

LC 580
2023 Regular Session
63400-001
10/5/22 (LAS/ps)

D R A F T

SUMMARY

Requires person 15 years of age or older operating Class IV or certain Class II all-terrain vehicles to carry and present both documentation of driving privileges and valid all-terrain vehicle operator permit.

Requires operator of Class IV or certain Class II all-terrain vehicles to complete safety education course or pass equivalency examination to obtain all-terrain vehicle operator permit.

Limits Class II all-terrain vehicle operator permits to persons 15 years of age or older.

Directs State Parks and Recreation Department to adopt rules to provide for Class II all-terrain vehicle safety education courses and to issue operator permit to person who has taken course.

Adds Class II all-terrain vehicle to various offenses relating to all-terrain vehicles.

Creates offense of operation of a Class II all-terrain vehicle without driving privileges. Punishes by maximum fine of \$500.

Creates offense of endangering a Class II all-terrain vehicle operator. Punishes by maximum fine of \$500.

Creates offense of failure to carry an all-terrain vehicle operator permit or to present an all-terrain vehicle operator permit to a police officer. Punishes by maximum fine of \$500.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to all-terrain vehicles; creating new provisions; amending ORS 390.555, 390.577, 807.020, 813.110, 821.165, 821.170, 821.172, 821.174, 821.176, 821.291, 821.292 and 821.293; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 390.550 to 390.590.

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 **SECTION 2.** (1) The State Parks and Recreation Department shall
2 issue or provide for issuance of a Class II all-terrain vehicle operator
3 permit to any person who:

4 (a) Is at least 15 years of age and has taken a Class II all-terrain
5 vehicle safety education course established under this section and has
6 been found qualified to operate a Class II all-terrain vehicle that is
7 not registered with the Department of Transportation; or

8 (b) Is at least 16 years of age, has five or more years of experience
9 operating a Class II all-terrain vehicle off highways and passes an
10 equivalency examination.

11 (2) The State Parks and Recreation Department shall adopt rules
12 to provide for Class II all-terrain vehicle safety education courses,
13 equivalency examinations and the issuance of Class II all-terrain ve-
14 hicle operator permits consistent with this section. The rules adopted
15 by the department shall be consistent with the following:

16 (a) The courses must be given by instructors designated by the de-
17 partment as qualified to conduct the courses and issue the permits.

18 (b) The instructors may be provided and permits issued through
19 public or private local and state organizations meeting qualifications
20 established by the department.

21 (c) The department may collect a fee of not more than \$5 from each
22 participant in a course established under this section.

23 **SECTION 3.** Sections 4, 5 and 6 of this 2023 Act are added to and
24 made a part of the Oregon Vehicle Code.

25 **SECTION 4.** (1) A person 15 years of age or older commits the of-
26 fense of operation of a Class II all-terrain vehicle without driving
27 privileges if the person operates a Class II all-terrain vehicle that is
28 not registered with the Department of Transportation on public lands
29 and the person does not hold valid driving privileges and a valid Class
30 II all-terrain vehicle operator permit issued under section 2 of this 2023
31 Act.

1 (2) A child under 15 years of age commits the offense of operation
2 of a Class II all-terrain vehicle without driving privileges if the child
3 operates a Class II all-terrain vehicle that is not registered with the
4 department on public lands.

5 (3) This section does not apply if the all-terrain vehicle is:

6 (a) Used exclusively in farming, agricultural or forestry operations
7 or used by persons licensed under ORS chapter 571 exclusively for
8 nursery or Christmas tree growing operations; and

9 (b) Being used on land owned or leased by the owner of the vehicle.

10 (4) The offense described in this section, operation of a Class II
11 all-terrain vehicle without driving privileges, is a Class C traffic vio-
12 lation.

13 SECTION 5. (1) A person commits the offense of endangering a
14 Class II all-terrain vehicle operator if the person is the parent, legal
15 guardian or person with legal responsibility for the safety and welfare
16 of a child under 15 years of age and the child operates a Class II all-
17 terrain vehicle that is not registered with the Department of Trans-
18 portation on public lands.

19 (2) This section does not apply if the all-terrain vehicle is:

20 (a) Used exclusively in farming, agricultural or forestry operations
21 or used by persons licensed under ORS chapter 571 exclusively for
22 nursery or Christmas tree growing operations; and

23 (b) Being used on land owned or leased by the owner of the vehicle.

24 (3) The offense described in this section, endangering a Class II
25 all-terrain vehicle operator, is a Class C traffic violation.

26 SECTION 6. (1) A person commits the offense of failure to carry
27 an all-terrain vehicle operator permit or to present an all-terrain ve-
28 hicle operator permit to a police officer if the person:

29 (a) Operates a Class II all-terrain vehicle that is not registered with
30 the Department of Transportation or a Class I, Class III or Class IV
31 all-terrain vehicle on public lands without having in the person's pos-

1 session a valid all-terrain vehicle operator permit issued under ORS
2 390.570, 390.575 or 390.577 or section 2 of this 2023 Act for the class of
3 all-terrain vehicle being operated;

4 (b) Is 15 years of age or older and operates on public lands without
5 documentation of driving privileges in the person's possession:

6 (A) A Class II all-terrain vehicle that is not registered with the de-
7 partment; or

8 (B) A Class IV all-terrain vehicle; or

9 (c) Does not present and deliver such all-terrain vehicle operator
10 permit or documentation of driving privileges to a police officer when
11 requested by the police officer under any of the following circum-
12 stances:

13 (A) Upon being lawfully stopped or detained when operating a Class
14 II all-terrain vehicle that is not registered with the department or a
15 Class I, Class III or Class IV all-terrain vehicle.

16 (B) When Class II all-terrain vehicle that is not registered with the
17 department or a Class I, Class III or Class IV all-terrain vehicle that
18 the person was operating is involved in an accident.

19 (2) Except as provided in ORS 813.110, it is a defense to any charge
20 under this section that the person so charged produce an all-terrain
21 vehicle operator permit for the class of all-terrain vehicle that was
22 being operated at the time of the offense or documentation of driving
23 privileges if the operator permit or documentation had been issued to
24 the person and was valid at the time of violation of this section.

25 (3) A police officer may detain a person arrested or cited for the
26 offense described in this section only for such time as reasonably
27 necessary to investigate and verify the person's identity.

28 (4) The offense described in this section, failure to carry an all-
29 terrain vehicle operator permit or to present an all-terrain vehicle
30 operator permit to a police officer, is a Class C violation.

31 SECTION 7. ORS 390.555 is amended to read:

1 390.555. The All-Terrain Vehicle Account is established as a separate ac-
2 count in the State Parks and Recreation Department Fund, to be accounted
3 for separately. Interest earned by the All-Terrain Vehicle Account shall be
4 credited to the account. After deduction of expenses of collection, transfer
5 and administration, including the expenses of establishment and operation
6 of Class I, **Class II**, Class III and Class IV all-terrain vehicle safety educa-
7 tion courses and examinations under ORS 390.570, 390.575 and 390.577 **and**
8 **section 2 of this 2023 Act**, the following moneys shall be transferred to the
9 account:

10 (1) Fees collected by the State Parks and Recreation Department for is-
11 suance of operating permits for all-terrain vehicles under ORS 390.580 and
12 390.590.

13 (2) Fees collected by the department from participants in the Class I,
14 **Class II**, Class III and Class IV all-terrain vehicle safety education courses
15 under ORS 390.570, 390.575 and 390.577 **and section 2 of this 2023 Act**.

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

18 **SECTION 8.** ORS 390.577 is amended to read:

19 390.577. (1) The State Parks and Recreation Department shall issue or
20 provide for issuance of a Class IV all-terrain vehicle operator permit to any
21 person who:

22 (a) Has taken a Class IV all-terrain vehicle safety education course es-
23 tablished under this section and has been found qualified to operate a Class
24 IV all-terrain vehicle[.]; **or**

25 (b) **Is at least 16 years of age, has five or more years of experience**
26 **operating a Class IV all-terrain vehicle and passes an equivalency ex-**
27 **amination.**

28 (2) The department shall adopt rules to provide for Class IV all-terrain
29 vehicle safety education courses, equivalency examinations and the issuance
30 of Class IV all-terrain vehicle operator permits consistent with this section.
31 The rules adopted by the department shall be consistent with the following:

1 (a) The courses must be given by instructors designated by the department
2 as qualified to conduct the courses and issue the permits.

3 (b) The instructors may be provided and permits issued through public
4 or private local and state organizations meeting qualifications established
5 by the department.

6 (c) The department may collect a fee of not more than \$5 from each par-
7 ticipant in a course established under this section.

8 **SECTION 9.** ORS 807.020 is amended to read:

9 807.020. A person who is granted a driving privilege by this section may
10 exercise the driving privilege described without violation of the requirements
11 under ORS 807.010. A grant of driving privileges to operate a motor vehicle
12 under this section is subject to suspension and revocation the same as other
13 driving privileges granted under the vehicle code. This section is in addition
14 to any exemptions from the vehicle code under ORS 801.026. The following
15 persons are granted the described driving privileges:

16 (1) A person who is not a resident of this state or who has been a resident
17 of this state for less than 30 days may operate a motor vehicle without an
18 Oregon license or driver permit if the person holds a current out-of-state li-
19 cense issued to the person. For the purpose of this subsection, a person is
20 a resident of this state if the person meets the residency requirements de-
21 scribed in ORS 807.062. To qualify under this subsection, the person must
22 have the out-of-state license or driver permit in the person's possession. A
23 person is not granted driving privileges under this subsection:

24 (a) If the person is under the minimum age required to be eligible for
25 driving privileges under ORS 807.060;

26 (b) During a period of suspension or revocation by this state or any other
27 jurisdiction of driving privileges or of the right to apply for a license or
28 driver permit issued by this state or any other jurisdiction; or

29 (c) That exceed the driving privileges granted to the person by the out-
30 of-state license or driver permit.

31 (2) A person who is a member of the Armed Forces of the United States

1 or a member of the commissioned corps of the National Oceanic and Atmo-
2 spheric Administration may operate a motor vehicle without an Oregon li-
3 cense or driver permit if the person is operating a motor vehicle in the
4 course of the person's duties in the Armed Forces or the National Oceanic
5 and Atmospheric Administration.

6 (3) A person without a license or driver permit may operate a road roller
7 or road machinery that is not required to be registered under the laws of this
8 state.

9 (4) A person without a license or driver permit may temporarily operate,
10 draw, move or propel a farm tractor or implement of husbandry.

11 (5) A person without a license or driver permit may operate a motor ve-
12 hicle to demonstrate driving ability during the course of an examination
13 administered under ORS 807.070 for the purpose of qualifying for a license
14 or driver permit. This subsection only applies when an authorized examiner
15 is in a seat beside the driver of the motor vehicle.

16 (6) Driving privileges for snowmobiles are exclusively as provided in ORS
17 821.150.

18 (7) Driving privileges for Class I all-terrain vehicles are exclusively as
19 provided in ORS 821.170, unless a person is operating a Class I all-terrain
20 vehicle on an all-terrain vehicle highway access route that is designated by
21 the Oregon Transportation Commission as open to all-terrain vehicles.

22 **(8) Driving privileges for Class II all-terrain vehicles are exclusively**
23 **as provided in section 4 of this 2023 Act, unless a person is operating**
24 **a Class II all-terrain vehicle on an all-terrain vehicle highway access**
25 **route that is designated by the commission as open to all-terrain ve-**
26 **hicles or the person is operating a Class II all-terrain vehicle that is**
27 **registered with the Department of Transportation.**

28 [(8)] (9) Driving privileges for Class III all-terrain vehicles are exclusively
29 as provided in ORS 821.172, unless a person is operating a Class III all-
30 terrain vehicle on an all-terrain vehicle highway access route that is desig-
31 nated by the commission as open to all-terrain vehicles.

1 [(9)] (10) Driving privileges for Class IV all-terrain vehicles are exclu-
2 sively as provided in ORS 821.176, unless a person is operating a Class IV
3 all-terrain vehicle on an all-terrain vehicle highway access route that is
4 designated by the commission as open to all-terrain vehicles.

5 [(10)] (11) A person without a license or driver permit may operate a golf
6 cart in accordance with an ordinance adopted under ORS 810.070.

7 [(11)] (12) The spouse of a member of the Armed Forces of the United
8 States on active duty or the spouse of a member of the commissioned corps
9 of the National Oceanic and Atmospheric Administration who is accompa-
10 nying the member on assignment in this state may operate a motor vehicle
11 if the spouse has a current out-of-state license or driver permit issued to the
12 spouse by another state in the spouse's possession.

13 [(12)] (13) A person who is a member of the Armed Forces of the United
14 States on active duty or a member of the commissioned corps of the National
15 Oceanic and Atmospheric Administration may operate a motor vehicle if the
16 person has a current out-of-state license or driver permit in the person's
17 possession that is issued to the person by the person's state of domicile or
18 by the Armed Forces of the United States in a foreign country. Driving
19 privileges described under this subsection that are granted by the Armed
20 Forces apply only for a period of 45 days from the time the person returns
21 to the United States.

22 [(13)] (14) A person who does not hold a motorcycle endorsement may
23 operate a motorcycle if the person is:

24 (a) Within an enclosed cab;

25 (b) Operating a vehicle designed to travel with three wheels in contact
26 with the ground at speeds of less than 15 miles per hour; or

27 (c) Operating an auticycle.

28 [(14)] (15) A person may operate a bicycle that is not an electric assisted
29 bicycle without any grant of driving privileges.

30 [(15)] (16) A person may operate an electric assisted bicycle without a
31 driver license or driver permit if the person is 16 years of age or older.

1 [(16)] (17) A person may operate a motor assisted scooter without a driver
2 license or driver permit if the person is 16 years of age or older.

3 [(17)] (18) A person who is not a resident of this state or who has been
4 a resident of this state for less than 30 days may operate a motor vehicle
5 without an Oregon license or driver permit if the person is at least 15 years
6 of age and has in the person's possession a current out-of-state equivalent
7 of a Class C instruction driver permit issued to the person. For the purpose
8 of this subsection, a person is a resident of this state if the person meets the
9 residency requirements described in ORS 807.062. A person operating a mo-
10 tor vehicle under authority of this subsection has the same privileges and is
11 subject to the same restrictions as a person operating under the authority
12 of a Class C instruction driver permit issued as provided in ORS 807.280.

13 [(18)] (19) A person may operate an electric personal assistive mobility
14 device without any grant of driving privileges if the person is 16 years of
15 age or older.

16 **SECTION 10.** ORS 813.110 is amended to read:

17 813.110. (1) Except as otherwise provided by this section, police officers,
18 on behalf of the Department of Transportation, shall issue temporary driving
19 permits described under this section to persons when required under ORS
20 813.100.

21 (2) The department shall provide police departments and agencies with
22 permits for issuance as required by this section. The department shall es-
23 tablish the form and content of permits described in this section as the de-
24 partment determines appropriate, but in a manner consistent with this
25 section.

26 (3) A permit described in this section is subject to all the following:

27 (a) Except as provided in paragraph (b) of this subsection, the permit is
28 valid until the 30th day after the date of arrest.

29 (b) During the 12-hour period following issuance of the permit, the person
30 is subject to ORS 807.570 **and section 6 of this 2023 Act**, and the permit is
31 not a defense to a charge under ORS 807.570 **or section 6 of this 2023 Act**.

1 (c) The permit shall be issued without payment of any fee.

2 (d) The permit grants the same driving privileges as those granted by the
3 person's license taken into possession under ORS 813.100.

4 (4) A police officer shall not issue a permit under this section if:

5 (a) Driving privileges of the person were suspended, revoked or canceled
6 at the time the person was arrested;

7 (b) The person whose license was taken into custody was operating on
8 an invalid license;

9 (c) The person was not entitled to driving privileges at the time of the
10 arrest for any other reason; or

11 (d) The person holds a license or permit granting driving privileges that
12 was issued by another state or jurisdiction and that is not taken into custody
13 under ORS 813.100.

14 **SECTION 11.** ORS 821.165 is amended to read:

15 821.165. As used in ORS 821.170, 821.172, 821.176, 821.192, 821.291, 821.292
16 and 821.293 **and sections 4, 5 and 6 of this 2023 Act**, "public lands" in-
17 cludes privately owned land that is open to the general public for the use
18 of all-terrain vehicles as the result of funding from the All-Terrain Vehicle
19 Account under ORS 390.560.

20 **SECTION 12.** ORS 821.170 is amended to read:

21 821.170. (1) A person 16 years of age or older commits the offense of op-
22 eration of a Class I all-terrain vehicle without driving privileges if the per-
23 son operates a Class I all-terrain vehicle on public lands and the person does
24 not hold a valid Class I all-terrain vehicle operator permit issued under ORS
25 390.570.

26 (2) A child under 16 years of age commits the offense of operation of a
27 Class I all-terrain vehicle without driving privileges if the child operates a
28 Class I all-terrain vehicle on public lands and the child does not meet all the
29 following conditions:

30 (a) The child must be accompanied by a person who is at least 18 years
31 of age, holds a valid all-terrain vehicle operator permit issued under ORS

1 390.570, 390.575 or 390.577 **or section 2 of this 2023 Act** and is able to pro-
2 vide immediate assistance and direction to the child.

3 (b) The child must hold a valid Class I all-terrain vehicle operator permit
4 issued under ORS 390.570.

5 (c) The child must meet rider fit guidelines established by the State Parks
6 and Recreation Department under ORS 390.585.

7 (3) This section does not apply if the all-terrain vehicle is:

8 (a) Used exclusively in farming, agricultural or forestry operations or
9 used by persons licensed under ORS chapter 571 exclusively for nursery or
10 Christmas tree growing operations; and

11 (b) Being used on land owned or leased by the owner of the vehicle.

12 (4) The offense described in this section, operation of Class I all-terrain
13 vehicle without driving privileges, is a Class C traffic violation.

14 **SECTION 13.** ORS 821.172 is amended to read:

15 821.172. (1) A person 16 years of age or older commits the offense of op-
16 eration of a Class III all-terrain vehicle without driving privileges if the
17 person operates a Class III all-terrain vehicle on public lands and the person
18 does not hold a valid Class III all-terrain vehicle operator permit issued un-
19 der ORS 390.575.

20 (2) A child under 16 years of age commits the offense of operation of a
21 Class III all-terrain vehicle without driving privileges if the child operates
22 a Class III all-terrain vehicle on public lands and the child does not meet
23 all the following conditions:

24 (a) The child must be accompanied by a person who is at least 18 years
25 of age, holds a valid all-terrain vehicle operator permit issued under ORS
26 390.570, 390.575 or 390.577 **or section 2 of this 2023 Act** and is able to pro-
27 vide immediate assistance and direction to the child.

28 (b) The child must hold a valid Class III all-terrain vehicle operator per-
29 mit issued under ORS 390.575.

30 (3) A child under seven years of age may not operate a Class III all-
31 terrain vehicle on public lands.

1 (4) This section does not apply if the all-terrain vehicle is:

2 (a) Used exclusively in farming, agricultural or forestry operations or
3 used by persons licensed under ORS chapter 571 exclusively for nursery or
4 Christmas tree growing operations; and

5 (b) Being used on land owned or leased by the owner of the vehicle.

6 (5) The offense described in this section, operation of a Class III all-
7 terrain vehicle without driving privileges, is a Class C traffic violation.

8 **SECTION 14.** ORS 821.174 is amended to read:

9 821.174. Notwithstanding any other provision of law, a person may not
10 operate a Class I, **Class II**, Class III or Class IV all-terrain vehicle while the
11 person's driving privileges are suspended or revoked. A person who violates
12 this section is in violation of ORS 811.175 or 811.182, as appropriate.

13 **SECTION 15.** ORS 821.176 is amended to read:

14 821.176. (1) A person **15 years of age or older** commits the offense of
15 operation of a Class IV all-terrain vehicle without driving privileges if the
16 person operates a Class IV all-terrain vehicle on public lands and the person
17 does not hold [*a valid driver license issued under ORS 807.040*] **valid driving**
18 **privileges and a valid Class IV all-terrain vehicle operator permit is-**
19 **sued under ORS 390.577.**

20 [*(2) This section does not apply to a child under the age of 16 if:*]

21 **(2) A child under 15 years of age commits the offense of operation**
22 **of a Class IV all-terrain vehicle without driving privileges if the child**
23 **operates a Class IV all-terrain vehicle on public lands and the child**
24 **does not meet all of the following conditions:**

25 (a) The child's age [*complies*] **must comply** with the manufacturer's
26 minimum age recommendation as evidenced by the manufacturer's warning
27 label affixed to the vehicle;

28 (b) The child [*is*] **must be** accompanied by a person who is at least 18
29 years of age, [*who*] holds [*a*] valid **driving privileges, holds a valid** all-
30 terrain vehicle operator permit issued under ORS 390.570, 390.575 or 390.577
31 **or section 2 of this 2023 Act** and [*who*] is able to provide immediate as-

1 sistance and direction to the child; and

2 (c) The child [*holds a*] **must hold a valid** Class IV all-terrain vehicle
3 operator permit issued under ORS 390.577.

4 (3) This section does not apply if:

5 (a) The vehicle is used exclusively in farming, agricultural or forestry
6 operations or used by persons licensed under ORS chapter 571 exclusively for
7 nursery or Christmas tree growing operations; [*or*] **and**

8 (b) The vehicle is being used on land owned or leased by the owner of the
9 vehicle.

10 (4) The offense described in this section, operation of a Class IV all-
11 terrain vehicle without driving privileges, is a Class C traffic violation.

12 **SECTION 16.** ORS 821.291 is amended to read:

13 821.291. (1) A person commits the offense of endangering a Class I all-
14 terrain vehicle operator if the person is the parent, legal guardian or person
15 with legal responsibility for the safety and welfare of a child under 16 years
16 of age, the child operates a Class I all-terrain vehicle on public lands and
17 the child:

18 (a) Does not [*possess a*] **hold a valid** Class I all-terrain vehicle operator
19 permit issued under ORS 390.570;

20 (b) Is not accompanied by a person who is at least 18 years of age, holds
21 a valid all-terrain vehicle operator permit issued under ORS 390.570, 390.575
22 or 390.577 **or section 2 of this 2023 Act** and is able to provide immediate
23 assistance and direction to the child; or

24 (c) Is not in compliance with the rider fit guidelines established by the
25 Parks and Recreation Department under ORS 390.585.

26 (2) This section does not apply if the all-terrain vehicle is:

27 (a) Used exclusively in farming, agricultural or forestry operations or
28 used by persons licensed under ORS chapter 571 exclusively for nursery or
29 Christmas tree growing operations; and

30 (b) Being used on land owned or leased by the owner of the vehicle.

31 (3) The offense described in this section, endangering a Class I all-terrain

1 vehicle operator, is a Class C traffic violation.

2 **SECTION 17.** ORS 821.292 is amended to read:

3 821.292. (1) A person commits the offense of endangering a Class III all-
4 terrain vehicle operator if the person is the parent, legal guardian or person
5 with legal responsibility for the safety and welfare of a child at least seven
6 years of age but under 16 years of age, the child operates a Class III all-
7 terrain vehicle on public lands and the child:

8 (a) Does not [*possess a*] **hold a valid** Class III all-terrain vehicle operator
9 permit issued under ORS 390.575; or

10 (b) Is not accompanied by a person who is at least 18 years of age, holds
11 a valid all-terrain vehicle operator permit issued under ORS 390.570, 390.575
12 or 390.577 **or section 2 of this 2023 Act** and is able to provide immediate
13 assistance and direction to the child.

14 (2) This section does not apply if the all-terrain vehicle is:

15 (a) Used exclusively in farming, agricultural or forestry operations or
16 used by persons licensed under ORS chapter 571 exclusively for nursery or
17 Christmas tree growing operations; and

18 (b) Being used on land owned or leased by the owner of the vehicle.

19 (3) The offense described in this section, endangering a Class III all-
20 terrain vehicle operator, is a Class C traffic violation.

21 **SECTION 18.** ORS 821.293 is amended to read:

22 821.293. (1) A person commits the offense of endangering a Class IV all-
23 terrain vehicle operator if the person is the parent, legal guardian or person
24 with legal responsibility for the safety and welfare of a child under [*16*] **15**
25 years of age, the child operates a Class IV all-terrain vehicle on public lands
26 and the child:

27 (a) Does not [*possess a*] **hold a valid** Class IV all-terrain vehicle operator
28 permit issued under ORS 390.577;

29 (b) Is not accompanied by a person who is at least 18 years of age, **holds**
30 **valid driving privileges**, holds a valid all-terrain vehicle operator permit
31 issued under ORS 390.570, 390.575 or 390.577 **or section 2 of this 2023 Act**

1 and is able to provide immediate assistance and direction to the child;

2 (c) Is not in compliance with the manufacturer's minimum age recom-
3 mendation as evidenced by the manufacturer's warning label affixed to the
4 vehicle; or

5 (d) Is not in compliance with the rider fit guidelines established by the
6 State Parks and Recreation Department under ORS 390.585.

7 (2) This section does not apply if the all-terrain vehicle is:

8 (a) Used exclusively in farming, agricultural or forestry operations or
9 used by persons licensed under ORS chapter 571 exclusively for nursery or
10 Christmas tree growing operations; and

11 (b) Being used on land owned or leased by the owner of the vehicle.

12 (3) The offense described in this section, endangering a Class IV all-
13 terrain vehicle operator, is a Class C traffic violation.

14 **SECTION 19. (1) Sections 2 and 4 to 6 of this 2023 Act and the**
15 **amendments to ORS 390.555, 390.577, 807.020, 813.110, 821.165, 821.170,**
16 **821.172, 821.174, 821.176, 821.291, 821.292 and 821.293 by sections 7 to 18**
17 **of this 2023 Act become operative on January 1, 2024.**

18 **(2) The State Parks and Recreation Department may take any**
19 **action before the operative date specified in subsection (1) of this sec-**
20 **tion that is necessary for the department to exercise, on and after the**
21 **operative date specified in subsection (1) of this section, all of the du-**
22 **ties, functions and powers conferred on the department by sections 2**
23 **and 4 to 6 of this 2023 Act and the amendments to ORS 390.555, 390.577,**
24 **807.020, 813.110, 821.165, 821.170, 821.172, 821.174, 821.176, 821.291, 821.292**
25 **and 821.293 by sections 7 to 18 of this 2023 Act.**

26 **SECTION 20. This 2023 Act takes effect on the 91st day after the**
27 **date on which the 2023 regular session of the Eighty-second Legislative**
28 **Assembly adjourns sine die.**

29