

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

**CHAPTER 294**  
**SENATE BILL 1167**

AN ACT

AMENDING SECTIONS 28-1171, 28-1174, 28-1175 AND 28-1176, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 20, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-1177, 28-1178, 28-1179, 28-1180 AND 28-1181; AMENDING SECTIONS 28-2003, 28-2061, 28-2153, 28-2512, 28-5801, 28-6501 AND 41-511.04, ARIZONA REVISED STATUTES; RELATING TO OFF-HIGHWAY VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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:

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

37 (ii) Used in installation, inspection, maintenance, repair or related  
38 activities involving facilities for the provision of utility or railroad  
39 service.

40 ~~4-~~ 7. "Off-highway vehicle special event" means an event THAT IS  
41 endorsed, AUTHORIZED, PERMITTED or sponsored by a FEDERAL, STATE, county or  
42 ~~municipality~~ MUNICIPAL AGENCY AND in which the event participants operate  
43 off-highway vehicles on specific routes OR AREAS designated by a local  
44 authority pursuant to section 28-627.

45 ~~5-~~ 8. "Off-highway vehicle trail" means a multiple use corridor that  
46 is ~~at~~ BOTH of the following:

- 1 (a) Open to recreational travel by an off-highway vehicle.  
2 ~~(b) Not normally suitable for travel by conventional two wheel drive~~  
3 ~~vehicles.~~  
4 ~~(c)~~ (b) ~~Opened~~ DESIGNATED OR MANAGED by OR FOR the managing authority  
5 of the property that the trail traverses for ~~the specific designated purpose~~  
6 ~~of recreational~~ off-highway vehicle use.  
7 ~~6.~~ 9. "Off-highway vehicle use area" means the entire area of a  
8 parcel of land, except for ~~camping and~~ approved buffer areas, that is managed  
9 ~~specifically~~ OR DESIGNATED for off-highway vehicle use ~~through the~~  
10 ~~development or designation of off-highway vehicle trails.~~  
11 Sec. 2. Section 28-1174, Arizona Revised Statutes, is amended to read:  
12 28-1174. Operation restrictions; violation; classification  
13 A. ~~It is unlawful for~~ A person ~~to~~ SHALL NOT drive an off-highway  
14 vehicle:  
15 1. With reckless disregard for the safety of persons or property.  
16 2. OFF OF AN EXISTING ROAD, TRAIL OR ROUTE IN A MANNER THAT CAUSES  
17 DAMAGE TO WILDLIFE HABITAT, RIPARIAN AREAS, CULTURAL OR NATURAL RESOURCES OR  
18 PROPERTY OR IMPROVEMENTS.  
19 3. ON ROADS, TRAILS, ROUTES OR AREAS CLOSED AS INDICATED IN RULES OR  
20 REGULATIONS OF A FEDERAL AGENCY, THIS STATE, A COUNTY OR A MUNICIPALITY OR BY  
21 PROPER POSTING IF THE LAND IS PRIVATE LAND.  
22 4. OVER UNIMPROVED ROADS, TRAILS, ROUTES OR AREAS UNLESS DRIVING ON  
23 ROADS, TRAILS, ROUTES OR AREAS WHERE SUCH DRIVING IS ALLOWED BY RULE OR  
24 REGULATION.  
25 B. A PERSON SHALL DRIVE AN OFF-HIGHWAY VEHICLE ONLY ON ROADS, TRAILS,  
26 ROUTES OR AREAS THAT ARE OPENED AS INDICATED IN RULES OR REGULATIONS OF A  
27 FEDERAL AGENCY, THIS STATE, A COUNTY OR A MUNICIPALITY.  
28 C. A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE IN A MANNER THAT  
29 DAMAGES THE ENVIRONMENT, INCLUDING EXCESSIVE POLLUTION OF AIR, WATER OR LAND,  
30 ABUSE OF THE WATERSHED OR CULTURAL OR NATURAL RESOURCES OR IMPAIRMENT OF  
31 PLANT OR ANIMAL LIFE, WHERE IT IS PROHIBITED BY RULE, REGULATION, ORDINANCE  
32 OR CODE.  
33 D. A PERSON SHALL NOT PLACE OR REMOVE A REGULATORY SIGN GOVERNING  
34 OFF-HIGHWAY VEHICLE USE ON ANY PUBLIC OR STATE LAND. THIS SUBSECTION DOES  
35 NOT APPLY TO AN AGENT OF AN APPROPRIATE FEDERAL, STATE, COUNTY, TOWN OR CITY  
36 AGENCY OPERATING WITHIN THAT AGENCY'S AUTHORITY.  
37 ~~B.~~ E. A person who violates ~~this section~~ SUBSECTION A, PARAGRAPH 1 is  
38 guilty of a class 2 misdemeanor.  
39 F. A PERSON WHO VIOLATES ANY OTHER PROVISION OF THIS SECTION IS GUILTY  
40 OF A CLASS 3 MISDEMEANOR.  
41 ~~C.~~ G. In addition to or in lieu of ~~the~~ A fine ~~prescribed by~~ PURSUANT  
42 TO this section, a judge may order the person to perform at least eight but  
43 not more than twenty-four hours of community restitution or to complete an  
44 approved safety course RELATED TO THE OFF-HIGHWAY OPERATION OF MOTOR  
45 VEHICLES, or both.

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

4 Sec. 3. Section 28-1175, Arizona Revised Statutes, is amended to read:  
5 28-1175. Instruction course; fee

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

12 B. Any governmental agency, corporation or other individual that  
13 conducts a training ~~and~~ OR educational course, OR BOTH, that is approved by  
14 the ARIZONA GAME AND FISH department, THE UNITED STATES BUREAU OF LAND  
15 MANAGEMENT OR THE UNITED STATES FOREST SERVICE OR THAT IS APPROVED OR  
16 ACCEPTED BY THE ALL-TERRAIN VEHICLE SAFETY INSTITUTE OR THE NATIONAL  
17 OFF-HIGHWAY VEHICLE CONSERVATION COUNCIL may collect a fee FROM THE  
18 PARTICIPANT that is reasonable and commensurate for the training and that  
19 ~~does not exceed fifty dollars~~ IS DETERMINED BY THE DIRECTOR OF THE ARIZONA  
20 GAME AND FISH DEPARTMENT BY RULE.

21 Sec. 4. Section 28-1176, Arizona Revised Statutes, is amended to read:  
22 28-1176. Off-highway vehicle recreation fund; annual reports;

23 definition

24 A. An off-highway vehicle recreation fund is established. The fund  
25 consists of:

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

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

35 C. The Arizona game and fish department shall spend ~~thirty~~ THIRTY-FIVE  
36 per cent of the monies in the off-highway vehicle recreation fund for ~~an~~  
37 informational and educational ~~program on~~ PROGRAMS RELATED TO SAFETY, THE  
38 ENVIRONMENT AND RESPONSIBLE USE WITH RESPECT TO off-highway vehicle  
39 recreation and law enforcement activities relating to this article and for  
40 off-highway vehicle law enforcement pursuant to title 17, chapter 4, article  
41 3, INCLUDING SEVEN FULL-TIME EMPLOYEES TO ENFORCE THIS ARTICLE AND TITLE 17,  
42 CHAPTER 4, ARTICLE 3.

43 D. THE STATE LAND DEPARTMENT SHALL SPEND FIVE PER CENT OF THE MONIES  
44 IN THE OFF-HIGHWAY VEHICLE RECREATIONAL FUND TO ALLOW OCCUPANTS OF  
45 OFF-HIGHWAY VEHICLES WITH USER INDICIA TO CROSS STATE TRUST LAND ON EXISTING  
46 ROADS, TRAILS AND DESIGNATED ROUTES. THE STATE LAND DEPARTMENT SHALL USE

1 THESE MONIES FOR COSTS ASSOCIATED WITH OFF-HIGHWAY VEHICLE USE OF LANDS  
2 WITHIN ITS JURISDICTION, TO MITIGATE DAMAGE TO THE LAND, FOR NECESSARY  
3 ENVIRONMENTAL, HISTORICAL AND CULTURAL CLEARANCE OR COMPLIANCE ACTIVITIES AND  
4 TO FUND ENFORCEMENT OF OFF-HIGHWAY VEHICLE LAWS.

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

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

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

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

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

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

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

27 6. FOR THE MITIGATION OF DAMAGES TO LAND, REVEGETATION AND THE  
28 PREVENTION AND RESTORATION OF DAMAGES TO NATURAL AND CULTURAL RESOURCES,  
29 INCLUDING THE CLOSURE OF EXISTING ACCESS ROADS, OFF-HIGHWAY VEHICLE USE AREAS  
30 AND OFF-HIGHWAY VEHICLE ROUTES AND TRAILS.

31 7. FOR NECESSARY ENVIRONMENTAL, HISTORICAL AND CULTURAL CLEARANCE OR  
32 COMPLIANCE ACTIVITIES.

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

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

1 ~~G. Agencies receiving monies under this section shall use the monies:~~  
2 ~~1. To designate, construct, maintain and manage off-highway vehicle~~  
3 ~~recreation facilities, off-highway vehicle use areas and off-highway vehicle~~  
4 ~~trails within land under the jurisdiction of the particular agency.~~  
5 ~~2. For enforcement of off-highway vehicle laws.~~  
6 ~~3. For mitigation of damages to land.~~  
7 ~~4. For off-highway vehicle related environmental education.~~

8 G. MONIES IN THE OFF-HIGHWAY VEHICLE RECREATION FUND SHALL NOT BE USED  
9 TO CONSTRUCT NEW OFF-HIGHWAY VEHICLE TRAILS OR ROUTES ON ENVIRONMENTALLY OR  
10 CULTURALLY SENSITIVE LAND UNLESS THE APPROPRIATE LAND MANAGEMENT AGENCY  
11 DETERMINES THAT CERTAIN NEW TRAIL CONSTRUCTION WOULD BENEFIT OR PROTECT  
12 CULTURAL OR SENSITIVE SITES. FOR THE PURPOSES OF THIS SUBSECTION,  
13 "ENVIRONMENTALLY OR CULTURALLY SENSITIVE LAND" MEANS AREAS OF LANDS THAT ARE  
14 EITHER:

15 1. ADMINISTRATIVELY OR LEGISLATIVELY DESIGNATED BY THE FEDERAL  
16 GOVERNMENT AS ANY OF THE FOLLOWING:

- 17 (a) A NATIONAL MONUMENT.
- 18 (b) AN AREA OF CRITICAL ENVIRONMENTAL CONCERN.
- 19 (c) A CONSERVATION AREA.
- 20 (d) AN INVENTORIED ROADLESS AREA.

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

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

30 I. BEGINNING SEPTEMBER 1, 2011, AND ON OR BEFORE SEPTEMBER 1 OF EACH  
31 SUBSEQUENT YEAR, EACH AGENCY THAT RECEIVES MONIES FROM THE OFF-HIGHWAY  
32 VEHICLE RECREATION FUND SHALL SUBMIT AN OFF-HIGHWAY VEHICLE REPORT TO THE  
33 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE  
34 CHAIRPERSON OF THE SENATE NATURAL RESOURCES AND RURAL AFFAIRS COMMITTEE, OR  
35 ITS SUCCESSOR COMMITTEE, AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES  
36 NATURAL RESOURCES AND PUBLIC SAFETY COMMITTEE, OR ITS SUCCESSOR COMMITTEE.  
37 THE REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC. THE REPORT SHALL INCLUDE  
38 INFORMATION ON ALL OF THE FOLLOWING IF APPLICABLE:

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

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

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

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

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

5           6. A SPECIFIC AND DETAILED ACCOUNTING FOR ALL MONIES SPENT IN  
6 ACCORDANCE WITH THIS SECTION FOR CONSTRUCTION OF NEW OFF-HIGHWAY VEHICLE  
7 TRAILS, MITIGATION OF DAMAGES TO LANDS, REVEGETATION, THE PREVENTION AND  
8 RESTORATION OF DAMAGES TO NATURAL AND CULTURAL RESOURCES, SIGNAGE, MAPS AND  
9 NECESSARY ENVIRONMENTAL, HISTORICAL AND CULTURAL CLEARANCE OR COMPLIANCE  
10 ACTIVITIES.

11           J. FOR THE PURPOSES OF THIS SECTION, "OFF-HIGHWAY VEHICLE RECREATIONAL  
12 PLAN" MEANS A PLAN THAT IS MAINTAINED BY THE ARIZONA STATE PARKS BOARD  
13 PURSUANT TO SECTION 41-511.04.

14           Sec. 5. Title 28, chapter 3, article 20, Arizona Revised Statutes, is  
15 amended by adding sections 28-1177, 28-1178, 28-1179, 28-1180 and 28-1181, to  
16 read:

17           28-1177. Off-highway vehicle user fee; indicia; registration;  
18 state trust land recreational permit; exception

19           A. A PERSON SHALL NOT OPERATE AN ALL-TERRAIN VEHICLE OR AN OFF-HIGHWAY  
20 VEHICLE IN THIS STATE WITHOUT AN OFF-HIGHWAY VEHICLE USER INDICIA ISSUED BY  
21 THE DEPARTMENT IF THE ALL-TERRAIN VEHICLE OR OFF-HIGHWAY VEHICLE MEETS BOTH  
22 OF THE FOLLOWING CRITERIA:

23           1. IS DESIGNED BY THE MANUFACTURER PRIMARILY FOR TRAVEL OVER  
24 UNIMPROVED TERRAIN.

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

26           B. A PERSON SHALL APPLY TO THE DEPARTMENT OF TRANSPORTATION FOR THE  
27 OFF-HIGHWAY VEHICLE USER INDICIA BY SUBMITTING AN APPLICATION PRESCRIBED BY  
28 THE DEPARTMENT OF TRANSPORTATION AND A USER FEE FOR THE INDICIA IN AN AMOUNT  
29 TO BE DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION IN  
30 COOPERATION WITH THE DIRECTOR OF THE ARIZONA GAME AND FISH DEPARTMENT AND THE  
31 ARIZONA STATE PARKS BOARD. THE USER INDICIA IS VALID FOR ONE YEAR FROM THE  
32 DATE OF ISSUANCE AND MAY BE RENEWED. THE DEPARTMENT SHALL PRESCRIBE BY RULE  
33 THE DESIGN AND PLACEMENT OF THE INDICIA.

34           C. WHEN A PERSON PAYS FOR AN OFF-HIGHWAY VEHICLE USER INDICIA PURSUANT  
35 TO THIS SECTION, THE PERSON MAY REQUEST A MOTOR VEHICLE REGISTRATION IF THE  
36 VEHICLE MEETS ALL EQUIPMENT REQUIREMENTS TO BE OPERATED ON A HIGHWAY PURSUANT  
37 TO ARTICLE 16 OF THIS CHAPTER. IF A PERSON SUBMITS A SIGNED AFFIDAVIT TO THE  
38 DEPARTMENT AFFIRMING THAT THE VEHICLE MEETS ALL OF THE EQUIPMENT REQUIREMENTS  
39 FOR HIGHWAY USE AND THAT THE VEHICLE WILL BE OPERATED PRIMARILY OFF OF  
40 HIGHWAYS, THE DEPARTMENT SHALL REGISTER THE VEHICLE FOR HIGHWAY USE AND THE  
41 VEHICLE OWNER IS NOT REQUIRED TO PAY THE REGISTRATION FEE PRESCRIBED IN  
42 SECTION 28-2003. THIS SUBSECTION DOES NOT APPLY TO VEHICLES THAT AS PRODUCED  
43 BY THE MANUFACTURER MEET THE EQUIPMENT REQUIREMENTS TO BE OPERATED ON A  
44 HIGHWAY PURSUANT TO ARTICLE 16 OF THIS CHAPTER.

45           D. THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,  
46 SEVENTY PER CENT OF THE USER FEES COLLECTED PURSUANT TO THIS SECTION IN THE

1 OFF-HIGHWAY VEHICLE RECREATION FUND ESTABLISHED BY SECTION 28-1176 AND THIRTY  
2 PER CENT OF THE USER FEES COLLECTED PURSUANT TO THIS SECTION IN THE ARIZONA  
3 HIGHWAY USER REVENUE FUND.

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

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

14 28-1178. Operation of off-highway vehicles; exceptions

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

18 1. THE PERSON IS PARTICIPATING IN AN OFF-HIGHWAY SPECIAL EVENT.

19 2. THE PERSON IS OPERATING AN ALL-TERRAIN VEHICLE OR AN OFF-HIGHWAY  
20 VEHICLE ON PRIVATE LAND.

21 3. THE PERSON IS LOADING OR UNLOADING AN ALL-TERRAIN VEHICLE OR AN  
22 OFF-HIGHWAY VEHICLE FROM A VEHICLE.

23 4. DURING A PERIOD OF EMERGENCY OR IF THE OPERATION IS DIRECTED BY A  
24 PEACE OFFICER OR OTHER PUBLIC AUTHORITY.

25 5. ALL OF THE FOLLOWING APPLY:

26 (a) THE PERSON IS NOT A RESIDENT OF THIS STATE.

27 (b) THE PERSON OWNS THE VEHICLE.

28 (c) THE VEHICLE DISPLAYS A CURRENT OFF-HIGHWAY VEHICLE USER INDICIA OR  
29 REGISTRATION FROM THE PERSON'S STATE OF RESIDENCY.

30 (d) THE VEHICLE IS NOT IN THIS STATE FOR MORE THAN THIRTY CONSECUTIVE  
31 DAYS.

32 28-1179. Off-highway vehicle equipment requirements; rule  
33 making

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

36 1. BRAKES ADEQUATE TO CONTROL THE MOVEMENT OF THE VEHICLE AND TO STOP  
37 AND HOLD THE VEHICLE UNDER NORMAL OPERATING CONDITIONS.

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

41 3. EXCEPT WHEN OPERATING ON A CLOSED COURSE, EITHER A MUFFLER OR OTHER  
42 NOISE DISSIPATIVE DEVICE THAT PREVENTS SOUND ABOVE NINETY-SIX DECIBELS. THE  
43 DIRECTOR SHALL ADOPT THE CURRENT SOUND MEASUREMENT STANDARD OF THE SOCIETY OF  
44 AUTOMOTIVE ENGINEERS FOR ALL-TERRAIN VEHICLES AND MOTORCYCLES AND THE CURRENT  
45 SOUND MEASUREMENT STANDARD OF THE INTERNATIONAL ORGANIZATION FOR  
46 STANDARDIZATION FOR ALL OTHER OFF-HIGHWAY VEHICLES.

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

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

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

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

15           1. ADOPT RULES NECESSARY TO IMPLEMENT THIS SECTION.

16           2. PRESCRIBE ADDITIONAL EQUIPMENT REQUIREMENTS NOT IN CONFLICT WITH  
17 FEDERAL LAWS.

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

22           28-1180. Race or organized event; authorization required

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

27           28-1181. Civil traffic violation

28           UNLESS OTHERWISE SPECIFIED IN THIS ARTICLE, A VIOLATION OF THIS ARTICLE  
29 IS A CIVIL TRAFFIC VIOLATION.

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

31           28-2003. Fees; vehicle title and registration; identification  
32 plate; definition

33           A. The following fees are required:

34           1. For each certificate of title, salvage certificate of title,  
35 restored salvage certificate of title or nonrepairable vehicle certificate of  
36 title, four dollars.

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

40           3. **EXCEPT AS PROVIDED IN SECTION 28-1177**, for the registration of a  
41 motor vehicle, eight dollars, except that the fee for motorcycles is nine  
42 dollars.

43           4. For a duplicate registration card or any duplicate permit, four  
44 dollars.

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



1 B. A person WHO OWNS AN ALL-TERRAIN VEHICLE, OFF-HIGHWAY VEHICLE AS  
2 DEFINED IN SECTION 28-1171 OR OFF-ROAD RECREATIONAL MOTOR VEHICLE shall apply  
3 for and obtain a certificate of title required by this section in the manner  
4 prescribed in this chapter ON OR BEFORE JULY 1, 2009. On the transfer of  
5 ownership of an ALL-TERRAIN VEHICLE, OFF-HIGHWAY VEHICLE AS DEFINED IN  
6 SECTION 28-1171 OR off-road recreational motor vehicle for which a  
7 certificate of title is required by this section, a person shall apply for  
8 and obtain a new certificate in the manner prescribed in this chapter.

9 C. A person participating in an off-highway vehicle special event as  
10 defined in section 28-1171 is exempt from the requirements of this section.

11 Sec. 8. Section 28-2153, Arizona Revised Statutes, is amended to read:  
12 28-2153. Registration requirement; exceptions; assessment;  
13 violation; classification

14 A. A person shall not operate, move or leave standing on a highway a  
15 motor vehicle, trailer or semitrailer unless the motor vehicle, trailer or  
16 semitrailer has been registered with the department for the current  
17 registration year or is properly registered for the current registration year  
18 by the state or country of which the owner or lessee is a resident.

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

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

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

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

31 D. This section does not apply to:

32 1. A farm tractor.

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

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

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

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

43 6. A motor vehicle that is being towed by a tow truck that has been  
44 registered and for which a permit has been obtained pursuant to section  
45 28-1108.

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

3 8. Wheeled equipment. For the purposes of this paragraph, "wheeled  
4 equipment" means:

5 (a) A compressor.

6 (b) A forklift.

7 (c) A portable cement mixer.

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

9 (e) A tar pot.

10 (f) A water trailer used for watering livestock or for agricultural or  
11 domestic purposes.

12 (g) A welder.

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

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

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

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

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

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

30 Sec. 9. Section 28-2512, Arizona Revised Statutes, is amended to read:

31 28-2512. All-terrain motor vehicles; off-highway vehicles;  
32 off-road recreational motor vehicles; license plates

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

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

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

41 C. The fee for a plate issued pursuant to this section is eight  
42 dollars.

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

45 1. Attached to the rear of the vehicle.

46 2. Securely fastened to the vehicle in a clearly visible position.

1 E. An owner of an off-highway vehicle as defined in section 28-1171  
2 participating in an off-highway vehicle special event as defined in section  
3 28-1171 is exempt from the requirements of this section.

4 F. ON OR BEFORE JULY 1, 2009, THE DIRECTOR SHALL ESTABLISH PROCEDURES  
5 TO SYSTEMATICALLY REPLACE LICENSE PLATES ISSUED FOR ALL-TERRAIN VEHICLES,  
6 OFF-HIGHWAY VEHICLES AND OFF-ROAD RECREATIONAL MOTOR VEHICLES BEFORE JANUARY  
7 1, 2009 WITH THE LICENSE PLATE PRESCRIBED IN THIS SECTION.

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

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

13 28-5801. Vehicle license tax rate

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

19 1. Information showing the amount of the vehicle license tax that each  
20 category of recipient will receive and the amount that is owed by the  
21 taxpayer.

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

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

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

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

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

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

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

37 2. During each succeeding twelve month period, the vehicle license tax  
38 is based on each one hundred dollars in value, the value of the vehicle is  
39 16.25 per cent less than the value for the preceding twelve month period and  
40 the vehicle license tax rate for each of the recipients is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28           1. IS DESIGNED BY THE MANUFACTURER PRIMARILY FOR TRAVEL OVER  
29 UNIMPROVED TERRAIN.

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

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

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

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

39           28-6501. Definition of highway user revenues

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

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

45           (a) The special plate administration fees prescribed in sections  
46 28-2404, 28-2412 through 28-2428 and 28-2514.

1 (b) The donations prescribed in sections 28-2404, 28-2412 through  
2 28-2415, 28-2417 through 28-2428, 28-2453, 28-2454 and 28-2455.

3 2. SECTION 28-1177.

4 ~~2-~~ 3. Chapters 10 and 11 of this title.

5 ~~3-~~ 4. Chapter 16, articles 1, 2 and 4 of this title, except as  
6 provided in sections 28-5926 and 28-5927.

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

9 41-511.04. Duties; board; partnership fund; state historic  
10 preservation officer

11 A. The board shall:

12 1. Select areas of scenic beauty, natural features and historical  
13 properties now owned by the state, except properties in the care and custody  
14 of other agencies by virtue of agreement with the state or as established by  
15 law, for management, operation and further development as state parks and  
16 historical monuments.

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

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

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

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

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

34 7. Plan, coordinate and administer a state historic preservation  
35 program including the program established pursuant to the national historic  
36 preservation act of 1966, as amended.

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

40 9. Keep and administer an Arizona register of historic places composed  
41 of districts, sites, buildings, structures and objects significant in this  
42 state's history, architecture, archaeology, engineering and culture which  
43 meet criteria which the board establishes or which are listed on the national  
44 register of historic places. Entry on the register requires nomination by  
45 the state historic preservation officer and owner notification in accordance  
46 with rules which the board adopts.

- 1           10. Accept, on behalf of the state historic preservation officer,  
2 applications for classification as historic property received from the county  
3 assessor.
- 4           11. Adopt rules with regard to classification of historic property  
5 including:
- 6           (a) Minimum maintenance standards for the property.  
7           (b) Requirements for documentation.
- 8           12. Monitor the performance of state agencies in the management of  
9 historic properties as provided in chapter 4.2 of this title.
- 10          13. Advise the governor on historic preservation matters.
- 11          14. Plan and administer a statewide parks and recreation program,  
12 including the programs established pursuant to the land and water  
13 conservation fund act of 1965 (P.L. 88-578; 78 Stat. 897).
- 14          15. Prepare, maintain and update a comprehensive plan for the  
15 development of the outdoor recreation resources of this state.
- 16          16. Initiate and carry out studies to determine the recreational needs  
17 of this state and the counties, cities and towns.
- 18          17. Coordinate recreational plans and developments of federal, state,  
19 county, city, town and private agencies.
- 20          18. Receive applications for projects to be funded through the land and  
21 water conservation fund, the state lake improvement fund and the law  
22 enforcement and boating safety fund on behalf of the Arizona outdoor  
23 recreation coordinating commission.
- 24          19. Provide staff support to the Arizona outdoor recreation  
25 coordinating commission.
- 26          20. Maintain a statewide off-highway vehicle recreational plan. ~~which~~  
27 **THE PLAN** shall be updated at least once every ~~six~~ **FIVE** years and shall be  
28 used by all participating agencies to guide distribution and expenditure of  
29 monies under section 28-1176. **THE PLAN SHALL BE OPEN TO PUBLIC INPUT AND**  
30 **SHALL INCLUDE THE PRIORITY RECOMMENDATIONS FOR ALLOCATING AVAILABLE MONIES IN**  
31 **THE OFF-HIGHWAY VEHICLE RECREATION FUND ESTABLISHED BY SECTION 28-1176.**
- 32          21. Collaborate with the state forester in presentations to legislative  
33 committees on issues associated with forest management and wildfire  
34 prevention and suppression as provided by section 37-622, subsection B.
- 35          B. Notwithstanding section 41-511.11, the board may annually collect  
36 and expend monies to plan and administer the land and water conservation fund  
37 program, in conjunction with other administrative tasks and recreation plans,  
38 as a surcharge to subgrantees in a proportionate amount, not to exceed ten  
39 per cent, of the cost of each project. The surcharge monies shall be set  
40 aside to fund staff support for the land and water conservation fund program.
- 41          C. A partnership fund is established consisting of monies received  
42 pursuant to subsection B of this section, monies received from  
43 intergovernmental agreements pursuant to title 11, chapter 7, article 3 and  
44 monies received pursuant to section 35-148. The board shall administer the  
45 fund monies as a continuing appropriation for the purposes provided in these  
46 sections.

1 D. The state historic preservation officer shall:

2 1. In cooperation with federal and state agencies, political  
3 subdivisions of this state and other persons, direct and conduct a  
4 comprehensive statewide survey of historic properties and maintain  
5 inventories of historic properties.

6 2. Identify and nominate eligible properties to the national register  
7 of historic places and the Arizona register of historic places and otherwise  
8 administer applications for listing historic properties on the national and  
9 state registers.

10 3. Administer grants-in-aid for historic preservation projects within  
11 this state.

12 4. Advise, assist and monitor, as appropriate, federal and state  
13 agencies and political subdivisions of this state in carrying out their  
14 historic preservation responsibilities and cooperate with federal and state  
15 agencies, political subdivisions of this state and other persons to ensure  
16 that historic properties are taken into consideration at all levels of  
17 planning and development.

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

20 6. Make recommendations on the certification, classification and  
21 eligibility of historic properties for property tax and investment tax  
22 incentives.

23 Sec. 13. Effective date

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

APPROVED BY THE GOVERNOR JUNE 27, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 27, 2008.