

**SB 889 A STAFF MEASURE SUMMARY****Carrier:** Rep. Boshart Davis**Joint Committee On Transportation****Action Date:** 05/16/23**Action:** Do Pass the A-Eng bill.**House Vote****Yeas:** 6 - Boshart Davis, Helfrich, Mannix, McLain, Nathanson, Pham K**Exc:** 1 - Evans**Senate Vote****Yeas:** 4 - Findley, Frederick, President Wagner, Woods**Exc:** 1 - Boquist**Fiscal:** Has minimal fiscal impact**Revenue:** Has minimal revenue impact**Prepared By:** Patrick Brennan, LPRO Analyst**Meeting Dates:** 3/9, 5/11, 5/16**WHAT THE MEASURE DOES:**

Modifies definition of Class IV all-terrain vehicle by specifying tires designed for off-road use only; increasing maximum weight from 2,500 pounds to 3,500 pounds; decreasing maximum width from 80 inches to 75 inches; and specifying the vehicle must be originally manufactured for off-road use only. Modifies definition of Class I all-terrain vehicle by changing reference to tire size to specify that the vehicle be equipped with three or more tires designed for off-road use only. Replaces existing language requiring windshield wiper with language specifying that windshield wiper is required if top edge of windshield is at least six inches above the steering wheel and vehicle is being operated on a highway, and while vehicle is operated off-road any windshield must be unobstructed. Applies to offenses committed on or after measure's effective date.

**ISSUES DISCUSSED:**

- Recommendation of the All-Terrain Vehicle Advisory Committee
- Changes in size of Class IV all-terrain vehicles
- Classification changes do not change rider liability
- Requirement for unobstructed windshield

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

All-terrain vehicles, or ATVs, come in several classes: Class I ATVs are generally three- or four-wheeled, weigh less than 1,200 lbs., and are equipped with straddle seats and handlebar steering; Class II ATVs are larger vehicles, and typically are off-road capable versions of street-legal vehicles; Class III ATVs are off-road motorcycles; and Class IV ATVs, often called side-by-sides or utility terrain vehicles, are smaller than Class IIs but typically have similar structure, such as non-straddle seating and steering wheels. ATVs are required to be licensed with the Oregon Parks and Recreation Department (OPRD) for operation on public lands, but typically are not authorized for on-road use.

The Class IV ATV is growing in popularity, and new variations on the design continue to be developed. The current statutory definition of a Class IV ATV includes reference to wheels with a maximum wheel rim diameter of 14 inches; however, some new models include wheel sizes that exceed the current statutory definition.

Senate Bill 889 A modifies the definition of Class IV ATV to remove the wheel size reference and replace it with specification that the tires be designed for off-road use only; it also increases the maximum weight threshold from

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2,500 pounds to 3,500 pounds, decreases the maximum width from 80 to 75 inches, and specifies that the vehicle must have been originally intended for off-road use only. Senate Bill 889 A also modifies the definition of Class I ATVs to remove reference to pneumatic tires and tire size, replacing that language with reference to tires designed for off-road use only. Finally, the measure revises windshield wiper requirements to specify that, when operated on a highway, it must be equipped with a windshield wiper if the windshield is at least six inches above the steering wheel; while operating off-road, the requirement is modified to specify that the windshield must be unobstructed.