

Senate Bill 49

Sponsored by Senators DEVLIN, BATES (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**.

Prohibits operation of all-terrain vehicles by persons under 12 years of age. Restricts operation of all-terrain vehicles by persons 12 to 15 years of age based on vehicle engine displacement.

Prohibits sellers of all-terrain vehicles from knowingly selling all-terrain vehicles for use by persons under 12 years of age or for use by persons 12 to 15 years of age in violation of engine displacement limitations. Punishes by fine of \$90.

Directs State Parks and Recreation Department to produce and provide safety information to retailers. Directs retailers of all-terrain vehicles to distribute safety information to buyers of all-terrain vehicles.

A BILL FOR AN ACT

1
2 Relating to all-terrain vehicles; creating new provisions; amending ORS 821.203; and repealing ORS
3 821.292.

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

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of the Oregon Vehicle**
6 **Code.**

7 **SECTION 2. (1) A person who is in the business of selling all-terrain vehicles commits**
8 **the offense of knowingly selling or offering to sell an all-terrain vehicle for use by an unau-**
9 **thorized operator when a person sells an all-terrain vehicle:**

10 (a) **For use by persons under 12 years of age; or**

11 (b) **With an engine displacement greater than 90 cubic centimeters for use by persons**
12 **under 16 years of age.**

13 (2) **The offense of knowingly selling or offering to sell an all-terrain vehicle for use by**
14 **an unauthorized operator is a Class D traffic violation.**

15 **SECTION 3. A person who is in the business of selling all-terrain vehicles shall distribute**
16 **informational materials regarding state laws, safety requirements and training programs to**
17 **purchasers of all-terrain vehicles at the time of sale. The State Parks and Recreation De-**
18 **partment shall develop and provide the informational materials for distribution to the sellers**
19 **of all-terrain vehicles.**

20 **SECTION 4. ORS 821.203 is amended to read:**

21 821.203. (1) A person commits the offense of endangering [*a Class I or Class III*] **an** all-terrain
22 vehicle operator or passenger if:

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

26 (b) The person is the parent, legal guardian or person with legal responsibility for the safety
27 and welfare of a child under 18 years of age and the child operates or rides on a Class I or Class
28 III all-terrain vehicle on premises open to the public without wearing a motorcycle helmet[.];

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 (c) The person is the parent, legal guardian or person with legal responsibility for the
2 safety and welfare of a child who is at least 12 years of age and not more than 15 years of
3 age and who operates an all-terrain vehicle with an engine displacement greater than 90 cu-
4 bic centimeters; or

5 (d) The person is the parent, legal guardian or person with legal responsibility for the
6 safety and welfare of a child under 12 years of age and the child operates an all-terrain ve-
7 hicle.

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

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

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

12 (3) The offense described in this section, endangering [*a Class I or Class III*] **an** all-terrain ve-
13 hicle operator or passenger, is a Class D traffic violation.

14 **SECTION 5. ORS 821.292 is repealed.**
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