

AMENDED IN ASSEMBLY JULY 9, 2007

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 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 Section 8352.7 of, and to repeal and add Section 8352.6 of, the Revenue and Taxation Code, and to amend Sections 38170, 38225, 38301.3, and 38500.1 of, and to add Section 38290 to, the Vehicle Code, relating to off-highway motor vehicle recreation. An act to amend Sections 5090.02, 5090.15, 5090.24, 5090.32, 5090.53, 5090.64, 5090.70, and 5091.15 of, to add Section 5090.52 to, to repeal Sections 5090.51 and 5090.63 of, and to repeal and add Sections 5090.34, 5090.50, and 5090.61 of, the Public Resources Code, to amend Section 8352.8 of, to repeal Section 8352.7 of, and to repeal and add Section 8352.6 of, the Revenue and Taxation Code, and to amend Sections 38165, 38225, and 38301 of 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 These provisions are to be repealed on January 1, 2008.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.

(2) 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.

(3) 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.

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

(4) The act requires the division to publish and periodically update a guidebook relating to off-highway recreation and requires that the guidebook contain specified information.

This bill would require the division, in cooperation with the commission, to make available on the division's Internet Web site information relating to off-highway vehicle recreation. The bill specifies certain information that, at a minimum, the Web site shall include.

The bill would require the division to create a guidebook of federal, state, and local off-highway vehicle recreation and that the guidebook contain specified information. The bill would require the division to work with retailers of off-highway motor vehicles and off-highway recreation associations to distribute the guidebook and to increase awareness of the resources available on the division's Internet Web site.

(5) 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 the department to develop and implement a local assistance grant and cooperative agreement program, which would support both motorized recreation and motorized off-highway access to nonmotorized recreation. The bill would provide guidelines

to implement this program. The bill would specify percentages of the total amount appropriated by the Legislature to be awarded for specified purposes. The bill would make other changes with respect to those grants and cooperative agreements.

This bill would require that law enforcement grants and cooperative agreements be allocated to local and federal law enforcement entities for personnel and related equipment, with the amount of the grant or cooperative agreement being proportional to the needs under each entity's jurisdiction. The bill would require the department to develop a method to determine the law enforcement needs for each applicant and eligibility guidelines for law enforcement projects. The bill would require the department to audit law enforcement entities that receive grant money, considering whether the law enforcement entity has spent the grant money in accordance with its application, at least once every 5 years.

(6) The act provides for certain allocations, for specified purposes, to the division from the Conservation and Enforcement Services Account (the enforcement account), upon appropriation by the Legislature.

This bill would delete those allocations and would, instead, provide that the moneys allocated be expended solely for restoration activities, as defined.

(7) Existing law prohibits a person from parking a vehicle, during a specified portion of the year, in a designated area, unless that vehicle displays a permit issued by the Department of Parks and Recreation. The department is required to determine the amount of the fee for the issuance of a parking permit, subject to specified limits on the amounts of the fee.

This bill would delete the specified limits on the amounts of the fee.

(8) Existing law requires certain moneys, 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 fund or (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 moneys from the fuel account, and, instead, would require certain moneys 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 5 years, taking into account specified factors.

(9) Existing law requires the Department of Motor Vehicles to determine the size, color, and letters or numbers of the plate or device issued for identification purposes.

This bill would require the department, in the design of the identification plate or device, to make the identification number the most prominent feature of the device.

The bill would require the department, by July 1, 2009, in conjunction with the Division of Off-Highway Motor Vehicle Recreation of the Department of Parks and Recreation, to report to the Assembly Committee on Water, Parks and Wildlife and the Senate Committee on Natural Resources and Water, regarding recommendations to improve the identification of off-highway motor vehicles. The report would be required to, at a minimum, examine the benefits and challenges of using multiple identification stickers for each vehicle, requiring license plates or other device alternatives for certain off-highway vehicle types, and including a unique number for special nonresident permits. The department would be required, in preparing the report, to work with vehicle manufacturers to evaluate feasibility.

(10) 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 moneys, including that special fee, the moneys transferred to the fund as described in (5) above, and specified use fees for state vehicular recreation areas, to be deposited in the 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 \$50 that would be required to be paid at the time of payment of the service fee. The bill would require the special fees, moneys 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 require, upon appropriation, moneys in the fund to be allocated for specified purposes related to off-highway recreation.

(11) Under existing law, it is unlawful to operate a vehicle in violation of special regulations, which have been promulgated by the

governmental agency having jurisdiction over public lands, including, but not limited to, regulations governing access, routes of travel, plants, wildlife, wildlife habitat, water resources, and historical sites.

This bill would establish monetary penalties and, in specified cases, impoundment and imprisonment for the violation.

(12) This bill would make other changes related to off-highway recreation.

(13) 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.

~~(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.~~

~~(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.~~

~~(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 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 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.~~

~~(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.~~

~~(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 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.~~

~~(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 require, upon appropriation, money in the fund to be allocated for specified purposes related to off-highway recreation.~~

~~(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, in addition, would make it a public offense to violate a state or federal regulation that prohibits the entry of a motor vehicle into an area where the operation of an off-highway motor vehicle is prohibited. Because 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.~~

~~(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. ~~Section 5010 of the Public Resources Code is~~
2 ~~amended to read:~~

1 5010. ~~(a) The department may collect fees, rents, and other~~
2 ~~returns for the use of any state park system area, the amounts to~~
3 ~~be determined by the department. The department may accept a~~
4 ~~credit card as a method of payment for fees collected through the~~
5 ~~department's reservation system. Any contract executed by the~~
6 ~~department with credit card issuers or draft purchasers shall be~~
7 ~~consistent with Section 6159 of the Government Code.~~
8 ~~Notwithstanding Title 1.3 (commencing with Section 1747) of~~
9 ~~Part 4 of Division 3 of the Civil Code, the department may impose~~
10 ~~a surcharge in an amount to cover the cost of providing the~~
11 ~~reservation service, including reimbursement for any fee or~~
12 ~~discount charged by the credit card issuer.~~

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

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

29 ~~(d) Notwithstanding subdivision (c), all revenues received by~~
30 ~~the department from the state vehicular recreation areas shall be~~
31 ~~paid into the State Treasury to the credit of the Off-Highway~~
32 ~~Vehicle Trust Fund, as required by Section 38225 of the Vehicle~~
33 ~~Code.~~

34 ~~(e) All revenues received by the department for the entry or~~
35 ~~launching of boats shall be paid into the State Treasury to the credit~~
36 ~~of the State Parks and Recreation Fund and shall be used for~~
37 ~~boating safety, enforcement, operation, and maintenance programs~~
38 ~~of the department.~~

39 ~~(f) All existing balances, including unappropriated balances and~~
40 ~~encumbered and unencumbered balances, of the following funds~~

1 and accounts shall be transferred to the State Parks and Recreation
2 Fund:

3 ~~(1) Park and Recreation Revolving Account (Section 5098 of~~
4 ~~the Public Resources Code, as added by Chapter 1222 of the~~
5 ~~Statutes of 1972).~~

6 ~~(2) The Resources Protection Account (Section 8600 of the~~
7 ~~Public Resources Code, as added by Chapter 1052 of the Statutes~~
8 ~~of 1969).~~

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

11 ~~(4) San Francisco Maritime State Historic Park Account (Section~~
12 ~~2 of Chapter 1764 of the Statutes of 1971).~~

13 ~~(5) State Park Highway Account, Bagley Conservation Fund~~
14 ~~(Section 2107.7 of the Streets and Highways Code, as added by~~
15 ~~Chapter 1032 of the Statutes of 1973).~~

16 ~~(6) All funds received by the department pursuant to Division~~
17 ~~21 (commencing with Section 31000).~~

18 ~~(7) Hostel Facilities Use Fees Account (Section 2 of Chapter~~
19 ~~265 of the Statutes of 1974).~~

20 ~~(8) All funds, other than expended funds, previously~~
21 ~~appropriated to the department from the Bagley Conservation~~
22 ~~Fund.~~

23 ~~(g) All funds, other than those specified in subdivisions (h) and~~
24 ~~(i), in the State Parks and Recreation Fund shall be available for~~
25 ~~expenditure for state park planning, acquisition, and development~~
26 ~~projects, operation of the state park system, and resource and~~
27 ~~property management and protection, when appropriated by the~~
28 ~~Legislature.~~

29 ~~(h) All funds in the State Parks and Recreation Fund that had~~
30 ~~previously been appropriated and have become encumbered, may~~
31 ~~be used, without further appropriation, for liquidation of those~~
32 ~~encumbrances, upon the same terms and conditions as made by~~
33 ~~those previous appropriations.~~

34 ~~(i) The balance of any unencumbered funds in the State Park~~
35 ~~Highway Account in the Bagley Conservation Fund shall be~~
36 ~~transferred to the State Parks and Recreation Fund and shall be~~
37 ~~available for expenditure as provided in subdivisions (b) and (c)~~
38 ~~of Section 2107.7 of the Streets and Highways Code.~~

39 ~~(j) All funds received by the Department of Parks and Recreation~~
40 ~~from the auction sales conducted pursuant to Section 2080.6 of~~

1 ~~the Civil Code shall be paid into the State Treasury to the credit~~
2 ~~of the State Parks and Recreation Fund and shall be used for~~
3 ~~training department employees in the Ranger/Lifeguard~~
4 ~~classification, including, but not limited to, resource management~~
5 ~~and protection, law enforcement, interpretation, first aid,~~
6 ~~cardiopulmonary resuscitation, and medical technical training.~~

7 ~~SEC. 2.~~

8 *SECTION 1.* Section 5090.02 of the Public Resources Code is
9 amended to read:

10 5090.02. (a) The Legislature finds ~~and declares~~ all of the
11 following:

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

14 (2) Off-highway recreation includes both motorized recreation
15 ~~and nonmotorized recreation activities that are accessed~~
16 ~~off-highway. and motorized off-highway access to nonmotorized~~
17 ~~recreation activities.~~

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

21 (b) The Legislature hereby declares that effectively managed
22 areas and adequate facilities for the use of off-highway vehicles
23 and conservation and enforcement are essential for ecologically
24 balanced recreation.

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

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

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

33 (3) The department should support both motorized ~~and~~
34 ~~nonmotorized recreation related to off-highway vehicle use.~~
35 ~~recreation and motorized off-highway access to nonmotorized~~
36 ~~recreation.~~

37 (4) When areas or trails or portions thereof cannot be maintained
38 to appropriate established standards for sustained long-term use,
39 they should be closed to use and repaired, to prevent accelerated
40 erosion. Those areas should remain closed until they can be

1 managed within the soil conservation standard or should be closed
2 and restored.

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

7 (6) Off-highway motor vehicle recreation should be managed
8 in accordance with this chapter through financial assistance to
9 local government and joint undertakings with agencies of the
10 United States *and federally recognized Native American tribes.*

11 ~~SEC. 3.~~

12 *SEC. 2.* Section 5090.15 of the Public Resources Code is
13 amended to read:

14 5090.15. (a) There is in the department the Off-Highway Motor
15 Vehicle Recreation Commission, consisting of nine members, five
16 of whom shall be appointed by the Governor and subject to Senate
17 confirmation, two of whom shall be appointed by the Senate
18 Committee on Rules, and two of whom shall be appointed by the
19 Speaker of the Assembly.

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

- 22 (1) Off-highway vehicle recreation interests.
- 23 (2) Biological or soil scientists.
- 24 (3) Groups or associations of predominantly rural landowners.
- 25 (4) Law enforcement.
- 26 (5) Environmental protection organizations.
- 27 (6) Nonmotorized recreationist interests.

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

31 (c) Whenever a reference is made to the State Park and
32 Recreation Commission pertaining to a duty, power, purpose,
33 responsibility, or jurisdiction of the State Park and Recreation
34 Commission with respect to the state vehicular recreation areas,
35 as established by this chapter, it is a reference to, and means, the
36 Off-Highway Motor Vehicle Recreation Commission.

37 ~~SEC. 4.~~

38 *SEC. 3.* Section 5090.24 of the Public Resources Code is
39 amended to read:

1 5090.24. The commission has the following particular duties
2 and responsibilities:

3 (a) Be fully informed regarding all governmental activities
4 affecting the program.

5 (b) Meet at least four times per year at various locations
6 throughout the state to receive comments on the implementation
7 of the program. Establish an annual calendar of proposed meetings
8 at the beginning of each calendar year. The meetings shall include
9 ~~the following:~~ *a public meeting, before the beginning of each grant*
10 *program cycle, to collect public input concerning the program,*
11 *recommendations for public improvements, and specific project*
12 *needs for the system.*

13 ~~(1) One public meeting, before the beginning of each program~~
14 ~~cycle, to collect public input concerning the program,~~
15 ~~recommendations for program improvements, and specific project~~
16 ~~needs for the system.~~

17 ~~(2) One meeting per grant cycle, to receive public comments~~
18 ~~after the request for proposal deadline has passed and before the~~
19 ~~division releases application scores. For this meeting, the division~~
20 ~~shall release a list of eligible grant applications. The division may~~
21 ~~allow all applicants to resubmit their application within a short~~
22 ~~period of time in order to incorporate the public comments received~~
23 ~~at the meeting.~~

24 ~~(c) The commission shall hold a public hearing in an area in~~
25 ~~close proximity to a proposed substantial acquisition or~~
26 ~~development project, unless a hearing consistent with federal law~~
27 ~~or regulation is held in close proximity to the proposed project.~~

28 ~~(c) Hold a public hearing to receive public comment regarding~~
29 ~~a proposed substantial acquisition or development project at a~~
30 ~~location in close geographic proximity to the project, unless a~~
31 ~~hearing consistent with federal law or regulation has already been~~
32 ~~held regarding the project.~~

33 (d) Consider, upon the request of any owner or tenant, whose
34 property is in the vicinity of any land in the system, any alleged
35 adverse impacts occurring on that person’s property from the
36 operation of off-highway motor vehicles and recommend to the
37 division suitable measures for the prevention of any adverse impact
38 determined by the commission to be occurring, and suitable
39 measures for the restoration of adversely impacted property.

1 (e) Review and comment annually to the director on the
2 proposed budget of expenditures from the fund.

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

5 ~~(g) Approve~~ *Review and comment on* the strategic plan
6 developed by the division pursuant to Section 5090.32.

7 (h) Prepare and submit a program report to the Governor, the
8 Assembly Water, Parks, and Wildlife Committee, the Senate
9 Committee on Natural Resources and Water, and the Committee
10 on Appropriations of each house on or before January 1, ~~2010,~~
11 ~~and every two 2011, and every three~~ years thereafter. The report
12 shall be adopted by the commission after discussing ~~its~~ *the* contents
13 during two or more public meetings. The report shall address all
14 of the following:

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

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

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

22 (4) ~~The accomplishments of the grant program, including how~~
23 ~~much money was spent on operations and maintenance, expansion~~
24 ~~of riding opportunities, law enforcement, restoration, and~~
25 ~~education.~~ *under Section 5090.50, including recommendations on*
26 *changes to the distribution of funds between the different grant*
27 *categories to improve the sustainability of the program.*

28 (5) The status and accomplishments of the Conservation and
29 Enforcement Services Account.

30 (6) A summary of resource monitoring data compiled and
31 restoration work concluded.

32 ~~(7) Other relevant program-related environmental issues that~~
33 ~~have arisen over the preceding two calendar years.~~

34 (7) *Actions taken by the division and department since the last*
35 *program report to discourage and decrease trespass of private*
36 *property by off-highway motor vehicles.*

37 (8) *Other relevant program-related environmental issues that*
38 *have arisen since the last program report.*

1 ~~SEC. 5.~~

2 *SEC. 4.* Section 5090.32 of the Public Resources Code is
3 amended to read:

4 5090.32. The division has the following duties and
5 responsibilities:

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

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

10 (c) Provide for law enforcement and appropriate public safety
11 activities.

12 (d) Implementation of all aspects of the program, *except where*
13 *otherwise specified.*

14 (e) Ensure program compliance with the California
15 Environmental Quality Act (Division 13 (commencing with Section
16 21000)) in state vehicular recreation areas.

17 (f) Implement the policies established by the commission.

18 (g) Provide staff assistance to the commission.

19 (h) Prepare and implement plans for lands in, or proposed to be
20 included in, state vehicular recreation areas, including new state
21 vehicular recreation areas. However, a plan shall not be prepared
22 in any instance specified in subdivision (c) of Section 5002.2.

23 (i) Conduct, or cause to be conducted, surveys, and prepare, or
24 cause to be prepared, studies that are necessary or desirable for
25 implementing the program.

26 (j) Recruit and utilize volunteers to further the objectives of the
27 program.

28 (k) Prepare and coordinate safety and education programs.

29 ~~(l) Conduct, or cause to be conducted, an annual audit of grants~~
30 ~~and cooperative agreements, and the performance of a recipient~~
31 ~~in expending a grant or cooperative agreement made pursuant to~~
32 ~~Article 5 (commencing with Section 5090.50).~~

33 ~~(m)~~

34 (l) Provide for the enforcement of Division 16.5 (commencing
35 with Section 38000) of the Vehicle Code and other laws regulating
36 the use or equipment of off-highway motor vehicles in all areas
37 acquired, maintained, or operated by funds from the fund; however,
38 the Department of the California Highway Patrol shall have
39 responsibility for enforcement on highways.

40 ~~(n)~~

1 (m) Complete by January 1, 2009, a strategic planning process
2 that will identify future off-highway vehicle recreational needs,
3 including, but not limited to, potential off-highway vehicle parks
4 in urban areas to properly direct vehicle operators away from illegal
5 or environmentally sensitive areas. The strategic planning process
6 may also ~~include~~ *identify* areas or conditions with a high restoration
7 priority. This strategic planning process shall take into
8 consideration, at a minimum, environmental constraints,
9 infrastructure requirements, demographic limitations, and local,
10 state, and federal land use planning processes. The strategic plan
11 shall be ~~approved~~ *reviewed* by the commission and updated
12 periodically.

13 ~~SEC. 6. Section 5090.34 of the Public Resources Code is~~
14 ~~amended to read:~~

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

29 ~~(b) The division shall also make the information specified in~~
30 ~~subdivision (a) available on the division's Internet Web site. The~~
31 ~~division shall work with retailers of off-highway motor vehicles~~
32 ~~to increase awareness of the resources available on the Internet~~
33 ~~Web site.~~

34 ~~SEC. 7. Section 5090.50 of the Public Resources Code is~~
35 ~~amended to read:~~

36 ~~5090.50. (a) Grants may be made to cities, counties, and~~
37 ~~appropriate districts if the grant applicant has approval to apply~~
38 ~~for grant funds, in the form of a resolution from its governing body.~~

1 ~~(b) Grants may be made to state agencies for the restoration of~~
2 ~~damage related to off-highway motor vehicle use on state lands~~
3 ~~outside the state park system.~~

4 ~~(c) The division may enter into cooperative agreements with~~
5 ~~agencies of the United States and federally recognized Native~~
6 ~~American tribes.~~

7 ~~(d) Grants and cooperative agreements may be awarded to~~
8 ~~support local and federal efforts for the planning, acquisition,~~
9 ~~development, maintenance, administration, operation, enforcement,~~
10 ~~restoration, and conservation of trails, trailheads, areas, and other~~
11 ~~facilities associated with the use of off-highway motor vehicles,~~
12 ~~and programs involving off-highway motor vehicle safety or~~
13 ~~education.~~

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

17 ~~(1) Forty-five percent to projects for trail maintenance, facility~~
18 ~~maintenance and operation, and meeting soil standards and wildlife~~
19 ~~habitat requirements. Money appropriated for this category may~~
20 ~~also be spent on the planning, acquisition, development, and~~
21 ~~construction of new and expanded local and regional riding~~
22 ~~opportunities.~~

23 ~~(2) Twenty percent to restoration projects as defined in Section~~
24 ~~5090.11. Restoration projects may contain a planning component~~
25 ~~if the project will restore an area that is closed to off-highway~~
26 ~~recreation. Restoration projects do not include trail repairs or trail~~
27 ~~construction.~~

28 ~~(3) Twenty percent to projects for law enforcement allocated~~
29 ~~pursuant to Section 5090.52.~~

30 ~~(4) Five percent to comprehensive education programs that~~
31 ~~teach off-highway motor vehicle safety, environmental~~
32 ~~responsibility, and respect for private property.~~

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

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

38 ~~(h) Grants may be awarded to educational institutions and~~
39 ~~nonprofit organizations for eligible projects that are designed to~~
40 ~~sustain a managed off-highway motor vehicle recreation program,~~

1 including for restoration. If the application for grant funds involves
2 activities on any public lands, the applicant shall obtain approval
3 from the affected land management agency and submit that
4 approval with the application for grant funds. All projects shall be
5 for the benefit of the public.

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

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

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

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

25 (1) Establish the maximum grant amounts for an application or
26 project.

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

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

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

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

1 SEC. 8. ~~Section 5090.51 of the Public Resources Code is~~
2 ~~amended to read:~~

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

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

10 ~~(1) That the facility for which a grant is requested is or will be~~
11 ~~primarily for casual usage.~~

12 ~~(2) The size of each facility.~~

13 ~~(3) The diversity of vehicle-related recreational activities to be~~
14 ~~provided by the facility.~~

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

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

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

22 ~~(7) The facility shall comply with the same wildlife and soil~~
23 ~~standards as state vehicle recreation areas described in Section~~
24 ~~5090.35.~~

25 ~~(8) How the facility operators are cooperating with local law~~
26 ~~enforcement agencies to provide proper enforcement at and around~~
27 ~~the facility.~~

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

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

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

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

1 ~~(1) Specify formal and informal cooperation with other~~
2 ~~appropriate law enforcement entities including any applicable~~
3 ~~federal entities.~~

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

8 ~~(3) Identify whether the law enforcement agency is recovering~~
9 ~~a portion of law enforcement costs directly associated with~~
10 ~~privately sponsored events where sponsors have obtained a local~~
11 ~~permit.~~

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

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

25 ~~SEC. 10. Section 5090.60 of the Public Resources Code is~~
26 ~~amended to read:~~

27 ~~5090.60. The fund consists of deposits from the following~~
28 ~~sources:~~

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

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

33 ~~(c) Unexpended service fees.~~

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

36 ~~(e) Reimbursements.~~

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

39 ~~SEC. 5. Section 5090.34 of the Public Resources Code is~~
40 ~~repealed.~~

1 ~~5090.34. Under the direction of the commission, the division~~
2 ~~shall publish and update periodically, a guidebook, including the~~
3 ~~text of this chapter, other laws and regulations relating to the~~
4 ~~program, and detailed maps of areas and trails in the system. The~~
5 ~~guidebook may include other public areas, trails, and facilities for~~
6 ~~the use of off-highway motor vehicles. The guidebook shall include~~
7 ~~information regarding the responsibility of users of the system and~~
8 ~~shall set forth pertinent laws, rules, and regulations, including~~
9 ~~particular provisions and other information intended to prevent~~
10 ~~trespass and damage to public and private property. The guidebook~~
11 ~~shall be prepared at minimal cost to facilitate the broadest possible~~
12 ~~distribution and may be offered for sale at a price only sufficient~~
13 ~~to meet all costs of preparation, printing, and distribution.~~

14 *SEC. 6. Section 5090.34 is added to the Public Resources Code,*
15 *to read:*

16 *5090.34. (a) In cooperation with the commission, the division*
17 *shall make available on the division's Internet Web site information*
18 *regarding off-highway vehicle recreation opportunities, pertinent*
19 *laws and regulations, and responsible use of the system. At a*
20 *minimum, the Web site shall include the following:*

21 *(1) The text of laws and regulations relating to the program*
22 *and operation of off-highway vehicles.*

23 *(2) A statewide map and regional maps of federal, state, and*
24 *local off-highway vehicle recreation areas and facilities in the*
25 *state.*

26 *(3) Safety information and trail etiquette.*

27 *(4) Information to prevent trespass, damage to public and*
28 *private property, and damage to natural resources.*

29 *(b) The division shall create a guidebook of federal, state, and*
30 *local off-highway vehicle recreation that includes contact*
31 *information where current specific maps and information for each*
32 *facility can be located. Contact information may include Web site*
33 *addresses, telephone numbers, and addresses of offices where*
34 *maps can be accessed. The guidebook shall also include the*
35 *address of the Web site where the information in subdivision (a)*
36 *may be found.*

37 *(c) The division shall work with retailers of off-highway motor*
38 *vehicles and off-highway recreation associations to distribute the*
39 *guidebook developed under subdivision (b) and to increase*

1 awareness of the resources available on the division's Internet
2 Web site.

3 SEC. 7. Section 5090.50 of the Public Resources Code is
4 repealed.

5 5090.50. ~~(a) Grants may be made to cities, counties, and
6 appropriate districts if the grant applicant has approval to apply
7 for grant funds, in the form of a resolution from its governing body.~~

8 ~~(b) The division may enter into cooperative agreements with
9 agencies of the United States and federally recognized Native
10 American tribes.~~

11 ~~(c) Grants and cooperative agreements may be awarded for the
12 planning, acquisition, development, maintenance, administration,
13 operation, enforcement, restoration, and conservation of trails,
14 trailheads, areas, and other facilities associated with the use of
15 off-highway motor vehicles, and programs involving off-highway
16 motor vehicle safety or education.~~

17 ~~(d) Grant and cooperative agreement applications shall be in
18 accordance with local or federal plans and any plans for
19 off-highway motor vehicle recreation prepared by the division.~~

20 ~~(e) Notwithstanding subdivision (c), funds may be used for law
21 enforcement and repairing damage caused by the use of
22 off-highway motor vehicles on property being used by off-highway
23 motor vehicles where the operation of those vehicles is prohibited
24 by federal, state, or local law.~~

25 ~~(f) Notwithstanding subdivision (c), grants may be awarded to
26 educational institutions and nonprofit organizations for eligible
27 projects that are designed to sustain a managed off-highway motor
28 vehicle recreation program. Eligible projects shall be limited to
29 scientific research, natural resource conservation activities, as
30 defined in Section 5090.10, cultural resource conservation
31 activities, and programs involving off-highway motor vehicle
32 safety or education. If the application for grant funds involves
33 activities on any public lands, the applicant shall obtain approval
34 from the affected land management agency and submit that
35 approval with the application for grant funds. All projects shall
36 comply with the requirements of subdivisions (g) and (h).~~

37 ~~(g) Every applicant for a grant shall comply with the California
38 Environmental Quality Act (Division 13 (commencing with Section
39 21000)). The division shall ensure that all cooperative agreement
40 applications have completed environmental review procedures~~

1 that are at least comparable to those of the California
2 Environmental Quality Act.

3 ~~(h) All cooperative agreements shall be subject to the uniform~~
4 ~~application of soil, wildlife, and wildlife habitat protection~~
5 ~~standards specified in Section 5090.53.~~

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

8 ~~(j) No grant may be made or cooperative agreement entered~~
9 ~~into under this section without the approval of the commission.~~

10 SEC. 8. Section 5090.50 is added to the Public Resources Code,
11 to read:

12 5090.50. (a) The department shall develop and implement a
13 local assistance grant and cooperative agreement program to
14 support the planning, acquisition, development, maintenance,
15 administration, operation, enforcement, restoration, and
16 conservation of trails, trailheads, areas, and other facilities
17 associated with the use of off-highway motor vehicles, and
18 programs involving off-highway motor vehicle safety or education.
19 This program shall support both motorized recreation and
20 motorized off-highway access to nonmotorized recreation.

21 (b) The following amounts, as a percent of the total amount
22 appropriated by the Legislature for grants and cooperative
23 agreements, shall be awarded under the following categories:

24 (1) Fifty percent for the administration, maintenance, operation,
25 or conservation of trails, trailheads, areas, and other facilities
26 associated with the use of off-highway motor vehicles. Projects in
27 this category may also include the planning, acquisition,
28 development, and construction of new and expanded local and
29 regional riding opportunities.

30 (2) Twenty-five percent for restoration projects as defined in
31 Section 5090.11. Projects in this category may also be used for
32 the repair of lands damaged by illegal or unauthorized use.
33 Restoration projects may contain a planning component if the
34 project includes restoration of an area that is closed to off-highway
35 recreation. Restoration projects do not include trail repairs or
36 construction for motorized use.

37 (3) Twenty percent for law enforcement allocated pursuant to
38 Section 5090.52.

- 1 (4) *Five percent for comprehensive education programs that*
2 *teach off-highway motor vehicle safety, environmental*
3 *responsibility, and respect for private property.*
- 4 (c) *Eligible grant and cooperative agreement applicants include:*
- 5 (1) *Cities, counties, and appropriate districts that have approval*
6 *to apply for grant funds, in the form of a resolution from their*
7 *governing body.*
- 8 (2) *State agencies for projects under paragraph (2) of*
9 *subdivision (b).*
- 10 (3) *Agencies of the United States, except for new federal vehicle*
11 *recreation areas.*
- 12 (4) *Federally recognized Native American tribes.*
- 13 (5) *Educational and nonprofit organizations for eligible projects*
14 *described in subdivision (g).*
- 15 (d) *Guidelines developed to implement this program shall, at a*
16 *minimum:*
- 17 (1) *Distribute grants and cooperative agreements on a*
18 *competitive basis, except for law enforcement grants allocated in*
19 *accordance with Section 5090.52.*
- 20 (2) *Be developed with public input, including focus groups.*
- 21 (3) *Establish the maximum amount for any application.*
- 22 (4) *Establish the maximum amount that each applicant may*
23 *receive in each specific project category as described in*
24 *subdivision (b).*
- 25 (5) *Require applications to be in accordance with local or*
26 *federal plans and the strategic plan for off-highway motor vehicle*
27 *recreation prepared by the division.*
- 28 (6) *Require applicants to comply with the California*
29 *Environmental Quality Act (Division 13 (commencing with Section*
30 *21000)). Applications for cooperative agreements shall complete*
31 *environmental review procedures that are at least comparable to*
32 *those of the California Environmental Quality Act.*
- 33 (7) *Require the applicant to agree to provide matching funds*
34 *or the equivalent value of services or material used, in an amount*
35 *not less than 25 percent of the total project cost.*
- 36 (8) *Require the applicant, if it is a city or county, to disclose*
37 *how fees collected pursuant to Section 38230 of the Vehicle Code*
38 *are being used and whether the use of these fees complements the*
39 *applicant's project.*
- 40 (9) *Fund all eligible applications to the extent feasible.*

1 (e) Applications that would affect lands identified as inventoried
2 roadless areas by the United States Forest Service, including areas
3 identified in the maps contained in the United States Department
4 of Agriculture's Forest Service Roadless Area Conservation, Final
5 Environmental Impact Statement, Volume 2, dated November 2000,
6 are not eligible for cooperative agreements under paragraph (1)
7 of subdivision (b), except if the application is for a project that:

8 (1) Realigns a route to prevent irreparable resource damage
9 that arises from the design, location, use, or deterioration of a
10 classified route and that cannot be mitigated by route maintenance.

11 (2) Reconstructs a route to implement a route safety
12 improvement project on a classified route determined to be
13 hazardous on the basis of accident experience or accident potential
14 on that route.

15 (f) All grants and cooperative agreements under paragraphs
16 (1) and (2) of subdivision (b) shall be subject to the uniform
17 application of soil standards and wildlife habitat protection
18 standards specified in Section 5090.53.

19 (g) Grants may be awarded to educational institutions and
20 nonprofit organizations for eligible projects that are designed to
21 sustain a managed off-highway motor vehicle recreation program.
22 Eligible projects shall be limited to scientific research and
23 programs involving off-highway motor vehicle safety or education.
24 If the application for grant funds involves activities on any public
25 lands, the applicant shall obtain approval from the affected land
26 management agency and submit that approval with the application
27 for grant funds.

28 (h) The director of the department shall approve all grants and
29 cooperative agreements entered under this section.

30 (i) The department shall conduct an annual audit of the grants
31 and cooperative agreements program. Notwithstanding Section
32 5090.52, the department shall also conduct, or cause to be
33 conducted, an audit of the performance of a minimum of twenty
34 percent of grant and cooperative agreement recipients.

35 SEC. 9. Section 5090.51 of the Public Resources Code is
36 repealed.

37 ~~5090.51. (a) Except as provided in subdivision (b), to be~~
38 ~~eligible for a grant, the applicant shall agree to provide, and~~
39 ~~provide, matching funds, or the equivalent value of services,~~

1 material, or property used, in an amount of not less than 25 percent
2 of the total expense of the off-highway motor vehicle facility.

3 ~~(b) Notwithstanding subdivision (a), there shall be no matching~~
4 ~~fund requirement imposed with respect to any grant, or portion of~~
5 ~~any grant, that consists of funding for the planning, acquisition,~~
6 ~~development, or construction of a regional off-highway motor~~
7 ~~vehicle facility. The commission shall adopt criteria for the~~
8 ~~determination of which facilities are regional and which are less~~
9 ~~than regional. The criteria shall take into account, at a minimum,~~
10 ~~all of the following:~~

11 ~~(1) That the facility for which a grant is requested is or will be~~
12 ~~primarily for casual usage.~~

13 ~~(2) The size of each facility.~~

14 ~~(3) The diversity of vehicle-related recreational activities to be~~
15 ~~provided by the facility.~~

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

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

20 *SEC. 10. Section 5090.52 is added to the Public Resources*
21 *Code, to read:*

22 *5090.52. (a) Law enforcement grants and cooperative*
23 *agreements shall be allocated to local and federal law enforcement*
24 *entities for personnel and related equipment. The amount of the*
25 *grant or cooperative agreement shall be proportionate to the*
26 *off-highway motor vehicle enforcement needs under each entity's*
27 *jurisdiction.*

28 *(b) The department shall develop a method to determine the*
29 *law enforcement needs for each applicant. Forty percent of law*
30 *enforcement grants and cooperative agreements shall be given to*
31 *local law enforcement entities, 30 percent to units of the United*
32 *States Bureau of Land Management, and 30 percent to units of the*
33 *United States Forest Service.*

34 *(c) The department shall develop eligibility guidelines for law*
35 *enforcement projects. The guidelines, at a minimum, shall require*
36 *the applicant to do all of the following:*

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

1 (2) Establish a policy on how violations of off-highway motor
 2 vehicle laws and regulations will be enforced on federal land, if
 3 the applicant is a local law enforcement entity.

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

8 (4) Explain whether the applicant is recovering a portion of
 9 law enforcement costs directly associated with privately sponsored
 10 events where sponsors have obtained a local permit.

11 (5) Establish a public education program that includes
 12 information regarding safety programs offered in the area and
 13 how to report off-highway motor vehicle operation violations.

14 (6) Specify how personnel is trained and educated regarding
 15 off-highway motor vehicle safety, resource protection, and cultural
 16 protection.

17 (d) Notwithstanding subdivision (i) of Section 5090.50, law
 18 enforcement entities that receive funds allocated pursuant to
 19 subdivision (a) shall be subject to an audit at least once every five
 20 years. The department may conduct audits in a random order. As
 21 part of the audit, the department shall consider whether the law
 22 enforcement entity has spent the grant money in accordance with
 23 its application.

24 SEC. 11. Section 5090.53 of the Public Resources Code is
 25 amended to read:

26 ~~5090.53.—(a) Money in the fund may be granted or expended~~
 27 ~~pursuant to Section 5090.50 for projects to fulfill the conditions~~
 28 ~~outlined below and for public health and safety facilities.~~

29 ~~(b) However, no~~

30 ~~5090.53. No funds may be granted or expended pursuant to~~
 31 ~~paragraphs (1) and (2) of subdivision (b) of Section 5090.50 for~~
 32 ~~the acquisition of land for, or the development of, a trail, trailhead,~~
 33 ~~area, or other facility for the use of off-highway motor vehicles~~
 34 ~~after July 1, 1989, unless all of the following conditions are met:~~

35 ~~(1)~~

36 ~~(a) The recipient has completed wildlife habitat and soil surveys~~
 37 ~~and has prepared a wildlife habitat protection program to sustain~~
 38 ~~a viable species composition for the project area.~~

39 ~~(2)~~

1 (b) The recipient agrees to monitor the condition of soils and
2 wildlife in the project area each year in order to determine whether
3 the soil conservation standards *adopted pursuant to Section*
4 *5090.35* and the wildlife habitat protection programs—~~adopted~~
5 ~~pursuant to Section 5090.35 prepared pursuant to subdivision (a)~~
6 are being met.

7 ~~(3)~~

8 (c) The recipient agrees that, whenever the soil conservation
9 standards adopted pursuant to Section 5090.35 are not being met
10 in any portion of a project area, the recipient shall close temporarily
11 that noncompliant portion, to repair and prevent accelerated
12 erosion, until the same soil conservation standards adopted pursuant
13 to Section 5090.35 are met.

14 ~~(4)~~

15 (d) The recipient agrees that, whenever the wildlife habitat
16 protection programs—~~adopted~~ *prepared pursuant to Section 5090.35*
17 *subdivision (c)* are not being met in any portion of a project area,
18 the recipient shall close temporarily that noncompliant portion
19 until the same wildlife habitat protection programs—~~adopted~~
20 *prepared pursuant to Section 5090.35 subdivision (a)* are met.

21 ~~(5)~~

22 (e) The recipient agrees to enforce the registration of
23 off-highway motor vehicles and the other provisions of Division
24 16.5 (commencing with Section 38000) of the Vehicle Code and
25 to enforce the other applicable laws regarding the operation of
26 off-highway motor vehicles.

27 (f) *The recipient agrees to cooperate with appropriate law*
28 *enforcement entities to provide proper law enforcement at and*
29 *around the facility.*

30 (g) *The recipient has identified the potential for the facility to*
31 *reduce illegal and unauthorized off-highway motor vehicle*
32 *recreation activities in the surrounding areas.*

33 (h) *The recipient has included in its application a description*
34 *of how it is meeting the operations and maintenance needs of any*
35 *existing off-highway motor vehicle recreation facility under its*
36 *jurisdiction.*

37 ~~SEC. 11.~~

38 *SEC. 12.* Section 5090.61 of the Public Resources Code is
39 repealed.

1 ~~SEC. 12.~~

2 *SEC. 13.* Section 5090.61 is added to the Public Resources
3 Code, to read:

4 5090.61. Moneys in the fund shall be available, upon
5 appropriation by the Legislature, as follows:

6 ~~(a) An amount, equal to _____ percent of the annual revenues to~~
7 ~~the fund, shall be available to the department to support recreation~~
8 ~~associated with off-highway vehicle use, outside of state vehicular~~
9 ~~recreation areas.~~

10 ~~(b)~~

11 (a) An amount, not to exceed 50 percent of the annual revenues
12 to the fund, shall be available for local assistance grants or
13 cooperative agreements pursuant to Article 5 (commencing with
14 Section 5090.50).

15 ~~(e)~~

16 (b) (1) The remainder of the annual revenues to the fund shall
17 be available for the support of the division in implementing the
18 off-highway motor vehicle program and for the planning,
19 acquisition, development, *restoration*, construction, maintenance,
20 administration, operation, and conservation of lands in the system.

21 (2) As used in this subdivision, “support of the division”
22 includes functions performed outside of the division by others on
23 behalf of the division, including costs incurred on behalf of the
24 division for personnel management and training, accounting, and
25 fiscal analysis, records, purchasing, public information activities,
26 consultation of professional scientists and reclamation experts for
27 the purposes of Section 5090.35, and legal services. “Support of
28 the division” does not include costs incurred by, or attributable to,
29 the director or the director’s immediate staff, or their salaries.

30 ~~SEC. 13.~~

31 *SEC. 14.* Section 5090.63 of the Public Resources Code is
32 repealed.

33 ~~SEC. 14.~~

34 *SEC. 15.* Section 5090.64 of the Public Resources Code is
35 amended to read:

36 5090.64. ~~(a) Thirty percent of the~~ *The* funds allocated pursuant
37 to Section 8352.8 of the Revenue and Taxation Code shall be
38 expended solely for restoration activities, as defined in Section
39 5090.11.

1 ~~(b) Seventy percent of the funds allocated pursuant to Section~~
2 ~~8352.8 of the Revenue and Taxation Code shall be expended solely~~
3 ~~for the following activities related to the use of off-highway motor~~
4 ~~vehicles:~~

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

8 ~~(2) Enforcement activities consisting of employing, equipping,~~
9 ~~and supervising law enforcement personnel for the purpose of~~
10 ~~protecting natural and cultural resources, enforcement of Division~~
11 ~~16.5 (commencing with Section 38000) of the Vehicle Code,~~
12 ~~enforcement of Sections 4442 and 4442.5, and enforcement of~~
13 ~~other laws regulating the equipment and use of off-highway motor~~
14 ~~vehicles.~~

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

17 ~~(e) This section shall remain in effect only until January 1, 2017,~~
18 ~~or until the date this chapter is repealed, whichever occurs first,~~
19 ~~and as of that date is repealed, unless a later enacted statute, that~~
20 ~~is enacted before that date, deletes or extends that date.~~

21 ~~SEC. 15.~~

22 *SEC. 16.* Section 5090.70 of the Public Resources Code is
23 amended to read:

24 5090.70. This chapter shall remain in effect only until January
25 1, 2013, and as of that date is repealed, unless a later enacted
26 statute, that is enacted before January 1, 2013, deletes or extends
27 that date.

28 *SEC. 17.* *Section 5091.15 of the Public Resources Code is*
29 *amended to read:*

30 5091.15. (a) Except as provided in this section, no person
31 shall, from November 1 of any year to May 30 of the next year or
32 for a shorter time as determined by the department, park a vehicle
33 in a designated parking area unless the vehicle displays a parking
34 permit issued by the department. Overnight camping in a vehicle
35 parked in a designated parking area may be authorized by the
36 department when it determines that the use is for a recreational
37 activity, is safe and prudent, and is of limited duration.

38 (b) No parking permit shall be required under this section for a
39 vehicle owned and operated by the United States, another state or

1 political subdivision thereof, or by this state or by a city, county,
2 district, or political subdivision thereof.

3 (c) The fee for the issuance of a parking permit under this
4 chapter shall be determined by the department. The department
5 shall hold at least one public hearing and notify the Legislature at
6 least 30 days prior to any proposal to change the fees. ~~The amounts
7 of the fees shall be limited as follows:~~

8 ~~(1) Not more than five dollars (\$5) for a permit that is valid for
9 a period of one day.~~

10 ~~(2) Not more than twenty-five dollars (\$25) for a permit that is
11 valid for a period of one year, beginning each November 1.~~

12 (d) A person who violates this section is guilty of an infraction
13 punishable by a fine of seventy-five dollars (\$75). Unless the peace
14 officer issuing the citation witnesses the parking of the vehicle, a
15 rebuttable presumption exists that a vehicle parked in violation of
16 this section was parked by the registered owner of the vehicle. If
17 the parking of the vehicle is witnessed by the peace officer, the
18 operator of the vehicle is in violation of this section.

19 (e) The department may negotiate reciprocity agreements with
20 other states having similar programs if the agreements are in the
21 best interests of the California SNO-PARK program.

22 (f) The department may contract with appropriate agencies for
23 law enforcement, including, but not limited to, the Department of
24 the California Highway Patrol, the county sheriffs, and the United
25 States Department of Agriculture Forest Service. Enforcement
26 activities may be funded with moneys appropriated from the Winter
27 Recreation Fund.

28 ~~SEC. 16.~~

29 *SEC. 18.* Section 8352.6 of the Revenue and Taxation Code is
30 repealed.

31 ~~SEC. 17.~~

32 *SEC. 19.* Section 8352.6 is added to the Revenue and Taxation
33 Code, to read:

34 8352.6. (a) Subject to Section 8352.1, on the first day of every
35 month, there shall be transferred from money deposited to the
36 credit of the Motor Vehicle Fuel Account to the Off-Highway
37 Vehicle Trust Fund created by Section 38225 of the Vehicle Code
38 an amount attributable to taxes imposed upon distributions of motor
39 vehicle fuel used in the operation of motor vehicles off-highway
40 and for which a refund has not been claimed. Transfers made

1 pursuant to this section shall be made prior to transfers pursuant
2 to Section 8352.2.

3 (b) The amount transferred pursuant to subdivision (a), as a
4 percent of the Motor Vehicle Fuel Account, shall be equal to the
5 percent transferred in the 2006–07 fiscal year. Every five years,
6 starting in fiscal year 2013–14, the percent transferred may be
7 adjusted by the Department of Transportation in cooperation with
8 the Department of Parks and Recreation and the Department of
9 Motor Vehicles. Adjustments shall be based on, *but not limited*
10 *to*, the changes in the following factors since fiscal year 2006–07
11 or the last adjustment, whichever is more recent:

12 (1) The number of vehicles registered as off-highway motor
13 vehicles as required by Division 16.5 (commencing with Section
14 38000) of the Vehicle Code.

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

18 (3) Attendance at the state vehicular recreation areas.

19 (4) Off-highway recreation use on federal lands as indicated by
20 the United States Forest Service’s National Visitor Use Monitoring
21 and the United States Bureau of Land Management’s Recreation
22 Management Information System.

23 ~~(e) By using fiscal year 2006–07 as a base year, the division~~
24 ~~recognizes the factors that were used to calculate this baseline.~~
25 ~~Specifically, this baseline includes estimates of fuel used in~~
26 ~~off-highway motor vehicles that were illegally not registered as~~
27 ~~required by Division 16.5 (commencing with Section 38000) of~~
28 ~~the Vehicle Code, used in street-legal vehicles driven off-highway,~~
29 ~~and registered off-highway motor vehicles. The fuel used~~
30 ~~off-highway was used for both motorized recreation and to access~~
31 ~~other recreational opportunities. The baseline is a result of a 1990~~
32 ~~fuel tax study conducted by the Department of Parks and~~
33 ~~Recreation.~~

34 *(c) It is the intent of the Legislature that transfers from the*
35 *Motor Vehicle Fuel Account to the Off-Highway Motorized Vehicle*
36 *Trust Fund should reflect the full range of motorized vehicle use*
37 *off-highway for both motorized recreation and motorized off-road*
38 *access to other recreation opportunities. Therefore, the Legislature*
39 *finds that the fuel tax baseline established in subdivision (b),*
40 *attributable to off-highway estimates of use during the 2006–07*

1 *fiscal year, accounts for the three categories of vehicles that have*
2 *been found over the years to be users of fuel for off-highway*
3 *motorized recreation or motorized access to nonmotorized*
4 *recreational pursuits. These three categories are (1) registered*
5 *off-highway vehicles, (2) registered street legal motorized vehicles*
6 *used off-highway, and (3) unregistered off-highway motorized*
7 *vehicles.*

8 (d) It is the intent of the Legislature that the off-highway
9 recreational use to be determined by the Department of
10 Transportation pursuant to this section, be that usage by vehicles
11 subject to registration under Division 3 (commencing with Section
12 4000) of the Vehicle Code, for recreation or the pursuit of
13 recreation on surfaces where the use of vehicles registered under
14 Division 16.5 (commencing with Section 38000) of the Vehicle
15 Code may occur.

16 ~~SEC. 18.~~

17 ~~SEC. 20.~~ Section 8352.7 of the Revenue and Taxation Code is
18 repealed.

19 ~~SEC. 19.~~

20 ~~SEC. 21.~~ Section 8352.8 of the Revenue and Taxation Code is
21 amended to read:

22 8352.8. (a) The Conservation and Enforcement Services
23 Account is hereby established as an account in the Off-Highway
24 Vehicle Trust Fund created by Section 38225 of the Vehicle Code.

25 (b) Funds in the Conservation and Enforcement Services
26 Account shall be allocated to the Division of Off-Highway Motor
27 Vehicle Recreation of the Department of Parks and Recreation for
28 expenditure when appropriated by the Legislature for the purposes
29 of Section 5090.64 of the Public Resources Code.

30 ~~(c) All funds in the Conservation and Enforcement Services~~
31 ~~Account shall be available for expenditure, upon appropriation by~~
32 ~~the Legislature, until July 1, 2013. On July 1, 2015, all existing~~
33 ~~balances, including unappropriated balances and encumbered and~~
34 ~~unencumbered balances, of the Conservation and Enforcement~~
35 ~~Services Account shall be transferred to the Off-Highway Vehicle~~
36 ~~Trust Fund.~~

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

1 ~~SEC. 20. Section 38170 of the Vehicle Code is amended to~~
2 ~~read:~~

3 ~~38170. (a) Every off-highway motor vehicle subject to~~
4 ~~identification shall have displayed upon it the identification number~~
5 ~~assigned to the vehicle for which it is issued, together with the~~
6 ~~word “California” or the abbreviation “CAL” and the year number~~
7 ~~for which it is issued or a suitable device issued by the department~~
8 ~~for validation purposes, which device shall contain the year for~~
9 ~~which it is issued. The identification number shall be the most~~
10 ~~prominent feature of the device.~~

11 ~~(b) The identification plate or device at all times shall be~~
12 ~~securely fastened to the vehicle for which it is issued, shall be~~
13 ~~mounted or affixed in a position to be clearly visible, and shall be~~
14 ~~maintained in a condition so as to be clearly legible. A covering~~
15 ~~shall not be used on the identification plate or device.~~

16 ~~(c) All identification plates or devices issued on or after January~~
17 ~~1, 1996, shall be displayed as follows:~~

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

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

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

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

26 ~~(d) On or before July 1, 2009, the department, in conjunction~~
27 ~~with the Division of Off-Highway Motor Vehicle Recreation of~~
28 ~~the Department of Parks and Recreation, shall report to the~~
29 ~~Assembly Water, Parks, and Wildlife Committee and the Senate~~
30 ~~Committee on Natural Resources and Water, regarding~~
31 ~~recommendations to improve the identification of off-highway~~
32 ~~motor vehicles. At a minimum, the report should examine the~~
33 ~~benefits and challenges of using multiple identification stickers~~
34 ~~for each vehicle, requiring license plates or other device alternatives~~
35 ~~for certain off-highway vehicle types, and including a unique~~
36 ~~number for special nonresident permits issued under Section~~
37 ~~38087.5 of the Vehicle Code. In preparing the report, the~~
38 ~~department and Division of Off-Highway Motor Vehicle~~
39 ~~Recreation shall work with vehicle manufactures to evaluate~~
40 ~~feasibility.~~

1 *SEC. 22. Section 38165 of the Vehicle Code is amended to*
2 *read:*

3 38165. (a) The department shall determine the size, color, and
4 letters or number of the plate or device issued pursuant to this
5 division and the life of the series of plate or device issued, but in
6 no event less than six years. *The design of the plate or device shall*
7 *have the identification number as the most prominent feature of*
8 *the device.* During the intervening identification periods for which
9 the plate or device is issued, the department shall issue a tab,
10 sticker, or other suitable device to indicate the term for which such
11 plate or device will be valid.

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

26 ~~SEC. 21:~~

27 *SEC. 23. Section 38225 of the Vehicle Code, as amended by*
28 *Section 58 of Chapter 77 of the Statutes of 2006, is amended to*
29 *read:*

30 38225. (a) A service fee of seven dollars (\$7) shall be paid to
31 the department for the issuance or renewal of identification of
32 off-highway motor vehicles subject to identification, except as
33 expressly exempted under this division.

34 (b) In addition to the service fee required by subdivision (a), a
35 special fee of ~~sixty-seven dollars (\$67)~~ *fifty dollars (\$50)* shall be
36 paid at the time of payment of the service fee for the issuance or
37 renewal of an identification plate or device.

38 (c) All money transferred pursuant to Section 8352.6 of the
39 Revenue and Taxation Code, all fees received by the department
40 pursuant to subdivision (b), and all day use, overnight use, or

1 annual or biennial use fees for state vehicular recreation areas
2 received by the Department of Parks and Recreation shall be
3 deposited in the Off-Highway Vehicle Trust Fund, which is hereby
4 created. There shall be a separate reporting of special fee revenues
5 by vehicle type, including four-wheeled vehicles, three-wheelers,
6 motorcycles, and snowmobiles. All money shall be deposited in
7 the fund, and, upon appropriation by the Legislature, shall be
8 allocated according to Section 5090.61 of the Public Resources
9 Code.

10 ~~SEC. 22. Section 38290 is added to the Vehicle Code, to read:~~

11 ~~38290. A person operating an off-highway motor vehicle on~~
12 ~~private property may be in violation of Section 602 of the Penal~~
13 ~~Code, unless the operator has in his or her possession, written~~
14 ~~permission from the landowner to operate the vehicle on the~~
15 ~~property.~~

16 ~~SEC. 23. Section 38301.3 of the Vehicle Code is amended to~~
17 ~~read:~~

18 ~~38301.3. Notwithstanding subdivision (d) of Section 5008 of~~
19 ~~the Public Resources Code, or any other provision of state law,~~
20 ~~and to the extent authorized under federal law, a person who~~
21 ~~violates a state or federal regulation that prohibits entry of a motor~~
22 ~~vehicle into all or portions of an area designated as a federal or~~
23 ~~state wilderness area or an area where the operation of an~~
24 ~~off-highway motor vehicle is prohibited is guilty of a public offense~~
25 ~~and shall be punished as follows:~~

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

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

33 ~~(c) (1) For a third or subsequent offense committed within~~
34 ~~seven years after two or more prior violations for which there were~~
35 ~~convictions punishable under this section, the offense is a~~
36 ~~misdemeanor punishable by a fine not exceeding three hundred~~
37 ~~dollars (\$300) or by imprisonment in the county jail not exceeding~~
38 ~~90 days, or by both that fine and imprisonment.~~

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

4 ~~(A) The person convicted under this subdivision is the owner~~
5 ~~of the vehicle.~~

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

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

10 ~~SEC. 24. Section 38500.1 of the Vehicle Code is amended to~~
11 ~~read:~~

12 ~~38500.1. The Off-Highway Vehicle Safety Education~~
13 ~~Committee shall meet periodically to perform all of the following:~~

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

17 ~~(1) Curriculum and materials for training instructors to teach~~
18 ~~all-terrain vehicle operation and safety.~~

19 ~~(2) Curriculum and materials for training all-terrain vehicle~~
20 ~~safety.~~

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

26 ~~(4) Record keeping and insurance requirements to satisfy the~~
27 ~~requirements of Sections 11103.1 and 11108.~~

28 ~~(b) Upon presentation to the committee of a proposed program~~
29 ~~by an applicant to become an approved all-terrain vehicle safety~~
30 ~~training organization, the committee shall determine whether the~~
31 ~~applicant's program meets the minimum criteria and, if approved,~~
32 ~~shall recommend the organization for licensing pursuant to Section~~
33 ~~11105.6.~~

34 ~~(c) Report to the Legislature, on or before January 1, 2009, with~~
35 ~~recommendations to improve safety and consistency among~~
36 ~~operating rules for off-highway motor vehicles. At a minimum,~~
37 ~~the committee shall consider all of the following:~~

38 ~~(1) Restricting towing by off-highway motor vehicles and~~
39 ~~snowmobiles.~~

40 ~~(2) Restricting operation of a snowmobile without a rider.~~

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

4 ~~(4) Recording specific riding violations on the rider's driving~~
5 ~~record.~~

6 *SEC. 24. Section 38301 of the Vehicle Code is amended to*
7 *read:*

8 38301. (a) It is unlawful to operate a vehicle in violation of
9 special regulations which have been promulgated by the
10 governmental agency having jurisdiction over public lands,
11 including, but not limited to, regulations governing access, routes
12 of travel, plants, wildlife, wildlife habitat, water resources, and
13 historical sites.

14 (b) A person who violates subdivision (a) is guilty of a public
15 offense and shall be punished as follows:

16 (1) Except as provided in paragraphs (2) and (3), the offense
17 is an infraction punishable by a fine not exceeding fifty dollars
18 (\$50).

19 (2) For a second offense committed within seven years after a
20 prior violation for which there was a conviction punishable under
21 paragraph (1), the offense is an infraction punishable by a fine
22 not exceeding seventy-five dollars (\$75).

23 (3) (A) For a third or subsequent offense committed within
24 seven years after two or more prior violations for which there were
25 convictions punishable under this section, the offense is a
26 misdemeanor punishable by a fine not exceeding one hundred fifty
27 dollars (\$150) or by imprisonment in the county jail for a period
28 not exceeding 30 days, or by both that fine and imprisonment.

29 (B) In addition to the fine imposed under subparagraph (A), the
30 court may order impoundment of the vehicle used in the offense if
31 the person convicted under this subdivision is the owner of the
32 vehicle and the vehicle is subject to Section 4000 or 38010. The
33 period of impoundment imposed pursuant to this subdivision shall
34 not be less than one day nor more than 30 days. The impoundment
35 shall be at the owner's expense.

36 *SEC. 25. No reimbursement is required by this act pursuant to*
37 *Section 6 of Article XIII B of the California Constitution because*
38 *the only costs that may be incurred by a local agency or school*
39 *district will be incurred because this act creates a new crime or*
40 *infraction, eliminates a crime or infraction, or changes the penalty*

- 1 for a crime or infraction, within the meaning of Section 17556 of
- 2 the Government Code, or changes the definition of a crime within
- 3 the meaning of Section 6 of Article XIII B of the California
- 4 Constitution.

O