

Enrolled
House Bill 2568

Sponsored by Representative WITT (Presession filed.)

CHAPTER

AN ACT

Relating to utilities; amending ORS 818.100; and declaring an emergency.

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

SECTION 1. ORS 818.100 is amended to read:

818.100. This section establishes exemptions from the maximum size limitations under ORS 818.080 and 818.090. The exemptions under this section are in addition to any exemptions under ORS 801.026. Operation in accordance with one of the exemptions described is not subject to ORS 818.090. Exemptions are partial or complete as described in the following:

(1) The maximum size limits do not apply on any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547, 551 or a corporation formed under ORS chapter 554.

(2) The maximum size limits do not apply on any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency or both.

(3) The maximum size limits do not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used by the federal government, the State of Oregon or any county or incorporated city in the construction, maintenance or repair of public highways and at the immediate location or site of such construction, maintenance or repair.

(4) The maximum size limits do not apply to vehicles while being used on the roads of a road authority by mass transit districts for the purposes authorized under ORS 267.010 to 267.390, provided the size of the vehicles is approved by the road authority for the roads.

(5) Size limits are not applicable in any place and to the extent size limits are modified by a road authority under ORS 810.060. The exemption under this subsection is subject to the limitations imposed by the road authority exercising the powers granted under ORS 810.060.

(6) Operations authorized to exceed size limits by a variance permit issued under ORS 818.200 are subject to the terms of the permit. It shall be a defense to any charge of violation of ORS 818.090 if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation of the vehicle or combination of vehicles issued prior to and valid at the time of the offense.

(7) Pneumatic tires made of elastic material, flexible mud flaps, flexible fenders, safety accessories such as clearance lights, rub rails and binder chains, and appurtenances such as door handles, door hinges and turning signal brackets may exceed the maximum allowable width described in Table I of ORS 818.080 by a distance not greater than two inches on each side of the vehicle.

(8) Rearview mirrors may exceed the maximum allowable width described in Table I of ORS 818.080.

(9) Notwithstanding the maximum allowable length of vehicles and loads on vehicles under Table I of ORS 818.080, public utilities, telecommunications utilities, people's utilities districts, **municipalities** and *[cooperative rural electrification districts]* **electric cooperatives**, or common or contract carriers when acting as **an agent for or on direct orders of** *[such a utility or district,]* **a public utility, telecommunications utility, people's utility district, municipality or electric cooperative**, for the purpose of transporting and hauling poles, piling or structures used or to be used in connection with their *[business]* **operations**, may use and operate upon any highway of this state any combination of vehicles having an overall length, including load *[the total length of which is not in excess of 80 feet unless an emergency exists.], that does not exceed 80 feet, except that the overall length may exceed 80 feet if an emergency exists. For purposes of this subsection, an unplanned disruption in the services provided by a public utility, telecommunications utility, people's utility district, municipality or electric cooperative occurring outside the normal business hours of the road authority or authorized private contractor from which the public utility, telecommunications utility, people's utility district, municipality or electric cooperative would acquire a variance permit is an emergency.*

(10) The load on a semitrailer may exceed the maximum length established under ORS 818.080 providing the load does not:

- (a) Extend beyond the rear of the semitrailer by more than five feet;
- (b) Extend forward of the rear of the cab of the towing vehicle; or
- (c) Exceed an overall length permitted by a rule, resolution or ordinance adopted under ORS 810.060.

(11) The load upon a truck tractor and pole trailer may exceed the maximum length established under ORS 818.080 if the overall length does not exceed that authorized by a rule, resolution or ordinance adopted under ORS 810.060.

(12) None of the size limits described under ORS 818.080 except the maximum limit of allowable extension beyond the last axle of a combination of vehicles under Table II apply to implements of husbandry hauled, towed or moved upon any highway not a part of the Federal Interstate Highway System if the movement is incidental to a farming operation and the owner of the implement of husbandry is engaged in farming or if the owner is hired by or under contract to a farmer to perform agricultural activities.

(13) The rear overhang of a combination of vehicles described in this subsection may extend more than one-third but not more than one-half the length of the wheelbase of the combination of vehicles. This subsection is applicable to any combination of vehicles consisting of a motor vehicle towing any of the following:

- (a) A travel trailer.
- (b) Any trailer designed to carry a single nonmotorized aircraft.

(14) The rear overhang of a combination consisting of a motor vehicle towing a manufactured structure may exceed one-third, but may not exceed one-half, the length of the wheelbase of the combined vehicle and structure.

(15) A recreational vehicle may exceed the maximum width established under ORS 818.080 if the excess width is attributable to an appurtenance that does not extend beyond the body of the vehicle by more than four inches, or if a passenger-side awning, by more than six inches. As used in this subsection, "appurtenance" means an appendage that is installed by a factory or a vehicle dealer and is intended as an integral part of the recreational vehicle. "Appurtenance" does not include an item temporarily affixed or attached to the exterior of a vehicle for the purpose of transporting the item from one location to another. "Appurtenance" does not include an item that obstructs the driver's rearward vision.

(16)(a) A recreational vehicle may exceed the maximum length established under ORS 818.080 if the vehicle is not more than 45 feet long.

(b) A combination that includes a recreational vehicle that is not more than 45 feet long, when operating on Group 1 or Group 2 highways as designated by the Department of Transportation, may

exceed the maximum length for vehicles in a combination established under ORS 818.080 if the combination is not more than 65 feet long.

(17) A motor vehicle transporter may exceed the maximum lengths established in ORS 818.080 for a single vehicle, a vehicle in a combination of vehicles and a load if the length of the single vehicle, vehicle in a combination or load does not exceed 45 feet.

(18) A motor vehicle transporter towing another vehicle, when operating on a Group 1 or Group 2 highway as designated by the department, may exceed the maximum length established in ORS 818.080 for a combination of vehicles if the overall length does not exceed 65 feet.

(19) A school bus or school activity vehicle may exceed the maximum length established under ORS 818.080 if the vehicle is not more than 45 feet long.

SECTION 2. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by House March 15, 2017

Received by Governor:

Repassed by House May 30, 2017

.....M.,....., 2017

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2017

.....
Tina Kotek, Speaker of House

.....
Kate Brown, Governor

Passed by Senate May 24, 2017

Filed in Office of Secretary of State:

.....M.,....., 2017

.....
Peter Courtney, President of Senate

.....
Dennis Richardson, Secretary of State