

# Senate Bill 769

Sponsored by Senator GEORGE

## 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**.

Requires registration of bicycles. Imposes \$10 registration fee.

Creates offense of failure to register bicycle. Punishes by presumptive fine of \$25. Provides exemptions.

Creates offense of failure to ensure bicycle registration. Punishes by presumptive fine of \$25. Provides exemptions.

Creates offense of failure to report change of ownership or change of address to Department of Transportation. Punishes by presumptive fine of \$25.

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

1  
2 Relating to bicycle registration; creating new provisions; amending ORS 153.633 and 803.305; and  
3 appropriating money.

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

5 **SECTION 1. Sections 2 to 7 of this 2013 Act are added to and made a part of the Oregon**  
6 **Vehicle Code.**

7 **SECTION 2. As used in sections 2 to 7 of this 2013 Act:**

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

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

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

12 (2) "Registration" means:

13 (a) Completion of the application form;

14 (b) Payment of the required fee; and

15 (c) Placement of the registration decal on the bicycle in a position that is plainly visible  
16 at all times.

17 **SECTION 3. (1) A person who operates a bicycle on a highway or on premises open to the**  
18 **public and who is a resident of this state shall register the bicycle as provided in this section.**

19 (2) Upon application to the Department of Transportation or to an agent of the depart-  
20 ment, the operator of a bicycle shall be issued a registration certificate and a registration  
21 decal that are serially numbered to correspond with each other and that are in a form and  
22 design approved by the department. The registration certificate shall show the name and  
23 address of the applicant, the date of issuance of the certificate and the serial number or  
24 model of the bicycle.

25 (3) The registration fee is \$10 and must be paid at the time of registration. The depart-  
26 ment shall deposit the fee in the Bicycle Transportation Improvement Fund established un-  
27 der section 4 of this 2013 Act.

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       **SECTION 4.** The Bicycle Transportation Improvement Fund is established in the State  
2 Treasury, separate and distinct from the General Fund. Interest earned by the Bicycle  
3 Transportation Improvement Fund shall be credited to the fund. All funds remitted to the  
4 Department of Transportation from the fee established in section 3 of this 2013 Act shall be  
5 deposited in the fund and are continuously appropriated to the Department of Transportation  
6 to pay for development and maintenance of bicycle lanes, bicycle paths and other bicycle  
7 related transportation improvement projects.

8       **SECTION 5.** (1) A person commits the offense of failure to register a bicycle if the person  
9 operates a bicycle on a highway or on premises open to the public without registering the  
10 bicycle as provided in section 3 of this 2013 Act.

11       (2) Except as provided in subsections (5) and (8) of this section, the offense described in  
12 subsection (1) of this section, failure to register a bicycle, is a specific fine traffic violation.  
13 The presumptive fine for failure to register a bicycle is \$25.

14       (3) A person commits the offense of failure to ensure bicycle registration if the person  
15 is the parent, legal guardian or person with legal responsibility for the safety and welfare  
16 of a child under 16 years of age and the child operates a bicycle on a highway or on premises  
17 open to the public without registering the bicycle as provided in section 3 of this 2013 Act.

18       (4) Except as provided in subsections (5) and (8) of this section, the offense described in  
19 subsection (3) of this section, failure to ensure bicycle registration, is a specific fine traffic  
20 violation. The presumptive fine for failure to ensure bicycle registration is \$25.

21       (5) The first time a person is convicted of an offense described in subsection (1) or (3)  
22 of this section, the person is not required to pay a fine if the person proves to the satisfac-  
23 tion of the court that the person has registered the bicycle as provided in section 3 of this  
24 2013 Act.

25       (6) If a child in violation of subsection (1) of this section is 11 years of age or younger,  
26 any citation issued shall be issued to the parent, legal guardian or person with legal respon-  
27 sibility for the safety and welfare of the child for violation of subsection (3) of this section  
28 rather than to the child for violation of subsection (1) of this section.

29       (7) If a child in violation of subsection (1) of this section is at least 12 years of age and  
30 is under 16 years of age, a citation may be issued to the child for violation of subsection (1)  
31 of this section or to the parent, legal guardian or person with legal responsibility for the  
32 safety and welfare of the child for violation of subsection (3) of this section, but not to both.

33       (8) This section does not apply to:

34       (a) Bicycles held by a person who is engaged, wholly or partly, in the business of selling  
35 bicycles, buying or taking in trade bicycles for the purpose of resale, or offering bicycles for  
36 sale or trade.

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

38       **SECTION 6.** (1) Whenever the owner of any bicycle registered under section 3 of this 2013  
39 Act sells or transfers ownership of the bicycle, the owner shall report the sale or transfer  
40 to the Department of Transportation within 30 days of the sale or transfer.

41       (2) Whenever the owner of any bicycle registered under section 3 of this 2013 Act changes  
42 address, the owner shall notify the department of the new address within 30 days of the  
43 change of address.

44       (3) A person commits the offense of failure to report a change of ownership or change  
45 of address to the department if the person fails to report a change of ownership or change

1 of address to the department as required by this section. The offense of failure to report a  
 2 change of ownership or change of address to the department is a specific fine violation. The  
 3 presumptive fine for failure to report a change of ownership or change of address to the  
 4 department is \$25.

5 **SECTION 7.** (1) The Department of Transportation shall adopt rules to implement and  
 6 enforce a program of bicycle registration under sections 2 to 7 of this 2013 Act, including  
 7 designation of convenient sites where registration certificates and registration decals may  
 8 be issued.

9 (2) The department may appoint agents to issue the registration certificates and regis-  
 10 tration decals and to collect the fee authorized in section 3 of this 2013 Act.

11 (3) In addition to the fee for the issuance of a registration certificate and registration  
 12 decal, an issuing agent may charge and collect 50 cents for each registration decal issued for  
 13 the issuance service performed by the agent.

14 (4) If the department finds that an agent appointed pursuant to this section has violated  
 15 any of the provisions of this section or the procedures prescribed by the department for the  
 16 issuance of registration certificates and registration decals or the collection of fees from is-  
 17 suance of registration certificates and registration decals, the department may revoke the  
 18 authority of the agent to issue registration certificates and registration decals or may sus-  
 19 pend the authority of the agent for such time as the department considers appropriate.

20 **SECTION 8.** ORS 803.305 is amended to read:

21 803.305. This section establishes exemptions from the requirements under ORS 803.300. The ex-  
 22 emptions under this section are in addition to any exemptions under ORS 801.026. Vehicles exempted  
 23 by this section from the requirements to be registered by this state are not prohibited from being  
 24 registered by this state if registration is permitted under ORS 803.310. The following are exempt,  
 25 either partially or completely as described, from the registration requirements under ORS 803.300:

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

27 [(2) *Bicycles are exempt from registration.*]

28 [(3)] (2) A vehicle is exempt from registration if it has registration issued for the vehicle by the  
 29 Armed Forces of the United States where the registration is issued in a foreign country to a vehicle  
 30 owned by a member of the Armed Forces. The exemption granted by this subsection applies only for  
 31 a period of 45 days from the time the vehicle is returned to the United States.

32 [(4)] (3) A vehicle is exempt from registration if it is not operated on the highways of this state.

33 [(5)] (4) A trailer is exempt from registration if it is equipped with pneumatic tires made of  
 34 elastic material and is not operated in this state with a loaded weight of more than 1,800 pounds.  
 35 A trailer for hire, travel trailer or camper is not exempt by this subsection.

36 [(6)] (5) Vehicles owned and operated by the United States Government are exempt from regis-  
 37 tration.

38 [(7)] (6) Snowmobiles are subject to the requirements for registration provided under ORS  
 39 821.080 to 821.110.

40 [(8)] (7) Implements of husbandry, well drilling machinery, emergency fire apparatus providing  
 41 public fire protection and wheelchairs are exempt from registration.

42 [(9)] (8) Road graders, farm tractors and farm trailers on highways are exempt from registration  
 43 when the operation of the vehicle upon the highway is incidental to its use in an agricultural op-  
 44 eration.

45 [(10)] (9) Except as provided in subsection [(26)] (25) of this section, fixed load vehicles are ex-

1    empt from registration while the vehicles are operated:

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

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

5       [(11)] (10) Motor vehicles designed to operate at a loaded weight over 8,000 pounds, trailers and  
6    equipment are exempt from registration while being used for the purposes of forest protection and  
7    fire suppression under ORS chapter 477 or a similar federal statute. The exemption under this sub-  
8    section applies to the vehicles or equipment described while being moved to or from the work area.  
9    The exemption under this subsection only applies to vehicles or equipment owned, leased, contracted  
10   for or requisitioned by the State Forester or State Board of Forestry, a contractor of the State  
11   Forester or State Board of Forestry under ORS chapter 477 or the United States Government.

12       [(12)] (11) Vehicles being used for the purposes of forest protection and fire suppression are  
13   exempt if the vehicles are necessary in order to comply with ORS 477.615 or 477.650 or a similar  
14   federal statute. The exemption under this subsection also applies to the vehicles described being  
15   moved to or from the work area.

16       [(13)] (12) Golf cart exemptions from registration are as provided in ORS 820.210.

17       [(14)] (13) Vehicles currently registered and titled in any other country, state or territory are  
18   not required to be registered by this state. All of the following apply to this subsection:

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

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

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

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

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

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

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

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

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

1 [(15)] (14) Vehicles operated or used by vehicle dealers may be operated or used without regis-  
2 tration as provided under ORS 822.040.

3 [(16)] (15) Vehicles towed by towing businesses may be towed without registration as provided  
4 under ORS 822.210.

5 [(17)] (16) Vehicles without registration may be transported by vehicle transporters as provided  
6 under ORS 822.310.

7 [(18)] (17) Vehicles that are not registered may be operated under trip permits described under  
8 ORS 803.600 or under permits described under ORS 803.610 to 803.625.

9 [(19)] (18) If trailers that are part of a fleet of trailers for hire are properly registered in this  
10 state under an agreement entered into pursuant to ORS 802.500, all trailers that are identified as  
11 being a part of the same fleet and that are currently registered in any state, territory, province,  
12 country or the District of Columbia shall be permitted to operate in this state in both interstate and  
13 intrastate commerce without being registered by this state.

14 [(20)] (19) Vehicles that are registered by the United States Department of State and that are  
15 owned or operated by foreign nationals with diplomatic immunity are exempt from registration.

16 [(21)] (20) Tow dollies and converter dollies are exempt from registration.

17 [(22)] (21) Class I, Class III and Class IV all-terrain vehicles are exempt from registration.

18 [(23)] (22) Motor assisted scooters are exempt from registration.

19 [(24)] (23) Electric personal assistive mobility devices are exempt from registration.

20 [(25)] (24) A racing activity vehicle that is being operated for the purposes of a test drive within  
21 a 30-mile radius of the location where the vehicle is manufactured is exempt from registration.

22 [(26)] (25) Road machinery that is operated at the direction of a road authority is exempt from  
23 registration. The exemption under this subsection also applies when the operation of road machinery  
24 upon a highway or an alley is incidental to its use in a highway maintenance operation.

25 **SECTION 9.** ORS 153.633, as amended by section 15, chapter 89, Oregon Laws 2012, is amended  
26 to read:

27 153.633. (1) In any criminal action in which a fine is imposed, the lesser of the following amounts  
28 is payable to the state before any other distribution of the fine is made:

29 (a) \$60; or

30 (b) The amount of the fine if the fine is less than \$60.

31 (2) A justice or municipal court shall forward the amount prescribed under subsection (1) of this  
32 section to the Department of Revenue for deposit in the Criminal Fine Account.

33 (3) The provisions of this section do not apply to fines imposed in justice and municipal courts  
34 under ORS 811.590, 814.485, 814.486, 814.534, 814.536, 814.600 or 830.990 (1) **or section 5 or 6 of this**  
35 **2013 Act.**

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