

Chapter 821

1999 EDITION

Off-Road Vehicles; Snowmobiles; All-Terrain Vehicles

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OFF-ROAD VEHICLES

821.010 Exemptions from equipment requirements for off-road vehicles. (1) 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 is exempt from the sections governing vehicle equipment described in this section if the vehicle:

- (a) Is operated in an area described under ORS 821.020; and
- (b) Complies with the equipment requirements under ORS 821.040.
- (2) The exemption under this section is an exemption from the prohibitions under all of the following paragraphs:
 - (a) Nonstandard lighting equipment under ORS 816.300.
 - (b) Required lighting equipment under ORS 816.330.
 - (c) Prohibited lighting equipment under ORS 816.360.
 - (d) Violation of state equipment administrative rules under ORS 815.100.
 - (e) Slow-moving vehicle emblem requirements under ORS 815.115.
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 - (g) Visible emission limits under ORS 815.200.
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 - (n) Exhaust system requirements under ORS 815.250.
 - (o) Speedometer requirements under ORS 815.255.
 - (p) Disposal system requirements under ORS 815.260.
 - (q) Helmet requirements under ORS 814.260 to 814.280. [1983 c.338 s.710; 1999 c.565 s.3]

821.020 Applicability of off-road vehicle exemption from general equipment requirements. (1) This section establishes the areas where the exemption from equipment requirements for off-road vehicles described under ORS 821.010 is applicable. The exemption applies to any land, road or place within the State of Oregon that meets the description in subsection (2) of this section and that is not posted as closed to off-road use.

- (2) The exemption applies to each of the following lands, roads and places:
 - (a) Lands that are open to the public.
 - (b) Roads, other than two-lane gravel roads, that are open to the public.
 - (c) Paved parking lots adjacent to or on designated off-road vehicle areas, trails and routes that are open to the public.

(d) Any local two-lane gravel road that is open to the public and that is designated by the road authority with jurisdiction over the road as open to off-road vehicles that are described in ORS 821.010. [1983 c.338 s.711; 1999 c.565 s.4]

821.030 Equipment standards for off-road vehicles. For purposes of the equipment requirements for off-road vehicles under ORS 821.040, the following agencies may establish the described equipment requirements for vehicles:

(1) The Director of Transportation may adopt rules to do the following:

(a) Establish the type of brakes an off-road vehicle must be equipped with to be in compliance with ORS 821.040.

(b) Establish the type of flag that must be used under ORS 821.040 on an off-road vehicle when it is operated on sand.

(c) Require other safety equipment that must be used by off-road vehicles in order to comply with ORS 821.040.

(2) The Environmental Quality Commission may adopt standards for noise emissions of mufflers that are required for off-road vehicles for compliance with ORS 821.040. [1983 c.338 s.445; 1985 c.16 s.234]

821.040 Operation of off-road vehicle without required equipment; penalty. (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.

(d) 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) The vehicle must be equipped with any safety equipment required under ORS 821.030.

(f) 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 or flags.

(3) The offense described in this section, operation of off-road vehicle without required equipment, is a Class C traffic violation. [1983 c.338 s.712; 1985 c.393 s.40]

SNOWMOBILES AND ALL-TERRAIN VEHICLES

(Generally)

821.050 Limits on authority of local governments; disposition of fees for snowmobiles. (1) Limits on the authority of cities, counties or other political subdivisions of this state or any state agency are as imposed under ORS 801.040.

(2) Fees collected by the Department of Transportation in the regulation of snowmobiles shall be used as provided in ORS 802.110 and 802.120. [1983 c.338 s.713; 1985 c.459 s.4a; 1989 c.991 s.28; 1999 c.977 s.23]

821.055 Operation of all-terrain vehicles on certain highways. Notwithstanding ORS 821.020, or any law requiring that vehicles be equipped in specified ways in order to operate on highways, Class I, Class II and Class III all-terrain vehicles may operate on any highway in this state that is open to the public and is not maintained for passenger car traffic. [1995 c.775 s.8]

(Title for Snowmobiles)

821.060 Issuance; application; fees. (1) The Department of Transportation shall provide for the issuance of titles for snowmobiles required to be titled under ORS 821.070. The following provisions relating to titling shall be the same for snowmobiles as for other vehicles:

(a) Fee for issuance.

(b) Provisions relating to transfer, including security interests and other types of transfer, fees for transfer, time limits for transfer and responsibility for making transfer and submitting documents.

(c) Information required to be placed on a title, except where the department determines such information would be inappropriate.

(d) Party to whom title is issued upon original issuance or transfer.

(e) Validity times and requirements.

(f) Provisions contained in ORS 819.010 to 819.040.

(g) Any provisions relating to title that are applicable to other vehicles under the vehicle code and that the department determines, by rule, to be necessary to assure that the titling of snowmobiles is administered in the same manner and has the same effect as the titling of other vehicles.

(h) Provisions relating to salvage titles.

(2) Application for issuance of title for a snowmobile shall be made in the manner and in a form prescribed by the department. The department may require any information in the application the department determines is reasonably necessary to determine ownership or right to title for a snowmobile. The department may provide for application for title separately from or with application for snowmobile registration or in any way the department determines appropriate.

(3) Dealers issued certificates under ORS 822.020 who sell snowmobiles shall accept application and fees for title of a snowmobile from each purchaser of a new or used snowmobile in a manner required by the department. [1985 c.16 s.344; 1985 c.459 s.5; 1987 c.261 s.3; 1989 c.991 s.6; 1991 c.873 s.43; 1993 c.233 s.69; 1993 c.751 s.79; 1995 c.774 s.15; 1997 c.249 s.236; 1999 c.977 s.26]

821.070 Failure to title; exemptions; penalty. (1) A person commits the offense of failure to title a snowmobile if the person is the owner of a snowmobile that is in this state or is operating a snowmobile at any place in this state and the snowmobile has not been issued a title as provided under ORS 821.060.

(2) The requirement to title a snowmobile under this section does not apply if the snowmobile is any of the following:

(a) Owned and operated by the United States, another state or political subdivision thereof.

(b) Owned and operated by this state or by any city, district or political subdivision thereof.

(c) Exempted from registration requirements by ORS 821.090.

(d) A new snowmobile that is in the possession of a dealer for purposes of sale or display.

(3) The offense described in this section, failure to title a snowmobile, is a Class D traffic violation. [1985 c.16 s.346; 1985 c.459 s.6; 1989 c.991 s.7; 1995 c.383 s.105; 1995 c.774 s.16; 1999 c.977 s.27]

(Registration for Snowmobiles)

821.080 Issuance; qualifications; duration; certificate. (1) The Department of Transportation shall issue snowmobile registration to a qualified owner. To qualify for issuance of registration under this section:

(a) The owner must complete the application in the manner and in a form the department prescribes.

(b) The application shall state the name and address of each owner of the snowmobile to be registered.

(c) The application shall contain proof of title.

(d) The fee established under ORS 821.320 for registration of a snowmobile must be paid.

(2) Dealers issued certificates under ORS 822.020 who sell snowmobiles shall accept application and fees for registration from each purchaser of a new or used snowmobile that is required to be registered in this state. The department shall adopt rules for the implementation of this subsection.

(3) The department shall not issue any registration for a snowmobile unless the snowmobile has been issued a title in compliance with ORS 821.060 and 821.070.

(4) Snowmobile registration and renewal of registration are valid for a period of two years after which time the registration expires.

(5) Upon qualification for registration, the department shall do the following:

(a) Register the snowmobile.

(b) Assign a registration number to the snowmobile. The registration number assigned at the time of original registration shall remain with that vehicle until the vehicle is destroyed, abandoned or permanently removed from this state, or until changed or terminated by the department.

(c) Issue and deliver to the registered owner a certificate of registration in a form to be determined by the department.

(d) At the time of original registration and at the time of each subsequent renewal thereof, issue to the registrant a

date tag or tags indicating the validity of the current registration and the expiration date thereof.

(6) A snowmobile registration is not valid unless a validating tag and current registration certificate have been issued.

(7) The department shall provide procedures necessary for renewal of snowmobile registration consistent with this section and ORS 821.110 and 821.320.

(8) The department may adopt rules specifying additional requirements and procedures for registration of snowmobiles. Requirements and procedures adopted under this subsection shall be designed to assure that except as otherwise provided in this chapter, the registration of snowmobiles is administered in the same manner and has the same effect as the registration of vehicles under ORS chapter 803. [1983 c.338 s.716; 1985 c.16 s.348; 1985 c.459 s.9; 1987 c.217 s.9; 1987 c.261 s.12; 1989 c.991 s.8; 1993 c.751 s.80; 1995 c.774 s.17; 1999 c.977 s.28]

821.090 Exemptions from snowmobile registration requirements. This section establishes exemptions from the requirements to register snowmobiles under ORS 821.100. The following are exempt from the registration requirements, either partially or completely as described:

- (1) A snowmobile owned and operated by the United States, another state or a political subdivision thereof.
- (2) A snowmobile owned and operated by this state or by any city, district or political subdivision thereof.
- (3) A snowmobile owned by a resident of another state if registered in accordance with the laws of the state in which its owner resides. The exemption granted under this subsection:
 - (a) Is only granted to the extent that a similar exemption or privilege is granted under the laws of the other state for snowmobiles registered in this state.
 - (b) Is only granted for a period of up to 60 consecutive days. Any snowmobile that does not qualify for the exemption under this subsection because of this paragraph is subject to registration.
- (4) A snowmobile operated under an out-of-state permit issued under ORS 821.130.
- (5) A snowmobile operated under dealer plates as described in ORS 822.040.
- (6) A snowmobile used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations. [1983 c.338 s.715; 1985 c.16 s.347; 1985 c.459 s.8; 1987 c.254 s.4; 1987 c.261 s.4; 1987 c.387 s.2; 1989 c.991 s.9; 1995 c.774 s.18; 1999 c.977 s.29]

821.100 Operation of unregistered snowmobile; penalty. (1) A person commits the offense of operation of an unregistered snowmobile if the person operates a snowmobile that is not registered under ORS 821.080.

- (2) Exemptions from this section are established under ORS 821.090.
- (3) The offense described in this section, operation of an unregistered snowmobile, is a Class D traffic violation. [1983 c.338 s.714; 1985 c.459 s.7; 1989 c.991 s.10; 1995 c.383 s.106; 1995 c.774 s.19; 1999 c.977 s.30]

821.110 Failure to renew snowmobile registration; penalty. (1) A person commits the offense of failure to renew snowmobile registration if the person is the owner of a snowmobile in this state and the person does not renew registration for the snowmobile in the manner the Department of Transportation prescribes when the registration expires as provided under ORS 821.080 and pay the required fee for renewal of registration established under ORS 821.320.

- (2) The offense described in this section, failure to renew snowmobile registration, is a Class D traffic violation. [1983 c.338 s.717; 1985 c.459 s.10; 1989 c.991 s.29; 1995 c.383 s.107; 1995 c.774 s.20; 1999 c.977 s.31]

821.120 Failure to properly display snowmobile registration numbers; penalty. (1) A person commits the offense of failure to properly display snowmobile registration numbers if the person is the owner or operator of a snowmobile and the registration numbers issued by the Department of Transportation for the vehicle are not displayed on the vehicle or are displayed in a manner that violates any of the following:

- (a) The registration numbers must be permanently affixed.
- (b) The registration numbers must be displayed in a clearly visible manner.
- (c) The registration number must be displayed upon the snowmobile in a manner prescribed by the department.
- (d) The numbers displayed shall be in the form of painted numbers or decals and shall be of contrasting color with the surface on which they are applied.
- (e) The registration numbers shall be maintained in a legible condition.
- (f) Any validating date tag or tags issued by the department under ORS 821.080 shall be affixed in the manner prescribed by the department.

(2) The offense described in this section, failure to properly display snowmobile registration numbers, is a Class D traffic violation. [1983 c.338 s.719; 1985 c.16 s.349; 1985 c.459 s.12; 1989 c.991 s.11; 1995 c.383 s.108; 1995 c.774 s.21; 1999 c.977 s.32]

821.125 [1991 c.481 s.2; 1993 c.741 s.139; repealed by 1999 c.977 s.38]

(Permits)

821.130 Out-of-state snowmobile permit; qualifications; duration; application; fees. (1) An out-of-state snowmobile permit is a vehicle permit that is issued as evidence of a grant of authority to operate in this state a snowmobile that is:

- (a) Owned by a resident of another state;
- (b) Not registered in this state or in the other state; and
- (c) Exempt from registration under ORS 821.090.

(2) The Department of Transportation shall establish a program for the issuance of out-of-state snowmobile permits under this section. The program established by the department shall comply with all of the following:

- (a) A permit may only be issued for snowmobiles owned by the resident of another state where registration is not required by law.
- (b) A permit is valid for not more than 60 days.
- (c) Application for a permit shall state the name and address of each owner.
- (d) The fees for issuance of the permit are as provided under ORS 821.320. [1983 c.338 s.720; 1985 c.459 s.24; 1989 c.991 s.30; 1993 c.751 s.82; 1995 c.774 s.22; 1999 c.977 s.33]

821.140 Failure to carry out-of-state snowmobile permit; penalty. (1) A person commits the offense of failure to carry an out-of-state snowmobile permit if an out-of-state permit is issued for the vehicle under ORS 821.130 and the permit is not carried on the snowmobile at all times during operation of the snowmobile in this state.

(2) The offense described in this section, failure to carry an out-of-state snowmobile permit, is a Class D traffic violation. [1983 c.338 s.721; 1985 c.459 s.25; 1989 c.991 s.31; 1995 c.383 s.109; 1999 c.977 s.34]

821.142 Failure to carry out-of-state all-terrain vehicle permit. (1) A person commits the offense of failure to carry an out-of-state all-terrain vehicle permit if an out-of-state permit is issued for the vehicle under ORS 390.590 and the permit is not carried on the all-terrain vehicle at all times during operation of the all-terrain vehicle in this state.

(2) The offense described in this section, failure to carry an out-of-state all-terrain vehicle permit, is a Class D traffic violation. [1999 c.977 s.12]

821.145 [Formerly 821.185; repealed by 1999 c.977 s.38]

(Driving Privileges)

821.150 Operation of snowmobile without driving privileges; civil liability; penalty. (1) A person commits the offense of operation of a snowmobile without driving privileges if the person operates a snowmobile without one of the following having been issued to the person and on the person at the time the person is operating the snowmobile:

- (a) A driver license.
- (b) A snowmobile operator permit issued under ORS 821.160.

(2) This section does not apply to a person who is operating a snowmobile while taking a course from an instructor to obtain a snowmobile operator's permit under ORS 821.160.

(3) In addition to other penalties provided by this section, the operator or owner of a snowmobile may be liable as provided under ORS 821.310.

(4) The offense described in this section, operation of snowmobile without driving privileges, is a Class D traffic violation. [1983 c.338 s.722; 1985 c.16 s.350; 1985 c.393 s.41; 1995 c.383 s.32]

821.160 Snowmobile operator permit; issuance; rules for safety education course. (1) A snowmobile operator permit authorizes a person who does not have a driver license to operate a snowmobile without violation of ORS

821.150.

(2) The Department of Transportation shall issue or provide for issuance of a snowmobile operator permit to any person who has taken a snowmobile safety education course established under this section and has been found qualified to operate a snowmobile.

(3) The department shall adopt rules to provide for snowmobile safety education courses and the issuance of snowmobile operator permits consistent with this section. The rules adopted by the department shall be consistent with the following:

(a) The course must be one given by an instructor designated by the department as qualified to conduct such a course and issue such a permit.

(b) The rules shall provide for the designation of instructors and issuance of permits.

(c) The department may provide by rule for instructors to be provided and permits issued through public or private local and state organizations meeting qualifications established by the department. Organizations designated by the department may include organizations such as the Oregon State Snowmobile Association.

(4) Persons who are operating a snowmobile while taking a course from an instructor are exempt from ORS 821.150 as provided in that section. [1983 c.338 s.723; 1985 c.16 s.351]

821.170 Operation of Class I all-terrain vehicle without driving privileges; penalty. (1) A person commits the offense of operation of a Class I all-terrain vehicle without driving privileges if the person operates a Class I all-terrain vehicle on public lands and the person does not meet one of the following qualifications:

(a) The person must hold a valid driver license;

(b) The person must hold a valid Class I all-terrain vehicle operator permit issued under ORS 390.570; or

(c) The person must be accompanied by a person who is at least 18 years of age, who has either a valid driver license or a valid Class I all-terrain vehicle operator permit and who is either on the same vehicle, if the vehicle is designed to carry passengers, or on a separate Class I all-terrain vehicle.

(2) Notwithstanding subsection (1) of this section, no person under 12 years of age may operate a Class I all-terrain vehicle on a designated snowmobile trail under snow conditions unless the person holds a valid Class I all-terrain vehicle operator permit issued under ORS 390.570.

(3) The offense described in this section, operation of Class I all-terrain vehicle without driving privileges, is a Class D traffic violation. [1985 c.459 s.17; 1987 c.158 s.175; 1995 c.383 s.110; 1999 c.977 s.24]

821.172 Operation of Class III all-terrain vehicle without driving privileges; penalty. (1) A person who is 12 years of age or older commits the offense of operation of a Class III all-terrain vehicle without driving privileges if the person operates a Class III all-terrain vehicle on public lands and the person does not meet one of the following qualifications:

(a) The person must hold a valid driver license;

(b) The person must hold a valid Class III all-terrain vehicle operator permit issued under ORS 390.575; or

(c) The person must be accompanied by a person who is at least 18 years of age, who has either a valid driver license or a valid Class III all-terrain vehicle operator permit and who is either on the same vehicle, if the vehicle is designed to carry passengers, or on a separate Class III all-terrain vehicle.

(2) A person who is at least seven years of age but under 12 years of age commits the offense of operation of a Class III all-terrain vehicle without driving privileges if the person operates a Class III all-terrain vehicle on public lands and the person does not meet both of the following qualifications:

(a) The person must hold a valid Class III all-terrain vehicle operator permit issued under ORS 390.575; and

(b) The person must be accompanied by a person who is at least 18 years of age, who has either a valid driver license or a valid Class III all-terrain vehicle operator permit and who is either on the same vehicle, if the vehicle is designed to carry passengers, or on a separate Class III all-terrain vehicle.

(3) A person under seven years of age commits the offense of operation of a Class III all-terrain vehicle without driving privileges if the person operates a Class III all-terrain vehicle on public lands.

(4) The offense described in this section, operation of a Class III all-terrain vehicle without driving privileges, is a Class C traffic violation. [1995 c.774 s.2; 1999 c.977 s.25]

821.174 Prohibition on operating Class I or III all-terrain vehicle while driving privileges suspended.

Notwithstanding any other provision of law, a person may not operate a Class I all-terrain vehicle or a Class III all-terrain vehicle while the person's driving privileges are suspended or revoked. A person who violates this section is in

violation of ORS 811.175 or 811.182, as appropriate. [1995 c.775 s.7]

Note: 821.174 was added to and made a part of ORS chapter 821 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

821.175 [1987 c.587 s.6; 1989 c.661 s.3; 1989 c.991 s.11a; 1995 c.774 s.4; renumbered 821.195 in 1995]

821.180 [1985 c.459 s.18; repealed by 1999 c.977 s.38]

821.182 [1995 c.774 s.3; repealed by 1999 c.977 s.38]

821.185 [1987 c.587 ss.4,5; 1989 c.661 s.1; 1993 c.751 s.105; 1995 c.774 s.5; renumbered 821.145 in 1995]

(Offenses)

821.190 Unlawful operation of snowmobile or all-terrain vehicle on highway or railroad; civil liability; penalty. (1) A person commits the offense of unlawful operation of an off-road vehicle on a highway or railroad if the person operates a vehicle described in subsection (2) of this section in any of the following described areas:

(a) On or across the paved portion, the shoulder, inside bank or slope of any highway, on or across the median of any divided highway or on or across any portion of a highway right of way under construction.

(b) On or across a railroad right of way.

(2) This section applies to:

(a) Snowmobiles.

(b) Class I all-terrain vehicles.

(c) Class II all-terrain vehicles that are not properly equipped for operation on a highway.

(d) Class III all-terrain vehicles.

(3) Exemptions from this section are established under ORS 821.200.

(4) In addition to penalties provided by this section, the operator or owner of a snowmobile, Class I, Class II or Class III all-terrain vehicle may be liable as provided under ORS 821.310.

(5) The offense described in this section, unlawful operation of an off-road vehicle on a highway or railroad, is a Class B traffic violation. [1985 c.72 s.2; 1985 c.459 s.28 (enacted in lieu of 1983 c.338 ss.724,725,726); 1989 c.991 s.12; 1995 c.383 s.111; 1999 c.372 s.1]

821.192 Operating all-terrain vehicle in violation of posted restrictions. (1) A person commits the offense of operating an all-terrain vehicle in violation of posted restrictions if the person operates an all-terrain vehicle on public lands at a time when the lands are closed to all-terrain vehicles or operation of the vehicles is otherwise restricted, and notice of the restrictions has been posted by an agency with jurisdiction to impose the restrictions.

(2) The offense described in this section, operating an all-terrain vehicle in violation of posted restrictions, is a Class B traffic violation. [1999 c.565 s.2]

821.195 Operation of all-terrain vehicle without permit and decal; exemption; penalty. (1) A person commits the offense of operating an all-terrain vehicle without a permit and a decal if the person operates an all-terrain vehicle without a permit and a decal in an area or on a trail designated by the appropriate authority as open to all-terrain vehicles only if they have permits and decals.

(2) This section does not apply to:

(a) An all-terrain vehicle owned and operated by a resident of another state if the other state grants a similar exemption for all-terrain vehicles owned and operated by residents of Oregon and if the vehicle has not been operated in this state for more than 60 consecutive days; or

(b) An all-terrain vehicle owned and operated by the United States, this state or any other state or any political subdivision of the United States or of a state.

(3) The offense described in this section, operating an all-terrain vehicle without a permit and a decal, is a Class C traffic violation. [Formerly 821.175; 1999 c.977 s.35]

Note: 821.195 was added to and made a part of ORS chapter 821 by legislative action but was not added to any

smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

821.200 Exemptions from general prohibition on operating on highway or railroad. This section establishes exemptions from the limitations placed on the use of snowmobiles and all-terrain vehicles under ORS 821.190. The prohibitions and penalties under ORS 821.190 do not apply when a snowmobile or all-terrain vehicle that qualifies for the exemption from equipment requirements under ORS 821.010 is being operated as described under any of the following:

(1) A person may lawfully cross a highway or railroad right of way while operating a snowmobile or all-terrain vehicle if the person complies with all of the following:

(a) The crossing must be made at an angle of approximately 90 degrees to the direction of the highway or railroad right of way.

(b) The crossing must be made at a place where no obstruction prevents a quick and safe crossing.

(c) The vehicle must be brought to a complete stop before entering the highway or railroad right of way.

(d) The operator of the vehicle must yield the right of way to vehicles using the highway or equipment using the railroad tracks.

(e) The crossing of a railroad right of way must be made at an established public railroad crossing.

(f) The crossing of a highway must be made at a place that is more than 100 feet from any highway intersection.

(g) If the operator of a snowmobile is under 12 years of age, a person who is 18 years of age or older must accompany the operator either as a passenger or as the operator of another snowmobile that is in proximity to the younger operator.

(h) If the operator of a Class I all-terrain vehicle is under 12 years of age, a person who is 18 years of age or older must accompany the operator either as a passenger, if the vehicle is designed to carry passengers, or on a separate Class I all-terrain vehicle.

(2) A snowmobile or all-terrain vehicle may be lawfully operated upon a highway under any of the following circumstances:

(a) Where the highway is completely covered with snow or ice and has been closed to motor vehicle traffic during winter months.

(b) For purposes of loading or unloading when such operation is performed with safety and without causing a hazard to vehicular traffic approaching from either direction on the highway.

(c) Where the highway is posted to permit snowmobiles or all-terrain vehicles.

(d) In an emergency during the period of time when and at locations where snow upon the highway renders travel by automobile impractical.

(e) When traveling along a designated snowmobile or all-terrain vehicle trail.

(3) It shall be lawful to operate a snowmobile or all-terrain vehicle upon a railroad right of way under any of the following circumstances:

(a) Where the right of way is posted to permit the operation.

(b) In an emergency.

(c) When the snowmobile or all-terrain vehicle is operated by an officer or employee or authorized contractor or agent of a railroad. [1983 c.338 s.727; 1985 c.72 s.3; 1985 c.459 s.29; 1989 c.991 s.13; 1999 c.372 s.2; 1999 c.565 s.5]

821.202 Failure of Class I or III all-terrain vehicle rider to wear motorcycle helmet; penalty. (1) A person commits the offense of failure of a Class I or Class III all-terrain vehicle operator or passenger to wear a motorcycle helmet if the person is under 18 years of age, operates or rides on a Class I or Class III all-terrain vehicle on premises open to the public and is not wearing a motorcycle helmet.

(2) The requirement to wear a motorcycle helmet does not apply if the all-terrain vehicle is:

(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations.

(b) Being used on land owned or leased by the owner of the vehicle.

(3) The offense described in this section, failure of a Class I or Class III all-terrain vehicle operator or passenger to wear a motorcycle helmet, is a Class D traffic violation. [1995 c.775 ss.2,10]

821.203 Endangering Class I or III all-terrain vehicle operator or passenger; penalty. (1) A person commits the offense of endangering a Class I or Class III all-terrain vehicle operator or passenger if:

(a) The person is operating a Class I or Class III all-terrain vehicle on premises open to the public and the person

carries another person on the Class I or Class III all-terrain vehicle who is under 18 years of age and is not wearing a motorcycle helmet; or

(b) The person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 18 years of age and the child operates or rides on a Class I or Class III all-terrain vehicle on premises open to the public without wearing a motorcycle helmet.

(2) The requirement to wear a motorcycle helmet does not apply if the all-terrain vehicle is:

(a) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations.

(b) Being used on land owned or leased by the owner of the vehicle.

(3) The offense described in this section, endangering a Class I or Class III all-terrain vehicle operator or passenger, is a Class D traffic violation. [1995 c.775 ss.3,11]

821.204 Issuance of citation for violation of ORS 821.202 or 821.203. (1) If a child who is in violation of ORS 821.202 is 11 years of age or younger, any citation issued shall be issued to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of ORS 821.203, rather than to the child for violation of ORS 821.202.

(2) If a child who is in violation of ORS 821.202 is at least 12 years of age and is under 18 years of age, a citation may be issued to the child for violation of ORS 821.202 or to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of ORS 821.203, but not to both. [1995 c.775 s.4]

821.210 Operating improperly equipped snowmobile; civil liability; penalty. (1) A person commits the offense of operating an improperly equipped snowmobile if the person operates any snowmobile without all of the following equipment:

(a) A lighted headlight and taillight.

(b) An adequate braking device that may be operated either by hand or foot.

(c) An adequate and operating muffling device that shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise and, on snowmobiles manufactured after January 4, 1973, that shall effectively maintain such noise at a level of 82 decibels or below on the "A" scale at 100 feet.

(2) The Department of State Police shall establish procedures for testing of noise levels consistent with this section.

(3) Snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device without violation of the requirements for muffling devices and for noise levels under this section.

(4) In addition to other penalties provided by this section, the owner or operator of a snowmobile may be liable as provided under ORS 821.310.

(5) The offense described in this section, improperly equipped snowmobile, is a Class D traffic violation. [1983 c.338 s.728; 1985 c.393 s.44; 1995 c.383 s.112]

821.220 Operating improperly equipped all-terrain vehicle; civil liability; penalty. (1) A person commits the offense of operating an improperly equipped all-terrain vehicle if the person operates any all-terrain vehicle without the following equipment:

(a) An adequate braking device that may be operated either by hand or foot.

(b) An adequate and operating muffling device that shall be maintained in good working order and in constant operation and shall effectively blend the exhaust and motor noise in such a manner so as to comply with all applicable noise emission standards established by the Department of Environmental Quality.

(2) The Department of Environmental Quality shall establish procedures for testing of noise levels consistent with this section.

(3) All-terrain vehicles used in organized racing events in an area designated for that purpose shall comply with the motor sports vehicles and facilities regulations of the Department of Environmental Quality.

(4) In addition to other penalties provided by this section, the owner or operator of an all-terrain vehicle may be liable as provided under ORS 821.310.

(5) The offense described in this section, operating an improperly equipped all-terrain vehicle, is a Class C traffic violation. [1985 c.459 s.30; 1987 c.587 s.12; 1989 c.991 s.14; 1995 c.383 s.33; 1999 c.59 s.245]

821.230 Operating all-terrain vehicle without proper lighting equipment; penalty. (1) A person commits the offense of operating an all-terrain vehicle without proper lighting equipment if the person operates an all-terrain

vehicle during times when limited visibility conditions exist and the vehicle is not equipped with a taillight and a lighted headlight.

(2) Nothing in this section requires an all-terrain vehicle to be equipped with a headlight or taillight if the vehicle is not operated during times when limited visibility conditions exist.

(3) The offense described in subsection (1) of this section, operating an all-terrain vehicle without proper lighting equipment, is a Class C traffic violation. [1985 c.459 s.30a; 1987 c.587 s.13; 1989 c.991 s.15; 1995 c.383 s.34]

821.240 Operating snowmobile or all-terrain vehicle while carrying firearm or bow; penalty. (1) A person commits the offense of operating a snowmobile or an all-terrain vehicle while carrying a firearm or bow if the person operates any snowmobile or all-terrain vehicle with a firearm in the possession of the person, unless the firearm is unloaded, or with a bow, unless all arrows are in a quiver.

(2) The offense described in this section, operating a snowmobile or an all-terrain vehicle while carrying a firearm or bow, is a Class B traffic violation. [1983 c.338 s.729; 1985 c.393 s.45; 1985 c.459 s.31a; 1987 c.587 s.14; 1989 c.991 s.15a; 1991 c.589 s.1]

821.250 Permitting dangerous operation of snowmobile or all-terrain vehicle; civil liability; penalty. (1) A person commits the offense of permitting dangerous operation of a snowmobile or an all-terrain vehicle if the person is the owner or other person having charge or control of a snowmobile or an all-terrain vehicle and the person knowingly authorizes or permits any person to operate the vehicle across a highway who is:

- (a) Incapable by reason of age, physical or mental disability; or
- (b) Under the influence of intoxicating liquor, inhalants or controlled substances.

(2) In addition to other penalties provided by this section, operators or owners may be liable as provided under ORS 821.310.

(3) The offense described in this section, permitting dangerous operation of a snowmobile or an all-terrain vehicle, is a Class A traffic violation. [1983 c.338 s.730; 1985 c.393 s.46; 1985 c.459 s.32; 1987 c.587 s.15; 1989 c.991 s.16; 1999 c.619 s.14]

821.260 Hunting or harassing animals from snowmobile or all-terrain vehicle; civil liability; penalty. (1) A person commits the offense of hunting or harassing animals from a snowmobile or an all-terrain vehicle if the person does any of the following:

(a) Operates a snowmobile or an all-terrain vehicle in a manner so as to run down, harass, chase or annoy any game animals or birds or domestic animals.

(b) Hunts from a snowmobile or an all-terrain vehicle.

(2) This section does not apply to:

(a) Officers of the State Fish and Wildlife Commission.

(b) Persons under contract to the commission in the performance of their official duties.

(c) Individuals who have secured a permit from the commission for purposes of research and study.

(3) In addition to other penalties provided by this section, operators or owners of a snowmobile or an all-terrain vehicle may be liable as provided under ORS 821.310.

(4) The offense described in this section, hunting or harassing animals from a snowmobile or an all-terrain vehicle, is a Class C misdemeanor. [1983 c.338 s.731; 1985 c.16 s.353; 1985 c.393 s.47; 1985 c.459 s.33; 1987 c.587 s.16; 1989 c.991 s.16a]

821.270 [1983 c.338 s.732; 1985 c.393 s.48; 1985 c.459 s.34; repealed by 1987 c.587 s.21]

821.280 Committing unlawful damage with snowmobile, Class I or Class II all-terrain vehicle; civil liability; penalty. (1) A person commits the offense of committing unlawful damage with a snowmobile, Class I or Class II all-terrain vehicle if the person operates any snowmobile, Class I or Class II all-terrain vehicle in any area or in such a manner so as to expose the underlying soil or vegetation or to injure, damage or destroy trees or growing crops.

(2) In addition to other penalties provided by this section, the owner or operator of a snowmobile, Class I or Class II all-terrain vehicle may be liable as provided under ORS 821.310.

(3) The offense described in this section, committing unlawful damage with a snowmobile, Class I or Class II all-terrain vehicle, is a Class B traffic violation. [1983 c.338 s.733; 1985 c.459 s.35; 1987 c.587 s.17]

821.285 Committing unlawful damage with Class III all-terrain vehicle; civil liability; penalty. (1) A person commits the offense of committing unlawful damage with a Class III all-terrain vehicle if the person operates any Class III all-terrain vehicle in any area or in such a manner so as to injure, damage or destroy trees or growing crops.

(2) In addition to other penalties provided by this section, the owner or operator of a Class III all-terrain vehicle may be liable as provided under ORS 821.310.

(3) The offense described in this section, committing unlawful damage with a Class III all-terrain vehicle, is a Class B traffic violation. [1989 c.991 s.17a]

Note: 821.285 was added to and made a part of ORS chapter 821 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

821.290 Dangerous operation of snowmobile or all-terrain vehicle; civil liability; penalty. (1) A person commits the offense of dangerous operation of a snowmobile or an all-terrain vehicle if the person does any of the following:

(a) Operates a snowmobile or an all-terrain vehicle at a rate of speed greater than reasonable and proper under the existing conditions.

(b) Operates a snowmobile or an all-terrain vehicle in a negligent manner so as to endanger the person or property of another or to cause injury or damage to either.

(2) In addition to other penalties provided by this section, the owner or operator of a snowmobile or an all-terrain vehicle may be liable as provided under ORS 821.310.

(3) The offense described in this section, dangerous operation of a snowmobile or an all-terrain vehicle, is a Class B traffic violation. [1983 c.338 s.734; 1985 c.459 s.36; 1987 c.587 s.18; 1989 c.991 s.18]

821.292 Endangering Class III all-terrain vehicle operator; penalty. (1) A person commits the offense of endangering a Class III all-terrain vehicle operator if the person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child at least seven years of age but under 12 years of age and the child operates a Class III all-terrain vehicle on public lands and:

(a) Does not have a Class III all-terrain vehicle operator permit issued under ORS 390.575; and

(b) Is not accompanied by the parent, legal guardian or person with legal responsibility who is on the same vehicle, if the vehicle is designed to carry passengers, or on a separate Class III all-terrain vehicle.

(2) A person commits the offense of endangering a Class III all-terrain vehicle operator if the person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under seven years of age and the child operates a Class III all-terrain vehicle on public lands.

(3) The offense described in this section, endangering a Class III all-terrain vehicle operator, is a Class C traffic violation. [1995 c.774 s.2a; 1999 c.977 s.36]

Note: 821.292 was added to and made a part of 821.150 to 821.290 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

821.295 Operating Class II or Class III all-terrain vehicle in prohibited snow area; exemptions; penalty. (1) A person commits the offense of operating a Class II or Class III all-terrain vehicle in a prohibited snow area if the person operates a Class II or Class III all-terrain vehicle on a groomed trail or a designated snowmobile or cross country ski trail or area during a designated snow use period.

(2) This section does not apply to emergency vehicles or to trail grooming equipment.

(3) The offense described in this section, operating a Class II or Class III all-terrain vehicle in a prohibited snow area, is a Class D traffic violation. [1987 c.587 s.7; 1989 c.991 s.18a; 1995 c.383 s.113]

Note: 821.295 was added to and made a part of ORS chapter 821 but was not added to any smaller series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

(Accident Reports)

821.300 When accident reports required; failure to file; penalty. (1) For purposes of this section, an accident report is required to be filed in any snowmobile or all-terrain vehicle accident resulting in injury to or death of any

person, or property damage in the estimated amount of \$400 or more.

(2) A person commits the offense of failure to file snowmobile or all-terrain vehicle accident reports if the person is the operator of a snowmobile or all-terrain vehicle that is involved in an accident required to be reported under this section, a person acting for the operator or the owner of the snowmobile or all-terrain vehicle having knowledge of the accident, should the operator be unknown and the person does not comply with all of the following:

(a) The person must, within 72 hours of the accident, complete a report of the accident in a form approved by the Department of Transportation and forward the report to one of the following:

(A) The department.

(B) The sheriff of the county in which the accident occurs.

(C) The chief of police of the city in which the accident occurs.

(D) Any other agency the department establishes for the purpose of receiving accident reports.

(b) The person must submit to the department any report required by the department that is other than or in addition to the reports required by this section. The department may request a supplemental report if in the opinion of the department the original report is insufficient.

(3) The reports described under this section are subject to the provisions under ORS 802.220 and 802.240, relating to the use of accident reports after submission.

(4) The offense described in this section, failure to file snowmobile or all-terrain vehicle accident reports, is a Class B traffic violation. [1983 c.338 s.735; 1985 c.459 s.37; 1987 c.587 s.19; 1989 c.991 s.19; 1993 c.751 s.83]

(Civil Liability)

821.310 Treble damages for damage to property. The operator or the owner of a snowmobile or all-terrain vehicle used with the permission of the owner shall be liable for three times the amount of any damage to trees, shrubs, growing crops or other property injured as the result of travel by such snowmobile or all-terrain vehicle over the property involved. The liability under this section is in addition to any penalties provided in ORS 821.150, 821.190, 821.210 or 821.250 to 821.290. [1983 c.338 s.736; 1985 c.393 s.49; 1985 c.459 s.38; 1987 c.587 s.20; 1989 c.991 s.20]

(Fees)

821.320 Snowmobile registration and permit fees. The following fees are established relating to snowmobiles:

(1) Registration under ORS 821.080, \$10.

(2) Renewal of registration under ORS 821.080, \$10.

(3) Issuance of out-of-state permit under ORS 821.130, \$7. [1983 c.338 s.737; 1985 c.16 s.354; 1985 c.459 s.13; 1987 c.261 s.5; 1989 c.991 s.21; 1995 c.774 s.23; 1999 c.977 s.37]
