

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 742

Introduced by Senator Steinberg
(Coauthor: Assembly Member Wolk)

February 23, 2007

An act to amend Sections 5010, 5090.02, 5090.15, ~~5090.24~~, 5090.50, ~~and 5090.51~~, 5090.60, ~~and 5090.70~~ of, to repeal Sections 5090.63; ~~5090.64, and 5090.70 of, and 5090.64 of, to add Section 5090.52 to,~~ and to repeal and add Section 5090.61 of, the ~~Public resources~~ *Resources* Code, to repeal Sections 8352.7 and 8352.8 of, and to repeal and add Section 8352.6 of, the Revenue and Taxation Code, and to amend ~~Section 38225~~ *Sections 38225, 38301, and 38301.3* of, and to add Sections 38002 and 38003 to, the Vehicle Code, relating to off-highway motor vehicle recreation.

LEGISLATIVE COUNSEL'S DIGEST

SB 742, as amended, Steinberg. Off-highway motor vehicle recreation.

(1) The Off-Highway Motor Vehicle Recreation Act of 2003 (act), provides for the acquisition, operation, and funding of state off-highway vehicular recreation areas and trails. These provisions are to be repealed on January 1, 2008.

This bill would ~~delete provisions repealing this act~~ *extend the act to January 1, 2013*, would delete certain obsolete provisions, and would include certain legislative findings and declarations regarding ~~this the~~ *the* act.

The bill would require the Department of Parks and Recreation to set the amount of the fee to be charged for state vehicular recreation area usage.

(2) Under the act, grants may be made to cities, counties, and districts, and cooperative agreements may be entered into with federal agencies or federally recognized Native American tribes.

This bill would require grants and cooperative agreements to be project oriented and would place specific limitations on those grants and agreements *and would establish categories for which of the moneys allocated by the Legislature for grants and cooperative agreements may be used. The Division of Off-Highway Motor Vehicle Recreation would be required to establish guidelines to determine eligibility and priorities for grants and cooperative agreements.*

(3) The act currently provides an allocation schedule for the distribution of certain moneys in the Off-Highway Vehicle Trust Fund.

This bill would recast that schedule to provide that moneys in the fund shall be available, upon appropriation, so that an amount, equal to an unspecified percentage, is allocated to the Department of Parks and Recreation for support of recreation associated with off-highway vehicle use, outside the state vehicular recreation areas, an amount equal to an unspecified percentage is allocated to the department to support recreation within those areas, and an amount equal to an unspecified percentage is allocated for local assistance and cooperative agreements.

(4) The act establishes the Off-Highway Motor Vehicle Recreation Commission, consisting of 7 members, with 3 of the members appointed by the Governor.

This bill would increase the membership of the commission to 9 members, with 5 members appointed by the Governor, subject to Senate confirmation.

~~(4)~~

(5) Existing law requires certain money, the amount of which is determined by specified formulas, in the Motor Vehicle Fuel Account (the fuel account) attributable to taxes imposed upon distribution of motor vehicle fuel related to specified off-highway motor vehicles and off-highway vehicle activities, to be transferred from that account on the first day of every month to the Off-Highway Vehicle Trust Fund (the fund) or the Conservation and Enforcement Services Account (the enforcement account). The money in the fund and the enforcement account is required to be used, upon appropriation, for specified purposes related to off-highway motor vehicle recreation.

This bill would repeal those provisions requiring the transfer of that money from the fuel account, and, instead, would require certain money in the fuel account to be transferred to the fund. The bill would state

the Legislature's intent to determine the amount of money required to be transferred to the fund by a formula based on factors, including the number of vehicles registered as off-highway motor vehicles, the number of off-highway motor vehicles sold, and the attendance numbers at state vehicular recreation areas during the previous years. The bill would require the amount transferred in fiscal year ~~2006-07~~ 2006-07 to be a baseline for the formula.

~~(5)~~

(6) Existing law, until January 1, 2008, generally imposes a service fee of \$7 for the issuance or renewal of identification of off-highway motor vehicles subject to identification, and a special fee of \$8 that is required to be paid at the time of payment of the service fee. Until January 1, 2008, existing law requires specified money, including that special fee, the money transferred to the fund as described in (4) above, and specified use fees for state vehicular recreation areas, to be deposited in the Off-Highway Vehicle Trust Fund. On and after January 1, 2008, existing law repeals those provisions, except for the imposition of the \$7 service fee.

This bill, on and after January 1, 2008, would impose a special fee of \$67 that would be required to be paid at the time of payment of the service fee. The bill would require the special fees, money transferred to the fund from the fuel account pursuant to the bill, and specified use fees for state vehicular recreation areas to be deposited in the fund. The bill would specify that the fund is a trust fund and that, upon appropriation, money in the fund is required to be allocated by the Off-Highway Motor Vehicle Recreation Commission, as trustee of the fund, to be used for specified purposes related to off-highway recreation.

(7) Under existing law, it is a public offense for a person to violate a state or federal regulation prohibiting the entry of a motor vehicle into an area designated as a federal or state wilderness area.

This bill would, in addition, prohibit the entry of a motor vehicle into an area that is closed to off-highway recreation. Because a violation of this prohibition is a public offense, this bill would create a new crime, thereby imposing a state-mandated local program.

~~(6)~~

(8) The bill would state the Legislature's intent to require a person operating an off-highway motor vehicle on private property of another to maintain in his or her possession written permission from the property owner granting permission to operate the vehicle on the property. The bill also would state the Legislature's intent to impose an unspecified

fee on the sale of vehicles that are required to be registered as off-highway motor vehicles, and to deposit the fees in a dedicated fund to provide funding for planning, acquiring, developing, or constructing local and regional off-highway motor vehicle recreation facilities.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. (a) It is the intent of the Legislature to require
2 that all off-road motor vehicles sold and registered or identified
3 in California meet the exhaust emissions requirements for “green
4 sticker” vehicles established under subdivision (b) of Section 2412
5 of Title 13 of the California Code of Regulations.

6 (b) It is the further intent of the Legislature that new registration
7 or identification of off-highway motor vehicles shall not be allowed
8 with a “red sticker” under the current restrictions of subdivision
9 (f) of Section 2412 of Title 13 of the California Code of
10 Regulations.

11 (c) It is the intent of the Legislature to appropriate money from
12 the Conservation and Enforcement Services Account in the
13 Off-Highway Vehicle Trust Fund to the Department of Parks and
14 Recreation to cover the costs incurred by the United States Fish
15 and Wildlife Forest Service in completing the federal government’s
16 off-highway vehicle route designation process on federal lands in
17 California.

18 SEC. 2. Section 5010 of the Public Resources Code is amended
19 to read:

20 5010. (a) The department may collect fees, rents, and other
21 returns for the use of any state park system area, the amounts to
22 be determined by the department. The department may accept a
23 credit card as a method of payment for fees collected through the
24 department’s reservation system. Any contract executed by the
25 department with credit card issuers or draft purchasers shall be

1 consistent with Section 6159 of the Government Code.
2 Notwithstanding Title 1.3 (commencing with Section 1747) of
3 Part 4 of Division 3 of the Civil Code, the department may impose
4 a surcharge in an amount to cover the cost of providing the
5 reservation service, including reimbursement for any fee or
6 discount charged by the credit card issuer.

7 (b) The fee for use of a state vehicular recreation area shall be
8 determined by the department. At least 30 days prior to the
9 adoption of a proposal to charge a fee, the Off-Highway Motor
10 Vehicle Recreation Commission shall hold at least one public
11 hearing and the department shall notify the Legislature. The
12 department shall also provide the Legislature with a report
13 estimating the impact the proposed new fee will have on the
14 Off-Highway Motor Vehicle Trust Fund and the attendance at the
15 state vehicular recreation areas. The amount of the fee for the use
16 of a state vehicular recreation area shall be at least ten dollars (\$10)
17 for the first vehicle and an additional ten dollars (\$10) for a vehicle
18 towed by the first vehicle and shall cover the cost of maintaining
19 the use of the areas.

20 (c) All revenues received by the department during each fiscal
21 year shall be paid into the State Treasury to the credit of the State
22 Parks and Recreation Fund, which is hereby created.

23 (d) Notwithstanding subdivision (c), all revenues received by
24 the department from the state vehicular recreation areas shall be
25 paid into the State Treasury to the credit of the Off-Highway
26 Vehicle Trust Fund, as required by Section 38225 of the Vehicle
27 Code.

28 (e) All revenues received by the department for the entry or
29 launching of boats shall be paid into the State Treasury to the credit
30 of the State Parks and Recreation Fund and shall be used for
31 boating safety, enforcement, operation, and maintenance programs
32 of the department.

33 (f) All existing balances, including unappropriated balances and
34 encumbered and unencumbered balances, of the following funds
35 and accounts shall be transferred to the State Parks and Recreation
36 Fund:

37 (1) Park and Recreation Revolving Account (Section 5098 of
38 the Public Resources Code, as added by Chapter 1222 of the
39 Statutes of 1972).

- 1 (2) The Resources Protection Account (Section 8600 of the
2 Public Resources Code, as added by Chapter 1052 of the Statutes
3 of 1969).
- 4 (3) Collier Park Preservation Fund (Section 5010 of the Public
5 Resources Code, as added by Chapter 1502 of the Statutes of 1974).
- 6 (4) San Francisco Maritime State Historic Park Account (Section
7 2 of Chapter 1764 of the Statutes of 1971).
- 8 (5) State Park Highway Account, Bagley Conservation Fund
9 (Section 2107.7 of the Streets and Highways Code, as added by
10 Chapter 1032 of the Statutes of 1973).
- 11 (6) All funds received by the department pursuant to Division
12 21 (commencing with Section 31000).
- 13 (7) Hostel Facilities Use Fees Account (Section 2 of Chapter
14 265 of the Statutes of 1974).
- 15 (8) All funds, other than expended funds, previously
16 appropriated to the department from the Bagley Conservation
17 Fund.
- 18 (g) All funds, other than those specified in subdivisions (h) and
19 (i), in the State Parks and Recreation Fund shall be available for
20 expenditure for state park planning, acquisition, and development
21 projects, operation of the state park system, and resource and
22 property management and protection, when appropriated by the
23 Legislature.
- 24 (h) All funds in the State Parks and Recreation Fund that had
25 previously been appropriated and have become encumbered, may
26 be used, without further appropriation, for liquidation of those
27 encumbrances, upon the same terms and conditions as made by
28 those previous appropriations.
- 29 (i) The balance of any unencumbered funds in the State Park
30 Highway Account in the Bagley Conservation Fund shall be
31 transferred to the State Parks and Recreation Fund and shall be
32 available for expenditure as provided in subdivisions (b) and (c)
33 of Section 2107.7 of the Streets and Highways Code.
- 34 (j) All funds received by the Department of Parks and Recreation
35 from the auction sales conducted pursuant to Section 2080.6 of
36 the Civil Code shall be paid into the State Treasury to the credit
37 of the State Parks and Recreation Fund and shall be used for
38 training department employees in the Ranger/Lifeguard
39 classification, including, but not limited to, resource management

1 and protection, law enforcement, interpretation, first aid,
2 cardiopulmonary resuscitation, and medical technical training.

3 SEC. 3. Section 5090.02 of the Public Resources Code is
4 amended to read:

5 5090.02. (a) The Legislature finds and declares all of the
6 following:

7 (1) Off-highway motor vehicles are enjoying an ever-increasing
8 popularity in California.

9 (2) Off-highway recreation includes both motorized recreation
10 and nonmotorized recreation activities that are accessed
11 off-highway.

12 (3) The indiscriminate and uncontrolled use of those vehicles
13 may have a deleterious impact on the environment, wildlife
14 habitats, native wildlife, and native flora.

15 (b) The Legislature hereby declares that effectively managed
16 areas and adequate facilities for the use of off-highway vehicles
17 and conservation and enforcement are essential for ecologically
18 balanced recreation.

19 (c) Accordingly, it is the intent of the Legislature that:

20 (1) Existing off-highway motor vehicle recreational areas,
21 facilities, and opportunities be expanded and be managed in a
22 manner consistent with this chapter, in particular to maintain
23 sustained long-term use.

24 (2) New off-highway motor vehicle recreational areas, facilities,
25 and opportunities be provided and managed pursuant to this chapter
26 in a manner that will sustain long-term use.

27 (3) The department shall support both motorized and
28 nonmotorized recreation related to off-highway vehicle use.

29 (4) When areas or trails or portions thereof cannot be maintained
30 to appropriate established standards for sustained long-term use,
31 they shall be closed to use and repaired, to prevent accelerated
32 erosion. Those areas shall remain closed until they can be managed
33 within the soil conservation standard or shall be closed and
34 restored.

35 (5) Prompt and effective implementation of the Off-Highway
36 Motor Vehicle Recreation Program by the Division of Off-Highway
37 Motor Vehicle Recreation shall have an equal priority among other
38 programs in the department.

39 (6) Off-highway motor vehicle recreation be managed in
40 accordance with this chapter through financial assistance to local

1 government and joint undertakings with agencies of the United
2 States.

3 SEC. 4. Section 5090.15 of the Public Resources Code is
4 amended to read:

5 5090.15. (a) There is in the department the Off-Highway Motor
6 Vehicle Recreation Commission, consisting of ~~seven~~ *nine*
7 members, ~~three~~ *five* of whom shall be appointed by the Governor
8 *and subject to Senate confirmation*, two of whom shall be
9 appointed by the Senate Committee on Rules, and two of whom
10 shall be appointed by the Speaker of the Assembly.

11 (b) In order to be appointed to the commission, a nominee shall
12 represent one or more of the following groups:

- 13 (1) Off-highway vehicle recreation interests.
- 14 (2) Biological or soil scientists.
- 15 (3) Groups or associations of predominantly rural landowners.
- 16 (4) Law enforcement.
- 17 (5) Environmental protection organizations.
- 18 (6) Nonmotorized recreationist interests.

19 It is the intent of the Legislature that appointees to the
20 commission represent all of the groups delineated in paragraphs
21 (1) to (6), inclusive, to the extent possible.

22 (c) Whenever a reference is made to the State Park and
23 Recreation Commission pertaining to a duty, power, purpose,
24 responsibility, or jurisdiction of the State Park and Recreation
25 Commission with respect to the state vehicular recreation areas,
26 as established by this chapter, it is a reference to, and means, the
27 Off-Highway Motor Vehicle Recreation Commission.

28 SEC. 5. Section 5090.24 of the Public Resources Code is
29 amended to read:

30 5090.24. The commission has the following particular duties
31 and responsibilities:

32 (a) Be fully informed regarding all governmental activities
33 affecting the program.

34 (b) Meet at least four times per year at various locations
35 throughout the state to receive comments on the implementation
36 of the program. Establish an annual calendar of proposed meetings
37 at the beginning of each calendar year.

38 (c) Consider, upon the request of any owner or tenant, whose
39 property is in the vicinity of any land in the system, any alleged
40 adverse impacts occurring on that person's property from the

1 operation of off-highway motor vehicles and recommend to the
2 division suitable measures for the prevention of any adverse impact
3 determined by the commission to be occurring, and suitable
4 measures for the restoration of adversely impacted property.

5 (d) Review and comment annually to the director on the
6 proposed budget of expenditures from the fund.

7 (e) Review and approve ~~all minor and major capital outlay~~
8 ~~expenditures proposed for the system~~ *general plans for state*
9 *vehicle recreation areas and review all plans for new and expanded*
10 *local and regional vehicle recreation areas that have applied for*
11 *grant funds.*

12 (f) (1) Conduct one public meeting annually, prior to the start
13 of each grant program cycle, to collect public input concerning
14 the program, recommendations for program improvements, and
15 specific project needs for the system.

16 (2) *The commission shall have an additional meeting once per*
17 *grant cycle to receive public comments after the request for*
18 *proposal deadline has passed and before the division releases*
19 *application scores. For this meeting, the division shall release a*
20 *list of eligible grant applications.*

21 (g) Prepare and submit a program report to the Governor, the
22 Assembly Water, Parks, and Wildlife Committee, the Senate
23 Committee on Natural Resources and Wildlife, and the Committee
24 on Appropriations of each house on or before July 1, ~~2005~~ 2009,
25 and every two years thereafter. The report shall address the status
26 of the program and off-highway motor vehicle recreation, the
27 results of the strategic planning process completed pursuant to
28 subdivision (n) of Section 5090.32, the condition of natural and
29 cultural resources of areas and trails receiving state off-highway
30 motor vehicle funds, the resolution of conflicts of use in those
31 areas and trails, the status of, and the accomplishments of
32 expenditures from, the Conservation and Enforcement Services
33 Account, a summary of resource monitoring data compiled and
34 restoration work concluded, and other relevant program-related
35 environmental issues that have arisen over the preceding two
36 calendar years.

37 The program report shall be adopted by the commission after
38 discussing its contents during two or more public hearings.

39 (h) The commission shall hold a public hearing in an area in
40 close proximity to any proposed substantial acquisition or

1 development project unless a hearing consistent with federal law
2 or regulation is held in close proximity to the proposed project.

3 ~~SEC. 5.~~

4 *SEC. 6.* Section 5090.50 of the Public Resources Code is
5 amended to read:

6 5090.50. (a) Grants may be made to cities, counties, and
7 appropriate districts if the grant applicant has approval to apply
8 for grant funds, in the form of a resolution from its governing body.

9 *(b) Grants may be made to state agencies for off-highway related
10 activities that occur on state lands outside the state park system.*

11 ~~(b)~~

12 *(c) The division may enter into cooperative agreements with
13 agencies of the United States and federally recognized Native
14 American tribes.*

15 ~~(c)~~

16 *(d) Grants and cooperative agreements may be awarded to
17 support local, state, and federal efforts for the planning,
18 acquisition, development, maintenance, administration, operation,
19 enforcement, restoration, and conservation of trails, trailheads,
20 areas, and other facilities associated with the use of off-highway
21 motor vehicles, and programs involving off-highway motor vehicle
22 safety or education.*

23 *(e) The following minimums, as a percent of the total amount
24 appropriated by the Legislature for grants and cooperative
25 agreements, shall be awarded under the following categories:*

26 *(1) Forty-five percent to projects involving trail maintenance,
27 facility maintenance and operation, and meeting soil standards
28 and wildlife habitat requirements. Money appropriated for this
29 category may also be spent on the planning, acquisition,
30 development, and construction of new and expanded local and
31 regional riding opportunities.*

32 *(2) Twenty percent to restoration projects as defined in Section
33 5090.11. Restoration projects may contain a planning component
34 if planning is for an area closed to off-highway recreation.
35 Restoration projects do not include trail repairs.*

36 *(3) Twenty percent to projects for law enforcement allocated
37 pursuant to Section 5090.52.*

38 *(4) Five percent to education programs that teach both
39 off-highway motor vehicle riding safety and environmental
40 responsibility.*

1 (f) Budget change proposals for expenditure of the grant funds
2 shall indicate the amount of funds that will be awarded in each
3 category identified in subdivision (e).

4 ~~(d)~~

5 (g) Grant and cooperative agreement applications shall be in
6 accordance with local or federal plans and any plans for
7 off-highway motor vehicle recreation prepared by the division.

8 ~~(e) Notwithstanding subdivision (e), funds may be used for law
9 enforcement and repairing damage caused by the use of
10 off-highway motor vehicles on property being used by off-highway
11 motor vehicles where the operation of those vehicles is prohibited
12 by federal, state, or local law.~~

13 ~~(f) Notwithstanding subdivision (e), grants~~

14 (h) Grants may be awarded to educational institutions and
15 nonprofit organizations for eligible projects that are designed to
16 sustain a managed off-highway motor vehicle recreation program.
17 Eligible projects shall be limited to scientific research, natural
18 resource conservation activities, as defined in Section 5090.10,
19 cultural resource conservation activities, and programs involving
20 off-highway motor vehicle safety or education. If the application
21 for grant funds involves activities on any public lands, the applicant
22 shall obtain approval from the affected land management agency
23 and submit that approval with the application for grant funds. All
24 projects shall comply with the requirements of subdivisions ~~(g)~~
25 ~~and (h)~~ (h) and (i).

26 ~~(g)~~

27 (i) Every applicant for a grant shall comply with the California
28 Environmental Quality Act (Division 13 (commencing with Section
29 21000)). The division shall ensure that all cooperative agreement
30 applications have completed environmental review procedures
31 that are at least comparable to those of the California
32 Environmental Quality Act.

33 ~~(h)~~

34 (j) All grants and cooperative agreements under paragraphs
35 (1) and (2) of subdivision (e) shall be subject to the uniform
36 application of soil, wildlife, and wildlife habitat protection
37 standards specified in Section 5090.53.

38 ~~(i) Subdivision (h) does not apply to applicants that apply solely
39 for law enforcement funding.~~

40 ~~(j)~~

1 (k) A grant shall not be made or cooperative agreement entered
2 into under this section without the approval of the ~~commission~~
3 *Director of Parks and Recreation.*

4 ~~(k) Grants and cooperative agreements shall be project oriented.~~
5 ~~The maximum amount awarded for a specific project or applicant~~
6 ~~shall not exceed ___ percent of the total funds allocated for grants~~
7 ~~in that fiscal year.~~

8 ~~(l) All grants awarded to federal agencies, on or after July 1,~~
9 ~~2008, shall require a one-to-one federal match, shall be project~~
10 ~~oriented, and shall require the filing of a spending report with the~~
11 ~~division providing a detailed accounting of the annual expenditure~~
12 ~~of the grant funds until those funds are spent or returned to the~~
13 ~~division. The aggregate amount of grant funds awarded to federal~~
14 ~~agencies in all categories shall not exceed ___ percent of the total~~
15 ~~grants allocated in that fiscal year.~~

16 *(l) The division shall develop guidelines to determine the*
17 *eligibility and priorities for grants and cooperative agreements.*
18 *These guidelines, at a minimum, shall do all of the following:*

19 *(1) Establish the maximum grant amounts for an application*
20 *or project.*

21 *(2) Establish the maximum amounts that an applicant can*
22 *receive in a specific grant category identified in subdivision (e).*

23 *(3) Require the applicant, upon the awarding of a grant, to file*
24 *an annual spending report with the division throughout the*
25 *duration of the project until grant funds are spent or returned to*
26 *the division.*

27 *(4) Require the applicant to agree to provide, and provide*
28 *matching funds, or the equivalent value of services or material*
29 *used, in an amount not less than 25 percent of the total project*
30 *cost.*

31 (m) Grant funds, or any other funds deposited in the fund, shall
32 not be used to cover the costs of *directly associated with a privately*
33 *sponsored special off-highway vehicle events, when if the cost of*
34 *those events the event can be covered through the permit process*
35 *by event sponsors or permittees. recovered from the event sponsors*
36 *through a local permit process.*

37 *SEC. 7. Section 5090.51 of the Public Resources Code is*
38 *amended to read:*

39 *5090.51. (a) Except as provided in subdivision (b), to be*
40 *eligible for a grant, the applicant shall agree to provide, and*

1 provide, matching funds, or the equivalent value of services,
2 material, or property used, in an amount of not less than 25 percent
3 of the total expense of the off-highway motor vehicle facility.

4 (b)

5 (a) Notwithstanding subdivision (a), there shall be no matching
6 fund requirement imposed with respect to any grant, or portion of
7 any grant, that consists of funding for the *The division shall develop*
8 *guidelines to award grants for the* planning, acquisition,
9 development, or construction of a *new or expanded local or*
10 regional off-highway motor vehicle facility *from the fund category*
11 *described in paragraph (1) of subdivision (e) of Section 5090.50.*
12 ~~The commission shall adopt criteria for the determination of which~~
13 ~~facilities are regional and which are less than regional.~~The

14 (b) *The eligible criteria for these projects shall take into account,*
15 *at a minimum, all of the following:*

16 (1) That the facility for which a grant is requested is or will be
17 primarily for casual usage.

18 (2) The size of each facility.

19 (3) The diversity of vehicle-related recreational activities to be
20 provided by the facility.

21 (4) The size of the population of potential users of the facility
22 and the extent of the geographic area to be served by the facility.

23 (5) The potential for each facility for which a grant is requested
24 to become financially self-sustaining.

25 (6) *The potential for each facility to reduce illegal and*
26 *unauthorized off-highway motor vehicle activities in the*
27 *surrounding areas.*

28 (7) *The facility shall comply with the same wildlife and soil*
29 *standards as state vehicle recreation areas described in Section*
30 *5090.35.*

31 (8) *Applications for acquisitions in the grant program shall be*
32 *limited to fifty thousand dollars (\$50,000).*

33 *SEC. 8. Section 5090.52 is added to the Public Resources Code,*
34 *to read:*

35 *5090.52. (a) No more than 50 percent of law enforcement*
36 *grants shall be allocated to local law enforcement entities for*
37 *personnel and related equipment based on regional needs*
38 *associated with off-highway motor vehicle use.*

39 (b) *The division shall develop a method to determine the law*
40 *enforcement needs for each region of the state.*

1 (c) *The division shall develop eligibility guidelines for these*
 2 *needs-based grants. The guidelines, at a minimum, shall require*
 3 *the applicant to do all of the following:*

4 (1) *Specify formal and informal cooperation with other*
 5 *appropriate law enforcement entities including any applicable*
 6 *federal entities.*

7 (2) *Identify areas with high priority law enforcement needs*
 8 *because of public safety, cultural resources, and sensitive*
 9 *environmental habitats, including wilderness areas and areas of*
 10 *critical environmental concern.*

11 (d) *Law enforcement entities that receive funds allocated*
 12 *pursuant to this section shall be subject to an audit at least once*
 13 *every five years. The division may conduct audits in a random*
 14 *order. As part of the audit, the division shall consider whether the*
 15 *law enforcement entity has spent the grant money in accordance*
 16 *with their application.*

17 (e) *Grant dollars not allocated pursuant to subdivision (a) may*
 18 *be allocated through competitive grants for federal law*
 19 *enforcement needs, and special one-time projects needs associated*
 20 *with off-highway motor vehicle use. A grant for federal law*
 21 *enforcement needs associated with off-highway motor vehicle use*
 22 *shall include a condition that the federal agency receiving the*
 23 *grant agree to be subject to the audit requirements of subdivision*
 24 *(d).*

25 ~~SEC. 6.~~

26 *SEC. 9.* Section 5090.60 of the Public Resources Code is
 27 amended to read:

28 5090.60. The fund consists of deposits from the following
 29 sources:

30 (a) Revenues transferred from the Motor Vehicle Fuel Account
 31 in the Transportation Tax Fund.

32 (b) Fees paid pursuant to subdivision (b) of Section 38225 of
 33 the Vehicle Code.

34 (c) Unexpended service fees.

35 (d) Fees and other proceeds collected at state vehicular
 36 recreation areas, as provided in subdivision (d) of Section 5010.

37 (e) Reimbursements.

38 (f) Revenues and income from any other source required by law
 39 to be deposited in the fund.

1 ~~SEC. 7.~~

2 *SEC. 10.* Section 5090.61 of the Public Resources Code is
3 repealed.

4 ~~SEC. 8.~~

5 *SEC. 11.* Section 5090.61 is added to the Public Resources
6 Code, to read:

7 5090.61. (a) Moneys in the fund shall be available, upon
8 appropriation by the Legislature, as follows:

9 (1) An amount, equal to ____ percent of the fund, shall be
10 allocated to the department to support recreation associated with
11 off-highway vehicle use, outside of state vehicular recreation areas.

12 (2) An amount, equal to ____ percent of the fund, shall be
13 allocated to the ~~department to support recreation within the state~~
14 ~~vehicular recreation areas.~~ *division to implement the off-highway*
15 *motor vehicle program and for the planning, acquisition,*
16 *development, construction, maintenance, administration, operation,*
17 *and conservation of lands in the system.*

18 (3) An amount, equal to ____ percent of the fund, shall be
19 allocated for local assistance grants and cooperative agreements.

20 (b) It is the intent of the Legislature to simplify the allocation
21 of moneys in the fund in a manner that increases oversight and
22 accountability over the current system. The Legislature also intends
23 to revise expenditure requirements to better protect off-highway
24 riding opportunities, the environment, and public safety through
25 support of local assistance grants or cooperative agreements and
26 the division. The grants program will have minimums established
27 for certain spending categories such as restoration, conservation,
28 law enforcement, and education while maintaining flexibility for
29 the commission.

30 ~~SEC. 9.~~

31 *SEC. 12.* Section 5090.63 of the Public Resources Code is
32 repealed.

33 ~~SEC. 10.~~

34 *SEC. 13.* Section 5090.64 of the Public Resources Code is
35 repealed.

36 ~~SEC. 11.~~ ~~Section 5090.70 of the Public Resources Code is~~
37 ~~repealed.~~

38 *SEC. 14.* *Section 5090.70 of the Public Resources Code is*
39 *amended to read:*

1 5090.70. This chapter shall remain in effect only until January
2 1, 2008, and as of that date is repealed, unless a later enacted
3 statute, that is enacted before January 1, ~~2008~~ 2013, deletes or
4 extends that date.

5 ~~SEC. 12.~~

6 *SEC. 15.* Section 8352.6 of the Revenue and Taxation Code is
7 repealed.

8 ~~SEC. 13.~~

9 *SEC. 16.* Section 8352.6 is added to the Revenue and Taxation
10 Code, to read:

11 8352.6. (a) Subject to Section 8352.1, on the first day of every
12 month, there shall be transferred from money deposited to the
13 credit of the Motor Vehicle Fuel Account to the Off-Highway
14 Vehicle Trust Fund created by Section 38225 of the Vehicle Code
15 an amount determined pursuant to subdivision (b).

16 (b) It is the intent of the Legislature to determine the appropriate
17 amount to be transferred pursuant to subdivision (a) through a
18 formula based on factors including number of vehicles registered
19 as off-highway motor vehicles, as defined in Section 38006 of the
20 Vehicle Code, the number of off-highway motor vehicles sold,
21 and the attendance numbers at the state vehicular recreation areas
22 during the previous year. The amount transferred in the 2006-07
23 fiscal year, _____, shall be used as a baseline for this formula.

24 ~~SEC. 14.~~

25 *SEC. 17.* Section 8352.7 of the Revenue and Taxation Code is
26 repealed.

27 ~~SEC. 15.~~

28 *SEC. 18.* Section 8352.8 of the Revenue and Taxation Code
29 is repealed.

30 ~~SEC. 16.~~

31 *SEC. 19.* Section 38002 is added to the Vehicle Code, to read:

32 38002. The Legislature intends to require a person operating
33 an off-highway motor vehicle on the private property of another
34 to maintain in his or her possession written permission from the
35 property owner granting permission to operate the off-highway
36 motor vehicle on the property.

37 ~~SEC. 17.~~

38 *SEC. 20.* Section 38003 is added to the Vehicle Code, to read:

39 38003. The Legislature intends to impose a fee of ___ on the
40 sale of vehicles that are required to be registered as an off-highway

1 motor vehicle pursuant to this division. The Legislature intends
2 the fees to be deposited in a dedicated fund, called the New
3 Off-Highway Vehicle Recreation Opportunity Fund, to provide
4 funding for planning, acquiring, developing, or constructing local
5 and regional off-highway motor vehicle facilities. The local and
6 regional facilities should be subject to the same soil conservation
7 standards, habitat protection programs, and environmental
8 regulations as the state-operated vehicular recreation areas, in
9 addition to any local requirements. Manufacturers of off-highway
10 motor vehicles may voluntarily contribute to the fund.

11 ~~SEC. 18:~~

12 *SEC. 21.* Section 38225 of the Vehicle Code, as amended by
13 Section 58 of Chapter 77 of the Statutes of 2006, is amended to
14 read:

15 38225. (a) A service fee of seven dollars (\$7) shall be paid to
16 the department for the issuance or renewal of identification of
17 off-highway motor vehicles subject to identification, except as
18 expressly exempted under this division.

19 (b) In addition to the service fee required by subdivision (a), a
20 special fee of sixty-seven dollars (\$67) shall be paid at the time of
21 payment of the service fee for the issuance or renewal of an
22 identification plate or device.

23 (c) All money transferred pursuant to Section 8352.6 of the
24 Revenue and Taxation Code, all fees received by the department
25 pursuant to subdivision (b), and all day use, overnight use, or
26 annual or biennial use fees for state vehicular recreation areas
27 received by the Department of Parks and Recreation; shall be
28 deposited in the Off-Highway Vehicle Trust Fund, which is hereby
29 created. There shall be a separate reporting of special fee revenues
30 by vehicle type, including four-wheeled vehicles, three-wheelers,
31 motorcycles, and snowmobiles. All money shall be deposited in
32 the fund, which is a trust fund, and, upon appropriation by the
33 Legislature, shall be allocated by the Off-Highway Motor Vehicle
34 Recreation Commission, as trustee of the fund, and, subject to
35 Section 5090.61 of the Public Resources Code, shall be allocated
36 for those purposes set forth in Section 5090.50 of the Public
37 Resources Code.

38 *SEC. 22.* Section 38301 of the Vehicle Code is amended to
39 read:

1 38301. It is unlawful to operate a vehicle in violation of ~~special~~
2 ~~regulations which have been promulgated~~ a statute, ordinance,
3 rule, regulation, or order that has been issued or enacted by the
4 governmental agency having jurisdiction over public lands,
5 including, but not limited to, regulations governing access, routes
6 of travel, plants, wildlife, wildlife habitat, water resources, and
7 historical sites.

8 *SEC. 23. Section 38301.3 of the Vehicle Code is amended to*
9 *read:*

10 38301.3. Notwithstanding subdivision (d) of Section 5008 of
11 the Public Resources Code, or any other provision of state law,
12 and to the extent authorized under federal law, a person who
13 violates a state or federal regulation that prohibits entry of a motor
14 vehicle into all or portions of an area designated as a federal or
15 state wilderness area *or an area that is closed to off-highway*
16 *recreation* is guilty of a public offense and shall be punished as
17 follows:

18 (a) Except as provided in subdivisions (b) and (c), the offense
19 is an infraction punishable by a fine not exceeding one hundred
20 fifty dollars (\$150).

21 (b) For a second offense committed within seven years after a
22 prior violation for which there was a conviction punishable under
23 subdivision (a), the offense is an infraction punishable by a fine
24 not exceeding two hundred twenty-five dollars (\$225).

25 (c) (1) For a third or subsequent offense committed within
26 seven years after two or more prior violations for which there were
27 convictions punishable under this section, the offense is a
28 misdemeanor punishable by a fine not exceeding three hundred
29 dollars (\$300) or by imprisonment in the county jail not exceeding
30 90 days, or by both that fine and imprisonment.

31 (2) In addition to the fine imposed under paragraph (1), the court
32 may order impoundment of the vehicle used in the offense under
33 the following conditions:

34 (A) The person convicted under this subdivision is the owner
35 of the vehicle.

36 (B) The vehicle is subject to Section 4000 or 38010.

37 (3) The period of impoundment imposed pursuant to this
38 subdivision shall be not less than one day nor more than 30 days.
39 The impoundment shall be at the owner's expense.

1 *SEC. 24. No reimbursement is required by this act pursuant*
2 *to Section 6 of Article XIII B of the California Constitution because*
3 *the only costs that may be incurred by a local agency or school*
4 *district will be incurred because this act creates a new crime or*
5 *infraction, eliminates a crime or infraction, or changes the penalty*
6 *for a crime or infraction, within the meaning of Section 17556 of*
7 *the Government Code, or changes the definition of a crime within*
8 *the meaning of Section 6 of Article XIII B of the California*
9 *Constitution.*

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