

House Bill 2399

Sponsored by Representative HANNA (at the request of BikePAC of Oregon) (Pre-session filed.)

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 **as introduced**.

Requires only persons under 21 years of age to wear motorcycle helmets.

A BILL FOR AN ACT

Relating to motorcycle helmets; amending ORS 807.280, 814.260, 814.269, 814.275 and 814.280.

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

SECTION 1. ORS 807.280 is amended to read:

807.280. The Department of Transportation shall provide for the issuance of instruction driver permits in a manner consistent with this section. A person who is issued an instruction driver permit may exercise the same driving privileges as those under the class of license or endorsement for which the permit is issued except as provided in this section or under the permit. Except as otherwise provided in this section, an instruction driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a license or endorsement granting the same driving privileges. The following apply to an instruction driver permit:

(1) An instruction driver permit is subject to the same classifications and endorsements as a license. The department may issue an instruction driver permit to grant the same driving privileges as a Class A commercial, Class B commercial, Class C commercial or Class C driver license or as a motorcycle endorsement, but the permit will also be subject to the provisions of this section.

(2) The department may issue an instruction driver permit to a person who is qualified to obtain the same driving privileges under the corresponding class of license or type of endorsement except for the person's age or lack of experience in the operation of motor vehicles subject to the following:

(a) An applicant must be 15 years of age or older to receive the same driving privileges as are granted under a Class C license.

(b) An applicant must be 16 years of age or older and have a commercial driver license or a Class C license to receive the same driving privileges as are granted under a motorcycle endorsement.

(c) An applicant must be 18 years of age or older to receive the same driving privileges as are granted under any class of license not otherwise provided for under this subsection.

(3) The only fee required for issuance of an instruction driver permit is the instruction driver permit issuance fee under ORS 807.370.

(4) A Class C instruction driver permit shall be valid for 24 months from the date of issuance. All other instruction driver permits issued under this section shall be valid for one year from the date of issuance. A permit issued under this section may not be renewed.

(5) The holder of the permit may not operate a motor vehicle unless the holder has the permit in the holder's immediate possession and is accompanied by a person with a class of license granting

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 the same driving privileges or a license with an endorsement granting the same driving privileges
 2 who is not less than 21 years of age. The accompanying person must be occupying a seat beside the
 3 holder of the permit unless the permit is for motorcycle driving privileges. For a permit granting
 4 motorcycle driving privileges, the holder of the permit must be in the company and under the
 5 supervision and visual observation of the accompanying person and the accompanying person must
 6 be operating a separate motorcycle. If the permit authorizes its holder to operate a commercial
 7 motor vehicle, the accompanying person must have a commercial driver license and the proper
 8 endorsements for the vehicle being operated by the holder of the permit. The holder of the permit
 9 may not operate any motor vehicle transporting hazardous materials.

10 (6) The holder of a permit granting motorcycle driving privileges is subject to the following in
 11 addition to any other requirements under this section:

12 (a) The holder may only operate a motorcycle during daylight hours.

13 (b) The holder may not carry any passengers on the motorcycle.

14 (c) **If the holder of the permit is under 21 years of age, the holder** must wear an approved
 15 helmet while operating a motorcycle.

16 (7)(a) The department may issue an instruction driver permit to a person with a limited vision
 17 condition if a rehabilitation training specialist certifies to the department that the person has suc-
 18 cessfully completed a rehabilitation training program.

19 (b) As used in this subsection, “limited vision condition,” “rehabilitation training specialist” and
 20 “rehabilitation training program” have the meanings given those terms in section 2, chapter 277,
 21 Oregon Laws 2003.

22 (8) In addition to any other requirements under this section, the holder of a permit issued under
 23 subsection (7) of this section may operate a motor vehicle only:

24 (a) During daylight hours;

25 (b) On highways with a designated speed or speed limit not greater than 45 miles per hour; and

26 (c) When the holder is using a bioptic telescopic lens.

27 **SECTION 2.** ORS 807.280, as amended by section 12, chapter 277, Oregon Laws 2003, section
 28 8, chapter 59, Oregon Laws 2005, and section 36, chapter 649, Oregon Laws 2005, is amended to
 29 read:

30 807.280. The Department of Transportation shall provide for the issuance of instruction driver
 31 permits in a manner consistent with this section. A person who is issued an instruction driver per-
 32 mit may exercise the same driving privileges as those under the class of license or endorsement for
 33 which the permit is issued except as provided in this section or under the permit. Except as other-
 34 wise provided in this section, an instruction driver permit is subject to the fees, provisions, condi-
 35 tions, prohibitions and penalties applicable to a license or endorsement granting the same driving
 36 privileges. The following apply to an instruction driver permit:

37 (1) An instruction driver permit is subject to the same classifications and endorsements as a li-
 38 cense. The department may issue an instruction driver permit to grant the same driving privileges
 39 as a Class A commercial, Class B commercial, Class C commercial or Class C driver license or as
 40 a motorcycle endorsement, but the permit will also be subject to the provisions of this section.

41 (2) The department may issue an instruction driver permit to a person who is qualified to obtain
 42 the same driving privileges under the corresponding class of license or type of endorsement except
 43 for the person’s age or lack of experience in the operation of motor vehicles subject to the following:

44 (a) An applicant must be 15 years of age or older to receive the same driving privileges as are
 45 granted under a Class C license.

1 (b) An applicant must be 16 years of age or older and have a commercial driver license or a
 2 Class C license to receive the same driving privileges as are granted under a motorcycle endorse-
 3 ment.

4 (c) An applicant must be 18 years of age or older to receive the same driving privileges as are
 5 granted under any class of license not otherwise provided for under this subsection.

6 (3) The only fee required for issuance of an instruction driver permit is the instruction driver
 7 permit issuance fee under ORS 807.370.

8 (4) A Class C instruction driver permit shall be valid for 24 months from the date of issuance.
 9 All other instruction driver permits issued under this section shall be valid for one year from the
 10 date of issuance. A permit issued under this section may not be renewed.

11 (5) The holder of the permit may not operate a motor vehicle unless the holder has the permit
 12 in the holder's immediate possession and is accompanied by a person with a class of license granting
 13 the same driving privileges or a license with an endorsement granting the same driving privileges
 14 who is not less than 21 years of age. The accompanying person must be occupying a seat beside the
 15 holder of the permit unless the permit is for motorcycle driving privileges. For a permit granting
 16 motorcycle driving privileges, the holder of the permit must be in the company and under the
 17 supervision and visual observation of the accompanying person and the accompanying person must
 18 be operating a separate motorcycle. If the permit authorizes its holder to operate a commercial
 19 motor vehicle, the accompanying person must have a commercial driver license and the proper
 20 endorsements for the vehicle being operated by the holder of the permit. The holder of the permit
 21 may not operate any motor vehicle transporting hazardous materials.

22 (6) The holder of a permit granting motorcycle driving privileges is subject to the following in
 23 addition to any other requirements under this section:

24 (a) The holder may only operate a motorcycle during daylight hours.

25 (b) The holder may not carry any passengers on the motorcycle.

26 (c) **If the holder of the permit is under 21 years of age, the holder** must wear an approved
 27 helmet while operating a motorcycle.

28 **SECTION 3.** ORS 814.260 is amended to read:

29 814.260. (1) A person commits the offense of failure of a moped rider to wear a motorcycle hel-
 30 met if the person **is under 21 years of age and:**

31 (a) Operates or rides on a moped; and

32 (b) Is not wearing a motorcycle helmet.

33 (2) Exemptions from this section are established under ORS 814.290.

34 (3) This section does not permit passengers on mopeds in violation of ORS 814.330 or 814.340.

35 (4) The offense described in this section, failure of a moped rider to wear a motorcycle helmet,
 36 is a Class D traffic violation.

37 **SECTION 4.** ORS 814.269 is amended to read:

38 814.269. (1) A person commits the offense of failure of a motorcycle operator to wear a motor-
 39 cycle helmet if the person **is under 21 years of age**, operates a motorcycle and is not wearing a
 40 motorcycle helmet.

41 (2) Exemptions from this section are established in ORS 814.290.

42 (3) The offense described in this section, failure of a motorcycle operator to wear a motorcycle
 43 helmet, is a Class D traffic violation.

44 **SECTION 5.** ORS 814.275 is amended to read:

45 814.275. (1) A person commits the offense of failure of a motorcycle passenger to wear a mo-

1 motorcycle helmet if the person **is under 21 years of age**, rides as a passenger on a motorcycle and
2 is not wearing a motorcycle helmet.

3 (2) Exemptions from this section are established in ORS 814.290.

4 (3) The offense described in this section, failure of a motorcycle passenger to wear a motorcycle
5 helmet, is a Class D traffic violation.

6 **SECTION 6.** ORS 814.280 is amended to read:

7 814.280. (1) A person commits the offense of endangering a motorcycle passenger if the person
8 is operating a motorcycle and the person carries another person on the motorcycle who is **under**
9 **21 years of age and is** not wearing a motorcycle helmet.

10 (2) Exemptions from this section are established under ORS 814.290.

11 (3) The offense described in this section, endangering a motorcycle passenger, is a Class D
12 traffic violation.

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