

Relating to studded tires; creating new provisions; amending ORS 815.045, 815.165 and 818.200; and repealing ORS 815.167.

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

SECTION 1. ORS 815.165 is amended to read:

815.165. [*This section establishes exemptions from ORS 815.160. The exemptions under this section are in addition to any under ORS 801.026. Exemptions are partial or complete as described in the following.*] **The following are exempt from the prohibitions of ORS**

815.160:

(1) Any vehicle 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) Any vehicle 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) Operations approved under 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 815.160 if the person so charged produces a variance permit issued under ORS 818.200 authorizing the operation issued prior to and valid at the time of the offense.

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

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

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

[(7) *Between November 1 of any year and April 1 of the following year, vehicles equipped with any tire having on its periphery studs of metal or other material projecting beyond the tread surface of the tire not less than four-hundredths (0.04) inch nor more than six-hundredths (0.06) inch and made of such material that the studs will wear, through use, at the same rate as the tread surface of the tire. When the preservation of the highway surface or the safety of the traveling public so indicates, the Department of Transportation shall have the authority to shorten or lengthen the period for the permissible use of such tires in any area of the state specifically designated by the department.*]

[(8)] **(7)** School buses with a loaded weight of 10,000 pounds or more.

[(9)] **(8)** Emergency vehicles and ambulances used in an emergency situation.

[(10)] **(9)** Motor vehicles used for regularly scheduled medical transport services.

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

[(12) *Vehicles equipped with retractable studded tires as defined by ORS 815.045.*]

SECTION 2. ORS 815.045 is amended to read:

815.045. (1) The Oregon Transportation Commission shall adopt rules necessary to carry out ORS 815.140. The rules adopted by the commission:

(a) Shall establish the various types of conditions under which vehicle traction tires or chains must be used.

(b) Shall define types of vehicle traction tires or chains that may be used under various road conditions. The commission rules under this paragraph shall comply with the following:

(A) Traction tire shall be defined to include any tire that meets traction standards established by the Department of Transportation.

[(B) *Retractable studded tires or tires with studs that are permitted under ORS 815.165 shall be allowed as traction tires under the rules.*]

[(C)] **(B)** The department may require that traction tires [*without studs*] bear identifying marks, defined by the department, that indicate that the tire was manufactured specifically for adverse weather conditions.

[(D)] **(C)** Chains shall be defined to include link chains, cable chains or any other device that attaches to the wheel, vehicle or outside of the tire and that augments the traction of the

vehicle.

[(E) Retractable studded tires shall be defined to include tires with embedded studs that project beyond the tread surface only when a vehicle operator extends the studs to augment the traction of the vehicle.]

(c) Shall establish signs to be posted under conditions that require vehicle traction tires or chains.

(d) May establish types or classes of vehicles that are exempt from requirements to use vehicle traction tires or chains under certain conditions if the commission determines that the operation of the class or type of vehicle would be safe under those conditions.

(2) A road authority shall:

(a) Determine when conditions on a segment of highway require the use of vehicle traction tires or chains as defined by the commission;

(b) Determine which segments of a highway shall be posted as described under this section to require vehicle traction tires or chains; and

(c) Provide for the placement and removal of signs requiring the use of vehicle traction tires or chains.

SECTION 3. ORS 818.200, as amended by section 11, chapter 30, Oregon Laws 2010, is amended to read:

818.200. (1) A road authority, or private contractor authorized by a road authority to do so, may issue a variance permit if it determines the public interests will be served. A variance permit issued under this section may allow any vehicle, combination of vehicles, load article, property, machine or thing to move over any highway or street under the jurisdiction of the road authority without violation of any of the following:

(a) Maximum weight limits under ORS 818.020.

(b) Posted weight limits under ORS 818.040.

(c) Administratively imposed weight or size limits under ORS 818.060.

(d) Maximum size limits under ORS 818.090.

(e) Maximum number of vehicles in combination under ORS 818.110.

(f) Posted limits on the use of road under ORS 818.130.

(g) Towing safety requirements under ORS 818.160.

(h) Use of devices without wheels under ORS 815.155.

(i) Use of metal objects on tires under ORS 815.160, **except that a variance permit issued under this paragraph may not allow the use of tires with studs.**

(j) Operation without pneumatic tires under ORS 815.170.

(k) Misuse of a special left turn lane under ORS 811.346.

(l) Improper use of the center lane on three-lane road under ORS 811.380.

(m) Operation of a motor vehicle on a bicycle trail under ORS 811.435.

(n) Failure to drive within a lane under ORS 811.370.

(2) The fee for issuance of a variance permit under this section is the fee established under ORS 818.270. No fee shall be charged for issuance of a permit to the federal government, agencies of the State of Oregon, cities or counties.

(3) A permit issued under this section is subject to all the provisions under ORS 818.220 and to any limits under ORS 818.210.

(4) Prohibitions and penalties relating to the use of the permit are provided under ORS 818.340 and 818.350.

(5) Violation of the conditions of the permit is subject to civil penalties as provided under ORS 818.410.

SECTION 4. ORS 815.167 is repealed.

SECTION 5. The amendments to ORS 815.045, 815.165 and 818.200 by sections 1, 2 and 3 of this 2012 Act and the repeal of ORS 815.167 by section 4 of this 2012 Act become operative on May 1, 2013.