

HOUSE AMENDMENTS TO HOUSE BILL 2329

By COMMITTEE ON TRANSPORTATION AND ECONOMIC DEVELOPMENT

April 15

- 1 On page 1 of the printed bill, line 2, after “390.550,” insert “390.555.”
- 2 In line 4, after “821.165,” insert “821.170, 821.172.”
- 3 Delete lines 7 through 27 and delete page 2.
- 4 On page 3, delete lines 1 through 13 and insert:
- 5 **“SECTION 1.** ORS 801.190 is amended to read:
- 6 “801.190. ‘Class I all-terrain vehicle’ means a motorized, off-highway recreational vehicle **that:**
- 7 **“(1) Is** 50 inches or less in width [*with*];
- 8 **“(2) Has** a dry weight of [800] **1,200** pounds or less [*that*];
- 9 **“(3) Travels** on three or more [*low pressure*] **pneumatic tires that are six inches or more in**
- 10 **width and that are designed for use on wheels with a rim diameter of 14 inches or less**, [*has*
- 11 *a saddle or seat for the operator and*];
- 12 **“(4) Uses handlebars for steering;**
- 13 **“(5) Has a seat designed to be straddled for the operator; and**
- 14 **“(6) Is** designed for or capable of cross-country travel on or immediately over land, water, sand,
- 15 snow, ice, marsh, swampland or other natural terrain.
- 16 **“SECTION 2.** ORS 801.193 is amended to read:
- 17 “801.193. ‘Class II all-terrain vehicle’ means any motor vehicle that:
- 18 “(1) Weighs more than **or is wider than** a Class I all-terrain vehicle;
- 19 “(2) Is designed for or capable of cross-country travel on or immediately over land, water, sand,
- 20 snow, ice, marsh, swampland or other natural terrain; [*and*]
- 21 “(3) Is actually being operated off a highway or is being operated on a highway for agricultural
- 22 purposes under ORS 821.191; **and**
- 23 **“(4) Is not a Class IV all-terrain vehicle.**
- 24 **“SECTION 3.** ORS 801.194 is amended to read:
- 25 “801.194. ‘Class III all-terrain vehicle’ means [*an off-highway*] a motorcycle [*with a dry weight*
- 26 *of 600 pounds or less*] that travels on two tires **and that is actually being operated off highway.**
- 27 **“SECTION 4.** Sections 5 and 6 of this 2011 Act are added to and made a part of the
- 28 **Oregon Vehicle Code.**
- 29 **“SECTION 5.** ‘Class IV all-terrain vehicle’ means any motorized vehicle that:
- 30 **“(1) Travels on four or more pneumatic tires that are six inches or more in width and**
- 31 **that are designed for use on wheels with a rim diameter of 14 inches or less;**
- 32 **“(2) Is** designed for or capable of cross-country travel on or immediately over land, wa-
- 33 **ter, sand, snow, ice, marsh, swampland or other natural terrain;**
- 34 **“(3) Has nonstraddle seating;**
- 35 **“(4) Has a steering wheel for steering control;**

1 “(5) Has a dry weight of 1,800 pounds or less; and

2 “(6) Is 65 inches wide or less at its widest point.

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

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

7 “(a) The child’s age complies with the manufacturer’s minimum age recommendation as
8 evidenced by the manufacturer’s warning label affixed to the vehicle;

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

12 “(c) The child holds a Class IV all-terrain vehicle operator permit issued under section
13 6b of this 2011 Act.

14 “(3) This section does not apply if:

15 “(a) The vehicle is used exclusively in farming, agricultural or forestry operations or used
16 by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing
17 operations; or

18 “(b) The vehicle is being used on land owned or leased by the owner of the vehicle.

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

21 “**SECTION 6a.** Section 6b of this 2011 Act is added to and made a part of ORS 390.550 to
22 390.590.

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

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

31 “(a) The courses must be given by instructors designated by the department as qualified
32 to conduct the courses and issue the permits.

33 “(b) The instructors may be provided and permits issued through public or private local
34 and state organizations meeting qualifications established by the department.

35 “(c) The department may collect a fee of not more than \$5 from each participant in a
36 course established under this section.

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

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

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

43 “390.550. As used in this chapter:

44 “(1) ‘Class I all-terrain vehicle’ has the meaning given that term in ORS 801.190.

45 “(2) ‘Class II all-terrain vehicle’ has the meaning given that term in ORS 801.193.

1 “(3) ‘Class III all-terrain vehicle’ has the meaning given that term in ORS 801.194.

2 “(4) ‘**Class IV all-terrain vehicle**’ has the meaning given that term in section 5 of this 2011
3 **Act.**

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

5 “390.555. The All-Terrain Vehicle Account is established as a separate account in the State
6 Parks and Recreation Department Fund, to be accounted for separately. Interest earned by the All-
7 Terrain Vehicle Account shall be credited to the account. After deduction of expenses of collection,
8 transfer and administration, including the expenses of establishment and operation of Class I, **Class**
9 **III and Class IV** all-terrain vehicle safety education courses and examinations under ORS 390.570
10 and [*Class III all-terrain vehicle safety education courses and examinations under ORS*] 390.575 **and**
11 **section 6b of this 2011 Act**, the following moneys shall be transferred to the account:

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

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

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

19 “**SECTION 8.** ORS 390.560 is amended to read:

20 “390.560. Moneys in the All-Terrain Vehicle Account established under ORS 390.555 shall be
21 used for the following purposes only:

22 “(1) In each 12-month period, no less than 10 percent of the moneys described in ORS 390.555
23 that are attributable to Class I all-terrain vehicles shall be transferred to the Department of
24 Transportation for the development and maintenance of snowmobile facilities as provided in ORS
25 802.110;

26 “(2) Planning, promoting and implementing a statewide all-terrain vehicle program, including the
27 acquisition, development and maintenance of all-terrain vehicle recreation areas;

28 “(3) Education and safety training for all-terrain vehicle operators;

29 “(4) Provision of first aid and police services related to all-terrain vehicle recreation;

30 “(5) Paying the costs of instigating, developing or promoting new programs for all-terrain vehicle
31 users and of advising people of possible usage areas for all-terrain vehicles;

32 “(6) Paying the costs of coordinating between all-terrain vehicle user groups and the managers
33 of public lands;

34 “(7) Paying the costs of providing consultation and guidance to all-terrain vehicle user programs;

35 “(8) Paying the costs of administration of the all-terrain vehicle programs, including staff sup-
36 port provided under ORS 390.565 as requested by the All-Terrain Vehicle Advisory Committee;

37 “(9) Paying the costs of law enforcement activities related to the operation of [*Class I and Class*
38 *III*] all-terrain vehicles. The State Parks and Recreation Department shall determine the amount
39 required for law enforcement activities and the intervals at which the moneys shall be distributed.
40 The funds available shall be apportioned according to the terms of an intergovernmental agreement
41 entered into between the State Parks and Recreation Department and a city, the Department of
42 State Police or the sheriff of a county; and

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

44 In line 40, after “agency” insert “who is knowledgeable about and active in enforcement of all-
45 terrain vehicle laws”.

1 On page 4, line 26, delete “three” and insert “four”.

2 On page 16, line 2, delete “section 6” and insert “sections 6 and 33”.

3 After line 4, insert:

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

5 “821.170. (1) A person 16 years of age or older commits the offense of operation of a Class I
6 all-terrain vehicle without driving privileges if the person operates a Class I all-terrain vehicle on
7 public lands and the person does not hold a valid Class I all-terrain vehicle operator permit issued
8 under ORS 390.570.

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

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

15 “(b) The child must hold a valid Class I all-terrain vehicle operator permit issued under ORS
16 390.570.

17 “(c) The child must meet rider fit guidelines established by the State Parks and Recreation De-
18 partment under ORS 390.585.

19 “(3) This section does not apply if the all-terrain vehicle is:

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

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

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

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

26 “821.172. (1) A person 16 years of age or older commits the offense of operation of a Class III
27 all-terrain vehicle without driving privileges if the person operates a Class III all-terrain vehicle on
28 public lands and the person does not hold a valid Class III all-terrain vehicle operator permit issued
29 under ORS 390.575.

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

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

36 “(b) The child must hold a valid Class III all-terrain vehicle operator permit issued under ORS
37 390.575.

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

40 “(4) This section does not apply if the all-terrain vehicle is:

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

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

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

1 On page 18, line 11, after “390.575” insert “or section 6b of this 2011 Act”.
2 In line 12, delete the second “and” and insert “or”.
3 In line 27, after the bracketed material insert “or”.
4 In line 29, after “390.575” insert “or section 6b of this 2011 Act”.
5 In line 30, delete “; and” and insert a period.
6 Delete lines 31 and 32.
7 On page 19, after line 5, insert:

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

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

14 **“(a) Does not possess a Class IV all-terrain vehicle operator permit issued under section**
15 **6b of this 2011 Act;**

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

19 **“(c) Is not in compliance with the manufacturer’s minimum age recommendation as ev-**
20 **idenced by the manufacturer’s warning label affixed to the vehicle; or**

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

23 **“(2) This section does not apply if the all-terrain vehicle is:**

24 **“(a) Used exclusively in farming, agricultural or forestry operations or used by persons**
25 **licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing oper-**
26 **ations; and**

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

28 **“(3) The offense described in this section, endangering a Class IV all-terrain vehicle op-**
29 **erator, is a Class C traffic violation.”.**

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