

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

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.

1 ~~5.~~ 8. "Off-highway vehicle trail" means a multiple use corridor that
2 is ~~all~~ BOTH of the following:

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

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

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

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

13 Sec. 2. Section 28-1174, Arizona Revised Statutes, is amended to read:

14 ~~28-1174.~~ Operation restrictions; violation; classification

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

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

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

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

24 4. OVER UNIMPROVED ROADS, TRAILS, ROUTES OR AREAS UNLESS DRIVING ON
25 ROADS, TRAILS, ROUTES OR AREAS WHERE SUCH DRIVING IS ALLOWED BY RULE OR
26 REGULATION.

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

30 C. A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE IN A MANNER THAT
31 DAMAGES THE ENVIRONMENT, INCLUDING EXCESSIVE POLLUTION OF AIR, WATER OR LAND,
32 ABUSE OF THE WATERSHED OR CULTURAL OR NATURAL RESOURCES OR IMPAIRMENT OF
33 PLANT OR ANIMAL LIFE, WHERE IT IS PROHIBITED BY RULE, REGULATION, ORDINANCE
34 OR CODE.

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

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

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

43 ~~C.~~ G. In addition to or in lieu of ~~the A~~ fine ~~prescribed by~~ PURSUANT
44 TO this section, a judge may order the person to perform at least eight but
45 not more than twenty-four hours of community restitution or to complete an

1 approved safety course RELATED TO THE OFF-HIGHWAY OPERATION OF MOTOR
2 VEHICLES, or both.

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

6 Sec. 3. Section 28-1175, Arizona Revised Statutes, is amended to read:
7 28-1175. Instruction course; fee

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

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

23 Sec. 4. Section 28-1176, Arizona Revised Statutes, is amended to read:
24 28-1176. Off-highway vehicle recreation fund; annual reports;
25 definition

26 A. An off-highway vehicle recreation fund is established. The fund
27 consists of:

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

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

37 C. The Arizona game and fish department shall spend ~~thirty~~ THIRTY-FIVE
38 per cent of the monies in the off-highway vehicle recreation fund for ~~an~~
39 informational and educational ~~program on~~ PROGRAMS RELATED TO SAFETY, THE
40 ENVIRONMENT AND RESPONSIBLE USE WITH RESPECT TO off-highway vehicle
41 recreation and law enforcement activities relating to this article and for
42 off-highway vehicle law enforcement pursuant to title 17, chapter 4, article
43 3, INCLUDING SEVEN FULL-TIME EMPLOYEES TO ENFORCE THIS ARTICLE AND TITLE 17,
44 CHAPTER 4, ARTICLE 3.

1 D. THE STATE LAND DEPARTMENT SHALL SPEND FIVE PER CENT OF THE MONIES
2 IN THE OFF-HIGHWAY VEHICLE RECREATIONAL FUND TO ALLOW OCCUPANTS OF
3 OFF-HIGHWAY VEHICLES WITH USER INDICIA TO CROSS STATE TRUST LAND ON EXISTING
4 ROADS, TRAILS AND DESIGNATED ROUTES. THE STATE LAND DEPARTMENT SHALL USE
5 THESE MONIES FOR COSTS ASSOCIATED WITH OFF-HIGHWAY VEHICLE USE OF LANDS
6 WITHIN ITS JURISDICTION, TO MITIGATE DAMAGE TO THE LAND, FOR NECESSARY
7 ENVIRONMENTAL, HISTORICAL AND CULTURAL CLEARANCE OR COMPLIANCE ACTIVITIES AND
8 TO FUND ENFORCEMENT OF OFF-HIGHWAY VEHICLE LAWS.

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

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

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

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

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

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

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

31 6. FOR THE MITIGATION OF DAMAGES TO LAND, REVEGETATION AND THE
32 PREVENTION AND RESTORATION OF DAMAGES TO NATURAL AND CULTURAL RESOURCES,
33 INCLUDING THE CLOSURE OF EXISTING ACCESS ROADS, OFF-HIGHWAY VEHICLE USE AREAS
34 AND OFF-HIGHWAY VEHICLE ROUTES AND TRAILS.

35 7. FOR NECESSARY ENVIRONMENTAL, HISTORICAL AND CULTURAL CLEARANCE OR
36 COMPLIANCE ACTIVITIES.

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

44 ~~F.~~ Monies in the matching fund program established under subsection ~~D~~,
45 ~~paragraph 3 of this section shall be distributed in an amount determined by~~

1 ~~the Arizona outdoor recreation coordinating commission to a qualified state~~
2 ~~or federal agency, city, town, county or tribal government. The Arizona~~
3 ~~state parks board may require additional matching monies that may be direct~~
4 ~~monies or in kind services from these entities before the distribution~~
5 ~~pursuant to this subsection.~~

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

7 ~~1. To designate, construct, maintain and manage off highway vehicle~~
8 ~~recreation facilities, off highway vehicle use areas and off highway vehicle~~
9 ~~trails within land under the jurisdiction of the particular agency.~~

10 ~~2. For enforcement of off-highway vehicle laws.~~

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

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

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

20 1. ADMINISTRATIVELY OR LEGISLATIVELY DESIGNATED BY THE FEDERAL
21 GOVERNMENT AS ANY OF THE FOLLOWING:

22 (a) A NATIONAL MONUMENT.

23 (b) AN AREA OF CRITICAL ENVIRONMENTAL CONCERN.

24 (c) A CONSERVATION AREA.

25 (d) AN INVENTORIED ROADLESS AREA.

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

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

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

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

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

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

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

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

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

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

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

24 28-1177. Off-highway vehicle user fee; indicia; registration;
25 state trust land recreational permit; exception

26 A. A PERSON SHALL NOT OPERATE AN ALL-TERRAIN VEHICLE OR AN OFF-HIGHWAY
27 VEHICLE IN THIS STATE WITHOUT AN OFF-HIGHWAY VEHICLE USER INDICIA ISSUED BY
28 THE DEPARTMENT IF THE ALL-TERRAIN VEHICLE OR OFF-HIGHWAY VEHICLE MEETS BOTH
29 OF THE FOLLOWING CRITERIA:

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

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

33 B. A PERSON SHALL APPLY TO THE DEPARTMENT OF TRANSPORTATION FOR THE
34 OFF-HIGHWAY VEHICLE USER INDICIA BY SUBMITTING AN APPLICATION PRESCRIBED BY
35 THE DEPARTMENT OF TRANSPORTATION AND A USER FEE FOR THE INDICIA IN AN AMOUNT
36 TO BE DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION IN
37 COOPERATION WITH THE DIRECTOR OF THE ARIZONA GAME AND FISH DEPARTMENT AND THE
38 ARIZONA STATE PARKS BOARD. THE USER INDICIA IS VALID FOR ONE YEAR FROM THE
39 DATE OF ISSUANCE AND MAY BE RENEWED. THE DEPARTMENT SHALL PRESCRIBE BY RULE
40 THE DESIGN AND PLACEMENT OF THE INDICIA.

41 C. WHEN A PERSON PAYS FOR AN OFF-HIGHWAY VEHICLE USER INDICIA PURSUANT
42 TO THIS SECTION, THE PERSON MAY REQUEST A MOTOR VEHICLE REGISTRATION IF THE
43 VEHICLE MEETS ALL EQUIPMENT REQUIREMENTS TO BE OPERATED ON A HIGHWAY PURSUANT
44 TO ARTICLE 16 OF THIS CHAPTER. IF A PERSON SUBMITS A SIGNED AFFIDAVIT TO THE
45 DEPARTMENT AFFIRMING THAT THE VEHICLE MEETS ALL OF THE EQUIPMENT REQUIREMENTS

1 FOR HIGHWAY USE AND THAT THE VEHICLE WILL BE OPERATED PRIMARILY OFF OF
2 HIGHWAYS, THE DEPARTMENT SHALL REGISTER THE VEHICLE FOR HIGHWAY USE AND THE
3 VEHICLE OWNER IS NOT REQUIRED TO PAY THE REGISTRATION FEE PRESCRIBED IN
4 SECTION 28-2003. THIS SUBSECTION DOES NOT APPLY TO VEHICLES THAT AS PRODUCED
5 BY THE MANUFACTURER MEET THE EQUIPMENT REQUIREMENTS TO BE OPERATED ON A
6 HIGHWAY PURSUANT TO ARTICLE 16 OF THIS CHAPTER.

7 D. THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,
8 SEVENTY PER CENT OF THE USER FEES COLLECTED PURSUANT TO THIS SECTION IN THE
9 OFF-HIGHWAY VEHICLE RECREATION FUND ESTABLISHED BY SECTION 28-1176 AND THIRTY
10 PER CENT OF THE USER FEES COLLECTED PURSUANT TO THIS SECTION IN THE ARIZONA
11 HIGHWAY USER REVENUE FUND.

12 E. AN OCCUPANT OF AN OFF-HIGHWAY VEHICLE WITH A USER INDICIA ISSUED
13 PURSUANT TO THIS SECTION WHO CROSSES STATE TRUST LANDS MUST COMPLY WITH ALL
14 OF THE RULES AND REQUIREMENTS UNDER A STATE TRUST LAND RECREATIONAL PERMIT.
15 ALL OCCUPANTS OF AN OFF-HIGHWAY VEHICLE WITH A USER INDICIA SHALL OBTAIN A
16 STATE TRUST LAND RECREATIONAL PERMIT FROM THE STATE LAND DEPARTMENT FOR ALL
17 OTHER AUTHORIZED RECREATIONAL ACTIVITIES ON STATE TRUST LAND.

18 F. THIS SECTION DOES NOT APPLY TO OFF-HIGHWAY VEHICLES, ALL-TERRAIN
19 VEHICLES OR OFF-ROAD RECREATIONAL MOTOR VEHICLES THAT ARE USED OFF-HIGHWAY
20 EXCLUSIVELY FOR AGRICULTURAL, RANCHING, CONSTRUCTION, MINING OR BUILDING
21 TRADE PURPOSES.

22 28-1178. Operation of off-highway vehicles; exceptions

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

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

40 28-1179. Off-highway vehicle equipment requirements; rule
41 making

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

- 44 1. BRAKES ADEQUATE TO CONTROL THE MOVEMENT OF THE VEHICLE AND TO STOP
45 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.

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

40 28-2003. Fees; vehicle title and registration; identification
41 plate; definition

42 A. The following fees are required:

43 1. For each certificate of title, salvage certificate of title,
44 restored salvage certificate of title or nonrepairable vehicle certificate of
45 title, four dollars.

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

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

7 4. For a duplicate registration card or any duplicate permit, four
8 dollars.

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

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

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

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

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

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

23 7. For the registration of a noncommercial trailer that is not a
24 travel trailer and that is less than six thousand pounds gross vehicle
25 weight:

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

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

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

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

33 10. For each one trip registration permit issued under section 28-2155,
34 one dollar.

35 11. For each temporary general use registration issued under section
36 28-2156, fifteen dollars.

37 12. For each identification plate bearing a serial or identification
38 number to be affixed to any vehicle, five dollars.

39 B. For the purposes of this section, "travel trailer" means a trailer
40 that is:

41 1. Mounted on wheels.

42 2. Designed to provide temporary living quarters for recreational,
43 camping or travel use.

44 3. Less than eight feet in width and less than forty feet in length.

1 Sec. 7. Section 28-2061, Arizona Revised Statutes, is amended to read:
2 28-2061. All-terrain vehicles; off-highway vehicles; off-road
3 recreational motor vehicles; certificates of title;
4 exemption

5 A. On the retail sale of a new **ALL-TERRAIN VEHICLE, OFF-HIGHWAY**
6 **VEHICLE AS DEFINED IN SECTION 28-1171 OR** off-road recreational motor vehicle,
7 the dealer or person first receiving the motor vehicle from the manufacturer
8 shall apply, on behalf of the purchaser, to the department for a certificate
9 of title to the motor vehicle in the name of the purchaser. If satisfied
10 that the application is genuine and regular and that the applicant is
11 entitled to a certificate, the department shall issue a certificate of title
12 to the motor vehicle without requiring registration for the motor vehicle.

13 B. A person **WHO OWNS AN ALL-TERRAIN VEHICLE, OFF-HIGHWAY VEHICLE AS**
14 **DEFINED IN SECTION 28-1171 OR OFF-ROAD RECREATIONAL MOTOR VEHICLE** shall apply
15 for and obtain a certificate of title required by this section in the manner
16 prescribed in this chapter **ON OR BEFORE JULY 1, 2009**. On the transfer of
17 ownership of an **ALL-TERRAIN VEHICLE, OFF-HIGHWAY VEHICLE AS DEFINED IN**
18 **SECTION 28-1171 OR** off-road recreational motor vehicle for which a
19 certificate of title is required by this section, a person shall apply for
20 and obtain a new certificate in the manner prescribed in this chapter.

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

23 Sec. 8. Section 28-2153, Arizona Revised Statutes, is amended to read:
24 28-2153. Registration requirement; exceptions; assessment;
25 violation; classification

26 A. A person shall not operate, move or leave standing on a highway a
27 motor vehicle, trailer or semitrailer unless the motor vehicle, trailer or
28 semitrailer has been registered with the department for the current
29 registration year or is properly registered for the current registration year
30 by the state or country of which the owner or lessee is a resident.

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

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

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

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

- 1 D. This section does not apply to:
- 2 1. A farm tractor.
- 3 2. A trailer used solely in the operation of a farm for transporting
- 4 the unprocessed fiber or forage products of a farm or any implement of
- 5 husbandry designed primarily for or used in agricultural operations and only
- 6 incidentally operated or moved on a highway.
- 7 3. A road roller or road machinery, including a power sweeper, that is
- 8 temporarily operating or moved on the highway.
- 9 4. An owner permitted to operate a vehicle under special provisions
- 10 relating to lienholders, manufacturers, dealers and nonresidents.
- 11 5. Motorized or nonmotorized equipment designed primarily for and used
- 12 in mining operations and only incidentally operated or moved on a highway.
- 13 6. A motor vehicle that is being towed by a tow truck that has been
- 14 registered and for which a permit has been obtained pursuant to section
- 15 28-1108.
- 16 7. A golf cart used in the operation of a golf course or only
- 17 incidentally operated or moved on a highway.
- 18 8. Wheeled equipment. For the purposes of this paragraph, "wheeled
- 19 equipment" means:
- 20 (a) A compressor.
- 21 (b) A forklift.
- 22 (c) A portable cement mixer.
- 23 (d) A single axle tow dolly as defined in section 28-1095.
- 24 (e) A tar pot.
- 25 (f) A water trailer used for watering livestock or for agricultural or
- 26 domestic purposes.
- 27 (g) A welder.
- 28 (h) Any other similar item designed and used primarily for
- 29 construction or building trade purposes.
- 30 9. An all-terrain vehicle or an off-road recreational motor vehicle
- 31 operating on a dirt road that is located in an unincorporated area of this
- 32 state. For the purposes of this paragraph, "dirt road" means an unpaved or
- 33 ungraveled road that is not maintained by this state or a city, town or
- 34 county of this state.
- 35 10. A person operating an off-highway vehicle who is participating in
- 36 an off-highway vehicle special event as defined in section 28-1171.
- 37 11. AN ALL-TERRAIN VEHICLE OR AN OFF-HIGHWAY VEHICLE AS DEFINED IN
- 38 SECTION 28-1171 THAT IS ONLY INCIDENTALLY OPERATED OR MOVED ON A HIGHWAY.
- 39 E. A person who owns or operates a trailer that is exempt from
- 40 registration pursuant to subsection D, paragraph 2 of this section shall
- 41 notify the county assessor of the exemption, and the assessor shall assess
- 42 the trailer.
- 43 F. A person who violates subsection E of this section is guilty of a
- 44 class 2 misdemeanor.

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

2 28-2512. All-terrain motor vehicles; off-highway vehicles;
3 off-road recreational motor vehicles; license plates

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

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

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

12 C. The fee for a plate issued pursuant to this section is eight
13 dollars.

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

16 1. Attached to the rear of the vehicle.

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

18 E. An owner of an off-highway vehicle as defined in section 28-1171
19 participating in an off-highway vehicle special event as defined in section
20 28-1171 is exempt from the requirements of this section.

21 F. ON OR BEFORE JULY 1, 2009, THE DIRECTOR SHALL ESTABLISH PROCEDURES
22 TO SYSTEMATICALLY REPLACE LICENSE PLATES ISSUED FOR ALL-TERRAIN VEHICLES,
23 OFF-HIGHWAY VEHICLES AND OFF-ROAD RECREATIONAL MOTOR VEHICLES BEFORE JANUARY
24 1, 2009 WITH THE LICENSE PLATE PRESCRIBED IN THIS SECTION.

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

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

30 28-5801. Vehicle license tax rate

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

36 1. Information showing the amount of the vehicle license tax that each
37 category of recipient will receive and the amount that is owed by the
38 taxpayer.

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

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

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

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

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

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

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

13 2. During each succeeding twelve month period, the vehicle license tax
14 is based on each one hundred dollars in value, the value of the vehicle is
15 16.25 per cent less than the value for the preceding twelve month period and
16 the vehicle license tax rate for each of the recipients is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 1. IS DESIGNED BY THE MANUFACTURER PRIMARILY FOR TRAVEL OVER
7 UNIMPROVED TERRAIN.

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

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

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

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

17 28-6501. Definition of highway user revenues

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

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

23 (a) The special plate administration fees prescribed in sections
24 28-2404, 28-2412 through 28-2428 and 28-2514.

25 (b) The donations prescribed in sections 28-2404, 28-2412 through
26 28-2415, 28-2417 through 28-2428, 28-2453, 28-2454 and 28-2455.

27 2. SECTION 28-1177.

28 ~~2.~~ 3. Chapters 10 and 11 of this title.

29 ~~3.~~ 4. Chapter 16, articles 1, 2 and 4 of this title, except as
30 provided in sections 28-5926 and 28-5927.

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

33 41-511.04. Duties; board; partnership fund; state historic
34 preservation officer

35 A. The board shall:

36 1. Select areas of scenic beauty, natural features and historical
37 properties now owned by the state, except properties in the care and custody
38 of other agencies by virtue of agreement with the state or as established by
39 law, for management, operation and further development as state parks and
40 historical monuments.

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

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

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

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

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

14 7. Plan, coordinate and administer a state historic preservation
15 program including the program established pursuant to the national historic
16 preservation act of 1966, as amended.

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

20 9. Keep and administer an Arizona register of historic places composed
21 of districts, sites, buildings, structures and objects significant in this
22 state's history, architecture, archaeology, engineering and culture which
23 meet criteria which the board establishes or which are listed on the national
24 register of historic places. Entry on the register requires nomination by
25 the state historic preservation officer and owner notification in accordance
26 with rules which the board adopts.

27 10. Accept, on behalf of the state historic preservation officer,
28 applications for classification as historic property received from the county
29 assessor.

30 11. Adopt rules with regard to classification of historic property
31 including:

32 (a) Minimum maintenance standards for the property.

33 (b) Requirements for documentation.

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

36 13. Advise the governor on historic preservation matters.

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

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

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

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

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

5 19. Provide staff support to the Arizona outdoor recreation
6 coordinating commission.

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

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

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

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

28 D. The state historic preservation officer shall:

29 1. In cooperation with federal and state agencies, political
30 subdivisions of this state and other persons, direct and conduct a
31 comprehensive statewide survey of historic properties and maintain
32 inventories of historic properties.

33 2. Identify and nominate eligible properties to the national register
34 of historic places and the Arizona register of historic places and otherwise
35 administer applications for listing historic properties on the national and
36 state registers.

37 3. Administer grants-in-aid for historic preservation projects within
38 this state.

39 4. Advise, assist and monitor, as appropriate, federal and state
40 agencies and political subdivisions of this state in carrying out their
41 historic preservation responsibilities and cooperate with federal and state
42 agencies, political subdivisions of this state and other persons to ensure
43 that historic properties are taken into consideration at all levels of
44 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.