

# House Bill 2796

Sponsored by Representative HIEB; Representatives LEVY B, MORGAN, OWENS, Senator THATCHER (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands all-terrain vehicle highway access routes to include county roads.

## A BILL FOR AN ACT

1  
2 Relating to all-terrain vehicles; amending ORS 806.020, 807.020, 821.020, 821.055, 821.202, 821.330 and  
3 821.335.

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

5 **SECTION 1.** ORS 821.330 is amended to read:

6 821.330. (1) The Oregon Transportation Commission shall designate all-terrain vehicle highway  
7 access routes on state highways throughout this state for the purpose of authorizing incidental use  
8 of all-terrain vehicles within the state highway right of way.

9 (2) The commission shall designate all-terrain vehicle highway access routes under **subsection**  
10 **(1)** of this section after consultation with the All-Terrain Vehicle Highway Access Routes Advisory  
11 Committee established under ORS 821.335.

12 **(3) A county governing body may designate all-terrain vehicle highway access routes on**  
13 **county roads within its jurisdiction for the purpose of authorizing incidental use of all-**  
14 **terrain vehicles within the right of way of a county road.**

15 **(4) A county governing body may designate all-terrain vehicle highway access routes**  
16 **under subsection (3) of this section after consultation with the All-Terrain Vehicle Highway**  
17 **Access Routes Advisory Committee established under ORS 821.335.**

18 [(3)] **(5)** A grant of authority under this section to operate an all-terrain vehicle on an all-terrain  
19 vehicle highway access route is effective when signs are posted giving notice that the commission  
20 **or county governing body** has designated a portion of the [*state*] highway right of way as an all-  
21 terrain vehicle highway access route.

22 **SECTION 2.** ORS 821.335 is amended to read:

23 821.335. (1) The All-Terrain Vehicle Highway Access Routes Advisory Committee is established.

24 (2) The committee consists of seven members.

25 (3)(a) The State Parks and Recreation Director shall appoint:

26 (A) Two representatives of all-terrain vehicle users.

27 (B) One representative of a city or county.

28 (C) One representative of a law enforcement agency.

29 (D) One representative who is a member of the public.

30 (E) One representative of the State Parks and Recreation Department as a nonvoting member.

31 (b) The Director of Transportation shall appoint one representative of the Department of

**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 Transportation as a nonvoting member.
- 2 (4) The committee shall:
- 3 (a) Accept and evaluate proposed all-terrain vehicle highway access routes on portions of state  
4 highway rights of way **or the right of way of a county road**;
- 5 (b) Conduct field reviews of proposed all-terrain vehicle highway access routes and consult with  
6 the following:
- 7 (A) A county commissioner;
- 8 (B) A sheriff's office;
- 9 (C) Any road authority with jurisdiction of the proposed all-terrain vehicle highway access  
10 route;
- 11 (D) A member of a local all-terrain vehicle user organization;
- 12 (E) A land management agency in the area that provides all-terrain vehicle riding opportunities;  
13 and
- 14 (F) If the proposed all-terrain vehicle highway access route is located within the boundaries of  
15 a city, a representative of the city;
- 16 (c) Conduct at least one public meeting to explain the proposed all-terrain vehicle highway ac-  
17 cess route and receive comments; and
- 18 (d) Submit a report to the Department of Transportation and the Oregon Transportation Com-  
19 mission and may include recommendations related to all-terrain vehicle highway access routes on  
20 portions of state highway rights of way **or the right of way of a county road**.
- 21 (5) The committee must take into consideration the following when developing its recommen-  
22 dations:
- 23 (a) The need to create connections between areas open to all-terrain vehicle use.
- 24 (b) Minimizing adverse effects on adjacent landowners.
- 25 (c) Road conditions, including but not limited to road width, shoulders, highway speed, popu-  
26 lation densities and sight distance.
- 27 (d) The desire of the local community to allow all-terrain vehicle highway access routes to cross  
28 portions of state highway rights of way **or the right of way of a county road** for purposes of  
29 highway or trail connectivity, access to recreational areas and promoting tourism.
- 30 (e) Consistency with local all-terrain vehicle use on city streets and county roads adjacent to  
31 the portions of state highway rights of way **or the right of way of a county road**.
- 32 (f) Safety.
- 33 (g) Any other factors the committee considers important.
- 34 (6) A majority of the voting members of the committee constitutes a quorum for the transaction  
35 of business.
- 36 (7) Official action by the committee requires the approval of a majority of the voting members  
37 of the committee.
- 38 (8) The committee shall elect one of its members to serve as chairperson.
- 39 (9) If there is a vacancy for any cause, the appointing authority shall make an appointment to  
40 become immediately effective.
- 41 (10) The committee shall meet at times and places specified by the call of the chairperson or  
42 of a majority of the voting members of the committee.
- 43 (11) The committee may adopt rules necessary for the operation of the committee.
- 44 (12) The State Parks and Recreation Department shall provide staff support to the committee.
- 45 (13) Members of the committee are not entitled to compensation, but may be reimbursed for

1 necessary travel expenses incurred by them in the performance of their official duties.

2 (14) The State Parks and Recreation Department is directed to assist the committee in the per-  
 3 formance of the committee’s duties and, to the extent permitted by laws relating to confidentiality,  
 4 to furnish information and advice the members of the committee consider necessary to perform their  
 5 duties.

6 **SECTION 3.** ORS 806.020 is amended to read:

7 806.020. This section provides exemptions from the necessity for compliance with or proof of  
 8 compliance with financial responsibility requirements in accident reports under ORS 811.725, when  
 9 applying for vehicle registration under ORS 803.370 or 803.460 and for operating a vehicle under  
 10 ORS 806.010. The owner or operator of a vehicle is exempt, as provided by this section, from finan-  
 11 cial responsibility requirements if the vehicle involved in the accident, sought to be registered or  
 12 operated is any of the following:

13 (1) An antique vehicle issued permanent registration under ORS 805.010.

14 (2) A farm trailer.

15 (3) A farm tractor.

16 (4) An implement of husbandry.

17 (5) A vehicle of special interest that is maintained as a collector’s item and used for exhibitions,  
 18 parades, club activities and similar uses, but not used primarily for the transportation of persons  
 19 or property.

20 (6) A snowmobile or a Class I, Class III or Class IV all-terrain vehicle, unless the vehicle is  
 21 operating on an all-terrain vehicle highway access route that is designated by the Oregon Trans-  
 22 portation Commission **or a county governing body** as open to all-terrain vehicles.

23 (7) Any motor vehicle not operated on any highway or premises open to the public in this state.

24 (8) A motor assisted scooter.

25 (9) An electric personal assistive mobility device.

26 **SECTION 4.** ORS 807.020 is amended to read:

27 807.020. A person who is granted a driving privilege by this section may exercise the driving  
 28 privilege described without violation of the requirements under ORS 807.010. A grant of driving  
 29 privileges to operate a motor vehicle under this section is subject to suspension and revocation the  
 30 same as other driving privileges granted under the vehicle code. This section is in addition to any  
 31 exemptions from the vehicle code under ORS 801.026. The following persons are granted the de-  
 32 scribed driving privileges:

33 (1) A person who is not a resident of this state or who has been a resident of this state for less  
 34 than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person  
 35 holds a current out-of-state license issued to the person. For the purpose of this subsection, a person  
 36 is a resident of this state if the person meets the residency requirements described in ORS 807.062.  
 37 To qualify under this subsection, the person must have the out-of-state license or driver permit in  
 38 the person’s possession. A person is not granted driving privileges under this subsection:

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

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

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

1 (2) A person who is a member of the Armed Forces of the United States or a member of the  
 2 commissioned corps of the National Oceanic and Atmospheric Administration may operate a motor  
 3 vehicle without an Oregon license 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 and Atmospheric Ad-  
 5 ministration.

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

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

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

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

15 (7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170,  
 16 unless a person is operating a Class I all-terrain vehicle on an all-terrain vehicle highway access  
 17 route that is designated by the Oregon Transportation Commission **or a county governing body**  
 18 as open to all-terrain vehicles.

19 (8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS  
 20 821.172, unless a person is operating a Class III all-terrain vehicle on an all-terrain vehicle highway  
 21 access route that is designated by the commission **or a county governing body** as open to all-  
 22 terrain vehicles.

23 (9) Driving privileges for Class IV all-terrain vehicles are exclusively as provided in ORS  
 24 821.176, unless a person is operating a Class IV all-terrain vehicle on an all-terrain vehicle highway  
 25 access route that is designated by the commission **or a county governing body** as open to all-  
 26 terrain vehicles.

27 (10) A person without a license or driver permit may operate a golf cart in accordance with an  
 28 ordinance adopted under ORS 810.070.

29 (11) The spouse of a member of the Armed Forces of the United States on active duty or the  
 30 spouse of a member of the commissioned corps of the National Oceanic and Atmospheric Adminis-  
 31 tration who is accompanying the member on assignment in this state may operate a motor vehicle  
 32 if the spouse has a current out-of-state license or driver permit issued to the spouse by another state  
 33 in the spouse's possession.

34 (12) A person who is a member of the Armed Forces of the United States on active duty or a  
 35 member of the commissioned corps of the National Oceanic and Atmospheric Administration may  
 36 operate a motor vehicle if the person has a current out-of-state license or driver permit in the  
 37 person's possession that is issued to the person by the person's state of domicile or by the Armed  
 38 Forces of the United States in a foreign country. Driving privileges described under this subsection  
 39 that are granted by the Armed Forces apply only for a period of 45 days from the time the person  
 40 returns to the United States.

41 (13) A person who does not hold a motorcycle endorsement may operate a motorcycle if the  
 42 person is:

43 (a) Within an enclosed cab;

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

1 (c) Operating an autocycle.

2 (14) A person may operate a bicycle that is not an electric assisted bicycle without any grant  
3 of driving privileges.

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

6 (16) A person may operate a motor assisted scooter without a driver license or driver permit if  
7 the person is 16 years of age or older.

8 (17) A person who is not a resident of this state or who has been a resident of this state for less  
9 than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person  
10 is at least 15 years of age and has in the person's possession a current out-of-state equivalent of a  
11 Class C instruction driver permit issued to the person. For the purpose of this subsection, a person  
12 is a resident of this state if the person meets the residency requirements described in ORS  
13 807.062. A person operating a motor vehicle under authority of this subsection has the same privi-  
14 leges and is subject to the same restrictions as a person operating under the authority of a Class  
15 C instruction driver permit issued as provided in ORS 807.280.

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

18 **SECTION 5.** ORS 821.020 is amended to read:

19 821.020. (1) Except as provided in subsection (2) of this section, the exemption from equipment  
20 requirements for off-road vehicles under ORS 821.010 applies to each of the following:

21 (a) Lands that are open to the public.

22 (b) Roads, other than two-lane gravel roads, that are open to the public.

23 (c) Paved parking lots adjacent to or on designated off-road vehicle areas, trails and routes that  
24 are open to the public.

25 (d) Local two-lane gravel roads that are open to the public and that are designated by the road  
26 authority with jurisdiction over the road as open to off-road vehicles that are described in ORS  
27 821.010.

28 (e) All-terrain vehicle highway access routes that are designated by the Oregon Transportation  
29 Commission **or a county governing body** as open to all-terrain vehicles.

30 (2) The exemption from equipment requirements does not apply to areas posted as closed to  
31 off-road vehicles.

32 **SECTION 6.** ORS 821.055 is amended to read:

33 821.055. Notwithstanding ORS 821.020, or any law requiring that vehicles be equipped in speci-  
34 fied ways in order to operate on highways, a person may operate Class I, Class II, Class III and  
35 Class IV all-terrain vehicles on any highway in this state that is open to the public if:

36 (1) The highway is not maintained for passenger car traffic.

37 (2) The person is on or crossing a portion of highway right of way as permitted under ORS  
38 821.200.

39 (3) The person is on an all-terrain vehicle highway access route that is designated by the Oregon  
40 Transportation Commission **or a county governing body** as open to all-terrain vehicles.

41 **SECTION 7.** ORS 821.202 is amended to read:

42 821.202. (1) A person commits the offense of failure of an all-terrain vehicle operator or pas-  
43 senger to wear a motorcycle helmet if:

44 (a) The person is under 18 years of age, operates or rides on a Class I, Class II, Class III or  
45 Class IV all-terrain vehicle on premises open to the public or on a highway and is not wearing a

1 motorcycle helmet with a fastened chin strap; or

2 (b) The person is 18 years of age or older, operates or rides on a Class I or Class III all-terrain  
3 vehicle on an all-terrain vehicle highway access route that is designated by the Oregon Transpor-  
4 tation Commission **or a county governing body** as open to all-terrain vehicles and is not wearing  
5 a motorcycle helmet with a fastened chin strap.

6 (2) The requirement to wear a motorcycle helmet with a fastened chin strap does not apply if  
7 the all-terrain vehicle is:

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

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

11 (c) A Class II all-terrain vehicle registered under ORS 803.420 and has a roof or roll bar.

12 (3) The offense described in this section, failure of an all-terrain vehicle operator or passenger  
13 to wear a motorcycle helmet, is a Class D traffic violation.

14