

Enrolled
Senate Bill 583

Sponsored by Senator METSGER; Senator DEVLIN

CHAPTER

AN ACT

Relating to all-terrain vehicle helmet requirements; amending ORS 821.202 and 821.203.

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

SECTION 1. ORS 821.202 is amended to read:

821.202. (1) A person commits the offense of failure of a Class I, **Class II** or Class III all-terrain vehicle operator or passenger to wear a motorcycle helmet if the person is under 18 years of age, operates or rides on a Class I, **Class II** or Class III all-terrain vehicle on premises open to the public and is not wearing a motorcycle helmet with a fastened chin strap.

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

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

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

(c) **A Class II all-terrain vehicle registered under ORS 803.420 and has a roof or roll bar.**

(3) The offense described in this section, failure of a Class I, **Class II** or Class III all-terrain vehicle operator or passenger to wear a motorcycle helmet, is a Class D traffic violation.

SECTION 2. ORS 821.203 is amended to read:

821.203. (1) A person commits the offense of endangering a Class I, **Class II** or Class III all-terrain vehicle operator or passenger if:

(a) The person is operating a Class I, **Class II** or Class III all-terrain vehicle on premises open to the public and the person carries another person on the Class I, **Class II** or Class III all-terrain vehicle who is under 18 years of age and is not wearing a motorcycle helmet with a fastened chin strap; or

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

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

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

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

(c) **A Class II all-terrain vehicle registered under ORS 803.420 and has a roof or roll bar.**

(3) The offense described in this section, endangering a Class I, **Class II** or Class III all-terrain vehicle operator or passenger, is a Class D traffic violation.

Passed by Senate April 7, 2009

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Secretary of Senate

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President of Senate

Passed by House May 29, 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