

**Enrolled**  
**House Bill 2329**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Transportation for All-Terrain Vehicle Advisory Committee)

CHAPTER .....

AN ACT

Relating to all-terrain vehicles; creating new provisions; and amending ORS 390.550, 390.555, 390.560, 390.565, 390.580, 646.913, 801.190, 801.193, 801.194, 802.125, 803.030, 803.305, 806.020, 807.020, 811.210, 811.745, 815.110, 815.300, 821.055, 821.165, 821.170, 821.172, 821.174, 821.190, 821.191, 821.202, 821.203, 821.280, 821.291, 821.292 and 821.295.

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

**SECTION 1.** ORS 801.190 is amended to read:

801.190. "Class I all-terrain vehicle" means a motorized, off-highway recreational vehicle **that:**

- (1) **Is** 50 inches or less in width [*with*];
- (2) **Has** a dry weight of [800] **1,200** pounds or less [*that*];
- (3) Travels on three or more [*low pressure*] **pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less**, [*has a saddle or seat for the operator and*];
- (4) **Uses handlebars for steering;**
- (5) **Has a seat designed to be straddled for the operator; and**
- (6) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain.

**SECTION 2.** ORS 801.193 is amended to read:

801.193. "Class II all-terrain vehicle" means any motor vehicle that:

- (1) Weighs more than **or is wider than** a Class I all-terrain vehicle;
- (2) 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*]
- (3) Is actually being operated off a highway or is being operated on a highway for agricultural purposes under ORS 821.191; **and**
- (4) **Is not a Class IV all-terrain vehicle.**

**SECTION 3.** ORS 801.194 is amended to read:

801.194. "Class III all-terrain vehicle" means [*an off-highway*] **a motorcycle** [*with a dry weight of 600 pounds or less*] that travels on two tires **and that is actually being operated off highway.**

**SECTION 4. Sections 5 and 6 of this 2011 Act are added to and made a part of the Oregon Vehicle Code.**

**SECTION 5.** "Class IV all-terrain vehicle" means any motorized vehicle that:

- (1) **Travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less;**

- (2) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain;
- (3) Has nonstraddle seating;
- (4) Has a steering wheel for steering control;
- (5) Has a dry weight of 1,800 pounds or less; and
- (6) Is 65 inches wide or less at its widest point.

**SECTION 6.** (1) A person commits the offense of operation of a Class IV all-terrain vehicle without driving privileges if the person operates a Class IV all-terrain vehicle on public lands and the person does not hold a valid driver license issued under ORS 807.040.

(2) This section does not apply to a child under the age of 16 if:

- (a) The child's age complies with the manufacturer's minimum age recommendation as evidenced by the manufacturer's warning label affixed to the vehicle;
- (b) The child is accompanied by a person who is at least 18 years of age, who holds a valid all-terrain vehicle operator permit issued under ORS 390.570 or 390.575 or section 6b of this 2011 Act and who is able to provide immediate assistance and direction to the child; and
- (c) The child holds a Class IV all-terrain vehicle operator permit issued under section 6b of this 2011 Act.

(3) This section does not apply if:

- (a) The vehicle is 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; or
- (b) The vehicle is being used on land owned or leased by the owner of the vehicle.
- (4) The offense described in this section, operation of a Class IV all-terrain vehicle without driving privileges, is a Class C traffic violation.

**SECTION 6a.** Section 6b of this 2011 Act is added to and made a part of ORS 390.550 to 390.590.

**SECTION 6b.** (1) The State Parks and Recreation Department shall issue or provide for issuance of a Class IV all-terrain vehicle operator permit to any person who has taken a Class IV all-terrain vehicle safety education course established under this section and has been found qualified to operate a Class IV all-terrain vehicle.

(2) The department shall adopt rules to provide for Class IV all-terrain vehicle safety education courses, equivalency examinations and the issuance of Class IV all-terrain vehicle operator permits consistent with this section. The rules adopted by the department shall be consistent with the following:

- (a) The courses must be given by instructors designated by the department as qualified to conduct the courses and issue the permits.
- (b) The instructors may be provided and permits issued through public or private local and state organizations meeting qualifications established by the department.
- (c) The department may collect a fee of not more than \$5 from each participant in a course established under this section.

**SECTION 6c.** (1) Sections 6a and 6b of this 2011 Act become operative on July 1, 2012.

(2) The State Parks and Recreation Department may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the department to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the department by section 6b of this 2011 Act.

**SECTION 7.** ORS 390.550 is amended to read:

390.550. As used in this chapter:

- (1) "Class I all-terrain vehicle" has the meaning given that term in ORS 801.190.
- (2) "Class II all-terrain vehicle" has the meaning given that term in ORS 801.193.
- (3) "Class III all-terrain vehicle" has the meaning given that term in ORS 801.194.
- (4) "Class IV all-terrain vehicle" has the meaning given that term in section 5 of this 2011 Act.

Act.

**SECTION 7a.** ORS 390.555 is amended to read:

390.555. The All-Terrain Vehicle Account is established as a separate account in the State Parks and Recreation Department Fund, to be accounted for separately. Interest earned by the All-Terrain Vehicle Account shall be credited to the account. After deduction of expenses of collection, transfer and administration, including the expenses of establishment and operation of Class I, **Class III and Class IV** all-terrain vehicle safety education courses and examinations under ORS 390.570 and [*Class III all-terrain vehicle safety education courses and examinations under ORS*] 390.575 **and section 6b of this 2011 Act**, the following moneys shall be transferred to the account:

(1) Fees collected by the State Parks and Recreation Department for issuance of operating permits for all-terrain vehicles under ORS 390.580 and 390.590.

(2) Fees collected by the department from participants in the Class I, [*and*] **Class III and Class IV** all-terrain vehicle safety education courses under ORS 390.570 and 390.575 **and section 6b of this 2011 Act**.

(3) The moneys transferred from the Department of Transportation under ORS 802.125 that represent unrefunded fuel tax.

**SECTION 8.** 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 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 Advisory Committee;

(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; and

(10) Control and eradication of invasive species related to all-terrain vehicle recreation.

**SECTION 9.** ORS 390.565 is amended to read:

390.565. (1) The All-Terrain Vehicle Advisory Committee is established. The committee shall consist of [*eleven*] **14** voting members and one nonvoting 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 six of the voting members of the committee.*]

(2) Of the voting members of the committee:

(a) One shall be a representative of a Class I all-terrain vehicle user organization.

(b) One shall be a representative of a Class II all-terrain vehicle user organization.

(c) **One shall be a representative of a Class III all-terrain vehicle user organization.**

(d) **One shall be a representative of a Class IV all-terrain vehicle user organization.**

[(c)] (e) One shall be an all-terrain vehicle dealer.

[(d)] (f) One shall be an at-large all-terrain vehicle user.

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

[(f)] (g) One shall be a representative of the United States Forest Service **who is knowledgeable about all-terrain vehicle recreation areas on federal lands.**

[(g)] (h) One shall be a representative of the Bureau of Land Management **who is knowledgeable about all-terrain vehicle recreation areas on federal lands.**

[(h)] (i) One shall be a representative of the Department of Transportation who is knowledgeable about transportation safety.

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

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

[(k)] (L) One shall be a representative of a law enforcement agency **who is knowledgeable about and active in enforcement of all-terrain vehicle laws.**

(m) **One shall be a representative of the State Department of Fish and Wildlife who is knowledgeable about all-terrain vehicle activities and the use of all-terrain vehicles in hunting and fishing.**

(n) **One shall be a person who represents persons with disabilities.**

(3) One representative from the State Parks and Recreation Department shall be a nonvoting 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)] (a) Review accidents and fatalities resulting from all-terrain vehicle recreation and make recommendations to the State Parks and Recreation Commission.

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

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

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

(5)(a) A subcommittee **of the All-Terrain Vehicle Advisory Committee, titled the All-Terrain Vehicle Grant 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 representative of a Class IV all-terrain vehicle user organization.**

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

[(E)] (F) The representative of a law enforcement agency.

**(G) The representative of persons with disabilities.**

(b) The [subcommittee] **All-Terrain Vehicle Grant Subcommittee** 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; and**

**(B) 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] **four** of the members of the subcommittee.

(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 10.** ORS 390.580 is amended to read:

390.580. (1)(a) An all-terrain vehicle off-road operating permit issued under this section is a decal that authorizes use of the all-terrain vehicle for which it is issued on trails and in areas designated for such use by the appropriate authority.

(b) An all-terrain vehicle decal issued under this section must be permanently affixed to the vehicle and displayed in a clearly visible manner. The State Parks and Recreation Department shall prescribe by rule the manner in which the decal shall be displayed.

(2) The department shall issue an all-terrain vehicle off-road operating permit to any person who completes the application described in subsection (4) of this section and pays the fee specified in subsection (5) of this section.

(3) The department shall specify by rule the form of the permit and the information to be contained on the permit.

(4) Application for an all-terrain vehicle off-road operating permit for a Class I, Class II, [or] Class III **or Class IV** all-terrain vehicle shall be in a form furnished by the department. The application shall include:

(a) The name and address of the owner of the all-terrain vehicle; and

(b) The make and body style of the all-terrain vehicle for which application is made.

(5) The department shall establish by rule a fee for a permit issued or renewed under this section. The fee shall be designed to cover the costs to the department for issuing or renewing permits under this section but shall not exceed \$10.

(6) Permits issued under this section are valid for two years. A permit may be renewed upon submission of an application that contains the information specified in subsection (4) of this section and payment of the renewal fee specified in subsection (5) of this section.

(7) The department may appoint agents to issue permits for all-terrain vehicles. The department shall prescribe the procedure for the issuance of the permits. Agents appointed under this subsection shall issue permits in accordance with the prescribed procedure and shall charge and collect the fees prescribed in this section for the permits.

**SECTION 11.** ORS 646.913 is amended to read:

646.913. (1) Except as provided in subsection (5) of this section, a retail dealer, nonretail dealer or wholesale dealer may not sell or offer for sale gasoline unless the gasoline contains 10 percent ethanol by volume.

(2) Gasoline containing ethanol that is sold or offered for sale meets the requirements of this section if the gasoline, exclusive of denaturants and permitted contaminants, contains not less than 9.2 percent by volume of agriculturally derived, denatured ethanol that complies with the standards for ethanol adopted by the State Department of Agriculture.

(3) The department shall adopt standards for ethanol blended with gasoline sold in this state. The standards adopted shall require that the gasoline blended with ethanol:

(a) Contains ethanol that is derived from agricultural or woody waste or residue;

(b) Contains ethanol denatured as specified in 27 C.F.R. parts 20 and 21;

(c) Complies with the volatility requirements specified in 40 C.F.R. part 80;

(d) Complies with or is produced from a gasoline base stock that complies with ASTM International specification D 4814;

(e) Is not blended with casinghead gasoline, absorption gasoline, drip gasoline or natural gasoline after the gasoline has been sold, transferred or otherwise removed from a refinery or terminal; and

(f) Contains ethanol that complies with ASTM International specification D 4806.

(4) The department may review specifications adopted by ASTM International, or equivalent organizations, and federal regulations and revise the standards adopted pursuant to this section as necessary.

(5) A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale gasoline that is not blended with ethanol if the gasoline has an octane rating, as defined in ORS 646.945, of 91 or above or if the gasoline is for use in:

(a) An aircraft:

(A) With a supplemental type certificate approved by the Federal Aviation Administration that allows the aircraft to use gasoline that is intended for use in motor vehicles; or

(B) Issued a type certificate by an aircraft engine manufacturer that allows the aircraft to use gasoline that is intended for use in motor vehicles;

(b) An aircraft that has been issued an experimental certificate, described in 14 C.F.R. 21.191, by the Federal Aviation Administration and that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(c) A light-sport aircraft, as defined in 14 C.F.R. 1.1, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(d) A vintage aircraft, as defined by the Oregon Department of Aviation by rule, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(e) An antique vehicle, as defined in ORS 801.125;

(f) A Class I all-terrain vehicle, as defined in ORS 801.190;

(g) A Class III all-terrain vehicle, as defined in ORS 801.194;

**(h) A Class IV all-terrain vehicle, as defined in section 5 of this 2011 Act;**

[(h)] (i) A racing activity vehicle, as defined in ORS 801.404;

[(i)] (j) A snowmobile, as defined in ORS 801.490;

[(j)] (k) Tools, including but not limited to lawn mowers, leaf blowers and chain saws; or

[(k)] (L) A watercraft.

**SECTION 12.** ORS 802.125 is amended to read:

802.125. The Department of Transportation shall transfer to the State Parks and Recreation Department that portion of the amount paid to the Department of Transportation as motor vehicle fuel tax under ORS 319.020 and 319.530 that is determined by the department to be tax on fuel used by Class I, Class II, [and] Class III **and Class IV** all-terrain vehicles in off-highway operation and that is not refunded. The Department of Transportation shall determine the amount of moneys to be transferred under this section at quarterly intervals.

**SECTION 13.** ORS 803.030 is amended to read:

803.030. This section establishes exemptions from the requirements under ORS 803.025 to obtain title issued by this state. The exemptions are subject to ORS 803.040. The exemptions are in addition to any exemptions under ORS 801.026. Vehicles exempted by this section from the requirements to be titled by this state are not prohibited from being titled by this state if titling is permitted under ORS 803.035. The exemptions are partial or complete as provided in the following:

(1) Title from this state is not required for a vehicle unless the vehicle is operated on a highway in this state.

(2) Title from this state is not required unless a vehicle is operated under a registration number of this state.

(3) Snowmobiles[,] **and** Class I, [all-terrain vehicles and] Class III **and Class IV** all-terrain vehicles are not subject to the requirements under ORS 803.025. The requirements and procedures for titling snowmobiles are as provided under ORS 821.060 and 821.070.

(4) Road rollers, farm tractors and traction engines are exempt from the requirements for title.

(5) Trolleys are exempt from the requirements for title.

(6) Bicycles are exempt from the requirements for title.

(7) United States Government owned and operated motor vehicles and trailers are exempt from the requirements for title.

(8) Implements of husbandry, well drilling machinery, emergency fire apparatus providing public fire protection and wheelchairs are exempt from the requirements for title.

(9) Except as provided in subsection (23) of this section, fixed load vehicles are exempt from the requirements for title while operated within the immediate construction project, as described in the governmental agency contract, in the construction or reconstruction of state or county roads, highways or city streets.

(10) Motor vehicles designed to operate at a loaded weight over 8,000 pounds, trailers and equipment are exempt from requirements for title while:

(a) Owned, leased, contracted or requisitioned by the State Forester, State Board of Forestry, their contractors under ORS chapter 477, or the federal government; and

(b) Being used for the purposes of forest protection and fire suppression under ORS chapter 477 or a similar federal statute, including movement of the vehicles to and from the work area.

(11) Farm trailers are exempt from requirements for title when the operation or movement of the vehicle upon the highways is incidental to its use in an agricultural operation.

(12) Golf carts operated under an ordinance adopted under ORS 810.070 are exempt from requirements for title.

(13) Golf carts or similar vehicles are exempt from requirements for title when:

(a) They have not less than three wheels in contact with the ground;

(b) They have an unloaded weight of less than 1,300 pounds;

(c) They are designed to be and are operated at not more than 15 miles per hour; and

(d) They are operated by persons with disabilities.

(14) The nonresident owners of vehicles currently registered and titled in any other country, state or territory may operate such vehicles over the highways of this state without complying with the titling requirements under ORS 803.025. All of the following apply to this subsection:

(a) This subsection only provides an exemption so long as the owner satisfactorily shows that the owner is not a resident of this state or has been a resident of this state for less than 30 days. For the purpose of this paragraph, a person is a resident of this state if the person meets the residency requirements described in ORS 803.200.

(b) The exemption under this subsection applies to vehicles granted exemptions under ORS 802.500, 802.520 or 826.005, unless otherwise provided under paragraph (c) of this subsection.

(c) Except as otherwise provided in this paragraph, a vehicle operated over the highways of this state for compensation or profit must comply with the titling requirements under ORS 803.025 in the same manner as required of nontitled vehicles. The following vehicles are not subject to this paragraph:

(A) Vehicles operated under reciprocal registration exemptions established under ORS 802.500 or 826.005.

(B) Vehicles operated under an exemption established under ORS 802.520.

(C) Vehicles that are proportionally registered under an agreement established under ORS 826.007, and according to the procedures established under ORS 826.009 or 826.011.

(D) Any vehicle if duly registered and titled under the laws of the state or country of which the owner is a bona fide resident to the extent that in the foreign country, state, territory or federal district where the owner resides like exemptions and privileges are granted vehicles duly registered and titled under the laws of this state and owned by residents of this state.

(d) If no exemptions from titling requirements are in effect under ORS 802.500, 802.520, 826.005 or 826.007 with respect to another jurisdiction, any vehicle properly registered and titled in such other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in this state, the same exemptions, benefits and privileges granted by such other jurisdictions to vehicles properly registered and titled in this state. Reciprocity extended under this paragraph shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

(e) Any vehicle operated under dealer registration plates issued by another state, country, province, territory or the District of Columbia is subject to this subsection.

(15) Vehicle dealers issued certificates under ORS 822.020 may use and operate untitled vehicles as provided under ORS 822.040.

(16) Towing businesses issued certificates under ORS 822.205 may tow untitled vehicles as provided under ORS 822.210.

(17) Vehicle transporters issued certificates under ORS 822.310 may transport untitled vehicles as provided in ORS 822.310.

(18) Untitled vehicles may be operated under trip permits described under ORS 803.600 or under permits described under ORS 803.610 to 803.625.

(19) Vehicles that are registered by the United States Department of State and that are owned or operated by foreign nationals with diplomatic immunity are exempt from the requirements for title.

(20)(a) Vehicles that are registered under the proportional registration provisions of ORS chapter 826 and are titled in a jurisdiction other than Oregon are exempt from the requirements for title.

(b) A trailer that is registered under the proportional registration provisions of ORS chapter 826 and titled in a jurisdiction other than Oregon shall remain exempt from the requirements for title in Oregon if the trailer is registered when the other jurisdiction removes its exception to proportional registration requirements for the trailer.

(21) Converter dollies and tow dollies are exempt from the requirements for title.

(22) Electric personal assistive mobility devices are exempt from the requirements for title.

(23) Road machinery that is operated at the direction of a road authority is exempt from the requirements for title. The exemption under this subsection also applies when the operation of road machinery upon a highway or an alley is incidental to its use in a highway maintenance operation.

**SECTION 14.** ORS 803.305 is amended to read:

803.305. This section establishes exemptions from the requirements under ORS 803.300. The exemptions under this section are in addition to any exemptions under ORS 801.026. Vehicles exempted by this section from the requirements to be registered by this state are not prohibited from being registered by this state if registration is permitted under ORS 803.310. The following are exempt, either partially or completely as described, from the registration requirements under ORS 803.300:

(1) Road rollers, farm tractors, trolleys and traction engines are exempt from registration.

(2) Bicycles are exempt from registration.

(3) A vehicle is exempt from registration if it has registration issued for the vehicle by the Armed Forces of the United States where the registration is issued in a foreign country to a vehicle owned by a member of the Armed Forces. The exemption granted by this subsection applies only for a period of 45 days from the time the vehicle is returned to the United States.

(4) A vehicle is exempt from registration if it is not operated on the highways of this state.

(5) A trailer is exempt from registration if it is equipped with pneumatic tires made of elastic material and is not operated in this state with a loaded weight of more than 1,800 pounds. A trailer for hire, travel trailer or camper is not exempt by this subsection.

(6) Vehicles owned and operated by the United States Government are exempt from registration.

(7) Snowmobiles are subject to the requirements for registration provided under ORS 821.080 to 821.110.

(8) Implements of husbandry, well drilling machinery, emergency fire apparatus providing public fire protection and wheelchairs are exempt from registration.

(9) Road graders, farm tractors and farm trailers on highways are exempt from registration when the operation of the vehicle upon the highway is incidental to its use in an agricultural operation.

(10) Except as provided in subsection (26) of this section, fixed load vehicles are exempt from registration while the vehicles are operated:

(a) In the construction or reconstruction of state or county roads, highways or city streets; and

(b) Within the immediate construction projects, as described in the governmental agency contract under which the work is being performed.

(11) Motor vehicles designed to operate at a loaded weight over 8,000 pounds, trailers and equipment are exempt from registration while being used for the purposes of forest protection and fire suppression under ORS chapter 477 or a similar federal statute. The exemption under this subsection applies to the vehicles or equipment described while being moved to or from the work area. The exemption under this subsection only applies to vehicles or equipment owned, leased, contracted for or requisitioned by the State Forester or State Board of Forestry, a contractor of the State Forester or State Board of Forestry under ORS chapter 477 or the United States Government.

(12) Vehicles being used for the purposes of forest protection and fire suppression are exempt if the vehicles are necessary in order to comply with ORS 477.615 or 477.650 or a similar federal



statute. The exemption under this subsection also applies to the vehicles described being moved to or from the work area.

(13) Golf cart exemptions from registration are as provided in ORS 820.210.

(14) Vehicles currently registered and titled in any other country, state or territory are not required to be registered by this state. All of the following apply to this subsection:

(a) This subsection only provides an exemption as long as the owner of the vehicle satisfactorily shows that the owner is not a resident of this state or has been a resident of this state for less than 30 days. For the purpose of this paragraph, a person is a resident of this state if the person meets the residency requirements described in ORS 803.200.

(b) The exemption under this subsection applies to vehicles granted exemptions under ORS 802.500, 802.520 or 826.005 unless otherwise provided for under paragraph (c) of this subsection.

(c) Except as otherwise provided in this paragraph, a vehicle operated over the highways of this state for compensation or profit must comply with the registration requirements under ORS 803.300 in the same manner as vehicles owned by persons in this state. The following vehicles are not subject to this paragraph:

(A) Vehicles operated under reciprocal registration exemptions established under ORS 802.500 or 826.005.

(B) Vehicles operated under an exemption established under ORS 802.520.

(C) Vehicles that are proportionally registered under an agreement established under ORS 826.007 and according to the procedures established under ORS 826.009 and 826.011.

(D) Any vehicle if duly registered and titled under the laws of the state or country of which the owner is a bona fide resident to the extent that in the foreign country, state, territory or federal district where the owner resides like exemptions and privileges are granted vehicles duly registered and titled under the laws of this state and owned by residents of this state.

(d) If no exemption from registration requirements is in effect under ORS 802.500, 802.520, 826.005 or 826.007 with respect to another jurisdiction, any vehicle properly registered and titled in such other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in this state, the same exemptions, benefits and privileges granted by such other jurisdictions to vehicles properly registered and titled in this state. Reciprocity extended under this paragraph shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

(e) Any vehicle operated under dealer registration plates issued by another state, country, province, territory or the District of Columbia is subject to this subsection.

(15) Vehicles operated or used by vehicle dealers may be operated or used without registration as provided under ORS 822.040.

(16) Vehicles towed by towing businesses may be towed without registration as provided under ORS 822.210.

(17) Vehicles without registration may be transported by vehicle transporters as provided under ORS 822.310.

(18) Vehicles that are not registered may be operated under trip permits described under ORS 803.600 or under permits described under ORS 803.610 to 803.625.

(19) If trailers that are part of a fleet of trailers for hire are properly registered in this state under an agreement entered into pursuant to ORS 802.500, all trailers that are identified as being a part of the same fleet and that are currently registered in any state, territory, province, country or the District of Columbia shall be permitted to operate in this state in both interstate and intra-state commerce without being registered by this state.

(20) Vehicles that are registered by the United States Department of State and that are owned or operated by foreign nationals with diplomatic immunity are exempt from registration.

(21) Tow dollies and converter dollies are exempt from registration.

(22) Class I, [and] Class III **and Class IV** all-terrain vehicles are exempt from registration.

(23) Motor assisted scooters are exempt from registration.

(24) Electric personal assistive mobility devices are exempt from registration.

(25) A racing activity vehicle that is being operated for the purposes of a test drive within a 30-mile radius of the location where the vehicle is manufactured is exempt from registration.

(26) Road machinery that is operated at the direction of a road authority is exempt from registration. The exemption under this subsection also applies when the operation of road machinery upon a highway or an alley is incidental to its use in a highway maintenance operation.

**SECTION 15.** ORS 806.020 is amended to read:

806.020. This section provides exemptions from the necessity for compliance with or proof of compliance with financial responsibility requirements in accident reports under ORS 811.725, when applying for vehicle registration under ORS 803.370 or 803.460 and for operating a vehicle under ORS 806.010. The owner or operator of a vehicle is exempt, as provided by this section, from financial responsibility requirements if the vehicle involved in the accident, sought to be registered or operated is any of the following:

(1) An antique motor vehicle issued permanent registration under ORS 805.010.

(2) A farm trailer.

(3) A farm tractor.

(4) An implement of husbandry.

(5) A motor vehicle of special interest that is maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(6) A snowmobile[,] or a Class I, [or] Class III or Class IV all-terrain vehicle.

(7) Any motor vehicle not operated on any highway or premises open to the public in this state.

(8) A motor assisted scooter.

(9) An electric personal assistive mobility device.

**SECTION 16.** ORS 807.020 is amended to read:

807.020. A person who is granted a driving privilege by this section may exercise the driving privilege described without violation of the requirements under ORS 807.010. A grant of driving privileges to operate a motor vehicle under this section is subject to suspension and revocation the same as other driving privileges granted under the vehicle code. This section is in addition to any exemptions from the vehicle code under ORS 801.026. The following persons are granted the described driving privileges:

(1) A person who is not a resident of this state or who has been a resident of this state for less than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person holds a current out-of-state license issued to the person. For the purpose of this subsection, a person is a resident of this state if the person meets the residency requirements described in ORS 807.062. To qualify under this subsection, the person must have the out-of-state license or driver permit in the person's possession. A person is not granted driving privileges under this subsection:

(a) If the person is under the minimum age required to be eligible for driving privileges under ORS 807.060;

(b) During a period of suspension or revocation by this state or any other jurisdiction of driving privileges or of the right to apply for a license or driver permit issued by this state or any other jurisdiction; or

(c) That exceed the driving privileges granted to the person by the out-of-state license or driver permit.

(2) A person in the Armed Forces of the United States may operate a motor vehicle without an Oregon license or driver permit if the person is operating a motor vehicle in the course of the person's duties in the Armed Forces.

(3) A person without a license or driver permit may operate a road roller or road machinery that is not required to be registered under the laws of this state.

(4) A person without a license or driver permit may temporarily operate, draw, move or propel a farm tractor or implement of husbandry.

(5) A person without a license or driver permit may operate a motor vehicle to demonstrate driving ability during the course of an examination administered under ORS 807.070 for the purpose

of qualifying for a license or driver permit. This subsection only applies when an authorized examiner is in a seat beside the driver of the motor vehicle.

(6) Driving privileges for snowmobiles are exclusively as provided in ORS 821.150.

(7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170.

(8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS 821.172.

**(9) Driving privileges for Class IV all-terrain vehicles are exclusively as provided in section 6 of this 2011 Act.**

[(9)] (10) A person without a license or driver permit may operate a golf cart in accordance with an ordinance adopted under ORS 810.070.

[(10)] (11) The spouse of a member of the Armed Forces of the United States on active duty who is accompanying the member on assignment in this state may operate a motor vehicle if the spouse has a current out-of-state license or driver permit issued to the spouse by another state in the spouse's possession.

[(11)] (12) A person who is a member of the Armed Forces of the United States on active duty may operate a motor vehicle if the person has a current out-of-state license or driver permit in the person's possession that is issued to the person by the person's state of domicile or by the Armed Forces of the United States in a foreign country. Driving privileges described under this subsection that are granted by the Armed Forces apply only for a period of 45 days from the time the person returns to the United States.

[(12)] (13) A person who does not hold a motorcycle endorsement may operate a motorcycle if the person is:

(a) Within an enclosed cab; or

(b) Operating a vehicle designed to travel with three wheels in contact with the ground at speeds of less than 15 miles per hour.

[(13)] (14) A person may operate a bicycle that is not an electric assisted bicycle without any grant of driving privileges.

[(14)] (15) A person may operate an electric assisted bicycle without a driver license or driver permit if the person is 16 years of age or older.

[(15)] (16) A person may operate a motor assisted scooter without a driver license or driver permit if the person is 16 years of age or older.

[(16)] (17) A person who is not a resident of this state or who has been a resident of this state for less than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person is at least 15 years of age and has in the person's possession a current out-of-state equivalent of a Class C instruction driver permit issued to the person. For the purpose of this subsection, a person is a resident of this state if the person meets the residency requirements described in ORS 807.062. A person operating a motor vehicle under authority of this subsection has the same privileges and is subject to the same restrictions as a person operating under the authority of a Class C instruction driver permit issued as provided in ORS 807.280.

[(17)] (18) A person may operate an electric personal assistive mobility device without any grant of driving privileges if the person is 16 years of age or older.

**SECTION 17.** ORS 811.210, as amended by section 10, chapter 30, Oregon Laws 2010, is amended to read:

811.210. (1)(a) Except as provided in ORS 811.215, a person commits the offense of failure to properly use safety belts if the person:

(A) Operates a motor vehicle on the highways of this state and is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(B) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while operating on public lands a Class I, [or] Class II **or Class IV** all-terrain vehicle that is not registered under ORS 803.420, is not properly secured with a safety belt or safety harness.

(C) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while operating on public lands a Class II all-terrain vehicle registered under ORS 803.420, is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(D) Operates a motor vehicle on the highways of this state with a passenger who is under 16 years of age and the passenger is not properly secured with a child safety system, safety belt or safety harness as required by subsection (2) of this section.

(E) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while riding on public lands in or on a Class I, [or] Class II **or Class IV** all-terrain vehicle that is not registered under ORS 803.420, is not properly secured with a safety belt or safety harness.

(F) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while riding on public lands in or on a Class II all-terrain vehicle registered under ORS 803.420, is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(G) Is a passenger in a privately owned commercial vehicle, as defined in ORS 801.210, that is designed and used for the transportation of 15 or fewer persons, including the driver, and the person is 16 years of age or older and is responsible for another passenger who is not properly secured with a child safety system as required under subsection (2)(a), (b) or (c) of this section.

(H) Is a passenger in a motor vehicle being operated on the highways of this state who is 16 years of age or older and who is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(b) As used in this subsection, "public lands" includes privately owned land that is open to the general public for the use of all-terrain vehicles as the result of funding from the All-Terrain Vehicle Account under ORS 390.560.

(2) To comply with this section:

(a) A person who is under one year of age, regardless of weight, or a person who weighs 20 pounds or less must be properly secured with a child safety system in a rear-facing position.

(b) A person who weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Department of Transportation under ORS 815.055 for child safety systems designed for children weighing 40 pounds or less.

(c) Except as provided in subsection (3) of this section, a person who weighs more than 40 pounds and who is four feet nine inches or shorter must be properly secured with a child safety system that elevates the person so that a safety belt or safety harness properly fits the person. As used in this paragraph, "properly fits" means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck. The child safety system shall meet the minimum standards and specifications established by the Department of Transportation under ORS 815.055 for child safety systems designed for children who are four feet nine inches or shorter.

(d) A person who is taller than four feet nine inches must be properly secured with a safety belt or safety harness that meets requirements under ORS 815.055.

(e) Notwithstanding paragraphs (b) and (c) of this subsection, a person who is eight years of age or older need not be secured with a child safety system but must be properly secured with a safety belt or safety harness that meets requirements under ORS 815.055.

(3) If the rear seat of a vehicle is not equipped with shoulder belts, the requirements of subsection (2)(c) of this section do not apply provided the person is secured by a lap belt.

(4) The offense described in this section, failure to properly use safety belts, is a Class D traffic violation.

**SECTION 18.** ORS 811.745 is amended to read:

811.745. (1) Except as provided in subsection (4) of this section, any accident occurring on a highway or upon premises open to the public resulting in injury or death to any person is subject to the reporting requirements under the following sections:

- (a) The reporting requirements for drivers under ORS 811.748.
- (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.750.
- (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or upon premises open to the public resulting in damage to the property of any person in excess of \$1,500 is subject to the following reporting requirements:
  - (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the manner specified under ORS 811.748.
  - (b) If the property damage is to property other than a vehicle involved in the accident, each driver involved in the accident must report the accident in the manner specified under ORS 811.748.
  - (c) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed from the scene of the accident, each driver involved in the accident must report the accident in the manner specified under ORS 811.748.
- (3) The dollar amount specified in subsection (2) of this section may be increased every five years by the Department of Transportation based upon any increase in the Portland-Salem Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 12-month period. The amount determined under this subsection shall be rounded to the nearest \$100.
- (4) The following are exempt from the reporting requirements of this section:
  - (a) Operators of snowmobiles[,] **and** Class I, [*all-terrain vehicles or*] Class III **and** Class IV all-terrain vehicles.
  - (b) A law enforcement official acting in the course of official duty if the accident involved a law enforcement official performing a lawful intervention technique or involved a law enforcement official and a person acting during the commission of a criminal offense. As used in this paragraph:
    - (A) "Law enforcement official" means a person who is responsible for enforcing the criminal laws of this state or a political subdivision of this state and who is employed or volunteers:
      - (i) As a peace officer commissioned by a city, port, school district, mass transit district, county or service district authorized to provide law enforcement services under ORS 451.010;
      - (ii) With the Department of State Police or the Criminal Justice Division of the Department of Justice; or
      - (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace officer in this state.
    - (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or attempts to cause, another motor vehicle to stop.
- (5) The reporting requirements under this section are in addition to, and not in lieu of, the reporting requirements under ORS 811.720.

**SECTION 19.** ORS 815.110 is amended to read:

815.110. This section establishes requirements for ORS 815.115. The requirements under this section are in addition to any other requirements for lighting equipment provided by law. Except as specifically provided by an exemption under ORS 815.120, a person violates ORS 815.115 if the person does not comply with any of the following requirements:

- (1) The following types of vehicles must display slow-moving vehicle emblems described under ORS 815.060:
  - (a) Vehicles or combinations of vehicles designed for customary use at speeds of less than 25 miles per hour.
  - (b) Golf carts or similar vehicles when operated by a person with a disability.
  - (c) Class I, [*all-terrain vehicles and*] Class II **and** Class IV all-terrain vehicles operated on a highway under ORS 821.191 (1).
- (2) Slow-moving vehicle emblems must meet the requirements for such emblems established by the Department of Transportation by rule under ORS 815.060.
- (3) Slow-moving vehicle emblems shall be displayed on the rear of the power unit. When a combination of vehicles is being operated in a manner that obscures the emblem mounted on the

power unit, an additional emblem shall be displayed on the rear of the rearmost vehicle in the combination.

**SECTION 20.** ORS 815.300 is amended to read:

815.300. This section establishes exemptions from the requirements under ORS 815.295 to be equipped with a certified pollution control system. Exemptions established by this section are in addition to any exemptions established by ORS 801.026. The exemptions established in this section are also applicable to requirements for certification of pollution control equipment before registration under ORS 803.350 and 803.465. All of the following vehicles are exempt from the requirements under ORS 815.295:

- (1) Any vehicle that is not a motor vehicle.
- (2) Any vehicle unless the vehicle is registered within:
  - (a) The boundaries of the metropolitan service district formed under ORS chapter 268 for the metropolitan area, as defined in ORS 268.020, which includes the City of Portland, Oregon.
  - (b) Boundaries designated by the Environmental Quality Commission under ORS 468A.390.
- (3) Any new motor vehicle or new motor vehicle engine when the registration results from the initial retail sale thereof.
- (4) Any motor vehicle:
  - (a) Not registered in areas designated under subsection (2)(a) of this section, including any expansion of such boundary under subsection (2)(b) of this section, with a model year that predates by more than 20 years the year in which registration or renewal of registration is required; or
  - (b) Registered in areas designated under subsection (2)(a) of this section, including any expansion of such boundary under subsection (2)(b) of this section, with a model year of 1974 or earlier.
- (5) Motor vehicles that are registered as farm vehicles under ORS 805.300 or apportioned farm vehicles under ORS 805.300.
- (6) Special interest vehicles that are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses but not used primarily for the transportation of persons or property.
- (7) Fixed load vehicles.
- (8) Vehicles that are proportionally registered under ORS 826.009 and 826.011 in accordance with agreements established under ORS 826.007.
- (9) Electric motor vehicles. This subsection does not exempt hybrid motor vehicles that use electricity and another source of motive power.
- (10) First response rescue units operated by political subdivisions of this state that are not used to transport persons who are ill or injured or who have disabilities.
- (11) A vehicle that is currently registered in Oregon at the time application for new registration is received by the Department of Transportation if the new registration is a result of a change in the registration or plate type and the application is received at least four months prior to the expiration of the existing registration.
- (12) Golf carts.
- (13) Any Class I, Class II, [*or*] Class III **or Class IV** all-terrain vehicle.
- (14) An original equipment manufacturer vehicle that is engineered, designed, produced and warranted to use natural gas as its only fuel source.
- (15) Racing activity vehicles.

**SECTION 21.** ORS 821.055 is amended to read:

821.055. Notwithstanding ORS 821.020, or any law requiring that vehicles be equipped in specified ways in order to operate on highways, Class I, Class II, [*and*] Class III **and Class IV** all-terrain vehicles may operate on any highway in this state that is open to the public and is not maintained for passenger car traffic.

**SECTION 22.** ORS 821.165 is amended to read:

821.165. As used in ORS 821.170, 821.172, 821.192, 821.291 and 821.292 **and sections 6 and 33 of this 2011 Act**, "public lands" includes privately owned land that is open to the general public for

the use of all-terrain vehicles as the result of funding from the All-Terrain Vehicle Account under ORS 390.560.

**SECTION 22a.** ORS 821.170 is amended to read:

821.170. (1) A person 16 years of age or older commits the offense of operation of a Class I all-terrain vehicle without driving privileges if the person operates a Class I all-terrain vehicle on public lands and the person does not hold a valid Class I all-terrain vehicle operator permit issued under ORS 390.570.

(2) A child under 16 years of age commits the offense of operation of a Class I all-terrain vehicle without driving privileges if the child operates a Class I all-terrain vehicle on public lands and the child does not meet all the following conditions:

(a) The child must be accompanied by a person who is at least 18 years of age, holds a valid all-terrain vehicle operator permit issued under ORS 390.570 or 390.575 **or section 6b of this 2011 Act** and is able to provide immediate assistance and direction to the child.

(b) The child must hold a valid Class I all-terrain vehicle operator permit issued under ORS 390.570.

(c) The child must meet rider fit guidelines established by the State Parks and Recreation Department under ORS 390.585.

(3) This section 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; and

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

(4) The offense described in this section, operation of Class I all-terrain vehicle without driving privileges, is a Class C traffic violation.

**SECTION 22b.** ORS 821.172 is amended to read:

821.172. (1) A person 16 years of age or older commits the offense of operation of a Class III all-terrain vehicle without driving privileges if the person operates a Class III all-terrain vehicle on public lands and the person does not hold a valid Class III all-terrain vehicle operator permit issued under ORS 390.575.

(2) A child under 16 years of age commits the offense of operation of a Class III all-terrain vehicle without driving privileges if the child operates a Class III all-terrain vehicle on public lands and the child does not meet all the following conditions:

(a) The child must be accompanied by a person who is at least 18 years of age, holds a valid all-terrain vehicle operator permit issued under ORS 390.570 or 390.575 **or section 6b of this 2011 Act** and is able to provide immediate assistance and direction to the child.

(b) The child must hold a valid Class III all-terrain vehicle operator permit issued under ORS 390.575.

(3) A child under seven years of age may not operate a Class III all-terrain vehicle on public lands.

(4) This section 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; and

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

(5) The offense described in this section, operation of a Class III all-terrain vehicle without driving privileges, is a Class C traffic violation.

**SECTION 23.** ORS 821.174 is amended to read:

821.174. Notwithstanding any other provision of law, a person may not operate a Class I, [*all-terrain vehicle or a*] Class III **or Class IV** all-terrain vehicle while the person's driving privileges are suspended or revoked. A person who violates this section is in violation of ORS 811.175 or 811.182, as appropriate.

**SECTION 24.** ORS 821.190 is amended to read:

821.190. (1) A person commits the offense of unlawful operation of an off-road vehicle on a highway or railroad if the person operates a vehicle described in subsection (2) of this section in any of the following described areas:

(a) On or across the paved portion, the shoulder, inside bank or slope of any highway, on or across the median of any divided highway or on or across any portion of a highway right of way under construction.

(b) On or across a railroad right of way.

(2) This section applies to:

(a) Snowmobiles.

(b) Class I all-terrain vehicles.

(c) Class II all-terrain vehicles that are not properly equipped for operation on a highway.

(d) Class III all-terrain vehicles.

(e) **Class IV all-terrain vehicles.**

(3) Exemptions from this section are established under ORS 821.200.

(4) In addition to penalties provided by this section, the operator or owner of a snowmobile[,] **or** Class I, Class II, [or] Class III **or** Class IV all-terrain vehicle may be liable as provided under ORS 821.310.

(5) The offense described in this section, unlawful operation of an off-road vehicle on a highway or railroad, is a Class B traffic violation.

**SECTION 25.** ORS 821.191 is amended to read:

821.191. (1) Notwithstanding any other provision of law, a person may operate a Class I, [all-terrain vehicle or a] Class II **or** Class IV all-terrain vehicle that is not otherwise properly equipped for operation on a highway on the highways of this state if:

(a) The person is using the all-terrain vehicle for transportation between ranching or farming headquarters, agricultural fields or pastures;

(b) The person holds a valid driver license;

(c) The person complies with posted speed limits, but in no event exceeds a speed of 20 miles per hour;

(d) The person operates the all-terrain vehicle as closely as is practicable to the right-hand edge of the highway, including shoulders, if any;

(e) The all-terrain vehicle is equipped with a lighted headlight and taillight; and

(f) The all-terrain vehicle displays a slow-moving vehicle emblem described under ORS 815.060.

(2) A person commits the offense of unlawful operation of a Class I, [all-terrain vehicle or a] Class II **or** Class IV all-terrain vehicle used for agricultural purposes if the person operates a Class I, [all-terrain vehicle or a] Class II **or** Class IV all-terrain vehicle on a highway in violation of subsection (1) of this section.

(3) The offense described in subsection (2) of this section, unlawful operation of a Class I, [all-terrain vehicle or a] Class II **or** Class IV all-terrain vehicle used for agricultural purposes, is a Class D traffic violation.

**SECTION 26.** 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 **or** Class IV 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 **or** Class IV 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 **or Class IV** all-terrain vehicle operator or passenger to wear a motorcycle helmet, is a Class D traffic violation.

**SECTION 27.** 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 **or Class IV** all-terrain vehicle operator or passenger if:

(a) The person is operating a Class I, Class II, [or] Class III **or Class IV** all-terrain vehicle on premises open to the public and the person carries another person on the Class I, Class II, [or] Class III **or Class IV** 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 **or Class IV** 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 **or Class IV** all-terrain vehicle operator or passenger, is a Class D traffic violation.

**SECTION 28.** ORS 821.280 is amended to read:

821.280. (1) A person commits the offense of committing unlawful damage with a snowmobile[,] **or Class I, [or] Class II or Class IV** all-terrain vehicle if the person operates any snowmobile[,] **or Class I, [or] Class II or Class IV** all-terrain vehicle in any area or in such a manner so as to expose the underlying soil or vegetation or to injure, damage or destroy trees or growing crops.

(2) In addition to other penalties provided by this section, the owner or operator of a snowmobile[,] **or Class I, [or] Class II or Class IV** all-terrain vehicle may be liable as provided under ORS 821.310.

(3) The offense described in this section, committing unlawful damage with a snowmobile[,] **or Class I, [or] Class II or Class IV** all-terrain vehicle, is a Class B traffic violation.

**SECTION 29.** ORS 821.291 is amended to read:

821.291. (1) A person commits the offense of endangering a Class I all-terrain vehicle operator if the person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 16 years of age, [and] the child operates a Class I all-terrain vehicle on public lands and **the child**:

(a) Does not [have] **possess** a Class I all-terrain vehicle operator permit issued under ORS 390.570;

(b) Is not accompanied by a person who is at least 18 years of age, holds a valid all-terrain vehicle operator permit issued under ORS 390.570 or 390.575 **or section 6b of this 2011 Act** and is able to provide immediate assistance and direction to the child; [and] **or**

(c) Is not in compliance with the rider fit guidelines established by the Parks and Recreation Department under ORS 390.585.

(2) This section 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; and

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

(3) The offense described in this section, endangering a Class I all-terrain vehicle operator, is a Class C traffic violation.

**SECTION 30.** ORS 821.292 is amended to read:

821.292. (1) A person commits the offense of endangering a Class III all-terrain vehicle operator if the person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child at least seven years of age but under 16 years of age, [and] the child operates a Class III all-terrain vehicle on public lands and **the child**:

(a) Does not [have] **possess** a Class III all-terrain vehicle operator permit issued under ORS 390.575; [and] **or**

(b) Is not accompanied by a person who is at least 18 years of age, holds a valid all-terrain vehicle operator permit issued under ORS 390.570 or 390.575 **or section 6b of this 2011 Act** and is able to provide immediate assistance and direction to the child.

[*(2) A person commits the offense of endangering a Class III all-terrain vehicle operator if the person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under seven years of age and the child operates a Class III all-terrain vehicle on public lands.*]

[*(3)*] **(2)** This section 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; and

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

[*(4)*] **(3)** The offense described in this section, endangering a Class III all-terrain vehicle operator, is a Class C traffic violation.

**SECTION 31.** ORS 821.295 is amended to read:

821.295. (1) A person commits the offense of operating a Class II, [*or*] Class III **or Class IV** all-terrain vehicle in a prohibited snow area if the person operates a Class II, [*or*] Class III **or Class IV** all-terrain vehicle on a groomed trail or a designated snowmobile or cross country ski trail or area during a designated snow use period.

(2) This section does not apply to emergency vehicles or to trail grooming equipment.

(3) The offense described in this section, operating a Class II, [*or*] Class III **or Class IV** all-terrain vehicle in a prohibited snow area, is a Class D traffic violation.

**SECTION 32.** Section 33 of this 2011 Act is added to and made a part of the Oregon Vehicle Code.

**SECTION 33.** (1) A person commits the offense of endangering a Class IV all-terrain vehicle operator if the person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 16 years of age, the child operates a Class IV all-terrain vehicle on public lands and the child:

(a) Does not possess a Class IV all-terrain vehicle operator permit issued under section 6b of this 2011 Act;

(b) Is not accompanied by a person who is at least 18 years of age, holds a valid all-terrain vehicle operator permit issued under ORS 390.570 or 390.575 or section 6b of this 2011 Act and is able to provide immediate assistance and direction to the child;

(c) Is not in compliance with the manufacturer's minimum age recommendation as evidenced by the manufacturer's warning label affixed to the vehicle; or

(d) Is not in compliance with the rider fit guidelines established by the State Parks and Recreation Department under ORS 390.585.

(2) This section 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; and

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

(3) The offense described in this section, endangering a Class IV all-terrain vehicle operator, is a Class C traffic violation.

**Passed by House April 20, 2011**

**Repassed by House May 26, 2011**

.....  
Ramona Kenady Line, Chief Clerk of House

.....  
Bruce Hanna, Speaker of House

.....  
Arnie Roblan, Speaker of House

**Passed by Senate May 24, 2011**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2011

**Approved:**

.....M,....., 2011

.....  
John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2011

.....  
Kate Brown, Secretary of State