

Enrolled
Senate Bill 889

Sponsored by COMMITTEE ON NATURAL RESOURCES

CHAPTER

AN ACT

Relating to off-road vehicles; creating new provisions; and amending ORS 801.190, 801.194 and 821.040.

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

SECTION 1. ORS 801.194 is amended to read:

801.194. (1) "Class III all-terrain vehicle" means a motorcycle that travels on two tires and that is actually being operated off highway.

(2) "Class IV all-terrain vehicle" means any motorized vehicle that:

(a) Travels on four or more **tires designed for off-road use only** [*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 [2,500] **3,500** pounds or less; [*and*]

(f) Is [80] **75** inches wide or less at its widest point; **and**

(g) Was originally manufactured for off-road use only.

SECTION 2. ORS 801.190 is amended to read:

801.190. "Class I all-terrain vehicle" means a motorized, off-highway recreational vehicle that:

(1) Is 50 inches or less in width;

(2) Has a dry weight of 1,200 pounds or less;

(3) Travels on three or more **tires designed for off-road use only** [*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*];

(4) Uses handlebars for steering;

(5) Has a seat designed to be straddled for the operator; and

(6) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain.

SECTION 3. ORS 821.040 is amended to read:

821.040. (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.]

(c) When the vehicle is operated on a highway and the vehicle is equipped with a windshield, the top edge of which is at least six inches above the steering wheel, the vehicle must be equipped with a windshield wiper.

(d) When the vehicle is operated off the highway and the vehicle is equipped with a windshield, the windshield must be unobstructed.

[(d)] **(e)** 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)] **(f)** The vehicle must be equipped with any safety equipment required under ORS 821.030.

[(f)] **(g)** 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.

SECTION 4. The amendments to ORS 821.040 by section 3 of this 2023 Act apply to offenses committed on or after the effective date of this 2023 Act.

Passed by Senate June 20, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 23, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State