

Chapter 768

1989 EDITION

Registration of Commercial Vehicles

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|---------|---|---------|---|
| 768.001 | Definitions for ORS 768.003 to 768.027 | 768.015 | Registration fees for proportionally registered vehicles |
| 768.003 | Authority for reciprocal registration agreements; permitted provisions; requirements; limitations | 768.017 | Proration of fees for proportionally registered vehicles; adjustment of fees and registration periods by commission |
| 768.005 | Authority for proportional registration agreements; permitted provisions; requirements; limitations | 768.019 | Plate manufacturing fee |
| 768.007 | Proportional registration of commercial vehicles | 768.021 | Fees for cards, plates and stickers |
| 768.009 | Proportional fleet registration | 768.023 | Duplicate or replacement registration cards |
| 768.011 | Registration weight | 768.025 | Transfer of registration; withdrawal of vehicle from fleet |
| 768.013 | Certificate of weight | 768.027 | Temporary proportional registration permits |

UTILITIES; RAILROADS AND OTHER CARRIERS

REGISTRATION OF COMMERCIAL VEHICLES

768.001 Definition for ORS 768.003 to 768.027. As used in ORS 768.003 to 768.027:

(1) "Combined gross weight" means the total empty weight of all vehicles in a combination plus the total weight of the load carried on that combination of vehicles. The weight of a camper or the following trailing vehicles should not be included in the combined gross weight:

(a) Trailers with a loaded weight of 8,000 pounds or less.

(b) Special use trailers, travel trailers, mobile homes, fixed load vehicles or any other vehicle that is not registered by weight.

(2) "Commercial vehicle" means a vehicle that:

(a) Is used for the transportation of persons for compensation or profit; or

(b) Is designed or used primarily for the transportation of property.

(3) "Commission" means the Public Utility Commission of Oregon. [1989 c.43 §1; 1989 c.723 §20]

768.003 Authority for reciprocal registration agreements; permitted provisions; requirements; limitations. (1) The commission may enter into agreements with the duly authorized representatives of any jurisdiction that issues registration to establish reciprocal privileges or registration exemptions for vehicles as described in this section. An agreement entered into by the commission under the authority granted by this section may establish exemptions from proportional registration fees.

(2) An agreement shall only grant the privileges, benefits and exemptions to a vehicle or the owner of a vehicle if the vehicle is any of the following:

(a) Registered in the jurisdiction where the person registering the vehicle has a legal residence.

(b) A commercial vehicle registered in a jurisdiction where the commercial enterprise in which the vehicle is used has a place of business. To qualify under this paragraph, the vehicle must be assigned to the place of business and the place of business must be the place from which or in which the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled.

(c) A commercial vehicle registered in a jurisdiction where the vehicle has been registered because of an agreement between two jurisdictions or a declaration issued by any jurisdiction.

(3) An agreement shall retain the right of the commission to make the final determination as to the proper place of registration of a vehicle when there is a dispute or doubt concerning the proper place of registration. An agreement shall retain the right of the commission to confer with the departments of other jurisdictions affected when making a determination under this subsection.

(4) An agreement shall not provide for any benefit, exemption or privilege with respect to fuel taxes, use fuel taxes, weight mile taxes or any other fees or taxes levied or assessed against the use of highways or use or ownership of vehicles except registration taxes, fees and requirements.

(5) An agreement must provide that any vehicle registered in this state will receive a similar kind or degree of exemptions, benefits and privileges when operated in another jurisdiction that is party to the agreement as vehicles registered in the other jurisdiction receive when operated in this state.

(6) An agreement, in the judgment of the commission, shall be in the best interest of this state and its citizens, shall be fair and equitable to this state and its citizens and shall be determined on the basis and recognition of benefits that accrue to the economy of this state from the uninterrupted flow of commerce.

(7) An agreement may authorize a vehicle that would otherwise be required to be registered in one jurisdiction to be registered in another jurisdiction without losing any benefit, exemption or privilege under the agreement if the vehicle is operated from a base located in the other jurisdiction.

(8) An agreement may allow the lessee or lessor of a vehicle, subject to the terms and conditions of the lease, to receive benefits, exemptions and privileges under the agreement.

(9) An agreement may authorize the commission to suspend or cancel any exceptions, benefits or privileges granted to any person under the agreement if the person violates any of the terms or conditions of the agreement or violates any law or rule of this state relating to vehicles.

(10) All agreements shall be in writing and filed with the commission within 10 days after execution or the effective date of the agreement, whichever is later.

(11) An agreement may be a limited type agreement with any state bordering this state as described in this subsection. An agreement described under this subsection is subject to all of the following:

(a) The benefits, exemptions and privileges under the agreement shall only be extended to vehicles or a class of vehicles as specified in the agreement.

(b) The agreement shall be applicable only within an area in each state that is situated along the boundary between the states and that is substantially equal in size.

(c) The usage permitted of the vehicles in the two areas shall be as substantially equal as may be practicable.

(d) The areas and usage subject to the agreement shall be described in the agreement.

(e) Proportional registration shall not be required under the agreement.

(f) The agreement shall comply with other mandatory provisions of this section and may contain any other provisions described under this section.

(g) A vehicle operating under the agreement may be required to obtain a permit under ORS 803.610.

(12) An agreement may require the display or submission of evidence of registration for any vehicle operating under the agreement. [1989 c.43 §2]

768.005 Authority for proportional registration agreements; permitted provisions; requirements; limitations. The commission may enter into agreements with the duly authorized representatives of any jurisdiction that issues out-of-state registration to provide for proportional registration of vehicles and for the apportionment of registration fees and other fixed fees and taxes on vehicles proportionally registered in this state and the other jurisdiction. All of the following apply to an agreement established under authority granted by this section:

(1) An agreement may provide proportional registration only for commercial vehicles that are engaged in interjurisdictional commerce or combined interjurisdictional and intrajurisdictional commerce.

(2) An agreement may provide for proportional registration for vehicles individually or in fleets but must comply with the requirements for proportional registration under ORS 768.007 for all proportionally registered vehicles and with the requirements under ORS 768.009 for all proportionally registered fleets.

(3) An agreement may include provisions necessary to facilitate the administration of proportional registration.

(4) Any apportionment of registration fees and other fixed vehicle fees or taxes may be made on a basis commensurate with and

determined on the miles traveled on and use made of the highways of this state as compared with the miles traveled on and use made of other jurisdictions' highways, or may be made on any other equitable basis of apportionment.

(5) No agreement shall contain any provision that requires a vehicle to be proportionally registered if the vehicle is:

(a) Registered by this state;

(b) Operating in this state under any vehicle permit that allows operation of an unregistered vehicle; or

(c) Legally operated in this state under an exemption provided under ORS 803.305.

(6) Nothing in an agreement shall affect the right of the commission to adopt rules as described in this subsection. The commission may adopt any rules the commission deems necessary to effectuate and administer the provisions of the agreement.

(7) An agreement shall only provide for proportional registration of vehicles if the vehicle is any of the following:

(a) Registered in the jurisdiction where the person registering the vehicle has a legal residence.

(b) Registered in a jurisdiction where the commercial enterprise in which the vehicle is used has a place of business where the vehicle has been assigned and from which or in which the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled.

(c) Registered in a jurisdiction where the vehicle has been registered because of an agreement between two jurisdictions or a declaration issued by any jurisdiction.

(8) An agreement shall retain the right of the commission to make the final determination as to the proper place of registration of a vehicle when there is a dispute or doubt concerning the proper place of registration. An agreement shall retain the right of the commission to confer with the departments of other jurisdictions affected when making a determination under this subsection.

(9) An agreement may provide that the commission may deny any person further benefits under the agreement until all fees or taxes have been paid if the commission determines that the person should have proportionally registered more vehicles in this state or paid additional fees or taxes on vehicles proportionally registered in this state.

(10) An agreement may provide for arrangements with agencies of this state or other jurisdictions for joint audits of owners of proportionally registered vehicles and for

the exchange of audit information on persons who have proportionally registered vehicles.

(11) An agreement may authorize a vehicle that would otherwise be required to be registered in one jurisdiction to be registered in another jurisdiction without losing any benefits under the agreement if the vehicle is operated from a base located in the other jurisdiction.

(12) An agreement may allow the lessee or lessor of a vehicle, subject to the terms and conditions of the lease, to receive benefits of proportional registration under the agreement.

(13) An agreement may authorize the commission to suspend or cancel any benefits under the agreement if the person violates any of the terms or conditions of the agreement or violates any law or rule of this state relating to vehicles.

(14) All agreements shall be in writing and shall be filed with the commission within 10 days after execution or the effective date of the agreement, whichever is later.

(15) Vehicles that are proportionally registered under an agreement, whether individually or in a fleet, are fully registered in this state for purposes of ORS 803.300 and any other portion of the vehicle code and are accorded the same privileges and duties as other vehicles registered in this state even though the vehicle may have primary registration in some other jurisdiction. This subsection does not grant authority required for intrastate movement where such authority is required under ORS chapter 767. Such authority must be granted in accordance with ORS chapter 767.

(16) An agreement may only provide the benefits of proportional registration to a vehicle that is registered either proportionally or otherwise in at least one other jurisdiction in addition to this one.

(17) Nothing in an agreement shall affect the right of the commission to act under this subsection. The commission may refuse to issue proportional registration in this state for vehicles from jurisdictions that do not grant similar privileges for vehicles from this state.

(18) An agreement shall not provide for any benefit, exemption or privilege with respect to fuel taxes, use fuel taxes, weight mile taxes or any other fees or taxes levied or assessed against the use of highways or use or ownership of vehicles except registration taxes, fees and requirements.

(19) An agreement may control the requirements for type, manner of display, number and other provisions relating to registration plates, registration cards or

other proof of registration for vehicles that are subject to the agreement. [1989 c.43 §3]

768.007 Proportional registration of commercial vehicles. Proportional registration allows commercial vehicles to comply with registration requirements of more than one jurisdiction and to have registration fees, taxes or other fixed fees apportioned among the jurisdictions in which the vehicles are being operated. A vehicle may be registered under proportional registration if the vehicle qualifies for proportional registration under an agreement entered into under ORS 768.005. If a vehicle is going to be proportionally registered as part of a fleet, ORS 768.009 must be complied with in addition to this section. A vehicle is registered in this state if the vehicle is proportionally registered under this section. The following apply to proportional registration:

(1) The terms of an agreement established under ORS 768.005 control all of the provisions of proportional registration, including but not limited to the following, except as otherwise provided by this section:

(a) Qualification.

(b) Apportionment of fees, taxes and other fixed fees.

(c) Application and information required.

(d) Requirements for type, manner of display, number or any other provision relating to registration plates, registration cards and other proof of registration.

(e) Any other provision relating to the registration of proportionally registered vehicles.

(2) When initially registered, the registration fees for vehicles registered under this section may be reduced according to the schedule provided for the proration of proportionally registered vehicle registration fees under ORS 768.017. This section does not allow proportionally registered vehicles to be registered under quarterly registration.

(3) The registration period for proportionally registered vehicles is a calendar-year registration period.

(4) The commission may issue appropriate registration cards, stickers, permits, tabs, plates or other suitable identification devices the commission considers convenient for proportionally registered vehicles. The fees for such stickers, permits, tabs or plates are as provided under ORS 768.019 and 768.021.

(5) Any owner whose application for proportional registration under this section has been accepted by the commission shall preserve the records on which the application is based for a period of four years following the year or the period upon which said application is based. Upon request of the commis-

sion, the owner shall make such records available to the commission at its office for audit as to accuracy of mileage, number of vehicles, weights, computations and payment of fees or shall pay the reasonable costs of an audit at the home office of the owner by a duly appointed representative of the commission. An owner shall comply with any audit provisions under the agreement allowing the registration.

(6) If a provision concerning the registration of vehicles is not provided under the agreement or under this section, provisions of the vehicle code applicable to registration shall be applicable to proportionally registered vehicles.

(7) If a vehicle qualifies for proportional registration, the commission may issue temporary proportional registration permits under ORS 768.027 to allow operation of the vehicles pending issuance of evidence of proportional registration.

(8) All vehicles registered under this section may continue to operate on expired registration plates and registration until March 15 of the year following the expiration of the registration and registration plates if the renewal application has been submitted and the required fees for registration have been paid on or before the last day of the registration period for the vehicles.

(9) Vehicles registered and identified under this section shall be deemed to be fully registered in this state for any type of movement or operation, except that in these instances in which a grant of authority is required for intrastate movement or operation, no such vehicle shall be operated in intrastate commerce in this state unless the owner thereof has been granted intrastate authority or right by the commission and unless said vehicle is being operated in conformity with such authority and rights.

(10) Registration cards may be issued for proportionally registered vehicles. Registration cards issued for proportionally registered vehicles shall be carried on the vehicle at all times or, in the case of a combination of vehicles, the registration card for a trailer may be carried in the vehicle supplying the motive power.

(11) In accordance with provisions of the agreement establishing proportional registration, the commission may suspend or cancel the exemptions, benefits or privileges granted thereunder to a person who violates any of the conditions or terms of such agreements or arrangements or who violates the laws of this state relating to vehicles or regulations lawfully promulgated thereunder. [1989 c.43 §4; 1989 c.109 §5]

768.009 Proportional fleet registration.

Any owner of a fleet of commercial vehicles that are operated in this state and in other jurisdictions may register the fleet under proportional fleet registration under this section in lieu of registering the vehicles as provided under the vehicle code if the fleet qualifies for proportional fleet registration under this section. Proportional fleet registration allows fleets of commercial vehicles to comply with registration requirements of more than one jurisdiction and to have registration fees, taxes or other fixed fees apportioned among the jurisdictions in which vehicles from the fleet are being operated. The following apply to proportional fleet registration:

(1) A vehicle may be registered under proportional fleet registration if the vehicle qualifies for proportional registration under an agreement entered into under ORS 768.005 and if the vehicle is part of a fleet that qualifies under this section.

(2) Except as provided in this section, the terms of an agreement established under ORS 768.005 and the provisions of ORS 768.007 control all of the provisions of proportional fleet registration, including but not limited to, the following:

(a) Qualification.

(b) Apportionment of fees, taxes and other fixed fees.

(c) Application and information required.

(d) Requirements for type, manner of display, number or any other provision relating to registration plates, registration cards and other proof of registration.

(e) Any other provision relating to the registration or titling of proportionally registered vehicles.

(3) In order to register vehicles under proportional fleet registration under this section, the vehicles must be part of a fleet that includes one or more commercial vehicles as designated by the commission.

(4) The initial application for proportional fleet registration shall be completed according to interstate agreements or administrative rules.

(5) The commission may issue any distinctive proof of registration under this section the commission considers convenient. The fee for the issuance of plates, stickers or other suitable identification for proportionally registered fleets is as provided under ORS 768.019 and 768.021.

(6) Vehicles acquired by the owner after the commencement of the registration period and subsequently added to a proportionally registered fleet shall be proportionally regis-

tered according to interstate agreements or administrative rules.

(7) If any vehicle is withdrawn from a proportionally registered fleet, the owner of such fleet shall so notify the commission on appropriate forms to be prescribed by the commission. The commission may require the owner to surrender proportional registration cards and such other identification devices issued with respect to such vehicle as the commission may deem advisable. Procedures for obtaining credit for fees paid on vehicles that are withdrawn from a proportionally registered fleet are provided under ORS 768.025.

(8) In addition to any grounds for denial of proportional registration benefits under ORS 768.007, or an agreement under ORS 768.005, the commission may deny the owner of a proportionally registered fleet the right of any further benefits under proportional registration if the commission determines that the person should have prorated more vehicles in this state. The denial under this subsection may continue until the fees for such additional vehicle or vehicles that have been prorated have been paid. [1989 c.43 §5; 1989 c.109 §6]

768.010 [Repealed by 1971 c.655 §250]

768.011 Registration weight. (1) Vehicles registered under ORS 768.007 or 768.009 are required to establish a registration weight.

(2) Registration weight is established for the following purposes:

(a) The registration weight is the weight used in the certificate of weight under ORS 763.013 to determine the registration fees under ORS 768.015 and ORS 803.420 for vehicles required to establish registration weight under this section.

(b) A vehicle that is required to establish registration weight by this section is in violation of ORS 803.315 if the vehicle is operated on a highway of this state at a weight in excess of the registration weight except when carrying a load:

(A) Under the provisions of ORS 376.305 to 376.390;

(B) Of over 105,500 pounds combined gross weight under a variance permit issued under ORS 818.200;

(C) Under a registration weight trip permit issued under ORS 803.600; or

(D) Consisting of towed motor vehicles or house trailers required to be registered under the Oregon Vehicle Code.

(3) Registration weight is established at the time of registration and whenever the vehicle has been altered or reconstructed by furnishing a certificate of weight described

under ORS 768.013 that contains a written declaration of the maximum combined gross weight at which the vehicle will be operated on the highways of this state except when carrying loads described under paragraph (b) of subsection (2) of this section. The maximum registration weight for any vehicle required to establish a registration weight under this section is 105,500 pounds. Vehicles operating at weights above 105,500 pounds will operate under a variance permit issued under ORS 818.200. [1989 c.43 §8; 1989 c.723 §22]

768.013 Certificate of weight. A certificate of weight required for purposes of determining vehicle registration fees shall contain the following:

(1) For vehicles registered under proportional registration pursuant to ORS 768.007 or 768.009, the certificate shall contain the combined gross weight of the vehicle.

(2) For commercial busses, the certificate shall contain the unloaded weight of the vehicle plus the unloaded weight of any bus trailer to be used in combination with the vehicle. The certificate shall also indicate the number of persons, including the driver, to be carried in the vehicle, plus the number of persons to be carried on any bus trailer to be used in combination with the vehicle. For purposes of determining the fee for registration of the vehicle under ORS 803.420, the commission shall determine the weight of the vehicle by adding the unloaded weight of the vehicle, plus the unloaded weight of any bus trailer to be used in combination with the vehicle, to a weight determined by multiplying the maximum seating capacity of the vehicle plus the maximum seating capacity of any bus trailer to be used in combination with the vehicle, including the driver's seat but excluding emergency seats, times 170 pounds, if the vehicle has a separate compartment for transporting baggage or express, or 150 pounds, if the vehicle has no separate compartment for transporting baggage or express. If the vehicle has a seating capacity that is not arranged for separate or individual seating, 18 lineal inches shall be deemed the equivalent of a passenger seat. [1989 c.43 §9; 1989 c.723 §23]

768.015 Registration fees for proportionally registered vehicles. Registration fees for vehicles registered under ORS 768.007 or 768.009, are as provided in ORS 803.420 (10) for motor vehicles and commercial busses. The fees are for an entire registration period and are payable when a vehicle is registered and upon renewal of registration. The commission shall apportion any fee under this section to reflect the number of quarters registered. [1989 c.43 §7; 1989 c.723 §21]

768.017 Proration of fees for proportionally registered vehicles; adjustment of fees and registration periods by commission. (1) For vehicles that are initially registered under proportional registration under ORS 768.007 or 768.009, the commission shall prorate the fees as provided in this subsection in order to carry out the purposes of calendar-year registration. This subsection does not allow such vehicles to be registered under quarterly registration. The proration of fees under this subsection shall be as follows except that in no case shall the fee on which Oregon fees are based be less than \$10:

(a) If the vehicle is registered after the expiration of the first quarter of the registration period, three-fourths of the fees shall be used to determine the Oregon fees.

(b) If the vehicle is registered after the expiration of the first half of the registration period, one-half of the fees shall be used to determine the Oregon fees.

(c) If the vehicle is registered after the expiration of three-fourths of the registration year, one-fourth of the fees shall be used to determine the Oregon fees.

(2) The commission, by rule, may adjust registration fees or registration periods for a vehicle, as is administratively convenient for the commission, if:

(a) The vehicle is changed from one type of registration to another type; or

(b) Any other change relating to the registration of the vehicle is made where it would be administratively convenient for the commission to make such adjustments. [1989 c 43 §6]

768.019 Plate manufacturing fee. Except as otherwise specifically provided by law, the commission shall collect the fee described by this section each time the commission issues a registration plate upon the registration of a vehicle or at other times when a registration plate is issued by the commission. The following all apply to the fee established by this section:

(1) The fee shall be in addition to any other fee collected upon issuance of a registration plate.

(2) The fee for each registration plate issued and for each set of two plates issued shall be determined by the commission and shall be established by the commission by rule.

(3) The commission shall establish the fee for a plate or a pair of plates under this section by determining the cost to manufacture, including but not limited to the cost to reflectorize, and rounding to the nearest higher half-dollar. If the difference between

the cost to manufacture a single plate and the cost to manufacture a pair of plates would result in a difference in the fee established under this section, the commission shall establish separate fees for issuance of single registration plates and pairs of registration plates. [1989 c.43 §11]

768.020 [Repealed by 1971 c 655 §250]

768.021 Fees for cards, plates and stickers. (1) The fee for issuance of a new, duplicate or replacement registration card is \$2.

(2) The fee for issuance of a replacement or duplicate registration plate is the fee established under section 11 of this Act, together with a fee of \$11.

(3) The fee for transfer of a registration plate is \$6.

(4) The fee for issuance of replacement registration stickers issued is \$11.

(5) The fee for issuance of both replacement or duplicate registration plates and replacement registration stickers, when issued at the same time, is \$11, in addition to the fee established under ORS 768.019.

(6) The fee paid under subsections (2), (4) and (5) of this section includes the cost of any duplicate or replacement registration card issued. [1989 c 43 §12]

768.023 Duplicate or replacement registration cards. The commission may issue a duplicate or replacement registration card when:

(1) The commission receives an application indicating the loss, mutilation or destruction of a registration card; and

(2) The fee for issuance of a duplicate or replacement card under ORS 768.021 is paid to the commission. [1989 c 43 §10]

768.025 Transfer of registration; withdrawal of vehicle from fleet. (1) The owner of a vehicle which is proportionally registered under ORS 768.007 or 768.009 shall be permitted to transfer the registration plates from the vehicle to a like vehicle to be similarly used if the vehicle is destroyed or permanently withdrawn from service within this state. To make a transfer of registration under this section, the owner of the vehicle shall pay the commission a registration transfer fee established under ORS 768.021, file a written statement indicating the withdrawal or destruction with the commission and surrender the registration card for the vehicle. The commission shall issue a registration card without payment of further fee. If the weight on the certificate of weight of the vehicle receiving the transferred registration exceeds that of the vehicle destroyed or withdrawn, the owner must pay registration fees on the increased weight.

(2) If a vehicle is permanently withdrawn from a fleet that is proportionally registered under ORS 768.007 or 768.009 because it has been destroyed, sold or otherwise completely removed from the service of the registrant, the commission shall provide credit for the unused portion of the fees paid according to terms of interstate agreements or in a manner defined by rule. In no event shall any such amount be subject to refund. [1989 c.43 §13; 1989 c 103 §2]

768.027 Temporary proportional registration permits. The commission may issue temporary proportional registration permits to qualifying persons pending registration of

vehicles under proportional registration under ORS 768.007 or proportional fleet registration under ORS 768.009 and issuance of appropriate identification devices. [1989 c.43 §14, 1989 c.109 §7]

768.030 [Repealed by 1971 c.655 §250]

Note: 768.110, 768.120, 768.130, 768.140, 768.150, 768.160, 768.180, 768.190, 768.200, 768.210, 768.220, 768.230, 768.240, 768.250, 768.260, 768.270, 768.280, 768.290, 768.300, 768.310, 768.320 and 768.330 repealed by 1957 c 472 §1.

768.410, 768.420, 768.430, 768.440, 768.450 and 768.460 repealed by 1953 c 185 §2.

768.170 [Amended by 1957 c 459 §11; repealed by 1957 c.472 §1]

UTILITIES; RAILROADS AND OTHER CARRIERS
