

A-Engrossed
House Bill 2567

Ordered by the House March 21
Including House Amendments dated March 21

Sponsored by COMMITTEE ON TRANSPORTATION

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Exempts person from offense of unlawful use of metal objects on tires if person uses tires with retractable studs during specified times.]

Requires tires with retractable studs to be allowed as traction tires under Oregon Transportation Commission rules.

Allows tire dealer to sell tires equipped with nonlightweight studs if studs are retractable.

A BILL FOR AN ACT

1
2 Relating to tires with retractable studs; amending ORS 815.045, 815.165 and 815.167.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 815.045 is amended to read:

5 815.045. (1) The Oregon Transportation Commission shall adopt rules necessary to carry out
6 ORS 815.140. The rules adopted by the commission:

7 (a) Shall establish the various types of conditions under which vehicle traction tires or chains
8 must be used.

9 (b) Shall define types of vehicle traction tires or chains that may be used under various road
10 conditions. The commission rules under this paragraph shall comply with the following:

11 (A) Traction tire shall be defined to include any tire that meets traction standards established
12 by the Department of Transportation.

13 (B) **Retractable studded tires** or tires with studs that are permitted under ORS 815.165 shall
14 be allowed as traction tires under the rules.

15 (C) The department may require that traction tires without studs bear identifying marks, defined
16 by the department, that indicate that the tire was manufactured specifically for adverse weather
17 conditions.

18 (D) Chains shall be defined to include link chains, cable chains or any other device that attaches
19 to the wheel, vehicle or outside of the tire and that augments the traction of a vehicle.

20 (E) **Retractable studded tires shall be defined to include tires with embedded studs that**
21 **project beyond the tread surface only when a vehicle operator extends the studs to augment**
22 **the traction of the vehicle.**

23 (c) Shall establish signs to be posted under conditions that require vehicle traction tires or
24 chains.

25 (d) May establish types or classes of vehicles that are exempt from requirements to use vehicle
26 traction tires or chains under certain conditions if the commission determines that the operation

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 of the class or type of vehicle would be safe under those conditions.

2 (2) A road authority shall:

3 (a) Determine when conditions on a segment of highway require the use of vehicle traction tires
4 or chains as defined by the commission;

5 (b) Determine which segments of a highway shall be posted as described under this section to
6 require vehicle traction tires or chains; and

7 (c) Provide for the placement and removal of signs requiring the use of vehicle traction tires
8 or chains.

9 **SECTION 2.** ORS 815.165 is amended to read:

10 815.165. This section establishes exemptions from ORS 815.160. The exemptions under this sec-
11 tion are in addition to any under ORS 801.026. Exemptions are partial or complete as described in
12 the following:

13 (1) Any vehicle on any way, thoroughfare or place owned by a district formed under ORS
14 chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

15 (2) Any vehicle on any road or thoroughfare or property in private ownership or any road or
16 thoroughfare, other than a state highway or county road, used pursuant to any agreement with any
17 agency of the United States or with a licensee of such agency or both.

18 (3) Operations approved under a variance permit issued under ORS 818.200 are subject to the
19 terms of the permit. It shall be a defense to any charge of violation of ORS 815.160 if the person so
20 charged produces a variance permit issued under ORS 818.200 authorizing the operation issued prior
21 to and valid at the time of the offense.

22 (4) Vehicles actually engaged at the time in construction or repair of highways in this state.

23 (5) Traction engines moved upon dirt or unimproved roads.

24 (6) Vehicles equipped with chains as defined in ORS 815.045.

25 (7) Between November 1 of any year and April 1 of the following year, vehicles equipped with
26 any tire having on its periphery studs of metal or other material [*extending*] **projecting** beyond the
27 tread surface of the tire not less than four-hundredths (0.04) inch nor more than six-hundredths (0.06)
28 inch and made of such material that the studs will wear, through use, at the same rate as the tread
29 surface of the tire. When the preservation of the highway surface or the safety of the traveling
30 public so indicates, the Department of Transportation shall have the authority to shorten or
31 lengthen the period for the permissible use of such tires in any area of the state specifically desig-
32 nated by the department.

33 (8) School buses with a loaded weight of 10,000 pounds or more.

34 (9) Emergency vehicles and ambulances used in an emergency situation.

35 (10) Motor vehicles used for regularly scheduled medical transport services.

36 (11) The owner or lessee of any land adjoining any highway may move across or along the
37 highway any tractor or implement of husbandry for the purpose of planting, cultivating, caring for
38 or harvesting any crop, on condition that the owner or lessee shall be liable to the State of Oregon
39 for the benefit of the State Highway Fund with respect to state highways, or to the proper county
40 for the benefit of the county road fund with respect to county highways, for any damage or injury
41 done to the highway by the movement.

42 **(12) Vehicles equipped with retractable studded tires as defined in ORS 815.045.**

43 **SECTION 3.** ORS 815.167 is amended to read:

44 815.167. (1) **Except as provided in subsection (4) of this section,** a tire dealer may not sell
45 a tire equipped with studs that are not lightweight studs.

1 (2) A tire dealer may not sell a stud other than a lightweight stud for installation in a tire.

2 (3) As used in this section:

3 (a) "Lightweight stud" means a stud that is recommended by the manufacturer of the tire for
4 the type and size of the tire and that:

5 (A) Weighs no more than 1.5 grams if the stud is size 14 or less;

6 (B) Weighs no more than 2.3 grams if the stud size is 15 or 16; or

7 (C) Weighs no more than 3.0 grams if the stud size is 17 or larger.

8 (b) "Tire dealer" means a person engaged in a business, trade, occupation, activity or enterprise
9 that sells, transfers, exchanges or barter tires or tire related products for consideration.

10 (4) **A tire dealer may sell a tire equipped with studs that are not lightweight studs if the**
11 **studs are retractable.**

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