

Oregon Parks and Recreation Commission

September 14, 2022

Agenda Item: 3a Information

Public Comment Allowed: Yes

Topic: Legislative Update

Presented by: Katie Gauthier, Government Relations and Policy Manager

OPRD submitted five legislative concepts to the Department of Administrative Services and Governor's office for approval to move forward in the 2023 legislative session.

The agency received approval to have the following three concepts drafted:

- **LC 580: ATV Safety Education Cards**

ATV Safety Education Cards are currently required for most ATV riders on public lands at no cost through an online education program. In 2019 and 2021, OPRD requested bills to expand this requirement to drivers of additional ATV classes. In 2019, the proposal included class II operators. Legislators expressed concern that this requirement could cause confusion for individuals in vehicles that are legal to drive on roads, but drive off-road. Class II includes jeeps and trucks that are registered to drive on roads. However, it also includes sand-rails and any larger side-by-side or utility vehicle that doesn't fit in the definition of a class IV vehicle.

In 2021, the agency narrowed the concept to focus on the highest risk category and only requested Class IV drivers be added to the Safety Education Card requirement. Side-by-sides are a fast-growing class of ATVs, often attracting new and less experienced riders. As a result, side-by-side accidents involving injuries have been increasing year-over-year.

In the last two years, side-by-sides have continued to be the fastest growing class of ATV, however, changes in technology make some a class II vehicle. OPRD's ATV Advisory Committee recommended pursuing legislation that would expand safety education card requirements for all class IV drivers and drivers of class II vehicles that are not registered under ORS 803.420 or considered "street legal." LC 580 will ensure larger side-by-side and sand rail drivers have education on the safety concerns for this type of vehicle.

- **LC 586: ATV Class IV Sizes and Windshields**

LC 586 is the same bill as SB 107 from 2021. In 2019, the definition of ATV side-by-sides was changed to allow for wider, heavier vehicles, but it did not accommodate all vehicles in the class due to tire size restrictions. LC 586 proposes to change the definition for a Class IV ATV to an industry standard of vehicles with engine sizes of up to 1000 cc. Staff and the ATV Advisory

Committee still recommend this definition with the understanding that a few, new side-by-side vehicles with larger engines would continue to be part of class II.

LC 586 also eliminates the current windshield wiper requirement for ATVs. Many side-by-sides have half windshields or plexiglass windshields and do not come equipped with windshield wipers. The proposed change simply requires windshields to remain free from obstruction. During discussions with legislators after the 2021 session, staff were encouraged to reintroduce both ATV concepts in a future session. This concept is also supported by the ATV Advisory Committee.

- **LC 587: Oregon Parks and Recreation Commission Membership**

LC 587 corrects a statutory conflict created with the addition of a sixth congressional district in Oregon. ORS 390.114, creating the Oregon Parks and Recreation Commission, specifies a 7-member commission appointed by the Governor with one member from each congressional district PLUS one from east of the Cascades and PLUS one from west of the Coast range. This totals seven when Oregon had five congressional districts, but the addition of a sixth congressional district in Oregon would require eight members, creating a statutory conflict within ORS 390.114.

Under LC 587, the Commission would remain seven members with one from each congressional district, and do away with the two specified additional seats. Instead, within the seven members spread across six districts, at least one would need to be from east of the Cascade Mountains and one from west of the Coast Range. The concept also adds criteria for the Governor to consider outdoor recreation interests, heritage interests, racial, ethnic and gender diversity in appointments of all members of the Commission.

The two concepts not approved to move forward for introduction were regarding increasing penalties for assault of park and recreation employees and exceptions to statutory requirements for OPRD regarding procurement and printing. The agency will continue to look for solutions to the issues these two concepts addressed, work with stakeholders and may refine the proposals to introduce in future sessions.

Prior Action by Commission: The Commission approved submission of proposed legislative concepts in April 2022.

Action Requested: Information only

Attachments: none

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