

**Introduced by Senator Battin**

February 20, 2002

---

---

An act to amend Section 38240 of the Vehicle Code, and to amend Section 5090.61 of the Public Resources Code, relating to off-highway motor vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1552, as introduced, Battin. Off-highway motor vehicles.

Existing law, the Off-Highway Motor Vehicle Recreation Act of 1988, provides for the acquisition, operation, and funding of state off-highway vehicular recreation areas and trails. Under existing law, specified taxes imposed upon the distribution of motor vehicle fuel and certain fees, fines, forfeitures, and reimbursements are deposited in the Off-Highway Vehicle Trust Fund for allocation, upon appropriation, by the Off-Highway Motor Vehicle Recreation Commission. Under existing law, half of the money collected in that account from fuel tax transfers, a specified fee, and interest is available for distribution by that commission through a matching funds grant program to local agencies for specified purposes. Any of that half not so expended may be allocated through cooperative agreements with agencies of the United States, as specified. Existing law also provides for the collection of other fees for certain off-highway use permits and in lieu of value-based taxes on off-highway motor vehicles.

This bill would require the Department of Parks and Recreation, in cooperation with the Department of Transportation, to prepare a report estimating off-highway vehicle use and impacts by jurisdiction, as specified. It would require the commission to allocate those grants to local agencies seeking to participate in the grant program in proportion to the estimated impact of off-highway motor vehicle use and related

activity in the applicant agency’s jurisdiction. This bill would provide that any of the money available for expenditure pursuant to agreements with federal agencies would also be allocated with consideration for these estimates of off-highway vehicle use and impact. This bill would expand the purposes for which that grant money, and the money collected for permits and in lieu of taxes, could be expended to include certain specified public safety purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 38240 of the Vehicle Code is amended  
2 to read:

3 38240. (a) The Controller shall allocate the fees collected  
4 under Section 38230 in July and January of each fiscal year in the  
5 same manner as fees are allocated under subdivisions (c) and (d)  
6 of Section 11005 of the Revenue and Taxation Code.

7 (b) The funds collected under Section 38230 shall be used for  
8 any one or more of the following purposes:

9 (1) Planning, acquiring, developing, constructing,  
10 maintaining, administering, operating, or conserving trails, areas,  
11 or other facilities for the use of off-highway motor vehicles.

12 (2) Controlling the operation of motor vehicles in areas off the  
13 highways where the operation of motor vehicles is restricted or  
14 prohibited.

15 (3) *For public safety purposes in areas where the density of*  
16 *off-highway vehicle use, or the congregation of large groups of*  
17 *off-highway motor vehicle users in areas with poor access for*  
18 *public safety personnel, has posed or poses public safety problems.*

19 (4) Otherwise carrying out the provisions of this division.

20 (c) Funds received by a city or county pursuant to this section  
21 may be expended for facilities located outside the limits of the city  
22 or county if both of the following conditions are met:

23 (1) The funds are expended for the purposes of acquiring,  
24 developing, and constructing trails, areas, or other facilities for the  
25 use of off-highway motor vehicles.

26 (2) The funds are expended pursuant to agreement with the city  
27 in which the facility is located or with the county in which the



1 facility is located if the facility is located in an unincorporated  
2 territory.

3 SEC. 2. Section 5090.61 of the Public Resources Code is  
4 amended to read:

5 5090.61. Money in the fund shall be available, upon  
6 appropriation, for allocation by the commission as follows:

7 (a) An amount, not to exceed 50 percent of the revenues from  
8 the special fee required by subdivision (b) of Section 38225 of the  
9 Vehicle Code, the revenues transferred from the Motor Vehicle  
10 Fuel Account, and revenue received from interest, is available for  
11 local assistance grants pursuant to Article 5 (commencing with  
12 Section 5090.50). *This money shall be allocated to local agencies*  
13 *seeking to participate in the grant program in proportion to the*  
14 *estimated impact of off-highway motor vehicle use and related*  
15 *activity in the applicant agency's jurisdiction as determined by the*  
16 *department as provided in subdivision (c). Any portion of this*  
17 *amount not granted to local public agencies shall be available to*  
18 *the division for cooperative agreements with agencies of the*  
19 *United States pursuant to Section 5090.55, but shall be allocated*  
20 *with due consideration for the estimated impact of off-highway*  
21 *motor vehicle use and related activity in the areas to be served by*  
22 *the agreements, as reflected in the determinations of the*  
23 *department as provided in subdivision (c).*

24 (b) The remainder of the revenues from the special fee required  
25 by subdivision (b) of Section 38225 of the Vehicle Code and the  
26 remainder of the revenues transferred from the Motor Vehicle Fuel  
27 Account, together with all other moneys in the fund, shall be  
28 available for the support of the division in implementing the  
29 program and for the planning, acquisition, development,  
30 construction, maintenance, administration, operation, and  
31 conservation of lands in the system. As used in this subdivision,  
32 "support of the division" includes functions performed outside  
33 the division by others on behalf of the division, including costs  
34 incurred on behalf of the division for personnel management and  
35 training, accounting and fiscal analysis, records, purchasing,  
36 public information activities, consultation of professional  
37 scientists and reclamation experts for purposes of Section  
38 5090.35, and legal services. "Support of the division" does not  
39 include any costs incurred by, or attributable to, the director or the  
40 director's immediate staff or their salaries.



1     (c) *On or before August 15, 2003, and every two years*  
2 *thereafter, the department, in cooperation with the Department of*  
3 *Transportation, shall prepare, or cause to be prepared, a report*  
4 *setting forth the current estimate of the amount of off-highway*  
5 *motor vehicle use and impact by jurisdiction, using measures*  
6 *which consider environmental and public safety impacts, and shall*  
7 *submit a copy of the report to the Legislature.*

O

