

House Bill 2041

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Transportation for Association of Oregon Counties)

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**.

Defines "road machinery" for purposes of Oregon Vehicle Code.
Exempts road machinery from titling and registration requirements.

A BILL FOR AN ACT

1
2 Relating to road machinery; creating new provisions; and amending ORS 803.030 and 803.305.

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

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of the Oregon Vehicle**
5 **Code.**

6 **SECTION 2. "Road machinery" means machinery used to maintain a highway or alley and**
7 **includes, but is not limited to, a backhoe, chip spreader, excavator, forklift, front-end loader,**
8 **mower, road grader, snowblower and utility tractor.**

9 **SECTION 3. ORS 803.030 is amended to read:**

10 803.030. This section establishes exemptions from the requirements under ORS 803.025 to obtain
11 title issued by this state. The exemptions are subject to ORS 803.040. The exemptions are in addition
12 to any exemptions under ORS 801.026. Vehicles exempted by this section from the requirements to
13 be titled by this state are not prohibited from being titled by this state if titling is permitted under
14 ORS 803.035. The exemptions are partial or complete as provided in the following:

15 (1) Title from this state is not required for a vehicle unless the vehicle is operated on a highway
16 in this state.

17 (2) Title from this state is not required unless a vehicle is operated under a registration number
18 of this state.

19 (3) Snowmobiles, Class I all-terrain vehicles and Class III all-terrain vehicles are not subject to
20 the requirements under ORS 803.025. The requirements and procedures for titling snowmobiles are
21 as provided under ORS 821.060 and 821.070.

22 (4) Road rollers, farm tractors and traction engines are exempt from the requirements for title.

23 (5) Trolleys are exempt from the requirements for title.

24 (6) Bicycles are exempt from the requirements for title.

25 (7) United States Government owned and operated motor vehicles and trailers are exempt from
26 the requirements for title.

27 (8) Implements of husbandry, well drilling machinery, emergency fire apparatus providing public
28 fire protection and wheelchairs are exempt from the requirements for title.

29 (9) **Except as provided in subsection (23) of this section**, fixed load vehicles are exempt from
30 the requirements for title while operated within the immediate construction project, as described in
31 the governmental agency contract, in the construction or reconstruction of state or county roads,

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 highways or city streets.

2 (10) Motor vehicles designed to operate at a loaded weight over 8,000 pounds, trailers and
 3 equipment are exempt from requirements for title while:

4 (a) Owned, leased, contracted or requisitioned by the State Forester, State Board of Forestry,
 5 their contractors under ORS chapter 477, or the federal government; and

6 (b) Being used for the purposes of forest protection and fire suppression under ORS chapter 477
 7 or a similar federal statute, including movement of the vehicles to and from the work area.

8 (11) Farm trailers are exempt from requirements for title when the operation or movement of
 9 the vehicle upon the highways is incidental to its use in an agricultural operation.

10 (12) Golf carts operated under an ordinance adopted under ORS 810.070 are exempt from re-
 11 quirements for title.

12 (13) Golf carts or similar vehicles are exempt from requirements for title when:

13 (a) They have not less than three wheels in contact with the ground;

14 (b) They have an unloaded weight of less than 1,300 pounds;

15 (c) They are designed to be and are operated at not more than 15 miles per hour; and

16 (d) They are operated by persons with disabilities.

17 (14) The nonresident owners of vehicles currently registered and titled in any other country,
 18 state or territory may operate such vehicles over the highways of this state without complying with
 19 the titling requirements under ORS 803.025. All of the following apply to this subsection:

20 (a) This subsection only provides an exemption so long as the owner satisfactorily shows that
 21 the owner is not a resident of this state or has been a resident of this state for less than 30 days.
 22 For the purpose of this paragraph, a person is a resident of this state if the person meets the resi-
 23 dency requirements described in ORS 803.200.

24 (b) The exemption under this subsection applies to vehicles granted exemptions under ORS
 25 802.500, 802.520 or 826.005, unless otherwise provided under paragraph (c) of this subsection.

26 (c) Except as otherwise provided in this paragraph, a vehicle operated over the highways of this
 27 state for compensation or profit must comply with the titling requirements under ORS 803.025 in the
 28 same manner as required of nontitled vehicles. The following vehicles are not subject to this para-
 29 graph:

30 (A) Vehicles operated under reciprocal registration exemptions established under ORS 802.500
 31 or 826.005.

32 (B) Vehicles operated under an exemption established under ORS 802.520.

33 (C) Vehicles that are proportionally registered under an agreement established under ORS
 34 826.007, and according to the procedures established under ORS 826.009 or 826.011.

35 (D) Any vehicle if duly registered and titled under the laws of the state or country of which the
 36 owner is a bona fide resident to the extent that in the foreign country, state, territory or federal
 37 district where the owner resides like exemptions and privileges are granted vehicles duly registered
 38 and titled under the laws of this state and owned by residents of this state.

39 (d) If no exemptions from titling requirements are in effect under ORS 802.500, 802.520, 826.005
 40 or 826.007 with respect to another jurisdiction, any vehicle properly registered and titled in such
 41 other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in
 42 this state, the same exemptions, benefits and privileges granted by such other jurisdictions to vehi-
 43 cles properly registered and titled in this state. Reciprocity extended under this paragraph shall
 44 apply to commercial vehicles only when engaged exclusively in interstate commerce.

45 (e) Any vehicle operated under dealer registration plates issued by another state, country,

1 province, territory or the District of Columbia is subject to this subsection.

2 (15) Vehicle dealers issued certificates under ORS 822.020 may use and operate untitled vehicles
3 as provided under ORS 822.040.

4 (16) Towing businesses issued certificates under ORS 822.205 may tow untitled vehicles as pro-
5 vided under ORS 822.210.

6 (17) Vehicle transporters issued certificates under ORS 822.310 may transport untitled vehicles
7 as provided in ORS 822.310.

8 (18) Untitled vehicles may be operated under trip permits described under ORS 803.600 or under
9 permits described under ORS 803.610 to 803.625.

10 (19) Vehicles that are registered by the United States Department of State and that are owned
11 or operated by foreign nationals with diplomatic immunity are exempt from the requirements for
12 title.

13 (20)(a) Vehicles that are registered under the proportional registration provisions of ORS chap-
14 ter 826 and are titled in a jurisdiction other than Oregon are exempt from the requirements for title.

15 (b) A trailer that is registered under the proportional registration provisions of ORS chapter 826
16 and titled in a jurisdiction other than Oregon shall remain exempt from the requirements for title
17 in Oregon if the trailer is registered when the other jurisdiction removes its exception to propor-
18 tional registration requirements for the trailer.

19 (21) Converter dollies and tow dollies are exempt from the requirements for title.

20 (22) Electric personal assistive mobility devices are exempt from the requirements for title.

21 **(23) Road machinery that is operated at the direction of a road authority is exempt from**
22 **the requirements for title. The exemption under this subsection also applies when the oper-**
23 **ation of road machinery upon a highway or an alley is incidental to its use in a highway**
24 **maintenance operation.**

25 **SECTION 4.** ORS 803.305 is amended to read:

26 803.305. This section establishes exemptions from the requirements under ORS 803.300. The ex-
27 emptions under this section are in addition to any exemptions under ORS 801.026. Vehicles exempted
28 by this section from the requirements to be registered by this state are not prohibited from being
29 registered by this state if registration is permitted under ORS 803.310. The following are exempt,
30 either partially or completely as described, from the registration requirements under ORS 803.300:

31 (1) Road rollers, farm tractors, trolleys and traction engines are exempt from registration.

32 (2) Bicycles are exempt from registration.

33 (3) A vehicle is exempt from registration if it has registration issued for the vehicle by the
34 Armed Forces of the United States where the registration is issued in a foreign country to a vehicle
35 owned by a member of the Armed Forces. The exemption granted by this subsection applies only for
36 a period of 45 days from the time the vehicle is returned to the United States.

37 (4) A vehicle is exempt from registration if it is not operated on the highways of this state.

38 (5) A trailer is exempt from registration if it is equipped with pneumatic tires made of elastic
39 material and is not operated in this state with a loaded weight of more than 1,800 pounds. A trailer
40 for hire, travel trailer or camper is not exempt by this subsection.

41 (6) Vehicles owned and operated by the United States Government are exempt from registration.

42 (7) Snowmobiles are subject to the requirements for registration provided under ORS 821.080 to
43 821.110.

44 (8) Implements of husbandry, well drilling machinery, emergency fire apparatus providing public
45 fire protection and wheelchairs are exempt from registration.

1 (9) Road graders, farm tractors and farm trailers on highways are exempt from registration when
 2 the operation of the vehicle upon the highway is incidental to its use in an agricultural operation.

3 (10) **Except as provided in subsection (26) of this section**, fixed load vehicles are exempt from
 4 registration while the vehicles are operated:

5 (a) In the construction or reconstruction of state or county roads, highways or city streets; and

6 (b) Within the immediate construction projects, as described in the governmental agency con-
 7 tract under which the work is being performed.

8 (11) Motor vehicles designed to operate at a loaded weight over 8,000 pounds, trailers and
 9 equipment are exempt from registration while being used for the purposes of forest protection and
 10 fire suppression under ORS chapter 477 or a similar federal statute. The exemption under this sub-
 11 section applies to the vehicles or equipment described while being moved to or from the work area.
 12 The exemption under this subsection only applies to vehicles or equipment owned, leased, contracted
 13 for or requisitioned by the State Forester or State Board of Forestry, a contractor of the State
 14 Forester or State Board of Forestry under ORS chapter 477 or the United States Government.

15 (12) Vehicles being used for the purposes of forest protection and fire suppression are exempt
 16 if the vehicles are necessary in order to comply with ORS 477.615 or 477.650 or a similar federal
 17 statute. The exemption under this subsection also applies to the vehicles described being moved to
 18 or from the work area.

19 (13) Golf cart exemptions from registration are as provided in ORS 820.210.

20 (14) Vehicles currently registered and titled in any other country, state or territory are not re-
 21 quired to be registered by this state. All of the following apply to this subsection:

22 (a) This subsection only provides an exemption as long as the owner of the vehicle satisfactorily
 23 shows that the owner is not a resident of this state or has been a resident of this state for less than
 24 30 days. For the purpose of this paragraph, a person is a resident of this state if the person meets
 25 the residency requirements described in ORS 803.200.

26 (b) The exemption under this subsection applies to vehicles granted exemptions under ORS
 27 802.500, 802.520 or 826.005 unless otherwise provided for under paragraph (c) of this subsection.

28 (c) Except as otherwise provided in this paragraph, a vehicle operated over the highways of this
 29 state for compensation or profit must comply with the registration requirements under ORS 803.300
 30 in the same manner as vehicles owned by persons in this state. The following vehicles are not sub-
 31 ject to this paragraph:

32 (A) Vehicles operated under reciprocal registration exemptions established under ORS 802.500
 33 or 826.005.

34 (B) Vehicles operated under an exemption established under ORS 802.520.

35 (C) Vehicles that are proportionally registered under an agreement established under ORS
 36 826.007 and according to the procedures established under ORS 826.009 and 826.011.

37 (D) Any vehicle if duly registered and titled under the laws of the state or country of which the
 38 owner is a bona fide resident to the extent that in the foreign country, state, territory or federal
 39 district where the owner resides like exemptions and privileges are granted vehicles duly registered
 40 and titled under the laws of this state and owned by residents of this state.

41 (d) If no exemption from registration requirements is in effect under ORS 802.500, 802.520,
 42 826.005 or 826.007 with respect to another jurisdiction, any vehicle properly registered and titled in
 43 such other jurisdiction and for which evidence of compliance is supplied shall receive, when oper-
 44 ated in this state, the same exemptions, benefits and privileges granted by such other jurisdictions
 45 to vehicles properly registered and titled in this state. Reciprocity extended under this paragraph

1 shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

2 (e) Any vehicle operated under dealer registration plates issued by another state, country,
3 province, territory or the District of Columbia is subject to this subsection.

4 (15) Vehicles operated or used by vehicle dealers may be operated or used without registration
5 as provided under ORS 822.040.

6 (16) Vehicles towed by towing businesses may be towed without registration as provided under
7 ORS 822.210.

8 (17) Vehicles without registration may be transported by vehicle transporters as provided under
9 ORS 822.310.

10 (18) Vehicles that are not registered may be operated under trip permits described under ORS
11 803.600 or under permits described under ORS 803.610 to 803.625.

12 (19) If trailers that are part of a fleet of trailers for hire are properly registered in this state
13 under an agreement entered into pursuant to ORS 802.500, all trailers that are identified as being
14 a part of the same fleet and that are currently registered in any state, territory, province, country
15 or the District of Columbia shall be permitted to operate in this state in both interstate and intra-
16 state commerce without being registered by this state.

17 (20) Vehicles that are registered by the United States Department of State and that are owned
18 or operated by foreign nationals with diplomatic immunity are exempt from registration.

19 (21) Tow dollies and converter dollies are exempt from registration.

20 (22) Class I and Class III all-terrain vehicles are exempt from registration.

21 (23) Motor assisted scooters are exempt from registration.

22 (24) Electric personal assistive mobility devices are exempt from registration.

23 (25) A racing activity vehicle that is being operated for the purposes of a test drive within a
24 30-mile radius of the location where the vehicle is manufactured is exempt from registration.

25 **(26) Road machinery that is operated at the direction of a road authority is exempt from**
26 **registration. The exemption under this subsection also applies when the operation of road**
27 **machinery upon a highway or an alley is incidental to its use in a highway maintenance op-**
28 **eration.**

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