

# Enrolled Senate Bill 68

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CHAPTER .....

AN ACT

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

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

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

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

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

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

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

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

**(2) The department may issue a permit for the operation of a Class I all-terrain vehicle on the ocean shore if the operator of the vehicle holds a permit issued under ORS 390.570, if the vehicle has a current operating permit issued under ORS 390.580 and if the vehicle will be used to meet the transportation needs of:**

- (a) Individuals with disabilities;**
- (b) Emergency response or emergency aid workers; or**
- (c) Biologists, wildlife monitors or other natural resources workers.**

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

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

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

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

(a) ORS 390.678.

(b) Any rule adopted under ORS 390.124.

(c) Any rule adopted under ORS 390.340.

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

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

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

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

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

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

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

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

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

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

**Passed by Senate February 22, 2005**

**Repassed by Senate June 8, 2005**

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Secretary of Senate

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President of Senate

**Passed by House May 27, 2005**

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Speaker of House

**Received by Governor:**

.....M,....., 2005

**Approved:**

.....M,....., 2005

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Governor

**Filed in Office of Secretary of State:**

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