

# House Bill 2442

Sponsored by Representative JOHNSON; Representatives BOONE, ESQUIVEL, JENSON, Senator ROBLAN (at the request of Oregon Small Woodlands Association) (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 **as introduced**.

Permits small woodland owner to register vehicle as farm vehicle if woodland and vehicle meet certain requirements. Specifies restrictions on use of vehicle registered as farm vehicle by small woodland owner.

Modifies circumstances under which farmers using farm plates may haul logs from farm.

## A BILL FOR AN ACT

1  
2 Relating to farm vehicle registrations; creating new provisions; and amending ORS 805.300, 805.310,  
3 805.320, 805.350 and 805.390.

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

5 **SECTION 1.** ORS 805.300 is amended to read:

6 805.300. Any [*farmer who is the owner of*] **person who owns** a motor vehicle **and who meets**  
7 **the requirements of ORS 805.310** may apply to the Department of Transportation for [*and, upon*  
8 *payment of appropriate fees, may receive*] **a farm vehicle registration** [*described in this section*] to  
9 operate the vehicle. Farm vehicle [*registration is*] **registrations are** subject to the following [*as*  
10 *described*] **provisions:**

11 (1) Application is as provided under ORS 805.320.

12 [(2) *Qualification is as provided under ORS 805.310.*]

13 [(3)] (2) The fees are as provided under ORS 803.420.

14 [(4)] (3) The registration period is as provided under ORS 803.415.

15 [(5)] (4) Once registered under a farm vehicle registration, a vehicle **that is registered by a**  
16 **person described in ORS 805.310** (1) may be used only for **the** purposes described [*under ORS*  
17 *805.390*] **in ORS 805.390, and a vehicle that is registered by a person described in ORS 805.310**  
18 **(2) may be used only for the purposes described in section 6 of this 2013 Act.** Violation of limits  
19 imposed on use is punishable as provided under ORS 805.350.

20 [(6)] (5) Vehicles are exempt from or subject to regulation under ORS chapter 825 as provided  
21 in ORS 825.024.

22 [(7)] (6) Transfer is subject to ORS 805.340.

23 [(8)] (7) The registration may be canceled as provided under ORS 805.380.

24 **SECTION 2.** ORS 805.310 is amended to read:

25 805.310. [*To qualify for issuance of registration described under ORS 805.300 a person must be*  
26 *engaged, either as owner or renter, in operating one or more farms, orchards or ranches actually*  
27 *producing agricultural products or raising livestock in sufficient quantities to reasonably require the*  
28 *use of the motor vehicle or vehicles for which the farm vehicle license is sought.*]

29 (1) **A person who operates a farm, orchard or ranch, as either the owner or renter of one**  
30 **or more parcels of real property, may apply for a farm vehicle registration for a motor ve-**

**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 **hicle if the operation of the farm, orchard or ranch requires the use of the motor vehicle.**

2 (2) **A person who owns a woodland of less than 5,000 acres may apply for a farm vehicle**  
 3 **registration for a motor vehicle with a gross vehicle weight rating of 20,000 pounds or less**  
 4 **if the motor vehicle is needed to transport forest products from the woodland.**

5 (3) Cooperative corporations or associations organized under the provisions of ORS chapter 62  
 6 or corporations or subsidiaries of corporations do not qualify for the issuance of [*licenses described*  
 7 *under ORS 805.300 if*] **a farm vehicle registration if the corporation, association or subsidiary**  
 8 **is owned by more than 100 shareholders[. As used in this section, “shareholder” has the meaning**  
 9 **given that term in], as defined in ORS 60.001.**

10 **SECTION 3.** ORS 805.320 is amended to read:

11 805.320. Application for **a farm vehicle** registration [*described*] under ORS 805.300 [*shall*] **must**  
 12 **be made in a form prescribed by the Department of Transportation and certified to by the applicant**  
 13 **and shall include all of the following:**

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

16 (2) The number of acres as shown on the latest county real property tax statements of [*one or*  
 17 *more of the farms, orchards or ranches upon which the motor vehicle sought to be registered is to be*  
 18 *used*] **the properties where the farm, orchard, ranch or woodland is situated and where the**  
 19 **motor vehicle will be used.**

20 (3) **If the registration is sought for a motor vehicle that is used in the operation of a**  
 21 **farm, orchard or ranch,** the type and amount of agricultural commodities, agricultural products  
 22 or livestock produced annually [*on one or more of the farms, orchards or ranches upon which the*  
 23 *motor vehicle sought to be registered is to be used*] **from the operation of the farm, orchard or**  
 24 **ranch.**

25 (4) The number of trucks [*used on the one or more farms, orchards or ranches upon which the*  
 26 *motor vehicle sought to be registered is to be used*] **for which a farm vehicle registration is sought,**  
 27 **and the combined weight of [*the motor vehicle sought to be registered*] those vehicles.**

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

29 (a) Will be used for one or more of the purposes specified under ORS 805.390 **or section 6 of**  
 30 **this 2013 Act.**

31 (b) Will not be used, at any time while registered under ORS 805.300, for any other purpose or  
 32 for the transportation of any other commodities or products for hire except as provided under ORS  
 33 825.024 **and section 6 of this 2013 Act.**

34 (c) Is needed in the operation of [*the one or more farms, orchards or ranches upon which the*  
 35 *motor vehicle sought to be registered is to be used*] **a farm, orchard or ranch, or for transport of**  
 36 **forest products from a woodland.**

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

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

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

42 **SECTION 4.** ORS 805.390 is amended to read:

43 805.390. This section establishes the uses allowed for vehicles registered under ORS 805.300, and  
 44 for vehicles authorized by ORS 805.400 to be registered under ORS 826.009 or 826.011, **for use on**  
 45 **a farm, orchard or ranch.** Vehicles with farm vehicle registration or farm vehicle proportional

1 registration may only be used for purposes described in this section. Uses permitted on a farm under  
 2 this section are also permitted on one or more farms, orchards or ranches of the qualifying farmer.  
 3 Violation of the limits established under this section is subject to penalty under ORS 805.350. The  
 4 following describes the uses permitted vehicles registered under ORS 805.300 and for vehicles au-  
 5 thorized by ORS 805.400 to be registered under ORS 826.009 or 826.011:

6 (1) The vehicles may be used in transporting the farmer's own agricultural commodities, agri-  
 7 cultural products or livestock that were originally grown or raised by the farmer on the farmer's  
 8 own farm. This subsection includes products and by-products of commodities or livestock that were  
 9 packed, processed or manufactured by or for the farm operation so long as the farmer retains own-  
 10 ership of the products but does not include products that have been transformed into a finished  
 11 state. For purposes of this subsection, products have not been transformed into a finished state if  
 12 the products:

- 13 (a) Will be used in agricultural production;
- 14 (b) Will be used in the production of another product;
- 15 (c) Are not changed in visible character; or
- 16 (d) Are of a type or kind ordinarily requiring further processing prior to sale to the ultimate  
 17 consumer.

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

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

22 (4) The vehicles may be used in transporting forest products to the farmer's own farm or  
 23 transporting for any purpose forest products originating on the farmer's farm. The only forest pro-  
 24 ducts included under this subsection are forest materials originating on a farm or as an incident to  
 25 the regular operation of a farm.

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

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

32 (7) The vehicles shall not be used to transport any of the following:

- 33 (a) Piling.
- 34 (b) Poles over 30 inches in circumference at the large end.
- 35 (c) Except as otherwise provided in this paragraph, logs over eight feet six inches in length. A  
 36 vehicle may be used to transport logs over eight feet six inches but not over 16 feet 6 inches in  
 37 length if the vehicle has a loaded weight of 16,000 pounds or less.

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

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

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

45 (11) The vehicles may be used in transporting straw, whether or not the straw was grown on

1 the farmer's own farm, if the transporting farmer is the one who bales the straw.

2 **SECTION 5.** Section 6 of this 2013 Act is added to and made a part of the Oregon Vehicle  
3 Code.

4 **SECTION 6.** (1) A person who owns a woodland and who has been issued a farm vehicle  
5 registration under ORS 802.300, or a farm vehicle proportional registration under ORS 826.009  
6 or 826.011, may use the registered vehicle only for the purposes described in this section.

7 (2) The vehicle may be used to transport forest products grown on the woodland.

8 (3) The vehicle may be used in any transportation that is incidental to the harvesting of  
9 forest products from the woodland.

10 (4) The vehicle may be used to transport supplies, equipment or materials to the  
11 woodland that are consumed or used on the woodland.

12 (5) The vehicle may be operated for the personal use of the woodland owner, any member  
13 of the owner's immediate family or any person in the owner's employ.

14 (6) The vehicle may not be used to transport logs over 17 feet in length.

15 (7) The vehicle may be partially operated under a permit issued by the Department of  
16 Transportation under ORS 825.102, as described in ORS 825.024. When operated under a per-  
17 mit issued under ORS 825.102, the vehicles are subject to ORS chapter 825.

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

20 (9) The vehicle may be rented or borrowed by another person who owns a woodland of  
21 less than 5,000 acres to haul forest products, if the other woodland owner would qualify for  
22 farm vehicle registration for the vehicle.

23 **SECTION 7.** ORS 805.350 is amended to read:

24 805.350. (1) A person commits the offense of violation of farm registration limits if the person  
25 uses or owns and permits to be used a vehicle registered under ORS 805.300 for purposes other than  
26 purposes described under ORS 805.390 or section 6 of this 2013 Act.

27 (2) The offense described in this section, violation of farm registration limits, is a Class A  
28 misdemeanor.

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