

A-Engrossed
Senate Bill 68

Ordered by the House May 24
Including House Amendments dated May 24

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for State Parks and Recreation Department)

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.

Affirms State Parks and Recreation Department authority to issue permit for conduit across or under state recreation area.

Requires permit to operate Class I all-terrain vehicle on ocean shore. Authorizes department to issue permit for specified purposes. Punishes failure to hold permit by maximum \$720 fine.

A BILL FOR AN ACT

1
2 Relating to permits issued by the State Parks and Recreation Department; creating new provisions;
3 and amending ORS 390.715, 390.990 and 390.995.

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

5 **SECTION 1.** ORS 390.715 is amended to read:

6 390.715. (1) The State Parks and Recreation Department may issue permits under ORS 390.650
7 to 390.659 for pipelines, cable lines and other conduits across and under the ocean shore, **state**
8 **recreation areas** and the submerged lands adjacent to the ocean shore, upon payment of just com-
9 pensation by the permittee. Such permit is not a sale or lease of tide and overflow lands within the
10 scope of ORS 274.040.

11 (2) Whenever the issuance of a permit under subsection (1) hereof will affect lands owned pri-
12 vately, the State Parks and Recreation Department shall withhold the issuance of such permit until
13 such time as the permittee shall have obtained an easement, license or other written authorization
14 from the private owner, which easement, license or other written authority must meet the approval
15 of the State Parks and Recreation Department, except as to the compensation to be paid to the
16 private owner.

17 (3) All permits issued under this section are subject to conditions that will assure safety of the
18 public and the preservation of economic, scenic and recreational values and to rules promulgated
19 by state agencies having jurisdiction over the activities of the grantee or permittee.

20 **SECTION 2.** **Section 3 of this 2005 Act is added to and made a part of ORS 390.705 to**
21 **390.770.**

22 **SECTION 3.** (1) **A person may not operate a Class I all-terrain vehicle on the ocean shore**
23 **unless the person obtains a permit from the State Parks and Recreation Department as**
24 **provided in this section.**

25 (2) **The department may issue a permit for the operation of a Class I all-terrain vehicle**
26 **on the ocean shore if the operator of the vehicle holds a permit issued under ORS 390.570,**

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 **if the vehicle has a current operating permit issued under ORS 390.580 and if the vehicle will**
2 **be used to meet the transportation needs of:**

3 **(a) Individuals with disabilities;**

4 **(b) Emergency response or emergency aid workers; or**

5 **(c) Biologists, wildlife monitors or other natural resources workers.**

6 **(3) Application for a permit issued under this section shall be in a form determined by**
7 **the department. The department shall specify the information to be contained in the appli-**
8 **cation, the renewal period and the manner in which the permit must be displayed.**

9 **(4) The department may not charge for a permit issued under this section.**

10 **SECTION 4.** ORS 390.990 is amended to read:

11 390.990. (1) Subject to ORS 153.022, [*any person, firm or corporation violating any of the laws or*
12 *rules described in this subsection*] **a person** commits a Class A violation[. *This subsection applies to*
13 *a violation of the following*] **if the person violates:**

14 (a) ORS 390.678.

15 (b) Any rule adopted under ORS 390.124.

16 (c) Any rule adopted under ORS 390.340.

17 **(d) Section 3 of this 2005 Act.**

18 **(e) Any rule adopted under ORS 390.845.**

19 [(2) *Subject to ORS 153.022, violation of any provision of ORS 390.640 or 390.705, or any rule*
20 *adopted under such statutes, is punishable, upon conviction, by a fine not exceeding \$500 or*
21 *imprisonment in the county jail for not more than six months, or both.*]

22 [(3) *Each day a violation of ORS 390.640 or 390.705 continues shall be considered a separate of-*
23 *fense.*]

24 [(4) *Subject to ORS 153.022, violation of any rule adopted under ORS 390.845 is a Class A vio-*
25 *lation.*]

26 [(5)] **(2)** Notwithstanding any other provision of this section, violation of any rule adopted under
27 this chapter for the regulation of vehicle speed in parks, including violations of rules relating to
28 driving vehicles at a speed greater than a posted speed limit or greater than is reasonable and
29 prudent, are subject to the same penalties as provided in ORS 811.109 for violation of a specific
30 speed limit imposed under law or violation of a posted speed limit.

31 **SECTION 5.** ORS 390.995 is amended to read:

32 390.995. (1) Violation of ORS 390.640 is a misdemeanor.

33 (2) Subject to ORS 153.022, any person who violates a rule adopted under ORS 390.950 to 390.989
34 is guilty of a misdemeanor, and may be punished by a fine of not more than \$500, or by imprisonment
35 not exceeding six months, or both.

36 **(3) Subject to ORS 153.022, violation of any provision of ORS 390.640 or 390.705, or any**
37 **rule adopted to carry out the purposes of ORS 390.640 or 390.705, may be punished by a fine**
38 **of not more than \$500, or by imprisonment not exceeding six months, or both. Each day that**
39 **a person violates ORS 390.640 or 390.705 shall be considered a separate offense.**

40