

Oregon Parks and Recreation Commission

April 4, 2012

Agenda Item: 5

Action

Topic: Consent Calendar

Agenda Item: 5a (1)

Topic: Approval of Delegated Authority Report - Contracts

Prepared by: Lisa Van Laanen, Kit Cromwell

Summary of Attached Report:

The current report includes:

- 7 New agreements for a total of \$697,885
- 10 New contracts for total of \$182,659
- 9 Amendments for a total of \$211,673
- 26 Oregon Exposition Center event permits for a total of \$115,725 revenue

The complete report is attached.

Agenda Item: 5a (2)

Topic: Report of Actions Taken under Delegated Authority for Natural Resources Management from December 13, 2011-March 5, 2012

Prepared by: Jim Morgan, Aimee Buchholz

Pursuant to a duly adopted delegation order, and acting in accordance therewith, the Director, or his designee, has approved the following actions on behalf of the Oregon Parks & Recreation Commission:

SCENIC WATERWAYS NOTIFICATIONS

February 16, 2012, approved a Notification of Intent submitted by Aaron Blake (53-214-12) for the placement of solar panels on the roof of an existing single-family home along the Sandy River Scenic Waterway. The NOI was approved under condition that panels with 4% reflectivity or less are used, no screening vegetation is removed, and the final height of the structure does not exceed 30’.

February 22, 2012, approved a Notification of Intent submitted by the Oregon Parks and Recreation Department (4-191-12) for the construction of a new park access road at Cottonwood Canyon State Park along the John Day River Scenic Waterway in Sherman County. Approval was granted based on agreement to plant/maintain native vegetation for visual screening.

March 5, 2012, approved a Notification of Intent submitted by Gabriel Watson (2-194-10) for the construction of a recreational dwelling and shed along the Lower Deschutes River Scenic Waterway in Wasco County. Mr. Watson’s notification was approved after staff visited and verified his landscaping plan was implemented.

OCEAN SHORE ALTERATION DECISIONS

January 8, 2012, issued Ocean Shore Alteration Permit (BA-675-11) to Jiannan Zhou to construct a beach access stairway on the ocean shore. The property is located at 13594 S. Coast Highway, Newport, OR, Lincoln County Assessor’s Map #12S-11W-07 CB, tax lot 300.

January 24, 2012, issued Emergency Permit (BA-677-12) to Judy Graham et al to construct a riprap revetment and bluff fill on the ocean shore. The properties are located at 50040, 50050, Vacant Lot (TL 1200) and 50001 S. Beach Road, Neskowin, OR. Tillamook County Assessor’s Map # T5S, R11W, Section 35DA,, Tax Lots 3102, 1400, 1300, 1200, 500 and 100.

OCEAN SHORE ALTERATION DECISIONS

January 30, 2012, issued Emergency Permit (BA-678-12) to Camp Wi-Ne-Ma to excavate the outlet of Daley Lake on the ocean shore. The property is located at 5195 Winema Road, Cloverdale, OR. Tillamook County Assessor’s Map # T5S, R11W, Section 12DC, Tax Lot 6200.

February 5, 2012, issued Ocean Shore Alteration Permit (BA-676-11) to the Reedsport OPT Wave Park to place a submarine cable underneath the ocean shore. The project is located seaward of the terminus of Sparrow Park Road, Reedsport. Douglas County Assessor’s Map # 21S-12W-Section 18, Tax Lots 2 and 3.

Agenda Item: 5b

Topic: All-Terrain Vehicle Program: Grant Requests

Prepared by: Wayne Rawlins

Attachment A: ATV Grant Advisory Committee Grant Recommendations

The All-Terrain Vehicle Sub-Committee (ATV Grant Committee) met March 6 and 7, 2012 in Salem and after reviewing the grant requests and presentations, have recommended the attached list of grants for Commission approval.

The ATV Sub-Committee's focus for March's ATV meeting was focused on Operations and Maintenance, Law Enforcement, Emergency Medical Services, and Planning and Development Grants that have arisen since April of 2011.

Agenda Item: 5c

Topic: ATV Advisory Committee Position Nominations/Appointments

Prepared by: Wayne Rawlins, Grants Division Manager

Attachment: Attachment A – List of Nominations

The 76th Oregon Legislative Assembly 2011 Regular Session passed HB 2329 that in part, modified the makeup of the ATV program's advisory committee. In part, the bill...

- Increased membership from eleven voting members to fourteen. Memberships added were:
 - One shall be a person who represents persons with disabilities.
 - One shall be a representative of a Class IV all-terrain vehicle user organization.
 - One shall be a representative of the State Department of Fish and Wildlife who is knowledgeable about all-terrain vehicle activities and the use of all-terrain vehicles in hunting and fishing.

OPRD solicited names to fill the positions through OPRD's website, public notices, newspaper announcements, direct mailings to off-highway vehicle clubs, and personal contacts. Interviews were held on February 16, 2012 with candidates being interviewed by the Chair of the ATV Grants Sub- committee, the committee's law enforcement member, a grant coordinator from another program, and the ATV Program Coordinator. The interview committee's recommendations are on Attachment A.

The Oregon Department of Forestry's nomination has come about due to the previous employee / agency representative receiving a promotion to another position.

The Fish & Wildlife and Department of Forestry positions will be submitted to the Commission at their June 20, 2012 meeting in Prineville.

Two applications were reviewed and deemed not appropriate for membership and were not interviewed.

Action Requested: Staff requests the Commission approval for all items in Item 5, the Consent Calendar.

OREGON PARKS AND RECREATION DEPARTMENT

Delegated Authority Report for Contract Instruments - December 2011 and January 2012

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments
PERSONAL SERVICE CONTRACTS									
12/20/11	Timothy Gallagher	Statewide	Oregon Statewide Comprehensive Outdoor Recreation Planning (SCORP)		\$13,500			\$13,500	New contract
SERVICE AND SUPPLY CONTRACTS									
12/05/11	SOLV	Statewide	2011-13 Ocean shores and riverside cleanups		\$56,000			\$56,000	New contract
12/08/11	D & D Seeds	Tumalo State Park in Deschutes County	Boss V-plow		\$6,135			\$6,135	New contract
12/16/11	Lighthouse Lamp Shop, Inc.	Cape Meares State Scenic Viewpoint in Tillamook County	Fresnel Lens stabilization		\$47,910			\$47,910	New contract
12/29/11	Northwest Techrep Inc	IT Unit, Salem HQ in Marion County	Annual maintenance for Novell and Groupwise		\$34,641			\$34,641	New contract from price agreement
01/23/12	Industrial Hearing Service, Inc	Statewide	Provide mobile audiometric services		\$8,000			\$8,000	New contract
ARCHITECTURAL AND ENGINEERING CONTRACTS									
12/02/11	Carlson Testing, Inc.	Cove Palisades State Park in Jefferson County	Special inspections & testing for E-Loop utility replacement		\$5,675			\$5,675	New contract
12/13/11	Cascade Earth Sciences, LTD	Valley of the Rogue State Park in Jackson County	Lagoon water balance assessment		\$6,000			\$6,000	New contract
12/15/11	D'Amato Conversano, Inc. d.b.a. DCI Engineers	Thompson's Mill State Heritage Site in Linn County	Head House structural evaluation		\$1,700			\$1,700	New contract

OREGON PARKS AND RECREATION DEPARTMENT

Delegated Authority Report for Contract Instruments - December 2011 and January 2012

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amendment	Amendments To Date	Current Contract Value	Comments
WORK ORDERS UNDER THE AGREEMENTS TO AGREE									
12/22/11	PBS Engineering	Tumalo State Park and LaPine State Park in Deschutes County, Collier State Park in Klamath County, Goose Lake State Park in Lake County and Lake Owyhee State Park in Malheur County	Geotechnical investigation for reservoir tank sites	X	\$14,280	\$2,500	\$2,500	\$16,780	Amendment 001 provides further geotechnical investigation at the Goose Lake site due to soft silt and clay found at the site
01/30/12	PBS Engineering	Tumalo State Park and LaPine State Park in Deschutes County, Collier State Park in Klamath County, Goose Lake State Park in Lake County and Lake Owyhee State Park in Malheur County	Geotechnical investigation at five reservoir tank sites	X	\$14,280	\$17,500	\$19,970	\$34,280	Amendment 002 additional investigation of alternate site at Goose Lake State Park.
01/31/12	PBS Engineering	Tumalo State Park and LaPine State Park in Deschutes County, Collier State Park in Klamath County, Goose Lake State Park in Lake County and Lake Owyhee State Park in Malheur County	Geotechnical investigation at five reservoir tank sites	X	\$14,280	\$0	\$19,970	\$34,280	Amendment 003 extends end date to allow for completion of work
PUBLIC IMPROVEMENT CONTRACTS									
12/06/11	Pioneer Waterproofing	Cape Blanco State Park in Curry County	Lighthouse maintenance painting		\$41,300	\$2,092	\$2,092	\$43,392	Change order 001 modifies scope of work - adds self washing paint on exterior and deletes anit graffiti coating
12/20/11	Americorps Construction	Collier Memorial State Park in Klamath County	Construction of cookhouse & interpretive shelter		\$114,470	\$0	\$0	\$114,470	Change Order 003 extends end date to allow for completion of work
12/20/11	Diamond N Construction	Silver Falls State Park in Marion County	Wastewater pump & drainfield improvements	X	\$357,559	\$10,619	\$10,619	\$368,178	Change Order 001 adds piping, drainfield materials, pressure guage, extra work for drainfield layout
01/31/11	Willamette Valley Pump	Winberry Day-Use, Fall Creek State Recreation Area in Lane County	Well pump and tank replacement	X	\$3,098			\$3,098	New contract

OREGON PARKS AND RECREATION DEPARTMENT

Delegated Authority Report for Contract Instruments - December 2011 and January 2012

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INTERAGENCY AGREEMENTS									
11/29/11	OSU	Ocean Shores in Oregon	Marine reserves program		\$482,500			\$482,500	New agreement
12/09/11	OSU	Statewide	State Park contributions report and visitor surveys		\$17,600			\$17,600	New agreement
01/04/12	Oregon State Police	Ocean shore recreation areas within the coastal section of Coos, Douglas and Curry Counties	Law enforcement		\$48,000			\$48,000	New agreement
01/09/12	Oregon State University	Statewide	Oregon ATV Safe Rider Endorsement Program		\$145,370	\$0	\$0	\$145,370	Amendment 003 extends end date
INTERGOVERNMENTAL AGREEMENTS									
12/02/11	Linn County	Southern Willamette Management Unit in Linn County	Provide "as needed" inmate work crew services		\$26,713			\$26,713	New agreement
12/06/11	Jackson County	Valley of the Rogue State Park in Jackson County	Provide "as needed" inmate work crew services		\$9,701			\$9,701	New agreement
12/06/11	Marion County	Detroit Lake State Recreation Area, Silver Falls State Park and Willamette Mission State Park in Marion County	Provide "as needed" inmate work crew services		\$113,371			\$11,371	New agreement
12/12/11	City of Manzanita	Neahkahnie-Manzanita State Recreation Site in , Nehalem Bay State Park, Oswald West State Park in Tillamook County	Provide law enforcement services		\$16,796	\$33,592	\$50,388	\$67,184	Amendment 002 extends end date and increases funding to allow for continuation of work
12/12/11	Wallowa Soil and Water Conservation District	Wallowa Lake State Park in Wallowa County	Stream bed and stream bank management options and designs for the Wallowa River hydraulics project		\$0			\$0	New agreement
12/14/11	Confederated Tribes of the Umatilla Indian Reservation	Statewide	Provide archaeological services		\$150,000	\$0	\$0	\$150,000	Amendment 001 extends end date to allow for continuation of work

OREGON PARKS AND RECREATION DEPARTMENT

Delegated Authority Report for Contract Instruments - December 2011 and January 2012

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amendment	Amendments To Date	Current Contract Value	Comments
OREGON EXPOSITION CENTER PERMITS									
					Revenue				
12/06/11	Marion County 4-H Leaders	Horse Show Stadium, Warm-up Arenas, Stalls	Marion County 4-H Leaders Horse Show (4/7/12)		\$1,300			\$1,300	New permit
12/09/11	Membership Dance	Hart of the Garden Bldg	Membership Dance (12/31/11)		\$600			\$600	New permit
12/09/11	Torgerson Party	Hart of the Garden Bldg	Wedding Reception (10/20/12)		\$900			\$900	New permit
12/09/11	Johovah's Witnesses-Oak Park Congregation	Cascade Hall	Jehovah's Witness Annual Observ. of the Memorial (4/5/12)		\$500			\$500	New permit
12/09/11	Johovah's Witnesses-Battle Creek Road Congregation	Hart of the Garden Bldg	Jehovah's Witness Annual Observ. of the Memorial (4/5/12)		\$350			\$350	New permit
12/13/11	Ingalls & Associates Inc	AmeriCraft Center	2012 Oregon Wine, Food & Brew Festival (1/13-14/12)		\$13,000			\$13,000	New permit
12/13/11	503 Entertainment	Hart of the Garden Bldg	Teen Dance (12/17/11)		\$600			\$600	New permit
12/14/11	Willamette Art Center	FFA Pavilion (office area)	Willamette Art Center (1-12/12)		\$10,800			\$10,800	New permit
12/14/11	War Paint International	Pink Lot	Paintball activities (1-12/12)		Unknown			Unknown	New permit
12/27/11	K-9 Sports LLC	East of Stadium Warm-up Arena	K-9 Sports Agility Trial (8/3-5/12)		\$2,400			\$2,400	New permit
01/06/12	Oregon Farm Bureau	Cascade Hall	OFB Committee Day (1/24/12)		\$500			\$500	New permit
01/06/12	Gander-Schmidt Party	Hart of the Garden Bldg	Gander-Schmidt Wedding Reception (5/27/12)		\$900			\$900	New permit
01/06/12	Confederated Tribes of the Grand Ronde	Pavilion	2012 Gathering of First Nations Tribal Pow Wow (1/28/12)		\$0			\$0	New permit
01/06/12	Oregon Region Pony Club	Horse Show Stadium, Warm-up arenas, Stalls	Dressage Rally (5/12-13/12)		\$3,700			\$3,700	New permit
01/25/12	OHSET Willamette District	Horse Show Stadium, Stalls	High School Equestrian Meet - Willamette District (2/24-26/12)		\$12,000			\$12,000	New permit
01/25/12	OHSET Willamette District	Horse Show Stadium, Stalls	High School Equestrian Meet - Willamette District 3/23-25/12)		\$12,000			\$12,000	New permit

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01/25/12	OHSET Willamette District	Horse Show Stadium, Stalls	High School Equestrian Meet - Willamette District (4/20-22/12)		\$13,000			\$13,000	New permit
01/25/12	ODS Companies	Cascade Hall	PERS Health Fair (10/17/12)		\$800			\$800	New permit

OREGON EXPOSITION CENTER PERMITS, continued

					Revenue				
01/25/12	Oregon Elite All-Star Cheerleading	Pavilion	2012 Oregon Elite Pre-State Classic (2/4/12)		\$3,400			\$3,400	New permit
01/25/12	Wilco	Cascade Hall	2012 Wilco Coop Annual Meeting (2/1/12)		\$4,000			\$4,000	New permit
01/25/12	Sierra Party	Columbia Hall	Arima Quinceanera (9/8/12)		\$1,255			\$1,255	New permit
01/25/12	Half Arabian Horse Club of Oregon	Horse Show Stadium, Warm-up arenas, Stalls	2012 Half Arabian Horse Show (5/17-20/12)		\$22,000			\$22,000	New permit
01/25/12	Garibay Party	Columbia Hall	Alma Quinceanera (5/26/12)		\$2,220			\$2,220	New permit
01/25/12	Jose' Wedding Party	Columbia Hall	Jose' Wedding Reception (7/21/12)		\$1,400			\$1,400	New permit
01/25/12	Petersen Auction Group	Americraft Center (Jackman-Long Bldg)	38th Annual Petersen Classic Car Auction (2/4/12)		\$5,700			\$5,700	New permit
01/25/12	Pacific NW Shetland Sheepdog Club	East of Stadium Warm-up Arena	Pacific NW Shetland Sheepdog Club Show (9/14-16/12)		\$2,400			\$2,400	New permit
			Revenue Generated		0				
			Total Permits		\$115,725				
			Total Sponsorships		\$0				
			Total Revenue		\$115,725				

Oregon Parks and Recreation Department All-Terrain Vehicle (ATV) Grant Recommendations April 4, 2012 Amount Available: \$452,676					
	Project Sponsor	Project Name	Project Description	Total Project Costs	Total Grant Request
1	Union County	Mt. Emily Recreation Area (MERA) operations and maintenance (O&M)	Provide continued maintenance the ensure integrity and safety of the existing motorized trails, trail heads, campground, and parking areas within the MERA. Install and maintain regulatory signs, brushing, weed control, grading, staring area, trail grooming, and purchase of equipment association with the O&M.	\$152,709	\$102,160
2	Union County	Mt. Emily Recreation Area (MERA) operations and maintenance (O&M)	Purchase of excavator and trailer using RTP funds as match.	\$56,000	\$33,600
3	Union County	Mt. Emily Recreation Area (MERA) Cultural Resources Survey	Survey all cultural resouces high probability areas (approximately 1,200 acres) indentified by the State Historic Preservation Office (SHPO) on the MERA property.	\$40,000	\$32,000
4	Bureau of Land Management (BLM) Burns District	Radar Hill Operations & Maintenance	Patrol Radar Hill area to prevent dumping and vandalism. Provide information, public safety information. Provide general maintenance, directional signage, route repair. Maintain new CXT toilet.	\$23,659	\$16,221
5	Umatilla County Sheriff's Office	Law Enforcement Patrols	Provide continued law enforcement in conjunction with the US Forest Service, State, and joining county educations to provide for safety, education and training on the ATV trails in the Umatilla County.	\$42,270	\$29,290
6	Klamath County Sheriff's Office	Klamath County OHV Trail Law Enforcement Patrols	Provide law enforcement, public education, and respond to accidents on USFS, BLM, and county OHV riding areas in Klamath County.	\$44,802	\$35,000
7	Morrow County Health District	Morrow County OHV Emergency Medical Services (EMS) Grant	Replace aging rescue response All-Terrain Vehicles (ATV) that are requiring increased maintenance. Upgrade emergency equipment such as lights and sirens.	\$26,021	\$18,180
8	United States Forest Service (USFS) Mt. Hood National Forest	LaDee OHV (Off Highway Vehicle) Ranger and Portable Toilet Operations and Maintenance	Install and service two portable toilets at the newly designated LaDee Flats OHV Area staging area once it is constructed. Also funds a part-time OHV Ranger / Level II Forest Protection Officer (FPO) to patrol the LaDee OHV Area .	\$40,285	\$20,005
9	Hood River County Forestry Department (HRCFD)	Hood River County Operations and Maintenance	Purchase compact excavator and trailer and materials (e.g. signage, trail tread armoring) to support continued operation and maintenance of existing trail systems managed by HRCFD by maintain four staging areas and 440 miles of OHV routes.	\$81,008	\$63,600
10	Crook County Sheriff's Office	Crook County OHV Trail Law Enforcement Patrols	Enforce rules, regulations and laws at the existing Millican Valley OHV Trail System, on the Green Mountain Trail in the Ochoco National Forest and in all areas across the BLM and forest service lands open to OHV use.	\$98,960	\$72,620
11	Bureau of Land Management (BLM) Coos Bay	Law Enforcement Grant for Patrols	Funds two law enforcement rangers to patrol in the North Spit Shorelands, Blue Ridge OHV Trails, and district-wide routes open to OHV use. Rangers enforce OHV regulations, respond to accidents, medical aid calls, public assistance calls, and search and rescue	\$40,141	\$30,000
			Total Recommended for Funding	\$645,854	\$452,676

	Project Sponsor	Project Name	Project Description	Total Project Costs	Total Grant Request
<i>Projects not recommended due to lack of available funds:</i>					
12	Mt Hood National Forest	LaDee OHV Trail Development Phase 1	Construct 4.3 miles of Class I trails, 1 miles class II trails, staging area with Class II rock crawl, signs and maps. Also inventory trails.	\$136,729.00	\$75,975.00
13	OMRA	OHV Bridge Dev and Restoration	Construct 2 OHV trail bridges and improve trails in the Tillamook State Forest	\$50,317.00	\$40,000.00
14	Douglas County Parks Division	Half Moon Bay OHV Improvements and Development	Install solar lighting in four rest rooms and install an oil recycling station at Half Moon Bay Campground. Develop a storm drainage plan for Half Moon Bay Campground and the OHV access corridor.	\$22,999	\$17,341
15	United States Forest Service (USFS) Willamette National Forest Detroit Ranger District	McCoy Motorized Area Improvements and Development	Porta-toilet rental until permanent purchase and installation of toilet at staging area; purchase and installation of parking diagram sign for staging area and picnic shelter, road striping and brushing, and work to address road damage.	\$76,725	\$56,640
16	United States Forest Service (USFS) Umpqua National Forest Cottage Grove Ranger District	Noonday Wagon Rd Trail and Utopian Road Trail Development	Provide major and critical repairs and upgrades to existing Noonday Wagon Road Trail & Utopian Road Trail, including water bars to correct drainage issues, rootwad extraction and earthwork to repair/replace road bed.	\$26,500	\$18,500
17	Oregon Motorcycle Riders Association (OMRA)	Hood River Valley Loop Development Project	Purchase of materials, services, labor and equipment to install and reroute over four miles of trails for enhancement and improvement of the eastside OHV trails in the Hood River County OHV trail system.	\$58,441	\$46,500
18	United States Forest Service (USFS) Mt. Hood National Forest Barlow Ranger District	Rock Creek OHV Trail Development	Construct and re-construct 35 miles of routes needed to complete the 55 miles of approved trail system. Development brochures and maps to post at the new designated trailheads and for distribution at Forest Service offices.	\$105,316	\$82,791
19	United States Forest Service (USFS) Wallowa-Whitman National Forest	2012 Travel Plan OHV Development	Designate and develop approximately 280 miles of new OHV trails on current closed roads across the forest. The project will consist of signing, logout, brushing, and drainage structure installation.	\$367,510	\$282,100
20	United States Forest Service (USFS) Wallowa-Whitman National Forest	Sled Springs OHV Trail Development	Designate approximately 50 miles of new OHV trails by validating trail locations and layout, drainage structures, and signing the trails and construct two staging areas.	\$69,647	\$54,500
21	Morrow County Parks Department	Morrow/Grant County OHV Park Development	Install off-grid solar vault restrooms.	\$85,000	\$62,000
Total not recommended for Funding				\$999,183	\$736,347

All-Terrain Vehicle Advisory Committee Nominations
April 4, 2012

	Position Shall Represent:	Nomination
1	ADA Representative	Vicki Ramming - Ms. Ramming has recently retired from the U.S. Forest Service, Deschutes National Forest. She worked for 21 years in their recreation program with 6 years as the manager of the Combined Off Highway Vehicle Operations (COHVOPS) and is an experienced ATV rider. Her knowledge and experience as manager of a nationally recognized OHV recreation area will be a valuable asset to the ATV Advisory Committee. Ms. Ramming was directly responsible for ensuring the riding areas and associated facilities were ADA compliant with the most current regulations.
2	Class IV all-terrain vehicle user organization	Forest Bohall - Mr. Bohall resides in southern Oregon and has been a member of the Motorcycle Riders Association for 34 years. He works on volunteer projects for the Bureau of Land Management and the U.S. Forest Service in trail maintenance and advisory committees. He is a Class IV vehicle users as well as class I & III. His experience and knowledge will be a valuable asset to the ATV Advisory Committee.
3	Oregon Department of Forestry	Frank Lertora - Frank Lertora started his career, with Oregon Department of Forestry in 1990 as a Forester Trainee (Intern) on the Astoria District. After graduating from Humboldt State University with a degree in Forest Management; he promoted to a Forest Management Technician in the Sunset Unit, early in 1992. In 1995 Frank promoted to a Forest Engineering Specialist in the Engineering Unit. In 1997 he was selected to work three months as a Forest Practices Forester in a career developmental opportunity. Later in 2005, he promoted to his current position as the Astoria District Engineering Unit Forester. In May 2010, management of motorized recreation on the Clatsop State Forest was shifted into the Engineering Unit. On June 25, 2010, the Nicolai Mtn. OHV Riding Area opened. <i>(The previous ODF representative promoted to a different position within the agency.)</i>
4	Oregon Department of Fish & Wildlife	Nominee will be provided at the Commission's June meeting.

House Bill 2329

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Transportation for All-Terrain Vehicle Advisory Committee)

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**.

Alters definitions of Class I, II and III all-terrain vehicles.

Creates definition of Class IV all-terrain vehicle.

Exempts Class IV all-terrain vehicles from laws relating to vehicle registration, titling and accident reporting.

Adds Class IV all-terrain vehicle to various offenses relating to all-terrain vehicles.

Creates offense of operation of Class IV all-terrain vehicle without driving privileges. Punishes by maximum fine of \$180.

Adds two members to All-Terrain Vehicle Advisory Committee.

A BILL FOR AN ACT

Relating to all-terrain vehicles; creating new provisions; and amending ORS 390.550, 390.560, 390.565, 390.580, 646.913, 801.190, 801.193, 801.194, 802.125, 803.030, 803.305, 806.020, 807.020, 811.210, 811.745, 815.110, 815.300, 821.055, 821.165, 821.174, 821.190, 821.191, 821.202, 821.203, 821.280, 821.291, 821.292 and 821.295.

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

SECTION 1. ORS 801.190 is amended to read:

801.190. "Class I all-terrain vehicle" means a motorized, off-highway recreational vehicle **that:**

(1) **Is** 50 inches or less in width [*with*];

(2) **Has** a dry weight of [800] **900** pounds or less;

(3) [*that*] Travels on three or more low pressure tires[.];

(4) **Uses handlebars for steering;**

(5) Has a [*saddle or*] seat **designed to be straddled** for the operator; and

(6) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain.

SECTION 2. ORS 801.193 is amended to read:

801.193. "Class II all-terrain vehicle" means any motor vehicle that:

(1) Weighs more than **or is wider than** a Class I all-terrain vehicle;

(2) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain; [*and*]

(3) Is actually being operated off a highway or is being operated on a highway for agricultural purposes under ORS 821.191;

(4) **Has a dry weight that is more than 1,500 pounds; and**

(5) **Is wider than 65 inches at its widest point.**

SECTION 3. ORS 801.194 is amended to read:

801.194. "Class III all-terrain vehicle" means [*an off-highway*] **a motorcycle** [*with a dry weight of 600 pounds or less*] that travels on two tires **and that is actually being operated off highway.**

SECTION 4. Sections 5 and 6 of this 2011 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 5. "Class IV all-terrain vehicle" means any motorized vehicle that:

(1) Travels on four or more low pressure tires that are designed for or capable of crosscountry travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain;

- (2) Has nonstraddle seating;
- (3) Has a steering wheel for steering control;
- (4) Has a dry weight of 1,500 pounds or less; and
- (5) Is 65 inches wide or less at its widest point.

SECTION 6. (1) A person commits the offense of operation of a Class IV all-terrain vehicle without driving privileges if the person operates a Class IV all-terrain vehicle on public lands and the person does not hold a valid driver license issued under ORS 807.040.

(2) This section does not apply to a person under the age of 16 if:

(a) The child's age complies with the manufacturer's minimum age recommendation as evidenced by the unaltered manufacturer's warning label affixed to the vehicle;

(b) The child is accompanied by a person who is at least 18 years of age, who holds a valid driver license issued under ORS 807.040 and who is able to provide immediate assistance and direction to the child; or

(c) The child holds a Class I all-terrain vehicle operator permit issued under ORS 390.570.

(3) This section does not apply if:

(a) The vehicle is 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; or

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

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

SECTION 7. ORS 390.550 is amended to read:

390.550. As used in this chapter:

- (1) "Class I all-terrain vehicle" has the meaning given that term in ORS 801.190.
- (2) "Class II all-terrain vehicle" has the meaning given that term in ORS 801.193.
- (3) "Class III all-terrain vehicle" has the meaning given that term in ORS 801.194.
- (4) **"Class IV all-terrain vehicle" has the meaning given that term in section 5 of this 2011 Act.**

SECTION 8. ORS 390.560 is amended to read:

390.560. Moneys in the All-Terrain Vehicle Account established under ORS 390.555 shall be used for the following purposes only:

(1) In each 12-month period, not less than 10 percent of the moneys described in ORS 390.555 that are attributable to Class I all-terrain vehicles shall be transferred to the Department of Transportation for the development and maintenance of snowmobile facilities as provided in ORS 802.110;

(2) Planning, promoting and implementing a statewide all-terrain vehicle program, including the acquisition, development and maintenance of all-terrain vehicle recreation areas;

(3) Education and safety training for all-terrain vehicle operators;

(4) Provision of first aid and police services related to all-terrain vehicle recreation;

(5) Paying the costs of instigating, developing or promoting new programs for all-terrain vehicle users and of advising people of possible usage areas for all-terrain vehicles;

(6) Paying the costs of coordinating between all-terrain vehicle user groups and the managers of public lands;

(7) Paying the costs of providing consultation and guidance to all-terrain vehicle user programs;

(8) Paying the costs of administration of the all-terrain vehicle programs, including staff support provided under ORS 390.565 as requested by the All-Terrain Vehicle Advisory Committee;

(9) Paying the costs of law enforcement activities related to the operation of Class I, [and] Class III and Class IV all-terrain vehicles. The State Parks and Recreation Department shall determine the amount required for law enforcement activities and the intervals at which the moneys shall be distributed. The funds available shall be apportioned according to the terms of an intergovernmental

agreement entered into between the State Parks and Recreation Department and a city, the Department of State Police or the sheriff of a county; and

(10) Control and eradication of invasive species related to all-terrain vehicle recreation.

SECTION 9. ORS 390.565 is amended to read:

390.565. (1) The All-Terrain Vehicle Advisory Committee is established. The committee shall consist of [*eleven*] **thirteen** voting members and one nonvoting member appointed by the State Parks and Recreation Commission for a term of four years. Members are eligible for reappointment [*for a second term*] and vacancies may be filled by the commission. A majority of members constitutes a quorum for the transaction of business. [*Recommendations under subsection (4)(a) of this section on allocation of moneys in the All-Terrain Vehicle Account must receive an affirmative vote from at least six of the voting members of the committee.*]

(2) Of the voting members of the committee:

(a) One shall be a representative of a Class I all-terrain vehicle user organization.

(b) One shall be a representative of a Class II all-terrain vehicle user organization.

(c) One shall be a representative of a Class III all-terrain vehicle user organization.

(d) One shall be a representative of a Class IV all-terrain vehicle user organization.

[(c)] (e) One shall be an all-terrain vehicle dealer.

[(d)] (f) One shall be an at-large all-terrain vehicle user.

[(e)] *One shall be a representative of a Class III all-terrain vehicle user organization.*

[(f)] **(g) One shall be a representative of the United States Forest Service who is knowledgeable about all-terrain vehicle recreation areas on federal lands.**

[(g)] **(h) One shall be a representative of the Bureau of Land Management who is knowledgeable about all-terrain vehicle recreation areas on federal lands.**

[(h)] **(i) One shall be a representative of the Department of Transportation who is knowledgeable about transportation safety.**

[(i)] **(j) One shall be a representative of the State Forestry Department who is knowledgeable about all-terrain vehicle recreation areas on state lands.**

[(j)] **(k) One shall be a representative of the Department of Human Services who is knowledgeable about public health and safety.**

[(k)] **(L) One shall be a representative of a law enforcement agency.**

(m) One shall be a representative of the State Department of Fish and Wildlife who is knowledgeable about all-terrain vehicle activities and the use of all-terrain vehicles in hunting and fishing.

(3) One representative from the State Parks and Recreation Department shall be a nonvoting member of the committee.

(4) The committee shall:

[(a)] *Advise the State Parks and Recreation Department on the allocation of moneys in the All-Terrain Vehicle Account established by ORS 390.555.*

[(b)] **(a) Review accidents and fatalities resulting from all-terrain vehicle recreation and make recommendations to the State Parks and Recreation Commission.**

[(c)] **(b) Review changes to statutory vehicle classifications as necessary for safety considerations and make recommendations to the commission.**

[(d)] **(c) Review safety features of all classes of off-highway vehicles and make recommendations to the commission.**

[(e)] **(d) Recommend appropriate safety requirements to protect child operators and riders of off-highway vehicles to the commission.**

(5)(a) A subcommittee **of the All-Terrain Vehicle Advisory Committee, titled the All-Terrain Vehicle Grant Subcommittee**, shall be established consisting of the following [*voting*] members:

(A) The representative of a Class I all-terrain vehicle user organization.

(B) The representative of a Class II all-terrain vehicle user organization.

(C) The representative of a Class III all-terrain vehicle user organization.

(D) The representative of a Class IV all-terrain vehicle user organization.

[(D)] **(E) The at-large all-terrain vehicle user.**

[(E)] (F) The representative of a law enforcement agency.

(b) The [subcommittee] **All-Terrain Vehicle Grant Subcommittee** shall:

(A) Advise the State Parks and Recreation Department on the allocation of moneys in the All-Terrain Vehicle Account established by ORS 390.555; and

(B) Review grant proposals and make recommendations to the commission as to which projects should receive grant funding.

(c) Recommendations under this subsection on grant proposals must receive an affirmative vote from at least ~~three~~-four of the members of the subcommittee.

(6) The State Parks and Recreation Department shall provide staff support for the committee and shall provide for expansion of programs for all-terrain vehicle users.

SECTION 10. ORS 390.580 is amended to read:

390.580. (1)(a) An all-terrain vehicle off-road operating permit issued under this section is a decal that authorizes use of the all-terrain vehicle for which it is issued on trails and in areas designated for such use by the appropriate authority.

(b) An all-terrain vehicle decal issued under this section must be permanently affixed to the vehicle and displayed in a clearly visible manner. The State Parks and Recreation Department shall prescribe by rule the manner in which the decal shall be displayed.

(2) The department shall issue an all-terrain vehicle off-road operating permit to any person who completes the application described in subsection (4) of this section and pays the fee specified in subsection (5) of this section.

(3) The department shall specify by rule the form of the permit and the information to be contained on the permit.

(4) Application for an all-terrain vehicle off-road operating permit for a Class I, Class II, [or] Class III or **Class IV** all-terrain vehicle shall be in a form furnished by the department. The application shall include:

(a) The name and address of the owner of the all-terrain vehicle; and

(b) The make and body style of the all-terrain vehicle for which application is made.

(5) The department shall establish by rule a fee for a permit issued or renewed under this section. The fee shall be designed to cover the costs to the department for issuing or renewing permits under this section but shall not exceed \$10.

(6) Permits issued under this section are valid for two years. A permit may be renewed upon submission of an application that contains the information specified in subsection (4) of this section and payment of the renewal fee specified in subsection (5) of this section.

(7) The department may appoint agents to issue permits for all-terrain vehicles. The department shall prescribe the procedure for the issuance of the permits. Agents appointed under this subsection shall issue permits in accordance with the prescribed procedure and shall charge and collect the fees prescribed in this section for the permits.

SECTION 11. ORS 646.913 is amended to read:

646.913. (1) Except as provided in subsection (5) of this section, a retail dealer, nonretail dealer or wholesale dealer may not sell or offer for sale gasoline unless the gasoline contains 10 percent ethanol by volume.

(2) Gasoline containing ethanol that is sold or offered for sale meets the requirements of this section if the gasoline, exclusive of denaturants and permitted contaminants, contains not less than 9.2 percent by volume of agriculturally derived, denatured ethanol that complies with the standards for ethanol adopted by the State Department of Agriculture.

(3) The department shall adopt standards for ethanol blended with gasoline sold in this state. The standards adopted shall require that the gasoline blended with ethanol:

(a) Contains ethanol that is derived from agricultural or woody waste or residue;

(b) Contains ethanol denatured as specified in 27 C.F.R. parts 20 and 21;

(c) Complies with the volatility requirements specified in 40 C.F.R. part 80;

(d) Complies with or is produced from a gasoline base stock that complies with ASTM International specification D 4814;

(e) Is not blended with casinghead gasoline, absorption gasoline, drip gasoline or natural gasoline after the gasoline has been sold, transferred or otherwise removed from a refinery or terminal; and

(f) Contains ethanol that complies with ASTM International specification D 4806.

(4) The department may review specifications adopted by ASTM International, or equivalent organizations, and federal regulations and revise the standards adopted pursuant to this section as necessary.

(5) A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale gasoline that is not blended with ethanol if the gasoline has an octane rating, as defined in ORS 646.945, of 91 or above or if the gasoline is for use in:

(a) An aircraft:

(A) With a supplemental type certificate approved by the Federal Aviation Administration that allows the aircraft to use gasoline that is intended for use in motor vehicles; or

(B) Issued a type certificate by an aircraft engine manufacturer that allows the aircraft to use gasoline that is intended for use in motor vehicles;

(b) An aircraft that has been issued an experimental certificate, described in 14 C.F.R. 21.191, by the Federal Aviation Administration and that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(c) A light-sport aircraft, as defined in 14 C.F.R. 1.1, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(d) A vintage aircraft, as defined by the Oregon Department of Aviation by rule, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(e) An antique vehicle, as defined in ORS 801.125;

(f) A Class I all-terrain vehicle, as defined in ORS 801.190;

(g) A Class III all-terrain vehicle, as defined in ORS 801.194;

(h) A Class IV all-terrain vehicle, as defined in section 5 of this 2011 Act;

[(h)] (i) A racing activity vehicle, as defined in ORS 801.404;

[(i)] (j) A snowmobile, as defined in ORS 801.490;

[(j)] (k) Tools, including but not limited to lawn mowers, leaf blowers and chain saws; or

[(k)] (L) A watercraft.

SECTION 12. ORS 802.125 is amended to read:

802.125. The Department of Transportation shall transfer to the State Parks and Recreation Department that portion of the amount paid to the Department of Transportation as motor vehicle fuel tax under ORS 319.020 and 319.530 that is determined by the department to be tax on fuel used by Class I, Class II, [and] Class III **and Class IV** all-terrain vehicles in off-highway operation and that is not refunded. The Department of Transportation shall determine the amount of moneys to be transferred under this section at quarterly intervals.

SECTION 13. ORS 803.030 is amended to read:

803.030. This section establishes exemptions from the requirements under ORS 803.025 to obtain title issued by this state. The exemptions are subject to ORS 803.040. The exemptions are in addition to any exemptions under ORS 801.026. Vehicles exempted by this section from the requirements to be titled by this state are not prohibited from being titled by this state if titling is permitted under ORS 803.035. The exemptions are partial or complete as provided in the following:

(1) Title from this state is not required for a vehicle unless the vehicle is operated on a highway in this state.

(2) Title from this state is not required unless a vehicle is operated under a registration number of this state.

(3) Snowmobiles[,] **and** Class I, [*all-terrain vehicles and*] Class III **and Class IV** all-terrain vehicles are not subject to the requirements under ORS 803.025. The requirements and procedures for titling snowmobiles are as provided under ORS 821.060 and 821.070.

(4) Road rollers, farm tractors and traction engines are exempt from the requirements for title.

(5) Trolleys are exempt from the requirements for title.

(6) Bicycles are exempt from the requirements for title.

(7) United States Government owned and operated motor vehicles and trailers are exempt from the requirements for title.

(8) Implements of husbandry, well drilling machinery, emergency fire apparatus providing public fire protection and wheelchairs are exempt from the requirements for title.

(9) Except as provided in subsection (23) of this section, fixed load vehicles are exempt from the requirements for title while operated within the immediate construction project, as described in the governmental agency contract, in the construction or reconstruction of state or county roads, highways or city streets.

(10) Motor vehicles designed to operate at a loaded weight over 8,000 pounds, trailers and equipment are exempt from requirements for title while:

(a) Owned, leased, contracted or requisitioned by the State Forester, State Board of Forestry, their contractors under ORS chapter 477, or the federal government; and

(b) Being used for the purposes of forest protection and fire suppression under ORS chapter 477 or a similar federal statute, including movement of the vehicles to and from the work area.

(11) Farm trailers are exempt from requirements for title when the operation or movement of the vehicle upon the highways is incidental to its use in an agricultural operation.

(12) Golf carts operated under an ordinance adopted under ORS 810.070 are exempt from requirements for title.

(13) Golf carts or similar vehicles are exempt from requirements for title when:

(a) They have not less than three wheels in contact with the ground;

(b) They have an unloaded weight of less than 1,300 pounds;

(c) They are designed to be and are operated at not more than 15 miles per hour; and

(d) They are operated by persons with disabilities.

(14) The nonresident owners of vehicles currently registered and titled in any other country, state or territory may operate such vehicles over the highways of this state without complying with the titling requirements under ORS 803.025. All of the following apply to this subsection:

(a) This subsection only provides an exemption so long as the owner satisfactorily shows that the owner is not a resident of this state or has been a resident of this state for less than 30 days. For the purpose of this paragraph, a person is a resident of this state if the person meets the residency requirements described in ORS 803.200.

(b) The exemption under this subsection applies to vehicles granted exemptions under ORS 802.500, 802.520 or 826.005, unless otherwise provided under paragraph (c) of this subsection.

(c) Except as otherwise provided in this paragraph, a vehicle operated over the highways of this state for compensation or profit must comply with the titling requirements under ORS 803.025 in the same manner as required of nontitled vehicles. The following vehicles are not subject to this paragraph:

(A) Vehicles operated under reciprocal registration exemptions established under ORS 802.500 or 826.005.

(B) Vehicles operated under an exemption established under ORS 802.520.

(C) Vehicles that are proportionally registered under an agreement established under ORS 826.007, and according to the procedures established under ORS 826.009 or 826.011.

(D) Any vehicle if duly registered and titled under the laws of the state or country of which the owner is a bona fide resident to the extent that in the foreign country, state, territory or federal district where the owner resides like exemptions and privileges are granted vehicles duly registered and titled under the laws of this state and owned by residents of this state.

(d) If no exemptions from titling requirements are in effect under ORS 802.500, 802.520, 826.005 or 826.007 with respect to another jurisdiction, any vehicle properly registered and titled in such other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in this state, the same exemptions, benefits and privileges granted by such other jurisdictions to vehicles properly registered and titled in this state. Reciprocity extended under this paragraph shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

(e) Any vehicle operated under dealer registration plates issued by another state, country, province, territory or the District of Columbia is subject to this subsection.

(15) Vehicle dealers issued certificates under ORS 822.020 may use and operate untitled vehicles as provided under ORS 822.040.

(16) Towing businesses issued certificates under ORS 822.205 may tow untitled vehicles as provided under ORS 822.210.

(17) Vehicle transporters issued certificates under ORS 822.310 may transport untitled vehicles as provided in ORS 822.310.

(18) Untitled vehicles may be operated under trip permits described under ORS 803.600 or under permits described under ORS 803.610 to 803.625.

(19) Vehicles that are registered by the United States Department of State and that are owned or operated by foreign nationals with diplomatic immunity are exempt from the requirements for title.

(20)(a) Vehicles that are registered under the proportional registration provisions of ORS chapter 826 and are titled in a jurisdiction other than Oregon are exempt from the requirements for title.

(b) A trailer that is registered under the proportional registration provisions of ORS chapter 826 and titled in a jurisdiction other than Oregon shall remain exempt from the requirements for title in Oregon if the trailer is registered when the other jurisdiction removes its exception to proportional registration requirements for the trailer.

(21) Converter dollies and tow dollies are exempt from the requirements for title.

(22) Electric personal assistive mobility devices are exempt from the requirements for title.

(23) Road machinery that is operated at the direction of a road authority is exempt from the requirements for title. The exemption under this subsection also applies when the operation of road machinery upon a highway or an alley is incidental to its use in a highway maintenance operation.

SECTION 14. ORS 803.305 is amended to read:

803.305. This section establishes exemptions from the requirements under ORS 803.300. The exemptions under this section are in addition to any exemptions under ORS 801.026. Vehicles exempted by this section from the requirements to be registered by this state are not prohibited from being registered by this state if registration is permitted under ORS 803.310. The following are exempt, either partially or completely as described, from the registration requirements under ORS 803.300:

(1) Road rollers, farm tractors, trolleys and traction engines are exempt from registration.

(2) Bicycles are exempt from registration.

(3) A vehicle is exempt from registration if it has registration issued for the vehicle by the Armed Forces of the United States where the registration is issued in a foreign country to a vehicle owned by a member of the Armed Forces. The exemption granted by this subsection applies only for a period of 45 days from the time the vehicle is returned to the United States.

(4) A vehicle is exempt from registration if it is not operated on the highways of this state.

(5) A trailer is exempt from registration if it is equipped with pneumatic tires made of elastic material and is not operated in this state with a loaded weight of more than 1,800 pounds. A trailer for hire, travel trailer or camper is not exempt by this subsection.

(6) Vehicles owned and operated by the United States Government are exempt from registration.

(7) Snowmobiles are subject to the requirements for registration provided under ORS 821.080 to 821.110.

(8) Implements of husbandry, well drilling machinery, emergency fire apparatus providing public fire protection and wheelchairs are exempt from registration.

(9) Road graders, farm tractors and farm trailers on highways are exempt from registration when the operation of the vehicle upon the highway is incidental to its use in an agricultural operation.

(10) Except as provided in subsection (26) of this section, fixed load vehicles are exempt from registration while the vehicles are operated:

(a) In the construction or reconstruction of state or county roads, highways or city streets; and

(b) Within the immediate construction projects, as described in the governmental agency contract under which the work is being performed.

(11) Motor vehicles designed to operate at a loaded weight over 8,000 pounds, trailers and equipment are exempt from registration while being used for the purposes of forest protection and fire suppression under ORS chapter 477 or a similar federal statute. The exemption under this subsection

applies to the vehicles or equipment described while being moved to or from the work area. The exemption under this subsection only applies to vehicles or equipment owned, leased, contracted for or requisitioned by the State Forester or State Board of Forestry, a contractor of the State Forester or State Board of Forestry under ORS chapter 477 or the United States Government.

(12) Vehicles being used for the purposes of forest protection and fire suppression are exempt if the vehicles are necessary in order to comply with ORS 477.615 or 477.650 or a similar federal statute. The exemption under this subsection also applies to the vehicles described being moved to or from the work area.

(13) Golf cart exemptions from registration are as provided in ORS 820.210.

(14) Vehicles currently registered and titled in any other country, state or territory are not required to be registered by this state. All of the following apply to this subsection:

(a) This subsection only provides an exemption as long as the owner of the vehicle satisfactorily shows that the owner is not a resident of this state or has been a resident of this state for less than 30 days. For the purpose of this paragraph, a person is a resident of this state if the person meets the residency requirements described in ORS 803.200.

(b) The exemption under this subsection applies to vehicles granted exemptions under ORS 802.500, 802.520 or 826.005 unless otherwise provided for under paragraph (c) of this subsection.

(c) Except as otherwise provided in this paragraph, a vehicle operated over the highways of this state for compensation or profit must comply with the registration requirements under ORS 803.300 in the same manner as vehicles owned by persons in this state. The following vehicles are not subject to this paragraph:

(A) Vehicles operated under reciprocal registration exemptions established under ORS 802.500 or 826.005.

(B) Vehicles operated under an exemption established under ORS 802.520.

(C) Vehicles that are proportionally registered under an agreement established under ORS 826.007 and according to the procedures established under ORS 826.009 and 826.011.

(D) Any vehicle if duly registered and titled under the laws of the state or country of which the owner is a bona fide resident to the extent that in the foreign country, state, territory or federal district where the owner resides like exemptions and privileges are granted vehicles duly registered and titled under the laws of this state and owned by residents of this state.

(d) If no exemption from registration requirements is in effect under ORS 802.500, 802.520, 826.005 or 826.007 with respect to another jurisdiction, any vehicle properly registered and titled in such other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in this state, the same exemptions, benefits and privileges granted by such other jurisdictions to vehicles properly registered and titled in this state. Reciprocity extended under this paragraph shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

(e) Any vehicle operated under dealer registration plates issued by another state, country, province, territory or the District of Columbia is subject to this subsection.

(15) Vehicles operated or used by vehicle dealers may be operated or used without registration as provided under ORS 822.040.

(16) Vehicles towed by towing businesses may be towed without registration as provided under ORS 822.210.

(17) Vehicles without registration may be transported by vehicle transporters as provided under ORS 822.310.

(18) Vehicles that are not registered may be operated under trip permits described under ORS 803.600 or under permits described under ORS 803.610 to 803.625.

(19) If trailers that are part of a fleet of trailers for hire are properly registered in this state under an agreement entered into pursuant to ORS 802.500, all trailers that are identified as being a part of the same fleet and that are currently registered in any state, territory, province, country or the District of Columbia shall be permitted to operate in this state in both interstate and intrastate commerce without being registered by this state.

(20) Vehicles that are registered by the United States Department of State and that are owned or operated by foreign nationals with diplomatic immunity are exempt from registration.

- (21) Tow dollies and converter dollies are exempt from registration.
- (22) Class I, [and] Class III **and** Class IV all-terrain vehicles are exempt from registration.
- (23) Motor assisted scooters are exempt from registration.
- (24) Electric personal assistive mobility devices are exempt from registration.
- (25) A racing activity vehicle that is being operated for the purposes of a test drive within a 30-mile radius of the location where the vehicle is manufactured is exempt from registration.
- (26) Road machinery that is operated at the direction of a road authority is exempt from registration. The exemption under this subsection also applies when the operation of road machinery upon a highway or an alley is incidental to its use in a highway maintenance operation.

SECTION 15. 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 motor vehicle issued permanent registration under ORS 805.010.
- (2) A farm trailer.
- (3) A farm tractor.
- (4) An implement of husbandry.
- (5) A motor 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, [or] Class III **or** Class IV all-terrain vehicle.
- (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 16. 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 in the Armed Forces of the United States 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.
- (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.

(8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS 821.172.

(9) Driving privileges for Class IV all-terrain vehicles are exclusively as provided in section 6 of this 2011 Act.

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

[(10)] (11) The spouse of a member of the Armed Forces of the United States on active duty 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.

[(11)] (12) A person who is a member of the Armed Forces of the United States on active duty 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.

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

(a) Within an enclosed cab; or

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

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

[(14)] (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.

[(15)] (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.

[(16)] (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.

[(17)] (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 17. ORS 811.210, as amended by section 10, chapter 30, Oregon Laws 2010, is amended to read:

811.210. (1)(a) Except as provided in ORS 811.215, a person commits the offense of failure to properly use safety belts if the person:

(A) Operates a motor vehicle on the highways of this state and is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(B) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while operating on public lands a Class I, [or] Class

II or Class IV all-terrain vehicle that is not registered under ORS 803.420, is not properly secured with a safety belt or safety harness.

(C) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while operating on public lands a Class II all-terrain vehicle registered under ORS 803.420, is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(D) Operates a motor vehicle on the highways of this state with a passenger who is under 16 years of age and the passenger is not properly secured with a child safety system, safety belt or safety harness as required by subsection (2) of this section.

(E) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while riding on public lands in or on a Class I, [or] Class II **or Class IV** all-terrain vehicle that is not registered under ORS 803.420, is not properly secured with a safety belt or safety harness.

(F) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while riding on public lands in or on a Class II all-terrain vehicle registered under ORS 803.420, is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(G) Is a passenger in a privately owned commercial vehicle, as defined in ORS 801.210, that is designed and used for the transportation of 15 or fewer persons, including the driver, and the person is 16 years of age or older and is responsible for another passenger who is not properly secured with a child safety system as required under subsection (2)(a), (b) or (c) of this section.

(H) Is a passenger in a motor vehicle being operated on the highways of this state who is 16 years of age or older and who is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(b) As used in this subsection, "public lands" includes privately owned land that is open to the general public for the use of all-terrain vehicles as the result of funding from the All-Terrain Vehicle Account under ORS 390.560.

(2) To comply with this section:

(a) A person who is under one year of age, regardless of weight, or a person who weighs 20 pounds or less must be properly secured with a child safety system in a rear-facing position.

(b) A person who weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Department of Transportation under ORS 815.055 for child safety systems designed for children weighing 40 pounds or less.

(c) Except as provided in subsection (3) of this section, a person who weighs more than 40 pounds and who is four feet nine inches or shorter must be properly secured with a child safety system that elevates the person so that a safety belt or safety harness properly fits the person. As used in this paragraph, "properly fits" means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck. The child safety system shall meet the minimum standards and specifications established by the Department of Transportation under ORS 815.055 for child safety systems designed for children who are four feet nine inches or shorter.

(d) A person who is taller than four feet nine inches must be properly secured with a safety belt or safety harness that meets requirements under ORS 815.055.

(e) Notwithstanding paragraphs (b) and (c) of this subsection, a person who is eight years of age or older need not be secured with a child safety system but must be properly secured with a safety belt or safety harness that meets requirements under ORS 815.055.

(3) If the rear seat of a vehicle is not equipped with shoulder belts, the requirements of subsection (2)(c) of this section do not apply provided the person is secured by a lap belt.

(4) The offense described in this section, failure to properly use safety belts, is a Class D traffic violation.

SECTION 18. ORS 811.745 is amended to read:

811.745. (1) Except as provided in subsection (4) of this section, any accident occurring on a highway or upon premises open to the public resulting in injury or death to any person is subject to the reporting requirements under the following sections:

(a) The reporting requirements for drivers under ORS 811.748.

(b) The reporting requirements for occupants of vehicles in accidents under ORS 811.750.

(2) Except as provided in subsection (4) of this section, an accident occurring on a highway or upon premises open to the public resulting in damage to the property of any person in excess of \$1,500 is subject to the following reporting requirements:

(a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the manner specified under ORS 811.748.

(b) If the property damage is to property other than a vehicle involved in the accident, each driver involved in the accident must report the accident in the manner specified under ORS 811.748.

(c) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed from the scene of the accident, each driver involved in the accident must report the accident in the manner specified under ORS 811.748.

(3) The dollar amount specified in subsection (2) of this section may be increased every five years by the Department of Transportation based upon any increase in the Portland-Salem Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 12-month period. The amount determined under this subsection shall be rounded to the nearest \$100.

(4) The following are exempt from the reporting requirements of this section:

(a) Operators of snowmobiles[,] **and** Class I, [*all-terrain vehicles or*] Class III **and** Class IV all-terrain vehicles.

(b) A law enforcement official acting in the course of official duty if the accident involved a law enforcement official performing a lawful intervention technique or involved a law enforcement official and a person acting during the commission of a criminal offense. As used in this paragraph:

(A) "Law enforcement official" means a person who is responsible for enforcing the criminal laws of this state or a political subdivision of this state and who is employed or volunteers:

(i) As a peace officer commissioned by a city, port, school district, mass transit district, county or service district authorized to provide law enforcement services under ORS 451.010;

(ii) With the Department of State Police or the Criminal Justice Division of the Department of Justice; or

(iii) As an investigator of a district attorney's office, if the investigator is certified as a peace officer in this state.

(B) "Lawful intervention technique" means a method by which one motor vehicle causes, or attempts

to cause, another motor vehicle to stop.

(5) The reporting requirements under this section are in addition to, and not in lieu of, the reporting requirements under ORS 811.720.

SECTION 19. ORS 815.110 is amended to read:

815.110. This section establishes requirements for ORS 815.115. The requirements under this section are in addition to any other requirements for lighting equipment provided by law. Except as specifically provided by an exemption under ORS 815.120, a person violates ORS 815.115 if the person does not comply with any of the following requirements:

(1) The following types of vehicles must display slow-moving vehicle emblems described under ORS 815.060:

(a) Vehicles or combinations of vehicles designed for customary use at speeds of less than 25 miles per hour.

(b) Golf carts or similar vehicles when operated by a person with a disability.

(c) Class I, [*all-terrain vehicles and*] Class II **and** Class IV all-terrain vehicles operated on a highway under ORS 821.191 (1).

(2) Slow-moving vehicle emblems must meet the requirements for such emblems established by the Department of Transportation by rule under ORS 815.060.

(3) Slow-moving vehicle emblems shall be displayed on the rear of the power unit. When a combination of vehicles is being operated in a manner that obscures the emblem mounted on the power unit, an additional emblem shall be displayed on the rear of the rearmost vehicle in the combination.

SECTION 20. ORS 815.300 is amended to read:

815.300. This section establishes exemptions from the requirements under ORS 815.295 to be equipped with a certified pollution control system. Exemptions established by this section are in addition to any exemptions established by ORS 801.026. The exemptions established in this section are also applicable to requirements for certification of pollution control equipment before registration under ORS 803.350 and 803.465. All of the following vehicles are exempt from the requirements under ORS 815.295:

- (1) Any vehicle that is not a motor vehicle.
- (2) Any vehicle unless the vehicle is registered within:
 - (a) The boundaries of the metropolitan service district formed under ORS chapter 268 for the metropolitan area, as defined in ORS 268.020, which includes the City of Portland, Oregon.
 - (b) Boundaries designated by the Environmental Quality Commission under ORS 468A.390.
- (3) Any new motor vehicle or new motor vehicle engine when the registration results from the initial retail sale thereof.
- (4) Any motor vehicle:
 - (a) Not registered in areas designated under subsection (2)(a) of this section, including any expansion of such boundary under subsection (2)(b) of this section, with a model year that predates by more than 20 years the year in which registration or renewal of registration is required; or
 - (b) Registered in areas designated under subsection (2)(a) of this section, including any expansion of such boundary under subsection (2)(b) of this section, with a model year of 1974 or earlier.
- (5) Motor vehicles that are registered as farm vehicles under ORS 805.300 or apportioned farm vehicles under ORS 805.300.
- (6) Special interest vehicles that are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses but not used primarily for the transportation of persons or property.
- (7) Fixed load vehicles.
- (8) Vehicles that are proportionally registered under ORS 826.009 and 826.011 in accordance with agreements established under ORS 826.007.
- (9) Electric motor vehicles. This subsection does not exempt hybrid motor vehicles that use electricity and another source of motive power.
- (10) First response rescue units operated by political subdivisions of this state that are not used to transport persons who are ill or injured or who have disabilities.
- (11) A vehicle that is currently registered in Oregon at the time application for new registration is received by the Department of Transportation if the new registration is a result of a change in the registration or plate type and the application is received at least four months prior to the expiration of the existing registration.
- (12) Golf carts.
- (13) Any Class I, Class II, [*or*] Class III **or** Class IV all-terrain vehicle.
- (14) An original equipment manufacturer vehicle that is engineered, designed, produced and warranted to use natural gas as its only fuel source.
- (15) Racing activity vehicles.

SECTION 21. 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, Class I, Class II, [*and*] Class III **and** Class IV all-terrain vehicles may operate on any highway in this state that is open to the public and is not maintained for passenger car traffic.

SECTION 22. ORS 821.165 is amended to read:

821.165. As used in ORS 821.170, 821.172, 821.192, 821.291 and 821.292 **and section 6 of this 2011 Act**, "public lands" includes privately owned land that is open to the general public for the use

of all-terrain vehicles as the result of funding from the All-Terrain Vehicle Account under ORS 390.560.

SECTION 23. ORS 821.174 is amended to read:

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

SECTION 24. ORS 821.190 is amended to read:

821.190. (1) A person commits the offense of unlawful operation of an off-road vehicle on a highway or railroad if the person operates a vehicle described in subsection (2) of this section in any of the following described areas:

(a) On or across the paved portion, the shoulder, inside bank or slope of any highway, on or across the median of any divided highway or on or across any portion of a highway right of way under construction.

(b) On or across a railroad right of way.

(2) This section applies to:

(a) Snowmobiles.

(b) Class I all-terrain vehicles.

(c) Class II all-terrain vehicles that are not properly equipped for operation on a highway.

(d) Class III all-terrain vehicles.

(e) Class IV all-terrain vehicles.

(3) Exemptions from this section are established under ORS 821.200.

(4) In addition to penalties provided by this section, the operator or owner of a snowmobile[,] **or** Class I, Class II, [*or*] **Class III or Class IV** all-terrain vehicle may be liable as provided under ORS 821.310.

(5) The offense described in this section, unlawful operation of an off-road vehicle on a highway or railroad, is a Class B traffic violation.

SECTION 25. ORS 821.191 is amended to read:

821.191. (1) Notwithstanding any other provision of law, a person may operate a Class I, [*allterrain vehicle or a*] **Class II or Class IV** all-terrain vehicle that is not otherwise properly equipped for operation on a highway on the highways of this state if:

(a) The person is using the all-terrain vehicle for transportation between ranching or farming headquarters, agricultural fields or pastures;

(b) The person holds a valid driver license;

(c) The person complies with posted speed limits, but in no event exceeds a speed of 20 miles per hour;

(d) The person operates the all-terrain vehicle as closely as is practicable to the right-hand edge of the highway, including shoulders, if any;

(e) The all-terrain vehicle is equipped with a lighted headlight and taillight; and

(f) The all-terrain vehicle displays a slow-moving vehicle emblem described under ORS 815.060.

(2) A person commits the offense of unlawful operation of a Class I, [*all-terrain vehicle or a*] **Class II or Class IV** all-terrain vehicle used for agricultural purposes if the person operates a Class I, [*all-terrain vehicle or a*] **Class II or Class IV** all-terrain vehicle on a highway in violation of subsection (1) of this section.

(3) The offense described in subsection (2) of this section, unlawful operation of a Class I, [*allterrain vehicle or a*] **Class II or Class IV** all-terrain vehicle used for agricultural purposes, is a Class D traffic violation.

SECTION 26. ORS 821.202 is amended to read:

821.202. (1) A person commits the offense of failure of a Class I, Class II, [*or*] **Class III or Class IV** all-terrain vehicle operator or passenger to wear a motorcycle helmet if the person is under 18 years of age, operates or rides on a Class I, Class II, [*or*] **Class III or Class IV** all-terrain vehicle on premises open to the public 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 a Class I, Class II, [or] Class III **or Class IV** all-terrain vehicle operator or passenger to wear a motorcycle helmet, is a Class D traffic violation.

SECTION 27. ORS 821.203 is amended to read:

821.203. (1) A person commits the offense of endangering a Class I, Class II, [or] Class III **or Class IV** all-terrain vehicle operator or passenger if:

(a) The person is operating a Class I, Class II, [or] Class III **or Class IV** all-terrain vehicle on premises open to the public and the person carries another person on the Class I, Class II, [or] Class III **or Class IV** all-terrain vehicle who is under 18 years of age and is not wearing a motorcycle helmet with a fastened chin strap; or

(b) The person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 18 years of age and the child operates or rides on a Class I, Class II, [or] Class III **or Class IV** all-terrain vehicle on premises open to the public without 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, endangering a Class I, Class II, [or] Class III **or Class IV** all-terrain vehicle operator or passenger, is a Class D traffic violation.

SECTION 28. ORS 821.280 is amended to read:

821.280. (1) A person commits the offense of committing unlawful damage with a snowmobile[,] **or Class I, [or] Class II or Class IV** all-terrain vehicle if the person operates any snowmobile[,] **or Class I, [or] Class II or Class IV** all-terrain vehicle in any area or in such a manner so as to expose the underlying soil or vegetation or to injure, damage or destroy trees or growing crops.

(2) In addition to other penalties provided by this section, the owner or operator of a snowmobile[,] **or Class I, [or] Class II or Class IV** all-terrain vehicle may be liable as provided under ORS 821.310.

(3) The offense described in this section, committing unlawful damage with a snowmobile[,] **or Class I, [or] Class II or Class IV** all-terrain vehicle, is a Class B traffic violation.

SECTION 29. ORS 821.291 is amended to read:

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

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

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

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

(2) This section 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; and

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

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

SECTION 30. ORS 821.292 is amended to read:

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

(a) Does not [have] **possess** a Class III all-terrain vehicle operator permit issued under ORS 390.575; [and]

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

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

[(2) A person commits the offense of endangering a Class III all-terrain vehicle operator if the person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under seven years of age and the child operates a Class III all-terrain vehicle on public lands.]

[(3)] (2) This section 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; and

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

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

SECTION 31. ORS 821.295 is amended to read:

821.295. (1) A person commits the offense of operating a Class II, [or] Class III **or Class IV** all-terrain vehicle in a prohibited snow area if the person operates a Class II, [or] Class III **or Class IV** all-terrain vehicle on a groomed trail or a designated snowmobile or cross country ski trail or area during a designated snow use period.

(2) This section does not apply to emergency vehicles or to trail grooming equipment.

(3) The offense described in this section, operating a Class II, [or] Class III **or Class IV** all-terrain vehicle in a prohibited snow area, is a Class D traffic violation.