

Enrolled
Senate Bill 578

Sponsored by Senator METSGER; Senator DEVLIN

CHAPTER

AN ACT

Relating to all-terrain vehicle safety; creating new provisions; amending ORS 390.560 and 390.565; and declaring an emergency.

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

SECTION 1. ORS 390.560 is amended to read:

390.560. Moneys in the All-Terrain Vehicle Account established under ORS 390.555 shall be used for the following purposes only:

- (1) In each 12-month period, no less than 10 percent of the moneys described in ORS 390.555 that are attributable to Class I all-terrain vehicles shall be transferred to the Department of Transportation for the development and maintenance of snowmobile facilities as provided in ORS 802.110;
- (2) Planning, promoting and implementing a statewide all-terrain vehicle program, including the acquisition, development and maintenance of all-terrain vehicle recreation areas;
- (3) Education and safety training for all-terrain vehicle operators;
- (4) Provision of first aid and police services [*in all-terrain vehicle recreation areas designated by the appropriate authority*] **related to all-terrain vehicle recreation**;
- (5) Paying the costs of instigating, developing or promoting new programs for all-terrain vehicle users and of advising people of possible usage areas for all-terrain vehicles;
- (6) Paying the costs of coordinating between all-terrain vehicle user groups and the managers of public lands;
- (7) Paying the costs of providing consultation and guidance to all-terrain vehicle user programs;
- (8) Paying the costs of administration of the all-terrain vehicle programs, including staff support provided under ORS 390.565 as requested by the All-Terrain Vehicle [*Account Allocation*] **Advisory Committee**; and
- (9) Paying the costs of law enforcement activities related to the operation of Class I and Class III all-terrain vehicles. The State Parks and Recreation Department shall determine the amount required for law enforcement activities and the intervals at which the moneys shall be distributed. The funds available shall be apportioned according to the terms of an intergovernmental agreement entered into between the State Parks and Recreation Department and a city, the Department of State Police or the sheriff of a county.

SECTION 2. ORS 390.565 is amended to read:

390.565. (1) The All-Terrain Vehicle [*Account Allocation*] **Advisory Committee** is established. The committee shall consist of [*seven*] **eleven** voting members and [*four*] **one** nonvoting [*members*] **member** appointed by the State Parks and Recreation Commission for a term of four years. Members are eligible for reappointment **for a second term** and vacancies may be filled by the commission. **A majority of members constitutes a quorum for the transaction of business.**

Recommendations under subsection (4)(a) of this section on allocation of moneys in the All-Terrain Vehicle Account must receive an affirmative vote from at least *[four]* **six** of the voting members of the committee.

(2) Of the voting members of the committee:

(a) *[Two]* **One** shall be *[representatives of]* **a representative of a Class I all-terrain vehicle user [organizations] organization.**

(b) One shall be a representative of a *[four wheel drive]* **Class II all-terrain** vehicle user organization.

(c) One shall be a *[representative of a dune buggy user organization]* **an all-terrain vehicle dealer.**

(d) One shall be an **at-large** all-terrain vehicle user.

(e) *[Two]* **One** shall be *[representatives]* **a representative of a Class III all-terrain vehicle user [groups] organization.**

[(3) Of the nonvoting members of the committee:]

[(a) One shall be a representative of the State Parks and Recreation Department.]

[(b)] (f) One shall be a representative of the United States Forest Service.

[(c)] (g) One shall be a representative of the Bureau of Land Management.

[(d)] (h) One shall be a representative of *[a snowmobile user organization]* **the Department of Transportation who is knowledgeable about transportation safety.**

(i) **One shall be a representative of the State Forestry Department who is knowledgeable about all-terrain vehicle recreation areas on state lands.**

(j) **One shall be a representative of the Department of Human Services who is knowledgeable about public health and safety.**

(k) **One shall be a representative of a law enforcement agency.**

(3) One representative from the State Parks and Recreation Department shall be a non-voting member of the committee.

(4) The committee shall:

(a) Advise the State Parks and Recreation Department on the allocation of moneys in the All-Terrain Vehicle Account established by ORS 390.555[.].

[(b) Recommend, to managers of publicly and privately owned lands, trails and areas that may not be used by any Class II all-terrain vehicle that has not been issued an operating permit under ORS 390.580; and]

[(c) Advise the department on candidates for appointment to the committee.]

(b) Review accidents and fatalities resulting from all-terrain vehicle recreation and make recommendations to the State Parks and Recreation Commission.

(c) Review changes to statutory vehicle classifications as necessary for safety considerations and make recommendations to the commission.

(d) Review safety features of all classes of off-highway vehicles and make recommendations to the commission.

(e) Recommend appropriate safety requirements to protect child operators and riders of off-highway vehicles to the commission.

(5)(a) A subcommittee shall be established consisting of the following voting members:

(A) The representative of a Class I all-terrain vehicle user organization.

(B) The representative of a Class II all-terrain vehicle user organization.

(C) The representative of a Class III all-terrain vehicle user organization.

(D) The at-large all-terrain vehicle user.

(E) The representative of a law enforcement agency.

(b) The subcommittee shall review grant proposals and make recommendations to the commission as to which projects should receive grant funding.

(c) Recommendations under this subsection on grant proposals must receive an affirmative vote from at least three of the members of the subcommittee.

[(5)] (6) The **State Parks and Recreation** Department shall provide staff support for the committee and shall provide for expansion of programs for all-terrain vehicle users.

SECTION 3. No later than December 1, 2010, the All-Terrain Vehicle Advisory Committee shall report to the legislative interim committees on transportation and provide recommendations on vehicle classifications and other safety issues related to all-terrain vehicles.

SECTION 4. (1) On January 1, 2010, the term of office of members of the All-Terrain Vehicle Account Allocation Committee then holding office shall cease. However, a member whose term of office has been terminated by this subsection is eligible for appointment to the All-Terrain Vehicle Advisory Committee.

(2) Notwithstanding the term of office specified by ORS 390.565, of the members first appointed to the board:

- (a) Four shall serve for terms ending January 1, 2012.
- (b) Four shall serve for terms ending January 1, 2013.
- (c) Four shall serve for terms ending January 1, 2014.

SECTION 5. Section 3 of this 2009 Act and the amendments to ORS 390.560 and 390.565 by sections 1 and 2 of this 2009 Act become operative January 1, 2010.

SECTION 6. The State Parks and Recreation Commission may take any action necessary before January 1, 2010, to enable the commission to appoint members to the All-Terrain Vehicle Advisory Committee under ORS 390.565, as amended by section 2 of this 2009 Act, on or after January 1, 2010.

SECTION 7. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by Senate June 18, 2009

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Secretary of Senate

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President of Senate

Passed by House June 24, 2009

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Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State