

House Bill 2238

Sponsored by Representative GILLIAM (Pre-session 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 **as introduced**.

Permits small woodland owner to register vehicle as farm vehicle.
Allows farmers using farm plates to haul logs from farm.

A BILL FOR AN ACT

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

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

SECTION 1. ORS 805.310 is amended to read:

805.310. To qualify for issuance of registration described under ORS 805.300 a person must be engaged, either as owner or renter, in operating one or more farms, orchards, **small woodlands** or ranches actually producing agricultural products, **producing timber** or raising livestock in sufficient quantities to reasonably require the use of the motor vehicle or vehicles for which the farm vehicle license is sought. Cooperative corporations or associations organized under the provisions of ORS chapter 62 or corporations or subsidiaries of corporations do not qualify for the issuance of licenses described under ORS 805.300 if owned by more than 100 shareholders. As used in this section, "shareholder" has the meaning given that term in ORS 60.001.

SECTION 2. ORS 805.320 is amended to read:

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

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

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

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

(4) The number of trucks used on the one or more farms, orchards, **small woodlands** or ranches upon which the motor vehicle sought to be registered is to be used and the combined weight of the motor vehicle sought to be registered.

(5) A statement that any motor vehicle registered under ORS 805.300:

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

(b) Will not be used, at any time while registered under ORS 805.300, for any other purpose or for the transportation of any other commodities or products for hire except as provided under ORS

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.

1 825.024.

2 (c) Is needed in the operation of the one or more farms, orchards, **small woodlands** or ranches
3 upon which the motor vehicle sought to be registered is to be used.

4 (6) Any other information required by the department.

5 (7) Additional information required by law or by the department in making an application for
6 regular registration for the motor vehicle.

7 (8) The application shall contain a declaration that it is made under penalties for false certif-
8 ication. Violation of this subsection is subject to penalties under ORS 805.370.

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

10 805.390. This section establishes the uses allowed for vehicles registered under ORS 805.300, and
11 for vehicles authorized by ORS 805.400 to be registered under ORS 826.009 or 826.011. Vehicles with
12 farm vehicle registration or farm vehicle proportional registration may only be used for purposes
13 described in this section. Uses permitted on a farm under this section are also permitted on one or
14 more farms, orchards, **small woodlands** or ranches of the qualifying farmer. Violation of the limits
15 established under this section is subject to penalty under ORS 805.350. The following describes the
16 uses permitted vehicles registered under ORS 805.300 and for vehicles authorized by ORS 805.400
17 to be registered under ORS 826.009 or 826.011:

18 (1) The vehicles may be used in transporting the farmer's own agricultural commodities, agri-
19 cultural products, **timber** or livestock that were originally grown or raised by the farmer on the
20 farmer's own farm. This subsection includes products and by-products of commodities, **timber** or
21 livestock that were packed, processed or manufactured by or for the farm operation so long as the
22 farmer retains ownership of the products but does not include products that have been transformed
23 into a finished state. For purposes of this subsection, products have not been transformed into a
24 finished state if the products:

25 (a) Will be used in agricultural production;

26 (b) Will be used in the production of another product;

27 (c) Are not changed in visible character; or

28 (d) Are of a type or kind ordinarily requiring further processing prior to sale to the ultimate
29 consumer.

30 (2) The vehicles may be used in any transportation that is incidental to the regular operation
31 of the farmer's farm.

32 (3) The vehicles may be used to transport supplies, equipment or materials to the farmer's farm
33 that are consumed or used on the farm.

34 (4) The vehicles may be used in transporting forest products, **including but not limited to logs**,
35 to the farmer's own farm or transporting for any purpose forest products originating on the farmer's
36 farm. The only forest products included under this subsection are forest materials originating on a
37 farm or as an incident to the regular operation of a farm.

38 (5) The vehicles may be used in the transportation of products, supplies, equipment or materials
39 for another farmer who qualifies under ORS 805.310 on an exchange of labor basis if such products,
40 supplies, equipment or materials are to be used or consumed on such farm or are directly related
41 to the operation of the farm.

42 (6) The vehicles may be operated for the personal use of the farmer, any member of the farmer's
43 immediate family or any person in the farmer's employ.

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

45 (a) Piling.

1 (b) Poles over 30 inches in circumference at the large end.

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

5 (8) The vehicles may be partially operated under a permit issued by the Department of Trans-
6 portation under ORS 825.102, as described in ORS 825.024. When operated under a permit issued
7 under ORS 825.102, the vehicles are subject to ORS chapter 825.

8 (9) The vehicles may be partially operated for hire as permitted in ORS 825.024 (1)(c) and (d).

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

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

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