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


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

SECTION 1. ORS 821.330 is amended to read:

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

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

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

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

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

SECTION 2. ORS 821.335 is amended to read:

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

(2) The committee consists of seven members.

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

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

(B) One representative of a city or county.

(C) One representative of a law enforcement agency.

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

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

(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.

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Transportation as a nonvoting member.

(4) The committee shall:
   (a) Accept and evaluate proposed all-terrain vehicle highway access routes on portions of state highway rights of way or the right of way of a county road;
   (b) Conduct field reviews of proposed all-terrain vehicle highway access routes and consult with the following:
      (A) A county commissioner;
      (B) A sheriff’s office;
      (C) Any road authority with jurisdiction of the proposed all-terrain vehicle highway access route;
      (D) A member of a local all-terrain vehicle user organization;
      (E) A land management agency in the area that provides all-terrain vehicle riding opportunities;
      (F) If the proposed all-terrain vehicle highway access route is located within the boundaries of a city, a representative of the city;
   (c) Conduct at least one public meeting to explain the proposed all-terrain vehicle highway access route and receive comments; and
   (d) Submit a report to the Department of Transportation and the Oregon Transportation Commission and may include recommendations related to all-terrain vehicle highway access routes on portions of state highway rights of way or the right of way of a county road.

(5) The committee must take into consideration the following when developing its recommendations:
   (a) The need to create connections between areas open to all-terrain vehicle use.
   (b) Minimizing adverse effects on adjacent landowners.
   (c) Road conditions, including but not limited to road width, shoulders, highway speed, population densities and sight distance.
   (d) The desire of the local community to allow all-terrain vehicle highway access routes to cross portions of state highway rights of way or the right of way of a county road for purposes of highway or trail connectivity, access to recreational areas and promoting tourism.
   (e) Consistency with local all-terrain vehicle use on city streets and county roads adjacent to the portions of state highway rights of way or the right of way of a county road.
   (f) Safety.
   (g) Any other factors the committee considers important.

(6) A majority of the voting members of the committee constitutes a quorum for the transaction of business.

(7) Official action by the committee requires the approval of a majority of the voting members of the committee.

(8) The committee shall elect one of its members to serve as chairperson.

(9) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

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

(11) The committee may adopt rules necessary for the operation of the committee.

(12) The State Parks and Recreation Department shall provide staff support to the committee.

(13) Members of the committee are not entitled to compensation, but may be reimbursed for
necessary travel expenses incurred by them in the performance of their official duties.

(14) The State Parks and Recreation Department is directed to assist the committee in the performance of the committee's duties and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the committee consider necessary to perform their duties.

SECTION 3. ORS 806.020 is amended to read:

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

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

(2) A farm trailer.

(3) A farm tractor.

(4) An implement of husbandry.

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

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

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

(8) A motor assisted scooter.

(9) An electric personal assistive mobility device.

SECTION 4. ORS 807.020 is amended to read:

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

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

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

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

(c) That exceed the driving privileges granted to the person by the out-of-state license or driver permit.
(2) A person who is a member of the Armed Forces of the United States or a member of the commissioned corps of the National Oceanic and Atmospheric Administration may operate a motor vehicle without an Oregon license or driver permit if the person is operating a motor vehicle in the course of the person’s duties in the Armed Forces or the National Oceanic and Atmospheric Administration.

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

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

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

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

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

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

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

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

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

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

(13) A person who does not hold a motorcycle endorsement may operate a motorcycle if the person is:
   (a) Within an enclosed cab;
   (b) Operating a vehicle designed to travel with three wheels in contact with the ground at speeds of less than 15 miles per hour; or
(c) Operating an autocycle.

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

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

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

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

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

SECTION 5. ORS 821.020 is amended to read:

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

(a) Lands that are open to the public.

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

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

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

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

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

SECTION 6. ORS 821.055 is amended to read:

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

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

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

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

SECTION 7. ORS 821.202 is amended to read:

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

(a) The person is under 18 years of age, operates or rides on a Class I, Class II, Class III or Class IV all-terrain vehicle on premises open to the public or on a highway and is not wearing a
motorcycle helmet with a fastened chin strap; or

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

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

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

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

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

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