



Oregon

Tina Kotek, Governor

Department of Transportation

Director's Office

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DATE: February 3, 2025

TO: Joint Committee on Transportation

FROM: Carla Phelps, Administrator, Commerce and Compliance Division
Oregon Department of Transportation

SUBJECT: SB 839 – ODOT Commerce and Compliance Division Omnibus Bill

BACKGROUND

CCD works to promote a safe, efficient, and responsible commercial transportation industry, seeking the safe and reliable movement of freight on Oregon's roads and railways. The division ensures railroads and commercial motor vehicles traveling across Oregon's transportation system are compliant with federal and state regulations, helping protect Oregonians and preserve our state's critical transportation infrastructure.

BILL CONTENT

This legislation makes technical fixes to align statute with current business practice, ensure alignment with federal requirements, make safety and enforcement improvements, and strengthen consumer protections. The bill has five major components, which are outlined in detail below.

Sections 1 and 2: Records of Conviction. Currently, statute requires courts to forward weight-mile tax credential violations to the department of record. However, the department does not record these non-traffic, non-safety-related violations against driver records. This is an unnecessary administrative burden for the courts. Section 1 amends ORS 810.370 to eliminate this requirement. This change has no impact on industry.

Also included in Section 1 is a requirement that convictions for violations of 818.400 (failure to comply with commercial vehicle enforcement requirements) are to be forwarded to the department.

Sections 3-4: Failure to Comply with Commercial Motor Vehicle Requirements. This change seeks to address the growing problem of vehicles illegally bypassing scales in Oregon. Data show many of these vehicles bypass for a reason, as CCD finds up to 50% of offenders have safety violations resulting in the driver or equipment being placed out-of-service.

Currently, illegal bypassing is a Class B criminal misdemeanor. Prosecution is declining due to limited judicial resources, leading to dismissal of the citations without a hearing, conviction, or assessed penalties.

Section 3 would reduce the penalty for this offense from a misdemeanor to a Class A traffic violation, removing the need for district attorney representation in contested cases, ensuring these violations are still prosecuted, while freeing up judicial resources for more serious crimes. This change would apply a presumptive fine to all violators. It would also reduce the burden on industry of needing to make the mandatory court appearance associated with a misdemeanor offense.

The department believes these changes are critical but is exploring language refinements in recognition of concerns raised by law enforcement that these changes may be too broad and potentially limit their roadside arrest authority in certain situations. We are continuing discussions with law enforcement to develop an amendment that narrows the focus of the language so law enforcement can continue to do their jobs roadside, issuing a misdemeanor when necessary.

Sections 5-6: Federal Safety Requirements. These sections clean up language in ORS 825.017 and 825.020 as required by participation in the Federal Motor Carrier Safety Administration's Motor Carrier Safety Assistance Program grant. These changes would clarify that no vehicles are exempt from Federal Motor Carrier Safety Regulations, relating specifically to vehicles used in charitable and eleemosynary work. This change should have minimal impact on industry as we see very few currently-exempted vehicles cross ODOT's scales.

Section 7: Commercial Vehicle Enforcement. Currently weighmasters and law enforcement have authority over "commercial motor vehicles" (i.e., heavy-duty trucks above 26,000 lbs.). Section 7 of this bill amends ORS 810.530 to expand their authority to include medium-duty commercial vehicles from 10,000 lbs. up to 26,000 lbs.

As qualifications for CDL holders have become increasingly strict, making it more difficult for drivers who have failed a drug or alcohol test to clear their record through the federal clearing house, many of these drivers are hired by commercial carriers operating medium-duty vehicle fleets. Expanding this enforcement authority seeks to ensure consistent application of safety laws as it relates to commercial vehicles.

One in four commercial vehicle accidents involve a medium-duty vehicle, and accident rates for these vehicles have risen 1.5 times relative to commercial vehicles over 26,000 lbs. in recent years. As these vehicles continue to expand operations as a result of increase e-commerce activity, their higher probability of crashes continues to rise, while also imposing additional wear and tear on Oregon's transportation infrastructure.

The changes in this section of the bill would allow CCD to conduct targeted portable operations

where large numbers of these vehicles operate, validating that they are operating in compliance with registration and licensing laws and applicable provisions of ORS 825. This would also subject repeat offenders to the civil process where applicable.

These changes would also align with federal commercial vehicle definitions and would not impact the trucking industry at our mainline scales. The changes are also supported by the heavy trucking industry as it provides uniform regulation for vehicles above 10,001 lbs.

Sections 8-10: Unauthorized Movement of Household Goods. The approximately 130 authorized Oregon-based movers of household goods compete with unauthorized movers on an uneven playing field (as the unauthorized movers operate outside of regulatory compliance).

Presently, holding compliance events with law enforcement is the most effective option to enforce laws prohibiting the unauthorized movement of household goods, as current statutory language requires proof that the carrier was operating. It is difficult to obtain that proof outside of compliance events. In cases for alleged violations identified outside compliance events, the department has failed to prevail due to the difficulty of obtaining proof of operation.

The changes in this section provides that advertising the unauthorized movement of household goods is subject to civil penalties like those applicable to actually operating as an unauthorized carrier. By bridging ORS 825.100 and 825.950 via the proposed changes in these sections of the bill, CCD will be able to apply civil penalties on carriers that are advertising, yet not licensed as, a household good carrier. Increasing the penalty to \$3,000 will deter these activities and protect consumers from unlicensed movers.

CONCLUSION

CCD seeks to ensure a safe, efficient, and responsible commercial transportation industry in Oregon that provides for the safe and reliable movement of freight on Oregon's roads and railways. SB 839 will enhance the division's ability to achieve this mission.

The improvements identified in SB 839 are critical to ensure the safety and competitiveness of Oregon's commercial trucking industry.

Thank you for your time, attention, and dedication to ensuring a sufficiently-resourced, safe, efficient, and reliable transportation system in Oregon.