

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

Parks and Recreation Department 736
Agency and Division Administrative Rules Chapter Number
Vanessa DeMoe (503) 986-0719
Rules Coordinator Telephone
Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem, OR 97301
Address

RULE CAPTION

ATV rule changes as required by House Bill 2829

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

Hearing Date	Time	Location	Hearings Officer
11-29-11	06:00 PM	OPRD Headquarter Office, 725 Summer St. NE, Suite C. Salem OR 97301	Wayne Rawlins
11-30-11	06:00 PM	Bend Senior Center, 1600 SE Reed Market Road, Bend, OR 97702	Wayne Rawlins
12-1-11	06:00 PM	Rogue Room Valley Banquet "A" Meeting Room, 2300 Biddle Rd. Medford. OR 97504	Wayne Rawlins

Auxiliary aids for persons with disabilities are available upon request.

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

ADOPT:

Rules in 736-004

AMEND:

Rules in 736-004

REPEAL:

Rules in 736-004

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 183 & ORS 390

Other Authority:

Statutes Implemented:

ORS 390.124(1)

RULE SUMMARY

The proposed rules will codify procedures necessary to implement House Bill 2329 which alters the definitions of Class I, II and III all-terrain vehicles and creates definition of Class IV all-terrain vehicle. The bill also exempts Class IV all-terrain vehicles from laws relating to vehicle registration, titling and accident reporting. The bill adds Class IV all-terrain vehicle to various offenses relating to all-terrain vehicles and creates offense of operation of Class IV all-terrain vehicle without driving privileges. The bill adds two members to All-Terrain Vehicle Advisory Committee.

Each public hearing meeting noted above is scheduled for 2 hours from 6:00 to 8:00 pm PST on the stated dates.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

12-09-2011 4:00 p.m. Vanessa DeMoe vanessa.demoe@state.or.us 10-14-11 4:45p.m.
Last Day (m/d/yyyy) and Time Printed Name Email Address Date Filed

Last Day (m/d/yyyy) and Time
for public comment

Printed Name

Email Address

Date Filed

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

ARC 923-2003

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

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

Parks and Recreation Department

736

Agency and Division

Administrative Rules Chapter Number

ATV rule changes as required by House Bill 2829

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

In the Matter of:

OAR 736-004

Statutory Authority:

ORS 183 & ORS 390

Other Authority:

Stats. Implemented:

ORS 390.124(1)

Need for the Rule(s):

The Oregon Legislative Assembly passed House Bill 2329 that alters the definitions of Class I, II and III all-terrain vehicles and creates definition of Class IV all-terrain vehicle. The bill also exempts Class IV all-terrain vehicles from laws relating to vehicle registration, titling and accident reporting. The bill adds Class IV all-terrain vehicle to various offenses relating to all-terrain vehicles and creates offense of operation of Class IV all-terrain vehicle without driving privileges. The bill adds two members to All-Terrain Vehicle Advisory Committee. Administrative rules are needed to codify procedures to implement House Bill 2329. OAR 736-004 is of some "clean-up" work to make them easier to read and use.

Documents Relied Upon, and where they are available:

HB 2329

- available at OPRD HQ office, 725 Summer Street NE, Suite C, Salem OR 97301

- available on line at http://www.leg.state.or.us/bills_laws/

Fiscal and Economic Impact:

The fiscal impact to OPRD is expected to be moderate, primarily limited to the additional administrative cost to the agency to develop education curriculum for the new Class IV vehicle operators.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The estimate of fiscal impact to other state agencies and local governments is unknown but is expected to be minimal. OPRD bares the costs of administering the ATV Grant Program and additional costs incurred as a result of the proposed rules would be paid for using grant program funding.

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

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

The estimate of fiscal impact to members of the public or Oregon small businesses is unknown but is expected to be minimal. There are no proposed increases of fees or any other proposed out of pocket expense associated with the proposed rules.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None.

c. Equipment, supplies, labor and increased administration required for compliance:

None.

How were small businesses involved in the development of this rule?

If not, why?:

Small businesses related to ATV industry were represented on the Rule Making Advisory Committee.

Administrative Rule Advisory Committee consulted?: Yes

<u>12-09-2011 4:00 p.m.</u>	<u>Vanessa DeMoe</u>	<u>vanessa.demoe@state.or.us</u>	<u>10-14-11 4:45 PM</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

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

ARC 925-2007