

Senate Bill 142

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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**.

Subjects vehicles owned or operated by transportation districts to laws regulating motor carriers.

Deregulates for-hire carriers of persons.

A BILL FOR AN ACT

Relating to motor carriers; creating new provisions; amending ORS 803.420, 811.111, 811.460, 811.530, 816.320, 820.020, 825.007, 825.017, 825.022, 825.028, 825.102, 825.110, 825.115, 825.135, 825.137, 825.180, 825.202, 825.222, 825.224, 825.234 and 825.950; and repealing ORS 267.610 and 451.568.

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

EXCEPTIONS TO MOTOR CARRIER REGULATIONS

SECTION 1. ORS 825.017 is amended to read:

825.017. Except as provided in **this section and** ORS 825.026 and 825.030, this chapter does not apply to the persons or vehicles described in this section. The exemption under this section applies to the following persons and vehicles:

(1) Vehicles being used by, or under contract with, any school board, district or person responsible for the administration of elementary or secondary school activities, and engaged exclusively in transporting students or combinations of students and other persons to or from school, to or from authorized school activities or other activities sponsored by the State Board of Higher Education, or for purposes provided under ORS 332.427. This exemption shall not be affected by the charging of a fee to cover the costs of the transportation.

(2) Vehicles being used in a taxicab operation if the vehicle:

(a) Is a passenger vehicle with a passenger seating capacity that does not exceed five;

(b) Carries passengers for hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled or waiting time; and

(c) Is transporting persons or property, or both, between points in Oregon.

(3) Vehicles being used for the transportation of property by private carrier by means of a single vehicle or combination of vehicles with a combined weight that does not exceed 8,000 pounds.

(4) Vehicles being used in operating implements of husbandry.

(5) Vehicles being used as a hearse or ambulance.

(6) Vehicles being used over any private road or thoroughfare.

(7) Vehicles being used on any road, thoroughfare or property, other than a state highway,

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 county road or city street, for the removal of forest products as defined in ORS 321.005, or the
 2 product of forest products converted to a form other than logs at or near the harvesting site, or
 3 when used for the construction or maintenance of the road, thoroughfare or property, pursuant to
 4 a written agreement or permit authorizing the use, construction or maintenance of the road,
 5 thoroughfare or property, with:

- 6 (a) An agency of the United States;
- 7 (b) The State Board of Forestry;
- 8 (c) The State Forester; or
- 9 (d) A licensee of an agency named in this subsection.

10 (8) Vehicles being used on any county road for the removal of forest products as defined in ORS
 11 321.005, or the products of forest products converted to a form other than logs at or near the har-
 12 vesting site, if:

13 (a) The use is pursuant to a written agreement entered into with the State Board of Forestry,
 14 the State Forester or an agency of the United States, authorizing the owner of the motor vehicle
 15 to use the road and requiring the owner to pay for or to perform the construction or maintenance
 16 of the county road, including any operator of a motor vehicle retained to transport logs, poles and
 17 piling for the owners who are exempt under this section;

18 (b) The board, officer or agency that entered into the agreement or granted the permit, by con-
 19 tract with the county court or board of county commissioners, has assumed the responsibility for the
 20 construction or maintenance of the county road; and

21 (c) Copies of the agreements or permits required by this subsection are filed with the Director
 22 of Transportation.

23 *[(9) Vehicles being used in the transportation of persons for hire if the operation:]*

24 *[(a) Is performed by a nonprofit entity;]*

25 *[(b) Is not in competition with a regular route full-service scheduled carrier of persons that is*
 26 *subject to the provisions of this chapter or a service provided by a mass transit district formed under*
 27 *ORS chapter 267;]*

28 *[(c) Is performed by use of vehicles operating in compliance with ORS 820.020 to 820.070; and]*

29 *[(d) Is approved by the Department of Transportation as complying with paragraphs (a) to (c) of*
 30 *this subsection.]*

31 *[(10)]* **(9)** Vehicles being used in transporting persons with disabilities, with or without their
 32 supervisors or assistants, to or from rehabilitation facilities or child care services if the motor ve-
 33 hicle is a passenger motor vehicle with a seating capacity of not more than 12 passengers. The ex-
 34 emption provided by this subsection applies only when the motor vehicle is operated by or under
 35 contract with any person responsible for the administration of rehabilitation facilities as defined in
 36 ORS 344.710 to 344.730 or child care services provided by a facility licensed under ORS 329A.030
 37 and 329A.250 to 329A.450.

38 *[(11)]* **(10)** Vehicles owned or operated by the United States or by any governmental jurisdiction
 39 within the United States except **as provided in ORS 825.022. This chapter does apply to vehicles**
 40 when owned or operated:

41 **(a)** As a carrier of property for hire[.]; **or**

42 **(b) By a transportation district organized under ORS 267.510 to 267.650.**

43 *[(12)]* **(11)** Vehicles owned or operated by a mass transit district *[created]* **organized** under ORS
 44 *[chapter 267]* **267.010 to 267.390.**

45 *[(13)]* **(12)** Vehicles owned or operated by, or under contract with, a person responsible for the

1 construction or reconstruction of a highway under contract with the Department of Transportation
 2 or with an agency of the United States when operated within the immediate construction project
 3 as described in the governmental agency contract during the construction period.

4 [(14)] (13) Vehicles owned or operated by, or under contract with, a charitable organization
 5 when exclusively engaged in performing transportation, either one way or round trip, necessary to
 6 the operation of the charitable organization. As used in this subsection, “charitable organization”
 7 means an organization that has no capital stock and no provision for making dividends or profits,
 8 but derives its funds principally from public and private charity and holds them in trust for the
 9 promotion of the welfare of others and not for profit. Any organization claiming an exemption under
 10 this subsection shall file an affidavit with the department stating that it is organized and operated
 11 in accordance with the requirements of this subsection.

12 [(15)] (14) Vehicles with a maximum speed that does not exceed 35 miles per hour that are de-
 13 signed for off-road use and that are operated on the public highways in any one calendar year a
 14 number of miles that does not exceed 15 percent of the total number of miles the vehicle is operated
 15 for that calendar year.

16 [(16)] (15) Passenger vehicles with a passenger seating capacity that does not exceed five when
 17 used in the transportation of new telephone books.

18 [(17)] (16) A vehicle that is used in a limousine service operation in which the destination and
 19 route traveled may be controlled by the passenger and the fare is calculated on the basis of any
 20 combination of initial fee, distance traveled and waiting time if the vehicle:

- 21 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed eight;
- 22 (b) Carries passengers for hire between points in Oregon; and
- 23 (c) Operates on an irregular route basis.

24 [(18)] (17) Fire trucks and rescue vehicles that are designated as emergency vehicles by the
 25 Department of Transportation under ORS 801.260, while involved in emergency and related oper-
 26 ations.

27 [(19)] (18) A person who provides services related to the packing or loading of household goods
 28 if the person does not:

- 29 (a) Provide or operate a motor vehicle for the movement of the household goods; and
- 30 (b) Act as an agent for any person who does provide or operate a motor vehicle for the move-
 31 ment of the household goods.

32 **SECTION 2. ORS 267.610 and 451.568 are repealed.**

33 **SECTION 3.** ORS 825.022 is amended to read:

34 825.022. The provisions of ORS 825.160, 825.450, 825.454, 825.470, 825.472, 825.474, 825.476,
 35 825.480, 825.484, 825.488, 825.490, 825.492, 825.494, 825.496 and 825.515 do not apply to **any of the**
 36 **following:**

37 (1) [Any] A vehicle or combination of vehicles with a combined weight of 26,000 pounds or less.

38 (2) **A vehicle being used in the transportation of persons for hire if the operation:**

39 (a) **Is performed by a nonprofit entity;**

40 (b) **Is not in competition with a regular route full-service scheduled carrier of persons**
 41 **that is subject to the provisions of this chapter or a service provided by a mass transit dis-**
 42 **trict formed under ORS chapter 267;**

43 (c) **Is performed by use of vehicles operating in compliance with ORS 820.020 to 820.070;**
 44 **and**

45 (d) **Is approved by the Department of Transportation as complying with paragraphs (a)**

1 **to (c) of this subsection.**

2 **(3) A vehicle owned or operated by a transportation district organized under ORS 267.510**
3 **to 267.650.**

4 **SECTION 4.** ORS 803.420 is amended to read:

5 803.420. This section establishes registration fees for vehicles. If there is uncertainty as to the
6 classification of a vehicle for purposes of the payment of registration fees under the vehicle code,
7 the Department of Transportation may classify the vehicle to assure that registration fees for the
8 vehicle are the same as for vehicles the department determines to be comparable. The registration
9 fees for the vehicle shall be those based on the classification determined by the department. Except
10 as otherwise provided in this section, or unless the vehicle is registered quarterly, the fees described
11 in this section are for an entire registration period for the vehicle as described under ORS 803.415.
12 The department shall apportion any fee under this section to reflect the number of quarters regis-
13 tered for a vehicle registered for a quarterly registration period under ORS 803.415. The fees are
14 payable when a vehicle is registered and upon renewal of registration. Except as provided in ORS
15 801.041 (3) and 801.042 (7), the fee shall be increased by any amount established by the governing
16 body of a county or by the governing body of a district, as defined in ORS 801.237, under ORS
17 801.041 or 801.042 as an additional registration fee for the vehicle. The fees for registration of ve-
18 hicles are as follows:

19 (1) Vehicles not otherwise provided for in this section or ORS 821.320, \$43 for each year of the
20 registration period.

21 (2) Mopeds, \$24 for each year of the registration period.

22 (3) Motorcycles, \$24 for each year of the registration period.

23 (4) Government-owned vehicles registered under ORS 805.040, \$3.50.

24 (5) State-owned vehicles registered under ORS 805.045, \$3.50 on registration or renewal.

25 (6) Undercover vehicles registered under ORS 805.060, \$3.50 on registration or renewal.

26 (7) Antique vehicles registered under ORS 805.010, \$54.

27 (8) Vehicles of special interest registered under ORS 805.020, \$81.

28 (9) Electric vehicles and hybrid vehicles that use electricity and another source of motive power,
29 as follows:

30 (a) The registration fee for an electric or hybrid vehicle not otherwise described in this sub-
31 section is \$43 for each year of the registration period.

32 (b) The registration fee for electric or hybrid vehicles that have two or three wheels is \$43. This
33 paragraph does not apply to electric or hybrid mopeds. Electric or hybrid mopeds are subject to the
34 same registration fee as otherwise provided for mopeds under this section.

35 (c) The registration fees for the following electric or hybrid vehicles are the same as for com-
36 parable nonelectric vehicles described in this section plus 50 percent of such fee:

37 (A) Motor homes.

38 (B) Commercial buses.

39 (C) Vehicles registered as farm vehicles under ORS 805.300.

40 (D) Vehicles required to establish registration weight under ORS 803.430 or 826.013.

41 (10) Motor vehicles required to establish a registration weight under ORS 803.430 or 826.013,
42 tow vehicles used to transport property for hire other than as described in ORS 822.210, and com-
43 mercial buses, as provided in the following chart, based upon the weight submitted in the declara-
44 tion of weight prepared under ORS 803.435 or 826.015:

1			
2	Weight in Pounds		Fee
3	8,000 or less		\$ 55
4	8,001 to 10,000		344
5	10,001 to 12,000		391
6	12,001 to 14,000		438
7	14,001 to 16,000		485
8	16,001 to 18,000		532
9	18,001 to 20,000		593
10	20,001 to 22,000		640
11	22,001 to 24,000		703
12	24,001 to 26,000		764
13	26,001 to 28,000		375
14	28,001 to 30,000		391
15	30,001 to 32,000		422
16	32,001 to 34,000		438
17	34,001 to 36,000		468
18	36,001 to 38,000		485
19	38,001 to 40,000		515
20	40,001 to 42,000		532
21	42,001 to 44,000		562
22	44,001 to 46,000		578
23	46,001 to 48,000		593
24	48,001 to 50,000		625
25	50,001 to 52,000		656
26	52,001 to 54,000		672
27	54,001 to 56,000		686
28	56,001 to 58,000		717
29	58,001 to 60,000		750
30	60,001 to 62,000		780
31	62,001 to 64,000		811
32	64,001 to 66,000		827
33	66,001 to 68,000		857
34	68,001 to 70,000		874
35	70,001 to 72,000		904
36	72,001 to 74,000		921
37	74,001 to 76,000		951
38	76,001 to 78,000		967
39	78,001 to 80,000		998
40	80,001 to 82,000		1,014
41	82,001 to 84,000		1,045
42	84,001 to 86,000		1,061
43	86,001 to 88,000		1,092
44	88,001 to 90,000		1,108
45	90,001 to 92,000		1,139

1	92,001	to	94,000	1,155
2	94,001	to	96,000	1,185
3	96,001	to	98,000	1,202
4	98,001	to	100,000	1,218
5	100,001	to	102,000	1,249
6	102,001	to	104,000	1,265
7	104,001	to	105,500	1,295

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10 (11)(a) Motor vehicles with a registration weight of more than 8,000 pounds that are described
11 in ORS 825.015, that are operated by a charitable organization as defined in ORS 825.017 [(14)]
12 (13), as provided in the following chart:

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15	Weight in Pounds		Fee
16	8,001	to 10,000	\$ 50
17	10,001	to 12,000	60
18	12,001	to 14,000	65
19	14,001	to 16,000	75
20	16,001	to 18,000	80
21	18,001	to 20,000	90
22	20,001	to 22,000	95
23	22,001	to 24,000	105
24	24,001	to 26,000	110
25	26,001	to 28,000	120
26	28,001	to 30,000	125
27	30,001	to 32,000	135
28	32,001	to 34,000	140
29	34,001	to 36,000	150
30	36,001	to 38,000	155
31	38,001	to 40,000	165
32	40,001	to 42,000	170
33	42,001	to 44,000	180
34	44,001	to 46,000	185
35	46,001	to 48,000	190
36	48,001	to 50,000	200
37	50,001	to 52,000	210
38	52,001	to 54,000	215
39	54,001	to 56,000	220
40	56,001	to 58,000	230
41	58,001	to 60,000	240
42	60,001	to 62,000	250
43	62,001	to 64,000	260
44	64,001	to 66,000	265
45	66,001	to 68,000	275

1	68,001	to	70,000	280
2	70,001	to	72,000	290
3	72,001	to	74,000	295
4	74,001	to	76,000	305
5	76,001	to	78,000	310
6	78,001	to	80,000	320
7	80,001	to	82,000	325
8	82,001	to	84,000	335
9	84,001	to	86,000	340
10	86,001	to	88,000	350
11	88,001	to	90,000	355
12	90,001	to	92,000	365
13	92,001	to	94,000	370
14	94,001	to	96,000	380
15	96,001	to	98,000	385
16	98,001	to	100,000	390
17	100,001	to	102,000	400
18	102,001	to	104,000	405
19	104,001	to	105,500	415

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(b) Motor vehicles with a registration weight of more than 8,000 pounds that are certified under ORS 822.205, unless the motor vehicle is registered under subsection (10) of this section or that are used exclusively to transport manufactured structures, as provided in the following chart:

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27	Weight in Pounds		Fee
28	8,001	to 10,000	\$ 102
29	10,001	to 12,000	122
30	12,001	to 14,000	132
31	14,001	to 16,000	153
32	16,001	to 18,000	163
33	18,001	to 20,000	183
34	20,001	to 22,000	193
35	22,001	to 24,000	214
36	24,001	to 26,000	224
37	26,001	to 28,000	244
38	28,001	to 30,000	255
39	30,001	to 32,000	275
40	32,001	to 34,000	285
41	34,001	to 36,000	306
42	36,001	to 38,000	316
43	38,001	to 40,000	336
44	40,001	to 42,000	346
45	42,001	to 44,000	367

1	44,001	to	46,000	377
2	46,001	to	48,000	387
3	48,001	to	50,000	407
4	50,001	to	52,000	428
5	52,001	to	54,000	438
6	54,001	to	56,000	448
7	56,001	to	58,000	468
8	58,001	to	60,000	489
9	60,001	to	62,000	509
10	62,001	to	64,000	530
11	64,001	to	66,000	540
12	66,001	to	68,000	560
13	68,001	to	70,000	570
14	70,001	to	72,000	591
15	72,001	to	74,000	601
16	74,001	to	76,000	621
17	76,001	to	78,000	631
18	78,001	to	80,000	652
19	80,001	to	82,000	662
20	82,001	to	84,000	682
21	84,001	to	86,000	692
22	86,001	to	88,000	713
23	88,001	to	90,000	723
24	90,001	to	92,000	743
25	92,001	to	94,000	754
26	94,001	to	96,000	774
27	96,001	to	98,000	784
28	98,001	to	100,000	794
29	100,001	to	102,000	815
30	102,001	to	104,000	825
31	104,001	to	105,500	845

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34 (c) The owner of a vehicle described in paragraphs (a) and (b) of this subsection must certify
 35 at the time of initial registration, in a manner determined by the department by rule, that the motor
 36 vehicle will be used exclusively to transport manufactured structures or exclusively as described in
 37 ORS 822.210, unless the motor vehicle is registered under subsection (10) of this section, or as de-
 38 scribed in ORS 825.015 or 825.017 [(14)] (13). Registration of a vehicle described in paragraphs (a)
 39 and (b) of this subsection is invalid if the vehicle is operated in any manner other than that de-
 40 scribed in the certification under this paragraph.

41 (12) Trailers registered under permanent registration, \$10.

42 (13) Fixed load vehicles as follows:

43 (a) If a declaration of weight described under ORS 803.435 is submitted establishing the weight
 44 of the vehicle at 3,000 pounds or less, \$54.

45 (b) If no declaration of weight is submitted or if the weight of the vehicle is in excess of 3,000

1 pounds, \$75.

2 (14) Trailers for hire that are equipped with pneumatic tires made of an elastic material and that
 3 are not travel trailers or trailers registered under permanent registration, \$27.

4 (15) Trailers registered as part of a fleet under an agreement reached pursuant to ORS 802.500,
 5 the same as the fee for vehicles of the same type registered under other provisions of the Oregon
 6 Vehicle Code.

7 (16) Travel trailers, campers and motor homes as follows, based on length as determined under
 8 ORS 803.425:

9 (a) For travel trailers or campers that are 6 to 10 feet in length, \$81.

10 (b) For travel trailers or campers over 10 feet in length, \$81 plus \$6.75 a foot for each foot of
 11 length over the first 10 feet.

12 (c) For motor homes that are 6 to 14 feet in length, \$54.

13 (d) For motor homes over 14 feet in length, \$126 plus \$7.50 a foot for each foot of length over
 14 the first 10 feet.

15 (17) Special use trailers as follows, based on length as determined under ORS 803.425:

16 (a) For lengths 6 to 10 feet, \$54.

17 (b) For special use trailers over 10 feet in length, \$54 plus \$3 a foot for each foot of length over
 18 the first 10 feet.

19 (18) Fees for vehicles with proportional registration under ORS 826.009, or proportioned fleet
 20 registration under ORS 826.011, are as provided for vehicles of the same type under this section
 21 except that the fees shall be fixed on an apportioned basis as provided under the agreement estab-
 22 lished under ORS 826.007.

23 (19) For any vehicle that is registered under a quarterly registration period, a minimum of \$15
 24 for each quarter registered plus an additional fee of \$1.

25 (20) In addition to any other fees charged for registration of vehicles in fleets under ORS
 26 805.120, the department may charge the following fees:

27 (a) A \$2 service charge for each vehicle entered into a fleet.

28 (b) A \$1 service charge for each vehicle in the fleet at the time of renewal.

29 (21) The registration fee for vehicles with special registration for disabled veterans under ORS
 30 805.100 is a fee of \$15.

31 (22) Subject to subsection (19) of this section, the registration fee for motor vehicles registered
 32 as farm vehicles under ORS 805.300 is as follows based upon the registration weight given in the
 33 declaration of weight submitted under ORS 803.435:

Weight in Pounds	Fee
8,000 or less	\$ 35
8,001 to 10,000	46
10,001 to 12,000	53
12,001 to 14,000	68
14,001 to 16,000	76
16,001 to 18,000	91
18,001 to 20,000	99
20,001 to 22,000	114
22,001 to 24,000	121

1	24,001	to	26,000	137
2	26,001	to	28,000	144
3	28,001	to	30,000	159
4	30,001	to	32,000	167
5	32,001	to	34,000	182
6	34,001	to	36,000	190
7	36,001	to	38,000	205
8	38,001	to	40,000	213
9	40,001	to	42,000	228
10	42,001	to	44,000	235
11	44,001	to	46,000	251
12	46,001	to	48,000	258
13	48,001	to	50,000	273
14	50,001	to	52,000	281
15	52,001	to	54,000	288
16	54,001	to	56,000	304
17	56,001	to	58,000	319
18	58,001	to	60,000	326
19	60,001	to	62,000	334
20	62,001	to	64,000	349
21	64,001	to	66,000	364
22	66,001	to	68,000	372
23	68,001	to	70,000	380
24	70,001	to	72,000	395
25	72,001	to	74,000	402
26	74,001	to	76,000	418
27	76,001	to	78,000	425
28	78,001	to	80,000	440
29	80,001	to	82,000	448
30	82,001	to	84,000	463
31	84,001	to	86,000	471
32	86,001	to	88,000	486
33	88,001	to	90,000	493
34	90,001	to	92,000	509
35	92,001	to	94,000	516
36	94,001	to	96,000	531
37	96,001	to	98,000	539
38	98,001	to	100,000	554
39	100,001	to	102,000	562
40	102,001	to	104,000	577
41	104,001	to	105,500	585

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44 (23) The registration fee for school vehicles registered under ORS 805.050 is \$7.50.

45 (24) The registration fee for a low-speed vehicle is \$43, for each year of the registration period.

1 (25) A rental or leasing company, as defined in ORS 221.275, that elects to initially register a
 2 vehicle for an annual or biennial registration period shall pay a fee of \$1 in addition to the vehicle
 3 registration fee provided under this section.

4 (26) Racing activity vehicles registered under ORS 805.035, \$81.

5 (27) Medium-speed electric vehicles, \$43 for each year of the registration period.

6 **SECTION 5.** ORS 811.111 is amended to read:

7 811.111. (1) A person commits the offense of violating a speed limit if the person:

8 (a) Drives a vehicle on an interstate highway at a speed greater than 65 miles per hour or, if
 9 a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed.

10 (b) Notwithstanding paragraph (a) of this subsection, drives any of the following vehicles at a
 11 speed greater than 55 miles per hour on any highway or, if a different speed is posted under ORS
 12 810.180 (3), at a speed greater than the posted speed:

13 (A) A motor truck with a gross vehicle weight rating of more than 10,000 pounds or a truck
 14 tractor with a gross vehicle weight rating of more than 8,000 pounds.

15 (B) A school bus.

16 (C) A school activity vehicle.

17 (D) A worker transport bus.

18 (E) A bus operated for transporting children to and from church or an activity or function au-
 19 thorized by a church.

20 (F) Any vehicle used in the transportation of persons for hire by a nonprofit entity [*as provided*
 21 *in ORS 825.017 (9)*].

22 (c) Drives a vehicle or conveyance on any part of the ocean shore in this state at a speed
 23 greater than any of the following:

24 (A) Any designated speed for ocean shores that is established and posted under ORS 810.180.

25 (B) If no designated speed is posted under ORS 810.180, 25 miles per hour.

26 (d) Drives a vehicle upon a highway in any city at a speed greater than a speed posted by au-
 27 thority granted under ORS 810.180 or, if no speed is posted, the following:

28 (A) Fifteen miles per hour when driving on an alley or a narrow residential roadway.

29 (B) Twenty miles per hour in a business district.

30 (C) Twenty-five miles per hour in a public park.

31 (D) Twenty-five miles per hour on a highway in a residence district if the highway is not an
 32 arterial highway.

33 (E) Sixty-five miles per hour on an interstate highway.

34 (F) Fifty-five miles per hour in locations not otherwise described in this paragraph.

35 (e) Drives a vehicle in a school zone at a speed greater than 20 miles per hour if the school zone
 36 is:

37 (A) A segment of highway described in ORS 801.462 (1)(a) and:

38 (i) The school zone has a flashing light used as a traffic control device and operated under ORS
 39 810.243 and the flashing light indicates that children may be arriving at or leaving school; or

40 (ii) If the school zone does not have a flashing light used as a traffic control device, the person
 41 drives in the school zone between 7 a.m. and 5 p.m. on a day when school is in session.

42 (B) A crosswalk described in ORS 801.462 (1)(b) and:

43 (i) A flashing light used as a traffic control device and operated under ORS 810.243 indicates
 44 that children may be arriving at or leaving school; or

45 (ii) Children are present, as described in ORS 811.124.

1 (2) The offense described in this section, violating a speed limit, is punishable as provided in
2 ORS 811.109.

3 **SECTION 6.** ORS 811.460 is amended to read:

4 811.460. (1) A person commits the offense of failure to follow rail crossing procedures for high-
5 risk vehicles if the person takes any vehicle described in this section across any railroad or rail
6 fixed guideway system tracks at grade without doing all of the following:

7 (a) Stopping the vehicle at a clearly marked stop line or, if there is not a clearly marked stop
8 line, not less than 15 feet nor more than 50 feet from the nearest rail of the railroad or rail fixed
9 guideway system.

10 (b) While so stopped, listening and looking in both directions along the tracks for approaching
11 trains or rail fixed guideway system vehicles and for signals indicating approaching trains or rail
12 fixed guideway system vehicles.

13 (c) Proceeding across the tracks after stopping only when such movement can be performed
14 safely in the gear of the motor vehicle that does not require manually changing gears while pro-
15 ceeding.

16 (d) Proceeding across the tracks without manually changing gears.

17 (2) This section applies to the following vehicles when moved across railroad or rail fixed
18 guideway system tracks:

19 (a) A school bus.

20 (b) A school activity vehicle with a loaded weight of 10,000 pounds or more.

21 (c) A worker transport bus.

22 (d) Any bus operated for transporting children to and from church or an activity or function
23 authorized by a church.

24 (e) Any vehicle used in the transportation of persons for hire by a nonprofit entity [*as provided*
25 *under ORS 825.017 (9)*].

26 (f) A commercial bus.

27 (g) A motor vehicle carrying as a cargo or part of a cargo any explosive substance, inflammable
28 liquids, corrosives or similar substances or any cargo that the Department of Transportation deter-
29 mines to be hazardous. For purposes of this paragraph, the department may only determine a sub-
30 stance to be hazardous by rule. Any rules adopted by the department to determine hazardous
31 substances must be consistent with substances classified as hazardous by the United States Secre-
32 tary of Transportation.

33 (h) A tank vehicle, whether loaded or empty, used for the transportation of any hazardous ma-
34 terial.

35 (3) Exemptions to this section are provided under ORS 811.465.

36 (4) The offense described in this section, failure to follow rail crossing procedures for high-risk
37 vehicles, is a Class B traffic violation.

38 **SECTION 7.** ORS 811.530 is amended to read:

39 811.530. (1) A person commits the offense of failure to post warnings for a disabled vehicle if the
40 person is the driver, or other person in charge of a vehicle subject to this section, and the person
41 does not cause the placement of such roadside vehicle warning devices as the Department of
42 Transportation may require under ORS 815.035 when the vehicle is disabled during limited visibility
43 conditions and cannot immediately be removed from the main traveled portion of a highway outside
44 of a business district or residence district.

45 (2) This section applies only to the following vehicles:

- 1 (a) School buses.
- 2 (b) School activity vehicles.
- 3 (c) Worker transport buses.
- 4 (d) Vehicles used in transportation of persons for hire by a nonprofit entity [*as provided in ORS*
- 5 *825.017 (9)*].
- 6 (e) A bus being operated for transporting children to and from religious services or an activity
- 7 or function authorized by the religious organization.
- 8 (f) Commercial buses.
- 9 (g) Motor trucks with a registration weight in excess of 8,000 pounds.
- 10 (h) Trailers with a registration weight in excess of 8,000 pounds.
- 11 (3) Requirements to be equipped with roadside vehicle warning devices are contained in ORS
- 12 815.285.
- 13 (4) The offense described in this section, failure to post warnings for a disabled vehicle, is a
- 14 Class B traffic violation.
- 15 **SECTION 8.** ORS 816.320 is amended to read:
- 16 816.320. This section establishes requirements for ORS 816.330. Where specific types of lighting
- 17 equipment are mentioned by this section, those types are types described under ORS 816.040 to
- 18 816.290. Except where an exemption under ORS 816.340 specifically provides otherwise, a vehicle
- 19 that does not comply with this section is in violation of ORS 816.330:
- 20 (1) A motor vehicle shall be equipped with all of the following in addition to any other re-
- 21 quirements under this section:
- 22 (a) Headlights. Motor vehicles other than motorcycles or mopeds shall be equipped with at least
- 23 two. Motorcycles or mopeds shall be equipped with at least one.
- 24 (b) Taillights. Motor vehicles other than motorcycles shall be equipped with two taillights. Mo-
- 25 torcycles are only required to be equipped with one taillight.
- 26 (c) Registration plate light.
- 27 (d) Brake lights. Motor vehicles other than motorcycles and mopeds shall be equipped with at
- 28 least two brake lights. Motorcycles and mopeds are only required to be equipped with one brake
- 29 light.
- 30 (e) Turn signal lights.
- 31 (f) Rear reflectors.
- 32 (2) All trailers shall be equipped with all of the following in addition to any other requirements
- 33 under this section:
- 34 (a) Taillights. Trailers are required to be equipped with two taillights.
- 35 (b) Registration plate lights.
- 36 (c) Two brake lights.
- 37 (d) Turn signal lights.
- 38 (e) Two rear reflectors.
- 39 (3) The motor vehicles described in this subsection shall be equipped with forward and rearward
- 40 side reflectors on each side of the vehicle and forward and rearward side marker lights on each side
- 41 of the vehicle in addition to any requirements under subsection (1) of this section. This subsection
- 42 applies to the following vehicles:
- 43 (a) School buses.
- 44 (b) Worker transport buses.
- 45 (c) Vehicles used in transportation of persons for hire by a nonprofit entity [*as provided in ORS*

1 825.017 (9)].

2 (d) A bus being operated for transporting children to and from religious services or an activity
3 or function authorized by the religious organization.

4 (e) Commercial buses.

5 (f) Motor trucks with a registration weight in excess of 8,000 pounds.

6 (4) In addition to any other requirements under this section, any motor truck with a registration
7 weight in excess of 8,000 pounds, commercial bus or trailer that is 80 inches or more in overall
8 width and less than 30 feet in overall length shall be equipped with the following:

9 (a) Two front and two rear clearance lights.

10 (b) Front and rear identification lights.

11 (5) In addition to any other requirements under this section, any motor truck with a registration
12 weight of more than 8,000 pounds, commercial bus or trailer that is more than 30 feet in overall
13 length, regardless of its width shall be equipped with the following:

14 (a) Two front and two rear clearance lights.

15 (b) Front and rear identification lights.

16 (c) Intermediate side marker lights and intermediate side reflectors on each side of the vehicle.

17 (6) Every motor vehicle that has multiple-beam lighting equipment shall be equipped with a high
18 beam indicator.

19 (7) Tow vehicles shall be equipped with tow vehicle warning lights.

20 **SECTION 9.** ORS 820.020 is amended to read:

21 820.020. Vehicles *[described in this section]* **used in transportation of persons for hire by a**
22 **nonprofit entity** are subject to safety regulation under ORS 820.030 to 820.070 in addition to worker
23 transport vehicles subjected to such regulation under ORS 820.010. *[This section applies to every*
24 *motor vehicle that is exempt from ORS chapter 825 by ORS 825.017 (9).]*

25
26 **DEREGULATION OF FOR-HIRE CARRIERS OF PERSONS**

27
28 **SECTION 10.** ORS 825.202 is amended to read:

29 825.202. The Department of Transportation shall supervise and regulate the transportation of
30 *[persons and of]* household goods by for-hire carriers and with respect *[thereto]* **to the transporta-**
31 **tion service** shall:

32 (1) After hearing, regulate and prescribe just, fair and reasonable rates, classifications and
33 practices.

34 (2)(a) Prescribe the kind and form of accounts, manifests, receipts and records to be used and
35 kept pertaining to operation, *[and]* **prescribe** the method and manner of keeping *[them]* **the ac-**
36 **counts, manifests, receipts and records** and require their preservation for such time as the de-
37 partment may determine proper*[,]*; and

38 (b) Have access *[thereto]* **to the accounts, manifests, receipts and records** with right of audit
39 and inspection at all reasonable times.

40 (3) Require the filing of such periodical or other reports or data of such carriers as the depart-
41 ment deems necessary.

42 (4) Require reasonably adequate service and facilities.

43 *[(5) Regulate operating schedules of for-hire regular route full-service scheduled carriers of persons*
44 *so as to meet the needs of any community served and so as to prevent unnecessary duplication of for-*
45 *hire carrier services.]*

1 **SECTION 11.** ORS 825.224 is amended to read:

2 825.224. (1) The rates, **classifications**, rules and practices used by for-hire carriers in the
3 transportation of *[persons and of]* household goods shall be prescribed by the Department of Trans-
4 portation and:

5 (a) Be plainly stated in tariffs *[or schedules]* available to the public at each carrier's office, and
6 at the office of the department; and

7 (b) Be just, reasonable and fair and *[shall]* **may** not be unduly discriminatory, prejudicial or
8 preferential.

9 (2) *[No]* **A** for-hire carrier of *[persons or]* household goods *[shall]* **may not**:

10 (a) Charge, collect or receive a different remuneration for the transportation of *[persons or]*
11 household goods, or for any **related** service *[in connection therewith]*, than the rates *[which]* **that**
12 have been legally prescribed and filed with the department.

13 (b) Refund or remit in any manner or by any device any portion of the rates required to be
14 collected by its tariffs or written contracts on file with the department.

15 (3)(a) Any action against for-hire carriers of *[persons or]* household goods for recovery of over-
16 charges, or by the carriers for the collection of undercharges, shall be commenced within two years
17 from the time the cause of action accrued.

18 **(b)** As used in this subsection[,]:

19 **(A)** "Overcharges" *[or undercharges shall mean]* **means** charges assessed for transportation
20 service *[different from those]* **that are more than the rates** applicable under the tariff lawfully in
21 effect **or in written contracts on file with the department.**

22 **(B)** "Undercharges" **means charges assessed for transportation service that are less than**
23 **the rates applicable under the tariff lawfully in effect or in written contracts on file with the**
24 **department.**

25 (4) The department shall check the records of *[for-hire carriers of persons and of]* for-hire carri-
26 ers of household goods for the purpose of discovering all discriminations and rebates. The depart-
27 ment:

28 (a) Upon the department's own motion, may, and upon the complaint of any aggrieved person,
29 shall, pursuant to written notice served upon any carrier subject to this subsection, investigate the
30 **carrier's service and the carrier's** rates, classifications, rules and practices *[of the carrier and*
31 *investigate service in connection therewith]*; and

32 (b) To the extent that the rates, classifications, rules or practices are found by the department
33 to be unreasonable, unlawful, unfair or unduly discriminatory, preferential or prejudicial, shall, by
34 orders based upon the evidence, require the carrier to comply with just, fair, lawful and reasonable
35 rates, classifications, rules and practices established by the department. Such carrier shall
36 *[forthwith]* **immediately** comply with such orders.

37 (5) The department may suspend a tariff *[or time schedule]* of **for-hire** carriers of *[persons or]*
38 household goods that the department believes will impair the ability of the carriers to serve the
39 public or **that** appears to be unjust, unfair, unreasonable, prejudicial, discriminatory or otherwise
40 unlawful.

41 **SECTION 12.** ORS 825.234 is amended to read:

42 825.234. *[(1) As used in this section:]*

43 *[(a) "Regular route scheduled transportation" means the transportation of persons between desig-*
44 *ated points over designated routes under time schedules that provide a regularity of service.]*

45 *[(b) "Full-service" means service that is offered during any part of more than 10 consecutive months*

1 *in any 12-month period.]*

2 [(2)] (1) For-hire carriers of [*persons or of*] household goods shall be classified, and the classi-
 3 fication shall be shown on the carrier's certificate when issued or reissued by the Department of
 4 Transportation, as follows:

5 [(a) *Regular route full-service scheduled transportation of persons.*]

6 [(b)] (a) Irregular route transportation of household goods.

7 [(c)] (b) Local cartage of household goods.

8 [(3) *Carriers providing regular route full-service scheduled transportation of persons shall file a*
 9 *schedule setting forth the termini between which service is rendered, the hours of departure and arrival,*
 10 *and tariffs and classifications governing rates.*]

11 [(4)] (2) Irregular route carriers of household goods shall file tariffs and classifications governing
 12 rates.

13 [(5)] (3) Cartage carriers of household goods shall file tariffs and classifications governing rates.
 14 The department shall, after hearing, determine what territorial limits will be included within the
 15 commercial area adjacent to the limits of any incorporated city.

16 **SECTION 13.** ORS 825.007 is amended to read:

17 825.007. (1) The business of operating as a motor carrier of persons or property for hire upon
 18 the highways of this state is declared to be a business affected with the public interest. It is hereby
 19 declared to be the state transportation policy to do the following:

20 (a) Promote safe, adequate, economical and efficient service and to promote the conservation
 21 of energy.

22 (b) Promote sound, economic conditions in transportation.

23 (c) Encourage the establishment and maintenance of reasonable rates for transportation ser-
 24 vices, without unjust discriminations, undue preferences or advantages or unfair or destructive
 25 competitive practices.

26 (d) Provide specific state action immunity against all antitrust claims and prosecution in those
 27 instances when carriers lawfully develop, publish and charge rates relating to the transportation of
 28 [*persons or*] household goods and joint line rates relating to the transportation of other property and
 29 provide services specifically prescribed and subject to regulation by the Department of Transporta-
 30 tion and in those instances when carriers lawfully engage in prior consultation for purposes de-
 31 scribed in this paragraph.

32 (2) The volume of motor carrier traffic presents dangers and hazards on public highways and
 33 makes it imperative that:

34 (a) Stringent rules be employed, to the end that the highways may be rendered safe for the use
 35 of the general public;

36 (b) The wear of such highways be controlled;

37 (c) A minimum of inconvenience to other users of the highways be effected;

38 (d) A minimum hindrance and stoppage to other users of the highways compatible with needs
 39 of the public for adequate transportation service, be effected;

40 (e) The highways be safeguarded from improper or unnecessary usage;

41 (f) Operation by irresponsible persons or any other operation threatening the safety of the public
 42 or detrimental to the general welfare be prevented;

43 (g) Congestion of traffic on the highways be minimized;

44 (h) The various transportation agencies of the state be adjusted and correlated so that public
 45 highways may serve the best interest of the general public; and

1 (i) A method of assessing privilege taxes be provided to enable the further construction of
2 highways and to provide for the operation, preservation and maintenance of highways already built.

3 (3) The [*legislature*] **Legislative Assembly** hereby declares that to effect the ends and purposes
4 listed in this section, this chapter is adopted.

5 **SECTION 14.** ORS 825.028 is amended to read:

6 825.028. (1) For-hire carriers may provide transportation of [*persons or*] household goods for
7 charitable organizations or civic nonprofit organizations and festivals at no charge or at reduced
8 rates or in exchange for promotional services by the charitable organization or civic nonprofit or-
9 ganization or festival.

10 (2) As used in this section:

11 (a) “Charitable organization” has the meaning given [*for*] that term in ORS 825.017 [(14)] **(13)**.

12 (b) “Civic nonprofit organization” or “festival” means an organization or festival classified under
13 the Internal Revenue Code as having a 501(c)(3) or 501(c)(4) tax exempt status.

14 **SECTION 15.** ORS 825.102 is amended to read:

15 825.102. (1) Except as provided in subsection (6) of this section and ORS 825.135, the Department
16 of Transportation shall issue a permit to a person to provide transportation **service** as a for-hire
17 carrier over any highway in this state in intrastate commerce if the person applies for the permit
18 and the department is satisfied that the person is able to comply with the provisions of this chapter
19 and the rules of the department.

20 (2) In deciding whether to approve an application for a permit under this section, the department
21 shall consider any evidence demonstrating that the applicant is unable to comply with this chapter
22 and the rules of the department and shall deny the application if the applicant does not meet the
23 financial responsibility and safety requirements established by this chapter and by rules of the de-
24 partment.

25 (3) If an application for a permit under this section is denied, the department shall notify the
26 applicant of the reasons for denial. The applicant is entitled to a hearing if written request for a
27 hearing is made within 15 days of the notification of denial.

28 (4) A permit granted under this section is not transferable. The department shall determine by
29 rule what constitutes transfer of a permit.

30 (5) A permit issued under this section may be suspended or revoked as provided in this chapter.
31 Grounds for suspension or revocation include, but are not limited to, failure to maintain compliance
32 with safety requirements, failure to maintain compliance with financial responsibility requirements
33 and failure to report or pay fees, taxes or penalties due the department.

34 (6) [*A permit shall not be granted under this section for transportation of persons by a regular*
35 *route full-service scheduled carrier or*] **The department may not issue a permit under this section**
36 for transportation of household goods. [*Regular route full-service scheduled carriers of persons and*]
37 **For-hire** carriers of household goods are subject to the certificate provisions of ORS 825.110.

38 **SECTION 16.** ORS 825.110 is amended to read:

39 825.110. [(1) *When a person files with the Department of Transportation an application for a cer-*
40 *tificate to operate as a for-hire regular route full-service scheduled carrier of persons as described in*
41 *ORS 825.234, for the extension of an existing certificate or for the transfer of a certificate, the depart-*
42 *ment shall serve notice of the application upon every person who has an application filed and pending*
43 *before the department to serve the territory proposed to be served by the applicant, or who holds a*
44 *certificate to serve that territory. If any person desires to protest the issuance, extension or transfer of*
45 *the certificate, the person may file notice thereof with the department within 15 days from the date of*

1 *service of the notice of application. The department thereupon shall fix a time and place for a hearing*
 2 *upon the application, and shall serve notice of the hearing upon the applicant and any person who has*
 3 *filed a protest. For the purpose of being properly and fully informed, the department may hold a*
 4 *hearing on an application although no protest is filed.]*

5 [(2) *If no person protests within the time provided in subsection (1) of this section, or if all protests*
 6 *to the application are withdrawn prior to the closing of the record, the department may order the is-*
 7 *suance, extension or transfer of the certificate if the applicant shows compliance with subsection (4)(a),*
 8 *(b) and (d) to (f) of this section.]*

9 [(3) (1) When a person files with the Department **of Transportation** an application for a cer-
 10 tificate to operate as a for-hire carrier of household goods, for the extension of an existing certif-
 11 icate or for the transfer of a certificate, the department may issue, extend or transfer the certificate
 12 if the department determines the applicant meets the requirements of subsection [(4)(a), (b) and (d)
 13 to (f)] (2) of this section.

14 [(4) (2) If the application for issuance, extension or transfer of a certificate under this section
 15 is the subject of a hearing, the department shall issue the certificate if the applicant has complied
 16 with this chapter and the rules of the department, and if the department finds from the record and
 17 the evidence submitted at the hearing that:

18 (a) The applicant is fit, willing and able to perform the **transportation** service proposed;

19 (b) The applicant has certified that the vehicles listed on the application comply with all Oregon
 20 laws and rules covering vehicle safety and operations and will be so maintained;

21 [(c) *The service proposed, to the extent authorized, is or will be required by the present or future*
 22 *public convenience and necessity or in case of proceedings under ORS 825.129 if the department finds*
 23 *the assignment or other transfer is in the public interest;]*

24 [(d) (c) The service proposed will not be attended with substantial damage to the highways or
 25 danger to other highway users or to the public;

26 [(e) (d) The rates[, *schedules*] or contracts proposed by the applicant, if an intrastate operator,
 27 are approved by the department; and

28 [(f) (e) The applicant can and will furnish and file the insurance, bond or substitute security
 29 or qualify as self-insurer as provided in this chapter.

30 [(5) (3) *If the application for issuance or transfer of a certificate is the subject of a hearing,*
 31 *and] If the department does not find that all the conditions provided in subsection [(4) (2) of this*
 32 *section are satisfied, the department may deny the application or may defer issuance of the certif-*
 33 *icate pending compliance by the applicant with those conditions provided in subsection [(4) (2) of*
 34 *this section.*

35 **(4) If an application for a certificate under this section is denied, the department shall**
 36 **notify the applicant of the reasons for denial. The applicant is entitled to a hearing if written**
 37 **request for a hearing is made within 15 days after the notification of denial.**

38 [(6) (5) If the applicant fails to appear at the time and place fixed for the hearing, the applica-
 39 tion may be denied.

40 [(7)(a) (6)(a) Pending determination of application for transfer of a certificate, the
 41 department[, *without hearing,*] may grant approval of the temporary operation of the certificate by
 42 the prospective transferee[,] or, if the transferor's service to the public may be substantially im-
 43 paired, may authorize temporary management of the transferor's motor carrier operations by the
 44 prospective transferee.

45 (b) Service performed under temporary authority granted under this section is subject to all

1 provisions of this chapter and the rules of the department.

2 [(c) *Service performed under temporary authority granted under this section creates no presumption*
3 *that transfer of the certificate is required by the public convenience and necessity or is in the public*
4 *interest.*]

5 [(d) *Evidence of operation under temporary authority as provided in this section is not admissible*
6 *to show the extent of utilization of the certificate to be transferred.*]

7 [(8)] (7) The department may require an applicant for a certificate to operate as a for-hire car-
8 rier of household goods issued under this section to complete a criminal background check. The
9 department shall adopt rules describing the standards used by the department to determine if an
10 applicant is unfit based on the results of the applicant's criminal history.

11 **SECTION 17.** ORS 825.115 is amended to read:

12 825.115. (1) [*The Department of Transportation may grant temporary authority for a for-hire car-*
13 *rier to provide transportation of persons where it is shown that a need exists for such service.*] The
14 Department of **Transportation** may grant temporary authority for a for-hire carrier to provide
15 transportation of household goods where it is in the public interest. Such temporary authority may
16 be authorized only if the department receives a request for service from a user of the proposed
17 transportation service, and if the department concludes, after investigation, that the request re-
18 presents a true need or is in the public interest.

19 (2) [*The department shall provide for protest and hearing under ORS 825.110 within 90 days after*
20 *temporary authority is issued under this section to a for-hire carrier of persons.*] The department shall
21 cancel immediately any temporary authority granted under this section if the department determines
22 that the temporary authority issued does not comply with requirements for grant of authority under
23 ORS 825.110.

24 (3) The department may not grant temporary authority under this section for an initial period
25 of more than six months.

26 (4) The department may renew temporary authority granted under this section one time for a
27 period of not more than six months.

28 (5) A person who is granted temporary authority under this section may apply for permanent
29 authority to provide the transportation **service** after the expiration of the temporary authority by
30 making application in the manner provided for application for permanent authority under this
31 chapter.

32 (6) A grant of temporary authority under this section does not establish any right to a grant
33 of permanent authority under this chapter[, *but a for-hire carrier of persons may use evidence from*
34 *operation under temporary authority under this section to establish a need for transportation services*
35 *and to establish an ability to provide those services*].

36 **SECTION 18.** ORS 825.135 is amended to read:

37 825.135. (1) As used in this section, "applicant" includes, but is not limited to, any person having
38 a substantial interest or control, directly or indirectly, in or over the operations conducted or to
39 be conducted under the carrier's authority.

40 (2) Notwithstanding any other provision of law, the Department of Transportation may not grant
41 to an applicant a certificate, permit, transfer of any operating authority, extension of any operating
42 authority or variance permit under ORS chapter 818 if the department has reasonable grounds to
43 believe, based on information contained in department files and records, or based on evidence pre-
44 sented [*either*] during [*hearing held under the provisions of ORS 825.110 or during*] a hearing with
45 respect to an application filed under ORS 825.102, that any of the following apply:

1 (a) The applicant is not capable of conducting the transportation service contemplated, in com-
2 pliance with the law and rules of the department.

3 (b) The applicant is or has been a repeated and intentional violator of the provisions of this
4 chapter, of ORS chapter 818 or of the rules of the department. This paragraph does not apply to
5 violations for which an applicant has been penalized under subsection (3) of this section.

6 (c) The information contained in the application pertaining to ownership, possession or control
7 of the equipment or operation to be conducted is false.

8 (3) A person whose application has been denied under subsection (2) of this section is not eli-
9 gible to renew the application or to operate or participate directly or indirectly in the proposed
10 operation for a period of time ordered by the department. The period of time ordered by the de-
11 partment under this subsection shall in no event be less than a period of six months from the date
12 application has been denied and shall continue until the applicant has complied with any other
13 penalties ordered by the department under this or other provisions of this chapter. An applicant
14 may renew an application without prejudice by past violations after the penalty period under this
15 subsection.

16 (4) Upon request, any person whose application has been denied under subsection (2) of this
17 section shall be granted a hearing. This subsection does not require a separate or additional hearing
18 for applicants if the issues are addressed as part of any hearing on the application. After the hear-
19 ing, the department shall grant or deny the application in conformity with the findings.

20 (5) Subsection (2) of this section shall be strictly construed for purposes described in this sub-
21 section and shall control over any other purposes or policy considerations under the laws relating
22 to motor carriers. The department shall exercise the authority granted under subsection (2) of this
23 section to assure that persons described in subsection (2)(b) of this section:

24 (a) Achieve an awareness of and respect for the provisions of this chapter, ORS chapter 818 and
25 rules of the department.

26 (b) Do not legitimize activities that violate this chapter, ORS chapter 818 or the rules of the
27 department by applying for and receiving any operating authority to continue previously unlawful
28 activities.

29 (6) If the department determines that a carrier issued authority under this chapter is not pro-
30 viding requested transportation services that are within the authority of the carrier, the department
31 shall limit the authority of the carrier to service that the carrier is actually providing unless the
32 carrier provides full transportation services permitted under the carrier's authority.

33 **SECTION 19.** ORS 825.137 is amended to read:

34 825.137. (1) Certificates and permits when issued shall be valid until suspended or revoked when
35 the carrier is found by the Department of Transportation to be in violation of this chapter or ORS
36 chapter 818. A variance permit issued under ORS chapter 818 shall be valid for the length of time
37 for which it is issued unless prior to that time the permit is suspended or revoked by the Depart-
38 ment of Transportation for violation of this chapter or ORS chapter 818.

39 (2) Certificates or permits, or variance permits issued pursuant to ORS chapter 818, may be
40 suspended or canceled by the department based upon the department's own motion after notice and
41 hearing, when the certificate or permit holder:

42 (a) Or agents or employees of the holder have repeatedly violated this chapter or other highway
43 or motor laws of this state. In applying this paragraph the department may consider violations by
44 agents or employees of the holder that occurred prior to the time they became agents or employees
45 of the holder, but only if the agent or employee has a substantial interest or control, directly or

1 indirectly, in or over the operation of the holder.

2 (b) Has repeatedly violated or avoided any order or rule of the department.

3 (c) Is a transporter of [*persons or*] household goods and has repeatedly made unlawful rebates
4 or repeatedly underestimated transportation charges to clients.

5 (d) Has repeatedly refused or has repeatedly failed, after being requested to do so, to furnish
6 service authorized by certificate. The department in such cases may also, in the discretion of the
7 department, restrict the certificate to conform with operations conducted.

8 (e) Has not, except for reasons beyond the control of the holder, transported [*persons or*]
9 household goods authorized by the certificate for a period exceeding 180 consecutive days imme-
10 diately preceding the filing of the complaint in the proceeding. The department in these cases may
11 also, in the discretion of the department, restrict the certificate to conform with operations per-
12 formed that were required by the public convenience and necessity.

13 (f) Has not, except for reasons beyond the control of the holder, transported property [*or*
14 *persons*] authorized by the permit for a period exceeding one year immediately preceding the filing
15 of the complaint in the proceeding.

16 (g) Has refused, or has failed, within the time provided, to file the annual report required by
17 ORS 825.320 or has failed or refused to maintain records required by the department or to produce
18 such records for examination within the time set by the department.

19 (h) Has failed to appear for hearing after notice that the certificate or permit is under investi-
20 gation.

21 (i) Has filed with the department an application which is false with regard to the ownership,
22 possession or control of the equipment being used or the operation being conducted.

23 (3) The department shall not suspend or revoke a certificate or permit of a vehicle or person
24 described in ORS 825.020 unless the person or vehicle is in violation of this section and ORS 825.139,
25 825.141, 825.160, 825.164, 825.166, 825.168, 825.210 (1) and (3), 825.212, 825.450, 825.454, 825.470,
26 825.472, 825.474, 825.476, 825.480, 825.484, 825.488, 825.490, 825.492, 825.494, 825.496, 825.498, 825.504,
27 825.506, 825.507, 825.508 or 825.515.

28 **SECTION 20.** ORS 825.180 is amended to read:

29 825.180. (1) In addition to the other fees prescribed in this chapter:

30 (a) A person applying for a certificate under ORS 825.110 shall pay an application fee of \$300.

31 (b) A person applying for a permit under ORS 825.127 shall pay a fee of \$50.

32 (c) A person applying for a permit under ORS 825.102 shall pay an application fee of \$300.

33 (d) A person applying for a change in a permit shall pay a fee of \$50.

34 (e) A person applying for transfer of a certificate shall pay a fee of \$300.

35 (f) A person making an application under any provision of this chapter not specified in this
36 subsection shall pay a fee of \$150 if the matter is set for a hearing.

37 (2) The Department of Transportation may refund the fees collected under this section if the
38 applicant parties or their duly authorized representatives make written request [*therefor*] **for a re-**
39 **fund**, if:

40 (a) Request for withdrawal of the application was received by the department no later than five
41 days before the hearing date, or if no hearing is required, such request must have been received
42 prior to issuance of authority; and

43 (b) The department finds that:

44 (A) **The** applicant is not eligible to file **the** application;

45 (B) Certificate authority is not needed for the service intended;

1 (C) **The** applicant's death or serious illness precludes conducting the operations for which ap-
 2 plication was made; or

3 (D) **The** transferor withdraws consent for **the** transfer of **the** certificate.

4 [(3) *When the department fixes a time and place for a hearing as required by ORS 825.110 (1), if*
 5 *any person who protested fails to appear at the hearing and failed to withdraw the protest at least five*
 6 *days before the date of the hearing, the department may require such person to pay a sum equal to the*
 7 *application fee required by this section.*]

8 **SECTION 21.** ORS 825.222 is amended to read:

9 825.222. When directed by the Department of Transportation, any **for-hire** carrier of [*persons*
 10 *or*] household goods, or agent on behalf of the carrier, [*which*] **that** proposes the establishment or
 11 modification of a rate, classification or practice shall publish notice [*thereof*] **of the proposal** in a
 12 newspaper of general circulation in the area in which the proposal shall be effective. Publication
 13 shall be within the time provided by the department.

14 **SECTION 22.** ORS 825.950 is amended to read:

15 825.950. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, in addition to
 16 all other penalties provided by law, every person who violates or who procures, aids or abets in the
 17 violation of any provision of this chapter, ORS chapter 818 or 826 or any order, rule or decision of
 18 the Department of Transportation shall incur a civil penalty of not more than \$100 for every such
 19 violation.

20 (b) In addition to all other penalties provided by law, every person who violates or who pro-
 21 cures, aids or abets in the violation of ORS 825.100 by offering to transport or transporting house-
 22 hold goods without a certificate shall incur a civil penalty of not more than \$1,000 for every such
 23 violation.

24 (2) Each violation described in this section is a separate offense and in case of a continuing
 25 violation every day's continuance is a separate violation. Every act of commission or omission
 26 [*which*] **that** procures, aids or abets in the violation is a violation under this section and subject to
 27 the civil penalty provided in this section.

28 (3) Civil penalties under this section shall be imposed in the manner provided in ORS 183.745.

29 (4) The Department of Transportation may reduce any civil penalty provided for in this section
 30 on such terms as the department considers proper if:

31 (a) The defendant admits the violations alleged in the notice and makes timely request for re-
 32 duction of the penalty; or

33 (b) The defendant submits to the department a written request for reduction of the penalty
 34 within 15 days from the date the penalty order is served.

35 (5) If the amount of such penalty is not paid to the department, the Attorney General, at the
 36 request of the department, shall bring an action in the name of the State of Oregon in the Circuit
 37 Court of Marion County to recover such penalty. The action [*shall*] **may** not be commenced until
 38 after the time has expired for an appeal from the findings, conclusions and order of the department.
 39 In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action
 40 except as otherwise provided in this chapter.

41 (6) Any motor carrier of [*persons or of*] household goods found knowingly to have assessed
 42 charges for transportation service less than published in its tariffs or written contracts on file with
 43 the department may be directed to collect the undercharges from the persons liable [*therefor*] **for**
 44 **the undercharges** and to remit [*such*] **the** undercharges to the department in addition to any
 45 monetary penalties imposed against the carrier for charging less than the tariff or contract pre-

1 scribes.

2 (7) Any motor carrier of [*persons or of*] household goods found to have assessed charges for
3 transportation service more than the rates [*which*] **that** have been legally filed with and prescribed
4 by the department shall refund the overcharges to the persons from whom collected. If the carrier
5 is unable to do so, the carrier may be required to remit such overcharges to the department in ad-
6 dition to any monetary penalties imposed against the carrier for charging more than the applicable
7 tariff or contract prescribes.

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MISCELLANEOUS

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**SECTION 23. The unit captions used in this 2015 Act are provided only for the conven-
ience of the reader and do not become part of the statutory law of this state or express any
legislative intent in the enactment of this 2015 Act.**
