

Senate Bill 594

Sponsored by COMMITTEE ON BUSINESS, TRANSPORTATION AND WORKFORCE DEVELOPMENT

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**.

Requires permit for use of studded tires. Establishes fee for permit based on county in which vehicle is registered. Punishes use of studded tires without permit by maximum fine of \$90. Dedicates revenue from permit fees to highway preservation.

A BILL FOR AN ACT

1
2 Relating to studded tires; creating new provisions; and amending ORS 815.165.

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

4 **SECTION 1. Sections 2 to 9 of this 2007 Act are added to and made a part of the Oregon**
5 **Vehicle Code.**

6 **SECTION 2. (1) The Department of Transportation shall issue studded tire permits that**
7 **authorize the use of studded tires. A permit issued under this section does not authorize the**
8 **use of studded tires at any time the use of studded tires is not authorized under ORS 815.165.**

9 **(2) The department shall issue studded tire permits that are valid for the 12-month period**
10 **following issuance and permits that are valid for the 24-month period following issuance.**

11 **(3) The department shall design a studded tire permit sticker to be displayed on the ve-**
12 **hicle as proof of authorization to use studded tires.**

13 **(4) A person issued a studded tire permit sticker under this section may not transfer the**
14 **sticker from one vehicle to another.**

15 **(5) The department shall adopt rules necessary for the issuance and administration of**
16 **studded tire permits. The department may enter into agreements as provided in ORS 802.600**
17 **with persons who are not employees of the department authorizing the persons to issue**
18 **studded tire permits.**

19 **(6) Fees for studded tire permits issued under this section are provided in section 3 of**
20 **this 2007 Act. A person who enters into an agreement with the department under ORS**
21 **802.600 for issuance of the permits may issue the permits at a price determined by the per-**
22 **son, notwithstanding section 3 of this 2007 Act, but the person must remit to the department**
23 **the amount of the fee provided in section 3 of this 2007 Act for each permit issued.**

24 **(7) Moneys collected by or remitted to the department from fees for studded tire permits**
25 **issued under this section shall be distributed and used as provided in section 7 of this 2007**
26 **Act.**

27 **SECTION 3. (1) The fee for a studded tire permit issued under section 2 of this 2007 Act**
28 **that is valid for 12 months is:**

29 **(a) If issued for a vehicle registered in Benton, Clackamas, Clatsop, Columbia, Lane,**
30 **Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington or Yamhill County,**
31 **\$_____.**

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 (b) If issued for a vehicle registered in Baker, Coos, Crook, Curry, Deschutes, Douglas,
 2 Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Malheur,
 3 Morrow, Sherman, Umatilla, Union, Wallowa, Wasco or Wheeler County, \$_____.

4 (2) The fee for a studded tire permit issued under section 2 of this 2007 Act that is valid
 5 for 24 months is twice the amount of the appropriate fee described in subsection (1) of this
 6 section.

7 (3) The fee for issuance of a replacement studded tire permit sticker under section 6 of
 8 this 2007 Act is \$_____.

9 **SECTION 4.** (1) A person commits the offense of using studded tires without a valid
 10 permit if the person operates on a highway a vehicle that is registered in Oregon and that
 11 has studded tires, or allows operation on a highway of a vehicle that is registered in Oregon,
 12 that has studded tires and of which the person is the registered owner, and a studded tire
 13 permit sticker issued under section 2 of this 2007 Act is not displayed on the vehicle.

14 (2) For purposes of this section, a studded tire permit sticker is one that has not expired
 15 and that indicates that the fee paid for the permit is the fee established under section 3 of
 16 this 2007 Act for the county in which the vehicle on which it is displayed is registered.

17 (3) The offense described in this section, using studded tires without a valid permit, is a
 18 Class D traffic violation.

19 (4) For purposes of this section, a rebuttable presumption exists that a vehicle was op-
 20 erated on a highway if the vehicle is parked on a highway or on a highway right of way.

21 (5) A citation may be issued under this section either to the operator of the vehicle or
 22 to the registered owner of the vehicle as shown by the records of the Department of Trans-
 23 portation. If the vehicle is unoccupied, the citation shall be issued to the registered owner
 24 as provided in section 5 of this 2007 Act.

25 **SECTION 5.** (1) In all prosecutions of the registered owner of an unoccupied vehicle for
 26 violation of section 4 of this 2007 Act, it is sufficient for a police officer to charge the owner
 27 by an unsworn written notice if the notice clearly states:

- 28 (a) The date, place and nature of the charge.
- 29 (b) The time and place for the owner's appearance in court.
- 30 (c) The name of the issuing officer.
- 31 (d) The registration plate number of the vehicle.

32 (2) The notice provided for in subsection (1) of this section shall be delivered to the owner
 33 or placed in a conspicuous place upon the vehicle involved in the violation. A duplicate ori-
 34 ginal of the notice shall serve as the complaint in the case when it is filed with the court.
 35 In all other respects, the procedure otherwise provided by law in such cases shall be followed.
 36 Notwithstanding ORS 810.410, the issuing officer need not have observed the act of operating
 37 the vehicle, but need only have observed that the vehicle appeared to be operated in violation
 38 of section 4 of this 2007 Act.

39 **SECTION 6.** The owner of a motor vehicle to which a studded tire permit sticker is issued
 40 may replace a studded tire permit sticker that is lost, destroyed or mutilated in a manner
 41 that renders illegible any identification of the sticker. To replace a studded tire permit
 42 sticker under this section, the owner must apply to the Department of Transportation for a
 43 replacement of the damaged or lost sticker in a form prescribed by the department and pay
 44 the replacement sticker fee established under section 3 of this 2007 Act. The application must
 45 state the facts of the damage, destruction or loss of the sticker. The sticker issued under

1 **this section is valid only for the period of the sticker replaced.**

2 **SECTION 7. (1) After payment of expenses of administration, the Department of Trans-**
3 **portation shall distribute the moneys collected for studded tire permits issued under section**
4 **2 of this 2007 Act as follows:**

5 (a) 20 percent to cities, to be allocated and paid in the same manner as moneys are al-
6 located and paid under ORS 366.805 and 366.810;

7 (b) 30 percent to counties, to be allocated and paid in the same manner as moneys are
8 allocated and paid under ORS 366.764 and 366.766; and

9 (c) 50 percent to the department.

10 (2) Moneys distributed under this section may be used only for highway preservation.

11 **SECTION 8. Persons who are authorized to enforce city parking ordinances or regu-**
12 **lations may issue citations for using studded tires without a valid permit in violation of**
13 **section 4 of this 2007 Act if the city by ordinance authorizes them to do so. Persons au-**
14 **thorized by this section to enforce section 4 of this 2007 Act shall be considered police offi-**
15 **cers for purposes of section 5 of this 2007 Act.**

16 **SECTION 9. As used in sections 2 to 8 of this 2007 Act, "studded tire" means a tire with**
17 **studs as described in ORS 815.165 (7).**

18 **SECTION 10.** ORS 815.165 is amended to read:

19 815.165. This section establishes exemptions from ORS 815.160. The exemptions under this sec-
20 tion are in addition to any under ORS 801.026. Exemptions are partial or complete as described in
21 the following:

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

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

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

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

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

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

34 (7) Between November 1 of any year and April 1 of the following year, **so long as the regis-**
35 **tered owner of the vehicle has a valid studded tire permit issued under section 2 of this 2007**
36 **Act**, vehicles equipped with any tire having on its periphery studs of metal or other material ex-
37 tending beyond the tread surface of the tire not less than four-hundredths (0.04) inch nor more than
38 six-hundredths (0.06) inch and made of such material that the studs will wear, through use, at the
39 same rate as the tread surface of the tire. When the preservation of the highway surface or the
40 safety of the traveling public so indicates, the Department of Transportation shall have the author-
41 ity to shorten or lengthen the period for the permissible use of such tires in any area of the state
42 specifically designated by the department.

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

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

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

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

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