

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rules(s) adopted on November 16, 2011 by the
Date prior to or same as filing date.

Oregon Department of Transportation, Motor Carrier Transportation Division
Agency and Division

740

Administrative Rules Chapter Number

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to become effective upon filing Rulemaking Notice was published in the October 2011 Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Penalties for failure to produce records

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

ADOPT:

AMEND: 740-055-0100 and 740-300-0010

REPEAL:

RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND & RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 184.616, 184.619 & 823.011

Stats. Auth.

None

Other Authority

ORS 823.029, 825.137, 825.210, 825.212, 825.232 & 825.515

Stats. Implemented

RULE SUMMARY

These rules describe requirements for maintenance and production of records, and associated penalties for failure to produce records. These amendments allow the Department to assess civil monetary penalties when records are made available for audit but are found to be inadequate. Currently, when the carrier provides inadequate records, the best available information standard is used to audit the records. Using the best available information standard, rather than a carrier's records, often results in an under assessment of taxes due. Carriers that continue to either not maintain records, or provide inadequate records have an advantage. The rule is necessary to provide a tool that can be used on a progressive scale to deter carriers from providing the department with inadequate records after they have been educated about the minimum record requirements.

Authorized Signer

Gregg L. Dal Ponte

Printed Name

Date

* With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

** The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

ARC 930-2005