

# House Bill 2329

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Transportation for All-Terrain Vehicle Advisory Committee)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

- Alters definitions of Class I, II and III all-terrain vehicles.
- Creates definition of Class IV all-terrain vehicle.
- Exempts Class IV all-terrain vehicles from laws relating to vehicle registration, titling and accident reporting.
- Adds Class IV all-terrain vehicle to various offenses relating to all-terrain vehicles.
- Creates offense of operation of Class IV all-terrain vehicle without driving privileges. Punishes by maximum fine of \$180.
- Adds two members to All-Terrain Vehicle Advisory Committee.

## A BILL FOR AN ACT

1  
2 Relating to all-terrain vehicles; creating new provisions; and amending ORS 390.550, 390.560, 390.565,  
3 390.580, 646.913, 801.190, 801.193, 801.194, 802.125, 803.030, 803.305, 806.020, 807.020, 811.210,  
4 811.745, 815.110, 815.300, 821.055, 821.165, 821.174, 821.190, 821.191, 821.202, 821.203, 821.280,  
5 821.291, 821.292 and 821.295.

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

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

8 801.190. "Class I all-terrain vehicle" means a motorized, off-highway recreational vehicle **that:**

9 (1) **Is** 50 inches or less in width [*with*];

10 (2) **Has** a dry weight of [800] **900** pounds or less;

11 (3) [*that*] Travels on three or more low pressure tires[.];

12 (4) **Uses handlebars for steering;**

13 (5) Has a [*saddle or*] 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;

23 (4) **Has a dry weight that is more than 1,500 pounds; and**

24 (5) **Is wider than 65 inches at its widest point.**

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

26 801.194. "Class III all-terrain vehicle" means [*an off-highway*] a motorcycle [*with a dry weight*  
27 *of 600 pounds or less*] that travels on two tires **and that is actually being operated off highway.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

3       **SECTION 5.** “Class IV all-terrain vehicle” means any motorized vehicle that:

4       (1) Travels on four or more low pressure tires that are designed for or capable of cross-  
5 country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or  
6 other natural terrain;

7       (2) Has nonstraddle seating;

8       (3) Has a steering wheel for steering control;

9       (4) Has a dry weight of 1,500 pounds or less; and

10       (5) Is 65 inches wide or less at its widest point.

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

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

15       (a) The child’s age complies with the manufacturer’s minimum age recommendation as  
16 evidenced by the unaltered manufacturer’s warning label affixed to the vehicle;

17       (b) The child is accompanied by a person who is at least 18 years of age, who holds a valid  
18 driver license issued under ORS 807.040 and who is able to provide immediate assistance and  
19 direction to the child; or

20       (c) The child holds a Class I all-terrain vehicle operator permit issued under ORS 390.570.

21       (3) This section does not apply if:

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

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

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

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

29       390.550. As used in this chapter:

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

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

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

33       (4) “Class IV all-terrain vehicle” has the meaning given that term in section 5 of this 2011  
34 Act.

35       **SECTION 8.** ORS 390.560 is amended to read:

36       390.560. Moneys in the All-Terrain Vehicle Account established under ORS 390.555 shall be used  
37 for the following purposes only:

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

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

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

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

45       (5) Paying the costs of instigating, developing or promoting new programs for all-terrain vehicle

1 users and of advising people of possible usage areas for all-terrain vehicles;

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

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

5 (8) Paying the costs of administration of the all-terrain vehicle programs, including staff support  
6 provided under ORS 390.565 as requested by the All-Terrain Vehicle Advisory Committee;

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

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

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

15 390.565. (1) The All-Terrain Vehicle Advisory Committee is established. The committee shall  
16 consist of *[eleven]* **thirteen** voting members and one nonvoting member appointed by the State Parks  
17 and Recreation Commission for a term of four years. Members are eligible for reappointment *[for a*  
18 *second term]* and vacancies may be filled by the commission. A majority of members constitutes a  
19 quorum for the transaction of business. *[Recommendations under subsection (4)(a) of this section on*  
20 *allocation of moneys in the All-Terrain Vehicle Account must receive an affirmative vote from at least*  
21 *six of the voting members of the committee.]*

22 (2) Of the voting members of the committee:

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

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

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

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

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

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

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

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

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

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

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

38 *[(j)]* **(k)** One shall be a representative of the Department of Human Services who is knowledge-  
39 able about public health and safety.

40 *[(k)]* **(L)** One shall be a representative of a law enforcement agency.

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

44 (3) One representative from the State Parks and Recreation Department shall be a nonvoting  
45 member of the committee.

- 1 (4) The committee shall:
- 2 [(a) Advise the State Parks and Recreation Department on the allocation of moneys in the All-
- 3 Terrain Vehicle Account established by ORS 390.555.]
- 4 [(b) (a) Review accidents and fatalities resulting from all-terrain vehicle recreation and make
- 5 recommendations to the State Parks and Recreation Commission.
- 6 [(c) (b) Review changes to statutory vehicle classifications as necessary for safety consider-
- 7 ations and make recommendations to the commission.
- 8 [(d) (c) Review safety features of all classes of off-highway vehicles and make recommendations
- 9 to the commission.
- 10 [(e) (d) Recommend appropriate safety requirements to protect child operators and riders of
- 11 off-highway vehicles to the commission.
- 12 (5)(a) A subcommittee **of the All-Terrain Vehicle Advisory Committee, titled the All-Terrain**
- 13 **Vehicle Grant Subcommittee**, shall be established consisting of the following [voting] members:
- 14 (A) The representative of a Class I all-terrain vehicle user organization.
- 15 (B) The representative of a Class II all-terrain vehicle user organization.
- 16 (C) The representative of a Class III all-terrain vehicle user organization.
- 17 **(D) The representative of a Class IV all-terrain vehicle user organization.**
- 18 [(D)] **(E)** The at-large all-terrain vehicle user.
- 19 [(E)] **(F)** The representative of a law enforcement agency.
- 20 (b) The [subcommittee] **All-Terrain Vehicle Grant Subcommittee** shall:
- 21 **(A) Advise the State Parks and Recreation Department on the allocation of moneys in**
- 22 **the All-Terrain Vehicle Account established by ORS 390.555; and**
- 23 **(B)** Review grant proposals and make recommendations to the commission as to which projects
- 24 should receive grant funding.
- 25 (c) Recommendations under this subsection on grant proposals must receive an affirmative vote
- 26 from at least three of the members of the subcommittee.
- 27 (6) The State Parks and Recreation Department shall provide staff support for the committee
- 28 and shall provide for expansion of programs for all-terrain vehicle users.
- 29 **SECTION 10.** ORS 390.580 is amended to read:
- 30 390.580. (1)(a) An all-terrain vehicle off-road operating permit issued under this section is a decal
- 31 that authorizes use of the all-terrain vehicle for which it is issued on trails and in areas designated
- 32 for such use by the appropriate authority.
- 33 (b) An all-terrain vehicle decal issued under this section must be permanently affixed to the
- 34 vehicle and displayed in a clearly visible manner. The State Parks and Recreation Department shall
- 35 prescribe by rule the manner in which the decal shall be displayed.
- 36 (2) The department shall issue an all-terrain vehicle off-road operating permit to any person who
- 37 completes the application described in subsection (4) of this section and pays the fee specified in
- 38 subsection (5) of this section.
- 39 (3) The department shall specify by rule the form of the permit and the information to be con-
- 40 tained on the permit.
- 41 (4) Application for an all-terrain vehicle off-road operating permit for a Class I, Class II, [or]
- 42 Class III **or Class IV** all-terrain vehicle shall be in a form furnished by the department. The appli-
- 43 cation shall include:
- 44 (a) The name and address of the owner of the all-terrain vehicle; and
- 45 (b) The make and body style of the all-terrain vehicle for which application is made.

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

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

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

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

12 646.913. (1) Except as provided in subsection (5) of this section, a retail dealer, nonretail dealer  
13 or wholesale dealer may not sell or offer for sale gasoline unless the gasoline contains 10 percent  
14 ethanol by volume.

15 (2) Gasoline containing ethanol that is sold or offered for sale meets the requirements of this  
16 section if the gasoline, exclusive of denaturants and permitted contaminants, contains not less than  
17 9.2 percent by volume of agriculturally derived, denatured ethanol that complies with the standards  
18 for ethanol adopted by the State Department of Agriculture.

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

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

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

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

24 (d) Complies with or is produced from a gasoline base stock that complies with ASTM Interna-  
25 tional specification D 4814;

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

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

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

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

36 (a) An aircraft:

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

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

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

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

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

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

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

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

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

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

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

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

10 [(k)] (L) A watercraft.

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

12 802.125. The Department of Transportation shall transfer to the State Parks and Recreation  
 13 Department that portion of the amount paid to the Department of Transportation as motor vehicle  
 14 fuel tax under ORS 319.020 and 319.530 that is determined by the department to be tax on fuel used  
 15 by Class I, Class II, [and] Class III **and Class IV** all-terrain vehicles in off-highway operation and  
 16 that is not refunded. The Department of Transportation shall determine the amount of moneys to  
 17 be transferred under this section at quarterly intervals.

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

19 803.030. This section establishes exemptions from the requirements under ORS 803.025 to obtain  
 20 title issued by this state. The exemptions are subject to ORS 803.040. The exemptions are in addition  
 21 to any exemptions under ORS 801.026. Vehicles exempted by this section from the requirements to  
 22 be titled by this state are not prohibited from being titled by this state if titling is permitted under  
 23 ORS 803.035. The exemptions are partial or complete as provided in the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (12) Golf carts operated under an ordinance adopted under ORS 810.070 are exempt from re-  
 6 quirements for title.

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

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

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

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

11 (d) They are operated by persons with disabilities.

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

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

19 (b) The exemption under this subsection applies to vehicles granted exemptions under ORS  
 20 802.500, 802.520 or 826.005, unless otherwise provided under paragraph (c) of this subsection.

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

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

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

28 (C) Vehicles that are proportionally registered under an agreement established under ORS  
 29 826.007, and according to the procedures established under ORS 826.009 or 826.011.

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

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

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

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

44 (16) Towing businesses issued certificates under ORS 822.205 may tow untitled vehicles as pro-  
 45 vided under ORS 822.210.

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

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

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

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

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

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

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

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

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

20 803.305. This section establishes exemptions from the requirements under ORS 803.300. The ex-  
 21 emptions under this section are in addition to any exemptions under ORS 801.026. Vehicles exempted  
 22 by this section from the requirements to be registered by this state are not prohibited from being  
 23 registered by this state if registration is permitted under ORS 803.310. The following are exempt,  
 24 either partially or completely as described, from the registration requirements under ORS 803.300:

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

26 (2) Bicycles are exempt from registration.

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

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

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

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

36 (7) Snowmobiles are subject to the requirements for registration provided under ORS 821.080 to  
 37 821.110.

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

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

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

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

45 (b) Within the immediate construction projects, as described in the governmental agency con-



1 tract under which the work is being performed.

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

9 (12) Vehicles being used for the purposes of forest protection and fire suppression are exempt  
 10 if the vehicles are necessary in order to comply with ORS 477.615 or 477.650 or a similar federal  
 11 statute. The exemption under this subsection also applies to the vehicles described being moved to  
 12 or from the work area.

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

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

16 (a) This subsection only provides an exemption as long as the owner of the vehicle satisfactorily  
 17 shows that the owner is not a resident of this state or has been a resident of this state for less than  
 18 30 days. For the purpose of this paragraph, a person is a resident of this state if the person meets  
 19 the residency requirements described in ORS 803.200.

20 (b) The exemption under this subsection applies to vehicles granted exemptions under ORS  
 21 802.500, 802.520 or 826.005 unless otherwise provided for under paragraph (c) of this subsection.

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

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

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

29 (C) Vehicles that are proportionally registered under an agreement established under ORS  
 30 826.007 and according to the procedures established under ORS 826.009 and 826.011.

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

35 (d) If no exemption from registration requirements is in effect under ORS 802.500, 802.520,  
 36 826.005 or 826.007 with respect to another jurisdiction, any vehicle properly registered and titled in  
 37 such other jurisdiction and for which evidence of compliance is supplied shall receive, when oper-  
 38 ated in this state, the same exemptions, benefits and privileges granted by such other jurisdictions  
 39 to vehicles properly registered and titled in this state. Reciprocity extended under this paragraph  
 40 shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

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

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

45 (16) Vehicles towed by towing businesses may be towed without registration as provided under

1 ORS 822.210.

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

4 (18) Vehicles that are not registered may be operated under trip permits described under ORS  
5 803.600 or under permits described under ORS 803.610 to 803.625.

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

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

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

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

15 (23) Motor assisted scooters are exempt from registration.

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

17 (25) A racing activity vehicle that is being operated for the purposes of a test drive within a  
18 30-mile radius of the location where the vehicle is manufactured is exempt from registration.

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

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

23 806.020. This section provides exemptions from the necessity for compliance with or proof of  
24 compliance with financial responsibility requirements in accident reports under ORS 811.725, when  
25 applying for vehicle registration under ORS 803.370 or 803.460 and for operating a vehicle under  
26 ORS 806.010. The owner or operator of a vehicle is exempt, as provided by this section, from finan-  
27 cial responsibility requirements if the vehicle involved in the accident, sought to be registered or  
28 operated is any of the following:

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

30 (2) A farm trailer.

31 (3) A farm tractor.

32 (4) An implement of husbandry.

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

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

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

38 (8) A motor assisted scooter.

39 (9) An electric personal assistive mobility device.

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

41 807.020. A person who is granted a driving privilege by this section may exercise the driving  
42 privilege described without violation of the requirements under ORS 807.010. A grant of driving  
43 privileges to operate a motor vehicle under this section is subject to suspension and revocation the  
44 same as other driving privileges granted under the vehicle code. This section is in addition to any  
45 exemptions from the vehicle code under ORS 801.026. The following persons are granted the de-

1 scribed driving privileges:

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

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

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

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

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

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

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

22 (5) A person without a license or driver permit may operate a motor vehicle to demonstrate  
23 driving ability during the course of an examination administered under ORS 807.070 for the purpose  
24 of qualifying for a license or driver permit. This subsection only applies when an authorized exam-  
25 iner is in a seat beside the driver of the motor vehicle.

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

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

28 (8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS  
29 821.172.

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

32 [(9)] (10) A person without a license or driver permit may operate a golf cart in accordance with  
33 an ordinance adopted under ORS 810.070.

34 [(10)] (11) The spouse of a member of the Armed Forces of the United States on active duty who  
35 is accompanying the member on assignment in this state may operate a motor vehicle if the spouse  
36 has a current out-of-state license or driver permit issued to the spouse by another state in the  
37 spouse's possession.

38 [(11)] (12) A person who is a member of the Armed Forces of the United States on active duty  
39 may operate a motor vehicle if the person has a current out-of-state license or driver permit in the  
40 person's possession that is issued to the person by the person's state of domicile or by the Armed  
41 Forces of the United States in a foreign country. Driving privileges described under this subsection  
42 that are granted by the Armed Forces apply only for a period of 45 days from the time the person  
43 returns to the United States.

44 [(12)] (13) A person who does not hold a motorcycle endorsement may operate a motorcycle if  
45 the person is:

1 (a) Within an enclosed cab; or

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

4 ~~[(13)]~~ (14) A person may operate a bicycle that is not an electric assisted bicycle without any  
5 grant of driving privileges.

6 ~~[(14)]~~ (15) A person may operate an electric assisted bicycle without a driver license or driver  
7 permit if the person is 16 years of age or older.

8 ~~[(15)]~~ (16) A person may operate a motor assisted scooter without a driver license or driver  
9 permit if the person is 16 years of age or older.

10 ~~[(16)]~~ (17) A person who is not a resident of this state or who has been a resident of this state  
11 for less than 30 days may operate a motor vehicle without an Oregon license or driver permit if the  
12 person is at least 15 years of age and has in the person's possession a current out-of-state equivalent  
13 of a Class C instruction driver permit issued to the person. For the purpose of this subsection, a  
14 person is a resident of this state if the person meets the residency requirements described in ORS  
15 807.062. A person operating a motor vehicle under authority of this subsection has the same privi-  
16 leges and is subject to the same restrictions as a person operating under the authority of a Class  
17 C instruction driver permit issued as provided in ORS 807.280.

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

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

22 811.210. (1)(a) Except as provided in ORS 811.215, a person commits the offense of failure to  
23 properly use safety belts if the person:

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

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

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

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

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

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

45 (G) Is a passenger in a privately owned commercial vehicle, as defined in ORS 801.210, that is

1 designed and used for the transportation of 15 or fewer persons, including the driver, and the person  
2 is 16 years of age or older and is responsible for another passenger who is not properly secured with  
3 a child safety system as required under subsection (2)(a), (b) or (c) of this section.

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

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

10 (2) To comply with this section:

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

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

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

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

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

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

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

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

34 811.745. (1) Except as provided in subsection (4) of this section, any accident occurring on a  
35 highway or upon premises open to the public resulting in injury or death to any person is subject  
36 to the reporting requirements under the following sections:

37 (a) The reporting requirements for drivers under ORS 811.748.

38 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.750.

39 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or  
40 upon premises open to the public resulting in damage to the property of any person in excess of  
41 \$1,500 is subject to the following reporting requirements:

42 (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the  
43 manner specified under ORS 811.748.

44 (b) If the property damage is to property other than a vehicle involved in the accident, each  
45 driver involved in the accident must report the accident in the manner specified under ORS 811.748.

1 (c) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed  
 2 from the scene of the accident, each driver involved in the accident must report the accident in the  
 3 manner specified under ORS 811.748.

4 (3) The dollar amount specified in subsection (2) of this section may be increased every five  
 5 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer  
 6 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics  
 7 of the United States Department of Labor or its successor during the preceding 12-month period.  
 8 The amount determined under this subsection shall be rounded to the nearest \$100.

9 (4) The following are exempt from the reporting requirements of this section:

10 (a) Operators of snowmobiles[,] **and** Class I, [*all-terrain vehicles or*] **Class III and Class IV** all-  
 11 terrain vehicles.

12 (b) A law enforcement official acting in the course of official duty if the accident involved a law  
 13 enforcement official performing a lawful intervention technique or involved a law enforcement offi-  
 14 cial and a person acting during the commission of a criminal offense. As used in this paragraph:

15 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal  
 16 laws of this state or a political subdivision of this state and who is employed or volunteers:

17 (i) As a peace officer commissioned by a city, port, school district, mass transit district, county  
 18 or service district authorized to provide law enforcement services under ORS 451.010;

19 (ii) With the Department of State Police or the Criminal Justice Division of the Department of  
 20 Justice; or

21 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace  
 22 officer in this state.

23 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-  
 24 tempts to cause, another motor vehicle to stop.

25 (5) The reporting requirements under this section are in addition to, and not in lieu of, the re-  
 26 porting requirements under ORS 811.720.

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

28 815.110. This section establishes requirements for ORS 815.115. The requirements under this  
 29 section are in addition to any other requirements for lighting equipment provided by law. Except  
 30 as specifically provided by an exemption under ORS 815.120, a person violates ORS 815.115 if the  
 31 person does not comply with any of the following requirements:

32 (1) The following types of vehicles must display slow-moving vehicle emblems described under  
 33 ORS 815.060:

34 (a) Vehicles or combinations of vehicles designed for customary use at speeds of less than 25  
 35 miles per hour.

36 (b) Golf carts or similar vehicles when operated by a person with a disability.

37 (c) Class I, [*all-terrain vehicles and*] **Class II and Class IV** all-terrain vehicles operated on a  
 38 highway under ORS 821.191 (1).

39 (2) Slow-moving vehicle emblems must meet the requirements for such emblems established by  
 40 the Department of Transportation by rule under ORS 815.060.

41 (3) Slow-moving vehicle emblems shall be displayed on the rear of the power unit. When a  
 42 combination of vehicles is being operated in a manner that obscures the emblem mounted on the  
 43 power unit, an additional emblem shall be displayed on the rear of the rearmost vehicle in the  
 44 combination.

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

1 815.300. This section establishes exemptions from the requirements under ORS 815.295 to be  
 2 equipped with a certified pollution control system. Exemptions established by this section are in  
 3 addition to any exemptions established by ORS 801.026. The exemptions established in this section  
 4 are also applicable to requirements for certification of pollution control equipment before registra-  
 5 tion under ORS 803.350 and 803.465. All of the following vehicles are exempt from the requirements  
 6 under ORS 815.295:

7 (1) Any vehicle that is not a motor vehicle.

8 (2) Any vehicle unless the vehicle is registered within:

9 (a) The boundaries of the metropolitan service district formed under ORS chapter 268 for the  
 10 metropolitan area, as defined in ORS 268.020, which includes the City of Portland, Oregon.

11 (b) Boundaries designated by the Environmental Quality Commission under ORS 468A.390.

12 (3) Any new motor vehicle or new motor vehicle engine when the registration results from the  
 13 initial retail sale thereof.

14 (4) Any motor vehicle:

15 (a) Not registered in areas designated under subsection (2)(a) of this section, including any ex-  
 16 pansion of such boundary under subsection (2)(b) of this section, with a model year that predates  
 17 by more than 20 years the year in which registration or renewal of registration is required; or

18 (b) Registered in areas designated under subsection (2)(a) of this section, including any expan-  
 19 sion of such boundary under subsection (2)(b) of this section, with a model year of 1974 or earlier.

20 (5) Motor vehicles that are registered as farm vehicles under ORS 805.300 or apportioned farm  
 21 vehicles under ORS 805.300.

22 (6) Special interest vehicles that are maintained as collectors' items and used for exhibitions,  
 23 parades, club activities and similar uses but not used primarily for the transportation of persons or  
 24 property.

25 (7) Fixed load vehicles.

26 (8) Vehicles that are proportionally registered under ORS 826.009 and 826.011 in accordance  
 27 with agreements established under ORS 826.007.

28 (9) Electric motor vehicles. This subsection does not exempt hybrid motor vehicles that use  
 29 electricity and another source of motive power.

30 (10) First response rescue units operated by political subdivisions of this state that are not used  
 31 to transport persons who are ill or injured or who have disabilities.

32 (11) A vehicle that is currently registered in Oregon at the time application for new registration  
 33 is received by the Department of Transportation if the new registration is a result of a change in  
 34 the registration or plate type and the application is received at least four months prior to the ex-  
 35 piration of the existing registration.

36 (12) Golf carts.

37 (13) Any Class I, Class II, [*or*] Class III **or Class IV** all-terrain vehicle.

38 (14) An original equipment manufacturer vehicle that is engineered, designed, produced and  
 39 warranted to use natural gas as its only fuel source.

40 (15) Racing activity vehicles.

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

42 821.055. Notwithstanding ORS 821.020, or any law requiring that vehicles be equipped in speci-  
 43 fied ways in order to operate on highways, Class I, Class II, [*and*] Class III **and Class IV** all-terrain  
 44 vehicles may operate on any highway in this state that is open to the public and is not maintained  
 45 for passenger car traffic.

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

2        821.165. As used in ORS 821.170, 821.172, 821.192, 821.291 and 821.292 **and section 6 of this 2011**  
 3 **Act**, “public lands” includes privately owned land that is open to the general public for the use of  
 4 all-terrain vehicles as the result of funding from the All-Terrain Vehicle Account under ORS 390.560.

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

6        821.174. Notwithstanding any other provision of law, a person may not operate a Class I, [*all-*  
 7 *terrain vehicle or a*] Class III **or Class IV** all-terrain vehicle while the person’s driving privileges  
 8 are suspended or revoked. A person who violates this section is in violation of ORS 811.175 or  
 9 811.182, as appropriate.

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

11       821.190. (1) A person commits the offense of unlawful operation of an off-road vehicle on a  
 12 highway or railroad if the person operates a vehicle described in subsection (2) of this section in  
 13 any of the following described areas:

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

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

18       (2) This section applies to:

19       (a) Snowmobiles.

20       (b) Class I all-terrain vehicles.

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

22       (d) Class III all-terrain vehicles.

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

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

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

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

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

31       821.191. (1) Notwithstanding any other provision of law, a person may operate a Class I, [*all-*  
 32 *terrain vehicle or a*] Class II **or Class IV** all-terrain vehicle that is not otherwise properly equipped  
 33 for operation on a highway on the highways of this state if:

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

36       (b) The person holds a valid driver license;

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

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

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

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

43       (2) A person commits the offense of unlawful operation of a Class I, [*all-terrain vehicle or a*]  
 44 Class II **or Class IV** all-terrain vehicle used for agricultural purposes if the person operates a Class  
 45 I, [*all-terrain vehicle or a*] Class II **or Class IV** all-terrain vehicle on a highway in violation of sub-



1 section (1) of this section.

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

5 **SECTION 26.** ORS 821.202 is amended to read:

6 821.202. (1) A person commits the offense of failure of a Class I, Class II, [*or*] Class III **or Class**  
 7 **IV** all-terrain vehicle operator or passenger to wear a motorcycle helmet if the person is under 18  
 8 years of age, operates or rides on a Class I, Class II, [*or*] Class III **or Class IV** all-terrain vehicle  
 9 on premises open to the public and is not wearing a motorcycle helmet with a fastened chin strap.

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

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

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

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

16 (3) The offense described in this section, failure of a Class I, Class II, [*or*] Class III **or Class**  
 17 **IV** all-terrain vehicle operator or passenger to wear a motorcycle helmet, is a Class D traffic vio-  
 18 lation.

19 **SECTION 27.** ORS 821.203 is amended to read:

20 821.203. (1) A person commits the offense of endangering a Class I, Class II, [*or*] Class III **or**  
 21 **Class IV** all-terrain vehicle operator or passenger if:

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

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

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

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

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

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

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

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

39 821.280. (1) A person commits the offense of committing unlawful damage with a snowmobile[,] **or**  
 40 **or Class I, [*or*] Class II **or Class IV** all-terrain vehicle if the person operates any snowmobile[,] **or**  
 41 **Class I, [*or*] Class II **or Class IV** all-terrain vehicle in any area or in such a manner so as to expose**  
 42 **the underlying soil or vegetation or to injure, damage or destroy trees or growing crops.****

43 (2) In addition to other penalties provided by this section, the owner or operator of a  
 44 snowmobile[,] **or Class I, [*or*] Class II **or Class IV** all-terrain vehicle may be liable as provided un-**  
 45 **der 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 and is able to provide immediate assistance and direction to the child; and

(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]

(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 and is able to provide immediate assistance and direction to the child; **and**

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

*[(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

1 **IV** all-terrain vehicle on a groomed trail or a designated snowmobile or cross country ski trail or  
2 area during a designated snow use period.

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

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

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