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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 735  
**DEPARTMENT OF TRANSPORTATION**  
**DRIVER AND MOTOR VEHICLE SERVICES DIVISION**

**FILED**  
04/30/2025 12:15 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: House Bill (HB) 2232 (2025) - Equipment Requirements for off-road vehicles

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/21/2025 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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**NEED FOR THE RULE(S)**

The Oregon Department of Transportation, Driver and Motor Vehicle Services Division (DMV) proposes to repeal OAR 735-116-0000.

Oregon Laws 2025, chapter 3, (HB 2232 (2025)) was passed by the legislature and signed into law by the governor. The bill removed DMV's authority to write administrative rules under ORS 821.030 and gave the authority to the Oregon Parks and Recreation Department. Specifically, the bill removed DMV's authority under ORS 821.030 to adopt rules:  
(1) Establishing the type of brakes an off-road vehicle must be equipped with to be in compliance with ORS 821.040,  
(2) Establish the type of flag that must be used under ORS 821.040 on an off-road vehicle when it is operated on sand, and  
(3) Require other safety equipment that must be used by off-road vehicles in order to comply with ORS 821.040.

Oregon Laws 2025, chapter 3 was effective upon passage, March 19, 2025. The Oregon Laws 2025, chapter number is not yet available online. The following URL will take you to the Oregon Legislature website that will state the chapter number once it is assigned: [https://www.oregonlegislature.gov/bills\\_laws/Pages/Oregon-Laws.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/Oregon-Laws.aspx).

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE**

HB 2232 Enrolled Version -  
<https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/HB2232/Enrolled>.

**STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE**

Repeal of this rule is required because of the law change. DMV does not believe this change will affect racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

None.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Repeal of this rule is in accordance with the change of law. DMV no longer has rulemaking authority under ORS 821.030. Any fiscal impacts are attributed to the change in law, not the repeal of the rule through this rulemaking.

(2) Repeal of this rule is in accordance with the change of law. DMV no longer has rulemaking authority under ORS 821.030. Any fiscal impacts are attributed to the change in law, not the repeal of the rule through this rulemaking.

(2)(a) None.

(2)(b) None.

(2)(c) None.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

DMV sent draft rules to 14 organizations representing small businesses. No responses were received.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The rulemaking is a result of the passage of HB 2232. DMV no longer has rulemaking authority under ORS 821.030.

REPEAL: 735-116-0000

RULE SUMMARY: DMV is repealing this rule in response to Oregon Laws 2025, chapter 3, (HB 2232 (2025)) which removed DMV's authority to write administrative rules under ORS 821.030 and gave the authority to the Oregon Parks and Recreation Department.

CHANGES TO RULE:

~~735-116-0000~~

~~Safety Equipment Standards for Off-Road Vehicles~~

~~(1) The Transportation Safety Office 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. When the vehicle, except a motorcycle, is operated:¶¶

(A) 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 an effective working windshield wiper.¶¶

(B) Off the highway and the vehicle is equipped with a windshield, the windshield must be unobstructed.¶¶

(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.

Statutory/Other Authority: ORS 184.619, 802.010, 821.030

Statutes/Other Implemented: ORS 821.010, 821.020, 821.030, 821.040