

House Bill 2599

Sponsored by Representative OLSON (Pre-session filed.)

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**.

Requires only persons under 21 years of age to wear motorcycle helmet while riding on or operating motorcycle or moped.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to motorcycle helmets; creating new provisions; amending ORS 807.280 and 814.290; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 807.280 is amended to read:

6 807.280. The Department of Transportation shall provide for the issuance of instruction driver
7 permits in a manner consistent with this section. A person who is issued an instruction driver per-
8 mit may exercise the same driving privileges as those under the class of license or endorsement for
9 which the permit is issued except as provided in this section or under the permit. Except as other-
10 wise provided in this section, an instruction driver permit is subject to the fees, provisions, condi-
11 tions, prohibitions and penalties applicable to a license or endorsement granting the same driving
12 privileges. The following apply to an instruction driver permit:

13 (1) An instruction driver permit is subject to the same classifications and endorsements as a li-
14 cense. The department may issue an instruction driver permit to grant the same driving privileges
15 as a Class C driver license or as a motorcycle endorsement, but the instruction driver permit will
16 also be subject to the provisions of this section.

17 (2) The department may issue an instruction driver permit to a person who is qualified to obtain
18 the same driving privileges under the corresponding class of license or type of endorsement except
19 for the person's age or lack of experience in the operation of motor vehicles subject to the following:

20 (a) An applicant must be 15 years of age or older to receive the same driving privileges as are
21 granted under a Class C license.

22 (b) An applicant must be 16 years of age or older and have a commercial driver license or a
23 Class C license to receive the same driving privileges as are granted under a motorcycle endorse-
24 ment.

25 (c) An applicant must be 18 years of age or older to receive the same driving privileges as are
26 granted under any class of license not otherwise provided for under this subsection.

27 (3) The fees required for issuance or renewal of an instruction driver permit are the instruction
28 driver permit fees under ORS 807.370.

29 (4) A Class C instruction driver permit shall be valid for 24 months from the date of issuance.
30 All other instruction driver permits issued under this section shall be valid for one year from the
31 date of issuance.

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 (5) When an instruction driver permit expires or is about to expire, the department shall renew
 2 the instruction driver permit if the holder of the instruction driver permit qualifies for renewal of
 3 the instruction driver permit under this section and applies for renewal:

4 (a) Within one year of the expiration of an instruction driver permit issued under this section;
 5 or

6 (b) Within six months after the applicant is discharged from the Armed Forces of the United
 7 States if the applicant held an instruction driver permit issued by this state at the time of the
 8 applicant's entry into the Armed Forces.

9 (6) To qualify for renewal of an instruction driver permit, a person must meet all of the re-
 10 quirements for the type of instruction driver permit sought to be renewed, except that the depart-
 11 ment may waive the examination unless the department has reason to believe that the applicant is
 12 not qualified for the instruction driver permit.

13 (7) An instruction driver permit that is renewed under this section may be used on or after the
 14 date of issuance. If the department issues an instruction driver permit renewal to a person under
 15 this section before the expiration of the instruction driver permit being renewed, the older permit
 16 is invalid. An instruction driver permit that becomes invalid under this subsection shall be surren-
 17 dered to the department.

18 (8) The holder of the instruction driver permit may not operate a motor vehicle unless the
 19 holder has the instruction driver permit in the holder's immediate possession and is accompanied
 20 by a person with a class of license granting the same driving privileges or a license with an
 21 endorsement granting the same driving privileges who is not less than 21 years of age. The accom-
 22 panying person must be occupying a seat beside the holder of the instruction driver permit unless
 23 the instruction driver permit is for motorcycle driving privileges. For an instruction driver permit
 24 granting motorcycle driving privileges, the holder of the instruction driver permit must be in the
 25 company and under the supervision and visual observation of the accompanying person and the ac-
 26 companying person must be operating a separate motorcycle.

27 (9) The holder of an instruction driver permit granting motorcycle driving privileges is subject
 28 to the following in addition to any other requirements under this section:

29 (a) The holder may operate a motorcycle only during daylight hours.

30 (b) The holder may not carry any passengers on the motorcycle.

31 (c) **If the holder of the instruction driver permit is under 21 years of age, the holder** must
 32 wear an approved helmet while operating a motorcycle.

33 (10)(a) The department may issue an instruction driver permit to a person with a limited vision
 34 condition if a rehabilitation training specialist certifies to the department that the person has suc-
 35 cessfully completed a rehabilitation training program.

36 (b) As used in this subsection, "limited vision condition," "rehabilitation training specialist" and
 37 "rehabilitation training program" have the meanings given those terms in ORS 807.355.

38 (11) In addition to any other requirements under this section, the holder of an instruction driver
 39 permit issued under subsection (10) of this section may operate a motor vehicle only when using a
 40 bioptic telescopic lens.

41 **SECTION 2.** ORS 814.290 is amended to read:

42 814.290. This section establishes exemptions from the requirements and penalties relating to the
 43 use of motorcycle helmets under ORS 814.260 to 814.280. A person is not in violation of ORS 814.260,
 44 814.269, 814.275 or 814.280 if the person is any of the following:

45 (1) Within an enclosed cab.

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

3 (3) 21 years of age or older.

4 **SECTION 3. The amendments to ORS 807.280 and 814.290 by sections 1 and 2 of this 2017**
5 **Act apply to persons who ride on or operate a motorcycle on or after the effective date of**
6 **this 2017 Act.**

7 **SECTION 4. This 2017 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
9 **on its passage.**

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