

# Senate Bill 177

Sponsored by Senator BOQUIST (at the request of Ted Campbell) (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 registration of certain bicycles. Imposes \$10 registration fee.

Creates bicycle license. Specifies procedure for obtaining license. Imposes license fee in amount sufficient to pay administrative costs, as determined by Department of Transportation.

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

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

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

Prohibits use of State Highway Fund moneys for bicycle lanes, bicycle paths and bicycle trails.

Establishes Bicycle Transportation Improvement Fund. Continuously appropriates moneys in fund to department for administration of bicycle registration and licensing programs and for bicycle related transportation improvement projects. Directs department to distribute moneys in fund to counties.

## A BILL FOR AN ACT

1  
2 Relating to bicycles; creating new provisions; amending ORS 366.552, 366.774, 366.790 and 803.305;  
3 and repealing ORS 366.514.

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

## BICYCLE REGISTRATION

5  
6  
7  
8 **SECTION 1. Sections 2 to 7 of this 2015 Act are added to and made a part of the Oregon**  
9 **Vehicle Code.**

10 **SECTION 2. (1) A person 18 years of age or older who owns a bicycle, who operates the**  
11 **bicycle on a highway or on premises open to the public and who is a resident of this state**  
12 **shall:**

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

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

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

21 (3) **The registration fee is \$10 for each bicycle and must be paid at the time of registra-**  
22 **tion. The department shall deposit the fee in the Bicycle Transportation Improvement Fund**  
23 **established under section 13 of this 2015 Act.**

24 (4) **This section does not apply to a person who is not a resident of this state, or to a**

**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 person who has been a resident of this state for less than 90 days and holds a current out-  
 2 of-state license or identification card issued to the person. To qualify for the exemption un-  
 3 der this subsection, the person must have the out-of-state license or identification card in  
 4 the person's possession.

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

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

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

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

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

21  
 22 **FAILURE TO REGISTER**  
 23

24 **SECTION 4.** (1) A person 18 years of age or older commits the offense of failure to reg-  
 25 ister a bicycle if the person owns a bicycle and operates the bicycle on a highway or on  
 26 premises open to the public without registering the bicycle or without displaying the regis-  
 27 tration decal as provided in section 2 of this 2015 Act.

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

30 (3) The first time a person is convicted for the offense described in subsection (1) of this  
 31 section, the person is not required to pay a fine if the person proves to the satisfaction of  
 32 the court that the person has registered the bicycle as provided in section 2 of this 2015 Act.

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

36  
 37 **TRANSFER OF OWNERSHIP**  
 38

39 **SECTION 5.** (1) Whenever the owner of a bicycle registered under section 2 of this 2015  
 40 Act sells or transfers ownership of the bicycle, the owner shall report the sale or transfer  
 41 to the Department of Transportation within 30 days after the sale or transfer.

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

45 (3) A person commits the offense of failure to report a change of ownership or change

1 of address to the department if the person fails to report to the department as required by  
2 subsections (1) and (2) of this section.

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

5  
6 **BICYCLE LICENSES**  
7

8 **SECTION 6.** (1) The Department of Transportation shall establish a program for the is-  
9 suance of bicycle licenses to persons 18 years of age or older who meet the requirements of  
10 this section.

11 (2) To obtain a bicycle license the person must successfully complete a test, administered  
12 at a site where driver license knowledge tests are given. The department shall determine the  
13 contents of the test, which must include, but need not be limited to, questions about street  
14 safety, rights of way and precautions for riding a bicycle.

15 (3) A bicycle license issued by the department shall be in a form and contain the infor-  
16 mation determined by the department by rule, except that:

17 (a) The department may add a color to the background; and

18 (b) The license shall state clearly that it does not serve as legal identification.

19 (4) A person to whom a bicycle license is issued shall pay a fee to the department in an  
20 amount established by the department and designed to cover the costs of administering the  
21 bicycle license program. The department shall deposit the fee in the Bicycle Transportation  
22 Improvement Fund established under section 13 of this 2015 Act.

23  
24 **FAILURE TO POSSESS BICYCLE LICENSE**  
25

26 **SECTION 7.** (1) A person 18 years of age or older commits the offense of failure to pos-  
27 sess a bicycle license if the person operates a bicycle on a highway or on premises open to  
28 the public without possessing a bicycle license issued as provided in section 6 of this 2015  
29 Act.

30 (2) Except as provided in subsection (3) and (4) of this section, the offense of failure to  
31 possess a bicycle license is a Class D traffic violation.

32 (3) The first time a person is convicted for the offense described in subsection (1) of this  
33 section, the person is not required to pay a fine if the person proves to the satisfaction of  
34 the court that the person possesses a bicycle license issued as provided in section 6 of this  
35 2015 Act.

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

39  
40 **PROHIBITION ON USE OF STATE HIGHWAY FUND**  
41

42 **SECTION 8.** (1) As used in this section and section 13 of this 2015 Act:

43 (a) "Bicycle lane" has the meaning given that term in ORS 801.155.

44 (b) "Bicycle path" has the meaning given that term in ORS 801.160.

45 (c) "Bicycle trail" means a publicly owned and maintained lane or way designated and

1 **signed for use as a bicycle route.**

2 **(2) Notwithstanding any other provision of law, moneys in the State Highway Fund may**  
 3 **not be expended to provide or maintain bicycle lanes, bicycle paths or bicycle trails.**

4 **SECTION 9. ORS 366.514 is repealed.**

5 **SECTION 10.** ORS 366.552 is amended to read:

6 366.552. (1) The Department of Transportation and the State Parks and Recreation Department  
 7 shall prepare and manage a historic road program, in consultation with the Historic Columbia River  
 8 Highway Advisory Committee and other affected entities, consistent with the purposes of the  
 9 Columbia River Gorge National Scenic Area Act of 1986 and the public policy of this state declared  
 10 in ORS 366.551.

11 (2) The departments shall inform the advisory committee of those activities of the departments  
 12 which may affect the continuity, historic integrity and scenic qualities of the Historic Columbia  
 13 River Highway.

14 (3) The departments shall undertake efforts to rehabilitate, restore, maintain and preserve all  
 15 intact and usable segments of the Historic Columbia River Highway and associated state parks. The  
 16 Department of Transportation may expend funds dedicated for [*footpaths and*] bicycle trails under  
 17 [*ORS 366.514*] **section 13 of this 2015 Act** to construct [*footpaths and*] bicycle trails on those  
 18 portions of the Historic Columbia River Highway that are parts of the state highway system or that  
 19 are county roads or city streets and the State Parks and Recreation Department may incorporate  
 20 those segments into the Oregon recreation trails system under the provisions of ORS 390.950 to  
 21 390.989 and 390.995 (2).

22 (4) The departments may acquire real property, or any right or interest therein, deemed neces-  
 23 sary for the preservation of historic, scenic or recreation qualities of the Historic Columbia River  
 24 Highway, for the connection of intact and usable segments, or for the development and maintenance  
 25 of parks along or in close proximity to the highway. The departments shall encourage the acquisi-  
 26 tion of lands, or interests in lands, by donation, agreement, exchange or purchase.

27 (5) The departments shall assist and cooperate with other agencies and political subdivisions of  
 28 the state, state agencies, the federal government, special purpose districts, railroads, public and  
 29 private organizations and individuals to the extent necessary to carry out the provisions of ORS  
 30 366.550 to 366.553. The departments may enter into such contracts as are necessary to carry out  
 31 these provisions.

32 **SECTION 11.** ORS 366.774 is amended to read:

33 366.774. (1) Moneys paid to counties under ORS 366.762 to 366.768 shall be used only for the  
 34 purposes stated in **Article IX**, sections 3 and 3a, [*Article IX*] of the Oregon Constitution, and [*the*  
 35 *statutes enacted pursuant thereto including ORS 366.514*] **may not be used for bicycle paths.**

36 (2) Counties receiving moneys under ORS 366.762 to 366.768 shall report annually to the Legis-  
 37 lative Assembly the expenditures of those moneys in each of the following areas:

38 (a) Administration;

39 [*(b) Bicycle paths;*]

40 [*(c)*] **(b)** Construction and expansion;

41 [*(d)*] **(c)** Operations and maintenance;

42 [*(e)*] **(d)** Other payments;

43 [*(f)*] **(e)** Payments to other governments; and

44 [*(g)*] **(f)** Repair and preservation.

45 (3) The Association of Oregon Counties shall make an annual report to the Legislative Assembly

1 presenting the information required by subsection (2) of this section. The report shall be made to  
 2 the committees of the Legislative Assembly with primary jurisdiction over transportation matters.

3 (4) For the purposes of subsection (2) of this section, each county shall account for moneys paid  
 4 to the county under ORS 366.762 to 366.768 separately from any other county moneys.

5 **SECTION 12.** ORS 366.790 is amended to read:

6 366.790. (1) Moneys paid to cities under ORS 366.785 to 366.820 shall be used only for the pur-  
 7 poses stated in **Article IX**, sections 3 and 3a, [*Article IX*] of the Oregon Constitution, and [*the*  
 8 *statutes enacted pursuant thereto including ORS 366.514*] **may not be used for bicycle paths.**

9 (2) Cities receiving moneys under ORS 366.785 to 366.820 shall report annually to the Legislative  
 10 Assembly the expenditures of those moneys in each of the following areas:

- 11 (a) Administration;
- 12 [(b) *Bicycle paths*];
- 13 [(c)] (b) Construction and expansion;
- 14 [(d)] (c) Operations and maintenance;
- 15 [(e)] (d) Other payments;
- 16 [(f)] (e) Payments to other governments; and
- 17 [(g)] (f) Repair and preservation.

18 (3) The League of Oregon Cities shall make an annual report to the Legislative Assembly pre-  
 19 senting the information required by subsection (2) of this section. The report shall be made to the  
 20 committees of the Legislative Assembly with primary jurisdiction over transportation matters.

21 (4) For the purposes of subsection (2) of this section, each city shall account for moneys paid  
 22 to the city under ORS 366.785 to 366.820 separately from any other city moneys.

23 (5) This section does not apply to a city with a population under 5,000.

24  
 25 **BICYCLE TRANSPORTATION IMPROVEMENT FUND**

26  
 27 **SECTION 13.** (1) **The Bicycle Transportation Improvement Fund is established in the**  
 28 **State Treasury, separate and distinct from the General Fund. Interest earned by the Bicycle**  
 29 **Transportation Improvement Fund shall be credited to the fund. All fees received by the**  
 30 **Department of Transportation under sections 2 and 6 of this 2015 Act shall be deposited in**  
 31 **the fund and are continuously appropriated to the department to pay for the costs of:**

- 32 (a) **The bicycle registration program;**
- 33 (b) **The bicycle licensing program; and**
- 34 (c) **Development and maintenance of bicycle lanes, bicycle paths, bicycle trails and other**  
 35 **bicycle-related transportation improvement projects.**

36 (2) **On the first business day of each calendar year, the department shall distribute the**  
 37 **moneys in the Bicycle Transportation Improvement Fund, less the amount necessary to pay**  
 38 **the department's costs of administering the activities described in subsection (1) of this**  
 39 **section, among the counties of this state. The funds shall be apportioned based on the num-**  
 40 **ber of bicycles registered and bicycle licenses issued in the receiving county. A county re-**  
 41 **ceiving moneys under this section shall use the moneys for the purpose of developing and**  
 42 **maintaining bicycle lanes, bicycle paths, bicycle trails and other bicycle-related transporta-**  
 43 **tion improvement projects.**

44  
 45 **CONFORMING AMENDMENTS**

1       **SECTION 14.** ORS 803.305 is amended to read:

2       803.305. This section establishes exemptions from the requirements under ORS 803.300. The ex-  
3       emptions under this section are in addition to any exemptions under ORS 801.026. Vehicles exempted  
4       by this section from the requirements to be registered by this state are not prohibited from being  
5       registered by this state if registration is permitted under ORS 803.310. The following are exempt,  
6       either partially or completely as described, from the registration requirements under ORS 803.300:

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

8       (2) Bicycles **operated by persons younger than 18 years of age** are exempt from registration.

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

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

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

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

18       (7) Snowmobiles are subject to the requirements for registration provided under ORS 821.080 to  
19       821.110.

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

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

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

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

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

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

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

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

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

43       (a) This subsection only provides an exemption as long as the owner of the vehicle satisfactorily  
44       shows that the owner is not a resident of this state or has been a resident of this state for less than  
45       30 days. For the purpose of this paragraph, a person is a resident of this state if the person meets

1 the residency requirements described in ORS 803.200.

2 (b) The exemption under this subsection applies to vehicles granted exemptions under ORS  
3 802.500, 802.520 or 826.005 unless otherwise provided for under paragraph (c) of this subsection.

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

8 (A) Vehicles operated under reciprocal registration exemptions established under ORS 802.500  
9 or 826.005.

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

11 (C) Vehicles that are proportionally registered under an agreement established under ORS  
12 826.007 and according to the procedures established under ORS 826.009 and 826.011.

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

17 (d) If no exemption from registration requirements is in effect under ORS 802.500, 802.520,  
18 826.005 or 826.007 with respect to another jurisdiction, any vehicle properly registered and titled in  
19 such other jurisdiction and for which evidence of compliance is supplied shall receive, when oper-  
20 ated in this state, the same exemptions, benefits and privileges granted by such other jurisdictions  
21 to vehicles properly registered and titled in this state. Reciprocity extended under this paragraph  
22 shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

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

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

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

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

31 (18) Vehicles that are not registered may be operated under trip permits described under ORS  
32 803.600 or under permits described under ORS 803.610 to 803.625.

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

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

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

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

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

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

44 (25) A racing activity vehicle that is being operated for the purposes of a test drive within a  
45 30-mile radius of the location where the vehicle is manufactured is exempt from registration.

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

4           **SECTION 15. The unit captions used in this 2015 Act are provided only for the conven-**  
5 **ience of the reader and do not become part of the statutory law of this state or express any**  
6 **legislative intent in the enactment of this 2015 Act.**

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