

Senate Bill 551

Sponsored by Senator BOQUIST (at the request of Dale Burlison)

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 \$15 biennial registration fee. Provides exemption.

Creates offense of failure to register bicycle. Punishes by maximum fine of \$250. Provides exemptions.

Creates offense of failure to report change of bicycle ownership or change of address to Department of Transportation. Punishes by maximum fine of \$250.

Establishes Bicycle Transportation Improvement Fund. Continuously appropriates moneys in fund to department for administration of bicycle registration program and for development and maintenance of bicycle lanes and bicycle paths.

A BILL FOR AN ACT

1
2 Relating to bicycle registration; creating new provisions; and amending ORS 803.305.

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

BICYCLE REGISTRATION

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7 **SECTION 1. Sections 2 to 6 of this 2015 Act are added to and made a part of the Oregon**
8 **Vehicle Code.**

9 **SECTION 2. (1) A person who owns a bicycle, who operates the bicycle on a highway or**
10 **on premises open to the public and who is a resident of this state shall:**

11 **(a) Register the bicycle as provided in this section; and**

12 **(b) Affix the registration decal to the bicycle in the manner determined by the Depart-**
13 **ment of Transportation by rule.**

14 **(2) Upon application to the department or to an agent of the department, the owner of**
15 **a bicycle shall be issued a registration certificate and a registration decal that are serially**
16 **numbered to correspond with each other and that are in a form and design approved by the**
17 **department. The registration certificate shall show the name and address of the applicant,**
18 **the date of issuance of the certificate and the serial number or model of the bicycle.**

19 **(3) The biennial registration fee is \$15 for each bicycle and must be paid at the time of**
20 **registration and time of renewal. The department shall deposit the fee in the Bicycle Trans-**
21 **portation Improvement Fund established under section 6 of this 2015 Act.**

22 **(4) This section does not apply to a person who is not a resident of this state or to a**
23 **person who has been a resident of this state for less than 90 days. To qualify for the ex-**
24 **emption under this subsection, the person must at the time of the offense provide proof of**
25 **out-of-state residency, including but not limited to possession of an out-of-state driver li-**
26 **cence or identification card.**

27 **(5) For purposes of this section, a person is a resident of this state if the person meets**
28 **the residency requirements described in ORS 807.062.**

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 (6) As used in sections 2 to 5 of this 2015 Act, "bicycle" has the meaning given that term
2 in ORS 801.150, except that it does not include a tricycle designed to be ridden by a child.

3 **SECTION 3.** (1) The Department of Transportation shall adopt rules to implement and
4 enforce a program of bicycle registration under sections 2 to 5 of this 2015 Act, including
5 designation of convenient sites where registration certificates and registration decals may
6 be issued.

7 (2) The department may appoint agents to issue the registration certificates and regis-
8 tration decals and to collect the fee required under section 2 of this 2015 Act.

9 (3) In addition to the fee required under section 2 of this 2015 Act, an issuing agent may
10 charge and collect 50 cents for each registration certificate issued, as compensation for the
11 service performed by the agent.

12 (4) If the department finds that an agent appointed pursuant to this section has violated
13 any of the provisions of this section or rules adopted by the department under this section,
14 the department may revoke the authority of the agent to issue registration certificates and
15 registration decals or may suspend the authority of the agent for such time as the depart-
16 ment considers appropriate.

17
18 **FAILURE TO REGISTER**
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20 **SECTION 4.** (1) A person commits the offense of failure to register a bicycle if the person
21 operates a bicycle on a highway or on premises open to the public and a current registration
22 decal is not affixed on the bicycle as required under section 2 of this 2015 Act.

23 (2) Except as provided in subsections (3) and (4) of this section, the offense of failure to
24 register a bicycle is a Class D traffic violation.

25 (3) The first time a person is convicted for the offense described in subsection (1) of this
26 section, the person is not required to pay a fine if the person proves to the satisfaction of
27 the court:

28 (a) That the bicycle is registered as provided in section 2 of this 2015 Act; or

29 (b) That the person qualified for the exemption under section 2 (4) of this 2015 Act at the
30 time of the offense, except that the person did not provide proof of out-of-state residency
31 at the time the conduct occurred.

32 (4) This section does not apply to bicycles held in inventory by a person who is engaged,
33 wholly or partly, in the business of selling bicycles, buying bicycles or taking bicycles in trade
34 for the purpose of resale, or offering bicycles for sale or trade.

35
36 **TRANSFER OF OWNERSHIP**
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38 **SECTION 5.** (1) Whenever the owner of a bicycle registered under section 2 of this 2015
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 after the sale or transfer.

41 (2) Whenever the owner of a bicycle registered under section 2 of this 2015 Act changes
42 address, the owner shall notify the department of the new address within 30 days after the
43 change of address.

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

1 **quired by subsections (1) and (2) of this section.**

2 **(4) The offense of failure to report a change of bicycle ownership or change of address**
3 **to the department is a Class D traffic violation.**

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5 **BICYCLE TRANSPORTATION IMPROVEMENT FUND**

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7 **SECTION 6. (1) The Bicycle Transportation Improvement Fund is established in the State**
8 **Treasury, separate and distinct from the General Fund. Interest earned by the Bicycle**
9 **Transportation Improvement Fund shall be credited to the fund. All fees received by the**
10 **Department of Transportation under section 2 of this 2015 Act shall be deposited in the fund**
11 **and are continuously appropriated to the department for the purposes of:**

12 **(a) The bicycle registration program; and**

13 **(b) Development and maintenance of bicycle lanes and bicycle paths.**

14 **(2) On the first business day of each calendar year, after subtracting the amount neces-**
15 **sary to pay the department’s costs of administering the activities described in subsection (1)**
16 **of this section, the department shall distribute the moneys remaining in the fund as follows:**

17 **(a) 50 percent of the moneys shall be retained by the department to be used for the**
18 **purposes of subsection (1) of this section.**

19 **(b) 50 percent of the moneys shall be distributed to the counties of this state.**

20 **(3) The funds distributed to the counties shall be apportioned based on the number of**
21 **highway miles in the receiving county, other than state highways and interstate highways.**
22 **A county receiving moneys under this section shall use the moneys for the purpose of de-**
23 **veloping and maintaining bicycle lanes and bicycle paths.**

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25 **CONFORMING AMENDMENTS**

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27 **SECTION 7. ORS 803.305 is amended to read:**

28 **803.305. This section establishes exemptions from the requirements under ORS 803.300. The ex-**
29 **emptions under this section are in addition to any exemptions under ORS 801.026. Vehicles exempted**
30 **by this section from the requirements to be registered by this state are not prohibited from being**
31 **registered by this state if registration is permitted under ORS 803.310. The following are exempt,**
32 **either partially or completely as described, from the registration requirements under ORS 803.300:**

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

34 **(2) Bicycles, except as provided in the registration requirements under section 2 of this**
35 **2015 Act, and tricycles designed to be ridden by children are exempt from registration.**

36 **(3) A vehicle is exempt from registration if it has registration issued for the vehicle by the**
37 **Armed Forces of the United States where the registration is issued in a foreign country to a vehicle**
38 **owned by a member of the Armed Forces. The exemption granted by this subsection applies only for**
39 **a period of 45 days from the time the vehicle is returned to the United States.**

40 **(4) A vehicle is exempt from registration if it is not operated on the highways of this state.**

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

44 **(6) Vehicles owned and operated by the United States Government are exempt from registration.**

45 **(7) Snowmobiles are subject to the requirements for registration provided under ORS 821.080 to**

1 821.110.

2 (8) Implements of husbandry, well drilling machinery, emergency fire apparatus providing public
3 fire protection and wheelchairs are exempt from registration.

4 (9) Road graders, farm tractors and farm trailers on highways are exempt from registration when
5 the operation of the vehicle upon the highway is incidental to its use in an agricultural operation.

6 (10) Except as provided in subsection (26) of this section, fixed load vehicles are exempt from
7 registration while the vehicles are operated:

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

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

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

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

22 (13) Golf cart exemptions from registration are as provided in ORS 820.210.

23 (14) Vehicles currently registered and titled in any other country, state or territory are not re-
24 quired to be registered by this state. All of the following apply to this subsection:

25 (a) This subsection only provides an exemption as long as the owner of the vehicle satisfactorily
26 shows that the owner is not a resident of this state or has been a resident of this state for less than
27 30 days. For the purpose of this paragraph, a person is a resident of this state if the person meets
28 the residency requirements described in ORS 803.200.

29 (b) The exemption under this subsection applies to vehicles granted exemptions under ORS
30 802.500, 802.520 or 826.005 unless otherwise provided for under paragraph (c) of this subsection.

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

35 (A) Vehicles operated under reciprocal registration exemptions established under ORS 802.500
36 or 826.005.

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

38 (C) Vehicles that are proportionally registered under an agreement established under ORS
39 826.007 and according to the procedures established under ORS 826.009 and 826.011.

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

44 (d) If no exemption from registration requirements is in effect under ORS 802.500, 802.520,
45 826.005 or 826.007 with respect to another jurisdiction, any vehicle properly registered and titled in

1 such other jurisdiction and for which evidence of compliance is supplied shall receive, when oper-
2 ated in this state, the same exemptions, benefits and privileges granted by such other jurisdictions
3 to vehicles properly registered and titled in this state. Reciprocity extended under this paragraph
4 shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

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

7 (15) Vehicles operated or used by vehicle dealers may be operated or used without registration
8 as provided under ORS 822.040.

9 (16) Vehicles towed by towing businesses may be towed without registration as provided under
10 ORS 822.210.

11 (17) Vehicles without registration may be transported by vehicle transporters as provided under
12 ORS 822.310.

13 (18) Vehicles that are not registered may be operated under trip permits described under ORS
14 803.600 or under permits described under ORS 803.610 to 803.625.

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

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

22 (21) Tow dollies and converter dollies are exempt from registration.

23 (22) Class I, Class III and Class IV all-terrain vehicles are exempt from registration.

24 (23) Motor assisted scooters are exempt from registration.

25 (24) Electric personal assistive mobility devices are exempt from registration.

26 (25) A racing activity vehicle that is being operated for the purposes of a test drive within a
27 30-mile radius of the location where the vehicle is manufactured is exempt from registration.

28 (26) Road machinery that is operated at the direction of a road authority is exempt from regis-
29 tration. The exemption under this subsection also applies when the operation of road machinery
30 upon a highway or an alley is incidental to its use in a highway maintenance operation.

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32 **UNIT CAPTIONS**

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34 **SECTION 8. The unit captions used in this 2015 Act are provided only for the convenience**
35 **of the reader and do not become part of the statutory law of this state or express any leg-**
36 **islative intent in the enactment of this 2015 Act.**