

CHAPTER 283

AN ACT

SB 142

Relating to motor carriers; creating new provisions; amending ORS 803.420, 811.111, 811.460, 811.530, 816.320, 820.020, 825.007, 825.017, 825.022, 825.028, 825.102, 825.110, 825.115, 825.135, 825.137, 825.180, 825.202, 825.222, 825.224, 825.234 and 825.950; and repealing ORS 267.610 and 451.568.

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

**EXCEPTIONS TO
MOTOR CARRIER REGULATIONS**

SECTION 1. 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 State Board of Higher Education, 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 writ-

ten 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 the transportation of persons for hire if the operation:]

[(a) Is performed by a nonprofit entity;]

[(b) Is not in competition with a regular route full-service scheduled carrier of persons that is subject to the provisions of this chapter or a service provided by a mass transit district formed under ORS chapter 267;]

[(c) Is performed by use of vehicles operating in compliance with ORS 820.020 to 820.070; and]

[(d) Is approved by the Department of Transportation as complying with paragraphs (a) to (c) of this subsection.]

[(10) (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.030 and 329A.250 to 329A.450.

*[(11) (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.**

[(12)] (11) Vehicles owned or operated by a mass transit district [created] **organized** under ORS [chapter 267] **267.010 to 267.390.**

[(13)] (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.

[(14)] (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.

[(15)] (14) Vehicles with a maximum speed that does not exceed 35 miles per hour that are designed for off-road use and that are operated on the public highways in any one calendar year a number of miles that does not exceed 15 percent of the total number of miles the vehicle is operated for that calendar year.

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

[(17)] (16) 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.

[(18)] (17) 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.

[(19)] (18) 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 2. ORS 267.610 and 451.568 are repealed.

SECTION 3. ORS 825.022 is amended to read:

825.022. The provisions of ORS 825.160, 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 and 825.515 do not apply to **any of the following:**

(1) [Any] A vehicle or combination of vehicles with a combined weight of 26,000 pounds or less.

(2) **A vehicle being used in the transportation of persons for hire if the operation:**

(a) **Is performed by a nonprofit entity;**

(b) **Is performed by use of vehicles operating in compliance with ORS 820.020 to 820.070; and**

(c) **Is approved by the Department of Transportation as complying with paragraphs (a) and (b) of this subsection.**

(3) **A vehicle owned or operated by a transportation district organized under ORS 267.510 to 267.650.**

(4) **A vehicle owned or operated by a county service district authorized to provide public transportation under ORS 451.010.**

(5) **A vehicle owned or operated by an intergovernmental body formed by two or more public bodies, as defined in ORS 174.109, to provide public transportation.**

SECTION 4. ORS 803.420 is amended to read:

803.420. This section establishes registration fees for vehicles. If there is uncertainty as to the classification of a vehicle for purposes of the payment of registration fees under the vehicle code, the Department of Transportation may classify the vehicle to assure that registration fees for the vehicle are the same as for vehicles the department determines to be comparable. The registration fees for the vehicle shall be those based on the classification determined by the department. Except as otherwise provided in this section, or unless the vehicle is registered quarterly, the fees described in this section are for an entire registration period for the vehicle as described under ORS 803.415. The department shall apportion any fee under this section to reflect the number of quarters registered for a vehicle registered for a quarterly registration period under ORS 803.415. The fees are payable when a vehicle is registered and upon renewal of registration. Except as provided in ORS 801.041 (3) and 801.042 (7), the fee shall be increased by any amount established by the governing body of a county or by the governing body of a district, as defined in ORS 801.237, under ORS 801.041 or 801.042 as an additional registration fee for the vehicle. The fees for registration of vehicles are as follows:

(1) Vehicles not otherwise provided for in this section or ORS 821.320, \$43 for each year of the registration period.

(2) Mopeds, \$24 for each year of the registration period.

(3) Motorcycles, \$24 for each year of the registration period.

(4) Government-owned vehicles registered under ORS 805.040, \$3.50.

(5) State-owned vehicles registered under ORS 805.045, \$3.50 on registration or renewal.

(6) Undercover vehicles registered under ORS 805.060, \$3.50 on registration or renewal.

(7) Antique vehicles registered under ORS 805.010, \$54.

(8) Vehicles of special interest registered under ORS 805.020, \$81.

(9) Electric vehicles and hybrid vehicles that use electricity and another source of motive power, as follows:

(a) The registration fee for an electric or hybrid vehicle not otherwise described in this subsection is \$43 for each year of the registration period.

(b) The registration fee for electric or hybrid vehicles that have two or three wheels is \$43. This paragraph does not apply to electric or hybrid mopeds. Electric or hybrid mopeds are subject to the same registration fee as otherwise provided for mopeds under this section.

(c) The registration fees for the following electric or hybrid vehicles are the same as for comparable nonelectric vehicles described in this section plus 50 percent of such fee:

(A) Motor homes.

(B) Commercial buses.

(C) Vehicles registered as farm vehicles under ORS 805.300.

(D) Vehicles required to establish registration weight under ORS 803.430 or 826.013.

(10) Motor vehicles required to establish a registration weight under ORS 803.430 or 826.013, tow vehicles used to transport property for hire other than as described in ORS 822.210, and commercial buses, as provided in the following chart, based upon the weight submitted in the declaration of weight prepared under ORS 803.435 or 826.015:

Weight in Pounds	Fee
8,000 or less	\$ 55
8,001 to 10,000	344
10,001 to 12,000	391
12,001 to 14,000	438
14,001 to 16,000	485
16,001 to 18,000	532
18,001 to 20,000	593
20,001 to 22,000	640
22,001 to 24,000	703
24,001 to 26,000	764
26,001 to 28,000	375
28,001 to 30,000	391
30,001 to 32,000	422
32,001 to 34,000	438
34,001 to 36,000	468
36,001 to 38,000	485
38,001 to 40,000	515
40,001 to 42,000	532

42,001 to 44,000	562
44,001 to 46,000	578
46,001 to 48,000	593
48,001 to 50,000	625
50,001 to 52,000	656
52,001 to 54,000	672
54,001 to 56,000	686
56,001 to 58,000	717
58,001 to 60,000	750
60,001 to 62,000	780
62,001 to 64,000	811
64,001 to 66,000	827
66,001 to 68,000	857
68,001 to 70,000	874
70,001 to 72,000	904
72,001 to 74,000	921
74,001 to 76,000	951
76,001 to 78,000	967
78,001 to 80,000	998
80,001 to 82,000	1,014
82,001 to 84,000	1,045
84,001 to 86,000	1,061
86,001 to 88,000	1,092
88,001 to 90,000	1,108
90,001 to 92,000	1,139
92,001 to 94,000	1,155
94,001 to 96,000	1,185
96,001 to 98,000	1,202
98,001 to 100,000	1,218
100,001 to 102,000	1,249
102,001 to 104,000	1,265
104,001 to 105,500	1,295

(11)(a) Motor vehicles with a registration weight of more than 8,000 pounds that are described in ORS 825.015, that are operated by a charitable organization as defined in ORS 825.017 [(14)] (13), as provided in the following chart:

Weight in Pounds	Fee
8,001 to 10,000	\$ 50
10,001 to 12,000	60
12,001 to 14,000	65
14,001 to 16,000	75
16,001 to 18,000	80
18,001 to 20,000	90
20,001 to 22,000	95
22,001 to 24,000	105
24,001 to 26,000	110
26,001 to 28,000	120
28,001 to 30,000	125
30,001 to 32,000	135
32,001 to 34,000	140
34,001 to 36,000	150
36,001 to 38,000	155
38,001 to 40,000	165
40,001 to 42,000	170
42,001 to 44,000	180
44,001 to 46,000	185
46,001 to 48,000	190
48,001 to 50,000	200
50,001 to 52,000	210
52,001 to 54,000	215
54,001 to 56,000	220
56,001 to 58,000	230
58,001 to 60,000	240

60,001 to	62,000	250	76,001 to	78,000	631
62,001 to	64,000	260	78,001 to	80,000	652
64,001 to	66,000	265	80,001 to	82,000	662
66,001 to	68,000	275	82,001 to	84,000	682
68,001 to	70,000	280	84,001 to	86,000	692
70,001 to	72,000	290	86,001 to	88,000	713
72,001 to	74,000	295	88,001 to	90,000	723
74,001 to	76,000	305	90,001 to	92,000	743
76,001 to	78,000	310	92,001 to	94,000	754
78,001 to	80,000	320	94,001 to	96,000	774
80,001 to	82,000	325	96,001 to	98,000	784
82,001 to	84,000	335	98,001 to	100,000	794
84,001 to	86,000	340	100,001 to	102,000	815
86,001 to	88,000	350	102,001 to	104,000	825
88,001 to	90,000	355	104,001 to	105,500	845
90,001 to	92,000	365			
92,001 to	94,000	370			
94,001 to	96,000	380			
96,001 to	98,000	385			
98,001 to	100,000	390			
100,001 to	102,000	400			
102,001 to	104,000	405			
104,001 to	105,500	415			

(b) Motor vehicles with a registration weight of more than 8,000 pounds that are certified under ORS 822.205, unless the motor vehicle is registered under subsection (10) of this section or that are used exclusively to transport manufactured structures, as provided in the following chart:

Weight in Pounds	Fee
8,001 to 10,000	\$ 102
10,001 to 12,000	122
12,001 to 14,000	132
14,001 to 16,000	153
16,001 to 18,000	163
18,001 to 20,000	183
20,001 to 22,000	193
22,001 to 24,000	214
24,001 to 26,000	224
26,001 to 28,000	244
28,001 to 30,000	255
30,001 to 32,000	275
32,001 to 34,000	285
34,001 to 36,000	306
36,001 to 38,000	316
38,001 to 40,000	336
40,001 to 42,000	346
42,001 to 44,000	367
44,001 to 46,000	377
46,001 to 48,000	387
48,001 to 50,000	407
50,001 to 52,000	428
52,001 to 54,000	438
54,001 to 56,000	448
56,001 to 58,000	468
58,001 to 60,000	489
60,001 to 62,000	509
62,001 to 64,000	530
64,001 to 66,000	540
66,001 to 68,000	560
68,001 to 70,000	570
70,001 to 72,000	591
72,001 to 74,000	601
74,001 to 76,000	621

(c) The owner of a vehicle described in paragraphs (a) and (b) of this subsection must certify at the time of initial registration, in a manner determined by the department by rule, that the motor vehicle will be used exclusively to transport manufactured structures or exclusively as described in ORS 822.210, unless the motor vehicle is registered under subsection (10) of this section, or as described in ORS 825.015 or 825.017 [(14)] (13). Registration of a vehicle described in paragraphs (a) and (b) of this subsection is invalid if the vehicle is operated in any manner other than that described in the certification under this paragraph.

(12) Trailers registered under permanent registration, \$10.

(13) Fixed load vehicles as follows:

(a) If a declaration of weight described under ORS 803.435 is submitted establishing the weight of the vehicle at 3,000 pounds or less, \$54.

(b) If no declaration of weight is submitted or if the weight of the vehicle is in excess of 3,000 pounds, \$75.

(14) Trailers for hire that are equipped with pneumatic tires made of an elastic material and that are not travel trailers or trailers registered under permanent registration, \$27.

(15) Trailers registered as part of a fleet under an agreement reached pursuant to ORS 802.500, the same as the fee for vehicles of the same type registered under other provisions of the Oregon Vehicle Code.

(16) Travel trailers, campers and motor homes as follows, based on length as determined under ORS 803.425:

(a) For travel trailers or campers that are 6 to 10 feet in length, \$81.

(b) For travel trailers or campers over 10 feet in length, \$81 plus \$6.75 a foot for each foot of length over the first 10 feet.

(c) For motor homes that are 6 to 14 feet in length, \$54.

(d) For motor homes over 14 feet in length, \$126 plus \$7.50 a foot for each foot of length over the first 10 feet.

(17) Special use trailers as follows, based on length as determined under ORS 803.425:

(a) For lengths 6 to 10 feet, \$54.

(b) For special use trailers over 10 feet in length, \$54 plus \$3 a foot for each foot of length over the first 10 feet.

(18) Fees for vehicles with proportional registration under ORS 826.009, or proportioned fleet registration under ORS 826.011, are as provided for vehicles of the same type under this section except that the fees shall be fixed on an apportioned basis as provided under the agreement established under ORS 826.007.

(19) For any vehicle that is registered under a quarterly registration period, a minimum of \$15 for each quarter registered plus an additional fee of \$1.

(20) In addition to any other fees charged for registration of vehicles in fleets under ORS 805.120, the department may charge the following fees:

(a) A \$2 service charge for each vehicle entered into a fleet.

(b) A \$1 service charge for each vehicle in the fleet at the time of renewal.

(21) The registration fee for vehicles with special registration for disabled veterans under ORS 805.100 is a fee of \$15.

(22) Subject to subsection (19) of this section, the registration fee for motor vehicles registered as farm vehicles under ORS 805.300 is as follows based upon the registration weight given in the declaration of weight submitted under ORS 803.435:

74,001 to	76,000	418
76,001 to	78,000	425
78,001 to	80,000	440
80,001 to	82,000	448
82,001 to	84,000	463
84,001 to	86,000	471
86,001 to	88,000	486
88,001 to	90,000	493
90,001 to	92,000	509
92,001 to	94,000	516
94,001 to	96,000	531
96,001 to	98,000	539
98,001 to	100,000	554
100,001 to	102,000	562
102,001 to	104,000	577
104,001 to	105,500	585

(23) The registration fee for school vehicles registered under ORS 805.050 is \$7.50.

(24) The registration fee for a low-speed vehicle is \$43, for each year of the registration period.

(25) A rental or leasing company, as defined in ORS 221.275, that elects to initially register a vehicle for an annual or biennial registration period shall pay a fee of \$1 in addition to the vehicle registration fee provided under this section.

(26) Racing activity vehicles registered under ORS 805.035, \$81.

(27) Medium-speed electric vehicles, \$43 for each year of the registration period.

Weight in Pounds	Fee
8,000 or less	\$ 35
8,001 to 10,000	46
10,001 to 12,000	53
12,001 to 14,000	68
14,001 to 16,000	76
16,001 to 18,000	91
18,001 to 20,000	99
20,001 to 22,000	114
22,001 to 24,000	121
24,001 to 26,000	137
26,001 to 28,000	144
28,001 to 30,000	159
30,001 to 32,000	167
32,001 to 34,000	182
34,001 to 36,000	190
36,001 to 38,000	205
38,001 to 40,000	213
40,001 to 42,000	228
42,001 to 44,000	235
44,001 to 46,000	251
46,001 to 48,000	258
48,001 to 50,000	273
50,001 to 52,000	281
52,001 to 54,000	288
54,001 to 56,000	304
56,001 to 58,000	319
58,001 to 60,000	326
60,001 to 62,000	334
62,001 to 64,000	349
64,001 to 66,000	364
66,001 to 68,000	372
68,001 to 70,000	380
70,001 to 72,000	395
72,001 to 74,000	402

SECTION 5. ORS 811.111 is amended to read:

811.111. (1) A person commits the offense of violating a speed limit if the person:

(a) Drives a vehicle on an interstate highway at a speed greater than 65 miles per hour or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed.

(b) Notwithstanding paragraph (a) of this subsection, drives any of the following vehicles at a speed greater than 55 miles per hour on any highway or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed:

(A) A motor truck with a gross vehicle weight rating of more than 10,000 pounds or a truck tractor with a gross vehicle weight rating of more than 8,000 pounds.

(B) A school bus.

(C) A school activity vehicle.

(D) A worker transport bus.

(E) A bus operated for transporting children to and from church or an activity or function authorized by a church.

(F) Any vehicle used in the transportation of persons for hire by a nonprofit entity [as provided in ORS 825.017 (9)].

(c) Drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than any of the following:

(A) Any designated speed for ocean shores that is established and posted under ORS 810.180.

(B) If no designated speed is posted under ORS 810.180, 25 miles per hour.

(d) Drives a vehicle upon a highway in any city at a speed greater than a speed posted by authority granted under ORS 810.180 or, if no speed is posted, the following:

(A) Fifteen miles per hour when driving on an alley or a narrow residential roadway.

(B) Twenty miles per hour in a business district.

(C) Twenty-five miles per hour in a public park.

(D) Twenty-five miles per hour on a highway in a residence district if the highway is not an arterial highway.

(E) Sixty-five miles per hour on an interstate highway.

(F) Fifty-five miles per hour in locations not otherwise described in this paragraph.

(e) Drives a vehicle in a school zone at a speed greater than 20 miles per hour if the school zone is:

(A) A segment of highway described in ORS 801.462 (1)(a) and:

(i) The school zone has a flashing light used as a traffic control device and operated under ORS 810.243 and the flashing light indicates that children may be arriving at or leaving school; or

(ii) If the school zone does not have a flashing light used as a traffic control device, the person drives in the school zone between 7 a.m. and 5 p.m. on a day when school is in session.

(B) A crosswalk described in ORS 801.462 (1)(b) and:

(i) A flashing light used as a traffic control device and operated under ORS 810.243 indicates that children may be arriving at or leaving school; or

(ii) Children are present, as described in ORS 811.124.

(2) The offense described in this section, violating a speed limit, is punishable as provided in ORS 811.109.

SECTION 6. ORS 811.460 is amended to read:

811.460. (1) A person commits the offense of failure to follow rail crossing procedures for high-risk vehicles if the person takes any vehicle described in this section across any railroad or rail fixed guideway system tracks at grade without doing all of the following:

(a) Stopping the vehicle at a clearly marked stop line or, if there is not a clearly marked stop line, not less than 15 feet nor more than 50 feet from the nearest rail of the railroad or rail fixed guideway system.

(b) While so stopped, listening and looking in both directions along the tracks for approaching trains or rail fixed guideway system vehicles and for signals indicating approaching trains or rail fixed guideway system vehicles.

(c) Proceeding across the tracks after stopping only when such movement can be performed safely in the gear of the motor vehicle that does not require manually changing gears while proceeding.

(d) Proceeding across the tracks without manually changing gears.

(2) This section applies to the following vehicles when moved across railroad or rail fixed guideway system tracks:

(a) A school bus.

(b) A school activity vehicle with a loaded weight of 10,000 pounds or more.

(c) A worker transport bus.

(d) Any bus operated for transporting children to and from church or an activity or function authorized by a church.

(e) Any vehicle used in the transportation of persons for hire by a nonprofit entity [as provided under ORS 825.017 (9)].

(f) A commercial bus.

(g) A motor vehicle carrying as a cargo or part of a cargo any explosive substance, inflammable liquids, corrosives or similar substances or any cargo that the Department of Transportation determines to be hazardous. For purposes of this paragraph, the department may only determine a substance to be hazardous by rule. Any rules adopted by the department to determine hazardous substances must be consistent with substances classified as hazardous by the United States Secretary of Transportation.

(h) A tank vehicle, whether loaded or empty, used for the transportation of any hazardous material.

(3) Exemptions to this section are provided under ORS 811.465.

(4) The offense described in this section, failure to follow rail crossing procedures for high-risk vehicles, is a Class B traffic violation.

SECTION 7. ORS 811.530 is amended to read:

811.530. (1) A person commits the offense of failure to post warnings for a disabled vehicle if the person is the driver, or other person in charge of a vehicle subject to this section, and the person does not cause the placement of such roadside vehicle warning devices as the Department of Transportation may require under ORS 815.035 when the vehicle is disabled during limited visibility conditions and cannot immediately be removed from the main traveled portion of a highway outside of a business district or residence district.

(2) This section applies only to the following vehicles:

(a) School buses.

(b) School activity vehicles.

(c) Worker transport buses.

(d) Vehicles used in transportation of persons for hire by a nonprofit entity [as provided in ORS 825.017 (9)].

(e) A bus being operated for transporting children to and from religious services or an activity or function authorized by the religious organization.

(f) Commercial buses.

(g) Motor trucks with a registration weight in excess of 8,000 pounds.

(h) Trailers with a registration weight in excess of 8,000 pounds.

(3) Requirements to be equipped with roadside vehicle warning devices are contained in ORS 815.285.

(4) The offense described in this section, failure to post warnings for a disabled vehicle, is a Class B traffic violation.

SECTION 8. ORS 816.320 is amended to read:

816.320. This section establishes requirements for ORS 816.330. Where specific types of lighting equipment are mentioned by this section, those types are types described under ORS 816.040 to 816.290. Except where an exemption under ORS 816.340 specifically provides otherwise, a vehicle that does not comply with this section is in violation of ORS 816.330:

(1) A motor vehicle shall be equipped with all of the following in addition to any other requirements under this section:

(a) Headlights. Motor vehicles other than motorcycles or mopeds shall be equipped with at least two. Motorcycles or mopeds shall be equipped with at least one.

(b) Taillights. Motor vehicles other than motorcycles and mopeds shall be equipped with two taillights. Motorcycles are only required to be equipped with one taillight.

(c) Registration plate light.

(d) Brake lights. Motor vehicles other than motorcycles and mopeds shall be equipped with at least two brake lights. Motorcycles and mopeds are only required to be equipped with one brake light.

(e) Turn signal lights.

(f) Rear reflectors.

(2) All trailers shall be equipped with all of the following in addition to any other requirements under this section:

(a) Taillights. Trailers are required to be equipped with two taillights.

(b) Registration plate lights.

(c) Two brake lights.

(d) Turn signal lights.

(e) Two rear reflectors.

(3) The motor vehicles described in this subsection shall be equipped with forward and rearward side reflectors on each side of the vehicle and forward and rearward side marker lights on each side of the vehicle in addition to any requirements under subsection (1) of this section. This subsection applies to the following vehicles:

(a) School buses.

(b) Worker transport buses.

(c) Vehicles used in transportation of persons for hire by a nonprofit entity [as provided in ORS 825.017 (9)].

(d) A bus being operated for transporting children to and from religious services or an activity or function authorized by the religious organization.

(e) Commercial buses.

(f) Motor trucks with a registration weight in excess of 8,000 pounds.

(4) In addition to any other requirements under this section, any motor truck with a registration

weight in excess of 8,000 pounds, commercial bus or trailer that is 80 inches or more in overall width and less than 30 feet in overall length shall be equipped with the following:

(a) Two front and two rear clearance lights.

(b) Front and rear identification lights.

(5) In addition to any other requirements under this section, any motor truck with a registration weight of more than 8,000 pounds, commercial bus or trailer that is more than 30 feet in overall length, regardless of its width shall be equipped with the following:

(a) Two front and two rear clearance lights.

(b) Front and rear identification lights.

(c) Intermediate side marker lights and intermediate side reflectors on each side of the vehicle.

(6) Every motor vehicle that has multiple-beam lighting equipment shall be equipped with a high beam indicator.

(7) Tow vehicles shall be equipped with tow vehicle warning lights.

SECTION 9. ORS 820.020 is amended to read:

820.020. Vehicles [described in this section] **used in transportation of persons for hire by a nonprofit entity** are subject to safety regulation under ORS 820.030 to 820.070 in addition to worker transport vehicles subjected to such regulation under ORS 820.010. [This section applies to every motor vehicle that is exempt from ORS chapter 825 by ORS 825.017 (9).]

DEREGULATION OF FOR-HIRE CARRIERS OF PERSONS

SECTION 10. ORS 825.202 is amended to read:

825.202. The Department of Transportation shall supervise and regulate the transportation of [persons and of] household goods by for-hire carriers and with respect [thereto] **to the transportation service** shall:

(1) After hearing, regulate and prescribe just, fair and reasonable rates, classifications and practices.

(2)(a) Prescribe the kind and form of accounts, manifests, receipts and records to be used and kept pertaining to operation, [and] **prescribe** the method and manner of keeping [them] **the accounts, manifests, receipts and records** and require their preservation for such time as the department may determine proper[.]; and

(b) Have access [thereto] **to the accounts, manifests, receipts and records** with right of audit and inspection at all reasonable times.

(3) Require the filing of such periodical or other reports or data of such carriers as the department deems necessary.

(4) Require reasonably adequate service and facilities.

(5) *Regulate operating schedules of for-hire regular route full-service scheduled carriers of persons so as to meet the needs of any community served and so*

as to prevent unnecessary duplication of for-hire carrier services.]

SECTION 11. ORS 825.224 is amended to read:

825.224. (1) The rates, **classifications**, rules and practices used by for-hire carriers in the transportation of *[persons and of]* household goods shall be prescribed by the Department of Transportation and:

(a) Be plainly stated in tariffs *[or schedules]* available to the public at each carrier's office, and at the office of the department; and

(b) Be just, reasonable and fair and *[shall]* **may** not be unduly discriminatory, prejudicial or preferential.

(2) *[No]* **A** for-hire carrier of *[persons or]* household goods *[shall]* **may not**:

(a) Charge, collect or receive a different remuneration for the transportation of *[persons or]* household goods, or for any **related** service *[in connection therewith]*, than the rates *[which]* **that** have been legally prescribed and filed with the department.

(b) Refund or remit in any manner or by any device any portion of the rates required to be collected by its tariffs or written contracts on file with the department.

(3)**(a)** Any action against for-hire carriers of *[persons or]* household goods for recovery of overcharges, or by the carriers for the collection of undercharges, shall be commenced within two years from the time the cause of action accrued.

(b) As used in this subsection[.]:

(A) "Overcharges" *[or undercharges shall mean]* **means** charges assessed for transportation service *[different from those]* **that are more than the rates** applicable under the tariff lawfully in effect **or in written contracts on file with the department.**

(B) "Undercharges" **means charges assessed for transportation service that are less than the rates applicable under the tariff lawfully in effect or in written contracts on file with the department.**

(4) The department shall check the records of *[for-hire carriers of persons and of]* for-hire carriers of household goods for the purpose of discovering all discriminations and rebates. The department:

(a) Upon the department's own motion, may, and upon the complaint of any aggrieved person, shall, pursuant to written notice served upon any carrier subject to this subsection, investigate the **carrier's service and the carrier's** rates, classifications, rules and practices *[of the carrier and investigate service in connection therewith]*; and

(b) To the extent that the rates, classifications, rules or practices are found by the department to be unreasonable, unlawful, unfair or unduly discriminatory, preferential or prejudicial, shall, by orders based upon the evidence, require the carrier to comply with just, fair, lawful and reasonable rates, classifications, rules and practices established by the department. Such carrier shall *[forthwith]* **immediately** comply with such orders.

(5) The department may suspend a tariff *[or time schedule]* of **for-hire** carriers of *[persons or]* household goods that the department believes will impair the ability of the carriers to serve the public or **that** appears to be unjust, unfair, unreasonable, prejudicial, discriminatory or otherwise unlawful.

SECTION 12. ORS 825.234 is amended to read:

825.234. *[(1) As used in this section:]*

[(a) "Regular route scheduled transportation" means the transportation of persons between designated points over designated routes under time schedules that provide a regularity of service.]

[(b) "Full-service" means service that is offered during any part of more than 10 consecutive months in any 12-month period.]

[(2)] **(1)** For-hire carriers of *[persons or of]* household goods shall be classified, and the classification shall be shown on the carrier's certificate when issued or reissued by the Department of Transportation, as follows:

[(a) Regular route full-service scheduled transportation of persons.]

[(b)] **(a)** Irregular route transportation of household goods.

[(c)] **(b)** Local cartage of household goods.

[(3) Carriers providing regular route full-service scheduled transportation of persons shall file a schedule setting forth the termini between which service is rendered, the hours of departure and arrival, and tariffs and classifications governing rates.]

[(4)] **(2)** Irregular route carriers of household goods shall file tariffs and classifications governing rates.

[(5)] **(3)** Cartage carriers of household goods shall file tariffs and classifications governing rates. The department shall, after hearing, determine what territorial limits will be included within the commercial area adjacent to the limits of any incorporated city.

SECTION 13. ORS 825.007 is amended to read:

825.007. (1) The business of operating as a motor carrier of persons or property for hire upon the highways of this state is declared to be a business affected with the public interest. It is hereby declared to be the state transportation policy to do the following:

(a) Promote safe, adequate, economical and efficient service and to promote the conservation of energy.

(b) Promote sound, economic conditions in transportation.

(c) Encourage the establishment and maintenance of reasonable rates for transportation services, without unjust discriminations, undue preferences or advantages or unfair or destructive competitive practices.

(d) Provide specific state action immunity against all antitrust claims and prosecution in those instances when carriers lawfully develop, publish and charge rates relating to the transportation of *[persons or]* household goods and joint line rates re-

lating to the transportation of other property and provide services specifically prescribed and subject to regulation by the Department of Transportation and in those instances when carriers lawfully engage in prior consultation for purposes described in this paragraph.

(2) The volume of motor carrier traffic presents dangers and hazards on public highways and makes it imperative that:

(a) Stringent rules be employed, to the end that the highways may be rendered safe for the use of the general public;

(b) The wear of such highways be controlled;

(c) A minimum of inconvenience to other users of the highways be effected;

(d) A minimum hindrance and stoppage to other users of the highways compatible with needs of the public for adequate transportation service, be effected;

(e) The highways be safeguarded from improper or unnecessary usage;

(f) Operation by irresponsible persons or any other operation threatening the safety of the public or detrimental to the general welfare be prevented;

(g) Congestion of traffic on the highways be minimized;

(h) The various transportation agencies of the state be adjusted and correlated so that public highways may serve the best interest of the general public; and

(i) A method of assessing privilege taxes be provided to enable the further construction of highways and to provide for the operation, preservation and maintenance of highways already built.

(3) The [legislature] **Legislative Assembly** hereby declares that to effect the ends and purposes listed in this section, this chapter is adopted.

SECTION 14. ORS 825.028 is amended to read:

825.028. (1) For-hire carriers may provide transportation of [persons or] household goods for charitable organizations or civic nonprofit organizations and festivals at no charge or at reduced rates or in exchange for promotional services by the charitable organization or civic nonprofit organization or festival.

(2) As used in this section:

(a) "Charitable organization" has the meaning given [for] that term in ORS 825.017 [(14)] (13).

(b) "Civic nonprofit organization" or "festival" means an organization or festival classified under the Internal Revenue Code as having a 501(c)(3) or 501(c)(4) tax exempt status.

SECTION 15. ORS 825.102 is amended to read:

825.102. (1) Except as provided in subsection (6) of this section and ORS 825.135, the Department of Transportation shall issue a permit to a person to provide transportation **service** as a for-hire carrier over any highway in this state in intrastate commerce if the person applies for the permit and the department is satisfied that the person is able to

comply with the provisions of this chapter and the rules of the department.

(2) In deciding whether to approve an application for a permit under this section, the department shall consider any evidence demonstrating that the applicant is unable to comply with this chapter and the rules of the department and shall deny the application if the applicant does not meet the financial responsibility and safety requirements established by this chapter and by rules of the department.

(3) If an application for a permit under this section is denied, the department shall notify the applicant of the reasons for denial. The applicant is entitled to a hearing if written request for a hearing is made within 15 days of the notification of denial.

(4) A permit granted under this section is not transferable. The department shall determine by rule what constitutes transfer of a permit.

(5) A permit issued under this section may be suspended or revoked as provided in this chapter. Grounds for suspension or revocation include, but are not limited to, failure to maintain compliance with safety requirements, failure to maintain compliance with financial responsibility requirements and failure to report or pay fees, taxes or penalties due the department.

(6) [A permit shall not be granted under this section for transportation of persons by a regular route full-service scheduled carrier or] **The department may not issue a permit under this section** for transportation of household goods. [Regular route full-service scheduled carriers of persons and] **For-hire** carriers of household goods are subject to the certificate provisions of ORS 825.110.

SECTION 16. ORS 825.110 is amended to read:

825.110. [(1) When a person files with the Department of Transportation an application for a certificate to operate as a for-hire regular route full-service scheduled carrier of persons as described in ORS 825.234, for the extension of an existing certificate or for the transfer of a certificate, the department shall serve notice of the application upon every person who has an application filed and pending before the department to serve the territory proposed to be served by the applicant, or who holds a certificate to serve that territory. If any person desires to protest the issuance, extension or transfer of the certificate, the person may file notice thereof with the department within 15 days from the date of service of the notice of application. The department thereupon shall fix a time and place for a hearing upon the application, and shall serve notice of the hearing upon the applicant and any person who has filed a protest. For the purpose of being properly and fully informed, the department may hold a hearing on an application although no protest is filed.]

[(2) If no person protests within the time provided in subsection (1) of this section, or if all protests to the application are withdrawn prior to the closing of the record, the department may order the issuance, extension or transfer of the certificate if the applicant

shows compliance with subsection (4)(a), (b) and (d) to (f) of this section.

[(3)] (1) When a person files with the Department of **Transportation** an application for a certificate to operate as a for-hire carrier of household goods, for the extension of an existing certificate or for the transfer of a certificate, the department may issue, extend or transfer the certificate if the department determines the applicant meets the requirements of subsection [(4)(a), (b) and (d) to (f)] (2) of this section.

[(4)] (2) If the application for issuance, extension or transfer of a certificate under this section is the subject of a hearing, the department shall issue the certificate if the applicant has complied with this chapter and the rules of the department, and if the department finds from the record and the evidence submitted at the hearing that:

(a) The applicant is fit, willing and able to perform the **transportation** service proposed;

(b) The applicant has certified that the vehicles listed on the application comply with all Oregon laws and rules covering vehicle safety and operations and will be so maintained;

[(c)] *The service proposed, to the extent authorized, is or will be required by the present or future public convenience and necessity or in case of proceedings under ORS 825.129 if the department finds the assignment or other transfer is in the public interest;*

[(d)] (c) The service proposed will not be attended with substantial damage to the highways or danger to other highway users or to the public;

[(e)] (d) The rates, *schedules* or contracts proposed by the applicant, if an intrastate operator, are approved by the department; and

[(f)] (e) The applicant can and will furnish and file the insurance, bond or substitute security or qualify as self-insurer as provided in this chapter.

[(5)] (3) *[If the application for issuance or transfer of a certificate is the subject of a hearing, and]* If the department does not find that all the conditions provided in subsection [(4)] (2) of this section are satisfied, the department may deny the application or may defer issuance of the certificate pending compliance by the applicant with those conditions provided in subsection [(4)] (2) of this section.

(4) If an application for a certificate under this section is denied, the department shall notify the applicant of the reasons for denial. The applicant is entitled to a hearing if written request for a hearing is made within 15 days after the notification of denial.

[(6)] (5) If the applicant fails to appear at the time and place fixed for the hearing, the application may be denied.

[(7)(a)] (6)(a) Pending determination of application for transfer of a certificate, the department, *without hearing,* may grant approval of the temporary operation of the certificate by the prospective transferee, or, if the transferor's service to the public may be substantially impaired, may authorize temporary management of the transferor's motor carrier operations by the prospective transferee.

(b) Service performed under temporary authority granted under this section is subject to all provisions of this chapter and the rules of the department.

[(c)] *Service performed under temporary authority granted under this section creates no presumption that transfer of the certificate is required by the public convenience and necessity or is in the public interest.*

[(d)] *Evidence of operation under temporary authority as provided in this section is not admissible to show the extent of utilization of the certificate to be transferred.*

[(8)] (7) The department may require an applicant for a certificate to operate as a for-hire carrier of household goods issued under this section to complete a criminal background check. The department shall adopt rules describing the standards used by the department to determine if an applicant is unfit based on the results of the applicant's criminal history.

SECTION 17. ORS 825.115 is amended to read:

825.115. (1) *[The Department of Transportation may grant temporary authority for a for-hire carrier to provide transportation of persons where it is shown that a need exists for such service.]* The Department of **Transportation** may grant temporary authority for a for-hire carrier to provide transportation of household goods where it is in the public interest. Such temporary authority may be authorized only if the department receives a request for service from a user of the proposed transportation service, and if the department concludes, after investigation, that the request represents a true need or is in the public interest.

(2) *[The department shall provide for protest and hearing under ORS 825.110 within 90 days after temporary authority is issued under this section to a for-hire carrier of persons.]* The department shall cancel immediately any temporary authority granted under this section if the department determines that the temporary authority issued does not comply with requirements for grant of authority under ORS 825.110.

(3) The department may not grant temporary authority under this section for an initial period of more than six months.

(4) The department may renew temporary authority granted under this section one time for a period of not more than six months.

(5) A person who is granted temporary authority under this section may apply for permanent authority to provide the transportation **service** after the expiration of the temporary authority by making application in the manner provided for application for permanent authority under this chapter.

(6) A grant of temporary authority under this section does not establish any right to a grant of permanent authority under this chapter, *but a for-hire carrier of persons may use evidence from operation under temporary authority under this section to*

establish a need for transportation services and to establish an ability to provide those services].

SECTION 18. ORS 825.135 is amended to read:

825.135. (1) As used in this section, "applicant" includes, but is not limited to, any person having a substantial interest or control, directly or indirectly, in or over the operations conducted or to be conducted under the carrier's authority.

(2) Notwithstanding any other provision of law, the Department of Transportation may not grant to an applicant a certificate, permit, transfer of any operating authority, extension of any operating authority or variance permit under ORS chapter 818 if the department has reasonable grounds to believe, based on information contained in department files and records, or based on evidence presented [either] during [hearing held under the provisions of ORS 825.110 or during] a hearing with respect to an application filed under ORS 825.102, that any of the following apply:

(a) The applicant is not capable of conducting the transportation service contemplated, in compliance with the law and rules of the department.

(b) The applicant is or has been a repeated and intentional violator of the provisions of this chapter, of ORS chapter 818 or of the rules of the department. This paragraph does not apply to violations for which an applicant has been penalized under subsection (3) of this section.

(c) The information contained in the application pertaining to ownership, possession or control of the equipment or operation to be conducted is false.

(3) A person whose application has been denied under subsection (2) of this section is not eligible to renew the application or to operate or participate directly or indirectly in the proposed operation for a period of time ordered by the department. The period of time ordered by the department under this subsection shall in no event be less than a period of six months from the date application has been denied and shall continue until the applicant has complied with any other penalties ordered by the department under this or other provisions of this chapter. An applicant may renew an application without prejudice by past violations after the penalty period under this subsection.

(4) Upon request, any person whose application has been denied under subsection (2) of this section shall be granted a hearing. This subsection does not require a separate or additional hearing for applicants if the issues are addressed as part of any hearing on the application. After the hearing, the department shall grant or deny the application in conformity with the findings.

(5) Subsection (2) of this section shall be strictly construed for purposes described in this subsection and shall control over any other purposes or policy considerations under the laws relating to motor carriers. The department shall exercise the authority granted under subsection (2) of this section to assure that persons described in subsection (2)(b) of this section:

(a) Achieve an awareness of and respect for the provisions of this chapter, ORS chapter 818 and rules of the department.

(b) Do not legitimize activities that violate this chapter, ORS chapter 818 or the rules of the department by applying for and receiving any operating authority to continue previously unlawful activities.

(6) If the department determines that a carrier issued authority under this chapter is not providing requested transportation services that are within the authority of the carrier, the department shall limit the authority of the carrier to service that the carrier is actually providing unless the carrier provides full transportation services permitted under the carrier's authority.

SECTION 19. ORS 825.137 is amended to read:

825.137. (1) Certificates and permits when issued shall be valid until suspended or revoked when the carrier is found by the Department of Transportation to be in violation of this chapter or ORS chapter 818. A variance permit issued under ORS chapter 818 shall be valid for the length of time for which it is issued unless prior to that time the permit is suspended or revoked by the Department of Transportation for violation of this chapter or ORS chapter 818.

(2) Certificates or permits, or variance permits issued pursuant to ORS chapter 818, may be suspended or canceled by the department based upon the department's own motion after notice and hearing, when the certificate or permit holder:

(a) Or agents or employees of the holder have repeatedly violated this chapter or other highway or motor laws of this state. In applying this paragraph the department may consider violations by agents or employees of the holder that occurred prior to the time they became agents or employees of the holder, but only if the agent or employee has a substantial interest or control, directly or indirectly, in or over the operation of the holder.

(b) Has repeatedly violated or avoided any order or rule of the department.

(c) Is a transporter of [persons or] household goods and has repeatedly made unlawful rebates or repeatedly underestimated transportation charges to clients.

(d) Has repeatedly refused or has repeatedly failed, after being requested to do so, to furnish service authorized by certificate. The department in such cases may also, in the discretion of the department, restrict the certificate to conform with operations conducted.

(e) Has not, except for reasons beyond the control of the holder, transported [persons or] household goods authorized by the certificate for a period exceeding 180 consecutive days immediately preceding the filing of the complaint in the proceeding. The department in these cases may also, in the discretion of the department, restrict the certificate to conform with operations performed that were required by the public convenience and necessity.

(f) Has not, except for reasons beyond the control of the holder, transported property [or persons] authorized by the permit for a period exceeding one year immediately preceding the filing of the complaint in the proceeding.

(g) Has refused, or has failed, within the time provided, to file the annual report required by ORS 825.320 or has failed or refused to maintain records required by the department or to produce such records for examination within the time set by the department.

(h) Has failed to appear for hearing after notice that the certificate or permit is under investigation.

(i) Has filed with the department an application which is false with regard to the ownership, possession or control of the equipment being used or the operation being conducted.

(3) The department shall not suspend or revoke a certificate or permit of a vehicle or person described in ORS 825.020 unless the person or vehicle is in violation of this section and ORS 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 or 825.515.

SECTION 20. ORS 825.180 is amended to read:

825.180. (1) In addition to the other fees prescribed in this chapter:

(a) A person applying for a certificate under ORS 825.110 shall pay an application fee of \$300.

(b) A person applying for a permit under ORS 825.127 shall pay a fee of \$50.

(c) A person applying for a permit under ORS 825.102 shall pay an application fee of \$300.

(d) A person applying for a change in a permit shall pay a fee of \$50.

(e) A person applying for transfer of a certificate shall pay a fee of \$300.

(f) A person making an application under any provision of this chapter not specified in this subsection shall pay a fee of \$150 if the matter is set for a hearing.

(2) The Department of Transportation may refund the fees collected under this section if the applicant parties or their duly authorized representatives make written request [therefor] **for a refund**, if:

(a) Request for withdrawal of the application was received by the department no later than five days before the hearing date, or if no hearing is required, such request must have been received prior to issuance of authority; and

(b) The department finds that:

(A) **The** applicant is not eligible to file **the** application;

(B) Certificate authority is not needed for the service intended;

(C) **The** applicant's death or serious illness precludes conducting the operations for which application was made; or

(D) **The** transferor withdraws consent for **the** transfer of **the** certificate.

[3] *When the department fixes a time and place for a hearing as required by ORS 825.110 (1), if any person who protested fails to appear at the hearing and failed to withdraw the protest at least five days before the date of the hearing, the department may require such person to pay a sum equal to the application fee required by this section.*

SECTION 21. ORS 825.222 is amended to read:

825.222. When directed by the Department of Transportation, any **for-hire** carrier of [persons or] household goods, or agent on behalf of the carrier, [which] **that** proposes the establishment or modification of a rate, classification or practice shall publish notice [thereof] **of the proposal** in a newspaper of general circulation in the area in which the proposal shall be effective. Publication shall be within the time provided by the department.

SECTION 22. ORS 825.950 is amended to read:

825.950. (1)(a) Except as otherwise provided in paragraph (b) 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 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.

(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 [which] **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 [shall] **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 [*persons or 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 [*therefor*] **for the undercharges** and to remit [*such*] **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 [*persons or of*] household goods found to have assessed charges for transportation service more than the rates [*which*] **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.

MISCELLANEOUS

SECTION 23. The unit captions used in this 2015 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 2015 Act.

Approved by the Governor June 8, 2015

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