

A-Engrossed
House Bill 2238

Ordered by the House March 23
Including House Amendments dated March 23

Sponsored by Representatives GILLIAM, WEIDNER (Presession filed.)

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.

Permits small woodland owner to register vehicle as farm vehicle **if woodland and vehicle meet certain requirements.**

[Allows] **Modifies circumstances under which** farmers using farm plates *[to]* **may** haul logs from farm.

A BILL FOR AN ACT

1
2 Relating to farm vehicle registration; amending ORS 805.310, 805.320 and 805.390.

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

4 **SECTION 1.** ORS 805.310 is amended to read:

5 805.310. **(1) Except as provided in subsection (3) of this section,** to qualify for issuance of
6 registration described under ORS 805.300 a person must be engaged, either as owner or renter, in
7 operating one or more farms, orchards or ranches actually producing agricultural products or rais-
8 ing livestock in sufficient quantities to reasonably require the use of the motor vehicle or vehicles
9 for which the farm vehicle *[license]* **registration** is sought.

10 **(2)** Cooperative corporations or associations organized under the provisions of ORS chapter 62
11 or corporations or subsidiaries of corporations do not qualify for the issuance of *[licenses]* **regis-**
12 **tration** described under ORS 805.300 if owned by more than 100 shareholders.

13 **(3) A person who owns a farm that is a small woodland of less than 5,000 acres of**
14 **forestland may register a motor vehicle under ORS 805.300 to transport timber if the motor**
15 **vehicle has a gross vehicle weight rating of 26,000 pounds or less.**

16 **(4)** As used in this section[,]:

17 **(a) "Farm" includes a small woodland of less than 5,000 acres of forestland.**

18 **(b)** "Shareholder" has the meaning given that term in ORS 60.001.

19 **SECTION 2.** ORS 805.320 is amended to read:

20 805.320. **(1)** Application for registration described under ORS 805.300 shall be made in a form
21 prescribed by the Department of Transportation and certified to by the applicant and shall include
22 all of the following:

23 *[(1)]* **(a)** The name and residence or business address of the applicant, except as provided for
24 Address Confidentiality Program participants in ORS 192.846.

25 *[(2)]* **(b)** The number of acres as shown on the latest county real property tax statements of one
26 or more of the farms, orchards or ranches upon which the motor vehicle sought to be registered is
27 to be used.

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 [(3)] (c) The type and amount of agricultural commodities, agricultural products or livestock
2 produced annually on one or more of the farms, orchards or ranches upon which the motor vehicle
3 sought to be registered is to be used.

4 [(4)] (d) The number of trucks used on the one or more farms, orchards or ranches upon which
5 the motor vehicle sought to be registered is to be used and the combined weight of the motor vehicle
6 sought to be registered.

7 [(5)] (e) A statement that any motor vehicle registered under ORS 805.300:

8 [(a)] (A) Will be used for one or more of the purposes specified under ORS 805.390.

9 [(b)] (B) Will not be used, at any time while registered under ORS 805.300, for any other purpose
10 or for the transportation of any other commodities or products for hire except as provided under
11 ORS 825.024.

12 [(c)] (C) Is needed in the operation of the one or more farms, orchards or ranches upon which
13 the motor vehicle sought to be registered is to be used.

14 [(6)] (f) Any other information required by the department.

15 [(7)] (g) Additional information required by law or by the department in making an application
16 for regular registration for the motor vehicle.

17 [(8)] (2) The application shall contain a declaration that it is made under penalties for false
18 certification. Violation of this subsection is subject to penalties under ORS 805.370.

19 **(3) As used in this section, "farm" includes a small woodland of less than 5,000 acres of**
20 **forestland.**

21 **SECTION 3.** ORS 805.390 is amended to read:

22 805.390. (1) This section establishes the uses allowed for vehicles registered under ORS 805.300,
23 and for vehicles authorized by ORS 805.400 to be registered under ORS 826.009 or 826.011. Vehicles
24 with farm vehicle registration or farm vehicle proportional registration may only be used for pur-
25 poses described in this section. Uses permitted on a farm under this section are also permitted on
26 one or more farms, orchards or ranches of the qualifying farmer. Violation of the limits established
27 under this section is subject to penalty under ORS 805.350. The following describes the uses per-
28 mitted vehicles registered under ORS 805.300 and for vehicles authorized by ORS 805.400 to be
29 registered under ORS 826.009 or 826.011:

30 [(1)] (a) The vehicles may be used in transporting the farmer's own agricultural commodities,
31 agricultural products or livestock that were originally grown or raised by the farmer on the farmer's
32 own farm. This [subsection] **paragraph** includes products and by-products of commodities or live-
33 stock that were packed, processed or manufactured by or for the farm operation so long as the
34 farmer retains ownership of the products but does not include products that have been transformed
35 into a finished state. For purposes of this [subsection] **paragraph**, products have not been trans-
36 formed into a finished state if the products:

37 [(a)] (A) Will be used in agricultural production;

38 [(b)] (B) Will be used in the production of another product;

39 [(c)] (C) Are not changed in visible character; or

40 [(d)] (D) Are of a type or kind ordinarily requiring further processing prior to sale to the ulti-
41 mate consumer.

42 [(2)] (b) The vehicles may be used in any transportation that is incidental to the regular oper-
43 ation of the farmer's farm.

44 [(3)] (c) The vehicles may be used to transport supplies, equipment or materials to the farmer's
45 farm that are consumed or used on the farm.

1 [(4)] (d) The vehicles may be used in transporting forest products to the farmer's own farm or
2 transporting for any purpose forest products originating on the farmer's farm. The only forest pro-
3 ducts included under this [subsection] **paragraph** are forest materials originating on a farm or as
4 an incident to the regular operation of a farm.

5 [(5)] (e) The vehicles may be used in the transportation of products, supplies, equipment or ma-
6 terials for another farmer who qualifies under ORS 805.310 on an exchange of labor basis if such
7 products, supplies, equipment or materials are to be used or consumed on such farm or are directly
8 related to the operation of the farm.

9 [(6)] (f) The vehicles may be operated for the personal use of the farmer, any member of the
10 farmer's immediate family or any person in the farmer's employ.

11 [(7)] (g) The vehicles [shall] **may** not be used to transport any of the following:

12 [(a)] (A) Piling.

13 [(b)] (B) Poles over 30 inches in circumference at the large end.

14 [(c)] (C) Except as otherwise provided in this [paragraph] **subparagraph**, logs over eight feet
15 six inches in length. A vehicle may be used to transport logs over eight feet six inches but not over
16 [16 feet 6 inches] **17 feet** in length if the vehicle has a loaded weight of [16,000] **26,000** pounds or less.

17 [(8)] (h) The vehicles may be partially operated under a permit issued by the Department of
18 Transportation under ORS 825.102, as described in ORS 825.024. When operated under a permit is-
19 sued under ORS 825.102, the vehicles are subject to ORS chapter 825.

20 [(9)] (i) The vehicles may be partially operated for hire as permitted in ORS 825.024 (1)(c) and
21 (d).

22 [(10)] (j) The vehicles may be rented or borrowed by a farmer to haul the farmer's own products
23 if the farmer would qualify for farm vehicle registration for vehicles of the type and size rented or
24 borrowed.

25 [(11)] (k) The vehicles may be used in transporting straw, whether or not the straw was grown
26 on the farmer's own farm, if the transporting farmer is the one who bales the straw.

27 **(2) As used in this section, "farm" includes a small woodland of less than 5,000 acres of**
28 **forestland.**

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