

# Senate Bill 390

Sponsored by Senator BATES (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**.

Expands offense of carrying minor on external part of motor vehicle to include all passengers.

## A BILL FOR AN ACT

1  
2 Relating to passengers riding on an external part of a motor vehicle; creating new provisions; and  
3 amending ORS 811.205.

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

5 **SECTION 1.** ORS 811.205 is amended to read:

6 811.205. (1) A person commits the offense of carrying a [*minor*] **passenger** on an external part  
7 of a motor vehicle if the person carries any [*person under 18 years of age*] **passenger** upon the hood,  
8 fender, running board or other external part of any motor vehicle that is upon a highway.

9 (2) For purposes of this section, the open bed of a motor vehicle is an external part of a motor  
10 vehicle.

11 (3) A person does not commit the offense described in this section if the person:

12 (a) Is carrying a [*minor*] **passenger** in the open bed of a motor vehicle and the [*minor*] **pas-**  
13 **senger** is secured with a safety belt or safety harness that complies with rules adopted under ORS  
14 815.055;

15 (b) Is operating the motor vehicle in an organized parade; [*or*]

16 (c) **Is operating the motor vehicle at a speed of 10 miles per hour or less; or**

17 [*(c)*] (d) Is carrying a [*minor*] **passenger** who is seated on the floor of the open bed of a motor  
18 vehicle in which all available passenger seats are occupied by [*minors*] **passengers**, the tailgate is  
19 securely closed and the [*minor*] **passenger** is being transported:

20 (A) In the course and scope of employment, provided that the [*minor*] **passenger** is transported  
21 in compliance with law and rules regulating the transport of workers; or

22 (B)(i) Between a hunting camp and a hunting site or between hunting sites during hunting sea-  
23 son; and

24 (ii) The [*minor*] **passenger** has a hunting license.

25 (4) The offense described in this section, carrying a [*minor*] **passenger** on an external part of  
26 a motor vehicle, is a Class B traffic violation.

27 **SECTION 2. The amendments to ORS 811.205 by section 1 of this 2013 Act apply to of-**  
28 **fenses occurring on or after the effective date of this 2013 Act.**

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**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.