

# House Bill 2499

Sponsored by Representatives BAILEY, FREEMAN; Representative MATTHEWS

## 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 fees required for issuance or renewal of an instruction driver permit are the instruction driver permit fees 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.

(5) When a permit expires or is about to expire, the department shall renew the permit if the holder of the permit qualifies for renewal of the permit under this section and applies for renewal:

**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 (a) Within one year of the expiration of a permit issued under this section; or

2 (b) Within six months after the applicant is discharged from the Armed Forces of the United  
 3 States if the applicant held a permit issued by this state at the time of the applicant’s entry into the  
 4 Armed Forces.

5 (6) To qualify for renewal of a permit, a person must meet all of the requirements for the type  
 6 of permit sought to be renewed, except that the department may waive the examination unless the  
 7 department has reason to believe that the applicant is not qualified for the permit.

8 (7) A permit that is renewed under this section may be used on or after the date of issuance.  
 9 If the department issues a permit renewal to a person under this section before the expiration of the  
 10 permit being renewed, the older permit is invalid. A permit that becomes invalid under this sub-  
 11 section shall be surrendered to the department.

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

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

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

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

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

29 (10)(a) The department may issue an instruction driver permit to a person with a limited vision  
 30 condition if a rehabilitation training specialist certifies to the department that the person has suc-  
 31 cessfully completed a rehabilitation training program.

32 (b) As used in this subsection, “limited vision condition,” “rehabilitation training specialist” and  
 33 “rehabilitation training program” have the meanings given those terms in ORS 807.355.

34 (11) In addition to any other requirements under this section, the holder of a permit issued under  
 35 subsection (10) of this section may operate a motor vehicle only when using a bioptic telescopic lens.

36 **SECTION 2.** ORS 814.260 is amended to read:

37 814.260. (1) A person commits the offense of failure of a moped rider to wear a motorcycle hel-  
 38 met if the person **is under 21 years of age and:**

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

40 (b) Is not wearing a motorcycle helmet.

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

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

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

45 **SECTION 3.** ORS 814.269 is amended to read:

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

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

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

7       **SECTION 4.** ORS 814.275 is amended to read:

8       814.275. (1) A person commits the offense of failure of a motorcycle passenger to wear a mo-  
9 torcycle helmet if the person **is under 21 years of age**, rides as a passenger on a motorcycle and  
10 is not wearing a motorcycle helmet.

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

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

14       **SECTION 5.** ORS 814.280 is amended to read:

15       814.280. (1) A person commits the offense of endangering a motorcycle passenger if the person  
16 is operating a motorcycle and the person carries another person on the motorcycle who is **under**  
17 **21 years of age and is** not wearing a motorcycle helmet.

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

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

21

---