

A-Engrossed
Senate Bill 448

Ordered by the Senate March 16
Including Senate Amendments dated March 16

Sponsored by Senator JOHNSON

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.

Exempts from motor carrier laws vehicles used for public transportation purposes approved by district school board, vehicles used in transportation of persons for hire by nonprofit entity regardless of distance traveled and government vehicles owned or operated as carriers of persons for hire.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to applicability of motor carrier laws; amending ORS 825.017; and declaring an emergency.

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

4 **SECTION 1.** ORS 825.017 is amended to read:

5 825.017. Except as provided in ORS 825.026, 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:

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8 (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 combination of students and other persons to or from school, [*or*] **to or from** authorized school activities[, *or those*] **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.

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12 (2) Vehicles being used in a taxicab operation if the vehicle:

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14 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed five;

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16 (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

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18 (c) Is transporting persons or property, or both, between points in Oregon.

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20 (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.

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22 (4) Vehicles being used in operating implements of husbandry.

23 (5) Vehicles being used as a hearse or ambulance.

24 (6) Vehicles being used over any private road or thoroughfare.

25 (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

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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 when used for the construction or maintenance of the road, thoroughfare or property, pursuant to
2 a written agreement or permit authorizing the use, construction or maintenance of the road,
3 thoroughfare or property, with:

- 4 (a) An agency of the United States;
- 5 (b) The State Board of Forestry;
- 6 (c) The State Forester; or
- 7 (d) A licensee of an agency named in this subsection.

8 (8) Vehicles being used on any county road for the removal of forest products as defined in ORS
9 321.005, or the products of forest products converted to a form other than logs at or near the har-
10 vesting site, if:

11 (a) The use is pursuant to a written agreement entered into with the State Board of Forestry,
12 the State Forester or an agency of the United States, authorizing the owner of the motor vehicle
13 to use the road and requiring the owner to pay for or to perform the construction or maintenance
14 of the county road, including any operator of a motor vehicle retained to transport logs, poles and
15 piling for the owners who are exempt under this section;

16 (b) The board, officer or agency that entered into the agreement or granted the permit, by con-
17 tract with the county court or board of county commissioners, has assumed the responsibility for the
18 construction or maintenance of the county road; and

19 (c) Copies of the agreements or permits required by this subsection are filed with the Director
20 of Transportation.

21 (9) Vehicles being used in the transportation of persons for hire if the operation:

22 (a) Is performed by a nonprofit entity;

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

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

27 *[(d) Is providing service with regularity under a plan of operation within a radius of 40 air miles*
28 *of the designated point of origin; and]*

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

31 (10) Vehicles being used in transporting disabled persons, with or without their supervisors or
32 assistants, to or from rehabilitation facilities or child care services if the motor vehicle is a pas-
33 senger motor vehicle with a seating capacity of not more than 12 passengers. The exemption pro-
34 vided by this subsection applies only when the motor vehicle is operated by or under contract with
35 any person responsible for the administration of rehabilitation facilities as defined in ORS 344.710
36 to 344.730 or child care services provided by a facility licensed under ORS 657A.030 and 657A.250
37 to 657A.450.

38 (11) Vehicles owned or operated by the United States or by any governmental jurisdiction within
39 the United States except when owned or operated as a carrier **of property** for hire.

40 (12) Vehicles owned or operated by a mass transit district created under ORS chapter 267.

41 (13) Vehicles owned or operated by, or under contract with, a person responsible for the con-
42 struction or reconstruction of a highway under contract with the Department of Transportation or
43 with an agency of the United States when operated within the immediate construction project as
44 described in the governmental agency contract during the construction period.

45 (14) Vehicles owned or operated by, or under contract with, a charitable organization when ex-

1 clusively engaged in performing transportation, either one way or round trip, necessary to the op-
2 eration of the charitable organization. As used in this subsection, "charitable organization" means
3 an organization that has no capital stock and no provision for making dividends or profits, but de-
4 rives its funds principally from public and private charity and holds them in trust for the promotion
5 of the welfare of others and not for profit. Any organization claiming an exemption under this sub-
6 section shall file an affidavit with the department stating that it is organized and operated in ac-
7 cordance with the requirements of this subsection.

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

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

14 (17) A vehicle that is used in a limousine service operation in which the destination and route
15 traveled may be controlled by the passenger and the fare is calculated on the basis of any combi-
16 nation of initial fee, distance traveled and waiting time if the vehicle:

- 17 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed eight;
- 18 (b) Carries passengers for hire between points in Oregon; and
- 19 (c) Operates on an irregular route basis.

20 (18) Fire trucks and rescue vehicles that are designated as emergency vehicles by the Depart-
21 ment of Transportation under ORS 801.260, while involved in emergency and related operations.

22 **SECTION 2. This 2005 Act being necessary for the immediate preservation of the public**
23 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**
24 **on its passage.**