

June 1, 2009

To: Grand Oaks Association Members

Subject: Legal Use of Self Propelled Vehicles within the Grand Oaks Community

Background:

The Grand Oaks Board of Directors has received questions in regard to the use of self propelled vehicles, in particular mini-motorcycles, within our community. The concerns voiced include safety issues where children riding self propelled vehicles were nearly struck by automobile drivers backing out of their driveways due to not having clear sight of these low to the ground vehicles, the speed at which these vehicles were traveling, and the manner in which they were being operated.

Grand Oaks Board Resolution:

The Board of Directors adopts this resolution to address safety and insurance liability concerns and to reiterate and reinforce its intent to comply with state and local laws in regard to the proper use of all self propelled vehicles, and in particular unlicensed vehicles such as mini-motorcycles, within Grand Oaks.

The Board of Directors, in accordance with ORS 814 and CMD 6.13, prohibits the use of self propelled vehicles on Association property (including paths and other common area tracts), except that use of self propelled vehicles on common driveways, alleys and parking lots shall be limited to use by licensed vehicles operated by licensed drivers. This prohibition shall not apply to use of motorized wheelchairs, assisted mobility devices, nor to service vehicles used in performance of the service provider's duties to the Association.

This Resolution specifically removes any "express or implied consent" by the Association to use its private property as referenced in CMD 6.13.030.

Synopsis of Applicable Laws:

State laws:

Excerpts from an Oregon Department of Transportation 2004 News Release:

If you have a motorized vehicle with no VIN, no title of ownership issued by DMV, and no license plates, what you have is meant for off-road use only.

We're particularly concerned about children riding these on public roads," said Troy E. Costales, ODOT's Transportation Safety Division administrator. "The vehicle and rider are so low to the ground that drivers do not see them. And even in off-road use, it's important that riders take basic safety precautions, such as wearing a helmet and protective clothing..."

The Consumer Product Safety Commission estimates there were 2,345 emergency room visits related to mini-motorcycles in 2003.

- *Operation of an unsafe vehicle is a Class B traffic violation (ORS 815.020), with a fine up to \$360.*
- *Operation of a vehicle that violates equipment rules is a Class C traffic violation (ORS 815.100), with a fine up to \$180.*
- *Operation by a rider under 16 years of age is a Class D traffic violation with a maximum fine of \$90.*
- *A parent or legal guardian of a child younger than 16 years old who authorizes or knowingly allows a child to operate a motor-assisted scooter may be subject to a traffic citation and fine (ORS 814.536), as well.*

Excerpts from ORS Chapter 814:

814.512 Unlawful operation of motor assisted scooter; penalty. (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.

814.524 Unsafe operation of motor assisted scooter on sidewalk; penalty. (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...

814.536 Endangering motor assisted scooter operator; penalty. (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 ORS 814.512 (1)(a).

Corvallis Municipal Code:

Excerpt from Corvallis Municipal Code, Chapter 6.13:

Section 6.13.020 Definitions

3) Motor vehicle – Any vehicle which is self propelled.

4) Private road or driveway – Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from him but not used by other persons

5) Vehicle – As used herein, every device in, upon or by which any person or property is or may be transported, except devices moved by human power or used exclusively upon stationary rails or tracks

Section 6.13.030 Prohibition prescribed

It shall be unlawful for any person to operate a motor vehicle on any road, thoroughfare or property in private ownership within the City, or in the ownership of the City. This does not include any highway, road or street publicly maintained and open to the use of the public for purposes of vehicular traffic, nor does it include any private road or driveway used for vehicular travel by the owner and those having express or implied permission from him/her.

Section 6.13.040 Penalty

Any person violating the provisions herein shall, upon conviction thereof, be punished by imprisonment in the City jail or in a jail available for use by the City for not to exceed 90 days or by a fine not to exceed \$100.00 or both.

Summary of Findings:

Oregon State Law:

- Restricts the use of public roads to licensed vehicles operated by licensed drivers.
- Prohibits the use of motorized scooters by persons under the age of 16, and prohibits the use of them on sidewalks.
- Includes numerous other restrictions on usage of public bike paths, crosswalks, and the safe operation of these devices.

Corvallis Municipal Code:

- Prohibits the use of “self propelled vehicles” on property owned by the city (which includes sidewalks)
- Prohibits the use of “self propelled vehicles” on private property within the city, except for private roads and driveways where permission is granted by the owner

Grand Oaks Association

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Further Reading:

1) Corvallis Police: Motorcycle, Moped, and Scooter Information Brochure:

<http://www.ci.corvallis.or.us/downloads/cpd/MopedsandScooters.pdf>

2) Oregon Moped, Motorized Scooter, Pocket Bike Guide: <http://www.oregon.gov/ODOT/DMV/docs/pocketbikeguide.pdf>

3) Corvallis Municipal code 6.13.x - Motor Vehicle Operation Prohibited: <http://archive.ci.corvallis.or.us/DocView.aspx?id=214658>

4) DMV News Release: http://www.oregon.gov/ODOT/DMV/news/nr_20041215.shtml

5) DMV Fact Sheet for Mini-Motorbikes/Scooters: http://www.oregon.gov/ODOT/DMV/vehicle/pocketbike_factsheet.shtml

6) Oregon Chapter 8 Violations (for Electric Assisted Bikes, Mopeds, Motor Assisted Scooters and Electric Personal Assisted Mobility Devices): <http://www.oregon.gov/ODOT/DMV/vehicle/violations.shtml>

7) Oregon Vehicle Code Book: <http://www.oregon.gov/ODOT/DMV/forms/vehiclecodebk.shtml>
- Chapter 814 <http://www.oregon.gov/ODOT/DMV/docs/vcb/VCB814.pdf>

Further Information:

For further information, questions, or concerns in regard to proper use of these vehicles, you may contact the Corvallis Police Department at 541-766-6924.