

Enrolled Senate Bill 344

Sponsored by Senator FERRIOLI, Representative BARRETO; Senator JOHNSON, Representatives DOHERTY, SMITH G, WHISNANT, WITT (Pre-session filed.)

CHAPTER

AN ACT

Relating to off-road vehicles; creating new provisions; and amending ORS 806.020, 807.020, 821.010, 821.020, 821.055, 821.190, 821.200, 821.202 and 821.203.

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

SECTION 1. ORS 821.190 is amended to read:

821.190. (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 **821.055 and** 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.

SECTION 2. ORS 821.200 is amended to read:

821.200. 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 **highway intersection or 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.

SECTION 2a. ORS 821.010 is amended to read:

821.010. (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:

(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, **except that a person is required to meet the helmet requirements described in ORS 821.202 and 821.203.**

SECTION 3. ORS 821.020 is amended to read:

821.020. *[(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)] (1) Except as provided in subsection (2) of this section, the exemption from equipment requirements for off-road vehicles under ORS 821.010 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]* **roads** that *[is]* **are** open to the public and that *[is]* **are** designated by the road authority with jurisdiction over the road as open to off-road vehicles that are described in ORS 821.010.

(e) All-terrain vehicle highway access routes that are designated by the Oregon Transportation Commission as open to all-terrain vehicles.

(2) The exemption from equipment requirements does not apply to areas posted as closed to off-road vehicles.

SECTION 4. ORS 821.055 is amended to read:

821.055. Notwithstanding ORS 821.020, or any law requiring that vehicles be equipped in specified ways in order to operate on highways, **a person may operate** 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] if:*

(1) The highway is not maintained for passenger car traffic.

(2) The person is on or crossing a portion of highway right of way as permitted under ORS 821.200.

(3) The person is on an all-terrain vehicle highway access route that is designated by the Oregon Transportation Commission as open to all-terrain vehicles.

SECTION 5. Section 6 of this 2017 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 6. (1) **The Oregon Transportation Commission shall designate all-terrain vehicle highway access routes on state highways throughout this state for the purpose of authorizing incidental use of all-terrain vehicles within the state highway right of way.**

(2) The commission shall designate all-terrain vehicle highway access routes under this section after consultation with the All-Terrain Vehicle Highway Access Routes Advisory Committee established under section 7 of this 2017 Act.

(3) A grant of authority under this section to operate an all-terrain vehicle on an all-terrain vehicle highway access route is effective when signs are posted giving notice that the commission has designated a portion of the state highway right of way as an all-terrain vehicle highway access route.

SECTION 7. (1) **The All-Terrain Vehicle Highway Access Routes Advisory Committee is established.**

(2) The committee consists of seven members.

(3)(a) The State Parks and Recreation Director shall appoint:

(A) Two representatives of all-terrain vehicle users.

(B) One representative of a city or county.

(C) One representative of a law enforcement agency.

(D) One representative who is a member of the public.

(E) One representative of the State Parks and Recreation Department as a nonvoting member.

(b) The Director of Transportation shall appoint one representative of the Department of Transportation as a nonvoting member.

(4) The committee shall:

(a) Accept and evaluate proposed all-terrain vehicle highway access routes on portions of state highway rights of way;

(b) Conduct field reviews of proposed all-terrain vehicle highway access routes and consult with the following:

(A) A county commissioner;

(B) A sheriff's office;

(C) Any road authority with jurisdiction of the proposed all-terrain vehicle highway access route;

(D) A member of a local all-terrain vehicle user organization;

(E) A land management agency in the area that provides all-terrain vehicle riding opportunities; and

(F) If the proposed all-terrain vehicle highway access route is located within the boundaries of a city, a representative of the city;

(c) Conduct at least one public meeting to explain the proposed all-terrain vehicle highway access route and receive comments; and

(d) Submit a report to the Department of Transportation and the Oregon Transportation Commission and may include recommendations related to all-terrain vehicle highway access routes on portions of state highway rights of way.

(5) The committee must take into consideration the following when developing its recommendations:

(a) The need to create connections between areas open to all-terrain vehicle use.

(b) Minimizing adverse effects on adjacent landowners.

(c) Road conditions, including but not limited to road width, shoulders, highway speed, population densities and sight distance.

(d) The desire of the local community to allow all-terrain vehicle highway access routes to cross portions of state highway rights of way for purposes of highway or trail connectivity, access to recreational areas and promoting tourism.

(e) Consistency with local all-terrain vehicle use on city streets and county roads adjacent to the portions of state highway rights of way.

(f) Safety.

(g) Any other factors the committee considers important.

(6) A majority of the voting members of the committee constitutes a quorum for the transaction of business.

(7) Official action by the committee requires the approval of a majority of the voting members of the committee.

(8) The committee shall elect one of its members to serve as chairperson.

(9) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

(10) The committee shall meet at times and places specified by the call of the chairperson or of a majority of the voting members of the committee.

(11) The committee may adopt rules necessary for the operation of the committee.

(12) The State Parks and Recreation Department shall provide staff support to the committee.

(13) Members of the committee are not entitled to compensation, but may be reimbursed for necessary travel expenses incurred by them in the performance of their official duties.

(14) The State Parks and Recreation Department is directed to assist the committee in the performance of the committee's duties and, to the extent permitted by laws relating to

confidentiality, to furnish information and advice the members of the committee consider necessary to perform their duties.

SECTION 8. ORS 806.020 is amended to read:

806.020. 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 vehicle issued permanent registration under ORS 805.010.
- (2) A farm trailer.
- (3) A farm tractor.
- (4) An implement of husbandry.
- (5) A 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, **unless the vehicle is operating on an all-terrain vehicle highway access route that is designated by the Oregon Transportation Commission as open to all-terrain vehicles.**
- (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.

SECTION 9. ORS 807.020 is amended to read:

807.020. A person who is granted a driving privilege by this section may exercise the driving privilege described without violation of the requirements under ORS 807.010. A grant of driving privileges to operate a motor vehicle under this section is subject to suspension and revocation the same as other driving privileges granted under the vehicle code. This section is in addition to any exemptions from the vehicle code under ORS 801.026. The following persons are granted the described driving privileges:

(1) A person who is not a resident of this state or who has been a resident of this state for less than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person holds a current out-of-state license issued to the person. For the purpose of this subsection, a person is a resident of this state if the person meets the residency requirements described in ORS 807.062. To qualify under this subsection, the person must have the out-of-state license or driver permit in the person's possession. A person is not granted driving privileges under this subsection:

(a) If the person is under the minimum age required to be eligible for driving privileges under ORS 807.060;

(b) During a period of suspension or revocation by this state or any other jurisdiction of driving privileges or of the right to apply for a license or driver permit issued by this state or any other jurisdiction; or

(c) That exceed the driving privileges granted to the person by the out-of-state license or driver permit.

(2) A person in the Armed Forces of the United States may operate a motor vehicle without an Oregon license or driver permit if the person is operating a motor vehicle in the course of the person's duties in the Armed Forces.

(3) A person without a license or driver permit may operate a road roller or road machinery that is not required to be registered under the laws of this state.

(4) A person without a license or driver permit may temporarily operate, draw, move or propel a farm tractor or implement of husbandry.

(5) A person without a license or driver permit may operate a motor vehicle to demonstrate driving ability during the course of an examination administered under ORS 807.070 for the purpose

of qualifying for a license or driver permit. This subsection only applies when an authorized examiner is in a seat beside the driver of the motor vehicle.

(6) Driving privileges for snowmobiles are exclusively as provided in ORS 821.150.

(7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170, **unless a person is operating a Class I all-terrain vehicle on an all-terrain vehicle highway access route that is designated by the Oregon Transportation Commission as open to all-terrain vehicles.**

(8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS 821.172, **unless a person is operating a Class III all-terrain vehicle on an all-terrain vehicle highway access route that is designated by the commission as open to all-terrain vehicles.**

(9) Driving privileges for Class IV all-terrain vehicles are exclusively as provided in ORS 821.176, **unless a person is operating a Class IV all-terrain vehicle on an all-terrain vehicle highway access route that is designated by the commission as open to all-terrain vehicles.**

(10) A person without a license or driver permit may operate a golf cart in accordance with an ordinance adopted under ORS 810.070.

(11) The spouse of a member of the Armed Forces of the United States on active duty who is accompanying the member on assignment in this state may operate a motor vehicle if the spouse has a current out-of-state license or driver permit issued to the spouse by another state in the spouse's possession.

(12) A person who is a member of the Armed Forces of the United States on active duty may operate a motor vehicle if the person has a current out-of-state license or driver permit in the person's possession that is issued to the person by the person's state of domicile or by the Armed Forces of the United States in a foreign country. Driving privileges described under this subsection that are granted by the Armed Forces apply only for a period of 45 days from the time the person returns to the United States.

(13) A person who does not hold a motorcycle endorsement may operate a motorcycle if the person is:

(a) Within an enclosed cab; or

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

(14) A person may operate a bicycle that is not an electric assisted bicycle without any grant of driving privileges.

(15) A person may operate an electric assisted bicycle without a driver license or driver permit if the person is 16 years of age or older.

(16) A person may operate a motor assisted scooter without a driver license or driver permit if the person is 16 years of age or older.

(17) A person who is not a resident of this state or who has been a resident of this state for less than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person is at least 15 years of age and has in the person's possession a current out-of-state equivalent of a Class C instruction driver permit issued to the person. For the purpose of this subsection, a person is a resident of this state if the person meets the residency requirements described in ORS 807.062. A person operating a motor vehicle under authority of this subsection has the same privileges and is subject to the same restrictions as a person operating under the authority of a Class C instruction driver permit issued as provided in ORS 807.280.

(18) A person may operate an electric personal assistive mobility device without any grant of driving privileges if the person is 16 years of age or older.

SECTION 10. ORS 821.202 is amended to read:

821.202. (1) A person commits the offense of failure of [a Class I, Class II, Class III or Class IV] **an** all-terrain vehicle operator or passenger to wear a motorcycle helmet if:

(a) 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 **or on a highway** and is not wearing a motorcycle helmet with a fastened chin strap; **or**

(b) **The person is 18 years of age or older, operates or rides on a Class I or Class III all-terrain vehicle on an all-terrain vehicle highway access route that is designated by the Oregon Transportation Commission as open to all-terrain vehicles 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*] **an** all-terrain vehicle operator or passenger to wear a motorcycle helmet, is a Class D traffic violation.

SECTION 11. ORS 821.203 is amended to read:

821.203. (1) A person commits the offense of endangering [*a Class I, Class II, Class III or Class IV*] **an** 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 **or on a highway** 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 **or on a highway** 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*] **an** all-terrain vehicle operator or passenger, is a Class D traffic violation.

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

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Tina Kotek, Speaker of House

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Kate Brown, Governor

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