

House Bill 2552

Sponsored by Representative GREENLICK; Representatives BARNHART, HELM, KENY-GUYER, LIVELY, REARDON (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**.

Requires permit for operation of motor vehicle with studded tires. Specifies how Department of Transportation is to determine cost of permit.

Creates traffic offense of operating motor vehicle with studded tires without permit. Punishes by maximum fine of \$500.

A BILL FOR AN ACT

Relating to studded tires; creating new provisions; and amending ORS 366.505 and 815.165.

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

SECTION 1. Sections 2 and 3 of this 2015 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) The Department of Transportation shall determine biennially:

(a) The dollar amount of damage to highways attributable to the use of studded tires and retractable studded tires; and

(b) The number of motor vehicles registered in Oregon that used studded tires in the years for which the amount of damage is determined.

(2) The department shall issue permits for the use of studded tires and retractable studded tires. A studded tire permit is valid for a 12-month period but does not authorize use of studded tires or retractable studded tires at any time that their use is not authorized under the provisions of ORS 815.165.

(3) The department shall determine the cost of a studded tire permit by dividing the amount of damage to highways caused by studded tires and retractable studded tires by the estimated number of motor vehicles registered in this state that used studded tires or retractable studded tires in the previous calendar year.

(4) Moneys collected by the department for studded tire permits under this section shall be deposited in the State Highway Fund for use in the repair of highways damaged by studded tires and retractable studded tires.

(5) The department shall adopt rules necessary for the issuance and administration of studded tire permits.

SECTION 3. (1) A person commits the offense of operating a motor vehicle with studded tires without a permit if the person:

(a) Operates on a highway a motor vehicle registered in Oregon that has studded tires or retractable studded tires while a studded tire permit issued for the motor vehicle under section 2 of this 2015 Act is not in or on the motor vehicle in a manner that makes it readily available for police inspection upon request; or

(b) Allows another to operate on a highway a motor vehicle that is registered in Oregon

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 **and owned by the person and that has studded tires or retractable studded tires while a**
 2 **studded tire permit issued for the vehicle under section 2 of this 2015 Act is not in or on the**
 3 **vehicle in a manner that makes it readily available for police inspection upon request.**

4 **(2) A citation may be issued under this section either to the operator of the motor ve-**
 5 **hicle or to the registered owner of the motor vehicle as shown by the records of the De-**
 6 **partment of Transportation.**

7 **(3) The offense described in this section, operating a motor vehicle with studded tires**
 8 **without a permit, is a Class C traffic violation.**

9 **SECTION 4.** ORS 815.165 is amended to read:

10 815.165. This section establishes exemptions from ORS 815.160. The exemptions under this sec-
 11 tion are in addition to any under ORS 801.026. Exemptions are partial or complete as described in
 12 the following:

13 (1) Any vehicle on any way, thoroughfare or place owned by a district formed under ORS
 14 chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

15 (2) Any vehicle on any road or thoroughfare or property in private ownership or any road or
 16 thoroughfare, other than a state highway or county road, used pursuant to any agreement with any
 17 agency of the United States or with a licensee of such agency or both.

18 (3) Operations approved under a variance permit issued under ORS 818.200 are subject to the
 19 terms of the permit. It shall be a defense to any charge of violation of ORS 815.160 if the person so
 20 charged produces a variance permit issued under ORS 818.200 authorizing the operation issued prior
 21 to and valid at the time of the offense.

22 (4) Vehicles actually engaged at the time in construction or repair of highways in this state.

23 (5) Traction engines moved upon dirt or unimproved roads.

24 (6) Vehicles equipped with chains as defined in ORS 815.045.

25 (7) Between November 1 of any year and April 1 of the following year, **if the registered owner**
 26 **of the vehicle has a valid studded tire permit issued under section 2 of this 2015 Act**, vehicles
 27 equipped with any tire having on its periphery studs of metal or other material projecting beyond
 28 the tread surface of the tire not less than four-hundredths (0.04) inch nor more than six-hundredths
 29 (0.06) inch and made of such material that the studs will wear, through use, at the same rate as the
 30 tread surface of the tire. When the preservation of the highway surface or the safety of the traveling
 31 public so indicates, the Department of Transportation shall have the authority to shorten or
 32 lengthen the period for the permissible use of such tires in any area of the state specifically desig-
 33 nated by the department.

34 (8) School buses with a loaded weight of 10,000 pounds or more.

35 (9) Emergency vehicles and ambulances used in an emergency situation.

36 (10) Motor vehicles used for regularly scheduled medical transport services.

37 (11) The owner or lessee of any land adjoining any highway may move across or along the
 38 highway any tractor or implement of husbandry for the purpose of planting, cultivating, caring for
 39 or harvesting any crop, on condition that the owner or lessee shall be liable to the State of Oregon
 40 for the benefit of the State Highway Fund with respect to state highways, or to the proper county
 41 for the benefit of the county road fund with respect to county highways, for any damage or injury
 42 done to the highway by the movement.

43 (12) Vehicles equipped with retractable studded tires, as defined in ORS 815.045, **if the regis-**
 44 **tered owner of the vehicle has a valid studded tire permit issued under section 2 of this 2015**
 45 **Act.**

1 **SECTION 5.** ORS 366.505 is amended to read:

2 366.505. (1) The State Highway Fund shall consist of:

3 (a) All moneys and revenues derived under and by virtue of the sale of bonds, the sale of which
4 is authorized by law and the proceeds thereof to be dedicated to highway purposes.

5 (b) All moneys and revenues accruing from the licensing of motor vehicles, operators and
6 chauffeurs.

7 (c) Moneys and revenues derived from any tax levied upon gasoline, distillate, liberty fuel or
8 other volatile and inflammable liquid fuels, except moneys and revenues described in ORS 184.642
9 (2)(a) that become part of the Department of Transportation Operating Fund.

10 (d) Moneys and revenues derived from or made available by the federal government for road
11 construction, maintenance or betterment purposes.

12 **(e) Moneys and revenues derived from the issuance of studded tire permits under section**
13 **2 of this 2015 Act.**

14 [(e)] (f) All moneys and revenues received from all other sources which by law are allocated or
15 dedicated for highway purposes.

16 (2) The highway fund shall be deemed and held as a trust fund, separate and distinct from the
17 General Fund, and may be used only for the purposes authorized by law and is continually appro-
18 priated for such purposes.

19 (3) Moneys in the State Highway Fund may be invested as provided in ORS 293.701 to 293.857.
20 All interest earnings on any of the funds designated in subsection (1) of this section shall be placed
21 to the credit of the highway fund.

22 **SECTION 6.** ORS 366.505, as amended by section 22, chapter 781, Oregon Laws 2013, is
23 amended to read:

24 366.505. (1) The State Highway Fund shall consist of:

25 (a) All moneys and revenues derived under and by virtue of the sale of bonds, the sale of which
26 is authorized by law and the proceeds thereof to be dedicated to highway purposes.

27 (b) All moneys and revenues accruing from the licensing of motor vehicles, operators and
28 chauffeurs.

29 (c) Moneys and revenues derived from any tax levied upon gasoline, distillate, liberty fuel or
30 other volatile and inflammable liquid fuels, except moneys and revenues described in ORS 184.642
31 (2)(a) that become part of the Department of Transportation Operating Fund.

32 (d) Moneys and revenues derived from the road usage charges imposed under ORS 319.885.

33 (e) Moneys and revenues derived from or made available by the federal government for road
34 construction, maintenance or betterment purposes.

35 **(f) Moneys and revenues derived from the issuance of studded tire permits under section**
36 **2 of this 2015 Act.**

37 [(f)] (g) All moneys and revenues received from all other sources which by law are allocated or
38 dedicated for highway purposes.

39 (2) The State Highway Fund shall be deemed and held as a trust fund, separate and distinct from
40 the General Fund, and may be used only for the purposes authorized by law and is continually ap-
41 propriated for such purposes.

42 (3) Moneys in the State Highway Fund may be invested as provided in ORS 293.701 to 293.857.
43 All interest earnings on any of the funds designated in subsection (1) of this section shall be placed
44 to the credit of the highway fund.