

Requested by Representative BOSHART DAVIS

**PROPOSED AMENDMENTS TO
SENATE BILL 889**

1 On page 1 of the printed bill, line 2, after “ORS” insert “801.190,”.

2 Delete lines 4 through 31.

3 Delete page 2 and insert:

4 **“SECTION 1.** ORS 801.194 is amended to read:

5 “801.194. (1) ‘Class III all-terrain vehicle’ means a motorcycle that travels
6 on two tires and that is actually being operated off highway.

7 “(2) ‘Class IV all-terrain vehicle’ means any motorized vehicle that:

8 “(a) Travels on four or more **tires designed for off-road use only**
9 [*pneumatic tires that are six inches or more in width and that are designed*
10 *for use on wheels with a rim diameter of 14 inches or less*];

11 “(b) Is designed for or capable of cross-country travel on or immediately
12 over land, water, sand, snow, ice, marsh, swampland or other natural terrain;

13 “(c) Has nonstraddle seating;

14 “(d) Has a steering wheel for steering control;

15 “(e) Has a dry weight of [2,500] **3,500** pounds or less; [*and*]

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

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

18 **“SECTION 2.** ORS 801.190 is amended to read:

19 “801.190. ‘Class I all-terrain vehicle’ means a motorized, off-highway rec-
20 reational vehicle that:

21 “(1) Is 50 inches or less in width;

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

2 “(3) Travels on three or more **tires designed for off-road use only**
3 *[pneumatic tires that are six inches or more in width and that are designed*
4 *for use on wheels with a rim diameter of 14 inches or less];*

5 “(4) Uses handlebars for steering;

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

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

9 **“SECTION 3.** ORS 821.040 is amended to read:

10 “821.040. (1) A person commits the offense of operation of an off-road ve-
11 hicle without required equipment if the person is operating a vehicle de-
12 scribed in ORS 821.010 in an area described in ORS 821.020 and the vehicle
13 is not equipped in compliance with all of the following:

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

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

18 “[*(c) The vehicle must be equipped with a windshield wiper if the vehicle*
19 *is equipped with a windshield.*]

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

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

26 “[*(d)*] **(e)** When the vehicle is operated on sand, the vehicle must be
27 equipped with a flag that meets the requirements established under ORS
28 821.030.

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

1 “[~~f~~] (g) At any time from one-half hour after sunset to one-half hour
2 after sunrise, the vehicle must be equipped with and display headlights and
3 taillights.

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

6 “(3) The offense described in this section, operation of off-road vehicle
7 without required equipment, is a Class C traffic violation.

8 **“SECTION 4. The amendments to ORS 821.040 by section 3 of this
9 2023 Act apply to offenses committed on or after the effective date of
10 this 2023 Act.”.**

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