

# Senate Bill 106

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## 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 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 IV all-terrain vehicle operator to complete safety education course or pass equivalency examination to obtain all-terrain vehicle operator permit.

Creates offense of failure to carry all-terrain vehicle operator permit or to present all-terrain vehicle operator permit to 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 390.577, 813.110, 821.165,  
3 821.176, 821.291, 821.292 and 821.293; and prescribing an effective date.

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

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

8 (a) **Operates a Class I, Class III or Class IV all-terrain vehicle on public lands without a**  
9 **valid all-terrain vehicle operator permit issued under ORS 390.570, 390.575 or 390.577 in the**  
10 **person's possession;**

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

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

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

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

20 (2) **Except as provided in ORS 813.110, it is a defense to any charge under this section**  
21 **that the person so charged produce a Class I, Class III or Class IV all-terrain vehicle oper-**  
22 **ator permit or driver license that had been issued to the person and was valid at the time**  
23 **of violation of this section.**

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

27 (4) **The offense described in this section, failure to carry an all-terrain vehicle operator**

**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 **permit or to present an all-terrain vehicle operator permit to a police officer, is a Class C**  
 2 **violation.**

3 **SECTION 2.** ORS 390.577 is amended to read:

4 390.577. (1) The State Parks and Recreation Department shall issue or provide for issuance of  
 5 a Class IV all-terrain vehicle operator permit to any person who:

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

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

10 (2) The department shall adopt rules to provide for Class IV all-terrain vehicle safety education  
 11 courses, equivalency examinations and the issuance of Class IV all-terrain vehicle operator permits  
 12 consistent with this section. The rules adopted by the department shall be consistent with the fol-  
 13 lowing:

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

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

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

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

21 813.110. (1) Except as otherwise provided by this section, police officers, on behalf of the De-  
 22 partment of Transportation, shall issue temporary driving permits described under this section to  
 23 persons when required under ORS 813.100.

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

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

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

31 (b) During the 12-hour period following issuance of the permit, the person is subject to ORS  
 32 807.570 **and section 1 of this 2021 Act**, and the permit is not a defense to a charge under ORS  
 33 807.570 **or section 1 of this 2021 Act.**

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

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

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

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

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

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

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

45 **SECTION 4.** ORS 821.165 is amended to read:

1 821.165. As used in ORS 821.170, 821.172, 821.176, 821.192, 821.291, 821.292 and 821.293 **and**  
 2 **section 1 of this 2021 Act**, “public lands” includes privately owned land that is open to the general  
 3 public for the use of all-terrain vehicles as the result of funding from the All-Terrain Vehicle Ac-  
 4 count under ORS 390.560.

5 **SECTION 5.** ORS 821.176 is amended to read:

6 821.176. (1) A person **16 years of age or older** commits the offense of operation of a Class IV  
 7 all-terrain vehicle without driving privileges if the person operates a Class IV all-terrain vehicle on  
 8 public lands and the person does not hold a valid driver license issued under ORS 807.040 **and a**  
 9 **valid Class IV all-terrain vehicle operator permit issued under ORS 390.577.**

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

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

16 (b) The child *[is]* **must be** accompanied by a person who is at least 18 years of age, *[who]* holds  
 17 a valid **driver license issued under ORS 807.040, holds a valid** all-terrain vehicle operator permit  
 18 issued under ORS 390.570, 390.575 or 390.577 and *[who]* is able to provide immediate assistance and  
 19 direction to the child; and

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

22 (3) This section does not apply if:

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

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

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

29 **SECTION 6.** ORS 821.291 is amended to read:

30 821.291. (1) A person commits the offense of endangering a Class I all-terrain vehicle operator  
 31 if the person is the parent, legal guardian or person with legal responsibility for the safety and  
 32 welfare of a child under 16 years of age, the child operates a Class I all-terrain vehicle on public  
 33 lands and the child:

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

36 (b) Is not accompanied by a person who is at least 18 years of age, holds a valid all-terrain ve-  
 37 hicle operator permit issued under ORS 390.570, 390.575 or 390.577 and is able to provide immediate  
 38 assistance and direction to the child; or

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

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 I all-terrain vehicle operator, is

1 a Class C traffic violation.

2 **SECTION 7.** ORS 821.292 is amended to read:

3 821.292. (1) A person commits the offense of endangering a Class III 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 at least seven years of age but under 16 years of age, the child operates a Class  
6 III all-terrain vehicle on public lands and the child:

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

9 (b) Is not accompanied by a person who is at least 18 years of age, holds a valid all-terrain ve-  
10 hicle operator permit issued under ORS 390.570, 390.575 or 390.577 and is able to provide immediate  
11 assistance and direction to the child.

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

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

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

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

18 **SECTION 8.** ORS 821.293 is amended to read:

19 821.293. (1) A person commits the offense of endangering a Class IV all-terrain vehicle operator  
20 if the person is the parent, legal guardian or person with legal responsibility for the safety and  
21 welfare of a child under 16 years of age, the child operates a Class IV all-terrain vehicle on public  
22 lands and the child:

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

25 (b) Is not accompanied by a person who is at least 18 years of age, **holds a valid driver license**  
26 **issued under ORS 807.040**, holds a valid all-terrain vehicle operator permit issued under ORS  
27 390.570, 390.575 or 390.577 and is able to provide immediate assistance and direction to the child;

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

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

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

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

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

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

38 **SECTION 9.** (1) **Section 1 of this 2021 Act and the amendments to ORS 390.577, 813.110,**  
39 **821.165, 821.176, 821.291, 821.292 and 821.293 by sections 2 to 8 of this 2021 Act become opera-**  
40 **tive on January 1, 2022.**

41 **(2) The State Parks and Recreation Department may take any action before the operative**  
42 **date specified in subsection (1) of this section that is necessary for the department to exer-**  
43 **cise, on and after the operative date specified in subsection (1) of this section, all of the du-**  
44 **ties, functions and powers conferred on the department by section 1 of this 2021 Act and the**  
45 **amendments to ORS 390.577, 813.110, 821.165, 821.176, 821.291, 821.292 and 821.293 by sections**

1 **2 to 8 of this 2021 Act.**

2 **SECTION 10. This 2021 Act takes effect on the 91st day after the date on which the 2021**  
3 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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