

COMMITTEE ON NATURAL RESOURCES AND PUBLIC SAFETY
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1167
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-1171, Arizona Revised Statutes, is amended to
3 read:

4 28-1171. Definitions

5 In this article, unless the context otherwise requires:

6 1. "ACCESS ROAD" MEANS A MULTIPLE USE CORRIDOR THAT MEETS ALL OF THE
7 FOLLOWING CRITERIA:

8 (a) IS MAINTAINED FOR TRAVEL BY TWO-WHEEL VEHICLES.

9 (b) ALLOWS ENTRY TO STAGING AREAS, RECREATIONAL FACILITIES, TRAIL
10 HEADS AND PARKING.

11 (c) IS DETERMINED TO BE AN ACCESS ROAD BY THE APPROPRIATE LAND
12 MANAGING AUTHORITY.

13 2. "CLOSED COURSE" MEANS A MAINTAINED FACILITY THAT USES DEPARTMENT
14 APPROVED DUST ABATEMENT AND FIRE ABATEMENT MEASURES.

15 ~~1.~~ 3. "Highway" means the entire width between the boundary lines of
16 every way publicly maintained by the federal government, the department, a
17 city, a town or a county if any part of the way is generally open to the use
18 of the public for purposes of CONVENTIONAL TWO-WHEEL DRIVE vehicular travel.
19 HIGHWAY DOES NOT INCLUDE ROUTES DESIGNATED FOR OFF-HIGHWAY VEHICLE USE.

20 4. "MITIGATION" MEANS THE RECTIFICATION OR REDUCTION OF EXISTING
21 DAMAGE TO NATURAL RESOURCES, INCLUDING FLORA, FAUNA AND LAND OR CULTURAL
22 RESOURCES, INCLUDING PREHISTORIC OR HISTORIC ARCHAEOLOGICAL SITES, IF THE
23 DAMAGE IS CAUSED BY OFF-HIGHWAY VEHICLES.

24 ~~2.~~ 5. "Off-highway recreation facility" includes off-highway vehicle
25 use areas and trails ~~specifically developed and~~ designated for use by
26 off-highway vehicles.

27 ~~3.~~ 6. "Off-highway vehicle":

28 (a) Means a motorized vehicle when operated PRIMARILY off of highways
29 on land, water, snow, ice or other natural terrain or on a combination of
30 land, water, snow, ice or other natural terrain.

31 (b) Includes a two-wheel, three-wheel or four-wheel vehicle,
32 motorcycle, four-wheel drive vehicle, dune buggy, amphibious vehicle, ground
33 effects or air cushion vehicle and any other means of land transportation
34 deriving motive power from a source other than muscle or wind.

35 (c) Does not include a vehicle that is either:

1 (i) Designed primarily for travel on, over or in the water.

2 (ii) Used in installation, inspection, maintenance, repair or related
3 activities involving facilities for the provision of utility or railroad
4 service.

5 ~~4.~~ 7. "Off-highway vehicle special event" means an event THAT IS
6 endorsed, AUTHORIZED, PERMITTED or sponsored by a FEDERAL, STATE, county or
7 municipality MUNICIPAL AGENCY AND in which the event participants operate
8 off-highway vehicles on specific routes OR AREAS designated by a local
9 authority pursuant to section 28-627.

10 ~~5.~~ 8. "Off-highway vehicle trail" means a multiple use corridor that
11 is ~~all~~ BOTH of the following:

12 (a) Open to recreational travel by an off-highway vehicle.

13 ~~(b) Not normally suitable for travel by conventional two wheel drive~~
14 ~~vehicles.~~

15 ~~(c)~~ (b) ~~Opened~~ DESIGNATED OR MANAGED by OR FOR the managing authority
16 of the property that the trail traverses for ~~the specific designated purpose~~
17 ~~of recreational~~ off-highway vehicle use.

18 ~~6.~~ 9. "Off-highway vehicle use area" means the entire area of a
19 parcel of land, except for ~~camping and~~ approved buffer areas, that is managed
20 specifically OR DESIGNATED for off-highway vehicle use ~~through the~~
21 ~~development or designation of off-highway vehicle trails.~~

22 Sec. 2. Section 28-1174, Arizona Revised Statutes, is amended to read:
23 28-1174. Operation restrictions; violation; classification

24 A. ~~It is unlawful for~~ A person ~~to~~ SHALL NOT drive an off-highway
25 vehicle:

26 1. With reckless disregard for the safety of persons or property.

27 2. OFF OF AN EXISTING ROAD, TRAIL OR ROUTE IN A MANNER THAT CAUSES
28 DAMAGE TO WILDLIFE HABITAT, RIPARIAN AREAS, CULTURAL OR NATURAL RESOURCES OR
29 PROPERTY OR IMPROVEMENTS.

30 3. ON ROADS, TRAILS, ROUTES OR AREAS CLOSED AS INDICATED IN RULES OR
31 REGULATIONS OF A FEDERAL AGENCY, THIS STATE, A COUNTY OR A MUNICIPALITY OR BY
32 PROPER POSTING IF THE LAND IS PRIVATE LAND.

33 4. OVER UNIMPROVED ROADS, TRAILS, ROUTES OR AREAS UNLESS DRIVING ON
34 ROADS, TRAILS, ROUTES OR AREAS WHERE SUCH DRIVING IS ALLOWED BY RULE OR
35 REGULATION.

36 B. A PERSON SHALL DRIVE AN OFF-HIGHWAY VEHICLE ONLY ON ROADS, TRAILS,
37 ROUTES OR AREAS THAT ARE OPENED AS INDICATED IN RULES OR REGULATIONS OF A
38 FEDERAL AGENCY, THIS STATE, A COUNTY OR A MUNICIPALITY.

39 C. A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE IN A MANNER THAT
40 DAMAGES THE ENVIRONMENT, INCLUDING EXCESSIVE POLLUTION OF AIR, WATER OR LAND,

1 ABUSE OF THE WATERSHED OR CULTURAL OR NATURAL RESOURCES OR IMPAIRMENT OF
2 PLANT OR ANIMAL LIFE, WHERE IT IS PROHIBITED BY RULE, REGULATION, ORDINANCE
3 OR CODE.

4 D. A PERSON SHALL NOT PLACE OR REMOVE A REGULATORY SIGN GOVERNING
5 OFF-HIGHWAY VEHICLE USE ON ANY PUBLIC OR STATE LAND. THIS SUBSECTION DOES
6 NOT APPLY TO AN AGENT OF AN APPROPRIATE FEDERAL, STATE, COUNTY, TOWN OR CITY
7 AGENCY OPERATING WITHIN THAT AGENCY'S AUTHORITY.

8 ~~B.~~ E. A person who violates ~~this section~~ SUBSECTION A, PARAGRAPH 1 is
9 guilty of a class 2 misdemeanor.

10 F. A PERSON WHO VIOLATES ANY OTHER PROVISION OF THIS SECTION IS GUILTY
11 OF A CLASS 3 MISDEMEANOR.

12 ~~C.~~ G. In addition to or in lieu of ~~the A~~ fine ~~prescribed by~~ PURSUANT
13 TO this section, a judge may order the person to perform at least eight but
14 not more than twenty-four hours of community restitution or to complete an
15 approved safety course RELATED TO THE OFF-HIGHWAY OPERATION OF MOTOR
16 VEHICLES, or both.

17 H. SUBSECTIONS A AND B DO NOT PROHIBIT A PRIVATE LANDOWNER OR LESSEE
18 FROM PERFORMING NORMAL AGRICULTURAL OR RANCHING PRACTICES WHILE OPERATING AN
19 ALL-TERRAIN VEHICLE OR AN OFF-HIGHWAY VEHICLE ON THE PRIVATE OR LEASED LAND.

20 Sec. 3. Section 28-1175, Arizona Revised Statutes, is amended to read:

21 28-1175. Instruction course; fee

22 A. The ARIZONA GAME AND FISH department shall conduct or approve an
23 educational course of instruction in off-highway vehicle safety and
24 environmental ethics. The course shall include instruction on off-highway
25 vehicle uses that limit air pollution and harm to natural terrain, vegetation
26 and animals. Successful completion of the course requires successful passage
27 of a written examination.

28 B. Any governmental agency, corporation or other individual that
29 conducts a training ~~and~~ OR educational course, OR BOTH, that is approved by
30 the ARIZONA GAME AND FISH department, THE UNITED STATES BUREAU OF LAND
31 MANAGEMENT OR THE UNITED STATES FOREST SERVICE OR THAT IS APPROVED OR
32 ACCEPTED BY THE ALL-TERRAIN VEHICLE SAFETY INSTITUTE OR THE NATIONAL
33 OFF-HIGHWAY VEHICLE CONSERVATION COUNCIL may collect a fee FROM THE
34 PARTICIPANT that is reasonable and commensurate for the training and that
35 ~~does not exceed fifty dollars~~ IS DETERMINED BY THE DIRECTOR OF THE ARIZONA
36 GAME AND FISH DEPARTMENT BY RULE.

37 Sec. 4. Section 28-1176, Arizona Revised Statutes, is amended to read:

38 28-1176. Off-highway vehicle recreation fund; annual reports;
39 definition

1 A. An off-highway vehicle recreation fund is established. The fund
2 consists of:

- 3 1. Monies appropriated by the legislature.
- 4 2. Monies deposited pursuant to ~~section~~ SECTIONS 28-1177 AND 28-5927.
- 5 3. Federal grants and private gifts.
- 6 ~~4. Matching monies from federal, state, local or private entities.~~

7 B. Monies in the off-highway vehicle recreation fund are appropriated
8 to the Arizona state parks board solely for the purposes provided in this
9 article. Interest earned on monies in the fund shall be credited to the
10 fund. Monies in the off-highway vehicle recreation fund are exempt from the
11 provisions of section 35-190 relating to lapsing of appropriations.

12 C. The Arizona game and fish department shall spend ~~thirty~~ THIRTY-FIVE
13 per cent of the monies in the off-highway vehicle recreation fund for ~~an~~
14 informational and educational ~~program on~~ PROGRAMS RELATED TO SAFETY, THE
15 ENVIRONMENT AND RESPONSIBLE USE WITH RESPECT TO off-highway vehicle
16 recreation and law enforcement activities relating to this article and for
17 off-highway vehicle law enforcement pursuant to title 17, chapter 4, article
18 3, INCLUDING SEVEN FULL-TIME EMPLOYEES TO ENFORCE THIS ARTICLE AND TITLE 17,
19 CHAPTER 4, ARTICLE 3.

20 D. THE STATE LAND DEPARTMENT SHALL SPEND FIVE PER CENT OF THE MONIES
21 IN THE OFF-HIGHWAY VEHICLE RECREATIONAL FUND TO ALLOW OCCUPANTS OF
22 OFF-HIGHWAY VEHICLES WITH USER INDICIA TO CROSS STATE TRUST LAND ON EXISTING
23 ROADS, TRAILS AND DESIGNATED ROUTES. THE STATE LAND DEPARTMENT SHALL USE
24 THESE MONIES FOR COSTS ASSOCIATED WITH OFF-HIGHWAY VEHICLE USE OF LANDS
25 WITHIN ITS JURISDICTION, TO MITIGATE DAMAGE TO THE LAND, FOR NECESSARY
26 ENVIRONMENTAL, HISTORICAL AND CULTURAL CLEARANCE OR COMPLIANCE ACTIVITIES AND
27 TO FUND ENFORCEMENT OF OFF-HIGHWAY VEHICLE LAWS.

28 ~~D.~~ E. The Arizona state parks board shall spend ~~seventy~~ SIXTY per
29 cent of the monies in the off-highway vehicle recreation fund for the
30 following purposes:

31 1. No more than ~~eighteen~~ TWELVE per cent to fund staff support to plan
32 and administer the off-highway vehicle recreation fund.

33 2. To establish ~~a facility development~~ AN OFF-HIGHWAY VEHICLE program
34 based on the priorities established in the off-highway vehicle RECREATIONAL
35 plan.

36 ~~3. To establish a matching fund program for funding off-highway
37 related law enforcement, informational and environmental education programs,
38 mitigation of environmental damage, facility development, land acquisition
39 and construction of off highway vehicle related facilities.~~

1 3. TO DESIGNATE, CONSTRUCT, MAINTAIN, RENOVATE, REPAIR OR CONNECT
2 OFF-HIGHWAY VEHICLE ROUTES AND TRAILS AND TO DESIGNATE, MANAGE AND ACQUIRE
3 LAND FOR ACCESS ROADS, OFF-HIGHWAY VEHICLE RECREATION FACILITIES AND
4 OFF-HIGHWAY VEHICLE USE AREAS. AFTER EXPENDITURES PURSUANT TO PARAGRAPH 1 OF
5 THIS SUBSECTION, THE ARIZONA STATE PARKS BOARD SHALL NOT SPEND MORE THAN
6 THIRTY-FIVE PER CENT OF THE REMAINING MONIES RECEIVED PURSUANT TO THIS
7 SUBSECTION FOR CONSTRUCTION OF NEW OFF-HIGHWAY VEHICLE TRAILS.

8 4. FOR ENFORCEMENT OF OFF-HIGHWAY VEHICLE LAWS.

9 5. FOR OFF-HIGHWAY VEHICLE RELATED INFORMATIONAL AND ENVIRONMENTAL
10 EDUCATION PROGRAMS, INFORMATION, SIGNAGE, MAPS AND RESPONSIBLE USE PROGRAMS.

11 6. FOR THE MITIGATION OF DAMAGES TO LAND, REVEGETATION AND THE
12 PREVENTION AND RESTORATION OF DAMAGES TO NATURAL AND CULTURAL RESOURCES,
13 INCLUDING THE CLOSURE OF EXISTING ACCESS ROADS, OFF-HIGHWAY VEHICLE USE AREAS
14 AND OFF-HIGHWAY VEHICLE ROUTES AND TRAILS.

15 7. FOR NECESSARY ENVIRONMENTAL, HISTORICAL AND CULTURAL CLEARANCE OR
16 COMPLIANCE ACTIVITIES.

17 ~~E. F. The allocation of the monies in the matching fund program~~
18 ~~prescribed in~~ subsection ~~D- E, paragraph~~ PARAGRAPHS 3 THROUGH 7 of this
19 section and the percentages allocated to each of the purposes prescribed in
20 ~~the program~~ SUBSECTION E, PARAGRAPHS 3 THROUGH 7 OF THIS SECTION shall be
21 ~~determined by~~ BASED ON an off-highway vehicle RECREATIONAL plan ~~prepared by~~
22 ~~the Arizona outdoor recreation coordinating commission and approved by the~~
23 ~~state parks board.~~

24 ~~F. Monies in the matching fund program established under subsection D,~~
25 ~~paragraph 3 of this section shall be distributed in an amount determined by~~
26 ~~the Arizona outdoor recreation coordinating commission to a qualified state~~
27 ~~or federal agency, city, town, county or tribal government. The Arizona~~
28 ~~state parks board may require additional matching monies that may be direct~~
29 ~~monies or in-kind services from these entities before the distribution~~
30 ~~pursuant to this subsection.~~

31 ~~G. Agencies receiving monies under this section shall use the monies:~~

32 ~~1. To designate, construct, maintain and manage off-highway vehicle~~
33 ~~recreation facilities, off-highway vehicle use areas and off-highway vehicle~~
34 ~~trails within land under the jurisdiction of the particular agency.~~

35 ~~2. For enforcement of off highway vehicle laws.~~

36 ~~3. For mitigation of damages to land.~~

37 ~~4. For off-highway vehicle related environmental education.~~

38 G. MONIES IN THE OFF-HIGHWAY VEHICLE RECREATION FUND SHALL NOT BE USED
39 TO CONSTRUCT NEW OFF-HIGHWAY VEHICLE TRAILS OR ROUTES ON ENVIRONMENTALLY OR
40 CULTURALLY SENSITIVE LAND UNLESS THE APPROPRIATE LAND MANAGEMENT AGENCY

1 DETERMINES THAT CERTAIN NEW TRAIL CONSTRUCTION WOULD BENEFIT OR PROTECT
2 CULTURAL OR SENSITIVE SITES. FOR THE PURPOSES OF THIS SUBSECTION,
3 "ENVIRONMENTALLY OR CULTURALLY SENSITIVE LAND" MEANS AREAS OF LANDS THAT ARE
4 EITHER:

5 1. ADMINISTRATIVELY OR LEGISLATIVELY DESIGNATED BY THE FEDERAL
6 GOVERNMENT AS ANY OF THE FOLLOWING:

- 7 (a) A NATIONAL MONUMENT.
- 8 (b) AN AREA OF CRITICAL ENVIRONMENTAL CONCERN.
- 9 (c) A CONSERVATION AREA.
- 10 (d) AN INVENTORIED ROADLESS AREA.

11 2. DETERMINED BY THE APPLICABLE LAND MANAGEMENT AGENCY TO CONTAIN
12 SIGNIFICANT NATURAL OR CULTURAL RESOURCES OR VALUES.

13 H. The Arizona ~~outdoor recreation coordinating commission~~ STATE PARKS
14 BOARD shall examine applications for eligible projects and determine the
15 amount of funding, if any, for each project. IN DETERMINING THE AMOUNT OF
16 MONIES FOR ELIGIBLE PROJECTS, THE ARIZONA STATE PARKS BOARD SHALL GIVE
17 PREFERENCE TO APPLICATIONS FOR PROJECTS WITH MITIGATION EFFORTS AND FOR
18 PROJECTS THAT ENCOMPASS A LARGE NUMBER OF PURPOSES DESCRIBED IN SUBSECTION E,
19 PARAGRAPHS 3 THROUGH 7 OF THIS SECTION.

20 I. BEGINNING SEPTEMBER 1, 2011, AND ON OR BEFORE SEPTEMBER 1 OF EACH
21 SUBSEQUENT YEAR, EACH AGENCY THAT RECEIVES MONIES FROM THE OFF-HIGHWAY
22 VEHICLE RECREATION FUND SHALL SUBMIT AN OFF-HIGHWAY VEHICLE REPORT TO THE
23 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
24 CHAIRPERSON OF THE SENATE NATURAL RESOURCES AND RURAL AFFAIRS COMMITTEE, OR
25 ITS SUCCESSOR COMMITTEE, AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES
26 NATURAL RESOURCES AND PUBLIC SAFETY COMMITTEE, OR ITS SUCCESSOR COMMITTEE.
27 THE REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC. THE REPORT SHALL INCLUDE
28 INFORMATION ON ALL OF THE FOLLOWING IF APPLICABLE:

29 1. THE AMOUNT OF MONIES SPENT OR ENCUMBERED IN THE FUND DURING THE
30 PRECEDING FISCAL YEAR FOR THE PURPOSES OF OFF-HIGHWAY VEHICLE LAW ENFORCEMENT
31 ACTIVITIES.

32 2. THE AMOUNT OF MONIES SPENT FROM THE OFF-HIGHWAY VEHICLE RECREATION
33 FUND DURING THE PRECEDING FISCAL YEAR FOR EMPLOYEE SERVICES.

34 3. THE NUMBER OF FULL-TIME EMPLOYEES EMPLOYED IN THE PRECEDING FISCAL
35 YEAR IN CONNECTION WITH OFF-HIGHWAY VEHICLE LAW ENFORCEMENT ACTIVITIES.

36 4. THE AMOUNT OF MONIES SPENT FROM THE OFF-HIGHWAY VEHICLE RECREATION
37 FUND DURING THE PRECEDING FISCAL YEAR FOR INFORMATION AND EDUCATION.

38 5. THE NUMBER AND SPECIFIC LOCATION OF VERBAL WARNINGS, WRITTEN
39 WARNINGS AND CITATIONS GIVEN OR ISSUED DURING THE PRECEDING FISCAL YEAR.

1 D. THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,
2 SEVENTY PER CENT OF THE USER FEES COLLECTED PURSUANT TO THIS SECTION IN THE
3 OFF-HIGHWAY VEHICLE RECREATION FUND ESTABLISHED BY SECTION 28-1176 AND THIRTY
4 PER CENT OF THE USER FEES COLLECTED PURSUANT TO THIS SECTION IN THE ARIZONA
5 HIGHWAY USER REVENUE FUND.

6 E. AN OCCUPANT OF AN OFF-HIGHWAY VEHICLE WITH A USER INDICIA ISSUED
7 PURSUANT TO THIS SECTION WHO CROSSES STATE TRUST LANDS MUST COMPLY WITH ALL
8 OF THE RULES AND REQUIREMENTS UNDER A STATE TRUST LAND RECREATIONAL PERMIT.
9 ALL OCCUPANTS OF AN OFF-HIGHWAY VEHICLE WITH A USER INDICIA SHALL OBTAIN A
10 STATE TRUST LAND RECREATIONAL PERMIT FROM THE STATE LAND DEPARTMENT FOR ALL
11 OTHER AUTHORIZED RECREATIONAL ACTIVITIES ON STATE TRUST LAND.

12 F. THIS SECTION DOES NOT APPLY TO OFF-HIGHWAY VEHICLES, ALL-TERRAIN
13 VEHICLES OR OFF-ROAD RECREATIONAL MOTOR VEHICLES THAT ARE USED OFF-HIGHWAY
14 EXCLUSIVELY FOR AGRICULTURAL, RANCHING, CONSTRUCTION, MINING OR BUILDING
15 TRADE PURPOSES.

16 28-1178. Operation of off-highway vehicles; exceptions

17 A PERSON MAY OPERATE AN ALL-TERRAIN VEHICLE OR AN OFF-HIGHWAY VEHICLE
18 IN THIS STATE WITHOUT AN OFF-HIGHWAY VEHICLE USER INDICIA ISSUED PURSUANT TO
19 SECTION 28-1177 IF ANY OF THE FOLLOWING APPLIES:

- 20 1. THE PERSON IS PARTICIPATING IN AN OFF-HIGHWAY SPECIAL EVENT.
- 21 2. THE PERSON IS OPERATING AN ALL-TERRAIN VEHICLE OR AN OFF-HIGHWAY
22 VEHICLE ON PRIVATE LAND.
- 23 3. THE PERSON IS LOADING OR UNLOADING AN ALL-TERRAIN VEHICLE OR AN
24 OFF-HIGHWAY VEHICLE FROM A VEHICLE.
- 25 4. DURING A PERIOD OF EMERGENCY OR IF THE OPERATION IS DIRECTED BY A
26 PEACE OFFICER OR OTHER PUBLIC AUTHORITY.
- 27 5. ALL OF THE FOLLOWING APPLY:
 - 28 (a) THE PERSON IS NOT A RESIDENT OF THIS STATE.
 - 29 (b) THE PERSON OWNS THE VEHICLE.
 - 30 (c) THE VEHICLE DISPLAYS A CURRENT OFF-HIGHWAY VEHICLE USER INDICIA OR
31 REGISTRATION FROM THE PERSON'S STATE OF RESIDENCY.
 - 32 (d) THE VEHICLE IS NOT IN THIS STATE FOR MORE THAN THIRTY CONSECUTIVE
33 DAYS.

34 28-1179. Off-highway vehicle equipment requirements; rule
35 making

36 A. AN OFF-HIGHWAY VEHICLE IN OPERATION IN THIS STATE SHALL BE EQUIPPED
37 WITH ALL OF THE FOLLOWING:

- 38 1. BRAKES ADEQUATE TO CONTROL THE MOVEMENT OF THE VEHICLE AND TO STOP
39 AND HOLD THE VEHICLE UNDER NORMAL OPERATING CONDITIONS.

1 2. LIGHTED HEADLIGHTS AND TAILLIGHTS THAT MEET OR EXCEED ORIGINAL
2 EQUIPMENT MANUFACTURER GUIDELINES IF OPERATED BETWEEN ONE-HALF HOUR AFTER
3 SUNSET AND ONE-HALF HOUR BEFORE SUNRISE.

4 3. EXCEPT WHEN OPERATING ON A CLOSED COURSE, EITHER A MUFFLER OR OTHER
5 NOISE DISSIPATIVE DEVICE THAT PREVENTS SOUND ABOVE NINETY-SIX DECIBELS. THE
6 DIRECTOR SHALL ADOPT THE CURRENT SOUND MEASUREMENT STANDARD OF THE SOCIETY OF
7 AUTOMOTIVE ENGINEERS FOR ALL-TERRAIN VEHICLES AND MOTORCYCLES AND THE CURRENT
8 SOUND MEASUREMENT STANDARD OF THE INTERNATIONAL ORGANIZATION FOR
9 STANDARDIZATION FOR ALL OTHER OFF-HIGHWAY VEHICLES.

10 4. A SPARK ARRESTOR DEVICE THAT IS APPROVED BY THE UNITED STATES
11 DEPARTMENT OF AGRICULTURE AND THAT IS IN CONSTANT OPERATION EXCEPT IF
12 OPERATING ON A CLOSED COURSE.

13 5. A SAFETY FLAG THAT IS AT LEAST SIX BY TWELVE INCHES AND THAT IS
14 ATTACHED TO THE OFF-HIGHWAY VEHICLE AT LEAST EIGHT FEET ABOVE THE SURFACE OF
15 LEVEL GROUND, IF OPERATED ON SAND DUNES OR AREAS DESIGNATED BY THE MANAGING
16 AGENCY.

17 B. A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE MAY NOT OPERATE OR RIDE
18 ON AN OFF-HIGHWAY VEHICLE ON PUBLIC OR STATE LAND UNLESS THE PERSON IS
19 WEARING PROTECTIVE HEADGEAR THAT IS PROPERLY FITTED AND FASTENED, THAT IS
20 DESIGNED FOR MOTORIZED VEHICLE USE AND THAT HAS A MINIMUM UNITED STATES
21 DEPARTMENT OF TRANSPORTATION SAFETY RATING.

22 C. IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, THE ARIZONA
23 GAME AND FISH COMMISSION MAY:

24 1. ADOPT RULES NECESSARY TO IMPLEMENT THIS SECTION.

25 2. PRESCRIBE ADDITIONAL EQUIPMENT REQUIREMENTS NOT IN CONFLICT WITH
26 FEDERAL LAWS.

27 D. THIS SECTION DOES NOT APPLY TO A PRIVATE LANDOWNER OR LESSEE
28 PERFORMING NORMAL AGRICULTURAL OR RANCHING PRACTICES WHILE OPERATING AN
29 ALL-TERRAIN VEHICLE OR AN OFF-HIGHWAY VEHICLE ON THE PRIVATE OR LEASED LAND
30 IN ACCORDANCE WITH THE LANDOWNER'S OR LESSEE'S LEASE.

31 28-1180. Race or organized event; authorization required

32 NO PERSON MAY ORGANIZE, PROMOTE OR HOLD AN OFF-HIGHWAY VEHICLE RACE OR
33 OTHER ORGANIZED EVENT ON ANY LAND OR HIGHWAY IN THIS STATE, EXCEPT AS
34 AUTHORIZED BY THE APPROPRIATE AGENCY THAT HAS JURISDICTION OVER THE LAND OR
35 HIGHWAY OR THE LANDOWNER.

36 28-1181. Civil traffic violation

37 UNLESS OTHERWISE SPECIFIED IN THIS ARTICLE, A VIOLATION OF THIS ARTICLE
38 IS A CIVIL TRAFFIC VIOLATION.

1 Sec. 6. Section 28-2003, Arizona Revised Statutes, is amended to read:

2 28-2003. Fees; vehicle title and registration; identification
3 plate; definition

4 A. The following fees are required:

5 1. For each certificate of title, salvage certificate of title,
6 restored salvage certificate of title or nonrepairable vehicle certificate of
7 title, four dollars.

8 2. For each certificate of title for a mobile home, seven
9 dollars. The director shall deposit three dollars of each fee imposed by
10 this paragraph in the state highway fund established by section 28-6991.

11 3. EXCEPT AS PROVIDED IN SECTION 28-1177, for the registration of a
12 motor vehicle, eight dollars, except that the fee for motorcycles is nine
13 dollars.

14 4. For a duplicate registration card or any duplicate permit, four
15 dollars.

16 5. For each special ninety day nonresident registration issued under
17 section 28-2154, fifteen dollars.

18 6. Except as provided in paragraph 7 of this subsection, for the
19 registration of a trailer or semitrailer that is ten thousand pounds or less
20 gross vehicle weight, eight dollars, and for the registration of a trailer or
21 semitrailer that exceeds ten thousand pounds gross vehicle weight:

22 (a) On initial registration, a one-time fee of two hundred forty-five
23 dollars.

24 (b) On renewal of registration or if previously registered in another
25 state, a one-time fee of:

26 (i) If the trailer's or semitrailer's model year is less than six
27 years old, one hundred forty-five dollars.

28 (ii) If the trailer's or semitrailer's model year is at least six
29 years old, ninety-five dollars.

30 7. For the registration of a noncommercial trailer that is not a
31 travel trailer and that is less than six thousand pounds gross vehicle
32 weight:

33 (a) On initial registration, a one-time fee of twenty dollars.

34 (b) On renewal of registration, a one-time fee of five dollars.

35 8. For a transfer of a noncommercial trailer that is not a travel
36 trailer and that is less than six thousand pounds gross vehicle weight,
37 twelve dollars.

38 9. For each special ninety day resident registration issued under
39 section 28-2154, fifteen dollars.

1 registration year or is properly registered for the current registration year
2 by the state or country of which the owner or lessee is a resident.

3 B. A resident shall not operate, move or leave standing on a highway a
4 motor vehicle, trailer or semitrailer that is:

5 1. Owned by a nonresident and that is primarily under the control of a
6 resident of this state for more than seven months unless the motor vehicle,
7 trailer or semitrailer has been registered with the department for the
8 current registration year.

9 2. Leased by the resident for more than twenty-nine days unless the
10 motor vehicle, trailer or semitrailer has been registered with the department
11 for the current registration year.

12 C. This section applies to a trailer or semitrailer without motive
13 power unless the vehicle is disabled or is being towed as an abandoned
14 vehicle at the direction of a law enforcement agency.

15 D. This section does not apply to:

16 1. A farm tractor.

17 2. A trailer used solely in the operation of a farm for transporting
18 the unprocessed fiber or forage products of a farm or any implement of
19 husbandry designed primarily for or used in agricultural operations and only
20 incidentally operated or moved on a highway.

21 3. A road roller or road machinery, including a power sweeper, that is
22 temporarily operating or moved on the highway.

23 4. An owner permitted to operate a vehicle under special provisions
24 relating to lienholders, manufacturers, dealers and nonresidents.

25 5. Motorized or nonmotorized equipment designed primarily for and used
26 in mining operations and only incidentally operated or moved on a highway.

27 6. A motor vehicle that is being towed by a tow truck that has been
28 registered and for which a permit has been obtained pursuant to section
29 28-1108.

30 7. A golf cart used in the operation of a golf course or only
31 incidentally operated or moved on a highway.

32 8. Wheeled equipment. For the purposes of this paragraph, "wheeled
33 equipment" means:

34 (a) A compressor.

35 (b) A forklift.

36 (c) A portable cement mixer.

37 (d) A single axle tow dolly as defined in section 28-1095.

38 (e) A tar pot.

39 (f) A water trailer used for watering livestock or for agricultural or
40 domestic purposes.

1 (g) A welder.

2 (h) Any other similar item designed and used primarily for
3 construction or building trade purposes.

4 9. An all-terrain vehicle or an off-road recreational motor vehicle
5 operating on a dirt road that is located in an unincorporated area of this
6 state. For the purposes of this paragraph, "dirt road" means an unpaved or
7 ungraveled road that is not maintained by this state or a city, town or
8 county of this state.

9 10. A person operating an off-highway vehicle who is participating in
10 an off-highway vehicle special event as defined in section 28-1171.

11 11. AN ALL-TERRAIN VEHICLE OR AN OFF-HIGHWAY VEHICLE AS DEFINED IN
12 SECTION 28-1171 THAT IS ONLY INCIDENTALLY OPERATED OR MOVED ON A HIGHWAY.

13 E. A person who owns or operates a trailer that is exempt from
14 registration pursuant to subsection D, paragraph 2 of this section shall
15 notify the county assessor of the exemption, and the assessor shall assess
16 the trailer.

17 F. A person who violates subsection E of this section is guilty of a
18 class 2 misdemeanor.

19 Sec. 9. Section 28-2512, Arizona Revised Statutes, is amended to read:
20 28-2512. All-terrain motor vehicles; off-highway vehicles;
21 off-road recreational motor vehicles; license
22 plates

23 A. EVERY OWNER OF AN ALL-TERRAIN VEHICLE, OFF-HIGHWAY VEHICLE AS
24 DEFINED IN SECTION 28-1171 OR OFF-ROAD RECREATIONAL MOTOR VEHICLE SHALL APPLY
25 TO THE DEPARTMENT FOR A LICENSE PLATE.

26 ~~A.~~ B. The department shall furnish to an owner of an ALL-TERRAIN
27 VEHICLE, OFF-HIGHWAY VEHICLE AS DEFINED IN SECTION 28-1171 OR off-road
28 recreational motor vehicle one license plate for each ~~titled off road~~
29 ~~recreational motor~~ vehicle.

30 ~~B. The license plate is valid for the life of the vehicle.~~

31 C. The fee for a plate issued pursuant to this section is eight
32 dollars.

33 D. The license plate assigned to ~~an off-road recreational~~ A motor
34 vehicle PURSUANT TO THIS SECTION shall be:

- 35 1. Attached to the rear of the vehicle.
36 2. Securely fastened to the vehicle in a clearly visible position.

37 E. An owner of an off-highway vehicle as defined in section 28-1171
38 participating in an off-highway vehicle special event as defined in section
39 28-1171 is exempt from the requirements of this section.

1 F. ON OR BEFORE JULY 1, 2009, THE DIRECTOR SHALL ESTABLISH PROCEDURES
2 TO SYSTEMATICALLY REPLACE LICENSE PLATES ISSUED FOR ALL-TERRAIN VEHICLES,
3 OFF-HIGHWAY VEHICLES AND OFF-ROAD RECREATIONAL MOTOR VEHICLES BEFORE JANUARY
4 1, 2009 WITH THE LICENSE PLATE PRESCRIBED IN THIS SECTION.

5 G. IN CONSULTATION WITH THE ARIZONA GAME AND FISH DEPARTMENT AND THE
6 ARIZONA STATE PARKS BOARD, THE DIRECTOR SHALL DESIGN THE LICENSE PLATE
7 PRESCRIBED BY THIS SECTION.

8 Sec. 10. Section 28-5801, Arizona Revised Statutes, is amended to
9 read:

10 28-5801. Vehicle license tax rate

11 A. At the time of application for and before registration each year of
12 a vehicle, the registering officer shall collect the vehicle license tax
13 imposed by article IX, section 11, Constitution of Arizona. On the
14 taxpayer's vehicle license tax bill, the registering officer shall provide
15 the taxpayer with the following:

16 1. Information showing the amount of the vehicle license tax that each
17 category of recipient will receive and the amount that is owed by the
18 taxpayer.

19 2. The amount of vehicle license tax the taxpayer would pay pursuant
20 to section 28-5805 if the taxpayer's motor vehicle was powered by alternative
21 fuel.

22 B. Except as provided in subsections C, ~~and~~ D AND E of this section:

23 1. During the first twelve months of the life of a vehicle as
24 determined by its initial registration, the vehicle license tax is based on
25 each one hundred dollars in value, the value of the vehicle is sixty per cent
26 of the manufacturer's base retail price of the vehicle and the vehicle
27 license tax rate for each of the recipients is as follows:

28 (a) The rate for the Arizona highway user revenue fund is one dollar
29 twenty-six cents.

30 (b) The rate for the county general fund is sixty-nine cents.

31 (c) The rate for counties for the same use as highway user revenue
32 fund monies is sixteen cents.

33 (d) The rate for incorporated cities and towns is sixty-nine cents.

34 2. During each succeeding twelve month period, the vehicle license tax
35 is based on each one hundred dollars in value, the value of the vehicle is
36 16.25 per cent less than the value for the preceding twelve month period and
37 the vehicle license tax rate for each of the recipients is as follows:

38 (a) The rate for the Arizona highway user revenue fund is one dollar
39 thirty cents.

40 (b) The rate for the county general fund is seventy-one cents.

1 (c) The rate for counties for the same use as highway user revenue
2 fund monies is seventeen cents.

3 (d) The rate for incorporated cities and towns is seventy-one cents.

4 3. The minimum amount of the vehicle license tax computed under this
5 section is ten dollars per year for each vehicle that is subject to the tax.
6 If the product of all of the rates prescribed in paragraph 1 or 2 of this
7 subsection is less than ten dollars, the vehicle license tax is ten dollars.
8 The vehicle license tax collected pursuant to this paragraph shall be
9 distributed to the recipients prescribed in this subsection based on the
10 percentage of each recipient's rate to the sum of all of the rates.

11 C. The vehicle license tax is as follows for noncommercial trailers
12 that are not travel trailers and that are less than six thousand pounds gross
13 vehicle weight:

14 1. On initial registration, a one-time vehicle license tax of one
15 hundred five dollars.

16 2. On renewal of registration, a one-time vehicle license tax of
17 seventy dollars.

18 D. The vehicle license tax is as follows for a trailer or semitrailer
19 that exceeds ten thousand pounds gross vehicle weight:

20 1. On initial registration, a one-time vehicle license tax of five
21 hundred fifty-five dollars.

22 2. On renewal of registration or if previously registered in another
23 state, a one-time vehicle license tax of:

24 (a) If the trailer's or semitrailer's model year is less than six
25 years old, three hundred fifty-five dollars.

26 (b) If the trailer's or semitrailer's model year is at least six years
27 old, one hundred dollars.

28 E. THE VEHICLE LICENSE TAX FOR AN ALL-TERRAIN VEHICLE OR OFF-HIGHWAY
29 VEHICLE AS DEFINED IN SECTION 28-1171 IS THREE DOLLARS IF THE ALL-TERRAIN
30 VEHICLE OR OFF-HIGHWAY VEHICLE MEETS BOTH OF THE FOLLOWING CRITERIA:

31 1. IS DESIGNED BY THE MANUFACTURER PRIMARILY FOR TRAVEL OVER
32 UNIMPROVED TERRAIN.

33 2. HAS AN UNLADEN WEIGHT OF EIGHTEEN HUNDRED POUNDS OR LESS.

34 ~~F.~~ F. The vehicle license tax collected pursuant to subsection C, ~~or~~
35 D OR E of this section shall be distributed to the recipients prescribed in
36 subsection B of this section based on the percentage of each recipient's rate
37 to the sum of all of the rates.

38 ~~F.~~ G. For the purposes of subsection C of this section, "travel
39 trailer" has the same meaning prescribed in section 28-2003.

1 Sec. 11. Section 28-6501, Arizona Revised Statutes, is amended to
2 read:

3 28-6501. Definition of highway user revenues

4 In this article, unless the context otherwise requires or except as
5 otherwise provided by statute, "highway user revenues" means all monies
6 received in this state from licenses, taxes, penalties, interest and fees
7 authorized by the following:

8 1. Chapters 2, 7, 8 and 15 of this title, except for:

9 (a) The special plate administration fees prescribed in sections
10 28-2404, 28-2412 through 28-2428 and 28-2514.

11 (b) The donations prescribed in sections 28-2404, 28-2412 through
12 28-2415, 28-2417 through 28-2428, 28-2453, 28-2454 and 28-2455.

13 2. SECTION 28-1177.

14 ~~3.~~ 3. Chapters 10 and 11 of this title.

15 ~~4.~~ 4. Chapter 16, articles 1, 2 and 4 of this title, except as
16 provided in sections 28-5926 and 28-5927.

17 Sec. 12. Section 41-511.04, Arizona Revised Statutes, is amended to
18 read:

19 41-511.04. Duties; board; partnership fund; state historic
20 preservation officer

21 A. The board shall:

22 1. Select areas of scenic beauty, natural features and historical
23 properties now owned by the state, except properties in the care and custody
24 of other agencies by virtue of agreement with the state or as established by
25 law, for management, operation and further development as state parks and
26 historical monuments.

27 2. Manage, develop and operate state parks, monuments or trails
28 established or acquired pursuant to law, or previously granted to the state
29 for park or recreation purposes, except those falling under the jurisdiction
30 of other state agencies as established by law.

31 3. Investigate lands owned by the state to determine in cooperation
32 with the agency that manages the land which tracts should be set aside and
33 dedicated for use as state parks, monuments or trails.

34 4. Investigate federally owned lands to determine their desirability
35 for use as state parks, monuments or trails and negotiate with the federal
36 agency having jurisdiction over such lands for the transfer of title to the
37 Arizona state parks board.

38 5. Investigate privately owned lands to determine their desirability
39 as state parks, monuments or trails and negotiate with private owners for the
40 transfer of title to the Arizona state parks board.

1 6. Enter into agreements with the United States, other states or local
2 governmental units, private societies or persons for the development and
3 protection of state parks, monuments and trails.

4 7. Plan, coordinate and administer a state historic preservation
5 program including the program established pursuant to the national historic
6 preservation act of 1966, as amended.

7 8. Advise, assist and cooperate with federal and state agencies,
8 political subdivisions of this state and other persons in identifying and
9 preserving properties of historic or prehistoric significance.

10 9. Keep and administer an Arizona register of historic places composed
11 of districts, sites, buildings, structures and objects significant in this
12 state's history, architecture, archaeology, engineering and culture which
13 meet criteria which the board establishes or which are listed on the national
14 register of historic places. Entry on the register requires nomination by
15 the state historic preservation officer and owner notification in accordance
16 with rules which the board adopts.

17 10. Accept, on behalf of the state historic preservation officer,
18 applications for classification as historic property received from the county
19 assessor.

20 11. Adopt rules with regard to classification of historic property
21 including:

22 (a) Minimum maintenance standards for the property.

23 (b) Requirements for documentation.

24 12. Monitor the performance of state agencies in the management of
25 historic properties as provided in chapter 4.2 of this title.

26 13. Advise the governor on historic preservation matters.

27 14. Plan and administer a statewide parks and recreation program,
28 including the programs established pursuant to the land and water
29 conservation fund act of 1965 (P.L. 88-578; 78 Stat. 897).

30 15. Prepare, maintain and update a comprehensive plan for the
31 development of the outdoor recreation resources of this state.

32 16. Initiate and carry out studies to determine the recreational needs
33 of this state and the counties, cities and towns.

34 17. Coordinate recreational plans and developments of federal, state,
35 county, city, town and private agencies.

36 18. Receive applications for projects to be funded through the land and
37 water conservation fund, the state lake improvement fund and the law
38 enforcement and boating safety fund on behalf of the Arizona outdoor
39 recreation coordinating commission.

1 19. Provide staff support to the Arizona outdoor recreation
2 coordinating commission.

3 20. Maintain a statewide off-highway vehicle recreational plan. ~~which~~
4 **THE PLAN** shall be updated at least once every ~~six~~ **FIVE** years and shall be
5 used by all participating agencies to guide distribution and expenditure of
6 monies under section 28-1176. **THE PLAN SHALL BE OPEN TO PUBLIC INPUT AND**
7 **SHALL INCLUDE THE PRIORITY RECOMMENDATIONS FOR ALLOCATING AVAILABLE MONIES IN**
8 **THE OFF-HIGHWAY VEHICLE RECREATION FUND ESTABLISHED BY SECTION 28-1176.**

9 21. Collaborate with the state forester in presentations to legislative
10 committees on issues associated with forest management and wildfire
11 prevention and suppression as provided by section 37-622, subsection B.

12 B. Notwithstanding section 41-511.11, the board may annually collect
13 and expend monies to plan and administer the land and water conservation fund
14 program, in conjunction with other administrative tasks and recreation plans,
15 as a surcharge to subgrantees in a proportionate amount, not to exceed ten
16 per cent, of the cost of each project. The surcharge monies shall be set
17 aside to fund staff support for the land and water conservation fund program.

18 C. A partnership fund is established consisting of monies received
19 pursuant to subsection B of this section, monies received from
20 intergovernmental agreements pursuant to title 11, chapter 7, article 3 and
21 monies received pursuant to section 35-148. The board shall administer the
22 fund monies as a continuing appropriation for the purposes provided in these
23 sections.

24 D. The state historic preservation officer shall:

25 1. In cooperation with federal and state agencies, political
26 subdivisions of this state and other persons, direct and conduct a
27 comprehensive statewide survey of historic properties and maintain
28 inventories of historic properties.

29 2. Identify and nominate eligible properties to the national register
30 of historic places and the Arizona register of historic places and otherwise
31 administer applications for listing historic properties on the national and
32 state registers.

33 3. Administer grants-in-aid for historic preservation projects within
34 this state.

35 4. Advise, assist and monitor, as appropriate, federal and state
36 agencies and political subdivisions of this state in carrying out their
37 historic preservation responsibilities and cooperate with federal and state
38 agencies, political subdivisions of this state and other persons to ensure
39 that historic properties are taken into consideration at all levels of
40 planning and development.

1 5. Develop and make available information concerning professional
2 methods and techniques for the preservation of historic properties.

3 6. Make recommendations on the certification, classification and
4 eligibility of historic properties for property tax and investment tax
5 incentives.

6 Sec. 13. Effective date

7 This act is effective from and after December 31, 2008."

8 Amend title to conform

and, as so amended, it do pass

JERRY P. WEIERS
Chairman

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