House Bill 3008

Sponsored by Representatives ESQUIVEL, KRIEGER; Representatives GARRARD, SCHAUFLER

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.**

Establishes bicycle registration and licensing system.
Creates offense of altering bicycle serial number or license. Punishes by maximum fine of $90.
Creates offense of failure to register bicycle. Punishes by maximum fine of $25.
Sets registration, renewal and other fees.
Makes bicycle ownership information available to law enforcement agencies.
Establishes Bicycle Transportation Improvement Fund. Continuously appropriates moneys in fund to Department of Transportation for bicycle related transportation improvement projects.

A BILL FOR AN ACT

Relating to bicycles; creating new provisions; amending ORS 803.305; and appropriating money.

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

SECTION 1. Sections 2 to 13 of this 2009 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 2. As used in sections 2 to 13 of this 2009 Act:

(1) "Bicycle" has the meaning given that term in ORS 801.150 except that:

(a) "Bicycle" also means vehicles that meet the criteria specified in ORS 801.150 (1) to (4) but that have wheels equal to or less than 14 inches in diameter.

(b) "Bicycle" does not mean tricycles designed to be ridden by children.

(2) "Bicycle dealer" means a person that is engaged, wholly or partly, in the business of selling bicycles, buying or taking in trade bicycles for the purpose of resale, or offering bicycles for sale or trade. "Bicycle dealer" does not mean agents or employees of the person.

(3) "License" means a sticker that can be securely attached to a bicycle frame, that prominently displays a unique number and that is issued upon registration of the bicycle.

(4) "Serial number" means a legible number stamped on, cast into or attached to the bicycle frame by the bicycle manufacturer or under section 3 of this 2009 Act.

SECTION 3. If the serial number is illegible or missing when a bicycle is first registered, the Department of Transportation shall assign a unique serial number. The department shall permanently stamp the state-issued serial number on the bicycle frame or shall permanently affix a metal tag with the serial number to the bicycle frame.

SECTION 4. (1) A person commits the offense of altering a bicycle serial number or license if the person willfully removes, destroys, mutilates or otherwise alters the serial number or license of any bicycle.

(2) The offense described in this section, altering a bicycle serial number or license, is a Class D traffic violation.

SECTION 5. (1) A person 18 years of age or older commits the offense of failure to register a bicycle if the person owns a bicycle in this state and the person does not register 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.

bicycle or renew the registration of the bicycle.

(2) The following are exempt from this section:

(a) Bicycles held by bicycle dealers for sale or trade.

(b) Bicycles not operated on the highways of this state.

(3) The offense described in this section, failure to register a bicycle, is a violation punishable by a maximum fine of $25.

SECTION 6. (1) A bicycle registration application must include the following information in addition to the license number being assigned:

(a) Name of the owner of the bicycle;

(b) Owner's address and telephone number;

(c) Owner's date of birth;

(d) Make of the bicycle or name of the bicycle manufacturer;

(e) Model of the bicycle;

(f) Wheel and frame size of the bicycle;

(g) Serial number of the bicycle; and

(h) Any other information the Department of Transportation considers necessary.

(2) The department shall prescribe the forms to be used for the bicycle registration application, registration renewals, license transfers, address changes and changes of ownership, forms to be submitted to the department by the agent collecting the registration fees and any other forms the department determines are necessary.

(3) The department shall maintain a database of information collected about bicycle ownership from the registration applications, registration renewal forms, license transfer forms, change of address forms and change of ownership forms. The information contained in the database shall be available to any law enforcement agency.

SECTION 7. (1) The Department of Transportation may appoint agents to receive bicycle registration applications and to issue licenses.

(2) Agents shall issue licenses in accordance with procedures prescribed by the department and shall charge and collect the license and registration fees prescribed by law.

(3) The agent collecting the license and registration fee may retain one-third of the license and registration fee and shall remit two-thirds of the license and registration fee to the department.

(4) The department shall supply the agents with bicycle registration application forms and licenses.

SECTION 8. A person shall renew a bicycle registration every two years. Not less than one month prior to the bicycle registration expiration date, the Department of Transportation shall send a reminder notice and renewal form to the owner of a registered bicycle. The department may prescribe the renewal reminder notice and form.

SECTION 9. Bicycle license and registration fees are as follows:

(1) Initial registration and license fee, $54.

(2) Registration renewal every two years, $54.

(3) Transfer of license from one bicycle owned by a person to another bicycle owned by the same person, $1.

(4) Duplicate license, $2.

(5) Transfer of bicycle ownership from one person to another person, $5.

SECTION 10. (1) Bicycle licenses shall:

(a) Be a reflective sticker 1.5 inches by 2.5 inches of a design adopted by the Department of Transportation; and

(b) Have a unique number prominently displayed.

(2) Upon a transfer of ownership of a bicycle, the license is valid for the new owner until the expiration date of the registration.

SECTION 11. (1) Whenever the owner of any bicycle registered under sections 2 to 13 of this 2009 Act sells or transfers ownership of the bicycle, the owner shall report the sale or transfer to the Department of Transportation within 15 days of the sale or transfer.

(2) Whenever the owner of any bicycle registered under sections 2 to 13 of this 2009 Act changes address, the owner shall notify the department of the new address within 15 days of the change of address.

(3) Failure to report a change of ownership or change of address to the department as required by this section is a violation punishable by a maximum fine of $25.

SECTION 12. The Department of Transportation shall adopt rules for the implementation and administration of sections 2 to 13 of this 2009 Act. Nothing in sections 2 to 13 of this 2009 Act prevents the department from contracting any service provided under sections 2 to 13 of this 2009 Act to any private person or entity or other unit of government.

SECTION 13. The Bicycle Transportation Improvement Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Bicycle Transportation Improvement Fund shall be credited to the fund. All funds remitted to the Department of Transportation from the fees established in section 9 of this 2009 Act shall be deposited in the fund and are continuously appropriated to the Department of Transportation to pay for development and maintenance of bicycle lanes, bicycle paths and other bicycle related transportation improvement projects.

SECTION 14. ORS 803.305 is amended to read:

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

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

(2) Bicycles **as defined in section 2 of this 2009 Act owned by individuals who are 17 years of age or younger** are exempt from registration.

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

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

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

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

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

(8) Implements of husbandry, well drilling machinery, emergency fire apparatus providing public

fire protection and wheelchairs are exempt from registration.

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

(10) Fixed load vehicles are exempt from registration while the vehicles are operated:

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

(b) Within the immediate construction projects, as described in the governmental agency contract under which the work is being performed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(23) Motor assisted scooters are exempt from registration.

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

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