

Text to be added in **bold**

Text to be deleted in *[italics]*

740-300-0060

Violation of Statutes and Rules Related to Safety (Except Hazardous Materials) -- General Penalties

Except as otherwise ordered by the Department in a particular case, any person who violates a provision of ORS 825.210, 825.250, 825.252, 825.254, 825.410, and related rules, in addition to any other penalties authorized by law, *[shall]* **will** be subject to penalties in sections (2), (3) and (4) of this rule.

(1) As used in this rule, "similar violation" means a violation that is similar to the violation alleged in the notice of proposed civil penalty. For the purpose of determining similarity, violations *[shall]* **will** be classified as those relating to:

(a) Driver qualifications;

(b) Driver hours of service;

(c) Vehicle maintenance; *[and]*

(d) **Drug and alcohol testing or use; and**

**(e)** Records and reports[,] not included in subsections (a), (b), *[or]* (c) **or (d)** of this section.

(2) Level I finding of violation(s) apply if no penalty order, cease and desist order or finding of violation(s) has been entered against the defendant within the preceding five years for violations of statutes or rules described in this rule. If such violations have been found within the last five years or a cease and desist order has been issued, the penalties will be assessed at Level II. *[Upon a finding of violation(s)]* *[a]* **At** Level I, the Department will issue an order finding such violation(s).

(3) Level II penalties, except as provided in section (4) of this rule apply to a defendant who does not meet the criteria in section (2) of this rule.

(a) Level II penalties for all safety violations other than those specified in ORS 825.955(1) *[(d)]* **(c)** are \$100 per violation;

(b) Level II penalties for each violation specified in ORS 825.955(1) *[(d)]* **(c)** related to drug and alcohol testing are \$500 per violation; and

(c) Penalties assessed under subsections (a) and (b) of this section include suspension of operating authority for five working days.

(4) Level III penalties apply to a defendant who has been penalized at Level II within the 12 months preceding the violation.

(a) Level III penalties for all safety violations other than those specified in ORS 825.955(1) *[(d)]* **(c)** are \$100 per violation;

(b) Level III penalties for each violation specified in ORS 825.955(1) *[(d)]* **(c)** related to drug and alcohol testing are \$1,000 per violation;

(c) Penalties assessed under subsections (a) and (b) of this section include imposition of suspended penalties under prior orders for similar violations, unless suspensions have become permanent; and

(d) Suspension of operating authority for five working days[,] or cancellation of authority, if warranted by the circumstances of the particular case.

(5) For purposes of determining which penalty level is applicable, a corporate carrier will not be held responsible for orders entered against it while under a different controlling interest.

Stat. Auth.: ORS **184.616, 184.619**, 823.011 & [ORS] 825.232

Stats. Implemented: ORS [825.210, ORS 825.232,] [ORS] 825.250, [ORS 825.254,] [ORS] 825.410, [ORS] 825.950 & 825.955