

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form

Department of Transportation, Motor Carrier Transportation Division 740
Agency and Division Administrative Rules Chapter Number
Lauri Kunze (503) 986-3171
Rules Coordinator Telephone
Department of Transportation, Motor Carrier Transportation Division, 3930 Fairview Industrial Dr. SE, Salem, OR 97302
Address

RULE CAPTION

Annual readoption of HVUT and IFTA regulations

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

RULEMAKING ACTION

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

ADOPT:

AMEND:

740-200-0020 & 740-200-0040

REPEAL:

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

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

Statutory Authority:

ORS 184.616, 184.619, 823.011 & 826.003

Other Authority:

None

Statutes Implemented:

ORS 803.370(5), 825.490, 825.494, 825.555 & 826.007

RULE SUMMARY

Title 26 Code of Federal Regulations Part 41 (HVUT) requires the State to confirm proof of payment of the tax, and require proof of payment by the State as a condition of issuing a registration for a highway motor vehicle. The amendment of OAR 740- 740-200-0020 adopts HVUT and amendments with the effective date of January 1, 2012, and ensures Oregon remains current with national commercial motor vehicle registration standards. International Fuel Tax Agreement (IFTA) and associated material are applicable to Oregon-based motor carriers who participate in IFTA as a way to report and pay fuel tax to other jurisdictions. The revision to OAR 740-200-0040 adopts the most recent version of IFTA and associated material as the procedures and guidelines for Oregon-based IFTA participants with the effective date of January 1, 2012 to ensure Oregon remains current with the international IFTA standards.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

<u>01-23-2012 Close of Business</u>	<u>Lauri Kunze</u>	<u>lauri.g.kunze@odot.state.or.us</u>	<u>12-15-11 1:34p.m.</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

*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 923-2003

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Transportation, Motor Carrier Transportation Division

740

Agency and Division

Administrative Rules Chapter Number

Annual readoption of HVUT and IFTA regulations

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

In the Matter of:

the amendment of OAR 740-200-0020 & 740-200-0040 related to re-adoption of rules related to the Heavy Vehicle Use Tax (HVUT) and International Fuel Tax Agreement (IFTA).

Statutory Authority:

ORS 184.616, 184.619, 823.011 & 826.003

Other Authority:

None

Stats. Implemented:

ORS 803.370(5), 825.490, 825.494, 825.555 & 826.007

Need for the Rule(s):

Title 26 Code of Federal Regulations Part 41 (HVUT) requires the State to confirm proof of payment of the tax, and require proof of payment by the State as a condition of issuing a registration for a highway motor vehicle. The amendment of OAR 740- 740-200-0020 adopts HVUT and amendments with the effective date of January 1, 2012, and ensures Oregon remains current with national commercial motor vehicle registration standards. International Fuel Tax Agreement (IFTA) and associated material are applicable to Oregon-based motor carriers who participate in IFTA as a way to report and pay fuel tax to other jurisdictions. The revision to OAR 740-200-0040 adopts the most recent version of IFTA and associated material as the procedures and guidelines for Oregon-based IFTA participants with the effective date of January 1, 2012 to ensure Oregon remains current with the international IFTA standards.

Documents Relied Upon, and where they are available:

CFR Title 26 Part 41.6001-2(b)(3) HVUT is available at the Motor Carrier Transportation Division, 550 Capitol St. NE, Salem, OR 97301-2530. The IFTA Articles of Agreement, Audit Manual and Procedures Manual can be found on the IFTA website: <http://www.iftach.org/>.

Fiscal and Economic Impact:

The proposed amendments re-adopt national and international standards that currently effect motor carriers operating in interstate or foreign commerce.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

None

2. Cost of compliance effect on small business (ORS 183.336):

- a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

None

- b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None

- c. Equipment, supplies, labor and increased administration required for compliance:

None

How were small businesses involved in the development of this rule?

If not, why?:

The proposed changes were sent to 14 groups representing small businesses seeking comment and none responded.

Administrative Rule Advisory Committee consulted?: No

There was no formal advisory committee formed to assist in the drafting of these changes because most of the changes are needed to ensure Oregon maintains uniformity with national and international standards.

<u>01-23-2012 Close of Business</u>	<u>Lauri Kunze</u>	<u>lauri.g.kunze@odot.state.or.us</u>	<u>12-15-11 1:34 PM</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2007