



Highlights 2011 Oregon Legislature Oregon Trucking Associations, Inc.

OTA actively tracked 196 bills during the session. Of these, 39 were enacted into law. In 2009, OTA tracked 177 bills and 53 were enacted into law. All bills are effective on January 1, 2012 unless otherwise noted.

Bills of Interest to OTA Members that Passed

HB 2081 - The original bill, introduced by DEQ, would have authorized the agency to adopt by a rule a truck idling regulation and a requirement for trucks operating in Oregon to install aerodynamic devices and other technologies designed to reduce fuel consumption. The DEQ proposal was replaced in its entirety with a truck idling regulation developed by OTA. The bill allows enforcement through the issuance of traffic citations and prohibits local government from adopting their own truck idling legislation.

HB 2138 – Authorized the Department of Transportation to verify that a CDL holder is medically qualified through the driver’s license system as required by federal regulation.

HB 2332 – Allows tow trucks to operate for-hire. However, if the tow operator makes this election, they must pay the higher vehicle registration fees and weight-mile taxes when operating for-hire.

HB 2712 – Reduced standard bail schedule for traffic citation as follows: Effective July 11, 2011.

<u>Violation</u>	<u>Current Law</u>	<u>HB 2712</u>
Class A	\$472	\$435
Class B	\$287	\$260
Class C	\$190	\$160
Class D	\$142	\$110

HB 2827 – Makes permanent exemption from 5% biodiesel requirement during October through February of each year. Effective June 7, 2011.

HB 3170 – Sunset new engine tax credit effective 6/30/11 and repealed clean diesel tax credit. (Note: The new engine tax credit was replaced with a \$500,000 appropriation to establish a revolving loan fund to pay for tuition to attend truck driving school at OTA’s request. See SB 5508.)

HB 3186 – Prohibits driving while texting and removed scope of employment exemption for using a cell phone while driving. The law continues to allow use of a cell phone with a hands free device and contains exemptions for push to talk phones and CB and other radios.

HB 3672 – Known as the bill that euthanized the Business Energy Tax Credit program. Eliminated transportation section in its entirety. Authorized \$3 million in tax credits for energy conservation and generation projects over the next two years. Effective September 29, 2011.

HB 5022 – DEQ’s budget bill. Total expenditures authorized for the 2011/13 biennium are \$326,345,831. This is a reduction of \$74,122,476 or 18.5% below the 2009/11 biennium. Also, eliminated 89 positions. Effective July 1, 2011.

HB 5046 – ODOT’s budget bill. Total expenditures authorized for the 2011/13 biennium are \$3,816,010,501. This is a reduction of \$378,357,368 or 9% below the 2009/11 biennium. Also, eliminated 31 positions. Effective June 28, 2011.

SB 99 – Established Oregon Health Insurance Exchange Corporation to partially implement federal health insurance reform. Effective June 17, 2011.

SB 128 – Allows the Legislature to select highway projects to be funded from savings from projects listed in HB 2001 enacted during the 2009 legislative session. Effective July 6, 2011.

SB 259 – Prohibits indemnification clauses in transportation contracts. Effective May 27, 2011.

SB 264 - Significantly revises ODOT’s access management program. Makes installation of non-traversable medians option of last resort. Requires ODOT to consult with the trucking industry before installing non-traversable median on two-lane highway. Requires local government to maintain existing capacity for freight movement when ODOT transfers a state highway to a local government. Effective June 14, 2011.

SB 301 – Reconnects Oregon’s tax code with the federal tax code for 2010 and future tax years. Specifically authorizes bonus depreciation. Effective September 29, 2011.

SB 341 – Prohibits vehicles from passing or driving along side trucks in a multi-lane roundabout. Makes violation a Class C violation. Allows trucks to use more than one lane in a multi-lane roundabout. Requires road authority to post signs at all entrances to a roundabout warning motorist not to pass or drive alongside trucks. (Note: In a letter sent to Senator Whitsett, Matt Garrett, ODOT Director, stated, “ODOT staff will not consider placing roundabouts on the state system until I am personally satisfied that the trucking industry’s concerns are resolved.”)

SB 424 – Clarifies that a pedestrian is entering a crosswalk when any part or extension of pedestrian’s body moves onto the roadway with the intent to proceed. Effective June 23, 2011.

SB 795 – Requires the Land Conservation and Development Commission and the Oregon Department of Transportation Commission to adopt revisions to the Transportation Planning Rule and related administrative rules and agency policies and report to the Legislature before January 1, 2012. (Note: It is likely that freight considerations will be included in the revisions.) Effective June 17, 2011.

SB 5508 – Provides \$400,000 to setup a revolving loan fund to pay tuition for individuals to attend truck driving school. Provides \$100,000 for the administration of the Trucking Solutions Consortium. Effective June 30, 2011.

SB 5537 – OSP’s budget bill. Total expenditures authorized for the 2011/13 biennium are \$325,915,792. This is a reduction of \$1,387,559 or .4% below the 2009/11 biennium. Also, eliminated 81 positions. Effective July 6, 2011.



Bills that Failed

HB 2005 – Would have repealed HB 2196, enacted during the 2009 session that authorized DEQ to adopt rules for a Low Carbon Fuel Standard. Although this bill did not pass, at the final hearing, DEQ Director Dick Pederson testified that he was delaying implementation of the Low Carbon Fuel Standard for two years. He went on to say that DEQ would propose legislation in 2013 that would repeal the sunset provision contained in the original bill. If the sunset repeal legislation does not pass, DEQ will not implement a Low Carbon Fuel Standard.

HB 2064 – This bill would have authorized the Department of Administrative Services to add an additional fee to the cost of a motor vehicle record to pay for website hosting and electronic commerce for all of state government. (Note: Although this bill did not pass, DAS is considering implementation of the program without legislative authorization. OTA has informed DAS that we are opposed to this method to fund the state's electronic commerce services.)

HB 2196 – Would have exempted diesel fuel blended with a minimum of 20% biodiesel from Oregon's fuel tax. Applied to vehicles with the GVWR of 10,000 pounds or less.

HB 2238 – Would have allowed small woodland owners to obtain farm plates.

HB 2628 – Would have expanded the number of projects subject to state prevailing wage rate by including projects where contractor received either tax credits or tax abatement in connection with projects.

HB 2659 - Would have allowed private citizen or private citizen's attorney to prosecute certain traffic offenses.

HB 2749 – Would have created offense of driving while drowsy punishable by fine of \$360 to \$1,250 and 30 days in jail.

HB 3394 – Would have redirected revenues from OLCC to create a permanent fund for OSP's Patrol Division.

HJR 5, SJR 13, SJR 17 and SJR 36 – Would have busted Oregon's dedicated Highway Trust Fund. (Note: SJR 36 was the Governor's proposal to provide \$100,000 million of State Highway Funds to the Oregon State Police.)

SB 80 – Would have allowed DEQ to collect reporting fees from sellers of transportation fuels.

SB 463 - Would have allowed motorcycles to split lanes.

SB 604 – Would have allowed bicyclists to not stop at stop signs as long as they yield to motor vehicle traffic and pedestrians.

SB 624 – Would have allowed employee to file civil action and lien against an employer for unpaid wages.

SB 660 – Would have reduced fine to \$40 for bicyclist proceeding through a stop sign without stopping.

SB 945 – Would have prohibited the use of copper in vehicle brake pads.

Copies of all bills can be obtained at www.leg.state.or.us. Click on the Bills/Laws tab at the top of the page. Then, click on Search Measures by Specific Measure Number. Click on HB or SB depending on whether it's a House Bill or Senate Bill and enter the measure number. Select the enrolled version of the bill or, if the bill did not pass, select the highest letter version of the bill. The PDF versions are identical to the actual bills.

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