

SENATE AMENDMENTS TO SENATE BILL 839

By JOINT COMMITTEE ON TRANSPORTATION

April 11

On page 2 of the printed bill, delete lines 1 through 31 and insert:

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 sub-

1 **section (1)(a) or (c) of this section, failure to comply with commercial vehicle enforcement**
2 **requirements, is a Class A traffic violation.**

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

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

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