

Senate Bill 1038

Sponsored by COMMITTEE ON RULES

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**.

Requires road safety inspection of intermodal chassis before chassis leaves port. Permits driver to request reinspection of intermodal chassis.

Prohibits removing or tampering with inspection tags. Punishes by maximum imprisonment of one year, \$6,250 fine, or both.

Prohibits retaliation against driver who requests reinspection of intermodal chassis. Punishes by maximum imprisonment of 30 days, \$1,250 fine, or both.

A BILL FOR AN ACT

Relating to intermodal chassis; creating new provisions; and amending ORS 777.150 and 777.990.

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

SECTION 1. Sections 2 to 8 of this 2005 Act are added to and made a part of ORS chapter 777.

SECTION 2. As used in sections 2 to 8 of this 2005 Act:

(1) "Driver" means a person hired or otherwise engaged to haul intermodal freight containers on an intermodal chassis.

(2) "Inspector" means a person employed by a port to conduct road safety inspections of intermodal chassis.

(3) "Intermodal chassis" means a trailer that carries intermodal freight containers.

(4) "Intermodal freight container" means a box, designed to carry freight, that is strengthened and stackable and that allows horizontal or vertical transfer from one means of transportation to another means of transportation.

(5) "Port" means a facility that engages in the loading and unloading of oceangoing vessels carrying intermodal freight containers.

SECTION 3. (1) An inspector shall conduct a road safety inspection as described in subsection (2) of this section of an intermodal chassis before the chassis leaves a port.

(2) A road safety inspection consists of an inspection of the following components of an intermodal chassis:

(a) Brake system components and operation.

(b) Suspension systems.

(c) Tires and wheels.

(d) Vehicle connecting devices.

(e) Lights and electrical system.

(3) The inspector shall record the results of a road safety inspection in a road safety inspection report that includes, but is not limited to:

(a) A list of defects, if any, found in the intermodal chassis.

(b) Identification of the intermodal chassis inspected, including the name of the owner

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 or lessee of the intermodal chassis, the intermodal chassis identification number and the li-
2 cense plate number.

3 (c) The date of the inspection.

4 (d) The signature of the inspector.

5 (4) If the inspector finds no defects in the intermodal chassis, the inspector shall attach
6 a green inspection tag to the intermodal chassis. The green inspection tag must:

7 (a) Contain the name of the inspector and the date and time that the inspection was
8 completed; and

9 (b) Be placed in a conspicuous location on the intermodal chassis so that the tag may
10 be seen from the rear of the vehicle.

11 (5) If the inspector finds a defect in the intermodal chassis, the inspector shall attach a
12 red inspection tag to the intermodal chassis. The red inspection tag must:

13 (a) Contain the name of the inspector and the date and time that the inspection was
14 completed;

15 (b) Contain a brief description of all defects found in the intermodal chassis; and

16 (c) Be placed in a conspicuous location on the intermodal chassis so that the tag may
17 be seen from the rear of the vehicle.

18 (6) The inspector shall notify the owner or lessee of an intermodal chassis that fails a
19 road safety inspection.

20 (7) An intermodal chassis may not be released to a driver or be operated on a highway
21 of this state until all defects found in the intermodal chassis have been repaired. All repairs
22 shall be recorded in an intermodal chassis maintenance file.

23 (8) Road safety inspection reports and intermodal chassis maintenance files must be
24 maintained at the port for two years and must be made available upon request of the owner
25 or lessee of the intermodal chassis or a driver.

26 **SECTION 4.** (1) A person may not remove or tamper with an inspection tag attached to
27 an intermodal chassis by an inspector under section 3 of this 2005 Act.

28 (2) The provisions of subsection (1) of this section do not apply to an inspector.

29 **SECTION 5.** (1) Inspectors who perform road safety inspections under section 3 of this
30 2005 Act must be qualified by training to conduct the inspections.

31 (2) The port shall keep records of the qualifications of each inspector who performs
32 intermodal chassis road safety inspections.

33 **SECTION 6.** (1) Except as provided in subsection (2) of this section, any hold-harmless
34 or indemnity clause concerning defects in the physical condition of an intermodal chassis
35 shall be void as against public policy if the clause is contained in a contract between:

36 (a) The owner or lessee of an intermodal chassis subject to a road safety inspection under
37 section 3 of this 2005 Act and a motor carrier; or

38 (b) A motor carrier and another motor carrier engaged to transport an intermodal
39 freight container on an intermodal chassis subject to a road safety inspection under section
40 3 of this 2005 Act.

41 (2) Subsection (1) of this section does not prohibit a provision in a contract relating to
42 damage to the intermodal chassis caused by the negligent or willful failure of a driver to
43 operate an intermodal chassis in a safe manner.

44 (3) If a road safety inspection reveals a defect in the intermodal chassis that presents
45 an imminent danger to the public safety or that is the result of the owner's repeated failure

1 to properly repair the intermodal chassis, the inspector shall immediately notify the De-
2 partment of Transportation. The department may suspend the owner's certificate or permit
3 issued by the department under ORS 825.100 and may forward a recommendation to the
4 Federal Motor Carrier Safety Administration for administrative or other action deemed
5 necessary against the owner's interstate operating authority.

6 **SECTION 7.** A driver who reasonably believes that an intermodal chassis is in an unsafe
7 operating condition may request that the intermodal chassis be reinspected by an inspector.
8 An inspector shall reinspect the intermodal chassis at the request of a driver. The inspector
9 shall record in the maintenance file for the intermodal chassis the request for reinspection
10 and any corrective action taken or the reason why corrective action was not taken.

11 **SECTION 8.** A driver described in section 7 of this 2005 Act may not be threatened, co-
12 erced or otherwise retaliated against by an employee of a port, an inspector or an owner or
13 lessee of an intermodal chassis for notifying an inspector about the physical condition of an
14 intermodal chassis or for requesting that the intermodal chassis be reinspected or repaired.

15 **SECTION 9.** ORS 777.150 is amended to read:

16 777.150. A port may employ engineers, superintendents, mechanics, **inspectors as defined in**
17 **section 2 of this 2005 Act**, clerks or other persons as it may find requisite, necessary or convenient
18 and fix their rates of compensation.

19 **SECTION 10.** ORS 777.990 is amended to read:

20 777.990. (1) Failure by a port treasurer, or county treasurer charged with the duties provided
21 by ORS 777.515, to comply with the requirements of that section for a period of 10 days is a Class
22 A violation, and upon conviction the court shall impose a fine of not less than \$500.

23 (2) Subject to ORS 153.022, any person violating a regulation adopted by a port board under ORS
24 777.120 or 777.190 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine
25 of not more than \$250.

26 **(3) A person who violates section 4 of this 2005 Act commits a Class A misdemeanor.**

27 **(4) A person who violates section 8 of this 2005 Act commits a Class C misdemeanor.**