Chapter 821

1991 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 designated 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.

(f) Mudguard and fender requirements under ORS 815.185.

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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 §710]

821.020 Applicability of off-road vehicle exemption from general equipment requirements. This section establishes the areas where the exemption from equipment requirements for off-road vehicles described under ORS 821.010 are applicable. The exemption applies as described in the following:

(1) The exemption applies only on lands, roads and places that are described in subsection (2) of this section and that are:

(a) In the counties of Coos, Douglas, Lane and Tillamook;

(b) Between U.S. Highway 101 and the mean low tide line of the Pacific Ocean;

(c) Between Coos Bay and Siuslaw River; and

(d) Within the boundaries around the Sand Beach Activity Zone and the Tillamook County Sand Beach Park Area.

(2) The exemption applies only to the following lands, roads and places that are within the area described by subsection (1) of this section:

(a) Lands that are open to the public.

(b) Roads, other than hard-surfaced roads, that are open to the public.

(c) Paved parking lots, whether hard-surfaced or not, that are open to the public.

(d) Any local hard-surfaced 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 §711]

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 Administrator of the Motor Vehicles Division 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 §445; 1985 c.16 §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 infraction. [1983 c.338 §712; 1985 c.393 §40]

SNOWMOBILES AND ALL-TERRAIN VEHICLES

(Generally)

821.050 Limits on authority of local governments; disposition of fees. (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 division in the regulation of snowmobiles shall be used as provided in ORS 802.110 and 802.120.

(3) Fees collected by the division in the regulation of Class I and Class III all-terrain vehicles shall be used as provided in ORS 802.140. [1983 c.338 §713; 1985 c.459 §4a; 1989 c.991 §28]

(Title)

821.060 Issuance; application; fees. (1) The division shall provide for the issuance of titles for snowmobiles, Class I and Class III all-terrain vehicles required to be titled under ORS 821.070. The following provisions relating to titling shall be the same for snowmobiles, Class I and Class III all-terrain vehicles 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 upon a certificate of title, except where the division determines such information would be inappropriate.

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

(e) Validity times and requirements.

(f) Title provisions relating to destroyed vehicles.

(g) Any provisions relating to title that are applicable to other vehicles under the vehicle code and that the division determines, by rule, to be necessary to assure that the titling of snowmobiles, Class I and Class III all-terrain vehicles 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 a certificate of title for a snowmobile or a Class I or Class III all-terrain vehicle shall be made in the manner and upon forms prescribed by the division. The division may require any information in the application the division determines is reasonably necessary to determine ownership or right to title for a snowmobile or a Class I or Class III all-terrain vehicle. The division may provide for application for title separately from or with application for snowmobile or Class I or Class III all-terrain vehicle registration or in any way the division 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 division.

(4) Dealers issued certificates under ORS 822.020 who sell Class I or Class III all-terrain vehicles shall accept application and fees for title of a Class I or Class III all-terrain vehicle from each purchaser of a new or used vehicle in a manner required by the division. [1985 c.16 §344; 1985 c.459 §5; 1987 c.261 §3; 1989 c.991 §6; 1991 c.873 §43]

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

(2) The requirement to title a snowmobile or a Class I or Class III all-terrain vehicle under this section does not apply if the snowmobile or Class I or Class III all-terrain vehicle 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 or a new Class I or Class III all-terrain vehicle that is in the possession of a dealer for purposes of sale or display.

(e) A Class III all-terrain vehicle that is required to be titled under other provisions of the vehicle code.

(3) The offense described in this section, failure to title a snowmobile or a Class I or Class III all-terrain vehicle, is a Class C traffic infraction. [1985 c.16 §346; 1985 c.459 §6; 1989 c.991 §7]

(Registration)

821.080 Issuance; qualifications; duration; certificate. (1) The division shall issue snowmobile or Class I or Class III all-terrain vehicle registration to a qualified owner. To qualify for issuance of registration under this section, a person must comply with all of the following:

(a) The person must complete the application in the manner and upon the forms the division prescribes.

(b) The application shall state the name and address of each owner of the snowmobile or Class I or Class III all-terrain vehicle to be registered and shall be signed by at least one owner.

(c) The application shall contain proof of title.

(d) The fee established under ORS 821.320 for registration of a snowmobile or a Class I or Class III all-terrain vehicle must be paid.

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

(3) The division shall not issue any registration for a snowmobile or a Class I or Class III all-terrain vehicle unless the snowmobile, Class I or Class III all-terrain vehicle has been issued a title in compliance with ORS 821.060 and 821.070.

(4) Snowmobile, Class I and Class III all-terrain vehicle 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 division shall do the following:

(a) Register the snowmobile, Class I or Class III all-terrain vehicle.

(b) Assign a registration number to the snowmobile, Class I or Class III all-terrain vehicle. 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 division.

(c) Issue and deliver to the registered owner a certificate of registration in a form to be determined by the division. The certificate of registration shall not be valid unless signed by the person who signed the application for registration.

(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, Class I or Class III all-terrain vehicle registration is not valid unless a validating tag and current registration certificate have been issued.

(7) The division shall provide procedures necessary for renewal of snowmobile, Class I and Class III all-terrain vehicle registration consistent with this section and ORS 821.110 and 821.320.

(8) The division may adopt rules specifying additional requirements and procedures for registration of snowmobiles, Class I and Class III all-terrain vehicles. Requirements and procedures adopted under this subsection shall be designed to assure that except as otherwise provided in this chapter, the registration of snowmobiles, Class I and Class III all-terrain vehicles is administered in the same manner and has the same effect as the registration of vehicles under ORS chapter 803. [1983 c.338 §716; 1985 c.16 §348; 1985 c.459 §9; 1987 c.217 §9; 1987 c.261 §12; 1989 c.991 §8]

821.090 Exemptions from registration requirements. This section establishes exemptions from the requirements to register snowmobiles, Class I or Class III all-terrain vehicles under ORS 821.100. The following are exempt from the registration requirements, either partially or completely as described:

(1) A snowmobile, Class I or Class III all-terrain vehicle owned and operated by the United States, another state or a political subdivision thereof.

(2) A snowmobile, Class I or Class III all-terrain vehicle owned and operated by this state or by any city, district or political subdivision thereof.

(3) A snowmobile, Class I or Class III all-terrain vehicle 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, Class I or Class III all-terrain vehicles registered in this state.

(b) Is only granted for a period of up to 60 consecutive days. Any snowmobile, Class I or Class III all-terrain vehicle that does not qualify for the exemption under this subsection because of this paragraph is subject to registration.

(4) A snowmobile, Class I or Class III all-terrain vehicle 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 Class I all-terrain vehicle operated under dealer plates as described in ORS 822.040.

(7) A snowmobile, Class I or Class III all-terrain vehicle 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.

(8) A Class III all-terrain vehicle that is required to be registered under other provisions of the vehicle code.

(9) A Class III all-terrain vehicle that is used exclusively on land owned or leased by the owner of the vehicle. [1983 c.338 §715; 1985 c.16 §347; 1985 c.459 §8; 1987 c.254 §4; 1987 c.261 §4; 1987 c.387 §2; 1989 c.991 §9]

821.100 Operation of unregistered snowmobile, Class I or Class III all-terrain vehicle; penalty. (1) A person commits the offense of operation of an unregistered snowmobile, Class I or Class III all-terrain vehicle if the person operates a snowmobile, Class I or Class III all-terrain vehicle 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, Class I or Class III all-terrain vehicle, is a Class C traffic infraction. [1983 c.338 §714; 1985 c.459 §7; 1989 c.991 §10]

821.110 Failure to renew registration; penalty. (1) A person commits the offense of failure to renew snowmobile or Class I or Class III all-terrain vehicle registration if the person is the owner of a snowmobile or Class I or Class III all-terrain vehicle in this state and the person does not renew registration for the snowmobile or Class I or Class III all-terrain vehicle in the manner the division 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 or Class I or Class III all-terrain vehicle registration, is a Class C traffic infraction. [1983 c.338 §717; 1985 c.459 §10; 1989 c.991 §29]

821.120 Failure to properly display registration numbers; penalty. (1) A person commits the offense of failure to properly display snowmobile, Class I or Class III all-terrain vehicle registration numbers if the person is the owner or operator of a snowmobile, Class I or Class III all-terrain vehicle and the registration numbers issued by the division 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, Class I or Class III all-terrain vehicle in a manner prescribed by the division.

(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 division under ORS 821.080 shall be affixed in the manner prescribed by the division.

(2) The offense described in this section, failure to properly display snowmobile, Class I or Class III all-terrain vehicle registration numbers, is a Class C traffic infraction. [1983 c.338 §719; 1985 c.16 §349; 1985 c.459 §12; 1989 c.991 §11]

(Plates)

821.125 Instructor plates for Class I all-terrain vehicles. (1) A person who is designated by the division under ORS 821.180 as qualified to teach Class I all-terrain vehicle safety education courses or who is licensed as an instructor by the ATV Safety Institute may apply to the division for instructor plates for Class I all-terrain vehicles.

(2) The division shall issue plates to a person who is qualified as an instructor and who submits the required fee. The division may not issue plates for more than eight vehicles to any one applicant. The plates issued to instructors shall be as described in ORS 805.200, and shall require the payment of fees as provided in ORS 805.250. Plates shall be valid for two years or until the instructor's permit or license is no longer valid, whichever comes first, and may be renewed upon presentation to the division of satisfactory proof that the person is still eligible to receive the plates. The fee for renewal shall be $7.

(3) When conducting a Class I all-terrain vehicle safety education course, an instructor is authorized to use Class I all-terrain vehicles displaying instructor plates whether or not the vehicles are in compliance with other provisions regarding the registration and titling of Class I all-terrain vehicles. [1991 c.481 §2]

(Permits)

821.130 Out-of-state vehicle permit; qualifications; duration; application; fees. (1) An out-of-state snowmobile or Class I or Class III all-terrain vehicle permit is a vehicle permit that is issued as evidence of a grant of authority to operate in this state a snowmobile or Class I or Class III all-terrain vehicle 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 division shall establish a program for the issuance of out-of-state snowmobile permits and out-of-state Class I and Class III all-terrain vehicle permits under this section. The program established by the division shall comply with all of the following:

(a) A permit may only be issued for snowmobiles or Class I or Class III all-terrain vehicles 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 and shall be signed by at least one such owner.

(d) The fees for issuance of the permit are as provided under ORS 821.320. [1983 c.338 §720; 1985 c.459 §24; 1989 c.991 §30]

821.140 Failure to carry out-of-state permit; penalty. (1) A person commits the offense of failure to carry an out-of-state snowmobile or Class I or Class III all-terrain vehicle 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 or Class I or Class III all-terrain vehicle at all times during operation of the snowmobile or Class I or Class III all-terrain vehicle in this state.

(2) The offense described in this section, failure to carry an out-of-state snowmobile or Class I or Class III all-terrain vehicle permit, is a Class C traffic infraction. [1983 c.338 §721; 1985 c.459 §25; 1989 c.991 §31]

(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 B traffic infraction. [1983 c.338 §722; 1985 c.16 §350; 1985 c.393 §41]

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 division 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 division 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 division shall be consistent with the following:

(a) The course must be one given by an instructor designated by the division 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 division 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 division. Organizations designated by the division 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 §723; 1985 c.16 §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 821.180; 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 821.180.

(3) The offense described in this section, operation of Class I all-terrain vehicle without driving privileges, is a Class C traffic infraction. [1985 c.459 §17; 1987 c.158 §175]

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

(2) This section does not apply to:

(a) A Class II all-terrain vehicle owned and operated by a resident of another state if the other state grants a similar exemption for Class II 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) A Class II 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 a Class II all-terrain vehicle without a permit and a decal, is a Class C traffic infraction. [1987 c.587 §6; 1989 c.661 §3; 1989 c.991 §11a]

Note: 821.175 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.

821.180 Class I all-terrain vehicle operator permit; issuance; safety education course; fee. (1) The division shall issue or provide for issuance of a Class I all-terrain vehicle operator permit to any person who has taken a Class I all-terrain vehicle safety education course established under this section and has been found qualified to operate a Class I all-terrain vehicle.

(2) The division shall adopt rules to provide for Class I all-terrain vehicle safety education courses and the issuance of Class I all-terrain vehicle operator permits consistent with this section. The rules adopted by the division shall be consistent with the following:

(a) The course must be one given by an instructor designated by the division 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 division 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 division.

(d) The division may collect a fee of no more than $5 from each participant in a course established under this section. [1985 c.459 §18]

821.185 Class II all-terrain vehicle permit and decal; application; fees; renewal. (1)(a) A Class II all-terrain vehicle off-road operating permit issued under this

section authorizes use of the Class II all-terrain vehicle for which it is issued on trails and in areas designated for such use by the appropriate authority. The permit shall be readily accessible at all times that a Class II all-terrain vehicle is operated on lands where the permit is required.

(b) A Class II all-terrain vehicle decal issued under this section must be permanently affixed to the vehicle and displayed in a clearly visible manner. The division shall prescribe by rule the manner in which the decal shall be displayed.

(2) The division shall issue a Class II all-terrain vehicle off-road operating permit and a decal to any person who completes the application described in subsection (4) of this section and pays the fee specified in subsection (5) of this section.

(3) The division shall specify by rule the form of the permit and decal and the information to be contained on the permit and decal.

(4) Application for a Class II all-terrain vehicle off-road operating permit and decal shall be on a form furnished by the division. The application shall include:

(a) The name and address of the owner of the Class II all-terrain vehicle; and

(b) The make and body style of vehicle for which application is made.

(5) The division shall establish by rule a fee for a permit and decal issued or renewed under this section. The fee shall be designed to cover the costs to the division for issuing or renewing permits and decals under this section but shall not exceed $7.

(6) Permits and decals issued under this section are valid for two years. The permit and decal may be renewed upon submission of an application that contains the information specified in subsection (4) of this section and payment of the renewal fee specified in subsection (5) of this section.

(7) The division may appoint agents to issue permits and decals for Class II all-terrain vehicles. The division shall prescribe the procedure for the issuance of the permits and decals. Agents appointed under this subsection shall issue permits and decals in accordance with the prescribed procedure and shall charge and collect the fees prescribed in this section for them. [1987 c.587 §§4, 5; 1989 c.661 §1]

Note: 821.185 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.

(Offenses)

821.190 Unlawful operation of snowmobile, Class I or Class III all-terrain vehicle on highway or railroad; civil liability; penalty. (1) A person commits the offense of unlawful operation of a snowmobile, Class I or Class III all-terrain vehicle on a highway or railroad if the person operates a snowmobile, Class I or Class III all-terrain vehicle 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) Exemptions from this section are established under ORS 821.200.

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

(4) The offense described in this section, unlawful operation of a snowmobile, Class I or Class III all-terrain vehicle on a highway or railroad, is a Class C traffic infraction. [1985 c.72 §2; 1985 c.459 §28 (enacted in lieu of 1983 c.338 §§724, 725, 726); 1989 c.991 §12]

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, Class I or Class III all-terrain vehicles under ORS 821.190. The prohibitions and penalties under ORS 821.190 do not apply when a snowmobile, Class I or Class III all-terrain vehicle 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, Class I or Class III 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, Class I or Class III 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, Class I or Class III 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, Class I or Class III all-terrain vehicle trail.

(3) It shall be lawful to operate a snowmobile, Class I or Class III 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, Class I or Class III all-terrain vehicle is operated by an officer or employee or authorized contractor or agent of a railroad. [1983 c.338 §727; 1985 c.72 §3; 1985 c.459 §29; 1989 c.991 §13]

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 C traffic infraction. [1983 c.338 §728; 1985 c.393 §44]

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 department's motor sports vehicles and facilities regulations.

(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 B traffic infraction. [1985 c.459 §30; 1987 c.587 §12; 1989 c.991 §14]

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 B traffic infraction. [1985 c.459 §30a; 1987 c.587 §13; 1989 c.991 §15]

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 infraction. [1983 c.338 §729; 1985 c.393 §45; 1985 c.459 §31a; 1987 c.587 §14; 1989 c.991 §15a; 1991 c.589 §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 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 infraction. [1983 c.338 §730; 1985 c.393 §46; 1985 c.459 §32; 1987 c.587 §15; 1989 c.991 §16]

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 §731; 1985 c.16 §353; 1985 c.393 §47; 1985 c.459 §33; 1987 c.587 §16; 1989 c.991 §16a]

821.270 [1983 c.338 §732; 1985 c.393 §48; 1985 c.459 §34; repealed by 1987 c.587 §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 infraction. [1983 c.338 §733; 1985 c.459 §35; 1987 c.587 §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 infraction. [1989 c.991 §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 infraction. [1983 c.338 §734; 1985 c.459 §36; 1987 c.587 §18; 1989 c.991 §18]

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 C traffic infraction. [1987 c.587 §7; 1989 c.991 §18a]

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 written report of the accident on a form approved by the division and forward the report to one of the following:

(A) The division.

(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 division establishes for the purpose of receiving accident reports.

(b) The person must submit to the division any report required by the division that is other than or in addition to the reports required by this section. The division may request a supplemental report if in the opinion of the division 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 infraction. [1983 c.338 §735; 1985 c.459 §37; 1987 c.587 §19; 1989 c.991 §19]

(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 §736; 1985 c.393 §49; 1985 c.459 §38; 1987 c.587 §20; 1989 c.991 §20]

(Fees)

821.320 Registration and permit fees. The following fees are established relating to snowmobiles, Class I and Class III all-terrain vehicles:

(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 §737; 1985 c.16 §354; 1985 c.459 §13; 1987 c.261 §5; 1989 c.991 §21]