

Senate Bill 868

Sponsored by Senator B STARR (at the request of Oregon Trucking Associations)

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**.

Provides for reductions in fines for excess vehicle weight if person is able to produce expired and valid variance permits and if person has not been previously fined for excess vehicle weight because of failure to renew annual variance permit for same vehicle.

A BILL FOR AN ACT

1
2 Relating to penalties for violations of maximum weight requirements; creating new provisions; and
3 amending ORS 818.430.

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

5 **SECTION 1.** ORS 818.430 is amended to read:

6 818.430. (1) This section establishes schedules of penalties for violations of maximum weight
7 requirements under the vehicle code. The particular schedule applicable is the schedule designated
8 in the section establishing the offense. Upon conviction, a person is punishable by a fine and other
9 penalty established in the schedule. Fines are based upon the excess weight by which any loaded
10 weight exceeds the applicable loaded weight authorized in the provision, permit, order or resolution
11 the person violates. [*The schedules are as follows:*]

12 [(1)] (2) Except as provided in [*subsection (2)*] **subsections (3) and (4)** of this section, the pen-
13 alties under Schedule I are as provided in this subsection. If the excess weight is:

14 (a) One thousand pounds or less, [*by a fine of*] **the fine is \$5.**

15 (b) More than 1,000 pounds[,] but not in excess of 2,000 pounds, [*by a fine of*] **the fine is** not less
16 than \$30.

17 (c) More than 2,000 pounds[,] but not in excess of 3,000 pounds, [*by a fine of*] **the fine is** not
18 more than three cents per pound for each pound of the excess weight.

19 (d) More than 3,000 pounds[,] but not in excess of 5,000 pounds, the fine [*shall be*] **is** five cents
20 per pound for each pound of the excess weight.

21 (e) More than 5,000 pounds[,] but not in excess of 7,500 pounds, the fine [*shall be*] **is** 13 cents
22 per pound for each pound of the excess weight.

23 (f) More than 7,500 pounds[,] but not in excess of 10,000 pounds, the fine [*shall be*] **is** 15 cents
24 per pound for each pound of the excess weight.

25 (g) More than 10,000 pounds[,] but not in excess of 12,500 pounds, the fine [*shall be*] **is** 19 cents
26 for each pound of the excess weight.

27 (h) More than 12,500 pounds over the allowable weight, **the fine is** 24 cents per pound for each
28 pound of **the** excess weight.

29 [(2)] (3) The penalties under Schedule I for trucks that are described in this subsection [*shall*
30 *be*] **are** one-half the amount stated in subsection [(1)] (2) of this section, except that the penalty may
31 not be less than \$5. This subsection applies to trucks that are all of the following:

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 (a) Registered as farm vehicles under ORS 805.300;
- 2 (b) Transporting agricultural products;
- 3 (c) Loaded in the field without benefit of a scale; and
- 4 (d) Not more than 3,000 pounds over the maximum weight limit.

5 **(4) If a fine imposed under subsection (2) or (3) of this section is more than \$100, the**
 6 **court shall reduce the fine to not more than \$100 if the person charged with an offense**
 7 **punishable under Schedule I:**

8 **(a) Produces in court an expired variance permit issued under ORS 818.200 that would**
 9 **have authorized the operation upon which the citation was based;**

10 **(b) Produces a valid variance permit issued under ORS 818.200 that authorizes a loaded**
 11 **weight equal to or greater than the actual loaded weight of the vehicle, combination of ve-**
 12 **hicles, axle, tandem axles or group of axles upon which the citation was based; and**

13 **(c) Has not been previously charged with an offense punishable under Schedule I because**
 14 **of failure to renew an annual variance permit for the same vehicle.**

15 [(3)] **(5)** The penalties under Schedule II are as provided in this subsection. If the excess weight
 16 is:

17 (a) One hundred pounds[,] but not in excess of 5,000 pounds, the fine [shall be] **is** \$100 plus 10
 18 cents per pound of the excess weight.

19 (b) More than 5,000 pounds[,] but not in excess of 10,000 pounds, the fine [shall be] **is** \$250 plus
 20 15 cents per pound of the excess weight.

21 (c) More than 10,000 pounds, the fine [shall be] **is** \$500 plus 30 cents per pound of the excess
 22 weight.

23 [(4)] **(6)** The per pound penalty in subsection [(3)] **(5)** of this section shall be waived by the court
 24 and the fine shall be not more than \$100 if a person charged with an offense punishable under
 25 Schedule II produces in court a second valid variance permit issued under ORS 818.200 authorizing
 26 a loaded weight equal to or greater than the actual loaded weight of the vehicle, combination of
 27 vehicles, axle, tandem axles or group of axles upon which the citation was based.

28 [(5)] **(7)** The penalties under Schedule III are as provided in this subsection and are in addition
 29 to any suspension of operator’s license under ORS 809.120 or any suspension of vehicle registration
 30 under ORS 809.120. If the excess weight is:

31 (a) One hundred pounds[,] but not in excess of 5,000 pounds, the fine [shall be] **is** \$100 plus 15
 32 cents per pound for each pound of the excess weight.

33 (b) More than 5,000 pounds but not in excess of 10,000 pounds, the fine [shall be] **is** \$250 plus
 34 20 cents per pound for each pound of **the** excess weight.

35 (c) More than 10,000 pounds, the penalty [shall be] **is** a fine of \$500 plus 30 cents per pound for
 36 each pound of **the** excess weight or imprisonment in the county or municipal jail for not less than
 37 30 days nor more than 60 days, or both.

38 **SECTION 2. The amendments to ORS 818.430 by section 1 of this 2005 Act apply to vio-**
 39 **lations committed on or after the effective date of this 2005 Act.**