

House Bill 2567

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 **as introduced**.

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

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 815.165 and 815.167.

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

4 **SECTION 1.** ORS 815.165 is amended to read:

5 815.165. This section establishes exemptions from ORS 815.160. The exemptions under this sec-
6 tion are in addition to any under ORS 801.026. Exemptions are partial or complete as described in
7 the following:

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

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

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

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

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

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

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

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

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

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

31 (11) The owner or lessee of any land adjoining any highway may move across or along the

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 highway any tractor or implement of husbandry for the purpose of planting, cultivating, caring for
2 or harvesting any crop, on condition that the owner or lessee shall be liable to the State of Oregon
3 for the benefit of the State Highway Fund with respect to state highways, or to the proper county
4 for the benefit of the county road fund with respect to county highways, for any damage or injury
5 done to the highway by the movement.

6 **(12) Vehicles equipped with tires having retractable studs of metal or other material if**
7 **the studs project beyond the tread surface of the tire not less than four-hundredths (0.04)**
8 **inch nor more than six-hundredths (0.06) inch. A vehicle operator may extend the retractable**
9 **studs between November 1 of any year and April 1 of the following year or whenever the**
10 **Department of Transportation lengthens the period of permissible use of studded tires in any**
11 **area of the state specifically designated by the department. A vehicle operator may not ex-**
12 **tend the retractable studs whenever the Department of Transportation shortens the period**
13 **of permissible use of studded tires in any area of the state designated by the department.**

14 **SECTION 2.** ORS 815.167 is amended to read:

15 815.167. (1) **Except as provided in subsection (4) of this section,** a tire dealer may not sell
16 a tire equipped with studs that are not lightweight studs.

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

18 (3) As used in this section:

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

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

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

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

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

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

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