

740-055-0100

Maintenance and Production of Records and Vehicles -- Penalties

(1) At the request of the Department or its authorized representative, each motor carrier must produce for inspection or audit all records required to be prepared or maintained by statute or rules of the Department and all motor vehicles subject to the Department's jurisdiction. Each succeeding day that the records or vehicles are not made available for inspection or audit will constitute a separate violation of this rule until such records or vehicles are made available at the place stated in the request.

(2) In addition to any other penalty authorized by law, the operating authority of a person who fails to prepare, maintain, or produce records required by statute or the rules of the Department or fails to produce vehicles for inspection will be subject to suspension or cancellation.

(3) The penalties authorized will not be imposed unless the Department's request to produce vehicles for inspection or records for audit gives the motor carrier a reasonable time and place to produce said vehicles for inspection or records for audit.

(4) If a motor carrier makes records available for a weight-mile tax audit, but the records made available do not meet Department requirements in OAR 740-055-0120, and the records as a whole are deemed so inadequate that they cannot be audited in the normally prescribed method, the Department may impose penalties described in OAR 740-300-0010. These penalties may be imposed even if the Department is able to complete an audit of the carrier's records by relying on any information available to the Department as described in ORS 825.490(3). The penalties are in addition to any other penalties authorized by law.

Stat. Auth.: ORS 184.616, 184.619 & 823.011

Stats. Implemented: ORS 825.210, 825.212, 825.232, 825.515

740-300-0010

Failure to Produce Records -- Penalties

Except as otherwise ordered by the Department in a particular case, after written notice, any motor carrier who fails to produce records as required by the Department under OAR 740-055-0100, in addition to any other penalties authorized by law, will be subject to the following penalties under ORS 825.137(2)(g) and 825.950:

(1) \$100 per day for each day of failure for a period not to exceed 10 days, and except as described in subsection (3), suspension of operating authority until reinstated by the Department;

(2) \$100 per day for each day of failure from the 16th day of the entry of the order under subsection (1) of this section, for a period not to exceed 20 days, and cancellation of operating authority;

(3) Any suspension of authority imposed for failure to produce records as described in OAR 740-055-0100(4) will be held in abeyance for one year if the motor carrier has not been found in violation of OAR 740-055-0100(4) within the prior five years. A second failure to produce records subjects the motor carrier to a five day suspension of operating authority. A third failure to produce records under this section may result in cancellation of operating authority.

Stat. Auth.: ORS 184.616, 184.619, 823.011

Stats. Implemented: ORS 823.029, 825.137, 825.232, 825.515