Chapter 767

1957 REPLACEMENT PART

Motor Carriers

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DEFINITIONS; GENERAL PROVISIONS

767.005 "Broker," "carrier" or "motor carrier," "combined weight," "commissioner," "common carrier" and "transit type motor vehicle" defined. As used in this chapter the term:

(1) "Broker" means any person not included in the term "motor carrier" or "forwarder" and not a bona fide employe, commission agent or agent of any carrier or forwarder, who, as principal or agent, sells or offers for sale any transportation subject to this chapter, or negotiates for or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts or arranges for such transportation.

(2) "Carrier" or "motor carrier" means common carrier, contract carrier or private carrier.

(3) "Combined weight" means the weight of the motor vehicle plus the weight of the maximum load which such motor vehicle may carry as declared by the applicant subject to audit and approval by the commissioner. The combined weight of motor busses or bus trailers is the light weight of the vehicle plus the weight of the maximum seating capacity including the driver's seat estimated at 170 pounds per seat, exclusive of emergency seats, except that transit type motor vehicles may use 150 pounds per seat in determining combined weight. In cases where a bus has a seating capacity which is not arranged for separate or individual seats, 18 lineal inches of such capacity shall be deemed the equivalent of a passenger seat.

(4) "Commissioner" means Public Utility Commissioner of Oregon.

(5) "Common carrier" means any person who transports for hire or who holds himself out to the public as willing to transport for hire, compensation or consideration by motor vehicle, persons or property, or both, for those who may choose to employ him.

(6) "Transit type motor vehicle" means any passenger carrying vehicle which does not have a separate compartment or space provided for the transporting of baggage or express. [Amended by 1955 c.681 §1]

767.010 "Contract carrier," "extreme miles" or "extreme mileage," "forwarder," "highway commission" and "motor vehicle" defined. As used in this chapter the term:

(1) "Contract carrier" means any person engaged in the transportation by motor vehicle of persons or property, or both, for compensation, under special and individual agreements, leases or other arrangements, and not included in the term "common carrier."

(2) "Extreme miles" or "extreme mileage" means the total miles operated by a vehicle over the public highways, except the extra miles necessarily operated over in traversing detours or temporary routes on account of road blockades in excess of the number of miles that would otherwise be required to make the trip by usual highway route.

(3) "Forwarder" means any person, except motor carriers and bona fide employes or agents of motor carriers, who, as principal or agent, is engaged in securing, accepting or assembling, for compensation directly or indirectly, property not owned by him to be transported by motor carrier.

(4) "Highway commission" means State Highway Commission.

(5) "Motor vehicle" means any self-propelled or motor-driven vehicle, or any train or combination of vehicles, used upon any public highway in this state in transporting persons or property, except vehicles operating wholly on fixed rails or tracks and electric trolley busses.

767.015 "Person," "private carrier," "public highway" and "safe for operation" defined. As used in this chapter the term:

(1) "Person" means an individual, firm, partnership, corporation, company or association or the assignees, vendees, lessees, trustees or receivers of any of them.

(2) "Private carrier" means any person not included in the term "common carrier" or "contract carrier" who transports by motor vehicle property of which he is the owner, lessee or bailee, when such transportation is for the purpose of sale, lease, rent or bailment, or in the furtherance of any commercial enterprise. Ownership of the property transported shall not be accepted as sufficient proof of a private carrier operation if the carrier is in fact engaged in the transportation of property for hire, compensation or remuneration, or if such transportation operations are conducted for profit and not merely as an incident to a commercial enterprise.

(3) "Public highway" means every street, alley, road, highway and thoroughfare in this state used by the public or dedicated or appropriated to public use.

(4) "Safe for operation" means mechanical safety and compliance with such regulations regarding equipment and operation as shall be specified by law or by rule of the commissioner.

767.020 Declaration of policy. (1) The business of operating as a motor carrier of persons or property for hire upon the highways of this state is declared to be a business affected with the public interest, and that regulated competition is desirable when it is deemed to be in the public interest.

(2) The rapid increase of motor carrier traffic and the fact that under existing law many motor trucks, trailers and busses are not effectively regulated, have increased the dangers and hazards on public highways and make it imperative that:

(a) More stringent regulations should be employed, to the end that the highways may be rendered safer for the use of the general public;

(b) The wear of such highways be reduced;

(c) Minimum of inconvenience to other users of the highways be effected;

(d) Minimum hindrance and stoppage to other users of the highways compatible with needs of the public for adequate transportation service, be effected;

(e) The highways be safeguarded from improper or unnecessary usage;

(f) Operation by irresponsible persons or any other operation threatening the safety of the public or detrimental to the general welfare be prevented;

(g) Discrimination in rates charged be eliminated;

(h) Congestion of traffic on the highways be minimized;

(i) The various transportation agencies of the state be adjusted and correlated so that public highways may serve the best interest of the general public; and

(j) Statutes be passed to provide a method of assessing privilege taxes to enable the further construction of highways and to provide for the operation, preservation and maintenance of highways already built.

(3) The legislature hereby declares that to effect the ends and purposes listed in this section, this chapter is adopted.

767.025 Nonapplicability of chapter to school, mail and government transportation. This chapter, except ORS 767.990, does not apply to persons or motor vehicles:

(1) When engaged exclusively in transporting students or their instructors to or from school or authorized school activities or functions.

(2) When regularly operating over a rural or star route and engaged exclusively in the transportation of United States mail under contract with, or when such person is an employe of, the Post Office Department. Such person may, in addition thereto, transport property for consideration in such vehicle over his rural or star mail route not to exceed 200 pounds in weight for any one delivery, when not in competition with a regular route common carrier.

(3) When owned and operated by the United States, the State of Oregon, any county, city, town or municipality in this state, or any department of any of them except when owned or operated as a carrier for hire.

767.030 Nonapplicability of chapter to farm transportation. (1) This chapter, except ORS 767.990, does not apply to persons or motor vehicles:

(a) When owned by a farmer and used in transporting his own agricultural commodities, agricultural products or livestock (including the products of such commodities, products or livestock that were packed, processed or manufactured on his farm) that were originally grown or raised by him on his farm, or when used in any transportation which is incidental to the regular operation of his farm, or when used to transport supplies, equipment or materials to his farm that are consumed or used on his farm.

(b) When owned by a farmer and used in the transportation of the perishable raw, or perishable unprocessed, farm-produced products of another farmer from the point of production to the primary market if such transportation is immediately necessary to preserve either the quantity or the quality, or both, of such products.

(c) When owned by a farmer and used in transporting forest products to his own farm, or transporting for any purpose such products originating on his farm.

(d) When owned by a farmer and used on an exchange of labor basis or for a nominal consideration in the transportation from the farm of another farmer of agricultural commodities, agricultural products or livestock (including the products of such commodities, products or livestock that were

packed, processed or manufactured on such farm and those products indicated in paragraph (c) of this subsection) that were originally grown or raised on such farm.

(e) When owned by a farmer and used in the transportation of supplies, equipment or materials to another farmer on an exchange of labor basis or for a nominal consideration if such supplies, equipment or materials are to be used or consumed on such farm or are directly related to the operation of such farm.

(2) As used in this section:

(a) "Farm" includes one or more farms, orchards or ranches, but does not include a tree farm unless part of a farm operation.

(b) "Farmer" means a person who operates, either as owner or renter, a farm but does not include associations organized under ORS chapter 62 [1953 part].

(3) As used in this section, "forest products" means forest materials originating on a farm or as an incident to the regular operation of a farm, but piling, poles over 30 inches in circumference at the large end, and logs over eight feet six inches in length shall not be considered forest products, agricultural commodities or agricultural products within the meaning of this section. [Amended by 1957 c.667 §1]

767.035 Nonapplicability of chapter to vehicles operating within city limits, firefighting and towing vehicles, ambulances, vehicles operated on private roads and certain trucks being delivered from seller to buyer. This chapter, except ORS 767.990, does not apply to persons or motor vehicles:

(1) While being used in the transportation of persons for hire in vehicles having a seating capacity of more than seven persons and operating wholly within the incorporated limits of a city in Oregon and within a radius of three airmiles beyond the corporate limits of such city in which the original starting point of such vehicle is located. When the three airmile radius of a city extends into the corporate limits of another city and both of the cities are served by the same carrier, the two cities shall be considered for the purpose of this subsection as one city. If provisions of this chapter do not apply to any persons or vehicles because of the provisions of this subsection, such persons and vehicles shall be subject to regulations of the city or town in which they operate.

(2) When operated as a taxicab or other vehicle carrying passengers for hire and having a seating capacity of not more than seven persons and operated wholly within the corporate limits of a city in Oregon and within a radius of three airmiles beyond the corporate limits of such city in which the original starting point of such vehicle is located. Such persons and vehicles are subject to regulations of the city in which they operate.

(3) When used for the transportation of property by private carrier by means of a single vehicle or combination of vehicles the combined weight of which vehicle and load, vehicles or vehicles and load does not exceed 6,000 pounds.

(4) When operated by fire patrol associations and used exclusively for the purpose of transporting persons or property in connection with the patrolling of forests for the prevention or fighting of forest fires.

(5) When engaged in operating implements of husbandry, temporarily drawn, moved or otherwise propelled.

(6) Used in servicing and towing disabled motor vehicles and not otherwise used in transporting goods and merchandise for compensation, if the vehicle:

(a) Is specially constructed for such use; or

(b) Has a combined weight not exceeding 6,000 pounds.

(7) When operated as a hearse or ambulance.

(8) When operating over any road or thoroughfare in private ownership.

(9) When using any road or thoroughfare, other than a state highway or county road, pursuant to an agreement with any agency of the United States or with a licensee of such agency, or both, if the agreement imposes upon the user of such road or thoroughfare the obligation either to construct or maintain it at his own expense, or to pay such agency or licensee of such agency a reasonable consideration for the use or right of way of such road or thoroughfare.

(10) When a truck equipped with bunks for the purpose of hauling logs is being moved upon public highways with a pole trailer carried as a load upon the truck, for the sole purpose of delivering such truck and pole trailer from a manufacturer or dealer to a dealer or purchaser of such truck and pole trailer, and the movement is not for the purpose of or in connection with the

transportation of logs, poles or piling. The terms "manufacturer" and "dealer," as used in this subsection, shall have the same meaning as given them in ORS 481.015 and 481.025. [Amended by 1953 c.333 §2; 1955 c.638 §1]

767.040 Compliance with chapter required. No common carrier, contract carrier or private carrier shall operate any motor vehicle for the transportation of persons or property, or both, on any public highway in this state, and no person shall act as a broker or forwarder, except in accordance with the provisions of this chapter.

767.045 Application of chapter to interstate and foreign commerce. This chapter applies to interstate and foreign commerce, except in so far as it may be in conflict with the provisions of the Constitution and the laws of the United States.

767.050 Special privileges not affected by this chapter. This chapter does not prevent:

(1) Common carriers or contract carriers from transporting within this state at free or reduced rates:

(a) Themselves or their officers, agents or employes, or dependent members of the families of such individuals, or the personal effects or household goods of such individuals.

(b) Ministers of religions, inmates of hospitals and charitable and eleemosynary institutions and individuals exclusively engaged in charitable and eleemosynary work.

(c) Indigent, destitute and homeless individuals and such individuals when transported by charitable societies or hospitals, and the necessary agents employed in such transportation.

(d) Witnesses attending legal investigations in which the carrier is interested.

(e) Persons injured in wrecks and physicians and nurses attending such persons.

(2) The interchange of passes by common carriers with other common carriers and their officers, agents and employes, and their families, or officers, agents or employes of railway common carriers, and their families.

(3) Any common carrier or contract carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence or other calamitous visitation.

(4) The issuance of mileage, commutation, party or excursion passenger tickets, if they are obtainable by all persons applying therefor under like circumstances and conditions.

767.055 When carrier is prima facie common carrier. Evidence that any carrier holds or has obtained at any time, in his own name or for his benefit, contracts for the transportation of property with more than five shippers or consignees, is prima facie evidence that such carrier is, in fact, a common carrier. Showing may be made to the contrary by, for or on behalf of such carrier by evidence overcoming such prima facie evidence.

767.060 Officers' duties as to enforcement of chapter. The Attorney General, Secretary of State, district attorneys of the several counties of the state, and all state, county, and city police officers shall assist the commissioner in the administration and enforcement of this chapter, and they, as well as the commissioner, his assistants and employes, shall inform against and diligently prosecute all persons whom they have reasonable cause to believe guilty of violation of this chapter or of the rules, regulations, orders, decisions or requirements of the commissioner made pursuant thereto. [Amended by 1953 c.338 §4]

767.065 Courts to forward copies of record on conviction for violation of this chapter. The courts having jurisdiction of this chapter shall, upon a conviction of anyone for violation of this chapter, immediately forward a certified copy of the record of such conviction to the office of the commissioner.

767.070 to 767.100 [Reserved for expansion]

PERMITS AND LICENSES

767.105 Necessity for permit for commercial transportation of persons or property on public highways. (1) No person shall operate any motor vehicle on any highway in this state as a common carrier, contract carrier or private carrier in the transportation of persons or property or both without first applying for and obtaining, in addition to any license required by any other law, a permit from the commissioner covering the proposed operation.

(2) Every person who engages for compensation to perform a combination of services which includes transportation of property of others upon the public highways is

subject to the jurisdiction of the commissioner as to such transportation and shall not engaged upon the same without first having obtained a common carrier or contract carrier permit to do so.

767.110 When permit required for towing operations. No person shall tow any motor vehicle or vehicle for hire upon any public highway of this state by means of any other motor vehicle, whether or not the towing motor vehicle is exempt from the provisions of this chapter, until a permit has been obtained from the commissioner; provided, no such permit is required for towing operations conducted by the use of motor vehicles specially constructed for and used for towing wrecked and disabled motor vehicles.

767.115 Permit required to engage in business of leasing or renting motor vehicles to others to transport property or to transport more than seven passengers. No person having his place of business located within this state shall engage in the business of leasing, renting or otherwise providing motor vehicles for the temporary use of others in the transportation of property, or for the transportation of persons in vehicles having seating accommodations for more than seven passengers, upon the public highways of this state, without first obtaining from the commissioner a permit covering such operation and filing with the commissioner an insurance policy as provided in ORS 767.195.

767.120 Broker's and forwarder's licenses; necessity for; issuance of; regulations to be observed by licensee. (1) No person shall act as a forwarder or broker unless he holds a forwarder's or broker's license, issued by the commissioner, to engage in such transactions.

(2) A brokerage or forwarding license shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that:

(a) The applicant is fit, willing and able properly to perform the service proposed and to conform to the provisions of this chapter and the requirements, rules and regulations of the commissioner thereunder; and

(b) The proposed service, to the extent to be authorized by the license, is or will be consistent with the public interest.

(3) No such license shall be issued or remain in force unless the applicant furnishes a bond or other security approved by the commissioner, in such form and amount as will insure financial responsibility and the supplying of authorized transportation in accordance with contracts, agreements or arrangements therefor.

(4) The commissioner shall prescribe reasonable rules and regulations for the protection of travelers or shippers by motor vehicle, to be observed by any person holding a brokerage or forwarding license.

767.125 Applications for permits. (1) The commissioner shall prescribe forms of applications for permits for the use of applicants and shall make regulations for the filing thereof.

(2) In the case of common carriers and contract carriers, the application shall state:

(a) The ownership, financial condition, equipment to be used and the light and combined weights thereof;

(b) The physical property of the applicant;

(c) Character of service, whether transportation of property or of persons;

(d) The district or territory in which the operation is to be conducted, and if upon regular route, the termini thereof; and

(e) Such other information as the commissioner may require.

(3) If the applicant is a private carrier, the application shall state the ownership, equipment to be used, the light and combined weight thereof, character of property to be transported and such other information as the commissioner may require.

767.130 Restrictions on issuance of permits. (1) No permit shall be granted to any person:

(a) If the commissioner finds that he is not capable of conducting the transportation service contemplated, in compliance with the law and rules and regulations of the commissioner; or

(b) Who has been an habitual or intentional violator thereof.

(2) No person whose application for permit has been denied shall be eligible to renew the application for a period of six months or to operate or participate directly or indirectly in the proposed operation for a period of six months from the date application has been denied.

767.135 Issuance of common carrier permits after investigation and hearing; findings necessary. (1) Except as provided

in ORS 767.145, upon the filing with him of an application for a permit to operate as a common carrier, or for the transfer of any such permit, the commissioner shall investigate the application and if the proposed operation is competitive with existing carriers or there is protest against the granting of the permit, shall fix a time and place for a hearing thereon.

(2) The commissioner shall cause notice of such hearing to be served upon every person operating in any manner or by any means as a common carrier, or who has applied to operate as a common carrier in the territory proposed to be served by the applicant, and on other interested parties. Any such common carrier or applicant is declared to be an interested party to the proceedings and may offer testimony for or against the granting of such permit. Any other interested party, including the public, may give testimony at such hearing.

(3) The commissioner shall issue the permit if the applicant has complied with this chapter and the rules and regulations of the commissioner, and if the commissioner finds from the record and the evidence that:

(a) The applicant, if an intrastate operator, is financially responsible and adequately equipped to perform the service proposed;

(b) The equipment listed is safe for operation in so far as can be determined at the time of inspection;

(c) The operation proposed is in the public interest;

(d) The service proposed will not be attended with substantial damage to the highways or danger to other users thereof or to the public;

(e) The granting of a permit will not result in the impairment of the ability of existing operators adequately to serve the public;

(f) The rates, schedules or contracts proposed by the applicant, if an intrastate operator, are approved by the commissioner;

(g) The applicant can and will furnish and file the insurance, bond or substitute security or qualify as self-insurer as provided in this chapter;

(h) The applicant has agreed to pay the privilege taxes provided for in this chapter, to comply with the provisions of this chapter, and to obey all the rules and regulations of the commissioner.

(4) If the findings listed in subsection (3) of this section are not made, the application shall be denied or the order entered with such conditions imposed by the commissioner as will, when complied with, meet the requirements of this chapter.

(5) If any applicant or carrier fails to appear before the commissioner at the time and place fixed for the hearing and pursuant to notice thereof, the permit under investigation or the application under consideration may be canceled or denied by the commissioner. However, if good and sufficient reason is shown within a reasonable time for such nonappearance, the commissioner may continue the time fixed for the hearing. [Amended by 1957 c.263 §1]

767.140 Issuance of contract carrier permits after hearing or without hearing; findings necessary. (1) Except as provided in ORS 767.145 and subsection (2) of this section, permits shall be issued to contract carriers by the commissioner only after a hearing is conducted by the commissioner in conformity with subsections (1) and (2) of ORS 767.135. The permit shall issue only upon a showing by the contract carrier before the commissioner justifying the issuance of the permit under subsection (3) of ORS 767.135, except that such applicant is not required to serve as a common carrier.

(2) If the commissioner believes that the operation proposed by any applicant for a permit to operate as a contract carrier exclusively in intrastate transportation is not contrary to public interest and will not be attended with substantial damages to the highways or danger to other users thereof or to the public, he may dispense with a public hearing. But no permit shall be issued unless the applicant shows to the satisfaction of the commissioner that he:

(a) Is financially responsible;

(b) Is adequately equipped and capable of performing the operation proposed; and

(c) Can and will comply with the provisions of this chapter and furnish and file the insurance, bond or substitute security as provided in this chapter.

(3) Interested parties have the same rights of notice and participation upon application of contract carriers as in the case of common carriers.

767.145 Dispensation of hearing and order requirement for issuance of permit authority covering certain operations. Hearing and order are not required for the issuance of permit authority to:

(1) Common or contract carriers engaged exclusively in the transportation of logs, poles or piling or rough or planed lumber, including shingles, from point of origin to mill, retail yard or shipping point.

(2) Common or contract carriers engaged exclusively in the transportation of cordwood in long or short lengths or sawdust or hog fuel.

(3) Operate trucks equipped with dump bodies commonly known as sand and gravel trucks and used exclusively in connection with highway or other construction projects.

(4) Operate trucks engaged exclusively in transporting metallic ores or concentrates, or raw nonmetallic products, whether crushed or otherwise, from mines, pits or quarries, or in transporting machinery, equipment and supplies to or from mine, pit or quarry operations.

(5) Operate trucks engaged exclusively in hauling fish scrap from fish processing plants to rendering or reduction plants.

(6) Regular route common carriers desiring to operate over redesignated or relocated public highways provided:

(a) The new route has the same numerical designation as permittee's presently authorized route; and

(b) Not less than 10 days prior to the institution of such service such person file with the commissioner time schedules properly reflecting such service; and

(c) No service is to be performed to, from or between points on such redesignated or relocated public highway otherwise than in accordance with such person's existing permit; and

(d) Such time schedules and service otherwise is in compliance with this chapter. [Amended by 1957 c.263 §2]

767.150 Issuance of permits to private carriers. Upon receipt of the information in writing required by the application form for permits in that class and in compliance with the law and the rules and regulations of the commissioner, permits shall be issued to private carriers, conditioned that the proposed operation will not be attended with substantial damage to the highway or danger to the users thereof, to adjacent property or facilities or to the public. The applicant is entitled to a hearing by the commissioner if his application has been declined by the commissioner.

767.155 Issuance of permits to interstate carriers. Common carriers and contract carriers engaged or to engage exclusively in interstate operations shall apply to the commissioner for a permit. The commissioner shall issue a permit to them without a hearing and as a matter of course if they furnish public liability and property damage insurance policy or qualify as self-insurer as required by this chapter.

767.160 Issuance of permits which are required by ORS 767.115. The application for a permit required by ORS 767.115 shall be in such form and contain such information as the commissioner may require. Hearing on such application shall be held, and notice thereof given, as provided in ORS 767.135. The application shall be denied unless the evidence shall, in the judgment of the commissioner, justify the findings provided for in paragraphs (a), (b), (c), (d), (e), (g) and (h) of subsection (3) of ORS 767.135.

767.165 Special procedure for permits to transport logs, poles or piling. (1) Authority may be issued by the commissioner to common carriers, contract carriers or private carriers for the transportation of logs, poles or piling over public highways only upon a showing by the carrier before the commissioner justifying the issuance of the permit.

(2) If the highways over which such applicant proposes to operate:

(a) Are state highways, the commissioner shall call upon the highway commission to submit in writing such recommendations or suggestions that in its opinion should be imposed for the protection of the highways and for the best interest of the general public.

(b) Are county highways, the applicant shall first secure a recommendation from the county court or board of county commissioners that he be permitted to use the county highways over which he proposes to operate.

(c) Are streets of an incorporated city, the applicant shall first secure a recommendation from the governmental authority of such city that he be permitted to use the city streets over which he proposed to operate.

(3) All authority issued to such carriers is temporary and shall be revoked upon the recommendation of the highway commission with respect to state highways, the county court or board of county commissioners with

respect to county highways and the municipal authority with respect to city streets, when in the judgment of such officials such revocation is required in order to preserve the highways.

767.170 Emergency permits. If any condition or emergency arises requiring relief in cases of general epidemic, pestilence or other calamitous visitation in the state or any community therein, wherein the public or community interest or the transportation of any persons or property requires, in the opinion of the commissioner, the issuance of a permit for a temporary transportation service, the commissioner may issue a temporary permit therefor, without hearing, the term of which shall be limited to a reasonable time to be determined by the commissioner under the circumstances.

767.175 Issuance and placement of identification plates and receipts; receipt to state combined weight of vehicle; new plates issued biennially. (1) The commissioner shall, with respect to each vehicle, issue an identification plate or marker, and a receipt stating therein the combined weight of each vehicle involved.

(2) The receipt shall be carried with the vehicle at all times, and no person shall load any motor vehicle in excess of its combined weight permit rating thus determined except as variations may necessarily result in passenger loading.

(3) The identification plate or marker must be fastened or placed on the vehicle to which it is issued in a manner prescribed by the commissioner by rule.

(4) Commencing January 1, 1958, and biennially thereafter, the commissioner shall by general order revoke all outstanding identification plates or markers and issue new identification plates or markers for all vehicles subject to this chapter. [Amended by 1957 c.561 §1]

767.180 Vehicles to be operated only in class for which permit issued; effect of violation. (1) The commissioner shall, in issuing permits, classify the applicants as to their proper class under the law and no carrier shall operate in a different class without permit from the commissioner.

(2) No vehicle shall be operated in more than one of the classes covered by this chapter except that:

(a) Vehicles carrying persons may also carry baggage and express or be operated as charter cars.

(b) A trailer under private carrier permit, when used for the transportation of equipment in connection with highway construction, may be attached to a truck equipped with a dump body bearing a common carrier or contract carrier identification plate or marker.

(c) A common or contract carrier may use any or all of his motor vehicles and equipment to transport property of which he is the owner, if he applies for and receives a permit authorizing such use. The provisions of ORS 767.135 shall apply to the issuance of such a permit.

(3) Common or contract carriers may interchange equipment upon which an identification plate or marker has been issued by the commissioner and such identification plate or marker thereon may remain on the equipment and no transfer of registration with either the Department of Motor Vehicles or the commissioner shall be required, provided that such interchange shall be permitted only in accordance with rules and regulations as prescribed by the commissioner pertaining to insurance coverage, accounts, records, reports, operations and practices thereof.

(4) If, after notice and hearing, the commissioner finds that any carrier is operating any vehicle in a class other than that for which the permit is issued, he shall revoke or suspend the permit, or order the carrier to cease and desist the illegal or irregular practices found. [Amended by 1955 c.79 §1; 1957 c.561 §2]

767.185 Transfer of permits and licenses; no franchise or property right in permit or license. (1) No permit issued under this chapter or any prior law shall be assigned or otherwise transferred except after hearing as provided in ORS 767.135.

(2) No license issued under this chapter shall be assigned or otherwise transferred without the written approval of the commissioner that such assignment or transfer is consistent with the public interest and conforms with ORS 767.120.

(3) No such permit or license shall be construed to be a franchise or irrevocable or exclusive or to confer any property right upon the holder thereof.

767.190 Cancelation or suspension of permits and licenses. (1) Permits when issued shall be valid until revoked. If at any

time after notice to the permittee and a hearing before the commissioner, the continued operation is found by him to be against the public interest, unduly congesting the highway or fraught with substantial danger to users of the highway, to adjacent property or facilities or to the public, or inflicting substantial damage to the highway, the commissioner shall cancel the permit so investigated or condition the operation thereunder as conditions require.

(2) Permits or licenses shall be suspended or canceled by the commissioner after hearing complaint and notice or upon his own motion when the permittee or licensee:

(a) Is delinquent in the payment of any fees or taxes due under the law, if written demand for payment thereof has been served upon him by the office upon which the duty to collect the same is imposed, at least 10 days before the complaint or notice for cancelation was filed.

(b) Or his agents or employes have repeatedly violated this chapter or other highway or motor laws of this state.

(c) Has repeatedly and intentionally violated or avoided any order, rule or regulation of the commissioner.

(d) Has intentionally made unlawful rebates.

(e) Has refused, or has failed, except for reasons beyond his control, to exercise the operating authority and furnish service authorized by permit or granted by license for a period exceeding six consecutive months immediately preceding the initiation of the proceeding. The commissioner in such cases may, in his discretion, restrict the permit or license to conform with operations conducted. [Amended by 1957 c.263 §3]

767.195 Liability insurance needed by carriers. (1) Except as provided in ORS 767.215, no permit shall be issued to any person to operate as a motor carrier until he has filed with the commissioner a policy of public liability and property damage issued by an insurance company or reciprocal insurance exchange authorized to transact business as such within this state, and in accordance with the policies, forms and manuals on file with the State Insurance Commissioner, for the following minimum limits of liability:

(a) Bodily injury liability, limit for each person, $10,000,

(b) Bodily injury liability, subject to above limit for any one person, limit for each accident, $20,000,

(c) Property damage liability, limit for each accident, $10,000,

and upon such terms, conditions and provisions as the commissioner may determine to be necessary for the reasonable indemnification of the patrons of the applicant and of the public against damage and injury for which the applicant may be liable by reason of the operation of any motor vehicle. However, the insurance policy required of a carrier or persons engaged solely in interstate commerce need not provide for the protection of their patrons.

(2) In lieu of such policy of insurance, any carrier subject to this chapter may file a certificate of insurance coverage based upon a policy approved by the State Insurance Commissioner, if said policy by its terms fulfills the requirements as to coverage required by this section, and the rules and regulations of the commissioner.

(3) In fixing the amount of the insurance policy the commissioner shall give due consideration to the character and amount of traffic and number of persons involved and the degree of danger which the proposed operation involves. [Amended by 1953 c.582 §1]

767.200 Additional bond and insurance required of intrastate carriers of property. (1) Common and contract carriers of property intrastate must file, in addition to the policy under ORS 767.195, a satisfactory bond in a sum to be fixed by the commissioner, conditioned that such carrier shall make compensation to shippers or consignees for all property shipped collect on delivery, or money collected therefor, belonging to shippers or consignees and coming into the possession of such carrier in connection with its transportation business.

(2) No permit shall be issued to any person to operate intrastate as a common or contract carrier of freight or express until he has filed with the commissioner, in addition to such coverage, cargo insurance in such penal sum as the commissioner may deem necessary to protect adequately the interests of the public. This policy shall bind the assurer for loss of, or damage to, property carried in, upon or attached to the motor vehicles or other equipment operated by, for or under the control of the assured, or while in the care or custody of the assured.

(3) The commissioner may waive the filing of such bond or cargo insurance for any carrier whose service is limited to commodities not subject to material damage or loss through ordinary transportation hazards, or any carrier who does not engage in transporting collect on delivery shipments.

767.205 Limitations on cancelation of insurance or bond; suspension of permit on cancelation of insurance or bond. (1) No insurance policy or collect on delivery bond furnished under this chapter may be canceled or otherwise terminated at any time prior to its expiration until the indemnity or surety company or reciprocal insurance exchange which executed the same, has filed with the commissioner a notice of cancelation as provided in such bond or policy. Such cancelation shall be effective not less than 15 days from the date of receipt, and no agreement between the parties thereto shall operate to avoid this restriction upon cancelation.

(2) If any such insurance policy or collect on delivery bond becomes inoperative, the authority under the permit involved shall cease and be suspended, in so far as it pertains to any affected vehicles, until an insurance policy or collect on delivery bond meeting the requirements of ORS 767.195 and 767.200 becomes effective and is filed with the commissioner.

767.210 Deposit of securities in lieu of insurance or bond. (1) The holder of any permit may furnish, file and deposit with the commissioner, in lieu of the insurance policy or surety bond, as the case may be, provided for in ORS 767.195 and 767.200, money or bonds, negotiable by delivery, of the State of Oregon, school districts therein of the first class, or of any county therein, or obligations of the United States, or obligations for which the faith of the United States is pledged for the payment of both the principal and interest, equal in amount to the amount of the insurance policy or bond required by the commissioner.

(2) So long as the deposit remains unincumbered the depositor is entitled to collect the interest upon such securities.

(3) The commissioner shall hold the securities upon such terms as he shall designate and approve pursuant to the provisions of this chapter, and shall deliver such securities to the State Treasurer, who shall receive and hold them subject to the lawful orders of the commissioner. The State Treasurer and his surety shall be liable upon his official bond for their safekeeping. The depositors shall reimburse the State Treasurer for any expenses incurred by him in the mailing, insuring, shipping or delivering of any such securities, or of the interest coupons attached thereto as they mature.

(4) Such substituted security shall be subject to the liabilities imposed by the terms of the policy of insurance or surety bond then currently used by the commissioner.

(5) If the securities provided for in this section are furnished in lieu of an insurance policy or bond, they shall not be subject to withdrawal or assignment by the holder of the permit, either voluntarily or by operation of law, until the expiration of one year after the holder of the permit, in connection with which they are furnished has:

(a) Substituted therefor a policy of insurance or surety bond as provided in ORS 767.195 and 767.200; or

(b) His permit canceled; or

(c) Surrendered such permit to the commissioner for cancelation and has ceased operation thereunder.

(6) If any such securities become impaired in value, the commissioner shall require additional protection by insurance, bond or substitute security to the extent that the value of the securities, or any of them, may have become impaired.

767.215 Self-insurance in lieu of insurance or bond. (1) Any common carrier, engaged in interstate or interstate and intrastate operations within the State of Oregon, which is or becomes qualified as a self-insurer with the Interstate Commerce Commission of the United States in accordance with laws of the United States applicable to self-insurance by motor carriers, is exempt, so long as such qualification remains effective, from the provisions of ORS 767.195 to 767.210.

(2) The commissioner may require proof of the existence and continuation of such exempt status to be made by affidavit of the carrier in such form and at such times as the commissioner may prescribe. [Amended by 1957 c.368 §1]

767.220 to 767.300 [Reserved for expansion]

TAXES AND FEES

767.305 Application fee; transfer fee. In addition to the other fees and taxes prescribed in this chapter, every person applying for a permit under this chapter shall pay to the commissioner with his application a fee of $25; provided, no fee is required with an application for a permit which is not required to be assigned to hearing. A like fee shall accompany an application for transfer of such permits.

767.310 Plate fees; temporary pass fees; summary revocation of plate or marker. (1) In addition to other fees prescribed in this chapter, each carrier holding or obtaining a permit under this chapter shall pay to the commissioner a fee of $2.50 for each identification plate or marker issued to identify and be attached to each self-propelled or motor-driven vehicle and each trailer or semi-trailer operated or to be operated in connection with such permit. This fee shall be known as a plate fee to be paid in advance of the issuance of the identification plate or marker.

(2) In cases of emergency when, because of single trip or short time operation not exceeding 10 days, it is impractical to assign and have an identification plate or marker attached to a vehicle, the commissioner may issue a temporary pass identifying the vehicle. For this pass a fee of $1 for each vehicle shall be paid.

(3) An identification plate or marker may be summarily revoked by the commissioner whenever the vehicle to which it is issued is suspended from operation or removed from permit. In such case no refund of fees shall be allowed for the unexpired term of such identification plate or marker. [Amended by 1957 c.561 §3]

767.315 Broker's and forwarder's tax. Brokers and forwarders shall pay to the commissioner a fee or tax of six percent of the gross revenues earned, less any freight charges paid by forwarders, from intrastate business. On or before the twentieth day of each month, each broker or forwarder shall pay the amount of the fees or taxes due from them for the preceding calendar month. If payment is not made on or before such date, there shall be added for each month overdue a sum equal to one and one-half percent of the amount of the original fee.

767.320 Fees for copies of documents and transcripts. Except when required by law to be furnished free of charge, the commissioner shall collect a fee for all copies of orders, documents or transcripts, or other instruments prepared by him or on file in his office, in accordance with the following schedule:

(1) Transcripts per page 8½ x 13, double spaced, 25 cents.

(2) Copies of all other documents, per folio, each 10 cents.

(3) Photostatic copies of documents, cost.

(4) Certified copies of documents, per certificate, 50 cents.

767.325 Motor carrier tax for use of highways. (1) In addition to the license fees and taxes otherwise imposed by law upon common carriers, contract carriers and private carriers there shall be assessed against and collected from every such carrier a tax for the use of the highways, to apply on the cost of administration of this chapter and for the maintenance, operation, construction and reconstruction of public highways.

(2) The tax rate which shall apply to each motor vehicle shall be based upon the declared combined weight of the motor vehicle and in accordance with the weight group tax rates as shown in the tables set forth in ORS 767.330, except that the tax rate which shall apply to each passenger motor vehicle weighing more than 12,000 pounds and not more than 30,000 pounds and having an overall length not in excess of 35 feet shall be two and one-half mills less than the fee rates per mile set forth in tables "A" and "B."

(3) For the purpose of computing the tax due:

(a) Tables "A" and "C" apply to motor vehicles using motor vehicle fuel as defined in ORS 319.010.

(b) Tables "B" and "D" apply to motor vehicles using motor vehicle fuel as defined in ORS 319.520.

(c) Table "B" or "D" applies to motor vehicles used upon the public highways in this state that use motor vehicle fuel of any description purchased outside this state.

(d) Table "A" or "B," or both, apply to motor vehicles used upon the public highways of this state that use motor vehicle fuel as defined in ORS 319.010, purchased part inside and part outside this state, but in no event shall table "A" be applied in the computation of any tax to more than the maximum miles which could be traveled in

this state on such motor vehicle fuel purchased within the state.

(e) Table "D" shall be used by persons paying taxes on the flat fee basis in arriving at the fee payable on motor vehicles which use motor vehicle fuel as defined in ORS 319.010, when insufficient such fuel is purchased in Oregon to propel the motor vehicles the extreme miles traveled within this state.

(4) All carriers who use tables "A," "A" and "B" or "C" in the computation of the tax or fee due under this section shall maintain records and purchase documents to substantiate and justify the use of such tables. The failure of any carrier to so keep such records and documents or to disclose them to the commissioner or his duly authorized representative is prima facie evidence that the tax or fee should have been computed by using tables "B" or "D."

(5) The tax for each motor vehicle when tables "A" or "B," or both, are used shall be computed by multiplying the extreme mileage of travel in Oregon by the appropriate weight group tax rate as it appears in the table or, for each passenger motor vehicle weighing more than 12,000 pounds and not more than 30,000 pounds and having an overall length not in excess of 35 feet, by the tax rate determined by subtracting two and one-half mills per mile from the appropriate weight group tax rate as it appears in the table. A minimum charge of $1 shall accompany each monthly fee report where the tax reported is computed by using tax rate tables "A" or "B" and the tax computed is less than $1. [Amended by 1953 c.337 §3]

767.330 Carrier tax tables.

MILEAGE TAX RATE TABLE "A"

Declared Combined Weight Groups (Pounds)	Fee Rates Per Mile (Mills)
0 to 6,000	1.5
6,001 to 8,000	2.5
8,001 to 10,000	3.5
10,001 to 12,000	4.5
12,001 to 14,000	5.5
14,001 to 16,000	6.5
16,001 to 18,000	7.5
18,001 to 20,000	8.5
20,001 to 22,000	9.5
22,001 to 24,000	10.5
24,001 to 26,000	11.5
26,001 to 28,000	12.5
28,001 to 30,000	13.5
30,001 to 32,000	14.5
32,001 to 34,000	15.5
34,001 to 36,000	16.5
36,001 to 38,000	17.5
38,001 to 40,000	19.0
40,001 to 42,000	20.5
42,001 to 44,000	22.0
44,001 to 46,000	23.5
46,001 to 48,000	25.0
48,001 to 50,000	26.5
50,001 to 52,000	28.0
52,001 to 54,000	29.5
54,001 to 56,000	31.0
56,001 to 58,000	32.5
58,001 to 60,000	34.0
60,001 to 62,000	35.5
62,001 to 64,000	37.0
64,001 to 66,000	38.5
66,001 to 68,000	40.0
68,001 to 70,000	41.5
70,001 to 72,000	43.0
72,001 to 74,000	45.5
74,001 to 76,000	48.0
76,001 and over	Add 2.5 mills per ton or fraction of ton

MILEAGE TAX RATE TABLE "B"

Declared Combined Weight Groups (Pounds)	Fee Rates Per Mile (Mills)
0 to 6,000	5.5
6,001 to 8,000	7.0
8,001 to 10,000	8.5
10,001 to 12,000	10.0
12,001 to 14,000	11.5
14,001 to 16,000	13.0
16,001 to 18,000	14.5
18,001 to 20,000	16.0
20,001 to 22,000	17.5
22,001 to 24,000	19.0
24,001 to 26,000	20.5
26,001 to 28,000	22.0
28,001 to 30,000	23.5
30,001 to 32,000	25.0
32,001 to 34,000	26.5
34,001 to 36,000	28.0
36,001 to 38,000	29.5
38,001 to 40,000	31.0
40,001 to 42,000	32.5
42,001 to 44,000	34.0
44,001 to 46,000	36.0
46,001 to 48,000	38.0
48,001 to 50,000	40.0
50,001 to 52,000	42.0
52,001 to 54,000	44.0
54,001 to 56,000	46.0
56,001 to 58,000	48.0

58,001 to 60,000	50.0
60,001 to 62,000	52.0
62,001 to 64,000	54.0
64,001 to 66,000	56.0
66,001 to 68,000	58.0
68,001 to 70,000	60.0
70,001 to 72,000	62.0
72,001 to 74,000	65.0
74,001 to 76,000	68.0
76,001 and over	Add 3.0 mills per ton or fraction of ton

FLAT FEE TABLE "C"

Declared Combined Weight Groups (Pounds)	Flat Fee
0 to 6,000	$ 35.00
6,001 to 8,000	50.00
8,001 to 10,000	65.00
10,001 to 12,000	75.00
12,001 to 14,000	90.00
14,001 to 16,000	115.00
16,001 to 18,000	140.00

FLAT FEE TABLE "D"

Declared Combined Weight Groups (Pounds)	Flat Fee
0 to 6,000	$125.00
6,001 to 8,000	150.00
8,001 to 10,000	175.00
10,001 to 12,000	205.00
12,001 to 14,000	230.00
14,001 to 16,000	255.00
16,001 to 18,000	290.00

767.335 Substitute taxes for vehicles under 18,000 pounds, towing vehicles, log vehicles and dump trucks. (1) In lieu of the fees prescribed in ORS 767.325, carriers may pay an annual fee on each motor vehicle operated by them the combined weight of which does not exceed 18,000 pounds. The fees may be paid on a quarterly basis on or before the first day of each quarter. Quarterly periods shall commence January 1, April 1, July 1 and October 1. For operations commencing after the beginning of a quarter one-third the quarterly fee shall be paid for each month or partial month remaining in the quarter. The fees shall be determined by finding the fee rate applicable to the appropriate combined weight group appearing in flat fee tables "C" and "D."

(2) In lieu of the fees provided for in ORS 767.305, 767.310 and 767.325, persons conducting towing operations requiring a permit under ORS 767.110 may pay to the commissioner a flat fee of $7.50 for each motor vehicle for each such operation.

(3) In lieu of other fees provided in ORS 767.325, carriers engaged in operating motor vehicles in the transportation of logs, poles or piling, or in the operation of motor vehicles equipped with dump bodies commonly known as sand and gravel trucks and used exclusively in connection with highway or other construction projects, may pay annual fees for such operation computed as follows:

(a) Ninety cents for each 100 pounds of declared combined weight on motor vehicles using as a propulsion fuel gasoline on which has been paid to the State of Oregon the gasoline tax provided by law.

(b) One dollar and fifty cents for each 100 pounds of declared combined weight on those motor vehicles using as a propulsion fuel any fuel other than gasoline on which has been paid to the State of Oregon the gasoline tax provided by law.

(4) The annual fees provided in subsection (3) of this section must be paid in advance but may be paid on a monthly basis on or before the first day of the month. Any carrier electing to pay fees under this method may not change his election during the same calendar year in which the election is made, but may be relieved from the payment due for any month on a motor vehicle which is not operated, if the identification plate or marker for the motor vehicle is surrendered to the commissioner on or before the fifth day of the first month for which relief is sought. [Amended by 1953 c.337 §3; 1955 c.653 §1; 1957 c.561 §4]

767.340 Effect of carrier tax law on other taxes. (1) The fees or taxes listed in ORS 767.325 to 767.335 shall be in addition to, and not in lieu of, other fees and taxes of the state, county or municipality which may be imposed, levied, assessed or collected against the business or property of such carrier. This section does not authorize the imposition of license fees by municipalities upon intercity carriers, or deprive any city within which a passenger motor vehicle, having a seating capacity of not more than seven passengers, is principally operated for hire, from imposing and collecting license fees upon and from such motor vehicle, or the owner or operator thereof, as to such portion of its operations as are wholly within the corporate limits of such city.

(2) ORS 319.510 to 319.880 do not apply to vehicles or fuels used therein when the vehicles are subject to, and report and pay, the tax for the use of Oregon highways based upon the combined weight of the vehicle and in accordance with the weight group rates prescribed in ORS 767.325 to 767.335.

767.345 Fees required of interstate carriers. A person engaged exclusively in the conduct of interstate transportation shall currently pay to the commissioner the road tax mileage fees prescribed by ORS 767.325 to 767.340 and 767.355 to 767.365.

767.350 Fees for persons leasing or renting motor vehicles to others to transport property or more than seven passengers. Every person to whom a permit is issued under ORS 767.160 shall pay the fees prescribed by ORS 767.325 to 767.340, unless provision is made, with the approval of the commissioner, whereby such fees shall be paid by the lessee or user of such motor vehicles.

767.355 Due date of fees and taxes; penalty; deficiency assessments; refund of overpayment. (1) On or before the last day of each month, except for the time of payment provided in ORS 767.335, all persons shall report and pay to the commissioner the amount of taxes due from them for the preceding calendar month. If payment is not made on or before such date, there shall be added as a penalty a sum equal to 10 percent of the unpaid amount of the tax.

(2) If the commissioner is not satisfied with the report filed or amount of tax paid to the state by any person, he may make a proposed assessment of additional tax due from such person based upon any information available to him.

(3) Every such additional assessment shall bear interest at the rate of one-half of one percent per month, or fraction thereof, from the last day of the month following the close of the month for which the additional assessment is imposed until paid.

(4) If any part of the deficiency for which the additional assessment is imposed is found to have been occasioned by negligence, a penalty of 10 percent of the amount of the additional assessment shall be added thereto.

(5) If any part of the deficiency for which the additional assessment is imposed is found to have been occasioned by fraud or an intent to evade this chapter, or rules and regulations adopted under this chapter, a penalty of 25 percent of the amount of the additional assessment shall be added thereto in addition to any 10 percent penalty provided in subsection (4) of this section.

(6) The commissioner shall give to the person concerned written notice of such additional assessment. Notice shall be served personally or by certified mail. If by certified mail, service shall be made by depositing such notice in the United States postoffice postage prepaid, addressed to the person at his address as it appears in the records of the commissioner.

(7) The commissioner shall refund to any person the amount of any overpayment caused by any incorrect report. [Amended by 1953 c.336 §2; 1957 c.564 §1]

767.360 Assessment of tax by commissioner upon failure to report tax due. (1) If any person neglects or refuses to make a report as required by this chapter, the commissioner shall make a proposed assessment, based upon any information available to him, for the period with respect to which such person failed to make a report, of the amount of tax due for the period for which such proposed assessment is made.

(2) Each such assessment shall bear interest at the rate of one-half of one percent per month, or fraction thereof, from the last day of the month for which the assessment is imposed until paid.

(3) There shall be added to every such assessment a penalty of 25 percent of the amount thereof.

(4) If the neglect or refusal to make a report as required by this chapter is found to have been occasioned by fraud or an intent to evade this chapter or rules and regulations adopted under this chapter, a penalty of 25 percent of the amount of such assessment shall be added thereto in addition to the 25 percent penalty provided in subsection (3) of this section.

(5) The commissioner shall give to such person written notice of such assessment, such notice to be served as provided in subsection (6) of ORS 767.355. [Amended by 1957 c.564 §2]

767.365 Reassessment of taxes upon request. (1) Any person against whom an assessment is made under ORS 767.355 or 767.360, may petition the commissioner for a reassessment thereof within 30 days after

service upon the person of notice thereof. If such a petition is not filed within the 30-day period, the assessment becomes final at the expiration thereof. If a petition for reassessment is filed within the 30-day period the commissioner shall reconsider the assessment and, if the person has so requested in his petition, shall grant such person a hearing and give the person 10 days' notice of the time and place thereof. The commissioner has power to continue the hearing from time to time as may be necessary. The decision of the commissioner upon a petition for reassessment shall become final 30 days after service upon the person concerned of notice thereof.

(2) Every assessment made by the commissioner under ORS 767.355 to 767.365 becomes due and payable at the time it becomes final and if not paid to the commissioner when due and payable there shall be added thereto a penalty of 10 percent of the amount of the tax.

(3) Any notice required by this section shall be served as provided in subsection (6) of ORS 767.355. [Amended by 1957 c.564 §3]

767.370 Collection of fees, taxes and other moneys. All fees, taxes and charges imposed by this chapter, all claims and penalties payable by any person under this chapter and all moneys collected under this chapter, are the property of the state. The commissioner shall collect and receive all fees, taxes, penalties and moneys due or to become due to the state under this chapter and, to that end, shall bring such actions or take such proceedings, including attachment and garnishment proceedings, in the name of the State of Oregon, as may be necessary. [Amended by 1957 c.564 §4]

767.375 Warrant procedure for collection assessment made by commissioner. (1) If any assessment made by the commissioner under ORS 767.355 to 767.365, including any penalties therein imposed, is not paid in full when final the commissioner shall issue a warrant under his official seal directed to the sheriff of any county of the state commanding him to levy upon and sell the real and personal property of the taxpayer found within his county, for payment of the amount thereof, with the added penalties, interest and the cost of executing the warrant, and to return such warrant to the commissioner and pay to him the money collected by virtue thereof by a time to be specified therein, not less than 60 days from the date of the warrant.

(2) The sheriff shall, within five days after the receipt of the warrant, file with the clerk of his county a copy thereof, and thereupon the clerk shall enter in the judgment docket, in the column for judgment debtors, the name of the taxpayer mentioned in the warrant, and in appropriate columns the amount of the tax or portion thereof and penalties for which the warrant is issued and the date when such copy is filed. Thereupon the amount of the warrant so docketed shall become a lien upon the title to and interest in property of the taxpayer against whom it is issued in the same manner as a judgment duly docketed in the office of such clerk.

(3) The sheriff thereupon shall proceed upon the same in all respects, with like effect and in the same manner prescribed by law in respect to executions issued against property upon judgment of a court of record, and shall be entitled to the same fees for his services in executing the warrant, to be added to and collected as a part of the warrant liability.

(4) If a warrant is returned not satisfied in full, the commissioner shall have the same remedies to enforce the claim for taxes against the taxpayer as if the people of the state had recovered judgment against the taxpayer for the amount of the tax. [1957 c.564 §5]

767.380 to 767.400 [Reserved for expansion]

REGULATORY AND ENFORCEMENT PROVISIONS

767.405 Common carriers and forwarders, general regulation of. Except as provided in ORS 767.425, the commissioner shall supervise and regulate all common carriers of persons or property, or both, and forwarders, and with respect thereto shall:

(1) After hearing, fix, alter, regulate, determine, declare and prescribe just, fair and reasonable rates, fares, charges, classifications and practices.

(2) Prescribe the kind and form of accounts, manifests, receipts and records to be used and kept pertaining to operation, and the method and manner of keeping them, require their preservation for such time as the commissioner may determine proper, and have access thereto with right

of audit and inspection thereof at all reasonable times.

(3) Require the filing of such periodical or other reports or data of such carriers and forwarders, as the commissioner deems necessary.

(4) Require reasonably adequate service and facilities.

(5) Regulate operating time schedules of regular route common carriers so as to meet the needs of any community served and so as to prevent unnecessary duplication by regular route common carriers of the transportation services afforded by other regular route common carriers.

(6) Prescribe and require reasonable precautions for safety of operation of motor vehicles subject to this chapter, to the end that uniformity between state and federal motor carrier safety regulations shall be established and maintained in so far as practicable.

(7) Relieve the highways of all undue burdens and safeguard traffic thereon by promulgating and enforcing reasonable rules, regulations and orders designed and calculated to prevent serious highway congestion, and minimize the dangers attending transportation on the public highways of all commodities including explosives or highly inflammable or combustible liquids, fluids, substances or gases.

767.410 Common carriers and forwarders, regulation of rates and services of. Except as provided in ORS 767.425:

(1) All rates, fares and charges made by and all rules, regulations and practices adopted by each common carrier or forwarder shall:

(a) Be plainly stated in tariff schedules and classifications available to the public at such carrier's or forwarder's office and filed with the commissioner before they become effective.

(b) Be just, reasonable and fair and shall not be unduly discriminatory, prejudicial or preferential.

(2) No common carrier or forwarder shall:

(a) Charge, demand, collect or receive a greater, less, or different remuneration for the transportation of passengers or property, or both, or for any service in connection therewith, than the rates, fares and charges which have been legally established and filed with the commissioner.

(b) Refund or remit in any manner or by any device any portion of the rates, fares and charges required to be collected by its tariffs on file with the commissioner.

(3) The commissioner shall check the records of carriers and forwarders for the purpose of discovering all discriminations and rebates. The commissioner, upon his own motion, may, and upon the complaint of any aggrieved person, shall, pursuant to written notice served upon any such common carrier or forwarder, investigate the rates, fares, charges, classifications, rules, regulations and practices, made or exacted for the transportation of persons or property by the common carrier or forwarder, or for any service in connection therewith. To the extent that same are found by the commissioner to be unreasonable, exorbitant, unlawful, unfair or unduly discriminatory, preferential or prejudicial, the commissioner shall, by orders based upon the evidence, fix in lieu thereof just, fair, lawful and reasonable rates, fares, charges, classifications, rules, regulations and practices. Such carrier or forwarder shall forthwith comply with such orders.

(4) The commissioner may suspend a time schedule or tariff that he believes will impair the ability of carriers or forwarders to serve the public or appears to be unjust, unfair, unreasonable, prejudicial, discriminatory or otherwise unlawful.

(5) No common carrier will be permitted to restrict its services to paying schedules on passenger routes or on high-class commodities with a low rate in competition with a common carrier giving complete service. However, this subsection does not apply to the transportation of commodities requiring special equipment or to the transportation of express or any special or particular commodity which because of its character or use requires rapid transit.

767.415 Classes of common carriers; rights and duties of each class. Except as provided in ORS 767.425:

(1) Common carriers shall be classified, and the classification shall be shown on the common carrier's permit when issued or reissued by the commissioner, as follows:

(a) Regular route, scheduled service, including sightseeing tours.

(b) Irregular route.

(c) Local cartage service.

(2) A carrier operating in the regular route, scheduled service class is any person who undertakes to transport persons or

property, or both, or any class of property, by motor vehicle for compensation between fixed termini and over a regular route upon established or fixed schedules. Such carriers shall file a schedule setting forth the termini between which service is rendered, the hours of departure and arrival, and tariffs and classifications governing rates. Sightseeing tours may be offered to the public as regular route, scheduled services, subject to the following modifications: Routes, time schedules, tariffs of transportation rates and offerings of special services filed with the commissioner shall be accepted and placed in effect only if they are such as to render the sightseeing tours noncompetitive with other regular route, scheduled carriers of passengers over the same, similar or a combination of routes. Transportation rates and charges shall be stated separately from other rates and charges. Schedules of sightseeing tours may be seasonal in nature, and individual schedules may be canceled owing to inclement weather or other conditions rendering the service impractical.

(3) A carrier operating in the irregular route class is any person who undertakes to transport persons or property, or both, or any class of property, by motor vehicle for compensation over irregular routes. Such carriers shall file tariffs and classifications governing rates. Irregular route carriers of persons shall be limited to providing vehicles on an hourly or a mileage basis, and the tariffs of such carriers shall clearly state the hourly or mileage charge for each vehicle on its permit. Irregular route common carriers shall serve indiscriminately the territory which they are authorized to serve, and their service shall be on call, coincidental, nonscheduled, unperiodical, itinerant and ambulatory in nature. Such carriers shall not:

(a) By solicitation, advertisement, or by a course of dealing or practice, or otherwise, hold themselves out to render regular service between any particular points or over any particular routes, or lead shippers to believe or understand that they may rely upon a continuous regularity of service by such carriers between particular or specified points or over any particular or specified route.

(b) In the solicitation of business or the advertising of their service restrict or limit such solicitation or advertising to traffic moving between any particular or specified points or over any particular or specified routes.

(c) Operate with continuing regularity under a predetermined plan of operation or time schedule or approximate time schedule, between any particular points or over any particular route, but this paragraph shall not apply to or prohibit repeated movements by such carriers over the same route or between the same points in instances where the character or volume of the traffic requires more or less continued and repeated movements over the same route for such reasonable periods of time as may be necessary to meet the demands of a particular shipper in particular instances.

(4) A local cartage carrier is any person who undertakes to transport any class of property by motor vehicle for compensation when such transportation is performed wholly within an incorporated city or within a zone adjacent to and commercially a part of such incorporated city. The commissioner shall, after hearing, determine what territorial limits will be included within the commercial area adjacent to the limits of any incorporated city. Such carriers shall file tariffs and classifications governing rates. [Amended by 1957 c.675 §1]

767.420 Contract carriers, regulation of. (1) The commissioner shall supervise and regulate all contract carriers of persons or of property, or both, and, with respect thereto, exercise and perform all the powers and duties stated as subsections (1), (2), (3), (6) and (7) of ORS 767.405, except that he shall not require contract carriers to be or become common carriers.

(2) No contract carrier shall give or cause any undue or unreasonable advantage or preference to those whom he serves as compared with patrons of any common carrier, or subject the patrons of any common carrier to any undue or unreasonable discrimination or disadvantage, or by unfair competition destroy or impair the service or business of any common carrier or the integrity of the state's regulation of any such service or business.

(3) To the end that the commissioner may enforce these provisions, each contract carrier, except carriers engaged exclusively in transporting logs, poles or piling, shall file with the commissioner copies of his contract, immediately upon the making of such contract, including the rates, fares, charges and practices called for or contemplated in

the performance of the contract, for review and revision and approval or modification as to rates, fares, charges and practices by the commissioner. No contract carrier shall enter upon the performance of any contract contemplated by this section, until approval of such contract has been given by the commissioner.

(4) The commissioner has jurisdiction over said rates, fares, charges and practices to the same extent as is required by ORS 767.410, in the case of common carriers, and ORS 767.410 is by this reference made applicable to contract carriers and the commissioner shall apply and enforce the same accordingly; provided, the commissioner has no authority to fix rates on agricultural, horticultural, poultry, dairy, livestock, timber or livestock products in the transportation from the point of origin to packing or processing plants, or from the point of origin or from packing or processing plants to the nearest market or shipping points, when not transported in competition with common carriers or railroads.

767.425 Exemption of certain operations by common carriers or contract carriers from certain regulatory provisions. ORS 767.405 to 767.415, with the exception of subsections (2), (3), (4), (6) and (7) of ORS 767.405, do not apply to common carriers or contract carriers for the operations described in subsections (2), (3) and (4) of ORS 767.145.

767.430 Regulation of interstate carriers. A person engaged exclusively in the conduct of interstate transportation shall:

(1) Observe and comply with the laws of this state regulating traffic on its highways, or the operation of motor vehicles thereon, or limiting the size, weight or speed of motor vehicles; and

(2) Observe and comply with the laws of this state and with the orders, rules and regulations of the commissioner, the highway commission, county courts, boards of county commissioners and municipal authorities to protect the highways from substantial damage and to promote safety to other users thereof, to adjacent property and facilities and to the public.

767.435 Regulation of charges made by persons transporting property of others as part of a combination of services. Every person engaging for compensation to perform a combination of services which includes transportation of property of others upon the public highways shall advise the commissioner what portion of the consideration is intended to cover the transportation service. If the agreement covering the combination of services is in writing, the rate and charge for such transportation shall be set forth therein. The rates or charges for the transportation services included in such combination of services shall be subject to control and regulation by the commissioner in the same manner that the rates and charges of common and contract carriers are controlled and regulated.

767.440 Classification and regulation of brokers and forwarders. (1) The commissioner may, from time to time, establish such just and reasonable classifications of brokers or forwarders as the special nature of the services performed by such brokers or forwarders requires, and such just and reasonable rules, regulations and requirements, consistent with this chapter, to be observed by the brokers or forwarders so classified or grouped, as the commissioner deems necessary or desirable in the public interest.

(2) To regulate brokers and forwarders, as provided in this chapter, the commissioner may establish reasonable requirements with respect to licenses, financial responsibility, accounts, records, reports, operations and practices of any such person.

767.445 Commissioner's general authority to prescribe and enforce rules, regulations and classifications. (1) The commissioner shall, by general order or otherwise, prescribe and enforce rules and regulations in conformity with this chapter to better accomplish the enforcement of its provisions, which shall cover and include common carriers, contract carriers and private carriers and their operations.

(2) The commissioner may make such subdivisions of the carriers, as classified in this chapter, as in his opinion may work to the efficient administration of this chapter and shall do all things necessary to carry out and enforce its provisions.

(3) All rules and regulations made by the commissioner pursuant to this chapter and filed in his office have the force and effect of law.

(4) This section does not restrict the powers of the highway commission or the

county courts or boards of county commissioners under existing laws and amendments thereof.

(5) Without restricting the general powers conferred upon the commissioner to prescribe and enforce rules and regulations, the commissioner is vested with special authority with respect to the matters listed in ORS 767.450 and 767.460.

767.450 Regulation of motor vehicles. The commissioner may:

(1) Require the weighing of motor vehicles loaded and empty at reasonably frequent intervals;

(2) Inspect and require proper equipment and markings of motor vehicles and insure the making of necessary repairs, to promote efficient and safe operation; and

(3) Prescribe the character of appliances to be used on motor vehicles to establish correct mileage traveled by such vehicles and require the installation and proper repair and inspection of such appliances.

767.455 Regulation of hours of service for drivers. (1) Except as limited by subsection (2) of this section, the commissioner may prescribe the limit of hours that drivers or operators of motor vehicles may remain on duty at any time, and the number of hours of release from duty required.

(2) Except in case of emergencies caused by acts of God, no person shall require, or knowingly permit, any truck or bus driver or his helper:

(a) To drive or operate a truck or bus or otherwise be employed for a period longer than 12 consecutive hours.

(b) Who has been on duty 12 hours, in the aggregate, in any 24-hour period, to continue or again go on duty without having had at least 10 consecutive hours off duty.

(3) Venue for prosecution for the violation of this section lies in the county of the residence of the defendant.

(4) The commissioner may revoke the permit of any person for repeated violation of the laws or rules governing hours of service.

(5) A driver or helper shall be deemed to be on duty as long as he is required to be in or remain upon the vehicle, or is otherwise employed during such period.

(6) This section also applies to owner-drivers and helpers.

767.460 Regulation of shipping receipts, changes of vehicles and routes, classification, records, mileage and distinguishing marks. The commissioner may:

(1) Require every person operating as a common or contract carrier of property, except carriers carrying dairy products from farm to factory and carriers engaged exclusively in transporting logs, poles or piling to issue a receipt in triplicate for freight received for shipment, which shall contain the name of the truck operator, date and place received, name of consignor, name of consignee, destination, description of shipment, weight, rate and charges, and signature of the carrier or his agent; one of said receipts to be delivered to the consignor, one to consignee and one to be retained by carrier in its files.

(2) Prescribe rules governing amendments of permits covering additions to and withdrawals of vehicles and the extension or contraction of routes, and the filing of applications therefor.

(3) Classify and reclassify carriers in accordance with subsection (5) of ORS 767.005, subsection (1) of ORS 767.010 and subsection (2) of ORS 767.015.

(4) Prescribe forms of accounts and records to be kept, reports to be made and blanks to be used by common and contract carriers in transportation operations, and matters incidental thereto.

(5) Prescribe such methods and means as he determines to be necessary for checking, verifying and ascertaining the number of miles traveled by each motor vehicle operated by common carrier, contract carrier and private carrier and insure that the mileage charged for is computed on basis of extreme mileage traveled.

(6) Prescribe distinguishing marks, such as signs, colors, lights, tags and plates as may be convenient or necessary for distinguishing classes of carriers or for protective or regulatory purposes; but not inconsistent with ORS chapter 483.

767.465 Injunction and mandamus suits by commissioner; defending suits against state or himself as commissioner; employing attorneys. (1) Whenever it appears to the commissioner that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of this chapter, or of any rule, regulation or order issued under this chapter, he may bring an action in the proper circuit

court in the State of Oregon to enjoin such acts or practices and to enforce compliance with such chapter, rule, regulation or order. Upon a proper showing, a permanent or temporary injunction, decree or restraining order shall be granted without bond.

(2) Upon application of the commissioner, the circuit courts of the State of Oregon have jurisdiction to issue writs of mandamus commanding any person to comply with this chapter or any rule, regulation or order of the commissioner thereunder.

(3) The commissioner shall, in the name of the State of Oregon, defend any action, suit or proceeding brought against the state or himself, as commissioner, involving this chapter or its administration or enforcement.

(4) The commissioner may employ such attorneys as he finds necessary for proper legal aid and service of the commissioner or his agents in the conduct of their work, or for the proper representation of the public interest in investigations made by him, or cases or proceedings pending before him, either at the commissioner's own instance or upon complaint, or to appear for and represent the commissioner in any case in court.

767.470 Civil penalty for violation of chapter or order of commissioner. (1) In addition to all other penalties provided by law, every person who violates or who procures, aids or abets in the violation of this chapter or any order, rule, regulation or decision of the commissioner shall incur a penalty of $100 for every such violation.

(2) Each such violation shall be a separate offense and in case of a continuing violation every day's continuance is a separate violation. Every act of commission or omission which procures, aids or abets in the violation is a violation under this section and subject to the penalty provided in this section.

(3) Such penalty shall not be imposed except by order following complaint and hearing as provided in ORS 756.520 to 756.570. Such proceeding may only be commenced within two years following the date of the violation complained of.

(4) The commissioner may, upon written petition therefor received within 15 days after the penalty order is served, mitigate any penalty provided for in this section or discontinue any action at law to recover the same upon such terms as he deems proper.

(5) If the amount of such penalty is not paid to the commissioner, the Attorney General shall bring an action in the name of the State of Oregon in the Circuit Court of Marion County to recover such penalty. The action shall not be commenced until after the time has expired for an appeal from the findings, conclusions and order of the commissioner. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise provided in this chapter. [Amended by 1957 c.263 §4]

767.475 Appointment of assistants and employes; powers and duties; utilization of State Police in enforcing chapter. (1) The commissioner shall appoint and deputize two assistants, who shall have immediate charge, under the supervision of the commissioner, of the administration and enforcement of this chapter, and, with the approval of the commissioner, may appoint and employ such auditors and other help as may be necessary to enable them at all times properly to administer this chapter. The commissioner shall extend to such assistants, inspectors and employes such duties and authority, within the provisions of this chapter, as the commissioner determines to be necessary efficiently to administer and enforce the chapter.

(2) However, the commissioner shall call upon the State Police for all police service or police assistance necessary or required for the proper and efficient policing of carriers operating under this chapter, and shall utilize the State Police wherever and whenever activities are necessary to the end that there may be no duplication of service or expense. Within the meaning of this section all field work, weighing of loads and such other field service pertaining to operation of vehicles on the public highways other than auditing and inspection of books, records and accounts are police functions and duties. [Amended by 1953 c.338 §4]

767.480 Authority of commissioner or his representatives to hold hearings; notice; compelling attendance of witnesses and production of papers. (1) Hearings may be conducted by the commissioner or his designated representatives at any place in Oregon.

(2) In all cases wherein a hearing is contemplated or provided for under this chapter, at least 10 days' written notice

thereof shall be served by the commissioner by mail or otherwise upon the party or parties involved. However, the commissioner may, if such action is warranted, hold hearings upon shorter notice to be prescribed by his order.

(3) The commissioner or his representatives may administer oaths, certify to official acts, issue subpenas, compel the attendance of witnesses, the giving of testimony by them and by the parties, and the production by witnesses and by the parties of papers, bills of lading, shipping receipts, tariffs, waybills, contracts, books, accounts and documents.

(4) If any person fails to comply with the order of the commissioner or with any subpena so issued, or any party or witness refuses to testify on any matter regarding which he may be lawfully interrogated, the circuit court of any county, or the judge thereof, on the application of the commissioner or his designated representatives, shall compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpena issued from such court or a refusal to testify therein.

(5) No person shall neglect or refuse to attend and testify or to answer any lawful inquiry or to produce any papers, bills of lading, shipping receipts, tariffs, waybills, contracts, books, accounts or documents, if in his power so to do, in obedience to the subpena or lawful requirement of the commissioner.

(6) The State of Oregon is not liable for witness fees, mileage, or in any respect to any party, person or witness attending, or required by the commissioner to attend, any hearing conducted by the commissioner or by any representative designated by him, wherein the administration or enforcement of this chapter or any provision or part thereof is involved, when the hearing is held in the county in which the carrier has his residence or principal place of business; provided, the State of Oregon is liable in case of witnesses who have in obedience to a subpena issued by the commissioner attended such hearing. [Amended by 1953 c.338 §4]

767.485 Commissioner's orders bind successors of carriers affected. All orders made by the commissioner shall remain in force and bind the successors in interest, grantees, lessees or assigns of any carrier affected thereby until set aside as provided by law. [Amended by 1957 c.263 §5]

767.490 [Repealed by 1953 c.478 §2]

767.495 Service of process on nonresident carrier by serving the commissioner. (1) The commissioner is the true and lawful attorney upon whom all process, summons or notices in any action, suit or proceeding against each motor carrier residing or having its principal place of business outside this state may be served, when such action, suit or proceeding is caused by or relates to the operation of motor vehicles of or by such carrier within the state.

(2) The service of process, summons or notice upon such carrier may be made by leaving a copy thereof, together with a copy of the complaint or order, in the office of the commissioner. The commissioner shall forthwith notify such carrier of such service by letter directed to it at its residence or place of business as shown by the records of the commissioner.

767.500 to 767.595 [Reserved for expansion]

RECORDS, REPORTS AND FUNDS

767.600 Daily records and monthly reports by carriers. (1) Every common carrier, contract carrier and private carrier shall keep daily records, upon forms prescribed by the commissioner, of all vehicles used during the current month.

(2) On or before the last day of the month following, they shall certify to the commissioner, upon forms prescribed therefor, the true and correct summaries of their daily records which shall show the extreme miles traveled in this state during the preceding month, the amount of fuel tax paid to the state during the preceding month, and such other information as the commissioner may require.

(3) The daily records shall be kept on file in the office of the carrier and thereafter preserved until written permission for their destruction is given by the commissioner. [Amended by 1953 c.337 §3]

767.605 Carrier's annual report to commissioner. Every motor carrier, except private carriers and carriers engaged exclusively in transporting logs, poles or piling and carriers operating as described in subsections (2), (3), (4) or (5) of ORS 767.145, shall annually, on or before April 1, file with the commissioner a report, verified under oath by its chief officer or agent or owner,

in such form as the commissioner prescribes, covering the year ending December 31 next preceding, and showing in detail:

(1) In case of a corporation:

(a) The amount of capital stock issued and the amount and manner of payment therefor; and

(b) The dividends paid and the surplus fund, if any.

(2) In the case of all motor carriers:

(a) The cost and value of the property, franchises and equipment of the reporting company;

(b) The number of employes and officers;

(c) The amount expended for improvements, additions and additional equipment, how expended, and the kind and character of such improvements, additions and additional equipment;

(d) The gross earning from each branch of business and from all other sources;

(e) The operating and other expenses;

(f) The balance of profit or loss;

(g) A statement of the indebtedness of the reporting motor carrier and a complete exhibit of the financial operations of the year, with an annual balance sheet;

(h) Information in regard to rates and regulations concerning fares and freights;

(i) Agreements, arrangements or contracts with other motor carriers and other common carriers;

(j) The operation, revenues, expenditures and all intrastate business of such carrier as distinguished from its interstate operations; and

(k) Such other matters pertaining to its operation as the commissioner may require.

767.610 Records and reports required of persons leasing or renting motor vehicles to others to transport property or to transport more than seven passengers. Every person to whom a permit is issued under ORS 767.160 shall keep the records and make the reports required of carriers by this chapter.

767.615 Copies of contracts to be filed by carriers. Every common carrier and contract carrier, whenever required by the commissioner, shall file with the commissioner, within a time fixed by him, copies of all contracts which relate to the transportation of persons or property, or any service in connection therewith, made or entered into by such carrier with any other common carrier, contract carrier or transportation company or carrier, or any shipper, consignee or other person doing business with such common carrier or contract carrier.

767.620 Records, reports and accounts of interstate carriers; inspection. (1) Except as provided in subsection (2) of this section, all carriers engaged in interstate transportation shall keep and maintain within this state, full and complete records, reports and accounts of all business done in and all operations carried on within this state.

(2) The commissioner may authorize a carrier engaged in interstate transportation to keep and maintain outside this state the records, reports and accounts required by subsection (1) of this section; and, when such records, reports and accounts are kept and maintained outside this state, the carrier shall reimburse the commissioner for all expenses incurred by him in making out-of-state audits and examinations of such records, reports and accounts.

(3) The records, reports and accounts required by this section to be kept and maintained shall at all reasonable times be open to the inspection of the commissioner. [Amended by 1957 c.431 §1]

767.625 Inspection of broker's and forwarder's records. The commissioner and his special agents and examiners have the same authority as to accounts, reports and records, including inspection and preservation thereof, with respect to any person holding a brokerage or forwarding license issued under this chapter, as in the case of motor carriers.

767.630 Motor Carrier Account. (1) All fees, taxes, charges and other sums collected by the commissioner under this chapter shall be paid into the State Treasury and shall be by the State Treasurer placed to the credit of the General Fund to an account to be known as the Motor Carrier Account.

(2) The commissioner may purchase the necessary supplies and equipment and provide for all necessary and incidental expenses incurred by him in administering and enforcing this chapter.

(3) The Secretary of State shall audit all claims, duly approved by the commissioner, which have been incurred in pursuance of law, and draw his warrants on the State Treasurer for the payment thereof, payable out of the Motor Carrier Account of the General Fund.

767.635 Monthly transfer of Motor Carrier Account surplus to State Highway Fund. On the tenth day of each month the Secretary of State shall certify to the State Treasurer the balance of all money in excess of $50,000 remaining in the Motor Carrier Account of the General Fund as of the close of business on the fifth day of such month, after deducting sums disbursed by warrants drawn under ORS 767.630. The State Treasurer shall thereupon transfer the balance from the General Fund to the State Highway Fund.

767.640 Restrictions on use of funds. No part of the funds produced by this chapter shall be used by the commissioner directly or indirectly:

(1) For the purpose of investigating the rules, charges, practice or service of any carrier by rail.

(2) In his administration or enforcement of any law or authority over any carrier by rail.

(3) To investigate any public utility other than motor carriers.

(4) To investigate motor carriers beyond the appropriation made in this chapter.

767.645 [Repealed by 1957 c.431 §2]

767.650 Commissioner's report on administration of chapter. Annually on or before December 31 of each year, the commissioner shall make to the Governor a report of his administration of this chapter which shall include, among other things, facts and statistics relating to the effect of the administration of this chapter upon the classes of carriers affected thereby.

767.655 Destruction of old records. With the exception of tariffs and annual reports, the commissioner may destroy motor carrier records and documents covering permits, audits, records, applications and documents and records pertaining thereto, that have been in his custody more than six years and that, in his opinion, are or may become obsolete and of no value.

767.660 to 767.985 [Reserved for expansion]

PENALTIES

767.990 Penalties. Every person who violates or procures, aids or abets violation of this chapter and any person who refuses or fails to obey any order, decision, rule or regulation, made under or pursuant to this chapter, shall be punished, upon conviction, by a fine of not less than $10 nor more than $1,000 or by imprisonment in the county jail for not more than three months, or by both. Circuit courts, district courts and justices of the peace shall have concurrent jurisdiction of offenses punishable under this section.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel