

# House Bill 2747

Sponsored by Representative BOONE (Pre-session filed.)

## 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**.

Eliminates requirement that person take Class I or Class III all-terrain vehicle safety education course prior to issuance of Class I or Class III all-terrain vehicle operator permit.

Eliminates requirement that child meet rider fit guidelines in order to operate Class I all-terrain vehicle.

Repeals prohibition on carrying loaded firearm or bow while operating snowmobile or all-terrain vehicle.

## A BILL FOR AN ACT

1  
2 Relating to all-terrain vehicles; creating new provisions; amending ORS 390.555, 390.570, 390.575,  
3 390.585, 821.170 and 821.291; and repealing ORS 821.240.

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

5 **SECTION 1.** ORS 390.555 is amended to read:

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

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

15 [(2) Fees collected by the department from participants in the Class I and Class III all-terrain ve-  
16 hicle safety education courses under ORS 390.570 and 390.575.]

17 [(3)] (2) The moneys transferred from the Department of Transportation under ORS 802.125 that  
18 represent unrefunded fuel tax.

19 **SECTION 2.** ORS 390.570 is amended to read:

20 390.570. (1) The State Parks and Recreation Department shall issue or provide for issuance of  
21 a Class I all-terrain vehicle operator permit to any person who **has been found qualified to oper-**  
22 **ate a Class I all-terrain vehicle.**[.]

23 [(a) Has taken a Class I all-terrain vehicle safety education course established under this section  
24 and has been found qualified to operate a Class I all-terrain vehicle; or]

25 [(b) Is at least 16 years of age, has five or more years of experience operating a Class I all-terrain  
26 vehicle and passes an equivalency examination.]

27 (2) The department shall adopt rules to provide for Class I all-terrain vehicle [*safety education*  
28 *courses, equivalency*] examinations and the issuance of Class I all-terrain vehicle operator permits  
29 [*consistent with this section*]. [*The rules adopted by the department shall be consistent with the fol-*

**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 *lowing:]*

2 [(a) *The courses must be given by instructors designated by the department as qualified to conduct*  
3 *the courses and issue the permits.*]

4 [(b) *The instructors may be provided and permits issued through public or private local and state*  
5 *organizations meeting qualifications established by the department.*]

6 [(c) *The department may collect a fee of not more than \$5 from each participant in a course es-*  
7 *tablished under this section.*]

8 **SECTION 3.** ORS 390.575 is amended to read:

9 390.575. (1) The State Parks and Recreation Department shall issue or provide for issuance of  
10 a Class III all-terrain vehicle operator permit to any person who **has been found qualified to op-**  
11 **erate a Class III all-terrain vehicle.**[.]

12 [(a) *Has taken a Class III all-terrain vehicle safety education course established under this section*  
13 *and has been found qualified to operate a Class III all-terrain vehicle; or]*

14 [(b) *Is at least 16 years of age, has five or more years of experience operating a Class III all-*  
15 *terrain vehicle and passes an equivalency examination.*]

16 (2) The department shall adopt rules to provide for Class III all-terrain vehicle [*safety education*  
17 *courses, equivalency*] examinations and the issuance of Class III all-terrain vehicle operator permits  
18 [*consistent with this section*]. [*The rules adopted by the department shall be consistent with the fol-*  
19 *lowing:]*

20 [(a) *The courses must be given by instructors designated by the department as qualified to conduct*  
21 *the courses and issue the permits.*]

22 [(b) *The instructors may be provided and permits issued through public or private local and state*  
23 *organizations meeting qualifications established by the department.*]

24 [(c) *The department may collect a fee of not more than \$5 from each participant in a course es-*  
25 *tablished under this section.*]

26 **SECTION 4.** ORS 390.585 is amended to read:

27 390.585. [(1)] The State Parks and Recreation Department may adopt rules necessary for carry-  
28 ing out the duties imposed by ORS 390.550 to 390.590.

29 [(2) *The department shall adopt rules establishing rider fit guidelines to ensure that an all-terrain*  
30 *vehicle properly fits the operator of the vehicle.*]

31 **SECTION 5.** ORS 821.170 is amended to read:

32 821.170. (1) A person 16 years of age or older commits the offense of operation of a Class I all-  
33 terrain vehicle without driving privileges if the person operates a Class I all-terrain vehicle on  
34 public lands and the person does not hold a valid Class I all-terrain vehicle operator permit issued  
35 under ORS 390.570.

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

39 (a) The child must be accompanied by a person who is at least 18 years of age, holds a valid  
40 all-terrain vehicle operator permit issued under ORS 390.570 or 390.575 and is able to provide im-  
41 mediate assistance and direction to the child.

42 (b) The child must hold a valid Class I all-terrain vehicle operator permit issued under ORS  
43 390.570.

44 [(c) *The child must meet rider fit guidelines established by the State Parks and Recreation De-*  
45 *partment under ORS 390.585.*]

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

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

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

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

7 **SECTION 6.** ORS 821.291 is amended to read:

8 821.291. (1) A person commits the offense of endangering a Class I all-terrain vehicle operator  
9 if the person is the parent, legal guardian or person with legal responsibility for the safety and  
10 welfare of a child under 16 years of age and the child operates a Class I all-terrain vehicle on public  
11 lands and:

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

13 (b) Is not accompanied by a person who is at least 18 years of age, holds a valid all-terrain ve-  
14 hicle operator permit issued under ORS 390.570 or 390.575 and is able to provide immediate assist-  
15 ance and direction to the child[; *and*].

16 [*(c) Is not in compliance with the rider fit guidelines established by the Parks and Recreation De-*  
17 *partment under ORS 390.585.*]

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

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

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

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

24 **SECTION 7. ORS 821.240 is repealed.**

25 **SECTION 8. (1) The amendments to ORS 390.570 and 390.575 by sections 2 and 3 of this**  
26 **2011 Act apply to permits issued on or after the effective date of this 2011 Act.**

27 **(2) The amendments to ORS 821.170 and 821.291 by sections 5 and 6 of this 2011 Act apply**  
28 **to offenses committed on or after the effective date of this 2011 Act.**

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