

Motor Carrier Transportation Advisory Committee

July 25, 2024

Commerce and Compliance Division
Oregon Department of Transportation

Housekeeping

- We are in a hybrid format.
- Today's meeting is being recorded.
- Please introduce yourself and with whom you are associated before speaking.
- We will pause throughout the presentation to allow time for questions.

If you are on Teams ...

- Please mute your microphone in the Teams application if you are using the application as your visual and calling in via phone for your audio.
- Turn down your desktop sound as well.
- Please use the “raise hand” function in Teams to signify you want to speak.

Motor Carrier Transportation Advisory Committee (MCTAC) Agenda

Thursday, July 25, 2024 | 9 am to 10:30 am

[Click here to join the meeting](#) Audio only: [+1 971-277-1965,339809420#](tel:+19712771965339809420)

Agenda/Meeting Materials: <https://www.oregon.gov/odot/MCT/Pages/MCTAC.aspx>



Time		Topic		Action	Lead
9:00-9:05	5 min	01	Welcome and Housekeeping	Discussion	Jason Lawrence
		Objective: <ul style="list-style-type: none"> Welcome, housekeeping, etc. Review and approve previous meeting summary Overview of today's agenda 			
9:05-9:35	30 min	02	Tax Evasion Study	Information	Jenny Galvin and Daniel Porter
		Objective: <ul style="list-style-type: none"> Update on our post-tax evasion study work and insights 			
9:35-10:15	40 min	03	Oregon Administrative Rule (OAR) Amendments	Information and Discussion	Charlie Hutto and Jenny Galvin
		Objective: <ul style="list-style-type: none"> Amended Rules for new OD permitting system Amended Rules for lease agreement modernization Amended Rules for Oregon Trucking Online (TOL) enhancements 			
10:15-10:25	10 min	04	Overview of DMV's CDL Exemption Request	Information	Margaret Geer
		<ul style="list-style-type: none"> Margaret Geer from DMV will join and give us an overview of DMV's FMCSA exemption request for COFA customer CDLs 			
10:25-10:30	5 min	05	Agenda Build and Close	Discussion	All
		Objective: <ul style="list-style-type: none"> Identify agenda topics and action items for October 17, 2024 			
Next Meeting: Thursday, October 17, 2024 9:00am-10:30 am					

MCTAC Summary Notes – April 18, 2024

Attendees: Members - Amy Ramsdell (ODOT-CCD), Kristan Mitchell (ORRA), Mark Gibson (OTA), Andy Owens (A&M Transport), Donny Callahan (OTTA), Reed Norton (FMCSA), Diane DeAutremont (Lile International); Support – Jason Lawrence (ODOT-CCD)

Presenters and Guests - Andrew Eno (FMCSA), Travis Brouwer (ODOT), Elisha Brackett (ODOT-CCD), Jenny Galvin (ODOT-CCD), Carla Phelps (ODOT-CCD), Nick Hopper (ODOT-CCD)

Previous meeting's minutes approved.

ODOT Budget – Travis Brouwer, Assistant Director of Revenue, Finance and Compliance and Amy Ramsdell, Administrator: Travis joined us to provide an overview of ODOT's current budget situation, looking at both our operations budget as well as funds ahead for investment in our transportation system. An overview of how transportation is funded in Oregon was provided, along with budget forecasts and potential challenges ahead, including potential funding gaps. Amy spoke on specifics to CCD.

CCD Operational Report – Elisha Brackett, Business Operations Manager and Carla Phelps, Roadside Safety and Compliance Branch Manager: Elisha and Carla presented some data from our 2023 business report, highlighting customer service statistics, improvements in customer service, tax collection efficiency and roadside compliance numbers. The presentation focused on how we utilize this data to drive actions to streamline regulation, improve our programs and advance customer service.

Division Updates – CCD Managers:

- Nick Hopper, CV Licensing Branch Manager provided us with an update on the over-dimension permits system project, presenting an updated timeline leading to our May 2025 ORION launch.
- Jenny Galvin, Tax Programs Branch Manager, provided us with an update on Oregon Trucking Online (TOL) enhancements in the works. We are looking to improve customer experience and

Agenda build discussion. Close of meeting.



Tax Evasion

Post-study work and insights



Tax Evasion Study Update

Actions Taken to Address Evasion Study Findings - Focus on Local Operations

Jenny Galvin, Commercial Vehicle Tax Program Branch Manager

Evasion Study Background

- 2021 study to research methodologies for evasion study
 - Three methodologies studied produced similar range of evasion 8-12%
- 2022 follow-up to the study focused on unscreened motor carriers
 - This study identified characteristics of unscreened vehicles

CCD Application of Research Findings

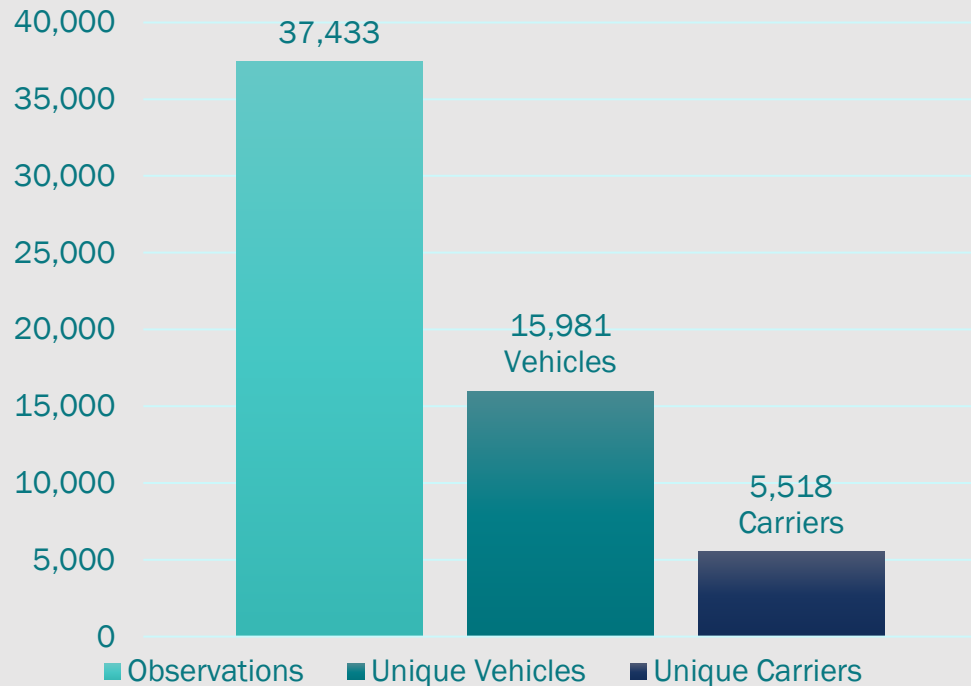
1. Field observations (Data collected November 2022 through June 2023)

2. Data analysis

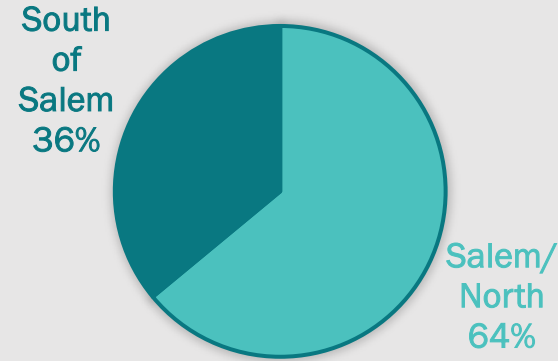
3. Two sets of audits

2023 Evasion Follow-Up observations by region:	
21.1%	Medford
10.2%	Eugene
8.4%	Salem
52.8%	Portland Metro Area
7.5%	Other (Jackson, Josephine, Polk)

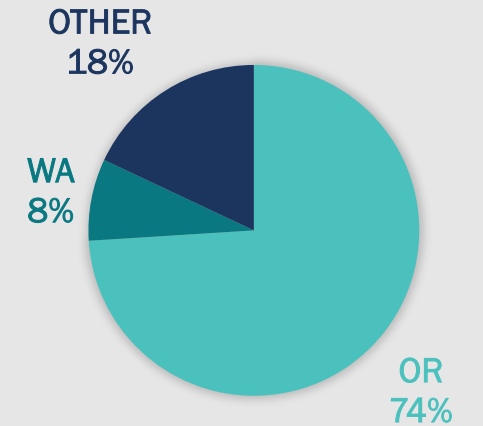
2023 Data Demographics/Characteristics



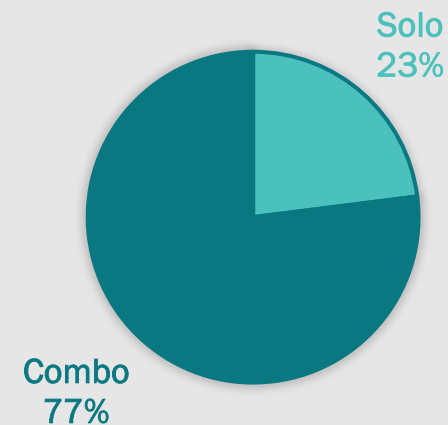
LOCATION



BASE JURISDICTION

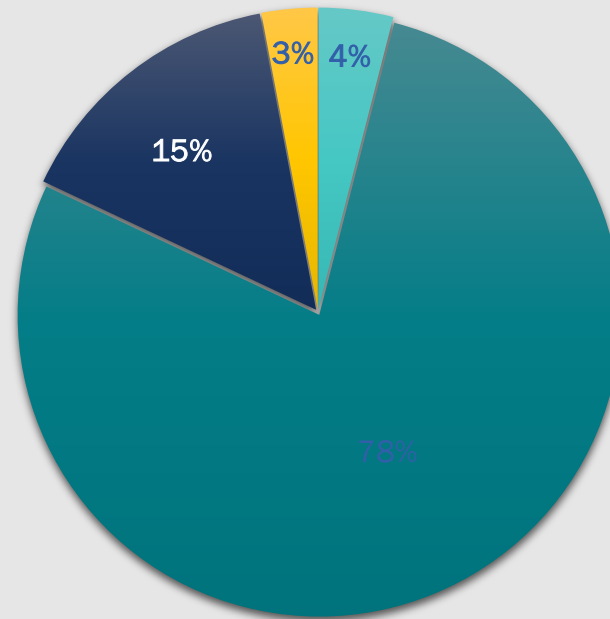


CONFIGURATION



Breakdown of Observed Vehicles: Focus on Unique 3%

2023 Data



- Exempt from WMT
- Reported/Observed
- Unreported?/Observed
- Unreported?/Unscreened

What Did We Do with the 3% of Observations Not Typically Collected?

- Observations were sorted into two categories:
 1. Motor carriers/vehicles enrolled in Oregon's WMT program while observed
 2. Motor carriers/vehicles not enrolled in Oregon's WMT program while observed

Enrolled Vehicles Audit Results



Non-Tax-Enrolled Vehicle Analysis

- Utilized federal databases to identify motor carriers
- Group B Audit Focus: Observed vehicles tied to apparent motor carrier USDOT number when State and Federal data supports additional Oregon operations
- 19 motor carriers audited
 - 9 vehicles tied to an open/active WMT account (6 billed audits)
 - 10 vehicles not tied to a WMT account (5 billed audits)

Non-Tax-Enrolled Vehicle Audit Results



Non-Enrolled Audit Results:

- Average: \$2,295.91
- Median: \$2,022.61
- Total: \$25,254.97

WMT Payments 2022:

- Median Carrier Tax Payment: \$580.19
- Average Carrier Tax Payment: \$7,444.71
- Median Tax 80K Vehicle (Est): \$1,887.49

Conclusions

- 3% of the observed vehicles were unscreened and possibly unreported
- Small number of “new” audits identified – 18 of 5,518 carriers
- Unknown/unscreened audits are small but significant
- Audits are useful deterrent
- CCD will ask for more electronic screening tools
- Goal is efficient/low-cost data collection

Questions or Comments?



Oregon Administrative Rule Amendments



OAR Updates for ORION Implementation

Charlie Hutto, Over-Dimension Permit Coordinator

WHAT IS ORION?

Oregon Routing Information Online

- Automated routing and permitting of oversize and/or overweight loads.
- Anticipated go live in May 2025.



OD PERMITTING UNDER SEVERAL OAR DIVISIONS IN CHAPTER 734

70 – Vehicle Weight and Dimension Limits

71 – Legal Length Limits

72 – Self-Issue Permits Program

73 – Federal Length Limits

74 – Extended Weight Permits, and Triples

75 – Mobile / Modular Units

~~76 – Tow Vehicles~~

77 – Leaky Loads

78 – Long Logs / Poles / Piling / Structural Members

79 – Permit Exemptions

82 – Non-Divisible Loads

EXAMPLES OF MINOR CHANGES

- Revision dates for maps and attachments.
- Removed references to Chief Engineer being a “he”.
- Adding an Application section to some Divisions, for consistency.



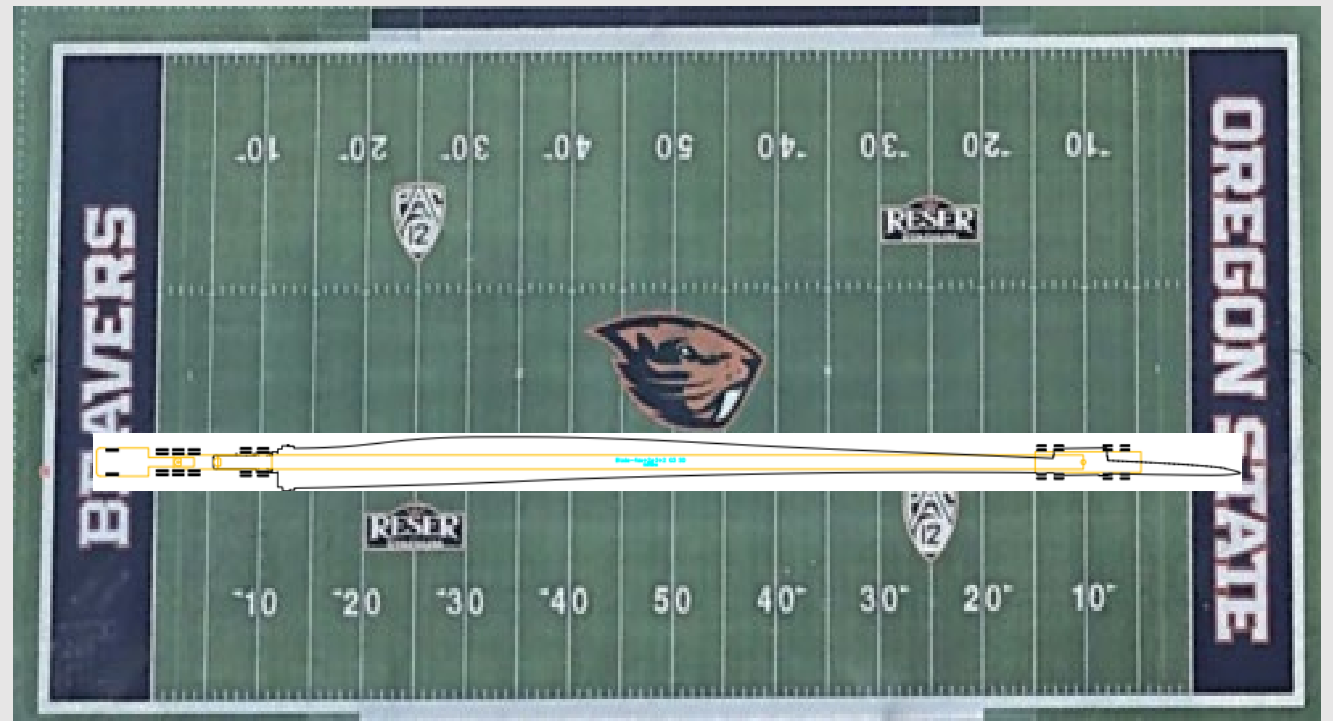
LOW-MODERATE CHANGE: COUNTY APPROVALS

Updated text for Triples and Leaky Load permits to be issued on County Roads.



LOW-MODERATE CHANGE: REMOVAL OF CURRENT SELF-ISSUE PROGRAM

Most of Division 72 is proposed to be deleted, as it related to our current Self-Issue Permits Program.



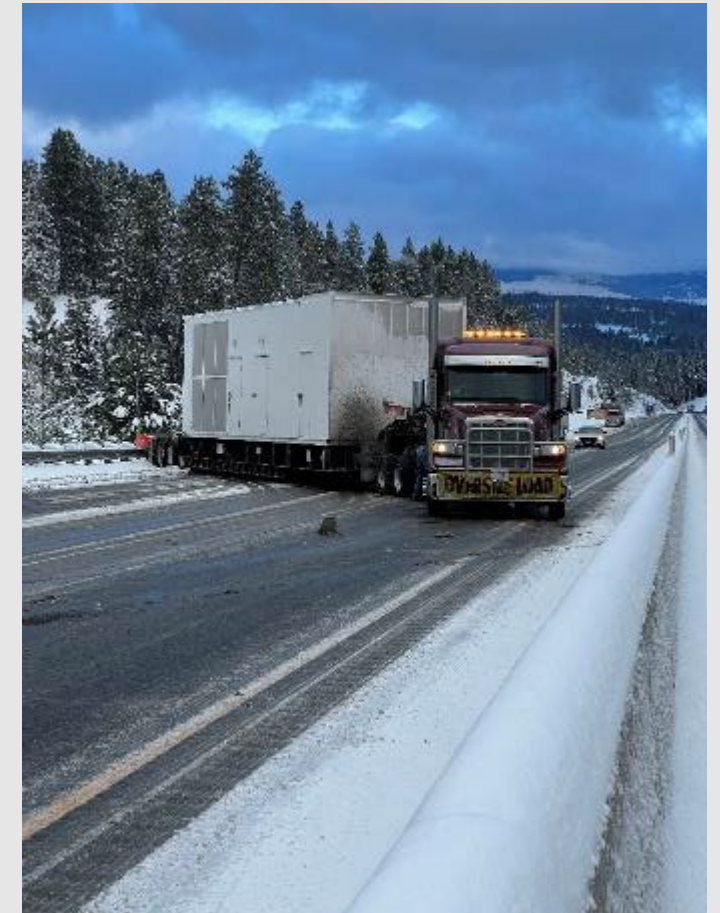
LOW-MODERATE CHANGE: WEIGHT TABLE 5 BY FORMULA PERMITS

- Weight Table 5: By Formula, permits allow up to 60,000 pounds on a tandem axle group.
- Will require Bridge Review and approval prior to issuance of permit.



LOW-MODERATE CHANGE: DEFINING “HAZARDOUS”

Place-holder for what we do for “hazardous”
definition in Divisions 75 and 82.



MORE CARRIER BENEFITS WITH ORION

- Anticipate 45% of single-trip permits will auto-issue on Day 1.
- Improved permit accuracy, with provisions specific to the permit type.
- Paper reduction – maps and attachments will be links to appropriate documents.
- Timely restriction information.



Thank you!



Charlie Hutto

charles.hutto@odot.oregon.gov

503-378-6108

Questions or Comments?



OAR Updates for Lease Agreement Modernization

Jenny Galvin, Commercial Vehicle Tax Program Branch Manager

OAR 740-045-0150

Highway Use Taxes on Leased Equipment

- New Title: Highway Use Taxes, **Responsibility During Lease** [*on Leased Equipment*]
- Amendments to Paragraph 3, changing “fee pay agreements” to simply “agreement”:
 - (3) The lessee may enter into **an agreement** [*fee pay agreements*] ...
 - (a) The [*fee pay*] agreement ...
 - (b) ... Such [*fee pay*] agreements ...

OAR 740-030-0020

Communications, Business Names and Carrier Address

- Amends language to account for lease agreements under 740-045-0150:
 - (2) **Except as authorized by the Department Under OAR 740-045-0150, [A]all** motor carrier operations must be conducted in the name in which the certificate or permit is issued ...

Questions or Comments?



OAR Updates for Oregon Trucking Online (TOL) Enhancements

Jenny Galvin, Commercial Vehicle Tax Program Branch Manager

Oregon Trucking Online Enhancements

- Updates to online system to streamline access and ease tax compliance.
- Particularly important after hours.
- Goals include resetting passwords independently and purchasing tax passes without an established TOL account if needed.

TOL Amendments

- 740-015-0010, Purpose:
 - Fixed dated language
- 740-015-0020, Definitions:
 - Added new definition for “**authorized system**”
 - Deleted unnecessary and dated definitions, including “PIN” as we are now appropriately referring to these as “passwords”
- 740-015-0030, General Provisions:
 - Amended language to account for business conducted by truck service agents, and updated language to include “authorized system” to account for multiple CCD-owned transaction sites

TOL Amendments

- 740-015-0050, 740-015-0060 and 740-015-0090
 - Amended to account for “**authorized system**” rather than “CCD’s web site”
- Removed 740-015-0040, Personal Identification Number (PIN); Unique Identifiers
- Removed 740-015-0100, Transactions Available

TOL Amendments

- 740-015-0080, Payment of Fees; Use of Credit Cards; Debit Cards:
 - Edited for “**authorized system**” and changed “may” to “**shall**” to require CVV and business email on file
- 740-035-0015, Application for Motor Carrier Account:
 - Cleaned up language to match business practice
- 740-040-0070, Deposits to Secure Payment of Fees, Taxes, Charges, Penalties and Interest:
 - Removed paragraph stating that we may require a cash deposit if a motor carrier operates on temporary passes

Questions or Comments?

DMV's CDL Exemption Request



DMV's FMCSA exemption request for COFA customer CDLs

Margaret Geer, CDL Programs Team Lead

OREGON DMV FEDERAL EXEMPTION REQUEST OVERVIEW

Margaret Geer
DMV CDL Programs

WHAT IS THE EXMEPTION ABOUT?

DMV requested an exemption from the CDL Requirements in 49 CFR 383.71(b)(9) Table 1 for Oregon residents from COFA nations.

The COFA is the Compact of Free Association between the United States and the Freely Associated States

The Freely Associated States are:

- The States of Micronesia
- The Republic of Palau
- The Republic of the Marshall Islands

WHY IS DMV PURSUING AN EXEMPTION?

- To address an FMCSA finding of non-compliance
- To continue to issue 8-year CDLs to Oregon residents from COFA nations in accordance with Department of Homeland Security (DHS) Real ID regulations
 - DHS regulations allow full term Real ID issuance to citizens of Freely Associated States residing in the U.S.
- Consistent with congressional intent and current ORS

NEXT STEPS

DMV is awaiting FMCSAs determination

If denied

- Legislative action to revise Oregon statute to prohibit full term issuance of CDL to Oregon residents from Freely Associated States
- CDLs would be limited to one year issuance that must be renewed every year

If approved

- The FMCSA finding against Oregon would be closed
- DMV would continue to issue 8-year CDLs to Oregon residents from Freely Associated States

QUESTIONS?

Please contact Oregon DMV CDL Programs for more information

Oregon DMV CDL Programs at
DMV_CDLPolicyUnit@ODOT.Oregon.GOV

THANK YOU!

Questions or Comments?

Agenda Build for Thursday, October 17, 2024

- What would you like to see in October?
 - CCD's 2025 technical fixes
 - CDL automatic downgrade when prohibited in DACH
 - JCT Recap
 - Flat fee study and lookback study results with lookahead HCAS study

Additional Resources & Information

- [Oregon Transportation Plan](#)
- [Oregon Transportation Commission](#)
- [Oregon Freight Advisory Committee](#)
- [Urban Mobility Office](#)
- [Equity and Mobility Advisory Committee](#)
- [Oregon Safety Transportation Plan](#)

For questions or comments
about MCTAC meetings,
please email:

MCTACContacts@odot.Oregon.gov

Text to be added in **bold**

Text to be deleted in *[italics]*

740-045-0150

Highway Use Taxes, Responsibility During Lease [on Leased Equipment]

(1) The lessee of vehicles being operated under OAR 740-045-0110 to 740-045-0130 is responsible for highway use taxes due for all operations of those vehicles in Oregon during the term of the lease.

(2) The lessee may be relieved of responsibility for highway use taxes on vehicles with valid enrollment in the weight-mile tax program operating under OAR 740-045-0110 only following written notification to the Department that the lease has been terminated.

(3) The lessee may enter into **an agreement [fee pay agreements]** authorizing the owner or lessor to report and pay highway use taxes for vehicles enrolled in the weight-mile tax program in the owner'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 highway use taxes accruing during the term of the lease and prior to written notification of the termination of the lease.

Statutory/Other Authority: ORS 184.619, 823.011 & 825.230

Statutes/Other Implemented: ORS 825.100, 825.104 & 825.210

History:

MCTD 4-2020, amend filed 04/03/2020, effective 04/03/2020

MCTD 4-2019, temporary amend filed 10/22/2019, effective 10/22/2019 through 04/17/2020

MCTB 1-2002, f. 6-21-02, cert. ef. 7-1-02

MCT 3-1996, f. & cert. ef. 3-14-96, Renumbered from 860-065-0150

PUC 4-1994, f. & cert. ef. 1-27-94, Order No. 94-192

PUC 7-1993, f. & cert. ef. 3-19-93, Order No. 93-285

PUC 3-1980, Part 1, f. & cert. ef. 6-30-80, Order No. 79-805, Renumbered from 860-035-0150

PUC 156, f. 8-6-73, cert. ef. 8-15-73, Order No. 73-507

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) **Except as authorized by the Department Under OAR 740-045-0150, [A] 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 **a** separate name for operations as a division so long as the name in which the certificate or permit or the duly assumed business name is also shown.

Statutory/Other Authority: ORS 823.011 & 825.232

Statutes/Other Implemented: ORS 825.102 - 825.117

History:

MCT 8-1997, f. & cert. ef. 11-17-97

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-061-0010

PUC 16-1983, f. & cert. ef. 12-28-83

PUC 156, f. 8-6-73, cert. ef. 8-15-73, Renumbered from 860-031-0010

PUC 148, f. 7-29-68, cert. ef. 9-1-68

PUC 135, f. 5-9-66, cert. ef. 5-15-66

PUC 120, f. 10-26-62, cert. ef. 11-15-62

PUC 18, f. 1-21-55, cert. ef. 9-1-54

Motor Carrier Transportation Division - Chapter 740 Division 15

MOTOR CARRIER ELECTRONIC COMMERCE AND ONLINE TRANSACTIONS

740-015-0010

Purpose

Chapter 740, [d]Division 15 rules are adopted by CCD [in order] to:

- (1) Specify the procedures and requirements under which a motor carrier may, by electronic means, conduct business with CCD [*that is normally conducted in person, by phone or by mail*]; and
- (2) Promote the development and use of electronic transactions between CCD and its customers while providing service that is efficient, secure, convenient and responsive.

Statutory/Other Authority: ORS 184.619 & 802.012

Statutes/Other Implemented: ORS 802.012

History:

MCTD 6-2020, minor correction filed 05/07/2020, effective 05/07/2020

MCTD 5-2003, f. & cert. ef. 10-24-03

740-015-0020

Definitions

For purposes of OAR chapter 740, division 15, the following definitions apply:

(1) "Agent" means a person or organization appointed or assigned by a Power of Attorney to conduct all business on behalf of a motor carrier.

(2) "Authorized system" means any website or system authorized by CCD and the State of Oregon for online transactions.

[(2)] (3) "CCD" means the Commerce and Compliance Division of the Oregon Department of Transportation.

[(3)] (4) "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means.

[(4)] (5) "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person or organization with the intent to sign the record.

[(5)] (6) "Electronic transaction" means the exchange of an electronic record and, in those transactions where an ink on paper signature would also be required under Oregon law, an electronic signature, between a motor carrier and CCD for the purposes of:

- (a) Facilitating access to public records or public information;
- (b) Purchasing or selling goods or services;
- (c) Transferring funds;
- (d) Facilitating the submission of an electronic record or electronic signature required or accepted by CCD;
or
- (e) Creating records upon which CCD or another person or organization will reasonably rely upon and may use for audit purposes, including but not limited to formal communications, notices, certifications and any other record that is issued under a signature.

[(6)] (7) "Hardcopy" means a document printed on paper.

[(7)] (8) "Motor carrier" means a for-hire or private carrier, as defined in ORS 825.005, and except for the purposes of OAR 740-015-0040, includes any agent or person authorized by the motor carrier to conduct business on behalf of the motor carrier.

[(8) "PIN" means a Personal Identification Number assigned by CCD to a person or organization to establish a secure means of authenticating the identity of a motor carrier when conducting certain specified electronic transactions with CCD.]

[(9) "PIN transaction" means an electronic transaction that requires the use of a PIN assigned by CCD. A PIN transaction includes but is not limited to the submission of a document or information that is required by law or administrative rule to be "signed" or submitted to CCD "in writing."]

[(10)] (9) "Record" means a document or information that is customarily printed on paper, which contains information relating to and evidencing the transaction of business between a motor carrier and CCD.

[(11) "Trucking Online" means the CCD Internet-based electronic transaction program found at: www.oregontruckingonline.com.]

[(12) "Unique identifier" means a number, name, symbol or other identifier used singly or in combination by CCD to uniquely identify a motor carrier, agent or vehicle to CCD. For example, a driver license number, customer identification number, date of birth, place of birth, mother's maiden name, vehicle license plate number, vehicle identification number, account number, etc.]

Statutory/Other Authority: ORS 184.619 & 802.012

Statutes/Other Implemented: ORS 802.012

History:

MCTD 5-2021, amend filed 11/23/2021, effective 11/23/2021

MCTD 8-2020, minor correction filed 05/08/2020, effective 05/08/2020

MCTD 4-2008, f. & cert. ef. 12-15-08

MCTD 5-2003, f. & cert. ef. 10-24-03

740-015-0030
General Provisions

An electronic transaction conducted between C[DJ]CD and a motor carrier **or Agent**, including but not limited to the submission of documents or information to CCD:

(1) Is **[voluntary and is]** made at the sole discretion of the motor carrier **or Agent** submitting the information;

(2) Must be conducted through **[the CCD Trucking Online secure Web site at: www.oregontruckingonline.com]** **an authorized system and may require a password for certain electronic transactions;**

(3) Must be conducted in accordance with:

(a) The provisions of chapter 740, division 15 rules;

(b) All applicable laws and administrative rules; and

(c) Any instructions **and terms of agreement** contained on **[CCD's Web site]** **an authorized system;** and

(4) Has the same level of legal protection and effect that is given to a hardcopy transaction and may not be denied legal effect, validity or enforceability solely because it is conducted electronically.

Statutory/Other Authority: ORS 184.619 & 802.012

Statutes/Other Implemented: ORS 802.012

History:

MCTD 5-2021, amend filed 11/23/2021, effective 11/23/2021

MCTD 7-2020, minor correction filed 05/07/2020, effective 05/07/2020

MCTD 5-2003, f. & cert. ef. 10-24-03

[740-015-0040

Personal Identification Number (PIN); Unique Identifiers

(1) CCD may require the use of a PIN or other unique identifier for certain electronic transactions.

(2) When a PIN is required, a motor carrier may request a PIN by submitting a completed PIN Request Form (downloaded at <http://www.odot.state.or.us/trucking/online/>) to CCD. A PIN Request Form must be signed by an owner, partner, corporate officer, or manager member of a limited liability company and submitted to CCD by U.S. mail or facsimile.

(3) Upon receipt of a PIN Request Form, CCD will assign and e-mail the PIN to the e-mail address provided on the PIN Request Form. CCD will send, by U.S. mail, an activation notice to the motor carrier's address of record.

(4) CCD reserves the right to terminate a PIN issued under this rule if:

(a) The PIN is not activated, or used at CCD's Web site, within a 12-month period;

(b) The Department determines that a transaction was conducted fraudulently; or

(c) The Department determines the PIN holder has not complied with the provisions of division 15 rules, ORS Chapter 825 or ORS 826, or any other Oregon law regarding electronic transactions.

(5) The motor carrier to whom a PIN is assigned is responsible for the security of the PIN and transactions conducted using the PIN.

Statutory/Other Authority: ORS 184.619, 802.012 & 825.212

Statutes/Other Implemented: ORS 802.012 & 825.212

History:

MCTD 3-2021, amend filed 03/12/2021, effective 03/12/2021

MCTD 30-2020, temporary amend filed 12/02/2020, effective 12/02/2020 through 05/30/2021

MCTD 9-2020, minor correction filed 05/08/2020, effective 05/08/2020

MCTD 4-2008, f. & cert. ef. 12-15-08

MCTD 5-2003, f. & cert. ef. 10-24-03]

740-015-0050
Certifications

Pursuant to ORS 802.012(2), an electronic transaction conducted [*at CCD's Web site that*] **with CCD via an authorized system** *includes* the electronic submission of any information to CCD necessary to comply with any requirement of the Oregon Vehicle Code, statute, or administrative rule shall:

- (1) Constitute a certification, including but not limited to a certification as to the truth and accuracy of the document or information submitted in the electronic record; and
- (2) Be considered received whether [*or not*] the information submitted is signed by the person or organization that submits the information.

Statutory/Other Authority: ORS 184.619 & 802.012

Statutes/Other Implemented: ORS 802.012

History:

MCTD 10-2020, minor correction filed 05/08/2020, effective 05/08/2020

MCTD 5-2003, f. & cert. ef. 10-24-03

740-015-0060

Date and Time Information is Considered Submitted; Received

(1) An electronic record submitted [at CCD's Web site] to CCD via an authorized system shall be deemed received by CCD on the date and [at the] time that the record is received by [CCD's Web] the system's Web server.

(2) An electronic record must be received by CCD not later than midnight Pacific Time on the deadline for submitting the record, if applicable, to be considered received or submitted timely.

Statutory/Other Authority: ORS 184.619 & 802.012

Statutes/Other Implemented: ORS 802.012, 825.472 & 825.490

History:

MCTD 11-2020, minor correction filed 05/08/2020, effective 05/08/2020

MCTD 5-2003, f. & cert. ef. 10-24-03

740-015-0080

Payment of Fees; Use of Credit Cards; Debit Cards

(1) If an electronic transaction requires the payment of taxes or fees to CCD, payment of those taxes or fees within the electronic transaction shall be:

(a) Payment by credit card or debit card approved by CCD as designated on [CCD's web site] **an authorized system;**

(b) Payment through an Automated Clearing House; or

(c) Charged to a motor carrier's account upon prior approval by CCD.

(2) All payments shall be made in US funds.

(3) To pay required fees to CCD by credit card or debit card within an electronic transaction, a motor carrier **[may] shall** be required to submit the following information to CCD:

(a) Credit cardholder or debit cardholder name and billing address, including city, state, and zip code;

(b) Credit cardholder or debit cardholder phone number and e-mail address;

(c) Credit card or debit card number;

(d) Expiration date of the credit card or debit card;

(e) **Card Verification Value (CVV) from the back of the debit or credit card**

[(e)] (f) Motor carrier name and address, including city, state (or province), and zip code; and

[(f)] (g) Motor carrier phone number and e-mail address.

Statutory/Other Authority: ORS 184.619, 802.012 & 825.502

Statutes/Other Implemented: ORS 825.490 & 825.502

History:

MCTD 12-2020, minor correction filed 05/08/2020, effective 05/08/2020

MCTD 5-2003, f. & cert. ef. 10-24-03

740-015-0090
Electronic Records

CCD records pertaining to electronic transactions conducted **[at CCD's Web site] via an authorized system** are subject to all **[of the]** requirements for processing and records maintenance as described in OAR 740, division 55.

Statutory/Other Authority: ORS 184.619 & 802.012

Statutes/Other Implemented: ORS 802.012 & 825.515

History:

MCTD 13-2020, minor correction filed 05/08/2020, effective 05/08/2020

MCTD 5-2003, f. & cert. ef. 10-24-03

[740-015-0100

Transactions Available

CCD will maintain a list of electronic transactions available and instructions on the CCD Trucking Online Web site: www.oregontruckingonline.com.

Statutory/Other Authority: ORS 184.619 & 802.012

Statutes/Other Implemented: ORS 802.012

History:

MCTD 5-2021, amend filed 11/23/2021, effective 11/23/2021

MCTD 4-2021, minor correction filed 07/14/2021, effective 07/14/2021

MCTD 14-2020, minor correction filed 05/08/2020, effective 05/08/2020

MCTD 5-2003, f. & cert. ef. 10-24-03]

740-015-0110
Rental Agencies

Rental agencies that conduct electronic transactions with CCD pursuant to a written agreement[] must comply with the provisions of division 15 rules.

Statutory/Other Authority: ORS 184.619 & 802.012

Statutes/Other Implemented: ORS 802.012

History:

MCTD 15-2020, minor correction filed 05/08/2020, effective 05/08/2020

MCTD 5-2003, f. & cert. ef. 10-24-03

740-035-0015

Application for Motor Carrier Account

(1) A motor carrier operating under a temporary account [will] may be required to apply and be approved for an established account, if any one vehicle in the fleet exceeds [5] 10 temporary passes or if the entire account exceeds 35 temporary passes within one twelve-month period.

(2) Applications for motor carrier accounts or other supporting documents must provide the department with sufficient information to identify the legal entity of the motor carrier and must be made on forms furnished by the Department. A motor carrier may have only one account per legal entity.

Statutory/Other Authority: [ORS 184.616], 184.619 & 823.011

Statutes/Other Implemented: ORS 823.027, 823.029 & 825.470

History:

MCTD 7-2012, f. & cert. ef. 8-17-12

740-040-0070

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

(1) The Department requires each motor carrier that does not qualify for a deposit waiver under section (4) of this rule to deposit with the Department an amount of money necessary to insure the collection of fees, taxes, charges, penalties and interest.

(2) For purposes of this rule:

(a) "New carrier" means any motor carrier that has not:

(A) Previously received a permit or certificate of authority from the Department; or

(B) Operated in Oregon for 12 months or more in the most recent 36-month period after receiving 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 security deposit schedule is as follows:

(a) Except as described in subsections (c) and (d) of this section, for new carriers:

(A) One vehicle — \$2,000;

(B) Plus \$375 for each additional vehicle from 2-5 vehicles;

(C) Plus \$250 for each additional vehicle from 6-10 vehicles;

(D) Plus \$125 for each additional vehicle above 10 vehicles;

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

(b) Except as described in subsections (c) and (d) of this section, for established carriers required to have a deposit, the deposit amount will be an amount determined by a review of Department records or as specified in paragraph (A) to (E) of this subsection, whichever is greater:

(A) One vehicle — \$2,000;

(B) Plus \$750 for each additional vehicle from 2-5 vehicles;

(C) Plus \$500 for each additional vehicle from 6-10 vehicles;

(D) Plus \$250 for each additional vehicle from 10 vehicles;

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

(c) For private carriers, carriers that conduct operations under ORS 825.020 or farmers issued permits under 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) Plus \$150 for each additional vehicle;

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

(d) For private carriers, carriers that conduct operations under ORS 825.020 or farmers issued permits under 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) Plus \$225 for each additional vehicle;

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

(4) The Department may waive the deposit required of:

(a) A new carrier with a Dun & Bradstreet rating of 3A2 or higher;

(b) An established carrier if the Department finds that in the previous 12 months the motor carrier has been required to file weight-mile tax reports for each of the reporting periods (monthly, quarterly, or annually) and has had no:

(A) Suspensions with the Department;

(B) Revocation of IFTA tax license;

(C) Weight-mile tax reports filed late;

(D) Fees not timely paid;

(E) More than two estimated weight-mile tax reports filed;

(F) More than one estimated weight-mile tax report filed without an actual report filed within a 30-day period;

(G) Non-sufficient fund check(s) or returned Automated Clearing House (ACH) transaction(s); and

(H) Outstanding billings for over-dimensional variance permits.

(5) Notwithstanding subsection (4) of this rule, a carrier may not qualify for a waiver of the deposit if within the previous 36 months the carrier has had:

(a) A weight-mile tax audit resulting in an assessment that exceeds by more than 15% the amount of the weight-mile taxes and fees reported and paid during the audit period; or

(b) An outstanding balance with the Department's Collection Unit for fees owed to the Department under ORS chapter 825 and/or ORS 818.225.

(6) The deposit required of a motor carrier may be increased, or a previously waived deposit may be required of a motor carrier, in accordance with subsection (3)(b) of this rule, if Department records indicate that:

(a) In the previous 12 months the motor carrier has had:

(A) Any suspensions with the Department;

(B) Revocation of IFTA tax license;

(C) More than one weight-mile tax report filed late;

(D) Fees not timely paid;

(E) More than two estimated weight-mile tax reports filed;

(F) More than one estimated weight-mile tax report filed without an actual report filed within 30 days;

(G) Any non-sufficient fund check(s) or returned ACH transaction(s) with the Department; or

(H) Delinquent billings for over-dimensional variance permits, including associated road use assessment fees;

(I) Delinquent reports required for operations subject to ORS 818.225; or

(b) In the previous 36 months, the carrier has had a weight-mile tax audit resulting in an assessment that exceeds by more than 15% the amount of the weight-mile taxes and fees reported and paid during the audit period; or

(c) The carrier has had an outstanding balance with the Department's Collection Unit for fees owed to the Department under ORS 818.225 and/or ORS chapter 825

(7) The Department may delay granting a waiver of the security deposit if the carrier is being audited.

(8) If a carrier's cash deposit is applied to an outstanding balance or a claim is filed against a carrier's highway use tax bond filed pursuant to ORS 825.506, the authority under the certificate or permit shall be suspended until the cash deposit has been replaced or the full bond requirements have again been met.

(9) 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.

[(10) The Department may require a cash deposit if a motor carrier operates on temporary passes. A portion of the total required deposit may be collected incrementally on each successive temporary pass purchased. The required deposit will be in the amount of \$100 or twice the amount of weight-mile tax charged on the temporary pass rounded up to the next ten dollars, whichever is greater. A motor carrier may opt to provide a bond in lieu of serial incremental cash deposits.]

[(11)] (10) The Department reserves the right to modify or waive a deposit required by this rule if Department records indicate such modification, or waiver, is in the public interest.

Statutory/Other Authority: ORS 823.011 & 825.506

Statutes/Other Implemented: ORS 825.506

History:

MCTD 7-2012, f. & cert. ef. 8-17-12

MCTD 4-2010, f. & cert. ef. 10-25-10

MCTB 4-2002, f. & cert. ef. 8-23-02

MCTB 1-2002, f. 6-21-02, cert. ef. 7-1-02

MCTB 3-1998, f. & cert. ef. 10-16-98

MCT 3-1996, f. & cert. ef. 3-14-96

MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-063-0020

PUC 2-1992, f. & cert. ef. 1-24-92

PUC 12-1990, f. & cert. ef. 7-6-90

PUC 8-1985, f. & cert. ef. 6-10-85

PUC 11-1984, f. & cert. ef. 5-25-84

PUC 6-1984(Temp), f. & cert. ef. 3-19-84

PUC 3-1980, Part 1, f. & cert. ef. 6-30-80, Renumbered from 860-033-0020

PUC 156-1973, f. 8-6-73, cert. ef. 8-15-73

PUC 148-1968, f. 7-29-68, cert. ef. 9-1-68

PUC 135-1966, f. 5-9-66, cert. ef. 5-15-66

PUC 120-1962, f. 10-26-62, cert. ef. 11-15-62