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NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 736
PARKS AND RECREATION DEPARTMENT

FILED

07/28/2025 8:53 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: ATV Safety and Sound Emission Standards

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/31/2025 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.

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Filed By:
Katie Gauthier
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/19/2025

TIME: 5:00 PM

OFFICER: Katie Gauthier

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-510-9678

CONFERENCE ID: 86336851382

SPECIAL INSTRUCTIONS:

Must register before hearing at: https://us06web.zoom.us/webinar/register/WN_paGjkSkARcOqJMH1zv5MDA

NEED FOR THE RULE(S)

HB 2232 was signed 3/19/25 and became effective upon passage. The bill transferred rulemaking responsibility for ATV safety equipment and sound emissions from Oregon Department of Transportation and Department of Environmental Quality to Oregon Parks and Recreation Department (OPRD).

Temporary rules were put into place to continue consistent enforcement of ATV statutes, but permanent rules are necessary to ensure safety equipment and sound emission standards for the state.

Rules are needed to allow for enforcement of sound and safety standards as outlined in ORS 821.040.

In development of proposed rules, the department researched standards and rules from other states and worked with members of the off-road community, law enforcement and impacted neighbors to develop updated rules.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

https://www.sae.org/standards/content/j1287_201704/

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

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

There are not any known impacts to racial equity in this state by the proposed rules.

FISCAL AND ECONOMIC IMPACT:

The proposed rules may have a minimal fiscal impact for Oregon Parks and Recreation Department as the department updates documents with new requirements.

According to the 2022 Economic Analysis of Outdoor Recreation in Oregon, motorized recreation accounts for nearly \$250,000,000 annually with recreators spending over \$100 per day on average. Proposed rules may have a positive economic impact for communities. Neighbors will benefit from quieter community with reduced sound levels. Individuals involved in off-road vehicle recreation may benefit from increased safety and reduced sound impacts from the proposed rules.

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) Oregon Parks and Recreation Department, local governments with law enforcement that provide ATV enforcement and members of the public who ride off road vehicles or live near off road vehicle riding areas may be impacted by proposed rules.

(2) (a) A small businesses involved in the off road vehicle recreation may be impacted by have the opportunity to provide new safety or sound equipment for off road recreation providers (b) There are no new reporting, recordkeeping or administrative activities included in the proposed rules. (c) small businesses would not face additional costs for professional services, equipment or labor to comply with the rules, unless they utilize off road recreational vehicles that do not meet the proposed safety or sound requirements.

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

The rule advisory committee included small business owners.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

736-004-0015, 736-004-0150, 736-004-0160

AMEND: 736-004-0015

RULE SUMMARY: Adds definition for off road vehicle and snowmobile.

CHANGES TO RULE:

736-004-0015

Definitions ¶

For purposes of this division, the following definitions shall apply:¶

- (1) "Acquisition" means the gaining of real property rights for public use by donation or purchase including, but not limited to, fee title or easements.¶
- (2) "Approved Course Provider" is any individual or organization who instructs or provides an OPRD-approved Class I, III or IV ATV safety course.¶
- (3) "ATV" or "All-Terrain Vehicle" means:¶
 - (a) Class I ATV, as defined in ORS 801.190.¶
 - (b) Class II ATV, as defined in ORS 801.193.¶
 - (c) Class III ATV, as defined in ORS 801.194.¶
 - (d) Class IV ATV, as defined in ORS 801.194.¶
 - (e) May also be referred to as an OHV or Off-Highway Vehicle.¶
- (4) "ATV-AC" means the seventeen-member All-Terrain Vehicle Advisory Committee established by ORS 390.565 and appointed by the commission.¶
- (5) "ATV Account" means those moneys described in ORS 390.555 and deposited in a separate account in the State Parks and Recreation Department Fund. Moneys in the ATV Account may also be called "ATV grant funds."¶
- (6) "ATV Grant Instruction Manual" means a manual prepared by OPRD containing state and federal policies, procedures, guidelines, and instructions to assist current and potential project sponsors.¶
- (7) "ATV Grant Subcommittee" means the seven-member subcommittee established by ORS 390.565(5)(a).¶
- (8) "ATV Operating Permit" means a permit (decal) issued through OPRD and which is permanently affixed to the vehicle. The permit authorizes the use of ATV's on trails and within designated areas authorized by the appropriate authorities.¶
- (9) "ATV Operating Permit Agent" means a person, business or government agency to whom OPRD consigns ATV operating permits and decals for sale as a service to the general public.¶
- (10) "ATV Operator Permit" means the ATV Safety Education Card issued upon completion of an OPRD-approved ATV Safety Education course and passage of the minimum standards test of ATV Safety Education competency as established by OPRD.¶
- (11) "ATV Safety Checklist" is a document provided to a dealer, guide service, rental, or livery agent by OPRD that consists of selected facts about Oregon ATV laws.¶
- (12) "ATV Safety Course" is any OPRD-approved course of instruction that is offered by an approved course provider and concludes with an examination.¶
- (13) "ATV Safety Education" means those grant projects that include but are not limited to training programs, media with information for the public, safe riding practices, environmental ethics, or any combination thereof.¶
- (14) "All-Terrain Vehicle Safety Education Card" is the ATV Operator's Permit required by ORS 390.570, 390.575, and 390.577.¶
- (15) "Certificate of Completion" is a certificate generated by OPRD indicating completion of the internet ATV Safety Course.¶
- (16) "Commission" means the State Parks and Recreation Commission.¶
- (17) "Conversion" means any real property acquisition or development that is later wholly or in part converted to another use other than its intended and stated use as described in the grant application and the grant agreement.¶
- (18) "Correspondence Course and Self-Test" means a Class I, III or IV ATV safety course and examination provided by the OPRD that is taken at home without a proctor. This correspondence course and self-test will satisfy minimum standard of ATV safety education competency only for those individuals who have qualified for hardship status.¶
- (19) "Dealer" means any person or business duly certified under ORS 822.020 and 822.040 to sell Class I, III, or IV ATVs.¶
- (20) "Development" means the planning, design, construction and improvement of ATV recreational facilities, trails, and riding areas.¶
- (21) "Director" means the director of the Oregon Parks and Recreation Department.¶
- (22) "Dry Weight" means the unloaded weight, absent of all fluids, passengers, and any materials such as ice, snow or mud.¶
- (23) "Emergency Medical Services" means medical services performed by certified personnel and the necessary items to perform their duties.¶
- (24) "Endorsement Code" means an identifying color, text or mark on the ATV Safety Education Card that indicates the operator meets or exceeds OPRD's minimum standards in an approved hands-on ATV evaluation program.¶
- (25) "Equivalency Exam" means a comprehensive written examination created by OPRD to provide either Class I

or Class III operators, who are at least 16 years of age and have five or more years operating a Class I or a Class III vehicle, the opportunity to meet the minimum standard of ATV safety education competency.¶¶

(26) "Evaluation Course" means a course that measures the ATV operator's ability to demonstrate control of an ATV.¶¶

(27) "Grant Agreement" means an agreement between OPRD and a project sponsor describing the terms and conditions of a project and its associated grant of funds.¶¶

(28) "Grant Application" means the form and its format as developed by OPRD that the project sponsor uses to request ATV grant funds.¶¶

(29) "Hands-on Training" means any OPRD-approved evaluation course offered by an OPRD-approved course provider.¶¶

(30) "Hardship Status" means a situation or condition that prevents an individual from taking the ATV safety internet course. A hardship situation may allow an individual to use a correspondence course and self-test provided by OPRD. An individual must submit a written request for hardship status. The OPRD Director or designee has the authority to grant or deny hardship status.¶¶

(31) "Instruction Permit" is a provisional permit issued by OPRD to youth under the age of 16 upon successful completion of the OPRD internet course.¶¶

(32) "Internet Course" means an OPRD-approved course of instruction that is offered through the internet.¶¶

(33) "Law Enforcement Services" means law enforcement services performed by certified personnel and the necessary items to perform their duties.¶¶

(34) "Minimum Standards of ATV Safety Education Competency" means a standard of proficiency established by OPRD that determines whether an applicant for a Class I, III, or IV ATV Safety Education Card has met or exceeded the requirements of an ATV safety course.¶¶

(35) "Notice to Proceed" means the notification from OPRD that the Director or designee and the project sponsor have signed the grant agreement authorizing the project.¶¶

(36) "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.¶¶

(37) "OHV" means Off Highway Vehicle, also called ATV.¶¶

(378) "Operations and Maintenance" means the preservation, rehabilitation, restoration, operation and upkeep of the facilities, riding areas, and equipment, including the purchase of equipment necessary to perform these functions.¶¶

(389) "OPRD" means the Oregon Parks and Recreation Department.¶¶

(3940) "Personal Property" means tangible property other than land: movable property including but not limited to items such as an ATV, trail repair equipment, or other movable property purchased through the ATV Grant Program.¶¶

(401) "Planning" means the research, design, engineering, environmental, and site survey of ATV recreation areas, trails, or facilities.¶¶

(412) "Project Sponsor" means the recipient of the grant funds and the responsible party for implementation of the project.¶¶

(423) "Public Lands" includes publicly and privately-owned land that is open to the general public for the use of all-terrain vehicles.¶¶

(434) "Real Property" means immovable property: land together with all the property on it that cannot be moved, together with any attached rights.¶¶

(445) "Rider Fit" means the minimum physical size requirements that a Class I ATV operator under 16 years of age must meet in relationship to the vehicle to be operated as established by OPRD and described in OAR 736-004-0115.¶¶

(456) "Snowmobile" means any motor vehicle as defined in ORS 801.490.¶¶

(47) "Successor" means a governmental entity that has agreed to accept the terms and conditions of the project sponsor's responsibilities as contained in the project sponsor's grant agreement and grant application should the project sponsor cease to exist; for example, if a club or non-profit organization should dissolve or disband. The successor shall agree to operate the project continuously for the public benefit and recreational purposes identified in the grant agreement and the grant application. If OPRD is a successor under OAR 736-004-0025(1)(c), OPRD may operate, sell, or qualify another successor to the project.¶¶

(468) "Sustainability" means using, developing, protecting, and managing the resource in a manner that enables people to meet current and future generation needs from the multiple perspective of environmental, economic, and community objectives.¶¶

(479) "Temporary ATV Safety Education Card" is a document issued by OPRD or an approved course provider allowing the bearer to operate a Class I, III, or IV ATV in Oregon for a period of time not to exceed 30 days.

Statutory/Other Authority: ORS 390.180, 390.585

Statutes/Other Implemented: ORS 390.180

ADOPT: 736-004-0150

RULE SUMMARY: Clarifies requirements for fire extinguishers and floor pans by class of ATV and updates flag requirements. Adds tethering and headlight requirements.

CHANGES TO RULE:

736-004-0150

Safety Equipment Standards for Off-Road Vehicles

(1) The State Parks and Recreation Commission adopts the following equipment requirements for off-road vehicles that operate in areas as described in ORS 821.020.

(2) 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. Class II and IV all-terrain 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 flag with at least 36 square inches on each side of highly visible red or orange when operating on the sand. The flag must:

(A) Be displayed at a height of at least eight feet from the ground level when the vehicle is under power; and

(B) Have one side that is at least six inches wide, and be at least twelve inches long.

(e) Floor Pan/Foot Pads. All vehicles must have floor pans, with the exception of Class I and III All-terrain 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 OPRD for vehicles operated off-road.

(h) Roll Bar. Class II and IV all-terrain vehicles, except vehicles which has a seat designed to be straddled for the operator 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. Class II and IV all-terrain vehicles, except vehicles which has a seat designed to be straddled for the operator 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. When operating in the snow, all off road vehicles shall have a lighted headlight and taillight.

(m) A person operating a snowmobile equipped by the manufacturer with a lanyard type engine cutoff switch must attach such lanyard to their person or clothing.

Statutory/Other Authority: HB 2232 (2025)

Statutes/Other Implemented: HB 2232 (2025)

ADOPT: 736-004-0160

RULE SUMMARY: Updates noise level requirements.

CHANGES TO RULE:

736-004-0160

Noise Control Regulations for off-road vehicles

(1) All-terrain Vehicles:¶

(a) No person shall operate any all-terrain vehicle which exceeds the stationary noise level limits specified:¶

(A) A maximum noise level of 96 dBA when subjected to a stationary test as prescribed by SAE J-1287 (2017) for Class I and III ATVs.¶

(B) A maximum noise level of 96 dBA when subjected to a stationary test as prescribed by and J-1492 (2023) for Class II and IV ATVs.¶

(b) No person shall operate an all-terrain vehicle with any of the following defects:¶

(A) No muffler:¶

(B) Leaks in the exhaust system:¶

(C) Pinched outlet pipe:¶

(D) Muffler cutouts, bypass valves, defeat devices or exhaust modes are prohibited to be activated unless they are compliant with applicable noise and emission control regulations.¶

(c) A person commits the offense of causing unreasonable noise with a vehicle if the person operates an all-terrain vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of the vehicle.¶

(2) Noise Control Regulations for Motor Sports Vehicles and Facilities: All-terrain vehicles used in organized racing events in an area designated for that purpose shall comply with the motor sports vehicles and facilities regulation in OAR 340-035-0040.

Statutory/Other Authority: ORS 390.585, ORS 821.030

Statutes/Other Implemented: ORS 390.585, ORS 821.030, ORS 821.220