

REFERENCE TITLE: **off-highway vehicles**

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1596

Introduced by
Senator Kerr

AN ACT

AMENDING SECTIONS 28-1176 AND 28-1177, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 20, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1182; 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 28-1176, Arizona Revised Statutes, is amended to
3 read:
4 28-1176. Off-highway vehicle recreation fund; annual reports;
5 definition
6 A. An off-highway vehicle recreation fund is established. The fund
7 consists of:
8 1. Monies appropriated by the legislature.
9 2. Monies deposited pursuant to sections 28-1177 and 28-5927.
10 3. Federal grants and private gifts.
11 B. Monies in the off-highway vehicle recreation fund are
12 appropriated to the Arizona state parks board solely for the purposes
13 provided in this article. Interest earned on monies in the fund shall be
14 credited to the fund. Monies in the off-highway vehicle recreation fund
15 are exempt from the provisions of section 35-190 relating to lapsing of
16 appropriations.
17 C. The Arizona game and fish department shall spend thirty-five
18 percent of the monies in the off-highway vehicle recreation fund for:
19 1. Informational and educational programs related to safety, the
20 environment and responsible use with respect to off-highway vehicle
21 recreation.
22 2. Law enforcement activities relating to this article.
23 3. The administration of the OFF-HIGHWAY VEHICLE USER indicia
24 program.
25 4. Off-highway vehicle law enforcement pursuant to title 17,
26 chapter 4, article 3, including ~~seven~~ FOURTEEN full-time employees to
27 enforce this article and title 17, chapter 4, article 3.
28 D. The state land department shall spend five percent of the monies
29 in the off-highway vehicle recreational fund to allow occupants of
30 off-highway vehicles with resident or nonresident off-highway vehicle user
31 indicia to cross state trust land on existing roads, trails and designated
32 routes. The state land department shall use these monies for costs
33 associated with off-highway vehicle use of lands within its jurisdiction,
34 to mitigate damage to the land, for necessary environmental, historical
35 and cultural clearance or compliance activities and to fund enforcement of
36 off-highway vehicle laws.
37 E. The Arizona state parks board shall spend sixty percent of the
38 monies in the off-highway vehicle recreation fund for the following
39 purposes:
40 1. ~~No~~ NOT more than twelve percent to fund staff support to plan
41 and administer the off-highway vehicle recreation fund.
42 2. To establish an off-highway vehicle program based on the
43 priorities established in the off-highway vehicle recreational plan.

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
5 of this subsection, the Arizona state parks board shall not spend more
6 than thirty-five percent 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
11 programs.

12 6. For the mitigation of damages to land, revegetation and the
13 prevention and restoration of damages to natural and cultural resources,
14 including the closure of existing access roads, off-highway vehicle use
15 areas and off-highway vehicle routes and trails.

16 7. For necessary environmental, historical and cultural clearance
17 or compliance activities.

18 F. The allocation of the monies in subsection E, paragraphs 3
19 through 7 of this section and the percentages allocated to each of the
20 purposes prescribed in subsection E, paragraphs 3 through 7 of this
21 section shall be based on an off-highway vehicle recreational plan.

22 G. Monies in the off-highway vehicle recreation fund shall not be
23 used to construct new off-highway vehicle trails or routes on
24 environmentally or culturally sensitive land unless the appropriate land
25 management agency determines that certain new trail construction would
26 benefit or protect cultural or sensitive sites. For the purposes of this
27 subsection, "environmentally or culturally sensitive land" means areas of
28 lands that are either:

29 1. Administratively or legislatively designated by the federal
30 government as any of the following:

31 (a) A national monument.

32 (b) An area of critical environmental concern.

33 (c) A conservation area.

34 (d) An inventoried roadless area.

35 2. Determined by the applicable land management agency to contain
36 significant natural or cultural resources or values.

37 H. The Arizona state parks board shall examine applications for
38 eligible projects and determine the amount of funding, if any, for each
39 project. In determining the amount of monies for eligible projects, the
40 Arizona state parks board shall give preference to applications for
41 projects with mitigation efforts and for projects that encompass a large
42 number of purposes described in subsection E, paragraphs 3 through 7 of
43 this section.

1 I. Beginning September 1, 2011, and on or before September 1 of
2 each subsequent year, each agency that receives monies from the off-
3 highway vehicle recreation fund shall submit an off-highway vehicle report
4 to the president of the senate, the speaker of the house of
5 representatives, the chairperson of the senate natural resources and rural
6 affairs committee, or its successor committee, and the chairperson of the
7 house of representatives natural resources and public safety committee, or
8 its successor committee. The report shall be made available to the
9 public. The report shall include information on all of the following if
10 applicable:

11 1. The amount of monies spent or encumbered in the fund during the
12 preceding fiscal year for the purposes of off-highway vehicle law
13 enforcement activities.

14 2. The amount of monies spent from the off-highway vehicle
15 recreation fund during the preceding fiscal year for employee services.

16 3. The number of full-time employees employed in the preceding
17 fiscal year in connection with off-highway vehicle law enforcement
18 activities.

19 4. The amount of monies spent from the off-highway vehicle
20 recreation fund during the preceding fiscal year for information and
21 education.

22 5. The number and specific location of verbal warnings, written
23 warnings and citations given or issued during the preceding fiscal year.

24 6. A specific and detailed accounting for all monies spent in
25 accordance with this section for construction of new off-highway vehicle
26 trails, mitigation of damages to lands, revegetation, the prevention and
27 restoration of damages to natural and cultural resources, signage, maps
28 and necessary environmental, historical and cultural clearance or
29 compliance activities.

30 J. For the purposes of this section, "off-highway vehicle
31 recreational plan" means a plan that is maintained by the Arizona state
32 parks board pursuant to section 41-511.04.

33 Sec. 2. Section 28-1177, Arizona Revised Statutes, is amended to
34 read:

35 28-1177. Off-highway vehicle user fee; indicia; registration;
36 state trust land recreational permit; exception

37 A. A person shall not operate or allow the operation of an
38 all-terrain vehicle or an off-highway vehicle in this state without either
39 a resident or nonresident off-highway vehicle user indicia issued by the
40 department if the all-terrain vehicle or off-highway vehicle meets both of
41 the following criteria:

42 1. Is designed by the manufacturer primarily for travel over
43 unimproved terrain.

44 2. Has an unladen weight of two thousand five hundred pounds or
45 less.

1 B. A person shall apply to the department of transportation for a
2 resident or nonresident off-highway vehicle user indicia by submitting an
3 application prescribed by the department of transportation and a user fee
4 for the indicia in an amount to be determined by the director of the
5 department of transportation in cooperation with the director of the
6 Arizona game and fish department and the Arizona state parks board. THE
7 FEE SHALL BE REDUCED AS PRESCRIBED BY THE DIRECTOR OF THE DEPARTMENT OF
8 TRANSPORTATION IN COOPERATION WITH THE DIRECTOR OF THE ARIZONA GAME AND
9 FISH DEPARTMENT AND THE ARIZONA STATE PARKS BOARD IF THE PERSON COMPLETES
10 THE EDUCATIONAL COURSE OF INSTRUCTION IN OFF-HIGHWAY VEHICLE SAFETY AND
11 ENVIRONMENTAL ETHICS AS PRESCRIBED BY SECTION 28-1175 AND PROVIDES PROOF
12 TO THE DEPARTMENT OF TRANSPORTATION OF THE COMPLETION. The resident or
13 nonresident off-highway vehicle user indicia is valid for one year from
14 the date of issuance and may be renewed. The department shall prescribe
15 by rule the design and placement of the indicia.

16 C. When a person pays for a resident off-highway vehicle user
17 indicia pursuant to this section, the person may request a motor vehicle
18 registration if the vehicle meets all equipment requirements to be
19 operated on a highway pursuant to article 16 of this chapter. If a person
20 submits a signed affidavit to the department affirming that the vehicle
21 meets all of the equipment requirements for highway use and that the
22 vehicle will be operated primarily off of highways, the department shall
23 register the vehicle for highway use and the vehicle owner is not required
24 to pay the registration fee prescribed in section 28-2003. This
25 subsection does not apply to vehicles that as produced by the manufacturer
26 meet the equipment requirements to be operated on a highway pursuant to
27 article 16 of this chapter.

28 D. The director shall deposit, pursuant to sections 35-146 and
29 35-147, seventy percent of the user fees collected pursuant to this
30 section in the off-highway vehicle recreation fund established by section
31 28-1176 and thirty percent of the user fees collected pursuant to this
32 section in the Arizona highway user revenue fund.

33 E. The Arizona game and fish department may provide for the
34 purchase of nonresident off-highway vehicle user indicia and may impose an
35 additional service fee in an amount to be determined by the Arizona game
36 and fish commission by rule. The Arizona game and fish department shall
37 deposit, pursuant to sections 35-146 and 35-147, the service fees
38 collected pursuant to this subsection in the game and fish fund
39 established by section 17-261.

40 F. An occupant of an off-highway vehicle with a resident or
41 nonresident off-highway vehicle user indicia issued pursuant to this
42 section who crosses state trust lands must comply with all of the rules
43 and requirements under a state trust land recreational permit. All
44 occupants of an off-highway vehicle with a resident or nonresident
45 off-highway vehicle user indicia shall obtain a state trust land

1 recreational permit from the state land department for all other
2 authorized recreational activities on state trust land.

3 G. This section does not apply to off-highway vehicles, all-terrain
4 vehicles or off-road recreational motor vehicles that are used off-highway
5 exclusively for agricultural, ranching, construction, mining, mining
6 exploration or building trade purposes.

7 H. In consultation with the department of transportation, the
8 Arizona game and fish department may adopt rules necessary to implement
9 this section.

10 Sec. 3. Title 28, chapter 3, article 20, Arizona Revised Statutes,
11 is amended by adding section 28-1182, to read:

12 28-1182. Rental companies; education materials

13 BEFORE A PERSON MAY RENT AN OFF-HIGHWAY VEHICLE TO A CUSTOMER, THE
14 PERSON MUST PROVIDE THE CUSTOMER WITH OFF-HIGHWAY VEHICLE SAFETY AND
15 ENVIRONMENTAL EDUCATIONAL MATERIALS THAT ARE APPROVED BY THE ARIZONA GAME
16 AND FISH DEPARTMENT.