

Oregon Parks and Recreation Commission

September 18, 2008

Agenda Item:	9	Action
Topic:	Request for Rule Adoption: ATV Grant Program	
Presented by:	Wayne Rawlins	

Background:

On April 16th, the Oregon Parks and Recreation Department (OPRD) convened a Rulemaking Advisory Committee to review the Oregon Administrative Rule modifications needed to implement Senate Bill (SB) 101. SB 101, regulating recreational ATV and dirtbike safety on public lands, was signed into law in the summer of 2007. Highlights include:

- In January 2009, ATV and dirtbike operators under the age of 16 will be required to pass new training requirements. These requirements will phase-in for all ages by 2014.
- Each child under age 16 must meet rider fit guidelines when operating an ATV. Rider Fit describes how a child must be able to reach and employ pedals, handlebars, brakes, etc., when operating an ATV vehicle. To develop the Rider Fit language for the rule, staff conducted a national literature review to identify language used by other states, 4-H, and from manufacturer's recommendations. Our rules are written to be understandable by riders and parents, easy enough for law enforcement officials to assess without measuring apparatus, and enforceable in a court of law.
- Each child operating an ATV or dirtbike must be supervised by an adult who is able to provide immediate assistance and direction.
- Each rider under age 18 must fasten the helmet chin strap when operating or riding on an ATV.
- OPRD is now authorized to pay for law enforcement activities related to the operation of ATVs and dirtbikes through the traditional ATV Grant Allocation process or directly through use of an intergovernmental contract.

Public hearings were held July 10th in Florence, July 14th in Bend, July 15th in Baker City, July 23rd in Salem, and July 24th in Medford. Public comments are summarized in the attachment. None of the public input requested specific changes to the proposed rules. As such, we are submitting the proposed rules for adoption as drafted.

Attachment: Exhibit A – Proposed Rules for OAR 736-004-0000
Exhibit B – Summary of Public Testimony Received

Prior Action by Commission: Request to go to Rulemaking: approved by Commission September 20, 2007.

Action Requested: Staff seeks Commission approval to adopt the administrative rules as attached.

Prepared by: Wayne Rawlins

1 **The Oregon Administrative Rules contain OARs filed through March 14,**
2 **2008**

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4 **PARKS AND RECREATION DEPARTMENT**

5
6 **DIVISION 4**

7 **DISTRIBUTION OF ALL-TERRAIN VEHICLE FUNDS**
8 **TO PUBLIC AND PRIVATELY OWNED LAND**
9 **MANAGERS, ATV CLUBS AND ORGANIZATIONS; OPERATING AND**
10 **OPERATOR PERMITS; SAFETY AND EDUCATION**

11 **736-004-0005**

12 **Purpose of Rule**

13 This rule establishes the procedures and requirements used by the Oregon Parks and
14 Recreation Department (OPRD) when allocating ATV Account Fund monies to public and
15 privately owned land managers, ATV clubs and organizations; procedures for All-Terrain
16 Vehicle (ATV) off-road operating permit; and implementation of safety and education
17 requirements for Class I and Class III off-highway vehicles.

18 Stat. Auth.: ORS 390.180, 390.585

19 Stats. Implemented: ORS 390.180

20 Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00; PRD 4-2007, f. & cert. ef. 4-13-07

21 **736-004-0010**

22 **Statutory Authority**

23 (1) ORS 390.585 authorizes the Oregon Parks and Recreation Department to adopt rules and
24 establish procedures to be used when OPRD allocates ATV Account Fund money to public
25 and privately owned land managers, ATV clubs and organizations.

26 OAR 736-004-0045 through 736-004-00xx are adopted pursuant to ORS 390.580, 390,585,
27 and 390.590 which direct the Oregon Parks and Recreation Department to issue Class I and
28 Class III Operating Permits to persons who satisfy the statutory requirements to ride on
29 public property.

30 OAR 736-004-0075 through 736-004-00xx are adopted pursuant to ORS 390.570 and
31 390.575 which direct the Oregon Parks and Recreation Department to issue or provide for
32 issuance of Class I and Class III ATV operator permits to any person who has taken a Class I
33 or Class III OPRD approved ATV safety education course and has been found qualified to
34 operate a Class I or Class III all-terrain vehicle. These statutes require the Department to
35 provide safety education course instructors through public or private local and state
36 organizations meeting qualifications established by the Department.

37 Stat. Auth.: ORS 390.570, 390.575, 390.580 & 390.590

38 Stats. Implemented: ORS 390.570 & 390.575
39 Hist.: PRD 2-2001, f. & cert. ef. 2-23-01

40 **736-004-0015**

41 **Definitions**

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

43 (1) "Acquisition" means the gaining of real property rights for public use by donation or
44 purchase, including but not limited to, fee title or easements.

45 (2) "Approved Course Provider" is any individual or organization who instructs or provides
46 an OPRD approved Class I or Class III ATV safety course.

47 (3) "ATV" or All-Terrain Vehicles means (a) Class I ATV, as defined in ORS 801.190: a
48 motorized, off-highway recreational vehicle 50 inches or less in width with a dry weight of
49 800 pounds or less that travels on three or more low pressure tires, has a saddle or seat for the
50 operator and is designed for or capable of cross-country travel on or immediately over land,
51 water, sand, snow, ice, marsh, swampland or other natural terrain.

52 (b) Class II ATV, as defined in ORS 801.193: any motor vehicle that:

53

54 (A) Weighs more than a Class I all-terrain vehicle;

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56 (B) Is designed for or capable of cross-country travel on or immediately over land, water,
57 sand, snow, ice, marsh, swampland or other natural terrain; and

58

59 (C) Is actually being operated off a highway or is being operated on a highway for
60 agricultural purposes under ORS 821.191.

61 (c) Class III ATV, as defined in ORS 801.194: an off-highway motorcycle with a dry weight
62 of 600 pounds or less that travels on two tires.

63 (d) May also be referred to as an OHV or Off-Highway Vehicle.

64 (4) "ATV-AAC" means the All-Terrain Vehicle Account Allocation Committee appointed by
65 the commission to advise OPRD on the allocation of ATV funds.

66 (5) "ATV Account Fund" means those funds derived from ATV operating permit sales and a
67 percentage of unrefunded gasoline tax dollars related to ATV use. ATV Account Fund may
68 also be called "ATV grant funds."

69 (6) "ATV Grant Instruction Manual" means a manual prepared by the OPRD containing
70 state and federal policies, procedures, guidelines, and instructions to assist current and
71 potential project sponsors.

- 72 (7) "ATV Operating Permit" means a permit (decal) issued through the OPRD and which is
73 permanently affixed to the vehicle. The permit authorizes the use of All Terrain Vehicles on
74 trails and within designated areas authorized by the appropriate authorities.
- 75 (8) "ATV Operating Permit Agent" means a person, business, or government agency to
76 whom OPRD consigns ATV operating permits and decals for sale as a service to the general
77 public.
- 78 (9) "ATV Operator Permit" means the ATV Safety Education Card issued upon completion
79 of an OPRD approved ATV Safety Education course and passage of the minimum standards
80 test of ATV Safety Education competency as established by OPRD.
- 81 (10) "ATV Safety Checklist" is a document provided to a dealer, guide service, rental, or
82 livery agent by the OPRD that consists of selected facts about Oregon ATV laws.
- 83 (11) "ATV Safety Course" is any OPRD approved course of instruction that is offered by an
84 approved course provider and concludes with an examination.
- 85 (12) "ATV Safety Education" means those grant projects that include but are not limited to
86 training programs, media with information for the public, safe riding practices,
87 environmental ethics, or any combination thereof.
- 88 (13) "All-Terrain Vehicle Safety Education Card" is the ATV Operator's Permit required by
89 ORS 390.570 and 390.575.
- 90 (14) "Commission" means the Oregon Parks and Recreation Commission.
- 91 (15) "Conversion" means any real property acquisition or development that is later wholly or
92 in part converted to another use other than its intended and stated use as described in the
93 grant application and the grant agreement.
- 94 (16) "Correspondence Course and Self Test" means either a Class I or a Class III ATV safety
95 course and examination provided by the OPRD that is taken at home without a proctor. This
96 correspondence course and self test will satisfy minimum standard of ATV safety education
97 competency only for those individuals who have qualified for hardship status.
- 98 (17) "Dealer" means any person or business duly certified under ORS 822.020 and 822.040
99 to sell Class I or Class III ATVs.
- 100 (18) "Development" means the planning, design, construction, and improvement of ATV
101 recreational facilities, trails, and riding areas.
- 102 (19) "Director" means the director of the Oregon Parks and Recreation Department.
- 103 (20) "Dry weight" means the unloaded weight, absent of all fluids, passengers and any
104 materials such as ice, snow, or mud.

- 105 (22) "Emergency Medical Services" means medical services performed by certified
106 personnel and the necessary items to perform their duties.
- 107 (23) "Endorsement Code" means an identifying color or mark on the ATV Safety Education
108 Card that indicates whether the operator has successfully passed either the internet on-line
109 education program or a hands-on education program.
- 110 (24) "Equivalency Exam" means a comprehensive written examination created by the OPRD.
111 The equivalency exam is intended to provide either Class I or Class III operators who are at
112 least 16 years of age and have five or more years operating a Class I or Class III vehicles the
113 opportunity to meet the minimum standard of ATV safety education competency without
114 having to take an ATV safety education course.
- 115 (25) "Grant Agreement" means the agreement between the OPRD and the project sponsor
116 describing the terms and conditions of the project and its associated grant of funds.
- 117 (26) "Grant Application" means the form and its format as developed by the OPRD that the
118 project sponsor uses to request ATV grant funds.
- 119 (27) "Hands-on Training" means any OPRD approved course of instruction that is offered by
120 an OPRD approved course provider and that provides the rider training opportunities that
121 includes appropriate all-terrain vehicles and their use on different physical terrains.
- 122 (28) "Hardship Status" means a situation or condition that prevents an individual from
123 attending an approved safety course or taking an equivalency exam in person within a
124 reasonable amount of time or within reasonably close proximity to the individual's place of
125 residence. The situation or condition must also keep the individual from taking an approved
126 Internet course. A hardship situation may allow an individual to utilize a correspondence
127 course and self test provided by the OPRD to meet the minimum standard of safety education
128 competency. An individual must submit a written request for hardship status. The OPRD
129 Director or their designee has the authority to grant or deny hardship status.
- 130 (29) "Internet Course" means an OPRD approved course of instruction that is offered through
131 the internet.
- 132 (30) "Law Enforcement Services" means law enforcement services performed by certified
133 personnel and the necessary items to perform their duties.
- 134 (31) "Minimum Standards of ATV Safety Education Competency" means a standard of
135 proficiency established by the OPRD that determines whether an applicant for either a Class I
136 or Class III ATV Safety Education Card has met or exceeded the requirements of an ATV
137 safety course.
- 138 (32) "OHV" means Off-Highway Vehicle, also called ATV.
- 139 (33) "Operations and Maintenance" means the preservation, rehabilitation, restoration,
140 operation and upkeep of the facilities, riding areas, and equipment including the purchase of
141 equipment necessary to perform these functions.

- 142 (34) "OPRD" means the Oregon Parks and Recreation Department.
- 143 (35) "Personal Property" means tangible property other than land: movable property
144 including but not limited to items such as an ATV, trail repair equipment, or other movable
145 property purchased through the ATV Grant Program.
- 146 (36) "Planning" means the research, design, engineering, environmental, and site survey of
147 ATV recreation areas, trails, or facilities.
- 148 (37) "Project Authorization" means the grant agreement as signed by the Director or their
149 designee and the project sponsor that authorized the project.
- 150 (38) "Project Sponsor" means the recipient of the grant funds and the responsible party for
151 implementation of the project.
- 152 (39) "Public Lands" includes publically and privately owned land that is open to the general
153 public for the use of All-Terrain Vehicles.
- 154 (40) "Real Property" means immovable property: land together with all the property on it that
155 cannot be moved, together with any attached rights.
- 156 (41) "Rider Fit" means the minimum physical size requirements that a Class I ATV operator
157 under the age of 16, must meet in relationship to the vehicle to be operated, as established by
158 the OPRD and described in OAR 736-004-0115.
- 159 (42) "Saddle" means any device attached to the vehicle which is used for seating.
- 160 (43) "Successor" means a governmental entity that has agreed to accept the terms and
161 conditions of the project sponsor's responsibilities as contained in the project sponsor's Grant
162 Agreement and grant application should the project sponsor cease to exist; for example if a
163 club or non-profit organization should dissolve or disband. The successor shall agree to
164 operate the project continuously for the public benefit and recreational purposes identified in
165 the grant agreement and grant application. If OPRD is a successor under OAR 736-004-
166 0025(1)(e), OPRD may operate, sell, or qualify another successor to the project.
- 167 (44) "Sustainability" means using, developing, protecting, and managing the resource in a
168 manner that enables people to meet current and future generation needs from the multiple
169 perspective of environmental, economic, and community objectives.
- 170 (45) "Temporary ATV Safety Education Card" is a document issued by the OPRD or an
171 approved course provider allowing the bearer to operate a Class I or Class III ATV in Oregon
172 for a period of time not to exceed 30 days.
- 173 Stat. Auth.: ORS 390.180, 390.585
174 Stats. Implemented: ORS 390.180
175 Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00; PRD 4-2007, f. & cert. ef. 4-13-07; PRD 6-
176 2007, f. & cert. ef. 7-31-07

177 **736-004-0020**

178 **ATV GRANT PROGRAM**

179 **Apportionment of Monies**

180 (1) Monies in the All-Terrain Vehicle Account shall be used for the following purposes:

181 (a) Planning, promotion and implementation of a statewide ATV program including, but not
182 limited to, acquisition, development and maintenance of ATV recreation areas;

183 (b) Education and safety training for ATV trainers and operators;

184 (c) Law enforcement and emergency services;

185 (d) Costs of developing, implementing, and promoting new programs for ATV users and
186 advising the public of areas available for ATV use;

187 (e) Costs of coordinating between ATV user groups and the managers of public and private
188 lands;

189 (f) Costs of providing consultation and guidance to ATV user programs; and

190 (g) Costs of administration of ATV programs, including, but not limited to staff support
191 requested by the ATV-AAC.

192 (2) The ATV-AAC will review ATV project applications and recommend the allocation of
193 ATV Account Funds to the commission.

194 (3) The ATV-AAC will review the budget for the ATV Account Fund each biennium. The
195 ATV-AAC will recommend budget priorities to the commission.

196 Stat. Auth.: ORS 390.180, 390.585,

197 Stats. Implemented: ORS 390.180, 390.560

198 Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00; PRD 4-2007, f. & cert. ef. 4-13-07

199 **736-004-0025**

200 **Grant Application Eligibility and Requirements**

201 (1) Eligibility for funding assistance:

202 (a) Public agencies: Federal land managers, state agencies, and local governments that have
203 the responsibility for, or are capable of, providing a service to ATV users;

204 (b) Private land owners or managers: Private land owners or managers who offer public OHV
205 recreation opportunities and will provide open public ATV recreation for a minimum

206 prescribed period of daily or seasonal time and who will maintain the opportunity for a
207 prescribed period of time as determined by OPRD;

208 (c) Clubs and non-profit organizations: ATV clubs and non-profit organizations registered
209 with the State of Oregon for a minimum of three consecutive years;

210 (A) Clubs and non-profit organizations shall have in place, prior to receipt of any funding, a
211 written agreement with a successor in which the successor agrees to operate the facility as
212 described in the grant agreement and the grant application should the club or non-profit
213 organization cease to exist, for example, due to disbanding or dissolution; or

214 (B) OPRD shall be listed on the title as successor to the property:

215 (i) OPRD may sell the property and shall deposit the net revenue from the sale into the ATV
216 Account Fund;

217 (ii) OPRD may operate the project; or

218 (iii) OPRD may qualify and assign another successor to the project.

219 (2) ATV Projects or components not eligible for funding:

220 (a) Overtime is generally not eligible for funding except for an identified emergency
221 situation;

222 (b) Overhead items such as office or building rent, insurance, depreciation and other fixed
223 costs associated with the normal everyday operation of a business, agency or group;

224 (c) ATV projects that have no way to measure completion or specific intent are not eligible;

225 (d) Portions of projects completed prior to an ATV agreement or after the expiration of an
226 ATV agreement.;

227 (e) ATV projects that do not meet the goals of the ATV Grant Program or are not in the best
228 interest of ATV recreation;

229 (f) Vehicle or other personal property usage unrelated to the scope of the ATV project.

230 (3) Requirements for Match:

231 (a) The minimum match required for eligible ATV projects is 20 percent of the total project
232 cost except for land acquisitions;

233 (b) For land acquisitions and when unusual circumstances exist, public agencies may request
234 a partial or full waiver of the 20 percent match requirement. Consideration for the waiver will
235 be based upon the following criteria:

236 (A) The public agency is able to demonstrate due diligence was exercised in obtaining other
237 funds and that the following limitations, among others, are present:

238 (i) Budget authority does not exist;

239 (ii) Budget appropriations cannot be obtained in a reasonable time yet public support does
240 exist; and

241 (iii) No saleable assets such as conservation easements exist from which to generate the full
242 cash match requirement.

243 (B) The public agency is able to demonstrate their ability to operate and maintain the project
244 property for ATV recreational purposes:

245 (i) By having budgeted funds in place; or

246 (ii) Having identified other resources such as volunteers or contracted services.

247 (C) The public agency is able to demonstrate that time is of the essence:

248 (i) The seller of the real property has placed time limits in which the public agency can affect
249 a purchase, such as the expiration of an Option to Purchase or a First Right of Refusal; or

250 (ii) The public agency can identify the possible loss of other existing matching funds such as
251 grants from other entities that may have an expiration date.

252 (D) If a waiver to the required partial or full match is approved, the public agency shall be
253 limited in all future grant requests to receiving ATV grant funds in an amount of 50 percent
254 or less of the total costs for any development projects located on the acquired property.

255 (c) Match may include, but is not limited to, cash funds, labor, either force account or
256 volunteer, materials, and equipment;

257 (d) Grants from other sources may be used as match provided the sponsor can certify the
258 funds will be available within 120 days from the beginning date of the ATV project
259 agreement;

260 (e) Eligible volunteer labor will require a log that includes the volunteer's name, date
261 volunteer performed work, location volunteer performed work, the hours worked, and the
262 hourly rate of compensation used for their contribution of labor.

263 (4) Conversions:

264 (a) It is the intent of the ATV Grant Program that all real property acquisitions or easements
265 shall be retained and used for the project's intended and stated use as described in both the
266 grant application and the grant agreement;

- 267 (b) The director has authority to disapprove conversion requests, reject proposed
268 substitutions, or both;
- 269 (c) The project sponsor shall submit requests for conversions to the OPRD in writing. The
270 OPRD may consider the request if the following prerequisites are met:
- 271 (A) All practical alternatives to a conversion have been evaluated and rejected on a sound
272 basis;
- 273 (B) The project sponsor has established the fair market value of the property to be converted
274 and the property proposed for substitution is of at least equal fair market value as established
275 by a state approved appraisal (prepared in accordance with uniform Federal appraisal
276 standards) excluding the value of structures or facilities that will not directly enhance its
277 ATV recreation utility;
- 278 (C) The project sponsor proposes a replacement property that is of reasonably equivalent
279 usefulness and location as that being converted.
- 280 (d) If the project sponsor is unable to provide replacement property within 24 months of
281 either the approved request for conversion or after the fact of conversion, the project sponsor
282 shall pay the OPRD a current amount equal to the OPRD's original percentage of
283 contribution to the project. As an example, if the OPRD provided an original grant of 80
284 percent for the project's acquisition costs, the project sponsor will be required to reimburse
285 the OPRD 80 percent of the real property's value at the time of conversion or discovery of
286 conversion, whichever is later;
- 287 (e) In the case of development, rehabilitation, and equipment purchases, the project sponsor
288 shall operate the improvements or equipment for its established useful life. Guidelines
289 established by the IRS will be used by the project sponsor to define useful life per each item.
290 If the facility is closed, service is terminated and the facility or equipment has not reached its
291 useful life, it will be made available to other agencies or organizations. If a facility is closed,
292 service is terminated, or land is closed, or the facility or equipment has not reached its useful
293 life, a percentage of the allocated funds will be returned to the OPRD equal to the percentage
294 of useful life remaining in the funded facility or equipment.

295 Stat. Auth.: ORS 390.180, 390.585

296 Stats. Implemented: ORS 390.180

297 Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00; PRD 4-2007, f. & cert. ef. 4-13-07; PRD 6-
298 2007, f. & cert. ef. 7-31-07

299 **736-004-0030**

300 **Project Administration**

301 (1) Applications:

302 (a) A current ATV grant application is required for consideration of ATV funding;

303 (b) Information regarding application deadlines and public meetings will be provided through
304 available media sources and on the OPRD - ATV website;

305 (c) Applicants must submit applications by published deadlines;

306 (d) Applications will be reviewed by the OPRD and the ATV-AAC;

307 (e) The ATV-AAC will recommend ATV project funding to the commission.

308 (2) Agreements:

309 (a) To authorize an ATV project, OPRD requires a signed ATV Grant Agreement;

310 (b) A project sponsor may not begin work on an ATV project without a Notice to Proceed.

311 (c) OPRD, upon written request by the project sponsor, may approve, in writing, that some
312 match may be considered and allowed prior to commencement of the project.

313 (3) If funds are not available to fully fund a project or partial funding has been recommended
314 by the ATV-AAC, the sponsor may be given the option of reducing the scope of the project.

315 (4) If the project sponsor anticipates that it will not complete a project by the expiration date
316 of the ATV grant agreement, the project sponsor must make a timely written request for an
317 extension of the ATV grant agreement prior to the expiration date of the project agreement.
318 The time extension request should include any reasons for delay of project completion and a
319 new projected completed date.

320 (5) OPRD may cancel an ATV grant agreement if the project sponsor has not made
321 measurable progress on a project within six months of project authorization.

322 Stat. Auth.: ORS 390.180, 390.585

323 Stats. Implemented: ORS 390.180

324 Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00; PRD 4-2007, f. & cert. ef. 4-13-07; PRD 6-
325 2007, f. & cert. ef. 7-31-07

326 **ATV OPERATING PERMIT AGENTS**

327 **736-004-0045**

328 **ATV Operating Permit Agent Application and Privileges**

329 (1) To become an ATV Operating Permit Agent an applicant shall:

330 (a) Submit an application in a form provided by OPRD to become an ATV Operating Permit
331 Agent;

332 (b) Submit a surety bond in an amount determined by OPRD when 250 or more permits are
333 to be ordered at a time.

- 334 (c) Enter into an OPRD agreement to be designated as an ATV Operating Permit Agent.
- 335 (2) OPRD may consign ATV operating permits to an ATV Operating Permit Agent without
336 prepayment.
- 337 (3) OPRD will establish by policy an amount the ATV Operating Permit Agent may retain
338 for each permit issued in addition to the regular costs of the permit, to cover the agent's costs
339 to handle the permits.
- 340 (4) ATV Operating Permit Agents shall legibly complete each ATV operating permit with
341 the required information.
- 342 (5) OPRD may cancel an agent's authority to act as an ATV Operating Permit Agent at any
343 time.
- 344 Stat. Auth.: ORS 390.180, 390.585
345 Stats. Implemented: ORS 390.180
346 Hist.: PRD 8-2000, f. & cert. ef. 6-2-00; PRD 4-2007, f. & cert. ef. 4-13-07

347 **ATV OPERATING PERMITS**

348 **736-004-0060**

349 **ATV Operating Permit**

- 350 (1) An ATV operating permit shall be in the form of a decal valid for a 2-year period from
351 the date of issue to be placed on the vehicle as determined in OAR 736-004-0065. All ATV
352 operating permits shall contain:
- 353 (a) The distinctive number or characters assigned by OPRD to the vehicle;
- 354 (b) The word "Oregon"; and
- 355 (c) The expiration date on the decal.
- 356 (2) The application for an ATV off-road operating permit shall be in a form as prescribed by
357 OPRD and shall include:
- 358 (a) The name and address of the owner of the ATV; and
- 359 (b) The make and body style of the ATV for which application is made.
- 360 (3) To replace a permit that is lost, destroyed, mutilated or needs to be replaced for any
361 reason, the owner must:
- 362 (a) Apply for a new permit in the same manner as for the original permit; and
- 363 (b) Pay the fee for a replacement ATV Operating Permit.

364 Stat. Auth.: ORS 390.180, 390.585
365 Stats. Implemented: ORS 390.180
366 Hist.: PRD 8-2000, f. & cert. ef. 6-2-00; PRD 4-2007, f. & cert. ef. 4-13-07

367 **736-004-0062**

368 **Ocean Shores ATV Operating Permit**

369 (1) A person may not operate a Class I ATV on the ocean shore unless the person obtains an
370 Ocean Shores ATV Operating Permit from OPRD.

371 (2) The operator must, in addition to the Ocean Shores ATV Operating Permit hold a current
372 ATV Safety Education Card issued under ORS 390.570 and the vehicle has a current
373 operating permit issued under ORS 390.580.

374 (3) The Ocean Shores ATV Operating Permit is to be used only to meet the transportation
375 needs of:

376 (a) Individuals with disabilities, as defined by ORS 174.107; or who have proof of motor
377 vehicle disabled placard, or both.

378 (b) Emergency response or emergency aid workers during the course of their work; or

379 (c) Biologists, wildlife monitors, or other natural resources workers during the course of their
380 work.

381 (4) Except for subsections (3)(b) and (c) of this rule, the Ocean Shores ATV Operating
382 Permit only allows the operator to ride in those ocean shore areas where and when other
383 authorized motorized vehicles are allowed.

384 Stat. Auth.: ORS 390.180, 390.585
385 Stats. Implemented: ORS 390.729
386 Hist.: PRD 4-2007, f. & cert. ef. 4-13-07

387 **736-004-0065**

388 **Placement of ATV Off-Road Operating Permit**

389 (1) An ATV off-road operating permit shall be in the form of a decal to be permanently
390 affixed to the vehicle for which it is issued, and be clearly visible.

391 (2) Placement of the permit shall be as follows:

392 (a) For quads, three-wheelers, or vehicles of a similar design, the permit shall be displayed on
393 the right-hand side of the vehicle in a visible location;

394 (b) For jeeps, pickups, passenger cars and similar vehicles, the permit shall be displayed in a
395 manner that makes it visible from the rear of the vehicle, such as on the bumper or in the rear
396 window;

397 (c) On sandrail vehicles (dune buggies) the permit shall be displayed in the middle of the rear
398 rollbar and be visible from the rear of the vehicle; and

399 (d) For vehicles that are similar in design to motorcycles and where it is not possible to
400 display the permit as required in sections (2) or (3) of this rule, the permit shall be displayed:

401 (A) On the front fork tube, on the opposite side of the vehicle from the brake, or in a location
402 that is visible while the rider is on the vehicle; and

403 (B) Be positioned either horizontally or vertically.

404 Stat. Auth.: ORS 390.180, 390.585

405 Stats. Implemented: ORS 390.180

406 Hist.: PRD 8-2000, f. & cert. ef. 6-2-00; PRD 4-2007, f. & cert. ef. 4-13-07

407 **736-004-0070**

408 **Reciprocity for Out-of-State ATV Operating Permits**

409 (1) An ATV operating permit that is issued in another state shall be honored in the State of
410 Oregon if the issuing state also honors an Oregon ATV operating permit.

411 (2) The ATV must have a resident state ATV operating permit; or

412 (3) If an ATV operating permit is not required in the owner's home state, the operator must
413 purchase a State of Oregon ATV operating permit to operate the ATV on designated ATV
414 areas in Oregon.

415 Stat. Auth.: ORS 390.180, 390.585

416 Stats. Implemented: ORS 390.180

417 Hist.: PRD 8-2000, f. & cert. ef. 6-2-00; PRD 4-2007, f. & cert. ef. 4-13-07

418 **ATV SAFETY EDUCATION**

419 **736-004-0080**

420 **ATV Safety and Education**

421 The OPRD may contract with public or private local and state organizations to provide ATV
422 safety and other educational programs and instructors. The organizations must meet
423 minimum qualifications as established by the OPRD

424 Stat. Auth.: ORS 390.570 & 390.575
425 Stats. Implemented: ORS 390.570 & 390.575
426 Hist.: PRD 2-2001, f. & cert. ef. 2-23-01; PRD 4-2007, f. & cert. ef. 4-13-07

427 **736-004-0085**

428 **ATV Safety Education Card (ATV Operator Permits)**

429 (1) To operate a Class I or Class III ATV on public lands in Oregon, a person must obtain an
430 ATV Safety Education Card (ATV operator permit).

431 (2) The criteria for obtaining an ATV Safety Education Card are:

432 (a) Attain a test score of at least 80 percent on an OPRD-approved safety course offered over
433 the internet; or

434 (b) Attain a test score of at least 80 percent on a correspondence course provided by OPRD;

435 (c) Be at least 16 years of age and have five or more years of experience operating a Class I
436 or Class III all-terrain vehicle and successfully pass an equivalency examination with a score
437 of at least 80 percent.

438 (d) Effective January 1, 2012, if under 16 years of age, must have successfully passed a
439 hands-on training course approved by OPRD.

440 (3) To obtain an ATV Safety Education Card, the applicant must provide to the OPRD a
441 completed application on a form provided by the OPRD with the following information: the
442 applicant's name, address, date of birth, hair color, eye color, gender, and if applicable, year's
443 of experience. The applicant must also sign a statement declaring that the information is true
444 and correct.

445 (4) ATV Safety Education Cards are not transferable.

446 (5) ATV Safety Education Cards shall contain a unique number and endorsement code that
447 corresponds to the individual named on the permit.

448 (6) A person is considered in violation of the provisions of ORS 821.170 and 821.172 and
449 subject to the penalties prescribed by law when they:

450 (a) Provide a false statement or information or assist another person in giving a false
451 statement or information on any application, affidavit, document or statement used to obtain
452 an ATV Safety Education Card ,or replacement ATV Safety Education Card ;

453 (b) Exhibit to a law enforcement officer an altered Oregon ATV Safety Education Card or
454 any ATV Safety Education Card other than the one issued to them;

455 (c) Alter an ATV Safety Education Card or replacement card issued by the OPRD or its
456 authorized agent;

457 (d) Produce or possess an unauthorized replica of an ATV Safety Education Card or
458 replacement card; or

459 (e) Operate a Class I or Class III ATV on public lands without a current ATV Safety
460 Education Card in their immediate possession.

461 (7) In addition to any penalties that may result from a violation of ORS 821.170 and 821.172
462 the ATV Safety Education Card of any person who provides a false statement or information
463 or obtains a permit to which the person is not entitled is null and void.

464 (8) In accordance with ORS 821.174, when a person's driving privileges are suspended or
465 revoked, an ATV Safety Education Card is invalid and the person may not operate a Class I
466 or Class III all-terrain vehicle.

467 (9) Violation of the provisions contained in OAR 736-004-0085 is punishable as a Class A
468 Misdemeanor.

469 **736-004-0090**

470 **Replacement ATV Safety Education Card**

471 (1) A person may apply for a replacement ATV Safety Education Card from the OPRD if:

472 (a) They legally change their name;

473 (b) The permit is lost, stolen or destroyed; or

474 (c) Misinformation is printed on the permit.

475 (2) To obtain a replacement card, an applicant must provide the OPRD with a completed
476 application on a form provided by the OPRD which includes an affidavit signed by the
477 applicant stating the circumstances that led to the replacement of the original card.

478 **736-004-0095**

479 **Temporary ATV Safety Education Card**

480 (1) A person who successfully passes the OPRD safety education course may print from their
481 computer a temporary safety education card and may operate an ATV for no more than 30
482 days from date of issue provided the temporary safety education card is in the possession of
483 the operator.

484 (2) A person residing in Oregon who is required to possess an ATV Safety Education Card
485 and is in possession of a certificate issued by another state or nation that is equivalent to
486 Oregon's ATV Safety Education Card may use that certificate as a temporary safety
487 education card and may operate an ATV in Oregon for no more than 30 days from date of
488 residency provided the document is in the possession of the operator.

489 **736-004-0100**

490 **ATV Safety Checklist**

491 (1) Any person who provides a Class I or Class III ATV for rent in Oregon, or offers guided
492 tours for a client on either a Class I or Class III ATV must require that

493 (a) The operator(s) of the rental ATV show proof of possession of an ATV Safety Education
494 Card before renting the person an ATV; or

495 (b) If the operator does not possess an ATV Safety Education Card, the rental or tour agent
496 must provide the operator with an ATV Safety Checklist provided by the OPRD.

497 (c) The operator must review and mark the ATV Safety Checklist in the presence of the
498 rental or tour agent before they may operate the ATV.

499 (d) The operator must retain the ATV Safety Checklist on their possession while operating
500 the ATV.

501 (e) A person who legally rents an ATV and is otherwise required to possess an ATV
502 Education Card may use the required ATV Safety Checklist as a temporary ATV Safety
503 Education Card and may operate the rental ATV in Oregon for the term of the rental
504 agreement but not longer than 30 days.

505 (2) Any dealer who sells Class I or Class III vehicles may offer to the buyer/operator a non-
506 renewable ATV Safety Checklist provided by OPRD.

507 (a) The operator must review and mark the ATV Safety Checklist in the presence of the
508 dealer before they operate the vehicle.

509 (b) The operator must retain the ATV Safety Checklist on their possession when operating
510 the ATV.

511 (c) A person who purchases an ATV and is otherwise required to possess an ATV Safety
512 Education Card may use the ATV Safety Checklist as a temporary ATV Safety Education
513 Card and may operate the ATV in Oregon for not longer than 30 days from the date of
514 purchase of the ATV.

515 **736-004-0105**

516 **Exemptions**

517 (1) Non-residents riding in Oregon are exempt from carrying a State of Oregon ATV Safety
518 Education Card if they possess an ATV Safety Education Card or equivalent required by
519 their resident state or nation.

520 (a) An ATV Safety Education Card that is issued in another state or nation shall be honored
521 in the State of Oregon if the issuing state or nation also honors an Oregon ATV Safety
522 Education Card.

523 (b) The operator must have a State of Oregon ATV Safety Education Card if mandatory
524 education is not required in their home state or nation to operate an ATV on public lands.

525 (2) A person operating a Class I or Class III in a sanctioned competitive ATV event is not
526 required to carry an ATV Safety Education Card.

527 **736-004-0110**

528 **Fees**

529 (1) There is no fee for issuance of the original ATV Safety Education Card.

530 (2) The replacement fee for an ATV Safety Education Card is \$8. The fee is waived if a
531 replacement is required because of an OPRD error. **736-004-0115**

532 **Rider Fit:**

533 (1) A Class I ATV operator under the age of 16, must meet all the following minimum
534 physical size requirements in relationship to the vehicle;

535 (a) Brake Reach: With hands placed in the normal operating position and fingers straight
536 out, the first joint (from the tip) of the middle finger will extend beyond the brake lever and
537 clutch,

538

539 (b) Leg Length: While sitting and with their feet on the pegs, the knee must be bent at least
540 45 degrees,

541

542 (c) Grip Reach: While sitting upright on the ATV with hands on the handlebars and not
543 leaning forward, there must be a distinct angle between the upper arm and the forearm, and;

544

545 (d) The rider must be able to turn the handle bars from lock to lock while maintaining grip on
546 the handle bars and maintaining throttle and brake control.

547

548 (2) Disabled riders are allowed to use prosthetic devices or modified or adaptive equipment
549 to achieve rider fit.

550

38 [Stats. Implemented: ORS 390.570 & 390.575](#)

39 [Hist.: PRD 2-2001, f. & cert. ef. 2-23-01](#)

40 ~~Stat. Auth.: ORS 390.180, 390.585~~

41 ~~Stats. Implemented: ORS 390.180~~

42 ~~Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00; PRD 4-2007, f. & cert. ef. 4-13-07~~

43 **736-004-0015**

44 **Definitions**

45 | For purposes of ~~OAR 736-004-0005 through 736-004-0045~~[this division](#), the following
46 definitions shall apply:

47 (1) "Acquisition" means the gaining of real property rights for public use by donation or
48 purchase, including but not limited to, fee title or easements.

49 [\(2\) "Approved Course Provider" is any individual or organization who instructs or provides](#)
50 [an OPRD approved Class I or Class III ATV safety course.](#)

51 ~~(23) "ATV" means or All-Terrain Vehicles means as defined in ORS 801.190 through~~
52 ~~801.194, also called OHV.~~

53 [\(a\) Class I ATV, as defined in ORS 801.190: a motorized, off-highway recreational vehicle](#)
54 [50 inches or less in width with a dry weight of 800 pounds or less that travels on three or](#)
55 [more low pressure tires, has a saddle or seat for the operator and is designed for or capable of](#)
56 [cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland](#)
57 [or other natural terrain.](#)

58 [\(b\) Class II ATV, as defined in ORS 801.193: any motor vehicle that:](#)

59
60 [\(A\) Weighs more than a Class I all-terrain vehicle;](#)

61
62 [\(B\) Is designed for or capable of cross-country travel on or immediately over land, water,](#)
63 [sand, snow, ice, marsh, swampland or other natural terrain; and](#)

64
65 [\(C\) Is actually being operated off a highway or is being operated on a highway for](#)
66 [agricultural purposes under ORS 821.191.](#)

67 [\(c\) Class III ATV, as defined in ORS 801.194: an off-highway motorcycle with a dry weight](#)
68 [of 600 pounds or less that travels on two tires.](#)

69 [\(d\) May also be referred to as an OHV or Off-Highway Vehicle.](#)

70 ~~(34)~~ "ATV-AAC" means the All-Terrain Vehicle Account Allocation Committee appointed
71 by the commission to advise OPRD on the allocation of ATV funds.

72 (5) "ATV Account Fund" means those funds derived from ATV operating permit sales and a
73 percentage of unrefunded gasoline tax dollars related to ATV use. ATV Account Fund may
74 also be called "ATV grant funds."

75 (46) "ATV Grant Instruction Manual" means a manual prepared by the OPRD containing
76 state and federal policies, procedures, guidelines, and instructions to assist current and
77 potential ~~Project-project~~ Sponsorssponsors.

78 ~~(5) "ATV Account Fund" means those funds derived from ATV operating permit sales and a~~
79 ~~percentage of unrefunded gasoline tax dollars related to ATV use. ATV Account Fund is also~~
80 ~~called "ATV grant funds."~~

81 (7) "ATV Operating Permit" means a permit (decal) issued through the OPRD and which is
82 permanently affixed to the vehicle. The permit authorizes the use of All Terrain Vehicles on
83 trails and within designated areas authorized by the appropriate authorities.

84 (68) "ATV Operating Permit Agent" means a person, ~~business~~business, or government
85 agency to whom OPRD consigns ATV operating permits and decals for sale as a service to
86 the general public.

87 (9) "ATV Operator Permit" means the ATV Safety Education Card issued upon completion
88 of an OPRD approved ATV Safety Education course and passage of the minimum standards
89 test of ATV Safety Education competency as established by OPRD.

90 (10) "ATV Safety Checklist" is a document provided to a dealer, guide service, rental, or
91 livery agent by the OPRD that consists of selected facts about Oregon ATV laws.

92 (11) "ATV Safety Course" is any OPRD approved course of instruction that is offered by an
93 approved course provider and concludes with an examination.

94 (12) "ATV Safety Education" means those grant projects that include but are not limited to
95 training programs, media with information for the public, safe riding practices,
96 environmental ethics, or any combination thereof.

97 (13) "All-Terrain Vehicle Safety Education Card" is the ATV Operator's Permit required by
98 ORS 390.570 and 390.575.

99 (714) "Commission" means the Oregon Parks and Recreation Commission.

100 (815) "Conversion" means any real property acquisition or development that is later wholly
101 or in part converted to another use other than its intended and stated use as described in the
102 ~~Grant-grant~~ Application-application and the ~~Grant-grant~~ Agreementagreement.

103 (16) "Correspondence Course and Self Test" means either a Class I or a Class III ATV safety
104 course and examination provided by the OPRD that is taken at home without a proctor. This
105 correspondence course and self test will satisfy minimum standard of ATV safety education
106 competency only for those individuals who have qualified for hardship status.

107 | (17) "Dealer" means any person or business duly certified under ORS 822.020 and 822.040
108 | to sell Class I or Class III ATVs.

109 | ~~(918)~~ "Development" means the planning, design, construction, and improvement of ATV
110 | recreational facilities, trails, and riding areas.

111 | ~~(4019)~~ "Director" means the director of the Oregon Parks and Recreation Department.

112 | (20) "Dry weight" means the unloaded weight, absent of all fluids, passengers and any
113 | materials such as ice, snow, or mud.

114 | (22) "Emergency Medical Services" means medical services performed by certified
115 | personnel and the necessary items to perform their duties.

116 | (23) "Endorsement Code" means an identifying color or mark on the ATV Safety Education
117 | Card that indicates whether the operator has successfully passed either the internet on-line
118 | education program or a hands-on education program.

119 | (24) "Equivalency Exam" means a comprehensive written examination created by the OPRD.
120 | The equivalency exam is intended to provide either Class I or Class III operators who are at
121 | least 16 years of age and have five or more years operating a Class I or Class III vehicles the
122 | opportunity to meet the minimum standard of ATV safety education competency without
123 | having to take an ATV safety education course.

124 | ~~(11) "First Aid and Police Services" means law enforcement and medical services performed~~
125 | ~~by certified personnel and the necessary items to perform these duties.~~

126 | ~~(4225)~~ "Grant Agreement" means the agreement between the ~~Oregon Parks and Recreation~~
127 | ~~Department~~OPRD and the ~~Project-project Sponsor-sponsor~~ describing the terms and
128 | conditions of the project and its associated grant of funds.

129 | ~~(4326)~~ "Grant Application" means the form and its format as developed by the OPRD that
130 | the ~~Project-project Sponsor-sponsor~~ uses to request ATV ~~Grant-grant~~ funds.

131 | (27) "Hands-on Training" means any OPRD approved course of instruction that is offered by
132 | an OPRD approved course provider and that provides the rider training opportunities that
133 | includes appropriate all-terrain vehicles and their use on different physical terrains.

134 | (28) "Hardship Status" means a situation or condition that prevents an individual from
135 | attending an approved safety course or taking an equivalency exam in person within a
136 | reasonable amount of time or within reasonably close proximity to the individual's place of
137 | residence. The situation or condition must also keep the individual from taking an approved
138 | Internet course. A hardship situation may allow an individual to utilize a correspondence
139 | course and self test provided by the OPRD to meet the minimum standard of safety education
140 | competency. An individual must submit a written request for hardship status. The OPRD
141 | Director or their designee has the authority to grant or deny hardship status.

142 (29) "Internet Course" means an OPRD approved course of instruction that is offered through
143 the internet.

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

146 (31) "Minimum Standards of ATV Safety Education Competency" means a standard of
147 proficiency established by the OPRD that determines whether an applicant for either a Class I
148 or Class III ATV Safety Education Card has met or exceeded the requirements of an ATV
149 safety course.

150 ~~_(14) "Maintenance and Operations" means the preservation, rehabilitation, restoration, and~~
151 ~~upkeep of the facilities, riding areas, and equipment including the purchase of equipment~~
152 ~~necessary to perform these functions.~~

153 ~~(1532) "OHV" means Off-Off-Highway Vehicle, also called ATV.~~

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

157 ~~_(16) "Operating Permit" means a permit (decal) issued through the OPRD and which is~~
158 ~~permanently affixed to the vehicle. The permit authorizes the use of All Terrain Vehicles on~~
159 ~~trails and within designated areas authorized by the appropriate authorities.~~

160 ~~_(17) "Operator Permit" means a permit (certificate) issued to operators (drivers) of Class I~~
161 ~~and Class III ATV's upon their successful completion of an approved safety education~~
162 ~~course.~~

163 ~~(1834) "OPRD" means the Oregon Parks and Recreation Department.~~

164 ~~(1935) "Personal Property" means tangible property other than land: movable property~~
165 ~~including but not limited to items such as an ATV ~~vehicles~~, trail repair equipment, or other~~
166 ~~movable property purchased through the ATV Grant Program.~~

167 ~~(2036) "Planning" means the research, design, engineering, environmental, and site survey of~~
168 ~~ATV recreation areas, trails, or facilities.~~

169 ~~(2137) "Project Authorization" means the ~~Grant grant Agreement agreement that authorizes~~~~
170 ~~the project as signed by the Director ~~or their designee~~ and the ~~Project project Sponsor sponsor~~~~
171 ~~that authorized the project.~~

172 ~~(2238) "Project Sponsor" means the recipient of the grant funds and the responsible party for~~
173 ~~implementation of the project.~~

174 (39) "Public Lands" includes publically and privately owned land that is open to the general
175 public for the use of All-Terrain Vehicles.

176 | (~~23~~40) "Real Property" means immovable property: land together with all the property on it
177 | that cannot be moved, together with any attached rights.

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

181 | ~~(24) "Safety Education" means training, programs, or media, with information for the public~~
182 | ~~regarding specific ATV facilities, safe riding, environmental ethics, or any combination~~
183 | ~~thereof.~~

184 | (42) "Saddle" means any device attached to the vehicle which is used for seating.

185 | (~~25~~43) "Successor" means a governmental entity that has agreed to accept the terms and
186 | conditions of the ~~Project~~ project Sponsor's sponsor's responsibilities as contained in the
187 | ~~Project~~ project Sponsor's sponsor's Grant Agreement and grant application should the ~~Project~~
188 | project Ssponsor ~~existence~~ cease to exist; for example if a club or non-profit organization
189 | should dissolve or disband. The successor shall agree to operate the project continuously for
190 | the public benefit ~~for the~~ and recreational purposes ~~as~~ identified in the grant agreement and
191 | ~~the~~ grant application. If OPRD is a successor under OAR 736-004-0025(1)(e), OPRD may
192 | operate, sell, or qualify another successor to the project.

193 | (~~26~~44) "Sustainability" means using, developing, protecting, and managing the resource in a
194 | manner that enables people to meet current and future generation needs from the multiple
195 | perspective of environmental, economic, and community objectives.

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

199 | Stat. Auth.: ORS 390.180, 390.585

200 | Stats. Implemented: ORS 390.180

201 | Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00; PRD 4-2007, f. & cert. ef. 4-13-07; PRD 6-
202 | 2007, f. & cert. ef. 7-31-07

203 | **736-004-0020**

204 | **ATV GRANT PROGRAM**

205 | **Apportionment of Monies**

206 | (1) Monies in the All-Terrain Vehicle Account shall be used for the following purposes:

207 | (a) Planning, promotion and implementation of a statewide ATV program including, but not
208 | limited to, acquisition, development and maintenance of ATV recreation areas;

209 | (b) Education and safety training for ATV trainers and operators;

- 210 (c) Law enforcement and emergency services;
- 211 (d) Costs of ~~instigating~~, developing, implementing, and promoting new programs for ATV
212 users and advising the public of areas available for ~~all-terrain-vehicle~~ATV use;
- 213 (e) Costs of coordinating between ~~all-terrain-vehicle~~ATV user groups and the managers of
214 public and private lands;
- 215 (f) Costs of providing consultation and guidance to ATV user programs; and
- 216 (g) Costs of administration of ~~the~~ ATV programs, including, but not limited to staff support
217 requested by the ATV-AAC.
- 218 (2) The ATV-AAC will review ATV project applications and recommended the allocation of
219 ATV Account Funds to the commission.
- 220 (3) The ATV-AAC will review the budget for the ATV Account Fund each biennium. The
221 ATV-AAC will recommend budget priorities to the commission.
- 222 Stat. Auth.: ORS 390.180, 390.585,
223 Stats. Implemented: ORS 390.180, 390.560
224 Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00; PRD 4-2007, f. & cert. ef. 4-13-07

225 **736-004-0025**

226 **Grant Application Eligibility and Requirements**

- 227 (1) Eligibility for funding assistance:
- 228 (a) Public agencies: Federal land managers, state agencies, and local governments that have
229 the responsibility for, or are capable of, providing a service to ATV users;
- 230 (b) Private land owners or managers: Private land owners or managers who offer public ~~off~~
231 ~~highway-vehicle~~OHV recreation opportunities and will provide open public ATV recreation
232 for a minimum prescribed period of daily or seasonal time and who will maintain the
233 opportunity for a prescribed period of time as determined by OPRD;
- 234 (c) Clubs and non-profit organizations: ATV clubs and non-profit organizations ~~that are~~
235 registered with the State of Oregon for a minimum of three consecutive years;
- 236 (~~d~~A) Clubs and non-profit organizations shall have in place, prior to receipt of any funding, a
237 written agreement with a successor in which the successor agrees to operate the facility as
238 described in the grant agreement and the grant application should the club or non-profit
239 organization cease to exist, for example, due to disbanding or dissolution; or
- 240 (~~e~~B) OPRD shall be listed on the title as successor to the property:

241 | (A*i*) OPRD may sell the property and shall deposit the net revenue from the sale into the
242 | ATV Account Fund;

243 | (B*ii*) OPRD may operate the project; or

244 | (C*iii*) OPRD may qualify and assign another successor to the project.

245 | (2) ATV Projects or components not eligible for funding:

246 | (a) ~~Generally overtime~~Overtime is generally ~~is~~ not eligible for funding except for an
247 | identified emergency situation;

248 | (b) Overhead items such as office or building rent, insurance, depreciation and other fixed
249 | costs associated with the normal everyday operation of a business, agency or group;

250 | (c) ATV projects that have no way to measure completion or specific intent are not eligible;

251 | (d) Portions of projects completed prior to an ATV agreement or after the expiration of an
252 | ATV agreement. ~~Requests for time extensions must be made in writing to the OPRD in a~~
253 | ~~timely manner prior to the expiration date of an ATV agreement;~~

254 | (e) ATV projects that do not meet the ~~long-range~~ goals of the ATV Grant Program or are not
255 | in the best interest of ATV recreation;

256 | (f) Vehicle or other personal property usage unrelated to the scope of the ATV project.

257 | (3) Requirements for Match:

258 | (a) The minimum match required for eligible ATV projects is 20 percent of the total project
259 | cost except for land acquisitions;

260 | (b) For land acquisitions and when unusual circumstances exist, ~~Public-public Agencies~~
261 | agencies may request a partial or full waiver of the 20 percent match requirement.
262 | Consideration for the waiver will be based upon the following criteria:

263 | (A) The ~~Public-public Agency-agency~~ is able to demonstrate due diligence was exercised in
264 | obtaining other funds and that the following limitations, among others, are present:

265 | (i) Budget authority does not exist;

266 | (ii) Budget appropriations cannot be obtained in a reasonable time yet public support does
267 | exist; and

268 | (iii) No saleable assets such as conservation easements exist from which to generate the full
269 | cash match requirement.

270 | (B) The ~~Public-public Agency-agency~~ is able to demonstrate their ability to operate and
271 | maintain the project property for ATV recreational purposes:

272 (i) By having budgeted funds in place; or

273 | (ii) Having identified other ~~Other~~ resources ~~are identified~~ such as volunteers or contracted
274 services.

275 | (C) The ~~Public-public Agency-agency~~ is able to demonstrate that time is of the essence:

276 | (i) The seller of the real property has placed time limits in which the ~~Public-public Agency~~
277 agency can affect a purchase, such as the expiration of an Option to Purchase or a First Right
278 of Refusal; or

279 | (ii) The ~~Public-public Agency-agency~~ can identify the possible loss of other existing
280 matching funds such as grants from other entities that may have an expiration date.

281 | (D) If a waiver to the required partial or full match is approved, the ~~Public-public Agency~~
282 agency shall be limited in all future grant requests to receiving ATV grant funds in an
283 amount of 50 percent or less of the total costs for any development projects located on the
284 acquired property.

285 (c) Match may include, but is not limited to, cash funds, labor, either force account or
286 volunteer, materials, and equipment;

287 (d) Grants from other sources may be used as match provided the sponsor can certify the
288 funds will be available within 120 days from the beginning date of the ATV project
289 agreement;

290 (e) Eligible volunteer labor will require a log that includes the volunteer's name, date
291 volunteer performed work, location volunteer performed work, the hours worked, and ~~at~~
292 ~~what~~the hourly rate of compensation ~~was~~ used for their contribution of labor.

293 (4) Conversions:

294 | (a) It is the intent of the ATV Grant Program that all~~AH~~ real property acquisitions or
295 easements shall be retained and used for the project's intended and stated use as described in
296 both the ~~Grant-grant Application-application~~ and the ~~Grant-grant Agreement~~agreement;

297 (b) The director has authority to disapprove conversion requests, reject proposed
298 substitutions, or both;

299 (c) The project sponsor shall submit requests for conversions to the OPRD in writing. The
300 OPRD may consider the request if the following prerequisites are met:

301 (A) All practical alternatives to a conversion have been evaluated and rejected on a sound
302 basis;

303 (B) The project sponsor has established the fair market value of the property to be converted
304 and the property proposed for substitution is of at least equal fair market value as established
305 by a state approved appraisal (prepared in accordance with uniform Federal appraisal

306 standards) excluding the value of structures or facilities that will not directly enhance its
307 ATV recreation utility;

308 (C) The project sponsor proposes a replacement property that is of reasonably equivalent
309 usefulness and location as that being converted.

310 (d) If the project sponsor is unable to provide replacement property within 24 months of
311 either the approved request for conversion or after the fact of conversion, the project sponsor
312 shall pay the OPRD a current amount equal to the OPRD's original percentage of
313 contribution to the project. As an example, if the OPRD provided an original grant of 80
314 percent for the project's acquisition costs, the ~~Project~~project ~~Sponsor~~sponsor will be
315 required to reimburse the OPRD 80 percent of the real property's value at the time of
316 conversion or discovery of conversion, whichever is later;

317 (e) In the case of development, rehabilitation, and equipment purchases, the project sponsor
318 shall operate the improvements or equipment for its established useful life. Guidelines
319 established by the IRS will be used by the ~~Project~~project ~~Sponsor~~sponsor to define useful
320 life per each item. If the facility is closed, service is terminated and the facility or equipment
321 has not reached its useful life, it will be made available to other agencies or organizations. If
322 a facility is closed, service is terminated, or land is closed, or the facility or equipment has
323 not reached its useful life, a percentage of the allocated funds will be returned to the OPRD
324 equal to the percentage of useful life remaining in the funded facility or equipment.

325 Stat. Auth.: ORS 390.180, 390.585

326 Stats. Implemented: ORS 390.180

327 Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00; PRD 4-2007, f. & cert. ef. 4-13-07; PRD 6-
328 2007, f. & cert. ef. 7-31-07

329 **736-004-0030**

330 **Project Administration**

331 (1) Applications:

332 (a) A ~~an~~ current ATV grant application is required for consideration of ATV funding;

333 (b) Information regarding application deadlines and public meetings will be provided through
334 available media sources and on the OPRD ~~---~~ ATV website;

335 (c) Applicants must submit applications by published deadlines;

336 (d) Applications will be reviewed by the OPRD and the ATV-AAC;

337 (e) The ATV-AAC will recommend ATV project funding to the commission.

338 (2) Agreements:

- 339 (a) To authorize an ATV project, OPRD ~~will~~ requires an a signed ATV Grant Agreement ~~to~~
340 ~~authorize an ATV project~~;
- 341 (b) A project sponsor may not begin work on an ATV project without a ~~fully signed ATV~~
342 ~~Grant Agreement between OPRD and the project sponsor~~ Notice to Proceed.
- 343 (c) OPRD, upon written request by the project sponsor, may approve, in writing, that some
344 match may be considered and allowed prior to commencement of the project.
- 345 (3) If funds are not available to fully fund a project or partial funding has been recommended
346 by the ATV-AAC, the sponsor ~~will~~ may be given the option of reducing the scope of the
347 project.
- 348 (4) If the project sponsor anticipates that it will not complete a project by the expiration date
349 of the ATV grant agreement, the project sponsor must make a timely written request for an
350 extension of the ATV grant agreement prior to the expiration date of the project agreement.
351 The time extension request should include any reasons for delay of project completion and a
352 new projected completed date.
- 353 (45) OPRD may cancel an ATV ~~Grant grant Agreement agreement~~ if the project sponsor has
354 not made measurable progress on a project within six months of project authorization.

355 Stat. Auth.: ORS 390.180, 390.585

356 Stats. Implemented: ORS 390.180

357 Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00; PRD 4-2007, f. & cert. ef. 4-13-07; PRD 6-
358 2007, f. & cert. ef. 7-31-07

359 **ATV OPERATING PERMIT AGENTS**

360 **736-004-0045**

361 **ATV Operating Permit Agent Application and Privileges**

362 (1) To become an ATV Operating Permit Agent an applicant shall:

363 (a) Submit an application in a form provided by OPRD to become an ATV Operating Permit
364 Agent;

365 (b) Submit a surety bond in an amount determined by OPRD when 250 or more permits are
366 to be ordered at a time.

367 (c) Enter into an OPRD agreement to be designated as an ATV Operating Permit Agent.

368 (2) OPRD may consign ATV operating permits to an ATV Operating Permit Agent without
369 prepayment.

370 (3) OPRD will establish by policy an amount the ATV Operating Permit Agent may retain
371 for each permit issued in addition to the regular costs of the permit, to cover the agent's costs
372 to handle the permits.

373 (4) ATV Operating Permit Agents shall legibly complete each ATV operating permit with
374 the required information.

375 (5) OPRD may cancel an agent's authority to act as an ATV Operating Permit Agent at any
376 time.

377 Stat. Auth.: ORS 390.180, 390.585

378 Stats. Implemented: ORS 390.180

379 Hist.: PRD 8-2000, f. & cert. ef. 6-2-00; PRD 4-2007, f. & cert. ef. 4-13-07

380 **ATV OPERATING PERMITS**

381 ~~736-004-0055~~

382 ~~Definitions -- All-Terrain Vehicles~~

383 ~~(1) "ATV" means all-terrain vehicle.~~

384 ~~(2) "Dry weight" means the unloaded weight, absent of passengers and any materials such as~~
385 ~~ice, snow, or mud.~~

386 ~~(3) "Saddle" means any device attached to the vehicle which is used for seating.~~

387 ~~(4) A Class I ATV is less than 50 inches in width, has a dry weight of 800 pounds or less~~
388 ~~travels on three or more low pressure tires, and has a saddle seat for the operator. It is~~
389 ~~designed for, or capable of, cross-country travel over land, water, sand, snow, ice, marsh,~~
390 ~~swampland, or other natural terrain.~~

391 ~~(5) A Class II ATV weighs more than 800 pounds, but less than 8,000 pounds, is designed~~
392 ~~for and capable of travel cross-country on or over land, water, sand, snow, ice, marsh,~~
393 ~~swampland, or other natural terrain and is operated off a highway.~~

394 ~~(6) A Class III ATV has a dry weight of 600 pounds or less and travels on two tires.~~

395 ~~Stat. Auth.: ORS 390.180~~

396 ~~Stats. Implemented: ORS 390.180~~

397 ~~Hist.: PRD 8-2000, f. & cert. ef. 6-2-00~~

398 **736-004-0060**

399 ~~All-Terrain Vehicle~~ **ATV Off-Road Operating Permit**

400 (1) An ~~all-terrain vehicle (ATV) off-road~~ATV operating permit shall be in the form of a
401 decal valid for a 2-year period from the date of issue to be placed on the vehicle as
402 determined in OAR 736-004-0065. All ATV ~~off-road~~ operating permits shall contain:

403 (a) The distinctive number or characters assigned by OPRD to the vehicle;

404 (b) The word "Oregon"; and

405 (c) The expiration date on the decal.

406 (2) The application for an ATV off-road operating permit shall be in a form as prescribed by
407 OPRD and shall include:-

408 (a) The name and address of the owner of the ATV; and

409 (b) The make and body style of the ATV for which application is made.

410 (3) To replace a permit that is lost, destroyed, mutilated or needs to be replaced for any
411 reason, the owner must:

412 (a) Apply for a new permit in the same manner as for ~~an~~the original permit; and

413 (b) Pay the ~~current~~ fee for a ~~permit~~ replacement ATV Operating Permit.

414 Stat. Auth.: ORS 390.180, 390.585

415 Stats. Implemented: ORS 390.180

416 Hist.: PRD 8-2000, f. & cert. ef. 6-2-00; PRD 4-2007, f. & cert. ef. 4-13-07

417 **736-004-0062**

418 **Ocean Shores ATV Operating Permit**

419 (1) A person may not operate a Class I ~~all-terrain vehicle~~ATV on the ocean shore unless the
420 person obtains an Ocean Shores ATV Operating Permit from OPRD.

421 (2) The operator must, in addition to the Ocean Shores ATV Operating Permit hold a current
422 ~~operator permit~~ATV Safety Education Card issued under ORS 390.570 and the vehicle has a
423 current operating permit issued under ORS 390.580.

424 (3) The Ocean Shores ATV Operating Permit is to be used only to meet the transportation
425 needs of:

426 (a) Individuals with disabilities, as defined by ORS 174.107; or who have proof of motor
427 vehicle disabled placard, or both.

428 (b) Emergency response or emergency aid workers during the course of their work; or

429 (c) Biologists, wildlife monitors, or other natural resources workers during the course of their
430 work.

431 | (4) Except for subsections (3)(b) and (c) [of this rule](#), the Ocean Shores [ATV](#) Operating
432 Permit only allows the operator to ride in those ocean shore areas where and when other
433 authorized motorized vehicles are allowed.

434 Stat. Auth.: ORS 390.180, 390.585
435 Stats. Implemented: ORS 390.729
436 Hist.: PRD 4-2007, f. & cert. ef. 4-13-07

437 **736-004-0065**

438 **Placement of ATV Off-Road Operating Permit**

439 | [\(1\)](#) An ATV off-road operating permit shall be in the form of a decal to be permanently
440 affixed to the vehicle for which it is issued, and be clearly visible.

441 | [\(2\)](#) Placement of the permit shall be as follows:

442 | [\(1a\)](#) For quads, three-wheelers, or vehicles of a similar design, the permit shall be displayed
443 on the right-hand side of the vehicle in a visible location;

444 | [\(2b\)](#) For jeeps, pickups, passenger cars and similar vehicles, the permit shall be displayed in a
445 manner that makes it visible from the rear of the vehicle, such as on the bumper or in the rear
446 window;

447 | [\(3c\)](#) On sandrail vehicles (dune buggies) the permit shall be displayed in the middle of the
448 rear rollbar and be visible from the rear of the vehicle; and

449 | [\(4d\)](#) For vehicles that are similar in design to motorcycles and where it is not possible to
450 display the permit as required in sections (2) or (3) of this rule, the permit shall be displayed:

451 | [\(aA\)](#) On the front fork tube, on the opposite side of the vehicle from the brake, or in a
452 location that is visible while the rider is on the vehicle; and

453 | [\(bB\)](#) Be positioned either horizontally or vertically.

454 Stat. Auth.: ORS 390.180, 390.585
455 Stats. Implemented: ORS 390.180
456 Hist.: PRD 8-2000, f. & cert. ef. 6-2-00; PRD 4-2007, f. & cert. ef. 4-13-07

457 **736-004-0070**

458 **Reciprocity for Out-of-State [ATV Operating](#) Permits**

459 | [\(1\)](#) An ATV operating permit that is issued in another state shall be honored in the State of
460 Oregon if the issuing state also honors an Oregon ATV operating permit.

461 | [\(2\)](#) The ATV must have a resident state ATV operating permit; or

462 | [\(3\)](#) If an ATV operating permit is not required in the owner's home state, the operator must
463 | [purchase](#) a State of Oregon ATV operating permit ~~if registration is not required in their home~~
464 | ~~state~~ to operate the ATV on designated ATV areas [in Oregon](#).

465 | Stat. Auth.: ORS 390.180, 390.585

466 | Stats. Implemented: ORS 390.180

467 | Hist.: PRD 8-2000, f. & cert. ef. 6-2-00; PRD 4-2007, f. & cert. ef. 4-13-07

468 | ~~736-004-0075~~

469 | ~~Statutory Authority~~

470 | ~~OAR 736-004-0075 through 736-004-0085 are adopted pursuant to ORS 390.570 and~~
471 | ~~390.575 which direct the Oregon Parks and Recreation Department to issue or provide for~~
472 | ~~issuance of Class I and Class III ATV operator permits to any person who has taken a Class I or~~
473 | ~~or Class III ATV safety education course and has been found qualified to operate a Class I or~~
474 | ~~Class III all-terrain vehicle. These statutes authorize the Department to provide safety~~
475 | ~~education course instructors through public or private local and state organizations meeting~~
476 | ~~qualifications established by the Department.~~

477 | ~~Stat. Auth.: ORS 390.570 & 390.575~~

478 | ~~Stats. Implemented: ORS 390.570 & 390.575~~

479 | ~~Hist.: PRD 2-2001, f. & cert. ef. 2-23-01~~

480 | [ATV SAFETY EDUCATION](#)

481 | ~~736-004-0080~~

482 | [ATV Safety and Education](#)

483 | ~~(1)~~ The OPRD may contract with public or private local and state organizations to provide
484 | ATV safety and other educational programs and instructors. The organizations must meet
485 | minimum qualifications as established by the OPRD:

486 | ~~(a) Lesson plans and instructors shall be approved by OPRD;~~

487 | ~~(b) Courses may include:~~

488 | ~~(A) Classroom discussion and hands-on instruction;~~

489 | ~~(B) Emphasis on the responsible use and operation of ATV's to protect the environment; and~~

490 | ~~(C) Information on Oregon laws and rules concerning ATV use, operator requirements,~~
491 | ~~operator permit requirements, rules of operation, responsible and ethical use, safety~~
492 | ~~requirements and associated penalties.~~

493 ~~(e) Course completion certificates will be issued to those persons who successfully complete~~
494 ~~the safety education course.~~

495 Stat. Auth.: ORS 390.570 & 390.575

496 Stats. Implemented: ORS 390.570 & 390.575

497 Hist.: PRD 2-2001, f. & cert. ef. 2-23-01; PRD 4-2007, f. & cert. ef. 4-13-07

498 **736-004-0085**

499 **ATV Safety Education Card (ATV Operator Permits)**

500 (1) To operate a Class I or Class III ATV on public lands in Oregon, a person must obtain an
501 ATV Safety Education Card (ATV operator permit).

502 (2) The criteria for obtaining an ATV Safety Education Card are:

503 (a) Attain a test score of at least 80 percent on an OPRD-approved safety course offered over
504 the internet; or

505 (b) Attain a test score of at least 80 percent on a correspondence course provided by OPRD;

506 (c) Be at least 16 years of age and have five or more years of experience operating a Class I
507 or Class III all-terrain vehicle and successfully pass an equivalency examination with a score
508 of at least 80 percent.

509 (d) Effective January 1, 2012, if under 16 years of age, must have successfully passed a
510 hands-on training course approved by OPRD.

511 (3) To obtain an ATV Safety Education Card, the applicant must provide to the OPRD a
512 completed application on a form provided by the OPRD with the following information: the
513 applicant's name, address, date of birth, hair color, eye color, gender, and if applicable, year's
514 of experience. The applicant must also sign a statement declaring that the information is true
515 and correct.

516 (4) ATV Safety Education Cards are not transferable.

517 (5) ATV Safety Education Cards shall contain a unique number and endorsement code that
518 corresponds to the individual named on the permit.

519 (6) A person is considered in violation of the provisions of ORS 821.170 and 821.172 and
520 subject to the penalties prescribed by law when they:

521 (a) Provide a false statement or information or assist another person in giving a false
522 statement or information on any application, affidavit, document or statement used to obtain
523 an ATV Safety Education Card ,or replacement ATV Safety Education Card ;

524 (b) Exhibit to a law enforcement officer an altered Oregon ATV Safety Education Card or
525 any ATV Safety Education Card other than the one issued to them;

526 (c) Alter an ATV Safety Education Card or replacement card issued by the OPRD or its
527 authorized agent;

528 (d) Produce or possess an unauthorized replica of an ATV Safety Education Card or
529 replacement card; or

530 (e) Operate a Class I or Class III ATV on public lands without a current ATV Safety
531 Education Card in their immediate possession.

532 (7) In addition to any penalties that may result from a violation of ORS 821.170 and 821.172
533 the ATV Safety Education Card of any person who provides a false statement or information
534 or obtains a permit to which the person is not entitled is null and void.

535 (8) In accordance with ORS 821.174, when a person's driving privileges are suspended or
536 revoked, an ATV Safety Education Card is invalid and the person may not operate a Class I
537 or Class III all-terrain vehicle.

538 (9) Violation of the provisions contained in OAR 736-004-0085 is punishable as a Class A
539 Misdemeanor.

540 ~~(1) The Oregon Parks and Recreation Department shall issue and mail a Class I or Class III~~
541 ~~ATV operator permit to persons who have successfully completed an approved safety~~
542 ~~education course and have been issued a course completion card.~~

543 ~~(2) A Class I or Class III ATV operator permit shall include:~~

544 ~~(a) The operators name and address;~~

545 ~~(b) The operators date of birth; and~~

546 ~~(c) The date the safety education course was completed.~~

547 ~~(3) The ATV course completion card shall be considered a temporary operator permit until~~
548 ~~the permanent ATV operator permit is issued by the OPRD.~~

549 ~~(a) An ATV course completion card issued to an out of state resident who has completed an~~
550 ~~approved safety education course will meet the requirements of an operator permit in~~
551 ~~Oregon.~~

552 ~~(4) When an ATV operator permit is lost, mutilated, or destroyed, the OPRD will issue a~~
553 ~~duplicate permit. The operator must submit a written request to the OPRD explaining why~~
554 ~~the duplicate permit is needed.~~

555 ~~(5) In accordance with ORS 821.174, when a person's driving privileges are suspended or~~
556 ~~revoked, an ATV operator permit is invalid and the person may not operate a Class I or Class~~
557 ~~III all-terrain vehicle.~~

558 ~~Stat. Auth.: ORS 390.570 & 390.575~~
559 ~~Stats. Implemented: ORS 390.570, 390.575 & 821.174~~
560 ~~Hist.: PRD 2-2001, f. & cert. ef. 2-23-01; PRD 4-2007, f. & cert. ef. 4-13-07~~

561 **736-004-0090**

562 **Replacement ATV Safety Education Card**

563 (1) A person may apply for a replacement ATV Safety Education Card from the OPRD if:

564 (a) They legally change their name;

565 (b) The permit is lost, stolen or destroyed; or

566 (c) Misinformation is printed on the permit.

567 (2) To obtain a replacement card, an applicant must provide the OPRD with a completed
568 application on a form provided by the OPRD which includes an affidavit signed by the
569 applicant stating the circumstances that led to the replacement of the original card.

570 **736-004-0095**

571 **Temporary ATV Safety Education Card**

572 (1) A person who successfully passes the OPRD safety education course may print from their
573 computer a temporary safety education card and may operate an ATV for no more than 30
574 days from date of issue provided the temporary safety education card is in the possession of
575 the operator.

576 (2) A person residing in Oregon who is required to possess an ATV Safety Education Card
577 and is in possession of a certificate issued by another state or nation that is equivalent to
578 Oregon's ATV Safety Education Card may use that certificate as a temporary safety
579 education card and may operate an ATV in Oregon for no more than 30 days from date of
580 residency provided the document is in the possession of the operator.

581 **736-004-0100**

582 **ATV Safety Checklist**

583 (1) Any person who provides a Class I or Class III ATV for rent in Oregon, or offers guided
584 tours for a client on either a Class I or Class III ATV must require that

585 (a) The operator(s) of the rental ATV show proof of possession of an ATV Safety Education
586 Card before renting the person an ATV; or

587 (b) If the operator does not possess an ATV Safety Education Card, the rental or tour agent
588 must provide the operator with an ATV Safety Checklist provided by the OPRD.

589 (c) The operator must review and mark the ATV Safety Checklist in the presence of the
590 rental or tour agent before they may operate the ATV.

591 (d) The operator must retain the ATV Safety Checklist on their possession while operating
592 the ATV.

593 (e) A person who legally rents an ATV and is otherwise required to possess an ATV
594 Education Card may use the required ATV Safety Checklist as a temporary ATV Safety
595 Education Card and may operate the rental ATV in Oregon for the term of the rental
596 agreement but not longer than 30 days.

597 (2) Any dealer who sells Class I or Class III vehicles may offer to the buyer/operator a non-
598 renewable ATV Safety Checklist provided by OPRD.

599 (a) The operator must review and mark the ATV Safety Checklist in the presence of the
600 dealer before they operate the vehicle.

601 (b) The operator must retain the ATV Safety Checklist on their possession when operating
602 the ATV.

603 (c) A person who purchases an ATV and is otherwise required to possess an ATV Safety
604 Education Card may use the ATV Safety Checklist as a temporary ATV Safety Education
605 Card and may operate the ATV in Oregon for not longer than 30 days from the date of
606 purchase of the ATV.

607 **736-004-0105**

608 **Exemptions**

609 (1) Non-residents riding in Oregon are exempt from carrying a State of Oregon ATV Safety
610 Education Card if they possess an ATV Safety Education Card or equivalent required by
611 their resident state or nation.

612 (a) An ATV Safety Education Card that is issued in another state or nation shall be honored
613 in the State of Oregon if the issuing state or nation also honors an Oregon ATV Safety
614 Education Card.

615 (b) The operator must have a State of Oregon ATV Safety Education Card if mandatory
616 education is not required in their home state or nation to operate an ATV on public lands.

617 (2) A person operating a Class I or Class III in a sanctioned competitive ATV event is not
618 required to carry an ATV Safety Education Card.

619 **736-004-0110**

620 **Fees**

621 (1) There is no fee for issuance of the original ATV Safety Education Card.

622 (2) The replacement fee for an ATV Safety Education Card is \$8. The fee is waived if a
623 replacement is required because of an OPRD error.

624 **736-004-0115**

625 **Rider Fit:**

626 (1) A Class I ATV operator under the age of 16, must meet all the following minimum
627 physical size requirements in relationship to the vehicle;

628 (a) Brake Reach: With hands placed in the normal operating position and fingers straight
629 out, the first joint (from the tip) of the middle finger will extend beyond the brake lever and
630 clutch,

631
632 (b) Leg Length: While sitting and with their feet on the pegs, the knee must be bent at least
633 45 degrees,

634
635 (c) Grip Reach: While sitting upright on the ATV with hands on the handlebars and not
636 leaning forward, there must be a distinct angle between the upper arm and the forearm, and;

637
638 (d) The rider must be able to turn the handle bars from lock to lock while maintaining grip on
639 the handle bars and maintaining throttle and brake control.

640
641 (2) Disabled riders are allowed to use prosthetic devices or modified or adaptive equipment
642 to achieve rider fit.

643

Oregon Parks and Recreation Department
 Summary of Testimony Received
 Regarding OAR 736-04-0000

Table of persons submitting comments on the proposed ATV rules changes

Person or Entity	Representing	Comment(s)
Robert Kingsnorth	Central Point / Resident	Supports the safety education program
Lucky J. Shopp	Public	Supports training and licensing of youth under 18, but strongly against adults having to have license
Sunny Sofra	Florence / Resident	Supports training program, wants to see focus on the terrain changes and rider etiquette
Linda Cummins	Public	Supports the safety education program
Daniel Madden	Public	Strongly against the required training program
Ben Sunderland	Waterville	Supports the safety education program but is concerned that the rule language is aligned with other language used by law enforcement officers
Linda Batterton	Public	Concerned how it will apply to out-of-staters
Ken Donaldson	Public	Does not support having to have a license
Rod Loe	ATV Rental Company Owner	Why are we advertising that adults need a safety permit to supervise a child when the training is not available?
Greg Hoover	Discovery Point Resort/Dune Country ATV	Poster requiring training is a mistake, nonresident requirements, will warn possible clients. Commends rider fit
Stephen Huff	Public	State doesn't need to regulate me or my family, my children follow my instructions. Rider fit is good but we are being regulated out of the sand. We need more sand for local, what you are doing here is good, but stop there, need to be advertised better.

Person or Entity	Representing	Comment(s)
Steve Daytan	Owner Steve's ATVs/Pismo Beach Rentals	Rider fit is good, how will out of state visitors access the test, how long will the test take to complete? Safety check list for rental agency, has a video to show renters, are the statistics broken down for rentals.
Isreal Renner	Public	Entire family rides, rider fit program is great. Concerned for rental, public announcement for meetings was bad.
Tod Ellis	Rental Agency	Wants information on requirements for out of state riders who rent ATVs
Lynn Miracle	BLM Law Enforcement Officer / Vale District	Strongly supports the training and adult supervision requirement. Has seen the need for the program first hand while working at the Christmas Valley Sand Dunes and other