

AMENDED IN SENATE JUNE 15, 2014

AMENDED IN ASSEMBLY MAY 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 988

Introduced by Assembly Member Jones

February 22, 2013

An act to amend Sections ~~285, 286, 296, 331.1, 331.2, 426, 672, 3051, 11701, 11704.5, 11710, and 11723~~ *111, 3001, and 3003* of the Vehicle Code, relating to recreational off-highway *all-terrain* vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 988, as amended, Jones. New Motor Vehicle Board: *all-terrain vehicles*: recreational off-highway vehicles.

~~Existing~~

(1) *Existing* law establishes the New Motor Vehicle Board that regulates the activities or practices of a new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative, as those terms are defined by the Vehicle Code. Existing law requires licensing by the Department of Motor Vehicles to do these activities for specified types of vehicles.

~~Existing law defines a recreational off-highway vehicle as a motor vehicle designed by the manufacturer for operation primarily off of the highway that has a steering wheel, nonstraddle seating, a maximum speed capability of greater than 30 miles an hour, and an engine displacement equal to or less than 1,000cc.~~

~~This bill would include the activities and practices of recreational off-highway vehicle dealers, manufacturers, manufacturer branches,~~

distributors, distributor branches, or representatives within the scope of regulation by the board.

~~This bill would require these entities to make application to the Department of Motor Vehicles for a license, but would exempt them from the written examination and education program requirements. The bill would require an applicant for a dealer's license for a dealer who deals exclusively in recreational off-highway vehicles to procure and file a bond with the department in the amount of \$10,000 before a license is issued or renewed. The bill would also require the holders of these licenses and the dealers, manufacturers, manufacturer branches, distributors, distributor branches, and representatives to pay fees for the issuance and renewal of a license.~~

This bill would make a person who acts as a dealer, among other things, of recreational off-highway vehicles and utility-terrain vehicles subject to these licensing provisions and the provisions governing the New Motor Vehicle Board.

(2) Under existing law, the New Motor Vehicle Board consists of 9 members, 4 of whom are required to be new motor vehicle dealers, which existing law defines as a dealer who acquires for resale new and unregistered motor vehicles, off-highway motorcycles, or all-terrain vehicles. Existing law excludes a dealer who deals exclusively in motorcycles or recreational vehicles from appointment to the board as a new motor vehicle dealer.

This bill would also exclude a dealer who deals exclusively in all-terrain vehicles from appointment to the board as a new motor vehicle dealer.

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

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

- 1 *SECTION 1. Section 111 of the Vehicle Code is amended to*
- 2 *read:*
- 3 111. (a) "All-terrain vehicle" means a motor vehicle subject
- 4 to subdivision (a) of Section 38010 ~~which that~~ *is all of the*
- 5 *following:*
- 6 (a)
- 7 (1) Designed for operation off of the highway by an operator
- 8 with no more than one passenger.
- 9 (b)

1 (2) Fifty inches or less in width.

2 (e)

3 (3) Nine hundred pounds or less unladen weight.

4 (d)

5 (4) Suspended on three or more low-pressure tires.

6 (e)

7 (5) Has a single seat designed to be straddled by the operator,
8 or a single seat designed to be straddled by the operator and a seat
9 for no more than one passenger.

10 (f)

11 (6) Has handlebars for steering control.

12 (b) *Notwithstanding subdivision (a), for purposes of Chapter 6*
13 *(commencing with Section 3000) of Division 2 and Chapter 4*
14 *(commencing with Section 11700) of Division 5, "all-terrain*
15 *vehicle" also means a recreational off-highway vehicle as defined*
16 *in Section 500 and a utility-terrain vehicle as defined in Section*
17 *531.*

18 SEC. 2. *Section 3001 of the Vehicle Code is amended to read:*

19 3001. (a) Four of the appointive members of the board shall
20 be new motor vehicle dealers as defined in Section 426 who have
21 engaged for a period of not less than five years preceding their
22 appointment in activities regulated by Article 1 (commencing with
23 Section 11700) of Chapter 4 of Division 5. These members shall
24 be appointed by the Governor.

25 (b) Each of the five remaining appointive members shall be a
26 public member who is not a licentiate under Article 1 (commencing
27 with Section 11700) or 2 (commencing with Section 11800) of
28 Chapter 4 of Division 5 or an employee of such licentiate at the
29 time of appointment and one of these five appointive members
30 shall have been admitted to practice law in the state for at least 10
31 years immediately preceding his or her appointment. One public
32 member shall be appointed by the Senate Committee on Rules,
33 one by the Speaker of the Assembly, and three by the Governor.

34 (c) Each member shall be of good moral character.

35 (d) This section does not apply to a dealer who deals exclusively
36 ~~in motorcycles or motorcycles, all-terrain vehicles, as defined in~~
37 ~~Section 111, or recreational vehicles, as defined in subdivision (a)~~
38 ~~of Section 18010 of the Health and Safety Code.~~

39 SEC. 3. *Section 3003 of the Vehicle Code is amended to read:*

1 3003. (a) Each appointive member of the board shall be
2 appointed for a term of four years and shall hold office until the
3 appointment and qualification of his or her successor or until one
4 year has elapsed since the expiration of the time for which he or
5 she was appointed, whichever occurs first.

6 (b) The terms of the members of the board first appointed shall
7 expire as follows: one public member and one new motor vehicle
8 dealer member, January 15, 1969; two public members and one
9 new motor vehicle dealer member, January 15, 1970; two public
10 members and two new motor vehicle dealer members, January 15,
11 1971. The terms shall thereupon expire in the same relative order.

12 (c) Vacancies occurring shall be filled by appointment for the
13 unexpired term.

14 This section does not apply to a dealer who deals exclusively in
15 ~~motorcycles or~~ *motorcycles, all-terrain vehicles, as defined in*
16 *Section 111, or recreational vehicles, as defined in subdivision (a)*
17 *of Section 18010 of the Health and Safety Code.*

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Assembly May 24, 2013. (JR11)**