

ATV Safety Education

Right now, safety education cards are required for some types of ATVs and not for others. Safety concerns are rising as ATV sales have increased and more riders are flocking to the sand dunes. To increase safety and decrease confusion, HB 2082 proposes safety education cards be required for all ATV riders on public lands.

A Trained Rider is a Safer Rider



ATV Safety Education Cards are currently required for Class I (four-wheelers) and Class III (dirt bikes) operators of all ages and Class IV (side-by-side) operators under the age of 16. Currently, Class II (Jeeps, Trucks, and Sand-rails) and Class IV operators age 16 or over only need a state issued driver's license to operate off-road. HB 2082 would create uniformity and a level playing field by requiring all operators to have an ATV Safety Education Card.

Class II and Class IV operators that have a state issued driver's license have a basic understanding of on-road operation but that doesn't translate into understanding of off-road operation. There are specific laws, rules, environmental and safety concerns that directly affect off-road operation. Class IV ATV sales have been skyrocketing to a new segment of people who have no ATV experience. They do not know the rules or hazards associated with ATV use in the woods or dunes.

The safety education training is a free, easy to take, online course to help increase overall awareness of safety rules and promote safe riding practices for all ATV riders on public lands.

Oregon Parks and Recreation Department

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House Bill 2082

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for State Parks and Recreation Department)

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**.

Requires Class II and Class IV all-terrain vehicle operator 16 years of age or older to carry and present both driver license and all-terrain vehicle operator permit.

Requires Class II and Class IV all-terrain vehicle operator 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 on 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

1
2 Relating to all-terrain vehicles; creating new provisions; amending ORS 390.555, 390.577, 807.020,
3 813.110, 821.165, 821.170, 821.172, 821.174, 821.176, 821.291, 821.292 and 821.293; and prescribing
4 an effective date.

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

6 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 390.550 to**
7 **390.590.**

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

10 (a) Is at least 15 years of age and has taken a Class II all-terrain vehicle safety education
11 course established under this section and has been found qualified to operate a Class II all-
12 terrain vehicle; or

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

15 (2) The department shall adopt rules to provide for Class II all-terrain vehicle safety ed-
16 ucation courses, equivalency examinations and the issuance of Class II all-terrain vehicle
17 operator permits consistent with this section. The rules adopted by the department shall be
18 consistent with the following:

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

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

23 (c) The department may collect a fee of not more than \$5 from each participant in a

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 course established under this section.

2 SECTION 3. Sections 4, 5 and 6 of this 2019 Act are added to and made a part of the
3 Oregon Vehicle Code.

4 SECTION 4. (1) A person 16 years of age or older commits the offense of operation of a
5 Class II all-terrain vehicle without driving privileges if the person operates a Class II all-
6 terrain vehicle on public lands and the person does not hold a valid driver license issued
7 under ORS 807.040 and a valid Class II all-terrain vehicle operator permit issued under sec-
8 tion 2 of this 2019 Act.

9 (2) A child under 16 years of age commits the offense of operation of a Class II all-terrain
10 vehicle without driving privileges if the child operates a Class II all-terrain vehicle on public
11 lands and the child does not meet all the following conditions:

12 (a) The child must be accompanied by a person who is at least 18 years of age, holds a
13 valid driver license issued under ORS 807.040, holds a valid all-terrain vehicle operator permit
14 issued under ORS 390.570, 390.575 or 390.577 or section 2 of this 2019 Act and is able to pro-
15 vide immediate assistance and direction to the child.

16 (b) The child must hold a valid Class II all-terrain vehicle operator permit issued under
17 section 2 of this 2019 Act.

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

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

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

23 (4) The offense described in this section, operation of a Class II all-terrain vehicle with-
24 out driving privileges, is a Class C traffic violation.

25 SECTION 5. (1) A person commits the offense of endangering a Class II all-terrain vehicle
26 operator if the person is the parent, legal guardian or person with legal responsibility for the
27 safety and welfare of a child under 16 years of age, the child operates a Class II all-terrain
28 vehicle on public lands and the child:

29 (a) Does not hold a valid Class II all-terrain vehicle operator permit issued under section
30 2 of this 2019 Act; or

31 (b) Is not accompanied by a person who is at least 18 years of age, holds a valid driver
32 license issued under ORS 807.040, holds a valid all-terrain vehicle operator permit issued
33 under ORS 390.570, 390.575 or 390.577 or section 2 of this 2019 Act and is able to provide im-
34 mediate assistance and direction to the child.

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

36 (a) Used exclusively in farming, agricultural or forestry operations or used by persons
37 licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing oper-
38 ations; and

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

40 (3) The offense described in this section, endangering a Class II all-terrain vehicle oper-
41 ator, is a Class C traffic violation.

42 SECTION 6. (1) A person commits the offense of failure to carry an all-terrain vehicle
43 operator permit or to present an all-terrain vehicle operator permit to a police officer if the
44 person:

45 (a) Operates a Class I, Class II, Class III or Class IV all-terrain vehicle on public lands

1 without a valid all-terrain vehicle operator permit issued under ORS 390.570, 390.575 or
 2 390.577 or section 2 of this 2019 Act in the person's possession;

3 (b) Is 16 years of age or older and operates a Class II or Class IV all-terrain vehicle on
 4 public lands without a valid driver license in the person's possession; or

5 (c) Does not present and deliver such all-terrain vehicle operator permit or driver license
 6 to a police officer when requested by the police officer under any of the following circum-
 7 stances:

8 (A) Upon being lawfully stopped or detained when operating a Class I, Class II, Class III
 9 or Class IV all-terrain vehicle.

10 (B) When a Class I, Class II, Class III or Class IV all-terrain vehicle that the person was
 11 operating is involved in an accident.

12 (2) Except as provided in ORS 813.110, it is a defense to any charge under this section
 13 that the person so charged produce a Class I, Class II, Class III or Class IV all-terrain ve-
 14 hicle operator permit or driver license that had been issued to the person and was valid at
 15 the time of violation of this section.

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

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

22 **SECTION 7.** ORS 390.555 is amended to read:

23 390.555. The All-Terrain Vehicle Account is established as a separate account in the State Parks
 24 and Recreation Department Fund, to be accounted for separately. Interest earned by the All-Terrain
 25 Vehicle Account shall be credited to the account. After deduction of expenses of collection, transfer
 26 and administration, including the expenses of establishment and operation of Class I, Class II, Class
 27 III and Class IV all-terrain vehicle safety education courses and examinations under ORS 390.570,
 28 390.575 and 390.577 and section 2 of this 2019 Act, the following moneys shall be transferred to
 29 the account:

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

32 (2) Fees collected by the department from participants in the Class I, Class II, Class III and
 33 Class IV all-terrain vehicle safety education courses under ORS 390.570, 390.575 and 390.577 and
 34 section 2 of this 2019 Act.

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

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

38 390.577. (1) The State Parks and Recreation Department shall issue or provide for issuance of
 39 a Class IV all-terrain vehicle operator permit to any person who:

40 (a) Has taken a Class IV all-terrain vehicle safety education course established under this sec-
 41 tion and has been found qualified to operate a Class IV all-terrain vehicle; or

42 (b) Is at least 16 years of age, has five or more years of experience operating a Class IV
 43 all-terrain vehicle and passes an equivalency examination.

44 (2) The department shall adopt rules to provide for Class IV all-terrain vehicle safety education
 45 courses, equivalency examinations and the issuance of Class IV all-terrain vehicle operator permits

1 consistent with this section. The rules adopted by the department shall be consistent with the fol-
2 lowing:

3 (a) The courses must be given by instructors designated by the department as qualified to con-
4 duct the courses and issue the permits.

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

7 (c) The department may collect a fee of not more than \$5 from each participant in a course es-
8 tablished under this section.

9 **SECTION 9.** ORS 807.020, as amended by section 36, chapter 76, Oregon Laws 2018, is amended
10 to read:

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

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

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

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

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

30 (2) A person who is a member of the Armed Forces of the United States or a member of the
31 commissioned corps of the National Oceanic and Atmospheric Administration may operate a motor
32 vehicle without an Oregon license or driver permit if the person is operating a motor vehicle in the
33 course of the person's duties in the Armed Forces or the National Oceanic and Atmospheric Ad-
34 ministration.

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

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

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

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

44 (7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170,
45 unless a person is operating a Class I all-terrain vehicle on an all-terrain vehicle highway access

1 route that is designated by the Oregon Transportation Commission as open to all-terrain vehicles.

2 **(8) Driving privileges for Class II all-terrain vehicles are exclusively as provided in sec-**
3 **tion 4 of this 2019 Act, unless a person is operating a Class II all-terrain vehicle on an all-**
4 **terrain vehicle highway access route that is designated by the commission as open to**
5 **all-terrain vehicles.**

6 [(8)] (9) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS
7 821.172, unless a person is operating a Class III all-terrain vehicle on an all-terrain vehicle highway
8 access route that is designated by the commission as open to all-terrain vehicles.

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

12 [(10)] (11) A person without a license or driver permit may operate a golf cart in accordance
13 with an ordinance adopted under ORS 810.070.

14 [(11)] (12) The spouse of a member of the Armed Forces of the United States on active duty or
15 the spouse of a member of the commissioned corps of the National Oceanic and Atmospheric Ad-
16 ministration who is accompanying the member on assignment in this state may operate a motor ve-
17 hicle if the spouse has a current out-of-state license or driver permit issued to the spouse by another
18 state in the spouse's possession.

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

26 [(13)] (14) A person who does not hold a motorcycle endorsement may operate a motorcycle if
27 the person is:

28 (a) Within an enclosed cab;

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

31 (c) Operating an auticycle.

32 [(14)] (15) A person may operate a bicycle that is not an electric assisted bicycle without any
33 grant of driving privileges.

34 [(15)] (16) A person may operate an electric assisted bicycle without a driver license or driver
35 permit if the person is 16 years of age or older.

36 [(16)] (17) A person may operate a motor assisted scooter without a driver license or driver
37 permit if the person is 16 years of age or older.

38 [(17)] (18) A person who is not a resident of this state or who has been a resident of this state
39 for less than 30 days may operate a motor vehicle without an Oregon license or driver permit if the
40 person is at least 15 years of age and has in the person's possession a current out-of-state equivalent
41 of a Class C instruction driver permit issued to the person. For the purpose of this subsection, a
42 person is a resident of this state if the person meets the residency requirements described in ORS
43 807.062. A person operating a motor vehicle under authority of this subsection has the same privi-
44 leges and is subject to the same restrictions as a person operating under the authority of a Class
45 C instruction driver permit issued as provided in ORS 807.280.

1 [(18)] (19) A person may operate an electric personal assistive mobility device without any grant
 2 of driving privileges if the person is 16 years of age or older.

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

4 813.110. (1) Except as otherwise provided by this section, police officers, on behalf of the De-
 5 partment of Transportation, shall issue temporary driving permits described under this section to
 6 persons when required under ORS 813.100.

7 (2) The department shall provide police departments and agencies with permits for issuance as
 8 required by this section. The department shall establish the form and content of permits described
 9 in this section as the department determines appropriate, but in a manner consistent with this sec-
 10 tion.

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

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

14 (b) During the 12-hour period following issuance of the permit, the person is subject to ORS
 15 807.570 **and section 6 of this 2019 Act**, and the permit is not a defense to a charge under ORS
 16 807.570 **or section 6 of this 2019 Act**.

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

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

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

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

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

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

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

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

29 821.165. As used in ORS 821.170, 821.172, 821.176, 821.192, 821.291, 821.292 and 821.293 **and**
 30 **sections 4, 5 and 6 of this 2019 Act**, "public lands" includes privately owned land that is open to
 31 the general public for the use of all-terrain vehicles as the result of funding from the All-Terrain
 32 Vehicle Account under ORS 390.560.

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

34 821.170. (1) A person 16 years of age or older commits the offense of operation of a Class I all-
 35 terrain vehicle without driving privileges if the person operates a Class I all-terrain vehicle on
 36 public lands and the person does not hold a valid Class I all-terrain vehicle operator permit issued
 37 under ORS 390.570.

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

41 (a) The child must be accompanied by a person who is at least 18 years of age, holds a valid
 42 all-terrain vehicle operator permit issued under ORS 390.570, 390.575 or 390.577 **or section 2 of this**
 43 **2019 Act** and is able to provide immediate assistance and direction to the child.

44 (b) The child must hold a valid Class I all-terrain vehicle operator permit issued under ORS
 45 390.570.

1 (c) The child must meet rider fit guidelines established by the State Parks and Recreation De-
2 partment under ORS 390.585.

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

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

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

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

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

10 821.172. (1) A person 16 years of age or older commits the offense of operation of a Class III
11 all-terrain vehicle without driving privileges if the person operates a Class III all-terrain vehicle on
12 public lands and the person does not hold a valid Class III all-terrain vehicle operator permit issued
13 under ORS 390.575.

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

17 (a) The child must be accompanied by a person who is at least 18 years of age, holds a valid
18 all-terrain vehicle operator permit issued under ORS 390.570, 390.575 or 390.577 **or section 2 of this**
19 **2019 Act** and is able to provide immediate assistance and direction to the child.

20 (b) The child must hold a valid Class III all-terrain vehicle operator permit issued under ORS
21 390.575.

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

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

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

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

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

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

31 821.174. Notwithstanding any other provision of law, a person may not operate a Class I, **Class**
32 **II**, Class III or Class IV all-terrain vehicle while the person's driving privileges are suspended or
33 revoked. A person who violates this section is in violation of ORS 811.175 or 811.182, as appropriate.

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

35 821.176. (1) A person **16 years of age or older** commits the offense of operation of a Class IV
36 all-terrain vehicle without driving privileges if the person operates a Class IV all-terrain vehicle on
37 public lands and the person does not hold a valid driver license issued under ORS 807.040 **and a**
38 **valid Class IV all-terrain vehicle operator permit issued under ORS 390.577.**

39 (2) *[This section does not apply to a child under the age of 16 if:]* **A child under 16 years of age**
40 **commits the offense of operation of a Class IV all-terrain vehicle without driving privileges**
41 **if the child operates a Class IV all-terrain vehicle on public lands and the child does not meet**
42 **all of the following conditions:**

43 (a) The child's age *[complies]* **must comply** with the manufacturer's minimum age recommen-
44 dation as evidenced by the manufacturer's warning label affixed to the vehicle;

45 (b) The child *[is]* **must be** accompanied by a person who is at least 18 years of age, *[who]* holds

1 a valid **driver license issued under ORS 807.040, holds a valid** all-terrain vehicle operator permit
2 issued under ORS 390.570, 390.575 or 390.577 **or section 2 of this 2019 Act** and [who] is able to
3 provide immediate assistance and direction to the child; and

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

6 (3) This section does not apply if:

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

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

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

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

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

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

20 (b) Is not accompanied by a person who is at least 18 years of age, holds a valid all-terrain ve-
21 hicle operator permit issued under ORS 390.570, 390.575 or 390.577 **or section 2 of this 2019 Act**
22 and is able to provide immediate assistance and direction to the child; or

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

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

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

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

29 (3) The offense described in this section, endangering a Class I all-terrain vehicle operator, is
30 a Class C traffic violation.

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

32 821.292. (1) A person commits the offense of endangering a Class III all-terrain vehicle operator
33 if the person is the parent, legal guardian or person with legal responsibility for the safety and
34 welfare of a child at least seven years of age but under 16 years of age, the child operates a Class
35 III all-terrain vehicle on public lands and the child:

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

38 (b) Is not accompanied by a person who is at least 18 years of age, holds a valid all-terrain ve-
39 hicle operator permit issued under ORS 390.570, 390.575 or 390.577 **or section 2 of this 2019 Act**
40 and is able to provide immediate assistance and direction to the child.

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

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

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

45 (3) The offense described in this section, endangering a Class III all-terrain vehicle operator, is

1 a Class C traffic violation.

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

3 821.293. (1) A person commits the offense of endangering a Class IV all-terrain vehicle operator
4 if the person is the parent, legal guardian or person with legal responsibility for the safety and
5 welfare of a child under 16 years of age, the child operates a Class IV all-terrain vehicle on public
6 lands and the child:

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

9 (b) Is not accompanied by a person who is at least 18 years of age, **holds a valid driver license**
10 **issued under ORS 807.040**, holds a valid all-terrain vehicle operator permit issued under ORS
11 390.570, 390.575 or 390.577 **or section 2 of this 2019 Act** and is able to provide immediate assistance
12 and direction to the child;

13 (c) Is not in compliance with the manufacturer's minimum age recommendation as evidenced by
14 the manufacturer's warning label affixed to the vehicle; or

15 (d) Is not in compliance with the rider fit guidelines established by the State Parks and Recre-
16 ation Department under ORS 390.585.

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

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

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

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

23 **SECTION 19.** Sections 1 to 6 of this 2019 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 and 821.293 by
25 sections 7 to 18 of this 2019 Act become operative on January 1, 2021.

26 **SECTION 20.** The State Parks and Recreation Department may take any action before
27 the operative date specified in section 19 of this 2019 Act that is necessary for the depart-
28 ment to exercise, on and after the operative date specified in section 19 of this 2019 Act, all
29 of the duties, functions and powers conferred on the department by sections 1 to 6 of this
30 2019 Act and the amendments to ORS 390.555, 390.577, 807.020, 813.110, 821.165, 821.170,
31 821.172, 821.174, 821.176, 821.291, 821.292 and 821.293 by sections 7 to 18 of this 2019 Act.

32 **SECTION 21.** This 2019 Act takes effect on the 91st day after the date on which the 2019
33 regular session of the Eightieth Legislative Assembly adjourns sine die.

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