

Enrolled
Senate Bill 173

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CHAPTER

AN ACT

Relating to motorized scooters; creating new provisions; and amending ORS 801.345, 803.305, 806.020, 807.020, 811.050 and 811.440.

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

SECTION 1. Section 2 of this 2001 Act is added to and made a part of ORS chapter 801.

SECTION 2. "Motor assisted scooter" means a vehicle that:

- (1) Is designed to be operated on the ground with not more than three wheels;**
- (2) Has handlebars and a foot support or seat for the operator's use;**
- (3) Can be propelled by motor or human propulsion; and**
- (4) Is equipped with a power source that is incapable of propelling the vehicle at a speed of greater than 24 miles per hour on level ground and:**

(a) If the power source is a combustion engine, has a piston or rotor displacement of 35 cubic centimeters or less regardless of the number of chambers in the power source; or

(b) If the power source is electric, has a power output of not more than 1,000 watts.

SECTION 3. Sections 4 to 17 of this 2001 Act are added to and made a part of ORS chapter 814.

SECTION 4. An operator of a motor assisted scooter upon a public way is subject to the provisions applicable to, and has the same rights and duties as the operator of, any other vehicle operating on highways except:

- (1) Those provisions that by their very nature can have no application.**
- (2) When otherwise specifically provided under the vehicle code.**

SECTION 5. (1) A person operating a motor assisted scooter commits the offense of unlawful operation of a motor assisted scooter if:

- (a) The person is under 16 years of age; or**
- (b) The person operates a motor assisted scooter at a rate of speed exceeding 15 miles per hour.**

(2) The offense described in this section, unlawful operation of a motor assisted scooter, is a Class D traffic violation.

SECTION 6. (1) Except as provided in subsection (2) of this section, a person commits the offense of failure of a motor assisted scooter operator to use a bicycle lane or bicycle path if the person operates a motor assisted scooter on any portion of a roadway that is not a bicycle lane or bicycle path when a bicycle lane or bicycle path is adjacent to or near the roadway.

(2) A person is not subject to this section if the operation of a motor assisted scooter on a bicycle lane or bicycle path is prohibited by local ordinance.

(3) The offense described in this section, failure of a motor assisted scooter operator to use a bicycle lane or bicycle path, is a Class D traffic violation.

SECTION 7. The State Parks and Recreation Department may restrict or prohibit the operation of a motor assisted scooter on a bicycle lane or bicycle path in a state park except that the department may not restrict or prohibit the operation of a motor assisted scooter on a bicycle lane or bicycle path in a state park if the operator of the motor assisted scooter is disabled.

SECTION 8. (1) A person commits the offense of improper operation of a motor assisted scooter on a highway if the person is operating a motor assisted scooter on a highway with a designated speed limit greater than 25 miles per hour.

(2) This section does not apply if:

(a) The person is operating a motor assisted scooter on a highway with a designated speed limit greater than 25 miles per hour and the person is operating the motor assisted scooter on a bicycle lane; or

(b) The person is operating a motor assisted scooter while crossing a highway with a designated speed limit greater than 25 miles per hour.

(3) The offense described in this section, improper operation of a motor assisted scooter on a highway, is a Class D traffic violation.

SECTION 9. (1) A person commits the offense of improper operation of a motor assisted scooter in a lane if the person is operating a motor assisted scooter on a roadway at less than the normal speed of traffic using the roadway at that time and place under the existing conditions and the person does not ride as close as practicable to the right curb or edge of the roadway.

(2) A person is not in violation of this section if the person is not operating a motor assisted scooter as close as practicable to the right curb or edge of the roadway under any of the following circumstances:

(a) When overtaking and passing another motor assisted scooter or vehicle that is proceeding in the same direction.

(b) When preparing to execute a left turn.

(c) When reasonably necessary to avoid hazardous conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards or other conditions that make continued operation along the right curb or edge unsafe or to avoid unsafe operation in a lane on the roadway that is too narrow for a motor assisted scooter and vehicle to travel safely side by side. Nothing in this paragraph excuses the operator of a motor assisted scooter from the requirements under ORS 811.425 or from the penalties for failure to comply with those requirements.

(d) When operating within a city as near as practicable to the left curb or edge of a roadway that is designated to allow traffic to move in only one direction along the roadway. A motor assisted scooter that is operated under this paragraph is subject to the same requirements and exceptions when operating along the left curb or edge as are applicable when a motor assisted scooter is operating along the right curb or edge of the roadway.

(e) When operating a motor assisted scooter alongside not more than one other motor assisted scooter as long as the motor assisted scooters are both being operated within a single lane and in a manner that does not impede the normal and reasonable movement of traffic.

(f) When operating on a bicycle lane or bicycle path.

(3) The offense described in this section, improper operation of a motor assisted scooter in a lane, is a Class D traffic violation.

SECTION 10. (1) A person commits the offense of failure to signal for a motor assisted scooter maneuver if the person is operating a motor assisted scooter and:

(a) Stops the motor assisted scooter without giving the appropriate hand and arm signal continuously for at least 100 feet before executing the stop.

(b) Executes a turn or lane change on the motor assisted scooter without giving the appropriate hand and arm signal for the turn at least 100 feet before executing the turn.

(c) Executes a turn on the motor assisted scooter after having been stopped without giving, while stopped, the appropriate hand and arm signal for the turn.

(2) A person is not in violation of this section if the person is operating a motor assisted scooter and does not give the appropriate hand and arm signal continuously for a stop, turn or lane change because circumstances require that both hands be used to safely control or operate the motor assisted scooter.

(3) The appropriate hand and arm signals for indicating stops, turns and lane changes under this section are those provided for other vehicles under ORS 811.395 and 811.400.

(4) The offense described in this section, failure to signal for a motor assisted scooter maneuver, is a Class D traffic violation.

SECTION 11. (1) A person commits the offense of unsafe operation of a motor assisted scooter on a sidewalk if the person operates a motor assisted scooter on a sidewalk, except to enter or leave adjacent property, or the person operates a motor assisted scooter on a sidewalk to enter or leave adjacent property and the person:

(a) Operates the motor assisted scooter so as to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

(b) Does not give an audible warning before overtaking and passing a pedestrian or does not yield the right of way to all pedestrians on the sidewalk.

(c) Operates the motor assisted scooter in a careless manner that endangers or would be likely to endanger any person or property.

(d) Operates the motor assisted scooter at a speed greater than an ordinary walk when approaching a crosswalk, approaching or entering a driveway or crossing a curb cut or pedestrian ramp and a motor vehicle is approaching the crosswalk, driveway, curb cut or pedestrian ramp.

(2) The offense described in this section, unsafe operation of a motor assisted scooter on a sidewalk, is a Class D traffic violation.

SECTION 12. (1) A person commits the offense of unsafe operation of a motor assisted scooter on a bicycle path or bicycle lane if the person operates a motor assisted scooter on a bicycle path or bicycle lane and does not give an audible warning before overtaking and passing a pedestrian or does not yield the right of way to all pedestrians on the bicycle path or bicycle lane.

(2) The offense described in this section, unsafe operation of a motor assisted scooter on a bicycle path or bicycle lane, is a Class D traffic violation.

SECTION 13. (1) A person commits the offense of operation of a motor assisted scooter in a crosswalk if the person fails to walk the motor assisted scooter in a crosswalk.

(2) This section does not apply to a disabled person operating a motor assisted scooter in a crosswalk.

(3) The offense described in this section, operation of a motor assisted scooter in a crosswalk, is a Class D traffic violation.

SECTION 14. (1) A person commits the offense of carrying a passenger on a motor assisted scooter if the person operates a motor assisted scooter and carries another person on the motor assisted scooter.

(2) The offense described in this section, carrying a passenger on a motor assisted scooter, is a Class D traffic violation.

SECTION 15. (1) A person commits the offense of operating a motor assisted scooter with an unlawful load if the person is operating a motor assisted scooter and the person carries

a package, bundle or article that prevents the person from keeping at least one hand upon the handlebars and having full control at all times.

(2) The offense described in this section, operating a motor assisted scooter with an unlawful load, is a Class D traffic violation.

SECTION 16. (1) A person commits the offense of failure of a motor assisted scooter operator to wear protective headgear if the person operates a motor assisted scooter on a highway or on premises open to the public and is not wearing protective headgear of a type approved under ORS 815.052.

(2) A person is exempt from the protective headgear requirement of subsection (1) of this section if wearing the headgear would violate a religious belief or practice of the person.

(3) The first time a person is convicted of an offense under this section, the person may not be required to pay a fine if the person proves to the satisfaction of the court that the person has protective headgear of a type approved under ORS 815.052.

(4) The offense described in this section, failure of a motor assisted scooter operator to wear protective headgear, is a traffic violation punishable by a maximum fine of \$25.

SECTION 17. (1) A person commits the offense of endangering a motor assisted scooter operator if the person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 16 years of age and authorizes or knowingly permits the child to operate a motor assisted scooter in violation of section 5 (1)(a) of this 2001 Act.

(2) The offense described in this section, endangering a motor assisted scooter operator, is a traffic violation punishable by a maximum fine of \$25.

SECTION 18. Section 19 of this 2001 Act is added to and made a part of ORS chapter 815.

SECTION 19. (1) A person commits the offense of violation of motor assisted scooter equipment requirements if the person:

(a) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 16 years of age and authorizes or knowingly permits the child to operate a motor assisted scooter on any highway in violation of the requirements of this section; or

(b) Operates a motor assisted scooter on any highway during times of limited visibility conditions and the motor assisted scooter is not equipped with, or the person does not use, lighting equipment that meets the following requirements:

(A) If the motor assisted scooter is equipped with lighting equipment:

(i) The lighting equipment must include a white light visible from a distance of at least 300 feet to the front and sides of the motor assisted scooter;

(ii) The lighting equipment must have a red reflector or lighting device, or material of such size or characteristic, mounted to be visible from all distances up to 500 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle; and

(iii) The lighting equipment must have a white or yellow reflector or lighting device, or material of such size or characteristic, mounted to be visible from all distances up to 200 feet to the front of the motor assisted scooter.

(B) If the motor assisted scooter is not equipped with lighting equipment, the operator of the motor assisted scooter must wear:

(i) A white light mounted to be visible from all distances up to 300 feet to the front and sides of the motor assisted scooter;

(ii) A red reflector or lighting device, or material of such size or characteristic, mounted to be visible from all distances up to 500 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle; and

(iii) A white or yellow reflector or lighting device, or material of such size or characteristic, mounted to be visible from all distances up to 200 feet to the front of the motor assisted scooter.

(2) Nothing in this section prohibits the use of additional parts and accessories on any motor assisted scooter not inconsistent with this section.

(3) The offense described in this section, violation of motor assisted scooter equipment requirements, is a Class D traffic violation.

SECTION 20. ORS 803.305 is amended to read:

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

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

(2) Bicycles are exempt from registration.

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

(4) A vehicle is exempt from registration if it is not operated on the highways of this state. No manufactured structure is exempt by this subsection. This subsection does not affect any exemption established under ORS 820.510.

(5) A trailer is exempt from registration if it is equipped with pneumatic tires made of elastic material and is not operated in this state with a loaded weight of more than 1,800 pounds. No trailer for hire, travel trailer, camper or manufactured structure is exempt by this subsection.

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

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

(8) Manufactured structures are subject to ORS 803.300 as provided under ORS 820.500, 820.510 and 820.530.

(9) Implements of husbandry, well drilling machinery, emergency fire apparatus providing public fire protection and invalid chairs are exempt from registration.

(10) Farm tractors and farm trailers on highways are exempt from registration when the operation of the vehicle upon the highway is incidental to its use in an agricultural operation.

(11) Fixed load vehicles are exempt from registration while the vehicles are operated:

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

(b) Within the immediate construction projects, as described in the governmental agency contract under which the work is being performed.

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

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

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

(15) Vehicles currently registered and titled in any other country, state or territory are not required to be registered by this state. All of the following apply to this subsection:

(a) This subsection only provides an exemption as long as the owner of the vehicle satisfactorily shows that the owner is not a resident of this state as described under ORS 803.200.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(23) Motor assisted scooters are exempt from registration.

SECTION 21. ORS 807.020 is amended to read:

807.020. A person who is granted a driving privilege by this section may exercise the driving privilege described without violation of the requirements under ORS 807.010. A grant of driving privileges to operate a motor vehicle under this section is subject to suspension and revocation the same as other driving privileges granted under the vehicle code. This section is in addition to any exemptions from the vehicle code under ORS 801.026. The following persons are granted the described driving privileges:

(1) A person who is not a resident of this state may operate a motor vehicle without an Oregon license or driver permit if the person holds a current out-of-state license issued to the person by the person's home jurisdiction. To qualify under this subsection, the person must have the out-of-state license or driver permit in the person's possession. A person is not granted driving privileges under this subsection:

(a) If the person is under the minimum age required to be eligible for driving privileges under ORS 807.060;

(b) During a period of suspension or revocation by this state or any other jurisdiction of driving privileges or of the right to apply for a license or driver permit issued by this state or any other jurisdiction; or

(c) That exceed the driving privileges granted to the person by the home jurisdiction of the person.

(2) A person in the Armed Forces of the United States may operate a motor vehicle without an Oregon license or driver permit if the person:

(a) Has a current out-of-state license or driver permit issued by the Armed Forces; and

(b) Is operating an official motor vehicle in the course of the person's duties in the Armed Forces.

(3) A person without a license or driver permit may operate a road roller or road machinery that is not required to be registered under the laws of this state.

(4) A person without a license or driver permit may temporarily operate, draw, move or propel a farm tractor or implement of husbandry.

(5) A person without a license or driver permit may operate a motor vehicle to demonstrate driving ability during the course of an examination administered under ORS 807.070 for the purpose of qualifying for a license or driver permit. This subsection only applies when an authorized examiner is in a seat beside the driver of the motor vehicle.

(6) Driving privileges for snowmobiles are exclusively as provided in ORS 821.150.

(7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170.

(8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS 821.172.

(9) A person without a license or driver permit may operate a golf cart in accordance with an ordinance adopted under ORS 810.070.

(10) The spouse of a member of the Armed Forces of the United States on active duty who is accompanying the member on assignment in this state may operate a motor vehicle if the spouse has a current out-of-state license or driver permit issued to the spouse by another state in the spouse's possession.

(11) A person who is a member of the Armed Forces of the United States on active duty may operate a motor vehicle if the person has a current out-of-state license or driver permit in the person's possession that is issued to the person by the person's state of domicile or by the Armed Forces of the United States in a foreign country. Driving privileges described under this subsection that are granted by the Armed Forces apply only for a period of 45 days from the time the person returns to the United States.

(12) A person who does not hold a motorcycle endorsement may operate a motorcycle if the person is:

(a) Within an enclosed cab; or

(b) Operating a vehicle designed to travel with three wheels in contact with the ground at speeds of less than 15 miles per hour.

(13) A person may operate a bicycle that is not an electric assisted bicycle without any grant of driving privileges.

(14) A person may operate an electric assisted bicycle without a driver license or driver permit if the person is 16 years of age or older.

(15) A person may operate a motor assisted scooter without a driver license or driver permit if the person is 16 years of age or older.

[(15)] **(16)** A person who is not a resident of this state may operate a motor vehicle without an Oregon license or driver permit if the person is at least 15 years of age and has in the person's possession a current out-of-state equivalent of a Class C instruction driver permit issued to the person by the person's home jurisdiction. A person operating a motor vehicle under authority of this subsection has the same privileges and is subject to the same restrictions as a person operating under the authority of a Class C instruction driver permit issued as provided in ORS 807.280.

SECTION 22. ORS 806.020 is amended to read:

806.020. This section provides exemptions from the necessity for compliance with or proof of compliance with financial responsibility requirements in accident reports under ORS 811.725, when applying for vehicle registration under ORS 803.370 or 803.460 and for operating a vehicle under ORS 806.010. The owner or operator of a vehicle is exempt, as provided by this section, from financial responsibility requirements if the vehicle involved in the accident, sought to be registered or operated is any of the following:

- (1) An antique motor vehicle issued permanent registration under ORS 805.010.
- (2) A farm trailer.
- (3) A farm tractor.
- (4) An implement of husbandry.
- (5) A motor vehicle of special interest that is maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.
- (6) A snowmobile, Class I or Class III all-terrain vehicle.
- (7) Any motor vehicle when the owner of the vehicle has submitted to the Department of Transportation a statement, in such form as may be required by the department, declaring that the vehicle is continuously not being operated on the highways of this state and explaining the reasons therefor. A person who falsely certifies under this subsection is subject to penalty under ORS 806.030.

(8) A motor assisted scooter.

SECTION 23. ORS 811.050 is amended to read:

811.050. (1) A person commits the offense of failure of a motor vehicle operator to yield to a rider on a bicycle lane if the person is operating a motor vehicle and the person does not yield the right of way to a person operating a bicycle, electric assisted bicycle, moped, **motor assisted scooter** or motorized wheelchair upon a bicycle lane.

(2) This section does not require *[persons]* **a person** operating *[mopeds]* **a moped** to yield the right of way to *[bicycles]* **a bicycle or a motor assisted scooter** if the *[mopeds are]* **moped is** operated on **a bicycle** *[lanes]* **lane** in the manner permitted under ORS 811.440.

(3) The offense described in this section, failure of a motor vehicle operator to yield to a rider on a bicycle lane, is a Class B traffic violation.

SECTION 24. ORS 811.440 is amended to read:

811.440. This section provides exemptions from the prohibitions under ORS 811.435 and 814.210 against operating motor vehicles on bicycle lanes and paths. The following vehicles are not subject to ORS 811.435 and 814.210 under the circumstances described:

(1) A person may operate a moped on a bicycle lane that is immediately adjacent to the roadway only while the moped is being exclusively powered by human power.

(2) A person may operate a motor vehicle upon a bicycle lane when:

- (a) Making a turn;
- (b) Entering or leaving an alley, private road or driveway; or
- (c) Required in the course of official duty.

(3) An implement of husbandry may momentarily cross into a bicycle lane to permit other vehicles to overtake and pass the implement of husbandry.

(4) A person may operate a motorized wheelchair on a bicycle lane or path.

(5) A person may operate a motor assisted scooter on a bicycle lane or path.

SECTION 25. ORS 801.345 is amended to read:

801.345. "Moped" means a vehicle, including any bicycle equipped with a power source, other than an electric assisted bicycle as defined in ORS 801.258 **or a motor assisted scooter as defined in section 2 of this 2001 Act**, that complies with all of the following:

- (1) It is designed to be operated on the ground upon wheels.
- (2) It has a seat or saddle for use of the rider.
- (3) It is designed to travel with not more than three wheels in contact with the ground.
- (4) It is equipped with an independent power source that:

(a) Is capable of propelling the vehicle, unassisted, at a speed of not more than 30 miles per hour on a level road surface; and

(b) If the power source is a combustion engine, has a piston or rotor displacement of [3.05 cubic inches or less or 50] **35.01 to 50** cubic centimeters [or less] regardless of the number of chambers in the power source.

(5) It is equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the system is engaged.

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Approved:

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