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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

PRD 4-2025

CHAPTER 736

PARKS AND RECREATION DEPARTMENT

FILED

04/25/2025 7:03 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Temporary ATV Safety Equipment and Noise Control regulations for Off-road vehicles

EFFECTIVE DATE: 04/25/2025 THROUGH 10/21/2025

AGENCY APPROVED DATE: 04/23/2025

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NEED FOR THE RULE(S):

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

While OPRD undertakes the rulemaking process and convenes a rule advisory committee to develop permanent rule changes, temporary rules are needed to continue consistent enforcement of ATV statutes.

Rules are needed to allow for continued enforcement of noise and safety standards as outlined in ORS 821.040. While the temporary rules are in place, the department will work with members of the off-road community, law enforcement and impacted neighbors to develop a more comprehensive solution.

JUSTIFICATION OF TEMPORARY FILING:

(1) Based on a change in statute, the temporary rules are needed to continue the current enforcement of ATV noise and safety equipment standards until permanent rules can be enacted. (2) ATV riders and the general public would be impacted if temporary rules are not enacted. (3) Changes in statute eliminate the authority of ODOT to set safety standards, without temporary rules no standards would exist. (4) adopting the temporary rules will allow for a seamless transition and continued enforcement of ATV noise and safety standards.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

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

RULES:

736-004-0150, 736-004-0160

ADOPT: 736-004-0150

RULE TITLE: Safety Equipment Standards for Off-Road Vehicles

RULE SUMMARY: Adds ATV safety equipment standards.

RULE TEXT:

(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) 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: HB 2232 (2025)

STATUTES/OTHER IMPLEMENTED: HB 2232 (2025)

ADOPT: 736-004-0160

RULE TITLE: Noise Control Regulations for off-road vehicles

RULE SUMMARY: Adds noise control regulations for off-road vehicles.

RULE TEXT:

(1) Noise Control Regulations for In-Use Motor Vehicles: All-terrain vehicles shall comply with noise emission standards outlined in OAR 340-035-0030.

(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: HB 2232 (2025)

STATUTES/OTHER IMPLEMENTED: HB 2232 (2025)