of Oregon highways based upon the combined weight of the vehicle and
 27 in accordance with the weight group rates prescribed in ORS 825.474, 825.476 and 825.480; **or**

28 **(b) The road use assessment fee required under ORS 818.225.**

29 (3) When an audit of the operations of a carrier shows that the use fuel taxes reported and paid
 30 under ORS chapter 319 should have been reported and paid under this chapter, or that fees or taxes
 31 reported and paid under this chapter should have been reported and paid under ORS chapter 319,
 32 the fees or taxes erroneously reported and paid under one chapter need not be refunded but may
 33 be considered an offset of fees or taxes due under the other chapter.

34 **SECTION 4.** ORS 825.486 is amended to read:

35 825.486. Any tax paid under ORS 319.010 to 319.430 or 319.510 to 319.880 on motor vehicle fuel
 36 or fuel as defined in ORS 319.520, either directly by the collection of the tax by the vendor from the
 37 consumer or indirectly by adding the amount of the tax to the price of the fuel paid by the customer,
 38 is a credit against the amount of tax otherwise due and payable to the state under ORS **818.225**,
 39 825.474, 825.476 and 825.480. A credit under this section shall be allowed when the person claiming
 40 the credit submits to the Department of Transportation:

41 (1) A report under ORS 825.480, 825.490 or 825.492; and

42 (2) Satisfactory evidence along with the report showing the amount of tax paid by the person
 43 under ORS 319.010 to 319.430 or 319.510 to 319.880 during the period reported.