

## Chapter 740 Department of Transportation, Motor Carrier Transportation Branch

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**DIVISION 10**

**PROCEDURAL RULES**

**740-010-0010**

**Agency Representation at Contested Case Hearings**

(1) The Attorney General has given written consent as required by ORS 183.450 for an officer or employee of the Department of Transportation to appear on behalf of the agency in the following types of contested case hearings conducted by ODOT:

(a) Assessment of civil monetary penalties for violation(s) of ORS Chapter 823, 825, and 826 or related rules;

(b) Suspension or cancellation of motor carrier operating authority;

(c) Cancellation of registration or tax identification plates issued to motor carriers or farmers;

(d) Surety bond increase;

(e) Tariff docket; and

(f) Reassessment cases involving weight-mile tax, commercial or prorated registration fees, or fuel taxes pursuant to ORS Chapter 825 and 826 or related rules.

(2) The agency representative may present evidence, ask questions of witnesses and present factual arguments.

(3) The agency representative may not make legal argument on behalf of the agency.

(a) “Legal argument” includes arguments on:

(A) The jurisdiction of the agency to hear the contested case;

(B) The constitutionality of a statute or rule or the application of a constitutional requirement to an agency; and

(C) The application of court precedent to the facts of the particular contested case proceeding.

(b) “Legal argument” does not include presentation of evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:

(A) The application of the facts to the statutes or rules directly applicable to the issues in the contested case;

(B) Comparison of prior actions of the agency in handling similar situations;

(C) The literal meaning of the statutes or rules directly applicable to the issues in the contested case; and

(D) The admissibility of evidence or the correctness of procedures being followed.

(4) When an agency officer or employee represents the agency, the presiding officer shall advise such representative of the manner in which objections may be made and matters preserved for appeal. Such advice is of procedural nature and does not change applicable law on waiver or the duty to make timely objection. Where such objections involve legal argument, the presiding officer shall provide reasonable opportunity for the agency officer or employee to consult legal counsel and permit such legal counsel to file written legal argument within a reasonable time after conclusion of the hearing.

Stat. Auth.: ORS 183.450 & ORS 823.011

Stats. Implemented: ORS 183.450, ORS 823.031 & ORS 823.033

Hist.: MCT 7-1997, f. & cert. ef. 9-18-97

**DIVISION 30**

**DEFINITIONS; GENERAL PROVISIONS**

**740-030-0010**

**Applicability, References and Terminology**

(1) No rule listed in Divisions 30 through 60 and 105 through 115 is intended to expand the authority granted in existing certificates.

(2) When grants of operating territory are expressed in terms of miles for for-hire carriers of household goods or passengers, air miles will be employed as the measure unless otherwise described or specified. This shall apply to any lateral distances from designated highways and named points.

(3) “Air miles” express distance as statute miles of 5,280 feet, measured in a straight line without regard to terrain features or differences in elevation on maps designated by the Department of Transportation.

(4) When “air miles” are designated in an application for for-hire household goods or passenger carrier authority, a known ascertainable reference point must be designated from which the air mile radius or distance should be computed.

(5) Some household goods and passenger carrier certificates of authority, issued prior to the effective date of this rule, express an authorized territory in terms of “road miles.” If any certificate holder claims a particular highway or roadway as a measure to place his operations within the scope of such defined authority, the burden of proof is upon said holder to show that such highway or roadway is practical and operational for use in transporting the affected traffic



and the certificate holder normally and regularly uses such highway or roadway to transport the affected traffic.

Stat. Auth.: ORS 823.011, ORS 825.202, ORS 825.232

Stats. Implemented: ORS 825.110

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-031-0005; PUC 15-1984, f. & ef. 8-8-84 (Order No. 84-602); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-061-0005; MCT 3-1996, f. & cert. ef. 3-14-96

#### 740-030-0020

##### Communications, Business Names and Carrier Address

(1) All carriers must immediately report any change in principal business address, legal status or business name to the Department.

(2) All motor carrier operations must be conducted in the name in which the certificate or permit is issued or the duly assumed business name of the carrier, and all carriers are required to use such name in all documents relating to their operations and in all correspondence with the Department's office. This rule does not preclude the use of separate name for operations conducted as a division so long as the name in which the certificate or permit or the duly assumed business name is also shown.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.102 - ORS 825.117

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-31-010; PUC 16-1983, f. & ef. 12-28-83 (Order No. 83-863); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-61-010; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 8-1997, f. & cert. ef. 11-17-97

#### 740-030-0030

##### Special Operations

(1) "Special Operations" is an irregular route service for transportation of passengers to special events or for special purposes where tickets are sold on an individual basis at various points in route.

(2) "Special Event" or "for special purposes" refers to a particular public happening which has a definite beginning and end, or to a one of a kind special purpose trip. Although the event or trip may be scheduled in advance, and occur intermittently, it does not occur on an extended everyday basis, and the transportation is not conducted for the sole purpose of moving passengers from one point to another.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.202

Hist.: PUC 14-1983(Temp), f. & ef. 11-16-83 (Order No. 83-726); PUC 7-1984, f. & ef. 3-27-84 (Order No. 84-232); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-061-0015

### DIVISION 35

#### CERTIFICATES, PERMITS, LICENSES AND DOCUMENTS

#### 740-035-0010

##### Applications for Authority or Change of Authority

(1) All applications for a certificate or permit or for the extension, contraction, abandonment or other change in operating authority or for adding vehicles to certificate or permit must be made on forms approved by the Department.

(2) Any passenger carrier certificate holder desiring full-service, scheduled, regular route authority to operate on a permanent basis over alternate or different route or to extend, reduce, or change any of its services as to routes, points or territories as provided in its certificate must make application on forms furnished by the Department. No such change shall be made unless and until approved by the Department.

(3) Additional filing requirements and attachments to or in support of applications are specified in OAR 740-035-0150 and 740-035-0160.

Stat. Auth.: ORS 823.011 & ORS 825.125

Stats. Implemented: ORS 825.100

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-032-0005; MCT 2-1996, f. & cert. ef. 2-16-96; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0005

#### 740-035-0020

##### Applicants for Certificates or Permits — Capacity — Status

(1) All individual and copartner applicants for for-hire carrier operating authority must have reached the age of majority as it is then defined by Oregon law.

(2) If the applicant is other than an individual or copartnership and is not a corporation registered with the Oregon Corporation Department and has not previously satisfied this rule there must be submitted with the application documentary evidence of applicant's legal status; copies of Articles of Incorporation or Certificate of Corporate Status, Order of Appointment or other such document as the Department may require.

Stat. Auth.: ORS 823.011 & ORS 825.125

Stats. Implemented: ORS 825.102, ORS 825.104, ORS 825.106, ORS 825.110 & ORS 825.240

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-032-0010; MCT 2-1996, f. & cert. ef. 2-16-96; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0010

#### 740-035-0030

##### Misclassification of Application — Effort

(1) If upon investigation it appears that an applicant proposes to operate in a class different from that applied for, applicant will be required to amend his application accordingly before the matter will be assigned for hearing, or if no hearing is required, then before the application is granted.

(2) If upon hearing the evidence indicates that applicant is entitled to receive a lesser authority than applied for, such lesser authority will be granted.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.125

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 111, f. & ef. 4-20-62 (Order No. 38367); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-032-0015; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0015

#### 740-035-0040

##### Effect of Pending Investigation or Litigation on Applications for Authority

Unless the Department otherwise orders, no application for certificate or permit, for extension, transfer or modification thereof will be processed if:

(1) The applicant, certificate or permit is under formal investigation, other than a pending safety investigation, upon complaint filed with or by the Department; or

(2) The certificate, permit, or application is the subject of pending court litigation.

Stat. Auth.: ORS 823.011 & ORS 825.125

Stats. Implemented: ORS 825.102 - ORS 825.110 & ORS 825.240

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-32-020; MCT 2-1996, f. & cert. ef. 2-16-96; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-62-020; MCT 8-1997, f. & cert. ef. 11-17-97

#### 740-035-0050

##### Holding Out as For-Hire Carrier

No person shall hold himself or herself out to the public as willing to transport persons or property for hire by motor vehicle without holding operating authority from the Department.

Stat. Auth.: ORS 823.011

Stats. Implemented: ORS 825.100

Hist.: PUC 4-79, f. & ef. 9-21-79 (Order No. 79-641); Renumbered from 860-32-025; PUC 19-1984, f. & ef. 9-10-84 (Order No. 84-713); MCT 2-1996, f. & cert.

ef. 2-16-96; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-62-025; MCT 8-1997, f. & cert. ef. 11-17-97

Renumbered from 860-032-0065; PUC 7-1993, f. & cert. ef. 3-19-93 (Order No. 93-285); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0065

## Certificates or Permits

### 740-035-0100

#### Issuance of Certificate or Permit — Start of Operations

(1) A copy of all certificates or permits will be retained by the Department and the original supplied the carrier. Such original must be retained by the carrier and be made available for inspection by authorized persons at all reasonable times.

(2) Unless the time therefore is extended by the Department's order, operations must be commenced not later than thirty days following the issuance of the certificate.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.102 - ORS 825.110

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-032-0055; MCT 2-1996, f. & cert. ef. 2-16-96; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0055

### 740-035-0110

#### Classification of Motor Carriers

The issuance of certificates or permits to for-hire and private carriers will be classified as follows:

(1)(a) 1A Intrastate Carrier — Property, except Household Goods;

(b) 1G Intrastate For-Hire Carrier — Household Goods;

(c) 1C Intrastate For-Hire Carrier — Local Cartage Household Goods;

(d) 1B Intrastate For-Hire Carrier — Local Cartage Household Goods under ORS 825.240;

(e) 1P Intrastate For-Hire, Regular Route Full-Service Scheduled Carrier — Passengers; and

(f) 1R Intrastate, For-Hire, Other than Regular Route Full-Service Scheduled Carrier — Passengers.

(2)(a) 4A Interstate For-Hire Carrier — Regulated Commodities; and

(b) 4E Interstate For-Hire Carrier — Exempt Commodities.

(3)(a) 3A Oregon-Based Private Carrier; and

(b) 6A Foreign-Based Private Carrier.

(4) 7W Carriers Operating Under ORS 825.020.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.230 & ORS 825.234

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 2-80, f. & ef. 3-27-80 (Order No. 80-179); PUC 3-80, Part 1, f. & ef. 6-30-80 (Order No. 79-805); PUC 4-1980, f. & ef. 10-13-80 (Order No. 80-759); Renumbered from 860-032-0060; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 1-1984, f. & ef. 2-9-84 (Order No. 84-076); PUC 15-1984, f. & ef. 8-8-84 (Order No. 84-602); PUC 8-1993, f. & cert. ef. 3-19-93 (Order No. 93-286); PUC 16-1994(Temp), f. 12-28-94, cert. ef. 1-1-95 (Order No. 94-2077); PUC 5-1995, f. & cert. ef. 6-23-95 (Order No. 95-561); MCT 2-1996, f. & cert. ef. 2-16-96; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0060; MCT 8-1997, f. & cert. ef. 11-17-97

### 740-035-0140

#### Vehicle Additions, Deletions or Alterations

Motor carriers must immediately apply for amendment of vehicle registration listing on forms furnished by the Department when:

(1) Any motor vehicle has been reconstructed; or

(2) Any motor vehicle has been materially altered, modified, or added to in body or seating arrangement or carrying capacity; or

(3) The declared combined weight of the motor vehicle is increased or decreased; or

(4) Any motor vehicle has been withdrawn from service.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.450

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 152, f. & ef. 12-22-69 (Order No. 46489); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507);

### 740-035-0150

#### Application for New Authority, Extension or Transfer of Certificate, Intrastate

(1) Applications for new intrastate authority and applications for extension of existing intrastate authority must be accompanied by the following:

(a) Exhibits describing the requested territory, if the application is for household goods or regular route full-service scheduled passenger authority;

(b) Proposed Tariff of Rates and Operating or Time Schedule, if required by ORS Chapter 825, in the form prescribed by OAR 740-050-0400, 740-050-0410 and OAR 740-050-0500;

(c) A filing fee in the amount provided in ORS 825.180;

(d) Certification of insurance coverage as required by OAR 740-040-0010 and 740-040-0030;

(e) A current financial statement, if the application is for household goods or regular route full-service scheduled passenger authority;

(f) The ODOT "Application for a Class 1A Permit," indicating the applicant's choice regarding optional regulations — collect-on-delivery service, uniform cargo liability law, uniform cargo credit rule, uniform bill of lading rule, joint line rates, mileage guides, and commodity classification guide, if the application is for a Class 1A permit to transport property; and

(g) Any other information or documents which the Department may deem appropriate.

(2) If the application is for a Class 1A, 1C, 1G, 1P, or a 1R certificate or permit, and the Department or the applicant has no documentation verifying the applicant had a Commercial Vehicle Safety Alliance certified safety inspection within two years of the date of the application, the applicant must make its vehicles available for a preoperational safety inspection by the Department's representative within 90 days of the issuance date for the purpose of determining that the vehicles are in compliance with motor carrier safety standards adopted under OAR 740-100-0010.

(3) Authority granted by way of extension shall not be broader than that granted in the original application.

(4) Authority sought by application for transfer must be limited to that authority contained in the certificate subject to transfer. Class 1A and 1R permits cannot be transferred.

(5) An application for transfer of a certificate must be accompanied by the following:

(a) All items listed in subsections (1)(a) through (g) of this rule;

(b) A written consent of transfer signed by the certificate holder or the certificate holder's personal representative; and

(c) Evidence under ORS 825.129 of authority to transfer the certificate or license, if the individual certificate holder is deceased, and the operation is to be continued for purpose of transfer.

(6) When a certificate holder is granted additional authority by transfer or extension, the two authorities will be merged and a single authority will be issued.

(7) Any application, petition or other filing which does not comply with all the Department's rules and regulations will be deemed incomplete and may be rejected.

(8) No certificate holder shall hold more than one certificate authorizing the same service.

Stat. Auth.: ORS 823.011 & ORS 825.125

Stats. Implemented: ORS 825.102, ORS 825.110 & ORS 825.240

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-32-070; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 7-1983(Temp), f. & ef. 7-11-83 (Order No. 83-389); PUC 15-1984, f. & ef. 8-8-84 (Order No. 84-602); PUC 1-1986, f. & ef. 2-5-86 (Order No. 86-100); PUC 14-1986, f. & ef. 10-31-86 (Order No. 86-1116); PUC 1-1991, f. & cert. ef. 1-11-91 (and corrected 1-31-91) (Order No. 91-20); PUC 14-1992, f. & cert. ef. 11-9-92 (Order No. 92-1560); MCT 2-1996, f. & cert. ef. 2-16-96; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-62-070; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 8-1997, f. & cert. ef. 11-17-97

**740-035-0200**

**Transportation Educational Seminar Attendance Requirements**

(1) Except as provided in OAR 740-035-0230, all motor carriers that are domiciled in Oregon and that receive a certificate or permit from the Department for the first time must attend a Transportation Educational Seminar that covers, at a minimum, safety, weight-mile tax, insurance, and size and weight regulations. As used in this rule “domiciled in Oregon” means a motor carrier that has established its principal place of business, normally its headquarters, in Oregon or, is required to register its vehicles under ORS Chapter 803 or 826.

(2) Requirements for attendance:

(a) Attendance must occur within 180 days of the date on which the Department issues a certificate or permit;

(b) Any motor carrier which fails to attend a Transportation Educational Seminar within 180 days of the date on which it receives a certificate or permit from the Department shall be subject to suspension or revocation of its authority unless it shows good cause for its failure to attend; and

(c) Each motor carrier required to attend a Transportation Education Seminar shall have in attendance at least one person having a substantial interest or control directly or indirectly in the operation.

(3) New motor carriers may attend any scheduled Transportation Educational Seminar; providing registration is made at least 30 days preceding the date of the seminar.

(4) Registration shall be made by completing the registration form and mailing it to: Motor Carrier Transportation Branch, Transportation Educational Seminar, 550 Capitol Street NE, Salem, Oregon 97310-1380.

Stat. Auth.: ORS 823.011 & ORS 825.402

Stats. Implemented: ORS 825.400 & ORS 825.402

Hist.: PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0090; MCT 5-1996, f. & cert. ef. 9-17-96

**740-035-0210**

**Schedule for Seminars**

The Department shall publish a list of times, dates, and locations of seminars to be offered.

Stat. Auth.: ORS 183, ORS 469, ORS 823, ORS 824 & ORS 825

Stats. Implemented: ORS 825.400

Hist.: PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0092

**740-035-0220**

**Additional Attendance Requirements**

(1) In addition to new motor carriers, the Department may require participation by any motor carrier that:

(a) Has been found, upon audit, by the Department to have underpaid its weight mile tax obligation by 15 percent or more;

(b) Exceeds by more than 15 percentage points, in a one-year period, the industry average for out-of-service violations for vehicle inspection or for accidents per million miles; or

(c) Is convicted of two or more citations for being 10,000 pounds or more overweight in a one-year period.

(2) A carrier required to participate under this section must attend and satisfactorily complete the seminar within 90 days of notification by the Department that attendance is required or the operating authority of the carrier will be subject to suspension or revocation.

Stat. Auth.: ORS 183, ORS 469, ORS 823, ORS 824 & ORS 825

Stats. Implemented: ORS 825.400 & ORS 825.40

Hist.: PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0094

**740-035-0230**

**Exception to Attendance Requirement**

The attendance requirements established in OAR 740-035-0230 do not apply to a carrier receiving a certificate or permit if the carrier is a successor in interest to a carrier that held a certificate or permit prior to July 1, 1990. However, the attendance requirements established under OAR 740-035-0220 apply to all carriers.

Stat. Auth.: ORS 183, ORS 469, ORS 823, ORS 824 & ORS 825

Stats. Implemented: ORS 825.402

Hist.: PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0096

**740-035-0240**

**Attendance Fee**

(1) The Department shall assess an attendance fee of \$60 to each attendee.

(2) The attendance fee must be submitted with the seminar registration form required by OAR 740-035-0200.

(3) Attendance fees are nonrefundable. However, if unable to attend, such fees may be credited to the next seminar.

Stat. Auth.: ORS 183, ORS 469, ORS 823, ORS 824 & ORS 825

Stats. Implemented: ORS 825.404

Hist.: PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0098

**740-035-0250**

**Penalty for Failure to Attend**

Carriers failing to comply with the provisions of this section may have their operating authority suspended or cancelled by the Department under ORS 825.139(1)(c).

Stat. Auth.: ORS 183, ORS 469, ORS 823, ORS 824 & ORS 825

Stats. Implemented: ORS 825.137

Hist.: PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 9-1994, f. & cert. ef. 4-21-94 (Order No. 94-637); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0100

**740-035-0260**

**Transportation Education Curriculum**

As a minimum, each seminar shall include:

(1) Driver Qualifications.

(2) Vehicle Inspection and Maintenance Requirements.

(3) Motor Carrier Safety Regulations.

(4) Hazardous Materials Regulations.

(5) Weight Mile Tax/Reporting Requirements.

(6) Insurance Filings.

(7) Authority Suspensions.

(8) Permissible Size and Weight Limits.

(9) Size and Weight Penalties.

(10) Overdimensional Permits and How to Obtain Them.

(11) Appropriate Agency Contact for Assistance.

Stat. Auth.: ORS 183, ORS 469, ORS 823, ORS 824 & ORS 825

Stats. Implemented: ORS 825.400

Hist.: PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0102

**Commissions**

**740-035-0400**

**Commissions Paid to Agents**

Motor carriers are forbidden to pay commissions or grant consideration to their agents upon charges for motor carrier services performed for such agents.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.224;

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-036-0150; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0150

**DIVISION 40**

**INSURANCE AND BONDS**

**740-040-0010**

**Insurance**

(1) Insurance filed in compliance with ORS 825.160 or 825.166 must provide for payment of any final judgment recovered against the carrier for bodily injury to or the death of any person or for damage to property resulting from negligence in the operation, maintenance, ownership or use of the vehicle involved, except injury to or death of the name insured's employees while engaged in the course of their employment, and loss of or damage to property owned or



operated by or in the care, custody or control of the name insured, and property transported by the named insured, designated as cargo, and to any obligation for which the named insured may be held liable under any workers' compensation law.

(2) The liability of the insurer as to each vehicle must be a continuing one notwithstanding any recovery under the policy.

(3) An insurance policy of public liability and property damage or a signed certificate of insurance signed by the carrier's insurer shall be filed with the Department:

(a) A certified statement of insurance may be filed by the motor carrier on a fully executed form approved by the Department when it is an interstate or private carrier operating in the state for the first time; and

(b) A certified statement shall not authorize operations for more than 60 days after the filing date. If a certified statement is filed, the carrier shall cause to be filed, within 60 days, a policy of insurance or a certificate of insurance signed by the carrier's insurer showing that the carrier's insurance was effective at the time the certificate or permit was issued and remained effective for the duration of the time operated. Failure to file within 60 days is cause for revocation or suspension of the carrier's certificate or permit without notice or hearing.

(4) Self-Insurers — Interstate:

(a) Carriers claiming exempt status as qualified self-insurers under Title 49, Code of Federal Regulations, Part 1043 must establish such status by filing a certified copy of the Federal Highway Administration order declaring such status with the Department; and

(b) At the end of each calendar year, or as the Department otherwise requires, such carriers must file affidavits reciting that their certificates or self-insurance issued by the Federal Highway Administration remain in full force and effect.

(5) If for any reason a certificate of self-insurance becomes inoperative or evidence of insurance becomes insufficient, the certificate or permit of the concerned carrier shall immediately, and by operation hereof, be suspended. The carrier thereupon shall remove all ODOT identification plates, in accordance with the provisions of OAR 740-045-0010(4).

[Publications: The publication(s) referenced to in this rule are available from the office of the agency.]

Stat. Auth.: ORS 823.011 & ORS 825.160

Stats. Implemented: ORS 825.160 & ORS 825.166

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 152, f. & ef. 12-22-69 (Order No. 46489); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 3-30, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Renumbered from 860-033-0005; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 19-1985, f. & ef. 11-1-85 (Order No. 85-1030); PUC 14-1986, f. & ef. 10-31-86 (Order No. 86-1116); PUC 16-1994(Temp), f. 12-28-94, cert. ef. 1-1-95 (Order No. 94-2077); PUC 5-1995, f. & cert. ef. 6-23-95 (Order No. 95-561); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-063-0005; MCT 9-1997, f. & cert. ef. 12-22-97

#### **740-040-0020**

##### **Liability Insurance**

Carriers who are required to file liability insurance shall file evidence of such insurance for a minimum single limit of \$750,000 per accident.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.160

Hist.: PUC 3-30, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Renumbered from 860-033-0008; PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 7-1992, f. 2-26-92, cert. ef. 3-1-92 (Order No. 91-1141); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-063-0008

#### **740-040-0030**

##### **Cargo Insurance**

(1) All Class 1A, 1G, 1B, and 1C for-hire carriers are required under ORS 825.162 to have cargo insurance. A policy or a certificate of insurance in the minimum amount of \$10,000, signed by the carrier's insurer, must be filed with the Department of Transportation.

(2) The Department may waive the requirement for cargo insurance in circumstances where a carrier makes a sufficient showing that its service is limited to commodities not subject to material damage

or loss through ordinary transportation hazards. Commodities not subject to material damage or loss through ordinary transportation hazards include, but shall not be limited to: Sand, gravel, rock, dirt, debris, cinders, wet ready-mix concrete, metallic ores and concentrates; logs, poles, piling, and cut trees; cordwood, wood chips, lumber, shingles, veneer, plywood, particle board, wallboard, and siding; unprocessed agricultural commodities; fish scrap; newspapers; garbage and waste material for recycling; compressed motor vehicle bodies; and water.

Stat. Auth.: ORS 823.011 & ORS 825.162

Stats. Implemented: ORS 825.162

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-033-0010; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 1-1984, f. & ef. 2-9-84 (Order No. 84-076); PUC 19-1985, f. & ef. 11-1-85 (Order No. 85-1030); PUC 8-1987(Temp), f. & ef. 10-2-87 (Order No. 87-989); PUC 1-1988, f. & cert. ef. 1-14-88 (Order No. 88-023); PUC 16-1994(Temp), f. 12-28-94, cert. ef. 1-1-95 (Order No. 94-2077); PUC 5-1995, f. & cert. ef. 6-23-95 (Order No. 95-561); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-063-0010; MCT 3-1996, f. & cert. ef. 3-14-96

#### **740-040-0040**

##### **Sanctions for Insurance Cancellation**

If a carrier's policy required pursuant to ORS 825.160 or 825.162 is cancelled, the motor vehicles assigned to that carrier shall not be operated on the highways of this state. All identification plates issued shall become invalid and the carrier's certificate or permit may be suspended by the Department.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.164

Hist.: PUC 19-1985, f. & ef. 11-1-85 (Order No. 85-1030); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-063-0012

#### **740-040-0050**

##### **Collect on Delivery Bonds and Securities**

(1) Collect on delivery bonds required by ORS 825.162 must be filed on a form approved by the Department. Unless otherwise provided by the Department, minimum limits for securities filed pursuant to ORS 825.166 shall be \$10,000.

(2) If a collect on delivery bond is cancelled, the certificate of the concerned carrier, as it pertains to collect on delivery service, shall be suspended.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.162 & ORS 825.166

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 4-79, f. & ef. 9-21-79 (Order No. 70-641); PUC 2-80, f. & ef. 3-27-80 (Order No. 80-179); Renumbered from 860-033-0015; PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 19-1985, f. & ef. 11-1-85 (Order No. 85-1030); PUC 16-1994(Temp), f. 12-28-94, cert. ef. 1-1-95 (Order No. 94-2077); PUC 5-1995, f. & cert. ef. 6-23-95 (Order No. 95-561); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-063-0015

#### **740-040-0060**

##### **Irrevocable Letters of Credit**

(1) In lieu of filing liability insurance, cargo insurance or a collect-on-delivery bond, a motor carrier may file with the Department an irrevocable letter of credit.

(2) Any irrevocable letter of credit must meet the definition and requirements of ORS 75.1010 through 75.1170 and must:

- (a) State the name and address of the issuing bank;
- (b) State the name of the motor carrier;
- (c) List the account number or numbers upon which draws may be made;
- (d) Identify the Department as beneficiary of the letter;
- (e) Set forth the amount of credit of the letter;
- (f) Allow for partial draws;
- (g) State the effective and termination dates of the letter;
- (h) Be signed by a person with authority to bind the issuing bank; and
- (i) Contain a provision that the issuing bank agrees to provide the Department written notice of at least 30 days before the issuing bank cancels the letter.



(3) The minimum amount of credit in an irrevocable letter of credit shall be as follows:

(a) For liability insurance, the minimum limit required by OAR 740-040-0020;

(b) For cargo insurance, the minimum limit required by OAR 740-040-0030; or

(c) For a collect-on-delivery bond, the minimum limit required by OAR 740-040-0050.

(4) A claimant requesting that the Department make a payment under an irrevocable letter of credit shall provide:

(a) A true copy of an agreement showing that the motor carrier has consented to settle for the amount of the payment; or

(b) A true copy of a judgment showing that a court is requiring the motor carrier to tender the amount of the payment and a statement certifying:

(A) That the judgment has not been appealed and that the time for appeal has run; or

(B) That the motor carrier has exhausted its appeal rights and that such appeal or appeals were unsuccessful.

(5) If the Department's authorization of payment will cause the amount of credit in an irrevocable letter of credit to fall below the applicable minimum of section (3) of this rule, the Department shall, prior to such authorization, send the motor carrier a written notice requiring the motor carrier to increase the amount of credit so that, after payment, the amount of credit will at least equal the applicable minimum of section (3) of this rule.

(6) On or before the tenth day following the date of the written notice required by section (5) of this rule, the motor carrier shall increase the amount of credit in its irrevocable letter of credit so that, after payment, the amount of credit will at least equal the applicable minimum of section (3) of this rule.

(7) A motor carrier which fails to comply with any requirement of this rule is subject to suspension of its authority.

Stat. Auth.: ORS 823.011, ORS 825.160 & ORS 825.164

Stats. Implemented: ORS 825.166

Hist.: PUC 9-1992, f. & cert. ef. 6-4-92 (Order No. 92-791); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-063-0017; MCT 8-1997, f. & cert. ef. 11-17-97; MCTB 2-1998, f. & cert. ef. 8-20-98

#### 740-040-0070

#### Deposits to Secure Payment of Fees, Taxes, Charges, Penalties and Interest

(1) The Department requires that each motor carrier shall deposit with the Department an amount of money necessary to ensure the collection of fees, taxes, charges, penalties and interest.

(2) For purposes of this rule:

(a) "New carrier" means any motor carrier which has not previously received a permit or certificate of authority from the Department;

(b) "Established carrier" means any motor carrier that has operated in Oregon for 12 months or more in the most recent 36 month period;

(c) If an applicant, carrier, or employee of the applicant or carrier has had substantial interest or control, directly or indirectly, in or over the operations conducted in Oregon under any carrier's authority, the Department may treat the applicant or carrier as an established carrier.

(3) The deposit schedule for new carriers that report monthly is as follows:

(a) For interstate for-hire carriers, intrastate certificated carriers, carriers who have been issued Class 1A or 1R permits or permits under ORS 825.127, private carriers who operate motor vehicles weighing 55,000 pounds and over, and farmers issued permits under ORS 825.024 who operate motor vehicles weighing 55,000 pounds and over:

(A) One vehicle — \$2,000;

(B) Each additional vehicle (2-5 vehicles) — \$750;

(C) Each additional vehicle (6-20 vehicles) — \$500;

(D) Each additional vehicle (20 vehicles & up) — \$250;

(E) Maximum deposit required — \$20,000.

(b) For private carriers and farmers issued permits under ORS 825.024 who operate motor vehicles weighing under 55,000 pounds

that use gasoline on which gasoline tax provided by law has been paid to the State of Oregon:

(A) One vehicle — \$500;

(B) Each additional vehicle — \$150;

(C) Maximum deposit required — \$10,000.

(c) For private carriers and farmers issued permits under ORS 825.024 who operate motor vehicles weighing under 55,000 pounds that use any fuel other than gasoline or use gasoline on which gasoline tax provided by law has not been paid to the State of Oregon:

(A) One vehicle — \$750;

(B) Each additional vehicle — \$500;

(C) Maximum deposit required — \$15,000.

(4) The deposit schedule for new carriers that report on a quarterly basis is as follows:

(a) One or two vehicles — \$1,000;

(b) Three or more vehicles — \$2,000.

(5) The Department may reduce or waive the deposit required for an established carrier if the Department finds that in the previous 12 months the motor carrier has had:

(a) No suspensions with the Department;

(b) No revocation of IFTA tax license;

(c) No more than one motor carrier related tax report filed late; and

(d) Not more than one repayment plan entered into or satisfactorily concluded.

(6) The Department may deny a request for bond reduction or waiver to an applicant who qualifies under section (5) of this rule, based on other violations or conditions, including, but not limited to:

(a) Civil monetary penalty actions;

(b) An unsatisfactory safety rating with the state or federal regulatory agencies;

(c) Participation in PRISM, a national safety improvement program;

(d) A record of safety violations, including but not limited to, violating an out-of-service order or having a driver found driving under the influence; or

(e) Having a driver or motor vehicle out-of-service percentage greater than the national compliance average.

(7) Increases in Deposit. The deposit required of a motor carrier may be increased at any time based on an analysis of the carrier's operation. Such analysis may include but is not limited to the following:

(a) Extension of operating authority;

(b) Increase in the number of vehicles being operated;

(c) Increase in the amount of fees, taxes, charges, penalties and interest incurred by the carrier in the most recent 12 months;

(d) Payment of any fees, taxes, charges, penalties or interest imposed upon the carrier under ORS Chapter 825 or the Department's rules made more than 30 days after the due date;

(e) Suspension of the carrier's permit or certificated authority;

(f) A change in the carrier's credit record, financial capabilities or circumstances which indicates an increase in risk to the Department; or

(g) Assessment of taxes, fees, charges, penalties and interest against a motor carrier by the Department pursuant to ORS 825.490 or 825.494 in an amount greater than the amount of money the carrier has on deposit.

(8) Acceptable forms of deposit. Any motor carrier may deposit:

(a) Cash;

(b) A bond in the form prescribed and furnished by the Department of Transportation;

(c) Bonds, negotiable by delivery, of the State of Oregon, school districts therein, or obligations of the United States, or obligations for which the faith of the United States is pledged for the payment of both principal and interest, equal in value to the amount of the requested deposit; or

(d) Bank or savings and loan savings certificates.

(9) Installment Payments. The Department may permit a motor carrier to tender the required deposit in installments on the following terms:

(a) Motor carriers issued DOT plates. The first installment will be paid by the due date of the deposit and be at least 25 percent of the amount requested. The balance will be paid in equal monthly payments of not less than 10 percent of the full amount requested;

(b) Motor carriers not issued DOT plates. The amount of each installment payment will be equal to the amount of tax for each temporary pass, rounded up to the next \$5.

Stat. Auth.: ORS 823.011 & ORS 825.506

Stats. Implemented: ORS 825.506

Hist.: PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 3-30, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Renumbered from 860-033-0020; PUC 6-1984(Temp), f. & ef. 3-19-84 (Order No. 84-197); PUC 11-1984, f. & ef. 5-25-84 (Order No. 84-418); PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 12-1990, f. & cert. ef. 7-6-90 (Order No. 90-950); PUC 2-1992, f. & cert. ef. 1-24-92 (Order No. 92-028); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-063-0020; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 3-1998, f. & cert. ef. 10-16-98

#### 740-040-0080

##### Instruments Filed Become Permanent Records

All bonds, except those filed pursuant to ORS 825.166, policies or certificates of insurance filed with the Department as required by statute are permanent records and cannot be returned to insurer or removed from the custody of the Department as long as the insured is subject to regulation under ORS Chapter 825.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.506

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-033-0025; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-063-0025

### DIVISION 45

#### IDENTIFICATION, ISSUANCE AND PLACEMENT OF PLATES, MARKERS, DEVICES OR PASSES

##### 740-045-0010

##### Identification Plates, Markers, Devices or Passes

(1) The Department will issue identification in one or more of the following forms for each self-propelled vehicle for which registration fees have been paid and which may be listed or added to a certificate or permit:

(a) Identification plates or markers are set forth in ORS 825 and ORS 826;

(b) Substitute identification devices are set forth in ORS 825 and ORS 826;

(c) Temporary credentials issued pursuant to ORS 825 and ORS 826.

(2) The Department shall issue permanent trailer cab cards for Oregon-based trailers registering in any International Registration Plan jurisdiction requiring separate trailer registration.

(3) Such identification plates, markers, devices or temporary credentials must be fastened to, carried in, or identified on the self-propelled vehicle for which it is issued as provided in these rules. This identification must be available for inspection by the Department, its representative or other authorized persons at all times.

(4) Valid identification plates, markers, devices or temporary credentials must not be removed from the vehicle to which it is issued or transferred to any other vehicle under any circumstances not provided for in these rules.

(5) Identification plates, markers or devices issued for tax only shall be considered cancelled and must immediately be removed from the vehicle, destroyed and so certified to the Department or surrendered to the Department, the Department's representatives, or the Department of State Police, if:

(a) The vehicle is for any reason retired from service or removed from the carrier's list of vehicles under the permit or certificate upon which it is listed;

(b) The certificate or permit is for any reason suspended or cancelled;

(c) There has been a failure to provide insurance or bond as required by ORS Chapter 825.

(6) Identification plates, markers or devices issued for tax and/or registration shall be considered cancelled and must immediately be removed from the vehicle if:

(a) Registration fees are not paid;

(b) The vehicle is for any reason retired from service or removed from the carrier's list of vehicles;

(c) The certificate or permit is for any reason suspended or cancelled;

(d) There has been a failure to provide insurance or bond as required by ORS Chapter 825 and ORS Chapter 826;

(e) The vehicle is removed from a fleet by the end of the calendar year for which apportioned fees have been paid. Returned plates must be received in a Department office by January 10 of the year following the registration year.

(7) Notwithstanding section (5) or (6) of this rule, if within 90 days from the date of suspension the certificate or permit is reinstated, the Department may reassign the identification plates, markers or devices. If the certificate or permit is not reinstated within 90 days from the date of suspension, the identification plates, markers, or devices must be surrendered as provided for in section (5) of this rule.

Stat. Auth.: ORS 183, ORS 823 & ORS 825

Stats. Implemented: ORS 825.454, ORS 825.470 & ORS 826.023

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 152, f. & ef. 12-22-69 (Order No. 46489); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 4-79, f. & ef. 9-21-79 (Order No. 79-641); PUC 3-80, Part 1, f. & ef. 6-30-80 (Order No. 79-805); PUC 3-80, Part 2, f. & ef. 6-30-80 (Order No. 80-475); Renumbered from 860-034-0005; PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 12-1988, f. & cert. ef. 6-16-88 (Order No. 88-601); PUC 7-1993, f. & cert. ef. 3-19-93 (Order No. 93-285); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-064-0005

##### 740-045-0020

##### Identification Plates and Markers, Placement and Transfer

(1) For the purpose of this rule, "front of the vehicle" means the front bumper, grill, headerboard or other front-end cab protection structure, the location of which allows a person facing the front of the vehicle to easily view the identification plate.

(2) Identification plates must be displayed as follows:

(a) Tractors, truck-tractors and all foreign based vehicles display plate on the front of the vehicle;

(b) Oregon based buses and trucks display one plate on the front of the vehicle and one plate on the rear of the vehicle; and

(c) In addition to the prohibitions found in ORS 803.550, identification plates must be kept legible, free of dirt and mud and not otherwise covered or hidden so as to be visible and easily read at all times.

(3) In the case of lease or sale of a vehicle to which a valid identification plate or marker is attached, the Department may allow such plate or marker to remain on the vehicle and be continued in use, provided the purchaser or lessee:

(a) Makes application, on forms approved by the Department, to continue the plates or marker in use under a certificate or permit issued to purchaser or lessee;

(b) Remits plate fee as specified in ORS 825.470 and ORS 826.023;

(c) Remits registration fees if the vehicle is registered under apportioned registration;

(d) Requires the same type of identification plate, whether tax only or tax and registration combined; and

(e) Has caused the identification plate or marker number and the vehicle to which it is attached to be listed on the certificate or permit by the Department.

(4) The original certificate or permit holder shall be deemed, under section (3) of this rule, to be conducting all operations of the vehicle and shall remain responsible for all the operations of the vehicle until the plates or markers have been transferred to the certificate or permit of the purchaser or lessee.

Stat. Auth.: ORS 823.011, ORS 825.450 & ORS 826.031

Stats. Implemented: ORS 825.450 & ORS 826.035

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 152, f. & ef. 12-22-69 (Order No. 46489); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 4-79, f. & ef. 9-21-79 (Order No. 79-641); Renumbered from 860-034-0006; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 7-1993, f. & cert. ef. 3-19-93 (Order No. 93-285); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-064-0006; MCTB 3-1999, f. & cert. ef. 10-13-99

#### **740-045-0030**

##### **Identification Devices**

(1) A carrier, when authorized to use identification devices pursuant to ORS 825.454, in addition to any other applicable provisions in OAR 740-045-0010, shall, in regard to each self-propelled vehicle operated by it in the State of Oregon, assign a carrier number to each such vehicle and report the number assigned to the Department.

(2) Each carrier must, on forms approved by the Department, apply for authority to use identification devices and report the assigned vehicle number before placing the exterior identification on each vehicle as described in OAR 740-100-0010.

(3) Commencing January 1, 1968, and biennially thereafter, all outstanding identification devices will be renewed. Authorization to use identification devices will extend to the next biennial renewal period. The carrier shall pay to the Department at the time of making application for authority to use an identification device or for renewal of such authority a biennial fee of \$10. Nothing herein shall preclude the Department from issuing identification devices on an annual basis as provided in ORS 825.454.

(4) No carrier shall release a self-propelled motor vehicle, that is externally identified as provided in this rule, from the carrier's control on a permanent basis without first removing or permanently concealing this external identification, or on a temporary basis without temporarily or permanently removing or concealing such external identification.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.450, ORS 825.454, ORS 826.009 & ORS 826.035

Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 3-80, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Renumbered from 860-034-0007; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-064-0007; MCTB 2-1998, f. & cert. ef. 8-20-98

#### **740-045-0050**

##### **Trusted Carrier Partner**

Motor carriers who meet the qualifications found in OAR 740-045-0060 are eligible to participate in Oregon's Trusted Carrier Partner program. Participants are eligible for the following benefits:

- (1) Waiver of bond requirement;
- (2) Reduced fees for ODOT issued oversize and overweight permits as provided in OAR 734-070-0035(5);
- (3) Being subject only to probable cause safety inspections;
- (4) Being subject only to probable cause safety compliance reviews; and
- (5) Inclusion on ODOT's Trusted Carrier list.

Stat. Auth.: ORS 818.270, ORS 823.011, ORS 825.232 & ORS 825.252

Stats. Implemented: ORS 818.270, ORS 825.232, ORS 825.250 & ORS 825.506

Hist.: MCTB 4-1998, f. & cert. ef. 10-16-98

#### **740-045-0060**

##### **Qualifications for Trusted Carrier Partner Program**

(1) In order to qualify for participation in the Trusted Carrier Partner program, a motor carrier must:

- (a) Have at least 12 months history of Oregon operations;
- (b) Have a valid USDOT number;
- (c) Be a participant in Oregon's commercial vehicle electronic preclearance weigh station bypass program (GreenLight);
- (d) Not have an unsatisfactory safety rating with the State or Federal regulatory agencies;
- (e) Not be a participant in PRISM, a national safety improvement program;
- (f) Not have a record of safety violations, including, but not limited to, violating an out-of-service order or having a driver found driving under the influence; or
- (g) Not have a driver and/or vehicle out-of-service percentage greater than the national compliance average.

(2) In addition to the requirements found in section (1) of this rule, the Department may deny participation in the Trusted Carrier Partner program for violations or conditions related to registration or tax requirements including, but not limited to:

- (a) Suspensions with the Department;
- (b) Civil monetary penalty actions;
- (c) Revocations of IFTA tax license;
- (d) More than one motor carrier related tax report filed late; or
- (e) More than one repayment plan entered into or satisfactorily concluded.

Stat. Auth.: ORS 823.011, ORS 825.232 & ORS 825.252

Stats. Implemented: ORS 825.232, ORS 825.252 & ORS 825.506

Hist.: MCTB 4-1998, f. & cert. ef. 10-16-98

#### **740-045-0070**

##### **Plates for Trusted Carrier Partners**

(1) In order to identify their status, Trusted Carrier Partners will be issued Trusted Carrier Partner plates (TCP plates) for each motor vehicle equipped with an operable transponder.

(2) A Trusted Carrier Partner shall:

- (a) Display TCP plates on the front of the vehicle(s) and in accordance with OAR 740-045-0020(1)(c); and
- (b) Display the motor carrier's USDOT number on the TCP plate.

(3) TCP plates are valid unless the Trusted Carrier Partner to which they are issued:

- (a) No longer meets the qualifications identified in OAR 740-045-0060;
- (b) Uses the transponder or TCP plate in a manner not authorized by the Department; or
- (c) Files bankruptcy.

(4) When the motor carrier is notified by the Department that a TCP plate is invalidated, the motor carrier shall immediately remove the plate from the motor vehicle and return it to the Department.

(5) A Trusted Carrier Partner who leases a motor vehicle with a TCP plate to another motor carrier shall remove the TCP plate until the leased motor vehicle is returned to the control of the Trusted Carrier Partner.

Stat. Auth.: ORS 823.011, ORS 825.212, ORS 825.232, ORS 825.252 & ORS 825.454

Stats. Implemented: ORS 825.212, ORS 825.232, ORS 825.250 & ORS 825.

Hist.: MCTB 4-1998, f. & cert. ef. 10-16-98

##### **Leasing for Interchange of Vehicles and Equipment**

#### **740-045-0100**

##### **Lease of Vehicles by Carriers of Property (Other than Household Goods)**

(1) Except as otherwise expressly provided, a vehicle may be operated under lease in for-hire or private carriage in Oregon intrastate commerce only in accordance with the terms of OAR 740-045-0100, 740-045-0120, and 740-045-0130. The compliance of a lease with the requirements of the rules of the Department pertaining to leasing is the responsibility of the parties to the lease.

(2) A vehicle lease shall contain all of the terms and conditions of the lease, and shall provide:

- (a) The full name and address of each contracting party (lessor and lessee);
- (b) A complete description of the vehicle;
- (c) That the lessee has the right to exclusive possession, use, and control of the leased vehicle, with the exception that the lessor may use the leased vehicle for personal noncommercial uses with the permission of the lessee;
- (d) A statement of the terms of renewal, if any;
- (e) That during the period of the lease:

(A) The lessee assumes full responsibility for payment of all Oregon highway use taxes, fees, and penalties arising from operation of the vehicle, except to the extent lessee is relieved of such responsibility by OAR 740-045-0150;

(B) The lessee will bear all risk of loss or damage to property or injury to persons incident to the operation of the vehicle and shall be responsible to maintain cargo and liability insurance covering all



operations of the vehicle under the lease. In fulfilling this requirement, it is permissible for the lessor to name the lessee as an insured on the lessor's insurance policy;

(C) The lessee assumes full responsibility for compliance with the rules of the Department, and in particular, OAR 740-045-0100, 740-045-0120, and 740-045-0130, relating to leasing, and the laws of the State of Oregon applicable to the operation of motor vehicles.

(3) The lessee shall exercise exclusive supervision and control of a leased vehicle during the period of the lease, except for the personal uses of the lessor referred to in subsection (2)(c) of this section.

(4) The lessee shall be solely responsible for the safe operation of the vehicle. The parties may agree that, as between themselves, the lessor may maintain the vehicle and assume such other costs of vehicle maintenance, including fuel costs.

(5) If the transportation to be performed under the lease is private carriage, the lessee must actually include the driver on the payroll of the lessee and treat such driver as an employee of the lessee in all respects as it does any regular employee. "Payroll," as used in this subsection, means that with respect to the compensation paid the driver, the lessee's records reflect that the lessee has included the driver as one of its employees in reports of employment to governmental agencies.

Stat. Auth.: ORS 183, ORS 823 & ORS 825

Stats. Implemented: ORS 825.470

Hist.: PUC 10-1995, f. & cert. ef. 8-30-95 (Order No. 95-882); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0130

#### 740-045-0110

##### Lease of Vehicles by Household Goods Carriers and Regular Route Full-Service Scheduled Passenger Carriers

(1) Except as otherwise expressly provided, a vehicle may be operated under lease in for-hire carriage of household goods or passengers in regular route full-service scheduled operations in Oregon intrastate commerce only in accordance with the terms of OAR 740-045-0110 to 740-045-0130 and a written agreement on a form supplied by the Department. The compliance of a lease with the requirements of the rules of the Department pertaining to leasing is the responsibility of the parties to the lease. The filing of the lease with the Department does not constitute approval by the Department of the terms of the lease or the legality of the operations thereunder.

(2) A vehicle lease shall contain all of the terms and conditions of the lease, and shall provide:

(a) The full name and address of each contracting party (lessor and lessee);

(b) A complete description of the vehicle;

(c) That the lessee has the right to exclusive possession, use and control of the leased vehicle, with the exception that the lessor may use the leased vehicle for personal noncommercial uses with the permission of the lessee;

(d) A detailed statement of the compensation to be paid for the use of the vehicle while under lease;

(e) A statement of the terms of renewal, if any;

(f) That during the period of the lease:

(A) The lessee shall assume full and sole responsibility for payment of all Oregon highway use taxes, fees and penalties arising from operation of the vehicle, except to the extent lessee is relieved of such responsibility by OAR 740-045-0150 and shall not be reimbursed by the lessor for such taxes, fees and penalties, directly or indirectly;

(B) The lessee will bear all risk of loss or damage to property or injury to persons incident to the operation of the vehicle and shall be responsible to maintain cargo and liability insurance covering all operations of the vehicle under the lease. In fulfilling this requirement, it is permissible for the lessor to name the lessee as an insured on the lessor's insurance policy;

(C) The lessee assumes full responsibility for compliance with the rules of the Department, and in particular, OAR 740-045-0110 to 740-045-0130, relating to leasing, and the laws of the State of Oregon applicable to the operation of motor vehicles.

(3) The lessee shall exercise exclusive supervision and control of a leased vehicle during the period of the lease, except for the personal uses of the lessor referred to in subsection (2)(c) of this rule.

Furthermore, neither the lessor, nor a driver furnished or arranged for by the lessor, shall participate in any of the following activities:

(a) The dispatching of traffic;

(b) The billing and collection of freight charges for transportation performed by the vehicle; and

(c) The solicitation of shipments other than that which takes place in conjunction with the pickup or delivery of freight at a shipper's place of business.

(4) If the lessor provides a driver to a lessee who is a for-hire carrier of household goods or passengers in regular route full-service scheduled operations, and any party to the lease has been found by order of the Department to have violated ORS 825.100, ORS 825.950, OAR 740-045-0170, OAR 740-045-0110, or OAR 740-045-0120 through a leasing arrangement within the preceding two years of the effective date of the lease, the lessee shall include the driver on the payroll of the lessee if lease compensation for the use of the vehicle is based on a division of revenues. "Payroll," as used in sections (4) and (6) of this rule, means that with respect to the compensation paid the driver, the lessee's records reflect that the lessee has included the driver as one of its employees in reports of employment to governmental agencies.

(5) The lessee shall be solely responsible for the safe operation of the vehicle. The parties may agree that, as between themselves, the lessor may maintain the vehicle and assume such other costs of vehicle maintenance, including fuel costs, as are specifically listed in the lease. If not included as part of the compensation for the use of the vehicle, the terms of compensation for maintenance shall be expressly stated in the lease.

(6) If the transportation to be performed under the lease is private carriage, the lessee must actually include the driver on the payroll of the lessee and treat such driver as an employee of the lessee in all respects as it does any regular employee.

(7) Within 90 days from the date of any transportation performed, the lessee shall pay to the lessor all compensation which the lessor has earned under the lease. The payment shall be in settlement of all obligations which have accrued under the lease, after deduction of just credits and offsets. The lessee shall prepare an itemized record of the settlement, including credits and deductions, and shall maintain such record for a period of three years after the termination of the lease.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.100

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 126, f. 2-5-64, ef. 3-1-64 (Order No. 39889); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Renumbered from 860-035-0140; PUC 10-1981, f. & ef. 10-30-81 (Order No. 81-777); PUC 6-1982, f. & ef. 5-6-82 (Order No. 82-336); PUC 9-1982, f. & ef. 9-30-82 (Order No. 82-686); PUC 10-1988, f. & cert. ef. 5-6-88 (Order No. 88-477); PUC 1-1992, f. & cert. ef. 1-24-92 (Order No. 92-027); PUC 4-1994, f. & cert. ef. 1-27-94 (Order No. 94-192); PUC 1-1995(Temp), f. & cert. ef. 2-15-95 (Order No. 95-186); PUC 10-1995, f. & cert. ef. 8-30-95 (Order No. 95-882); MCT 2-1996, f. 2-16-96, Renumbered from 860-065-0140; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 6-1998, f. & cert. ef. 12-21-98

#### 740-045-0120

##### Registration and Identification

(1) No vehicle leased by a motor carrier shall be used in Oregon intrastate commerce unless the lease is presented to the Department and the vehicle is registered for use under the lessee's operating authority.

(2) Except as provided in section (3) of this rule relating to short-term leases, no vehicle with a combined weight in excess of 26,000 pounds shall operate under lease in Oregon intrastate commerce, unless the vehicle is displaying identification plates or markers issued by the Department.

(3) If the vehicle with a combined weight in excess of 26,000 pounds is to be operated under lease for less than ten days, the carrier must apply for and receive a temporary pass in lieu of identification plates, pay such fees as are required by the Department, and the lessee must agree to pay highway use taxes for extreme miles of travel in Oregon, both loaded and empty, on a declared combined weight basis.

(4) Vehicles operated under lease shall at all times be externally identified with the lessee's name, in the manner prescribed by OAR 740-100-0010.

(5) A copy of the lease must be carried on the vehicle during operation under lease and must be maintained at the carrier's principal place of business for a period of three years after the termination of the lease.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.100, ORS 825.104 & ORS 825.210

Hist.: PUC 4-1994, f. & cert. ef. 1-27-94 (Order No. 94-192); PUC 1-1995(Temp), f. & cert. ef. 2-15-95 (Order No. 95-186); PUC 10-1995, f. & cert. ef. 8-30-95 (Order No. 95-882); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0141; MCTB 2-1998, f. & cert. ef. 8-20-98

#### 740-045-0130

##### Leased Vehicles in Interstate Commerce

With the exception of buses, all vehicles operating under lease within the state of Oregon in interstate commerce must carry a copy of the lease, to be produced on request of the Department or its authorized representative.

Stat. Auth.: ORS 183.335, ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.100, ORS 825.104 & ORS 825.210

Hist.: PUC 4-1994, f. & cert. ef. 1-27-94 (Order No. 94-192); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0142

#### 740-045-0140

##### Interchange of Equipment by Household Goods and Passenger Carriers

(1) For-hire household goods carriers and regular route full-service scheduled passenger carriers desiring to interchange equipment must make application for such authority on forms approved by the Department.

(2) Whenever authorized by the Department, such carriers may interchange equipment provided each carrier holds authority to:

(a) Transport the passengers or household goods involved; and

(b) Serve the route or routes to and from the point of physical interchange.

(3) Traffic moving under such arrangements must move on through bills of lading or interline tickets.

(4) Revenues collected must be accounted for as if there had been no interchange.

(5) Rental charges for the use of equipment involved must be kept separate and distinct from the divisions of joint or local rates or fares accruing to each carrier.

(6) Each carrier must maintain records and make reports to the Department in accordance with the Department's rules and regulations governing the keeping of records and maintaining accounts — OAR 740-055-0300 through 740-055-0320.

(7) Each operating carrier is responsible for and must:

(a) Maintain records, make reports and pay all fees due for each operation; and

(b) Inspect each vehicle prior to operation under interchange and satisfy itself that it is safe for operation; and

(c) Place its own driver-employee on such vehicle during all times operated under its authority.

(8) DOT identification plates, devices or markers may remain on vehicles interchanged.

(9) Carriers desiring to terminate such arrangements must promptly notify the Department on approved forms.

(10) The purpose of this rule is to facilitate movement of loaded vehicle or vehicles to be loaded so as to avoid transfer of lading or passengers wherever practicable.

Stat. Auth.: ORS 823.011 & ORS 825.230

Stats. Implemented: ORS 825.230

Hist.: PUC 6, f. & ef. 12-12-39 (Order No. 7009); PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-035-0145; PUC 3-1991, f. & cert. ef. 1-16-91 (and corrected 1-31-91) (Order No. 90-1916); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-065-0145; MCT 3-1996, f. & cert. ef. 3-14-96

#### 740-045-0150

##### Mileage Fees on Leased Equipment

(1) The lessee of vehicles being operated under OAR 740-045-0110 to 740-045-0140 is responsible for mileage fees due for all operations of those vehicles in Oregon during the term of the lease.

(2) The lessee may be relieved of responsibility for mileage fees on vehicles with valid identification devices being operated under OAR 740-045-0110 only following written notification to the Department that the lease has been terminated.

(3) The lessee may enter into fee pay agreements authorizing the owner or lessor to report and pay mileage fees for vehicles carrying the identification devices issued in the lessee's or lessor's name provided:

(a) The fee pay agreement is signed by both the lessee and the owner or lessor; and

(b) The agreement is filed with and approved by the Department. Such fee pay agreements shall not relieve the lessee of its obligation for payment of mileage fees accruing during the term of the lease and prior to written notification of the termination of the lease.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.100, ORS 825.104 & ORS 825.210

Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Renumbered from 860-035-0150; PUC 7-1993, f. & cert. ef. 3-19-93 (Order No. 93-285); PUC 4-1994, f. & cert. ef. 1-27-94 (Order No. 94-192); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0150

#### 740-045-0160

##### Transportation Services by Carrier Subcontractor

Under the following terms and conditions, and not otherwise, an authorized carrier may perform its obligations as a carrier through a subcontractor using a vehicle which is not registered with the Department under the operating authority of the carrier:

(1) Registration fees must be paid and the vehicle must be registered for use under the permit of the subcontractor and the subcontractor must have operating authority to perform the same transportation.

(2) The transportation performed by the subcontractor must be of logs, poles, piling, cordwood in long or short lengths, sawdust, hog fuel, wood chips, wood pellets or bark dust.

(3) The contractor carrier must be responsible for and guarantee that insurance coverages required by law are in force and effect during the transportation, that related use taxes will be paid, and that the vehicle and driver are in compliance with the rules of the Department pertaining to safety. Upon demand by contractor carrier, the subcontracting carrier shall provide sufficient records to enable the contractor to determine that subcontracting carrier has paid related use taxes.

(4) The contractor carrier shall not discriminate as to the type of hauls performed by the contractor's vehicles and the hauls performed by the subcontractor's vehicles.

(5) The contractor carrier shall compensate the subcontractor at a rate per haul equal to the compensation paid by the shipper to the contractor carrier. The contractor shall not charge a fee to, or exact any other payment from, the subcontractor.

(6) Upon demand by any carrier with whom a contracting carrier has entered into a contract under this rule, the contracting carrier shall provide to the subcontracting carrier sufficient records to enable the subcontractor to determine whether the contracting carrier has complied with section (5) of this rule.

(7) Prior to any operation under this rule, the contractor and subcontractor must sign an agreement on Form 735-9609 which contains the guarantees set forth in the rule and provides that while it is in effect, the agreement shall be applicable to all transportation services provided to the contractor by the subcontractor. The agreement may be for a term of one year or less. Two copies of the agreement must be mailed to the Department immediately after it is signed. Form 735-9609 is available from the Motor Carrier Transportation Branch, 550 Capitol St. NE, Salem, OR 97310.

[ED. NOTE: The Exhibit referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.450

Hist.: PUC 6-1987(Temp), f. & ef. 7-24-87 (Order No. 87-801); PUC 2-1988, f. & cert. ef. 1-25-88 (Order No. 88-054); PUC 7-1993, f. & cert. ef. 3-19-93 (Order

No. 93-285); PUC 17-1993, f. & cert. ef. 9-17-93 (Order No. 93-1309); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-065-0155; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 5-1997, f. & cert. ef. 8-26-97

**740-045-0170**

**Leasing, Loaning, or Renting of Certificates, Licenses or Permits Prohibited**

(1) No certificate, permit or license holder shall engage in any conduct which falsely tends to create the appearance that services being furnished or operations under such certificate, permit or license are being provided by the holder, when in fact they are not.

(2) No lease, device or arrangement constituting a leasing, loaning, or renting of a certificate, license, or permit will be recognized or approved by the Department.

Stat. Auth.: ORS 824 & ORS 825

Stats. Implemented: ORS 825.100, ORS 825.104 & ORS 825.470

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-032-0075; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0075

**DIVISION 50**

**TARIFFS AND TIME SCHEDULES**

**Filing**

**740-050-0010**

**Regulation of Oregon Intrastate Motor Carrier Rates and Routes, Classifications and Mileage Guides**

(1) As used in Chapter 740 rules:

(a) "Joint line rate" means a rate which applies to transportation of property over the lines of two or more carriers. "Joint line rate" does not include:

(A) A rate established by:

(i) A single motor for-hire carrier for application to transportation that it can provide over its line; or

(ii) Two or more interlining carriers without collaboration with each other in an organization referred to in OAR 740-050-0640.

(B) A through rate, or a discount on a joint rate, in which other interlining carriers have concurred, if such through rate or discount was established by a single motor carrier, without collaboration with other carriers or without participation in an organization referred to in OAR 740-050-0640;

(C) An agreement relating to a division of revenues among carriers.

(b) "Concurrence" means an agreement between interlining carriers to participate in a rate or discount offered to a shipper by another carrier.

(c) "Participating carriers" means carriers for whom an agent files a tariff, or any part thereof, with the Department for review and approval.

(2) Except as otherwise provided in this section, until revised or amended by the Department, all rates and all classifications, routes, mileage guides and other publications relating to rates filed with and prescribed by the Oregon Public Utility Commission and in effect on December 31, 1994, shall be valid and in full force and effect for all carriers shown by such tariffs to be participants therein. On and after January 1, 1995, rates relating to property other than household goods shall be valid and effective only as joint line rates.

(3) To provide antitrust immunity to persons who collaborate for the purpose of determining all rates for the transportation of household goods, joint line rates for the transportation of other property, and routes, classifications, mileage guides and other publications relating to the transportation of property, the Department will accept for review and approval tariffs and other relevant submissions presented by carriers or their agents. The following apply to mileage guides:

(a) Mileage guides, electronic or otherwise, or any amendments thereto, used in constructing joint line rates shall be submitted to the Department for approval; and

(b) The Department shall, within 60 days, determine the accuracy of the mileage guide, or amendments thereto, and shall either accept or reject the submission. In determining accuracy, the Department shall, to the extent possible, rely on the Official Highway Map of Oregon.

(4) The rules of the Department in Division 50 shall apply:

(a) To the transportation of persons and household goods;

(b) To the transportation of other property under joint line rates which have been submitted to the Department for review and approval; and

(c) To tariff provisions relating to routes, classifications and mileage guides which have been submitted to the Department for review and approval.

(5) Tariffs which are subject to the jurisdiction of the Department and are filed by a carrier for review and approval may be filed by an authorized agent of the carrier if the carrier has provided the agent with a written power of attorney authorizing the agent to act on its behalf. A tariff published and filed by an agent on behalf of a carrier shall identify clearly the carrier for whom the tariff is being published.

Stat. Auth.: ORS 823.011 & 825.200

Stats. Implemented: ORS 825.200

Hist.: PUC 17-1994(Temp), f. 12-28-94, cert. ef. 1-1-95 (Order No. 94-1954); PUC 2-1995, f. & cert. ef. 3-13-95 (Order No. 95-266); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-67-000; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 6-1996, f. & cert. ef. 12-19-96

**740-050-0020**

**Tariffs and Time Schedules Must Conform to Rules Prescribed Herein and Must Be Filed**

All tariffs and time schedules related to the intrastate for-hire transportation of household goods or passengers, or property transported under joint line rates, must be filed and compiled in compliance with and conform to these rules. The Department may direct the reissuance of any such tariff or time schedule at any time.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.200, ORS 825.202 & ORS 825.224

Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0005; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0005; MCT 3-1996, f. & cert. ef. 3-14-96

**740-050-0050**

**Size and Form of Tariffs and Time Schedules**

(1) Tariffs and time schedules must be in book, loose-leaf, sheet or pamphlet form. Individual pages to loose leaf tariffs shall be designated so that changes can be made by reissuing individual pages or pages published as a unit.

(2) Tariffs and time schedules or supplements thereto containing five or more pages must be printed on regular letter size paper of good quality, 8 or 8-1/2 x 11 inches, from type of size not less than 6 point, full face. Tariffs and time schedules containing four pages or less may be typewritten, provided all copies are clear and legible. Alterations in writing or erasures must not be made. Reproduction may be by any process, providing all copies are clear and permanently legible.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.200, ORS 825.202 & ORS 825.224

Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0020; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0020; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 6-1996, f. & cert. ef. 12-19-96

**740-050-0060**

**Form of Appointment of Agent**

The following form will be used in giving a power of attorney to an agent:

**POWER OF ATTORNEY**

**To be filed with the Oregon**

**Department of Transportation**



\_\_\_\_\_(Name of Carrier in full)\_\_\_\_\_

\_\_\_\_\_(Place)\_\_\_\_\_ (Date)\_\_\_\_\_

Form A.F. 1 No. \_\_\_\_\_

To the OREGON

DEPARTMENT OF TRANSPORTATION

Salem, Oregon

This is to certify that (name of carrier) has made, constituted and appointed and by these presents does make, constitute and appoint (name of person appointed) the true and lawful attorney and agent for the said carrier and in its name, place and stead: (1) for it alone, and (2) for it jointly with other carriers, to file tariffs, classifications, and exception sheets and supplements thereto, as required of transportation companies under the laws of Oregon and rules and regulations established by the Oregon Department of Transportation, thereunder for the period of time, the traffic and territory herein named:

\_\_\_\_\_  
\_\_\_\_\_

And the said (name of carrier) does hereby give and grant unto said attorney and agent full power and authority to do and perform all and every act and thing above specified, as fully to all intents and purposes as if the same were done and performed by the said carrier, hereby ratifying and confirming all that said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of said attorney and agent hereunder.

IN WITNESS WHEREOF, the said carrier has caused these presents to be signed (in its name by its legal executive officer) at \_\_\_\_\_ in the State of Oregon, on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_(Name of Carrier)\_\_\_\_\_

By:

\_\_\_\_\_(Name of Officer)\_\_\_\_\_

\_\_\_\_\_(Title of Officer)\_\_\_\_\_

Attest:

(Corporate Seal)

Carrier issuing this form will file the original with the Department and will furnish duplicate to the agent to whom power of attorney is given.

Stat. Auth.: ORS 823 &amp; ORS 825

Stats. Implemented: ORS 825.224

Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0025; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-067-0025

**740-050-0070****Form of Concurrence**

Concurrence may be given by a carrier in tariffs issued by another carrier or its agent applying rates to and from points on and via its lines and in the following format:

**CONCURRENCE**

To be filed with the Oregon Department of Transportation Form A.F. 2 No. \_\_\_\_\_

To the OREGON

DEPARTMENT OF TRANSPORTATION

Salem, Oregon

This is to certify that (name of carrier) assents to and

concurs in the publication and filing of any tariff or supplement thereto which (name of carrier or agent) may make and file, and in which this carrier is shown as a participating carrier, and hereby makes the undersigned a party to, and bound thereby insofar as such tariff contains rates, fares and charges applying to or from points on and via its lines, until this authority is revoked by formal and official notice of revocation placed in the hands of the Oregon Department of Transportation and of the carrier or agent to which this concurrence is given.

\_\_\_\_\_(Name of Carrier)\_\_\_\_\_

By:

\_\_\_\_\_(Name of Officer)\_\_\_\_\_

\_\_\_\_\_(Title of Officer)\_\_\_\_\_

Witness:

This form may be qualified to apply to a designated tariff, rate or fare. Carrier issuing this form will file the original with the Department and will furnish duplicate to the carrier publishing the tariff.

Stat. Auth.: ORS 823 &amp; ORS 825

Stats. Implemented: ORS 825.224

Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0030; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-067-0030

**740-050-0080****Number of Concurrences and Authorizations**

(1) Each carrier will assign serial numbers to powers of attorney and concurrences, beginning with No. 1 in each series, as indicated by forms, and continuing in consecutive numbers as to each series.

(2) A power of attorney or concurrence may be revoked by filing notice of such revocation with the Department and serving same upon carrier to which such concurrence was given. Such notice must specify the date upon which revocation is to be made effective, and must give not to exceed sixty (60) days' notice to the Department and to the carrier to which concurrence was given.

(3) All powers of attorney and certificates of concurrence must be printed or typewritten on paper of good quality 8-1/2 x 11 inches in size.

Stat. Auth.: ORS 823 &amp; ORS 825

Stats. Implemented: ORS 825.224

Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0035; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-067-0035

**740-050-0090****Changes in Joint Routing and Operating or Time Schedules on Less than 10 Days' Notice**

(1) No change shall be made by any regular route full-service scheduled passenger carrier or operator in any operating or time schedule for service or of any rule or regulation relating to any operating or time schedule, service, privilege or facility except after 10 days' notice to the Department and to the public.

(2) For good cause shown, the Department may permit such change on less than 10 days' notice. In cases of voluntary reduction of scheduled service, no such changes will be allowed on less than 10 days' notice except where actual emergency and real merit are shown.

(3) Applications for changes on less than 10 days' notice shall be addressed to the Oregon Department of Transportation on a form approved by the Department and must be over the signature of an executive officer, specifying title, or any agent to whom power of attorney has been given.

(4) Unless authorized by the Department, regular route full-service scheduled passenger carriers may not establish, cancel or change joint routings, except after 14 days' notice to the Department.

(5) For good cause shown, the Department may permit joint routings to be established, cancelled or changed on less than 14 days' notice.

(6) Application for such changes must be made on forms approved by the Department.

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224  
 Stats. Implemented: ORS 825.202 & ORS 825.224  
 Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-037-0040; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0040; MCT 3-1996, f. & cert. ef. 3-14-96

#### **740-050-0100**

##### **Adoption of Tariffs — Time Schedules**

(1) In case a for-hire household goods carrier, passenger carrier, or a for-hire carrier of property that is party to a joint line rate tariff, is transferred from the operating control of one company to that of another, or when its name is changed, the new carrier, if it intends to use tariffs and/or time schedules issued by the old carrier or joint agents under concurrences or powers of attorney granted by the old carrier, shall issue and file supplements to such tariffs and/or time schedules containing an adoption notice reading substantially as follows:

“The \_\_\_\_ (Name of Carrier) \_\_\_\_ hereby adopts, ratifies, and makes its own in every respect as if the same had been originally issued and filed by it, all tariffs, time schedules, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Public Utility Commission of Oregon or the Oregon Department of Transportation by the \_\_\_\_ (Name of Old Carrier) \_\_\_\_ prior to (date) the beginning of its possession. By this notice it also adopts and ratifies all supplements or amendments to any of the above tariffs, time schedules, etc., which have heretofore been filed with said Commission or Department.”

(2) Concurrences and powers of attorney so adopted must be replaced and superseded by new concurrences and powers of attorney issued by and in the name of the new carrier, and in each instance cancelling the concurrences or powers of attorney superseded.

(3) In case a household goods or passenger carrier secures permission from the Department to temporarily discontinue operation of all or a part of its service, it shall issue and file supplements to its tariffs and time schedules containing notice of such temporary discontinuance, and upon resumption of the discontinued service file further supplements containing notice of such resumption.

(4) Adoption, discontinuance and resumption supplements shall be assigned the next consecutive supplement number. Adoption notices may be filed and made effective immediately. Discontinuance and resumption supplements will be made effective in accordance with the Department's permission in each case. Such supplements will not be counted against the number of supplements permitted to such tariffs and/or time schedules.

(5) Subsequent amendments to adopted tariffs and/or time schedules must be filed in consecutively numbered supplements until the tariffs or time schedules are reissued. The reissued tariffs and/or time schedules shall be numbered in the ODOT Oregon series of the new carrier.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224  
 Stats. Implemented: ORS 825.200, ORS 825.202 & ORS 825.224  
 Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0045; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0045; MCT 3-1996, f. & cert. ef. 3-14-96

#### **740-050-0110**

##### **Suspension of Tariff and Schedule Publications**

(1) When the Department suspends the operation and defers the use of a tariff or an operating or time schedule, the following course shall be pursued by carriers.

(2) Upon receipt of the order of suspension the carrier or agent shall immediately issue and file with the Department a supplement

stating that the tariff, operating or time schedule is under suspension and shall not be used until further and proper notice.

(3) When the Department vacates an order of suspension, the carrier or agent who published and filed such suspended tariff, operating or time schedule or supplement thereto shall immediately issue and file with the Department a supplement stating the date upon which the operating or time schedule becomes effective.

(4) Every suspension or vacation supplement issued under authority of this rule must bear on title page the following notation: “Issued under authority of OAR 740-050-0110 and in compliance with Order No. \_\_\_\_ of the Oregon Department of Transportation of (date) \_\_\_\_, 19\_\_.”

(5) Suspension and/or vacation supplements will be assigned the next consecutive supplement number and will not be counted against the number of supplements permitted to such tariffs or operating or time schedules.

Stat. Auth.: ORS 823 & ORS 825  
 Stats. Implemented: ORS 825.224  
 Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-037-0050; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-067-0050

#### **740-050-0120**

##### **Rejected Tariffs or Operating or Time Schedules**

When a tariff or an operating or time schedule is rejected by the Department, it must not thereafter be referred to, nor the ODOT Oregon number or carrier's serial number assigned thereto again used, except to note on a new publication that it is issued in lieu of such rejected tariff, operating or time schedule, i.e.: “In lieu of \_\_\_\_, rejected by the Department.”

Stat. Auth.: ORS 823 & ORS 825  
 Stats. Implemented: ORS 825.224  
 Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-037-0055; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-067-0055

#### **740-050-0130**

##### **Joint Agent Will Use His Own ODOT Oregon Serial Number**

(1) A joint agent duly authorized to act for several carriers must file joint tariffs, classifications or exception sheets in the name of the agent or his organization and under ODOT Oregon serial numbers of his own.

(2) The agent or the carrier that issues a joint tariff shall at once send copies thereof to each and every carrier that is named as a party thereto.

(3) A carrier that grants authority to an agent or to another carrier to publish and file certain of its rates or fares must not in its own publications publish rates or fares that duplicate or conflict with those which are published by such authorized agent or other carrier. This rule will not prevent the filing of joint “Agent and Carrier” tariffs.

(4) An agent who acts under power of attorney is fully authorized to act for the carriers that have named him their agent and attorney, and therefore it is permissible for him to cancel by his tariffs issues of such principals.

(5) Joint time schedules will not be accepted.

Stat. Auth.: ORS 823 & ORS 825  
 Stats. Implemented: ORS 825.224  
 Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0070; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-067-0070

#### **740-050-0140**

##### **Posting of Tariffs and Operating or Time Schedules**

(1) The provisions of this rule shall apply to for-hire carriers transporting household goods or passengers, and for-hire carriers participating in Department-approved joint line rates.

(2) A copy of the tariffs of carriers showing all rates, fares, classifications, charges, or rules and regulations affecting rates, fares,

classifications or charges and a copy of all operating or time schedules shall be kept by every carrier readily accessible for inspection by the public at all reasonable times in every station or office of such carrier where passengers or property are received for transportation, when such station or office is in charge of an agent.

(3) Agents shall be provided with facilities for tariffs and operating or time schedules in readily accessible form and shall be instructed and required to give information contained in such tariffs and operating or time schedules, to lend assistance to seekers for information therefrom and to accord inquirers opportunity to examine any of said tariffs and operating or time schedules, without requiring the inquirer to assign any reason for such desire.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224  
Stats. Implemented: ORS 825.200, ORS 825.202, ORS 825.224 & ORS 825.234  
Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-037-0075; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0075; MCT 3-1996, f. & cert. ef. 3-14-96

## Tariffs

### 740-050-0210

#### Definitions for Passenger Tariffs of Regular Route Carriers

(1) The term "local fare" as used in Division 50 means a fare that extends over the line of one carrier only, and the tariff carrying such fare is a "local tariff."

(2) The term "interdivision fare" as used in Division 50 means a fare from a point on one division to a point on another division of the same carrier, and the tariff carrying such fare is an "interdivision tariff."

(3) The term "joint fare" as used in Division 50 means a fare that extends over the lines of two or more carriers, and the tariff carrying such fare is a "joint tariff."

(4) The term "basing fare" as used in Division 50 means a fare specifically published to be used only as a factor in making a combination through fare and the tariff carrying such fare is a "basing tariff."

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224  
Stats. Implemented: ORS 825.202 & ORS 825.224  
Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0185; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0185; MCT 3-1996, f. & cert. ef. 3-14-96

### 740-050-0220

#### Title Page of Every Tariff

Title page of every tariff shall show:

(1) Oregon DOT number of tariff at the top of the page, and immediately thereunder the Oregon DOT number or numbers, if any, cancelled thereby. Oregon DOT serial number will be assigned each tariff and run consecutively. Tariff serial number of carrier may also be entered on title page, run consecutively and show cancellations. Separate serial Oregon DOT numbers will be used for tariffs related to household goods, passengers, and for-hire carriers participating in Department-approved joint line rates.

(2) Name of issuing carrier or agent.

(3) Whether tariff is local, joint, interdivision, basing, or a combination of same, and whether class, commodity, mileage, or combination of same, or tariff of rules and regulations.

(4) The territory or points from, to or between which the tariff applies, briefly stated. Where detailed information is required, the title page may give reference to the items where the application of the tariff and the governing publications may be found.

(5) Date of issue on the lower left and date effective on the lower right hand of the page.

(6) Name, title and address of officer by whom tariff is issued on the lower part of the page.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224  
Stats. Implemented: ORS 823.200, ORS 825.202 & ORS 825.224  
Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No.

42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0140; PUC 8-1988, f. & cert. ef. 4-6-88 (Order No. 88-334); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0140; MCT 3-1996, f. & cert. ef. 3-14-96

### 740-050-0230

#### Tariffs Shall Contain in the Order Named

All tariffs related to the transportation of property under joint line rates or the transportation of household goods or passengers shall contain:

(1) Table of contents or index: a full and complete statement, in alphabetical order, of the exact location where information under general headings will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that the contents are plainly disclosed, the table of contents or index may be omitted.

(2) Names of issuing carriers, including those for which joint agent acts under power of attorney and the names of carriers participating under concurrence, alphabetically arranged, or by proper reference describe the tariff containing these provisions. If there be not more than five participating carriers, their names may be shown on the title page. The form and number of power of attorney or concurrence to the tariff must be shown (see OAR 740-050-0060 and 740-050-0070).

(3) Complete index, alphabetically arranged, of all commodities upon which commodity rates are named, showing page upon which such rates will be found, also item numbers.

(4) Complete index, alphabetically arranged, of all commodities upon which exceptions to the classification are made, showing page upon which they are found, also item number.

(5) Complete index, alphabetically or geographically arranged, of all points from and to which tariff rates or fares apply, showing the index numbers and/or item numbers under which rates or fares will be found.

(6) An official list of all the points in connection with which the tariff applies.

(7) The different routes via which tariff applies must be shown together with appropriate reference to application of rates or fares. When a tariff specifies routing, the rates or fares may not be applied via routes not specified.

(8) Explanation of reference marks and technical abbreviations used in the tariff, except that a special provision applying to a particular rate or fare may be shown in connection with and on the same page with such rate or fare.

(9) Such explanatory statement in clear and explicit terms regarding the general application of rates or fares and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.

(10) Complete description of all commodities upon which exception to the classification class ratings, rules or requirements are authorized showing item number, classification and other detail information.

(11) Rules and regulations which govern the tariff, the title of each rule or regulation to be shown, or by proper reference describe the tariff containing such rules and regulations. Under this head all of the rules, regulations or conditions which in any way affect the rates or fares named in the tariff will be entered.

(12) An explicit statement of the rates or fares, in cents or in dollars and cents together with the names of the points from, to or between which they apply, arranged in a simple and systematic manner, under proper index and item numbers. Tariffs shall be arranged in sections to separate different kinds of rates, fares or provisions. The sections must be consecutively numbered and differentiation among sections must be clear.

(13) Each tariff which contains class and/or commodity rates shall also contain a rule reading, "Whenever a class rate and a commodity rate are named between specified points, the lower of such rates is the lawful rate."

(14) Tariff publications or supplements thereto must indicate increases, reductions, changes made in existing rates, charges, rules, regulations or classifications, or the insertion of new material, by the use of uniform symbols. Clear explanation of the use of symbols must be made in the tariff.



(15) At the foot of the last page of a tariff or supplement the words "The End" or "Last Page" should be shown.

(16) The terms "all points," "in the vicinity of" or similar terms must not be used in any tariff for the purpose of indicating the points from, to or between which rates or fares named therein apply.

(17) Commodity rates must be specific and must not be applied to analogous articles.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224  
 Stats. Implemented: ORS 825.200, ORS 825.202 & ORS 825.224  
 Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0145; PUC 8-1988, f. & cert. ef. 4-6-88 (Order No. 88-334); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0145; MCT 3-1996, f. & cert. ef. 3-14-96

#### **740-050-0240**

##### **Amendments and Supplements**

(1) A change in or addition to a tariff shall be known as an amendment, and, excepting amendments to tariffs issued in loose-leaf form, shall be printed in a supplement to the tariff and shall refer to the page, item or index of the tariff, or of previous supplement, which it amends.

(2) When the rates or rules in a tariff or a supplement are cancelled or changed, it must be under the same item or index number; for example, Item 10-A cancels Item 10. If a cancelled item, or any part thereof, is taken up and thereafter carried in another item of different number, the cancellation must be carried under the original item number and must show in what item or items the effective rates are to be found, and the cancellation of the item in the original tariff or supplement must be brought forward in successive supplements as a reissued item.

(3) An amended index or item must always be printed in a supplement in its entirety as amended, and the contents in each supplement shall be arranged in the same general order as the tariff which it amends.

(4) Supplements to a tariff shall be numbered consecutively as supplements to that tariff and must not be given separate or new Oregon DOT numbers. Each supplement shall specify the supplement or supplements which it cancels, and shall also show on its title page what supplements contain all changes from the original tariff. For example: "Supplement No(s)\_\_\_ to Oregon DOT No.\_\_\_ Cancels Supplement No(s)\_\_\_ and \_\_\_, Supplement(s) No\_\_\_ and \_\_\_ contain all changes from the original tariff."

(5) A supplement which contains reissued items brought forward without change must show the following: "Reissue: Effective (date upon which item became effective) in Supplement No.\_\_\_\_."

(6) All changes and additions to tariffs issued in loose-leaf form must be made by reprinting the entire page upon which the change is made. Except where a specific cancellation is shown on a new revised page, a revised page cancels any and all uncanceled or original pages, or uncanceled portions thereof, which bear the same page designation. Such pages must not be given supplement numbers, but must be designated "First Revised Page No.\_\_\_\_," "Second Revised Page No.\_\_\_\_," etc.; and must show the Oregon DOT and carrier's serial number of the tariff, the issued and effective date, and the name, title and address of officer by whom issued, conforming to original pages.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224  
 Stats. Implemented: ORS 823.200, ORS 825.202 & ORS 825.224  
 Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0150; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0150; MCT 3-1996, f. & cert. ef. 3-14-96

#### **740-050-0270**

##### **Round-Trip Excursion Fares of Regular Route Passenger Carriers**

(1) Fares for an excursion limited to a designated period of not more than three days may be established, without further notice upon posting a tariff one day in advance in a public and conspicuous place

in the waiting room of each station where tickets for such excursions are sold, and filing two copies thereof with the Department.

(2) Fares for an excursion limited to a designated period of more than three days and not more than 30 days, or for a series not exceeding 30 days, may be established upon a like notice of three days.

(3) The term "limited to a designated period" is construed to cover the period between the time at which the transportation can first be used and the time at which it expires. If tariff names different selling dates for excursions which form a series and the period of time between the first selling date and the last date upon which any ticket sold under the tariff may be used exceeds 30 days, the series of excursions so provided for do not come within the period of "not exceeding 30 days," and such tariff may not be issued by authority of this rule. But it is permissible to establish fares for two or more distinct and separate excursions to various points and for various occasions, each such excursion limited to a designated period of not more than 30 days.

(4) No supplement may be issued to tariffs and under this rule except for the purpose of cancelling the tariff.

(5) Round-trip tickets on certificate plan may be issued at reduced fares and their use confined to the delegates to a particular convention or to members of a particular association or society. The condition upon which certificate plan tickets are issued is that a specific number of such tickets shall be presented for validation for return trip before the reduced fare for return trip will be granted to any person.

(6) Tariffs naming fares for excursions may use such terms as "One first class fare for the round-trip"; "One first class fare plus \$\_\_\_ for the round-trip." Specific reference to Oregon DOT No. of the tariff containing such basing fare must be given.

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224  
 Stats. Implemented: ORS 825.202 & ORS 825.224  
 Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0200; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0200; MCT 3-1996, f. & cert. ef. 3-14-96

#### **740-050-0290**

##### **Irregular Route Passenger Tariffs**

(1) The title page of tariffs of passenger carriers in irregular route service shall contain the following:

(a) At the top of the page, the Oregon DOT number of the tariff and immediately thereunder, the Oregon DOT number, if any, cancelled thereby;

(b) Name of issuing carrier or agent;

(c) Class of service, i.e., "irregular route charter passenger service or irregular route special operations passenger service";

(d) The name of the city or town and vicinity in which operations are mainly conducted;

(e) Date of issue on the lower left and date effective on the lower right hand of the page; and

(f) Name, title and address of officer by whom tariff is issued on the lower part of the page.

(2) The following pages shall contain all rules and regulations governing or affecting the service. In the case of charter service, rules shall include the manner of computing mileage, that is, whether odometer readings or standard roadway map are to be used; they shall also provide carrier practice regarding baggage allowance, minimum charges, running time, waiting time allowances, extra charges, etc. In the case of special operations, tariffs shall contain application of individual tickets, baggage allowance, children's fares, redemption of tickets, and additional rules as may be desired.

(3) For special operations, the tariff shall contain an explicit statement of the fares in cents or in dollars and cents, together with the names or designation of points, from, to or between which they apply. Complicated or ambiguous methods of stating fares shall not be used.

(4) Tariffs containing charges on a charter basis must name a charge for use of vehicles on an hourly or mileage basis and contain full and complete table of rates, charges, rules and regulations governing the service, such as, territory in which such service is fur-

nished, how mileage is computed, charge for empty equipment movement, waiting time allowance, baggage allowance, extra charges such as ferry, toll, etc., if any, and all other conditions that in any way affect the charges and service.

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224  
 Stats. Implemented: ORS 825.202 & ORS 825.224  
 Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0215; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0215; MCT 3-1996, f. & cert. ef. 3-14-96

### **Time Schedules**

#### **740-050-0400**

##### **Operating and Time Schedules**

Time schedules of all regular route full-service passenger carriers shall contain:

(1) A title page showing the Oregon DOT number of schedule at the top of the page and immediately thereunder the Oregon DOT number, if any, cancelled thereby. A Oregon DOT serial number will be assigned each operating and time schedule and run consecutively. The operating and time schedule serial number of carrier may also be centered on title page, run consecutively and show cancellations.

(2) Name of issuing carrier or agent.

(3) The points between which the schedule applies, briefly stated.

(4) Date of issue on the lower left and date effective on the lower right hand of the page.

(5) Name, title and address of officer by whom schedule is issued on the lower part of the page.

(6) On every operating or time schedule or supplement thereto issued on less than ten days' notice there must appear a notation that it is issued in compliance with, or authority of, order of the Oregon Department of Transportation No. \_\_\_\_, dated \_\_\_\_.

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224  
 Stats. Implemented: ORS 825.202, ORS 825.224 & ORS 825.234  
 Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-037-0240; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0240; MCT 3-1996, f. & cert. ef. 3-16-96

#### **740-050-0410**

##### **Time Schedules of Regular Route Passenger Carriers**

Time schedules of regular route passenger carriers shall contain:

(1) A list of all stations on route in geographical order with distances to each station from all termini; the time of arrival and departure at and from all termini; the time of departure from intermediate points between termini; whether service is daily or otherwise; whether service is limited or local or restricted in any way. Flag stops, if any, should be designated by the symbol (F) shown in connection with the station to which it refers.

(2) P.M. and A.M. times must be clearly indicated.

(3) Rest and/or meal stops must be shown on all passenger service time schedules, either by note reference to such stops, naming the stations, or by flag reference to same.

(4) Such other information regarding the schedule that in any way affects the service should be shown.

(5) Exact location of depots at main terminals, rests and meal stop stations must be shown.

(6) Full and complete description of route to be used between all points served. Detailed route description may be omitted if same is provided in the regular route tariff for which the time schedule is provided.

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224  
 Stats. Implemented: ORS 825.202, ORS 825.224 & ORS 825.234  
 Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0245; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0245; MCT 3-1996, f. & cert. ef. 3-14-96

#### **740-050-0430**

##### **Posting**

All regular route full-service scheduled passenger carriers must:

(1) Insofar as operating conditions permit, maintain established operating schedules, whether carrying passengers or not.

(2) Post applicable operating schedules in a conspicuous place in each station served.

(3) Promptly post in each station affected notice of interruptions in operating schedules likely to continue for more than 24 hours, and render a full statement of the cause and probable duration of such interruption to the Department.

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224  
 Stats. Implemented: ORS 825.202, ORS 825.224 & ORS 825.234  
 Hist.: PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-037-0255; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0255; MCT 3-1996, f. & cert. ef. 3-14-96

### **Procedure Requirements for Household Goods and Passenger Carriers**

#### **740-050-0500**

##### **Filing Requirements for Tariffs and Time Schedules**

(1) Applicants for authority to transport household goods or passengers must:

(a) File two copies of a proposed tariff of rates, fares, charges, classifications, practices, privileges and rules, compiled in conformity with OAR 740-050-0020 to 740-050-0650, inclusive, and secure tariff approval; or

(b) Designate a tariff publishing agent and file:

(A) Written power of attorney appointing such agent; or

(B) Confirming letter from such agent indicating that a tariff filing will be made in behalf of applicant if and when the requested authority is granted; and

(C) File two copies of a time schedule, if the proposed operation is regular route full-service scheduled passenger service, showing the stations, route, distance, times of arrival and departure of vehicles, location of depots, meal and rest stops.

(2) Applicants designating tariff publishing agents will not be issued certificate until such agent has established in its tariff the rates and charges or fares applicable to the proposed operation.

(3) All supplements or amendments to original tariffs and reissues thereof must also be filed.

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224  
 Stats. Implemented: ORS 825.202, ORS 825.224 & ORS 825.234  
 Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0265; MCT 2-1996, f. & cert. ef. 2-14-96; Renumbered from 860-067-0265; MCT 3-1996, f. & cert. ef. 3-14-96

### **Changes in Rates, Fares, Charges, Classifications and Rules and Regulations Governing the Practices and/or Services, in Intrastate Commerce of Carriers Participating in Joint Line Rates and Carriers Transporting Household Goods or Passengers by Motor Vehicles**

#### **740-050-0600**

##### **New Rates Effective on Granting of Authority**

The initial rates of a household goods or passenger carrier shall be effective with the granting of authority to operate as a motor carrier.

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224  
 Stats. Implemented: ORS 825.110, ORS 825.202 & ORS 825.224  
 Hist.: PUC 19, f. 7-3-58, ef. 1-1-50 (Order No. 24027); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); Renumbered from 860-037-0295; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0295; MCT 3-1996, f. & cert. ef. 3-14-96

**740-050-0610**

**Procedures for Changing Tariffs**

(1) All rates, fares, charges, classifications and rules and regulations governing the practices or services of a motor carrier participating in joint line rates or transporting household goods or passengers in intrastate commerce in Oregon shall be filed as a tariff and fixed by order of the Department. Changes in tariffs shall be made pursuant to Division 50 rules.

(2)(a) Written petitions to amend tariffs may be submitted to the Department by a household goods carrier, a passenger carrier, carriers participating in a joint line rate, a tariff bureau under OAR 740-050-0640, or by any other party having an interest in the matter;

(b) The Department may permit a tariff change to become temporarily effective if that action is in the public interest.

(3)(a) All petitions for changes in tariffs shall be assigned for public hearing. The hearing notice shall set the time and place for the hearing;

(b) If the petition is for a general increase, the Department shall, in the notice, set a time for filing a justification statement and a copy of all proposed testimony and exhibits relating to the financial condition and revenue need of the petitioning carrier. The testimony and exhibits shall be in substantial compliance with the procedures approved or adopted by prior order, or pursuant to procedures agreed upon by the affected carrier and the Department's staff, prior to hearing;

(c) As used in this rule, "general increase" means a general increase in, restructuring of, or substantial change in rates previously approved by the Oregon Public Utility Commission or the Oregon Department of Transportation.

(4) A carrier designated by the Department, by order, as a traffic, cost or revenue need study carrier in rate proceedings shall maintain adequate records from which appropriate data can be compiled, unless carriers are specifically authorized by the Department to discontinue maintaining the records.

(5)(a) The Department's notice shall designate as respondents in petitions for general increases, unless specifically exempted, all carriers who participate in joint line tariffs, or possess authority to transport household goods and who are members of Oregon tariff bureaus pursuant to OAR 740-050-0640; or who publish individual tariffs and generate Oregon intrastate revenues from economically regulated commodities of \$250,000 or more annually;

(b) Exemptions under subsection (5)(a) of this rule may be granted by the Department upon a showing that the territory served by the carrier, or the carrier's method of operation is such that the carrier does not compete with the petitioner;

(c) If the Department approves the petition for general increase, the tariff change shall apply to all respondents. A respondent may tender evidence at the hearing justifying independent rates which will apply only to that carrier. Upon giving seven days written notice to the Department, the petitioning carrier and any supporting rate bureau, any respondent may participate at the hearing as a party in opposition to application of the proposed general increases for its account. Upon a proper showing the Department may exclude such respondent from the application of the general increase proposal.

(6)(a) A tariff bureau may support or oppose another tariff bureau's petition at the Department's hearing;

(b) If the Department approves a tariff bureau petition which is not a general increase, the tariff change shall apply to members of all Oregon tariff bureaus;

(c) For a tariff bureau petition, other than that described in section (3) of this rule, the notice shall describe as respondents all carriers who possess authority and who are members of Oregon tariff bureaus pursuant to OAR 740-050-0640.

(7) Individual carrier proposals submitted by independent action and approved by the Department shall apply only to the petitioning carrier.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202, ORS 825.224 & ORS 825.226

Stats. Implemented: ORS 825.200, ORS 825.202 & ORS 825.224

Hist.: PUC 19, f. 7-3-58, ef. 1-1-50 (Order No. 24027); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179);

Renumbered from 860-037-0300; PUC 10-1981, f. & ef. 10-30-81 (Order No. 81-777); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 10-1983(Temp), f. & ef. 9-1-83 (Order No. 83-538); PUC 3-1984(Temp), f. & ef. 2-15-84 (Order No. 84-113); PUC 14-1984, f. & ef. 7-27-84 (Order No. 84-578); PUC 20-1985, f. & ef. 11-8-85 (Order No. 85-1087); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0300; MCT 3-1996, f. & cert. ef. 3-14-96

**740-050-0620**

**Tariff Docket Procedures**

(1) A petition to change a tariff shall be made only upon forms furnished by the Department.

(2) A petition shall be assigned a docket number when received by the Department and shall be listed for hearing upon the next appropriate notice of tariff docket hearing. One copy of the application shall be returned to the petitioner with the docket number which it has been assigned.

(3) Docket items shall be assigned circle 1 (hearing and order required before publication) or circle 2 (authorized for publication prior to hearing pursuant to ORS 767.407).

(4) A notice of hearing for petitions on proposed changes in tariffs shall be accompanied by a list of docket items to be considered. Each docket item shall specify in detail the nature of the proposed change. Notices of docket hearing will be mailed to all affected carriers, tariff bureaus and interested parties not less than 10 days prior to the date assigned for hearing.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.224

Hist.: PUC 19, f. 7-3-58, ef. 1-1-50 (Order No. 24027); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); Renumbered from 860-037-0310; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-067-0310

**740-050-0630**

**Rates Orders**

Unless otherwise provided by rule or specific order of the Department, rate orders related to joint line rates or the transportation of household goods shall be mandatory upon all carriers enjoying operating authority to transport the affected commodities.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.200, ORS 825.202 & ORS 825.224

Hist.: PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); Renumbered from 860-037-0315; PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 3-1984(Temp), f. & ef. 2-15-84 (Order No. 84-113); PUC 14-1984, f. & ef. 7-27-84 (Order No. 84-578); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0315; MCT 3-1996, f. & cert. ef. 3-14-96

**740-050-0640**

**Tariff Bureau Ratemaking Practices and Procedures**

(1) For-hire carriers may authorize tariff bureaus whose rules of procedure have been approved by the Department to file petitions and publish tariffs in their behalf and to represent their interests before the Department.

(2) A carrier member of a tariff bureau, which carrier is affiliated in any way with a shipper, may not serve on the tariff bureau's board of directors, rate committees, or any other committee which has an effect, either directly or indirectly, on the rate-making function of the bureau without prior approval of the Department.

(3) A tariff bureau shall not broaden the territorial or commodity scope of an individual rate proposal without giving notice to member carriers and affected shippers.

(4) Tariff bureaus shall not discourage independent proposals of member carriers nor oppose at hearings any independent proposal of a member or nonmember carrier.

Stat. Auth.: ORS 823.011, ORS 825.200, ORS 825.202, ORS 825.224 & ORS 825.226

Stats. Implemented: ORS 825.200, ORS 825.202 & ORS 825.224

Hist.: PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); Renumbered from 860-037-0320; PUC 3-1984(Temp), f. & ef. 2-15-84 (Order No. 84-113); PUC 14-1984, f. & ef. 7-27-84 (Order No. 84-578); PUC 20-1985, f. & ef. 11-8-85 (Order No. 85-1087); MCT 2-1996, f. & cert. ef. 2-14-96; Renumbered from 860-067-0320; MCT 3-1996, f. & cert. ef. 3-14-96



**Transportation Charges**

**740-050-0800**

**Delivery of Household Goods — Notification of Shipper**

(1) All for-hire household goods carriers must make, or arrange for, prompt delivery of goods.

(2) In the event the carrier's tariff does not provide for delivery and no arrangement therefor has been made or authorized, such carrier must give the shipper prompt notice of the arrival of goods.

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.202

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-036-0005; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-066-0005; MCT 3-1996, f. & cert. ef. 3-14-96

**740-050-0810**

**Storage of Household Goods**

Carriers of household goods are prohibited from granting free storage of household goods except as provided by tariff.

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.202 & ORS 825.224

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-036-0010; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-066-0010; MCT 3-1996, f. & cert. ef. 3-14-96

**740-050-0820**

**Collection of Transportation Charges — Extension of Credit**

(1) The provisions of this rule shall apply to carriers for hire in the transportation of household goods and other for-hire carriers of property that elected to be subject to this rule by filing a written election to that effect with the Department.

(2) Except as provided in this rule and OAR 740-060-0040(3), no for-hire carrier shall deliver or relinquish possession of any freight until all lawful transportation charges thereon have been paid.

(3) This rule does not prevent extension of credit for such transportation charges provided:

(a) An arrangement has been made providing for payment within 7 days (excluding Sundays and legal holidays) following delivery;

(b) Such 7-day period shall commence at 12 a.m. of the day following delivery whenever the freight bill is presented at or before delivery of the freight;

(c) Such 7-day period shall commence at 12 a.m. of the day following presentation of the freight bill if presented after delivery of freight; and

(d) The freight bill must in any case be presented within 7 days after delivery of the freight.

(4) A motor carrier may extend credit in excess of the time period provided in section (3) of this rule to the United States, the State of Oregon, any county, city, town or municipality in this state or any department of any of them.

(5) Freight, passenger, express and any and all charges incident to transportation must be paid in lawful money of the United States. This rule shall not be construed to prohibit the payment by valid checks, drafts, credit cards or money orders which are convertible into cash on demand in the ordinary course of business.

(6) Under no condition may payment of freight, passenger, express and any and all charges incident to transportation be made by credit memorandum, personal service, merchandise or the exchange of goods or services. The offsetting or balancing of amounts receivable against accounts payable by means of accounting entries is prohibited.

Stat. Auth.: ORS 823.011 & ORS 825.200

Stats. Implemented: ORS 825.200

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-036-0015; PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 3-1991, f. & cert. ef. 1-16-91 (corrected 1-31-91) (Order No.

90-1916); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-066-0015; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 8-1997, f. & cert. ef. 11-17-97

**740-050-0830**

**Overcharge Claims Against Household Goods and Passenger Carriers**

(1) Claims by shippers must be submitted to for-hire carriers of household goods and passengers in writing.

(2) The following documents must be furnished in support of overcharge claims:

(a) Original paid freight bill;

(b) Original sales invoice or certified copy, when claim is based on weight or valuation or when shipment has been improperly described;

(c) Original bill of lading, if not previously surrendered to carrier, when shipment was prepaid or when claim is based on misrouting or valuation;

(d) Weight certificate or certified statement of weight when claim is based on weight; and

(e) Bond of indemnity in lieu of original bill of lading or freight bill when lost or destroyed.

(3) When claim is paid by agent, signature of claimant must be secured. All claim papers must be attached to collection sheet on which credit is taken.

(4) All claims must be promptly acknowledged by the carrier. If the claim is not paid in full, the carrier shall advise the claimant in writing of the reason for refusal to make full payment, including reference to any applicable tariff.

Stat. Auth.: ORS 823.011, ORS 825.224 & ORS 825.950

Stats. Implemented: ORS 825.224 & ORS 825.950

Hist.: PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-033-0035; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-063-0035; MCT 3-1996, f. & cert. ef. 3-14-96

**740-050-0840**

**Loss and Damage Claims Against Carriers**

The rules and regulations prescribed by the Interstate Commerce Commission for the investigation and voluntary disposition of loss and damage claims and for the processing of salvage, contained in **49 CFR Part 1005**, with all amendments thereto revised as of October 1, 1993, are adopted and prescribed by the Department to be observed by all carriers of household goods operating within the State of Oregon.

[Publications: The publication(s) referenced to in this rule are available from the agency.]

Stat. Auth.: ORS 823.011 & ORS 825.202

Stats. Implemented: ORS 823.101 & ORS 825.202

Hist.: PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-033-0040; PUC 3-1991, f. & cert. ef. 1-16-91 (Order No. 90-1916); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-063-0040; MCT 3-1996, f. & cert. ef. 3-14-96

**DIVISION 55**

**RECORDS, REPORTS, AND ACCOUNTING FEES AND TAXES**

**740-055-0010**

**Payment of Weight-Mile Tax, Reporting Period Variations**

(1) All motor carriers must report and pay fees as provided in ORS Chapter 825 for all motor vehicles they operate.

(2) Carriers must retain a copy of highway use tax reports and all work papers or reference data used in, or received in, the conduct of their business and affecting the computation of fees. Unless such supporting data and other required accounting records are fully and accurately maintained, the carrier may, upon audit, be denied credit for any unsupported items and in addition thereto be subject to other penalties prescribed by ORS Chapter 825.

(3) Carriers desiring to report mileage taxes on other than a calendar-month basis must submit a written request to the Department. The number of reporting periods in any 12-month period shall not be less than 12. The application must specifically identify the

requested reporting periods. Carriers must submit a new request for each calendar year:

(a) Reports will be due on or before the last day of the following reporting period. Taxes and fees incurred in the last half of any reporting period may be reported and paid to the Department on or before the end of the second reporting period following the period in which the taxes or fees were incurred. Reports, taxes, or fees that are not reported in conformance with this paragraph are subject to a 10 percent late payment charge; and

(b) If a carrier does not obtain approval for other than calendar month reporting, the Department may impose a 10 percent late payment charge for any operations reported outside of standard calendar month reporting pursuant to ORS 825.490(1). The Department may revoke a carrier's authority to report on an other than calendar-month basis for failure to comply with Weight-Mile tax requirements.

Stat. Auth.: ORS 183, ORS 823 & ORS 825

Stats. Implemented: ORS 825.490

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-038-0005; PUC 7-1990, f. & cert. ef. 5-25-90 (Order No. 90-836); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-068-0005

#### **740-055-0020**

##### **Payment of Fees**

(1) Carriers registered with the Oregon Department of Transportation shall pay taxes and fees by either:

- (a) Cash;
- (b) Bank Draft;
- (c) Guaranteed Draft;
- (d) Credit card, under the conditions described in ORS 825.502;
- (e) Cashier's Check;
- (f) Travelers Check;
- (g) Company check when drawn in the name of record of the account to which it is to be applied;

(h) Personal check when drawn in the name of a company employee;

- (i) Personal check from a corporate officer; or
- (j) Personal check when drawn in the name of a lessor driver when accompanied by a copy of the lease.

(2) Carriers not registered with the Oregon Department of Transportation shall pay fees and taxes due by either:

- (a) Cash;
- (b) Bank Draft;
- (c) Guaranteed Draft;
- (d) Cashier's Check; or
- (e) Travelers Check.

(3) All payments to the Oregon Department of Transportation for taxes and fees shall be in United States funds.

(4) In the event any check drawn payable to the Department for payment of taxes or fees is not honored, the drawer will be assessed the maximum service charge authorized by ORS 30.701(5) for each such check and may thereafter be required to remit taxes or fees by money order, bank draft, certified check, or cash.

Stat. Auth.: ORS 30.701, ORS 823.011 & ORS 825.502

Stats. Implemented: ORS 30.701, ORS 825.498 & ORS 825.502

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-038-0010; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 3-1988, f. & cert. ef. 1-25-88 (Order No. 88-068); PUC 7-1993, f. & cert. ef. 3-19-93 (Order No. 93-285); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-068-0010; MCT 6-1996, f. & cert. ef. 12-19-96; MCTB 2-1999, f. & cert. ef. 8-20-99

#### **Maintenance of Records**

#### **740-055-0100**

##### **Maintenance and Production of Records — Penalties**

(1) Each carrier shall produce for inspection or audit upon request of the Department or its authorized representative, all records required to be prepared or maintained by statute or rules of the Department and all motor vehicles subject to the Department's jurisdiction. Each succeeding day that the records or vehicles are not

made available for inspection or audit shall constitute a separate violation until such records or vehicles are produced at the place stated in the request.

(2) In addition to any other penalty authorized by law, the operating authority of a person who fails to prepare or maintain records required by statute or the rules of the Department or to produce vehicles for inspection shall be subject to suspension or cancellation.

(3) The penalties authorized herein shall not be imposed unless the Department's authorized representative's request to produce vehicles for inspection or records for audit gives the carrier a reasonable time and place to produce said vehicles for inspection or records for audit.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.210 & ORS 825.515

Hist.: PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-038-0048; PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 9-1994, f. & cert. ef. 4-21-94 (Order No. 94-637); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-068-0048; MCT 8-1997, f. & cert. ef. 11-17-97

#### **740-055-0110**

##### **Fuel Purchase Records and Refunds**

(1) All motor carriers must obtain an invoice covering every purchase of motor vehicle fuel and preserve the same for a period of three (3) years subject to inspection by the Department or its representatives at all reasonable times.

(2) Such invoice must disclose:

- (a) Date and location of purchase;
- (b) From whom purchased;
- (c) Kind of fuel and number of gallons purchased;
- (d) ODOT identification plate, device or marker number or pass number of the vehicle if fuel is delivered directly into such vehicle; and

(e) Amount of fuel tax paid.

(3) Motor carriers purchasing fuel in Oregon may claim a credit for Oregon state fuel tax paid at the pump. Carriers shall deduct the amount of fuel tax paid from the highway use tax due on the highway use tax report for the period in which the fuel was purchased. Motor carriers taking a deduction on the highway use tax report for fuel tax paid shall attach a copy of all fuel invoices for which credit is claimed. Carriers who purchase fuel in bulk shall attach to the highway use tax report for the period in which the fuel was dispensed into a motor vehicle copies of invoices from fuel suppliers indicating Oregon state fuel tax paid and fueling records showing fuel dispensed for each motor vehicle.

(4) Motor carriers may submit a written request for refund of Oregon state fuel tax paid up to three years after purchase. A written request for refund may be granted for any Oregon fuel tax paid but not deducted from the highway use tax report for the period in which the fuel was purchased. Motor carriers requesting refund must attach copies of all invoices. No such refund will be issued until an audit has been performed.

Stat. Auth.: ORS 183, ORS 823 & ORS 825

Stats. Implemented: ORS 825.484 & ORS 825.486

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-038-0050; PUC 9-1990, f. & cert. ef. 5-25-90 (Order No. 90-835); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-068-0050

#### **740-055-0120**

##### **Weight-Mile Tax Records Requirements**

(1) All carriers must maintain records of their motor vehicle operations and make reports on forms approved by the Department.

(2) Such records must be kept at the carriers principal office or place of business and be made available for inspection by the Department or its representatives at all reasonable times.

(3) Such records must be preserved for three (3) years unless their earlier destruction is authorized by the Department.

(4) All carriers shall maintain records containing the following information for each vehicle. Carriers that fail to comply with all weight-mile tax regulations may be required to maintain additional records:

(a) Origin and destination points; Oregon entry and exit points; and actual Oregon miles for each trip;

(b) Pickup and delivery points in Oregon for each trip;

(c) Routes for travel for each trip;

(d) Dates of each trip;

(e) Daily beginning and ending odometer or other mileage recording device readings for each vehicle;

(f) Load tickets and/or bills of lading for each shipment transported;

(g) Identification of any exempt miles claimed, which shall include beginning and ending odometer or other mileage recording device readings for the exempt portion of each trip. If repeated trips are made to and from the same locations, a one-time recording of odometer or other mileage recording device readings for the exempt portion of those trips may be applied to the total number of trips;

(h) Carriers operating motor vehicles that are issued or required to obtain an annual variance permit under ORS 818.200(1)(a) to (c) with a combined weight of more than 80,000 pounds shall also provide for each reporting period:

(A) Number of axles in the vehicle configuration.

(B) A record of changes of operation. A change of operation occurs when the vehicle configuration remains the same but the actual weight of the vehicle and load changes from over 80,000 lbs. to 80,000 lbs. or under. Empty movements are not changes in operation.

(i) Carriers operating motor vehicles in multiple configurations shall provide the number of miles operated in each motor vehicle configuration for each trip.

(5) All registrants that pay registration fees via registration trip permits must retain a copy of each registration trip permit.

Stat. Auth.: ORS 183, ORS 823 & ORS 825

Stats. Implemented: ORS 825.212 & ORS 825.515

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-038-0055; PUC 1-1982(Temp), f. & ef. 2-3-82 (Order No. 82-080); PUC 5-1982, f. & ef. 3-15-82 (Order No. 82-162); PUC 13-1990, f. & cert. ef. 7-6-90 (Order No. 90-949); PUC 4-1993, f. & cert. ef. 1-15-93 (Order No. 93-058); PUC 7-1993, f. & cert. ef. 3-19-93 (Order No. 93-285); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-068-0055

#### **740-055-0130**

##### **For-Hire Farmers' Operating Records**

(1) All farm carriers operating under a Class 1A permit issued under ORS 825.024(3), must maintain daily records on their motor vehicle operations and make reports on forms approved by the Department.

(2) The ODOT "Daily Record of Farm Vehicle Operation" form must be maintained on each vehicle registered under ORS 825.024(3):

(a) Entries must be made for each for-hire trip;

(b) Entries must be made for each farm exempt trip unless the vehicle is used solely in farm-exempt operations for a series of consecutive days, in which case the carrier may record the beginning and ending odometer readings for that period of time;

(c) If record keeping indicates that a vehicle was used solely in farm-exempt operations for a series of consecutive days and it is determined that the vehicle was used in a for-hire capacity at any point during that period of time, all miles recorded in the series of days may be assessed as taxable;

(d) Failure to maintain records accounting for both farm-exempt and for-hire operations may result in penalties under OAR 740-055-0100, suspension of the Class 1A permit, and all miles traveled may be assessed as taxable.

(3) Such records must be kept at the carrier's principle office or place of business and must be made available for inspection by the Department or its representatives at all reasonable times.

(4) Such records must be preserved for three years.

(5) In addition to any other requirements, farm carriers operating under a Class 1A permit issued under ORS 825.024(3), are also subject to the following record-keeping requirements: ORS 825.515

and OAR 740-055-0010, 740-055-0020, 740-055-0100, 740-055-0110, and 740-055-0220.

Stat. Auth.: ORS 823.011, ORS 825.024 & ORS 825.515

Stats. Implemented: ORS 825.024

Hist.: PUC 1-1984, f. & ef. 2-9-84 (Order No. 84-076); PUC 7-1994, f. & cert. ef. 4-15-94 (Order No. 94-554); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-068-0056; MCT 3-1996, f. & cert. ef. 3-14-96

#### **740-055-0140**

##### **Out-of-State Farm Verification**

(1) All out-of-state persons claiming a farm exemption from ORS Chapter 825 under ORS 825.024 shall:

(a) Obtain a temporary pass from the Oregon Department of Transportation and pay highway use tax at the time of entry into Oregon;

(b) Complete the Out-of-State Farm Verification form and have their appropriate tax assessor or other authorized official sign and notarize it; and

(c) Carry a copy of the approved Out-of-State Farm Verification form and current authorization letter in all vehicles claiming the exemption.

(2) The Out-of-State Farm Verification form shall be valid for two years from date of approval by the agency unless sooner revoked by the Department.

(3) Upon receipt of a valid Out-of-State Farm Verification, the Oregon Department of Transportation shall reimburse fees paid by qualified farmers provided the verification complies with ORS 825.024, and the claim is submitted within 90 days of the date the temporary pass was obtained.

[ED. NOTE: The form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823.011 & ORS 825.024

Stats. Implemented: ORS 825.024

Hist.: PUC 22-1984, f. & ef. 10-16-84 (Order No. 84-806); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-068-0058; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 2-1998, f. & cert. ef. 8-20-98

#### **740-055-0150**

##### **Records — General — Household Goods and Passenger Carriers, and Carriers Participating in Joint Line Rates**

(1) Carriers authorized to transport household goods and passengers, and carriers participating in joint line rates, shall keep and maintain complete and comprehensive records of all business transactions as set forth in the prescribed Uniform System of Accounts.

(2) All papers, books, accounts, payroll, records, time records, bills, invoices, notes, mortgages, memoranda, correspondence files, vouchers, journals, ledgers, contracts, leases and agreements, operating and statistical statements or exhibits, stock books, minutes of meetings of directors, trustees and/or stockholders, records of mileage operated, annual or other periodic or special reports, working sheets or papers and all other papers and records disclosing or appertaining to operations of holders of certificates or permits authorizing transportation of household goods or passengers by motor vehicle, and that which relates to operations of carriers participating in joint line rates, shall be maintained and shall at all reasonable times be available for examination, inspection and audit by the Oregon Department of Transportation and/or its authorized representatives.

Stat. Auth.: ORS 823.011, ORS 825.200 & ORS 825.202

Stats. Implemented: ORS 825.200 & ORS 825.202

Hist.: PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-038-0063; PUC 1-1982(Temp), f. & ef. 2-3-82 (Order No. 82-080); PUC 5-1982, f. & ef. 3-15-82 (Order No. 82-162); MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-068-0063; MCT 3-1996, f. & cert. ef. 3-14-96

#### **740-055-0170**

##### **Bills of Lading (Shipping Receipts) and Freight Bills**

(1) The provisions of this section shall apply to carriers for hire in the transportation of household goods in intrastate commerce within the State of Oregon and in the transportation of property under joint line rates which are submitted to the Department for review and approval.

(2) Carriers shall prepare freight bills for each and every shipment transported. Unless otherwise authorized by the Department,



bills of lading, freight bills, and combination bills of lading and freight bills must be issued in sets of not less than triplicate for each shipment transported.

(3) Bills of lading shall show the date, name of the carrier, consignor, consignee, origin, destination, number of packages, or if in bulk, the quantity, description of articles and marks, description of the manner in which the shipment is packed and weight of shipment. The bill of lading shall also show whether the freight charges are to be prepaid or collect. The original of the bill of lading shall be signed and given to the consignor and shall constitute receipt by the carrier of the property for transportation. The number two copy (the shipping order) shall be retained by the carrier. If freight is delivered on the bill of lading, the consignee receives the memorandum copy. The consignee shall sign the carrier's shipping order as a receipt for freight delivery.

(4)(a) A freight bill shall contain the following information: date, freight bill number, name and address of carrier, consignor, consignee, origin, destination, number of packages, or if in bulk, the quantity, description of articles and marks, weight, rate and freight charge. When the rate assessed is a class rate, the applicable classification rating of the article(s) shall be shown on the freight bill. The freight bill shall also show charges for accessorial or special services provided by the carrier. If detention charges are applicable, the freight bill shall show the time that the equipment was placed on detention and when it was released from detention;

(b) If the applicable rates are published on an hourly or time basis, the freight bill or other documentation retained by the carrier shall show time taken for meals and other nonproductive time, and either:

(A) Time of departure of carrier's equipment from its terminal and time of return of equipment to carrier's terminal or next point of loading; or

(B) Time of arrival of the vehicle at the point of origin and the time service is completed at the point of destination, if rates are based on time consumed between arrival at origin and departure from destination.

(c) The freight bill shall also show advances or other charges, space to note whether the shipment is collect or prepaid, space for carrier to receipt for charges paid, and space for consignee to receipt for shipment. The signed original shall be given to the party paying transportation charges, a signed copy shall be retained by the carrier as a receipt for delivery of freight and a copy shall be given to the consignee on prepaid shipments.

(5) When a combination bill of lading and freight bill form is used, it must contain the same information required of a bill of lading and freight bill. The signed original is to be given to the party paying the freight bill, the second part (shipping order) is retained by the carrier, the third part is given to the consignor on a collect shipment or to the consignee on a prepaid shipment.

(6) If the combination bill of lading and freight bill is used as a bill of lading only, and an invoice for the transportation is issued by the carrier for submitting to the party paying the freight charges, the distribution of copies remains the same as delineated in section (3) of this rule.

(7) Shipments of machinery, machines, or heavy equipment shall be fully described on the bill of lading, freight bill, and combination bill of lading and freight bill by recording the trade name, model, number, type, kind of special equipment and parts, size, and capacity.

(8) Carriers while not engaged in the transportation of household goods or while not providing transportation under joint line rates submitted to the Department or the Public Utility Commission for review and approval, nevertheless, may elect to be subject to this section by filing a written election to that effect with the Department. Thereafter, and until the election is withdrawn by the carrier in a writing filed with the Department, such carriers agree to and shall use ODOT Form No. 747 as their straight bill of lading, except:

(a) Where the shipper has drafted the bill of lading or the shipper has substantially participated in the drafting of the terms and conditions contained in the contract for transportation, or;

(b) Where the bill of lading tendered by the carrier to the shipper contains substantially the same terms and conditions as ODOT Form No. 747.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 823.101 & ORS 825.204

Hist.: PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-77 (Order No. 77-896); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Renumbered from 860-038-0067; PUC 8-1988, f. & cert. ef. 4-6-88 (Order No. 88-334); PUC 16-1994(Temp), f. 12-28-95, cert. ef. 1-1-95 (Order No. 94-2077); PUC 5-1995, f. & cert. ef. 6-23-95 (Order No. 95-561); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-068-0067

#### **740-055-0180**

##### **Certified Scale Weights Required**

Actual weight of shipments of household goods must be obtained by having such shipments weighed over a certified scale whenever scale is available at point of origin, destination or enroute. The scale ticket shall be attached to the carrier's copy of the freight bill and be retained as a part of the carrier's records.

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.202 & ORS 825.224

Hist.: PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-038-0069; PUC 9-1986(Temp), f. & ef. 8-19-86 (Order No. 86-831); PUC 12-1986, f. & ef. 10-2-86 (Order No. 86-1026); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-068-0069; MCT 3-1996, f. & cert. ef. 3-14-96

#### **740-055-0190**

##### **Record of Receipts and Disbursements**

(1) Household goods and passenger carriers, and carriers participating in joint line rates, shall maintain a record of all moneys received from any source. The record shall show the date received, amount received, from whom received, number of freight bills being paid or description of service rendered for which payment is received, and any other pertinent information necessary to explain the transaction. The record shall show whether amount collected is retained as cash on hand or deposited in the bank and the account to be credited with the amount of collection.

(2) Household goods and passenger carriers, and carriers participating in joint line rates, shall keep and maintain a complete and accurate record of all moneys disbursed in conducting their operations whether such disbursements are made in cash or by check:

(a) The record must show amount disbursed, a description of what the payment covers, the proper account chargeable and all essential information to identify and explain the disbursement;

(b) All bills, invoices, receipts, memoranda and papers supporting and explaining payments must be carefully filed and retained for the prescribed time.

Stat. Auth.: ORS 823.011, ORS 825.200 & ORS 825.202

Stats. Implemented: ORS 825.200 & ORS 825.202

Hist.: PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-038-0071; PUC 1-1982(Temp), f. & ef. 2-3-82 (Order No. 82-080); PUC 5-1982, f. & ef. 3-15-82 (Order No. 82-162); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-068-0071; MCT 3-1996, f. & cert. ef. 3-14-96

#### **740-055-0210**

##### **Ledger and Journal**

(1) All household goods and passenger carriers, and carriers participating in joint line rates, shall keep and maintain a ledger in which shall be recorded in appropriate accounts the assets, liabilities, capital, surplus, revenues, expenses, other income, other deductions and all other accounts prescribed by the Uniform System of Accounts and necessary to meet the requirements in OAR 740-055-0310 and 740-055-0320.

(2) Accounts shall be written up monthly and accruals stated on a monthly basis to permit preparation of financial exhibits from the books of record.

(3) All accounts must be closed on December 31 of each year and the profit or loss determined and stated in the books of record.

(4) All entries for which special journals have not been provided must be journalized in a general journal before posting to the ledger account. Entries must be fully explanatory and entered in sufficient

detail to permit audit at any time. References to supporting papers and records must be specific and such subsidiary records and memoranda shall be filed and retained to support the entries in the general journal.

Stat. Auth.: ORS 823.011, ORS 825.200 & ORS 825.202  
 Stats. Implemented: ORS 825.200 & ORS 825.202  
 Hist.: PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-038-0075; PUC 1-1982(Temp), f. & ef. 2-3-82 (Order No. 82-080); PUC 5-1982, f. & ef. 3-15-82 (Order No. 82-162); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-068-0075; MCT 3-1996, f. & cert. ef. 3-14-96

#### 740-055-0220

##### **Audit and Inspection of Records and Accounts of Motor Carriers**

(1) Any motor carrier must produce and make available for audit and examination at any reasonable time, within or without this state, the records, accounts, papers, reports and other documents under the carrier's control.

(2) When such records are maintained outside this state by motor carriers engaged in transportation in Oregon, the motor carrier shall reimburse the Department for all expenses incurred by the Department in making audits and examinations of such records and accounts at their out-of-state location.

(3) Records maintained by motor carriers outside this state may be presented at a designated place in this state for audit and examination. This may be done at the request of the carrier or by direction of the Department. Such records must be presented by a representative of the carrier who can explain all entries and records and be responsible for their safekeeping.

Stat. Auth.: ORS 823 & ORS 825  
 Stats. Implemented: ORS 825.202  
 Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-038-0080; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-068-0080

#### **Uniform System of Accounts**

#### 740-055-0300

##### **Classification of Motor Carriers for Financial Accounting Purposes and Reporting Requirements**

For purposes of submitting annual financial reports to the Department by for-hire motor carriers, such carriers shall be classified by the previous year's annual gross interstate and intrastate operating revenues as follows:

(1) Classification of Carriers of Household Goods:

(a) Class I — Carriers of household goods having annual gross operating revenues of \$10 million or more from household goods motor carrier operations;

(b) Class II — Carriers of household goods having annual gross operating revenues of \$3 million but less than \$10 million from household goods motor carrier operations;

(c) Class III — Carriers of household goods having annual gross operating revenues of less than \$3 million from household goods motor carrier operations.

(2) Classification of Carriers of Passengers:

(a) Class I — Carriers of passengers having annual gross operating revenues of \$10 million or more of revenue from passenger operations;

(b) Class II — Carriers of passengers having annual gross operating revenues of \$500,000 but less than \$10 million of revenue from passenger operations;

(c) Class III — Carriers of passengers having annual gross operating revenues of less than \$500,000 from passenger operations.

Stat. Auth.: ORS 183, ORS 823 & ORS 825  
 Stats. Implemented: ORS 825.202 & ORS 825.234  
 Hist.: PUC 132, f. & ef. 3-29-65 (Order No. 41035); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 160, f. & ef. 2-26-74 (Order No. 74-108); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); Renumbered from 860-038-0091; PUC 1-1982(Temp), f. & ef. 2-3-82 (Order No. 82-080); PUC 5-1982, f. & ef. 3-15-82 (Order No. 82-162); PUC 3-1991, f. & cert. ef. 1-16-91 (and corrected 1-31-91) (Order No. 90-1916); PUC 16-1994(Temp), f. 12-28-95, cert. ef. 1-1-95 (Order No. 94-2077); PUC 1-1995(Temp), f. & cert. ef. 2-15-95 (Order No. 95-185); PUC 10-1995, f. & cert. ef. 8-30-95 (Order No. 95-882); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-068-0091

#### 740-055-0310

##### **Motor Carriers of Passengers**

(1) All Class I and II for-hire motor carriers of passengers shall use the Uniform System of Accounts published by the Department for all record keeping and reporting and shall submit annual financial results of operations to the Department on ODOT Form 735-9438. The Uniform System of Accounts referred to in this section is available from the Motor Carrier Transportation Branch, 550 Capitol Street NE, Salem, OR, 97310.

(2) All Class III for-hire motor carriers of passengers shall submit annual financial results of operations to the Department on ODOT Form 735-9208.

Stat. Auth.: ORS 823.011 & ORS 825.232  
 Stats. Implemented: ORS 825.202 & ORS 825.234  
 Hist.: PUC 160, f. & ef. 2-26-74 (Order No. 74-108); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-038-0097; PUC 4-1982, f. & ef. 3-15-82 (Order No. 81-217); PUC 3-1991, f. & cert. ef. 1-16-91 (Order No. 90-1916); PUC 16-1994(Temp), f. 12-28-95, cert. ef. 1-1-95 (Order No. 94-2077); PUC 1-1995(Temp), f. & cert. ef. 2-15-95 (Order No. 95-186); PUC 10-1995, f. & cert. ef. 8-30-95 (Order No. 95-882); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-068-0097; MCT 4-1997, f. & cert. ef. 7-15-97

#### 740-055-0320

##### **Carriers of Household Goods**

For purposes of reporting annual financial information, the Department requires the following:

(1) All Class I and II for-hire motor carriers of household goods and designated Class III Oregon intrastate household goods study carriers shall use the Uniform System of Accounts for all record keeping;

(2) All Class I for-hire motor carriers of household goods not designated as Oregon intrastate study carriers shall submit to the Department the U.S. Department of Transportation Form M-1;

(3) All Class II and III for-hire motor carriers of household goods, not designated as Oregon study carriers shall submit to the Department ODOT Form 735-9208;

(4) All for-hire motor carriers of household goods designated as Oregon intrastate study carriers shall complete and submit to the Department the U.S. Department of Transportation Form M-1 and the Oregon Addendum to USDOT Form M-1, ODOT Form 735-9665.

Stat. Auth.: ORS 823.011 & ORS 825.232  
 Stats. Implemented: ORS 825.202 & ORS 825.234  
 Hist.: PUC 160, f. 2-26-74, ef. 1-1-75 (Order No. 74-108); PUC 171, f. & ef. 12-22-75 (Order No. 75-1028); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-038-0107; PUC 1-1982(Temp), f. & ef. 2-3-82 (Order No. 82-080); PUC 5-1982, f. & ef. 3-15-82 (Order No. 82-162); PUC 3-1991, f. & cert. ef. 1-16-91 (Order No. 90-1916); PUC 16-1994(Temp), f. 12-28-95, cert. ef. 1-1-95 (Order No. 94-2077); PUC 1-1995(Temp), f. & cert. ef. 2-15-95 (Order No. 95-186); PUC 10-1995, f. & cert. ef. 8-30-95; (Order No. 95-882); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-068-0107; MCT 4-1997, f. & cert. ef. 7-15-97

#### **Financial Reports**

#### 740-055-0400

##### **Financial Report Forms Required**

Financial reports will be submitted on the most current form adopted and prescribed by the Department.

Stat. Auth.: ORS 823 & ORS 825  
 Stats. Implemented: ORS 825.202  
 Hist.: PUC 132, f. & ef. 3-29-65 (Order No. 41035); PUC 137, f. & ef. 4-13-66 (Order No. 42600); PUC 142, f. & ef. 3-27-67 (Order No. 43543); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 160, f. & ef. 2-26-74 (Order No. 74-108); PUC 174, f. 3-18-76, ef. 3-20-76 (Order No. 76-109); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-038-0141; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-068-0141

#### **Destruction of Records**

#### 740-055-0500

##### **Motor Carriers of Property and Passengers**

Except as modified by ORS 825.515, "Preservation of Records," contained in **49 CFR, Parts 1220-1239**, revised as of October 1, 1993, a copy of which is available from ODOT Motor

Carrier Regulation Services, is adopted and prescribed by the Department for all for-hire motor carriers of property and passengers.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 823.011, ORS 825.202, ORS 825.232 & ORS 825.515

Stats. Implemented: ORS 825.202, ORS 825.232 & ORS 825.515

Hist.: PUC 20, f. 7-3-58, ef. 1-1-36 (Order No. 3143); PUC 48, f. 7-3-58, ef. 9-1-56 (Order No. 34695); PUC 50, f. 7-3-58, ef. 7-1-50 (Order No. 24910); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 132, f. & ef. 3-29-65 (Order No. 41035); PUC 135, f. 5-9-65, ef. 5-15-65 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-038-0151; PUC 1-1982(Temp), f. & ef. 2-3-82 (Order No. 82-080); PUC 5-1982, f. & ef. 3-15-82 (Order No. 82-162); PUC 3-1991, f. & cert. ef. 1-16-91 (Order No. 90-1916); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-068-0151; MCT 3-1996, f. & cert. ef. 3-14-96

## DIVISION 60

### TRANSPORTATION OF HOUSEHOLD GOODS

#### 740-060-0010

##### Information for Shippers

Each carrier of household goods shall give every prospective shipper an information bulletin as set forth in the General Information for Moving Household Goods in Oregon (see OAR 740-060-0030). Once the shipment is tendered and accepted, each carrier of household goods shall request the shipper to sign a Mandatory Receipt as set out below, to acknowledge receipt of the information bulletin. The signed copy of the Mandatory Receipt shall be preserved as a part of the carrier's file on the shipment. For the application of this rule, the owner of the household goods to be shipped, or their representative, shall be deemed to be the shipper.

##### MANDATORY RECEIPT

I acknowledge that I have received, at first contact with the carrier, a copy of the form entitled GENERAL INFORMATION FOR MOVING HOUSEHOLD GOODS IN OREGON which explains the Oregon rules and regulations affecting intrastate shipments of household goods.

I understand that my final charge for service must be based on rates that have been approved by the Oregon Department of Transportation or the Public Utility Commission and published in a tariff regardless of any estimate for service provided to me by the household goods mover. I UNDERSTAND THAT AN ESTIMATE IS NOT A FIRM BID.

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Shipper)

\_\_\_\_\_  
(Motor Carrier)

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.224

Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-39-005; PUC 9-1986(Temp), f. & ef. 8-19-86 (Order No. 86-831); PUC 12-1986, f. & ef. 10-2-86 (Order No. 86-1026); PUC 17-1987, f. & ef. 12-31-87 (Order No. 87-1309); PUC 5-1994, f. & cert. ef. 2-16-94 (Order No. 94-298); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-069-0005; MCT 4-1997, f. & cert. ef. 7-15-97

#### 740-060-0020

##### Inventories

(1) An inventory of items shall be prepared for all intercity shipments prior to loading the shipment. The carrier's representative must list any damage or unusual wear. For the purposes of this rule, an intercity shipment is a shipment that takes place beyond the local move area as defined by applicable tariffs.

(2) Shippers shall be allowed to note in writing on the inventory documents any disagreement with entries regarding damage or unusual wear noted by the carrier's representative.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.224

Hist.: PUC 9-1986(Temp), f. & ef. 8-19-86 (Order No. 86-831); PUC 12-1986, f. & ef. 10-2-86 (Order No. 86-1026); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-069-0006

#### 740-060-0030

##### General Information for Moving Household Goods in Oregon

The text of the information bulletin, "General Information for Moving Household Goods in Oregon," shall include the following:

(1) The Oregon Department of Transportation requires the mover to give you this bulletin to provide information about purchasing the services of a motor carrier moving company. It tells you about your rights and responsibilities when having household goods moved within Oregon.

(2) Moving company rates and services are regulated by ODOT when the origin and destination of a move are within Oregon.

(3) If, after discussing your move with the mover, you still need information or assistance, you may obtain help by contacting ODOT, 550 Capitol Street NE, Salem, Oregon 97310-1380, (503) 378-5987.

##### (4) ESTIMATES:

(a) Estimates are free of charge. You may obtain more than one estimate in order to compare movers and service. Be sure to tell each estimator the same information in order to compare service and quality of estimates;

(b) Estimates must be in writing. An estimate of charges may only be given after a visual inspection of the goods by the mover. Oral or telephone estimates are not permitted;

(c) You should NOT select a mover based solely on the lowest estimate provided because estimates are not binding and may differ from the final cost;

(d) Be cautious if you receive a very low estimate as compared to other estimates. All services may not have been included or it may not be accurate.

(e) BINDING ESTIMATES OR GUARANTEES OF ACTUAL CHARGES ARE ILLEGAL ON INTRASTATE TRANSPORTATION OF HOUSEHOLD GOODS IN OREGON;

(f) FINAL CHARGES FOR MOVES MUST BE BASED UPON RATES PUBLISHED IN THE MOVER'S TARIFF AND APPROVED BY THE PUC OR ODOT, REGARDLESS OF ANY ESTIMATE GIVEN BY THE MOVER PRIOR TO THE MOVE.

(5) CHANGES/ADDITIONAL SERVICE REQUIRES AN ADDENDUM ESTIMATE: When a written estimate of cost for services has been given to you, but additional services (not included on the first estimate) are needed, an addendum estimate must be prepared. This means that if you ask for additional materials or service, or an unforeseen circumstance arises, a second estimate must be given to you. An addendum estimate must clearly show you any extra estimated costs, and be signed by you as authorized.

##### (6) ESTIMATES FOR DELIVERY INTO STORAGE:

(a) If your shipment will be put into storage, be sure to look at the origin and destination address(es) on the estimate. This will tell you if the estimate is for one-way transportation only (into the warehouse), or for the complete trip to the final destination;

(b) If needed, ask for a second estimate of charges for removing your goods from storage and delivering them to the final site;

(c) Be sure the estimate includes the warehouse handling and storage charges. Generally, new storage charges are added monthly.

##### (7) UNDERESTIMATES:

(a) ODOT rules do not allow movers to provide underestimates for service. It is an underestimate if the final charge is higher than 10 percent of the original estimate, and addendum estimate (if any);

(b) ODOT requests that you contact them if this happens so that the situation may be investigated. ODOT may file a formal complaint against a mover for underestimating;

(c) If an underestimate does occur, you must still pay the total tariff charges because estimates are not binding;

(d) If payment is due upon delivery, the amount that must be paid is the estimated (and addendum estimate amount, if any) amount plus 10 percent. The excess amount is the amount above that. You may request deferred payment of the excess amount for 15 days. The 15-day extension does not include Saturdays, Sundays, or holidays.

##### (8) HOURLY RATED LOCAL MOVES:

(a) Local moves are generally within an area of 30 airmiles and are charged for on an hourly basis. Hourly rates depend upon the number of persons and vehicles employed on the job and whether overtime is involved;



(b) No inventory listing is required to be made by the mover on local hourly moves. You may wish to prepare your own inventory and count the items and boxes as they are loaded and unloaded. Discuss this with the mover in advance because a successful loss or damage claim settlement may depend on it.

**(9) INTERCITY MOVES; RATED ON WEIGHT AND MILEAGE:**

(a) An intercity move is generally between cities more than 30 airmiles apart. The rate is published in cents per 100 pounds. The charges increase in relation to the weight of the shipment and the distance moved. Accessorial services are charged separately;

(b) An inventory of items must be prepared by the mover for an intercity shipment prior to loading. The inventory document will be coded to list any pre-existing damage of your goods. This is so that the condition of your goods may be established at origin in case of a later claim;

(c) After completing the inventory, the driver and you should sign each page of the inventory. You have a right to note any disagreement with entries regarding damage or unusual wear noted by the mover. Your ability to recover from the mover for any loss or damage may depend on the notations made;

(d) The driver must give you a copy of each page of the inventory. You should attach your copy of the inventory to your copy of the bill of lading. It is your receipt for the goods.

**(10) PACKING YOURSELF:**

(a) Caution: Generally, a moving company will NOT accept liability for items you pack yourself (unless the mover is negligent in handling the items). Any items you pack must be able to withstand the normal rigors (shaking) of transportation. Discuss this with the mover. Consider asking the mover to pack any fragile items for you;

(b) Do not pack jewelry, money, or valuable papers with your belongings. Never pack matches, flammables, or other dangerous articles.

**(11) VALUATION OPTIONS:**

(a) Notice: A household goods mover's liability for loss or damage caused by the mover is limited in Oregon to 60 cents per pound per article based upon the actual weight of each article;

(b) Additional valuation protection may be purchased from the mover or an insurance company of your own choosing;

(c) You may want to check with your own insurance company first. Ask whether your insurance coverage applies when your goods are transported by a for-hire carrier;

**(d) YOU ARE FREE TO PURCHASE INSURANCE FOR YOUR GOODS FROM SOMEONE OTHER THAN THE MOVER;**

(e) Valuation protection options are available from the mover depending on your declared value of the goods. Movers shall include in their information bulletin the valuation protection option(s) they offer, which may include:

(A) Option 1. Released Value Protection/Almost No Coverage. This type of valuation pays up to 60 cents per pound per article for any lost or damaged article. For example, it would pay a maximum of \$30.00 for a 50-pound table (\$60 x 50 lbs.). You are not required to pay an extra charge for this option;

(B) Option 2. Depreciated Value Protection. The weight of your goods is multiplied by \$1.25 per pound to figure the value of your goods, or you may declare a lump sum value of your goods. The greater of the two value figures will be used to calculate the amount you must pay for this protection. Ask your mover for the current price of this option. Any items lost or damaged are subject to depreciation under this option;

(C) Option 3. Replacement Cost Protection. The weight of your goods is multiplied by \$3.50 per pound to figure the value of your goods, or you may declare a value of \$10,000 or more. The greater of the two value figures will be used to calculate the amount you must pay for this protection. Ask your mover for the current price of this option. Depreciation does not apply under this option; and

(D) Valuation protection options, other than those found in paragraphs (A), (B), and (C) of this subsection may be offered by the mover, when approved by the Department.

**(12) ADDITIONAL VALUATION INFORMATION:**

(a) Hourly rated shipments are not usually weighed, so a lump sum value must be declared if you wish to purchase depreciated value or replacement cost protection;

(b) If NO option is chosen and signed by you on the bill of lading, the mover will assign depreciated value protection (Option 2 in paragraph (11)(e)(B) of this rule). You will be required to pay the valuation charge for this protection;

(c) Be sure the bill of lading has the option you have chosen before you sign it;

(d) Caution: If the actual value of your goods is higher than the amount you declare on the bill of lading, you may NOT be fully covered. If you are unsure of the value of your goods, you should check your homeowner's policy or call your insurance agent.

**(13) POINTS TO REMEMBER:**

(a) Bill of Lading Contract: The bill of lading is a contract between you and the mover. The mover is required by law to prepare a bill of lading for every shipment it transports;

(b) Get a copy of the bill of lading from the driver who loads the shipment before your goods leave the point of origin. It must show the mover's name, address, and telephone number, the address and telephone number furnished by you to which the mover can send messages regarding your shipment, the location to which your goods are moving, the date of loading, the preferred delivery date and the declared value of your goods;

(c) It is your responsibility to read the bill of lading before you sign it. If you do not agree with something on the bill of lading, do not sign it until you are satisfied that the bill of lading shows what service you want;

(d) The bill of lading requires the mover to provide the service you have requested, and requires you to pay the mover the charges for those services. The bill of lading is an important document. Do not lose or misplace your copy. Have it available until your shipment is delivered. Keep it until all charges are paid and all claims, if any, are settled;

(e) Weights: The transportation charge for an intercity move is based on the actual weight of the shipment and distance moved, plus the charge for any accessorial services provided. If you question the weight reported by a mover, you may request that the shipment be reweighed prior to delivery when scales are available. You may be assessed an extra charge for reweighing.

**(14) AT DELIVERY, CHECK FOR LOSS OR DAMAGE:**

(a) At the time of delivery, check for missing items and for damage. If an inventory was prepared, it is your responsibility to check the items delivered against the items listed on the inventory;

(b) If any item is missing, or new damage is discovered, discuss it with the driver. Make a record of the missing or damaged goods on the driver's copy and your copy of the bill of lading or inventory;

(c) After the shipment is unloaded, the driver will request that you sign the bill of lading and/or inventory sheets to show that you received the items listed. Do not sign these documents until your notations have been made if any items are missing or damaged;

(d) A claim settlement may depend on whether these notations were made by you at the time of delivery. Keep any evidence, such as crushed cartons, until the claim is settled.

**(15) LOSS OR DAMAGE CLAIMS:**

(a) Should your move result in the loss or damage to any of your property, you have the right to file a claim with the mover to recover for such loss or damage. Claims must be filed with the moving company in writing within nine months from the date of delivery. You should, however, file a claim as soon as possible. Claim forms may be obtained from the mover;

(b) After receipt of your claim, the mover must:

(A) Acknowledge receipt of your claim by notifying you in writing within 30 days;

(B) Pay, decline, or offer a firm compromise settlement in writing within 120 days of receipt of your claim;

(C) Notify you in writing of the reasons for any delay in settling your claim beyond 120 days;

(D) Continue to notify you in writing of the reason for the delay each 60 days thereafter until the claim is settled.

(c) ODOT does NOT have the authority to settle claims but does enforce these time limits. The mover must send a copy of any delayed claim letter to ODOT. Contact ODOT if the mover does not adhere to these time limits;

(d) The time limit to file suit against the mover is within two years and one day from the date of any claim disallowance received in writing.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.202

Hist.: PUC 17-1987, f. & ef. 12-31-87 (Order No. 87-1309); PUC 5-1994, f. & cert. ef. 2-16-94 (Order No. 94-298); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-069-0007; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 4-1997, f. & cert. ef. 7-15-97

#### **740-060-0040**

##### **Estimates of Charges**

(1)(a) Estimates by the carrier for intercity moves. Every motor for-hire carrier providing intrastate transportation of household goods in intercity moving, where the applicable rates are based on the weight of shipment, shall upon request of a shipper of household goods, give such shipper a written estimate of the charges. The carrier's representative shall make a written estimate of charges only after visual inspection of the goods to be shipped. A weight factor of not less than seven pounds per cubic foot shall be used to determine the estimated weight. Across the top of each form shall be noted the words "Estimated Cost of Services." The original or a true legible copy of each estimate form prepared in accordance with this rule shall be delivered to the shipper, and a copy thereof shall be maintained by the carrier as part of its permanent record of shipment. Estimate forms shall be retained with the freight bill for inspection by the Department's staff for three years;

(b) Estimates by the carrier for local moves. Every motor for-hire carrier providing intrastate transportation of household goods in local moving, may upon request of a shipper of household goods, give such shipper a written estimate of the charges. The carrier's representative shall make such written estimate of charges only after a visual inspection of the goods to be shipped. A weight factor of not less than seven pounds per cubic foot shall be used to determine the estimated weight. Across the top of each form shall be noted the words "Estimated Cost of Services." The original or a true legible copy of each estimate form prepared in accordance with this rule shall be delivered to the shipper, and a copy shall be maintained by the carrier as part of its permanent record of shipment. Estimate forms shall be retained with the freight bill for inspection by the Department's staff for one year;

(c) Addendum estimate for service. When an estimated cost for services has been furnished a shipper and additional services not included in the estimate are required, an addendum estimate for service shall be prepared. Addendum estimates for service must be signed by the shipper. Addendum estimates for service shall be attached to the original estimated cost for service or may be noted on the bill of lading. Addendum estimates for service must be maintained in accordance with the rules for estimated costs for service, and a copy shall be furnished to the shipper.

(2) Underestimates for service. No carrier shall provide underestimates for service. An underestimate occurs when the charge assessed by the carrier exceeds the original estimate and addendum estimates for service by more than 10 percent.

(3) When full or partial payment is due upon delivery and the total tariff charges exceed estimated and addendum charges by more than 10 percent, a shipper may request deferment of the excess amount for 15 days. The shipper must pay the estimated charges plus 10 percent at the time of delivery. Upon payment of said charges, the carrier shall relinquish possession of the shipment. The 15-day extension does not include Saturdays, Sundays, and holidays as specified in the carrier's tariff.

(4) Notification to shipper of charges. Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, the carrier shall comply with such request immediately upon determining the weight and charges. The shipper shall supply the carrier with an address or telephone number at which the communication will be received. Such notification shall be made by telephone, fax communication or in person at shipper's expense.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.202 & ORS 825.224

Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-039-0010; PUC 9-1986(Temp), f. & ef. 8-19-86 (Order No. 86-831); PUC 12-1986, f. & ef. 10-2-86 (Order No. 86-1026); PUC 17-1987, f. & ef. 12-31-87 (Order No. 87-1309); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-069-0010; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 4-1997, f. & cert. ef. 7-15-97

#### **740-060-0050**

##### **Packing and Loading of Residential Personal Property**

(1) The provisions of ORS 825.017(16) and this section apply only to services related to the packing, loading and movement of residential personal property.

(2) In order to qualify for the exemption under ORS 825.017(16) from regulation as a for-hire or private carrier, a person providing such services must confine the services to the packing and loading of residential personal property. Furthermore, such person:

(a) May not directly or indirectly provide or otherwise be involved in the procurement of a motor vehicle for the movement of the property, including the pickup or return of a leased vehicle, nor act as agent for any person who does;

(b) May not operate a motor vehicle used in the movement of property, nor arrange for or procure another person to operate the motor vehicle, except for driving the motor vehicle used in the transportation of residential personal property from the origin to the destination of the shipment;

(c) May not be affiliated or otherwise associated with a for-hire or private carrier of household goods or its agents.

Stat. Auth.: ORS 823.011

Stats. Implemented: ORS 825.017

Hist.: PUC 12-1993, f. & cert. ef. 6-23-93 (Order No. 93-810); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-069-0015; MCT 3-1996, f. & cert. ef. 3-14-96

#### **740-060-0060**

##### **Signed Receipt for Shipment — Release Prohibited**

No delivery acknowledgment on any shipping document or other record to be signed by the consignee to acknowledge delivery shall contain any language which purports to release or discharge the carrier or its agents from liability, other than a statement that the property has been received in apparent good condition except as noted on the shipping documents.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.224

Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-039-0020; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-069-0020

#### **740-060-0070**

##### **Claims for Loss or Damage**

(1) Acknowledgment of claims. Every for-hire carrier of household goods which receives a written claim for loss of or damage to property transported by it shall acknowledge to the claimant, in writing, receipt of such claim within 30 calendar days after its receipt by the carrier or the carrier's agent. The carrier shall at the time such claim is received, cause the date of receipt to be recorded on the claim.

(2) Handling by carrier. Every such carrier which receives a written claim for loss or damage to household goods transported by it shall pay, decline, or make a firm compromise settlement offer in writing to the claimant within 120 days after receipt of the claim by the carrier or its agent. However, if the claim cannot be processed and disposed of within 120 days after the receipt thereof, the carrier shall at that time and the expiration of each succeeding 60-day period while the claim remains pending, advise the claimant in writing of the status of the claim and the reasons for the delay in making a final disposition thereof. A copy of such letter shall also be sent to the Department of Transportation.

(3) Register of loss and damage claims. Every for-hire carrier of household goods shall maintain a freight claim register, showing for each cargo loss and damage claim received, the claim number, date, and amount; the waybill or expense bill number and date; name of claimant; kind of commodity; date claim was paid; total amount paid; or date claim was disallowed and reasons; amount of salvage recovered, if any; amounts reimbursed by insurance companies, con-

necting carriers, or others, and the amount absorbed by the carriers. Each claim received shall be entered in the register and should be supported by the complete file of claim papers. However, if the claim papers are retained by insurance companies, connecting carriers, or others, the carrier's records should contain an acknowledgment from the party retaining the claim file that the papers are in its possession.

Stat. Auth.: ORS 823.011 & ORS 825.202

Stats. Implemented: ORS 823.101 & ORS 825.202

Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-039-0030; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-069-0030; MCT 3-1996, f. & cert. ef. 3-14-96

#### **740-060-0080**

##### **Determination of Weight**

(1) Each for-hire carrier shall determine the gross weight, tare weight and net weight or constructive weight of a shipment:

(a) Each for-hire carrier by motor vehicle transporting intercity shipments of household goods subject to rates based on the weight of shipment shall determine the tare weight of each vehicle used in the transportation of household goods by having it weighed prior to the transportation of each shipment, with the driver for the proposed trip but without the crew thereon. The weight shall be determined by a certified weighmaster or on a certified scale, and when so weighed, the fuel tanks on such vehicle shall be full and the vehicle shall contain all pads, chains, dollies, hand trucks, and other equipment needed in the proposed transportation of shipments to be loaded thereon, and such weight shall then be entered on the bill of lading. After the vehicle has been loaded, it shall be weighed, with the same driver and equipment but without the crew thereon, at the certified scale nearest to the point of origin of the shipment, and the net weight of the shipment shall be obtained by deducting the tare weight from the gross weight, and both the gross and net weights shall then be entered on the bill of lading. Where no certified scale is available at the point of origin, the gross weight shall be obtained at the nearest certified scale either in the direction of the movement of the shipment, or in the direction of the next pickup or delivery in the case of part loads. In the transportation of part loads, this rule shall apply in all respects, except that the gross weight of a vehicle containing one or more part loads shall be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. Also, the person paying the freight charges, or his representative, upon request of either, shall be permitted without charge to accompany, in his own conveyance, the carrier to the weighing station and to observe the weighing of his shipment after loading. The carrier shall use a certified scale which will permit the shipper to observe the weighing of his shipment without causing delay; or

(b) If no certified scale is available at origin at any point en route, or at destination, a constructive weight, based upon 7 pounds per cubic foot of properly loaded van space, may be used, provided the shipper is notified prior to unloading that this method will be used to determine weight and charges on the shipment.

(2) Obtaining weight tickets. The carrier shall obtain a weight ticket signed by the weighmaster for each weighing required under this rule, with tare and gross weights evidenced by separate tickets, and the driver shall enter thereon the number of the bill of lading accompanying the shipment involved. No other additions or alterations shall be made on any such ticket. As soon as such weight tickets are obtained, true copies thereof shall be attached to the receipt or bill of lading accompanying the shipment, and retained in the carrier's file. A true copy of each weight ticket pertaining to a shipment shall be given to the shipper at the weighing station if the shipper is present or upon delivery of the shipment if the shipper is not present at the weighing. A part load for any one shipper not exceeding 1,000 pounds may be weighed on a certified scale prior to being loaded on the vehicle. Additionally, an automobile or other article weighing in excess of 500 pounds which is mounted on wheels may be weighed separately by obtaining the weight of such article on a certified scale prior to loading on the vehicle to be used in its transportation.

(3) Minimum weight shipments. No for-hire carrier shall accept a shipment of household goods for transportation which appears to be subject to the minimum weight provisions of the carrier's tariff without first having advised the shipper of such minimum weight provisions.

(4) Reweighing of shipment. The carrier, upon request of shipper, or his representative, made prior to the delivery date, will reweigh the shipment. The carrier shall inform the person requesting the reweigh, within a reasonable time prior to the gross reweighing, of the tariff charges therefor and the location of a certified scale in close proximity to the destination of the shipment which shall be used, and of the right of the shipper or his representative, to observe the gross and tare reweighing. The carrier, without altering or deleting the initial weights, shall cause to be recorded on the bill of lading the gross, tare and net weights on reweigh, and shall give the shipper, or his representative, original or true copies of the weight tickets on reweigh in the same manner as prescribed for initial weighing. The lower of the two net scale weights shall be used for determining the applicable charges. Charges for reweighing shall be determined by tariff rule.

Stat. Auth.: ORS 823.011, ORS 825.202 & ORS 825.224

Stats. Implemented: ORS 825.202

Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-039-0040; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-069-0040; MCT 3-1996, f. & cert. ef. 3-14-96

#### **Local Cartage**

#### **740-060-0100**

##### **Cartage Areas Exempt from Economic Regulation**

Carriers engaged in the transportation of household goods moving wholly within the incorporated city limits of each of the cities as set out in **Exhibit 1** are exempt from economic regulation, pursuant to ORS 825.240.

[ED. NOTE: The Exhibit referenced in this rule is not printed in the OAR Compilation. Copies are available from the Motor Carrier Transportation Branch, Department of Transportation.

Stat. Auth.: ORS 823.011 & ORS 825.240

Stats. Implemented: ORS 825.240

Hist.: PUC 5-1978, f. & ef. 12-20-78 (Order No. 78-924); Renumbered from 860-039-0050; PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-069-0050; MCT 3-1996, f. & cert. ef. 3-14-96

#### **740-060-0110**

##### **Commercial Zones**

(1) The territorial limits of the commercial zone of each designated city includes the following areas:

(a) Astoria, Oregon includes all points located within the incorporated city limits of Astoria, Hammond, and Warrenton and within one (1) airmile distance of their combined city limits;

(b) Coos Bay, Oregon includes all points located within the incorporated city limits of Coos Bay, Eastside, and North Bend and within one (1) airmile distance of their combined city limits;

(c) Eugene, Oregon includes all points located within the incorporated city limits of Eugene and Springfield, Oregon, and within a three (3) airmile distance of their combined city limits;

(d) Klamath Falls, Oregon includes all points located within the incorporated city limits of Klamath Falls, Oregon, and within four (4) airmile distance of the city limits;

(e) Medford, Oregon includes all points located within the incorporated city limits of Central Point, Jacksonville, Medford, Phoenix, and the unincorporated community of White City. The Medford Commercial Zone also includes other points located and within an eight (8) airmile radius of the intersection of I-5 and Crater Lake Highway (OSH 62);

(f) Salem, Oregon includes all points located within the incorporated city limits of Salem and Keizer. The Salem Commercial Zone also includes other points within a three (3) airmile distance of the city limits of Salem;

(g) Portland, Oregon includes all points located within the incorporated city limits of Portland, Oregon, and within a ten (10) airmile distance of said city limits; and includes all of the area located within the incorporated limits of any city any part of which is located within a ten (10) airmile distance of the city limits of Portland.

(2) Local Cartage operating authority of household goods carriers at any city located within a commercial zone as defined in subsections (1)(a) to (g) of this rule includes transportation of household



goods between all points located within the territorial limits of the Commercial Zone.

Stat. Auth.: ORS 823.011, ORS 825.234 & ORS 825.240  
 Stats. Implemented: ORS 825.234 & ORS 825.240  
 Hist.: PUC 5-1978, f. & ef. 12-20-78 (Order No. 78-924); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); PUC 7-1980, f. & ef. 11-6-80 (Order No. 80-845); Renumbered from 860-039-0060; PUC 16-1983, f. & ef. 12-28-83 (Order No. 83-863); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-069-0060; MCT 3-1996, f. & cert. ef. 3-14-96

## DIVISION 100

### VEHICLES: DRIVER: EQUIPMENT: EQUIPMENT REQUIRED AND CONDITION OF VEHICLES

#### 740-100-0010

##### Adoption of Federal Safety Regulations

(1) Except as provided in section (3) of this rule, the rules and regulations adopted by the United States Department of Transportation contained in Title 49, Code of Federal Regulations (CFR), Parts 382 (Controlled Substances and Alcohol Use and Testing), 383 (Commercial Driver's License Standards Requirements and Penalties), 385 (Safety Fitness Procedures), 387 (Minimum Levels of Financial Responsibility for Motor Carriers), 390 (Federal Motor Carrier Safety Regulations: General), 391 (Qualification of Drivers), 392 (Driving of Motor Vehicles), 393 (Parts and Accessories Necessary for Safe Operation), 395 (Hours of Service of Drivers), 396 (Inspection, Repair, and Maintenance), 398 (Transportation of Migrant Workers), 399 (Employee Safety and Health Standards), and all amendments thereto in effect April 1, 2000, are adopted and prescribed by the Department of Transportation (ODOT) to be observed by carriers conducting operations in Interstate Commerce, subject to ORS Chapter 825.

(2) The provisions of section (1) of this rule as adopted are prescribed by the Department to be observed by carriers conducting operations in intrastate commerce, subject to ORS Chapter 825, except:

(a) The provisions of Part 387 shall apply to intrastate motor carriers only when transporting hazardous materials, hazardous substances or hazardous wastes;

(b) With reference to Part 390.21, external identification requirements do not apply to vehicles with a gross combination weight rating of 26,000 pounds or less and operated exclusively in intrastate private carriage, except those vehicles transporting hazardous materials of a type or quantity requiring placarding or passenger vehicles with a seating capacity of fifteen or more passengers including the driver;

(c) The rules in Part 391 (except Part 391.15, Disqualification of Drivers) do not apply to a driver who is employed by a private carrier and does not transport hazardous materials of a type or quantity requiring the vehicle to be marked or placarded in accordance with Title 49, CFR, Part 177.823, and drives a motor vehicle with a gross vehicle or gross combination weight rating of 26,000 pounds or less;

(d) Notwithstanding Title 49, CFR, Parts 391.41 to 391.49 (Subpart E — Physical Qualifications and Examinations) the Department may, upon receipt of a favorable recommendation from the State Health Division or a licensed health care professional under contract to ODOT, issue a waiver of physical disqualification to a commercial vehicle driver who has met the conditions established by the Department and who is in compliance with motor carrier safety regulations applicable to drivers;

(e) With reference to Title 49, CFR, Part 395, motor carriers conducting intrastate transportation may not: exceed 12 hours driving following eight consecutive hours off-duty; drive for any period after being on-duty for 16 hours following eight consecutive hours off-duty; may not drive for any period following 70 hours on-duty in any seven consecutive days; or, may not drive for any period following 80 hours on-duty in any eight consecutive days;

(f) Notwithstanding the provisions of Title 49, CFR, Part 395.1(e) relating to 100-airmile radius drivers, such drivers need not maintain a daily driver's record-of-duty status, as described in Title 49, CFR, Part 395.8, if:

(A) The driver operates within a 100-airmile radius of the normal work reporting location;

(B) The driver returns to the work reporting location and is released from work within 16 hours;

(C) The driver has at least eight consecutive hours off duty between each 16 hours on duty;

(D) The driver does not exceed 12 hours maximum driving time following eight consecutive hours off duty; and

(E) The motor carrier maintains and retains for a period of six months accurate and true driver time records showing:

(i) The time the driver reports for duty each day;

(ii) The total number of hours the driver is on duty each day;

(iii) The time the driver is released from duty each day; and

(iv) The total time for the preceding seven days in accordance with Title 49, CFR, Part 395.8(j)(2), for such drivers used for the first time or intermittently;

(g) The provisions of subsections (e) and (f) of this section are not applicable to the transportation of hazardous materials of a type or quantity requiring placarding or a motor carrier that has an unsatisfactory safety rating as defined in Title 49, CFR, Part 385. Motor carriers transporting hazardous materials of a type or quantity requiring placarding or motor carriers with an unsatisfactory safety rating must comply with Title 49, CFR, Part 395;

(h) All public utilities as defined in ORS 757.005, telecommunications utilities as defined in ORS 759.005, and electric, gas, water, and telecommunications utilities that are a people's utility district organized under ORS Chapter 261, a municipal utility operating under ORS Chapter 225, or a cooperative organized under ORS Chapter 62, are relieved from the drivers' hours-of-service requirements and restrictions prescribed in Title 49, CFR, Part 395, when such utility is engaged in the provision or restoration of essential utility services and such restoration is unplanned, unscheduled and the direct result of circumstances beyond the control of the utility; and

(i) The provisions of Title 49, CFR, Parts 396.17 through 396.23 (Periodic Inspection Requirements), are not applicable to operations conducted wholly in intrastate commerce.

(3) The intracity operation exemption adopted by the US Department of Transportation found in Part 391.62 is not adopted and prescribed.

(4) Wherever reference is made in Title 49 of the CFR as adopted by this rule to a federal entity, including but not limited to "Federal Highway Administrator," "Regional Director," "Special Agent of the Federal Highway Administration" or the "Office of Motor Carrier Safety," it shall be construed to mean the Oregon Department of Transportation or a person authorized by the Oregon Department of Transportation to act on its behalf.

(5) Copies of the federal regulations referred to in this rule are available from ODOT Motor Carrier Transportation Division.

Stat. Auth.: ORS 823.011, ORS 825.210, ORS 825.232 & ORS 825.252

Stats. Implemented: ORS 825.210, ORS 825.250 & ORS 825.252

Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 4-1979, f. & ef. 9-21-79 (Order No. 79-641); PUC 5-1979, f. & ef. 9-21-79 (Order No. 79-635); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Part 2, f. & ef. 6-30-80 (Order No. 80-475); PUC 7-1980, f. & ef. 11-6-80 (Order No. 80-845); Renumbered from 860-035-0010; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 12-1982(Temp), f. 12-20-82, ef. 1-1-83 (Order No. 82-872); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 2-1983, f. & ef. 3-1-83 (Order No. 83-117); PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-546); PUC 19-1984, f. & ef. 9-10-84 (Order No. 84-713); PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 17-1986 (Temp), f. & ef. 12-3-86; (Order No. 86-1239); PUC 2-1987 (Temp), f. & ef. 2-25-87 (Order No. 87-248); PUC 4-1987, f. & ef. 6-9-87 (Order No. 87-509); PUC 16-1987(Temp), f. & ef. 12-11-87 (Order No. 87-1244); PUC 4-1988(Temp), f. & cert. ef. 2-12-88 (Order No. 88-161); PUC 6-1988(Temp), f. & cert. ef. 3-9-88 (Order No. 88-818); PUC 14-1988, f. & cert. ef. 7-22-88 (Order No. 88-245); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (and corrected 1-31-91) (Order No. 91-20); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 13-1992(Temp), f. & cert. ef. 9-4-92 (Order No. 92-1303); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0010; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCT 2-1997, f. & cert. ef. 5-9-97; MCT 6-1997, f. & cert. ef. 8-26-97; MCT 10-1997, f. & cert. ef. 12-22-97; MCTB 1-1998, f.

3-10-98, cert. ef. 4-1-98; MCTB 2-1998, f. & cert. ef. 8-20-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00

#### 740-100-0020

##### Motor Carrier Accident Notification and Reporting

(1) Definition of Reportable Accident: The term "reportable accident" means an occurrence, involving a commercial motor vehicle operated on public highways by a motor carrier subject to the provisions of ORS chapter 825, resulting in:

(a) Fatality: The death of a human being at the scene or within 30 days as a result of the accident;

(b) Injury: A person injured as a result of the accident, and transported from the scene for medical treatment; or

(c) Towaway: Vehicles disabled as a result of the accident, and towed from the scene, or assisted in order to proceed under their own power.

(2) Immediate Notification of Fatal Accidents:

(a) When a reportable accident involves the death of one or more persons, the motor carrier will notify ODOT within 24 hours of the time they learned of the fatality. Notification should be made by telephone (503) 986-3507, or by fax (503) 986-4249, and must include the information in subsection (b) of this section.

(b) The notification required by subsection (a) of this section shall include the most reliable information available to the motor carrier on the following subjects:

- (A) Date and time of the accident;
- (B) Location of the accident;
- (C) Name of each carrier involved;
- (D) Number of persons killed;
- (E) Brief description of the accident; and
- (F) Name and telephone number of the person reporting.

(3) Reporting of Accidents:

(a) Within 30 days after the date of a reportable accident, the motor carrier must submit the completed original of ODOT Form 735-9229 (Motor Carrier Crash Report) to the ODOT Transportation Development Division, Crash Analysis and Reporting Unit, 555 13th Street NE Suite 2, Salem, OR 97301-4178.

(b) The motor carrier must fill in the form completely and accurately with the most reliable information available to the carrier at the time the report is submitted.

(c) Supplies of ODOT Form 735-9229 are available by telephone request to (503) 986-3507.

Stat. Auth.: ORS 823.011 & ORS 825.252

Stats. Implemented: ORS 825.252

Hist.: PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0012; MCT 5-1997, f. & cert. ef. 8-26-97; MCTB 5-2000, f. & cert. ef. 9-21-00

#### 740-100-0030

##### Mileage Registering Devices

All motor carriers must equip their motor vehicles with speedometer, odometer, or other satisfactory device to record accurately the mileage traveled by the vehicle. Such device must be kept constantly in good operating order.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-035-0015; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0015

#### 740-100-0040

##### Chains/Traction Devices

All motor carriers are required to carry and use chains and traction tires as provided in OAR chapter 734 division 17 rules.

Stat. Auth.: ORS 823.011 & 825.252

Stats. Implemented: ORS 815.140

Hist.: PUC 17-1986(Temp), f. & ef. 12-3-86 (Order No. 86-1239); PUC 4-1987, f. & ef. 6-9-87 (Order No. 87-509); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0020; MCTB 5-2000, f. & cert. ef. 9-21-00

#### 740-100-0060

##### Operation of Motor Vehicles, Out-of-Service Conditions Prohibited

(1) No motor carrier shall permit or require any person to operate nor shall any person operate a motor vehicle over the public highways of the State of Oregon unless the vehicle is free from each defect listed in OAR 740-100-0070. (North American Uniform Vehicle Out-of-Service Criteria.)

(2) In addition to the requirements of section (1) of this rule, a vehicle transporting hazardous materials also shall be free from each defect listed in OAR 740-100-0080. (North American Uniform Hazardous Material Out-of-Service Criteria.)

(3) Except as provided in section (4) of this rule, in addition to the requirements of sections (1) and (2) of this rule, no motor carrier shall permit or require the operation of a motor vehicle nor shall any driver operate a motor vehicle in violation of OAR 740-100-0090. (North American Uniform Driver Out-of-Service Criteria.)

(4) No motor carrier eligible under OAR 740-100-0010(2)(c) engaged in intrastate transportation may exceed 12 hours driving following eight consecutive hours off-duty, drive for any period after being on-duty for 16 hours following eight consecutive hours off-duty, drive for any period following 70 hours on-duty in any seven consecutive days, or drive for any period following 80 hours on-duty in any eight consecutive days.

(5) Each defect which exists in each applicable standard shall be deemed a separate and distinct violation of this rule.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 1-1987(Temp), f. & ef. 1-5-87 (Order No. 87-006); PUC 3-1987, f. & ef. 3-24-87 (Order No. 87-359); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1990, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0028; MCT 2-1997, f. & cert. ef. 5-9-97

#### 740-100-0070

##### North American Uniform Vehicle Out-of-Service Criteria

(1) Appendix A of the North American Uniform Vehicle Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2000, is adopted by and incorporated into this rule. Inspection violations identified in the chart may be subject to one or more of the following:

(a) Out-of-Service Condition: When any motor vehicle by reason of its mechanical condition or loading, is determined to be so unsafe as to likely cause an accident or breakdown, or when such conditions would likely contribute to loss of control of the vehicle by the driver, said vehicle shall be placed out-of-service. No motor carrier shall permit or require nor shall any person operate any motor vehicle declared and marked "out-of-service" until all required repairs of violations which resulted in the out-of-service condition have been completed. If, at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it shall be towed, transported, or escorted only at the direction of an official authority.

(b) Other: Violations other than out-of-service conditions detected during the inspection process will not preclude the completion of the current trip or dispatch. However, such violations must be corrected or repaired prior to redispach.

(2) Copies of Appendix A are available from the Commercial Vehicle Safety Alliance at: 5430 Grosvenor Lane, Suite 130, Bethesda MD 20814.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.250 & ORS 825.252

Hist.: PUC 3-1986, f. & ef. 4-18-86 (Order No. 86-372); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0030; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00

**740-100-0080**

**North American Uniform Hazardous Material Out-of-Service Criteria**

(1) Appendix A of the North American Uniform Vehicle Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2000, is adopted and incorporated in this rule. Inspection violations identified in the chart may be subject to out-of-service action. Condition(s) categorized in this Appendix as "Out-of-Service" shall not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it shall be towed, transported, or escorted to a safe location only at the direction of an official authority.

(2) Copies of Appendix A are available from the Commercial Vehicle Safety Alliance at: 5430 Grosvenor Lane, Suite 130, Bethesda MD 20814.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.250 & ORS 825.258

Hist.: PUC 3-1986, f. & ef. 4-18-86 (Order No. 86-377); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0035; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00

**740-100-0090**

**North American Uniform Driver Out-of-Service Criteria**

(1) Appendix A of the North American Uniform Vehicle Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2000, is adopted and incorporated in this rule. Inspection violations identified in the chart may be subject to one or both of the following:

(a) Out-of-Service Violation: Drivers with violations under this category shall not operate a commercial motor vehicle for a specified period of time or for some violations until a required condition is met.

(b) Other: Violations other than out-of-service violations require no immediate action by the driver or motor carrier. The carrier only has to complete the "Motor Carrier Certification of Action Taken" in accordance with the terms contained on the inspection document and return it to the Department of Transportation within 15 days.

(2) Copies of Appendix A are available from the Commercial Vehicle Safety Alliance at: 5430 Grosvenor Lane, Suite 130, Bethesda MD 20814.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.250, ORS 825.252 & ORS 825.260

Hist.: PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0040; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00

**740-100-0100**

**Uniform Fine Schedule**

(1) **Appendix B**, The North American Uniform Out-of-Service Criteria Reference to Maximum Fine Schedule published by the Commercial Vehicle Safety Alliance, revised January 1998, is adopted and incorporated in this rule.

(2) Except as provided in sections (3) and (4) of this rule, the base fine for a violation described in **Appendix B** shall be the lesser of the amount specified in **Appendix B** for One Driver Violation or 40 percent of the maximum fine for a Class A traffic violation established in ORS 153.018.

(3) Violations of OAR 740-100-0040 related to failure to carry traction devices shall have a minimum base fine of \$60. Violations of OAR 740-100-0040, related to failure to use traction devices when

required, shall be subject to the fine established in section (5) of this rule.

(4) Except as provided in section (3) of this rule, violations of commercial motor carrier safety regulations found in OAR 740-100, 740-105, and 740-110, not specifically addressed in **Appendix B** shall carry a base penalty equal to the amount for a Group 3 violation contained in Appendix B.

(5) In the event that a violation was a substantial contributing factor to an accident or created substantial risk of injury to another person, the base fine shall be 60 percent of the maximum fine for a Class A traffic violation.

(6) Unitary assessments and county assessments required by ORS 137.290 and 137.309 are in addition to base fines specified in this rule.

(7) Copies of **Appendix B** are available from the Commercial Vehicle Safety Alliance: 5430 Grosvenor Lane, Suite 130, Bethesda MD 20814.

Stat. Auth.: ORS 823.011, ORS 825.252, ORS 825.990, & Ch. 1051, OL 1999

Stats. Implemented: ORS 825.252

Hist.: PUC 4-1995, f. & ef. 6-19-95 (Order No. 95-517); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-065-0050; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 4-1999(Temp), f. 12-21-99, cert. ef. 1-1-00 thru 6-28-00; MCTB 2-2000, f. & cert. ef. 4-28-00

**740-100-0110**

**Commercial Vehicle Safety Inspection Decal**

The issuance, distribution, or display of safety decals other than by authorized persons is prohibited.

Stat. Auth.: ORS 183, ORS 823 & ORS 825

Stats. Implemented: Commission policy per CVSA

Hist.: PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 20-1990, f. & cert. ef. 12-31-90 (Order No. 90-1921); Renumbered from 860-064-0011, MCT 3-1996, f. & cert. ef. 3-14-96

**740-100-0120**

**Passenger Vehicle Drivers — Duties and Responsibilities**

When motor vehicles are transporting passengers for hire the driver must admit and transport any person (including standees) tendering the established fare. However, the driver or operator may supervise the seating or other arrangement of any passenger and may, at the driver's discretion, refuse passage to any person who is intoxicated, boisterous, disorderly, using profane language, or who otherwise is incapable of proper conduct.

Stat. Auth.: ORS 183, ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-035-0055; PUC 5-1990(Temp), f. & cert. ef. 4-18-90 (Order No. 90-584); PUC 17-1990, f. & cert. ef. 10-15-90 (Order No. 90-1517); Renumbered from 860-065-0055, MCT 3-1996, f. & cert. ef. 3-14-96

**740-100-0130**

**Limitations Regarding Transportation of Standees**

A for-hire carrier of passengers may transport standees only if:

(1) The motor vehicle is equipped with devices specifically designed to provide stability for each standee.

(2) A standee does not block required exits or create undue crowding.

(3) No standee is transported a distance greater than 25 miles.

Stat. Auth.: ORS 183, ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 5-1990(Temp), f. & cert. ef. 4-18-90 (Order No. 90-584); PUC 17-1990, f. & cert. ef. 10-15-90 (Order No. 90-1517); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0056

**740-100-0140**

**Oregon Waiver of Physical Disqualification**

(1) A waiver of physical disqualification issued to a commercial motor vehicle driver by MCTD is subject to procedures, conditions and limitations set by MCTD in this rule.

(2) Definitions:

(a) "Accident/conviction records" are records used to establish when a medical waiver issued by MCTD may be denied or sus-



pending. These include, but are not limited to DMV records, police reports, crash reports or other reports from motor carriers.

(b) "Accident/conviction guidelines" are those criteria based on records of conviction or crash reports used to establish periods of suspensions of medical waivers as maintained by MCTD.

(c) "Conditions requiring waiver" are as provided in Title 49, CFR Sections 391.41 through 391.49;

(d) "MCTD" means the Motor Carrier Transportation Division of the Oregon Department of Transportation;

(e) "Waiver Guidelines" are those criteria maintained by, and available from, MCTD as provided for by the Oregon Health Division or the licensed health care professional under contract with the Department.

(3) Waiver conditions and procedures include:

(a) When an intrastate driver of a commercial motor vehicle (CMV) does not qualify for a waiver of physical disqualification pursuant to Title 49, CFR Sections 391.41 through 391.49, the driver may make application to MCTD for a medical waiver;

(b) Applications for waiver shall be accompanied by a completed waiver application form and other information as required by MCTD, including a current USDOT physical examination form completed by a license health care professional;

(c) All physical waivers and requests for physical waivers shall be subject to review by a licensed health care professional or the Oregon Health Division; and

(d) The Department may make an inquiry, review, or investigation of an applicant or current physical waiver holder's driving record, both commercial and noncommercial, at any time and it may use its findings as a basis for denial of a waiver or for suspension or permanent revocation of an existing waiver as specified in OAR 740-300-0140. Subject information shall include but not be limited to:

(A) Accident/conviction record;

(B) Crash information; and

(C) Any other information received regarding driving activities.

(e) If an inquiry, review or investigation of an applicant for, or current holder of, a driver's waiver of physical disqualification is conducted under subsection (d) of this section and information is obtained that may be used as a basis for denial of waiver or for suspension or permanent revocation of an existing waiver, the Department may take action as follows:

(A) If no penalty order or cease and desist order has been entered against the driver within the preceding five years for violations or other actions taken under subsection (d) of this section:

(i) When the record or other information being acted upon relates to non-commercial driving activities, the Department may suspend a driver's waiver of physical disqualification for up to 180 days; and

(ii) When the record or other information being acted upon relates to commercial driving activities, suspension of a driver's waiver of physical disqualification for up to one year.

(B) If a penalty order or cease and desist order has been entered against the driver within the preceding five years for violations or other actions taken under subsection (d) of this section:

(i) When the record or other information being acted upon relates to non-commercial driving activities, the Department may suspend a driver's waiver of physical disqualification for up to one year or permanently revoke the driver's waiver of physical disqualification, as warranted by the circumstances of a particular case.

(ii) When the record or other information being acted upon relates to commercial driving activities, the Department may suspend a driver's waiver of physical disqualification for up to two years or permanently revoke the driver's waiver of physical disqualification, as warranted by the circumstances of a particular case.

(C) If a driver has been subject to action specified in subsection (b) of this section in the preceding 12 months:

(i) When the record or other information being acted upon relates to non-commercial driving activities, suspension of a driver's waiver of physical disqualification for up to five years or permanent revocation as warranted by the circumstances of a particular case; and

(ii) When the record or other information being acted upon relates to commercial driving activities, the Department may permanently revoke the driver's waiver of physical disqualification.

(4) Any driver issued a waiver shall:

(a) Notify MCTD of any change in the driver's physical condition pertaining to the need for a waiver or any other condition which may require a waiver or waiver modification;

(b) Notify MCTD of all crashes, arrests or convictions involving the use of a motor vehicle within 30 days of the crash or within 10 days of the arrest or conviction;

(c) Notify MCTD of any notice of suspension, revocation or withdrawal of driving privileges in any state;

(d) Notify MCTD within 10 days of changing employers and provide your employer with a copy of your waiver;

(e) Carry a copy of the medical waiver and any listed waiver conditions at all times while operating a CMV and make the waiver and waiver conditions available to enforcement personnel upon request;

(f) Only operate a CMV in Oregon intrastate operations; and

(g) Comply with all of the waiver conditions.

(5) The waiver period shall not exceed the expiration date of the driver's medical certificate.

Stat. Auth.: ORS 823.011, ORS 825.232 & ORS 825.252

Stats. Implemented: ORS 825.252

Hist.: MCTB 4-2000, f. & cert. ef. 6-12-00

## **Passenger Vehicles**

### **740-100-0200**

#### **Rest Stops and Stations**

Every common carrier of passengers operating in regular route scheduled service must:

(1) Make rest stops at intervals no longer than two hours forty-five minutes;

(2) Provide, or arrange for and supervise the maintenance of adequate, clean and sanitary rest room facilities at each rest stop; and

(3) Upon request of any passenger make emergency stops.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); Renumbered from 860-035-0090, PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-065-0090, MCT 3-1996, f. & cert. ef. 3-14-96

### **740-100-0210**

#### **Smoking Prohibited**

The use of lighted tobacco in any form in any vehicle engaged in transporting passengers in regular route scheduled service is prohibited.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); Renumbered from 860-035-0095, PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-065-0095, MCT 3-1996, f. & cert. ef. 3-14-96

### **740-100-0220**

#### **Extra Vehicles Operating on Schedule**

When two or more passenger-carrying vehicles are operated on an established schedule, and the leading vehicle or vehicles are loaded to capacity:

(1) A suitable sign must be displayed on each leading vehicle or vehicles indicating that another vehicle is following; or

(2) The driver of such leading vehicle or vehicles must clearly indicate to waiting patrons that another vehicle is following.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-86 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-035-0100; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0100

**740-100-0230****Use of Trailers Prohibited**

(1) No commercial motor vehicle operated by a motor carrier transporting passengers shall be operated with any trailer or other vehicle attached thereto without special authorization from the Department.

(2) This rule does not prohibit use of semitrailer equipment specially designated for carrying passengers.

Stat. Auth.: ORS 823.011 & 825.252

Stats. Implemented: ORS 825.210 & ORS 825.255

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-035-0105; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0105; MCTB 5-2000, f. & cert. ef. 9-21-00

**DIVISION 105****EQUIPMENT: LOGS, POLES OR PILING****740-105-0010****General Information**

Any empty trailer placed upon any truck or any empty pole trailer loaded upon any truck-tractor shall be fastened by not less than one chain, wire rope or synthetic webbing and one tensioning or locking device in such manner as to prevent it from falling, rolling or sliding off the truck or truck-tractor while in transit.

Stat. Auth.: ORS 183, ORS 469, ORS 757, ORS 823, ORS 824 & ORS 825

Stats. Implemented: ORS 825.252

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 126, f. 2-5-64, ef. 3-1-64 (Order No. 39889); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 143, f. & ef. 9-21-67 (Order No. 44070); PUC 144, f. & ef. 9-28-67 (Order No. 44075); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-036-0090; PUC 6-1982, f. & ef. 5-6-82 (Order No. 82-336); PUC 8-1982(Temp), f. & ef. 7-26-82 (Order No. 82-546); PUC 13-1983, f. & ef. 11-8-83 (Order No. 83-718); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0090

**Welded Repair of Log Truck Reaches****740-105-0100****General**

(1) Definitions. As used in this section, the following abbreviations have the following meaning:

(a) AWS, "American Welding Society";

(b) LTR, "Log Truck Reach" typically, a 9" x 7" x .188"/.250" rectangular tubing used to steer a log trailer;

(c) SMAW, "Shielded Metal Arc Welding";

(d) FCAW, "Flux Cored Arc Welding";

(e) ASTM, "American Society of Testing Materials";

(f) DC, "Direct Current."

(2) LTR Repairs. Welded repair(s) of log truck reaches may only be accomplished in accordance with OAR 740-105-0100 through 740-105-0270.

(3) Welder certification. Maintenance personnel who perform welding services to effect repairs of a LTR must be certified to the **AWS Structural Welding Code D1.1., 1992**.

[Publications: The publication(s) referenced to in this rule are available from the agency.]

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); Renumbered from 860-066-0100, MCT 3-1996, f. & cert. ef. 3-14-96

**740-105-0110****Joint Design**

(1) Complete information recording location, type, size, and extent of all welds shall be shown on the approved welding procedures and drawings upon which the LTR repairs are based.

(2) All reach welds shall be full penetration groove welds made from one side only and completely fused to a backing strip.

(3) The effective area of the weld is the effective length multiplied by the effective throat.

(4) The effective length of the groove weld is the length throughout which the correctly proportioned weld cross section exists.

(5) The effective throat is the minimal distance from the root of the weld to its face, less any reinforcement.

(6) Intermittent groove welds are prohibited.

(7) Outside or external surface of all groove welds shall be ground flush with the reach base metal.

(8) In order to minimize stress concentration and provide more length of weld to carry the stresses, a splice angle of from 45 to 60 degrees from the centerline of the reach tube is required.

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0101

**740-105-0120****Approved Repair Splice Configuration Diagram**

The reach splice, including the weld, must be constructed in substantial compliance with the Department's approved splice configuration. A diagram of the approved splice configuration is available through the office of the Motor Carrier Transportation Branch, 550 Capitol St. NE, Salem, Oregon 97310.

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 18-1993 f. & cert. ef. 9-17-93 (Order No. 93-1308); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0102

**740-105-0130****Welding Procedure**

(1) All welding will be accomplished with either the SMAW procedure using covered electrodes, or the FCAW procedure which procedures are detailed in the **AWS structural welding code (1992)**, which is hereby adopted by this reference.

(2) These procedure specifications shall be considered prequalified as detailed in **AWS D1.1-92**. Weld joints not conforming to the above requirements will require separate weld procedure specification testing.

(3) Prequalified joint procedure specifications **LTR-SMAW-1** and **LTR-FCAW-1**, as specified in **AWS D1.1 American Welding Society Structural Welding Code, 1992**, are part of this procedure.

(4) Base materials welded under this specification shall conform to one of the following **ASTM** material specifications (1993), which are hereby adopted by this reference:

(a) **ASTM A500**, Grade B;

(b) **ASTM A572**, Grades 50, 60;

(c) **ASTM A656**, Type 70.

(5) Backing materials must be of the same material as the base metal, or may be any one of those listed in **AWS D1.1-92**. (**Copies of AWS D1.1., American Welding Society Structural Welding Code, 1992**, is available through the office of the Motor Carrier Transportation Branch, 550 Capitol St. NE, Salem, Oregon 97310.)

[Publications: The publication(s) referenced to in this rule are available from the agency.]

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0103

**740-105-0140****Filler Metals**

(1) Filler metals used for production welding shall conform to one of the following **AWS** classifications:

(a) SMAW Process — E7018-X;

(b) FCAW Process — E71T-6;

(c) These electrodes must conform to the requirements of **AWS A5.1** and **AWS A5.20**.

(2) Low Hydrogen Electrode Storage Conditions — All electrodes having low hydrogen coverings conforming to **AWS A5.5** shall be purchased in hermetically sealed containers or shall be dried for at least two hours between 450°F (230°C) and 500°F (260°C) before they are used. Electrodes shall be dried prior to use if the hermetically sealed container shows evidence of damage. Immediate

ly after opening of the hermetically sealed container or removal of the electrodes from drying ovens, electrodes shall be stored in ovens held at a temperature of at least 250°F (120°C).

[Publications: The publication(s) referenced to in this rule are available from the agency.]

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0104

#### **740-105-0150**

##### **Electrical Characteristics of Power Sources**

The electrical characteristics shall be DC reverse polarity base negative for the SMAW process, and DC straight polarity base positive for the FCAW process. The amperage and voltage ranges shall be substantially those listed on the joint design specification procedure.

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0105

#### **740-105-0160**

##### **Preparation of Base Metals**

(1) Thermally shaped surfaces including repair cavities shall be ground lightly to remove residual material (approximately 1/32 inch) from the surface to be welded.

(2) Surfaces to be welded shall be free from the following:

(a) Fins, tears, cracks, torch gouges, excessive surface irregularities, etc.

(b) Loose or thick scale, slag, rust, moisture, paint, grease, and oil or other foreign materials that may be detrimental to the weld.

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0106

#### **740-105-0170**

##### **Groove Welds and Weld Profiles**

(1) Groove Welds. Complete penetration groove welds shall be welded with a backing strip.

(2) Weld Profiles. All single bevel groove welds shall be ground flush with the base material.

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0107

#### **740-105-0180**

##### **Arc Strikes**

Arc strikes shall be restricted to the area that will be covered by weld metal in the completed production weld. arc strikes visible on post weld inspection shall be removed in such a manner as to restore the original surface.

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0108

#### **740-105-0190**

##### **Interpass Cleaning**

Each weld bead or layer and all tack welds must be clean and free of slag by chipping, wire brushing, and/or grinding.

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0109

#### **740-105-0200**

##### **Weld Deposition Techniques**

Welds shall be made by the stringer bead technique or the weave technique; when the weave technique is used for a shielded metal arc welding process, the width of weave will be restricted to four (4) times the electrode diameter.

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0110

#### **740-105-0210**

##### **Methods of Preheating**

(1) Preheating may be accomplished by flame or electrical resistance method.

(2)(a) Preheat parameters.

(b) All preheating performed under the conditions of this procedure must comply with the following preheat parameters.

(A) In cases where no preheat is specified, and the ambient temperature is below 32°F, the base metal must be preheated to at least 70°F prior to welding and/or tack welding.

(B) Preheating will be done at least three (3) inches laterally and in advance of the welding.

(C) Welding will not be performed on surfaces that are wet or under high wind conditions without proper weather protection.

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0111

#### **740-105-0220**

##### **Inclement Weather Protection**

Welding will not be permitted in rain or high winds without adequate protection such as tents, etc.

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0112

#### **740-105-0230**

##### **Visual Inspection**

(1) Preweld weldment members shall conform to joint configuration cleanliness, fit-up, and tack welding as specified in this procedure.

(2) In-Process — The welding will be checked to determine that the provisions of this procedure are being followed such as correct preheat, correct electrode, correct weld, layer size, correct electrode size, etc.

(3) Post-Weld — The finished weld shall be inspected to verify conformance to this specification and weld procedure. The following weld metal defects are considered unacceptable:

(a) Cracks;

(b) Craters;

(c) Porosity exceeding 3/8-inch in any linear inch of weld and 3/4-inch in any 12 inches length of weld;

(d) Incomplete fusion or penetration;

(e) Undercut exceeding 0.01 inch transverse to primary stress and 1/32 inch for all other situations;

(f) Fillet weld undersize exceeding 1/16-inch over more than 10 percent of the weld length.

(4) It is highly recommended that postweld inspection by magnetic particle or liquid penetrant methods be employed if available. These methods are an enhancement of visual inspection allowing detection of cracks or discontinuities not discernible to the eye.

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0113

#### **740-105-0240**

##### **Safety Precautions**

As a minimum, safety precautions as published by the American Welding Society shall be used when welding and cutting.

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0114

#### **740-105-0250**

##### **Welder Qualification**

(1) Welders performing work under this procedure shall be qualified in accordance with **AWS D1.1-92**.



(2) Certificate of Welder Qualifications can be arranged for at community colleges, unions, and testing laboratories.

(3) Record of Certification. A record of welder certification shall be maintained by motor carriers employing welders completing welded repairs on LTRs. Such records shall be maintained at the motor carrier's or repair facility's address where such repairs are completed. The record of certification shall include at a minimum:

- (a) Welder's name;
- (b) Certification number;
- (c) Date of certification;
- (d) Name of facility where certification was completed;
- (e) Name and title of person who issued the certification; and
- (f) Dates this certification was used.

[Publications: The publication(s) referenced to in this rule are available from the agency.]

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0115

#### **740-105-0260**

##### **Records of Repair**

(1) Each record of repair shall be maintained at the motor carrier's official physical address of record and shall include at a minimum:

- (a) Date of repair;
- (b) Welder's name and certification number that effected the repair; and
- (c) Reason repair was needed.

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0116

#### **740-105-0270**

##### **Reach Repair Identification**

(1) The repaired reach shall be stamped on the side of the reach within 24 inches of the compensator with:

- (a) The welder's six-digit certification number; and
- (b) The month and year of the completed repair.

Stat. Auth.: ORS 183.335, ORS 823.011, ORS 825.210 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 16-1993, f. & cert. ef. 8-19-93 (Order No. 93-1157); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0117

## **DIVISION 110**

### **TRANSPORTATION OF HAZARDOUS MATERIALS**

#### **740-110-0010**

##### **Adoption of United States Department of Transportation Hazardous Materials Regulations**

(1) Any person subject to ORS Chapter 825 who transports a hazardous material and any person subject to ORS 823.061 who causes to be transported a hazardous material shall comply with the rules and regulations governing the transportation of hazardous materials as prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 397 and such portions of Parts 107-178 and 180 as are applicable, and amendments thereto, in effect on April 1, 2000.

(2) Copies of the federal regulations referred to in this rule are available from ODOT, Motor Carrier Transportation Division.

Stat. Auth.: ORS 823.011, ORS 823.061 & ORS 825.258

Stats. Implemented: ORS 825.258

Hist.: Refiled in PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 98, f. 1-18-61, ef. 1-12-61 (Order No. 37620); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 132, f. 3-29-65, ef. 4-1-65 (Order No. 41035); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 150, f. 11-7-68, ef. 12-1-68 (Order No. 45141); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); PUC 5-1980, f. & ef. 10-13-80 (Order No. 80-758); Renumbered from 860-036-0055; PUC 1-1981, f. & ef. 2-9-81; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 6-1982, f. & ef. 5-6-82 (Order No. 82-336); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 1-1984, f. & ef. 2-9-84 (Order No. 84-076); PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-

546); PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 7-1986(Temp), f. & ef. 7-25-86 (Order No. 86-736); PUC 13-1986, f. & ef. 10-30-86 (Order No. 86-1106); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 1-1996, f. 2-16-96, cert. ef. 4-1-96; Renumbered from 860-066-0055; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00

#### **740-110-0020**

##### **General Provisions; Definitions**

(1) The term "hazardous substance" contained in ORS 825.260 includes hazardous materials and hazardous waste as defined in ORS 466.005.

(2) The term "person who transports" means any person or entity involved in the actual transportation, by highway, of a hazardous substance, as defined in section (1) of this rule, by for-hire or private carriage in intrastate or interstate commerce.

(3) The term "person who causes to be transported" means any person or entity who directly or indirectly offers a hazardous substance, as defined in section (1) of this rule, for transportation by highway, either by for-hire or private carriage, in intrastate or interstate commerce.

Stat. Auth.: ORS 823.011, ORS 823.061 & ORS 825.260

Stats. Implemented: ORS 823.061, ORS 823.063 & ORS 825.258

Hist.: PUC 3-1979, f. 7-27-79, ef. 8-23-79 (Order No. 79-527); Renumbered from 860-036-0060; PUC 6-1982, f. & ef. 5-6-82 (Order No. 82-336); PUC 1-1984, f. & ef. 2-9-84 (Order No. 84-076); PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-546); PUC 8-1986, f. & ef. 8-4-86 (Order No. 86-788 and Order No. 86-808); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0060; MCT 5-1996, f. & cert. ef. 3-17-96

#### **740-110-0040**

##### **Incidents**

(1) In the event of an incident, the transporter shall immediately notify all of the following:

(a) Oregon Emergency Response System telephone: 1-800-452-0311 when initiating the call within Oregon; and 1-503-378-4124 when initiating the call from outside Oregon;

(b) National Response Center (Telephone: 1-800-424-8802);

(c) Waste Generator (Telephone: see manifest or other shipping papers).

(2) The transporter shall note on the manifest the time and location of the incident and the type and amount of the hazardous waste which has spilled.

(3) Within 30 days after the incident, the transporter shall file a Hazardous Materials Incident Report (DOT Form F5800.1) with the Oregon Department of Transportation.

Stat. Auth.: ORS 183, ORS 469, ORS 823, ORS 824 & ORS 825

Stats. Implemented: ORS 825.258

Hist.: PUC 3-1979, f. 7-27-79, ef. 8-23-79 (Order No. 79-527); Renumbered from 860-036-0066; PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-546); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0066

#### **740-110-0060**

##### **Radioactive Material: Applicability, References and Terminology**

(1) These rules apply to the transportation of radioactive material by highway in the State of Oregon. OAR 740-110-0060 to 740-110-0080 are auxiliary to and supplemental to OAR 345-060-0001 to 345-060-0055.

(2) Transport by or under the direction of an agency of the federal government in federal vehicles is exempt. This section does not exempt shipments:

(a) Because federal physical security requirements are applicable;

(b) Because they originate from or are destined for a federal facility; or

(c) Because the material is owned by the federal government.

(3) In accordance with ORS 469.603 and 469.607, it is the intent of these rules to be consistent with the United States Department of Transportation and the Nuclear Regulatory Commission rules.

Stat. Auth.: ORS 183, ORS 469, ORS 823, ORS 824 & ORS 825

Stats. Implemented: ORS 825.258

Hist.: PUC 4-1991, f. & cert. ef. 3-14-91 (Order No. 91-310); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0073

#### 740-110-0070

##### Oregon Radioactive Materials Transport Permit

(1) A person shall obtain an "Oregon Radioactive Materials Transport Permit" from the Oregon Department of Transportation, Motor Carrier Transportation Division, prior to transport in the State of Oregon of radioactive material which requires a placard on the vehicle according to Title 49, Code of Federal Regulations, Part 172 Sub Part F.

(2) An application for a permit shall be submitted annually to the Oregon Department of Transportation, Motor Carrier Transportation Division, 550 Capitol Street NE, Salem, Oregon 97301-2530. Carriers applying for the first time shall submit the application at least 30 days prior to transporting any materials specified in section (1) of this rule.

(3) An application shall include:

(a) Name and address of the carrier;

(b) Telephone numbers of the carrier that will be answered at any time for emergencies and a statement that the carrier has a 24-hour telephone number for contacting all shippers;

(c) A description of the material to be transported, number of shipments and estimated radioactivity per shipment. Precise information is not necessary if unavailable;

(d) A description of the route or routes to be taken and approximate schedule. Precise information is not necessary if unavailable;

(e) A description of any violations by the applicant of any local, state or federal regulations within the past two years related to radioactive materials transportation. Copies of most recent federal and/or state motor carrier safety and/or hazardous materials audit and inspection reports are sufficient to satisfy this requirement;

(f) Oregon DOT operating authority identification number, U.S. DOT Number, and U.S. EPA Identification Number, when appropriate; and

(g) Proof of insurance including minimum levels of coverage and policy expiration date, or verification of self insurance.

(4) A regular permit will be issued if the applicant's record of violations of federal and state motor carrier safety and hazardous materials requirements indicate that its practices have not and will not create an undue risk to public health, safety, or the environment.

(5) Conditional permits will be issued when the carrier's Federal Highway Administration safety rating is "conditional" pursuant to the authority of Title 49, Code of Federal Regulations, Part 385.1. Shipments made under a conditional permit require pre-trip notification to arrange for inspection.

(6) A permit may be issued by telephone when, as a result of conditions not subject to the control of the carrier, compliance within the 30-day requirement of section (2) of this rule is not possible. A carrier acquiring a permit under this section shall provide information contained in subsection (3)(a) through (d), (f) and (g) of this rule.

(7) Copies of the carrier's Oregon Radioactive Materials Transport Permit shall accompany shipments of radioactive material transported by highway.

(8) Any person who has been denied a permit under this rule shall upon request be granted a hearing before the Department. After hearing, the Department shall grant or deny the permit.

(9) Once issued, permits may remain valid for one year from date of issuance.

(10) Permits may be revoked for failure to comply with the conditions named on the permit, and/or violations of the motor carrier safety, hazardous and/or radioactive materials requirements.

(11) Reinstatement of a permit revoked under section (10) of this rule will require submission of a new application and a demonstration that remedial actions have been taken to prevent recurrence of the violation(s).

[Publications: The publication(s) referenced to in this rule are available from the agency.]

Stat. Auth.: ORS 469.470, ORS 823.011, ORS 825.252 & ORS 825.258

Stats. Implemented: ORS 825.258

Hist.: PUC 4-1991, f. & cert. ef. 3-14-91 (Order No. 91-310); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0074; MCTB 6-1998, f. & cert. ef. 12-21-98; MTCB 3-2000, f. & cert. ef. 4-28-00

#### 740-110-0080

##### Inspections

Shipments under OAR Chapter 740, Division 100 may be inspected by the State of Oregon, or its agents, for compliance with applicable rules and regulations. The State will inspect all spent nuclear reactor fuel (defined in 10 CFR 73.37) and highway route controlled quantity shipments (defined in 49 CFR 173.403(1)). The State may inspect samplings of other shipments. The State may inspect highway shipments made under conditional permits, as stipulated in OAR 740-110-0070(5). The arrangements for inspection will be made when notice for inspection is given, as described in OAR 740-110-0090(2).

[Publications: The publication(s) referenced to in this rule are available from the agency.]

Stat. Auth.: ORS 469.470, 823.011, ORS 825.252 & ORS 825.258

Stats. Implemented: ORS 825.258

Hist.: PUC 4-1991, f. & cert. ef. 3-14-91 (Order No. 91-310); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0075; MTCB 3-2000, f. & cert. ef. 4-28-00

#### 740-110-0090

##### Notification of Inspection

A motor carrier engaged in the transportation of radioactive materials shall provide notification as follows:

(1) Notification pursuant to Nuclear Regulatory Commission rules found in Title 10, Code of Federal Regulations, Part 71.97 and Part 73.37(f) for irradiated reactor fuel and other materials shall be to: Administrator, Energy Resources Division, Oregon Office of Energy, 625 Marion St., NE, Salem, Oregon 97310, Telephone: (503) 378-4040.

(2) Notice and arrangements for inspection shall be made by the carrier for all spent nuclear reactor fuel, Highway Route Controlled Quantity Shipments (defined in Title 49, Code of Federal Regulations, Part 173.403(1)) and when required as a condition to an Oregon Radioactive Materials Transport Permit. Notice for inspection shall be by the carrier as follows:

(a) As soon as practicable, but no later than 48 hours before time of shipment in Oregon;

(b) When, as a result of conditions not subject to the control of the carrier, it is not possible to comply with the 48-hour minimum notification, then notice shall be made immediately by telephone, or in any event not later than on the next working day, and shall explain why the carrier could not comply with the 48-hour requirement;

(c) When an inspection has been scheduled, additional notice is required if the shipment is cancelled, or if carrier's arrival at the inspection location will miss the designated inspection time by two or more hours (early or late);

(d) All notices for inspection and schedule changes shall be in writing or by telephone between 0800 and 1700 Pacific Time to: Oregon Department of Transportation, Motor Carrier Transportation Division, 550 Capitol Street NE, Salem, Oregon 97310-2530, Telephone: (503) 378-5916; and

(e) Notice for inspection shall include the following information:  
(A) Carrier's name, address, telephone number and Oregon DOT Operating Authority Identification Number;

(B) Shipper's and receiver's names, addresses and telephone numbers;

(C) A description of the material, which shall include proper shipping name, hazard class, hazardous material identification number, and total quantity by weight or volume, and number of curies;

(D) A description of the route and approximate schedule; and

(E) A description of the transport vehicle(s) and name of driver(s).

[Publications: The publication(s) referenced to in this rule are available from the agency.]

Stat. Auth.: ORS 469.470, 823.011, ORS 825.252 & ORS 825.258

Stats. Implemented: ORS 825.258

Hist.: PUC 4-1991, f. & cert. ef. 3-14-91 (Order No. 91-310); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-066-0077; MTCB 3-2000, f. & cert. ef. 4-28-00

## DIVISION 115

### CARGO LOADING AND SECUREMENT RULES

#### 740-115-0010

##### Applicability of Rules

(1) These regulations are supplemental to the requirements of the Oregon Motor Vehicle Laws, ORS Chapter 825, OAR 740-100-0010, and applicable requirements as administered by the Workers' Compensation Board.

(2) Alternate method of compliance:

(a) Application for any deviation from specific portions of these rules shall be made to the Oregon Department of Transportation.

(b) The Department, in considering the application, will consult with the Workers' Compensation Board in determining whether the applied for alternate method carries out the original intent of the rule. Such alternate method shall be used only after application has been made to the Oregon Department of Transportation, and written approval has been issued. A copy of the written statement granting agency approval of the alternate method of compliance shall be carried in each vehicle or combination of vehicles operating under such authority.

Stat. Auth.: ORS 823.011 & ORS 825.252

Stats. Implemented: ORS 825.210 & ORS 825.232

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0005; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-070-0005; MCT 3-1997, f. & cert. ef. 11-17-97

#### 740-115-0020

##### Binders

OAR 740-115-0010 through 740-115-0070 shall apply to binders, binder attachments, and anchorages used for securing loads in accordance with regulations in subsequent rules of this subdivision.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.232

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0010; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-070-0010

#### 740-115-0030

##### Definitions

The following definitions shall apply wherever the terms are used in this division:

(1) "Binder" — A binder is a chain, wire rope, manila rope, steel strapping, synthetic fiber rope, or synthetic webbing used to secure a load to a vehicle. The term binder includes binder attachments which function with the binder when in use.

(2) "Crossbinder" — A crossbinder is a binder which extends over the top of a load at an angle of approximately 90 degrees to the longitudinal centerline of the vehicle and is attached to opposite sides of the vehicle.

(3) "Longitudinal Binder" — A longitudinal binder is a binder which extends over the top of a load approximately parallel to the longitudinal centerline of the vehicle and is attached to the ends of the vehicle.

(4) "Perimeter Binder" — A perimeter binder is a binder which extends around the sides of a load and is attached to the ends of the vehicle.

(5) "Rack Binder" — A rack binder is a binder used to prevent side racks from spreading.

(6) "Binder Attachment" — A binder attachment is a device temporarily or permanently attached to a binder for securing the binder to an anchorage or for tensioning or locking the binder over a load.

(7) "Anchorage" — Anchorage is that vehicle part of permanently attached fixture to which a binder or binder attachment is secured. Anchorages are not considered as any part of a binder or binder attachment for the purposes of this rule.

(8) "Breaking Strength" — Breaking strength is the force in pounds required to part a binder under load except that breaking strength for webbing binders is the rated capacity established by the manufacturer or final assembler in accordance with the requirements of the rule.

(9) "Load Rating" — Load rating is the rated strength of a binder or binder attachment as established by the manufacturer or final assembler in accordance with the requirement of this rule.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.232

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0015; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-070-0015

#### 740-115-0040

##### General Requirements

Binders shall be in compliance with the following general requirements:

(1) Eyes — Wire Rope. Eyes may be formed at the ends of wire rope by splicing or by the use of swaged fittings, pressed sleeves, zinc-filled socket fittings, or U-bolt clips. U-bolt clips shall be spaced as illustrated in **Figure 5**, and shall be attached with the base of the clip against the long or live end of the rope, and the U-bolt over the dead end. Molly Hogan spliced eyes are prohibited. (See **Figure 1**.)

(2) Eyes — Manila and Synthetic Fiber Rope. Eyes formed in manila or synthetic fiber rope by metal devices, such as hog rings, U-bolt clips, or swages, are prohibited.

(3) Snubbers. Snubbers or other devices which are designed to stretch with the movement of the load shall not be used with binders.

(4) Anchorages. Anchorages shall have design strengths not less than those which are required of the binders attached to them.

(5) Binder Attachment. No more than one binder shall be attached to the same anchorage or tightening device.

(6) Sharp Edges. Binders shall not contact any sharp edges on the vehicle or load.

(7) Binder Tensioning. Each binder shall be provided with a locking tightener of a type designed for the binder and shall be properly tensioned while in use.

(8) Binder Tightener Application. Binders shall be applied at an approximately 90-degree angle to the spindle of any ratchet or winch-type tightener.

(9) Continuous Binder. If a single continuous binder is used in lieu of two binders, each segment which serves the function of a separate binder shall be independently anchored so that failure of one segment will not cause failure of the other segment.

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.232

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0020; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-070-0020

#### 740-115-0050

##### Specifications

Binder and binder attachments shall comply with the following specifications:

(1) Chain. Chain shall meet **Federal Specification RR-C-27 1a, Amendment 2**, June 18, 1962, or later revision. Binder chains shall be of welded link construction and at least one link in every 5 feet of chain shall carry the manufacturer's permanent and distinctive mark or symbol identifying the grade and manufacturer of the chain. Chain binders in current use which were not previously required to be so marked may continue to be used in the same manner until they are no longer serviceable.

(2) Wire rope. Wire rope shall meet **Federal Specification RR-W-410c**, September 18, 1968, or later revision.

(3) Manila rope. Manila rope shall be Type M, Class I rope, and shall meet **Federal Specification T-R-605b, Amendment 2**, January 18, 1967, or later revision.

(4) Steel strapping. Steel strapping shall be new and shall meet **Federal Specification 00-S-781e, Amendment 4**, February 3, 1966, or later revision for Type I, nailless heavy-duty strapping.



(5) Synthetic Fiber Rope. Synthetic fiber rope shall meet the following specifications:

- (a) The rope shall be made of virgin No. 1 material.
- (b) The rope shall be treated for ultraviolet resistance.
- (c) There shall be one orange surface marker in each rope strand.

(d) Use of solid orange rope is prohibited.

(e) Each manufacturer shall identify his rope with a concealed inner marker of a distinctive color or name tape bearing his name or registered trademark.

(f) Rope with a 3/8-inch diameter shall have a breaking strength of not less than 2,500 pounds. Elongation shall not exceed 6% at 200-pound force and 12% at 500-pound force.

(g) Rope with a 7/16-inch diameter shall have a breaking strength of not less than 3,300 pounds. Elongation shall not exceed 6% at 320-pound force and 12% at 660-pound force.

(h) Rope with a 1/2-inch diameter shall have a breaking strength of not less than 4,000 pounds. Elongation shall not exceed 6% at 230-pound force and 12% at 800-pound force.

(i) Rope with a 5/8-inch diameter shall have a breaking strength of not less than 6,000 pounds. Elongation shall not exceed 6% at 480-pound force and 12% at 1,120-pound force.

(j) Rope with a 3/4-inch diameter shall have a breaking strength of not less than 8,000 pounds. Elongation shall not exceed 3% at 300-pound force and 9% at 1,080-pound force.

(k) Rope with a 1-inch diameter shall have a breaking strength of not less than 12,750 pounds. Elongation shall not exceed 3% at 400-pound force and 9% at 1,800-pound force.

(l) Elongation tests for ropes listed in sub-sections (5)(f) through (k) of this rule shall be calculated as follows: Elongation percent = (E-O) x 100 where:

(A) E = the distance between gauge marks at break or other required load;

(B) D = diameter of the rope;

(C) O = the distance between gauge marks under a load of 200X D2.

(6) Synthetic Webbing. Synthetic webbing binders shall meet the following specifications:

(a) The webbing shall be of virgin No. 1 material.

(b) The manufacturer's or final assembler's name or registered trademark shall be indelibly printed on the webbing at intervals of 5 feet or less. Hardware used in webbing binder assemblies shall be identified by the manufacturer's or final assembler's name or registered trademark on each piece.

(c) Webbing binders shall be marked either by an indelible orange-colored dot not less than 1/2-inch in diameter, applied at intervals of at least 5 feet, or by an interwoven orange surface marker that runs the full length of the binder, to indicate certification to the Department for use on regulated loads.

(d) The use of webbing material which is solid orange in color is prohibited.

(e) Webbing binders shall be load rated by the manufacturer or final assembler at not more than 50 percent of the ultimate breaking strength of the webbing. The load rating shall be indelibly marked on the webbing material in whole numbers using Arabic numerals at intervals of 5 feet or less.

(f) Hardware used in webbing binder assemblies shall be load rated by the manufacturer or final assembler at not more than 80 percent of the ultimate breaking strength or force required to cause permanent distortion, whichever is less. The load rating shall be permanently marked in whole numbers using Arabic numerals or a combination of Arabic numerals and the Roman numerals "M" to designate thousands on each piece.

(g) The load rating of binder attachments shall not be less than the load rating of the webbing material to which they are attached.

(h) Elongation of webbing material and binders assembled for use shall not exceed 15 percent after the application of force equivalent to the load rating of the binder.

(i) Webbing binders with any significant amount of permanent distortion after the application of force equivalent to the load rating are unacceptable and shall not be certified.

(j) Webbing binders shall be treated to resist weathering, moisture absorption, abrasion, and ultraviolet deterioration.

(k) Webbing binder ends shall be protected, treated, or seared to prevent raveling.

(l) Binders of 4 x 5/32-inch nylon webbing certified for use on regulated loads prior to the effective date of this rule may continue to be used in the same manner as long as they are serviceable.

(7) Binder Attachments. Subject to more stringent load rating requirements of this article, binder attachments shall have a design strength not less than that required of the binders to which they are attached.

(8) Chain Hooks. Chain hooks (**Figure 2**) shall be of the clevis-type except as follows:

(a) Closed-eye chain hooks of the appropriate size and grade may be used when the hook grade is identified by the manufacturer's permanent and distinctive mark.

(b) Chain binder assemblies with chain hooks joined by flash or butt-welded connecting links bearing the manufacturer's permanent and distinctive link grade mark meet the hook grade identification requirement of this rule.

(c) Manufacturers shall provide the Department with a list of the marks of identification used on closed-eye chain hooks and chain assemblies.

(d) Chain hooks and chain assemblies in current use which were not previously required to be marked may continue to be used in the same manner as long as they are serviceable.

[ED. NOTE: Figure 2 referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

[Publications: The publication(s) referenced to in this rule are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.232

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0025; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-070-0025

#### 740-115-0060 Certification

Prior to the sale of binders for use in securing loads subject to the regulations of this subchapter, manufacturers or final assemblers shall submit certification to the Oregon Department of Transportation, Motor Carrier Transportation Branch, 550 Capitol St. NE, Salem, Oregon 97310-1380, that the binders are in compliance with the following requirements:

(1) Chain. Manufacturers shall certify that the chain offered for sale meets the specifications in OAR 740-115-0050(1) and shall also provide a method of identifying the chain so certified.

(2) Synthetic Fiber Rope. Manufacturers shall certify that the rope offered for sale meets the requirements of OAR 740-115-0050(5), and shall provide the department with a sample 12-inch length of each size rope with the identification marker plainly labeled.

(3) Synthetic Webbing. Manufacturers or final assemblers shall certify that synthetic webbing binders offered for sale meet the requirements of OAR 740-115-0050(6), and shall provide the Department with a sample of 60 inches of each size webbing with identification mark and load rating plainly marked on the binder as required. A properly marked sample of each type binder attachment offered for sale for use with webbing binders shall also be submitted for inspection and testing if necessary.

(4) Wire Rope, Manila Rope, and Steel Strapping. No certification of wire rope, manila rope, or steel strapping is required. However, they must meet the requirements of OAR 740-115-0050(2), (3), and (4), respectively.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.232

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0030; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-070-0030

#### 740-115-0070

## Condition and Use

Binders and anchorages shall be maintained in good condition. The use of binders under any of the following conditions is prohibited:

(1) Chain. Chain binders shall not be used when any of the following defects are present:

- (a) Cracked welds or links in binders or binder attachments.
- (b) Bent, twisted, stretched, or collapsed links.
- (c) Links weakened by gouges or pits.
- (d) Obviously worn links or any other evidence of link loss of strength.

(e) Chain repaired or connected with links of any type other than those illustrated in **Figures 3 and 4**.

(2) Wire rope. Wire rope binders shall not be used when any of the following defects are present:

- (a) Stranded, crushed, kinked, badly worn, rust pitted, or bird-caged wires.
- (b) Twelve or more broken wires in a lay length.
- (c) Any evidence of loss of strength.
- (d) U-bolt clip installation other than specified and illustrated in **Figure 5**.

(e) Contractor's knot and clip (see **Figure 6**).

(f) Molly Hogan spliced (quick) eyes (see **Figure 1**).

(3) Manila Rope. Manila rope binders shall not be used when any of the following defects are present:

- (a) Crushed, badly worn, or broken rope strands.
- (b) Any evidence of loss of strength.
- (c) Knots formed for the purpose of connecting or repairing binders.

(4) Steel Strapping. The use of more than two pieces of steel strapping in a single binder is prohibited.

(5) Synthetic Fiber Rope. Synthetic fiber rope shall not be used when any of the following defects are present:

- (a) Burned or melted fibers except on heat-sealed ends.
- (b) Evidence of excessive wear in exterior or interior fibers.
- (c) Any evidence of loss of strength.
- (d) Knots.

(6) Synthetic Webbing. Synthetic webbing binders shall not be used when any of the following defects are present:

- (a) Burned or melted webbing except on heat-sealed ends.
- (b) Cuts, fraying, or wear to the point of exposing or affecting any core strand.

(c) Webbing stretched beyond the yield point.

(d) Knots, alterations, joining, or repairs using any method other than the manufacturer's original construction techniques.

(e) Any evidence of loss of strength.

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.232

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0035; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-070-0035

## DIVISION 120

### BALED HAY AND STRAW LOADING, SECUREMENT, AND TRANSPORTATION

#### 740-120-0010

##### Applicability of Rules

OAR 740-120-0010 through 740-120-0040 shall apply to the loading, securement, and transportation of baled hay and baled straw on flatbed vehicles.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0060 and 860-070-0060; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-071-0005

#### 740-120-0020

## General Provisions

Binders used in the loading, securement, and transportation of baled hay and baled straw shall meet the requirements of OAR 740-115-0010 through 740-115-0070, and the following type and strength requirements:

(1) Longitudinal Binders. Longitudinal binders shall have a breaking strength of not less than 9,000 pounds and shall be limited to the following types:

- (a) Chain;
- (b) Wire rope;
- (c) Manila rope;
- (d) Synthetic fiber rope;
- (e) Synthetic webbing.

(2) Crossbinders. Crossbinders shall have a breaking strength of not less than 2,650 pounds and shall be limited to the following types:

- (a) Chain;
- (b) Wire rope;
- (c) Manila rope;
- (d) Synthetic fiber rope;
- (e) Synthetic webbing;
- (f) Steel strapping.

(3) Securement of Binders. The following provisions shall govern the securement of binders:

(a) Each binder shall be provided with a locking tightener of a type designed for it except when secured over V-boards at the top of a load as provided in **Figures 1 and 2** and OAR 740-120-0040(1);

(b) If the tightening device does not meet the strength requirements for the binders, additional chain or wire rope which meets such strength requirements shall be used to secure the binders together.

(4) Spare Longitudinal Binder. At least one spare longitudinal binder shall be carried on each vehicle or combination of vehicles in addition to those required for load securement.

(5) Stability of Load. Loads shall be solidly packed, well balanced, and positioned on the vehicle so the load is stable without binders. All loading and securement requirements shall be met prior to a vehicle entering a highway and shall be so maintained en route by periodic inspection of the load. If there is any evidence of load instability, or if any part of the load projects beyond the legal width limits of the vehicle, the vehicle shall be driven from the roadway and shall not again be moved on the highway until corrective load or securement adjustments are made to conform to these rules.

(6) V-boards (V Bars). When V-boards (V bars) are used, they shall be positioned at the top edge of the load beneath the binders, and shall be in compliance with the following requirements:

(a) V-boards shall consist of two parallel pieces of lumber, metal, or other material attached together near each end of flexible material. V-boards more than 6 feet in length shall also be attached at the approximate midpoint.

(b) V-boards shall be of sufficient length to restrain at least one-half of each bale to which they are applied. As far as is practicable, multiple binders shall be uniformly spaced over the entire length of a V-board.

(c) Materials used in the construction of V-boards shall be of a strength not less than that of nominal size 1-inch x 4-inch Douglas-fir. Lumber V-boards shall be free of strength-impairing knots.

(7) Tier. For the purposes of this rule, "tier" means one layer of bales.

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0065 and 860-070-0065; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-071-0010

#### 740-120-0030

##### Construction of Loads

The following provisions shall govern the construction of loads of baled hay and straw:

(1) Bale Placement — Sides of Load. Loads shall be constructed so that the outermost bales at the sides of the load shall not

be placed in the same direction in more than two successive tiers except as follows:

(a) One bale on each side of a tier may be exempt from the above requirements up to a maximum of three tiers in succession (see **Figure 1**).

(b) To provide for machine handling, one row of bales may be the width and height of the load, provided the bale lengths are placed crosswise to the vehicle and are no closer than 6 feet to either end of the load (see **Figure 3**).

(2) Bale Placement — Top of Load. Bale lengths in the top tier of the load shall be placed crosswise to the vehicle.

(3) Vertical Placement Prohibited. Bales shall not be loaded on ends.

(4) Load Projection — Front and Rear. Loads which project beyond the front and/or rear of the vehicle bed shall be subject to the following limitations:

(a) Loads shall not extend more than one-third bale length beyond the rear of the bed surface on a single vehicle or last vehicle in a combination of vehicles.

(b) Loads may extend beyond the front end of the truck bed over the driver's compartment or sleeper berth if this portion of the load is supported by permanent, substantial steel construction, is tied into the remainder of the load by interlocking construction, and the load or supporting structure does not obstruct the view of the driver to the front or sides of the vehicle.

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0070 and 860-070-0070; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-071-0015

#### 740-120-0040

##### Securement of Loads

Loads shall be secured by binders applied over V-boards as follows:

(1) Longitudinal Binders. All loads shall be secured by at least two longitudinal binders extending over the top of the load, attached from right front to left rear and left front to right rear so as to cross at the approximate top center of the load (**Figure 4**); or by one longitudinal binder extending over the front of the load with each end anchored on the front near the corners, and one binder extending over the rear of the load with each end anchored on the rear near the corners, and both binders drawn together and tightened at the approximate top center of the load (see **Figures 1** and **2**).

(2) Crossbinders. In addition to the required longitudinal binders, one crossbinder for each 6 feet of load length and, in any case, not less than four uniformly spaced crossbinders shall secure the top-tier bales at the sides of loads described in the following subsections (a) and (b):

(a) Loads containing a longitudinal separation between sectional units which are not inter-locked and tied together by at least two tiers for the full width of the load (see **Figure 5**).

(b) Loads of two-rope bales.

(c) In addition to other required binders, one crossbinder shall be applied to a single row of bales stacked the width and height of the load with bale lengths crosswise to the vehicle bed (see **Figure 3**).

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0075 and 860-070-0075; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-071-0020

### DIVISION 125

#### BALED COTTON, PAPER, AND JUTE LOADING, SECUREMENT, AND TRANSPORTATION

#### 740-125-0010

##### Applicability of Rules

OAR 740-125-0010 through 740-125-0040 shall apply to the securement of all types and sizes of baled cotton, paper, and jute bag-

ging transported on highways, except when loaded in vans or on vehicles equipped with racks on four sides.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0100 and 860-070-0100; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-072-0005

#### 740-125-0020

##### Definitions

The following definitions shall apply for the purposes OAR 740-125-0020 through 740-125-0040:

(1) "Tier" — A tier is one layer of bales.

(2) "Detachable Cargo Carrier" — A detachable cargo carrier is a flatbed structure used with or without sides or bulkheads for the transportation of property and designed so as to be readily removable from the chassis of the transporting vehicle.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0105 & 860-070-0105; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-072-0010

#### 740-125-0030

##### General Provisions

Binders used for the loading, securement, and transportation of baled cotton, paper, and jute shall meet the requirements of OAR 740-115-0010 through 740-115-0070 and comply with the following additional requirements:

(1) Longitudinal Binders. Longitudinal binders shall have a breaking strength of not less than 9,000 pounds and shall be limited to the following types:

- (a) Chain;
- (b) Wire rope;
- (c) Manila rope;
- (d) Synthetic fiber rope;;
- (e) Synthetic webbing.

(2) Perimeter Binders. Perimeter binders shall have a breaking strength of not less than 9,000 pounds and shall be limited to the following types:

- (a) Chain;
- (b) Wire rope;
- (c) Manila rope;
- (d) Synthetic fiber rope.

(3) Crossbinders. Crossbinders shall have a breaking strength of not less than 1,350 pounds and shall be limited to the following types:

- (a) Chain;
- (b) Wire rope;
- (c) Manila rope;
- (d) Synthetic fiber rope;
- (e) Steel strapping;
- (f) Synthetic webbing.

(4) Stability of Load. Loads shall be well balanced and positioned on the vehicle so the load is stable without binders. All loading and securement requirements shall be met prior to a vehicle entering a highway and shall be so maintained en route by periodic inspection of the load. If there is any evidence of load instability, the vehicle shall be driven from the roadway and shall not again be moved on the highway until corrective load or securement adjustments are made to conform to these rules.

(5) V-Boards (V-Bars). When V-boards (V-bars) are used, they shall be positioned at the top edge of the load beneath the binders, and shall be in compliance with the following requirements:

(a) V-boards shall be not less than 3 feet in length, and shall be constructed either of one-piece, right-angled metal or plastic attached at each end by flexible material. V-boards more than 6 feet in length shall also be attached at the approximate midpoint;

(b) V-boards shall be of sufficient length to restrain at least one-half of each bale to which they are applied. As far as is practicable, multiple binders shall be uniformly spaced over the entire length of a V-board;



(c) Materials used in the construction of V-boards shall be of a strength not less than that of nominal size 1-inch x 4-inch Douglas-fir. Lumber V-boards shall be free of strength-impairing knots.

(6) Specifications and Certification — Detachable Cargo Carriers. Manufacturers of any detachable cargo carrier equipped with a bulkhead on each end shall provide the department with certification that the bulkheads are capable of withstanding stress calculated as follows: when a force 0.2 times the weight of the maximum load is uniformly distributed over the entire bulkhead area, the yield strength of the bulkhead materials shall be not less than the calculated stresses times a safety factor of five.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0110 and 860-070-0110; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-072-0015

#### 740-125-0040

##### Load Securement

Loads of baled cotton, paper, and jute bagging shall be secured as follows:

(1) Horizontal Bales. Horizontal bales shall be secured by at least two parallel longitudinal binders over the top of the load, and by cross-binders as follows:

(a) Loads more than one tier in height with bale lengths in the top tier laid crosswise shall have not less than four crossbinders uniformly spaced over the length of the load (see **Figure 1**);

(b) Loads more than one tier in height with any bale lengths in top tier laid lengthwise shall have one crossbinder placed near the midpoint of each such bale (see **Figure 2**).

(2) Vertical Bales in Bottom Tier. Loads of bales with vertical bales in the bottom tier (**Figure 3**) shall be secured to the vehicle as follows:

(a) Not less than two parallel longitudinal binders shall extend over the top of the load; and

(b) Not less than four crossbinders shall be uniformly spaced over the length of the load.

(3) Vertical Bales — One Tier Load. Loads of one tier of vertical bales (**Figure 4**) shall be secured to the vehicle with two perimeter binders as follows:

(a) One perimeter binder shall be attached near the front right corner of the vehicle bed, extended across the front of the load to a point not less than two-thirds of the height of the front left corner bale (measured from the vehicle bed), extended around the side at the same height to the rear left corner bale of the load, and fastened near the rear right corner of the vehicle bed; and

(b) The second perimeter binder shall be attached near the front left corner of the vehicle bed, extended across the front of the load to a point not less than two-thirds of the height of the right corner bale (measured from the vehicle bed), extended around the side at the same height to the rear right corner bale of the load, and fastened near the rear left corner of the vehicle bed.

(4) Vertical Bales — Two Tier Load. Loads of two tiers of vertical bales shall be secured to the vehicle by either of the following methods:

(a) Two longitudinal binders shall extend in parallel lines over the top of the load and may be parallel or crossed at the ends; and not less than

four uniformly spaced crossbinders shall be applied over V-boards (**Figure 5**); or

(b) Two perimeter binders shall be applied to the top tier as prescribed in subsections (3)(a) and (b) of this rule with not less than four uniformly spaced crossbinders applied across the top of the load (see **Figure 6**).

(5) Detachable Cargo Carrier Load. Longitudinal or perimeter binders are not required to secure loads to detachable cargo carriers equipped with bulkheads certified as prescribed in OAR 740-125-0030(6). Crossbinders shall be attached either to the container or to the vehicle bed and shall extend over the approximate mid-point of each bale in a row of bales (see **Figure 7**).

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0115 and 860-070-0115; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-072-0020

#### DIVISION 130

##### LOGS AND POLES — LOADING, SECUREMENT AND TRANSPORTATION

#### 740-130-0010

##### Applicability of Rules

OAR 740-130-0010 through 740-130-0090 shall apply to the loading, securement, and highway transportation of logs or poles, including wood piling and utility poles, exemption of pole dolly.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0140 and 860-070-0140; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-073-0005

#### 740-130-0020

##### Definitions

The following definitions shall apply wherever the terms are used in this rule:

(1) "Short Log or Pole." A short log or pole is one of less length than the distance between the front and rear stakes or chock blocks retaining the load.

(2) "Load-Encircling Binder." A load-encircling binder is a binder applied around a load of logs or poles without attachment to the vehicle.

(3) "Gut Wrapper." A gut wrapper is an intermediate binder which extends around the bottom portion of a load to prevent it from spreading.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0145 & 860-070-0145; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-073-0010

#### 740-130-0030

##### General Provisions

The following general provisions shall apply to the transportation of logs or poles:

(1) Binder Requirements. Binders used for the loading, securement, and transportation of logs and poles shall meet the requirements of OAR 740-115-0010 through 740-115-0070, have breaking strength of not less than 11,500 pounds, and be limited to the following types:

(a) Chain;

(b) Wire rope;

(c) Synthetic webbing — Only on loads of finished or treated poles.

(2) Stability and Security of Loads. Stake bunks shall be used when the nature of the logs, method of loading or other contributing factors make for an unstable load of logs. No more than half of any log shall extend above the stakes unless properly and securely saddled. All logs or poles shall be well-balanced and centered on the vehicle so that the load is stable without binders. Prior to a vehicle entering a highway, all binders shall be tightened and locked, and all loading and securement requirements shall be met and maintained en route by periodic inspection of the load. If evidence of load instability occurs, or if any part of the load projects beyond the legal width limits of the vehicle, the vehicle shall be driven from the roadway as soon as practicable and shall not be moved upon the highway again until adjustments are made to bring the load into conformance with this rule.

(3) Bunks. Bunks, except those stationary mounted, shall pivot freely and kingpins shall be lubricated. Bunks shall be cleaned of any accumulation of debris which might interfere with proper operation of bunks, bunk stakes, or chock blocks. To minimize longitudinal shifting, top edges of bunks shall not be more than 3/8-inch thick and shall be squared or beveled to a sharp edge. The bunks or bolsters of any truck or trailer shall be either straight or curved upward. Bunks

with ends lower than their centers are prohibited. Bunks for finished or treated poles may be capped with 4 x 4-inch or larger rough-cut timbers securely fastened to the bunk.

(4) Chock Blocks. Chock blocks shall extend to not less than eight inches above the top edge of the bunk, except that for a single log, chock blocks may be turned in provided they extend at least 5-1/2 inches above the top of the bunk:

(a) Chock blocks shall be of steel or other material of equivalent bending and compression strength;

(b) Chock blocks shall not extend beyond the end of the bunk;

(c) The strength of chock block chains shall be not less than that of 1/2-inch high-test steel chain.

(5) Stakes. Wooden stakes used to restrain logs or poles shall be straight-grained at least equal to Douglas-fir in strength, and free from strength-impairing knots. Stakes of material other than wood shall be at least equal in strength to the wooden stakes prescribed. The minimum dimensions of wooden stakes shall be as follows:

(a) 2 x 4 inches for nonpyramid loads less than five feet in height above the vehicle bed;

(b) 4 x 4 inches for nonpyramid loads five feet or more in height above the vehicle bed;

(c) 4 x 4 inches for all pyramid loads.

(6) Stake Pockets. Stake pockets shall be designed to fit the stakes and shall be at least equal in strength to the stake strength.

(7) Steel bunk stakes, together with the means provided for securing and locking the stakes in hauling position, shall be designed and constructed of materials of such size that they will withstand a pressure of 15,000 pounds applied outward against the top edge of the stakes without yielding or permanently deforming. Bunk stake extensions shall be secured to the stake to prevent accidental detachment from the stake body.

(8) Cab Protection. Cab protection shall be provided on all motor vehicles and combinations transporting logs or poles. Cab guards shall extend the full height and width of the driver's compartment and shall be designed to prevent penetration by any part of the load. Materials used in the construction of cab guards required by this section shall meet the following requirements:

(a) Vertical posts shall be constructed of steel or iron at least equivalent in strength to structural channel steel of 4-inch section depth and 3/16-inch web thickness, weighing not less than five pounds per linear foot;

(b) Horizontal members shall be constructed of steel or iron at least equivalent in strength to nominal size 1.5-inch steel pipe having 1.9-inch outside diameter and .145-wall thickness, weighing not less than 2.5 pounds per linear foot;

(c) Material used to cover cab guards, when the horizontal members are not sufficient or not adequately spaced to prevent penetration by any part of the load, shall be of steel or wood or equivalent thereto at least equivalent in strength to 3/4-inch exterior grade plywood;

(d) Aluminum may be used in the construction of cab guards provided the weight per linear foot is at least 50 percent of that specified for steel and the web thickness is at least twice that specified for steel, or the manufacturer certifies that the product is of a strength at least equivalent to that specified for steel.

(9) Cab Guards on Motor Vehicles. Cab guards on motor vehicles shall be constructed of not less than two vertical posts and three horizontal members equally spaced and joined vertically. Cab guards shall be securely anchored to the frame or deck of the vehicle and braced to resist displacement. Materials used to anchor or brace the guard shall be of a strength at least equivalent to that specified for vertical posts.

(10) Cab Guards on Combination. When the configuration of a combination precludes installation on the motor vehicle, the cab guard may be secured to the front of a semitrailer, provided it is constructed of four vertical posts prescribed in preceding subsections (7)(a) and (b) of this rule, the posts are evenly spaced, securely fitted in steel pockets, and joined laterally from top to bottom by material meeting the requirements of preceding subsections (7)(a) and (d) of this rule. To resist displacement in the event of load shifting, the cab guard shall be restrained longitudinally by chain or wire rope with a breaking strength of not less than 11,500 pounds attached at

or near the top of the outside stake at each side of the guard and to an anchorage on each side of the vehicle.

(11) Cab Protection — Loads of Logs or Poles Less than 25 Inches in Diameter. Logs or poles less than 25 inches in diameter at the butt end may be transported by vehicles or combinations which are provided cab protection as prescribed in OAR 740-160-0030.

(12) Securement of Log Bunks to Flat Bed Equipment. When logs, poles or piling are transported on flat bed equipment utilizing log bunks, the following specifications shall govern log bunk securement to transport vehicle. At least four-inch angle irons shall be welded to the underside at each end of each bunk assembly to prevent lateral movement of the bunk on the cargo loading surface, and secured to the trailer by one of the following methods:

(a) Bolted to the perimeter frame by at least four high tensel strength bolts;

(b) Permanently welded,

(c) Secured by steel chain and binders with a breaking strength of not less than 15,000 pounds;

(d) Secured by steel cable and winches or binders with a breaking strength of not less than 15,000 pounds;

(e) Secured by one high tensel strength bolt or pin at each end of the bunk assembly extending through the trailer stake pockets or rub rails, and a 4 x 5/32 inch certified nylon webbing with a breaking strength of not less than 15,000 pounds.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0150 & 860-070-0150; PUC 6-1982, f. & ef. 5-6-82 (Order No. 82-336); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-073-0015

#### 740-130-0040

##### Pyramid Loading of Logs or Poles on Flatbed or Rail-Equipped Vehicles

Except as permitted in OAR 740-130-0050, logs or poles on flatbed vehicles or vehicles equipped with rails shall be loaded in pyramid fashion and shall be solidly packed with the outer bottom logs resting solidly against stakes. At least 3 pairs of stakes in stake pockets shall be used for logs or poles less than 20 feet in length; at least 4 pairs for lengths 20 feet or more. Each stake shall extend at least as high as the center of the bottom layer log or pole directly adjacent to the stakes (see **Figures 1, 3, and 4**).

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0155 & 860-070-0155; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-073-0002

#### 740-130-0050

##### Nonpyramid Loading of Small Logs and Poles on Flatbed or Rail-Equipped Vehicles

Logs or poles less than 25 inches in diameter at the butt end may be loaded in nonpyramid fashion on flatbed vehicles or vehicles equipped with rails. At least three pairs of stakes in stake pockets shall be used for logs or poles less than 20 feet in length; at least four pairs for lengths 20 feet or more. The height of the load shall not exceed the height of the stakes and the load shall fully occupy the lateral area between opposite stakes (see **Figures 2 and 5**).

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0160 & 860-070-0160; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-073-0025

#### 740-130-0060

##### Binding of Logs or Poles on Flatbed or Rail-Equipped Vehicles

Loads of logs or poles on flatbed vehicles or vehicles equipped with rails shall be secured with binders as follows:

(1) Single Log in Height. A single log or pole or a load that is one log or pole in height shall be secured by two binders, one securely anchored to each side of the vehicle near the rear (see **Figure 3**).

(2) More than One Log in Height. Loads two or more logs or poles in height shall have four binders, as evenly spaced as practicable, secured to each side of the vehicle (see **Figures 1, 2, and 4**).

(3) Over Six Logs in Height. Loads over six logs or poles in height shall have six binders, as evenly spaced as practicable, secured to each side of the vehicle (see **Figure 5**).

(4) Short Logs. Each short log or pole on top of a load shall be secured by two binders.

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0165 & 860-070-0165; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-073-0030

#### 740-130-0070

##### Loading of Logs or Poles on Vehicles with Bunks

Logs or poles shall be loaded on vehicles with bunks in pyramid fashion (unless otherwise provided), shall be solidly packed with the weight centered over the bunks, and shall have the outer bottom logs or poles resting solidly against chock blocks or bunk stakes. Each log in direct contact with the bunk shall project at least 6 inches beyond the bunk.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0170 & 860-070-0170; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-073-0035

#### 740-130-0080

##### Binding of Logs or Poles on Vehicles with Chock Blocks

Logs or poles on vehicles equipped with chock blocks shall be secured as follows:

(1) Single Log. A single log shall be secured by at least one binder attached to or passing through an anchorage at or near each end of the rear bunk (see **Figure 6**).

(2) One Log in Height. Loads of more than a single log but not more than one log or pole in height shall be secured by at least two binders, one at the front and one at the rear. The rear binders shall be attached to or pass through an anchorage at or near each end of the rear bunk (see **Figure 7**).

(3) Two Logs in Height. Loads two logs or poles in height shall be secured by at least three binders spaced as evenly as practicable. The rear binder shall be attached to or pass through an anchorage at or near each end of the rear bunk (see **Figure 8**).

(4) Three or More Logs in Height. Loads three or more logs or poles in height shall be secured by at least four binders spaced as evenly as practicable. One binder shall be attached to or pass through an anchorage at or near each end of the rear bunk (see **Figure 9**).

(5) Over Six Logs in Height. Loads over six logs or poles in height shall have at least six binders spaced as evenly as practicable. One binder shall be attached to or pass through an anchorage at or near each end of the rear bunk (see **Figure 10**).

(6) Short Logs. Each short log or pole on top of a load shall be secured by at least two binders.

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0175 & 860-070-0175; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-073-0040

#### 740-130-0090

##### Loading and Binding of Logs or Poles on Vehicles with Bunk Stake Assemblies

Logs or poles on vehicles equipped with bunk stake assemblies shall be loaded in accordance with the following provisions:

(1) A single log shall be secured by at least one binder which shall be attached to or pass through an anchorage at or near each end of the rear bunk (see **Figure 11**).

(2) Loads consisting of four or less logs, except single log loads, shall be secured by not less than two binders placed near the bunks (see **Figure 12**).

(3) Loads consisting of five or more logs shall be secured as follows:

(a) If the logs are 26 feet or more in length, by at least four evenly spaced binders around the load, one of which may be used as a "gut wrapper" (see **Figure 13**);

(b) If the logs are less than 26 feet or more in length, by at least two binders around the load (see **Figure 14**);

(c) Additional binders shall be used as necessary so that no log in a load has an unsecured end.

(4) The binders referred to in this section shall have a breaking strength of not less than 15,000 pounds.

(5) If, in any load consisting of two or more tiers of logs, any log or logs are too short to extend over both the front and rear bunks, an additional binder or binders shall be used to securely fasten the ends of all such logs to the remainder of the load. The purpose of this regulation is to require that each log shall be secured by at least two binders. The bottom logs of any load must rest securely on both the front and rear bunks.

(6) This section is intended to establish minimum standards for the transportation of logs on public highways. This section is not intended to reduce the number of binders required by any order or rule made pursuant to its statutory authority by any state agency, nor to prevent a state agency, acting within its regulatory authority, from adopting by rule more stringent standards.

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0180 & 860-070-0180; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-073-0045

### DIVISION 135

#### JUNK AND SCRAP METAL — LOADING, SECUREMENT AND TRANSPORTATION

#### 740-135-0010

##### Applicability of Rules

OAR 740-135-0010 through 740-135-0040 shall apply to the transportation of junk and scrap metal of all types and grades, including vehicle bodies.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0205 and 860-070-0205; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-074-0005

#### 740-135-0020

##### Definitions and General Provisions

The following definitions and general provisions shall apply to the transportation of junk and scrap metal:

(1) "Rackbinder." A rackbinder is a binder used to prevent side racks from spreading.

(2) "Binder Requirements." Binders used for the loading, securement, and transportation of junk and scrap metal shall meet the specifications of OARs 740-115-0010 through 740-115-0070:

(a) Crossbinders. Crossbinders shall be of chain or wire rope and shall have a breaking strength of not less than 9,800 pounds;

(b) Rackbinders. Rackbinders shall have a breaking strength of not less than 2,650 pounds.

(3) "Racks." Racks used to secure loads of scrap and junk metal shall meet the following requirements:

(a) Racks shall be retained by vertical members resting in stake pockets and shall be of a strength sufficient to contain the load;

(b) Vertical members of racks shall fit and conform to the contours of stake pockets;

(c) Wooden vertical members of racks shall be straight grained without strength-impairing defects and shall be not less than 1-3/4 inches thick and 2-7/8 inches wide;



(d) Racks shall not contain any holes or gaps larger than the smallest piece of scrap being transported;

(e) A bulkhead may be substituted for front end racks;

(f) Each rack shall be secured to any adjacent rack or bulkhead by steel strap material or a locking device applied near the top corners.

(4) "Rack Binding." Rackbinders or crossbinders shall be applied to loads which are 3 or more feet in height and retained by racks, and such binders shall be, as far as is practicable, equally spaced the length of the load. The number of binders shall be not less than the number of 6-foot lengths in the load, and no load shall have less than three such binders:

(a) Rackbinders shall extend above the major portion of the load and shall be attached to vertical members of opposite side racks;

(b) Crossbinders applied outside the racks may be substituted for rackbinders, provided they are of the required number and spacing;

(c) Rackbinders are not required on vehicles with solid sides joined to the deck surface and constructed with sufficient strength to contain the load without expanding or otherwise becoming distorted.

(5) "Condition of Equipment." All equipment used to secure and contain loads of junk and scrap metal, including vehicle bodies, shall be maintained in good condition. Vehicle beds shall not contain any hole or gap larger than the smallest piece in the transported load.

(6) "Extension of Load Over Cab." Structures which support loads over the driver's compartment shall be of steel construction, capable of supporting the load carried without structural failure or distortion, and no part of the load or cab shall obstruct the view of the driver to the front or sides of the transporting vehicle. The bed of such a structure and the load transported on it shall be in compliance with any applicable requirements of these rules.

(7) "Stability of Load." Junk and scrap metal shall be solidly loaded and tightly secured so as to prevent rocking, tipping, or shifting. All loading and securement requirements shall be met prior to the vehicle entering a highway and shall be so maintained en route by periodic inspection of the load. If there is any evidence of load instability, the vehicle shall be driven from the roadway and shall not again be moved on the highway until corrective load or securement adjustments are made to conform to these rules.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0210 and 860-070-0210; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-074-0010

#### 740-135-0030

##### Junk and Scrap Metal (Including Baled Vehicle Bodies) Loading and Securement

The following provisions shall govern the transportation of loose, bulky, baled, or combination loads of junk and scrap metal, including baled vehicle bodies:

(1) Miscellaneous Loose Loads. Except as otherwise provided, miscellaneous loose junk and scrap metal shall be contained by the four sides of the transporting vehicle or by racks with each metal piece centered below the rack tops. Racks which enclose machine shop turnings or similar material shall be without gaps or openings, and such loads shall be covered en route to prevent spillage.

(2) Bulky and Fabricated Loads. Loads composed solely of machinery, metal tanks, implements, structural members, or similar items of a bulky, elongated, or fabricated nature need not be contained by racks, provided crossbinders effectively secure the load on the vehicle.

(3) Baled Loads. Loads composed solely of baled junk and scrap metal, including baled vehicle bodies, shall be solidly packed to prevent shifting. In loads of more than one tier, each row of bales shall have crossbinders which effectively secure the load on the vehicle. A single tier of bales may be contained by racks.

(4) Combination Loads. Loads consisting of loose scrap combined with bulky, integral, or fabricated items need not be contained by racks when such items provide security equivalent to that of racks or of crossbinder securement as prescribed in section (2) of this rule.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0215 and 860-070-0215; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-074-0015

#### 740-135-0040

##### Unbaled Vehicle Body Loading and Securement

The transportation of unbaled vehicle bodies shall be subject to the following provisions:

(1) General Requirements. General requirements applicable to the loading and securement of unbaled vehicle bodies are as follows:

(a) Subject to preceding OAR 740-135-0020(7), when the longitudinal axis of the load and the transporting vehicle are parallel, a vehicle body may extend by not more than one-third its length beyond the rear end of the transporting vehicle bed surface. No part of any vehicle body loaded at an angle shall extend beyond the bed of the transporting vehicle;

(b) When practicable, at least one binder shall pass through each vehicle body required to be secured by crossbinders;

(c) Vehicle body doors which could swing open beyond the sides of the transporting vehicle shall be secured closed en route.

(2) Flattened Vehicle Bodies. Vehicle bodies flattened full length and loaded in a stack of multiple bodies shall be secured by at least two crossbinders applied over the top of the stack.

(3) Unflattened Vehicle Bodies. Loads of unflattened vehicle bodies shall be secured as follows:

(a) Loads of a Single Tier. Except as otherwise provided, each body in a load consisting of a single tier shall be secured by at least two crossbinders (see **Figure 1**);

(b) Racks may be used in lieu of crossbinders provided all the bodies in a tier are transported horizontally;

(c) Each body loaded at an angle shall be secured by at least one crossbinder, and two or more such bodies shall be bound together by a unitizing binder. Unitizing binders shall comply with crossbinder requirements in OAR 740-135-0020(2), and shall not be attached to the transporting vehicle (see **Figure 2**).

(4) Loads of Two or More Tiers. Loads consisting of two or more tiers shall be secured as follows (see **Figure 3**):

(a) Each body in the bottom tier shall be secured by at least one crossbinder; and

(b) Each body above the bottom tier shall be secured by at least two crossbinders.

(5) Combination Loads. Vehicle bodies transported in combination with other types of junk and scrap metal shall be secured as follows (see **Figure 4**):

(a) Each vehicle body transported above other junk and scrap metal shall be secured by at least two crossbinders;

(b) Crossbinders are not required on vehicle bodies transported as the bottom tier of a mixed load, provided the racks securing the load extend at least midheight of the body;

(c) Vehicle bodies may be used in lieu of rear racks on mixed loads if they provide security equivalent to that of end racks and each body is secured to the vehicle by at least two crossbinders.

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0220 and 860-070-0220; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-074-0020

## DIVISION 140

### STEEL COILS — LOADING, SECUREMENT AND TRANSPORTATION

#### 740-140-0010

##### Applicability of Rules

OAR 740-140-0010 through 740-140-0060 shall apply to the highway transportation of coils of flat rolled steel with a unit weight of at least 4,000 pounds except the following:

(1) Coils boxed or framed. Coils boxed or framed with wood on the top, bottom, and sides.

(2) Coils in vans. Coils transported in vans and adequately secured against shifting.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0245 and 860-070-0245; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-075-0005

#### 740-140-0020

##### Definitions

The following definitions shall apply for the purpose of this rule:

(1) "Coil Face." A coil face is the rounded outer surface of a coil.

(2) "Coil Side." A coil side is the surface presented by the edge of a coiled length of strip or sheet steel.

(3) "Coil." A coil is:

(a) A single coil;

(b) A series of horizontal eye coils with abutting sides and eyes aligned; or

(c) A series of coils with the eyes aligned and secured together or secured to a pallet or skids by straps to form a packaged unit.

(4) "Row." A row is one or more coils aligned laterally across the vehicle.

(5) "Group." A group is two or more rows with adjacent coil faces.

(6) "Pigtail." A pigtail is a piece of wire rope used on the end of a chain binder to facilitate the use of a winch tightener.

(7) "Fairlead." A fairlead is a device that serves as a guide for a binder to minimize chafing.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0250 and 860-070-0250; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-075-0010

#### 740-140-0030

##### General Provisions

The following general provisions shall apply to the transportation of steel coils:

(1) Binder Requirements. Chain binders shall be used for the securement and transportation of steel coils and shall comply with requirements of OAR 740-115-0010 through 740-115-0070, and shall have a breaking strength of not less than 15,000 pounds. Wire rope pigtails used in conjunction with chain binders shall meet the following requirements:

(a) Pigtails shall have a breaking strength of at least 15,000 pounds and shall be in compliance with the requirements of OAR 740-115-0010 through 740-115-0070 relating to wire rope;

(b) Pigtails shall not be deflected more than 90 degrees by any fairlead and shall not exceed a length of 43 inches;

(c) Pigtails or any wire rope portion of a tensioned chain tightener shall not rub against any portion of the load, including "corner softeners";

(d) Fairleads used to deflect tensioned wire rope shall have rounded bearing surfaces of not less than 3/4-inch and shall be designed to ensure retention of the rope. The length of stud-type fairleads shall be at least one and one-half times the diameter of the rope;

(e) Conditions of maintenance and use applicable to wire rope binders shall apply to the pigtails.

(2) Vehicle Beds and Deck Surfaces. Steel coils shall not be transported on frame or chassis-type vehicles. This shall not prohibit the transportation of coils on vehicles equipped with lumber rollers provided the coils are supported by a solid deck surface permanently affixed to the vehicle. Coils shall not have direct bearing on any metal deck surface of the transporting vehicle.

(3) Cradles, Pallets, and Platforms. Cradles, platforms, or pallets shall be of a strength commensurate with the weight of the coils they sustain and shall provide rigid and stable support en route.

(4) Load Height and Stability. The height of steel coil loads shall not exceed one tier. All loading and securement requirements

shall be met prior to the vehicle entering a highway and shall be so maintained en route by periodic inspection of the load. If evidence of load instability occurs, the vehicle shall be driven from the roadway and shall not again be moved on the highway until corrective load or binder adjustments are made to conform to these rules when any of the following conditions exist:

(a) Separation between a coil and its required blocking;

(b) Lack of required securement of the load;

(c) A shifted or unstable load.

(5) Group Loading. Groups of coils shall be solidly loaded with all adjacent coils or pallets bearing against one another to prevent shifting.

(6) Fastening of Binders. The following provisions shall govern the fastening and securement of binders:

(a) Binders shall be secured to anchorages by permanent attachments, shackle-type couplers, or grabhooks. In emergencies binders may be temporarily secured to anchorages by other than the required methods if such alternate method provides a strength at least equal to that of the binder;

(b) Rub rail edges shall not be used as anchorages for binder grabhooks except as follows: each hook of a binder passing over the top of a row may be secured to a rub rail having a minimum thickness of 1/4-inch and hooks may be secured to the top edge of the rub rail at stake pockets provided the combined rub rail and stake pocket material are of a thickness not less than 1/4 inch;

(c) The metal strapping which secures a pallet, cradle, or platform to a coil shall not bear any strain imposed by a binder and, if necessary, spacers shall be used between adjacent coil faces to comply with this requirement.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0255 and 860-070-0255; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-075-0015

#### 740-140-0040

##### Horizontal Eye Coils — Loading and Blocking Requirements

The following provisions shall apply to coils of flat rolled steel products transported with the eye horizontal:

(1) General Requirements. The following general loading and blocking requirements shall apply to coils transported with the eye horizontal:

(a) Any coil with the eye telescoped four or more inches to the side shall have a unitizing binder applied as a bellywrapper to prevent further telescoping. Such binder shall pass through the eye and across the outer surface of the coil and may or may not be secured to the vehicle;

(b) All coils in a row with eyes in line shall be of approximately equal diameter;

(c) The total weight of any row composed of two or more coils with eyes aligned parallel to the ends of the vehicle shall not exceed 20,000 pounds (see **Figure 1**);

(d) Except as provided herein, coils shall be tightly blocked across the full width of both faces of a single row or the outside faces of the end rows of a group. Coils secured to cradles, pallets, or platforms by metal straps or bands shall be exempt from the blocking requirements (see **Figures 1, 2, 3, 4 and 5**);

(e) Except as provided herein, all blocking secured by cleats shall be connected at each side of a row or group to the blocking at the opposite face of the row or group by a connecting timber nailed to the top of the blocks (see **Figures 2, 3 and 4**).

**NOTE:** Connecting timbers shall not be required on rows with the eyes extending parallel to the ends of the vehicle when the application of such timbers exceeds the maximum width limitation of 96 inches.

(f) Each coil within a row requiring blocking shall bear solidly against the block;

(g) Coils shall rest on and be supported by the same surface that supports the blocking;

(h) Cleats and timber connecting opposite blocking shall be not less than 2 x 4 inch nominal size lumber laid flat;

(i) Nail-split lumber is prohibited in the securement of the blocking;

(j) Nails used in the securing of the blocking shall be not less than 16-penny (3-1/2 inches) in size, shall not lean away from the blocking, and shall be driven to the head when possible;

(k) Any wood surface interposed between a coil and a metal deck shall have a minimum thickness of 1-1/2 inches when blocking is retained by nailed cleats.

(2) Blocking. Blocking shall be not less than nominal size 4 x 4-inch lumber of a length not less than the width of the row being blocked. Blocking shall be of one piece except that the block may consist of two pieces of 2 x 4-inch lumber of the required length standing on edge and laminated so as to form a nominal size 4 x 4-inch block (see **Figure 2**). The blocking shall be secured against the face of a row by one or a combination of the following methods:

(a) Stakes in stake pockets (see **Figures 1, 4 and 5**).

(b) Cleats at right angles to the blocking (see **Figures 2, 3 and 4**).

(3) Stake Blocking. The following provisions shall apply when blocking is retained by stakes:

(a) The block shall be secured against the face of a row by a retaining timber and such timber shall be retained by the maximum number of stakes for which stake pockets are available. The retaining timber, which may be used as the block, shall be of a size not less than the blocking, of a strength at least equal to Douglas-fir, and shall be either of one piece or of laminated construction without strength-impairing defects;

(b) Stakes shall be constructed of heavy gauge steel or straight-grained hardwood free of strength-impairing defects. Stake pockets shall be at least equal in strength to the stakes;

(c) Stakes shall conform to and fill the entire stake pocket except that in rectangular pockets, heavy gauge steel pipe stock having an outside diameter of not less than two inches may be used;

(d) Stakes shall be of a height not less than the blocking bearing against them;

(e) Intermediate spacer lumber applied between the block and the retaining timber shall be of a height not less than the blocking and shall bear against the block at the center and ends of the row. Spacer lumber may extend either parallel or laterally to the blocking (see **Figures 4 and 5**);

(4) Right Angle Cleats. The following provisions shall apply when blocking is retained by cleats placed at right angles to the block (see **Figures 2, 3 and 4**):

(a) Cleats shall be not less than nine inches in length;

(b) Cleats shall bear tightly against the blocking and each cleat shall be solidly secured to decking or stringers by at least three nails spaced as equally as is practicable;

(c) The number of cleats at each face of a row shall be at least the number required in **Table 1**;

(d) Cleats shall be spaced as equally as is practicable within the width of the row.

(5) Connecting Timber. The timber connecting the blocking at opposite faces of a row or group shall be applied as close alongside the row or group as is practicable and shall be secured to the top of each block by not less than three nails. When the distance between the blocks at opposite ends of a group does not exceed 8 feet, the connecting timber at each side of the group shall be one-piece lumber.

(6) Stringers. The following provisions shall apply when coils are transported on stringers (see **Figure 3**):

(a) Stringers shall be not less than 2 x 4-inch nominal size lumber of one piece laid flat for the full length of the group bearing upon it;

(b) When blocking is secured by cleats, the stringers shall be of a number and position as may be necessary to permit compliance with cleating requirements.

[ED. NOTE: The Figures and Table referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0260 and 860-070-0260; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-075-0020

#### 740-140-0050

#### Horizontal Eye Coils — Application of Binders

The following provisions shall apply to the application of binders securing coils transported with the eye horizontal. All required binders shall pass through the eyes of the coils:

(1) Coils Loaded with Eye Transverse to Vehicle. The following binder requirement shall apply to coils transported with the eye horizontal and extending parallel to the ends of the vehicle (**Figures 6 through 16** — required blocking not shown):

(2) Number of Binders and Direction of Anchorages. The number of binders securing any single row or group of rows shall be determined by the weight of the row or total weight of the group with a minimum of one binder to each row within a group. The binders shall be secured to the vehicle at each end of the row and shall be anchored ahead or behind the row as required by the direction of the anchorages in **Table 2**.

(3) Location of Anchorage. For binders anchored to the side of a vehicle, the outside diameter of the coil shall determine the minimum distance between the center of the coil and the anchorage for any binder securing it to the vehicle. This distance shall be measured horizontally along the side of the vehicle and shall be not less than shown in **Table 3** and **Figure 17**.

(4) Position of Binders — Coil Group. Binders required by **Table 2** shall be applied to a group of rows as follows:

(a) Binders required to be anchored behind shall be applied to consecutive rows from the front of the group with one binder to each row until the required number of binders have been applied. A group requiring binders of a number anchored behind in excess of the number of rows in the group shall repeat the procedure, starting with the front row of the group (see **Figure 12**);

(b) Binders required to be anchored ahead shall be applied to consecutive rows from the rear of the group until the required number of binders have been applied. Any row not secured to the vehicle, after the number of binders required by **Table 2** have been applied, shall be secured to the vehicle by at least one binder anchored behind the row (see **Figures 11 and 16**).

(5) Coils Transported With Eyes Parallel to Sides of Vehicle. The following provisions shall govern the number and position of binders for coils transported with the eyes horizontal and extending parallel to the sides of the vehicles (**Figure 18**; required blocking shown in **Figures 1 through 5**).

(6) Single Coil. A row consisting of a single coil shall be secured with two binders. One binder shall have both ends anchored to the right side of the vehicle and one binder shall have both ends anchored to the left side of the vehicle.

(7) Coil Group. A row consisting of two or more coils shall be secured by a binder applied to each of the outside coils in the row. Both ends of the binder securing the left coil shall be secured to the right side of the vehicle and both ends of the binder securing the right coils shall be anchored to the left side of the vehicle.

[ED. NOTE: The Figures and Tables referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0265 and 860-070-0265; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-075-0025

#### 740-140-0060

#### Vertical Eye Coils

The following provisions shall govern the loading and securing of coils transported with the eyes vertical when such coils are secured by the binders specified in OAR 740-140-0030(1) (see **Figures 19 through 23**).

(1) General Requirements. The following general requirements shall apply to coils transported with the eyes vertical:

(a) All coils in each row shall be of the same approximate height. As an alternative, blocking lumber may be interposed between the top of a coil and any binder over the top of the row so that all coils in the row receive solid bearing from the binder;

(b) Binders required to be secured at the base of a coil shall bear solidly against the coil at a height which shall not exceed six inches from the bottom of the coil;



(c) No row in a group of coils shall be wider across the vehicle than the front row of the group;

(d) All coils in a row shall have eyes approximately aligned and the binder over the top of the row shall be centered over the row;

(e) All binders shall extend across the width of the vehicle with each end anchored at or near opposite sides of the vehicle, except as otherwise provided.

(2) Single Row — Single Coil. A single row containing a single coil shall be secured with three binders applied by one of the following methods:

(a) One binder shall pass over the top of each coil; one binder shall pass around the front of the coil at its base with both ends anchored to the vehicle towards the rear; and one binder shall pass around the rear of the coil with both ends anchored to the vehicle towards the front (see **Figure 19**);

(b) One binder shall extend across the front of the coil at its base with each end of the binder anchored towards the rear and two binders shall pass around the sides of the coil near the top in the following manner: one binder shall pass around the left side of the coil with both ends anchored to the right side of the vehicle and one binder shall pass around the right side of the coil with both ends anchored to the left side of the vehicle. The binders shall be secured in position by a fixture extending across the top of the coil and such fixture shall have a strength at least equal to the binders (see **Figure 20**).

(3) Single Row — Multiple Coils. A single row containing two or more coils shall be secured with at least three binders applied as shown in **Figure 21**:

(a) One binder shall extend over the top of the row;

(b) One binder shall extend across the front of the row at its base with each end of the binder anchored towards the rear;

(c) One binder shall extend across the rear of the row at its base with each end of the binder anchored towards the front.

(4) Group of Rows — Single Coil in Each Row. A group of rows containing a single coil in each row shall be secured by one of the following methods:

(a) One binder shall extend over the top of each row in the group. One binder shall pass around the front of each coil at its base with both ends of the binder anchored towards the rear. One binder shall pass around the rear of the rear coil in the group at its base and both ends of the binder shall be anchored toward the front (see **Figure 22**);

(b) Two binders shall pass around the sides of each coil near the top in the same manner as described in OAR subsection (2)(b) of this rule. One binder shall pass around the front of the group at the base of the front coil and both ends of the binder shall be anchored toward the rear; one

binder shall pass around the rear of the rear coil in the group at its base and both ends of the binder shall be anchored towards the front (see **Figures 20 and 22**).

(5) Group of Multiple Coil Rows. Any group containing a row having two or more coils shall be secured in the following manner (see **Figure 23**):

(a) One binder shall extend over the top of each row;

(b) One binder shall pass around the front of the group at the base of the front row and each end of the binder shall be anchored towards the front.

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0270 and 860-070-0270; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-075-0030

## DIVISION 145

### STEEL PLATE, SHEET, AND TINPLATE — LOADING AND SECUREMENT

#### 740-145-0010

#### Applicability of Rules

OAR 740-145-0010 through 740-145-0060 shall apply to the highway transportation of flat steel products (plate, sheet, and tinplate) in other than coil form when transported on flatbed or open-top vehicles in individual or combined quantities or more than 4,000 pounds.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0295 & 860-070-0295; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-076-0005

#### 740-145-0020

##### Definitions

The following definitions shall apply for the purpose of this rule:

(1) "Plate." Plate is any flat steel product at least 12 inches in width and at least 3/16-inch in thickness.

(2) "Sheet." Sheet is any flat steel product including corrugated roofing, siding, flooring, and decking, which is at least 12 inches in width and less than 3/16-inch in thickness.

(3) "Hand Bundle." A hand bundle is a bound unit which can be handled without mechanical equipment.

(4) "Lift." A lift is a shipping unit of flat steel which requires mechanical equipment for handling.

(5) "Package." A package is a lift or a number of lifts or hand bundles bound in at least one direction to make a single unit.

(6) "Pile." A pile is a unit of two or more lifts or hand bundles loaded one above the other. Adjacent pile jointly secured by a common tiedown shall be considered one pile.

(7) "Group." A group is a unit of two or more hand bundles, packages, lifts, or piles loaded in close proximity and jointly secured by one or more common tiedowns. All lading within a group shall be solidly blocked against any adjacent lading in the same group.

(8) "Separator." A separator is a length of lumber used vertically or horizontally to support lifts or maintain clearance between adjacent portions of the load without tension ties to the lift.

(9) "Pigtail." A pigtail is a piece of wire rope used on the end of a chain binder to facilitate the use of a winch tightener.

(10) "Fairlead." A fairlead is a device that serves as a guide for a binder to minimize chafing.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0300 & 860-070-0300; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-076-0010

#### 740-145-0030

##### General Provisions

The following general provisions shall apply to the transportation of steel plate, sheet steel, and tinplate:

(1) Binder Requirements. Chain binders shall be used for the loading, securement, and transportation of flat steel products and shall comply with requirements of OAR 740-115-0010 through 740-115-0070; and shall have a minimum breaking strength of not less than 15,000 pounds. Wire rope pigtails used in conjunction with chain binders shall meet the following requirements:

(a) Pigtails shall have a breaking strength of at least 15,000 pounds and shall be in compliance with the requirements of OAR 740-115-0010 through 740-115-0070 relating to wire rope;

(b) Pigtails shall not be deflected more than 90 degrees by any fairlead and shall not exceed a length of 43 inches;

(c) Pigtails or any wire rope portion of a tensioned chain tightener shall not rub nor bind against any portion of the load, including "corner softeners";

(d) Fairleads used to deflect tensioned wire rope shall have rounded bearing surfaces of not less than 3/4 inch and shall be designed to ensure retention of the rope. The length of stud-type fairleads shall be at least 1-1/2 times the diameter of the rope;

(e) Conditions of maintenance and use applicable to wire rope binders shall apply to the pigtails.

(2) Vehicle Beds and Deck Surfaces. Loads of flat steel products shall not be transported on frame or chassis-type vehicles. This

provision shall not prohibit transporting flat steel products on a vehicle equipped with lumber, rollers, provided the lading is supported by a solid deck surface which is permanently affixed to the vehicle (see **Figure 1**). Loads shall not have direct bearing on metal deck surfaces of the transporting vehicle.

(3) Cradles, Pallets, and Platforms. Cradles, platforms or pallets shall be of a strength commensurate with the weight of the loads they sustain and shall provide rigid and stable support en route.

(4) Stability of Loads. Prior to a vehicle entering a highway, all binders shall be tightened and locked, and all loading and securement requirements shall be met and maintained en route by periodic inspection. If evidence of load instability occurs, the vehicle shall be driven from the roadway as soon as practicable and shall not be moved upon the highway again until adjustments are made to bring the load into conformance with this rule.

[ED. NOTE: The Figure referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0305 & 860-070-0305; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-076-0015

#### 740-145-0040

##### Securement of Loads

All lading on the vehicle shall be secured against longitudinal or lateral shifting:

(1) Application of Binders. Crossbinders shall extend over the load with each end attached to opposite sides of the vehicle approximately opposite each other. Crossbinders shall be of a number sufficient to ensure the lateral securement of all lading on the vehicle and shall be applied along the length of the load, group, or pile in accordance with the weight distribution of the load. Each individual binder shall bear on the load at solidly supported bearing points:

(a) Each lift of a size not more than three feet in any dimension or any row of such lifts loaded side by side in a group shall be secured by at least one crossbinder;

(b) Each lift of a size in excess of three feet in any dimension, each group containing any lift of such size, and each pile shall be secured by not less than two crossbinders. Additional crossbinders shall be applied to any lift, group, or pile as necessary to comply with the following: Weight in Pounds — Total Binders:

(A) 20,000 or less — 2;

(B) 20,001 to 30,000 — 3;

(C) 30,001 to 40,000 — 4;

(D) 40,001 to 50,000 — 5.

(c) The weight of each group or pile shall be computed individually to determine the number of crossbinders to be applied in accordance with the preceding weight table.

(2) Fastening of Binders. The following provisions shall govern the fastening and securement of binders:

(a) Binders shall be secured to anchorages by permanent attachments, shackle-type couplers, or grabhooks. In emergencies, binders may be temporarily secured to anchorages by other than the required methods if such alternate method provides a strength at least equal to that of the binder;

(b) Rub rail edges shall not be used as anchorages for binder grabhooks except binder grabhooks may be secured to a rub rail having a minimum thickness of 1/4 inch and hooks may be secured to the top edge of the rub rail at stake pocket provided the combined rub rail and stake pocket materials are of a thickness not less than 1/4 inch.;

(c) Separators shall be used as necessary to keep metal strapping used to secure a load to a pallet, skid, or platform from bearing any strain imposed by a binder.

(3) Blocking. Lifts and piles loaded side by side shall be solidly blocked against each other. Separator blocking shall be tightly secured to prevent displacement.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0310 & 860-070-0310; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-076-0020

#### 740-145-0050

##### Securing of Lifts

The following provisions shall apply to lifts of sheet steel when such lifts are not boxed, crated, or secured to skids, pallets, or platforms:

(1) Tension Ties. High-tension bands, straps, or wires shall be machine-tensioned and sealed, or twist-tied, respectively. Individual bands, straps or wires shall have a breaking strength of not less than 2,000 pounds and dimensions not less than that of 3/4 by .031-inch flat or 10-gauge round steel strapping. The use of secondhand or reclaimed high-tension bands, straps, or wires or of common wires as tension ties is prohibited.

(2) Sheet. Lifts of sheets shall be secured to meet the following requirements:

(a) Oil surfaced sheets, hot or cold rolled, shall be tension tied with two crosswise ties and one lengthwise tie, as shown in **Figure 2**;

(b) Dry surfaced sheets, cold rolled, shall be tension tied with two crosswise ties, as shown in **Figure 3**;

(c) Dry surfaced sheets, hot rolled, galvanized flat sheets, and formed sheets (corrugated, formed roofing, etc.) in standard lifts may be loaded without tension tying, as shown in **Figure 4**.

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0315 & 860-070-0315; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-076-0025

#### 740-145-0060

##### Stacking of Lifts

The following provisions shall apply when lifts of steel plate, steel sheet, and tinplate are loaded in a pile:

(1) Stability of Pile. Lifts shall be loaded to achieve maximum stability of the pile with the widest lift at the bottom, and successive lifts in order of decreasing width. Where different lift lengths would make compliance with this provision impractical, the longest lift may be loaded at the bottom of the pile provided sufficient blocking is used to maintain pile stability.

(2) Height of Pile. Subject to clearance requirements for mechanical handling equipment, the height of a pile shall be held to a minimum by distributing the lading among the maximum number of piles that can be constructed upon the deck surface of the vehicle. The overall height of a pile of lifts, measured from the vehicle bed to the top surface of the pile, shall not exceed two-thirds of the average width of the pile.

(3) Bearing Surfaces. Lifts shall present reasonably flat, squared-off bearing surfaces for the full dimension of the lift along the direction in which the separators extend, subject to clearances required for mechanical loading or unloading. Irregularly shaped lifts or those containing pieces of different sizes or clip separators shall have filler lumber secured within the lift as necessary to provide a reasonably flat, squared-off bearing surface.

(4) Separators. Separators used to support lifts shall be of sufficient size and number and so positioned as to prevent sagging, bending, shifting, or other evidence of instability or displacement en route. Separators between lifts must be of the same height, as shown in **Figure 5**. Lengthwise separators may be made up of two or more pieces, as shown in **Figure 6**. Crosswise separators must be positioned to support the load, as shown in **Figures 7 and 8**. Both lengthwise and crosswise separators may be used to support a single lift or pile, as shown in **Figure 9**.

(5) Stiffener Blocking. Lift edges shall be supported under the tie-downs by stiffener blocking, when necessary, to prevent bowing, bending, or other distortion affecting the stability and securement of the file.

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0320 & 860-070-0320; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-076-0030

## DIVISION 150

## EMPTY WOODEN OR PLASTIC BOXES — LOADING, SECUREMENT AND TRANSPORTATION

## 740-150-0010

## Applicability of Rules

OAR 740-150-0010 through 740-150-0050 shall apply to the loading, securement, and transportation of empty wooden or plastic boxes not more than 36 inches long, 24 inches wide, and 12 inches high, when more than 100 such boxes are transported on a highway. Size shall be determined by inside dimensions of the box, excluding cleats, separators, or other attachments. This rule shall not apply to loads transported in vans or contained on four sides by racks.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0345 & 860-070-0345; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-077-0005

## 740-150-0020

## Definitions

The following definitions shall apply for the purposes of this rule:

(1) "Stack." A stack is a single column of nested or unnested boxes loaded one above the other.

(2) "Row." A row consists of two or more stacks of boxes loaded parallel either to the sides or the ends of the vehicle bed.

(3) "Course." A course is one layer of boxes.

(4) "Corner Iron." A corner iron is a section of angle iron or right-angled steel with boxed end and a hook used in conjunction with perimeter binders.

(a) The hook shall be welded to the outer surface of the angle iron and shall have a strength not less than that of 1/2 inch cold rolled steel, and shall have a radius of at least 3/8 inch to permit free movement of the binder. Corner irons shall meet one of the following instruction requirements;

(b) At least a 3 x 3/16-inch angle iron not less than 26 inches in length, a hook not less than 10 or more than 13 inches from the top outside corner and topped by not less than a squared and welder 10-gauge (9/64-inch) steel plate (**Figure 1**); or

(c) At least 8 x 8 inch, 12-gauge (7/8-inch or 11-1/2 x 11-1/2 inch), 14-gauge (5/64-inch) steel not less than 48 inches in length with at least 3/4-inch double thickness at each outer edge, a hook not less than 10 or more than 24 inches from the top outside corner, and topped by not less than a squared and welded 10-gauge (9/64-inch) steel plate.

[ED. NOTE: The Figure referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0350 & 860-070-0350; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-077-0010

## 740-150-0030

## General Provisions

Binders used in the loading, securement, and transportation of empty wooden or plastic boxes shall meet the requirements of OAR 740-115-0010 through 740-115-0070, and shall comply with the following additional requirements:

(1) Longitudinal Binders. Longitudinal binders shall have a breaking strength of not less than 5,400 pounds and shall be limited to the following types:

- (a) Chain;
- (b) Wire Rope;
- (c) Manila rope;
- (d) Synthetic fiber rope;
- (e) Synthetic webbing.

(2) Perimeter Binders. Perimeter binders shall have a breaking strength of not less than 5,400 pounds and shall be limited to the following types:

- (a) Chain;
- (b) Wire rope;

(c) Manila rope;

(d) Synthetic fiber rope.

(3) Crossbinders. Crossbinders shall have a breaking strength of not less than 2,500 pounds and shall be limited to the following types:

- (a) Chain;
- (b) Wire rope;
- (c) Manila rope;
- (d) Synthetic fiber rope;
- (e) Synthetic webbing.

(4) Corner Irons. Corner irons in compliance with construction requirements of preceding OAR 740-150-0020(4) shall be used in conjunction with perimeter binders.

(5) Winch Attachments. Winch attachments and anchorages used with perimeter binders shall be as uniformly spaced from the vehicle centerline and as close to the outside edge of the vehicle bed as is practicable (in no case more than 28 inches from corners on the ends of the bed, not more than 60 inches from corners on the sides of the bed).

(6) Stability of Load. All loading and securement requirements shall be met prior to a vehicle entering a highway and shall be so maintained en route by periodic inspection of the load. If there is any evidence of load instability, the vehicle shall be driven from the roadway and shall not again be moved on the highway until corrective load or securement adjustments are made to conform to these rules.

(7) V-Boards (V-Bars). When V-boards (V-bars) are used, they shall be positioned at the top edge of the load, beneath the binders, and shall be in compliance with the following requirements:

(a) V-boards (V-bars) shall consist of two parallel pieces of lumber, metal, or other material attached together near each end by flexible material. V-boards more than 6 feet in length shall also be attached at the approximate midpoint;

(b) V-boards shall be of sufficient length to restrain at least one-half of each box to which they are applied. As far as is practicable, multiple binders shall be uniformly spaced over the entire length of a V-board;

(c) Materials used in the construction of V-boards shall be of a strength not less than that of nominal size 1-inch x 4-inch Douglas-fir. Lumber V-boards shall be free of strength-impairing knots.

(8) Cab Protection. A cab guard shall be provided for each motor vehicle transporting wooden or plastic boxes. Such cab guards shall extend to the approximate height and width of the driver's compartment and shall be constructed to insure structurally safe design and installation in order to protect the driver's compartment from being crushed or penetrated by shifting loads.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0355 & 860-070-0355; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-077-0015

## 740-150-0040

## Construction of Loads

(1) The following provisions shall govern the construction of loads of wooden or plastic boxes:

(2) Construction. Loads shall be constructed either of compactly nested boxes or unnested boxes with all adjoining box surfaces within a stack solidly abutted against each other without gaps or openings:

(a) Uniform Height of Load. Loads should consist of stacks of uniform height to facilitate load stability. Every stack which does not conform to the height of the rest of the load, and every unstacked box on top of the load shall be restrained by an individual crossbinder;

(b) Permissible Overhang. Any load overhang beyond the vehicle bed shall be not more than one-third the length of a box;

(c) Placement of Partial Loads. A partial load shall either be placed flush against a bulkhead (**Figure 2**); or centered, when the remaining space on the bed is four feet or less (**Figure 3**); or even with the end of the bed where the winches are mounted, when the remaining space is more than four feet (**Figure 4**).

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825



Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0360 & 860-070-0360; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-077-0020

#### 740-150-0050

##### Securement of Loads

The following provisions shall govern the securement of loads of wooden or plastic boxes:

(1) Uniform Size Boxes. Boxes of uniform size shall be secured to vehicles either by applying longitudinal or perimeter binders with crossbinders:

(a) Longitudinal Binders. When used in conjunction with V-boards, bulkheads, or racks at both ends of the load to provide longitudinal restraint, longitudinal binders shall be applied in pairs;

(b) V-boards shall be centered over the ends and within 6 inches of the corners of the load (**Figure 5**).

(2) The load shall be solidly abutted against a bulkhead or rack at least as high as the vertical midpoint of the top course of boxes in abutting stacks (**Figure 6**).

(3) Perimeter Binders. Perimeter binders shall be used in pairs and applied as follows:

(a) Perimeter binders shall be fastened to opposite points on the front or side of the vehicle bed near the front corners, cross the front of the load through the front corner iron hooks, extend the length of the load on each side and parallel to vehicle bed, pass through the rear corner iron hooks, cross the rear of the load, and shall be fastened to the rear of sides of the vehicle bed near the rear corners (**Figures 7 and 8**);

(b) When the remaining space on a vehicle bed with a partial load is more than four feet, crossbinders shall be used in conjunction with perimeter binders, which shall be fastened on opposite sides of the vehicle bed not more than 28 inches beyond or more than 60 inches before the rear end of the load. The load shall be solidly abutted against the bulkhead, or if no bulkhead, even with the end of the bed where winches are mounted (**Figure 4**).

(4) Crossbinders. Crossbinders shall be used in addition to longitudinal or perimeter binders to secure top boxes at the sides of the load by one of the following methods:

(a) Either one crossbinder shall be applied across the front row, one across the rear row, and intermediate crossbinders shall be placed, as uniformly as is practicable, along the length of the load with at least one binder for each 6-foot load length; or

(b) When used over V-boards, at least one crossbinder shall be applied over the approximate midpoint of V-board less than four feet in length; at least two, uniformly spaced, over 5 to 8-foot V-boards; and at least three, uniformly spaced, over V-boards 8 feet to 12 feet in length.

(5) Nonuniform Size Boxes. Boxes of nonuniform size shall be secured to vehicles by crossbinders for lateral restraint and by crosstied binders (of a strength specified for crossbinders in OAR 740-150-0030(3) for longitudinal restraint as follows:

(a) Lateral Restraint. Lateral restraint shall be provided by the application of at least one crossbinder over each lateral row of boxes;

(b) Longitudinal Restraint. Without a bulkhead, longitudinal restraint shall be provided at each end of the load by not less than two binders extending from and attached to opposite sides of the vehicle bed, one diagonally crosstied over the top end of the load near the corner, the other crosstied over the top end of the load near the corner, the other crosstied around the end of the load below the top corner. With a bulkhead, at least two such diagonally crosstied binders shall extend over the top and rear end of the load (**Figure 9**).

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0365 & 860-070-0365; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-077-0025

#### DIVISION 155

### DETACHABLE FREIGHT VANS OR TANK CONTAINERS — LOADING, SECUREMENT AND TRANSPORTATION

#### 740-155-0010

##### Applicability of Rules

OAR 740-155-0010 through 740-155-0060 shall apply to the loading, securement, and highway transportation of detachable freight vans or tank containers designed to be carried on frame or chassis-type vehicles. The provisions of this rule do not apply to collapsible containers used in the transportation of liquid glue, resin, and wine.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0390 & 860-070-0390; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-078-0005

#### 740-155-0020

##### Definitions

The following definitions shall apply for the purpose of this rule:

(1) "Detachable Freight Vans or Tank Containers." Detachable freight vans or tank containers are readily removable cargo structures which are designed to be carried on frame or chassis-type vehicles and are not welded or permanently bolted to the running gear or chassis of the transporting vehicle.

(2) "End Binder." An end binder is a binder which passes through the upper or lower corner casting of a container and is attached to opposite sides of a vehicle.

(3) "Bolster." A bolster is a structural member or device attached to the frame or bed of a vehicle to support or restrain a container.

(4) "Buckle." A buckle is a device used to connect two pieces of webbing to form a load binder.

(5) "Locking Device." A locking device is a mechanical apparatus used to secure a container to the vehicle.

(6) "Lower Corner Casting." A lower corner casting is a locking device receptacle designed into the lower corner of a container.

(7) "Upper Corner Casting." An upper corner casting is a device or receptacle used on the upper corner of a container for lifting and lowering it with a crane, hoist, or other machine.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0395 & 860-070-0395; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-078-0010

#### 740-155-0030

##### Stability of Loads

Containers shall be well balanced and positioned on the vehicle so that the load is stable without binders or other securement devices. All loading and securement requirements shall be met prior to a vehicle entering highway and shall be so maintained en route by periodic inspection of the load. If there is any evidence of load instability, or if any part of the load projects beyond the legal width limits of the vehicle, the vehicle shall be driven from the roadway and shall not again be moved on the highway until corrective load or securement adjustments are made to conform to these rules.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0400 & 860-070-0400; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-078-0015

#### 740-155-0040

##### Binder Requirements

Binders used for the loading, securement, and transportation of detachable freight vans and tank containers shall meet the requirements of OAR 740-115-0010 through 740-115-0070, and shall have a breaking strength of not less than 11,500 pounds, and shall be limited to chain, wire rope, and synthetic webbing.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0405 & 860-070-0405; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-078-0020

**740-155-0050****Transportation and Securement on Frame or Chassis-Type Vehicles**

Van and tank containers shall be secured to frame or chassis-type vehicles to prevent lateral, longitudinal, and vertical shifting. Following are examples of methods of securement which will comply with this requirement. Other methods of securement may be used provided each container is protected against lateral, longitudinal, and vertical shifting.

(1) **Locking Devices.** Interlock the container to the chassis with three locking devices (**Figure 1**).

(2) **Locking Devices to Prevent Lateral and Vertical Shifting.** Position the container against front and rear bolsters to prevent longitudinal shifting and use two locking devices to prevent lateral and vertical shifting (**Figure 2**).

(3) **Locking Devices to Prevent Longitudinal and Vertical Shifting.** Position the container against bolsters to prevent lateral shifting and use two locking devices to prevent longitudinal and vertical shifting (**Figure 3**).

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0410 & 860-070-0410; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-078-0025

**740-155-0060****Transportation and Securement on Flatbed Vehicles**

Van and tank containers shall be secured to flatbed vehicles to prevent lateral, longitudinal, and vertical shifting and shall comply with the overhang restrictions contained in the following section (6) of this rule. Following are examples of methods of securement which will comply with the load securement requirements of this article. Other methods of securement may be used provided each container is protected against lateral, longitudinal, and vertical shifting:

(1) **Locking Devices.** Secure the container to the vehicle with three locking devices (**Figure 4**).

(2) **Locking Devices and Crossbinders.** Secure the container to the vehicle with two crossbinders and two locking devices (**Figure 5**).

(3) **End Binders.** Secure the container to the vehicle with two end binders by applying one through corner castings and around the front end of the container and the other through corner castings and around the rear end of the container (**Figure 6**).

(4) **Longitudinal Binders and Crossbinders.** Secure the container to the vehicle with two longitudinal binders and two crossbinders (**Figure 7**).

(5) **Securement of Multiple Container Loads.** **Figures 8 through 10** illustrate methods of securement for multicontainer loads which will comply with this rule. Other methods of securement may be used provided each container is protected against lateral, longitudinal, and vertical shifting.

(6) **Load Projection.** Containers which project beyond the front or rear end of the vehicle bed shall meet the following restrictions:

(a) No container shall extend by more than one-half its length beyond the front or rear of the transporting vehicle bed;

(b) Containers shall not be positioned so as to restrict or otherwise interfere with the maximum turning and steering capability of the transporting vehicle or combination of vehicles.

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0415 & 860-070-0415; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-078-0030

**DIVISION 160****LUMBER AND LUMBER PRODUCTS — SAFE LOADING, SECUREMENT AND TRANSPORTATION****740-160-0010****Applicability of Rules**

OAR 740-160-0010 through 740-160-0070 shall apply to the loading, securement, and highway transportation of lumber and lumber products on flatbed vehicles, lumber roll vehicles, or vehicles equipped with lumber rails, except as follows:

(1) **Van Loads.** This rule shall not apply to loads transported in vans.

(2) **Small Loads.** Small loads of single, mixed, and/or solid units shall be exempt from these rules when the load is four feet or less in overall height, measured from the top surface of the vehicle bed or rollers, and no solid unit in the load is more than 20 feet in length. Such loads shall be safely loaded and secured, and transported only on a singly operated motor vehicle.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0440 & 860-070-0440; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-079-0005

**740-160-0020****Definitions and General Requirements in Addition to OAR 740-115-0010 through 740-115-0070**

The following definitions and general requirements shall apply for the purposes of this rule:

(1) **“Lumber.”** Lumber is a manufactured product derived from a log in a sawmill, or in a sawmill and planing mill, which when rough shall have been sawed, edged, and trimmed to at least the extent of showing saw marks in the wood on the four longitudinal surfaces of each piece for its overall length, and which has not been further manufactured than by cross-cutting, ripping, resawing, joining crosswise and/or endwise in a flat plane surfacing with or without end matching, and working:

(a) Lumber includes dressed lumber and worked lumber, cants, and slabs;

(b) Lumber does not include shingles, shakes, box shook, lath, stakes, or split products which are listed as lumber products in section (2) of this rule;

(c) Lumber does not include manufactured wood products such as mouldings, laminated beams, prefabricated walls, or doors.

(2) **“Lumber Products.”** Lumber products are wood products other than logs, poles, or lumber, including but not limited to veneer, plywood, hardboard, particle board, lath, shakes, shingles, box shook, split stakes or posts, and peeler cores. Lumber products do not include manufactured wood products such as mouldings, laminated beams, prefabricated walls, or doors.

(3) **“Load.”** A load consists of one or more units.

(4) **“Unit.”** A unit is five feet or less in height, compact, and provided with stickers where necessary to insure stability.

(5) **“Package Unit.”** A package unit is a compact unit less than 5 feet in width and more than 1-1/2 feet in height, designed for mechanical loading and unloading, and provided with stickers where necessary to insure stability. The height shall not exceed the width of the base of a package unit by more than 1-1/2 feet. The unit may be banded.

(6) **“Course.”** A course is one layer of lumber or lumber products placed side by side.

(7) **“Solid Unit.”** A solid unit is a compact unit 5 feet or more in width, and provided with stickers where necessary to insure stability. The width of one course constitutes the load width, and the lumber or lumber products in any one course shall be of approximately the same thickness.

(8) **“Sticker.”** A sticker is a horizontal wooden separator placed at right angles to the lumber or lumber products in a unit for the purpose of improving the internal stability of the entire unit. Where stickers are required, they shall be of sufficient size and strength to insure unit stability. Stickers shall extend the full width of the unit and shall be uniformly spaced, one above the other in parallel sets,

or individually staggered, whichever provides the most stability. Stickers may be lapped if the lap is 12 inches or more (**Figure 1**).

(9) "Unit Separator." A unit separator is the horizontal or vertical separator between units, or horizontal separator between the load and the vehicle bed, placed at right angles to unit lengths. A separator shall have units resting against its maximum dimensions, shall be in one piece without splicing, and shall extend to the full width or height of the load, except as in the following:

(a) When differences in height of package units in the load render conditions impractical to use full load width separators at intermediate tiers, the units shall be individually banded or otherwise bound, or may be braced to prevent dislocation in addition to being secured by the required number of load binders;

(b) When package units approximately 4 feet in width are individually banded or otherwise bound or braced, horizontal separators need only extend to the approximate width of the units.

(10) "Binder Requirements." Except as required in OAR 740-160-0070(2)(b)(D) for box shoo, and OAR 740-160-0070(5)(a) for shingles and shakes, minimum binder sizes shall be as follows:

- (a) 5/16-inch alloy steel chain;
- (b) 5/16-inch high test steel chain;
- (c) 3/8-inch improved plow steel wire rope;
- (d) 1-inch manila rope;
- (e) 1-inch certified synthetic fiber rope;
- (f) 4 x 5/32-inch certified nylon webbing.

(11) "Binders Not Required." Except as required in OAR 740-160-0070(1) for peeler cores, binders are not required for loads which are contained on four sides by racks or stakes and in compliance with the following conditions:

(a) When racks are used as prescribed in OAR 740-160-0040 or stakes are used as prescribed in OAR 740-160-0050;

(b) When racks are of solid construction or the load is so arranged that no unsecured part of it is adjacent to any stake or rack opening which is larger than such unsecured part;

(c) When stakes or vertical members of side racks are secured in place in prescribed pockets on four sides of the load;

(d) When the height of racks or stakes exceeds the height of the load;

(e) When outside units of the load are in firm contact with racks or stakes, or the load is so secured in place with materials as to prevent its lateral or longitudinal movement within rack or stake limits;

(f) When load items subject to being lifted off by wind are protected against such lifting by heavy materials placed thereon or by a heavy tarpaulin secured to the vehicle at the corners and four outside midpoints of the tarpaulin.

(12) "Fastening of Binders." The following provisions shall govern the fastening and securement of binders:

(a) Not more than one binder shall be secured to an anchor point, winch, or other tightening device;

(b) Each binder shall be provided with a locking tightener of a type designed for the binder and of strength not less than that of the binder;

(c) All binders shall be tight and each tightener shall be locked;

(d) Except as provided in OAR 740-160-0060(7) for binder spacing, binders shall be located not less than one foot from the end of the shortest length in the top course or outside tier of the unit secured;

(e) Except when crosstied, binders shall be attached from one side to the opposite side or one end to the opposite end of the vehicle;

(f) If a single continuous binder is used in lieu of two binders, each segment which serves the function of a separate binder shall be independently anchored so that failure of one segment will not cause failure of the other segment.

(13) "Stability of Load." Loads shall be well balanced and positioned on the vehicle so the load is stable without binders. All loading and securement requirements shall be met prior to a vehicle entering a highway and shall be so maintained en route by periodic inspection of the load. In the event evidence of load instability occurs, or if any part of the load projects beyond the width limits of the vehicle, the vehicle shall be driven from the roadway and shall

not again be moved on the highway until corrective load or securement adjustments are made to conform to these rules.

(14) "Use of Rollers." When rollers are used to support loads, at least two rollers shall be equipped with locks which shall be fastened during transit.

(15) "V-Board." The terms "V-Board" and "V-Bar" have the same meaning. V-boards shall be used when necessary to restrain units of lumber or lumber products, and shall be applied beneath binders which pass over the top of the load, and shall be in compliance with the following minimum requirements:

(a) V-Boards shall consist of two parallel pieces of lumber, metal, or other material attached together near each end by flexible material. V-boards more than six feet in length shall also be attached to the approximate midpoint;

(b) Materials used in the construction of V-boards shall be of a strength not less than that of nominal size 1-inch x 4-inch Douglas-fir except as provided in OAR 740-160-0070(2)(b)(D), for restraint of box shoo, and shall be free of strength-impairing knots.

(16) "Maximum Load Height." Maximum height not to exceed 13 feet, 6 inches from ground to top of load.

[ED. NOTE: The Figure referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0445 & 860-070-0445; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-079-0010

#### 740-160-0030 Cab Protection

A cab guard shall be provided for each motor vehicle transporting lumber or lumber products. Such cab guards shall extend to the approximate height and width of the driver's compartment and shall be constructed to insure structurally safe design and installation in order to protect the driver's compartment from being crushed or penetrated by shifting loads:

(1) Materials and Design. Materials and design used in the construction of cab guards required by this section shall meet the following minimum requirements:

(a) The cab guard shall have at least two vertical posts of steel or iron (pipe, angle, I-beam, channel), each of a strength not less than that of 3-inch section depth structural channel steel weighing not less than five pounds per lineal foot, as specified in **American Society for Testing Material Standards Specification A36, A53, or A120**;

(b) The cab guard frame shall consist of at least two vertical members and at least three full-width horizontal members equally spaced and joined to the vertical posts prescribed in subsection (1)(a) of this rule. All material used shall have a strength not less than that of 1-1/2 inch section depth angle steel weighing not less than 1.75 pounds per lineal foot, as specified in **ASTMS Specification A36, A53 or A120**;

(c) If the horizontal members are not sufficient in number and not close enough to prevent penetration by any part of the load, the guard shall be covered by material (lumber, plywood, expanded metal, aircraft landing mat, etc.), of a strength not less than that of 3/4-inch exterior grade plywood;

(d) Materials and designs other than those specified in subsections (1)(a), (b) and (c) of this rule may be used, provided they have a strength not less than that of the specified materials and the manufacturer has furnished the Department a certificate to that effect.

(2) Anchoring and Bracing. The cab guard shall be securely anchored to the frame or deck of the motor vehicle and shall be braced to resist displacement in the event of load shifting due to accident or deceleration. The materials used to anchor the guard to the vehicle shall have a strength not less than that specified for vertical posts in subsection (1)(a) of this rule.

(3) Cab Guard on Combinations. When the cab guard cannot be installed on the motor vehicle in a combination of vehicles, it may be secured to the front of a semitrailer, provided the following requirements are met:

(a) The cab guard shall include at least four uniformly spaced stakes of steel or other material with a combined strength not less than that of the vertical posts specified in subsection (1)(a) of this



rule. All stakes shall be securely fitted in steel pockets and shall be joined by material which extends the full width of the stakes and from the stake tops to the vehicle bed. The material, which may consist of more than one piece, shall have a strength not less than that of 3/4-inch exterior grade plywood and shall be securely attached to each stake;

(b) The cab guard shall extend to the approximate height and width of the cab of the towing vehicle when the semitrailer is loaded and properly coupled to the towing vehicle;

(c) To resist displacement in the event of load shifting, the cab guard shall be restrained longitudinally by wire rope, chain, or other metal material with a minimum breaking strength of 11,500 pounds, and shall be attached at or near the top of each outer stake of the guard and to an anchor point on each side of the vehicle. The angle at the anchor point shall not exceed 60 degrees.

[Publications: The publication(s) referenced to in this rule are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0450 & 860-070-0450; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-079-0015

#### 740-160-0040

##### Racks

Racks used to restrain loads of lumber and lumber products shall be in compliance with the following minimum requirements:

(1) Size and Strength. Wooden vertical members of racks shall be straight-grained, of a size and strength not less than that of 2 x 4-inch nominal size Douglas-fir, and free from strength-impairing knots. Horizontal members of racks shall be of 1-inch nominal size lumber of construction grade or better. Racks of material other than wood shall be of a strength not less than that of the wooden racks prescribed.

(2) Locking Device. Side racks shall be connected to end racks at each top corner by a locking device.

(3) Connectors Across Top-Loads More than Five Feet in Height. When racks are used to restrain loads more than five feet in height, at least three pairs of opposite vertical members shall be connected across the top of the load by material as specified in OAR 740-160-0050(2)(b) or by a continuous length of lumber at least 1-inch x 4-inch nominal size securely attached to each vertical member by nails or bolts. In addition, these members shall be connected at the approximate vertical midpoint by wire or steel strap material as specified in OAR 740-160-0050(2)(b) or (c).

(4) Bulkhead as Front Rack. A bulkhead may be substituted for the front end rack if the side racks are connected thereto by a locking device, or by wire or steel strap material as specified in OAR 740-160-0050(2)(b) or (c).

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0455 & 860-070-0455; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-079-0020

#### 740-160-0050

##### Stakes

Stakes used to restrain loads of lumber and lumber products shall be in compliance with the following minimum requirements:

(1) Size and Strength. Wooden stakes shall be straight-grained of a strength not less than that of 2 x 4-inch nominal size Douglas-fir, and free from strength-impairing knots. Stakes shall project above the height of the load. Stakes of material other than wood shall be at least equal in strength to the wooden stakes prescribed.

(2) Stake Connectors. Stakes shall be connected one to the other longitudinally at or near the top by chain, wire, or steel strap material or by one continuous length of lumber securely attached to each stake by nails or bolts:

(a) Chain. Chain used to connect stakes shall have a minimum breaking strength of 2,900 pounds;

(b) Wire. Stakes may be connected by high tension wire or common annealed wire twisted taut, provided that sufficient strands of such wire are used to give strength equal to high tension band, based

on the breaking strength of the gauge wire designated by the manufacturer;

(c) Steel Strap. Strap material used on stakes shall be not less than 3/4-inch x 0.031-inch, 2,900-pound test, high tension band. Straps shall be machine tensioned and sealed with one double-crimp or two single-crimp seals;

(d) Lumber. Lumber used to connect stakes shall be not less than 1-inch x 4-inch nominal size.

(3) Connectors Across Top-Loads Between Two and Five Feet in Height. When stakes are used to restrain loads more than two feet but not more than five feet in height, each pair of opposite stakes shall be connected across the top of the load by material as specified in section (2) of this rule.

(4) Connectors Across Top-Loads More than Five Feet in Height. Loads more than five feet in height shall have opposite stakes connected at the approximate vertical midpoint by material as specified in section (2) of this rule, in addition to the connectors across the top. Connecting material shall not contact the load in such manner as to cause a lifting motion on the stakes.

(5) All Stakes Connected. Front and rear stakes shall be connected to side stakes by material as specified in section (2) of this rule.

(6) Spacing of Stakes. Stake pockets shall be uniformly spaced as possible.

(7) Stake Pockets. Stakes shall be designed to accept the stakes and shall have a strength not less than that of the stakes.

(8) Bulkhead as Stake. A bulkhead may be substituted for the front stakes if the side stakes are connected to the bulkhead by material as specified in section (2) of this rule.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0460 & 860-070-0460; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-079-0025

#### 740-160-0060

##### Loading and Securement of Lumber and Lumber Products

The following provisions shall govern the loading and securement of lumber, ties, fence posts, veneer, stakes, and similar products. They do not apply to peeler cores, box shook, bundled lath, plywood, particle board, or shakes and shingles except as specifically referenced in OAR 740-160-0070:

(1) Stickers. Except as permitted in subsection (3)(a) of this rule for palletized short lengths, stickers shall be located at a point not less than 1 foot from each end of the shortest length in the unit. A set of stickers shall consist of at least two stickers for units not more than 16 feet in length, and at least three stickers for longer units (**Figure 1**):

(a) Units less than three feet in height shall have stickers above the vertical midpoint, approximately two-thirds the distance from the bottom of the unit;

(b) Units three feet or more in height shall have stickers at approximately one-third and two-thirds of the distance from the bottom of the unit, unless the width of the product making up the course exceeds six inches, in which case stickers need only be placed between the approximate vertical midpoint and the upper one-third of the unit;

(c) Stickers are not required in units composed of random width lumber stacked in such manner that the boards are interlocked and stable without stickers, or in units composed of veneer.

(2) Unit Separators. Unit separators shall be located not less than one foot from each end of the shortest length in the face of the unit touching the separator. There shall be at least two separators for each unit not more than 12 feet in length. Units more than 12 feet in length shall have at least three separators spaced uniformly over the entire length of the unit (**Figure 1**):

(a) Solid unit loads shall contain horizontal unit separators located at levels not more than five feet apart, measured from the bottom of the load;

(b) In combination unit loads, package units shall rest upon a solid unit and there shall be horizontal separators between the solid unit and the package units;

(c) In package unit loads consisting of package units stacked above other package units, each unit shall be separated from the other by horizontal unit separators;

(d) In package unit loads consisting of units placed side by side, such units shall be restrained by vertical separators unless the abutting surfaces are in firm contact with each other.

(3) Palletizing of Short Lengths. Solid or package units of lumber or lumber products, which are governed by this section and are three feet or less in length, shall be contained on four sides by racks unless they are supported on pallets, platforms, or skids, and comply with the following requirements:

(a) In lieu of stickers, alternate courses may be laid at an angle of 90 degrees to provide stability. If stickers are used in accordance with this rule, they may be placed less than one foot from the end of a unit provided there are two stickers for each unit length;

(b) Each stack shall be tension tied to the pallet by at least one high tension steel band of not less than 1/2 x 0.020-inch size, running at right angles to the unit length.

(4) Relation of Unit Length to Number of Binders Required. In no event shall any top unit in a load be secured by less than two binders. The minimum number of binders required to secure a stack of units is determined by the length of the top unit(s) in the stack, except that when any unit extends five feet or more beyond the last point of securement by required binders, an additional binder shall be applied near the end of that unit (**Figures 1 and 6**). Any portion of the unit which overhangs the vehicle bed shall be disregarded in determining this 5-foot measurement.

(5) Loads 5 Feet or Less in Height. Loads five feet or less in height shall be secured to the vehicle with at least two binders for each unit length. Units six feet or less in length and uniform in height may be secured as one unit by the application of required binders over pairs of V-boards. Units more than 12 feet in length shall be secured to the vehicle by at least three binders per unit length.

(6) Loads More than Five Feet in Height. Loads more than five feet in height including units six feet or less in length which are uniform in height and secured as one unit by V-boards, shall be secured to the vehicle by at least three binders per unit length (**Figures 2, 3, 5, and 6**). A minimum of two binders per unit length shall be used to secure loads consisting of the following:

(a) Top Units Eight Feet or Less in Length. When top units of stud or plywood eight feet or less in length are loaded on top of bottom units not less than 16 feet in length (**Figure 4**); or

(b) Top Units Between Two and Six Feet in Length. When top units more than two feet but not more than six feet in length are not restrained by V-boards.

(7) Spacing of Binders. When two binders are used to secure one unit length, each binder shall be spaced so as to provide adequate restraint close to each end of the unit, subject to the limitation of OAR 740-160-0020. When more than two binders are applied over one unit length, the additional binders shall be as uniformly spaced between the end binders as is practical.

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0465 & 860-070-0465; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-079-0030

#### 740-160-0070

##### Loading and Securement of Specific Lumber Products

The following provisions shall govern the loading and securement of peeler cores, box shook, lath, plywood, shingles, and shakes, and similar lumber products:

(1) Peeler Cores. Except when transported on bunks with approved bunk stakes, peeler cores shall be loaded and secured either as package units, in accordance with subsection (a) of this section, or shall be restrained by stakes in accordance with subsection (b) of this section:

(a) Package Units. Package units less than ten feet in length shall be unitized by at least one band of not less than 1-1/4 inch x 0.031-inch high tension steel or at least two bands of not less than 3/4 x 0.031-inch high tension steel. Package units ten feet or more

in length are required to be unitized by at least two bands of not less than 1-1/4 x 0.031-inch high tension steel chain or wire rope may be used provided it has at least the breaking strength of the steel bands specified. Package units are exempt from sticker requirements, but shall be stabilized by unit separators in accordance with the provisions of OAR 740-160-0060(2). Loads of package units shall be secured to the vehicle by not less than two crossbinders per unit length;

(b) Stakes. If wooden stakes are used, they shall meet the requirements of OAR 740-160-0050. Steel stakes need not be connected across the top if they are of sufficient strength to sustain the load without distortion. Steel stakes may be used to restrain peeler core units ten feet or less in length provided the stakes are of sufficient strength to sustain the load without distortion. Stakes shall be spaced at least 12 inches but not more than 30 inches from the ends of each unit. Loads restrained by stakes shall be secured to the vehicle by not less than three crossbinders per unit length;

(c) Bunks. Peeler cores transported on vehicles equipped with approved bunk stakes shall be loaded and secured as poles in accordance with OAR 740-130-0090 of this code except that loads of peeler cores 12 feet or less in length require not less than two crossbinders per unit length.

(2) Box Shook. The following provisions shall govern the loading and securement of box shook:

(a) Loading on Pallets, Platforms, or Skids. Unless contained on four sides by racks, box shook shall be loaded as package units on pallets, platforms, or skids:

(A) Each unit shall have sets of stickers at approximately one-third and two-thirds of the distance from the bottom of the unit, unless the width of the product making up the course exceeds 6 inches, in which case stickers need only be placed at the approximate vertical midpoint;

(B) Stickers may be placed less than one foot from the ends of the units;

(C) Stickers are not required when alternate courses of the product or securely tied bundles are laid at an angle of 90 degrees, thereby interlocking to provide stability, or when each stack is tension tied to the pallet, platform, or skid by at least one tension steel band of not less than 1/2 x 0.020-inch size, running at right angles to the unit length and at the approximate midpoint of the stack;

(D) Single units are not limited in height, but each unit in a stack shall be not more than 5 feet in height, and a pallet, platform, or skid may serve as the required separator between such units.

(b) Binding. Box shook units or stacks shall be restrained and secured by the use of V-boards or bulkheads in conjunction with binders. Crossbinders and longitudinal binders shall meet the binder requirements of OAR 740-160-0020(10). V-boards shall meet V-board requirements of OAR 740-160-0020(15) and shall be the approximate length of the unit or units which they restrain (**Figures 7, 8, and 9**):

(A) At least one crossbinder shall be applied over the approximate midpoint of each V-board less than five feet in length;

(B) At least two crossbinders shall be applied over each V-board five to eight feet in length;

(C) At least three crossbinders shall be applied to each V-board more than 8 feet in length;

(D) Loads shall also be restrained longitudinally by at least one longitudinal binder (for each row of units), used in conjunction with V-boards front and rear, and which may be crossed at the ends (**Figure 8**), or required longitudinal restraint may be provided by containing the ends of such loads with bulkheads, or by V-boards which are restrained by not less than 3/8-inch manila rope or 3/8-inch certified synthetic fiber rope, crosstied. V-boards of 1-inch x 4-inch nominal size lumber may be used with crosstied longitudinal restraint (**Figure 9**).

(3) Bundled Lath. The following provisions shall govern the loading and securement of lath:

(a) Loading. Bundled lath shall be loaded longitudinally, laterally, or in alternate courses laid at an angle of 90 degrees to interlock and provide stability;

(b) Binding. Unless restrained on four sides by racks or stakes in compliance with OAR 740-160-0020 and 740-160-0050, loads of

bundled lath shall be secured by longitudinal binders and crossbinders as prescribed in OAR 740-160-0020(10), and by V-boards as prescribed in OAR 740-160-0020(15). Units shall be secured by at least one crossbinder applied over the approximate midpoint of each V-board less than five feet in length; by at least two crossbinders over V-boards between five and eight feet in length; and by at least three crossbinders over V-boards more than 8 feet in length. Loads shall also be restrained longitudinally by at least one longitudinal binder, used in conjunction with V-boards front and rear, and which may be crossed at the ends (**Figure 8**), or required longitudinal restraint may be provided by containing the ends of such loads with bulkheads, or by V-boards which are restrained by not less than 3/8-inch manila rope or 3/8-inch certified synthetic fiber rope, crosstied. V-boards of a strength not less than that of nominal size 1-inch x 4-inch lumber may be used with crosstied longitudinal restraint (**Figure 9**).

(4) Plywood, particle board, hardboard, and other composition sheet boards which contain wood materials and measure, uncut, at least four feet in width and 4 to 20 feet in length shall be loaded and secured in accordance with OAR 740-160-0060, except that stickers and unit separators are not required.

(5) Shingles and Shakes. Unless contained on four sides by racks, bundled shingles and shakes shall be loaded as units with alternate courses of bundles laid at an angle of 90 degrees to provide stability by interlocking. Stickers and unit separators are not required. Units are not limited in height unless they are stacked. When units are stacked, they are limited to a height of five feet and a separator, pallet, platform, or skid is required between units. Securement shall be provided by either of the following methods:

(a) Loads 11 Bundles or Less in Height. A crossbinder of not less than 3/4-inch manila rope or 3/4-inch certified synthetic fiber rope shall be applied across each row of bundles so that each outside bundle in the top course is secured by a crossbinder. Longitudinal restraint shall be provided as prescribed in paragraph (2)(b)(D) of this rule, except that V-boards are not required with crossties (**Figure 10**);

(b) Loads More than 11 Bundles in Height. By the use of V-boards or bulkheads in conjunction with binders as prescribed for box shoo in subsection (2)(b) of this rule.

(6) Other Products. Any lumber product similar to but other than those specifically identified in this rule shall be transported, loaded, and secured on vehicles within the scope of these regulations in accordance with the provisions of this section which are most applicable to the product in terms of its size or configuration.

[ED. NOTE: The Figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order 79-805); Renumbered from 860-040-0470 & 869-70-470; MCT 3-1996, f. & cert.e f. 3-14-96; Renumbered from 860-079-0035

## DIVISION 165

### SACKED CEMENT, SAND, READY-MIX CONCRETE, BARK DUST, BARK CHIPS, SEED — SECUREMENT AND TRANSPORTATION

#### 740-165-0010

##### Applicability of Rules

OAR 740-165-0010 through 740-165-0040 shall apply to the securement of all types and sizes of sacked commodities transported on highways, except when loaded in vans or on vehicles equipped with racks on all four sides.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 6-1982, f. & ef. 5-6-82 (Order No. 82-336); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-080-0005

#### 740-165-0020

##### Definitions

As used in OAR 740-165-0030 and 740-165-0040:

(1) "Binder" shall have the meaning given that term in OAR 740-115-0030.

(2) "Crossbinder" shall have the meaning given that term in OAR 740-115-0030.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 6-1982, f. & ef. 5-6-82 (Order No. 82-336); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-080-0010

#### 740-165-0030

##### General Provisions

Binders used for the loading, securement and transportation of sacked commodities shall meet the requirements of OAR 740-115-0010 through 740-115-0070 and comply with the following additional requirements:

(1) Longitudinal Binders. Longitudinal binders shall have a breaking strength of not less than 9,000 pounds and shall be limited to the following types:

- (a) Chain;
- (b) Wire rope;
- (c) Manila rope;
- (d) Synthetic fiber rope;
- (e) Synthetic webbing.

(2) Crossbinders. Crossbinders shall have a breaking strength of not less than 8,000 pounds and shall be limited to the following types:

- (a) Chain;
- (b) Wire rope;
- (c) Manila rope;
- (d) Synthetic fiber rope;
- (e) Synthetic webbing.

(3) Stability of Load. Loads shall be well balanced and positioned on the vehicle so the load is stable without binders. All loading and securement requirements shall be met prior to a vehicle entering a highway and shall be so maintained in route by periodic inspection of the load. If there is any evidence of load instability, the vehicle shall be driven from the roadway and shall not again be moved on the highway until corrective load or securement adjustments are made to conform to these rules.

(4) V-Board (V-Bars). When V-boards are used, they shall be positioned at the top edge of the load beneath the binders, and shall be in compliance with the following requirements:

(a) V-boards shall be not less than three feet in length, and shall be constructed either of one-piece, right-angled wood, metal, or plastic attached at each end by flexible material. V-boards more than 6 feet in length shall also be attached at the approximate midpoint;

(b) Materials used in the construction of V-boards shall be of a strength not less than that of nominal size 1-inch x 4-inch Douglas fir. Lumber V-boards shall be free of strength-impairing knots.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 6-1982, f. & ef. 5-6-82 (Order No. 82-336); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-080-0015

#### 740-165-0040

##### Securement of Loads

(1) Full loads of sacked commodities shall be secured by one of the following methods:

(a) At least two parallel longitudinal binders over the top of the load, and at least one crossbinder over the front and rear; rows other than front and rear shall have at least one crossbinder applied over every other row; or

(b) V-Board Utilization. When V-boards are used, they shall have at least two parallel longitudinal binders over the top of the load, and at least one crossbinder applied over the approximate midpoint of each V-board less than 5 feet in length; by at least two crossbinders over V-boards between 5 and 8 feet in length; and at least three crossbinders over V-boards more than eight feet in length.

(2) Partial loads of sacked commodities shall be secured by one of the following methods:

(a) By utilizing the procedure described in subsection (1)(a) or (b) of this rule; or

(b) By V-boards extending continuously along both sides, cross-tying the front and rear rows and at least one crossbinder applied over the approximate midpoint of each V-board less than five



feet in length; by at least two crossbinders over V-boards between five and eight feet in length; and at least three crossbinders over V-boards more than 8 feet in length.

Stat. Auth.: ORS 823 & ORS 825

Stats. Implemented: ORS 825.210 & ORS 825.252

Hist.: PUC 6-1982, f. & ef. 5-6-82 (Order No. 82-336); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-080-0020

## DIVISION 200

### RECIPROCAL AGREEMENTS AND INTERSTATE COMPACTS

#### 740-200-0010

##### Prorate Registration

(1) The Department adopts the **International Registration Plan (IRP) Agreement** and the **Uniform Vehicle Registration Reciprocity Agreement** commonly known as the “**Western Uniform Compact (WUC)**” as standards for the apportioned registration of vehicles.

(2) An applicant for apportioned registration must qualify under the terms of the International Registration Plan for IRP registration or the Western Uniform Compact for WUC registration.

(3) The mileage reporting period for application and renewal purposes shall be the previous July through June twelve-month period.

[Publications: The publication(s) referenced to in this rule are available from the agency.]

Stat. Auth.: ORS 183.335, ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 826.005 & ORS 826.007

Hist.: PUC 8-1990, f. & cert. ef. 5-25-90 (Order No. 90-834); PUC 7-1993, f. & cert. ef. 3-19-93 (Order No. 93-285); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-081-0005

#### 740-200-0020

##### Adoption of Federal Rules Governing Payment of Heavy Vehicle Use Tax

The Department adopts the rules of the United States Internal Revenue Service contained in **Federal Rule 41 (Heavy Vehicle Use Tax)**. These rules apply to carriers conducting operations subject to ORS Chapter 826.

[Publications: The publication(s) referenced to in this rule are available from the agency.]

Stat. Auth.: ORS 183.335, ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 803.370(5) & ORS 826.033

Hist.: PUC 19-1990, f. & cert. ef. 12-31-90 (Order No. 90-1919); PUC 7-1993, f. & cert. ef. 3-19-93 (Order No. 93-285); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-081-0015

#### 740-200-0030

##### Refund of Registration Fees

(1) The Department shall grant registration refunds when:

(a) It has issued to a registrant duplicate registration for a vehicle;

(b) A registrant has, during the registration period, changed a vehicle from registration solely in Oregon to registration under the International Registration Plan;

(c) A registrant has registered a vehicle at a weight above the legal capacity of the vehicle and has, during the registration period, reduced the weight to the vehicle's legal capacity;

(d) The Department has conducted an audit which shows that a registrant overpaid registration fees;

(e) A registrant has registered a vehicle in error, has returned the registration credentials, and the Department has received the registration credentials before the effective date of the registration;

(f) The Department has determined that it has, through a computation error, overcharged a registrant for registration fees; or

(g) A registrant has shown that it is entitled to a refund under ORS 803.590.

(2) The Department shall not grant registration refunds when:

(a) A registrant has, during the registration period, changed from registration under the International Registration Plan to registration solely in Oregon;

(b) A registrant not entitled to a refund under subsection (1)(g) of this rule has, during the registration period, removed a vehicle from service;

(c) A registrant has, during the registration period, gone out of business;

(d) A registrant has, during the registration period, reduced weight for a vehicle;

(e) A registrant operating in Oregon and in one or more other states has, during the registration period, changed its base state; or

(f) The Department has, for any reason, canceled the registration.

Stat. Auth.: ORS 183.335 & ORS 823.011

Stats. Implemented: ORS 826.039

Hist.: PUC 9-1993, f. & cert. ef. 5-12-93 (Order No. 93-652); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-081-0020

## DIVISION 300

### PENALTIES

#### 740-300-0010

##### Failure to Produce Records — Penalties

Except as otherwise ordered by the Department or the Public Utility Commission in a particular case, after written notice, any motor carrier who fails to produce records as required by the Department under OAR 740-055-0100, in addition to any other penalties authorized by law, shall be subject to the following penalties under ORS 825.137(2)(g) and 825.950:

(1) \$100 per day for each day of failure for a period not to exceed 10 days, and suspension of operating authority until reinstatement by the Department; and

(2) \$100 per day for each day of failure from the 16th day of the entry of the order under subsection (1) of this section, for a period not to exceed 20 days, and cancellation of operating authority.

Stat. Auth.: ORS 183, ORS 823 & ORS 825

Stats. Implemented: ORS 823.029

Hist.: PUC 14-1992, f. & cert. ef. 11-9-92 (Order No. 92-1560); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-061-0020

#### 740-300-0020

##### Failure to Produce Records — Mitigation

Except as otherwise ordered by the Department in a particular case, the following mitigation policy shall apply to any motor carrier who incurs a penalty under OAR 740-300-0010 for failure to produce records:

(1) A defendant who produces the required records prior to the entry of the penalty order and who has had no orders with respect to similar violations within the preceding five years, is eligible for a 50-percent reduction of the assessed monetary penalty and no suspension of operating authority. Staff shall advise the Department when required records are produced prior to entry of the penalty order.

(2) A defendant who produces the required records prior to the entry of the penalty order, but who has a previous history of such violation within the preceding five years, is subject to the full monetary penalty, but no suspension shall be imposed nor shall the authority be canceled. Staff shall advise the Department when required records are produced prior to the entry of the penalty order.

(3) No mitigation will be considered for a defendant who has not answered the notice of proposed civil penalty or who has not produced the requested records prior to entry of a penalty order.

(4) For purposes of determining mitigation, a corporate carrier will not be held responsible for orders entered against it while under a different controlling interest.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 823.029

Hist.: PUC 14-1992, f. & cert. ef. 11-9-92 (Order No. 92-1560); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-061-0030; MCT 3-1997, f. & cert. ef. 5-9-97

#### 740-300-0030

##### Violation of ORS 825.100, Relating to Operating Without a Certificate or Permit — Penalties

Except as otherwise ordered by the Department in a particular case, any person who violates ORS 825.100 by operating without

proper authority, or any rule or order related thereto, or who aids and abets such violation, in addition to any other penalties authorized by law, shall be subject to the following penalties:

(1) Where operating authority had been issued to carrier, but was suspended at time of violation:

(a) Level I penalties are \$100 for each new violation if:

(A) No penalty order or cease and desist order has been entered against the defendant within the preceding five years for violations of statutes and rules described in this rule; and

(B) No other notice of proposed civil penalty is pending against the defendant for violations described in this rule.

(b) Level II penalties, except as provided in subsection (c) of this section, apply to a defendant who does not meet the criteria in paragraphs (a)(A) and (B) of this section. The penalties shall include:

(A) \$250 for each new violation committed;

(B) Imposition of suspended penalties under prior orders for previous violations of ORS 825.100, unless suspensions of penalties have become permanent by the terms of the order; and

(C) Suspension of operating authority for five working days.

(c) Level III penalties apply to a defendant who has been penalized at Level II within 24 months preceding the violation. The penalties shall include:

(A) \$500 for each new violation committed;

(B) Imposition of suspended penalties under prior orders for previous violations of ORS 825.100, unless suspension of prior penalties has become permanent by the terms of the order; and

(C) Suspension of operating authority for five working days, or cancellation of authority if warranted by the circumstances of the particular case.

(2) For the purpose of assessing penalties under section (1) of this rule, a carrier commits one violation for each vehicle operated in a given day while authority is suspended.

(3) Where no operating authority had been issued to the carrier at time of violation:

(a) The same conditions and penalties provided in section (1) of this rule at Levels I, II and III apply to this section; except

(b) The monetary penalties at each level in this section shall be \$500.

(4) Where operating authority had been issued to the carrier, but the carrier did not have the proper authority for the transportation conducted, the same conditions and penalties provided in section (1) of this rule shall apply.

(5) For the purpose of assessing penalties under sections (3) or (4) of this rule, a carrier commits one violation for each movement made without proper operating authority.

(6) For purposes of determining which penalty level is applicable, a corporate carrier will not be held responsible for orders entered against it while under a different controlling interest.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.100 & ORS 825.950

Hist.: PUC 14-1992, f. & cert. ef. 11-9-92 (Order No. 92-1560); PUC 12-1995, f. & cert. ef. 11-27-95 (Order No. 95-1218); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-061-0060; MCT 3-1997, f. & cert. ef. 5-9-97

#### 740-300-0040

#### Violation of ORS Chapter 818, 825, and 826 Not Otherwise Provided for — General Penalties

(1) Except as otherwise ordered by the Department in a particular case, any person who violates or aids and abets a violation of any provision of ORS Chapter 818, 825, or 826, or any rule or order of the Department or the Public Utility Commission related thereto which has not otherwise been provided for in the Department's rules, shall be subject to the penalties in sections (3), (4), and (5) of this rule.

(2) As used in this rule, "similar violation" means a violation which is similar to the violation alleged in the notice of proposed civil penalty. For the purpose of determining similarity under this rule, violations shall be classified as those relating to:

(a) Registration of vehicles;

(b) Vehicle plates, markers or other authorized identification;

(c) Economic regulation of transportation of passengers and household goods, except rates;

(d) Rates for the transportation of passengers and household goods;

(e) Overweight/overdimensional variance permits; or

(f) Violations of a statute or rule not included in subsections (a) through (e) of this section.

(3) Level I penalties are \$100 for each new violation if:

(a) No penalty order or cease and desist order has been entered against the defendant within the preceding five years for similar violations of statutes and rules described in this section; and

(b) No other notice of proposed civil penalty is pending against the defendant for similar violations.

(4) Level II penalties, except as provided in section (5) of this rule, apply to a defendant who does not meet the criteria in subsections (3)(a) and (b) of this rule:

(a) \$100 for each new violation committed;

(b) Imposition of penalties suspended under prior orders for similar violations, unless suspensions have become permanent by the terms of the order; and

(c) Suspension of:

(A) Operating authority for five working days for violation of ORS Chapter 825 or 826; or

(B) Ability to operate under variance permit for five working days for violation of ORS Chapter 818.

(5) Level III penalties apply to a defendant who has been penalized for similar violations at Level II within 24 months preceding the violation. The penalties shall include:

(a) \$100 for each new violation committed;

(b) Imposition of penalties suspended under prior orders for similar violations, unless suspensions have become permanent by the terms of the order; and

(c) Suspension of:

(A) Operating authority for five working days, or cancellation of authority if warranted by the circumstances of the particular case, for violation of ORS Chapter 825 or 826; or

(B) Operating authority for five working days, or cancellation of ability to operate under variance permit if warranted by the circumstances of the particular case, for violation of ORS Chapter 818.

(6) Unregistered Vehicles: For the purpose of assessing penalties for violations of ORS 826.031, a defendant will be deemed to have committed one violation for each unregistered vehicle operated in a given month.

(7) Vehicles Operated Without Plate, Marker or other Authorized Identification: For the purpose of assessing penalties for violations of ORS 825.470, a defendant will be deemed to have committed:

(a) One violation per day for each vehicle operated without an identification plate or marker or valid temporary pass; and

(b) One violation per vehicle for each vehicle operated with an expired (non renewed) identification plate.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 818.210, ORS 818.230, ORS 825.104, ORS 825.110, ORS 825.160, ORS 825.166, ORS 825.204, ORS 825.206, ORS 825.224, ORS 825.234, ORS 825.320, ORS 825.470, ORS 825.950 & ORS 826.031

Hist.: PUC 12-1995, f. & cert. ef. 11-27-95 (Order No. 95-1218); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-061-0065; MCT 3-1997, f. & cert. ef. 5-9-97; MCT 8-1997, f. & cert. ef. 11-17-97; MCT 11-1997, f. & cert. ef. 12-22-97; MCTB 5-1998, f. & cert. ef. 11-18-98

#### 740-300-0050

#### Mitigation for Violations Described in OAR 740-300-0030 and 740-300-0040

A petitioner who has admitted the allegations of a notice of proposed civil penalties under OAR 740-300-0030 or 740-300-0040, or who has requested mitigation under ORS 825.950(4)(b) within 15 days of service of a penalty order, may be eligible for mitigation of penalties. Except as otherwise ordered by the Department in a particular case, and except as provided in section (4) of this rule, the mitigation policy set forth in sections (1), (2), and (3) of this rule shall apply to any person who incurs a penalty under OAR 740-300-0030 or 740-300-0040 and who has taken corrective action to remedy the violation(s) and otherwise is in substantial compliance with the laws and rules of the Department:

(1) Level I Penalties: The Department shall suspend 50 percent of the monetary penalty assessed or requested for each violation at Level I on the condition that petitioner must not violate similar statutes or regulations within two years from the date of the penalty order.

(2) Level II Penalties: There shall be no mitigation of monetary penalties for violations at Level II, but the Department shall hold in abeyance any suspension of operating authority which has been imposed or requested.

(3) Level III Penalties: There shall be no mitigation allowed with respect to penalties imposed or requested that were imposed and suspended under prior orders, nor shall there be mitigation allowed with respect to monetary penalties imposed at Level III. However, the Department shall hold in abeyance any new suspension of operating authority which has been imposed at Level III, except where the suspension of penalties imposed at Level II has become permanent. Where the Department has ordered cancellation of authority, it will consider mitigation of such order on a case-by-case basis.

(4) The Department shall consider the history of violations by the petitioner and the number of violations charged in determining whether the above mitigation is appropriate. In addition, the Department may deviate from the above mitigation guidelines in the following cases:

(a) Where the petitioner operated while its operating authority was suspended but was eligible for reinstatement, and met weight-mile tax obligations and otherwise was in compliance with motor carrier statutes and regulations, mitigation of the monetary penalty shall be 80 percent;

(b) Where the petitioner had operating authority, but not the proper authority, and the transportation was performed by a corporate affiliate, mitigation of the monetary penalty shall be 80 percent;

(c) Where the petitioner provided false information to the Department staff about the nature of its operations, there will be no mitigation;

(d) Where the petitioner willfully evaded or attempted to evade compliance, such as registration at a port of entry, there will be no mitigation;

(e) Where the petitioner has failed to pay previously assessed penalties, there will be no mitigation.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.950

Hist.: PUC 14-1992, f. & cert. ef. 11-9-92 (Order No. 92-1560); PUC 12-1995, f. & cert. ef. 11-27-95 (Order No. 95-1218); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-061-0070; MCT 3-1997, f. & cert. ef. 5-9-97

#### 740-300-0060

##### Violation of Statutes and Rules Related to Safety (Except Hazardous Materials) — General Penalties

Except as otherwise ordered by the Department in a particular case, any person who violates, or aids and abets a violation of a provision of ORS 825.210, 825.250, 825.252 and 825.254, and related rules, in addition to any other penalties authorized by law, shall be subject to penalties in sections (2), (3), and (4) of this rule.

(1) As used in this rule, "similar violation" means a violation which is similar to the violation alleged in the notice of proposed civil penalty. For the purpose of determining similarity, violations shall be classified as those relating to:

(a) Driver qualifications, and related record keeping, such as, but not limited to, 49 CFR secs. 391.11, 391.15, 391.25, 391.41, and 391.51;

(b) Driver hours of service, and related record keeping, such as, but not limited to, 49 CFR secs. 395.3 and 395.8;

(c) Vehicle maintenance, and related record keeping, such as, but not limited to, 49 CFR secs. 396.3, 396.7, 396.11, and OAR 740-100-0050, 100-0060 and 100-0090; and

(d) Records and reports, not included in subsections (a), (b), or (c) of this section, such as, but not limited to, 49 CFR § 394.9, and OAR 740-030-0020, 100-0020, 055-0180, and 060-0010.

(2) Level I penalties are \$100 per violation if no penalty order or cease and desist order has been entered against the defendant within the preceding five years for violations of statutes or rules described in this rule. If such violations have been found within the last five

years or a cease and desist order has been issued, then penalties will be assessed at Level II.

(3) Level II penalties, except as provided in section (4) of this rule apply to a defendant who does not meet the criteria in section (2) of this rule. The penalties include:

(a) \$100 for each new violation committed;

(b) Imposition of suspended penalties under prior orders for similar violations, unless suspensions of penalties have become permanent; and

(c) Suspension of operating authority for five working days.

(4) Level III penalties apply to a defendant who within the 12 months preceding the violation has been penalized at Level II above. The penalties shall include:

(a) \$100 for each violation committed;

(b) Imposition of suspended penalties under prior orders for similar violations, unless suspensions have become permanent; and

(c) Suspension of operating authority for five working days, or cancellation of authority, if warranted by the circumstances of the particular case.

(5) For purposes of determining which penalty level is applicable, a corporate carrier will not be held responsible for orders entered against it while under a different controlling interest.

[Publications: The publication(s) referenced to in this rule are available from the agency.]

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.210, ORS 825.232, ORS 825.250, ORS 825.254 & ORS 825.950

Hist.: PUC 14-1992, f. & cert. ef. 11-9-92 (Order No. 92-1560); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 12-1995, f. & cert. ef. 11-27-95 (Order No. 95-1218); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-061-0040; MCT 3-1997, f. & cert. ef. 5-9-97

#### 740-300-0070

##### Violation of Statutes and Rules Related to Safety (Except Hazardous Materials) — General Mitigation

A petitioner who has admitted the allegations of a notice of proposed civil penalty for penalties under OAR 740-300-0060, or who has requested mitigation under ORS 825.950(4)(b) within 15 days of service of a penalty order, may be eligible for mitigation of penalties. Except as otherwise ordered by the Department or the Public Utility Commission in a particular case, the mitigation policy set forth in sections (1), (2) and (3) of this rule shall apply to any person who incurs a penalty under OAR 740-300-0060 and who has taken corrective action to remedy the violation(s) and otherwise is in substantial compliance with the laws and rules of the Department.

(1) Level I Penalties: The Department shall suspend 50 percent of the monetary penalty assessed or requested for each violation at Level I on the condition that petitioner must not violate similar statutes or regulations following one year from the date of the penalty order.

(2) Level II Penalties: There shall be no mitigation of monetary penalties for violations at Level II, but the Department shall hold in abeyance any suspension of operating authority which has been imposed or requested.

(3) Level III Penalties: There shall be no mitigation allowed with respect to penalties imposed or requested that were imposed and suspended under prior orders, nor shall mitigation be allowed with respect to monetary penalties imposed at Level III. However, the Department shall hold in abeyance any new suspension of operating authority which has been imposed at Level III. Where the Department has ordered cancellation of authority, it will consider mitigation of such order on a case-by-case basis.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.950

Hist.: PUC 14-1992, f. & cert. ef. 11-9-92 (Order No. 92-1560); PUC 12-1995, f. & cert. ef. 11-27-95 (Order No. 95-1218); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-061-0050; MCT 3-1997, f. & cert. ef. 5-9-97

#### 740-300-0080

##### Violation of Rules Adopted Under ORS 825.400, Relating to Motor Carrier Education Program — Penalty

(1) The operating authority of any motor carrier domiciled in Oregon shall be suspended or canceled if the carrier fails to satisfactorily complete the Transportation Education Seminar required by



ORS 825.400 and OAR 740-035-0200, adopted thereunder, within 180 days of initial issuance of the operating authority, or within 60 days of notification by the Department or the Public Utility Commission under ORS 825.402(3) that the carrier is being required to attend the seminar.

(2) No mitigation of this penalty is available. If the suspension is conditioned upon satisfactory completion of the education seminar, a carrier must apply for reinstatement of the authority upon completion of the seminar.

Stat. Auth.: ORS 823.011 & ORS 825.400

Stats. Implemented: ORS 825.139 & ORS 825.402

Hist.: PUC 14-1992, f. & cert. ef. 11-9-92 (Order No. 92-1560); PUC 9-1994, f. & cert. ef. 4-21-94 (Order No. 94-637); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-061-0080; MCT 3-1997, f. & cert. ef. 5-9-97

#### 740-300-0090

##### Violation of Rules — Civil Penalties Under ORS 825.258

(1) Any person who transports or who causes to be transported, a hazardous material, as defined in OAR 740-110-0020, who violates a rule of the Department adopted under ORS 825.258, shall be subject to the penalties in section (5) of this rule.

(2) As used in this rule, the following definitions apply:

(a) "Similar violation" means a violation similar to a violation that was documented either by a five-day corrective notice or a penalty order issued by the Department of Transportation;

(b) "Hazardous materials" means a hazardous substance as defined by OAR 740-110-0020(1); and

(c) "Audit" means a Safety Compliance Review at the transporter's place of business, or other investigation or inspection to determine compliance with rules adopted under ORS 825.258.

(3) Staff Guidelines for Monetary Penalties: Penalties requested by staff in a notice of proposed civil penalty shall be guided by application of the Hazardous Materials Penalty Matrix contained in OAR 740-300-0100. The guidelines of the matrix shall be applied to each violation separately. A copy of the penalty matrix worksheet shall be attached to each notice showing the calculation of the penalty and the value assigned to each violation. The worksheet shall indicate the values assigned to each rule violation in a manner which will allow the Department to adjust the total points to eliminate the effect of an alleged violation found not to have been committed.

(4) Evidence Relating to Application of Matrix: The Department shall not accept evidence with respect to the weighting by staff of rules violations unless the evidence shows that staff have not applied the guidelines in good faith.

(5) Penalties shall be determined by the Echelon value resulting from the point values applied in the Hazardous Materials Matrix contained in OAR 740-300-0100 as follows:

(a) Echelon I violations equal \$250 per violation to a maximum of \$2,500;

(b) Echelon II violations equal \$500 per violation to a maximum of \$5,000;

(c) Echelon III violations equal \$1,000 per violation to a maximum of \$10,000; and

(d) Echelon IV violations equal \$10,000 per violation with no maximum.

(6) Level I: Penalties shall be assessed consistent with Echelons I through IV values defined in subsections (5)(a) through (d) of this rule and adjusted as set forth in section (3) of this rule for alleged rule violations found not to have been committed.

(7) Level II: If within the five years preceding the violation, the defendant has been found by order of the Department or the Public Utility Commission in violation of rules in the same group, or has received a cease and desist order with respect thereto, penalties will be assessed at Level II. In addition to Level I monetary penalties, the Department will impose any penalties suspended under prior orders, except suspensions of penalties which have become permanent and will further suspend any operating authority of the transporter for five working days.

(8) Level III: For a defendant who within the 12 months preceding the violation has been penalized at Level II above, in addition to Level I monetary penalties, the Department will impose any penalties suspended under prior orders, except suspensions of penalties which have become permanent and will suspend for an additional

five days any operating authority of the transporter or cancel such authority if justified by the circumstances of the particular case.

(9) For purposes of determining which penalty level is applicable, a corporate carrier will not be held responsible for orders entered against it while under a different controlling interest.

(10) A person who causes to be transported a hazardous substance as defined in OAR 740-110-0020(3) shall have five business days from the date of written notice of violation(s), by the Department of Transportation, to correct the violation(s) without being subject to penalties under this rule except when:

(a) The person has committed similar violations as defined in subsection (2)(a) of this rule within the previous five years; or

(b) As determined by the Department of Transportation, the violation could or does cause substantial harm to human health or the environment.

Stat. Auth.: ORS 823.011 & ORS 825.258

Stats. Implemented: ORS 823.061, ORS 823.063 & ORS 825.258

Hist.: PUC 14-1992, f. & cert. ef. 11-9-92 (Order No. 92-1560); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-061-0090; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 3-1997, f. & cert. ef. 5-9-97

#### 740-300-0100

##### Hazardous Materials Penalty Matrix

(1) The guidelines in sections (2) and (3) of this rule shall be applied by staff when determining the monetary penalties to be requested for violations of rules adopted under ORS 825.258, relating to hazardous materials.

(2) Categories within the Hazardous Materials Matrix:

(a) "Potential for Harm" establishes the potential of a violation to cause or contribute to a hazardous materials incident or to hamper emergency response efforts in the event of an incident. The factors contained within this category are:

- (A) Recordkeeping (not including shipping documents);
- (B) Driving/Transportation (including shipping documents);
- (C) Safety/Equipment (includes packaging);
- (D) Time/Mileage (extent of exposure);
- (E) Location (population/water, etc.); and
- (F) Potential Harm.

(b) "Severity of Harm" is considered when there has been an incident involving a hazardous material. The factors contained within this category are:

- (A) Road and Traffic;
- (B) Environment; and
- (C) Life and Limb.

(c) "Culpability" establishes the state of mind of the person or persons responsible for the violation. The factors contained within this category are:

- (A) Premeditation;
- (B) Willful Disregard;
- (C) Negligence;
- (D) Inadvertence; and
- (E) Role of Responsible Person.

(3) Point values shall be assigned to one or more of the three categories depending on the violation. The Echelon value for each category shall be determined by the sum of the points assigned to each factor within the category:

(a) "Potential for Harm." Values for this category range from 0 to 44 points:

- (A) 1-9 points equals Echelon I;
- (B) 10-18 points equals Echelon II;
- (C) 19-27 points equals Echelon III; and
- (D) 28 or more points equals Echelon IV.

(b) "Severity of Harm." Values for this category range from 0 to 21 points:

- (A) 1-7 points equals Echelon III; and
- (B) 8 or more points equals Echelon IV.

(c) "Culpability." Values for this category range from 0 to 33 points:

- (A) 1-5 points equals Echelon I;
- (B) 6-14 points equals Echelon II; and
- (C) 15 or more points equals Echelon III.

(4) The determination of the penalty amount for each violation shall be determined by the highest Echelon value within the three categories.

(5) The Department shall provide a copy of a worksheet used to determine penalties with the notice to the defendant.

Stat. Auth.: ORS 823.011 & ORS 825.528

Stats. Implemented: ORS 825.258

Hist.: PUC 14-1992, f. & cert. ef. 11-9-92 (Order No. 92-1560); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-061-0100; MCT 3-1997, f. & cert. ef. 5-9-97

#### 740-300-0110

##### Violation of Rules Under ORS 825.258 — Mitigation

A petitioner who has admitted the allegations of a notice of proposed civil penalty for penalties imposed under OAR 740-300-0090, and who has requested mitigation within 15 days of service of a penalty order, may be eligible for mitigation of penalties under the guidelines established in sections (1), (2) and (3) of this rule. Except as otherwise ordered by the Department or the Public Utility Commission in a particular case, the mitigation policy shall apply to any person who incurs a penalty under OAR 740-300-0090 and who has taken corrective action to remedy the violation(s) and otherwise is in substantial compliance with the laws and rules of the Department.

(1) Level I Penalties: The Department shall suspend 50 percent of the monetary penalty assessed or requested for each violation at Level I.

(2) Level II Penalties: There shall be no mitigation of monetary penalties for violations at Level II, but the Department shall hold in abeyance any suspension of operating authority which has been imposed or requested.

(3) Level III Penalties: There shall be no mitigation allowed with respect to penalties imposed or requested which were imposed and suspended under prior orders, nor shall there be mitigation allowed with respect to monetary penalties imposed or requested at Level III. However, the Department shall hold in abeyance any new suspension of operating authority which has been imposed or requested at Level III. Where the Department or the Public Utility Commission has ordered cancellation of authority, it will consider mitigation of such order on a case-by-case basis.

Stat. Auth.: ORS 823.011 & ORS 825.258

Stats. Implemented: ORS 825.258

Hist.: PUC 14-1992, f. & cert. ef. 11-9-92 (Order No. 92-1560); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-061-0110; MCT 3-1997, f. & cert. ef. 5-9-97

#### 740-300-0120

##### Violation of ORS 825.955 and ORS 825.960, Relating to Out-Of-Service Notices and Driver Equipment Compliance Check Forms — Penalties

Except as otherwise ordered by the Department or the Public Utility Commission in a particular case, any person who commits the violations specified in ORS 825.955 or 825.960, or who aids and abets such violation, in addition to any penalties otherwise provided by law, shall be subject to the following penalties:

(1) For a defendant who has no previous history of violations:

(a) For Drivers — \$1,000 for each violation of the provisions of an Out-Of-Service notice issued in conjunction with a vehicle safety inspection;

(b) For Motor Carriers — \$10,000 for each violation of the provision of an Out-Of-Service notice issued in conjunction with a driver/vehicle safety inspection;

(c) For a Driver who is also the Motor Carrier — \$10,000 for each violation minus the amount of any other monetary fines or civil penalties assessed in conjunction with the violation that are imposed by Oregon courts or the Driver and Motor Vehicle services Branch;

(d) \$1,000 for submitting a false certification to the Department on a Driver Equipment Compliance Check form;

(e) \$1,000 for failure to return a Driver Equipment Compliance Check form to the Department within the time required by the Department rule.

(2) For a defendant who, within the 12 months preceding the violation has been found by order of the Department or the Public Utility Commission in violation of such statute:

(a) \$1,000 for each new violation specified in ORS 825.955 and \$10,000 for each new violation specified in ORS 825.960 committed; and

(b) Imposition of any penalty which was suspended under the prior order.

(3) For purposes of determining the applicable penalty level, a corporate carrier will not be held responsible for orders entered against it while under a different controlling interest.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.955 & ORS 825.960

Hist.: PUC 14-1992, f. & cert. ef. 11-9-92 (Order No. 92-1560); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-61-120; MCT 3-1997, f. & cert. ef. 5-9-97; MCT 12-1997, f. & cert. ef. 12-22-97; MCTB 5-1998, f. & cert. ef. 11-18-98

#### 740-300-0130

##### Violation of ORS 825.955 and ORS 825.960 — Mitigation

A petitioner who has admitted the allegations of a notice of proposed civil penalty for penalties imposed under OAR 740-300-0120, or who has requested mitigation under ORS 825.955(4)(b) within 15 days of service of a penalty order, and who has taken corrective action to remedy the violation(s) and otherwise is in substantial compliance with the laws and rules of the Department may be eligible for mitigation of penalties under the following guidelines:

(1) For a penalty imposed under OAR 740-300-0120(1)(a), relating to violation of provisions of an Out Of Service Notice — mitigation of up to 50 percent of the penalty.

(2) For a penalty imposed under OAR 740-300-0120(1)(b), relating to violation of provisions of an Out-of-Service Notice — no mitigation.

(3) For a penalty imposed under OAR 740-300-0120(1)(c), relating to false certification — no mitigation.

(4) For a penalty imposed under OAR 740-300-0120(1)(d), relating to failure to return a Driver Equipment Compliance Check form:

(a) The Department will suspend 90 percent of the penalty if:

(A) The petitioner has had no other failures within the five years preceding the violation; and

(B) The form listed no violations of OAR 740-100-0070, 740-100-0080 or 740-100-0090, or repairs of such violations were effected at the time of inspection and a CVSA decal was issued.

(b) The Department will suspend 75 percent of the penalty if:

(A) The petitioner has had no other failures within the five years preceding the violation;

(B) Violations of OAR 740-100-0070, 740-100-0080 and 740-100-0090, while not repaired at time of inspection, were repaired within 15 days of inspection; and

(C) The petitioner's inspection profile is no worse than the industry average as compiled by the Department.

(c) The Department will suspend 50 percent of the penalty if:

(A) A previous failure to return a form did not result in a civil penalty;

(B) More than one violation was committed; and

(C) The petitioner meets the remaining conditions of subsection (a) or (b) of this section.

(d) The Department will allow no mitigation where, within the previous five years, a prior Department or Public Utility Commission order has found that the petitioner failed to return a Driver Equipment Compliance Check form.

Stat. Auth.: ORS 823.011 & ORS 825.232

Stats. Implemented: ORS 825.955

Hist.: PUC 14-1992, f. & cert. ef. 11-9-92 (Order No. 92-1560); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-061-0130; MCT 3-1997, f. & cert. ef. 5-9-97; MCT 12-1997, f. & cert. ef. 12-22-97; MCTB 5-1998, f. & cert. ef. 11-17-98

#### 740-300-0140

##### Violations of Rules Related to Oregon Waiver of Physical Disqualification

Except as otherwise ordered by the Department in a particular case, any person who violates OAR 740-100-0140(4), in addition to any other penalties authorized by law, shall be subject to the penalties set forth in sections (2) through (4) of this rule.

(1) As used in this rule, "similar violation" means a violation that is similar to the violation alleged in the notice of proposed civil penalty. For the purpose of determining similarity, violations shall be related to driver waiver of physical disqualification, such as, but not limited to, violations of OAR 740-100-0140(4).

(2) Level I penalties are \$100 for each violation of OAR 740-100-0140(4) if no penalty order or cease and desist order has been entered against the defendant within the preceding five years for similar violations.

(3) Level II penalties apply to a defendant who does not meet the criteria in section (2) or (4) of this rule. The penalties include:

(a) For each violation of OAR 740-100-0140(4), \$100 for each new violation committed;

(b) Imposition of suspended penalties under prior orders for similar violations, unless suspensions of penalties have become permanent; and

(c) Suspension of a driver's waiver of physical disqualification for up to 90 days.

(4) Level III penalties apply to a defendant who within the 12 months preceding the violation has been penalized at Level II above. The penalties shall include:

(a) For each violation of OAR 740-100-0140(4), \$100 for each new violation committed;

(b) Imposition of suspended penalties under prior orders for similar violations, unless suspensions have become permanent; and

(c) Suspension of a driver's waiver of physical disqualification for up to 180 days or permanent revocation of a driver's waiver of physical disqualification as warranted by the circumstances of a par-