

Senate Bill 906

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION (at the request of Special Districts Association of Oregon)

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**.

Directs Department of Transportation to provide for issuance of titles and identification plates for Class I, Class III and Class IV all-terrain vehicles. Prescribes fees.

Creates offense of failure to title Class I, Class III or Class IV all-terrain vehicle. Punishes by maximum fine of \$250.

Prescribes use of title fees.

Establishes Enhancement and Restoration Funding Review Advisory Committee.

Creates offense of operating all-terrain vehicle without identification plate. Punishes by maximum fine of \$500.

A BILL FOR AN ACT

Relating to all-terrain vehicles; creating new provisions; and amending ORS 390.555, 390.560, 801.526, 802.110 and 803.030.

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

TITLING

SECTION 1. Sections 2 and 3 of this 2015 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) The Department of Transportation shall provide for the issuance of titles for Class I, Class III and Class IV all-terrain vehicles required to be titled under section 3 of this 2015 Act. The following provisions relating to titling shall be the same for Class I, Class III and Class IV all-terrain vehicles as for other vehicles:

(a) Fee for issuance.

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

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

(d) Party to whom title is issued upon original issuance or transfer.

(e) Validity times and requirements.

(f) Provisions contained in ORS 819.010 to 819.040.

(g) Any provisions relating to title that are applicable to other vehicles under the vehicle code and that the department determines, by rule, to be necessary to ensure that the titling of Class I, Class III and Class IV all-terrain vehicles is administered in the same manner and has the same effect as the titling of other vehicles.

(h) Provisions relating to salvage titles.

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 (2) Application for issuance of title for Class I, Class III and Class IV all-terrain vehicles
2 shall be made in the manner and in a form prescribed by the department. The department
3 may require any information in the application the department determines is reasonably
4 necessary to determine ownership or right to title for a Class I, Class III or Class IV all-
5 terrain vehicle. The department may provide for application for title in any way the depart-
6 ment determines appropriate.

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

10 **SECTION 3.** (1) A person commits the offense of failure to title a Class I, Class III or
11 Class IV all-terrain vehicle if the person is the owner of a Class I, Class III or Class IV all-
12 terrain vehicle that is in this state or is operating a Class I, Class III or Class IV all-terrain
13 vehicle at any place in this state and the Class I, Class III or Class IV all-terrain vehicle has
14 not been issued a title as provided under section 2 of this 2015 Act.

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

18 (a) Owned and operated by the United States, another state or a political subdivision of
19 another state.

20 (b) Owned and operated by this state or by any city, district or political subdivision of
21 this state.

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

24 (d) A Class I, Class III or Class IV all-terrain vehicle that is used exclusively for trans-
25 portation between ranching or farming headquarters, agricultural fields or pastures.

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

28 **SECTION 4.** (1) The Department of Transportation shall issue an identification plate for
29 each all-terrain vehicle that receives title under section 2 of this 2015 Act.

30 (2) Subsection (1) of this section does not apply to a vehicle that is registered under the
31 laws of this state and that already has a registration plate affixed to the vehicle.

32 (3) An identification plate issued under this section must be permanently affixed to the
33 vehicle and displayed in a clearly visible manner. The department shall prescribe by rule the
34 manner in which the identification plate shall be displayed.

35 (4) The department shall prescribe by rule the design and form of the identification plate
36 subject to the following:

37 (a) All identification plates must be at least four inches by seven inches in size.

38 (b) All identification plates must contain the distinctive number or characters assigned
39 to the all-terrain vehicle.

40 (c) The assigned number or characters must be at least 1.5 inches in height.

41 (5) The department shall establish by rule a fee for an identification plate issued under
42 this section. The fee shall be designed to cover the costs to the department for issuing or
43 renewing identification plates under this section but may not exceed \$10.

44 **SECTION 5.** ORS 801.526 is amended to read:

45 801.526. "Title" means an ownership interest in a vehicle that is evidenced by a record of the

1 Department of Transportation or of some other jurisdiction. The record may be in the form of a
2 certificate of title or it may be in another form, including but not necessarily limited to electronic
3 or machine-readable form. Oregon issues titles under ORS 803.045. Titles for snowmobiles are issued
4 as provided under ORS 821.060. **Titles for Class I, Class III and Class IV all-terrain vehicles**
5 **are issued as provided under section 2 of this 2015 Act.** Salvage titles are issued as provided in
6 ORS 803.140.

7 **SECTION 6.** ORS 803.030 is amended to read:

8 803.030. This section establishes exemptions from the requirements under ORS 803.025 to obtain
9 title issued by this state. The exemptions are subject to ORS 803.040. The exemptions are in addition
10 to any exemptions under ORS 801.026. Vehicles exempted by this section from the requirements to
11 be titled by this state are not prohibited from being titled by this state if titling is permitted under
12 ORS 803.035. The exemptions are partial or complete as provided in the following:

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

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

17 (3) Snowmobiles and Class I, Class III and Class IV all-terrain vehicles are not subject to the
18 requirements under ORS 803.025. The requirements and procedures for titling snowmobiles are as
19 provided under ORS 821.060 and 821.070. **The requirements and procedures for titling Class I,**
20 **Class III and Class IV all-terrain vehicles are as provided under sections 2 and 3 of this 2015**
21 **Act.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (b) The exemption under this subsection applies to vehicles granted exemptions under ORS
11 802.500, 802.520 or 826.005, unless otherwise provided under paragraph (c) of this subsection.

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

16 (A) Vehicles operated under reciprocal registration exemptions established under ORS 802.500
17 or 826.005.

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

19 (C) Vehicles that are proportionally registered under an agreement established under ORS
20 826.007, and according to the procedures established under ORS 826.009 or 826.011.

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

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

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

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

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

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

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

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

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

1 (b) A trailer that is registered under the proportional registration provisions of ORS chapter 826
 2 and titled in a jurisdiction other than Oregon shall remain exempt from the requirements for title
 3 in Oregon if the trailer 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 for title.

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

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

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

11
 12 **USE OF TITLE FEES**

13
 14 **SECTION 7.** ORS 802.110 is amended to read:

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

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

25 (2) The department shall pay the following approved expenses and disbursements from the Depart-
 26 ment of Transportation Driver and Motor Vehicle Suspense Account before payment of the general
 27 administrative expenses of the department related to driver and motor vehicle services:

28 (a) Refunds authorized by any statute administered by the department when such refunds are
 29 approved by the department.

30 (b) Amounts transferred to the State Treasurer under ORS 319.410 (2) for the purpose of carry-
 31 ing out the state aviation laws, amounts transferred to the Boating Safety, Law Enforcement and
 32 Facility Account by ORS 319.415, amounts transferred to the State Aviation Account by ORS 319.417
 33 and amounts transferred to the Department of Transportation Operating Fund by ORS 184.643.

34 (c) After deduction of expenses of collection, transfer and administration, the department shall
 35 pay moneys collected from the Student Driver Training Fund eligibility fee under ORS 807.040,
 36 807.150 and 807.370 to the State Treasurer for deposit in the Student Driver Training Fund. The
 37 moneys deposited in the Student Driver Training Fund under this paragraph are continuously ap-
 38 propriated to the department for the following purposes:

39 (A) To the extent of not more than 10 percent of the amount transferred into the Student Driver
 40 Training Fund in any biennium, to pay the expenses of administering ORS 336.795, 336.800, 336.805,
 41 336.810 (2) and 336.815.

42 (B) The remaining moneys, for reimbursing school districts and commercial driver training
 43 schools as provided under ORS 336.805.

44 (d) After deduction of expenses of collection, transfer and administration, the department shall
 45 pay moneys collected for the Motorcycle Safety Subaccount under ORS 807.170 to the State Treas-

1 urer for deposit in the Motorcycle Safety Subaccount of the Transportation Safety Account. Moneys
2 paid to the State Treasurer under this paragraph shall be used for the purpose of ORS 802.320.

3 (e) After deduction of expenses for the administration of the issuance of customized registration
4 plates under ORS 805.240, the department shall place moneys received from the sale of customized
5 registration plates in the Passenger Rail Transportation Account. The moneys placed in the account
6 are continuously appropriated to the department and shall be used for the payment of expenses in-
7 curred in administering passenger rail programs.

8 (f) After deduction of expenses of collection, transfer and administration, the department shall
9 pay moneys from any registration fees established by the governing bodies of counties or a district,
10 as defined in ORS 801.237, under ORS 801.041 or 801.042 to the appropriate counties or districts.
11 The department shall make the payments on at least a monthly basis unless another basis is estab-
12 lished by the intergovernmental agreements required by ORS 801.041 and 801.042 between the de-
13 partment and the governing bodies of a county or a district.

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

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

28 (4) After payment of those expenses and disbursements approved for payment before general admin-
29 istrative expenses related to the provision of driver and motor vehicle services, the department shall
30 pay from the Department of Transportation Driver and Motor Vehicle Services Administrative Ac-
31 count its general administrative expenses incurred in the administration of any law related to driver
32 and motor vehicle services that the department is charged with administering and any other ex-
33 penses the department is permitted by law to pay from moneys held by the department before
34 transfer of the moneys to the State Highway Fund. The following limitations apply to payments of
35 administrative expenses under this subsection:

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

38 (b) The department shall pay its expenses for administering the registration and titling of
39 snowmobiles under ORS 821.060 and 821.100 from the fees collected from administering those
40 sections. The department shall also pay its expenses for the administration of the snowmobile driver
41 permit program under ORS 821.160 from the moneys otherwise described in this paragraph.

42 (c) The department shall pay its expenses for determining the amount of money to be withheld
43 under ORS 802.120 from the fees collected for administering the registration and titling of
44 snowmobiles. The amount used to pay expenses under this paragraph shall be such sum as necessary
45 but may not exceed \$10,000 during each biennium.

1 (d) The department shall retain not more than \$15,000 in any biennium for the expenses of col-
2 lecting and transferring moneys to the Student Driver Training Fund under this section and for the
3 administration of ORS 336.810 (3).

4 (e) **The department shall pay its expenses for administering the titling of Class I, Class**
5 **III and Class IV all-terrain vehicles from the fees collected for titling those vehicles. The**
6 **amount used to pay expenses under this paragraph shall be such sum as necessary but may**
7 **not exceed \$30 per title issued. The department shall deposit the remaining moneys in the**
8 **All-Terrain Vehicle Account established under ORS 390.555.**

9 (5) Except as otherwise provided in this subsection, the department shall transfer to the State
10 Highway Fund the moneys not used for payment of the general administrative expenses or for ap-
11 proved expenses and disbursements before payment of general administrative expenses. The following
12 apply to this subsection:

13 (a) If the Director of Transportation certifies the amount of principal or interest of highway
14 bonds due on any particular date, the department may make available for the payment of such in-
15 terest or principal any sums that may be necessary to the extent of moneys on hand available for
16 the State Highway Fund regardless of the dates otherwise specified under this section.

17 (b) Notwithstanding paragraph (a) of this subsection, the department may not make available for
18 purposes described in paragraph (a) of this subsection any moneys described in ORS 367.605 when
19 there are not sufficient amounts of such moneys in the State Highway Fund for purposes of bonds
20 issued under ORS 367.615.

21 (6) Notwithstanding any other provision of this section, the following moneys shall be trans-
22 ferred to the State Highway Fund at the times described:

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

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

28 (c) Moneys received from the issuance of winter recreation parking permits that are not used
29 for payment of administrative expenses of the department shall be transferred within 30 days after
30 the end of the quarter.

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

33 (a) Moneys collected from the issuance of winter recreation parking permits, and the interest
34 on such moneys, shall be used to enforce the requirement for winter recreation parking permits and
35 to remove snow from winter recreation parking locations designated under ORS 810.170. Any re-
36 maining moneys shall, upon approval by the Winter Recreation Advisory Committee:

37 (A) Be used to maintain parking locations developed with moneys obtained under ORS 810.170
38 and snowmobile facilities that are parking lots developed with moneys as provided under this sec-
39 tion;

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

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

43 (b) Moneys received from the registration of snowmobiles or under ORS 802.120 may be used for
44 development and maintenance of multiuse trails within urban growth boundaries described in ORS
45 367.017 or for the development and maintenance of snowmobile facilities, including the acquisition

1 of land therefor by any means other than the exercise of eminent domain. Moneys received under
 2 ORS 802.120 may also be used for the enforcement of ORS 811.590, 821.100 to 821.120, 821.140,
 3 821.150, 821.190, 821.210 and 821.240 to 821.290.

4 (8) The department shall maintain the Revolving Account for Emergency Cash Advances sepa-
 5 rate from other moneys described in this section. From the account, the department may pay for the
 6 taking up of dishonored remittances returned by banks or the State Treasurer and for emergency
 7 cash advances to be subsequently reimbursed. The account shall be used only as a revolving fund.
 8 The department shall at all times be accountable for the amount of the account, either in cash or
 9 unreimbursed items and advances. The moneys in the account are continuously appropriated for the
 10 purposes of this subsection. The amount of moneys in the account under this subsection may not
 11 exceed \$40,000 from moneys received by the department in the performance of its driver and motor
 12 vehicle services functions and moneys otherwise appropriated for purposes of this subsection. The
 13 account under this subsection shall be kept on deposit with the State Treasurer. The State Treas-
 14 urer is authorized to honor and pay all properly signed and indorsed checks or warrants drawn
 15 against the account.

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

17 390.555. The All-Terrain Vehicle Account is established as a separate account in the State Parks
 18 and Recreation Department Fund, to be accounted for separately. Interest earned by the All-Terrain
 19 Vehicle Account shall be credited to the account. After deduction of expenses of collection, transfer
 20 and administration, including the expenses of establishment and operation of Class I, Class III and
 21 Class IV all-terrain vehicle safety education courses and examinations under ORS 390.570, 390.575
 22 and 390.577, the following moneys shall be transferred to the account:

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

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

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

29 **(4) The moneys transferred from the Department of Transportation under ORS 802.110**
 30 **from the fees collected for titling Class I, Class III and Class IV all-terrain vehicles.**

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

32 390.560. Moneys in the All-Terrain Vehicle Account established under ORS 390.555 shall be used
 33 for the following purposes only:

34 (1) In each 12-month period, no less than 10 percent of the moneys described in ORS 390.555 (1)
 35 **to (3)** that are attributable to Class I all-terrain vehicles shall be transferred to the Department of
 36 Transportation for the development and maintenance of snowmobile facilities as provided in ORS
 37 802.110;

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

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

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

42 (5) Paying the costs of instigating, developing or promoting new programs for all-terrain vehicle
 43 users and of advising people of possible usage areas for all-terrain vehicles;

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

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

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

4 (9) Paying the costs of law enforcement activities related to the operation of all-terrain vehicles.
 5 The State Parks and Recreation Department shall determine the amount required for law enforce-
 6 ment activities and the intervals at which the moneys shall be distributed. The funds available shall
 7 be apportioned according to the terms of an intergovernmental agreement entered into between the
 8 State Parks and Recreation Department and a city, the Department of State Police or the sheriff
 9 of a county; [and]

10 (10) Control and eradication of invasive species related to all-terrain vehicle recreation[.]; **and**

11 **(11) In each 12-month period, 90 percent of the moneys described in ORS 390.555 (4) that**
 12 **are attributable to Class I, Class III and Class IV all-terrain vehicle title fees imposed under**
 13 **section 2 of this 2015 Act shall be used to provide grants in accordance with section 12 of this**
 14 **2015 Act.**

15
 16 **ENHANCEMENT AND RESTORATION FUNDING**
 17 **REVIEW ADVISORY COMMITTEE**
 18

19 **SECTION 10.** (1) **The Enhancement and Restoration Funding Review Advisory Committee**
 20 **is established consisting of six members appointed as follows by the State Parks and Recre-**
 21 **ation Director:**

- 22 (a) **One member who represents all-terrain vehicle users;**
- 23 (b) **One member who represents the all-terrain vehicle industry;**
- 24 (c) **One member who represents the interests of hunters;**
- 25 (d) **One member who represents the interests of anglers;**
- 26 (e) **One member who represents the interests of conservationists; and**
- 27 (f) **One nonvoting member from the State Parks and Recreation Department.**

28 (2)(a) **A majority of the voting members of the committee constitutes a quorum for the**
 29 **transaction of business.**

- 30 (b) **The committee shall elect one of its members to serve as chairperson.**
- 31 (c) **Before the expiration of the term of a member, the director shall appoint a successor.**

32 **A member is eligible for reappointment.**

33 (d) **If there is a vacancy for any cause, the director shall make an appointment to become**
 34 **effective immediately.**

35 (e) **The committee shall meet at times and places specified by the call of the chairperson**
 36 **or a majority of the voting members of the committee.**

37 (3) **The members of the committee shall be appointed for a term of four years.**

38 (4) **The members shall serve without compensation, but shall be entitled to travel ex-**
 39 **penses pursuant to ORS 292.495.**

40 (5) **The duties of the committee shall be determined by the director and shall include, but**
 41 **not be limited to:**

- 42 (a) **Recommending to the director:**
 - 43 (A) **Grant application procedures and criteria for grant approval;**
 - 44 (B) **Grant recipients; and**
 - 45 (C) **Revocation of grants awarded to recipients that fail to comply with grant criteria**

1 established by the State Parks and Recreation Commission pursuant to section 12 of this 2015
2 Act.

3 (b) Receiving and processing grant applications.

4 **SECTION 11.** Notwithstanding the term of office specified by section 10 of this 2015 Act,
5 of the members first appointed to the Enhancement and Restoration Funding Review Advi-
6 sory Committee:

7 (1) Two shall serve for terms ending January 1, 2018.

8 (2) Two shall serve for terms ending January 1, 2019.

9 (3) Two shall serve for terms ending January 1, 2020.

10
11 **GRANT PROGRAM**

12
13 **SECTION 12.** (1) After consultation with the Enhancement and Restoration Funding Re-
14 view Advisory Committee established under section 10 of this 2015 Act, the State Parks and
15 Recreation Commission shall administer the All-Terrain Vehicle Enhancement and Restora-
16 tion Program described in this section. No less than one-third of the of grant funds awarded
17 under this section must be distributed to grant recipients to achieve the following goals:

18 (a) Restoration of public and private lands impacted by the use of Class I, Class III and
19 Class IV all-terrain vehicles.

20 (b) The acquisition and development of all-terrain vehicle recreation areas.

21 (c) Paying the costs of law enforcement activities related to the operation of all-terrain
22 vehicles.

23 (2) After consultation with the committee, the commission shall adopt rules establishing:

24 (a) Grant application procedures and criteria for grant approval; and

25 (b) Procedures for revocation of grants awarded to recipients that fail to comply with
26 grant criteria established by the commission pursuant to this section.

27 (3) The commission, after reviewing the recommendation of the committee, shall approve
28 or deny an application for a grant. If the commission approves a grant under this section,
29 the commission shall set the amount of the grant awarded to the recipient.

30 (4) The commission shall monitor grant recipients for compliance with grant criteria and
31 procedures established by the commission.

32 (5) The grants awarded under this section shall be funded only from the title fees de-
33 posited into the All-Terrain Vehicle Account under ORS 802.110.

34 **SECTION 13.** To the extent that grant applications under section 12 of this 2015 Act meet
35 the criteria established by the State Parks and Recreation Commission by rule, the com-
36 mission shall award the grants across the state to benefit each of five regions. For purposes
37 of this section the regions are as follows:

38 (1) Region one consists of Clackamas, Columbia, Hood River, Multnomah and Washington
39 Counties.

40 (2) Region two consists of Benton, Clatsop, Lane, Lincoln, Linn, Marion, Polk, Tillamook
41 and Yamhill Counties.

42 (3) Region three consists of Coos, Curry, Douglas, Jackson and Josephine Counties.

43 (4) Region four consists of Crook, Deschutes, Gilliam, Jefferson, Klamath, Lake,
44 Sherman, Wasco and Wheeler Counties.

45 (5) Region five consists of Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union and

1 **Wallowa Counties.**

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OFFENSES RELATED TO VEHICLE OPERATION

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5 **SECTION 14.** Section 15 of this 2015 Act is added to and made a part of the Oregon Ve-
6 hicle Code.

7 **SECTION 15.** (1) A person commits the offense of operating an all-terrain vehicle without
8 an identification plate if the person operates a Class I, Class III or Class IV all-terrain ve-
9 hicle without an identification plate issued under section 4 of this 2015 Act.

10 (2) This section does not apply to:

11 (a) A person operating an all-terrain vehicle that is exempt from the requirement to affix
12 an identification plate under section 4 of this 2015 Act;

13 (b) An all-terrain vehicle owned and operated by a resident of another state if the other
14 state grants a similar exemption for all-terrain vehicles owned and operated by residents of
15 Oregon and if the vehicle has not been operated in this state for more than 60 consecutive
16 days; or

17 (c) An all-terrain vehicle owned and operated by the United States, this state or any
18 other state or any political subdivision of the United States or of a state.

19 (3) The offense described in this section, operating an all-terrain vehicle without an
20 identification plate, is a Class C traffic violation.

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CAPTIONS

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24 **SECTION 16.** The unit captions used in this 2015 Act are provided only for the conven-
25 ience of the reader and do not become part of the statutory law of this state or express any
26 legislative intent in the enactment of this 2015 Act.

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