

AMENDED IN SENATE MAY 21, 2007
AMENDED IN SENATE APRIL 17, 2007
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, 5090.32, 5090.34, 5090.50, 5090.51, 5090.60, and 5090.70 of, *to amend and repeal Section 5090.64 of*, to repeal ~~Sections 5090.63 and 5090.64~~ *Section 5090.63 of*, to add Section 5090.52 to, and to repeal and add Section 5090.61 of, the Public Resources Code, *to amend and repeal Section 8352.8 of*, to repeal ~~Sections 8352.7 and 8352.8~~ *Section 8352.7 of*, and to repeal and add Section 8352.6 of, the Revenue and Taxation Code, and to amend Sections ~~38225, 38301, and 38301.3 of~~, and to add ~~Sections 38002 and 38003~~ *38170, 38225, 38301.3, and 38500.1 of*, and to add Section 38290 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 These provisions are to be repealed on January 1, 2008.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 extend the act to January 1, 2013, would delete certain obsolete provisions, and would include certain legislative findings and declarations regarding 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) *The act imposes certain duties and responsibilities on the Off-Highway Motor Vehicle Recreation Commission and the Division of Off-Highway Motor Vehicle Recreation with respect to off-highway recreation.*

The bill would revise and recast some of those duties and responsibilities.

(2)

(3) 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. *The bill would make other changes with respect to those grants and cooperative agreements.*

(3)

(4) 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~~ *available* 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 Division of Off-Highway Motor Vehicle Recreation for specified purposes related to off-highway vehicle recreation; and, an amount equal to an unspecified percentage is allocated~~ *not to exceed 50% of the annual revenues to the fund is available* for local assistance grants and cooperative agreements; *and the remainder of the annual revenues to the fund is available for support of the Division of Off-Highway Motor*

Vehicle Recreation for specified purposes related to off-highway motor vehicle recreation.

(4)

(5) 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.

(5)

(6) 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 *or delete* 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 *according to a specified calculation that the Department of Transportation in cooperation with the Department of Parks and Recreation and the Department of Motor Vehicles would be authorized to adjust every five years, taking into account specified factors.* ~~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 to be a baseline for the formula.~~

The bill would require all funds in the enforcement account to be available for expenditure, upon appropriation, until July 1, 2013. On July 1, 2015, all existing balances in the enforcement account would be transferred to the fund.

(6)

(7) 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 (5) 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~~ *require*, 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)

(8) 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~~ *would make it a public offense to violate a state or federal regulation that prohibits* the entry of a motor vehicle into an area ~~that is closed to off-highway recreation where the operation of an off-highway motor vehicle is prohibited~~. Because ~~a violation of this prohibition is~~ *this would be* a public offense, this bill would create a new crime, thereby imposing a state-mandated local program.

(9) *The bill would make other changes related to off-highway recreation.*

(8)

(10) 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: 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 should not be~~
8 ~~allowed with a “red sticker” under the current restrictions of~~
9 ~~subdivision (f) of Section 2412 of Title 13 of the California Code~~
10 ~~of 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 Forest~~
15 ~~Service in completing the federal government’s off-highway~~
16 ~~vehicle route designation process on federal lands in California.~~

17 ~~SEC. 2.~~

18 ~~SECTION 1.~~ Section 5010 of the Public Resources Code is
19 amended 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
26 consistent with Section 6159 of the Government Code.
27 Notwithstanding Title 1.3 (commencing with Section 1747) of
28 Part 4 of Division 3 of the Civil Code, the department may impose
29 a surcharge in an amount to cover the cost of providing the
30 reservation service, including reimbursement for any fee or
31 discount charged by the credit card issuer.

32 (b) The fee for use of a state vehicular recreation area shall be
33 determined by the department. At least 30 days prior to the
34 adoption of a proposal to charge a fee, the Off-Highway Motor
35 Vehicle Recreation Commission shall hold at least one public
36 hearing and the department shall notify the Legislature. The
37 department shall also provide the Legislature with a report
38 estimating the impact the proposed new fee will have on the

1 Off-Highway Vehicle Trust Fund and the attendance at the state
2 vehicular recreation areas. The amount of the fee for the use of a
3 state vehicular recreation area shall be at least ten dollars (\$10)
4 for the first vehicle and an additional ten dollars (\$10) for a vehicle
5 towed by the first vehicle and shall cover the cost of maintaining
6 the use of the areas.

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

10 (d) Notwithstanding subdivision (c), all revenues received by
11 the department from the state vehicular recreation areas shall be
12 paid into the State Treasury to the credit of the Off-Highway
13 Vehicle Trust Fund, as required by Section 38225 of the Vehicle
14 Code.

15 (e) All revenues received by the department for the entry or
16 launching of boats shall be paid into the State Treasury to the credit
17 of the State Parks and Recreation Fund and shall be used for
18 boating safety, enforcement, operation, and maintenance programs
19 of the department.

20 (f) All existing balances, including unappropriated balances and
21 encumbered and unencumbered balances, of the following funds
22 and accounts shall be transferred to the State Parks and Recreation
23 Fund:

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

27 (2) The Resources Protection Account (Section 8600 of the
28 Public Resources Code, as added by Chapter 1052 of the Statutes
29 of 1969).

30 (3) Collier Park Preservation Fund (Section 5010 of the Public
31 Resources Code, as added by Chapter 1502 of the Statutes of 1974).

32 (4) San Francisco Maritime State Historic Park Account (Section
33 2 of Chapter 1764 of the Statutes of 1971).

34 (5) State Park Highway Account, Bagley Conservation Fund
35 (Section 2107.7 of the Streets and Highways Code, as added by
36 Chapter 1032 of the Statutes of 1973).

37 (6) All funds received by the department pursuant to Division
38 21 (commencing with Section 31000).

39 (7) Hostel Facilities Use Fees Account (Section 2 of Chapter
40 265 of the Statutes of 1974).

1 (8) All funds, other than expended funds, previously
2 appropriated to the department from the Bagley Conservation
3 Fund.

4 (g) All funds, other than those specified in subdivisions (h) and
5 (i), in the State Parks and Recreation Fund shall be available for
6 expenditure for state park planning, acquisition, and development
7 projects, operation of the state park system, and resource and
8 property management and protection, when appropriated by the
9 Legislature.

10 (h) All funds in the State Parks and Recreation Fund that had
11 previously been appropriated and have become encumbered, may
12 be used, without further appropriation, for liquidation of those
13 encumbrances, upon the same terms and conditions as made by
14 those previous appropriations.

15 (i) The balance of any unencumbered funds in the State Park
16 Highway Account in the Bagley Conservation Fund shall be
17 transferred to the State Parks and Recreation Fund and shall be
18 available for expenditure as provided in subdivisions (b) and (c)
19 of Section 2107.7 of the Streets and Highways Code.

20 (j) All funds received by the Department of Parks and Recreation
21 from the auction sales conducted pursuant to Section 2080.6 of
22 the Civil Code shall be paid into the State Treasury to the credit
23 of the State Parks and Recreation Fund and shall be used for
24 training department employees in the Ranger/Lifeguard
25 classification, including, but not limited to, resource management
26 and protection, law enforcement, interpretation, first aid,
27 cardiopulmonary resuscitation, and medical technical training.

28 ~~SEC. 3.~~

29 *SEC. 2.* Section 5090.02 of the Public Resources Code is
30 amended to read:

31 5090.02. (a) The Legislature finds and declares all of the
32 following:

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

35 (2) Off-highway recreation includes both motorized recreation
36 and nonmotorized recreation activities that are accessed
37 off-highway.

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

1 (b) The Legislature hereby declares that effectively managed
2 areas and adequate facilities for the use of off-highway vehicles
3 and conservation and enforcement are essential for ecologically
4 balanced recreation.

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

6 (1) Existing off-highway motor vehicle recreational areas,
7 facilities, and opportunities should be expanded and managed in
8 a manner consistent with this chapter, in particular to maintain
9 sustained long-term use.

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

13 (3) The department should support both motorized and
14 nonmotorized recreation related to off-highway vehicle use.

15 (4) When areas or trails or portions thereof cannot be maintained
16 to appropriate established standards for sustained long-term use,
17 they should be closed to use and repaired, to prevent accelerated
18 erosion. Those areas should remain closed until they can be
19 managed within the soil conservation standard or should be closed
20 and restored.

21 (5) Prompt and effective implementation of the Off-Highway
22 Motor Vehicle Recreation Program by the Division of Off-Highway
23 Motor Vehicle Recreation should have an equal priority among
24 other programs in the department.

25 (6) Off-highway motor vehicle recreation should be managed
26 in accordance with this chapter through financial assistance to
27 local government and joint undertakings with agencies of the
28 United States.

29 ~~SEC. 4.~~

30 *SEC. 3.* Section 5090.15 of the Public Resources Code is
31 amended to read:

32 5090.15. (a) There is in the department the Off-Highway Motor
33 Vehicle Recreation Commission, consisting of nine members, five
34 of whom shall be appointed by the Governor and subject to Senate
35 confirmation, two of whom shall be appointed by the Senate
36 Committee on Rules, and two of whom shall be appointed by the
37 Speaker of the Assembly.

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

40 (1) Off-highway vehicle recreation interests.

- 1 (2) Biological or soil scientists.
- 2 (3) Groups or associations of predominantly rural landowners.
- 3 (4) Law enforcement.
- 4 (5) Environmental protection organizations.
- 5 (6) Nonmotorized recreationist interests.

6 It is the intent of the Legislature that appointees to the
7 commission ~~should~~ represent all of the groups delineated in
8 paragraphs (1) to (6), inclusive, to the extent possible.

9 (c) Whenever a reference is made to the State Park and
10 Recreation Commission pertaining to a duty, power, purpose,
11 responsibility, or jurisdiction of the State Park and Recreation
12 Commission with respect to the state vehicular recreation areas,
13 as established by this chapter, it is a reference to, and means, the
14 Off-Highway Motor Vehicle Recreation Commission.

15 ~~SEC. 5.~~

16 *SEC. 4.* Section 5090.24 of the Public Resources Code is
17 amended to read:

18 5090.24. The commission has the following particular duties
19 and responsibilities:

20 (a) Be fully informed regarding all governmental activities
21 affecting the program.

22 (b) Meet at least four times per year at various locations
23 throughout the state to receive comments on the implementation
24 of the program. Establish an annual calendar of proposed meetings
25 at the beginning of each calendar year. *The meetings shall include*
26 *the following:*

27 (1) *One public meeting, before the beginning of each program*
28 *cycle, to collect public input concerning the program,*
29 *recommendations for program improvements, and specific project*
30 *needs for the system.*

31 (2) *One meeting per grant cycle, to receive public comments*
32 *after the request for proposal deadline has passed and before the*
33 *division releases application scores. For this meeting, the division*
34 *shall release a list of eligible grant applications. The division may*
35 *allow all applicants to resubmit their application within a short*
36 *period of time in order to incorporate the public comments received*
37 *at the meeting.*

38 (c) *The commission shall hold a public hearing in an area in*
39 *close proximity to a 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 ~~(e)~~

4 *(d) Consider, upon the request of any owner or tenant, whose*
 5 *property is in the vicinity of any land in the system, any alleged*
 6 *adverse impacts occurring on that person's property from the*
 7 *operation of off-highway motor vehicles and recommend to the*
 8 *division suitable measures for the prevention of any adverse impact*
 9 *determined by the commission to be occurring, and suitable*
 10 *measures for the restoration of adversely impacted property.*

11 ~~(d)~~

12 *(e) Review and comment annually to the director on the*
 13 *proposed budget of expenditures from the fund.*

14 ~~(e) Review and approve general plans for state vehicle recreation~~
 15 ~~areas and review~~

16 *(f) Review all plans for new and expanded local and regional*
 17 *vehicle recreation areas that have applied for grant funds.*

18 ~~(f) (1) Conduct one public meeting annually, prior to the start~~
 19 ~~of each grant program cycle, to collect public input concerning~~
 20 ~~the program, recommendations for program improvements, and~~
 21 ~~specific project needs for the system.~~

22 ~~(2) The commission shall have an additional meeting once per~~
 23 ~~grant cycle to receive public comments after the request for~~
 24 ~~proposal deadline has passed and before the division releases~~
 25 ~~application scores. For this meeting, the division shall release a~~
 26 ~~list of eligible grant applications.~~

27 *(g) Approve the strategic plan developed by the division*
 28 *pursuant to Section 5090.32.*

29 ~~(g)~~

30 *(h) Prepare and submit a program report to the Governor, the*
 31 *Assembly Water, Parks, and Wildlife Committee, the Senate*
 32 *Committee on Natural Resources and ~~Wildlife Water~~, and the*
 33 *Committee on Appropriations of each house on or before ~~July 1,~~*
 34 *2009 ~~January 1, 2010~~, and every two years thereafter. *The report**
 35 *shall be adopted by the commission after discussing its contents*
 36 *during two or more public meetings. The report shall address ~~the~~*
 37 *status of all of the following: ~~the program and off-highway motor~~*
 38 *vehicle recreation, the results of the strategic planning process*
 39 *completed pursuant to subdivision (n) of Section 5090.32, the*
 40 *condition of natural and cultural resources of areas and trails*

1 receiving state off-highway motor vehicle funds, the resolution of
2 conflicts of use in those areas and trails, the status of, and the
3 accomplishments of expenditures from, the Conservation and
4 Enforcement Services Account, a summary of resource monitoring
5 data compiled and restoration work concluded, and other relevant
6 program-related environmental issues that have arisen over the
7 preceding two calendar years.

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

10 (h) The commission shall hold a public hearing in an area in
11 close proximity to any proposed substantial acquisition or
12 development project unless a hearing consistent with federal law
13 or regulation is held in close proximity to the proposed project.

14 (1) *The status of the program and off-highway motor vehicle
15 recreation.*

16 (2) *The results of the strategic planning process completed
17 pursuant to subdivision (n) of Section 5090.32.*

18 (3) *The condition of natural and cultural resources of areas
19 and trails receiving state off-highway motor vehicle funds and the
20 resolution of conflicts of use in those areas and trails.*

21 (4) *The accomplishments of the grant program, including how
22 much money was spent on operations and maintenance, expansion
23 of riding opportunities, law enforcement, restoration, and
24 education.*

25 (5) *The status and accomplishments of the Conservation and
26 Enforcement Services Account.*

27 (6) *A summary of resource monitoring data compiled and
28 restoration work concluded.*

29 (7) *Other relevant program-related environmental issues that
30 have arisen over the preceding two calendar years.*

31 SEC. 5. Section 5090.32 of the Public Resources Code is
32 amended to read:

33 5090.32. The division has the following duties and
34 responsibilities:

35 (a) Planning, acquisition, development, conservation, and
36 restoration of lands in the state vehicular recreation areas.

37 (b) Direct management, maintenance, administration, and
38 operation of lands in the state vehicular recreation areas.

39 (c) Provide for law enforcement and appropriate public safety
40 activities.

- 1 (d) Implementation of all aspects of the program.
- 2 (e) Ensure program compliance with the California
- 3 Environmental Quality Act (Division 13 (commencing with Section
- 4 21000)) in state vehicular recreation areas.
- 5 (f) Implement the policies established by the commission.
- 6 (g) Provide staff assistance to the commission.
- 7 (h) Prepare and implement plans for lands in, or proposed to be
- 8 included in, state vehicular recreation areas, including new state
- 9 vehicular recreation areas. However, ~~no~~ a plan shall *not* be prepared
- 10 in any instance specified in subdivision (c) of Section 5002.2.
- 11 (i) Conduct, or cause to be conducted, surveys, and prepare, or
- 12 cause to be prepared, studies that are necessary or desirable for
- 13 implementing the program.
- 14 (j) Recruit and utilize volunteers to further the objectives of the
- 15 program.
- 16 (k) Prepare and coordinate safety and education programs.
- 17 (l) Conduct, or cause to be conducted, an annual audit of grants
- 18 and cooperative agreements, and the performance of ~~any~~ a recipient
- 19 in expending a grant or cooperative agreement made pursuant to
- 20 Article 5 (commencing with Section 5090.50).
- 21 (m) Provide for the enforcement of Division 16.5 (commencing
- 22 with Section 38000) of the Vehicle Code and other laws regulating
- 23 the use or equipment of off-highway motor vehicles in all areas
- 24 acquired, maintained, or operated by funds from the fund; however,
- 25 the Department of the California Highway Patrol shall have
- 26 responsibility for enforcement on highways.
- 27 (n) Complete by January 1, ~~2005~~ 2009, a strategic planning
- 28 process that will identify future off-highway vehicle recreational
- 29 needs, including, but not limited to, potential off-highway vehicle
- 30 parks in urban areas to properly direct vehicle operators away from
- 31 illegal or environmentally sensitive areas. *The strategic planning*
- 32 *process may also include areas or conditions with a high*
- 33 *restoration priority.* This strategic planning process shall take into
- 34 consideration, at a minimum, environmental constraints,
- 35 infrastructure requirements, demographic limitations, and local,
- 36 state, and federal land use planning processes. The ~~initial~~ strategic
- 37 plan shall be *approved by the commission and* updated periodically.
- 38 ~~(o) Prepare and submit a report to the Legislature on or before~~
- 39 ~~January 1, 2005, that examines the effectiveness of the current~~
- 40 ~~noise standard, enforcement efforts, public outreach and education~~

1 ~~programs, the feasibility of improving the off-highway vehicle~~
2 ~~noise standard, and reassessment of the dates specified in paragraph~~
3 ~~(1) of subdivision (h) of Section 38370 of the Vehicle Code. The~~
4 ~~report shall also consider future reporting needs and appropriate~~
5 ~~reporting intervals.~~

6 *SEC. 6. Section 5090.34 of the Public Resources Code is*
7 *amended to read:*

8 5090.34. (a) Under the direction of the commission, the
9 division shall publish and update periodically, a guidebook,
10 including the text of this chapter, other laws and regulations
11 relating to the program, and detailed maps of areas and trails in
12 the system. The guidebook may include other public areas, trails,
13 and facilities for the use of off-highway motor vehicles. The
14 guidebook shall include information regarding the responsibility
15 of users of the system and shall set forth pertinent laws, rules, and
16 regulations, including particular provisions and other information
17 intended to prevent trespass and damage to public and private
18 property. The guidebook shall be prepared at minimal cost to
19 facilitate the broadest possible distribution and may be offered for
20 sale at a price only sufficient to meet all costs of preparation,
21 printing, and distribution.

22 (b) *The division shall also make the information specified in*
23 *subdivision (a) available on the division's Internet Web site. The*
24 *division shall work with retailers of off-highway motor vehicles*
25 *to increase awareness of the resources available on the Internet*
26 *Web site.*

27 ~~SEC. 6.~~

28 *SEC. 7. Section 5090.50 of the Public Resources Code is*
29 *amended to read:*

30 5090.50. (a) Grants may be made to cities, counties, and
31 appropriate districts if the grant applicant has approval to apply
32 for grant funds, in the form of a resolution from its governing body.

33 (b) Grants may be made to state agencies for ~~off-highway related~~
34 ~~activities that occur~~ *the restoration of damage related to*
35 *off-highway motor vehicle use on state lands outside the state park*
36 *system.*

37 (c) The division may enter into cooperative agreements with
38 agencies of the United States and federally recognized Native
39 American tribes.

1 (d) Grants and cooperative agreements may be awarded to
2 support local, ~~state~~, and federal efforts for the planning, acquisition,
3 development, maintenance, administration, operation, enforcement,
4 restoration, and conservation of trails, trailheads, areas, and other
5 facilities associated with the use of off-highway motor vehicles,
6 and programs involving off-highway motor vehicle safety or
7 education.

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

11 (1) Forty-five percent to projects ~~involving~~ *for* trail maintenance,
12 facility maintenance and operation, and meeting soil standards and
13 wildlife habitat requirements. Money appropriated for this category
14 may also be spent on the planning, acquisition, development, and
15 construction of new and expanded local and regional riding
16 opportunities.

17 (2) Twenty percent to restoration projects as defined in Section
18 5090.11. Restoration projects may contain a planning component
19 ~~if planning is for an area~~ *the project will restore an area that is*
20 closed to off-highway recreation. Restoration projects do not
21 include trail repairs *or trail construction*.

22 (3) Twenty percent to projects for law enforcement allocated
23 pursuant to Section 5090.52.

24 (4) Five percent to *comprehensive* education programs that teach
25 ~~both off-highway motor vehicle riding safety and safety,~~
26 environmental responsibility, *and respect for private property*.

27 ~~(f) Budget change proposals for expenditure of the grant funds~~
28 ~~shall indicate the amount of funds that will be awarded in each~~
29 ~~category identified in subdivision (e):~~

30 ~~(f) To the extent feasible, all eligible applications shall be~~
31 ~~funded.~~

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

35 (h) Grants may be awarded to educational institutions and
36 nonprofit organizations for eligible projects that are designed to
37 sustain a managed off-highway motor vehicle recreation program,
38 *including for restoration*. If the application for grant funds involves
39 activities on any public lands, the applicant shall obtain approval
40 from the affected land management agency and submit that

1 approval with the application for grant funds. All projects shall
2 ~~comply with the requirements of subdivisions (h) and (i) be for~~
3 ~~the benefit of the public.~~

4 (i) Every applicant for a grant shall comply with the California
5 Environmental Quality Act (Division 13 (commencing with Section
6 21000)). The division shall ensure that all cooperative agreement
7 applications have completed environmental review procedures
8 that are at least comparable to those of the California
9 Environmental Quality Act.

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

14 (k) A grant shall not be made or cooperative agreement entered
15 into under this section without the approval of the Director of Parks
16 and Recreation.

17 (l) The division shall develop guidelines to determine the
18 eligibility and priorities for grants and cooperative agreements.
19 *The guidelines shall require distribution of grants on a competitive*
20 *basis, except for law enforcement grants allocated in accordance*
21 *with Section 5090.52. These guidelines, at a minimum, shall do*
22 *all of the following:*

23 (1) Establish the maximum grant amounts for an application or
24 project.

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

27 (3) Require the applicant, upon the awarding of a grant, to file
28 an annual spending report with the division throughout the duration
29 of the project until grant funds are spent or returned to the division.

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

34 (5) *If the applicant is a city or county, require the applicant to*
35 *disclose how fees collected pursuant to Section 38230 of the*
36 *Vehicle Code are being used and whether the use of these fees*
37 *compliments the applicant's project.*

38 ~~SEC. 7.~~

39 *SEC. 8.* Section 5090.51 of the Public Resources Code is
40 amended to read:

1 5090.51. (a) The division shall develop guidelines to award
2 grants for the planning, acquisition, development, or construction
3 of a new or expanded local or regional off-highway motor vehicle
4 facility from the fund category described in paragraph (1) of
5 subdivision (e) of Section 5090.50.

6 (b) The eligibility criteria for these projects shall take into
7 account, at a minimum, all of the following:

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

10 (2) The size of each facility.

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

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

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

17 (6) The potential for each facility to reduce illegal and
18 unauthorized off-highway motor vehicle activities in the
19 surrounding areas.

20 (7) The facility shall comply with the same wildlife and soil
21 standards as state vehicle recreation areas described in Section
22 5090.35.

23 (8) *How the facility operators are cooperating with local law*
24 *enforcement agencies to provide proper enforcement at and around*
25 *the facility.*

26 ~~SEC. 8:~~

27 *SEC. 9.* Section 5090.52 is added to the Public Resources Code,
28 to read:

29 5090.52. (a) No more than 50 percent of law enforcement
30 grants shall be allocated to local law enforcement ~~entities~~ *agencies*
31 for personnel and related equipment based on regional needs
32 associated with off-highway motor vehicle use.

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

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

38 (1) Specify formal and informal cooperation with other
39 appropriate law enforcement entities including any applicable
40 federal entities.

1 (2) Identify areas with high priority law enforcement needs
2 because of public safety, cultural resources, and sensitive
3 environmental habitats, including wilderness areas and areas of
4 critical environmental concern.

5 (3) *Identify whether the law enforcement agency is recovering*
6 *a portion of law enforcement costs directly associated with*
7 *privately sponsored events where sponsors have obtained a local*
8 *permit.*

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

15 (e) ~~(1)~~ Grant dollars not allocated pursuant to subdivision (a)
16 may be allocated through competitive grants for federal law
17 enforcement needs, and special one-time ~~projects~~ *project* needs
18 associated with off-highway motor vehicle use. A grant for federal
19 law enforcement needs associated with off-highway motor vehicle
20 use shall include a condition that the federal agency receiving the
21 grant agree to be subject to the audit requirements of subdivision
22 (d).

23 ~~(2) Competitive grant funds shall not be used to cover law~~
24 ~~enforcement costs directly associated with a privately sponsored~~
25 ~~event, if the cost of the event can be recovered from the event~~
26 ~~sponsors through a local permit process, except if the event sponsor~~
27 ~~is a nonprofit organization registered as a 501(c)(3) corporation~~
28 ~~with the federal Internal Revenue Service.~~

29 ~~SEC. 9.~~

30 *SEC. 10.* Section 5090.60 of the Public Resources Code is
31 amended to read:

32 5090.60. The fund consists of deposits from the following
33 sources:

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

36 (b) Fees paid pursuant to subdivision (b) of Section 38225 of
37 the Vehicle Code.

38 (c) Unexpended service fees.

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

- 1 (e) Reimbursements.
- 2 (f) Revenues and income from any other source required by law
- 3 to be deposited in the fund.

4 ~~SEC. 10.~~

5 *SEC. 11.* Section 5090.61 of the Public Resources Code is

6 repealed.

7 ~~SEC. 11.~~

8 *SEC. 12.* Section 5090.61 is added to the Public Resources

9 Code, to read:

10 5090.61. ~~(a)~~ Moneys in the fund shall be available, upon

11 appropriation by the Legislature, as follows:

12 ~~(1)~~

13 (a) An amount, equal to ____ percent of the *annual revenues*

14 *to the fund*, shall be ~~allocated~~ *available* to the department to support

15 recreation associated with off-highway vehicle use, outside of state

16 vehicular recreation areas.

17 ~~(2) An amount, equal to ____ percent of the fund, shall be~~

18 ~~allocated to the division to implement the off-highway motor~~

19 (b) *An amount, not to exceed 50 percent of the annual revenues*

20 *to the fund, shall be available for local assistance grants or*

21 *cooperative agreements pursuant to Article 5 (commencing with*

22 *Section 5090.50).*

23 (c) (1) *The remainder of the annual revenues to the fund shall*

24 *be available for the support of the division in implementing the*

25 *off-highway motor vehicle program and for the planning,*

26 *acquisition, development, construction, maintenance,*

27 *administration, operation, and conservation of lands in the system.*

28 ~~(3) An amount, equal to ____ percent of the fund, shall be~~

29 ~~allocated for local assistance grants and cooperative agreements.~~

30 ~~(b) It is the intent of the Legislature to simplify the allocation~~

31 ~~of moneys in the fund in a manner that increases oversight and~~

32 ~~accountability over the current system. The Legislature also intends~~

33 ~~to revise expenditure requirements to better protect off-highway~~

34 ~~riding opportunities, the environment, and public safety through~~

35 ~~support of local assistance grants or cooperative agreements and~~

36 ~~the division. The grants program will have minimums established~~

37 ~~for certain spending categories such as restoration, conservation,~~

38 ~~law enforcement, and education while maintaining flexibility for~~

39 ~~the commission.~~

1 (2) *As used in this subdivision, “support of the division”*
2 *includes functions performed outside of the division by others on*
3 *behalf of the division, including costs incurred on behalf of the*
4 *division for personnel management and training, accounting, and*
5 *fiscal analysis, records, purchasing, public information activities,*
6 *consultation of professional scientists and reclamation experts for*
7 *the purposes of Section 5090.35, and legal services. “Support of*
8 *the division” does not include costs incurred by, or attributable*
9 *to, the director or the director’s immediate staff, or their salaries.*

10 ~~SEC. 12.~~

11 ~~SEC. 13.~~ Section 5090.63 of the Public Resources Code is
12 repealed.

13 ~~SEC. 13.~~ ~~Section 5090.64 of the Public Resources Code is~~
14 ~~repealed.~~

15 ~~SEC. 14.~~ *Section 5090.64 of the Public Resources Code is*
16 *amended to read:*

17 5090.64. (a) Thirty percent of the funds allocated pursuant to
18 Section 8352.8 of the Revenue and Taxation Code shall be
19 expended solely for restoration activities, as defined in Section
20 5090.11.

21 (b) Seventy percent of the funds allocated pursuant to Section
22 8352.8 of the Revenue and Taxation Code shall be expended solely
23 for the following activities related to the use of off-highway motor
24 vehicles:

25 (1) Conservation activities carried out for the prevention or
26 reduction of soil loss, wildlife loss, and habitat loss as described
27 in Sections 5090.10, 5090.35, 5090.50, and 5090.53.

28 (2) Enforcement activities consisting of employing, equipping,
29 and supervising law enforcement personnel for the purpose of
30 protecting natural and cultural resources, enforcement of Division
31 16.5 (commencing with Section 38000) of the Vehicle Code,
32 enforcement of Sections 4442 and 4442.5 ~~of this code~~, and
33 enforcement of other laws regulating the equipment and use of
34 off-highway motor vehicles.

35 (3) The construction of physical barriers and other means of
36 traffic control regulating the use of off-highway motor vehicles.

37 (c) *This section shall remain in effect only until January 1, 2017,*
38 *or until the date this chapter is repealed, whichever occurs first,*
39 *and as of that date is repealed, unless a later enacted statute, that*
40 *is enacted before that date, deletes or extends that date.*

1 ~~SEC. 14.~~

2 *SEC. 15.* Section 5090.70 of the Public Resources Code is
3 amended to read:

4 5090.70. This chapter shall remain in effect only until January
5 1, ~~2008~~ 2013, and as of that date is repealed, unless a later enacted
6 statute, that is enacted before January 1, 2013, deletes or extends
7 that date.

8 ~~SEC. 15.~~

9 *SEC. 16.* Section 8352.6 of the Revenue and Taxation Code is
10 repealed.

11 ~~SEC. 16.~~

12 *SEC. 17.* Section 8352.6 is added to the Revenue and Taxation
13 Code, to read:

14 8352.6. (a) Subject to Section 8352.1, on the first day of every
15 month, there shall be transferred from money deposited to the
16 credit of the Motor Vehicle Fuel Account to the Off-Highway
17 Vehicle Trust Fund created by Section 38225 of the Vehicle Code
18 ~~an amount determined pursuant to subdivision (b):~~ *an amount*
19 *attributable to taxes imposed upon distributions of motor vehicle*
20 *fuel used in the operation of motor vehicles off-highway and for*
21 *which a refund has not been claimed. Transfers made pursuant to*
22 *this section shall be made prior to transfers pursuant to Section*
23 *8352.2.*

24 ~~(b) It is the intent of the Legislature to determine the appropriate~~
25 ~~amount to be transferred pursuant to subdivision (a) through a~~
26 ~~formula based on factors including number of vehicles registered~~
27 ~~as off-highway motor vehicles, as defined in Section 38006 of the~~
28 ~~Vehicle Code, the number of off-highway motor vehicles sold,~~
29 ~~and the attendance numbers at the state vehicular recreation areas~~
30 ~~during the previous year. The amount transferred in the 2006-07~~
31 ~~fiscal year, _____, shall be used as a baseline for this formula.~~

32 *(b) The amount transferred pursuant to subdivision (a), as a*
33 *percent of the Motor Vehicle Fuel Account, shall be equal to the*
34 *percent transferred in the 2006-07 fiscal year. Every five years,*
35 *starting in fiscal year 2013-14, the percent transferred may be*
36 *adjusted by the Department of Transportation in cooperation with*
37 *the Department of Parks and Recreation and the Department of*
38 *Motor Vehicles. Adjustments shall be based on the changes in the*
39 *following factors since fiscal year 2006-07 or the last adjustment,*
40 *whichever is more recent:*

1 (1) *The number of vehicles registered as off-highway motor*
2 *vehicles as required by Division 16.5 (commencing with Section*
3 *38000) of the Vehicle Code.*

4 (2) *The number of registered street-legal vehicles that are*
5 *anticipated to be used off-highway, including four-wheel drive*
6 *vehicles, all-wheel drive vehicles, and dual-sport motorcycles.*

7 (3) *Attendance at the state vehicular recreation areas.*

8 (4) *Off-highway recreation use on federal lands as indicated*
9 *by the United States Forest Service's National Visitor Use*
10 *Monitoring and the United States Bureau of Land Management's*
11 *Recreation Management Information System.*

12 (c) *By using fiscal year 2006–07 as a base year, the division*
13 *recognizes the factors that were used to calculate this baseline.*
14 *Specifically, this baseline includes estimates of fuel used in*
15 *off-highway motor vehicles that were illegally not registered as*
16 *required by Division 16.5 (commencing with Section 38000) of*
17 *the Vehicle Code, used in street-legal vehicles driven off-highway,*
18 *and registered off-highway motor vehicles. The fuel used*
19 *off-highway was used for both motorized recreation and to access*
20 *other recreational opportunities. The baseline is a result of a 1990*
21 *fuel tax study conducted by the Department of Parks and*
22 *Recreation.*

23 (d) *It is the intent of the Legislature that the off-highway*
24 *recreational use to be determined by the Department of*
25 *Transportation pursuant to this section, be that usage by vehicles*
26 *subject to registration under Division 3 (commencing with Section*
27 *4000) of the Vehicle Code, for recreation or the pursuit of*
28 *recreation on surfaces where the use of vehicles registered under*
29 *Division 16.5 (commencing with Section 38000) of the Vehicle*
30 *Code may occur.*

31 ~~SEC. 17.~~

32 ~~SEC. 18.~~ Section 8352.7 of the Revenue and Taxation Code is
33 repealed.

34 ~~SEC. 18.~~ Section 8352.8 of the Revenue and Taxation Code
35 is repealed.

36 ~~SEC. 19.~~ Section 38002 is added to the Vehicle Code, to read:
37 38002. The Legislature intends to require a person operating
38 an off-highway motor vehicle on the private property of another
39 to maintain in his or her possession written permission from the

1 ~~property owner granting permission to operate the off-highway~~
2 ~~motor vehicle on the property.~~

3 ~~SEC. 20. Section 38003 is added to the Vehicle Code, to read:~~

4 ~~38003. The Legislature intends to impose a fee of ____ on the~~
5 ~~sale of vehicles that are required to be registered as an off-highway~~
6 ~~motor vehicle pursuant to this division. The Legislature intends~~
7 ~~the fees to be deposited in a dedicated fund, called the New~~
8 ~~Off-Highway Vehicle Recreation Opportunity Fund, to provide~~
9 ~~funding for planning, acquiring, developing, or constructing local~~
10 ~~and regional off-highway motor vehicle facilities. The local and~~
11 ~~regional facilities should be subject to the same soil conservation~~
12 ~~standards, habitat protection programs, and environmental~~
13 ~~regulations as the state-operated vehicular recreation areas, in~~
14 ~~addition to any local requirements. Manufacturers of off-highway~~
15 ~~motor vehicles may voluntarily contribute to the fund.~~

16 ~~SEC. 19. Section 8352.8 of the Revenue and Taxation Code is~~
17 ~~amended to read:~~

18 ~~8352.8. (a) The Conservation and Enforcement Services~~
19 ~~Account is hereby established as an account in the Off-Highway~~
20 ~~Vehicle Trust Fund created by Section 38225 of the Vehicle Code.~~
21 ~~Subject to Sections 8352 and 8352.1, on the first day of every~~
22 ~~month there shall be transferred from money deposited in the Motor~~
23 ~~Vehicle Fuel Account to the Conservation and Enforcement~~
24 ~~Services Account the total amount determined on the basis of the~~
25 ~~estimates contained in this section.~~

26 ~~(b) On or before August 15, 1987, and every two years~~
27 ~~thereafter, the Department of Transportation shall prepare, or cause~~
28 ~~to be prepared, in cooperation with the Department of Parks and~~
29 ~~Recreation, a report setting forth the current estimate of the amount~~
30 ~~of money credited to the Motor Vehicle Fuel Account that is~~
31 ~~attributable to taxes imposed upon distributions of motor vehicle~~
32 ~~fuel estimated to have been used in the off-highway operation of~~
33 ~~vehicles required to be registered as off-highway vehicles by~~
34 ~~Division 16.5 (commencing with Section 38000) of the Vehicle~~
35 ~~Code, but which were not so registered, and shall submit a copy~~
36 ~~of the report to the Legislature.~~

37 ~~(e)~~

38 ~~(b) Funds in the Conservation and Enforcement Services~~
39 ~~Account shall be allocated to the Division of Off-Highway Motor~~
40 ~~Vehicle Recreation of the Department of Parks and Recreation for~~

1 expenditure when appropriated by the Legislature for the purposes
2 of Section 5090.64 of the Public Resources Code.

3 ~~(d) On or before January 1, 2005, the Division of Off-Highway
4 Motor Vehicle Recreation in the Department of Parks and
5 Recreation shall submit a report to the Legislature that identifies
6 the appropriate level of funding necessary to sustain conservation
7 and enforcement needs, grant areas, state vehicular recreation
8 areas, capital outlay, and division support, based upon an analysis
9 of program income and expenditures during the preceding five
10 fiscal years and the findings contained in the most recent fuel tax
11 study.~~

12 *(c) All funds in the Conservation and Enforcement Services
13 Account shall be available for expenditure, upon appropriation
14 by the Legislature, until July 1, 2013. On July 1, 2015, all existing
15 balances, including unappropriated balances and encumbered
16 and unencumbered balances, of the Conservation and Enforcement
17 Services Account shall be transferred to the Off-Highway Vehicle
18 Trust Fund.*

19 *(d) This section shall remain in effect only until January 1, 2016,
20 and as of that date is repealed, unless a later enacted statute, that
21 is enacted before January 1, 2016, deletes or extends that date.*

22 *SEC. 20. Section 38170 of the Vehicle Code is amended to
23 read:*

24 38170. (a) Every off-highway motor vehicle subject to
25 identification shall have displayed upon it the identification number
26 assigned to the vehicle for which it is issued, together with the
27 word “California” or the abbreviation “CAL” and the year number
28 for which it is issued or a suitable device issued by the department
29 for validation purposes, which device shall contain the year for
30 which it is issued. *The identification number shall be the most
31 prominent feature of the device.*

32 (b) The identification plate or device ~~shall~~ at all times *shall* be
33 securely fastened to the vehicle for which it is issued ~~and~~, shall be
34 mounted or affixed in a position to be clearly visible, and shall be
35 maintained in a condition so as to be clearly legible. ~~No~~ A covering
36 shall *not* be used on the identification plate or device.

37 (c) All identification plates or devices issued on or after January
38 1, 1996, shall be displayed as follows:

39 (1) On the left fork leg of a motorcycle, either horizontal or
40 vertical, and shall be visible from the left side of the motorcycle.

1 (2) On the left quadrant of the metal frame member of sand
2 rails, rail-type buggies, and dune buggies, visible from the rear of
3 the vehicle.

4 (3) On the left rear quadrant on permanent plastic or metal frame
5 members of all-terrain vehicles, visible to outside inspections.

6 (4) On the left tunnel on the back quadrant of snowmobiles.

7 *(d) On or before July 1, 2009, the department, in conjunction*
8 *with the Division of Off-Highway Motor Vehicle Recreation of the*
9 *Department of Parks and Recreation, shall report to the Assembly*
10 *Water, Parks, and Wildlife Committee and the Senate Committee*
11 *on Natural Resources and Water, regarding recommendations to*
12 *improve the identification of off-highway motor vehicles. At a*
13 *minimum, the report should examine the benefits and challenges*
14 *of using multiple identification stickers for each vehicle, requiring*
15 *license plates or other device alternatives for certain off-highway*
16 *vehicle types, and including a unique number for special*
17 *nonresident permits issued under Section 38087.5 of the Vehicle*
18 *Code. In preparing the report, the department and Division of*
19 *Off-Highway Motor Vehicle Recreation shall work with vehicle*
20 *manufactures to evaluate feasibility.*

21 SEC. 21. Section 38225 of the Vehicle Code, as amended by
22 Section 58 of Chapter 77 of the Statutes of 2006, is amended to
23 read:

24 38225. (a) A service fee of seven dollars (\$7) shall be paid to
25 the department for the issuance or renewal of identification of
26 off-highway motor vehicles subject to identification, except as
27 expressly exempted under this division.

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

32 (c) All money transferred pursuant to Section 8352.6 of the
33 Revenue and Taxation Code, all fees received by the department
34 pursuant to subdivision (b), and all day use, overnight use, or
35 annual or biennial use fees for state vehicular recreation areas
36 received by the Department of Parks and Recreation shall be
37 deposited in the Off-Highway Vehicle Trust Fund, which is hereby
38 created. There shall be a separate reporting of special fee revenues
39 by vehicle type, including four-wheeled vehicles, three-wheelers,
40 motorcycles, and snowmobiles. All money shall be deposited in

1 the fund, ~~which is a trust fund~~; and, upon appropriation by the
2 Legislature, shall be allocated by the ~~Off-Highway Motor Vehicle~~
3 ~~Recreation Commission, as trustee of the fund, and, subject to~~
4 ~~according to~~ Section 5090.61 of the Public Resources Code, shall
5 be allocated for those purposes set forth in Section 5090.50 of the
6 Public Resources Code.

7 ~~SEC. 22. Section 38301 of the Vehicle Code is amended to~~
8 ~~read:~~

9 ~~38301. It is unlawful to operate a vehicle in violation of a~~
10 ~~statute, ordinance, rule, regulation, or order that has been issued~~
11 ~~or enacted by the governmental agency having jurisdiction over~~
12 ~~public lands, including, but not limited to, regulations governing~~
13 ~~access, routes of travel, plants, wildlife, wildlife habitat, water~~
14 ~~resources, and historical sites.~~

15 *SEC. 22. Section 38290 is added to the Vehicle Code, to read:*

16 *38290. A person operating an off-highway motor vehicle on*
17 *private property may be in violation of Section 602 of the Penal*
18 *Code, unless the operator has in his or her possession, written*
19 *permission from the landowner to operate the vehicle on the*
20 *property.*

21 ~~SEC. 23. Section 38301.3 of the Vehicle Code is amended to~~
22 ~~read:~~

23 ~~38301.3. Notwithstanding subdivision (d) of Section 5008 of~~
24 ~~the Public Resources Code, or any other provision of state law,~~
25 ~~and to the extent authorized under federal law, a person who~~
26 ~~violates a state or federal regulation that prohibits entry of a motor~~
27 ~~vehicle into all or portions of an area designated as a federal or~~
28 ~~state wilderness area or an area that is closed to off-highway~~
29 ~~recreation where the operation of an off-highway motor vehicle is~~
30 ~~prohibited is guilty of a public offense and shall be punished as~~
31 ~~follows:~~

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

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

39 (c) (1) For a third or subsequent offense committed within
40 seven years after two or more prior violations for which there were

1 convictions punishable under this section, the offense is a
2 misdemeanor punishable by a fine not exceeding three hundred
3 dollars (\$300) or by imprisonment in the county jail not exceeding
4 90 days, or by both that fine and imprisonment.

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

8 (A) The person convicted under this subdivision is the owner
9 of the vehicle.

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

11 (3) The period of impoundment imposed pursuant to this
12 subdivision shall be not less than one day nor more than 30 days.
13 The impoundment shall be at the owner’s expense.

14 *SEC. 24. Section 38500.1 of the Vehicle Code is amended to*
15 *read:*

16 38500.1. The Off-Highway Vehicle Safety Education
17 Committee shall meet periodically to perform all of the following:

18 (a) Develop minimum criteria for certification as an approved
19 all-terrain vehicle safety training organization. The criteria shall
20 include, but not be limited to, the following:

21 (1) Curriculum and materials for training instructors to teach
22 all-terrain vehicle operation and safety.

23 (2) Curriculum and materials for training all-terrain vehicle
24 safety.

25 (3) Curriculum for teaching responsible use of off-highway
26 vehicles with respect to environmental considerations, private
27 property restrictions, off-highway vehicle operating laws, including
28 noise and spark arrestor laws, and prohibitions against operating
29 off-highway vehicles under the influence of alcohol or drugs.

30 (4) Record keeping and insurance requirements to satisfy the
31 requirements of Sections 11103.1 and 11108.

32 (b) Upon presentation to the committee of a proposed program
33 by an applicant to become an approved all-terrain vehicle safety
34 training organization, the committee shall determine whether the
35 applicant’s program meets the minimum criteria and, if approved,
36 shall recommend the organization for licensing pursuant to Section
37 11105.6.

38 (c) *Report to the Legislature, on or before January 1, 2009,*
39 *with recommendations to improve safety and consistency among*

1 *operating rules for off-highway motor vehicles. At a minimum, the*
2 *committee shall consider all of the following:*

3 *(1) Restricting towing by off-highway motor vehicles and*
4 *snowmobiles.*

5 *(2) Restricting operation of a snowmobile without a rider.*

6 *(3) Enacting helmet and supervision requirements for persons*
7 *who are under 14 years of age and riding a motorcycle, that are*
8 *consistent with the requirements for riders of all-terrain vehicles.*

9 *(4) Recording specific riding violations on the rider’s driving*
10 *record.*

11 ~~SEC. 24.~~

12 *SEC. 25.* No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.

21

22

23 **CORRECTIONS:**

24 **Text—Pages 14 and 20.**

25

O