

**PROPOSED AMENDMENTS TO
HOUSE BILL 2725**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line and insert “creating new provisions; and amending ORS 390.555,
3 390.560, 801.526, 802.110, 803.030 and 821.310.”.

4 Delete lines 4 through 31 and delete page 2 and insert:

5 **“SECTION 1. Sections 2 and 3 of this 2013 Act are added to and
6 made a part of the Oregon Vehicle Code.**

7 **“SECTION 2. (1) The Department of Transportation shall provide
8 for the issuance of titles for Class I, Class III and Class IV all-terrain
9 vehicles required to be titled under section 3 of this 2013 Act. The fol-
10 lowing provisions relating to titling shall be the same for Class I, Class
11 III and Class IV all-terrain vehicles as for other vehicles:**

12 **“(a) Fee for issuance.**

13 **“(b) Provisions relating to transfer, including security interests and
14 other types of transfer, fees for transfer, time limits for transfer and
15 responsibility for making transfer and submitting documents.**

16 **“(c) Information required to be placed on a title, except where the
17 department determines such information would be inappropriate.**

18 **“(d) Party to whom title is issued upon original issuance or trans-
19 fer.**

20 **“(e) Validity times and requirements.**

21 **“(f) Provisions contained in ORS 819.010 to 819.040.**

22 **“(g) Any provisions relating to title that are applicable to other**

1 vehicles under the vehicle code and that the department determines,
2 by rule, to be necessary to ensure that the titling of Class I, Class III
3 and Class IV all-terrain vehicles is administered in the same manner
4 and has the same effect as the titling of other vehicles.

5 “(h) Provisions relating to salvage titles.

6 “(2) Application for issuance of title for Class I, Class III and Class
7 IV all-terrain vehicles shall be made in the manner and in a form
8 prescribed by the department. The department may require any infor-
9 mation in the application the department determines is reasonably
10 necessary to determine ownership or right to title for a Class I, Class
11 III or Class IV all-terrain vehicle. The department may provide for
12 application for title in any way the department determines appropri-
13 ate.

14 “(3) Dealers issued certificates under ORS 822.020 who sell Class I,
15 Class III or Class IV all-terrain vehicles shall accept application and
16 fees for title of a new or used Class I, Class III or Class IV all-terrain
17 vehicle in a manner required by the department.

18 “SECTION 3. (1) A person commits the offense of failure to title a
19 Class I, Class III or Class IV all-terrain vehicle if the person is the
20 owner of a Class I, Class III or Class IV all-terrain vehicle that is in
21 this state or is operating a Class I, Class III or Class IV all-terrain
22 vehicle at any place in this state and the Class I, Class III or Class IV
23 all-terrain vehicle has not been issued a title as provided under section
24 2 of this 2013 Act.

25 “(2) The requirement to title a Class I, Class III or Class IV all-
26 terrain vehicle under this section does not apply if the Class I, Class
27 III or Class IV all-terrain vehicle is any of the following:

28 “(a) Owned and operated by the United States, another state or
29 political subdivision thereof.

30 “(b) Owned and operated by this state or by any city, district or

1 **political subdivision thereof.**

2 **“(c) A new Class I, Class III or Class IV all-terrain vehicle that is**
3 **in the possession of a dealer for purposes of sale or display.**

4 **“(3) The offense described in this section, failure to title a Class I,**
5 **Class III or Class IV all-terrain vehicle, is a Class D traffic violation.**

6 **“SECTION 4.** ORS 801.526 is amended to read:

7 “801.526. ‘Title’ means an ownership interest in a vehicle that is evidenced
8 by a record of the Department of Transportation or of some other jurisdic-
9 tion. The record may be in the form of a certificate of title or it may be in
10 another form, including but not necessarily limited to electronic or
11 machine-readable form. Oregon issues titles under ORS 803.045. Titles for
12 snowmobiles are issued as provided under ORS 821.060. **Titles for Class I,**
13 **Class III and Class IV all-terrain vehicles are issued as provided under**
14 **section 2 of this 2013 Act.** Salvage titles are issued as provided in ORS
15 803.140.

16 **“SECTION 5.** ORS 803.030 is amended to read:

17 “803.030. This section establishes exemptions from the requirements under
18 ORS 803.025 to obtain title issued by this state. The exemptions are subject
19 to ORS 803.040. The exemptions are in addition to any exemptions under ORS
20 801.026. Vehicles exempted by this section from the requirements to be titled
21 by this state are not prohibited from being titled by this state if titling is
22 permitted under ORS 803.035. The exemptions are partial or complete as
23 provided in the following:

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

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

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

1 821.070. **The requirements and procedures for titling Class I, Class III**
2 **and Class IV all-terrain vehicles are as provided under sections 2 and**
3 **3 of this 2013 Act.**

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

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

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

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

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

13 “(9) Except as provided in subsection (23) of this section, fixed load ve-
14 hicles are exempt from the requirements for title while operated within the
15 immediate construction project, as described in the governmental agency
16 contract, in the construction or reconstruction of state or county roads,
17 highways or city streets.

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

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

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

26 “(11) Farm trailers are exempt from requirements for title when the op-
27 eration or movement of the vehicle upon the highways is incidental to its
28 use in an agricultural operation.

29 “(12) Golf carts operated under an ordinance adopted under ORS 810.070
30 are exempt from requirements for title.

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

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

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

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

7 “(d) They are operated by persons with disabilities.

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

12 “(a) This subsection only provides an exemption so long as the owner
13 satisfactorily shows that the owner is not a resident of this state or has been
14 a resident of this state for less than 30 days. For the purpose of this para-
15 graph, a person is a resident of this state if the person meets the residency
16 requirements described in ORS 803.200.

17 “(b) The exemption under this subsection applies to vehicles granted ex-
18 emptions under ORS 802.500, 802.520 or 826.005, unless otherwise provided
19 under paragraph (c) of this subsection.

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

25 “(A) Vehicles operated under reciprocal registration exemptions estab-
26 lished under ORS 802.500 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 es-
29 tablished under ORS 826.007, and according to the procedures established
30 under ORS 826.009 or 826.011.

1 “(D) Any vehicle if duly registered and titled under the laws of the state
2 or country of which the owner is a bona fide resident to the extent that in
3 the foreign country, state, territory or federal district where the owner re-
4 sides like exemptions and privileges are granted vehicles duly registered and
5 titled under the laws of this state and owned by residents of this state.

6 “(d) If no exemptions from titling requirements are in effect under ORS
7 802.500, 802.520, 826.005 or 826.007 with respect to another jurisdiction, any
8 vehicle properly registered and titled in such other jurisdiction and for
9 which evidence of compliance is supplied shall receive, when operated in this
10 state, the same exemptions, benefits and privileges granted by such other
11 jurisdictions to vehicles properly registered and titled in this state.
12 Reciprocity extended under this paragraph shall apply to commercial vehi-
13 cles only when engaged exclusively in interstate commerce.

14 “(e) Any vehicle operated under dealer registration plates issued by an-
15 other state, country, province, territory or the District of Columbia is subject
16 to this subsection.

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

19 “(16) Towing businesses issued certificates under ORS 822.205 may tow
20 untitled vehicles as provided under ORS 822.210.

21 “(17) Vehicle transporters issued certificates under ORS 822.310 may
22 transport untitled vehicles as provided in ORS 822.310.

23 “(18) Untitled vehicles may be operated under trip permits described un-
24 der ORS 803.600 or under permits described under ORS 803.610 to 803.625.

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

28 “(20)(a) Vehicles that are registered under the proportional registration
29 provisions of ORS chapter 826 and are titled in a jurisdiction other than
30 Oregon are exempt from the requirements for title.

1 “(b) A trailer that is registered under the proportional registration pro-
2 visions of ORS chapter 826 and titled in a jurisdiction other than Oregon
3 shall remain exempt from the requirements for title in Oregon if the trailer
4 is registered when the other jurisdiction removes its exception to propor-
5 tional registration requirements for the trailer.

6 “(21) Converter dollies and tow dollies are exempt from the requirements
7 for title.

8 “(22) Electric personal assistive mobility devices are exempt from the re-
9 quirements for title.

10 “(23) Road machinery that is operated at the direction of a road authority
11 is exempt from the requirements for title. The exemption under this sub-
12 section also applies when the operation of road machinery upon a highway
13 or an alley is incidental to its use in a highway maintenance operation.

14 “**SECTION 6.** ORS 803.030, as amended by section 22, chapter 12, Oregon
15 Laws 2012, is amended to read:

16 “803.030. This section establishes exemptions from the requirements under
17 ORS 803.025 to obtain title issued by this state. The exemptions are subject
18 to ORS 803.040. The exemptions are in addition to any exemptions under ORS
19 801.026. Vehicles exempted by this section from the requirements to be titled
20 by this state are not prohibited from being titled by this state if titling is
21 permitted under ORS 803.035. The exemptions are partial or complete as
22 provided in the following:

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

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

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

1 **and Class IV all-terrain vehicles are as provided under sections 2 and**
2 **3 of this 2013 Act.**

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

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

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

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

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

12 “(9) Except as provided in subsection (23) of this section, fixed load ve-
13 hicles are exempt from the requirements for title while operated within the
14 immediate construction project, as described in the governmental agency
15 contract, in the construction or reconstruction of state or county roads,
16 highways or city streets.

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

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

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

25 “(11) Farm trailers are exempt from requirements for title when the op-
26 eration or movement of the vehicle upon the highways is incidental to its
27 use in an agricultural operation.

28 “(12) Golf carts operated under an ordinance adopted under ORS 810.070
29 are exempt from requirements for title.

30 “(13) Golf carts or similar vehicles are exempt from requirements for title

1 when:

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

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

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

6 “(d) They are operated by persons with disabilities.

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

11 “(a) This subsection only provides an exemption so long as the owner
12 satisfactorily shows that the owner is not a resident of this state or has been
13 a resident of this state for less than 30 days. For the purpose of this para-
14 graph, a person is a resident of this state if the person meets the residency
15 requirements described in ORS 803.200.

16 “(b) The exemption under this subsection applies to vehicles granted ex-
17 emptions under ORS 802.500, 802.520 or 826.005, unless otherwise provided
18 under paragraph (c) of this subsection.

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

24 “(A) Vehicles operated under reciprocal registration exemptions estab-
25 lished under ORS 802.500 or 826.005.

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

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

30 “(D) Any vehicle if duly registered and titled under the laws of the state

1 or country of which the owner is a bona fide resident to the extent that in
2 the foreign country, state, territory or federal district where the owner re-
3 sides like exemptions and privileges are granted vehicles duly registered and
4 titled under the laws of this state and owned by residents of this state.

5 “(d) If no exemptions from titling requirements are in effect under ORS
6 802.500, 802.520, 826.005 or 826.007 with respect to another jurisdiction, any
7 vehicle properly registered and titled in such other jurisdiction and for
8 which evidence of compliance is supplied shall receive, when operated in this
9 state, the same exemptions, benefits and privileges granted by such other
10 jurisdictions to vehicles properly registered and titled in this state.
11 Reciprocity extended under this paragraph shall apply to commercial vehi-
12 cles only when engaged exclusively in interstate commerce.

13 “(e) Any vehicle operated under dealer registration plates issued by an-
14 other state, country, province, territory or the District of Columbia is subject
15 to this subsection.

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

18 “(16) Towing businesses issued certificates under ORS 822.205 may tow
19 untitled vehicles as provided under ORS 822.210.

20 “(17) Vehicle transporters issued certificates under ORS 822.310 may
21 transport untitled vehicles as provided in ORS 822.310.

22 “(18) Untitled vehicles may be operated under trip permits described un-
23 der ORS 803.600 or under permits described under ORS 803.610 to 803.625.

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

27 “(20)(a) Vehicles that are registered under the proportional registration
28 provisions of ORS chapter 826 and are titled in a jurisdiction other than
29 Oregon are exempt from the requirements for title.

30 “(b) A trailer that is registered under the proportional registration pro-

1 visions of ORS chapter 826 and titled in a jurisdiction other than Oregon
2 shall remain exempt from the requirements for title in Oregon if the trailer
3 is registered when the other jurisdiction removes its exception to propor-
4 tional registration requirements for the trailer.

5 “(21) Converter dollies and tow dollies are exempt from the requirements
6 for title.

7 “(22) Electric personal assistive mobility devices are exempt from the re-
8 quirements for title.

9 “(23) Road machinery that is operated at the direction of a road authority
10 is exempt from the requirements for title. The exemption under this sub-
11 section also applies when the operation of road machinery upon a highway
12 or an alley is incidental to its use in a highway maintenance operation.

13 “(24) Special mobile equipment is exempt from the requirements for title.

14 **“SECTION 7.** ORS 802.110 is amended to read:

15 “802.110. Any procedures the Department of Transportation establishes for
16 financial administration of those functions of the department dealing with
17 driver and motor vehicle services and for the disposition and payment of
18 moneys it receives from the provision of driver and motor vehicle services
19 shall comply with all of the following:

20 “(1) The department shall deposit all moneys it receives related to driver
21 and motor vehicle services in the Department of Transportation Driver and
22 Motor Vehicle Suspense Account for approved expenses and disbursements before
23 payment of general administrative expenses of the department related to the
24 provision of driver and motor vehicle services. Notwithstanding this sub-
25 section, the department may return a bank check or money order when re-
26 ceived in incorrect or incomplete form or when not accompanied by the
27 proper application.

28 “(2) The department shall pay the following approved expenses and dis-
29 bursals from the Department of Transportation Driver and Motor Vehicle
30 Suspense Account before payment of the general administrative expenses of

1 the department related to driver and motor vehicle services:

2 “(a) Refunds authorized by any statute administered by the department
3 when such refunds are approved by the department.

4 “(b) Amounts transferred to the State Treasurer under ORS 319.410 (2) for
5 the purpose of carrying out the state aviation laws, amounts transferred to
6 the Boating Safety, Law Enforcement and Facility Account by ORS 319.415,
7 amounts transferred to the State Aviation Account by ORS 319.417 and
8 amounts transferred to the Department of Transportation Operating Fund
9 by ORS 184.643.

10 “(c) After deduction of expenses of collection, transfer and administration,
11 the department shall pay moneys collected from the Student Driver Training
12 Fund eligibility fee under ORS 807.040, 807.150 and 807.370 to the State
13 Treasurer for deposit in the Student Driver Training Fund. The moneys de-
14 posited in the Student Driver Training Fund under this paragraph are con-
15 tinuously appropriated to the department for the following purposes:

16 “(A) To the extent of not more than 10 percent of the amount transferred
17 into the Student Driver Training Fund in any biennium, to pay the expenses
18 of administering ORS 336.795, 336.800, 336.805, 336.810 (2) and 336.815.

19 “(B) The remaining moneys, for reimbursing school districts and com-
20 mercial driver training schools as provided under ORS 336.805.

21 “(d) After deduction of expenses of collection, transfer and administration,
22 the department shall pay moneys collected for the Motorcycle Safety Subac-
23 count under ORS 807.170 to the State Treasurer for deposit in the Motorcycle
24 Safety Subaccount of the Transportation Safety Account. Moneys paid to the
25 State Treasurer under this paragraph shall be used for the purpose of ORS
26 802.320.

27 “(e) After deduction of expenses for the administration of the issuance of
28 customized registration plates under ORS 805.240, the department shall place
29 moneys received from the sale of customized registration plates in the Pas-
30 senger Rail Transportation Account. The moneys placed in the account are

1 continuously appropriated to the department and shall be used for the pay-
2 ment of expenses incurred in administering passenger rail programs.

3 “(f) After deduction of expenses of collection, transfer and administration,
4 the department shall pay moneys from any registration fees established by
5 the governing bodies of counties or a district, as defined in ORS 801.237,
6 under ORS 801.041 or 801.042 to the appropriate counties or districts. The
7 department shall make the payments on at least a monthly basis unless an-
8 other basis is established by the intergovernmental agreements required by
9 ORS 801.041 and 801.042 between the department and the governing bodies
10 of a county or a district.

11 “(g) After deducting the expenses of the department in collecting and
12 transferring the moneys, the department shall make disbursements and payments
13 of moneys collected for or dedicated to any other purpose or fund except the
14 State Highway Fund, including but not limited to, payments to the Depart-
15 ment of Transportation Operating Fund established by ORS 184.642 (1) and
16 (2).

17 “(3) The department shall refund from the Department of Transportation
18 Driver and Motor Vehicle Suspense Account any excess or erroneous pay-
19 ment to a person who made the payment or to the person’s legal represen-
20 tative when the department determines that money has been received by it
21 in excess of the amount legally due and payable or that it has received
22 money in which it has no legal interest. Refunds payable under this sub-
23 section are continuously appropriated for such purposes in the manner for
24 payment of refunds under this section. If the department determines that a
25 refund is due, the department may refund the amount of excess or erroneous
26 payment without a claim being filed. Except as provided in ORS 319.290,
27 319.375, 319.820 and 319.831, any claim for a refund from the department must
28 be filed within 12 months after the date payment is received by the depart-
29 ment.

30 “(4) After payment of those expenses and disbursements approved for payment

1 before general administrative expenses related to the provision of driver and
2 motor vehicle services, the department shall pay from the Department of
3 Transportation Driver and Motor Vehicle Services Administrative Account
4 its general administrative expenses incurred in the administration of any law
5 related to driver and motor vehicle services that the department is charged
6 with administering and any other expenses the department is permitted by
7 law to pay from moneys held by the department before transfer of the moneys
8 to the State Highway Fund. The following limitations apply to payments of
9 administrative expenses under this subsection:

10 “(a) The department shall make payment of the expenses of administering
11 the issuance of winter recreation parking permits under ORS 811.595 from
12 those moneys received from issuing the permits.

13 “(b) The department shall pay its expenses for administering the regis-
14 tration and titling of snowmobiles under ORS 821.060 and 821.100 from the
15 fees collected from administering those sections. The department shall also
16 pay its expenses for the administration of the snowmobile driver permit
17 program under ORS 821.160 from the moneys otherwise described in this
18 paragraph.

19 “(c) The department shall pay its expenses for determining the amount
20 of money to be withheld under ORS 802.120 from the fees collected for ad-
21 ministering the registration and titling of snowmobiles. The amount used to
22 pay expenses under this paragraph shall be such sum as necessary but shall
23 not exceed \$10,000 during each biennium.

24 “(d) The department shall retain not more than \$15,000 in any biennium
25 for the expenses of collecting and transferring moneys to the Student Driver
26 Training Fund under this section and for the administration of ORS 336.810
27 (3).

28 **“(e) The department shall pay its expenses for administering the**
29 **titling of Class I, Class III and Class IV all-terrain vehicles under**
30 **section 2 of this 2013 Act from the fees collected from administering**

1 **that section.**

2 “(5) Except as otherwise provided in this subsection, the department shall
3 transfer to the State Highway Fund the moneys not used for payment of the
4 general administrative expenses or for approved expenses and disbursements be-
5 fore payment of general administrative expenses. The following apply to this
6 subsection:

7 “(a) If the Director of Transportation certifies the amount of principal
8 or interest of highway bonds due on any particular date, the department may
9 make available for the payment of such interest or principal any sums that
10 may be necessary to the extent of moneys on hand available for the State
11 Highway Fund regardless of the dates otherwise specified under this section.

12 “(b) Notwithstanding paragraph (a) of this subsection the department
13 shall not make available for purposes described in paragraph (a) of this
14 subsection any moneys described in ORS 367.605 when there are not suffi-
15 cient amounts of such moneys in the State Highway Fund for purposes of
16 bonds issued under ORS 367.615.

17 “(6) Notwithstanding any other provision of this section, the following
18 moneys shall be transferred to the State Highway Fund at the times de-
19 scribed:

20 “(a) Moneys received under ORS 802.120 and not used for the payment of
21 administrative expenses of the department shall be transferred before July
22 31 of each year.

23 “(b) Moneys received from the registration of snowmobiles that is not to
24 be used for payment of administrative expenses of the department shall be
25 transferred within 30 days after the end of the quarter.

26 “(c) Moneys received from the issuance of winter recreation parking per-
27 mits that is not used for payment of administrative expenses of the depart-
28 ment shall be transferred within 30 days after the end of the quarter.

29 “(7) The following moneys transferred to the State Highway Fund under
30 this section may be used only for the purposes described as follows:

1 “(a) Moneys collected from the issuance of winter recreation parking
2 permits, and the interest on such moneys, shall be used to enforce the re-
3 quirement for winter recreation parking permits and to remove snow from
4 winter recreation parking locations designated under ORS 810.170. Any re-
5 maining moneys shall, upon approval by the Winter Recreation Advisory
6 Committee:

7 “(A) Be used to maintain parking locations developed with moneys ob-
8 tained under ORS 810.170 and snowmobile facilities that are parking lots
9 developed with moneys as provided under this section;

10 “(B) Be used to develop additional winter recreation parking locations
11 under ORS 810.170; or

12 “(C) Be carried over to be used in subsequent years for the purposes and
13 in the manner described in this paragraph.

14 “(b) Moneys received from the registration of snowmobiles or under ORS
15 802.120 may be used for development and maintenance of multiuse trails
16 within urban growth boundaries described in ORS 367.017 or for the devel-
17 opment and maintenance of snowmobile facilities, including the acquisition
18 of land therefor by any means other than the exercise of eminent domain.
19 Moneys received under ORS 802.120 may also be used for the enforcement
20 of ORS 811.590, 821.100 to 821.120, 821.140, 821.150, 821.190, 821.210 and
21 821.240 to 821.290.

22 “(8) The department shall maintain the Revolving Account for Emergency
23 Cash Advances separate from other moneys described in this section. From
24 the account, the department may pay for the taking up of dishonored remit-
25 tances returned by banks or the State Treasurer and for emergency cash
26 advances to be subsequently reimbursed. The account shall be used only as
27 a revolving fund. The department shall at all times be accountable for the
28 amount of the account, either in cash or unreimbursed items and advances.
29 The moneys in the account are continuously appropriated for the purposes
30 of this subsection. The amount of the account under this subsection shall

1 not exceed \$40,000 from moneys received by the department in the perform-
2 ance of its driver and motor vehicle services functions and moneys otherwise
3 appropriated for purposes of this subsection. The account under this sub-
4 section shall be kept on deposit with the State Treasurer. The State Treas-
5 urer is authorized to honor and pay all properly signed and indorsed checks
6 or warrants drawn against the account.

7 **SECTION 8.** ORS 390.555 is amended to read:

8 “390.555. The All-Terrain Vehicle Account is established as a separate
9 account in the State Parks and Recreation Department Fund, to be accounted
10 for separately. Interest earned by the All-Terrain Vehicle Account shall be
11 credited to the account. After deduction of expenses of collection, transfer
12 and administration, including the expenses of establishment and operation
13 of Class I, Class III and Class IV all-terrain vehicle safety education courses
14 and examinations under ORS 390.570, 390.575 and 390.577, the following
15 moneys shall be transferred to the account:

16 “(1) Fees collected by the State Parks and Recreation Department for is-
17 suance of operating permits for all-terrain vehicles under ORS 390.580 and
18 390.590.

19 “(2) Fees collected by the department from participants in the Class I,
20 Class III and Class IV all-terrain vehicle safety education courses under ORS
21 390.570, 390.575 and 390.577.

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

24 **“(4) Fees collected by the Department of Transportation under sec-**
25 **tion 2 of this 2013 Act for issuance of titles for Class I, Class III and**
26 **Class IV all-terrain vehicles.**

27 **SECTION 9.** ORS 390.560 is amended to read:

28 “390.560. Moneys in the All-Terrain Vehicle Account established under
29 ORS 390.555 shall be used for the following purposes only:

30 “(1) In each 12-month period, no less than 10 percent of the moneys de-

1 scribed in ORS 390.555 that are attributable to Class I all-terrain vehicles
2 shall be transferred to the Department of Transportation for the development
3 and maintenance of snowmobile facilities as provided in ORS 802.110;

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

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

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

10 “(5) Paying the costs of instigating, developing or promoting new pro-
11 grams for all-terrain vehicle users and of advising people of possible usage
12 areas for all-terrain vehicles;

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

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

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

20 “(9) Paying the costs of law enforcement activities related to the opera-
21 tion of all-terrain vehicles. The State Parks and Recreation Department shall
22 determine the amount required for law enforcement activities and the inter-
23 vals at which the moneys shall be distributed. The funds available shall be
24 apportioned according to the terms of an intergovernmental agreement en-
25 tered into between the State Parks and Recreation Department and a city,
26 the Department of State Police or the sheriff of a county; and

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

29 “(11) **Except as provided in ORS 802.110, moneys derived from Class**
30 **I, Class III or Class IV all-terrain vehicle title fees shall be used for**

1 the acquisition, development and maintenance of recreation areas used
2 by Class I, Class III or Class IV all-terrain vehicles.

3 **“SECTION 10.** Sections 11 and 12 of this 2013 Act are added to and
4 made a part of the Oregon Vehicle Code.

5 **“SECTION 11. (1)** A person commits the offense of operating an
6 all-terrain vehicle in a restricted area if the person operates any Class
7 I, Class II, Class III or Class IV all-terrain vehicle on lands not owned
8 by the operator or owner of the all-terrain vehicle or on any non-
9 highway road or trail, when the road or trail is restricted to pedestrian
10 or animal travel.

11 **“(2)** In addition to other penalties provided by this section, the
12 owner or operator of a Class I, Class II, Class III or Class IV all-terrain
13 vehicle may be liable as provided under ORS 821.310.

14 **“(3)** The offense described in this section, operating an all-terrain
15 vehicle in a restricted area, is a Class B traffic violation.

16 **“SECTION 12. (1)** Notwithstanding any other provision of law, a
17 citation for violation of ORS 821.192, 821.280, 821.285 or section 11 of
18 this 2013 Act may be issued without the presence of a police officer if
19 there is reasonable evidence presented to the police officer that the
20 operator of the all-terrain vehicle committed a violation of ORS
21 821.192, 821.280, 821.285 or section 11 of this 2013 Act.

22 **“(2)** At a minimum, the evidence must include information relating
23 to the time and location at which the violation occurred or a de-
24 scription of the vehicle involved in the violation. If, after an investi-
25 gation of a reported violation of ORS 821.192, 821.280, 821.285 or section
26 11 of this 2013 Act, the police officer is able to identify the operator
27 of the all-terrain vehicle and has probable cause to believe a violation
28 of ORS 821.192, 821.280, 821.285 or section 11 of this 2013 Act has oc-
29 curred, the police officer shall prepare a citation of the traffic vio-
30 lation and have it served upon the operator of the all-terrain vehicle.

1 **“SECTION 13.** ORS 821.310 is amended to read:

2 “821.310. The operator or the owner of a snowmobile or all-terrain vehicle
3 used with the permission of the owner shall be liable for three times the
4 amount of any damage to trees, shrubs, growing crops or other property in-
5 jured as the result of travel by such snowmobile or all-terrain vehicle over
6 the property involved. The liability under this section is in addition to any
7 penalties provided in ORS 821.150, 821.190, 821.210 or 821.250 to 821.290 **or**
8 **section 11 of this 2013 Act.”.**

9
