

*Joyce  
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Secretary of State

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

**Oregon Parks and Recreation Department**

**736-004**

Agency and Division

Administrative Rules Chapter Number

**ATV rules to govern ATV operator and operating permits, safety and education training, and rider fit standards.**

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: **OAR 736-004-0005 through 736-004-0085 and proposed new rules 736-004-0090 through 736-004-0115**

Statutory Authority: **ORS 183 and ORS 390.124**

Other Authority: **ORS 390.585**

Stats. Implemented: **ORS 390.124 (1)**

Need for the Rule(s): **Senate Bill 101, 2007 Legislative session, the ATV Safety Initiative, provided for:**

- **Process for issuing operating permits and operator permits for ATV's;**
- **Phased in mandatory safety and education training for riders of off-highway vehicles or all terrain vehicles;**
- **"Rider Fit" language required to establish if rider is of adequate size to operate an ATV;**

**Existing ATV rules are being amended and some new rules proposed for adoption to implement the above requirements.**

Documents Relied Upon, and where they are available: **ORS 390.570, 390.575, 390.580, 390.585, 390.590**

Fiscal and Economic Impact: **The fiscal impact to OPRD is expected to be minimal, primarily limited to the additional administrative cost to the agency to process the operator and operating permits.**

Statement of Cost of Compliance:

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): Unknown. OPRD bears the cost of administering the ATV grant program and additional costs would be paid by the grant program funding.**

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:**

**Small impact on ATV dealers, renters, and tour guides who will issue permits and administer the ATV safety checklist, however all supplies for issuing permits and administering the ATV safety checklist will be provided by OPRD.**

**b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: All supplies will be recordkeeping/reporting supplies will be provided by OPRD. Professional safety and education trainer will be contracted by OPRD.**

**c. Equipment, supplies, labor and increased administration required for compliance: None**

How were small businesses involved in the development of this rule? **Small businesses related to ATV industry were represented on the ATV Rulemaking Advisory Committee.**

Administrative Rule Advisory Committee consulted?: **Yes**

If not, why?:



Signature

**Joyce A. Merritt**

Printed name

**5-15-08**

Date