

Enrolled Senate Bill 595

Sponsored by Senator JOHNSON (at the request of Timberland Logging)

CHAPTER

AN ACT

Relating to suspension of operation of motor carrier laws at time of emergency; and declaring an emergency.

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

SECTION 1. Section 2 of this 2005 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) If the Director of Transportation determines that an emergency, as defined in ORS 401.025, has occurred or is imminent, the director may suspend operation of one or more of the following statutes involving motor carriers for the purpose of expediting the movement of persons or property:

- (a) ORS 818.400, compliance with commercial vehicle enforcement requirements related to commercial vehicle weight, size, load, conformation or equipment.
- (b) ORS 825.100, certificate or permit requirement for commercial transportation of persons or property.
- (c) ORS 825.104, permit requirement for for-hire or private carrier engaged in interstate operations.
- (d) ORS 825.160, requirement for person operating as motor carrier to have policy of public liability and property damage.
- (e) ORS 825.162, requirement for person operating as for-hire carrier of freight or express to have cargo insurance.
- (f) ORS 825.250, requirement to stop and submit to an inspection of the driver, the cargo or the vehicle or combination of vehicles.
- (g) ORS 825.252, safety regulations for for-hire and private carriers.
- (h) ORS 825.258, rules for transportation of hazardous waste, hazardous material and PCB.
- (i) ORS 825.450, weight receipts issued by Department of Transportation for motor vehicles subject to weight-mile tax.
- (j) ORS 825.470, temporary pass for single trip or short-time operation of vehicle.
- (k) ORS 825.474, assessment of tax for use of highways.
- (L) ORS 826.031, registration of certain vehicles not already registered with state.

(2) A suspension under this section may occur prior to a declaration of a state of emergency under ORS 401.055, but may not exceed 72 hours unless a state of emergency is declared under ORS 401.055. If a state of emergency is declared under ORS 401.055, the suspension shall last until the state of emergency is terminated as provided under ORS 401.105.

(3) The director may designate by rule a line of succession of deputy directors or other employees of the department who may suspend operations of statutes under this section in the event the director is not available. Any suspension by a person designated by the director under this subsection has the same force and effect as if issued by the director, except that, if the director can be reached, the suspension must be affirmed by the director when the director is reached. If the director does not set aside a suspension within 24 hours of being reached, the suspension shall be considered affirmed by the director.

SECTION 3. This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect on its passage.

Passed by Senate March 17, 2005

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Secretary of Senate

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President of Senate

Passed by House May 20, 2005

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Speaker of House

Received by Governor:

.....M.,....., 2005

Approved:

.....M.,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2005

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Secretary of State