

Senate Bill 101

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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 Class I and Class III all-terrain vehicle operators who are seven years of age or older to have all-terrain vehicle operator permit when operating vehicle on premises open to public.

Creates offense of endangering Class I all-terrain vehicle operator. Punishes violation by maximum fine of \$180.

A BILL FOR AN ACT

1
2 Relating to all-terrain vehicles; creating new provisions; and amending ORS 821.170, 821.172, 821.200
3 and 821.292.

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

5 **SECTION 1.** ORS 821.170 is amended to read:

6 821.170. (1) A person **16 years of age or older** commits the offense of operation of a Class I
7 all-terrain vehicle without driving privileges if the person operates a Class I all-terrain vehicle on
8 *[public lands]* **premises open to the public** and the person does not *[meet one of the following*
9 *qualifications:]* **hold a valid Class I all-terrain vehicle operator permit issued under ORS**
10 **390.570.**

11 *[(a) The person must hold a valid driver license;]*

12 *[(b) The person must hold a valid Class I all-terrain vehicle operator permit issued under ORS*
13 *390.570; or]*

14 *[(c) The person must be accompanied by a person who is at least 18 years of age, who has either*
15 *a valid driver license or a valid Class I all-terrain vehicle operator permit and who is either on the*
16 *same vehicle, if the vehicle is designed to carry passengers, or on a separate Class I all-terrain*
17 *vehicle.]*

18 **(2) A person under 16 years of age commits the offense of operation of a Class I all-**
19 **terrain vehicle without driving privileges if the person operates a Class I all-terrain vehicle**
20 **on premises open to the public and the person does not meet all the following conditions:**

21 **(a) The person operating the vehicle must be accompanied by a person who is at least**
22 **18 years of age, who has a valid Class I all-terrain vehicle operator permit issued under ORS**
23 **390.570 and who is either on the same vehicle, if the vehicle is designed to carry passengers,**
24 **or on a separate Class I all-terrain vehicle.**

25 **(b) The person operating the vehicle must hold a valid Class I all-terrain vehicle operator**
26 **permit issued under ORS 390.570.**

27 **(3) A person under seven years of age may not operate a Class I all-terrain vehicle on**
28 **premises open to the public.**

29 *[(2)]* **(4) [Notwithstanding subsection (1) of this section, no] A person under [12] 16 years of age**

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 may **not** operate a Class I all-terrain vehicle on a designated snowmobile trail under snow condi-
 2 tions unless the person holds a valid Class I all-terrain vehicle operator permit issued under ORS
 3 390.570.

4 [(3)] (5) The offense described in this section, operation of Class I all-terrain vehicle without
 5 driving privileges, is a Class D traffic violation.

6 **SECTION 2.** ORS 821.172 is amended to read:

7 821.172. (1) A person [*who is 12*] **16** years of age or older commits the offense of operation of a
 8 Class III all-terrain vehicle without driving privileges if the person operates a Class III all-terrain
 9 vehicle on [*public lands*] **premises open to the public** and the person does not [*meet one of the*
 10 *following qualifications:*] **hold a valid Class III all-terrain vehicle operator permit issued under**
 11 **ORS 390.575.**

12 [(a) *The person must hold a valid driver license;*]

13 [(b) *The person must hold a valid Class III all-terrain vehicle operator permit issued under ORS*
 14 *390.575; or*]

15 **(2) A person under 16 years of age commits the offense of operation of a Class III all-**
 16 **terrain vehicle without driving privileges if the person operates a Class III all-terrain vehicle**
 17 **on premises open to the public and the person does not meet all the following conditions:**

18 **(a) The person operating the vehicle must be accompanied by a person who is at least**
 19 **18 years of age, who has a valid Class III all-terrain vehicle operator permit issued under**
 20 **ORS 390.575 and who is either on the same vehicle, if the vehicle is designed to carry pas-**
 21 **sengers, or on a separate Class III all-terrain vehicle.**

22 **(b) The person operating the vehicle must hold a valid Class III all-terrain vehicle oper-**
 23 **ator permit issued under ORS 390.575.**

24 **(3) A person under seven years of age may not operate a Class III all-terrain vehicle on**
 25 **premises open to the public.**

26 [(c) *The person must be accompanied by a person who is at least 18 years of age, who has either*
 27 *a valid driver license or a valid Class III all-terrain vehicle operator permit and who is either on the*
 28 *same vehicle, if the vehicle is designed to carry passengers, or on a separate Class III all-terrain ve-*
 29 *hicle.*]

30 [(2) *A person who is at least seven years of age but under 12 years of age commits the offense of*
 31 *operation of a Class III all-terrain vehicle without driving privileges if the person operates a Class III*
 32 *all-terrain vehicle on public lands and the person does not meet both of the following qualifications:*]

33 [(a) *The person must hold a valid Class III all-terrain vehicle operator permit issued under ORS*
 34 *390.575; and*]

35 [(b) *The person must be accompanied by a person who is at least 18 years of age, who has either*
 36 *a valid driver license or a valid Class III all-terrain vehicle operator permit and who is either on the*
 37 *same vehicle, if the vehicle is designed to carry passengers, or on a separate Class III all-terrain ve-*
 38 *hicle.*]

39 [(3) *A person under seven years of age commits the offense of operation of a Class III all-terrain*
 40 *vehicle without driving privileges if the person operates a Class III all-terrain vehicle on public*
 41 *lands.*]

42 (4) The offense described in this section, operation of a Class III all-terrain vehicle without
 43 driving privileges, is a Class C traffic violation.

44 **SECTION 3.** ORS 821.200 is amended to read:

45 821.200. This section establishes exemptions from the limitations placed on the use of

1 snowmobiles and all-terrain vehicles under ORS 821.190. The prohibitions and penalties under ORS
 2 821.190 do not apply when a snowmobile or all-terrain vehicle that qualifies for the exemption from
 3 equipment requirements under ORS 821.010 is being operated as described under any of the follow-
 4 ing:

5 (1) A person may lawfully cross a highway or railroad right of way while operating a
 6 snowmobile or all-terrain vehicle if the person complies with all of the following:

7 (a) The crossing must be made at an angle of approximately 90 degrees to the direction of the
 8 highway or railroad right of way.

9 (b) The crossing must be made at a place where no obstruction prevents a quick and safe
 10 crossing.

11 (c) The vehicle must be brought to a complete stop before entering the highway or railroad right
 12 of way.

13 (d) The operator of the vehicle must yield the right of way to vehicles using the highway or
 14 equipment using the railroad tracks.

15 (e) The crossing of a railroad right of way must be made at an established public railroad
 16 crossing.

17 (f) The crossing of a highway must be made at a place that is more than 100 feet from any
 18 highway intersection.

19 (g) If the operator of a snowmobile is under 12 years of age, a person who is 18 years of age
 20 or older must accompany the operator either as a passenger or as the operator of another
 21 snowmobile that is in proximity to the younger operator.

22 (h) If the operator of a Class I all-terrain vehicle is under [12] **16** years of age, a person who is
 23 18 years of age or older must accompany the operator either as a passenger, if the vehicle is de-
 24 signed to carry passengers, or on a separate Class I all-terrain vehicle.

25 (2) A snowmobile or all-terrain vehicle may be lawfully operated upon a highway under any of
 26 the following circumstances:

27 (a) Where the highway is completely covered with snow or ice and has been closed to motor
 28 vehicle traffic during winter months.

29 (b) For purposes of loading or unloading when such operation is performed with safety and
 30 without causing a hazard to vehicular traffic approaching from either direction on the highway.

31 (c) Where the highway is posted to permit snowmobiles or all-terrain vehicles.

32 (d) In an emergency during the period of time when and at locations where snow upon the
 33 highway renders travel by automobile impractical.

34 (e) When traveling along a designated snowmobile or all-terrain vehicle trail.

35 (3) It shall be lawful to operate a snowmobile or all-terrain vehicle upon a railroad right of way
 36 under any of the following circumstances:

37 (a) Where the right of way is posted to permit the operation.

38 (b) In an emergency.

39 (c) When the snowmobile or all-terrain vehicle is operated by an officer or employee or author-
 40 ized contractor or agent of a railroad.

41 **SECTION 4.** ORS 821.292 is amended to read:

42 821.292. (1) A person commits the offense of endangering a Class III all-terrain vehicle operator
 43 if the person is the parent, legal guardian or person with legal responsibility for the safety and
 44 welfare of a child at least seven years of age but under [12] **16** years of age and the child operates
 45 a Class III all-terrain vehicle on [*public lands*] **premises open to the public** and:

1 (a) Does not have a Class III all-terrain vehicle operator permit issued under ORS 390.575; and

2 (b) Is not accompanied by the parent, legal guardian or person with legal responsibility who
3 **holds a valid Class III all-terrain vehicle operator permit issued under ORS 390.575 and who**
4 is on the same vehicle, if the vehicle is designed to carry passengers, or on a separate Class III
5 all-terrain vehicle.

6 (2) A person commits the offense of endangering a Class III all-terrain vehicle operator if the
7 person is the parent, legal guardian or person with legal responsibility for the safety and welfare
8 of a child who is under seven years of age and the child operates a Class III all-terrain vehicle on
9 *[public lands]* **premises open to the public.**

10 (3) The offense described in this section, endangering a Class III all-terrain vehicle operator, is
11 a Class C traffic violation.

12 **SECTION 5. (1) A person commits the offense of endangering a Class I all-terrain vehicle**
13 **operator if the person is the parent, legal guardian or person with legal responsibility for the**
14 **safety and welfare of a child at least seven years of age but under 16 years of age and the**
15 **child operates a Class I all-terrain vehicle on premises open to the public and:**

16 (a) Does not have a Class I all-terrain vehicle operator permit issued under ORS 390.570;
17 **and**

18 (b) Is not accompanied by the parent, legal guardian or person with legal responsibility
19 who holds a valid Class I all-terrain vehicle operator permit issued under ORS 390.570 and
20 who is on the same vehicle, if the vehicle is designed to carry passengers, or on a separate
21 Class I all-terrain vehicle.

22 (2) A person commits the offense of endangering a Class I all-terrain vehicle operator if
23 the person is the parent, legal guardian or person with legal responsibility for the safety and
24 welfare of a child who is under seven years of age and the child operates a Class I all-terrain
25 vehicle on premises open to the public.

26 (3) The offense described in this section, endangering a Class I all-terrain vehicle opera-
27 tor, is a Class C traffic violation.

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