

SB 192 Working Group Recommendations

Report to the Interim Committee on Transportation



Nature

HISTORY

Discovery

**Oregon Parks and Recreation Department
August 22, 2016**

**SB 192 Working Group Recommendations
Report to the Interim Committee on Transportation**

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SB 192 Working Group Recommendations Executive Summary

The 2015 Oregon Legislative Assembly passed SB 192, which directed the Oregon Parks and Recreation Department (OPRD) to assemble a working group to examine options for allowing All-Terrain Vehicle¹ (ATV) operation on state highways. The bill stated that the working group was to include representatives from ATV user groups, ATV dealers, the Oregon Department of Transportation (ODOT), and other individuals that OPRD deemed necessary. Working group recommendations are to be compiled and submitted to the appropriate interim committee on the Legislative Assembly by September 15, 2016.

OPRD's initial step was to establish the working group. Working group meetings were held on November 5, 2015; January 7, 2016; and March 31, 2016. The focus of the effort was on recreational ATV use on state highways, rather than on use of ATVs for general transportation purposes. In initial meetings, the working group reviewed and discussed the following items:

Existing county and city ordinances allowing ATV use on public roads and streets in Oregon;
Similar ordinances and statutes allowing ATV use on public roads and streets in other states;
Real-world examples where allowing operation of ATVs on state highways could create beneficial recreational riding opportunities; and
Existing rules and regulations related to ATV use on state highways in Oregon.

Based on these discussions, the primary focus of the working group centered on how the state could assist local proponent groups (e.g., communities, ATV riding clubs) in their efforts to link communities with "nearby" ATV riding opportunities on public lands (e.g., the ability to ride ATV's from trailheads to community overnight amenities such as motels, restaurants, gas stations) and linking existing trails to create long-distance trail connection opportunities. The primary objective of this effort is to provide economic benefit (tourism spending) to communities developing such ATV riding opportunities. Some ATV riding corridors have already been established by municipalities, counties, and federal road authorities outside of the state highway system.

Currently, ATV operation on state highways is restricted with the exception of agricultural use and limited crossings. Many working group members expressed strong support for the creation of ATV Access Corridors on state highways, allowing operation of ATVs on specified state highway routes for recreational purposes. Working group members felt that decisions regarding the creation of ATV Access Corridors along state highways should be made at the local level and on a case-by-case basis; that the road authority (ODOT) should work with local constituents such as County Road Masters, Mayors, County Commissioners, Sheriff's Departments, and ATV Groups to help inform its decision on a route's eligibility. The working group also recommended the creation of a statewide advisory committee tasked with coordinating, facilitating, and assisting proponents of proposed ATV Access Corridors on state highways.

As the state highway road authority, ODOT has a primary mandate to provide for maximum safety for all persons who travel or otherwise use the public highways of the state and to protect

¹ In Oregon, there are four classes of ATVs including Class I, quads and three-wheel ATVs; Class II, dune buggies, and rails, 4x4 vehicles, and side-by-sides greater than 65 inches in width; Class III, off-road motorcycles; and Class IV, side-by-sides 65 inches or less in width.

the interest and safety of the general public. Towards that end, ODOT staff facilitated a number of working group discussions regarding safety concerns related to ATV operation on state highways. The working group recommends a number of requirements for ATV operation on potential ATV Access Corridors including a valid driver’s license or instruction permit, liability insurance, helmets, headlights and taillights, and wearing of seatbelts or shoulder harnesses on Class II and IV ATVs.

The following is a list of specific recommendations for changes/ additions to Oregon Statutes for the creation of recreational ATV Access Corridors on state highway corridors².

<p>Recommendation 1: Change ORS 821.200 Exemptions from general prohibition on highway or railroad. (1) (f) from “The crossing of a highway must be made at a place that is more than 100 feet from any highway intersection” to “The crossing of a highway must be made at a place that is an intersection or more than 100 feet from any highway intersection.”</p>
<p>Recommendation 2: Change ORS 821.200 to state that when crossing a state highway with an ATV at crossings and intersections that municipal rules and regulations will apply in municipalities and the recreational riding area rules and regulations will apply in remote settings.</p>
<p>Recommendation 3: Change ORS 821.020 Applicability of off-road vehicle exemptions from general equipment requirements. (2) The exemption applies to each of the following lands, roads and places: by adding “(e) Where the highway is designated and posted by the road authority with jurisdiction over the road as open to off-road vehicles.”</p>
<p>Recommendation 4: Change ORS 821.030 Equipment standards for off-road vehicles. (1) The Director of Transportation may adopt rules to do the following: by adding (d) “Require other safety equipment that must be used by off-road vehicles when operated on highway as designated and posted by the road authority with jurisdiction over the road as open to incidental use by off-road vehicles.”</p>
<p>Recommendation 5: Create a statute to specify equipment standards for operation of ATVs on ATV Access Routes.</p>
<p>Recommendation 6: Do not attempt to establish a “street legal” classification in Oregon law for ATVs.</p>
<p>Recommendation 7: Request provision for allowing incidental use on state highway right of way to facilitate ATV Access Corridors.</p>
<p>Recommendation 8: Create a statute to establish the ATV Access Route Advisory Committee to make recommendations on access route suitability. Such a statute could be very specific and define the details of the committee or simply allow ODOT to write OARs to more clearly define the establishment and responsibilities of the committee.</p>

To obtain a full copy of the report contact Pamela Berger (Phone: 503-986-0785; Email: Pamela.Berger@oregon.gov). The document is also available online at: http://www.oregon.gov/oprd/ATV/Pages/links.aspx#ATV_Resources

² The full report includes proposed statute wording for recommendation number 5 and 8.

Introduction

The 2015 Legislative Assembly Regular Session passed SB 192, which directed Oregon Parks and Recreation Department (OPRD) to assemble a working group for the purpose of examining options for allowing users of All Terrain Vehicles (ATVs) to operate on state highways (See Appendix A). The working group was to include ATV users, ATV dealers, staff from the Department of Transportation (ODOT) and other individuals that the OPRD deemed necessary. The working group's recommendations were to be compiled by the department and a report submitted by the department to the appropriate interim committee of the Legislative Assembly no later than September 15, 2016.

Background

During the 1990s, Oregonians were able to obtain a license plate from the Driver and Motor Vehicles Division of ODOT (DMV) for Class I (quads and three-wheel ATVs) and III (off-road motorcycles) ATVs by adding minimal equipment, such as lights, turn signals and a horn. Years later, the Oregon DMV began recalling these plates since these vehicles were not originally designed for on-road use. Current Oregon law allows road authorities to open their roads to ATV use. Starting in 2002, several municipalities in the state (e.g., John Day, Sumpter) adopted ordinances to permit ATV use on designated roads. Currently, there are twelve cities and two counties that allow ATV use on designated roads. The primary driver for such designation was the desire of residents to access U.S. Forest Service (USFS) and Bureau of Land Management (BLM) roads and trails for recreation opportunities and tourism spending in nearby communities (See Appendix K). Nationally, there are several states allowing ATV use on paved roads to connect forest roads and trails to towns, generally in lower populated areas with reduced traffic levels.

During the 2015 Legislative Assembly, there were several legislative proposals that dealt with allowing ATVs on city streets, county roads and state highways. The proposals represented a number of different alternatives for allowing ATVs on public roads. The original SB 192 would have allowed ATV use on state highways in counties of 20,000 people or less (Baker, Morrow, Lake, Harney, Grant, Wallowa, Gilliam, Sherman and Wheeler counties) and required certain equipment such as turn signals. The bill was amended to have OPRD form a working group to examine options for allowing ATV use on state highways. The bill passed in that form.

Purpose and Scope

The purpose of this document is to provide a set of specific recommendations for allowing limited operation of ATVs on Oregon state highways and associated background and process information used to prepare the working group's recommendations for legislation. In Oregon, there are four classes of ATVs including Class I, quads and three-wheel ATVs; Class II, dune buggies and rails, 4x4 vehicles, and side-by-sides greater than 65 inches in width; Class III, off-road motorcycles; and Class IV, side-by-sides 65 inches or less in width. In this report, the term ATV is generally used to describe all four classifications of All-Terrain Vehicles unless identified by specific classification type.

Although many working group members expressed strong support for the creation of ATV transportation routes (allowing long-distance ATV travel from town to town) and a street-legal

ATV classification in Oregon law, it was the consensus of the working group to limit the scope to recreational motorized trail connectivity. The primary arguments against street-legal classification for ATVs and using ATVs for general transportation were associated with safety concerns related to the fact that ATVs are not originally designed for on-road use (see Appendix L), and that ATV riding group representatives generally opposed these concepts. ATV riding group representatives feared a public backlash against all recreational ATV riding if extensive operation was allowed Oregon's state highways and cause disruption of normal traffic flows. In addition, since OPRD is a recreation agency, it was determined that the creation of non-recreation or transportation routes for ATVs on state highways was beyond the scope of its authority. As such, the working group focused on allowing operation of ATVs on specified state highway routes for recreational purposes to provide trail connectivity and local access to public lands.

Since local jurisdictions already have authority to allow ATV use on routes deemed appropriate, through road authority designation or city/county ordinance, the working group limited its focus to ATV operation on state highways. During the working group meetings, local city/county ordinances were examined to maintain consistency in recommendations with existing operational requirements. Currently, ATVs may be used on highways adjacent to agricultural land under ORS 821.191 with certain conditions. The use of ATVs for agricultural/farm/ranch purposes on state highway is not addressed in this document.

The United States Forest Service (USFS) also restricts ATV travel on some forest roads in Oregon under "Travel Management" planning. SB 192 recommendations would not affect designation of such routes unless specifically included in an ATV Access Corridor proposal and subject to federal agreement.

Process and Methods

OPRD and ODOT staff met to develop an overall strategy to facilitate the working group meetings. A SB 192 working group (a membership list is included in Appendix B) included ATV users, law enforcement, ATV dealers, and state, county and federal land managers was established. Working group meetings were held on November 5, 2015; January 7, 2016; and March 31, 2016 to examine and develop recommendations for allowing ATV use on state highways. During initial meetings, staff provided information related to existing county and city ordinances allowing ATV use on public roads and streets in Oregon, similar ordinances and statutes allowing ATV use on public roads and streets in other states, real-world examples where allowing ATV operation on state highways could create beneficial recreational riding opportunities, and existing rules and regulations related to ATV use on state highways in Oregon. Next, staff developed a set of specific regulatory concepts for allowing operation of ATVs on state highways and provided working group members an opportunity to vote on these concepts. Voting results are included in Appendix J. The voting process was voluntary, so not all working group members voted on each of the proposals. OPRD and ODOT staff did not participate in this voting process. Final recommendations were developed from voting results and comments received during the three working group meetings.

Discussion

Existing ATV Corridors

Some ATV riding corridors have already been established by municipalities, counties, and federal road authorities. A problem identified by working group members for such work is that most municipalities have a state highway running through their boundaries. Current state law, ORS 821.200 (1)(f), states that “The crossing of a highway must be made at an intersection or a place that is more than 100 feet from any highway intersection.” In many situations, this restricts legal ATV crossing of state highways within municipalities which allow ATV operation on roads. Under current law, a dirt or gravel road which crosses a state highway would not allow an ATV to cross at the intersection, but would force people to leave the road surface to get 100 feet away from the intersection. With ditches, culverts, steep hillsides, rivers, houses, trees, or bridges in such locations, often times legal ATV crossing of state highways is prohibited. Working group members suggested that this state law be modified to allow more reasonable legal crossing of state highways by ATVs in municipalities. Working with ODOT staff, the best solution would be to create a “grey zone” to allow ATVs to cross state highways at regular traffic intersection areas in municipalities with existing ATV laws in place, where municipal ATV rules and regulations would apply in these “grey zone” state highway crossings.

Creation of State Highway ATV Access Corridors

Currently, ATV operation on state highways is restricted with the exception of agricultural use and limited crossings. Many working group members expressed strong support for the creation of ATV Access Corridors on state highways, allowing operation of ATVs on specified state highway routes for recreational purposes.

Working group members felt that decisions regarding the creation of recreational ATV Access Corridors along state highways should be made at the local level on a case-by-case basis; that the road authority (ODOT) should work with local constituents such as County Road Masters, Mayors, County Commissioners, Sheriff’s Departments, and ATV Groups, to help inform decisions on a route’s eligibility. The working group also recommended the creation of a statewide advisory committee tasked with coordinating, facilitating, and assisting proponents of proposed ATV Access Corridors on state highways. The advisory committee would also develop a set of evaluation criteria for local groups to use in determining route eligibility including safety factors such as vehicle traffic levels, potential ATV traffic levels, highway speed limits, sight distance, road surface, road shoulder, road width, houses and businesses along highway, population of the area, need for connection, local desires, other local road ordinances, local designated ATV riding areas, and potential economic impacts. Representatives from ODOT, OPRD, State Police, and Federal land managers would be included on the statewide advisory committee to help provide review consistency and best practice information.

As the state highway road authority, ODOT has a primary mandate to provide for maximum safety for all persons who travel or otherwise use the public highways of the state and to protect the interest and safety of the general public. Towards that end, ODOT staff facilitated a number of discussions regarding safety concerns related to ATV operation on state highways. The

working group discussed operator and vehicle requirements at great length. The group recognized that excessive vehicle and operator requirements would make it difficult for out-of-state ATV users to comply with an Oregon specific standard (e.g., requiring turn signals, horn, and speedometer). Although the working group did not reach total consensus, the group was in general favor of the following requirements for ATV operation on State Highway ATV Access Corridors:

Driver's license – Operators must have a valid driver license or instruction permit with supervising driver to operate ATVs on State Highway ATV Access Corridors.

Insurance – Operators must have liability insurance for the ATV to operate on State Highway ATV Access Corridors.

Helmets – Operators and passengers of Class I and III ATVs must wear a DOT-approved helmet to operate an ATV on State Highway ATV Access Corridors³.

Seatbelts or shoulder harnesses – Operators of and passengers in Class II and IV ATVs must use seat belts or shoulder harnesses to operate on State Highway ATV Access Corridors.

Headlights and taillights – Operators must have and use headlights and taillights to operate ATVs on State Highway ATV Access Corridors after dark. Class III off-road motorcycles must have and use headlights and taillights at all times (both daytime and after dark) to operate on State Highway ATV Access Corridors.

Recommendations

The following is a list of specific recommendations for changes/ additions to Oregon Statutes for the creation of ATV Access Corridors on state highway corridors. Recommendations were developed from voting results and comments received during all three working group meetings.

Recommendation 1

Change ORS 821.200 Exemptions from general prohibition on highway or railroad. (1) (f) from “The crossing of a highway must be made at a place that is more than 100 feet from any highway intersection” to “The crossing of a highway must be made at a place that is **an intersection or** more than 100 feet from any highway intersection.”

Recommendation 2

Change ORS 821.200 to state that when crossing a state highway with an ATV at crossings and intersections that municipal rules and regulations will apply in municipalities⁴ and the recreational riding area rules and regulations⁵ will apply in remote settings.

Recommendation 3

Change ORS 821.020 Applicability of off-road vehicle exemptions from general equipment requirements. (2) The exemption applies to each of the following lands, roads and places: by

³ ODOT and OPRD strongly recommended helmet use for all ATV operation on roads and trails.

⁴ See Appendix F for examples of city ATV ordinances.

⁵ See following weblink: http://www.oregon.gov/oprd/ATV/Pages/ATV_Publications.aspx

adding “(e) **Where the highway is designated and posted by the road authority with jurisdiction over the road as open to off-road vehicles.**”

Recommendation 4

Change ORS 821.030 Equipment standards for off-road vehicles. (1) The Director of Transportation may adopt rules to do the following: by adding (d) “**Require other safety equipment that must be used by off-road vehicles when operated on-highway as designated and posted by the road authority with jurisdiction over the road as open to incidental use by off-road vehicles.**”

Recommendation 5

Create a statute to specify equipment standards for operation of ATVs on ATV Access Routes.

Proposed Statute:

821.193 Operation of a Class I, Class II, Class III or Class IV all-terrain vehicle on State Highway ATV Access Route. (1) Notwithstanding any other provision of law, a person may operate a Class I, Class II, Class III or Class IV all-terrain vehicle that is not otherwise properly equipped for operation on a highway on a state highway designated ATV Access Route of this state if:

- (a) The person holds a valid driver license, or valid instruction driver permit and is operating in compliance with ORS 807.280;
 - (b) The vehicle operator meets the financial responsibility requirements under ORS 806.060
 - (c) The operator and any passengers of a Class I or III ATV wears a US DOT compliant motorcycle helmet with a fastened chin strap
 - (d) The operator and any passengers must be properly secured with a safety belt, safety harness or child seat in accordance with 811.210.
- (2) A person commits the offense of unlawful operation of a Class I, Class II, Class III or Class IV all-terrain vehicle if the person operates a Class I, Class II, Class III or Class IV all-terrain vehicle on a state highway designated ATV Access Route in violation of subsection (1) of this section.
- (3) The offense described in subsection (2) of this section, unlawful operation of a Class I, Class II, Class III or Class IV all-terrain vehicle is a Class D traffic violation.

Recommendation 6

Do not attempt to establish a “street legal” classification in Oregon law for ATVs.

Recommendation 7

Request provision for allowing incidental use on state highway right of way to facilitate ATV Access Corridors.

Recommendation 8

Create a statute to establish the ATV Access Route Advisory Committee to make recommendations on access route suitability. Such a statute could be very specific and define the details of the committee or simply allow OPRD or ODOT to write OARs to more clearly define the establishment and responsibilities of the committee.

Proposed Statute:

390.566 All-Terrain Vehicle State Highway Access Route Advisory Committee:

appointment; term; duties. (1) The All-Terrain Vehicle State Highway Access Route Advisory Committee is established. The committee shall consist of nine (9) members and seven (7) voting members appointed by the Oregon Parks and Recreation Department Director.

(a) The following committee members shall be nominated by their respective directors for appointment:

- (A) A representative from the Oregon Department of Transportation (non-voting);
- (B) A representative of the Bureau of Land Management;
- (C) A representative of the US Forest Service;
- (D) A representative from Oregon Parks and Recreation Department (non-voting); and
- (E) A representative from Oregon State Police

(b) The following committee members shall be appointed by the Oregon State Parks Director:

- (A) A Representative from the ATV class I;
- (B) A representative from ATV class III;
- (C) A representative from class IV; and
- (D) A representative from the OPRD ATV Advisory Committee

(2) The committee shall:

- (a) Accept and evaluate applications for ATV Access Routes on State Highways,
- (b) Conduct a field review of the proposed route,
- (c) Consult with
 - (A) At least one county commissioner
 - (B) Sheriff's office
 - (C) County road authority
 - (D) Any local ATV riding group
 - (E) Land management agency in the area which provides ATV riding opportunities,
 - (F) If located in a town: A city representative such as mayor, city council representative or city staff, and the City road authority
- (d) Conduct at least one public meeting to explain proposal to the public and received comments.
- (e) Make recommendation to Oregon Department of Transportation and Oregon Transportation Commission.
- (f) Recommendations shall be based on:
 - (A) Creating connections between areas open to ATV use.

- (B) Minimizing adverse effect on adjacent landowners,
- (C) Road conditions, such as volume of traffic, road width, shoulders, highway speed, population densities, sight distance or other conditions.
- (D) Desire of local community to allow ATV Access Routes for purposes of road or trail connectivity, access to recreation areas, and promotion of tourism
- (E) Consistency with ATV road use on city and county roads adjacent to State Highway
- (F) Safety, and
- (G) Any other factors deemed appropriate for the area of the proposed access route.

Note: Due to constitutional restrictions, ODOT Highway Funds cannot be used to build or maintain ATV trails along state highway right of ways or for regulatory signs along such trails. Such projects could qualify for funding through the OPRD-administered ATV Grant Program.

Appendices

Appendix A Senate Bill 192

78th OREGON LEGISLATIVE ASSEMBLY--2015 Regular Session

Enrolled Senate Bill 192

Sponsored by Senator FERRIOLI (Precession filed.)

CHAPTER

AN ACT

Relating to all-terrain vehicles.

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

SECTION 1. (1) The State Parks and Recreation Department shall convene a work group that includes users of all-terrain vehicles, all-terrain vehicle dealers, staff from the Department of Transportation and other individuals whom the State Parks and Recreation Department deems necessary, for the purpose of examining options for allowing users of all-terrain vehicles to operate on state highways.

The department shall compile a report, including any recommendations for legislation, of the work group's conclusions.

The department shall submit the report to the appropriate interim committee of the Legislative Assembly, in the manner provided by ORS 192.245, not later than September 15, 2016.

SECTION 2. Section 1 of this 2015 Act is repealed on December 31, 2016.

Passed by Senate April 9, 2015

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House May 28, 2015

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

.....
Jeanne P. Atkins, Secretary of State

Appendix B ATV Working Group Membership

SB 192 Working Group Membership			
Name	Representing	Name	Representing
Tim Custer	Class I & II Users	Jeff Frieze	Douglas County Deputy Sheriff
Wade Bryant	Class I User, Oregon Outback Waypoints	Paul Havel	Lake County Undersheriff
Steve Doane	ATV Dealer, Class III User	Brent Jenkins	USFS, Class IV User
John Omlin	ATV Dealer, Class IV User	Chris Knauf	BLM
Gregg Haberly	ATV Dealer (John Day)	Jeff Mast	USFS
Gary Sargent	ATV Dealer	Karen Ayers	Safe Kids Oregon
Dave White	4H Safety Program (OSU)	Rich Burkholder	ATV Rental Company owner
John Lane	ATV Safety Trainer, Class I User	Craig Heuberger	Lt. OSP
Burke O'Brien	Morrow County Public Works Director	Barrett Brown	Class III
Greg Close	Morrow County ATV Manager	Ethan Lodwig	Class III
Rob Thornton	Lake County Economic Development Committee	Daniel Hauser	Association of Oregon Counties
Ken Kestner	Lake County Commissioner	Megan Chuinard	Senator Ferrioli's Office

Appendix C Working Group Meeting Minutes

Senate Bill (SB) 192 Work Group Meeting

November 5, 2015 - 9 a.m.– 1 p.m.

Oregon State Fairgrounds - Cascade Hall

Salem, Oregon

MINUTES

Members in attendance:

Tim Custer, ATVAC, Wade Bryant, ATVAC; Daniel Hauser, Association of Oregon Counties; Barrett Brown, OMRA; Jeff Greiner, ODOT Motorcycle Safety Program Manager; Jeff Frieze, Douglas County Sheriff's Office & ATVAC; Ken Kestner, Lake County Commissioner; Rob Thorton, Lake County Economic Development Committee; Burke O'Brien, Morrow County ATV Manager; John Lane, ATV Safety Trainer; Gregg Haberly, John Day Polaris; Doug Bish, ODOT; and Amy Joyce ODOT

Members unable to attend:

Karen Ayers, Safe Kids of Oregon; Craig Heuberger, Oregon State Police; Rich Burkholder, Spinreel Dune Buggy and ATV Rental; Chris Knauf, BLM; Gary Sargent, Oregon Dealer Advisory Council; Dave White, OSU 4H Safety Program; Craig Heuberger, Oregon State Police; Steve Garrets, Team Oregon Motorcycle Safety Program; Brent Jenkins, USFS; Paul Havel, Lake County Undersheriff; Jeff Mast, USFS; and Steve Doane, ATVAC

OPRD Staff in attendance:

Terry Bergerson, Ron Price, Mike Law, Jan Hunt, Ian Caldwell and Pamela Berger

Guest via teleconference: Chris Haller, State of Utah, Department of Natural Resources Trails Program Coordinator

The meeting was convened at 9:08 a.m.

For the purposes of this document, the term All-Terrain Vehicle (ATV) is used generally in reference to the four classifications of vehicles (I, II, III, and IV) in Oregon. An audio file of this meeting and support documents are included on the ftp site provided to members.

Introduction – Terry Bergerson

Terry Bergerson, OPRD, Outdoor Recreation Planner (Meeting Facilitator): Welcomed the workgroup to the first SB 192 meeting. Senate Bill 192 states that “The State Parks and Recreation Department shall convene a working group that includes users of all-terrain vehicles, all-terrain vehicle dealers, staff from the Department of Transportation and other individuals whom the Department deems necessary, for the purpose of examining options for allowing users of all-terrain vehicles to operate on state highways.”

OPRD's initial interpretation of SB 192 is for the working group to focus on how the state can assist local proponent groups (e.g., communities, riding clubs) in their efforts to link communities with "nearby" ATV riding opportunities on public lands (e.g., the ability to ride ATVs from trailheads to community overnight amenities such as motels, restaurants, gas stations).

The SB 192 Working Group encompasses representatives of groups and agency staff who are directly affected by the 2015 legislation. 26 individuals were invited, however not all were able to attend. We apologize to those unable to attend at this selected date and will send out an audio recording of the meeting, meeting minutes and comment opportunity for those unable to attend the meeting. We anticipate having a total of three to four meetings total wrapping up by the September 15, 2016 deadline to submit a report to the legislature.

Terry reviewed agenda items. He noted the group is here today to gather information about the framework including what we might want as part of the required legislative report and issues and concerns related to operation of ATVs on highways. The group will focus on important framework items and issues/ concerns during future meetings.

SB192 Background Information and Framework Power Point Presentation – Ron Price

(Note: A pdf file of this presentation titled "OPRD SB 192" is included on the ftp site provided to members.)

Presentation topics included:

Language in SB192 regarding the working group purpose

Update on 2015 ATV related bills

Current situation regarding ATV use on roads and city streets in Oregon

Current situation regarding ATV use on roads and city streets in other states

Clarification of the use of the term All-Terrain Vehicle in Oregon

Provided current statute information on "road authority" and "jurisdiction"

Our task is to examine options for allowing users of all-terrain vehicles to cross and operate on portions of state highways. Recommendations should consider the following Framework:

Access

Connectivity

Economics

Safety

Consistency

Examples of possible recommendations would be:

Municipal Ordinances

County Ordinances

Minimum age

Revising ORS for highway crossing (100')

Sign Standards

Speed Limits Day/night use

Break

Utah OVV Presentation: Chris Haller, Department of Natural Resources Trails Program Coordinator

(Note: A pdf file of this presentation titled “Utah OHV Presentation 2015” is included on the ftp site provided to members.)

Mr. Haller’s presentation provided an overview of Utah’s effort to allow ATV operation on roadways in the state. Their overall goal is to create a dirt transportation system for ATV operation in the state. Some of the key considerations of the Utah program are:

ATVs are allowed to cross streets and highways at 90 degree angles.

Each city or county can adopt their own local ordinances for ATV operation on roadways.

Jurisdictions can designate routes open to specific ATV type uses.

Often include age restrictions (e.g., at least 16 years of age with driver’s license or adult supervision for youth).

If an ATV is street legal, it can operate anywhere in the state other than 4-lane highways and Salt Lake counties. Street legal vehicles require safety inspections. Equipment specs include headlights, mirrors, and tail lights. Street legal created more operation in non-accepting communities.

The ATV speed limit outside of communities is 50 miles per hour and vehicles must remain on the right side of the road.

The following are highlights from the Q and A session with Chris:

Request for a UDOT contact.

Request for a copy of a UDOT engineering study for reviewing designated route ATV operation.

Who brings forward proposals to UDOT for designated route review? According to Chris, Utah State Parks looks at each local proposal and submits proposals to UDOT. Formal agreements are not MOUs. Chris will share a copy of a UDOT engineering study with the group.

How does Utah deal with spread of noxious weeds on ATVs? According to Chris, Utah State Parks has awarded grants for assisting with noxious weed removal along ATV corridors to be a good neighbor to private property owners.

There have been three OHV fatalities on paved roads in Utah in the past two years. Each of these fatalities involved impairments.

A fatality on Tribal land where the ATV operator was under the influence and drove into a tree.

An off-highway motorcycle was hit at a stop sign by a motor vehicle. The motor vehicle driver was under the influence and failed to stop at the stop sign.

A UTV was hit by a truck. The truck driver was under the influence and rear-ended the UTV.

How do you deal with young riders under 16 years of age on roads? Answer: They must have a driver’s license.

Working Group Round Table Discussion

Each member of the working group was given five minutes to speak to the group. The issues and concerns generated by the group were recorded on a flip chart and recorded. The flip chart notes are included here and an audio version is available on line.

Framework/Concerns/Issues

Ensure local districts have flexibility for establishing rules and laws.

Safety Issues (Major ODOT priority)

Vehicle equipment

Street legal motorcyclists required to wear helmets and hands on training.

Age restrictions

Night time use

Speed limits

Issues different between state highway, county roads, city streets

One size fits all doesn't work

Adult vs. youth requirements for training, helmets etc.

Street vs. off road rules equality

Economic impact to farmers and ranchers

Use of road shoulder impact to farmers and ranchers

Common sense approach

Don't go overboard on rules

ATV recreationist vs farmers & ranchers regarding safety rules

Bicycle use not regulated like ATV use

Rural area different than cities

Noxious weed issues

Open Forest Service roads, travel management

Forest Service roads open to street legal vehicles

Losing Oregon history opportunities in rural areas

Rural communities are the focus

Communities adapt to ATV use

Primary need is the ability to cross state highways

Need for access corridors

Counties and ODOT work together

Update youth safety program to include highway travel or crossing

Economic benefits need to be stressed

State wide uniformity – county to county – city to city

Avoid segregating ATV community

Recreation is the focus not creating an alternate means of transportation

Don't tie access to County population

Allow ATVs to use intersection when approved by the road authority
Uniform equipment requirements (All requirements)
Higher speed limits on some roads is a concern
Separate ATVs from bicycles and pedestrians
Separate travel area (Trail or Corridor)
Look at trailhead connections on roads on case by case bases
ODOT work with cities and counties
Funding for alternate routes, signing, maps, construction
State wide uniformity
Minimal equipment requirements and locations
Supports local road authority being the designator of open roads
ATV crossing main issue
Corridors to reach trailheads
Raise OHV sticker fee to pay for the effort
Economic benefit to local communities
Use ATVs as transportation
Use of the ditch instead of the roadway
Signing important
Promotes family recreation
Promotes interaction between riders and local communities
Can't micro manage the issue
Should have the same expectations for ATVs as pedestrians and bikes
Should not ride the edge of the pavement/shoulder ride on pavement (2" drop causes serious accidents)
Wavier for youth for special events
Day & night use OK because of hunting or break downs
Mapping is trail designation
Population requirements may help
Liability insurance should be required
Liability and ultimate responsibility
Licensed drivers
Headlights and tail lights no turn signals, horn
ODOT responsible if highway is designated a trail
Caution about use of the terms roads and trails
Trails designated by feds through NEPA process
Amend ORS 821.200 striking paragraph 1 line f
Change ORS 810.200 which allows counties and municipalities to make ordinances. Add to that an age requirement to make it the same around the state, along with education and equipment requirements.
ODOT could make an administrative rule with regards to use of shoulders, ROWS, and easements on state highways regarding ATV use for connecting corridors.
Allow Class III to become street legal using kits like other states
Is there a statute that prohibits ATV use on roads?
821.200 gives authority to create corridors
Most Eastern Oregon towns have a state highway running through them
Provide uniform guidance for counties... continuity

Promotes outdoor life style in local communities
Use of road shoulder creates motorist hazard
Focus on one approach... continuity

Meeting Adjourned

The meeting was adjourned at 1:12 p.m.

Second Meeting

Senate Bill (SB) 192 Work Group Meeting

January 7, 2016 - 12 p.m. – 4 p.m.

Keizer Civic Center - Clagget Room

Keizer, Oregon

MINUTES

Members in attendance:

Steve Doane, ATVAC; Tim Custer, ATVAC, Wade Bryant, ATVAC; Daniel Hauser, Association of Oregon Counties; Barrett Brown, OMRA; Gary Sargent, Oregon Dealer Advisory Council; Ethan Ludwig, Class III representative; Jeff Greiner, ODOT Motorcycle Safety Program Manager; Rich Burkholder, Spinreel Dune Buggy and ATV Rental; Megan Chuinard, Senator Ferrioli's Office; Dave White, OSU 4H Safety Program; Chris Knauf, BLM; Brent Jenkins, USFS; John Omlin, Valley Powersports; Jeff Frieze, Douglas County Sheriff's Office & ATVAC; Ken Kestner, Lake County Commissioner; Rob Thorton, Lake County Economic Development Committee; Greg Close, Morrow County; John Lane, ATV Safety Trainer; Gregg Haberly, John Day Polaris; Doug Bish, ODOT; and Amy Joyce ODO

OPRD Staff in attendance:

Terry Bergerson, Ron Price, Mike Law, Jan Hunt, Ian Caldwell and Jeff Trejo

The meeting was convened at 12:00 p.m.

For the purposes of this document, the term All-Terrain Vehicle (ATV) is used generally in reference to the four classifications of vehicles (I, II, III, and IV) in Oregon. An audio file of this meeting and support documents are included on the ftp site provided to members.

Introduction – Terry Bergerson

Terry Bergerson, OPRD, Outdoor Recreation Planner (Meeting Facilitator): Welcomed the workgroup to the second SB 192 meeting. Senate Bill 192 states that “The State Parks and Recreation Department shall convene a working group that includes users of all-terrain vehicles, all-terrain vehicle dealers, staff from the Department of Transportation and other individuals whom the Department deems necessary, for the purpose of examining options for allowing users of all-terrain vehicles to operate on state highways.”

OPRD's initial interpretation of SB 192 is for the working group to focus on how the state can assist local proponent groups (e.g., communities, riding clubs) in their efforts to link communities with “nearby” ATV riding opportunities on public lands (e.g., the ability to ride ATVs from trailheads to community overnight amenities such as motels, restaurants, gas stations).

An audio recording of the meeting, meeting minutes, and support documents are provided on the ftp site for those unable to attend the meeting. We anticipate having a total of three to four meetings total wrapping up by the September 15, 2016 deadline to submit a report to the legislature.

Members introduce themselves.

Terry reviewed agenda items. The group will review examples of potential ATV access routes on roadways, an ATV access route vision, operation of ATVs on federal roads, a discussion on consistency in use regulations along ATV shared use corridors, and a review of current rules and regulations for ATV operation in Oregon.

SB192 Background Information and Framework Power Point Presentation – Ian Caldwell and Ron Price

(Note: A pdf file of this presentation titled “OPRD SB 192” is included on the ftp site provided to members.)

Presentation topics included:

Review of current ATV road use statutes and rules

Current use of ATV's on roads

Site-specific examples of existing/ potential shared use corridors (see document on ftp site: SB192 Examples of ATV's on Roads Dec18.docx). Winchester Bay (Dunes), Upper Nestucca OHV Area (Willamena), Lakeview, Unity (State Highway 26), Tillamook State Forest - Lee's Camp Store, Riley (State Highway 20).

How the system could work. Local grass-roots efforts would include a proponent group, road authorities, and land managers. The local proponent group would make a proposal to road authorities. State would develop a set of rules and regulations for ATV use on state highways (e.g., age, insurance, helmets, seat belts, riding hours, signage) and provide recommendations for county and municipal ordinances.

Proponent groups would use county or city funds, ATV grant funds, or other grant funding sources to create user maps. The state would develop standard road analysis criteria such as traffic flow, speed limits, road quality and surface. State Parks role might include field staff assistance with trail layout, sight distance review, development of standard review criteria, grant funding for signs and mapping, include shared use corridor information on the OPRD website, provide a legislative report.

Discussion of Lakeview and Unity examples and how the system could work in these locations. If there is not a local governing body, the county commissioners might get involved. The group might want to consider putting a definition of proponent groups (including examples) in the final report to the legislature. Not necessary to limit it to specific groups, but not individual landowners which are not recreation related. Could a business or economic development group be a proponent group? There needs to be some consistency for out-of-town visitors. Consistency in signing, evaluation criteria, mapping, and for law enforcement. USFS has engineering standards for road analysis. What is the scope of this? How many are there to review?

There was an argument made that the group should pursue a strategy for street legal ATV use of roads in the state.

Consistency In Use Regulations – Jeff Greiner

ODOT does not want to make the assumption that we are all operating with the same definition of consistency in the framework of regulations and the elements of transportation safety that they work under. This session is intended to get your feedback regarding the pros and cons of consistency for four different elements including engineering, education, enforcement, and equipment.

In the next meeting, we will make recommendations for rules and regulations and recommended ordinances for operation of ATVs on roadways. The final legislative report will include recommendations and specific changes needed to implement the recommendations.

The following is a summary of the discussion.

Transportation Safety – Consistency – Pro’s, Con’s, Shift to change

Engineering Education Enforcement Equipment

pro	consistency	pro	current ohv regs	pro	current ohv regs	con	extra reqmts for street legal atvs
con	one document for all jurisdictions	pro	easy to explain	barrier	updating rules	con	equip reqmts affect tourism
con	maint of signs	pro	message consistent	pro	easier to enforce	pro	equipment is available
con	missing signs	shift	educate pavement riding	pro	consistency	pro	tourism people know what they need
con	expensive	con	cost	con	cost	con	if inconsistent between classes
con	over engineering	pro	simpler	con	may need to revise existing standards (cty ordin)	con	fed emission standards (off-road use only)
pro	simple	shift	cars expect atvs	barrier	youth on roads	con	cost

con	lack of national sign standard	shift	youth inexperience handling on pavement	con	perception by law enforcement	shift barrier	helmet (different age reqmts)
con	age limits kids access	pro	have education sys in place	pro	less confusion	barrier	small cc needed speed
con	cost	shift /con	training providers to provide information	pro	no age limit for youth on bicycles	con	visibility of small atvs
con	uniform standards one size doesn't fit all					pro	does not cost much-relative
con	use impact on shoulders					con	won't make everyone happy
pro	clear message on signs						
con	signs can be distracting						
pro	uniform assessment of routes						
pro	corridor vs highway makes riders safer						

Break

ATV Use on Roads on Federal Lands: Chris Knauf, Bureau of Land Management

Currently, the BLM has 15 million acres of land in Oregon and about 500,000 of those acres are under a Travel Management Plan – a pretty small percentage. Typically, BLM allows ATV use on all roads, primitive roads, and trails. The only exclusion to that would be non-motorized trails designated for mountain bikes or equestrian use and some pavement in Western Oregon. But, most dirt and gravel roads are open for ATV use. There are great riding opportunities on BLM roads in the western part of the state. Resource Management Plans occurs every 15 years, followed by a Travel Management Plan. Upcoming

Travel Management Planning provides an opportunity to designate these roads open for ATV use. There are opportunities to create BLM outback riding routes in the future.

Rights of ways – Trail development within 250 feet of the roadway may already be authorized with some local compliance. There are different types of easements and rights-of-ways to consider.

There are some state highways and interstate highways on BLM lands.

Current Rules and Regulations for OHV Operation in Oregon – Ian Caldwell

(Note: A document titled “Equipment/ Safety Requirements” is included on the ftp site provided to members.)

The presentation included a review of four major topics including state helmet, seat belt, insurance, and minimum age requirements. ATVs must have a headlight and tail light when operating on trails after dark.

County and municipal rules were summarized and included in the document.

Closing Comments

The next meeting will be in March/April. In the next meeting, we will be address operation of ATVs on state highways and specific recommendations for rules and regulations on shared use corridors.

Meeting Adjourned

The meeting was adjourned at 4:00 p.m

Third Meeting

Senate Bill (SB) 192 Working Group Meeting

March 31, 2016 - Noon – 4 p.m.

Keizer Civic Center - Claggett Room

Keizer, Oregon



MEETING MINUTES

Members in attendance:

Senator Ted Ferrioli, District 30; Megan Chuinard, Senator Ferrioli's Office; Tim Custer, Vice-Chair, ATV-AC; Wade Bryant, Class I Rep., ATV-AC; Daniel Hauser, Association of Oregon Counties; Barrett Brown, OMRA , Class III; Gary Sargent, Oregon Dealer Advisory Council; Dave White, OSU 4H Safety Program; Chris Knauf, BLM; Brent Jenkins, USFS & Class IV user; John Omlin, Valley Powersports; Jeff Frieze, Douglas County Sheriff's Office & Law Enforcement Rep., ATV-AC; Ken Kestner, Lake County Commissioner; Robert Thorton, Lake County Economic Development Committee; Greg Close, Morrow County; John Lane, ATV Safety Trainer; Gregg Haberly, John Day Polaris; and Ethan Lodwig, Trauma Nurse

OPRD Staff in attendance: Terry Bergerson, Ron Price, Jan Hunt, Ian Caldwell and Jeff Trejo

ODOT Staff in attendance: Jeff Greiner, Doug Bish, Amy Joyce

Not in attendance:

Steve Doane, Class III Rep., ATV-AC, Jeff Mast, U.S. Forest Service, ATV-AC; Burke O'Brien Morrow County Public Works and county ATV Manager, Rich Burkholder, Spinreel Dune Buggy and ATV Rental; Paul Havel, Lake County Undersheriff; Karen Ayers, Safe Kids Oregon; Rich Burkholder, Spinreel Dune Buggy and ATV Rental; Lt. Craig Heuberger, Oregon State Police; and Emily Ackland, Association of Oregon Counties

Notes: For the purposes of this document, the term All-Terrain Vehicle (ATV) is used generally in reference to the four classifications of vehicles (I, II, III, and IV) in Oregon.

An audio file of this meeting and any supporting documents are available on a FTP site.

The meeting convened at noon

Terry Bergerson, Outdoor Recreation Planner, OPRD (today's meeting facilitator): Welcomed attendees to the third SB 192 Work Group Meeting.

Staff and member introductions.

Committee Business

Terry reviewed the meeting agenda and meeting process.

Jeff Greiner (ODOT Motorcycle Safety Program Manager) gave presentations on the following topics: Rules and regulations crossing state highways in municipalities, street legal ATV classification, and ATV use on state highways along ATV Access Routes including rules and regulations. Jan Hunt (OPRD Grants Manager) gave a presentation on establishing a State ATV Access Route Advisory Committee.

Committee members voted on the following regulatory concepts related to ATV Access Routes.

In Municipalities: Create a "grey zone" to allow ATVs to cross state highways at regular traffic intersection areas in municipalities with existing ATV laws in place (municipal ATV rules and regulations apply in "grey zone" state highway crossing).

Support 12 **Opposed 0**

In Remote Settings: Create a "grey zone" outside of municipalities to allow ATVs to cross state highways at 90 degree angle crossings with riding area ATV rules and regulations in "grey zone" state highway crossings.

Support 13 **Opposed 0**

Establish a "street legal" classification in Oregon law for ATVs.

Support 3 **Opposed 6**

ATV use on state highway pavement along ATV Access Routes: Establish a mandatory ATV helmet law on ATV Access Routes (Class I, III, IV).

Support 7 **Opposed 2**

ATV use on state highway pavement along ATV Access Routes: Establish a mandatory ATV helmet law on ATV Access Routes (Class I, III). Question #4 was re-voted on by removing Class IV, side-by-side vehicles.

Support 11 **Opposed 0**

ATV use on state highway pavement along ATV Access Routes: Establish mandatory use of seat belts on ATV Access Routes (Class IV).

Support 12 **Opposed 1**

ATV use on state highway pavement along ATV Access Routes: Establish mandatory head light and tail light use in limited visibility conditions on ATV Access Routes (Class I, II, III, IV).

Support 15 **Opposed 0**

ATV use on state highway pavement along ATV Access Routes: Establish mandatory ATV liability insurance requirement on ATV Access Routes (Class I, II, III, IV).

Support 11 **Opposed 0**

ATV use on state highway pavement along ATV Access Routes: Establish mandatory driver's license/ permit operator requirement on ATV Access Routes (Class I, II, III, IV).

Support 11 **Opposed 1**

Establish mandatory ATV helmet, seat belt, head/tail light, insurance, and driver's license operator requirements on state highway rights-of-way along ATV Access Routes (Class I, II, III, and IV).

Support 1 **Opposed 8**

Comments from the group regarding ATVs on state highways:

- Separate trail from the highway by fencing or barricade
- No support for age restriction on access routes along state highway, off of pavement
- Access along state highway off of pavement review on case by case bases
- Provides linkage to non-highway routes

Establish a statewide ATV Access Route Advisory Committee to coordinate, facilitate, and assist new route proposals.

Support 14 **Opposed 0**

Allow the creation of "non-recreation" or "transportation" ATV Access Route Corridors connecting towns.

Support 4 **Opposed 5**

General comments from the group regarding establishing a State ATV Access Route Committee

- Public users on the committee not just Agency employees
- Possibly use the ATV Advisory Committee
- Notify the current work group when rule making occurs
- Letters of support from cities and counties indicate their support
- The Oregon Transportation Committee gives final approval of proposed routes
- Governing bodies are composed of elected officials not agency staff
- Give the proponent group the authority to decommission a route if issues arise
- Should be a public guided decision
- The committee should be tasked with coordinating, facilitating and assisting

Meeting Adjourned 4 PM

Appendix D Association of Oregon Counties Issue Brief

Appendix D Association of Oregon Counties Issue Brief



ISSUE BRIEF

TO: Emily Ackland, County Road Program Manager, AOC FROM: Rob Bovett, Legal Counsel, AOC

DATE: March 17, 2014

SUBJECT: **Permitting the use of ATVs on County Roads**

SUMMARY

You have asked me to examine Oregon law to determine if it is permissible for a county governing body to permit the operation of All-Terrain Vehicles (ATVs) on a county road. I have concluded that it is permissible, but I also have liability and loss prevention concerns if it is not done carefully.

The laws and administrative rules related to the operation of ATVs on public land is a web of often confusing and contrasting provisions. For reference, I have attached the relevant laws (pages 3-19) and administrative rules (pages 20-34) to this Issue Brief.

DISCUSSION

There are four classes of All-Terrain Vehicles (ATVs) in Oregon.¹ For purposes of this Issue Brief, I will focus only on Class I ATVs (commonly known by most of the public as an “ATV” or “Quad”). All future references to an “ATV” in this Issue Brief will mean a Class I ATV.

Oregon law provides for ATV operator permits and decals.² A person 16 years of age or older is required to have a permit and decal to operate an ATV on public land.³ A person under 16 years of age who operates an ATV on public land is also required to have such a permit, be accompanied by a person 18 years or older who is able to provide immediate assistance and direction to the youth, and meet certain “rider fit” requirements based on the size of the youth and the size of the ATV.⁴ Helmets are also required to be worn by all persons under 18 while operating an ATV on premises open to the public.⁵

ATVs are exempted from many normal “street legal” equipment requirements,⁶ and are permitted to operate on certain public lands without those items of “street legal” equipment, but not on two-lane gravel roads, unless so designated by the by the road authority with jurisdiction over the road.⁷ Public land that an ATV might otherwise be permitted to operate can also be closed to ATV use by posted restriction.⁸

Oregon law generally prohibits the operation of an ATV on or across a highway,⁹ including shoulders, banks and medians.¹⁰ However, there are a number of exceptions to this general rule, including, but not limited to: Qualifying farm operations;¹¹ operating on highways that are not maintained for passenger car traffic;¹² crossing a highway at a 90 degree angle in a safe manner;¹³ and loading and unloading in a safe manner.¹⁴ Of particular note, ORS 821.200(2)(c) provides an additional cryptic general exemption:

“A[n] . . . all-terrain vehicle may lawfully be operated upon a highway under any of the following circumstances:

* * *

(c) Where the highway is posted to permit . . . all-terrain vehicles.”

Together with general authority over county roads in unincorporated areas,¹⁵ ORS 821.200(2)(c) appears to permit a county to post any county road as permissible for ATV use.

Here is the liability and loss prevention issue: Just because a county may have the right to allow ATV use on any county road, does not mean it should. Before posting a county road as permissible for ATV use, a county should carefully consider all traffic safety and conflict issues that might arise, including, but not limited to, traffic and vehicular patterns, speed limits and typical use, the nature and construction of the road, and visibility. Caution and care should be exercised.

1 Class I, II, III, and IV. *See* ORS 801.190 to 801.194; OAR 736-004-0015. A Class I ATV is commonly known as an “ATV” or “Quad.” A typical Class II ATV is a truck, Jeep, dune buggy, or sand rail. A typical Class III ATV is an off-road “motocross” or “dirt bike” motorcycle. A typical Class IV ATV is known as a side-by-side. Class I and Class IV ATVs cannot be made street legal. Some Class II and Class III ATVs are, or can be made, street legal.

2 ORS 390.570; 821.195. Local jurisdictions are prohibited from imposing their own fees for use of ATVs on public lands. ORS 801.040(3); 821.050.

3 ORS 821.170; OAR 736-004-0115.

4 ORS 821.170(2); OAR 736-004-0115. NOTE: ATV violation citations for operators 11 years of age or under are issued to the parent, legal guardian, or other person responsible for the child’s safety. ORS 821.204.

5 ORS 821.202.

6 ORS 821.010. By statute and administrative rule, certain minimum equipment standards are required for ATVs that operate on public lands. ORS 821.030; 821.040; 821.220; 821.230; OAR 735-116-0000.

7 ORS 821.010.

8 ORS 821.192.

9 A County Road qualifies as a “highway” for purposes of the Oregon Vehicle Code and this Issue Brief. ORS 801.305.

10 ORS 821.190.

11 ORS 821.191.

12 ORS 821.055.

13 ORS 821.200(1).

14 ORS 821.200(2)(b).

15 ORS 810.010(2)

Appendix E Example of County Ordinance Permitting ATVs on County Roads

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR THE COUNTY OF LAKE

IN THE MATTER OF ADOPTING AN) ORDINANCE NO. _____
ORDINANCE AUTHORIZING THE)
OPERATION OF ALL-TERRAIN VEHICLES)
ON DESIGNATED COUNTY ROADWAYS)

WHEREAS, the Lake County Board of Commissioners for Lake County desires to adopt an ordinance authorizing the operation of all-terrain vehicles on certain roadways; and

WHEREAS, the Lake County Board of Commissioners has determined that it is necessary to impose certain restrictions on the operation of all-terrain vehicles on such streets for the purpose of protecting the interests and safety of the general public, now, therefore,

THE LAKE COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. – Purpose: The purpose of this Ordinance is to authorize the operation of all-terrain vehicles on designated roadways within Lake County subject to the terms, provisions, rights and responsibilities as set forth in this Ordinance.

Section 2. – Definitions: For the purpose of this Ordinance, the following definitions are hereby established:

All-Terrain Vehicle(s) (ATVs), means Class I All-Terrain Vehicles, Class II, Class III, All-Terrain Vehicles, and/or Class IV All-Terrain Vehicles.

ATV Operator Permit, means the ATV Safety Education Card issued upon completion of on Oregon Parks and Recreation Department approved ATV Safety Education course and passage of the minimum standards test of ATV Safety Education competency as established by the Oregon Parks and Recreation Department as set forth in OAR 736-004-0015(10).

Class I All-Terrain Vehicles, as defined by ORS 801.190 is a motorized, off-highway recreational vehicle that (a) is 50 inches or less in width, (b) has a dry weight of 1,200 pounds or less, (c) travels on three or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less, (d) uses handlebars for steering, (e) has a seat designed to be straddled for the operator, and (f) is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain. Class I All-Terrain Vehicles may also be known as quads, three-wheelers, or four wheelers. Something for Class III???

Class II All-Terrain Vehicle(s), as defined by ORS 801.193 is any motor vehicle that (a) weighs more than or is wider than a Class I All-Terrain Vehicle, (b) is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, is, marsh, swampland, or other natural terrain,

(c) is not a Class IV All-Terrain Vehicle, and (d) is street-legal, is registered under ORS 803.420, and has a roof or roll bar. Class II All-Terrain Vehicles may also be known as four-by-fours, pickups jeeps, sand rails, dune buggies, and SUVs. Something for Class III???

Class IV All-Terrain Vehicle(s), as defined by ORS 801.194(2) is any motorized vehicle that (a) travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less, (b) is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, (c) has non-straddle seating, (d) has a steering wheel for steering control, € has a dry weight of 1,800 pounds or less, and (f) is 65 inches wide or less at its widest point. Class IV All-Terrain Vehicles may also be known as side-by-sides. Something for Class III???

Driver License, has the meaning given that term under ORS 801.245.

Motorcycle Helmet, has the meaning given that term under ORS 801.366. ORS 801.366 defines a Motorcycle Helmet as a protective covering for the head consisting of a hard out shell, adding adjacent to and inside the outer shell and a chin-strap type retention system with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation.

Traffic Law(s), means any and all Oregon statutes and regulations relating in any way to the operation or use of motorized vehicles, including, without limitation, the Oregon Vehicle Code (ORS Chapters 801 to 826) and any regulations or administrative rules promulgated thereunder.

Section 3. – Operation of All-Terrain Vehicles on Authorized County Roadways. Subject to the provisions of this Ordinance, ATV's may be operated on Streets subject to the conditions and restrictions set forth under ORS 821.200. All-Terrain Vehicles are prohibited from operating under this Ordinance on U.S. Highway 395, U.S. Highway 20, Oregon State Highway 31 and Oregon State Highway 140 as located within Lake County, except that a person may, while operating an ATV, cross the above highways to the extent permitted under applicable Oregon law, including, without limitation, ORS 821.200(1).

Section 4. – Regulations for Operation of All-Terrain Vehicles. All-Terrain Vehicles operating under this Ordinance must be operated in compliance with all applicable federal, state, and local laws, regulations, and ordinances, including, without limitation, all applicable Traffic Law requirements (including, without limitations, ORS 811.255) and all posted speed limits.

Section 5. – Licensed Driver 16 Years of Age or Older Required. A person operating an ATV under this Ordinance must be 16 years of age or older and hold a valid Driver's License. Licensed drivers must comply with all license restrictions.

Section 6. – All-Terrain Vehicle Operator Permit Required. A person operating a Class I All-Terrain Vehicle under this Ordinance must hold a valid Class I ATV Operator Permit issued under ORS 390.570. A person operating a Class IV All-Terrain Vehicle under this Ordinance must hold a valid Class IV ATV Operator Permit issued under ORS 390.577.

Section 7. – Safety Equipment Requirements. All-Terrain Vehicles operated under this Ordinance must be equipped with the safety equipment required under all applicable Traffic Laws, including, without limitation, ORS 821.030, ORS 821.040, ORS 821.220, ORS 821.230, and OAR 735-116-0000.

Section 8. – Helmet Requirements. A person who is under 18 years of age must wear a Motorcycle Helmet with a fastened chin strap while riding as a passenger on an ATV operated under this Ordinance.

Section 9. – Safety Belt Requirements. A person must be properly secured with a safety belt or safety harness while operating or riding as a passenger on an ATV operated under this Ordinance if such ATV was required to be equipped with safety belts or safety harnesses at the time the ATV was manufactured or safety belts or safety harnesses have been installed on the ATV.

Section 10. – Speed Limits. All-Terrain Vehicles operated under this Ordinance must be operated in compliance with all posted speed limits and may not be operated (a) at a rate of speed greater than reasonable under the existing conditions, or (b) in a negligent manner so as to endanger or cause injury, death, and/or damage to the operator or person or property of another.

Section 11. – Prohibition on Operating All-Terrain Vehicles while Driving Privileges are Suspended. A person may not operate an ATV under this Ordinance while the person's driving privileges (i.e. Driver's License) are suspended or revoked.

Section 12. – Financial Requirements. All-Terrain Vehicles operated under this Ordinance must meet the financial responsibility requirements under ORS 806.060. For purposes of this Section 12, "financial responsibility requirements" means the ability to respond in damages for liability, on account of accidents arising out of the ownership, operation, maintenance, and/or use of an ATV, in a manner provided under ORS 806.060.

Section 13. – Visibility. During any time when limited visibility conditions exist, ATVs operated under this Ordinance must be equipped with and display headlights and taillights.

Section 14. – Designation of Roadways. Designation of authorized roadways will be at the sole discretion of the Lake County Board of Commissioners. Authorized roadways are shown in Attachment A. This listing can be amended at any time with majority vote of the Board of Commissioners.

Section 15. – Liability. The operation of an ATV will be undertaken at the sole risk and responsibility of the owner and/or operator. Lake County, passing this Ordinance, assumes no responsibility for the operation of such ATVs and will be held harmless in any action arising from the operation of such ATVs on or off any public way within Lake County, including, without limitation, roadways.

Section 16. – Penalties. Any violation of this Ordinance that constitutes a violation of a Traffic Law, then the penalty for the same shall be as provided for by Oregon statute. Any other violation of this Ordinance shall be commenced by the issuance of a citation and shall be prosecuted in the Lake County Circuit Court as a Class B Violation pursuant to the provisions of ORS 153.008, ORS 153.012 and ORS 153.018 as now in effect or as may be amended from time to time.

Section 17. – Referenced Statutes and Rules. All references to particular laws, statutes, or rules include that law, statute or rule as now in effect or as may be amended from time to time.

Section 18. – Invalidity. If any section, subsection or part of this Ordinance is for any reason held invalid, unenforceable or unconstitutional, such holding will not affect the validity, enforceability or constitutionality of the remaining portions of this Ordinance.

Section 19. – Snowmobiles. Nothing contained in this Ordinance applies to the operation of snowmobiles as that term is defined by ORS 801.490.

Section 20. – Modification. The Lake County Sheriff and Lake County Road Official have the authority to modify the provisions of this Ordinance as a result of the occurrence of special events. Such modifications shall be temporary in nature and shall not violate Traffic Laws.

Section 21. – Responsibility. It is the responsibility of the user to be aware of the **non-authorized** roadways listed in Attachment A. Author note – Attachment A is still under discussion with potential of listing only roads not allowed

Section 22. – Noise. Mufflers in Oregon must be maintained at 99 decibels (db) and be in compliance of ORS 467.030 and OAR 340-035-0030.

Section 23. – Effective Date. This Ordinance shall take effect on the thirtieth (30th) day following its adoption as set forth below.

DATED this ____ day of _____, 2014.

Approved as to form by:

BOARD OF COMMISSIONERS
LAKE COUNTY, OREGON

Jim Bailey, County Counsel

Dan Shoun, Chair

Recording Secretary

Bradley J. Winters, Vice-Chair

Ken Kestner, Commissioner

Appendix F Example of City Ordinance Permitting ATVs on City Streets

ORDINANCE NO. 13-156-01

AN ORDINANCE AUTHORIZING THE OPERATION OF ALL-TERRAIN VEHICLES ON CERTAIN STREETS LOCATED WITHIN THE BOUNDARIES OF THE CITY OF JOHN DAY, OREGON.

WHEREAS, the City of John Day (the “City”) desires to adopt an ordinance authorizing the operation of all-terrain vehicles on certain streets located within the boundaries of the City; and

WHEREAS, the City has determined that it is necessary to impose certain restrictions on the operation of all-terrain vehicles on such streets in order to protect the interest and safety of the general public.

NOW, THEREFORE, THE CITY OF JOHN DAY ORDAINS AS FOLLOWS:

Incorporation. The above-stated findings are hereby adopted.

Short Title. This Ordinance No. 13-156-01 (this “Ordinance”) may be referred to and cited as the “ATV Ordinance.”

Definitions. As used in this Ordinance, the following capitalized terms have the meanings assigned to them below:

“All-Terrain Vehicle(s)” and “ATV(s)” mean Class I All-Terrain Vehicles, Class II All-Terrain Vehicles, and/or Class IV All-Terrain Vehicles.

“ATV Operator Permit” has the meaning given that term under OAR 736-004-0015(10). OAR 736-004-0015(10) defines an ATV Operator Permit as the ATV Safety Education Card issued upon completion of an Oregon Parks and Recreation Department-approved ATV Safety Education course and passage of the minimum standards test of ATV Safety Education competency as established by the Oregon Parks and Recreation Department.

“Class I All-Terrain Vehicle(s)” has the meaning given that term under ORS 801.190. ORS 801.190 defines a Class I All-Terrain Vehicle as a motorized, off-highway recreational vehicle that (a) is 50 inches or less in width, (b) has a dry weight of 1,200 pounds or less, (c) travels on three or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less, (d) uses handlebars for steering, (e) has a seat designed to be straddled for the operator, and (f) is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain. Class I All-Terrain Vehicles may also be known as quads, three-wheelers, or four-wheelers.

“Class II All-Terrain Vehicle(s)” means any motor vehicle that (a) weighs more than or is wider than a Class I All-Terrain Vehicle, (b) is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, (c) is not a Class IV All-Terrain Vehicle, and (d) is street-legal, is registered under ORS 803.420, and has a roof or roll bar. Class II All-Terrain Vehicles may also be known as four-by-fours, pickups, jeeps, sand rails, dune buggies, and SUVs.

“Class IV All-Terrain Vehicle(s)” has the meaning given that term under ORS 801.194(2). ORS 801.194(2) defines a Class IV All-Terrain Vehicle as any motorized vehicle that (a) travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less, (b) is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh,

swampland, or other natural terrain, (c) has nonstraddle seating, (d) has a steering wheel for steering control, (e) has a dry weight of 1,800 pounds or less, and

(f) is 65 inches wide or less at its widest point. Class IV All-Terrain Vehicles may also be known as side- by-sides.

“Driver License” has the meaning given that term under ORS801.245.

“Motorcycle Helmet” has the meaning given that term under ORS 801.366. ORS 801.366 defines a Motorcycle Helmet as a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell and a chin-strap type retention system with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation.

“Traffic Law(s)” means any and all Oregon statutes and regulations relating in any way to the operation or use of motorized vehicles, including, without limitation, the Oregon Vehicle Code (ORS Chapters 801 to 826) and any regulations promulgated thereunder.

“Street(s)” means all highways, roads, streets, and alleys, other than State of Oregon highways and two-lane gravel roads, within the boundaries of the City that are open, used, or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

Operation of All-Terrain Vehicles on Streets Authorized. Subject to the provisions of this Ordinance, ATVs may be operated on Streets subject to the conditions and restrictions set forth under ORS 821.200. All-Terrain Vehicles are prohibited from operating under this Ordinance on any State of Oregon highway within the boundaries of the City, including, without limitation, South Canyon Boulevard/U.S. Highway 395 and Main Street/U.S. Highway 26, except that a person may, while operating an ATV, cross a State of Oregon highway to the extent permitted under applicable Oregon law, including, without limitation, ORS 821.200(1).

Regulations for Operation of All-Terrain Vehicles. All-Terrain Vehicles operated under this Ordinance must be operated in compliance with all applicable federal, state, and local laws, regulations, and ordinances, including, without limitation, all applicable Traffic Law requirements.

Licensed Driver 18 Years of Age or Older Required. A person operating an ATV under this Ordinance must be 18 years of age or older and hold a valid Driver License.

All-Terrain Vehicle Operator Permit Required. A person operating a Class I All-Terrain Vehicle under this Ordinance must hold a valid Class I ATV Operator Permit issued under ORS 390.570. A person operating a Class IV All-Terrain Vehicle under this Ordinance must hold a valid Class IV ATV Operator Permit issued under ORS 390.577.

Safety Equipment Requirements. All-Terrain Vehicles operated under this Ordinance must be equipped with the safety equipment required under all applicable Traffic Laws, including, without limitation, ORS 821.030, ORS 821.040, ORS 821.220, ORS 821.230, and OAR 735-116-0000.

Helmet Requirements. A person who is under 18 years of age must wear a Motorcycle Helmet with a fastened chin strap while riding as a passenger on an ATV operated under this Ordinance.

Safety Belt Requirements. A person must be properly secured with a safety belt or safety harness while operating or riding as a passenger on an ATV operated under this Ordinance if such ATV was required to be equipped with safety belts or safety harnesses at the time the ATV was manufactured or safety belts or safety harnesses have been installed on the ATV.

Speed Limits. All-Terrain Vehicles operated under this Ordinance must be operated in compliance with all posted speed limits and may not be operated (a) at a rate of speed greater than reasonable and proper under the existing conditions, or (b) in a negligent manner so as to endanger or cause injury, death, and/or damage to the operator or person or property of another.

Prohibition on Operating All-Terrain Vehicles While Driving Privileges Suspended. A person may not operate an ATV under this Ordinance while the person’s driving privileges (i.e., Driver License) are suspended or revoked.

Financial Requirements. All-Terrain Vehicles operated under this Ordinance must meet the financial responsibility requirements under ORS 806.060. For purposes of this Section 13, “financial responsibility requirements” means the ability to respond in damages for liability, on account of accidents arising out of the ownership, operation, maintenance, and/or use of an ATV, in a manner provided under ORS 806.060.

Daylight Hours Only. All-Terrain Vehicles operated under this Ordinance may be operated only during daylight hours. For purposes of this Section 14, “daylight hours” means one-half hour before sunrise to one-half hour after sunset. At any time from one-half hour before sunrise to one-half hour after sunrise and from one-half hour before sunset to one-half hour after sunset, and during any time when limited visibility conditions exist, ATVs operated under this Ordinance must be equipped with and display headlights and taillights.

Posting. The City will post signs giving notice that the operation of ATVs is permitted upon Streets under the provisions of this Ordinance. The City will post such signs at locations necessary to inform the public that ATVs are permitted upon Streets, which sign locations will be determined by the City in its sole discretion.

Liability. The operation of an ATV will be undertaken at the sole risk and responsibility of the owner and/or operator. The City, by passing this Ordinance, assumes no responsibility for the operation of such ATVs and will be held harmless in any action arising from the operation of such ATVs on or off any public way within the City, including, without limitation, Streets.

Penalties. Violation of, or failure to comply with, any provision of this Ordinance, including, without limitation, the operation of an ATV where such ATV is prohibited, is punishable by a fine not to exceed \$500.00. Each violation of this Ordinance will constitute a separate offense. The penalties imposed by this Section 17 are not exclusive and are in addition to any other remedies, civil or criminal, available to the City under applicable law.

Miscellaneous. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

Effective Date. This Ordinance will become effective 30 days after its passage by the City Council and approval by the Mayor.

[end of ordinance – signature page immediately follows]

This Ordinance was PASSED by the City Council of the City of John Day by a vote of _____ for and _____ against and APPROVED by the Mayor on this 12th day of March, 2013.

Ron Lundbom, Mayor

ATTEST:

Peggy Gray, City Manager

Appendix G Statutes Regarding Road Authority

Road Authority

801.445 “Road authority.” “Road authority” means the body authorized to exercise authority over a road, highway, street or alley under ORS 810.010. [1983 c.338 §82]

ROAD AUTHORITIES

(Jurisdiction)

810.010 Jurisdiction over highways; exception. This section designates the bodies responsible for exercising jurisdiction over certain highways when the vehicle code requires the exercise of jurisdiction by the road authority. This section does not control where a specific section of the vehicle code specifically provides for exercising jurisdiction in a manner different than provided by this section. Except as otherwise specifically provided under the code, the responsibilities designated under this section do not include responsibility for maintenance. Responsibility for maintenance is as otherwise provided by law. The following are the road authorities for the described roads:

(1) The Department of Transportation is the road authority for all state highways in this state including interstate highways.

(2) The county governing body is the road authority for all county roads outside the boundaries of an incorporated city.

(3) The governing body of an incorporated city is the road authority for all highways, roads, streets and alleys, other than state highways, within the boundaries of the incorporated city.

(4) Any other municipal body, local board or local body is the road authority for highways, other than state highways, within its boundaries if the body or board has authority to adopt and administer local police regulations over the highway under the Constitution and laws of this state.

(5) Any federal authority granted jurisdiction over federal lands within this state under federal law or rule is the road authority for highways on those lands as provided by the federal law or rule. [1983 c.338 §145; 1985 c.16 §45]

810.012 Jurisdiction over access to facilities and services from certain roads; rules. Notwithstanding any other provision of the Oregon Vehicle Code, the Oregon Transportation Commission, by rule, may establish procedures for, and certify to the Federal Highway Administration compliance with, Federal Regulation 23 C.F.R. part 658 for roads under the authority of cities and counties. [1991 c.283 §2]

(Roads)

810.020 Regulating use of throughway. (1) Each road authority may prohibit or restrict the use of a throughway in its jurisdiction by any of the following:

(a) Parades.

(b) Bicycles or other nonmotorized traffic.

(c) Motorcycles or mopeds.

(2) Regulation under this section becomes effective when appropriate signs giving notice of the regulation are erected upon a throughway and the approaches to the throughway.

(3) Penalties for violation of restrictions or prohibitions imposed under this section are provided under ORS 811.445.

(4) The Oregon Transportation Commission shall act as road authority under this section in lieu of the Department of Transportation. [1983 c.338 §146]

810.030 Imposition of restrictions on highway use; grounds; procedure; penalties. (1) A road authority may impose restrictions described under this section on its own highways as the road authority determines necessary to do any of the following:

(a) Protect any highway or section of highway from being unduly damaged.

(b) Protect the interest and safety of the general public.

(2) Restrictions that may be imposed under this section include any of the following:

(a) Prohibition of the operation of any or all vehicles or any class or kind of vehicle.

(b) Imposing limits on any weight or dimension of any vehicle or combination of vehicles.

(c) Imposing any other restrictions that the road authority determines necessary to achieve the purposes of this section. This paragraph does not grant authority to impose speed restrictions.

(3) Any restrictions or limitations imposed under this section must be imposed by proper order. The restrictions or limitations are effective when appropriate signs giving notice of the restrictions or limitations are erected. A sign giving notice of a restriction or limitation in an order shall be maintained in a conspicuous manner and shall be placed at each end of the highway or section of highway affected by the order and at such other places as is necessary to inform the public.

(4) Penalties are provided under ORS 818.130 for violation of restrictions imposed under this section. [1983 c.338 §147; 1985 c.16 §46]

801.040 Authority to adopt special provisions. This section describes circumstances where special provisions are made concerning the authority of cities, counties or other political subdivisions in relation to some portion of the vehicle code. This section is not the only section of the vehicle code that applies to such authority and shall not be interpreted to affect the vehicle code except as specifically provided in this section. The following limits are partial or complete as described:

(1) No county, municipal or other local body with authority to adopt and administer local police regulations under the Constitution and laws of this state shall enact or enforce any rule or regulation in conflict with the provisions of the vehicle code described in this subsection except as specifically authorized in the vehicle code. This subsection applies to the provisions of the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles.

(2) Except as provided in ORS 822.230 and this subsection, no city, county or other political subdivisions shall regulate or require or issue any registration, licenses, permits or surety bonds or charge any fee for the regulatory or surety registration of any person required to obtain a certificate from the Department of Transportation under ORS 822.205. This subsection does not:

(a) Limit any authority of a city or county to license and collect a general and nondiscriminatory license fee levied upon all businesses or to levy a tax based upon business conducted by any person within the city or county.

(b) Limit the authority of any city or county to impose any requirements or conditions as part of any contract to perform towing or recovering services for the city or county.

(c) Limit the authority of any city or county to impose requirements and conditions that govern the towing of a vehicle by a towing business under ORS 98.812 so long as those requirements and conditions are consistent with the provisions of ORS 822.230.

(3) No city, county or other political subdivision of this state, nor any state agency, may adopt a regulation or ordinance that imposes a special fee for the use of public lands or waters by snowmobiles or Class I all-terrain vehicles, or for the use of any access thereto that is owned by or under the jurisdiction of either the United States, this state or any such city, county or other political subdivision. The registration fees provided by ORS 821.320 are in lieu of any personal property or excise tax imposed on snowmobiles by this state or any political subdivision. No city, county or other municipality, and no state agency shall impose any other registration or license fee on any snowmobile in this state. This subsection does not prohibit any city, county or other political subdivision, or any state agency from regulating the operation of snowmobiles or Class I all-terrain vehicles on public lands, waters and other properties under its jurisdiction and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body if such regulations are not inconsistent with ORS 821.150 to 821.292.

(4) The provisions of ORS 819.110 to 819.215 relating to towing of vehicles that are abandoned establish minimum requirements subject to the following:

(a) Notwithstanding paragraph (b) of this subsection, a county or incorporated city may supersede such provisions by ordinance or charter provision.

(b) Any road authority described under ORS 810.010 may adopt rules or procedures that do not conflict with such provisions to provide for additional protection for the owner or person with an interest in a vehicle subject to such provisions or that more quickly accomplish the procedures established under such provisions.

(5) Any incorporated city may by ordinance require that the driver of a vehicle involved in an accident file with a designated city department a copy of any report required to be filed under ORS 811.725. All such reports shall be for the confidential use of the city department but subject to the same requirements for release of such reports as provided for the release of such reports by the department under ORS 802.220 and 802.240.

(6) Except as otherwise specifically provided in this section, in accordance with the provisions of ORS 801.041, the governing body of a county may establish by ordinance registration fees for vehicles registered at a residence or business address within the county.

(7) Except as otherwise specifically provided in this section, in accordance with the provisions of ORS 801.042, the governing body of a district may establish by ordinance registration fees for vehicles registered at a residence or business address within the district. [1983 c.338 §8; 1985 c.16 §7; 1985 c.171 §2; 1985 c.459 §2a; 1987 c.765 §3; 1989 c.864 §3; 1989 c.991 §22; 1995 c.758 §5; 1995 c.774 §6; 1999 c.977 §13; 2009 c.371 §1]

Appendix H Other ATV Related Statutes

821.020 Applicability of off-road vehicle exemption from general equipment requirements. (1) This section establishes the areas where the exemption from equipment requirements for off-road vehicles described under ORS 821.010 is applicable. The exemption applies to any land, road or place within the State of Oregon that meets the description in subsection (2) of this section and that is not posted as closed to off-road use.

(2) The exemption applies to each of the following lands, roads and places:

(a) Lands that are open to the public.

(b) Roads, other than two-lane gravel roads, that are open to the public.

(c) Paved parking lots adjacent to or on designated off-road vehicle areas, trails and routes that are open to the public.

(d) Any local two-lane gravel road that is open to the public and that is designated by the road authority with jurisdiction over the road as open to off-road vehicles that are described in ORS 821.010. [1983 c.338 §711; 1999 c.565 §4]

821.040 Operation of off-road vehicle without required equipment; penalty. (1) A person commits the offense of operation of an off-road vehicle without required equipment if the person is operating a vehicle described in ORS 821.010 in an area described in ORS 821.020 and the vehicle is not equipped in compliance with all of the following:

(a) The vehicle must be equipped with a muffler that meets the standards for noise emissions established under ORS 821.030.

(b) The vehicle must be equipped with brakes that meet the requirements established under ORS 821.030.

(c) The vehicle must be equipped with a windshield wiper if the vehicle is equipped with a windshield.

(d) When the vehicle is operated on sand, the vehicle must be equipped with a flag that meets the requirements established under ORS 821.030.

(e) The vehicle must be equipped with any safety equipment required under ORS 821.030.

(f) At any time from one-half hour after sunset to one-half hour after sunrise, the vehicle must be equipped with and display headlights and taillights.

(2) Motorcycles and mopeds are not required by this section to be equipped with windshield wipers.

(3) The offense described in this section, operation of off-road vehicle without required equipment, is a Class C traffic violation. [1983 c.338 §712; 1985 c.393 §40; 2001 c.669 §9]

821.055 Operation of all-terrain vehicles on certain highways. Notwithstanding ORS 821.020, or any law requiring that vehicles be equipped in specified ways in order to operate on highways, Class I, Class II, Class III and Class IV all-terrain vehicles may operate on any highway in this state that is open to the public and is not maintained for passenger car traffic. [1995 c.775 §8; 2011 c.360 §21]

821.165 Land funded for all-terrain vehicle use from All-Terrain Vehicle Account. As used in ORS 821.170, 821.172, 821.176, 821.192, 821.291, 821.292 and 821.293, "public lands" includes privately owned land that is open to the general public for the use of all-terrain vehicles as the result of funding from the All-Terrain Vehicle Account under ORS 390.560. [2007 c.887 §7; 2011 c.360 §22]

821.170 Operation of Class I all-terrain vehicle without driving privileges; exemptions; penalty. (1) A person 16 years of age or older commits the offense of operation of a Class I all-terrain vehicle without driving privileges if the person operates a Class I all-terrain vehicle on public lands and the person does not hold a valid Class I all-terrain vehicle operator permit issued under ORS 390.570.

(2) A child under 16 years of age commits the offense of operation of a Class I all-terrain vehicle without driving privileges if the child operates a Class I all-terrain vehicle on public lands and the child does not meet all the following conditions:

(a) The child must be accompanied by a person who is at least 18 years of age, holds a valid all-terrain vehicle operator permit issued under ORS 390.570, 390.575 or 390.577 and is able to provide immediate assistance and direction to the child.

(b) The child must hold a valid Class I all-terrain vehicle operator permit issued under ORS 390.570.

(c) The child must meet rider fit guidelines established by the State Parks and Recreation Department under ORS 390.585.

(3) This section does not apply if the all-terrain vehicle is:

(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations; and

(b) Being used on land owned or leased by the owner of the vehicle.

(4) The offense described in this section, operation of Class I all-terrain vehicle without driving privileges, is a Class C traffic violation. [1985 c.459 §17; 1987 c.158 §175; 1995 c.383 §110; 1999 c.977 §24; 2007 c.887 §1; 2011 c.360 §22a]

821.172 Operation of Class III all-terrain vehicle without driving privileges; exemptions; penalty. (1) A person 16 years of age or older commits the offense of operation of a Class III all-terrain vehicle without driving privileges if the person operates a Class III all-terrain vehicle on public lands and the person does not hold a valid Class III all-terrain vehicle operator permit issued under ORS 390.575.

(2) A child under 16 years of age commits the offense of operation of a Class III all-terrain vehicle without driving privileges if the child operates a Class III all-terrain vehicle on public lands and the child does not meet all the following conditions:

(a) The child must be accompanied by a person who is at least 18 years of age, holds a valid all-terrain vehicle operator permit issued under ORS 390.570, 390.575 or 390.577 and is able to provide immediate assistance and direction to the child.

(b) The child must hold a valid Class III all-terrain vehicle operator permit issued under ORS 390.575.

(3) A child under seven years of age may not operate a Class III all-terrain vehicle on public lands.

(4) This section does not apply if the all-terrain vehicle is:

(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations; and

(b) Being used on land owned or leased by the owner of the vehicle.

(5) The offense described in this section, operation of a Class III all-terrain vehicle without driving privileges, is a Class C traffic violation. [1995 c.774 §2; 1999 c.977 §25; 2007 c.887 §2; 2011 c.360 §22b]

821.174 Prohibition on operating Class I, Class III or Class IV all-terrain vehicle while driving privileges suspended. Notwithstanding any other provision of law, a person may not operate a Class I, Class III or Class IV all-terrain vehicle while the person's driving privileges are suspended or revoked. A person who violates this section is in violation of ORS 811.175 or 811.182, as appropriate. [1995 c.775 §7; 2011 c.360 §23]

821.176 Operation of Class IV all-terrain vehicle without driving privileges; exemptions; penalty. (1) A person commits the offense of operation of a Class IV all-terrain vehicle without driving privileges if the person operates a Class IV all-terrain vehicle on public lands and the person does not hold a valid driver license issued under ORS 807.040.

(2) This section does not apply to a child under the age of 16 if:

(a) The child's age complies with the manufacturer's minimum age recommendation as evidenced by the manufacturer's warning label affixed to the vehicle;

(b) The child is accompanied by a person who is at least 18 years of age, who holds a valid all-terrain vehicle operator permit issued under ORS 390.570, 390.575 or 390.577 and who is able to provide immediate assistance and direction to the child; and

(c) The child holds a Class IV all-terrain vehicle operator permit issued under ORS 390.577.

(3) This section does not apply if:

- (a) The vehicle is used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing
- (b) The vehicle is being used on land owned or leased by the owner of the vehicle.
- (4) The offense described in this section, operation of a Class IV all-terrain vehicle without driving privileges, is a Class C traffic violation. [2011 c.360 §6]

821.190 Unlawful operation of snowmobile or all-terrain vehicle on highway or railroad; civil liability; penalty. (1) A person commits the offense of unlawful operation of an off-road vehicle on a highway or railroad if the person operates a vehicle described in subsection (2) of this section in any of the following described areas:

- (a) On or across the paved portion, the shoulder, inside bank or slope of any highway, on or across the median of any divided highway or on or across any portion of a highway right of way under construction.
- (b) On or across a railroad right of way.
- (2) This section applies to:
 - (a) Snowmobiles.
 - (b) Class I all-terrain vehicles.
 - (c) Class II all-terrain vehicles that are not properly equipped for operation on a highway.
 - (d) Class III all-terrain vehicles.
 - (e) Class IV all-terrain vehicles.
- (3) Exemptions from this section are established under ORS 821.200.
- (4) In addition to penalties provided by this section, the operator or owner of a snowmobile or Class I, Class II, Class III or Class IV all-terrain vehicle may be liable as provided under ORS 821.310.
- (5) The offense described in this section, unlawful operation of an off-road vehicle on a highway or railroad, is a Class B traffic violation. [1985 c.72 §2; 1985 c.459 §28 (enacted in lieu of 1983 c.338 §§724,725,726); 1989 c.991 §12; 1995 c.383 §111; 1999 c.372 §1; 2011 c.360 §24]

821.191 Operation of Class I, Class II or Class IV all-terrain vehicle on highway; unlawful operation of Class I, Class II or Class IV all-terrain vehicle used for agricultural purposes; penalty. (1) Notwithstanding any other provision of law, a person may operate a Class I, Class II or Class IV all-terrain vehicle that is not otherwise properly equipped for operation on a highway on the highways of this state if:

- (a) The person is using the all-terrain vehicle for transportation between ranching or farming headquarters, agricultural fields or pastures;
- (b) The person holds a valid driver license;
- (c) The person complies with posted speed limits, but in no event exceeds a speed of 20 miles per hour;
- (d) The person operates the all-terrain vehicle as closely as is practicable to the right-hand edge of the highway, including shoulders, if any;
- (e) The all-terrain vehicle is equipped with a lighted headlight and taillight; and
- (f) The all-terrain vehicle displays a slow-moving vehicle emblem described under ORS 815.060.
- (2) A person commits the offense of unlawful operation of a Class I, Class II or Class IV all-terrain vehicle used for agricultural purposes if the person operates a Class I, Class II or Class IV all-terrain vehicle on a highway in violation of subsection (1) of this section.
- (3) The offense described in subsection (2) of this section, unlawful operation of a Class I, Class II or Class IV all-terrain vehicle used for agricultural purposes, is a Class D traffic violation. [2001 c.529 §§2,3; 2007 c.207 §2; 2011 c.360 §25]

821.192 Operating all-terrain vehicle in violation of posted restrictions. (1) A person commits the offense of operating an all-terrain vehicle in violation of posted restrictions if the person operates an all-terrain vehicle on public lands at a time when the lands are closed to all-terrain vehicles or operation of the vehicles is otherwise restricted, and notice of the restrictions has been posted by an agency with jurisdiction to impose the restrictions.

- (2) The offense described in this section, operating an all-terrain vehicle in violation of posted restrictions, is a Class B traffic violation. [1999 c.565 §2]

821.195 Operation of all-terrain vehicle without permit and decal; exemptions; penalty. (1) A person commits the offense of operating an all-terrain vehicle without a permit and a decal if the person operates an all-terrain vehicle without a permit and a decal in an area or on a trail designated by the appropriate authority as open to all-terrain vehicles only if they have permits and decals.

(2) This section does not apply to:

(a) An all-terrain vehicle owned and operated by a resident of another state if the other state grants a similar exemption for all-terrain vehicles owned and operated by residents of Oregon and if the vehicle has not been operated in this state for more than 60 consecutive days; or

(b) An all-terrain vehicle owned and operated by the United States, this state or any other state or any political subdivision of the United States or of a state.

(3) The offense described in this section, operating an all-terrain vehicle without a permit and a decal, is a Class C traffic violation. [Formerly 821.175; 1999 c.977 §35]

821.200 Exemptions from general prohibition on operating on highway or railroad. This section establishes exemptions from the limitations placed on the use of snowmobiles and all-terrain vehicles under ORS 821.190. The prohibitions and penalties under ORS 821.190 do not apply when a snowmobile or all-terrain vehicle that qualifies for the exemption from equipment requirements under ORS 821.010 is being operated as described under any of the following:

(1) A person may lawfully cross a highway or railroad right of way while operating a snowmobile or all-terrain vehicle if the person complies with all of the following:

(a) The crossing must be made at an angle of approximately 90 degrees to the direction of the highway or railroad right of way.

(b) The crossing must be made at a place where no obstruction prevents a quick and safe crossing.

(c) The vehicle must be brought to a complete stop before entering the highway or railroad right of way.

(d) The operator of the vehicle must yield the right of way to vehicles using the highway or equipment using the railroad tracks.

(e) The crossing of a railroad right of way must be made at an established public railroad crossing.

(f) The crossing of a highway must be made at a place that is more than 100 feet from any highway intersection.

(g) If the operator of a snowmobile is under 12 years of age, a person who is 18 years of age or older must accompany the operator either as a passenger or as the operator of another snowmobile that is in proximity to the younger operator.

(2) A snowmobile or all-terrain vehicle may be lawfully operated upon a highway under any of the following circumstances:

(a) Where the highway is completely covered with snow or ice and has been closed to motor vehicle traffic during winter months.

(b) For purposes of loading or unloading when such operation is performed with safety and without causing a hazard to vehicular traffic approaching from either direction on the highway.

(c) Where the highway is posted to permit snowmobiles or all-terrain vehicles.

(d) In an emergency during the period of time when and at locations where snow upon the highway renders travel by automobile impractical.

(e) When traveling along a designated snowmobile or all-terrain vehicle trail.

(3) It shall be lawful to operate a snowmobile or all-terrain vehicle upon a railroad right of way under any of the following circumstances:

(a) Where the right of way is posted to permit the operation.

(b) In an emergency.

(c) When the snowmobile or all-terrain vehicle is operated by an officer or employee or authorized contractor or agent of a railroad. [1983 c.338 §727; 1985 c.72 §3; 1985 c.459 §29; 1989 c.991 §13; 1999 c.372 §2; 1999 c.565 §5; 2007 c.887 §3]

821.202 Failure of Class I, Class II, Class III or Class IV all-terrain vehicle rider to wear motorcycle helmet; penalty. (1) A person commits the offense of failure of a Class I, Class II, Class III or Class IV all-

terrain vehicle operator or passenger to wear a motorcycle helmet if the person is under 18 years of age, operates or rides on a Class I, Class II, Class III or Class IV all-terrain vehicle on premises open to the public and is not wearing a motorcycle helmet with a fastened chin strap.

(2) The requirement to wear a motorcycle helmet with a fastened chin strap does not apply if the all-terrain vehicle is:

(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations.

(b) Being used on land owned or leased by the owner of the vehicle.

(c) A Class II all-terrain vehicle registered under ORS 803.420 and has a roof or roll bar.

(3) The offense described in this section, failure of a Class I, Class II, Class III or Class IV all-terrain vehicle operator or passenger to wear a motorcycle helmet, is a Class D traffic violation. [1995 c.775 §§2,10; 2007 c.887 §3a; 2009 c.452 §1; 2011 c.360 §26]

821.203 Endangering Class I, Class II, Class III or Class IV all-terrain vehicle operator or passenger; penalty. (1) A person commits the offense of endangering a Class I, Class II, Class III or Class IV all-terrain vehicle operator or passenger if:

(a) The person is operating a Class I, Class II, Class III or Class IV all-terrain vehicle on premises open to the public and the person carries another person on the Class I, Class II, Class III or Class IV all-terrain vehicle who is under 18 years of age and is not wearing a motorcycle helmet with a fastened chin strap; or

(b) The person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 18 years of age and the child operates or rides on a Class I, Class II, Class III or Class IV all-terrain vehicle on premises open to the public without wearing a motorcycle helmet with a fastened chin strap.

(2) The requirement to wear a motorcycle helmet with a fastened chin strap does not apply if the all-terrain vehicle is:

(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations.

(b) Being used on land owned or leased by the owner of the vehicle.

(c) A Class II all-terrain vehicle registered under ORS 803.420 and has a roof or roll bar.

(3) The offense described in this section, endangering a Class I, Class II, Class III or Class IV all-terrain vehicle operator or passenger, is a Class D traffic violation. [1995 c.775 §§3,11; 2007 c.887 §3b; 2009 c.452 §2; 2011 c.360 §27]

821.204 Issuance of citation for violation of ORS 821.202 or 821.203. (1) If a child who is in violation of ORS 821.202 is 11 years of age or younger, any citation issued shall be issued to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of ORS 821.203, rather than to the child for violation of ORS 821.202.

(2) If a child who is in violation of ORS 821.202 is at least 12 years of age and is under 18 years of age, a citation may be issued to the child for violation of ORS 821.202 or to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of ORS 821.203, but not to both. [1995 c.775 §4]

821.220 Operating improperly equipped all-terrain vehicle; civil liability; penalty. (1) A person commits the offense of operating an improperly equipped all-terrain vehicle if the person operates any all-terrain vehicle without the following equipment:

(a) An adequate braking device that may be operated either by hand or foot.

(b) An adequate and operating muffling device that shall be maintained in good working order and in constant operation and shall effectively blend the exhaust and motor noise in such a manner so as to comply with all applicable noise emission standards established by the Department of Environmental Quality.

(2) The Department of Environmental Quality shall establish procedures for testing of noise levels consistent with this section.

(3) All-terrain vehicles used in organized racing events in an area designated for that purpose shall comply with the motor sports vehicles and facilities regulations of the Department of Environmental Quality.

(4) In addition to other penalties provided by this section, the owner or operator of an all-terrain vehicle may be liable as provided under ORS 821.310.

(5) The offense described in this section, operating an improperly equipped all-terrain vehicle, is a Class C traffic violation. [1985 c.459 §30; 1987 c.587 §12; 1989 c.991 §14; 1995 c.383 §33; 1999 c.59 §245]

821.230 Operating all-terrain vehicle without proper lighting equipment; penalty. (1) A person commits the offense of operating an all-terrain vehicle without proper lighting equipment if the person operates an all-terrain vehicle during times when limited visibility conditions exist and the vehicle is not equipped with a taillight and a lighted headlight.

(2) Nothing in this section requires an all-terrain vehicle to be equipped with a headlight or taillight if the vehicle is not operated during times when limited visibility conditions exist.

(3) The offense described in subsection (1) of this section, operating an all-terrain vehicle without proper lighting equipment, is a Class C traffic violation. [1985 c.459 §30a; 1987 c.587 §13; 1989 c.991 §15; 1995 c.383 §34]

821.290 Dangerous operation of snowmobile or all-terrain vehicle; civil liability; penalty. (1) A person commits the offense of dangerous operation of a snowmobile or an all-terrain vehicle if the person does any of the following:

(a) Operates a snowmobile or an all-terrain vehicle at a rate of speed greater than reasonable and proper under the existing conditions.

(b) Operates a snowmobile or an all-terrain vehicle in a negligent manner so as to endanger the person or property of another or to cause injury or damage to either.

(2) In addition to other penalties provided by this section, the owner or operator of a snowmobile or an all-terrain vehicle may be liable as provided under ORS 821.310.

(3) The offense described in this section, dangerous operation of a snowmobile or an all-terrain vehicle, is a Class B traffic violation. [1983 c.338 §734; 1985 c.459 §36; 1987 c.587 §18; 1989 c.991 §18]

821.291 Endangering Class I all-terrain vehicle operator; exemptions; penalty. (1) A person commits the offense of endangering a Class I all-terrain vehicle operator if the person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 16 years of age, the child operates a Class I all-terrain vehicle on public lands and the child:

(a) Does not possess a Class I all-terrain vehicle operator permit issued under ORS 390.570;

(b) Is not accompanied by a person who is at least 18 years of age, holds a valid all-terrain vehicle operator permit issued under ORS 390.570, 390.575 or 390.577 and is able to provide immediate assistance and direction to the child; or

(c) Is not in compliance with the rider fit guidelines established by the Parks and Recreation Department under ORS 390.585.

(2) This section does not apply if the all-terrain vehicle is:

(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations; and

(b) Being used on land owned or leased by the owner of the vehicle.

(3) The offense described in this section, endangering a Class I all-terrain vehicle operator, is a Class C traffic violation. [2007 c.887 §6; 2011 c.360 §29]

821.292 Endangering Class III all-terrain vehicle operator; exemptions; penalty. (1) A person commits the offense of endangering a Class III all-terrain vehicle operator if the person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child at least seven years of age but under 16 years of age, the child operates a Class III all-terrain vehicle on public lands and the child:

(a) Does not possess a Class III all-terrain vehicle operator permit issued under ORS 390.575; or

(b) Is not accompanied by a person who is at least 18 years of age, holds a valid all-terrain vehicle operator permit issued under ORS 390.570, 390.575 or 390.577 and is able to provide immediate assistance and direction to the child.

(2) This section does not apply if the all-terrain vehicle is:

(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations; and

(b) Being used on land owned or leased by the owner of the vehicle.

(3) The offense described in this section, endangering a Class III all-terrain vehicle operator, is a Class C traffic violation. [1995 c.774 §2a; 1999 c.977 §36; 2007 c.887 §4; 2011 c.360 §30]

821.293 Endangering Class IV all-terrain vehicle operator; exemptions; penalty. (1) A person commits the offense of endangering a Class IV all-terrain vehicle operator if the person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 16 years of age, the child operates a Class IV all-terrain vehicle on public lands and the child:

(a) Does not possess a Class IV all-terrain vehicle operator permit issued under ORS 390.577;

(b) Is not accompanied by a person who is at least 18 years of age, holds a valid all-terrain vehicle operator permit issued under ORS 390.570, 390.575 or 390.577 and is able to provide immediate assistance and direction to the child;

(c) Is not in compliance with the manufacturer's minimum age recommendation as evidenced by the manufacturer's warning label affixed to the vehicle; or

(d) Is not in compliance with the rider fit guidelines established by the State Parks and Recreation Department under ORS 390.585.

(2) This section does not apply if the all-terrain vehicle is:

(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations; and

(b) Being used on land owned or leased by the owner of the vehicle.

(3) The offense described in this section, endangering a Class IV all-terrain vehicle operator, is a Class C traffic violation. [2011 c.360 §33]

Appendix I Equipment/Safety Requirements and Exemptions

(The following document was prepared by OPRD staff for the working group.)

Equipment/ Safety Requirements

Oregon law has a set of standards for street legal vehicles. Oregon law also provides exemptions and certain safety standards for ATVs including:

[ORS 821.010](#) allows exemptions for certain equipment on ATVs such as turn signals, helmets, etc.

[ORS 807.010](#) provides exemptions for the need of a “driver’s license” for Class I, III, and IV ATVs.

[ORS 806.020](#) provides exemption for insurance requirements for Class I, III, and IV ATVs

[ORS 821.010](#) and [OAR 735-116-0000](#) define required equipment and safety standards for ATVs.

(See full statute wording on page 4)

Currently, any ATV operating on a paved road is required to have ATV safety equipment including lights after dark, seat belts, helmets for people under age 18, and a safety education card for the vehicle operator.

The following table summarizes equipment/ safety requirements for highway and ATV use.

	Highway Use	ATV Use
Helmet	All motorcycle riders	Youth under age 18
Seat Belt	Everyone	II & IV must have, not required to wear
Insurance	Liability insurance required	Only required for Class II (Jeeps)
Minimum age	15 for a permit and 16 for a license	Youth must have supervision, ATV safety card, w/ hands on certification. Only minimum age is 7 for Class III (dirt bikes)
Turn signals	Required	Not required
Headlights	After dark (daytime MC)	After dark
Taillights	After dark (daytime MC)	After dark
Mud flaps	Required to prevent debris/water	Not required
Exhaust	89db	99db
DOT approved tires	Required	Not required
Mirrors	Required	Not required
Speedometer	Required	Not required

Counties and municipalities have passed ordinances for ATV operation on roads that often fall between these existing equipment/ safety requirements for Highway and ATV use. Current ordinance requirements by jurisdiction are summarized in the table below.

Jurisdiction	Helmets	Insurance	Min Age	Class of ATV	Hours
Lake County	Under 18	Yes	16 and license	All	Lights at dark
City of Lakeview	Under 18		16 and license	I, II and IV	½ hour sun
Grant County	Under 18	no	no	all	silent
City of John Day	Under 18	Yes	18 and license	I, II and IV	½ hour sun
City of Sumpter					
City of Union	silent	Yes	16 and license	I and II	silent
City of Mt Vernon					
City of Pilot Rock	Under 16	Yes	18 and license	I and II	

Potential Rules And Regulations For ATV Use On ATV Access Routes

To insure operator safety and regulation consistency on ATV Access Routes, the SB 192 Working Group will consider the following potential rules and regulations for ATV use on ATV Access Routes.

Helmet Requirements

ORS 814 requires operators and passengers of motorcycles and mopeds to wear a helmet. ORS 801 defines a helmet as a DOT approved helmet. ORS 821 provides exemption for helmet for “ATVs” but goes on to require helmets for persons under 18 for all vehicles including jeeps and side-by-sides, unless they are registered (street-legal).

Arguments for **requiring** helmets on ATVs on ATV Access Routes

Oregon law requires helmet use on roads for street bikes. There is a specific exemption for helmets for “ATVs”. An argument could be made that since street bike operators need helmets, then so should ATV operators. Having ATVs mixed with automobile traffic and operating on pavement can result in more serious accidents. Research shows that wearing a helmet reduces motorcycle crash fatalities.

Arguments for **not requiring** helmets on ATVs on ATV Access Routes

ATV Access Route connections potentially used by ATVs are of short distance and relatively lower speeds. When ATV operators are on a trail system without a helmet and they need to use an ATV Access Route, they will not be able to proceed on the route. It may be easier to require helmets for those riding from the campground into town for gas, because it is more of planned outing. But if you are riding a 50 mile loop on a trail system and there is a ½ mile section requiring a helmet, it can put riders in a difficult position if they did not bring a helmet.

Helmets should be viewed differently for Class II (jeeps) and IV (side-by-side) because 814.290 provides an exemption for vehicles with enclosed cab. While these vehicles may not be enclosed, they are required to have a roof or roll bar. Many side-by-side operators and passengers currently use helmets. However, few Class II operators use helmets, unless involving extreme rock crawling. Some people have jeeps and trucks which may have been registered at one time, but are no longer because they are only used for specific purposes such as hunting, rock crawling or sand dune use.

(See full helmet statute wording on page 6)

Seat Belt Requirements

Oregon highway law requires that everyone must have their seat belt buckled. Oregon ATV law states that there must be a seatbelt for driver and all passengers, but they are not required to wear them. Youth under age 18 must wear a seatbelt when in a non-street legal Class II (jeep) or IV (side-by-side).

Requiring seat belt use for Class II and IV vehicles would be preferable since all vehicles must have seat belts already. Some people have issues with wearing seatbelts when on rough terrain such as trails, but once they get on pavement those issues are no longer relevant.

(See full seat belt statute wording on page 8)

Insurance Requirements

Oregon highway law requires liability insurance for vehicles. Oregon ATV law only requires insurance for Class II ATV's (jeeps). Some cities and counties require insurance for all types of ATVs.

Class I, III, and IV ATV operators are not required to have insurance when operating on trail systems. Class II vehicles do require insurance while operating on trail systems. Insurance companies are willing to provide liability insurance for ATV use including minors. The cost would likely run between \$40 and \$100 per year per person.

Requiring insurance for out-of-state visitors might be problematic if they didn't plan ahead properly. Requiring insurance for shared use roads within a trail system would be an issue.

(See insurance requirement statute wording on page 10)

Minimum Age Requirements

Oregon highway laws requires a vehicle operator to be 15 years of age for a permit and 16 years of age for a license. Oregon ATV law states that youth must have parent supervision, an ATV safety card, hands on certification, with no minimum age. The Class III (dirtbike) minimum age is 7. Some cities and counties set a minimum age of 16 or 18 and require a driver's license.

Creating a minimum age for youth should be considered. There is a point at which younger kids would have a difficult time dealing with traffic on a paved road. Youth-appropriate sized ATVs are smaller and slower than regular ATVs. These youth vehicles would be lower to the ground and difficult to see.

(See minimum age requirement statute wording on page 11)

Existing Equipment Statutes

821.010 Exemptions from equipment requirements for off-road vehicles.

2) The exemption under this section is an exemption from the prohibitions under all of the following paragraphs:

- (a) Nonstandard lighting equipment under ORS 816.300.
- (b) Required lighting equipment under ORS 816.330.
- (c) Prohibited lighting equipment under ORS 816.360.
- (d) Violation of state equipment administrative rules under ORS 815.100.
- (e) Slow-moving vehicle emblem requirements under ORS 815.115.
- (f) Mudguard and fender requirements under ORS 815.185.
- (g) Visible emission limits under ORS 815.200.
- (h) Requirements for window materials under ORS 815.040.
- (i) Obstruction of windows under ORS 815.220.
- (j) Limits on sound equipment under ORS 815.225.
- (k) Sound equipment requirements under ORS 815.230.
- (L) Rearview mirror requirements under ORS 815.235.
- (m) Limits on image display device use under ORS 815.240.
- (n) Exhaust system requirements under ORS 815.250.
- (o) Speedometer requirements under ORS 815.255.

- (p) Disposal system requirements under ORS 815.260.
- (q) Helmet requirements under ORS 814.260 to 814.280. [1983 c.338 §710; 1999 c.565 §3; 2005 c.572 §4]

821.040 Operation of off-road vehicle without required equipment; penalty

- (a) The vehicle must be equipped with a muffler that meets the standards for noise emissions established under ORS 821.030.
 - (b) The vehicle must be equipped with brakes that meet the requirements established under ORS 821.030.
 - (c) The vehicle must be equipped with a windshield wiper if the vehicle is equipped with a windshield.
 - (d) When the vehicle is operated on sand, the vehicle must be equipped with a flag that meets the requirements established under ORS 821.030.
 - (e) The vehicle must be equipped with any safety equipment required under ORS 821.030.
 - (f) At any time from one-half hour after sunset to one-half hour after sunrise, the vehicle must be equipped with and display headlights and taillights.
- (2) Motorcycles and mopeds are not required by this section to be equipped with windshield wipers.

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Safety Equipment Standards for Off-Road Vehicles

- (1) The Transportation Safety Division of the Department of Transportation adopts the following equipment requirements for off-road vehicles that operate in areas as described in ORS 821.020.
- (2) For purposes of this rule, the following definitions apply:
 - (a) "Off-road vehicle" means any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain;
 - (b) "Motor vehicle" means any vehicle which is self-propelled;
 - (c) "Motorcycle" means any motor vehicle designed to travel with not more than two wheels in contact with the ground, and so that the driver sits astride the vehicle frame and a Class III all-terrain vehicle as defined in ORS 801.194;
 - (d) "Multi-wheeled motorized vehicle" means a Class 1 all-terrain vehicle as defined in ORS 801.190 and any other motor vehicle, except a tractor, designed to travel with three or more wheels in contact with the ground, with the driver sitting astride the vehicle frame; and
 - (e) "Class II all-terrain vehicle" means any motor vehicle as defined in ORS 801.193.
- (3) Safety equipment standards for off-road vehicles subject to this rule are:
 - (a) Brakes. All vehicles must have disc or drum brakes that are operable and effective in bringing the vehicle to a stop;
 - (b) Chain Guard. Any vehicle equipped with a chain must have a guard so designed that in the event of failure, the chain will remain under the vehicle;
 - (c) Fire Extinguisher. All vehicles, except motorcycles and multi-wheeled motorized vehicles, must be equipped with a functional dry chemical type fire extinguisher of at least two pounds capacity that is approved by the Underwriters Laboratories or other acceptable testing agency;
 - (d) Flag. All vehicles must display a highly visible red or orange flag when operating on the sand. The flag must:
 - (A) Be displayed at a height of at least nine feet from the ground level when the vehicle is under power; and
 - (B) Have one side that is at least eight inches wide, and be at least twelve inches long;
 - (e) Floor Pan/Foot Pads. All vehicles must have floor pans, with the exception of motorcycles and multi-wheeled motorized vehicles, that must have foot pads or the equivalent, so designed and mounted as to keep the driver's and any passenger's feet within the frame of or from underneath the vehicle;
 - (f) Fuel Tank. All fuel tanks must be:
 - (A) Securely mounted;
 - (B) Properly constructed of metal, plastic, or other industry safety approved material;
 - (C) Properly constructed for the carrying of fuel; and
 - (D) All connections must be kept secure and tight.
 - (g) Muffler. All vehicles must be equipped with a muffler that conforms to the current noise level and defect standards of the Department of Environmental Quality for vehicles operated off-road;
 - (h) Roll Bar. All vehicles, except motorcycles and multi-wheeled motorized vehicles, must be equipped with a roll bar or other enclosure that will support the vehicle's weight and be so designed as to protect the occupants' head(s) when the vehicle is resting on this roll bar or enclosure;
 - (i) Seats. All vehicles must be equipped with a securely mounted seat for the driver and each passenger;
 - (j) Seat Belts. All vehicles, except motorcycles and multi-wheeled motorized vehicles, must be equipped with

securely mounted seat belts of the quick-release type, readily available for use for the driver and each passenger;
(k) Windshield Wipers. All vehicles equipped with a windshield, except motorcycles, must have an effective working windshield wiper;

(l) Headlights and Taillights. At any time from one-half hour after sunset to one-half hour after sunrise, all vehicles shall be equipped with and display headlights and taillights. Motorcycles and multi-wheeled motorized vehicles shall be equipped with a minimum of one headlight and one taillight.

Existing Helmet Statutes

801.366 “Motorcycle helmet.” “Motorcycle helmet” means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell and a chin-strap type retention system with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation. [1995 c.492 §2]

814.260 Failure of moped operator to wear motorcycle helmet; penalty. (1) A person commits the offense of failure of a moped rider to wear a motorcycle helmet if the person:

- (a) Operates or rides on a moped; and
- (b) Is not wearing a motorcycle helmet.

(2) Exemptions from this section are established under ORS 814.290.

(3) This section does not permit passengers on mopeds in violation of ORS 814.330 or 814.340.

(4) The offense described in this section, failure of a moped rider to wear a motorcycle helmet, is a Class D traffic violation. [1983 c.338 §691; 1985 c.16 §331; 1987 c.910 §4; 1995 c.492 §3]

814.269 Failure of motorcycle operator to wear motorcycle helmet; penalty. (1) A person commits the offense of failure of a motorcycle operator to wear a motorcycle helmet if the person operates a motorcycle and is not wearing a motorcycle helmet.

(2) Exemptions from this section are established in ORS 814.290.

(3) The offense described in this section, failure of a motorcycle operator to wear a motorcycle helmet, is a Class D traffic violation. [1987 c.910 §2; 1995 c.492 §4]

814.270 [1983 c.338 §696; 1985 c.16 §333; repealed by 1987 c.910 §7]

814.275 Failure of motorcycle passenger to wear motorcycle helmet; penalty. (1) A person commits the offense of failure of a motorcycle passenger to wear a motorcycle helmet if the person rides as a passenger on a motorcycle and is not wearing a motorcycle helmet.

(2) Exemptions from this section are established in ORS 814.290.

(3) The offense described in this section, failure of a motorcycle passenger to wear a motorcycle helmet, is a Class D traffic violation. [1987 c.910 §3; 1989 c.283 §1; 1995 c.492 §5]

814.280 Endangering motorcycle passenger; penalty. (1) A person commits the offense of endangering a motorcycle passenger if the person is operating a motorcycle and the person carries another person on the motorcycle who is not wearing a motorcycle helmet.

(2) Exemptions from this section are established under ORS 814.290.

(3) The offense described in this section, endangering a motorcycle passenger, is a Class D traffic violation. [1983 c.338 §692; 1987 c.910 §5; 1995 c.492 §6]

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

(1) Within an enclosed cab.

(2) Operating or riding a vehicle designed to travel with three wheels in contact with the ground at speeds of less than 15 miles per hour. [1983 c.338 §693; 1987 c.910 §6; 1995 c.492 §7]

821.010 Exemptions from equipment requirements for off-road vehicles. (1) Any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain is exempt from the sections governing vehicle equipment described in this section if the vehicle:

- (a) Is operated in an area described under ORS 821.020; and
- (b) Complies with the equipment requirements under ORS 821.040.

(2) The exemption under this section is an exemption from the prohibitions under all of the following paragraphs:

(q) Helmet requirements under ORS 814.260 to 814.280. [1983 c.338 §710; 1999 c.565 §3; 2005 c.572 §4]

821.202 Failure of Class I, Class II, Class III or Class IV all-terrain vehicle rider to wear motorcycle helmet; penalty. (1) A person commits the offense of failure of a Class I, Class II, Class III or Class IV all-terrain vehicle operator or passenger to wear a motorcycle helmet if the person is under 18 years of age, operates or rides on a Class I, Class II, Class III or Class IV all-terrain vehicle on premises open to the public and is not wearing a motorcycle helmet with a fastened chin strap.

(2) The requirement to wear a motorcycle helmet with a fastened chin strap does not apply if the all-terrain vehicle is:

(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations.

(b) Being used on land owned or leased by the owner of the vehicle.

(c) A Class II all-terrain vehicle registered under ORS 803.420 and has a roof or roll bar.

(3) The offense described in this section, failure of a Class I, Class II, Class III or Class IV all-terrain vehicle operator or passenger to wear a motorcycle helmet, is a Class D traffic violation. [1995 c.775 §§2,10; 2007 c.887 §3a; 2009 c.452 §1; 2011 c.360 §26]

821.203 Endangering Class I, Class II, Class III or Class IV all-terrain vehicle operator or passenger; penalty. (1) A person commits the offense of endangering a Class I, Class II, Class III or Class IV all-terrain vehicle operator or passenger if:

(a) The person is operating a Class I, Class II, Class III or Class IV all-terrain vehicle on premises open to the public and the person carries another person on the Class I, Class II, Class III or Class IV all-terrain vehicle who is under 18 years of age and is not wearing a motorcycle helmet with a fastened chin strap; or

(b) The person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 18 years of age and the child operates or rides on a Class I, Class II, Class III or Class IV all-terrain vehicle on premises open to the public without wearing a motorcycle helmet with a fastened chin strap.

(2) The requirement to wear a motorcycle helmet with a fastened chin strap does not apply if the all-terrain vehicle is:

(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations.

(b) Being used on land owned or leased by the owner of the vehicle.

(c) A Class II all-terrain vehicle registered under ORS 803.420 and has a roof or roll bar.

(3) The offense described in this section, endangering a Class I, Class II, Class III or Class IV all-terrain vehicle operator or passenger, is a Class D traffic violation. [1995 c.775 §§3,11; 2007 c.887 §3b; 2009 c.452 §2; 2011 c.360 §27]

821.204 Issuance of citation for violation of ORS 821.202 or 821.203. (1) If a child who is in violation of ORS 821.202 is 11 years of age or younger, any citation issued shall be issued to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of ORS 821.203, rather than to the child for violation of ORS 821.202.

(2) If a child who is in violation of ORS 821.202 is at least 12 years of age and is under 18 years of age, a citation may be issued to the child for violation of ORS 821.202 or to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of ORS 821.203, but not to both. [1995 c.775 §4]

OAR 735-116-0000 No mention of helmet use.

Existing Seat Belt Statutes

811.210 Failure to properly use safety belts; penalty. (1)(a) Except as provided in ORS 811.215, a person commits the offense of failure to properly use safety belts if the person:

(A) Operates a motor vehicle on the highways of this state and is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(B) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while operating on public lands a Class I, Class II or Class IV all-terrain vehicle that is not registered under ORS 803.420, is not properly secured with a safety belt or safety harness.

(C) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while operating on public lands a Class II all-terrain vehicle registered under ORS 803.420, is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(D) Operates a motor vehicle on the highways of this state with a passenger who is under 16 years of age and the passenger is not properly secured with a child safety system, safety belt or safety harness as required by subsection (2) of this section.

(E) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while riding on public lands in or on a Class I, Class II or Class IV all-terrain vehicle that is not registered under ORS 803.420, is not properly secured with a safety belt or safety harness.

(F) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while riding on public lands in or on a Class II all-terrain vehicle registered under ORS 803.420, is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(G) Is a passenger in a privately owned commercial vehicle, as defined in ORS 801.210, that is designed and used for the transportation of 15 or fewer persons, including the driver, and the person is 16 years of age or older and is responsible for another passenger who is not properly secured with a child safety system as required under subsection (2)(a), (b) or (c) of this section.

(H) Is a passenger in a motor vehicle being operated on the highways of this state who is 16 years of age or older and who is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(b) As used in this subsection, "public lands" includes privately owned land that is open to the general public for the use of all-terrain vehicles as the result of funding from the All-Terrain Vehicle Account under ORS 390.560.

(2) To comply with this section:

(a) A person who is under one year of age, regardless of weight, or a person who weighs 20 pounds or less must be properly secured with a child safety system in a rear-facing position.

(b) A person who weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Department of Transportation under ORS 815.055 for child safety systems designed for children weighing 40 pounds or less.

(c) Except as provided in subsection (3) of this section, a person who weighs more than 40 pounds and who is four feet nine inches or shorter must be properly secured with a child safety system that elevates the person so that a safety belt or safety harness properly fits the person. As used in this paragraph, "properly fits" means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck. The child safety system shall meet the minimum standards and specifications established by the department under ORS 815.055 for child safety systems designed for children who are four feet nine inches or shorter.

(d) A person who is taller than four feet nine inches must be properly secured with a safety belt or safety harness that meets requirements under ORS 815.055.

(e) Notwithstanding paragraphs (b) and (c) of this subsection, a person who is eight years of age or older need not be secured with a child safety system but must be properly secured with a safety belt or safety harness that meets requirements under ORS 815.055.

(3) The requirements of subsection (2)(c) of this section do not apply:

(a) If the rear seat of a vehicle is not equipped with shoulder belts, provided the person is secured by a lap belt; or

(b) If the child is properly secured with a child safety system that meets the minimum standards and specifications established by the department under ORS 815.055 for child safety systems designed for children weighing more than 40 pounds.

(4) The offense described in this section, failure to properly use safety belts, is a Class D traffic violation. [1985 c.16 §309; 1985 c.619 §1; 1991 c.2 §1; 1993 c.153 §1; 1993 c.751 §112; 2001 c.679 §1; 2003 c.159 §1; 2005 c.244 §2; 2007 c.601 §2; 2009 c.498 §1; 2010 c.30 §10; 2011 c.300 §1; 2011 c.360 §17]

815.055 Rules establishing standards for safety belts, harnesses and child safety systems. (1) The Department of Transportation shall adopt and enforce rules establishing minimum standards and specifications for the construction and installation of safety belts, safety harnesses or child safety systems and anchors or other devices to which safety belts, safety harnesses or child safety systems may be attached and secured. The rules adopted under this subsection are subject to the following:

(a) The rules that establish minimum standards and specifications for child safety systems required and regulated under this section and ORS 811.210 and 815.080 shall conform to the standards for child safety systems established by the federal government. Child safety systems are required to meet those standards in effect at the date of manufacture.

(b) All rules adopted under this subsection shall conform to the regulations and standards established by the federal government relating to safety belt assemblies that are applicable to motor vehicles at the date of manufacture.

(2) The department may purchase in the market and test or submit to testing laboratories any safety belt, safety harness, child safety system or anchor or other device. The department shall enforce the penalties under ORS 815.080 if it determines that the belt, harness, child safety system or anchor or other device does not conform to the minimum standards established under this section.

(3) Prohibitions and penalties relating to sale and use of equipment subject to this section are provided under ORS 811.210 and 815.080. [1983 c.338 §443; 1985 c.16 §233; 1989 c.402 §4; 1993 c.751 §74; 2001 c.679 §2; 2003 c.158 §9]

735-116-0000

Safety Equipment Standards for Off-Road Vehicles

(1) The Transportation Safety Division of the Department of Transportation adopts the following equipment requirements for off-road vehicles that operate in areas as described in ORS 821.020.

(3) Safety equipment standards for off-road vehicles subject to this rule are:

(h) Roll Bar. All vehicles, except motorcycles and multi-wheeled motorized vehicles, must be equipped with a roll bar or other enclosure that will support the vehicle's weight and be so designed as to protect the occupants' head(s) when the vehicle is resting on this roll bar or enclosure;

(i) Seats. All vehicles must be equipped with a securely mounted seat for the driver and each passenger;

(j) Seat Belts. All vehicles, except motorcycles and multi-wheeled motorized vehicles, must be equipped with securely mounted seat belts of the quick-release type, readily available for use for the driver and each passenger;

Existing Insurance Statutes

806.010 Driving uninsured prohibited; penalty. (1) A person commits the offense of driving uninsured if the person operates a motor vehicle in this state on any highway or premises open to the public in this state without either:

(a) The person being insured while driving the vehicle under a motor vehicle liability insurance policy that meets the requirements described under ORS 806.080; or

(b) The person or the owner of the vehicle providing the Department of Transportation with other satisfactory proof of compliance with the financial responsibility requirements of this state.

(2) Exemptions from this section are established under ORS 806.020.

(3) In addition to other penalties under this section the following apply:

(a) A person who is involved in a motor vehicle accident at any time the person is in violation of this section is subject to suspension of the person's driving privileges under ORS 809.417.

(b) A person who is convicted of violating this section is subject to ORS 806.230, if the person does not make future responsibility filings as required by that section.

(4) A person convicted for violation of this section must file with the department, and thereafter maintain for a period of three years, proof of financial responsibility that complies with ORS 806.060. Failure to comply with this subsection is subject to ORS 809.415.

(5) The offense described in this section, driving uninsured, is a Class B traffic violation. [1983 c.338 §837; 1985 c.16 §422; 1985 c.714 §1; 1991 c.350 §1; 1991 c.702 §4; 2003 c.402 §12]

806.011 Proof of insurance; rules. (1) Proof of insurance issued as provided in ORS 742.447, or other current proof of compliance with financial or future responsibility requirements approved by rule by the Department of Transportation, shall be carried in each motor vehicle that is operating in this state and that is not exempt from compliance with financial or future responsibility requirements.

(2) The use of an electronic device to display proof of insurance does not constitute consent for a police officer to access other contents of the electronic device.

(3) Failure of the driver of a motor vehicle to show proof of insurance or other proof of compliance when asked to do so by a police officer is reasonable grounds for the officer to believe that the person is operating the vehicle in violation of ORS 806.010. [1993 c.746 §2; 2013 c.108 §2]

806.012 Failure to carry proof of compliance with financial responsibility requirements; rules; penalty. (1) A person commits the offense of failure to carry proof of compliance with financial responsibility requirements if the person operates a motor vehicle in this state and does not have in the vehicle current proof of compliance with financial responsibility requirements.

(2) The Department of Transportation shall determine by rule what constitutes proof of compliance with financial responsibility requirements.

(3) This section does not apply:

(a) To persons operating motor vehicles that are exempt from financial responsibility requirements by ORS 806.020; or

(b) If a police officer verifies proof of compliance with financial responsibility requirements through the Law Enforcement Data System.

(4) The court shall dismiss any charge under this section if, prior to the court appearance date listed on the citation, the person charged delivers to the clerk of the court named on the citation proof of compliance with financial responsibility requirements at the time of the violation.

(5) The offense described in this section, failure to carry proof of compliance with financial responsibility requirements, is a Class B traffic violation. [1993 c.751 §101; 2005 c.361 §1; 2013 c.108 §3]

806.020 Exemptions from financial responsibility requirements. This section provides exemptions from the necessity for compliance with or proof of compliance with financial responsibility requirements in accident reports under ORS 811.725, when applying for vehicle registration under ORS 803.370 or 803.460 and for operating a vehicle under ORS 806.010. The owner or operator of a vehicle is exempt, as provided by this section, from financial responsibility requirements if the vehicle involved in the accident, sought to be registered or operated is any of the following:

(1) An antique motor vehicle issued permanent registration under ORS 805.010.

(2) A farm trailer.

(3) A farm tractor.

(4) An implement of husbandry.

(5) A motor vehicle of special interest that is maintained as a collector's item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(6) A snowmobile or a Class I, Class III or Class IV all-terrain vehicle.

(7) Any motor vehicle not operated on any highway or premises open to the public in this state.

(8) A motor assisted scooter.

(9) An electric personal assistive mobility device. [1983 c.338 §838; 1985 c.16 §423; 1987 c.217 §4; 1989 c.991 §32; 1993 c.751 §99; 2001 c.749 §22; 2003 c.341 §5; 2009 c.257 §1; 2011 c.360 §15]

Existing Minimum Age Statutes

821.170 Operation of Class I all-terrain vehicle without driving privileges; exemptions; penalty. (1) A person 16 years of age or older commits the offense of operation of a Class I all-terrain vehicle without driving privileges if the person operates a Class I all-terrain vehicle on public lands and the person does not hold a valid Class I all-terrain vehicle operator permit issued under ORS 390.570.

(2) A child under 16 years of age commits the offense of operation of a Class I all-terrain vehicle without driving privileges if the child operates a Class I all-terrain vehicle on public lands and the child does not meet all the following conditions:

(a) The child must be accompanied by a person who is at least 18 years of age, holds a valid all-terrain vehicle operator permit issued under ORS 390.570, 390.575 or 390.577 and is able to provide immediate assistance and direction to the child.

(b) The child must hold a valid Class I all-terrain vehicle operator permit issued under ORS 390.570.

(c) The child must meet rider fit guidelines established by the State Parks and Recreation Department under ORS 390.585.

(3) This section does not apply if the all-terrain vehicle is:

(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations; and

(b) Being used on land owned or leased by the owner of the vehicle.

(4) The offense described in this section, operation of Class I all-terrain vehicle without driving privileges, is a Class C traffic violation. [1985 c.459 §17; 1987 c.158 §175; 1995 c.383 §110; 1999 c.977 §24; 2007 c.887 §1; 2011 c.360 §22a]

821.172 Operation of Class III all-terrain vehicle without driving privileges; exemptions; penalty. (1) A person 16 years of age or older commits the offense of operation of a Class III all-terrain vehicle without driving privileges if the person operates a Class III all-terrain vehicle on public lands and the person does not hold a

valid Class III all-terrain vehicle operator permit issued under ORS 390.575.

(2) A child under 16 years of age commits the offense of operation of a Class III all-terrain vehicle without driving privileges if the child operates a Class III all-terrain vehicle on public lands and the child does not meet all the following conditions:

(a) The child must be accompanied by a person who is at least 18 years of age, holds a valid all-terrain vehicle operator permit issued under ORS 390.570, 390.575 or 390.577 and is able to provide immediate assistance and direction to the child.

(b) The child must hold a valid Class III all-terrain vehicle operator permit issued under ORS 390.575.

(3) A child under seven years of age may not operate a Class III all-terrain vehicle on public lands.

(4) This section does not apply if the all-terrain vehicle is:

(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations; and

(b) Being used on land owned or leased by the owner of the vehicle.

(5) The offense described in this section, operation of a Class III all-terrain vehicle without driving privileges, is a Class C traffic violation. [1995 c.774 §2; 1999 c.977 §25; 2007 c.887 §2; 2011 c.360 §22b]

821.176 Operation of Class IV all-terrain vehicle without driving privileges; exemptions; penalty. (1) A person commits the offense of operation of a Class IV all-terrain vehicle without driving privileges if the person operates a Class IV all-terrain vehicle on public lands and the person does not hold a valid driver license issued under ORS 807.040.

(2) This section does not apply to a child under the age of 16 if:

(a) The child's age complies with the manufacturer's minimum age recommendation as evidenced by the manufacturer's warning label affixed to the vehicle;

(b) The child is accompanied by a person who is at least 18 years of age, who holds a valid all-terrain vehicle operator permit issued under ORS 390.570, 390.575 or 390.577 and who is able to provide immediate assistance and direction to the child; and

(c) The child holds a Class IV all-terrain vehicle operator permit issued under ORS 390.577.

(3) This section does not apply if:

(a) The vehicle is used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS Chapter 571 exclusively for nursery or Christmas tree growing operations; or

(b) The vehicle is being used on land owned or leased by the owner of the vehicle.

(4) The offense described in this section, operation of a Class IV all-terrain vehicle without driving privileges, is a Class C traffic violation. [2011 c.360 §6]

Appendix J Working Group Voting on Regulatory Concepts

Results of Working Group Voting On Regulatory Concepts Related To ATV Access Routes.⁶

In Municipalities: Create a “grey zone” to allow ATVs to cross state highways at regular traffic intersection areas in municipalities with existing ATV laws in place (municipal ATV rules and regulations apply in “grey zone” state highway crossing).

Support 12 **Opposed 0**

In Remote Settings: Create a “grey zone” outside of municipalities to allow ATVs to cross state highways at 90 degree angle crossings with riding area ATV rules and regulations in “grey zone” state highway crossings.

Support 13 **Opposed 0**

Establish a “street legal” classification in Oregon law for ATVs.

Support 3 **Opposed 6**

ATV use on state highway pavement along ATV Access Routes: Establish a mandatory ATV helmet law on ATV Access Routes (Class I, III, IV).

Support 7 **Opposed 2**

ATV use on state highway pavement along ATV Access Routes: Establish a mandatory ATV helmet law on ATV Access Routes (Class I, III). Question #4 was re-voted on by removing Class IV, side-by-side vehicles.

Support 11 **Opposed 0**

ATV use on state highway pavement along ATV Access Routes: Establish mandatory use of seat belts on ATV Access Routes (Class IV).

Support 12 **Opposed 1**

ATV use on state highway pavement along ATV Access Routes: Establish mandatory head light and tail light use in limited visibility conditions on ATV Access Routes (Class I, II, III, IV).

Support 15 **Opposed 0**

ATV use on state highway pavement along ATV Access Routes: Establish mandatory ATV liability insurance requirement on ATV Access Routes (Class I, II, III, IV).

Support 11 **Opposed 0**

ATV use on state highway pavement along ATV Access Routes: Establish mandatory driver’s license/permit operator requirement on ATV Access Routes (Class I, II, III, IV).

Support 11 **Opposed 1**

Establish mandatory ATV helmet, seat belt, head/tail light, insurance, and driver’s license operator requirements on state highway rights-of-way along ATV Access Routes (Class I, II, III, and IV).

Support 1 **Opposed 8**

⁶ OPRD and ODOT staff did not vote during this process.

Establish a statewide ATV Access Route Advisory Committee to coordinate, facilitate, and assist new route proposals.

Support 14

Opposed 0

Allow the creation of “non-recreation” or “transportation” ATV Access Route Corridors connecting towns.

Support 4

Opposed 5

Appendix K ATV Economic Contributions in Oregon

From the 2015 OSU survey report entitled Oregon Off-highway Vehicle (OHV) Participation and Priorities conducted for the Oregon Parks and Recreation Department. The full document can be downloaded at the following weblink:

http://www.oregon.gov/oprd/Trail_Programs_Services/Documents/ATV_Participation_Priorities.pdf

4. Expenditure and economic contribution

This section outlines OHV rider expenditure, based on the "typical trips" described in Section 2.1. Note that this expenditure is only associated with travel, not with equipment purchase or maintenance. The expenditure and economic contribution reflects OHV riding activity by both local (to the OHV riding location) and non-local Oregon residents.

As noted in Section 2.1, these results are based on travel parties. The National Visitor Use Monitoring (NVUM) approach to outliers is followed here, with observations excluded if reported travel party was eight or more persons, length of stay was more than 30 days, total expenditure per travel party was \$500 or more per night (per day for day trips), or sporting goods expenditure per travel party was \$500 or more.⁷ Exclusion was "listwise" across the set of questions within each trip type. For example, if one of the above conditions was met for multi-day trips, the respondent does not appear in the results for any of these questions within the multi-day trip analysis.

Table 4.1 provides an NVUM reference point for expenditure estimates. The probability sample data reflect Oregon residents OHV riding in Oregon. For expenditure and persons per party, the NVUM data reflect national averages for in-state and out-of-state visitors (Table 3 and Table A-2 in White and Stynes 2010⁸). Both probability sample and NVUM expenditure data are dollars per party per trip, amounts spent within 50 miles (for the probability sample, within 50 miles of the riding location; for NVUM, within 50 miles of the on-site survey location). The NVUM data are inflation adjusted from 2007 to 2014. The NVUM nights per trip data reflect Oregon resident OHV riders on national forests in Oregon.

Expenditure in the probability sample is significantly higher than the NVUM equivalents. The difference may be explained by a variety of factors, including significantly more persons per party, potentially higher fuel prices, and potentially greater distances from population centers to OHV riding locations. However, reporting errors, including respondent overestimation, also may occur.

⁷ White, E.M., D.B. Goodding, and D.J. Stynes. 2013. Estimation of national forest visitor spending averages from National Visitor Use Monitoring: round 2. Gen. Tech. Rep. PNW-GTR-883. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station.

⁸ White, E.M. and D.J. Stynes. 2010. Updated spending profiles for national forest recreation visitors by activity. Report under Joint Venture Agreement # 10-JV-11261955-018.

	Local day trips	Local multi-day trips	Non-local day trips	Non-local multi-day trips
<i>Expenditure, \$ per party per trip</i>				
Probability sample	116	286	167	466
NVUM, national, OHV	66	153	124	316
<i>Persons per party</i>				
Probability sample	3.4	4.0	3.6	3.9
NVUM, national, OHV	2.1	2.3	2.5	2.4
<i>Nights per trip</i>				
Probability sample		4.2		4.2
NVUM, Oregon resident OHV riders		2.9		3.8

Table 4.2 presents expenditure by destination region and trip type. Expenditure per person per day matches the days riding metric described in Section 2.3; it is calculated by dividing total expenditure in each region by the number of person days in the region, based on Q20, Q21, Q24, Q25, and Q26. Expenditure per person per day is much lower than expenditure per party per trip (Table 4.1) due to the relatively large number of persons per travel party and, for multi-day trips, the relatively long trip duration. Regional expenditure is the product of expenditure per person per day and number of days riding.

The total days riding per region estimates are from Section 2.3. Those days are allocated into the day and multi-day columns based on survey responses. In the mail questionnaire, respondents reported the number of days riding OHVs on day trips and the number of days on multi-day trips for each region (Q17). In the online questionnaire, respondents reported the number of days riding OHVs at specific designated areas by region, with an “other areas on public land” category for sites not listed. The total number of days across sites in a given region was then presented, and respondents identified the number of days spent specifically on day trips.⁹

Region	OHV survey, expenditure, \$ per person per day		Days riding (see Section 2.3)			Regional expenditure (millions of dollars)		
	Day	Multi-day	Total	Day	Multi-day	Total	Day	Multi-day
1	38	24	472,600	249,900	222,700	14.8	9.6	5.2
2	48	14	96,500	67,600	29,000	3.6	3.2	0.4
3	37	14	101,100	71,700	29,500	3.1	2.7	0.4
4	42	14	148,000	115,300	32,700	5.3	4.9	0.5
5	39	25	1,054,700	538,000	516,700	33.7	21.0	12.7
6	27	22	228,000	157,400	70,600	5.9	4.3	1.5

⁹ Multiple “waves” of the survey were conducted. The overall task was the same across waves, but details of the reporting approach varied. The approach was modified to make this complex reporting task as easy as possible. The total days riding figures are derived from the separate fuel consumption study, but the potential for reporting errors should be kept in mind when interpreting the figures for days spent on day versus multi-day trips.

7	47	23	152,600	83,500	69,100	5.5	3.9	1.6
8	36	24	259,300	142,300	117,000	7.9	5.1	2.8
9	45	19	151,700	92,600	59,100	5.2	4.1	1.1
10	38	20	377,900	234,900	143,100	11.8	9.0	2.9
11	51	18	71,700	42,100	29,700	2.7	2.1	0.5
Total	39	22	3,114,400	1,795,200	1,319,200	99.6	69.9	29.7

Note that expenditure per day for multi-day trips is based on overall trip expenditure and trip length, including days that did not involve riding. However, days riding and regional expenditure only reflect days engaged in OHV riding. Due to the limited number of observations, regions 2, 3, and 4 were combined when estimated expenditure for multi-day trips.

The expenditure of OHV riders by region was “run” through the IMPLAN input-output model to estimate “multiplier effects” of money flowing through the local economy. To illustrate, assume that an OHV rider eats lunch at Restaurant X in Region 8. In order to provide the lunch, Restaurant X hires employees and purchases food that is then prepared for customers. Food is an input purchased from another business, and this process generates indirect effects. Wages paid to employees generate induced effects, because those employees spend a portion of their income in the local economy (perhaps by eating at Restaurant Y or shopping at Supermarket Z). Additional information on input-output and its application for this analysis is provided in Appendix 3.

Table 4.3 shows the expenditure breakdown across categories and trip type, in dollars per person per day. Expenditure categories were as follows:

- Hotel, motel, condo, cabin, B&B, or other lodging except camping
- Camping (RV, tent, etc.)
- Restaurants, bars, pubs
- Groceries
- Gas and oil
- Other transportation
- Park / forest entry, parking, or recreation use fees
- Recreation and entertainment, including guide fees
- Sporting goods
- Other expenses, such as souvenirs

	Day	Multi-day
Hotel	0.00	1.11
Camping	0.00	2.07
Restaurants	5.91	2.62
Groceries	7.99	5.28
Gas	19.72	7.81
Other transportation	1.20	0.53
Recreation fees	1.78	0.60
Recreation + guiding	0.63	0.54
Sporting goods	1.60	0.76

Other	0.62	0.45
Total	39.44	21.76

The relatively small amount spent on hotels may be surprising, but it is consistent with the lodging patterns shown in Figure 2.6. In addition, these figures are per person, with lodging expenditure being split across potentially multiple persons per hotel room or RV / camp site.

Likewise, these figures are per day. Given that expenditure is spread across fewer days (only one) in the case of day trips, it is understandable that amounts are higher for day trips. For example, OHV riders may drive further to destination regions for multi-day trips (see Figure 2.1), but then drive less (in street vehicles) during days in the region. This may explain the lower per-day gas expenditure for multi-day trips.

Table 4.4 shows the results of the multiplier analysis, by region. The columns are as follows:

Employment, full-time or part-time jobs

Labor income, which includes employee compensation (including wages, salaries, and benefits) and proprietary income (including self-employment income).

Value added, which includes labor income, rents, profits, and indirect business taxes.

Output, which is the dollar value of goods and services sold.

Note that much travel-related expenditure is on retail items, with only the retail margin included in this analysis. As a result, output may be lower than expenditure, despite the multiplier effect.

Region	Employment	Labor Income	Value Added	Output
1	122	3,471,100	5,346,800	8,705,800
2	29	1,079,600	1,595,500	2,489,100
3	25	717,900	1,088,500	1,744,700
4	43	1,307,300	1,993,000	3,101,900
5	288	7,376,600	11,534,000	19,311,500
6	50	1,451,800	2,247,300	3,668,800
7	50	1,149,100	1,740,300	2,978,700
8	70	2,119,600	3,316,100	5,401,000
9	51	1,082,800	1,650,300	2,866,100
10	116	2,252,500	3,639,900	6,421,800
11	25	506,200	777,400	1,360,500
Total	869	22,514,500	34,929,200	58,049,700

Statewide, OHV riding by Oregon residents annually contributes 869 jobs, \$23 million in labor income, and \$58 million in value added.

A 2009 report on the economic impact of OHV recreation in Oregon¹⁰ had a different scope and used a different methodology, such it does not provide a direct comparison for the results

¹⁰ Lindberg, K. 1999. The Economic Impacts of Off-Highway Vehicle (OHV) Recreation in Oregon. Report to the Oregon Parks and Recreation Department.

in Table 4.4. However, that report – and the sources it utilized – provides a reference point for the relative contribution of non-resident OHV riding in Oregon. In that analysis, 34% was used as the proportion of all riding days on the South Coast (Region 5) being from out-of-state visitors, with 15% used for all other regions. Thus, out-of-state riders are estimated to contribute an additional 52% of the Region 5 amount in Table 4.4 (34% / 66%) and an additional 18% (15% / 85%) of the amounts for other regions. Table 4.5 shows the statewide total for in-state riders from Table 4.4, together with the estimated contribution from out-of-state riders.

Origin	Employment	Labor Income	Value Added	Output
In-state	869	22,514,500	34,929,200	58,049,700
Out-of-state	251	6,471,500	10,070,300	16,784,500
Combined	1,120	28,986,000	44,999,500	74,834,200

Appendix L Specialty Vehicle Institute of America SB 192 Position Letter



Specialty Vehicle Institute of America

July 29, 2016

Ron Price
ATV Program Coordinator
725 NE Summer Street, Suite C Salem,
Oregon 97310

Dear Mr. Price:

The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's major goal is to promote the safe and responsible use of ATVs.

We would like to take this opportunity to provide the Oregon Parks and Recreation Department with our position on on-road ATV use given that the Department was tasked with convening a work group and issuing a report related to examining options for allowing ATVs to operate on state highways pursuant to SB 192, enacted in 2015.

Tens of millions of ATV users ride their ATVs in a safe and appropriate manner every day. In addition to their popularity for responsible outdoor recreation, they are tremendously useful products and have become an essential tool for farmers, law enforcement officials, the military and others.

The majority of accidents and injuries are caused by misuse of the ATV. Ninety-two percent of ATV-related fatalities involve behaviors that the Industry warns against in its rider education programs, in all literature and on vehicle labels. These behaviors include children riding adult-sized ATVs, operating on paved roads, operating without a helmet or other protective safety gear, carrying passengers on single-rider ATVs and operating under the influence of alcohol.

ATVs are designed, manufactured and sold for off-road use only. On-road vehicles must be manufactured and certified to comply with U.S. Department of Transportation Federal Motor Vehicle Safety Standards (FMVSS). These safety standards consist of extensive and detailed compliance requirements. Since ATVs are not intended to be used on-road, they are not designed, equipped or tested to meet such standards. Permitting on-road use of ATVs, including modified ATVs, would be in conflict with manufacturers' intentions for their proper use, and would be contrary to federal safety requirements.

The Insurance Institute for Highway Safety has analyzed U.S. Department of Transportation's Fatality Analysis Reporting System (FARS) data on ATV rider fatalities occurring on public roads. In 2013, the most recent year for which the data is available, 319 ATV riders were killed on public roads. This is an increase from 2012 when 304 riders were killed on public roads and from 2011 when there were 305 ATV rider fatalities occurring on public roads. Eighty-nine percent of the fatalities occurring on public roads were on rural roads. Of those, sixty-eight percent were on minor roads.

ATV fatalities occurring on public roads comprise a significant portion of total ATV-related fatalities, as reported by the Consumer Product Safety Commission. If ATVs could be kept off of public roads, as urged by SVIA and as contained in our Model State ATV Legislation, a large percentage of ATV-related injuries and deaths would be prevented.

CPSC's *2014 Annual Report of ATV Deaths and Injuries*, the most recent available, found that estimated ATV-related fatalities have declined each year from 2007 through 2014 but noted that data collection for

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2012-2014 is ongoing. As a percentage of total ATV-related fatalities, on-road fatalities were an alarming 48.7 percent of the total in 2011 (the latest year of complete data available from CPSC). This is even though ATVs are not manufactured for or intended to be operated on highways and vehicle labels and owner's manuals clearly warn against such use.

Imagine the progress that could be made in reducing ATV-related injuries and deaths if states were to enact and enforce laws to prohibit ATV use on highways.

Riding on public roads introduces the possibility of the ATV colliding with a car or truck, an obviously dangerous situation. Another CPSC study of 3,200 ATV-related deaths that occurred between 1985 and 1996 found that the most frequently reported hazard pattern (56 percent of all ATV incidents) involved collisions and 35 percent of these involved collisions with motorized vehicles.

SVIA emphasizes that ATVs are not designed, manufactured, or in any way intended for use on public streets, roads or highways and urges that on-highway use of ATVs be prohibited and that law enforcement efforts be strengthened to eliminate this dangerous practice.

It should be noted that for purposes of prohibiting ATV use on public roads, SVIA does not consider such public thoroughfares as logging roads, woodland trails or other unimproved ways to be public streets, roads, or highways and the prohibition on allowing on-road use of ATVs should not be meant to apply to a road that is part of a designated trail system permitting ATV operation.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Kathy R. Van Kleeck".

Kathy R. Van Kleeck Sr. Vice President Government Relations

**Appendix M Recreational Off-Highway Vehicle Association SB
192 Position Letter**



July 29, 2016

Ron Price
ATV Program Coordinator
725 NE Summer Street, Suite C Salem,
Oregon 97310

Dear Mr. Price:

The Recreational Off-Highway Vehicle Association (ROHVA) is a not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs) manufactured or distributed in North America. ROHVA also serves as the primary resource for information on ROVs. An ROV – sometimes referred to as a side-by-side or UTV – is a motorized off-highway vehicle designed to travel on four or more tires, intended by the manufacturer for use by one or more persons and having the following characteristics: a steering wheel for steering control; a Roll Over Protective Structure complying with ANSI/ROHVA-1, an Occupant Retention System complying with ANSI/ROHVA-1; non-straddle seating; maximum speed capability greater than 30 mph; less than 80 inches in overall width, exclusive of accessories; and engine displacement of less than 1,000cc. Current models are designed with seats for a driver and one or more passengers.

We would like to take this opportunity to provide the Oregon Parks and Recreation Department with our position on on-road ROV use given that the Department was tasked with convening a work group and issuing a report related to examining options for allowing ATVs, defined to also include ROVs, to operate on state highways pursuant to SB 192, enacted in 2015.

ROVs are designed, manufactured and sold for off-highway use only. On-highway vehicles must be manufactured and certified to comply with U.S. Department of Transportation Federal Motor Vehicle Safety Standards (FMVSS). These safety standards consist of extensive and detailed compliance requirements. Since ROVs are not intended to be used on-highway, they are not designed, equipped or tested to meet such standards. Permitting street use of ROVs, including modified vehicles, would be in conflict with manufacturers' intentions on their proper use, and would be contrary to federal safety requirements.

Riding on public roads introduces the possibility of the ROV colliding with a car or truck, an obviously dangerous situation.

ROHVA emphasizes that ROVs are not designed, manufactured, or in any way intended for use on public streets, roads or highways and urges that on-highway use of ROVs be prohibited and law enforcement efforts be strengthened to eliminate this practice.

It should be noted that for purposes of prohibiting ROV use on public roads, ROHVA does not consider such public thoroughfares as logging roads, woodland trails or other unimproved ways to be public streets, roads, or highways and the prohibition on allowing on-road use of ROVs should not be meant to apply to a road that is part of a designated trail system permitting ROV operation.

Thank you for your consideration of these comments.

Sincerely,

Kathy R. Van Kleeck Sr. Vice
President Government
Relations

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