

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 3 - 0 - 2

Yeas: Schrader, Starr, Metsger

Nays: -

Exc.: George, Verger

Prepared By: Jim Stembridge, Administrator

Meeting Dates: 3/12, 4/8

WHAT THE MEASURE DOES: Extends highway motor vehicle operation safety requirements for children younger than age 16, including the use of seat belts and child safety systems, to motor vehicles, including Class I and Class II all-terrain vehicles, operating on premises open to the public. Penalizes parents/guardians or vehicle operator, for violations.

ISSUES DISCUSSED:

- Current equipment and operation requirements for on-road and off-road uses of all-terrain vehicles
- Private property exemption
- Multiple-wheel vehicles and saddle-seat vehicles
- “People movers” and similar transit vehicles
- Oregon Parks and Recreation Department enforcement responsibilities
- Availability of training

EFFECT OF COMMITTEE AMENDMENT: Limits extension of seat-belt and child-safety system use requirements, for vehicles, including Class I and Class II all-terrain vehicles, operated or ridden on premises open to the public, to children younger than age 16. Penalizes parents/guardians or vehicle operator, for violations.

BACKGROUND: The Oregon Vehicle Code (ORS 801.400) defines “premises open to the public” as “includes any premises open to the general public for the use of motor vehicles, whether the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises.” Forest roads and state-park lands such as beaches and dunes are typical premises open to the public.

The definition of “Class I all-terrain vehicle”, at ORS 801.190 includes “dry weight of 800 pounds or less”. Class II all-terrain vehicle”, defined at ORS 801.193, is any motor vehicle that: weighs more than a Class I all-terrain vehicle; is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain; and is actually being operated off a highway or is being operated on a highway for agricultural purposes under ORS 821.191. Class III all-terrain vehicles are motorcycles.

Under Oregon Department of Transportation administrative rule (OAR 735-116-0000), off-road vehicles must be equipped with seat belts.

The offense of failure to properly use seat belts and/or child safety systems is a Class D traffic violation. As provided in ORS 153.018, the fine for violation is an amounts not exceeding \$90.