

Enrolled Senate Bill 839

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CHAPTER

AN ACT

Relating to regulation of commercial vehicles; creating new provisions; and amending ORS 810.370, 810.530, 818.400, 825.017, 825.020, 825.100 and 825.950.

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

RECORDS OF CONVICTION

SECTION 1. ORS 810.370 is amended to read:

810.370. (1) Within the time required by this section of the conviction, every court with jurisdiction over the offenses described in this section shall forward to the Department of Transportation a record of the conviction of any person in such court for a violation of any of the following that regulate the operation of motor vehicles on highways or streets:

- (a) Offenses committed under the vehicle code or any other statute of this state.
- (b) Offenses committed under any municipal ordinance.

(2) To comply with this section, a court must forward the record of conviction containing the date of any offense, any arrest and conviction. The record must be forwarded to the department within 24 hours of the time the defendant was sentenced by the court.

(3) A court is not required by this section to forward to the department a record of conviction for violation of any offense under any of the following sections: ORS 810.090, 811.555, 811.570, 811.580, 814.020 to 814.080, 814.120, 814.230, 814.410 to 814.480, 815.155, 815.160, 815.170, 818.020, 818.040, 818.060, 818.090, 818.110, 818.130, 818.160, 818.300, 818.320, 818.340, 818.350, [818.400,] 820.400, [or] 822.220 **or 825.990 as it relates to violations under ORS 825.450 and 825.470 only.**

SECTION 2. The amendments to ORS 810.370 by section 1 of this 2025 Act apply to records of conviction forwarded to the Department of Transportation on or after the effective date of this 2025 Act.

FAILURE TO COMPLY WITH COMMERCIAL VEHICLE ENFORCEMENT REQUIREMENTS

SECTION 3. ORS 818.400 is amended to read:

818.400. (1) A person commits the offense of failure to comply with commercial vehicle enforcement requirements if the person is driving a vehicle or combination of vehicles and the person does not comply with any of the following or if the person is the owner of a vehicle or combination of

vehicles and the person causes or permits the vehicle or combination not to comply with any of the following:

(a) A vehicle or combination of vehicles must stop and submit to any enforcement of commercial vehicle weight, size, load, conformation or equipment regulation when directed to do so by an "OPEN" sign displayed at a permanently established truck scale.

(b) A vehicle or combination of vehicles must stop and submit to any enforcement of commercial vehicle weight, size, load, conformation or equipment regulation when directed to do so by any sign, **other than an "OPEN" sign described in paragraph (a) of this subsection**, or signal displayed or given by a police officer, motor carrier enforcement officer or weighmaster acting in accordance with authority granted under ORS 810.490.

(c) A vehicle or combination of vehicles must move into the right lane for purposes of a weight or size check when instructed to do so by a sign indicating the presence of a weigh-in-motion scale.

(d) The directions of any police officer, motor carrier enforcement officer or weighmaster that are given in accordance with authority granted under ORS 810.490 or 810.530 must be complied with.

(2) The requirement of subsection (1)(a) of this section does not apply to:

(a) An empty combination of a log truck and pole trailer if the pole trailer is bunked on the log truck and there is no other load; or

(b) A vehicle or combination of vehicles if:

(A) The normal route of the vehicle or combination of vehicles requires turning off the highway after passing the "OPEN" sign but before reaching the scale; and

(B) The vehicle or combination of vehicles is en route to a terminal or other legitimate business.

(3) Operation of any vehicle or combination of vehicles in violation of this section is prima facie evidence that the owner of such vehicle or combination caused or permitted it to be so operated and the owner shall be liable for any penalties imposed under this section.

[(4) The offense described in this section, failure to comply with commercial vehicle enforcement requirements, is a Class B misdemeanor. The penalty provided under this subsection is in addition to any penalty provided for violation of any prohibition relating to vehicle weight, size, load, conformation or equipment.]

(4) Except as provided in subsection (5) of this section, the offense described in subsection (1)(a) or (c) of this section, failure to comply with commercial vehicle enforcement requirements, is a Class A traffic violation.

(5) The offense described in subsection (1)(b) or (d) of this section, failure to comply with commercial vehicle enforcement requirements, is a Class B misdemeanor.

(6) The penalties provided under this section are in addition to any penalty provided for violation of any prohibition relating to vehicle weight, size, load, conformation or equipment.

SECTION 4. The amendments to ORS 818.400 by section 3 of this 2025 Act apply to offenses committed on or after the effective date of this 2025 Act.

FEDERAL SAFETY REQUIREMENTS

SECTION 5. 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 governing board of a public university listed in ORS 352.002, 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, county road or city street, for the removal of forest products as defined in ORS 321.005, or the product of forest products converted to a form other than logs at or near the harvesting site, or when used for the construction or maintenance of the road, thoroughfare or property, pursuant to a written agreement or permit authorizing the use, construction or maintenance of the road, thoroughfare or property, with:
 - (a) An agency of the United States;
 - (b) The State Board of Forestry;
 - (c) The State Forester; or
 - (d) A licensee of an agency named in this subsection.
 - (8) Vehicles being used on any county road for the removal of forest products as defined in ORS 321.005, or the products of forest products converted to a form other than logs at or near the harvesting site, if:
 - (a) The use is pursuant to a written agreement entered into with the State Board of Forestry, the State Forester or an agency of the United States, authorizing the owner of the motor vehicle to use the road and requiring the owner to pay for or to perform the construction or maintenance of the county road, including any operator of a motor vehicle retained to transport logs, poles and piling for the owners who are exempt under this section;
 - (b) The board, officer or agency that entered into the agreement or granted the permit, by contract with the county court or board of county commissioners, has assumed the responsibility for the construction or maintenance of the county road; and
 - (c) Copies of the agreements or permits required by this subsection are filed with the Director of Transportation.
 - (9) Vehicles being used in transporting persons with disabilities, with or without their supervisors or assistants, to or from rehabilitation facilities or child care services if the motor vehicle is a passenger motor vehicle with a seating capacity of not more than 12 passengers. The exemption provided by this subsection applies only when the motor vehicle is operated by or under contract with any person responsible for the administration of rehabilitation facilities as defined in ORS 344.710 to 344.730 or child care services provided by a facility licensed under ORS 329A.250 to 329A.450.
 - (10) Vehicles owned or operated by the United States or by any governmental jurisdiction within the United States except as provided in ORS 825.022. This chapter does apply to vehicles when owned or operated:
 - (a) As a carrier of property for hire;
 - (b) By a transportation district organized under ORS 267.510 to 267.650;
 - (c) By a county service district authorized to provide public transportation under ORS 451.010;or
 - (d) By an intergovernmental body formed by two or more public bodies, as defined in ORS 174.109, to provide public transportation.
 - (11) Vehicles owned or operated by a mass transit district organized under ORS 267.010 to 267.394.

(12) Vehicles owned or operated by, or under contract with, a person responsible for the construction or reconstruction of a highway under contract with the Department of Transportation or with an agency of the United States when operated within the immediate construction project as described in the governmental agency contract during the construction period.

(13) Vehicles owned or operated by, or under contract with, a charitable organization when exclusively engaged in performing transportation, either one way or round trip, necessary to the operation of the charitable organization. As used in this subsection, "charitable organization" means an organization that has no capital stock and no provision for making dividends or profits, but derives its funds principally from public and private charity and holds them in trust for the promotion of the welfare of others and not for profit. Any organization claiming an exemption under this subsection shall file an affidavit with the department stating that it is organized and operated in accordance with the requirements of this subsection. **Nothing in this subsection exempts a person or vehicle from federal motor carrier safety regulations.**

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

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

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

(16) Fire trucks and rescue vehicles that are designated as emergency vehicles by the Department of Transportation under ORS 801.260, while involved in emergency and related operations.

(17) A person who provides services related to the packing or loading of household goods if the person does not:

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

SECTION 6. ORS 825.020 is amended to read:

825.020. Except as otherwise provided in this section and ORS 825.030, this chapter does not apply to the persons or vehicles described in this section. The provisions of ORS 825.100, 825.137, 825.139, 825.141, 825.160, 825.164, 825.166, 825.168, 825.210 (1) and (3), 825.212, 825.450, 825.454, 825.470, 825.472, 825.474, 825.476, 825.480, 825.484, 825.488, 825.490, 825.492, 825.494, 825.496, 825.498, 825.504, 825.506, 825.507, 825.508 and 825.515 apply to any of the following vehicles or combinations of vehicles with a combined weight of more than 26,000 pounds:

(1) Vehicles being used exclusively in the transportation of United States mail on a trip basis.

(2) Vehicles being used in the transportation of persons for hire, in vehicles with a seating capacity of more than five persons, within a city and within three air miles of the city. When the three air mile radius extends into the corporate limits of another city, the two cities shall be considered as one city for the purposes of this subsection. The following apply to this subsection:

(a) Service may also be provided to or from any area surrounding the area described under this subsection so long as the service does not compete with a carrier granted authority by the Department of Transportation under this chapter to operate in that surrounding area.

(b) Any vehicle exempt from the provisions of this chapter under this subsection is subject to regulation by the city or cities in which it is operated.

(3) Vehicles being used for the purpose of transporting persons or property in connection with the patrolling of forests for the prevention or fighting of forest fires.

(4) Vehicles being used in towing or otherwise transporting vehicles at the direction of a police officer or in servicing, towing or transporting wrecked or disabled vehicles, or in towing or transporting a replacement vehicle for such wrecked or disabled vehicle if the vehicle:

- (a) Is not otherwise used in transporting goods and merchandise for compensation; and

(b) In the case of towing, is specially constructed for that use or has a combined weight not exceeding 8,000 pounds.

(5) Vehicles being used by a for-hire carrier to transport within this state free or at reduced rates:

(a) The carrier's officers, agents or employees, or dependent members of the families of those individuals, or the personal effects or household goods of those individuals.

(b) Ministers of religions, inmates of hospitals and individuals exclusively engaged in charitable and eleemosynary work. **Nothing in this subsection exempts vehicles being used by for-hire carriers transporting individuals engaged in charitable and eleemosynary work from federal motor carrier safety regulations.**

(c) Indigent, destitute and homeless individuals and the necessary agents employed in the transportation.

(d) Witnesses attending legal investigations in which the carrier is interested.

(e) Persons injured in wrecks and physicians and nurses attending those persons.

(f) Persons providing relief in cases of general epidemic, pestilence or other emergency.

(g) Persons traveling under commuter, party or excursion passenger tickets, if available to all persons applying under like circumstances or conditions.

(h) Persons traveling under an exchange of passes between for-hire carriers.

(6) Vehicles being used to transport plants, artificial and natural flowers and accompanying florist accessories in movements originating at retail shops.

(7) Any vehicle used by a person licensed under ORS 508.235 while the person is transporting the person's own, unsold catch of fish from the point of landing to the first point where fish from the catch will be sold, placed in storage or processed in any way.

(8) Vehicles owned or operated by truck leasing companies operated empty over the public highways for the purpose of relocation of equipment. This exemption does not apply to motor vehicles operated empty as a result of or for the purpose of transporting passengers or property.

COMMERCIAL VEHICLE ENFORCEMENT

SECTION 7. ORS 810.530 is amended to read:

810.530. (1) A weighmaster or motor carrier enforcement officer in whose presence an offense described in this subsection is committed may arrest or issue a citation for the offense in the same manner as under ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a police officer. This subsection applies to the following offenses:

(a) Violation of maximum weight limits under ORS 818.020.

(b) Violation of posted weight limits under ORS 818.040.

(c) Violation of administratively imposed weight or size limits under ORS 818.060.

(d) Violation of maximum size limits under ORS 818.090.

(e) Exceeding maximum number of vehicles in combination under ORS 818.110.

(f) Violation of posted limits on use of road under ORS 818.130.

(g) Violation of towing safety requirements under ORS 818.160.

(h) Operating with sifting or leaking load under ORS 818.300.

(i) Dragging objects on highway under ORS 818.320.

(j) Unlawful use of devices without wheels under ORS 815.155.

(k) Unlawful use of metal objects on tires under ORS 815.160.

(L) Operation without pneumatic tires under ORS 815.170.

(m) Operation in violation of vehicle variance permit under ORS 818.340.

(n) Failure to carry and display permit under ORS 818.350.

(o) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400.

(p) Violation of any provision of ORS chapter 825.

(q) Operation without proper fenders or mudguards under ORS 815.185.

[*(r) Operating a vehicle without driving privileges in violation of ORS 807.010 if the person is operating a commercial motor vehicle and the person does not have commercial driving privileges.*]

[*(s) Violation driving while suspended or revoked in violation of ORS 811.175 if the person is operating a commercial motor vehicle while the person's commercial driving privileges are suspended or revoked.*]

(r) Operating a vehicle without driving privileges in violation of ORS 807.010 if the person does not have driving privileges and is operating:

(A) A commercial motor vehicle; or

(B) A commercial vehicle that has:

(i) A gross vehicle weight rating of 10,001 pounds or more;

(ii) A gross combination weight rating of 10,001 pounds or more;

(iii) A gross vehicle weight of 10,001 pounds or more; or

(iv) A gross combination weight of 10,001 pounds or more.

(s) Violation driving while suspended or revoked in violation of ORS 811.175 if the person is operating any of the following vehicles while the person's driving privileges are suspended or revoked:

(A) A commercial motor vehicle; or

(B) A commercial vehicle that has:

(i) A gross vehicle weight rating of 10,001 pounds or more;

(ii) A gross combination weight rating of 10,001 pounds or more;

(iii) A gross vehicle weight of 10,001 pounds or more; or

(iv) A gross combination weight of 10,001 pounds or more.

(t) Failure to use vehicle traction tires or chains in violation of ORS 815.140 if the person is operating a motor vehicle subject to ORS chapter 825 or 826.

(u) Failure to carry vehicle traction tires or chains in violation of ORS 815.142 if the person is operating a motor vehicle subject to ORS chapter 825 or 826.

(v) Illegally altering or displaying registration plate in violation of ORS 803.550.

(2) A weighmaster or motor carrier enforcement officer in whose presence an offense described in this subsection is committed by a person operating a [commercial motor] vehicle **described in subsection (3) of this section may issue a citation for the offense. A weighmaster or motor carrier enforcement officer who finds evidence that an offense described in this subsection has been committed by a person operating a [commercial motor] vehicle **described in subsection (3) of this section** or by a motor carrier for which the person is acting as an agent may issue a citation for the offense. A weighmaster or motor carrier enforcement officer issuing a citation under this subsection has the authority granted a police officer issuing a citation under ORS 810.410. A citation issued under this subsection to the operator of a [commercial motor] vehicle **described in subsection (3) of this section** shall be considered to have been issued to the motor carrier that owns the [commercial motor] vehicle **described in subsection (3) of this section** if the operator is not the owner. This subsection applies to the following offenses, all of which are Class A traffic violations under ORS 825.990 (1):**

(a) Repeatedly violating or avoiding any order or rule of the Department of Transportation.

(b) Repeatedly refusing or repeatedly failing, after being requested to do so, to furnish service authorized by certificate.

(c) Refusing or failing to file the annual report as required by ORS 825.320.

(d) Refusing or failing to maintain records required by the department or to produce such records for examination as required by the department.

(e) Failing to appear for a hearing after notice that the carrier's certificate or permit is under investigation.

(f) Filing with the department an application that is false with regard to the ownership, possession or control of the equipment being used or the operation being conducted.

(g) Delinquency in reporting or paying any fee, tax or penalty due to the department under ORS chapter 825 or 826.

- (h) Refusing or failing to file a deposit or bond as required under ORS 825.506.
- (i) Failing to comply with the applicable requirements for attendance at a motor carrier education program as required by ORS 825.402.

(3) Subsections (2) and (4) of this section apply to the following vehicles:

(a) A commercial motor vehicle; or

(b) A commercial vehicle that has:

(A) A gross vehicle weight rating of 10,001 pounds or more;

(B) A gross combination weight rating of 10,001 pounds or more;

(C) A gross vehicle weight of 10,001 pounds or more; or

(D) A gross combination weight of 10,001 pounds or more.

[3] (4) A weighmaster or motor carrier enforcement officer who finds evidence that a person operating a *[commercial motor]* vehicle **described in subsection (3) of this section** has committed the offense of failure to pay the appropriate registration fee under ORS 803.315 may issue a citation for the offense in the same manner as under ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a police officer.

[4] (5) The authority of a weighmaster or motor carrier enforcement officer to issue citations or arrest under this section is subject to ORS chapter 153.

[5(a)] (6)(a) A person is a weighmaster for purposes of this section if the person is a county weighmaster or a police officer.

(b) A person is a motor carrier enforcement officer under this section if the person is duly authorized as a motor carrier enforcement officer by the Department of Transportation.

[6] (7) A weighmaster or motor carrier enforcement officer may accept security in the same manner as a police officer under ORS 810.440 and 810.450 and may take as security for the offenses, in addition to other security permitted under this section, the sum fixed as the presumptive fine for the offense.

[7] (8) A weighmaster or motor carrier enforcement officer may arrest a person for the offense of failure to appear in a violation proceeding under ORS 153.992 if the violation is based upon a citation for any offense described in subsection (1) or [3] (4) of this section except those described in subsection (1)(p) of this section.

[8] (9) A weighmaster or motor carrier enforcement officer may exercise the same authority as a police officer under ORS 810.490 to enforce vehicle requirements and detain vehicles. A person who fails to comply with the authority of a weighmaster or motor carrier enforcement officer under this subsection is subject to penalty under ORS 818.400.

UNAUTHORIZED MOVEMENT OF HOUSEHOLD GOODS

SECTION 8. ORS 825.100 is amended to read:

825.100. (1) *[No person shall]* **A person may not** operate any motor vehicle, whether loaded or empty, on any highway in this state as a carrier in the transportation of persons or property without possessing, in addition to any license required by any other law, a valid certificate or permit from the Department of Transportation authorizing the proposed operation. Each operation of a motor vehicle in violation of this *[section]* **subsection** is a separate violation, whether the prohibited operations occur within the same day or different days or relate to the same motor vehicle or different motor vehicles.

(2) A person may not offer to transport, advertise as willing to transport or transport household goods for-hire in intrastate commerce without a valid certificate from the department. Each act described in this subsection is a separate violation subject to penalties under ORS 825.950 (1)(c).

SECTION 9. ORS 825.950 is amended to read:

825.950. (1)(a) Except as otherwise provided in *[paragraph (b)]* **paragraphs (b) and (c)** of this subsection, in addition to all other penalties provided by law, every person who violates or who procures, aids or abets in the violation of any provision of this chapter, ORS chapter 818 or 826 or

any order, rule or decision of the Department of Transportation shall incur a civil penalty of not more than \$100 for every such violation.

(b) In addition to all other penalties provided by law, every person who violates or who procures, aids or abets in the violation of ORS 825.100 (1) [*by offering to transport or transporting household goods without a certificate*] shall incur a civil penalty of not more than \$1,000 for every such violation.

(c) In addition to all other penalties provided by law, every person who violates or who procures, aids or abets in the violation of ORS 825.100 (2) shall incur a civil penalty of not more than \$3,000.

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

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

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

(a) The defendant admits the violations alleged in the notice and makes timely request for reduction of the penalty; or

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

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

(6) Any motor carrier of household goods found knowingly to have assessed charges for transportation service less than published in its tariffs or written contracts on file with the department may be directed to collect the undercharges from the persons liable for the undercharges and to remit the undercharges to the department in addition to any monetary penalties imposed against the carrier for charging less than the tariff or contract prescribes.

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

SECTION 10. The amendments to ORS 825.100 and 825.950 by sections 8 and 9 of this 2025 Act apply to offenses committed on or after the effective date of this 2025 Act.

SECTION 11. The unit captions used in this 2025 Act are provided only for the convenience 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 2025 Act.

Passed by Senate April 15, 2025

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House April 24, 2025

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Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State