

HCR

45

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: HCR 45

BILL NAME: all terrain vehicles

SPONSOR(S): Gussendorf

RELATED BILLS PENDING:

DATE INTRODUCED: 2/10/84

REFERRALS: Resources
State Affairs

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

~~Earl Hanson, Public Safety 4322 - testify~~
Rep. Gussendorf 3824 - testify
~~Jim Caplan USFS 586-7447 - answer questions~~
Nat'l Park Service
B.L.H.
Bill Holman, Regional Director of Recreation - testify
USFS 586-7529
Public Safety - St. Shrover - answer questions - testify
John

C I T Y A N D B O R O U G H O F S I T K A

RESOLUTION NO. 84-246

A RESOLUTION OF THE ASSEMBLY OF THE
CITY AND BOROUGH OF SITKA, ALASKA
RECOMMENDING THAT THE STATE OF ALASKA
REGISTER 3-WHEEL ALL-TERRAIN VEHICLES
FOR ROAD USE AS IT HAS IN THE PAST

WHEREAS, in the past the Division of Motor Vehicles has treated 3-wheel ATV's as motorcycles and registered them for road use; and

WHEREAS, A.S. 28.035.269(8) defines motorcycles as vehicles having up to 3 wheels and most ATV's fit well within the motorcycle statute; and

WHEREAS, though neither the statutes nor the administrative code have been changed, the Division of Motor Vehicles has unilaterally changed its policy and now treats ATV's as snowmobiles and declares them unfit for road use; and

WHEREAS, not only does this action prohibit ATV's from being used on the highway, but also prohibits their use on many logging roads and Forest Service roads; and

WHEREAS, there is a need for identification of ATV's,

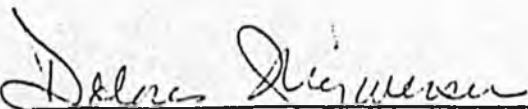
NOW, THEREFORE, BE IT RESOLVED by the Assembly of the City and Borough of Sitka, Alaska as follows:

The State of Alaska is hereby encouraged to again follow its former policy of registering and licensing for road use 3-wheel all-terrain vehicles.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 24th day of JANUARY, 1984.


John E. Dapcevich, Mayor

A T T E S T:


Dolores Ingwersen, Clerk



United States
Department of
Agriculture

Forest
Service

Region 10

P.O. Box 1628
Juneau, AK 99802

Reply to: 2350

Date: FEB 27 1984

Honorable Bettye Fahrenkamp
Alaska Senate
Pouch V
Juneau, AK 99811

Dear Ms. Fahrenkamp:

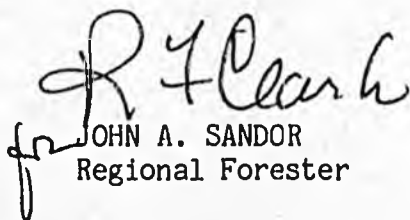
Please refer to House Concurrent Resolution No. 45 which was introduced January 20.

The Resolution states in part that the Forest Service has taken the initial position that All-Terrain Vehicles (ATV) may not use logging roads on Federal land and this prohibition substantially limits the hunting and recreational use of the ATV's.

That is not an accurate statement of Forest Service policy regarding the use of ATV's. Our policy is that ATV's are a legitimate use of the National Forests. Opportunities for ATV use on logging roads; trails, or areas are identified based on public demand, resource consideration, user conflicts, or visitor safety. Please be assured we will maintain opportunities for ATV use within the National Forests of Alaska.

We would be pleased to discuss this matter with you at your convenience.

Sincerely,


JOHN A. SANDOR
Regional Forester



Alaska State Legislature



WHILE IN JUNEAU
FOUCH V
JUNEAU, ALASKA
99811
907/465-3824
907/465-4965

REPRESENTATIVE
BEN GRUSSENDORF
P.O. BOX 928
SITKA, ALASKA 99835
907/747-8458

HOUSE FINANCE COMMITTEE
SPECIAL COMMITTEE ON FISHERIES

DISTRICT 3
ELFIN COVE
PELICAN
PORT ALEXANDER
SITKA
HOONAH
TENAKEE

House of Representatives

M E M O R A N D U M

TO: Senator Bettye Fahrenkamp, Chair
Senate Resources Committee

FROM: Rep. ~~Ben~~ Grussendorf

DATE: February 13, 1984

RE: HCR 45

*Catherine
3824*

Please consider this request for scheduling of HCR 45
in your committee at your earliest convenience.

~~3/14/84
Same date as
water board briefing.
Belts - 3pm
Bill may be 3:45 - check back.
Provide backlogs.~~

FEB 13 1984



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

December 7, 1983

MEMORANDUM

TO: Representative Ben Grussendorf
FROM: Nancy Pease *Nancy Pease*
Legislative Analyst
RE: Regulation of All-Terrain Vehicles
Research Request 83-252

Kate Tesar of your office requested information on the regulation of all-terrain vehicles (ATVs) in other western states. She asked if other western states license ATVs, particularly three-wheelers, and where other states allow ATVs to drive.

Registration Requirements

Regulations for registering ATVs in the western states distinguish between on-road and off-road driving. While few western states require registration of ATVs for off-road use, all but one have strict criteria for licensing ATVs for operation on public roads.

On-road licensing. Of the twelve western states I contacted¹, eleven states require that all-terrain vehicles be equipped to meet the safety requirements for standard motor vehicles in order to qualify for a street license. The exception is California, which prohibits any operation of off-road vehicles on its highways and improved roadways.

In most of the western states, the registration of ATVs for on-road use is handled in a similar manner: the vehicle must pass an inspection; the owner must submit an application and title; and the owner must pay a registration fee. Idaho's street-licensing policy is more restrictive than the norm, Idaho will only license the larger dune buggy-type ATVs, and only if they pass the inspection for operational and safety equipment required for highway travel. Most western states, including Oregon, Montana, Nevada, Arizona, New Mexico and Texas, will license properly equipped three-wheelers and dirt bikes under the classification of motor-driven cycles.

¹Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, Wyoming.

Off-road licensing. Of the twelve western states I surveyed, seven states do not require ATVs to be licensed for off-road use. Three states--Washington, California and Utah--require registration of all ATVs for off-road use. Two other states--New Mexico and Texas--require registration of two- and three-wheeled vehicles for off-road use. In none of these states does registration of an ATV for off-road use qualify the ATV to be driven on public roads. In the three states that register all ATVs, the registration fees are channeled to the state parks and recreation departments to help fund off-road motor recreation programs.

California refers to its registration of off-road vehicles as an identification program. All ATVs, motorcycles, dune buggies, jeeps, snow-machines and similar recreational vehicles are required to apply for and display identification plates issued by the Department of Motor Vehicles. Requirements include: completion of an application; evidence of ownership, or a bond to protect future owners or claimants against false title; a service fee, a special fee, and an in-lieu-of-tax fee. In Utah, the requirements for registration are a bill of sale or a notarized affidavit of ownership, and a \$5.00 fee. Colorado recently dropped its registration requirement when the number of vehicles registering began to decline and the \$5 fee no longer covered the costs of the program.

In both New Mexico and Texas, two- or three-wheeled motor vehicles with a saddle for the rider are classified as motorcycles, and are registered whether they are intended for on-road or off-road use. Again, registration does not necessarily qualify a two- or three-wheeler for use on public roads.

Alaska's registration policy. In Alaska, registration of ATVs is not required for off-road use.² Large ATVs may operate on public roads if they meet the equipment standards for highway travel and are licensed in a street vehicle classification. However, Alaska statutes permit the State Division of Motor Vehicles (DMV) to refuse to register a vehicle that it determines to be mechanically unsafe to be driven on a highway or other public property³, and that includes some ATVs.

Ken Simpson, registrar for the DMV, explained that three-wheelers are not engineered for street use, a limitation that the manufacturers

²Ken Simpson, Registrar with the State of Alaska Division of Motor Vehicles; telephone conversation on December 1, 1983.

³AS 28.10.031.

prominently mention on the manufacturer's certificate-of-origin. According to Mr. Simpson, even if owners outfit their three-wheelers with the basic safety equipment, the vehicles still do not meet DMV's standards for highway travel. The Alaska DMV will register three-wheelers only as snow vehicles.⁴ However, there is little freedom of operation to be gained by registering a three-wheeler as a snow vehicle since snow vehicles are restricted by the same state regulations as other off-highway vehicles.⁵ Registration will allow a three-wheeler to operate in areas specially designated for snowmachine recreation.

ATVs other than three-wheelers, depending upon their design and construction, may qualify for street licenses as motor-driven cycles. Motor-driven cycles must meet certain specifications for headlights, tail lights, stop and turn lights, reflectors, brakes, handgrips, foot-rests, handlebars, rider protection gear, and other equipment.⁶

Restrictions on ATV Use

Unless ATVs are licensed as street vehicles, they are banned from operating on most highways and public roadways throughout the western states. Some of the states designate by statute which roads or right-of-ways are open to ATVs, and delegate to local governments the authority to further regulate ATV operation in areas within their respective jurisdictions.

California and Oregon provide two examples of restrictions on ATV use in other states. California prohibits by statute off-highway motor vehicles from traveling under their own power on California highways or in highway corridors except to cross quickly at a 90° angle at a designated or safe crossing.⁷ The state regulates ATV operation on fire trails, logging roads, service roads, or other roughly graded trails and roads upon which vehicular travel by the public is permitted.

⁴AS 05.30.120. Definition: "snow vehicle" means a vehicle propelled by mechanical power, supported in part by skis, belts, cleats, or low pressure tires, and primarily designed to travel over ice or snow. (§ 1 ch 182 SLA 1968).

⁵13 Alaska Administrative Code 02.430- 02.455. Article 10: Special Rules for Snowmobiles and Other Off-Highway Vehicles.

⁶13 Alaska Administrative Code 04.330- 04.355. Equipment on Motorcycles, Motor-driven Cycles and Bicycles.

⁷CA § 38025: Off-highway vehicles; operation on highway.

The state requires that off-road vehicles operating in these public corridors comply with state statutes for registration, identification, and movement near and across highways. In addition, off-road vehicle drivers in these areas must obey state rules for safety equipment and safe handling of their vehicles as listed in the California Administrative Code and State Vehicle Code.⁸ The State of California does not exercise control over ATVs operated on private lands where the owner has granted permission for motor vehicles to operate, or in privately owned and maintained parking facilities that are generally open to the public.⁹

In contrast, Oregon does not statutorily restrict the areas in which ATVs may operate. In fact, Oregon statutes specify that certain beaches, dunes, and other public lands in its coastal counties are open to ATVs as long as the vehicles are fitted with safety equipment. Otherwise, individual state agencies have the authority to regulate the operation of ATVs on most state lands¹⁰. For example, the state's Parks and Recreation Branch has closed all of Oregon's state parks to off-road vehicles, while the State Forestry Division has opened all of the state forests (totaling 786,000 acres) except when the danger of forest fires is high. Management of ATVs is further decentralized in Oregon by the state's authorization of local governments to regulate ATV operation on hard-surfaced roads under their respective jurisdictions.

As you may know, Alaska regulations prohibit ATVs from operating on all highways and roadway, and within some road right-of-ways unless these corridors are designated for ATV use (see attachment A). The statutes allow the state agency or local government with authority over a particular highway or roadway to further authorize or restrict ATV driving on that highway. Snow vehicles may be regulated locally by any city or organized borough.

Providing Opportunities for ATV Use

The degree to which the western states have become involved in providing for ATV recreation varies considerably from state to state. Some states have chosen not to develop state sites or programs for off-road vehicle use; some states have responded in limited ways to the public's ATV

⁸Jack Stowe, Off-highway Motor Vehicle Division of the California Parks and Recreation Department; telephone conversation.

⁹CA § 38007: Off-highway vehicles; applicability of provisions.

¹⁰ORS 483.833-483.847: Off-road vehicles.

interests; and finally, some states have developed comprehensive programs to control and enhance off-road vehicle recreation.

Limited State Involvement. Arizona, Montana, New Mexico, and Nevada rely on the federal and local governments to provide and supervise public areas for off-road vehicle (ORV) recreation. Recreation specialists in all of these states cited the Bureau of Land Management and the U.S. Forest Service as the agencies chiefly responsible for opening public lands to ATVs. None of these states has designated more than two or three sites on state land for off-road vehicle recreation.

These states have chosen not to actively manage off-road vehicle recreation for a number of reasons. In Montana and Arizona, damage to terrain, trails, and wildlife caused by ATVs has dissuaded authorities from opening state lands to ATVs. Other states desire to foster responsible ATV use by designating state recreation sites but lack the resources to do so. In Nevada, public interest in ATV recreation is high and climbing, but the state does not own the land to begin an off-road program. According to a survey by the Nevada Division of Parks and Recreation, 70 percent of all families in Nevada own a recreation vehicle. However, according to Connie Sparbell of the Division of Parks and Recreation, the state legislature has regarded the management of off-road recreation as a federal problem, as the federal government owns 86 percent of the land in Nevada and because most state and private land is near urban centers where ATVs may prove disruptive.

Moderate State Involvement. Some states have responded to high public use of ATVs by designating special areas for ATV recreation, usually in cooperation with federal land management agencies. One example is the opening to ATVs of some of Oregon's state-managed beaches that adjoin federally owned coastal land where ATV driving had become popular. A spokesman for the Oregon Recreation Department, Mr. Johansen, reported that there is little need for extensive state involvement in ATV recreation in Oregon. According to Mr. Johansen, free rein for ATVs on most of the federally owned open lands in his state has obviated public interest in development of state ATV parks or recreation programs.

Another instance of partial state involvement in ATV recreation is Wyoming's cooperation with the Bureau of Land Management to operate snowmachine areas on BLM land. The State of Wyoming registers snowmachines and during the winter uses the fees to groom and patrol trails on BLM land.

Active State Involvement. Some western states have developed comprehensive programs to manage off-road recreation vehicles. The most successful programs (in terms of scope and public participation) involve establishment of an off-highway vehicle fund through registration fees and/or

state fuel taxes, and dispersal of this fund to federal, state, county, and local agencies for the development, maintenance, and supervision of off-road recreation sites and programs.

Greg Lovelady, Outdoor Recreation Advisor for the Interagency Committee for Outdoor Recreation in Washington, explained his state's program. Since 1972, Washington has operated a fund for off-road recreation. The fund receives 1 percent of the state fuel tax¹¹ and the registration fees for off-road vehicles. Approximately \$1 million per year is distributed from the fund to public agencies interested in supporting ORV recreation. (Other money is dispersed for maintenance of logging roads and other services related to off-highway, but not necessarily ATV/ORV, recreation.) Some state agencies, such as the Department of Natural Resources, receive a direct appropriation.

Other public agencies submit grant applications to the Interagency Committee. Grants are awarded for six types of projects considered supportive of ORV/ATV recreation: education, enforcement, maintenance, operation, and development and acquisition of sites. Most grants are for 100 percent of the requested amount, and the Interagency Committee monitors the spending of each grant to assure that the approved spending plan is followed. Mr. Lovelady added that the current system, in effect since 1977, is more efficient than a previous block grant system.

Mr. Lovelady mentioned the existence of similar grant and aid programs in California, Idaho, Colorado, and Utah, as well as in several eastern states. California's is probably the largest of these programs. Funds for their program are derived from off-highway vehicle (OHV) registration and identification, from fees collected at state OHV areas, and from fines and forfeitures from OHV infractions. These funds are deposited in the Off-Highway Vehicle Fund, from which the California Department of Parks and Recreation disperses approximately \$10 million annually.

The California fund has helped to establish and maintain 92 major, public off-highway vehicle recreation areas in California; seven state-managed areas; fifteen areas managed by counties, cities, or recreation districts; 43 areas managed by the U.S. Forest Service; and 27 areas managed by the Bureau of Land Management. At least 59 of these areas are open to ATVs.

¹¹According to Mr. Lovelady, a 1974 study showed that 4-1/2 percent of the fuel burned annually in Washington is burned for off-road travel. The legislature has appropriated 1 percent of the fuel tax for off-highway vehicle recreation.

Representative Grussendorf
December 7, 1983
Page 7

I have attached to this memo a copy of California's Off-Highway Motor Vehicle Recreation Act of 1982 (see Attachment B) which provides the details of California's current program.

* * *

I hope this has given you a broad view of how western states manage the use of all-terrain and other off-road vehicles. If you would like more information about the grant and aid programs, we would be happy to make available to you the materials we have collected. Please let us know if you have further questions.

NP

Attachments

California
Assembly Bill No. 2397

CHAPTER 994

An act to amend Sections 5001.8, 5006.4, 5006.41, 5006.45, 5006.47, 5006.48, 5019.56, 5070.5, 5071, and 5071.7 of, to add Chapter 1.25 (commencing with Section 5090.01) to Division 5 of, and to repeal Division 7.8 (commencing with Section 8700) of, the Public Resources Code, and to amend Sections 38001 and 42204 of, and to amend, repeal, and add Section 38225 of, the Vehicle Code, relating to off-highway vehicles, and making an appropriation therefor.

[Approved by Governor September 13, 1982. Filed with Secretary of State September 14, 1982.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2397, Young. Off-highway vehicles.

(1) Under the Off-Highway Vehicle Recreation Act of 1980, there is created in the Department of Parks and Recreation the Office of Off-Highway Motor Vehicle Recreation which has jurisdiction over, and provides funding of, off-highway motor vehicle areas.

This bill would repeal that act and would enact the Off-Highway Motor Vehicle Recreation Act of 1982. The bill would create the Off-Highway Motor Vehicle Recreation Commission and the Division of Off-Highway Motor Vehicle Recreation in the Department of Parks and Recreation and prescribe their powers and duties with respect to the State Vehicular Recreation Area and Trail System. The bill would authorize the department to contract with private concessionaires or with other public or private entities, to plan, develop, and manage units of the system. The bill would transfer to the system existing state park system properties acquired by the department with money from the Off-Highway Vehicle Fund. Provisions prescribing the sources of moneys in and the allocation of moneys from the Off-Highway Vehicle Fund would be operative July 1, 1983. The bill would require the Auditor General to prepare and submit a program performance audit report to the Legislature on the implementation and operation of the Off-Highway Vehicle Recreation Act of 1982 by October 1, 1984.

Those provisions of the bill would be repealed on January 1, 1988.

(2) Under existing law, state recreation units of the state park system are classified into various categories, including state vehicular recreation areas, by the State Park and Recreation Commission.

This bill would delete the classification of state vehicular recreation areas.

(3) The bill would also make technical and conforming changes.

(4) The bill would make an appropriation by authorizing new use of money in the Off-Highway Vehicle Fund, which is a continuously appropriated fund. Unencumbered money in that fund would be

transferred to the General Fund on January 1, 1988.

Appropriation: yes.

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

SECTION 1. Section 5001.8 of the Public Resources Code is amended to read:

5001.8. (a) The use of motor vehicles in units of the state park system is subject to the following limitations:

(1) In state wildernesses, natural preserves, and cultural preserves, use is prohibited.

(2) In state parks, state reserves, state beaches, wayside campgrounds, and historical units, use is confined to paved areas and other areas specifically designated and maintained for normal ingress, egress, and parking.

(3) In state recreation areas, use is confined to specifically designated and maintained roads and trails.

(b) The use of motor vehicles on lands in the state vehicular recreation area and trail system is confined to areas and routes designated for that purpose.

SEC. 2. Section 5006.4 of the Public Resources Code is amended to read:

5006.4. (a) The department may acquire, on behalf of the state, a fee or lesser interest in real and personal property located near Hollister in San Benito County for the state park system. If the property is leased, the lease shall be for such term and for such consideration as is mutually agreed upon by and between the director and the lessor, and with the rental to be paid by the department. Any interest acquired pursuant to this section shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code). With respect to lands subject to the grantor's reservation of oil and gas and mineral rights, the proviso contained in Section 5019 shall not apply.

(b) The department shall carry out a program in that unit of development, maintenance, administration, and conservation of trails and areas for the recreational use of off-highway vehicles and for other related state park system purposes. Areas for the recreational use of off-highway vehicles shall be administered pursuant to Chapter 1.25 (commencing with Section 5090.01).

Any fees, rentals, or other returns collected by the department in its administration of the unit shall be paid into the State Treasury to the credit of the Off-Highway Vehicle Fund.

SEC. 3. Section 5006.41 of the Public Resources Code is amended to read:

5006.41. The department may enter into agreements with the Department of Water Resources and the Department of Fish and Game to plan, develop, and administer real and personal property

located in the vicinity of Oroville. The department shall carry out a program in that unit of development, maintenance, administration, and conservation of trails and areas for the recreational use of off-highway vehicles. Areas for the recreational use of off-highway vehicles shall be administered pursuant to Chapter 1.25 (commencing with Section 5090.01).

Any fees, rentals, or other returns collected by the department in its administration of the unit shall be paid into the State Treasury to the credit of the Off-Highway Vehicle Fund.

SEC. 4. Section 5006.45 of the Public Resources Code is amended to read:

5006.45. (a) Notwithstanding any other provision of law, the Director of General Services may acquire, on behalf of the state, a fee or lesser interest in such real and personal property located in the vicinity of Ocotillo Wells in San Diego County as is designated in writing to the Director of General Services by the Director of Parks and Recreation. If the property is leased, the lease shall be for such term and for such consideration as is mutually agreed upon by and between the Director of General Services and the lessor, and with the rental to be paid by the Department of Parks and Recreation.

(b) Prior to making any acquisition:

(1) The Director of Parks and Recreation shall recommend to the State Park and Recreation Commission his designation of lands presently owned by the department to be included in the vehicular recreation area provided in subdivision (d), and no acquisition may be made unless and until the commission has concurred in that designation.

(2) The director shall conduct at least one public hearing in San Diego County regarding the designation of lands presently owned by the department to be included in the vehicular recreation area. The director shall consider and be guided by testimony presented at the hearing.

(c) Any interest acquired pursuant to this section shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code). The proviso in Section 5019 shall not apply to any property acquired pursuant to this section that is subject to a reservation of oil and mineral rights if the Director of Parks and Recreation finds that the proposed prospecting or extraction of oil and minerals will not unreasonably interfere with the use of the property or adjoining property for recreation and if the grantor or lessor of the surface of the property, if other than the state or the holder of such a reservation, consents to the proposed prospecting or extraction.

(d) Upon acquisition of the interest, the Director of General Services shall forthwith transfer the interest to the jurisdiction of the department, which shall administer the property as a unit of the state park system. The department shall carry out a program in that unit

of development, maintenance, administration, and conservation of trails and areas for the recreational use of off-highway vehicles and for other related state park system purposes. Areas for the recreational use of off-highway vehicles shall be administered pursuant to Chapter 1.25 (commencing with Section 5090.01).

(e) Any fees, rentals, or other returns collected by the department in its administration of the unit shall be paid into the State Treasury to the credit of the Off-Highway Vehicle Fund.

(f) The Director of Parks and Recreation shall review, and report annually to the State Park and Recreation Commission regarding, the development, maintenance, administration, and public usage of the vehicular recreation area and its success, effects on the environment, and appropriateness as a unit of the state park system.

SEC. 5. Section 5006.47 of the Public Resources Code is amended to read:

5006.47. (a) Notwithstanding any other provision of law, the Director of General Services may acquire, on behalf of the state, a fee or lesser right or interest in such real and personal property in the Counties of Los Angeles and Ventura located in the vicinity of Gorman and commonly known as Hungry Valley as is designated in writing by the Director of Parks and Recreation to the Director of General Services. If the property is leased, the lease shall be for such term and for such consideration as is mutually agreed upon by and between the Director of General Services and the lessor, and consented to by the Director of Parks and Recreation, and with rent to be paid by the Department of Parks and Recreation.

(b) Any interest in property acquired pursuant to this section shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code). The proviso in Section 5019 shall not apply to any property acquired pursuant to this section that is subject to a reservation of oil and mineral rights if the Director of Parks and Recreation finds that the proposed prospecting or extraction of oil and minerals will not unreasonably interfere with the use of the property or adjoining property for recreation and if the grantor or lessor of the surface of the property, if other than the state or the holder of such a reservation, consents to the proposed prospecting or extraction.

(c) Upon acquisition of the property, the Director of General Services shall transfer jurisdiction over the property to the Department of Parks and Recreation, which shall administer the property as a unit of the state park system. The 51st District Agricultural Association may propose a name for the unit. The department shall carry out a program in that unit of planning, development, construction, maintenance, administration, and conservation of trails and areas for the recreational use of off-highway vehicles and for other related purposes of the state park system. Areas for the recreational use of off-highway vehicles shall be

administered pursuant to Chapter 1.25 (commencing with Section 5090.01). The 51st District Agricultural Association may use the land and facilities within the unit for a fair oriented to off-highway vehicles for not more than 10 days each year if the Director of Parks and Recreation approves that use. The director may impose such terms and conditions upon such use as the director deems necessary and proper. The dates of that use shall be selected each year prior to January 1 and shall be subject to the approval of the Director of Parks and Recreation.

(d) If the Director of General Services determines that it is necessary, in order to purchase the property, to offer to the person from whom it is being purchased an option to lease back all or part of the property, the director may make such an offer if the Director of Parks and Recreation determines at the time of the purchase that the property is not then needed for the purposes of the state park system and will not be needed for the term of the lease thus offered. At any time after the option expires, the Director of General Services may offer, under competitive bidding procedures, all or part of the property for lease if the Director of Parks and Recreation determines at that time it is not then needed for the purposes of the state park system and will not be needed for the term of the lease to be offered. Any lease entered into pursuant to this section shall be subject to Section 15862 of the Government Code. Notwithstanding the provisions of Section 15863 of the Government Code, all rent accruing from any such lease after jurisdiction over the property is transferred to the Department of Parks and Recreation pursuant to subdivision (c) shall be paid into the State Treasury to the credit of the Off-Highway Vehicle Fund and shall be available for expenditure only for the purposes specified in subdivision (b) of Section 5090.61.

(e) Any fees or other returns collected by the department in its administration of the unit shall be paid into the State Treasury to the credit of the Off-Highway Vehicle Fund and shall be available for expenditure only for the purposes specified in subdivision (b) of Section 5090.61.

SEC. 6. Section 5006.48 of the Public Resources Code is amended to read:

5006.48. (a) Notwithstanding any other provision of law, the Director of General Services may acquire, on behalf of the state, a fee or lesser right or interest in real and personal property in the Counties of Alameda and San Joaquin located approximately 10 miles east of the City of Livermore and commonly known as the Carnegie Cycle Park. If the property is leased, the lease shall be for such term and for such consideration as is mutually agreed upon by and between the Director of General Services and the lessor, and consented to by the Director of Parks and Recreation, and with rent to be paid by the Department of Parks and Recreation.

(b) Any interest in property acquired pursuant to this section shall be subject to the provisions of the Property Acquisition Law

(Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

(c) Upon acquisition of the property, the Director of General Services shall transfer jurisdiction over the property to the Department of Parks and Recreation, which shall administer the property as a unit of the state park system. The Department of Parks and Recreation shall carry out a program in that unit of planning, development, construction, maintenance, administration, and conservation of trails and areas for the recreational use of off-highway vehicles and for other related purposes of the state park system. Areas for the recreational use of off-highway vehicles shall be administered pursuant to Chapter 1.25 (commencing with Section 5090.01).

(d) The Director of General Services may offer, under competitive bidding procedures, all or part of the property for lease if the Director of Parks and Recreation determines at that time it is not then needed for the purposes of the state park system and will not be needed for the term of the lease to be offered. Any lease entered into pursuant to this section shall be subject to Section 15862 of the Government Code. Notwithstanding the provisions of Section 15863 of the Government Code, all rent accruing from any such lease after jurisdiction over the property is transferred to the Department of Parks and Recreation pursuant to subdivision (c) shall be paid into the State Treasury to the credit of the Off-Highway Vehicle Fund and shall be available for expenditure only for the purposes specified in subdivision (b) of Section 5090.61.

(e) Any fees or other returns collected by the Department of Parks and Recreation in its administration of such unit shall be paid into the State Treasury to the credit of the Off-Highway Vehicle Fund and shall be available for expenditure only for the purposes specified in subdivision (b) of Section 5090.61.

SEC. 7. Section 5019.56 of the Public Resources Code is amended to read:

5019.56. State recreation units consist of areas selected, developed, and operated to provide outdoor recreational opportunities. The units shall be designated by the commission by naming, in accordance with the provisions of Article 1 (commencing with Section 5001) and this article relating to classification.

In the planning of improvements to be undertaken within state recreation units, consideration shall be given to compatibility of design with the surrounding scenic and environmental characteristics.

State recreation units may be established in the terrestrial or underwater environments of the state and shall be further classified as one of the following types:

(a) State recreation areas, consisting of areas selected and developed to provide multiple recreational opportunities to meet other than purely local needs. The areas shall be selected for their

having terrain capable of withstanding extensive human impact and for their proximity to large population centers, major routes of travel, or proven recreational resources such as manmade or natural bodies of water. Areas containing ecological, geological, scenic, or cultural resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural or cultural preserves.

Improvements may be undertaken to provide for recreational activities, including, but not limited to, camping, picnicking, swimming, hiking, bicycling, horseback riding, boating, waterskiing, diving, winter sports, fishing, and hunting.

Improvements to provide for urban or indoor formalized recreational activities shall not be undertaken within state recreation areas.

(b) Underwater recreation areas, consisting of areas in the underwater environment selected and developed to provide surface and subsurface water-oriented recreational opportunities, while preserving basic resource values for present and future generations.

(c) State beaches, consisting of areas with frontage on the ocean, or bays designed to provide swimming, boating, fishing, and other beach-oriented recreational activities. Coastal areas containing ecological, geological, scenic, or cultural resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural or cultural preserves.

(d) Wayside campgrounds, consisting of relatively small areas suitable for overnight camping and offering convenient access to major highways.

SEC. 8. Section 5070.5 of the Public Resources Code is amended to read:

5070.5. The Legislature hereby declares that it is the policy of the state to:

(a) Increase accessibility and enhance the use, enjoyment, and understanding of California's scenic, natural, historic, and cultural resources.

(b) Encourage hiking, horseback riding, and bicycling as important contributions to the health and welfare of the state's population

(c) Provide for the use of recreational trails by physically disabled persons, the elderly, and others in need of graduated trails with special safety features, particularly in conjunction with heritage corridors.

(d) Increase opportunities for recreational boating on designated waterways.

(e) Increase opportunities for use of recreational vehicles in designated areas and trail corridors pursuant to Chapter 1.25 (commencing with Section 5090.01).

(f) Provide for the development and maintenance of a statewide system of recreational and interpretive trails, including heritage

corridors.

(g) Increase the recreational and educational use of public roads by developing guides, maps, and other interpretive materials concerning significant historical, agricultural, scenic, and other resource areas.

(h) Encourage the development by cities, counties, districts, and private groups of recreational and interpretive trails, including heritage corridors.

SEC. 9. Section 5071 of the Public Resources Code is amended to read:

5071. The plan shall contain, but shall not be limited to, the following elements:

- (a) Pedestrian trails.
- (b) Bikeways.
- (c) Equestrian trails.
- (d) Boating trails.
- (e) Trails and areas suitable for use by physically disabled persons, the elderly, and others in need of graduated trails, especially along designated heritage corridors.
- (f) Cross-country skiing trails.
- (g) Heritage corridors.

SECTION 1. Section 5071.7 of the Public Resources Code is amended to read:

5071.7. (a) In planning the system, the director shall consult with and seek the assistance of the Department of Transportation. The Department of Transportation shall plan and design those trail routes that are in need of construction contiguous to state highways and serve both a transportation and a recreational need.

The Department of Transportation shall install or supervise the installation of signs along heritage corridors consistent with the plan element developed pursuant to this section and Section 5073.1; provided, however, that it shall neither install nor supervise the installation of these signs until it determines that it has available to it adequate volunteers, funds, or a combination thereof, to install or supervise the installation of the signs, or until the Legislature appropriates sufficient funds for the installation or supervision of installation, whichever occurs first.

(b) The element of the plan relating to boating trails and other elements of the system which are oriented to waterways shall be prepared and maintained by the Department of Boating and Waterways pursuant to Article 2.6 (commencing with Section 68) of Chapter 2 of Division 1 of the Harbors and Navigation Code. Those elements shall be integrated with the California Protected Waterways Plan developed pursuant to Chapter 1273 of the Statutes of 1968, and shall be planned so as to be consistent with the reservation of rivers of the California Wild and Scenic Rivers system, as provided in Chapter 1.4 (commencing with Section 093.50) of this division.

(c) On and after January 1, 1983, any element of the plan relating to trails and areas for the use of off-highway motor vehicles shall be prepared and maintained by the Division of Off-Highway Motor Vehicle Recreation pursuant to Chapter 1.25 (commencing with Section 5090.01).

(d) In planning the system, the director shall consult with and seek the assistance of the Department of Rehabilitation to assure that adequate provision is made for the use of recreational trails, including heritage corridors by physically disabled persons.

SEC. 11. Chapter 1.25 (commencing with Section 5090.01) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.25. OFF-HIGHWAY MOTOR VEHICLE RECREATION

Article 1. General Provisions

5090.01. This chapter shall be known and may be cited as the Off-Highway Motor Vehicle Recreation Act of 1982.

5090.02. (a) The Legislature finds that off-highway motor vehicles are enjoying an ever-increasing popularity in California and that the indiscriminate and uncontrolled use of those vehicles may have a deleterious impact on the environment, wildlife habitats, native wildlife, and native flora.

(b) The Legislature hereby declares that adequate facilities for the use of off-highway vehicles are essential to the maintenance of a desirable ecological balance.

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

(1) Existing off-highway motor vehicle recreational facilities be expanded in a manner consistent with this chapter.

(2) New off-highway motor vehicle recreational facilities be provided pursuant to this chapter.

(3) Implementation of the Off-Highway Motor Vehicle Recreation Program have high priority within the Department of Parks and Recreation and prompt and effective implementation of the program be the principal objective of the Division of Off-Highway Motor Vehicle Recreation.

(4) Off-highway motor vehicle recreation be furthered through financial assistance to local government and joint undertakings with agencies of the United States.

(5) Maintenance of state vehicular recreation areas and trails be improved, development and construction be accelerated, and operations be expanded.

5090.03. Unless the context otherwise requires the definitions in this article govern the construction of this chapter.

5090.04. "Commission" means the Off-Highway Motor Vehicle Recreation Commission.

5090.05. "Division" means the Division of Off-Highway Motor Vehicle Recreation of the Department of Parks and Recreation.

5090.06. "Fund" means the Off-Highway Vehicle Fund created by subdivision (b) of Section 38225 of the Vehicle Code.

5090.07. "Off-highway motor vehicle" means an off-highway motor vehicle as defined in Section 38006 of the Vehicle Code.

5090.08. "Program" means the Off-Highway Motor Vehicle Recreation Program.

5090.09. "System" means the State Vehicular Recreation Area and Trail System.

5090.10. The Auditor General shall prepare and submit a program performance audit report to the Legislature on or before October 1, 1984, on the implementation of this chapter. The report shall include recommendations for legislation deemed necessary by the Auditor General.

Article 2. Off-Highway Motor Vehicle Recreation Commission

5090.15. There is in the department the Off-Highway Motor Vehicle Recreation Commission, consisting of seven members, three of whom shall be appointed by the Governor, two of whom shall be appointed by the Senate Rules Committee, and two of whom shall be appointed by the Speaker of the Assembly.

Whenever any reference is made to the State Park and Recreation Commission pertaining to a duty, power, purpose, responsibility, or jurisdiction of the State Park and Recreation Commission with respect to the State Vehicular Recreation Area and Trail System, as established by this chapter, it shall be deemed to be a reference to, and to mean, the Off-Highway Motor Vehicle Recreation Commission.

5090.16. The members of the commission shall have experience and background consistent with the functions, duties, and responsibilities of the commission. In making appointments to the commission, the Governor, Senate Rules Committee, and Speaker of the Assembly shall consider the places of residence of the members of the commission in order to assure statewide representation.

5090.17. The terms of the members of the commission shall be four years, except that the members first appointed to the commission shall classify themselves by lot so that the term of three members expire January 15, 1984, the term of two members shall expire January 15, 1985, and the term of two members shall expire January 15, 1986.

5090.18. In case of any vacancy in the membership of the commission, the appointing authority of the vacating member shall appoint a successor member for the unexpired portion of the term.

5090.19. The members of the commission shall elect a chairman from their number who shall serve as chairman for one year and until his or her successor is elected.

5090.20. The director is the secretary of the commission.

5090.21. Members of the commission shall serve without

compensation, but shall be reimbursed for actual and necessary expenses, including travel expenses, incurred in the performance of their duties.

5090.22. The chairman of the commission may appoint committees composed of members of the commission and prescribe the jurisdiction of each.

5090.23. The commission shall establish policies for the guidance of the director and the division regarding all aspects of the system and the program.

5090.24. The commission shall have the following particular duties and responsibilities:

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

(b) Meet from time to time at various locations throughout the state to receive comments on the implementation of the program.

(c) Consider, upon the request of any owner or tenant, whose property is in the vicinity of any land in the system, any alleged adverse impacts occurring on that person's property from the operation of off-highway motor vehicles and recommend to the division suitable measures for the prevention of any adverse impact determined by the commission to be occurring.

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

(e) Review and approve all capital outlay expenditures from the fund proposed for inclusion in the budget.

(f) Report annually to the Legislature, the Governor, appropriate agencies of government, off-highway motor vehicle users and user groups, and the general public regarding the status of the program and the status of off-highway motor vehicle recreation generally.

Article 3. Division of Off-Highway Motor Vehicle Recreation

5090.30. There is in the department the Division of Off-Highway Motor Vehicle Recreation. Whenever any reference is made to the Office of Off-Highway Motor Vehicle Recreation, it shall be deemed to be a reference to, and to mean, the division. Section 5070.1 does not apply to the division.

5090.31. The division shall be under the direction of a deputy director appointed by the director. The deputy director shall have no responsibilities other than directing and managing the division and the program.

5090.32. All of the following functions, duties, and responsibilities of the department shall be performed exclusively by the division:

(a) The planning, acquisition, development, construction, and conservation of lands in and for the system.

(b) The direct management, maintenance, administration, and operation of lands in the system.

(c) Management of the fund.

(d) The implementation of all aspects of the program.

5090.33. The division shall have the following particular duties and responsibilities:

(a) The implementation of the policies established by the commission.

(b) Provision of staff assistance to the commission.

(c) Preparation of plans for lands in, or proposed to be included in, the system; provided, however, that no plan shall be prepared in any instance specified in subdivision (c) of Section 5002.2.

(d) The conduct of surveys and the preparation of studies that are necessary or desirable for furthering the program.

(e) The recruitment and utilization of volunteers to further the program.

5090.34. Under the direction of the commission, the division shall publish a guidebook, including the text of this chapter, other laws and regulations relating to the program, and maps of areas and trails for the system. The guidebook may include other public areas, trails, and facilities for the use of off-highway motor vehicles. The guidebook shall include information regarding the responsibility of users of the system and shall set forth pertinent laws, rules, and regulations, including particular provisions and other information intended to prevent trespass and damage to public and private property. The guidebook shall be prepared at minimal cost to facilitate the broadest possible distribution and shall be offered for sale at a price sufficient to meet all costs of preparation, printing, and distribution.

5090.35. The protection of public safety, the appropriate utilization of lands in the system, and the conservation of land resources in the system are of the highest priority in the management of the system; and, accordingly, the division shall promptly repair and continuously maintain areas and trails, anticipate and prevent accelerated and unnatural erosion to the extent possible, and restore lands damaged by erosion.

5090.36. The division may enter into contracts with concessionaires and cooperative agreements with other public agencies, pursuant to procedures specified in this division, for the care, maintenance, and control of lands in the system.

Article 4. State Vehicular Recreation Area and Trail System

5090.40. The system consists of the following lands:

(a) Carnegie, Clay Pit, Hollister Hills, Hungry Valley, Pismo Dunes, and Ocotillo Wells State Vehicular Recreation Areas, exclusive of the lands designated in Section 5090.41.

(b) Any lands added to the state vehicular recreation areas listed in subdivision (a).

(c) New state vehicular recreation areas.

(d) State vehicular recreational trails, including vehicular

recreational trails that are under the jurisdiction of another governmental agency that has authorized their designation as components of the system.

5090.41. The following lands within the boundaries of the state vehicular recreation areas listed in subdivision (a) of Section 5090.40 are part of the state park system:

(a) Sixty acres classified as natural preserve and 830 acres classified as cultural preserve at Hungry Valley State Vehicular Recreation Area. The division shall continue the management of 4,160 acres of grassland as a part of the State Vehicular Recreation Area and Trail System, but shall provide for the operation of off-highway motor vehicles in a manner compatible with the continued healthy growth of natural grasses and associated flora.

(b) One acre classified as a cultural preserve at Ocotillo Wells State Vehicular Recreation Area.

(c) Two hundred eighty acres at Hollister Hills State Vehicular Recreation Area set aside for nature study and closed to the operation of off-highway motor vehicles; however, any portion of that 280 acres that, as of January 1, 1985, has not been classified by the State Park and Recreation Commission pursuant to subdivision (c) of Section 5090.43 shall become a part of the State Vehicular Recreation Area and Trail System on that date.

5090.42. Lands in the system shall be selected, developed, and managed to provide outdoor recreational opportunities consistent with the findings in Section 5090.02 and pursuant to the other provisions of this chapter. Upon acquisition for the system, the area or trail shall be designated and named by the commission.

5090.43. (a) State vehicular recreation areas shall be established on lands where topographic features and associated recreational opportunities for off-highway motor vehicles are the primary values. Areas shall be developed, managed, and operated for the purpose of making the fullest public use of the outdoor recreational opportunities present, and the natural and cultural elements of the environment may be managed or modified to enhance the recreational experience.

(b) Lands shall be selected for acquisition for state vehicular recreation areas so as to minimize the need for establishing natural or cultural preserves or state wildernesses. The establishment of a natural or cultural preserve or state wilderness within the Carnegie, Clay Pit, or Pismo Dunes State Vehicular Recreation Area is prohibited.

(c) Whenever it would be impracticable to acquire lands for an area without establishing a natural or cultural preserve or a state wilderness within the boundaries of the area, the director shall recommend to the State Park and Recreation Commission proposed boundaries and a resource management policy for the preserve or wilderness for its review and approval and for classification as a preserve or wilderness. No general plan shall be prepared for the

reserve or wilderness unless the resource management policy contemplates that the preserve or wilderness will itself be a public attraction necessitating management as if it were a unit of the state park system.

(d) All lands within a state vehicular recreation area that are not classified by the State Park and Recreation Commission pursuant to subdivision (c) are under the jurisdiction of the Off-Highway Motor Vehicle Recreation Commission and the division and are part of the system.

5090.44. State vehicular recreation trails shall consist of corridors which are designated and maintained for recreational travel by off-highway motor vehicles, which are not suitable for normal travel by conventional two-wheel drive vehicles, and which are designated for off-highway motor vehicle travel by the owner of, or other person or public entity having control over, the property traversed by the trail. State vehicular recreation trails may include lands designated and maintained as trailheads.

5090.45. Eminent domain shall not be exercised to acquire any interest in property for a state vehicular recreation trail by the department or any public agency that has entered into a cooperative agreement with the division.

5090.46. No owner or other person having legal control of property in the vicinity of any lands in the system is liable for any actions of any type resulting from, or caused by, the user of an off-highway motor vehicle who is trespassing on property outside the system; and no owner or other person having legal control of property in the vicinity of any lands in the system is liable for any one's actions of any type commenced on, or taking place within, the boundaries of lands in the system.

Article 5. Local Assistance Grants and Cooperative Agreements with Federal Agencies

5090.50. Grants may be made to cities, counties, and appropriate districts for the planning, acquisition, development, construction, maintenance, administration, operation, and conservation of trails, trailheads, areas, and other facilities for the use of off-highway motor vehicles that are in accordance with local plans and any plans for off-highway motor vehicle recreation areas and trails prepared by the division.

5090.51. (a) Except as provided in subdivision (b), to be eligible for a grant, the applicant shall agree to provide, and provide, matching funds, or the equivalent value of services, material, or property used, in an amount of not less than 25 percent of the total expense of the off-highway motor vehicle facility.

(b) Notwithstanding subdivision (a), there shall be no matching fund requirement imposed with respect to any grant, or portion of any grant, that consists of funding for the planning, acquisition,

development, or construction of a regional off-highway motor vehicle facility. The commission shall adopt criteria for the determination of which facilities are regional and which are less than regional. The criteria shall take into account, at a minimum, all of the following:

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

(b) The size of each facility.

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

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

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

5090.52. No grant may be made pursuant to Section 5090.50 unless the governing body of the applicant has, by resolution, approved the facility.

5090.55. Any moneys in the fund allocated pursuant to subdivision (a) of Section 5090.61 and not appropriated for local assistance grants pursuant to Section 5090.50, shall be available for appropriation to the division for expenditure pursuant to cooperative agreements with agencies of the United States for any joint undertaking of any function that the division is authorized by this chapter to perform, except the enforcement of laws controlling the operation of off-highway motor vehicles.

Article 6. Fiscal Management

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

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

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

(c) Unexpended service fees.

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

(e) Fines and forfeitures, as provided in Section 42204 of the Vehicle Code.

(f) Reimbursements.

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

5090.61. Moneys in the fund shall be available for appropriation in accordance with the following allocation:

(a) An amount, not to exceed 50 percent of the revenues from the special fee required by subdivision (b) of Section 38225 of the Vehicle Code and the revenues transferred from the Motor Vehicle Fuel Account, shall be available for local assistance grants pursuant to Article 5 (commencing with Section 5090.50). Any portion of this

ount not granted to local public agencies shall be available to the division for cooperative agreements with agencies of the United States pursuant to Section 5090.55.

b) The remainder of the revenues from the special fee required by subdivision (b) of Section 38225 of the Vehicle Code and the remainder of the revenues transferred from the Motor Vehicle Fuel Account, together with all other moneys in the fund, shall be available for the support of the division in implementing the program and for the planning, acquisition, development, instruction, maintenance, administration, operation, and reservation of lands in the system. As used in this subdivision, "support of the division" includes functions performed outside the division by others on behalf of the division, including costs incurred on behalf of the division for personnel management and training, auditing and fiscal analysis, records, purchasing, public information activities, and legal services. "Support of the division" does not include any costs incurred by, or attributable to, the director or the director's immediate staff or their salaries.

5090.62. No money in the fund may be encumbered for the planning, development, maintenance, operation, administration, or reservation of any natural or cultural preserve or any state wilderness classified pursuant to subdivision (c) of Section 5090.43, except that the cost of erecting fences or barriers and posting and otherwise designating a preserve or wilderness may be met from money appropriated from the fund if that cost is incurred prior to, contemporaneously with, the opening of the state vehicular recreation area to public use.

5090.63. This article shall become operative on July 1, 1983.

Article 7. Termination

5090.70. This chapter shall remain in effect only until January 1, 1983, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1988, deletes or extends that date.

SEC. 12. Division 7.8 (commencing with Section 8700) of the Public Resources Code is repealed.

SEC. 13. Section 38001 of the Vehicle Code is amended to read:

38001. (a) Except as otherwise provided, the provisions of this section shall apply to off-highway motor vehicles, as defined in Section 38006, on lands, other than a highway, which are open and accessible to the public, except private lands under the immediate control of the owner or his agent where permission is required and been granted to operate a motor vehicle. For the purposes of this section, the term "highway" does not include fire trails, logging roads, service roads regardless of surface composition, or other roughly graded trails and roads upon which vehicular travel by the public is permitted.

(b) Privately owned and maintained parking facilities that are generally open to the public are exempt from the provisions of this division, unless the facilities are specifically declared subject to the provisions of this division by the procedure specified in Section 21107.8.

SEC. 14. Section 38225 of the Vehicle Code is amended to read:

38225. (a) A service fee of five dollars (\$5) shall be paid to the department for the issuance or renewal of identification of off-highway motor vehicles subject to identification, except as expressly exempted under this division.

(b) In addition to the service fee specified in subdivision (a), a special fee of six dollars (\$6) shall be paid at the time of payment of the service fee for the issuance or renewal of an identification plate or device. All fees received by the department pursuant to this subdivision, and all day use, overnight use, or annual or biennial use fees for state vehicular recreation areas received by the Department of Parks and Recreation, shall be deposited in the Off-Highway Vehicle Fund, which is hereby created. There shall be a separate reporting of special fee revenues by vehicle type, including four-wheeled vehicles, three-wheelers, motorcycles, and snowmobiles. All money in the fund is continuously appropriated for expenditure by the Department of Parks and Recreation for the purposes specified in Article 6 (commencing with Section 5090.60) of Chapter 1.25 of Division 5 of the Public Resources Code.

This section shall remain in effect only until January 1, 1988, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1988, deletes or extends that date. Any unencumbered funds remaining in the Off-Highway Vehicle Fund on January 1, 1988, shall be transferred to the General Fund.

SEC. 15. Section 38225 is added to the Vehicle Code, to read:

38225. A service fee of five dollars (\$5) shall be paid to the department for the issuance or renewal of identification of off-highway motor vehicles subject to identification, except as expressly exempted under this division.

This section shall become operative January 1, 1988.

SEC. 16. Section 42204 of the Vehicle Code is amended to read:

42204. Notwithstanding any other provisions of law, 50 percent of all fines and forfeitures collected for violations of Division 16.5 (commencing with Section 38000) shall be deposited in the Off-Highway Vehicle Fund for expenditure pursuant to Article 6 (commencing with Section 5090.60) of Chapter 1.25 of Division 5 of the Public Resources Code, and 50 percent of such fines and forfeitures shall be deposited and distributed in the same manner as specified in Section 42201.5.

SEC. 17. For the 1982-83 fiscal year only, no funds shall be encumbered for the Off-Highway Motor Vehicle Recreation Commission in excess of the amount budgeted for the support of the Off-Highway Motor Vehicle Recreation Advisory Committee, and no

funds may be encumbered for the Division of Off-Highway Motor Vehicle Recreation in excess of the amount budgeted for the support of activities of the Department of Parks and Recreation and the Office of Off-Highway Motor Vehicle Recreation relating to the recreational use of off-highway motor vehicles.

MSG 84-00001394 PRTY 1 01/06/84 14:37:27 ORIG: SIT\$ IN= 0005 OUT= 0001
FROM: ELAINE, SITKA TO: REP. GRUSSENDORF
TARGET: LJ51 SUBJ: 3-WHEELERS PAGE 0001

---FOR INFORMATION---

I MENTIONED THAT I'D HEARD OF SOME CONCERNS IN UNALASKA. I GOT A RESPONSE BACK TODAY FROM THE TELECONFERENCE MODERATOR THERE. SHE TELLS ME THAT THE CITIZENS ARE M O S T UPSET ABOUT LIMITATIONS ON 3-WHEELERS, VIEWING THEM AS IMPORTANT AND BASIC TRANSPORTATION OUT THERE. SHE SAYS THE CITY COUNCIL IS NOW WORKING ON A RESOLUTION THAT WOULD PROHIBIT 3-WHEELERS ON THE ROADS "EVEN ON THE SHOULDER AT 10 MPH." AS A RESULT, THERE HAS BEEN "MASS PUBLIC OUTCRY," WITH FOLKS CHECKING FOR C.E.C. REGULATIONS TO TRY TO FIND A SOLUTION. THEY HOPE TO FIND SOME WAY TO PREVENT LIABILITY TO THE CITY AND STILL ALLOW FOR THE USE OF 3-WHEELERS AS NEEDED TRANSPORTATION. SHE CONCLUDES: "BECAUSE OF OUR REMOTENESS AND WEATHER CONDITIONS, IT HAS CAUSED US A SERIOUS CONCERN. PLEASE DO SEND US ANY INFORMATION YOU MIGHT HAVE ON THIS ISSUE."

I RESPONDED TO HER THAT YOU & DICK HAVE MET EXTENSIVELY WITH THE GROUP HERE AND DONE CONSIDERABLE RESEARCH; SUGGESTED THAT SHE REFER ANY CONCERNED PERSON TO YOU FOR ADDITIONAL INFO.

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

HCR 45 REQUESTING A REVIEW OF ALL TERRAIN VEHICLES.

SPONSOR: GRUSSENDORF

ONLY COMMITTEE REFERRAL ON THE SENATE SIDE WAS RESOURCES.
THERE IS NOT A COMMITTEE SUBSTITUTE.

URGES THE DEPT. OF PUBLIC SAFETY TO REVIEW ITS REGULATIONS
AND "CONF"ER" WITH MUNICIPALITIES AND FEDERAL AGENCIES
(U.S. FOREST SERVICE, BUREAU OF LAND MANAGEMENT, NATIONAL
PARK SERVICE) FOR THE PURPOSE OF ESTABLISHING FEDERAL AND
STATE REGULATIONS WHICH WOULD ALLOW FOR INCREASED USE OF
ALL-TERRAIN VEHICLES (ATVs) ON STATE AND FEDERAL LAND.

DEPT. OF PUBLIC SAFETY CLASSES ATVs WITH SNOWMOBILES AND
LIMITS THEM TO OFF-ROAD USE. (MANUFACTURERS OPENLY STATE
THAT ATVs ARE NEITHER SAFE NOR RECOMMENDED FOR STREET USE.)
INTENT OF HCR 45 IS TO IDENTIFY STATE AND FEDERAL LAND
(POSSIBLY TRAILS OR LOGGING ROADS) ON WHICH ATVs COULD BE
USED.

DEPT. OF PUBLIC SAFETY SUPPORTS.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
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JUNEAU, ALASKA 99811
(907) 465-3834
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Senate

Committee on Resources

MEMORANDUM

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff

RE: Committee Meeting, Wednesday, February 29, 1984

DATE: February 29, 1984

On Wednesday, February 29, 1984, at 3:00 pm in the Beltz Room the Senate Resources Committee will be hearing HCR 45, Requesting a review of all terrain vehicles, and SJR 42, Requesting the Administrator of the Environmental Protection Agency to establish an EPA regional office in Alaska.

HCR 45 urges the Department of Public Safety to review its regulations and "confer" with municipalities and federal agencies (USFS, BLM, NPS) for the purpose of establishing federal and state regulations which would allow for increased use of all-terrain vehicles (ATVs) on State and Federal land.

Prior to November 8, 1982, the Division of Motor Vehicles, Department of Public Safety, registered three-wheeled ATVs as motorcycles usable on streets and highways in the state. Having determined that registration of ATVs for street use was in conflict with the Federal Standards Act, the Department changed its policy so that three-wheelers are now classed with snowmobiles and limited to off-road use. Manufacturers openly state that ATVs are neither safe nor recommended for street use.

The U.S. Forest Service has a national policy, implemented on a regional level, to support the use of ATVs in National Forests. The use of federal logging roads is determined on a case by case basis with four-wheeled vehicles having preference. The USFS Division of Recreation in Alaska annually re-evaluates its off-road vehicle plan, through means which include soliciting public input.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HCR 45

Support

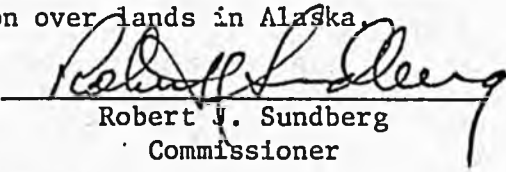
January 30, 1984

HCR - 45, Requesting a review of all terrain vehicle registrations.

The Department of Public Safety supports the intent of this resolution. The unique recreational and transportation opportunities in various areas of the state are well suited to the use of the three-wheeled ATVs and have contributed to their increased popularity. Many local governments and the state have recognized this popularity and have either established special use areas or established guidelines so that all recreational groups are served without infringing on the rights of others.

While these vehicles are popular and safe for recreational use, there are serious safety concerns regarding licensing them for general highway use. The manufacturer openly states that they are neither safe nor recommended for street use, and unfortunately this concern is validated by the growing number of injuries and fatalities caused by misuse of the ATVs. This has been the main factor in the Department's position not to register these ATVs for street use. However, this position should not exclude their recreational use on state or federal land where they would not conflict with other traffic.

The Department is in the process of reviewing other states' policies on ATVs and we will broaden this review to include the federal agencies having jurisdiction over lands in Alaska.


Robert J. Sundberg
Commissioner

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HCR 45
 Title: Requesting review of all terrain vehicle regulations.
 Sponsor: Grussendorf
 Requestor: House State Affairs
 Date of Request: 1-30-84

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life and Property Protection
 BRU, Program or Subprogram(s) Affected: Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

No fiscal impact.

ANALYSIS: Attach a separate page for analysis

Prepared By: Charles R. Hosack ^{CPH} Phone: 269-5561
 Division: Motor Vehicles Date: 1-30-84

Approved by Commissioner: Robert J. Sundberg Date: 1-31-84
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

ARTICLE 10.
SPECIAL RULES FOR SNOWMOBILES
AND OTHER OFF-HIGHWAY VEHICLES

Section

430. Applicability of regulations;
parental responsibility
435. (Repealed)
440. (Repealed)
445. Riding on snowmobiles and other
off-highway vehicles
450. (Repealed)
455. Operation on highways and other
locations
460. (Repealed)
465. (Repealed)

13 AAC 02.430. APPLICABILITY OF REGULATIONS; PARENTAL RESPONSIBILITY. (a) No parent or guardian may authorize or knowingly permit a child to violate a provision of secs. 430-455 of this chapter.

(b) Every person operating a snowmobile or other off-highway vehicle upon a highway has the rights and is subject to the duties applicable to the driver of any other vehicle under this chapter, except as otherwise provided in secs. 430-455 of this chapter, and except as to those provisions of this chapter which by their nature have no application. (Eff. 12/31/69; Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.435. APPLICATION OF SNOW VEHICLE PROVISIONS. Repealed 6/28/79.

13 AAC 02.440. TRAFFIC LAWS AND REGULATIONS APPLY TO OPERATION OF SNOW VEHICLE. Repealed 6/28/79.

13 AAC 02.445. RIDING ON SNOWMOBILES AND OTHER OFF-HIGHWAY VEHICLES. A person driving a snowmobile or other off-highway vehicle may ride only on a permanent seat attached to the vehicle; no snowmobile or other off-highway vehicle, when driven on a highway, may be used to carry persons other than the driver, unless the vehicle is designed and equipped with a seat for a passenger.

(b) Repealed 6/28/79
(Eff. 12/31/69, Reg. 31; am 6/28/79, Reg. 70)
Authority: AS 28.05.011

13 AAC 02.450. TOWING OTHER PERSON.
Repealed 6/28/79.

13 AAC 02.455. OPERATION ON HIGHWAYS AND OTHER LOCATIONS. (a) A snowmobile or an off-highway vehicle may be driven on a roadway or shoulder of a highway only under the following circumstances:

(1) when crossing a highway as provided in (f) of this section, or when traversing a bridge or culvert on a highway, but then only by driving at the extreme right-hand edge of the bridge or culvert and only when the traverse can be completed with safety and without interfering with other traffic on the highway;

(2) when use of the highway by other motor vehicles is impossible because of snow or ice accumulation or other natural conditions or when the highway is posted or otherwise designated as being open to travel by off-highway vehicles;

(3) when highway driving is authorized by an authority having jurisdiction over the highway, but only in accordance with restrictions which may be imposed by that authority with regard to highway use; or

(4) when driven on the right-of-way of a highway which is not a controlled-access highway, outside the roadway or shoulder, and no closer than three feet from the nearest edge of the roadway; night driving may be only on the right-hand side of the highway and in the same direction as the highway motor vehicle traffic in the nearest lane of the roadway; no person may drive an off-highway vehicle within the area dividing the roadways of a divided highway, except to cross the highway as provided in (f) of this section.

(b) Repealed 6/28/79.

(c) Repealed 6/28/79.

(d) Repealed 6/28/79.

(e) Repealed 6/28/79.

(f) A snowmobile or an off-highway vehicle may make a direct crossing of a highway if

(1) the crossing is made approximately at a right angle to the highway and at a location where visibility along the highway in both directions is clear for a sufficient distance to assure safety, and the crossing can be completed safely and without interfering with other traffic on the highway; and

(2) the vehicle is brought to a complete stop before crossing the shoulder or roadway, and the driver yields the right-of-way to all traffic on the highway.

(g) No snowmobile or other off-highway vehicle may cross or travel on a sidewalk, a location intended for pedestrian or other nonmotorized traffic, an alley, or a vehicular way or area which is not open to snowmobile or off-highway vehicle operation, except as provided in (f) of this section. (Eff. 12/31/69, Reg. 31; am 7/23/70, Reg. 35; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.460. LAMPS AND OTHER EQUIPMENT ON SNOW VEHICLE. Repealed 6/28/79.

13 AAC 02.465. SPEED RESTRICTIONS. Repealed 6/28/79.

ARTICLE 11. MISCELLANEOUS PROVISIONS

Section

- 480. Unattended motor vehicle
- 482. Limited use of vehicular ways and areas
- 485. Limitations on backing
- 487. Driving on sidewalk
- 490. (Repealed)
- 495. Riding in and on vehicles and towed objects; boarding and alighting; obstructing of driver's view or driving mechanism
- 497. Funerals and other processions; permits
- 500. (Repealed)
- 505. Animals on highways and other areas
- 510. (Repealed)
- 515. Coasting prohibited

517. Authorized and other emergency vehicles

520. Following authorized emergency vehicle; interference at scene of accident; crossing fire hose

525. (Repealed)

530. Littering, depositing materials, and dragging objects prohibited

532. Railroad trains not to block roadways

535. (Repealed)

540. (Repealed)

545. Drivers to exercise care

550. (Repealed)

13 AAC 02.480. UNATTENDED MOTOR VEHICLE. No person driving or in charge of a motor vehicle may permit it to stand unattended by an adult person without first stopping the engine, placing the transmission in gear or in park position, locking the ignition, removing the key from the ignition and, if there is not a reasonable possibility of freezing, setting the brake. When standing upon a grade, a driver shall turn the front wheels toward the curb or near edge of the highway in such a manner that if the unattended vehicle should roll from its standing position, the movement will be in the direction toward the curb or near edge of the highway and away from the roadway. (In effect before 7/28/59; am 12/15/61, Reg. 3, am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.482. LIMITED USE OF VEHICULAR WAYS AND AREAS. (a) No pedestrian, rider of a bicycle, or driver of a vehicle may travel on a vehicular way or area as defined in 13 AAC 40.010 when it is designated for use by a different mode of travel than that used by the pedestrian, rider of a bicycle, or driver of a vehicle.

(b) A driver of a nonmotorized vehicle traveling upon a vehicular way or area shall, regardless of whether an official traffic-control device is present, yield the right-of-way in the manner specified in sec 130(c) of this chapter to any traffic using a roadway, driveway, or vehicular way or area on which motor vehicle traffic is authorized. (Eff. 6/28/79, Reg. 70)

Authority: AS 28.05.011

September 14, 1983

Rep. Ben Gruessendorf
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Rep. Gruessendorf:

Some time back, I wrote letters to eight states in the western part of the United States inquiring as to whether or not they licensed the three-wheel motorcycles. I received 6 replies and those 6 states did, with certain restrictions in some states, allow licensing.

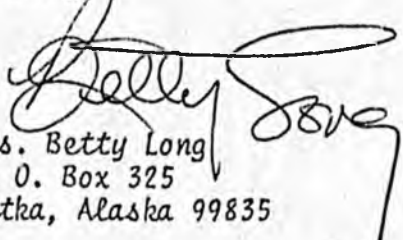
I am enclosing copies of the replies I received from them. I wrote the same letter to Washington, Oregon, Montana, Nevada, Idaho, Utah, Arizona and New Mexico. I received one self-addressed, stamped envelope which was post-marked "Reno, Nevada" but which only had a memo sheet which stated "No we do not license three-wheelers" which no signature or letterhead or anything. I cannot find it, but it probably would not mean anything anyhow since it had no signature or was on no letterhead, but probably means that Nevada does not license ATV's.

At any rate, 6 of the 8 states said yes and I cannot understand why if that large a percentage of only 8 states licenses the 3 wheelers, then why not Alaska, too? Also if they are unsafe, why are people still being allowed to ride them until November.

I still feel that the laws and regulations concerning these vehicles are very unfair and inconsistent. I wish there was some consistency with other states as well.

I felt like you should have a copy of these letters.

Thank you.


Mrs. Betty Long
P. O. Box 325
Sitka, Alaska 99835

June 27, 1983

State of Utah
Department of Motor Vehicles
Salt Lake City, Utah 84119

Dear Department:

I would appreciate it if you would send me information concerning three-wheel motorcycles, also known as ATV's.

I would like to know if the State of Utah licenses these vehicles and if so, what modifications are required to get them licensed. Also, if you license them, what restrictions if any, are there on these licenses.

I am enclosing a stamped, self-addressed envelope for your convenience in sending me this information.

Thank you.

Betty Long
Mrs. Betty Long
P. O. Box 325
Sitka, Alaska 99835

Here is
a copy of
the letter I
sent to 8 States

STATE OF IDAHO

JOHN V. EVANS
GOVERNOR
IDAHO TRANSPORTATION BOARD

CARL C. MOORE - CHAIRMAN
LLOYD F. BARRON - VICE CHAIRMAN
ROY L. STROSCHEIN - MEMBER

DARRELL V. MANNING
DIRECTOR



TRANSPORTATION DEPARTMENT

P.O. BOX 34 / BOISE, IDAHO 83731-0034

October 12, 1983

Mrs. Betty Long
P O Box 325
Sitka Ak 99835

Dear Mrs. Long:

Perhaps this response to your letter of June 27, is too late to be of value. Please excuse the tardiness of this reply.

Idaho does not title ATV's. ~~Idaho does title 3-wheel motorcycles~~ ATV's may be registered for off-road use through any of the 44 county assessor offices in Idaho.

The state does not register vehicles such as ATV's. All registrations of passenger or recreational vehicles is done at the county level.

If you are anticipating a move to Idaho, contact the county assessor office in the county to which you plan to move for further information.

Sincerely,

MOTOR VEHICLE BUREAU

A handwritten signature in cursive script, appearing to read "K. M. Graham".

K. M. Graham, Cl. Sp.
Title/Registration Unit

SAFE TRANSPORTATION MEANS PROGRESS

EQUAL OPPORTUNITY EMPLOYER



July 13, 1983

Enclosed are the procedures to title and license a vehicle in the State of Oregon for both new and used vehicles. These procedures include the three-wheel motorcycle.

If you have any further questions, please let us know.

JH/cb

Here is a copy of all data from Oregon, however, Ira's father checked with the DMV in Portland, and they told him that there are restrictions on ATV's, such as they cannot be driven on the freeways and must have headlights, etc.

Motor Vehicles Division
Validation Unit
Salem, Oregon 97314
Telephone: (503) 378-6921
735-6149 (3-83)





TITLE AND LICENSE PROCEDURES

THE TITLE FOR YOUR VEHICLE MUST BE SURRENDERED BEFORE YOU CAN TITLE AND LICENSE IT IN THE STATE OF OREGON. HERE'S WHAT WE MUST RECEIVE FROM YOU:

1. A COMPLETED AND SIGNED APPLICATION FOR TITLE, FORM 226.
 2. THE OUT-OF-STATE CERTIFICATE OF TITLE.
 3. EVIDENCE OF AN INSPECTION OF THE VEHICLE IDENTIFICATION NUMBER.
 4. TITLE, LICENSE AND INSPECTION FEES, MADE PAYABLE TO THE OREGON MOTOR VEHICLES DIVISION.
 5. DEQ INSPECTION CERTIFICATE, IF APPLICABLE.
1. Complete the APPLICATION FOR TITLE (form 226). Fill in the complete vehicle description. The registered owner's name(s) should appear on lines 5 (6 and 7). If you owe money on the vehicle or are leasing it, the security interest holder and/or lessor name and address should appear on lines 16 through 20. (This includes banks, finance companies, leasing companies, etc.)
 - A. Registered owners must sign on lines 13 (14 and 15) of the application. If a power of attorney is used for the owners, it must be completed with the vehicle description, the named attorney, and signatures of the owners. The named attorney must properly sign the registered owner's name(s) on the application (form 226). Example: John J. Doe by Samuel R. Smith, POA.
 - B. If you want the vehicle to be registered to two or more owners and you want the Right of Survivorship on the new title, be sure the "or the survivor" box has been checked, line 11. This means there is an agreement between the owners that if one dies the surviving owner only needs to show proof of death in order to release the interest of the deceased person.
 - C. The registered owner's Oregon residence address (street name and number) must be shown on the application. The documents may be mailed to a temporary address, but only after Oregon address has been verified to be a valid residence for the applicant. If the registered owners are not residents of Oregon, they should license the vehicle in the state in which they live or their home state of military record.
 2. Send the OUT-OF-STATE TITLE with releases by the former owners along with the Oregon application. Or, if the vehicle was previously registered in a non-title state, the out-of-state registration card must be sent with the Oregon application.
 3. The Motor Vehicles Division is required by law to make an inspection of the VEHICLE IDENTIFICATION NUMBER. This is checked with the National Crime Information Center on all vehicles being titled and registered in the State of Oregon which have previously been registered in some other state or country.

The vehicle may be taken to a Motor Vehicles Division Field Office for inspection. A fee of \$5 will be collected for the inspection. If the vehicle is out of state, the identification number may be inspected by any law enforcement agency or a provost marshal. If the vehicle is in a state which does vehicle identification number inspections, an inspection slip from that state's Motor Vehicles Division will be acceptable. The fee, in these cases, is not needed. Any differences in numbers on the vehicle and those on the documents must be resolved in the state where the vehicle is titled before submitting the documents to Oregon.

4. FEES

Add fee A + B + C = Total Fee (see below). A typical passenger car or pickup fee would include \$7 title fee, \$22 registration fee, and \$5 VIN fee, for a total of \$34. If the \$5 VIN fee has been paid in advance, a fee of \$29 would accompany your documents.

A. Vehicle Type

Registration Fee

Passenger cars/pickups	\$22.00
2-wheel motorcycles/mopeds	7.00
3-wheel motorcycles/mopeds	11.00
Light trailers (under 8,000 pounds)	21.00
Vans/Pickups/Trucks (over 8,000 pounds)	Based on fee schedule
Heavy trailers (over 8,000 pounds)	Based on fee schedule
Recreational trailers	Based on fee schedule
Campers	Based on fee schedule
Motor Homes	Based on fee schedule
Snowmobiles	10.00

B. TITLE FEE (all vehicles)

\$ 7.00

C. VIN FEE

\$ 5.00

You do not need to pay the \$5 VIN fee if: (a) the VIN inspection has been done prior to this application. There will be an indication on your application (form 226) that the inspection has been done and the fee collected. (b) The inspection is being done out of state. Simply attach the Vehicle Identification Inspection Form that has been completed by the out-of-state inspector.

License plates and stickers are mailed by first class mail from Salem.

5. If you live within the Portland Metropolitan Service District a DEQ inspection of the vehicle's emission system must be done before you license your vehicle. A DEQ inspection certificate must be attached to the Application for Title. A separate pamphlet is available.

Toll free telephone numbers in Oregon: Portland 229-5700, all others 1-800-452-7813. Out of state: (503) 371-2200.

TITLE AND LICENSE PROCEDURES—NEW VEHICLES

1. Fill out the Application for Title and Registration (Form 226) as follows:

- A. Lines 1-4: Provide a complete vehicle description.
- B. Lines 5-7: Name(s) of the registered owners(s) or lessee(s).
- C. Lines 8-10: The registered owner's residence (street name and number) must be shown on the application. The mailing address should also be provided if it is different from the residence address. The documents may be mailed to a temporary address upon request. If the registered owner(s) is not a resident(s) of Oregon, the vehicle should be licensed in the state in which the owner(s) lives or the home state of military record.
- D. Line 11: If the vehicle is to be registered in joint ownership (two or more registered owners) and the Right of Survivorship is desired on the new title, be sure the "or the Survivor" box has been checked.
- E. Lines 13-15: Individual signature(s) of the registered owner(s) or lessee(s). If a power of attorney is used for the owner(s), a power of attorney form must be completed with the vehicle description, signed by the owner(s), properly signed on the application, Form 226, and attached to the documents. For example, John L. Doe has signed a power of attorney allowing Sam Smith Cars to sign for him. When exercising the power of attorney on the application it should appear as follows: JOHN L. DOE by BOA Sam Smith Cars by Melvin Swartz
- F. Lines 16-20: Name and address of the security interest holder (bank, finance company, etc.) and/or lessor, if any.

2. Manufacturer's Certificate of Origin or Dealer's Bill of Sale.

- A. The manufacturer's certificate of origin must be submitted with the application for all passenger vehicles, mopeds, motorcycles and mobile homes, and all motor homes (1981 or newer). If the manufacturer's certificate of origin has been completed to show a firm or individual other than the registered owner(s) to be listed on the Oregon title, their release of interest must accompany the application.
- B. A pencil tracing of the identification number (frame number) must be submitted for a motorcycle or moped if the manufacturer's certificate of origin is not available. The identification number should be written in pen above the pencil tracing.
- C. Most motor homes have two manufacturers—the manufacturer of the frame and the manufacturer of the body. If two manufacturers are involved the manufacturer's certificate of origin is required from both.
- D. All other vehicles require the dealer's bill of sale portion on the reverse of the Application for Title and Registration (form 226) to be completed by the motor vehicle dealer where the vehicle was purchased, or a separate bill of sale from the dealer must be attached.

3. The title fee for all vehicles is \$7. The registration fees are as follows:

Passenger vehicles.....	\$22	(includes \$2 plate fee)
Light trailers..... (GVW less than 8,000 lbs.)	\$21	(includes \$1 plate fee)
Mopeds and Motorcycles, 2-wheels.....	\$ 7	(includes \$1 plate fee)
Motorcycles, 3-wheels. AND. SIDE CARS....	\$11	(includes \$1 plate fee)
Mobile Homes.....	\$11	(includes \$1 plate fee)

Registration fees for campers, travel trailers, motor homes, trucks, and heavy trailers vary by size or weight. Schedules are attached. ADD \$1 for each plate required: campers/travel trailers, heavy trailers: \$1; motor homes and trucks, \$2.

4. Passenger vehicle plates may be transferred to another vehicle with the payment of a \$7 fee. The expiration date of the license remains the same.

Truck, heavy trailer, farm and bus plates can be transferred to a like vehicle, to be similarly used, only when the vehicle they are being transferred from has been destroyed or permanently withdrawn from service in this state. The fee is \$7.

Plates cannot be transferred on campers, travel trailers, and mobile construction trailers because these vehicles are required to be continuously licensed.

5. Plates are mailed by first class mail.

BE SURE YOU HAVE ENCLOSED:

Completed Application for Title and Registration (Form 226)
Manufacturer's Certificate of Origin or the Dealer's Bill of Sale
\$7 title fee
The appropriate registration and plate fee

Toll free telephone number for Oregon calls: Portland 229-5700, All others
1-800-452-7813
Out of State calls: (503) 371-2200

VEHICLE IDENTIFICATION NUMBER INSPECTION CERTIFICATE

(See Instructions on Reverse)

OREGON MOTOR VEHICLES DIVISION REGULATIONS AUTHORIZE ONLY THE FOLLOWING
TO INSPECT AND CERTIFY VEHICLE IDENTIFICATION NUMBERS:

- ANY LAW ENFORCEMENT OFFICER
- COMMANDING OFFICER OR PROVOST MARSHAL (MILITARY PERSONNEL)
- AUTHORIZED OREGON VEHICLE DEALERS AND AUTHORIZED AGENTS FOR DMV
- SPECIFICALLY DESIGNATED DMV EMPLOYEES

VEHICLE DESCRIPTION

MAKE/MODEL	BODY STYLE
STATE PLATE NUMBER	STATE OF REGISTRATION

I CERTIFY THAT I HAVE PHYSICALLY INSPECTED THE ABOVE-DESCRIBED VEHICLE TO
VERIFY THE IDENTIFICATION NUMBER. I OBSERVED THE NUMBER OF THE VEHICLE TO BE:

OR

- I COULD NOT FIND AN IDENTIFICATION NUMBER
- THE NUMBER WAS UNREADABLE (EXPLAIN DETAILS ON BACK)
- OTHER (EXPLAIN DETAILS ON BACK)

SIGNATURE OF INSPECTOR	DATE OF INSPECTION
TITLE OR RANK	AGENCY

AREA BELOW FOR DMV USE ONLY

I HAVE COMPARED THE NUMBER FROM THE ABOVE-INSPECTION REPORT WITH THE
IDENTIFICATION NUMBER ON THE TITLE OR OTHER OWNERSHIP DOCUMENTS AND FOUND
THEM TO BE:

- THE SAME DIFFERENT (EXPLAIN ON BACK)

SIGNATURE OF OREGON DMV PERSONNEL	COUNTER NUMBER/DATE
-----------------------------------	---------------------

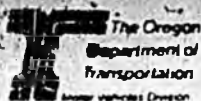
THE VEHICLE IDENTIFICATION NUMBER INSPECTION IS AN IMPORTANT PART OF TITLING A VEHICLE IN OREGON. IT HELPS TO INSURE THE ACCURACY OF THE TITLE DOCUMENT WHEN IT IS ISSUED.

INSTRUCTIONS:

1. Only people or agencies listed on the reverse side of this form may complete the vehicle inspection for title and registration purposes.
2. The inspector must physically inspect the vehicle before completing this form.
3. The inspector must complete the form in full. **INCOMPLETE FORMS WILL NOT BE ACCEPTED.** The completed form must include:
 - a. Vehicle description.
 - b. The vehicle identification number actually seen on the vehicle or if there was a problem with the number, the problem must be explained in detail in the "Inspection Summary" section of this form.If any identification number has been removed, defaced, covered, altered or destroyed, an inspection and this form must be completed by law enforcement personnel.
4. This form must be signed and dated by the inspector. Show rank or title, and the agency represented by the inspector.
5. The shaded area of this form is to be completed by Oregon Motor Vehicles Division employees only.

**MAKING A FALSE STATEMENT ON THIS INSPECTION FORM IS A CLASS C FELONY
(ORS 481.990).**

INSPECTION SUMMARY



APPLICATION FOR TITLE

- Instructions: 1. All supporting documents to show proof of ownership must accompany this application (Title, Manufactures Statement of Origin, Bill of Sale, etc.)
 2. Mail this form, completed and signed, to Motor Vehicles Division, Salem, Oregon 97314 or take to any Motor Vehicles Division Office.

New License Plate Number		Sticker Number		Permit Number		SHADED AREA FOR OFFICE USE
Present Plate Number		Present Expiration Date		Out of State Plates Surrendered <input type="checkbox"/> Yes <input type="checkbox"/> No		Expiration Date
1	Year		Make		Body Style	
2	Vehicle Identification Number		Oregon Title Number		Registration Fee	
3	Weight*	Length**	Equipment Number	County of Use	<input type="checkbox"/> Gas <input type="checkbox"/> Diesel <input type="checkbox"/> Other _____	Title Fee
4	I/We make application for title subject to the interest of any security interest holder or lessor shown below.				Replacement Fee	
Name of Owner (last, first, middle)		Date of Birth				VIN Fee
5	Name of Joint Owner (last, first, middle)		Date of Birth		Total Fee	
6	Name of Joint Owner or Lessee (last, first, middle)		Date of Birth		Vehicle Type	
7	Street Address		Mailing Address (if different)		County	
8	City, State, Zip				Legal Clear.	
9	Mobile Home Location (actual location of mobile home, including county)				Trans.	
10	Do you want the title to show joint ownership with the right of survivorship? <input type="checkbox"/> Yes <input type="checkbox"/> No				Origin	
11	Insurance information is required for vehicle license renewals only. I certify that all statements made are true and complete and that I have Motor Vehicle Liability Insurance on this motor powered vehicle.				Survivor	
Insurance Company Name (not agent or agency)		Policy Number				Motor Power
12	Signature of Owner as shown above		Date		Processing	
13	Signature of Joint Owner shown above		Date		Exempt	
14	Signature of Joint Owner or Lessee shown above		Date		Miscellaneous	
15	Security Interest Holder (bank, finance company, etc.)		Date		<input type="checkbox"/> VIN Inspection	
16	Address (street, city, state and zip)				Date of VIN	
17	Secondary Interest Holder (bank, finance company, etc.)		Date		<input type="checkbox"/> Change of Class	
18	Lessor's Name and Signature		Date		<input type="checkbox"/> Plate Transfer	
19	Address (street, city, state and zip)				<input type="checkbox"/> Plate Cancelled	
20						

- If you need any of the following IN ADDITION to your title, please check appropriate boxes. -

<input type="checkbox"/> Registration	<input type="checkbox"/> Replacement Plates	<input type="checkbox"/> Replacement Stickers
Reason for Replacement (Check One)	<input type="checkbox"/> Lost <input type="checkbox"/> Stolen	<input type="checkbox"/> Mutilated <input type="checkbox"/> Other
REMARKS		

BUS REGISTRATION

Passenger Weight	Unladen Weight	Baggage Compartment? <input type="checkbox"/> Yes <input type="checkbox"/> No	Number of Seats
Vehicle is used for transporting students as provided in ORS 485.060 <input type="checkbox"/>			

FARM REGISTRATION

Location of Farm Owned or Rented by Applicant		
TYPE:	AMOUNT (Acres, Tons, Pounds, Head, Etc.)	Number of Trucks Used on Farm
<input type="checkbox"/> Field Crops		
<input type="checkbox"/> Orchard		
<input type="checkbox"/> Fruit and Vegetable		
<input checked="" type="checkbox"/> Cattle		
<input type="checkbox"/> Horses		
<input type="checkbox"/> Other		

I declare that I own or rent and am engaged in a farm operation of a size requiring the use of the motor vehicle or vehicles claimed on this application, but not a cooperative corporation or corporation with more than 100 shareholders. The vehicle described in this application will be used only for one or more of the following purposes. Check appropriate box below.

FARM LICENSE

1. Transporting agricultural commodities, products or livestock originally grown or raised on my farm (including the products of such commodities, products or livestock packed, processed or manufactured on my farm).
2. Transportation incidental to the regular operation of my farm or transporting supplies, equipment or material to my farm that are consumed or used there.
3. Transporting forest products to my farm or such products originating on my farm.
4. Transporting agricultural commodities, supplies, equipment or material for another farmer on the exchange of labor basis, if uses are directly related to the operation of the farm.
5. Operated for the personal use of the farmer, any member of his immediate family or any person in his employ.

APPORTIONED FARM LICENSE

1. Partly used for one or more of the purposes described for a farm license, and,
2. Partly used for transporting agricultural commodities, products, livestock, supplies, equipment, or materials for hire for another farmer.

A vehicle licensed as a farm or apportioned farm vehicle may not be used to transport finished agricultural products from the farm or for any other commercial purposes.

IF APPLICABLE My signature certifies that this vehicle still qualifies for a farm license because there has been no substantial change in the use of the vehicle since it was most recently licensed.

I AFFIRM THAT THE INFORMATION GIVEN IS TRUE AND CORRECT. THIS DECLARATION IS MADE UNDER PENALTY FOR SWEARING FALSE INFORMATION IN APPLYING FOR REGISTRATION

Signature of Applicant X	Authorized Signature If Company Or Corporation X
-----------------------------	---

STATEMENT OF SALE AND PRIOR OWNERSHIP/BILL OF SALE

Name of Dealer or Former Owner	Dealer Number (if applicable)
Address	
Name of Purchaser	Date of Sale
Address	
Vehicle acquired from	<input type="checkbox"/> New <input type="checkbox"/> Used
Address	
The vehicle is free of all liens except as shown on the reverse side of this form.	
Signature of Dealer or Former Owner X	Title

STATE
OF
MONTANA
DEPARTMENT OF JUSTICE
MOTOR VEHICLE DIVISION

301 Roberts Helena, Montana 59620 (406) 449-1000

July 6, 1983

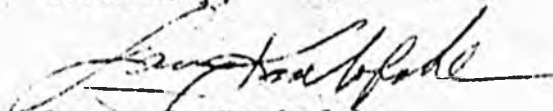
Mrs. Betty Long
P.O. Box 325
Sitka, Alaska 99835

Dear Mrs. Long:

I am sorry this Division does not administer the vehicle equipment codes. I have, however, inquired with the Montana Highway Patrol and they inform me that there is not a publication concerning vehicle equipment at this time.

The three-wheel motorcycles may be licensed; however, they must be inspected to verify that the vehicle is equipped for highway use. I would suggest you contact the Highway Patrol concerning the proper equipment. This includes the lights, brakes, turn signals, fenders, horn, or other equipment required for street use.

Sincerely,



Larry G. Komlofske
Administrative Officer
Motor Vehicle Division

LGK:cco

Transportation Department

Motor Vehicle Division, Manuel Lujan, Sr. Bldg., Santa Fe, New Mexico 87503

DRIVER SERVICES.....827-7522
VEHICLE SERVICES.....827-7568
RE-REGISTRATION.....827-7578
FIELD OPERATIONS.....827-7505
DATA PROCESSING.....827-7541



PENALTY ASSESSMENT.....827-7542
REVENUE AND AUDIT.....827-7515
TRAFFIC SAFETY.....827-4776
ACCIDENT RECORDS.....827-7570

July 11, 1983

Mrs. Betty Long
P. O. Box 325
Sitka, Alaska 99835

Dear Mrs. Long:

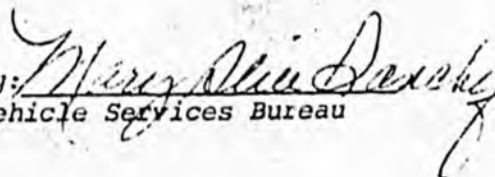
This state register and title three wheel vehicles as motorcycles, and issues a motorcycle plate, if the unit meet all the motorcycle requirements for street and road use.

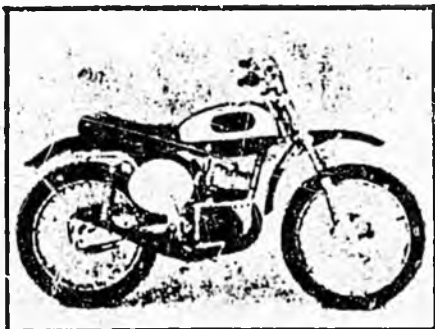
Most ATV's do not meet those requirements and are registered as Off-Highway vehicles and not allowed on streets or highways.

If we may be of further service, please feel free to write.

Sincerely,

Cosme H. Garcia, Chief

By: 
Vehicle Services Bureau



EQUIPMENT REQUIRED
ON MOTORCYCLES
MOTOR DRIVEN CYCLES
AND MOTOR SCOOTERS:



Inspection of vehicle for Arizona "Title Only" is required and will be made only if vehicle is properly equipped for highway use, as required by law. Minimum basic equipment requirements for two wheel vehicles are:

1. Head Light
2. Handlebars
(Not over 15"
above seat level)
3. Rear-view Mirror
4. Windshield (Optional)
5. Horn
6. Footrests
7. Hand or Foot Brake
8. Muffler
9. Tail Light
10. Stop Light
11. License Plate Light
12. Seat

All of the above equipment must be in good working order.

Operation of these vehicles upon the highways WHEN NOT PROPERLY EQUIPPED is illegal, and no registration may be issued.

If the vehicle will not be used on the city or state roads, but only as an off road vehicle, you need not be concerned with registration requirements.

If it will be for on road use and over 49cc then emissions test will be required and registration issued at applicable county.

Utah

Typed
Transcription of hand-written letter from Utah:

11 July 1983

Mrs. Betty Long:

Yes, we do register these 3 wheelers either on-road or for off road.

I am enclosing a booklet on the off-road regulations and the applications and ownership affidavits--

If they are to be registered in Utah the county assessor will need to clear the personal property tax on them unless you are in the service, which would exempt you but we do need a letter from C.O. stating you are stationed out of Utah. We do not title ATV's-- but if they are on-road we do title them and that means different forms and proof of ownership--ATV's are licensed for off-road use only-

I am sure you will have more questions as I am not sure which way you want to register them.--

Sincerely,

Lorraine Whitesides
Title Clerk-



RONALD L. POSSELLI
DIRECTOR
EDWARD S. BERRY
ASSISTANT DIRECTOR

UTAH STATE TAX COMMISSION

MOTOR VEHICLE DIVISION

State Fairgrounds - 1095 Motor Ave.
Salt Lake City, Utah 84116
PHONE (801) 533-5311

COMMISSIONERS
DAVID L. DUNCAN
CHAIRMAN
DOUGLAS F. SONNTAG
VICE-CHAIRMAN
GEORGIA B. PETERSON
ROBERT O. BOWEN
COMMISSIONERS

11 July 1972

Mrs. Betty Long:

Yes, we do register those three wheelers either on-road or for off road.

I am enclosing a booklet on the off-road requirements and the applications and ownership affidavits -

If they are to be registered in Utah the county assessor will need to clear the personal property tag on them unless you are in the service, which would exempt you but we do need a letter from C.C. stating you are stationed out of Utah. We do not tag ATVs - but if they are on-road, we do tag them and that means different forms and proof of ownership - ATVs are licensed for off-road use only -

I am sure you will have some questions as I am not sure which way you want to register them -

Sincerely,

Lorraine Whitesides
Toll Clerk -

From

INCLUDE
MAIL
STOPS

Department of Licensing
P. O. Box 9909
Olympia, WA 98503



ECON-O-GRAM
"To Provide Faster Service
of Lower Cost"

To

Mrs. Betty Long
P. O. Box 325
Sitka, AK 99835

Subject

FILE #

Re: ATV regulations

PLEASE
REPLY BY

NO REPLY
REQUIRED

Message

Enclosed are Washington laws concerning All Terrain Vehicles or Off Road Vehicles. If I may be of further service or if you have additional questions please contact me.

Encl.
N/C

Ila Lichtenwalter
SIGNATURE PHONE NO. DATE
Ila Lichtenwalter (206)753-6946 7-12-83

Reply

SIGNATURE

PHONE NO.

DATE

ORIGINATOR: SEND WHITE AND YELLOW COPIES TO RECIPIENT RECIPIENT: RETURN YELLOW COPY IF A REPLY IS NECESSARY

7-21-00

OFF-ROAD VEHICLE (ORV): Definition - Off-road vehicle (ORV) shall mean any non-highway vehicle when used for cross country travel on trails or on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include but are not limited to two or four-wheel drive vehicles, motorcycles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles and any other means of land transportation deriving motor power from any other source other than muscle or wind.

Nonhighway vehicle does not include:

1. Any vehicle designed primarily for travel on, over, or in the water;
2. Snowmobiles or any military vehicles;
3. Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

7-21-10 Exceptions: ORV use permits and ORV tags shall be required under the provisions of this chapter except for the following:

1. Off-road vehicles owned and operated by the United States, another state, or a political subdivision thereof.
2. Off-road vehicles owned and operated by this state, or by any municipality or political subdivision thereof.

3. An off-road vehicle operating in an organized competitive event on privately owned or leased land: PROVIDED, That if such leased land is owned by the State of Washington this exemption shall not apply unless the state agency exercising jurisdiction over the land in question specifically authorizes said competitive event.
4. Off-road vehicles operated on lands owned or leased by the ORV owner or operator or on lands which the operator has permission to operate without an ORV use permit.
5. An off-road vehicle owned by a resident of another state if that off-road vehicle is registered in accordance with the laws of the other state. This exemption shall apply only to the extent that a similar exemption or privilege is granted under the laws of that state, except that any off-road vehicle which is validly registered in another state and which is physically located in this state for a period of more than fifteen consecutive days shall be required to obtain a Washington state ORV use permit.
6. Off-road vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.
7. Vehicles used primarily for construction or inspection purposes during the course of a commercial operation.
8. Vehicles which are licensed pursuant to RCW 46.16 or in the case of nonresidents, vehicles which are validly licensed for operation over public highways in the jurisdiction of the owner's residence.

7-21-20 Use Permit Period: The ORV use permit shall be valid for a period of one year from the expiration of the last permit for that vehicle. If it is an original application, the ORV use permit shall be valid for one year from the first day of the month during which the application is taken. The permit fee is \$5.00. No abatement is allowed for mid-year registration.

7-21-30 ORV Numbers: The number which must be displayed on an ORV is five digits followed by an "A." Each county has been issued a block of numbers to assign to ORVs when they are first licensed.

The ORV number may be displayed on the front of the vehicle or on the rear of the vehicle or on both sides of the vehicle. The number must be at least one inch in height and of a permanent nature (paint, decal, etc.).

Vehicles currently having road license plates without a current road use validating tab must be assigned an ORV number and tab to be displayed on the vehicle. If currently licensed in this or another state, an ORV number is not required.

*7-21-40 Titling: If an ORV qualifies or with minor changes such as the addition of lights can be made to qualify for regular license, it must be titled. If not, the ORV may not be titled. The main points governing both of these situations are given below.

1. Titling an ORV: The original or transfer transaction for an ORV will be on a title application form.

Print or type the ORV number in the license plate box.

The proper proof of ownership and other supporting papers and the applicable fees will be required when titling.

2. No-Title: ORVs that cannot reasonably be modified so that they are eligible for road license are not to be titled.

For those ORVs not previously titled in Washington and not eligible for a title, use the form TD-420-001 (MV-01). The use tax must be charged and the proper supporting papers for proof of ownership must be submitted. If the vehicle has an out-of-state title, the title must be turned in. A \$10.00 inspection fee will be charged.

Any ORV that has a Washington title and the vehicle does not qualify for title and is being transferred to a new owner will be handled like a normal transfer. The old title must be turned in. Mark the "Issue No Title" box of the transaction code. There will be no \$1.00 charge for a title but in its place will be a \$1.00 transfer fee placed in the title fee box.