

House Bill 3141

Sponsored by Representatives OLSON, FREEMAN; Representatives BAILEY, BERGER, CLEM, ESQUIVEL, GILLIAM, HANNA, HUFFMAN, JOHNSON, KRIEGER, SPRENGER, THATCHER, THOMPSON, WEIDNER, WINGARD, Senators FERRIOLI, GIROD, KRUSE, MORSE

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**.

Requires only persons under 21 years of age to wear motorcycle helmet while riding on or operating motorcycle.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to motorcycle helmets; creating new provisions; amending ORS 807.280, 814.269, 814.275 and
3 814.280; and declaring an emergency.

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

5 **SECTION 1.** ORS 807.280 is amended to read:

6 807.280. The Department of Transportation shall provide for the issuance of instruction driver
7 permits in a manner consistent with this section. A person who is issued an instruction driver per-
8 mit may exercise the same driving privileges as those under the class of license or endorsement for
9 which the permit is issued except as provided in this section or under the permit. Except as other-
10 wise provided in this section, an instruction driver permit is subject to the fees, provisions, condi-
11 tions, prohibitions and penalties applicable to a license or endorsement granting the same driving
12 privileges. The following apply to an instruction driver permit:

13 (1) An instruction driver permit is subject to the same classifications and endorsements as a li-
14 cense. The department may issue an instruction driver permit to grant the same driving privileges
15 as a Class A commercial, Class B commercial, Class C commercial or Class C driver license or as
16 a motorcycle endorsement, but the permit will also be subject to the provisions of this section.

17 (2) The department may issue an instruction driver permit to a person who is qualified to obtain
18 the same driving privileges under the corresponding class of license or type of endorsement except
19 for the person's age or lack of experience in the operation of motor vehicles subject to the following:

20 (a) An applicant must be 15 years of age or older to receive the same driving privileges as are
21 granted under a Class C license.

22 (b) An applicant must be 16 years of age or older and have a commercial driver license or a
23 Class C license to receive the same driving privileges as are granted under a motorcycle endorse-
24 ment.

25 (c) An applicant must be 18 years of age or older to receive the same driving privileges as are
26 granted under any class of license not otherwise provided for under this subsection.

27 (3) The fees required for issuance or renewal of an instruction driver permit are the instruction
28 driver permit fees under ORS 807.370.

29 (4) A Class C instruction driver permit shall be valid for 24 months from the date of issuance.

30 All other instruction driver permits issued under this section shall be valid for one year from the

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 date of issuance.

2 (5) When a permit expires or is about to expire, the department shall renew the permit if the
3 holder of the permit qualifies for renewal of the permit under this section and applies for renewal:

4 (a) Within one year of the expiration of a permit issued under this section; or

5 (b) Within six months after the applicant is discharged from the Armed Forces of the United
6 States if the applicant held a permit issued by this state at the time of the applicant's entry into the
7 Armed Forces.

8 (6) To qualify for renewal of a permit, a person must meet all of the requirements for the type
9 of permit sought to be renewed, except that the department may waive the examination unless the
10 department has reason to believe that the applicant is not qualified for the permit.

11 (7) A permit that is renewed under this section may be used on or after the date of issuance.
12 If the department issues a permit renewal to a person under this section before the expiration of the
13 permit being renewed, the older permit is invalid. A permit that becomes invalid under this sub-
14 section shall be surrendered to the department.

15 (8) The holder of the permit may not operate a motor vehicle unless the holder has the permit
16 in the holder's immediate possession and is accompanied by a person with a class of license granting
17 the same driving privileges or a license with an endorsement granting the same driving privileges
18 who is not less than 21 years of age. The accompanying person must be occupying a seat beside the
19 holder of the permit unless the permit is for motorcycle driving privileges. For a permit granting
20 motorcycle driving privileges, the holder of the permit must be in the company and under the
21 supervision and visual observation of the accompanying person and the accompanying person must
22 be operating a separate motorcycle. If the permit authorizes its holder to operate a commercial
23 motor vehicle, the accompanying person must have a commercial driver license and the proper
24 endorsements for the vehicle being operated by the holder of the permit. The holder of the permit
25 may not operate any motor vehicle transporting hazardous materials.

26 (9) The holder of a permit granting motorcycle driving privileges is subject to the following in
27 addition to any other requirements under this section:

28 (a) The holder may only operate a motorcycle during daylight hours.

29 (b) The holder may not carry any passengers on the motorcycle.

30 (c) **If the holder of the permit is under 21 years of age, the holder** must wear an approved
31 helmet while operating a motorcycle.

32 (10)(a) The department may issue an instruction driver permit to a person with a limited vision
33 condition if a rehabilitation training specialist certifies to the department that the person has suc-
34 cessfully completed a rehabilitation training program.

35 (b) As used in this subsection, "limited vision condition," "rehabilitation training specialist" and
36 "rehabilitation training program" have the meanings given those terms in ORS 807.355.

37 (11) In addition to any other requirements under this section, the holder of a permit issued under
38 subsection (10) of this section may operate a motor vehicle only when using a bioptic telescopic lens.

39 **SECTION 2.** ORS 814.269 is amended to read:

40 814.269. (1) A person commits the offense of failure of a motorcycle operator to wear a motor-
41 cycle helmet if the person **is under 21 years of age**, operates a motorcycle and is not wearing a
42 motorcycle helmet.

43 (2) Exemptions from this section are established in ORS 814.290.

44 (3) The offense described in this section, failure of a motorcycle operator to wear a motorcycle
45 helmet, is a Class D traffic violation.

1 **SECTION 3.** ORS 814.275 is amended to read:

2 814.275. (1) A person commits the offense of failure of a motorcycle passenger to wear a mo-
3 torcycle helmet if the person **is under 21 years of age**, rides as a passenger on a motorcycle and
4 is not wearing a motorcycle helmet.

5 (2) Exemptions from this section are established in ORS 814.290.

6 (3) The offense described in this section, failure of a motorcycle passenger to wear a motorcycle
7 helmet, is a Class D traffic violation.

8 **SECTION 4.** ORS 814.280 is amended to read:

9 814.280. (1) A person commits the offense of endangering a motorcycle passenger if the person
10 is operating a motorcycle and the person carries another person on the motorcycle who **is under**
11 **21 years of age and** is not wearing a motorcycle helmet.

12 (2) Exemptions from this section are established under ORS 814.290.

13 (3) The offense described in this section, endangering a motorcycle passenger, is a Class D
14 traffic violation.

15 **SECTION 5.** The amendments to ORS 807.280, 814.269, 814.275 and 814.280 by sections 1
16 to 4 of this 2011 Act apply to persons who ride on or operate a motorcycle on or after the
17 effective date of this 2011 Act.

18 **SECTION 6.** This 2011 Act being necessary for the immediate preservation of the public
19 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
20 on its passage.

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