

House Bill 2394

Sponsored by Representative ESQUIVEL; Representatives BARKER, OLSON

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**.

Allows weighmaster or motor carrier enforcement officer to signal or use warning lights for purpose of stopping driver of vehicle who fails to stop for or move to weigh station.

A BILL FOR AN ACT

1
2 Relating to motor carrier enforcement; amending ORS 810.530.

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

4 **SECTION 1.** ORS 810.530 is amended to read:

5 810.530. (1) A weighmaster or motor carrier enforcement officer in whose presence an offense
6 described in this subsection is committed may arrest or issue a citation for the offense in the same
7 manner as under ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a
8 police officer. This subsection applies to the following offenses:

- 9 (a) Violation of maximum weight limits under ORS 818.020.
10 (b) Violation of posted weight limits under ORS 818.040.
11 (c) Violation of administratively imposed weight or size limits under ORS 818.060.
12 (d) Violation of maximum size limits under ORS 818.090.
13 (e) Exceeding maximum number of vehicles in combination under ORS 818.110.
14 (f) Violation of posted limits on use of road under ORS 818.130.
15 (g) Violation of towing safety requirements under ORS 818.160.
16 (h) Operating with sifting or leaking load under ORS 818.300.
17 (i) Dragging objects on highway under ORS 818.320.
18 (j) Unlawful use of devices without wheels under ORS 815.155.
19 (k) Unlawful use of metal objects on tires under ORS 815.160.
20 (L) Operation without pneumatic tires under ORS 815.170.
21 (m) Operation in violation of vehicle variance permit under ORS 818.340.
22 (n) Failure to carry and display permit under ORS 818.350.
23 (o) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400.
24 (p) Violation of manufactured structure trip permit requirements under ORS 803.600.
25 (q) Violation of any provision of ORS chapter 825.
26 (r) Operation without proper fenders or mudguards under ORS 815.185.
27 (s) Vehicle operating without driving privileges in violation of ORS 807.010 if the person is op-
28 erating a commercial motor vehicle and the person does not have a commercial driver license or
29 does not have an appropriate permit.
30 (t) Violation driving while suspended or revoked in violation of ORS 811.175 if the person is
31 operating a commercial motor vehicle while the person's commercial driver license is suspended or

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 revoked.

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

4 (2) A weighmaster or motor carrier enforcement officer in whose presence an offense described
5 in this subsection is committed by a person operating a commercial motor vehicle may issue a ci-
6 tation for the offense. A weighmaster or motor carrier enforcement officer who finds evidence that
7 an offense described in this subsection has been committed by a person operating a commercial
8 motor vehicle or by a motor carrier for which the person is acting as an agent may issue a citation
9 for the offense. A weighmaster or motor carrier enforcement officer issuing a citation under this
10 subsection has the authority granted a police officer issuing a citation under ORS 810.410. A citation
11 issued under this subsection to the operator of a commercial motor vehicle shall be considered to
12 have been issued to the motor carrier that owns the commercial motor vehicle if the operator is not
13 the owner. This subsection applies to the following offenses, all of which are Class A traffic vio-
14 lations under ORS 825.990 (1):

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

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

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

19 (d) Refusing or failing to maintain records required by the department or to produce such re-
20 cords for examination as required by the department.

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

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

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

27 (h) Refusing or failing to file a deposit or bond as required under ORS 825.506.

28 (i) Failing to comply with the applicable requirements for attendance at a motor carrier educa-
29 tion program as required by ORS 825.402.

30 (3) A weighmaster or motor carrier enforcement officer who finds evidence that a person oper-
31 ating a commercial motor vehicle has committed the offense of failure to pay the appropriate reg-
32 istration fee under ORS 803.315 may issue a citation for the offense in the same manner as under
33 ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a police officer.

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

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

38 (b) A person is a motor carrier enforcement officer under this section if the person is duly au-
39 thorized as a motor carrier enforcement officer by the Department of Transportation.

40 (6) A weighmaster or motor carrier enforcement officer may accept security in the same manner
41 as a police officer under ORS 810.440 and 810.450 and may take as security for the offenses, in ad-
42 dition to other security permitted under this section, the sum fixed as the base fine for the offense.

43 (7) A weighmaster or motor carrier enforcement officer may arrest a person for the offense of
44 failure to appear in a violation proceeding under ORS 153.992 if the violation is based upon a cita-
45 tion for any offense described in subsection (1) or (3) of this section except those in subsection (1)(p)

1 or (q) of this section.

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

6 **(9) In addition to the authority granted under subsection (8) of this section, a**
 7 **weighmaster or motor carrier enforcement officer may signal a vehicle to stop or may use**
 8 **the warning lights on a vehicle operated by the weighmaster or motor carrier enforcement**
 9 **officer to bring a vehicle to a stop when the driver of the vehicle does not stop or move as**
 10 **required by ORS 818.400.**

11 **SECTION 2.** ORS 810.530, as amended by section 119a, chapter 655, Oregon Laws 2003, is
 12 amended to read:

13 810.530. (1) A weighmaster or motor carrier enforcement officer in whose presence an offense
 14 described in this subsection is committed may arrest or issue a citation for the offense in the same
 15 manner as under ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a
 16 police officer. This subsection applies to the following offenses:

- 17 (a) Violation of maximum weight limits under ORS 818.020.
- 18 (b) Violation of posted weight limits under ORS 818.040.
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- 20 (d) Violation of maximum size limits under ORS 818.090.
- 21 (e) Exceeding maximum number of vehicles in combination under ORS 818.110.
- 22 (f) Violation of posted limits on use of road under ORS 818.130.
- 23 (g) Violation of towing safety requirements under ORS 818.160.
- 24 (h) Operating with sifting or leaking load under ORS 818.300.
- 25 (i) Dragging objects on highway under ORS 818.320.
- 26 (j) Unlawful use of devices without wheels under ORS 815.155.
- 27 (k) Unlawful use of metal objects on tires under ORS 815.160.
- 28 (L) Operation without pneumatic tires under ORS 815.170.
- 29 (m) Operation in violation of vehicle variance permit under ORS 818.340.
- 30 (n) Failure to carry and display permit under ORS 818.350.
- 31 (o) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400.
- 32 (p) Violation of any provision of ORS chapter 825.
- 33 (q) Operation without proper fenders or mudguards under ORS 815.185.
- 34 (r) Vehicle operating without driving privileges in violation of ORS 807.010 if the person is op-
 35 erating a commercial motor vehicle and the person does not have a commercial driver license or
 36 does not have an appropriate permit.
- 37 (s) Violation driving while suspended or revoked in violation of ORS 811.175 if the person is
 38 operating a commercial motor vehicle while the person's commercial driver license is suspended or
 39 revoked.
- 40 (t) Failure to use vehicle traction tires or chains in violation of ORS 815.140 if the person is
 41 operating a motor vehicle subject to ORS chapter 825 or 826.

42 (2) A weighmaster or motor carrier enforcement officer in whose presence an offense described
 43 in this subsection is committed by a person operating a commercial motor vehicle may issue a ci-
 44 tation for the offense. A weighmaster or motor carrier enforcement officer who finds evidence that
 45 an offense described in this subsection has been committed by a person operating a commercial

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 4 issued under this subsection to the operator of a commercial motor vehicle shall be considered to
 5 have been issued to the motor carrier that owns the commercial motor vehicle if the operator is not
 6 the owner. This subsection applies to the following offenses, all of which are Class A traffic vio-
 7 lations under ORS 825.990 (1):

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

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

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

12 (d) Refusing or failing to maintain records required by the department or to produce such re-
 13 cords for examination as required by the department.

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

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

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

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 38 tion for any offense described in subsection (1) or (3) of this section except those described in sub-
 39 section (1)(p) of this section.

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 42 fails to comply with the authority of a weighmaster or motor carrier enforcement officer under this
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