

House Bill 2634

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

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**.

Modifies criteria for qualification as "person with a disability" under wildlife laws.
Requires State Fish and Wildlife Commission to adopt Oregon Accessibility Permit program.

A BILL FOR AN ACT

1
2 Relating to persons with disabilities under the wildlife laws; creating new provisions; and amending
3 ORS 496.018 and 498.170.

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

5 **SECTION 1.** ORS 496.018 is amended to read:

6 496.018. In order to be considered a person with a disability under the wildlife laws, a person
7 shall provide to the State Fish and Wildlife Commission either:

8 (1) Written certification from a licensed physician, certified nurse practitioner or licensed phy-
9 sician assistant that [*states that the person*]:

10 [*(a) Is permanently unable to walk without the use of, or assistance from, a brace, cane, crutch,*
11 *prosthetic device, wheelchair, scooter or walker;*]

12 [*(b) Is restricted by lung disease to the extent that the person's forced expiratory volume for one*
13 *second, when measured by a spirometer, is less than 35 percent predicted, or arterial oxygen tension*
14 *is less than 55 mm/Hg on room air at rest;*]

15 [*(c) Has a cardiac condition to the extent that the person's functional limitations are classified in*
16 *severity as Class III or Class IV, according to standards established by the American Heart Associ-*
17 *ation;*]

18 [*(d) Has a permanent, physical impairment that prevents the person from holding or shooting a*
19 *firearm or bow or from holding a fishing rod in hand; or*]

20 [*(e) Has central visual acuity that permanently does not exceed 20/200 in the better eye with cor-*
21 *rective lenses, or the widest diameter of the visual field is no greater than 20 degrees; or*]

22 **(a) States that the person has a disability as described in ORS 659A.104; and**

23 **(b) Describes how the disability impacts and interferes with the person's ability to per-**
24 **form the essential functions required to participate in wildlife-related recreational activities;**
25 **or**

26 (2) Written proof that the last official certification of record by the United States Department
27 of Veterans Affairs or any branch of the Armed Forces of the United States shows the person to
28 be at least 65 percent disabled.

29 **SECTION 2. Section 3 of this 2017 Act is added to and made a part of the wildlife laws.**

30 **SECTION 3. (1) The State Fish and Wildlife Commission shall adopt by rule an Oregon**
31 **Accessibility Permit program for persons with disabilities.**

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) The program shall allow for the State Fish and Wildlife Director to grant variances**
2 **from the rules adopted by the commission pursuant to the wildlife laws, including but not**
3 **limited to rules relating to take and access restrictions, for the sole purpose of providing**
4 **reasonable accommodations to persons with disabilities. Accommodations may be provided**
5 **under this section if the accommodations are reasonably necessary to allow the applicant to**
6 **participate in an activity for which a license, tag or permit is required under the wildlife laws**
7 **and do not:**

8 **(a) Fundamentally alter the nature of a service, program or activity of the State De-**
9 **partment of Fish and Wildlife;**

10 **(b) Jeopardize the safety of the applicant or any other person; or**

11 **(c) Pose an undue financial or administrative burden on the department.**

12 **SECTION 4.** ORS 498.170 is amended to read:

13 498.170. (1) A person who does not have a visual impairment and who accompanies a hunter
14 [*who possesses a visually impaired hunter license*] **with a disability who has a visual impairment**
15 may:

16 (a) Assist the hunter in selecting a game animal or bird;

17 (b) Assist the aiming or sighting of a firearm;

18 (c) Advise the hunter when to fire a firearm;

19 (d) Shoot a game animal or bird on behalf of the hunter while in the immediate presence of the
20 hunter; and

21 (e) Tag and retrieve game animals and birds on behalf of the hunter.

22 (2) The person accompanying a hunter **with a disability** who has a visual impairment shall be
23 required to possess a valid hunting license. The person accompanying a hunter **with a disability**
24 who has a visual impairment may also hunt game animals or birds if the person possesses the ap-
25 propriate tags, permits and stamps for the area and time period.

26 (3) A [*hunter*] **person who complies with the requirement of ORS 496.018 and** who possesses
27 a visually impaired hunter license must comply with all other tag, permit and stamp requirements
28 of the State Fish and Wildlife Commission and applicable hunting laws.

29 (4) As used in this section, “hunter **with a disability** who has a visual impairment” means a
30 person who **complies with the requirement of ORS 498.018 and** files proof with the commission
31 that the person’s central visual acuity does not exceed 20/200 in the better eye with best correction
32 or that the person’s visual acuity, if better than 20/200, is accompanied by a limit to the field of
33 vision to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

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