

B-Engrossed
Senate Bill 578

Ordered by the Senate June 16
Including Senate Amendments dated April 20 and June 16

Sponsored by Senator METSGER; Senator DEVLIN

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.

[Establishes task force to study all-terrain vehicle safety. Requires task force to report to interim committee of Legislative Assembly related to transportation.]

[Sunsets task force on date of convening of next regular biennial legislative session.]

Changes name of All-Terrain Vehicle Account Allocation Committee to All-Terrain Vehicle Advisory Committee. Modifies composition and duties of committee. Imposes on committee duty to review and make recommendations related to all-terrain vehicle classifications and safety.

Requires committee to provide recommendations to legislative interim committees on transportation on or before December 1, 2010.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to all-terrain vehicle safety; creating new provisions; amending ORS 390.560 and 390.565;
3 and declaring an emergency.

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


5 **SECTION 1.** ORS 390.560 is amended to read:

6 390.560. Moneys in the All-Terrain Vehicle Account established under ORS 390.555 shall be used
7 for the following purposes only:

8 (1) In each 12-month period, no less than 10 percent of the moneys described in ORS 390.555 that
9 are attributable to Class I all-terrain vehicles shall be transferred to the Department of Transpor-
10 tation for the development and maintenance of snowmobile facilities as provided in ORS 802.110;

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

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

14  (4) Provision of first aid and police services *[in all-terrain vehicle recreation areas designated by*
15 *the appropriate authority]* **related to all-terrain vehicle recreation;**

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

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

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

21 (8) Paying the costs of administration of the all-terrain vehicle programs, including staff support
22 provided under ORS 390.565 as requested by the All-Terrain Vehicle *[Account Allocation]* **Advisory**
23 **Committee;** and

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (9) Paying the costs of law enforcement activities related to the operation of Class I and Class
2 III all-terrain vehicles. The State Parks and Recreation Department shall determine the amount re-
3 quired for law enforcement activities and the intervals at which the moneys shall be distributed.
4 The funds available shall be apportioned according to the terms of an intergovernmental agreement
5 entered into between the State Parks and Recreation Department and a city, the Department of
6 State Police or the sheriff of a county.

7 **SECTION 2.** ORS 390.565 is amended to read:

8 390.565. (1) The All-Terrain Vehicle [*Account Allocation*] **Advisory** Committee is established. The
9 committee shall consist of [*seven*] **eleven** voting members and [*four*] **one** nonvoting [*members*]
10 **member** appointed by the State Parks and Recreation Commission for a term of four years. Mem-
11 bers are eligible for reappointment **for a second term** and vacancies may be filled by the commis-
12 sion. **A majority of members constitutes a quorum for the transaction of business.**
13 Recommendations under subsection (4)(a) of this section on allocation of moneys in the All-Terrain
14 Vehicle Account must receive an affirmative vote from at least [*four*] **six** of the voting members of
15 committee.

16 (2) Of the voting members of the committee:

17 (a) [*Two*] **One** shall be [*representatives of*] **a representative of a Class I all-terrain vehicle user**
18 [*organizations*] **organization.**

19 (b) One shall be a representative of a [*four wheel drive*] **Class II all-terrain** vehicle user or-
20 ganization.

21 (c) One shall be a [*representative of a dune buggy user organization*] **an all-terrain vehicle**
22 **dealer.**

23 (d) One shall be an **at-large** all-terrain vehicle user.

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

26 [(3) *Of the nonvoting members of the committee:*]

27 [(a) *One shall be a representative of the State Parks and Recreation Department.*]

28 [(b)] (f) One shall be a representative of the United States Forest Service.

29 [(c)] (g) One shall be a representative of the Bureau of Land Management.

30 [(d)] (h) One shall be a representative of [*a snowmobile user organization*] **the Department of**
31 **Transportation who is knowledgeable about transportation safety.**

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

34 (j) **One shall be a representative of the Department of Human Services who is know-**
35 **ledgeable about public health and safety.**

36 (k) **One shall be a representative of a law enforcement agency.**

37 (3) **One representative from the State Parks and Recreation Department shall be a non-**
38 **voting member of the committee.**

39 (4) The committee shall:

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

42 [(b) *Recommend, to managers of publicly and privately owned lands, trails and areas that may not*
43 *be used by any Class II all-terrain vehicle that has not been issued an operating permit under ORS*
44 *390.580; and]*

45 [(c) *Advise the department on candidates for appointment to the committee.*]

1 (b) Review accidents and fatalities resulting from all-terrain vehicle recreation and make
2 recommendations to the State Parks and Recreation Commission.

3 (c) Review changes to statutory vehicle classifications as necessary for safety consider-
4 ations and make recommendations to the commission.

5 (d) Review safety features of all classes of off-highway vehicles and make recommen-
6 dations to the commission.

7 (e) Recommend appropriate safety requirements to protect child operators and riders of
8 off-highway vehicles to the commission.

9 (5)(a) A subcommittee shall be established consisting of the following voting members:

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

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

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

13 (D) The at-large all-terrain vehicle user.

14 (E) The representative of a law enforcement agency.

15 (b) The subcommittee shall review grant proposals and make recommendations to the
16 commission as to which projects should receive grant funding.

17 (c) Recommendations under this subsection on grant proposals must receive an affirma-
18 tive vote from at least three of the members of the subcommittee.

19 [(5)] (6) The State Parks and Recreation Department shall provide staff support for the com-
20 mittee and shall provide for expansion of programs for all-terrain vehicle users.

21 **SECTION 3.** No later than December 1, 2010, the All-Terrain Vehicle Advisory Committee
22 shall report to the legislative interim committees on transportation and provide recommen-
23 dations on vehicle classifications and other safety issues related to all-terrain vehicles.

24 **SECTION 4.** (1) On January 1, 2010, the term of office of members of the All-Terrain
25 Vehicle Account Allocation Committee then holding office shall cease. However, a member
26 whose term of office has been terminated by this subsection is eligible for appointment to
27 the All-Terrain Vehicle Advisory Committee.

28 (2) Notwithstanding the term of office specified by ORS 390.565, of the members first
29 appointed to the board:

30 (a) Four shall serve for terms ending January 1, 2012.

31 (b) Four shall serve for terms ending January 1, 2013.

32 (c) Four shall serve for terms ending January 1, 2014.

33 **SECTION 5.** Section 3 of this 2009 Act and the amendments to ORS 390.560 and 390.565
34 by sections 1 and 2 of this 2009 Act become operative January 1, 2010.

35 **SECTION 6.** The State Parks and Recreation Commission may take any action necessary
36 before January 1, 2010, to enable the commission to appoint members to the All-Terrain
37 Vehicle Advisory Committee under ORS 390.565, as amended by section 2 of this 2009 Act,
38 on or after January 1, 2010.

39 **SECTION 7.** This 2009 Act being necessary for the immediate preservation of the public
40 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
41 on its passage.