

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

Oregon Parks and Recreation Department

736-004

Agency and Division

Administrative Rules Chapter Number

Joyce A. Merritt

OPRD, 725 Summer St NE, Suite C, Salem, OR 97301

503-986-0756

Rules Coordinator

Address

Telephone

RULE CAPTION

Some of the administrative rules governing All-Terrain Vehicle funds and standards are being amended, adopted, or repealed.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Monday, 9-28-09, 6-8 p.m., OPRD, North Mall Offc Bldg, 725 Summer St NE, Ste C, Salem, 97301 Ron Price

Hearing Date Time Location (Enter from Winter St NE) Hearings Officer

Tuesday, 9-29-09, 6-8 p.m., Bend Comfort Inn, 62065 SE 27th Street, Bend, OR 97701 Ron Price

Hearing Date Time Location Hearings Officer

Wednesday, 9-30-09, 6-8 p.m., Rogue Regency Hotel, 2300 Biddle Rd, Medford OR 97504 Ron Price

Hearing Date Time Location Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: 736-004-0035, 736-004-0120, 736-004-0125

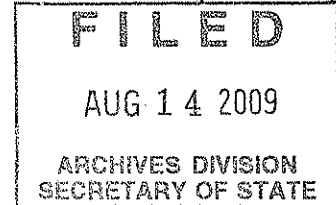
AMEND: 736-004-0005 through 736-004-0115

REPEAL: 736-004-0080

RENUMBER:

AMEND & RENUMBER:

Stat. Auth. : ORS 390.180; 390.570; 390.575; 390.585;



Other Auth.: SB 578 B-Engrossed, 2009 Legislative Session

Stats. Implemented: ORS 390.180; 390.560; 390.570; 390.575; 390.729; 821.174

RULE SUMMARY

These rules govern the allocation of All-terrain Vehicle Funds through an ATV Grant Program, the ATV Advisory Committee, the issuance of ATV operator and operating permits, ATV Safety and Education, Rider Fit standards, and minimum training standard. The existing rules are being amended and three new rules adopted to comply with the provisions of SB 578 B-Engrossed, 2009 Legislative Session. One rule is proposed to be repealed.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals.

5:00 p.m., Thursday, October 1, 2009

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Lisa VanLaanen, Assistant Director, Administrative Services

August 13, 2009

Signature

Printed name

Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Parks and Recreation Department

736-004

Agency and Division

Administrative Rules Chapter Number

Administrative rules governing all-terrain vehicle funds, standards, and training are being amended, adopted, or repealed.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: The amendment, adoption, and repeal of Administrative Rules, Chapter 736, Division 004, to comply with Senate Bill 578 B-Engrossed, 2009 Legislative Session.

Statutory Authority: ORS 390.180, 390.570, 390.575, 390.729, 821.174

Other Authority: Senate Bill 578 B-Engrossed, 2009 Legislative Session

Stats. Implemented: ORS 390.180, 390.560, 390.570, 390.575, 390.729, 821.174

Need for the Rule(s): To establish procedures for an ATV Grant Program from the ATV Funds, safety and training requirements and minimum training standards, a process for certifying ATV training programs, and a process for issuing operator and operating permits.

Documents Relied Upon, and where they are available:

ORS 390.550 through 390.590 and Senate Bill 578 B-Engrossed, 2009 Legislative Session.

Fiscal and Economic Impact:

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): Oregon Parks and Recreation Department anticipates additional expenditures of \$58,509 per biennium related to agency staffing of the All-Terrain Vehicle Advisory Committee and reimbursement of Committee travel and other expenses.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Any small business in the ATV industry.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: No additional costs anticipated.

c. Equipment, supplies, labor and increased administration required for compliance: None anticipated

How were small businesses involved in the development of this rule? Representatives from ATV rider groups, ATV law enforcement and ATV Industry participated in a Stakeholder Advisory Committee to assist development of safety education rules.

Administrative Rule Advisory Committee consulted?: An Administrative Rules Advisory Committee will be consulted prior to final adoption. Senate bill was recently signed by Governor, Administrative Rule Advisory Committee convenes on August 19, 2009, and there has not yet been an opportunity to convene a Rules Advisory Committee.



Lisa VanLaanen, Assistant Director, Administrative Services

August 13, 2009

Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007