

House Bill 3678

Sponsored by Representative DRAZAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act lets ATVs drive on county roads if county approves. (Flesch Readability Score: 88.9).

Expands all-terrain vehicle highway access routes to include county roads.
Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to all-terrain vehicles; amending ORS 806.020, 807.020, 821.020, 821.055, 821.202, 821.330 and
3 821.335; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 821.330 is amended to read:

6 821.330. (1) The Oregon Transportation Commission shall designate all-terrain vehicle highway
7 access routes on state highways throughout this state for the purpose of authorizing incidental use
8 of all-terrain vehicles within the state highway right of way.

9 (2) The commission shall designate all-terrain vehicle highway access routes under **subsection**
10 **(1) of this section** after consultation with the All-Terrain Vehicle Highway Access Routes Advisory
11 Committee established under ORS 821.335.

12 **(3) A county governing body may designate all-terrain vehicle highway access routes on**
13 **county roads within its jurisdiction for the purpose of authorizing incidental use of all-**
14 **terrain vehicles within the right of way of a county road.**

15 **(4) A county governing body may designate all-terrain vehicle highway access routes**
16 **under subsection (3) of this section after consultation with the All-Terrain Vehicle Highway**
17 **Access Routes Advisory Committee established under ORS 821.335.**

18 ~~[(3)]~~ **(5)** A grant of authority under this section to operate an all-terrain vehicle on an all-terrain
19 vehicle highway access route is effective when signs are posted giving notice that the commission
20 **or county governing body** has designated a portion of the ~~[state]~~ highway right of way as an all-
21 terrain vehicle highway access route.

22 **SECTION 2.** ORS 821.335 is amended to read:

23 821.335. (1) The All-Terrain Vehicle Highway Access Routes Advisory Committee is established.

24 (2) The committee consists of seven members.

25 (3)(a) The State Parks and Recreation Director shall appoint:

26 (A) Two representatives of all-terrain vehicle users.

27 (B) One representative of a city or county.

28 (C) One representative of a law enforcement agency.

29 (D) One representative who is a member of the public.

30 (E) One representative of the State Parks and Recreation Department as a nonvoting member.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (b) The Director of Transportation shall appoint one representative of the Department of
 2 Transportation as a nonvoting member.

3 (4) The committee shall:

4 (a) Accept and evaluate proposed all-terrain vehicle highway access routes on portions of state
 5 highway rights of way **or the right of way of a county road**;

6 (b) Conduct field reviews of proposed all-terrain vehicle highway access routes and consult with
 7 the following:

8 (A) A county commissioner;

9 (B) A sheriff's office;

10 (C) Any road authority with jurisdiction of the proposed all-terrain vehicle highway access
 11 route;

12 (D) A member of a local all-terrain vehicle user organization;

13 (E) A land management agency in the area that provides all-terrain vehicle riding opportunities;
 14 and

15 (F) If the proposed all-terrain vehicle highway access route is located within the boundaries of
 16 a city, a representative of the city;

17 (c) Conduct at least one public meeting to explain the proposed all-terrain vehicle highway ac-
 18 cess route and receive comments; and

19 (d) Submit a report to the Department of Transportation and the Oregon Transportation Com-
 20 mission and may include recommendations related to all-terrain vehicle highway access routes on
 21 portions of state highway rights of way **or the right of way of a county road**.

22 (5) The committee must take into consideration the following when developing its recommen-
 23 dations:

24 (a) The need to create connections between areas open to all-terrain vehicle use.

25 (b) Minimizing adverse effects on adjacent landowners.

26 (c) Road conditions, including but not limited to road width, shoulders, highway speed, popu-
 27 lation densities and sight distance.

28 (d) The desire of the local community to allow all-terrain vehicle highway access routes to cross
 29 portions of state highway rights of way **or the right of way of a county road** for purposes of
 30 highway or trail connectivity, access to recreational areas and promoting tourism.

31 (e) Consistency with local all-terrain vehicle use on city streets and county roads adjacent to
 32 the portions of state highway rights of way **or the right of way of a county road**.

33 (f) Safety.

34 (g) Any other factors the committee considers important.

35 (6) A majority of the voting members of the committee constitutes a quorum for the transaction
 36 of business.

37 (7) Official action by the committee requires the approval of a majority of the voting members
 38 of the committee.

39 (8) The committee shall elect one of its members to serve as chairperson.

40 (9) If there is a vacancy for any cause, the appointing authority shall make an appointment to
 41 become immediately effective.

42 (10) The committee shall meet at times and places specified by the call of the chairperson or
 43 of a majority of the voting members of the committee.

44 (11) The committee may adopt rules necessary for the operation of the committee.

45 (12) The State Parks and Recreation Department shall provide staff support to the committee.

1 (13) Members of the committee are not entitled to compensation, but may be reimbursed for
 2 necessary travel expenses incurred by them in the performance of their official duties.

3 (14) The State Parks and Recreation Department is directed to assist the committee in the per-
 4 formance of the committee’s duties and, to the extent permitted by laws relating to confidentiality,
 5 to furnish information and advice the members of the committee consider necessary to perform their
 6 duties.

7 **SECTION 3.** ORS 806.020 is amended to read:

8 806.020. This section provides exemptions from the necessity for compliance with or proof of
 9 compliance with financial responsibility requirements in accident reports under ORS 811.725, when
 10 applying for vehicle registration under ORS 803.370 or 803.460 and for operating a vehicle under
 11 ORS 806.010. The owner or operator of a vehicle is exempt, as provided by this section, from finan-
 12 cial responsibility requirements if the vehicle involved in the accident, sought to be registered or
 13 operated is any of the following:

- 14 (1) An antique vehicle issued permanent registration under ORS 805.010.
- 15 (2) A farm trailer.
- 16 (3) A farm tractor.
- 17 (4) An implement of husbandry.
- 18 (5) A vehicle of special interest that is maintained as a collector’s item and used for exhibitions,
 19 parades, club activities and similar uses, but not used primarily for the transportation of persons
 20 or property.
- 21 (6) A snowmobile or a Class I, Class III or Class IV all-terrain vehicle, unless the vehicle is
 22 operating on an all-terrain vehicle highway access route that is designated by the Oregon Trans-
 23 portation Commission **or a county governing body** as open to all-terrain vehicles.
- 24 (7) Any motor vehicle not operated on any highway or premises open to the public in this state.
- 25 (8) A motor assisted scooter.
- 26 (9) An electric personal assistive mobility device.

27 **SECTION 4.** ORS 807.020, as amended by section 3, chapter 12, Oregon Laws 2024, is amended
 28 to read:

29 807.020. A person who is granted a driving privilege by this section may exercise the driving
 30 privilege described without violation of the requirements under ORS 807.010. A grant of driving
 31 privileges to operate a motor vehicle under this section is subject to suspension and revocation the
 32 same as other driving privileges granted under the vehicle code. This section is in addition to any
 33 exemptions from the vehicle code under ORS 801.026. The following persons are granted the de-
 34 scribed driving privileges:

- 35 (1) A person who is not a resident of this state or who has been a resident of this state for less
 36 than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person
 37 holds a current out-of-state license issued to the person. For the purpose of this subsection, a person
 38 is a resident of this state if the person meets the residency requirements described in ORS 807.062.
 39 To qualify under this subsection, the person must have the out-of-state license or driver permit in
 40 the person’s possession. A person is not granted driving privileges under this subsection:
 - 41 (a) If the person is under the minimum age required to be eligible for driving privileges under
 42 ORS 807.060;
 - 43 (b) During a period of suspension or revocation by this state or any other jurisdiction of driving
 44 privileges or of the right to apply for a license or driver permit issued by this state or any other
 45 jurisdiction; or

1 (c) That exceed the driving privileges granted to the person by the out-of-state license or driver
2 permit.

3 (2) A person who is a member of the Armed Forces of the United States or a member of the
4 commissioned corps of the National Oceanic and Atmospheric Administration may operate a motor
5 vehicle without an Oregon license or driver permit if the person is operating a motor vehicle in the
6 course of the person's duties in the Armed Forces or the National Oceanic and Atmospheric Ad-
7 ministration.

8 (3) A person without a license or driver permit may operate a road roller or road machinery
9 that is not required to be registered under the laws of this state.

10 (4) A person without a license or driver permit may temporarily operate, draw, move or propel
11 a farm tractor or implement of husbandry.

12 (5) A person without a license or driver permit may operate a motor vehicle to demonstrate
13 driving ability during the course of an examination administered under ORS 807.070 for the purpose
14 of qualifying for a license or driver permit. This subsection only applies when an authorized exam-
15 iner is in a seat beside the driver of the motor vehicle.

16 (6) Driving privileges for snowmobiles are exclusively as provided in ORS 821.150.

17 (7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170,
18 unless a person is operating a Class I all-terrain vehicle on an all-terrain vehicle highway access
19 route that is designated by the Oregon Transportation Commission **or a county governing body**
20 as open to all-terrain vehicles.

21 (8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS
22 821.172, unless a person is operating a Class III all-terrain vehicle on an all-terrain vehicle highway
23 access route that is designated by the commission **or a county governing body** as open to all-
24 terrain vehicles.

25 (9) Driving privileges for Class IV all-terrain vehicles are exclusively as provided in ORS
26 821.176, unless a person is operating a Class IV all-terrain vehicle on an all-terrain vehicle highway
27 access route that is designated by the commission **or a county governing body** as open to all-
28 terrain vehicles.

29 (10) A person without a license or driver permit may operate a golf cart in accordance with an
30 ordinance adopted under ORS 810.070.

31 (11) The spouse of a member of the Armed Forces of the United States on active duty or the
32 spouse of a member of the commissioned corps of the National Oceanic and Atmospheric Adminis-
33 tration who is accompanying the member on assignment in this state may operate a motor vehicle
34 if the spouse has a current out-of-state license or driver permit issued to the spouse by another state
35 in the spouse's possession.

36 (12) A person who is a member of the Armed Forces of the United States on active duty or a
37 member of the commissioned corps of the National Oceanic and Atmospheric Administration may
38 operate a motor vehicle if the person has a current out-of-state license or driver permit in the
39 person's possession that is issued to the person by the person's state of domicile or by the Armed
40 Forces of the United States in a foreign country. Driving privileges described under this subsection
41 that are granted by the Armed Forces apply only for a period of 45 days from the time the person
42 returns to the United States.

43 (13) A person who does not hold a motorcycle endorsement may operate a motorcycle if the
44 person is:

45 (a) Within an enclosed cab;

1 (b) Operating a vehicle designed to travel with three wheels in contact with the ground at
2 speeds of less than 15 miles per hour; or

3 (c) Operating an autocycle.

4 (14) Except as provided in subsection (15) of this section, a person may operate a bicycle without
5 any grant of driving privileges.

6 (15) A person may operate the following without any grant of driving privileges if the person is
7 16 years of age or older:

8 (a) A Class 1 electric assisted bicycle;

9 (b) A Class 2 electric assisted bicycle; or

10 (c) A Class 3 electric assisted bicycle.

11 (16) A person may operate a motor assisted scooter without a driver license or driver permit if
12 the person is 16 years of age or older.

13 (17) A person who is not a resident of this state or who has been a resident of this state for less
14 than 30 days may operate a motor vehicle without an Oregon license or driver permit if the person
15 is at least 15 years of age and has in the person's possession a current out-of-state equivalent of a
16 Class C instruction driver permit issued to the person. For the purpose of this subsection, a person
17 is a resident of this state if the person meets the residency requirements described in ORS 807.062.
18 A person operating a motor vehicle under authority of this subsection has the same privileges and
19 is subject to the same restrictions as a person operating under the authority of a Class C instruction
20 driver permit issued as provided in ORS 807.280.

21 (18) A person may operate an electric personal assistive mobility device without any grant of
22 driving privileges if the person is 16 years of age or older.

23 **SECTION 5.** ORS 821.020 is amended to read:

24 821.020. (1) Except as provided in subsection (2) of this section, the exemption from equipment
25 requirements for off-road vehicles under ORS 821.010 applies to each of the following:

26 (a) Lands that are open to the public.

27 (b) Roads, other than two-lane gravel roads, that are open to the public.

28 (c) Paved parking lots adjacent to or on designated off-road vehicle areas, trails and routes that
29 are open to the public.

30 (d) Local two-lane gravel roads that are open to the public and that are designated by the road
31 authority with jurisdiction over the road as open to off-road vehicles that are described in ORS
32 821.010.

33 (e) All-terrain vehicle highway access routes that are designated by the Oregon Transportation
34 Commission **or a county governing body** as open to all-terrain vehicles.

35 (2) The exemption from equipment requirements does not apply to areas posted as closed to
36 off-road vehicles.

37 **SECTION 6.** ORS 821.055 is amended to read:

38 821.055. Notwithstanding ORS 821.020, or any law requiring that vehicles be equipped in speci-
39 fied ways in order to operate on highways, a person may operate Class I, Class II, Class III and
40 Class IV all-terrain vehicles on any highway in this state that is open to the public if:

41 (1) The highway is not maintained for passenger car traffic.

42 (2) The person is on or crossing a portion of highway right of way as permitted under ORS
43 821.200.

44 (3) The person is on an all-terrain vehicle highway access route that is designated by the Oregon
45 Transportation Commission **or a county governing body** as open to all-terrain vehicles.

1 **SECTION 7.** ORS 821.202 is amended to read:

2 821.202. (1) A person commits the offense of failure of an all-terrain vehicle operator or pas-
3 senger to wear a motorcycle helmet if:

4 (a) The person is under 18 years of age, operates or rides on a Class I, Class II, Class III or
5 Class IV all-terrain vehicle on premises open to the public or on a highway and is not wearing a
6 motorcycle helmet with a fastened chin strap; or

7 (b) The person is 18 years of age or older, operates or rides on a Class I or Class III all-terrain
8 vehicle on an all-terrain vehicle highway access route that is designated by the Oregon Transpor-
9 tation Commission **or a county governing body** as open to all-terrain vehicles and is not wearing
10 a motorcycle helmet with a fastened chin strap.

11 (2) The requirement to wear a motorcycle helmet with a fastened chin strap does not apply if
12 the all-terrain vehicle is:

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

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

16 (c) A Class II all-terrain vehicle registered under ORS 803.420 and has a roof or roll bar.

17 (3) The offense described in this section, failure of an all-terrain vehicle operator or passenger
18 to wear a motorcycle helmet, is a Class D traffic violation.

19 **SECTION 8. This 2025 Act takes effect on the 91st day after the date on which the 2025**
20 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

21