

**A-Engrossed**  
**House Bill 2682**

Ordered by the House April 13  
Including House Amendments dated April 13

Sponsored by Representative RAYFIELD, Senator GELSER (Pre-session filed.)

**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.

*[Directs Construction Contractors Board to adopt rules that require persons that lease construction vehicles in this state to maintain construction vehicles in condition that allows for safe and reliable operation of construction vehicles, to keep certain logs, records and documents and to provide or offer to provide training in safe and reliable operation of construction vehicles.]*

*[Requires board to inspect, at least once every two years, persons that lease construction vehicles in this state and assess level of compliance with board's rules. Permits board to charge costs of inspection to person that is subjected to inspection.]*

*[Requires contracting agency, as part of contracting agency's determination of whether bidder for public improvement contract is responsible, to check board's assessment of person that supplies construction vehicles for public improvement contract and require bidder to obtain construction vehicles only from person that achieves passing grade from board.]*

*[Declares emergency, effective on passage.]*

**Requires person that rents utility vehicle to contracting agency to provide records that describe in detail results of most recent inspection that person performed or had performed on utility vehicle's traction, structure, power train, control components and related parts and equipment in compliance with specified rules, regulations or standards. Provides that person must also provide instructions about how to comply with recommendations from utility vehicle's manufacturer for operating and maintaining utility vehicle, records of all incidents in which use of utility vehicle resulted in injuries or deaths because of equipment failure and affidavit in which person attests to compliance with applicable safety standards and to performing or having performed regular inspections of utility vehicle.**

**Permits contracting agency to delay paying consideration due under agreement to rent utility vehicle until person replaces or repairs utility vehicle that does not meet applicable standards and to seek offset of or reimbursement for labor costs that contracting agency incurs as result of delays to work from utility vehicle that does not meet applicable standards.**

**Takes effect on 91st day following adjournment sine die.**

**A BILL FOR AN ACT**

1  
2 Relating to safety standards for construction vehicles; and prescribing an effective date.

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

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

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

6 **(a) "Contracting agency" has the meaning given that term in ORS 279A.010.**

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

11 **(B) "Rent" does not include an arrangement under which consideration that a contract-**  
12 **ing agency pays for use of the utility vehicle results in a transfer of ownership of the utility**  
13 **vehicle to the contracting agency.**

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

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

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

10 (A) The National Highway Traffic Safety Administration;

11 (B) The American National Standards Institute;

12 (C) The federal Mine Safety and Health Administration;

13 (D) The United States Department of Transportation;

14 (E) The Department of Transportation;

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

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

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

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

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

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

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

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

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

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

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

