

A-Engrossed House Bill 2062

Ordered by the House March 21
Including House Amendments dated March 21

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for State Parks and Recreation Department)

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.

Requires operators and passengers of Class I and Class III all-terrain vehicles to wear motorcycle helmets with fastened chin straps. **Provides exemptions.**

A BILL FOR AN ACT

1
2 Relating to all-terrain vehicle helmet requirements; amending ORS 821.202 and 821.203.

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

4 **SECTION 1.** ORS 821.202 is amended to read:

5 821.202. (1) A person commits the offense of failure of a Class I or Class III all-terrain vehicle
6 operator or passenger to wear a motorcycle helmet if the person [*is under 18 years of age,*] operates
7 or rides on a Class I or Class III all-terrain vehicle on premises open to the public and is not
8 wearing a motorcycle helmet **with a fastened chin strap.**

9 (2) The requirement to wear a motorcycle helmet does not apply if the all-terrain vehicle is:

10 [*(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed*
11 *under ORS chapter 571 exclusively for nursery or Christmas tree growing operations.*]

12 **(a) Used:**

13 **(A) Exclusively in farming, agricultural or forestry operations;**

14 **(B) By a person licensed under ORS chapter 571 exclusively for nursery or Christmas tree**
15 **growing operations; or**

16 **(C) By an employee of a utility that provides electrical, water, gas or telecommunications**
17 **service, in the performance of the employee's official duties.**

18 (b) Being used on land owned or leased by the owner of the vehicle.

19 **(c) Being loaded or unloaded from a truck or a trailer.**

20 (3) The offense described in this section, failure of a Class I or Class III all-terrain vehicle op-
21 erator or passenger to wear a motorcycle helmet, is a Class D traffic violation.

22 **SECTION 2.** ORS 821.203 is amended to read:

23 821.203. (1) A person commits the offense of endangering a Class I or Class III all-terrain vehicle
24 operator or passenger if:

25 (a) The person is operating a Class I or Class III all-terrain vehicle on premises open to the
26 public and the person carries another person on the Class I or Class III all-terrain vehicle who [*is*
27 *under 18 years of age and*] is not wearing a motorcycle helmet **with a fastened chin strap;** or

28 (b) The person is the parent, legal guardian or person with legal responsibility for the safety

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 and welfare of a child under 18 years of age and the child operates or rides on a Class I or Class
2 III all-terrain vehicle on premises open to the public without wearing a motorcycle helmet **with a**
3 **fastened chin strap.**

4 (2) The requirement to wear a motorcycle helmet does not apply if the all-terrain vehicle is:

5 *[(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed*
6 *under ORS chapter 571 exclusively for nursery or Christmas tree growing operations.]*

7 **(a) Used:**

8 **(A) Exclusively in farming, agricultural or forestry operations;**

9 **(B) By a person licensed under ORS chapter 571 exclusively for nursery or Christmas tree**
10 **growing operations; or**

11 **(C) By an employee of a utility that provides electrical, water, gas or telecommunications**
12 **service, in the performance of the employee's official duties.**

13 (b) Being used on land owned or leased by the owner of the vehicle.

14 **(c) Being loaded or unloaded from a truck or a trailer.**

15 (3) The offense described in this section, endangering a Class I or Class III all-terrain vehicle
16 operator or passenger, is a Class D traffic violation.

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