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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 740
DEPARTMENT OF TRANSPORTATION
COMMERCE AND COMPLIANCE DIVISION

FILED

11/18/2024 2:00 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amending language from "Crash" and "Accident" to "Collision."

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/21/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

SB 1574 changes the language used from "Accident" to "Collision." Additionally, DMV and CCD have used "Crash" and "Accident" interchangeably on forms, online, and in OAR. To comply with these changes outlined in SB 1574 CCD is changing all applicable instances of "Crash" and "Accident" to "Collision."

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The changes to OAR Chapter 734 and 740 represent minor language changes and will not in any way impact racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

No fiscal or economic impact anticipated.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) None.

(2)(a) The precise number is unknown. The Commerce and Compliance Division does not ask motor carriers how many

people they employ when those companies register.

(2)(b) No anticipated reporting, recordkeeping or administrative activities. No cost of compliance anticipated.

(2)(c) No anticipated cost of professional services, equipment supplies, labor or administration.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Because these rule amendments represent minor changes that have no impact on these businesses, small businesses were not involved in the development of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

740-040-0020, 740-100-0020, 740-100-0070

AMEND: 740-040-0020

RULE SUMMARY: Changing from accident to collision to coincide with other rules across ODOT. Collision is now the preferred wording.

CHANGES TO RULE:

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~~collision.

Statutory/Other Authority: ORS 823, 825

Statutes/Other Implemented: ORS 825.160

AMEND: 740-100-0020

RULE SUMMARY: Updating from accident and crash to collision to coincide with the changes in DMV rules. ODOT is now moving to using "collision" instead of "accident" or "crash."

CHANGES TO RULE:

740-100-0020

Motor Carrier ~~Accident~~Collision Notification and Reporting-

(1) Definition of Reportable ~~Accident~~Collision: The term "reportable ~~accident~~collision" 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~~collision;^{¶¶}

(b) Injury: A person injured as a result of the ~~accident~~collision, and transported from the scene for medical treatment; or^{¶¶}

(c) Towaway: Vehicles disabled as a result of the ~~accident~~collision, and towed from the scene, or assisted in order to proceed under their own power.^{¶¶}

(2) Immediate Notification of Fatal ~~Accidents~~Collision:^{¶¶}

(a) When a reportable ~~accident~~collision 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 must include the most reliable information available to the motor carrier on the following subjects:^{¶¶}

(A) Date and time of the ~~accident~~collision;^{¶¶}

(B) Location of the ~~accident~~collision;^{¶¶}

(C) Name of each carrier involved;^{¶¶}

(D) Number of persons killed;^{¶¶}

(E) Brief description of the ~~accident~~collision; and^{¶¶}

(F) Name and telephone number of the person reporting.^{¶¶}

(3) Reporting of ~~Accidents~~Collision:^{¶¶}

(a) Within 30 days after the date of a reportable ~~accident~~collision, the motor carrier must submit the completed original of ODOT Form 735-9229 (Motor Carrier ~~Crash~~Collision Report) with Form 735-32 "Oregon Traffic ~~Accident~~Collision and Insurance Report" to the ODOT DMV ~~Accident~~Collision Reporting Unit, 1905 Lana Ave. NE, Salem OR 97314.^{¶¶}

(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) ODOT Form 735-9229 is attached to Form 735-32 "Oregon Traffic ~~Accident~~Collision and Insurance Report," available at DMV offices statewide or by phone at 503-945-5098.

Statutory/Other Authority: ORS 823.011, 825.252

Statutes/Other Implemented: ORS 825.252

AMEND: 740-100-0070

RULE SUMMARY: Updating from accident to collision to coincide with other rule changes across ODOT.

CHANGES TO RULE:

740-100-0070

North American Standard Vehicle Out-of-Service Criteria¶¶

The North American Standard Vehicle Out-of-Service Criteria, as recognized by USDOT, in effect April 1, 2024, is adopted by and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to one or more of the following:¶¶

(1) 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~~collision or breakdown or when such conditions would likely contribute to loss of control of the vehicle by the driver, said vehicle must 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 will be towed, transported or escorted only at the direction of an official authority.¶¶

(2) 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.

Statutory/Other Authority: ORS 184.619, 823.011, 825.232, 825.252

Statutes/Other Implemented: ORS 825.250, 825.252