SB 742 HIGHLIGHTS

SB 742 legislative highlights:

- Introduced February 23, 2007, by Senator Steinberg and co-authored by Assembly Member Wolk.
- Approved by the Assembly 74-0 and the Senate 30-5.
- Signed by the Governor on October 12th, 2007.
- Effective date - January 1st, 2008.

Major highlights of the bill:

- Sunset – The program sunset is now January 1, 2018.
    - This legislation marks the longest extension of the program since its inception.
- OHMVR Commission
    - Commission membership increases from seven to nine. The Governor will have two additional appointments. The Governor will appoint five; the Legislature will appoint four.
    - All new Governor appointees are subject to Senate confirmation.
    - Commission duties change to be more in keeping with those of the State Park and Recreation Commission as an advisory body.
    - Commission will retain authority to review and approve General Plans for the State Vehicular Recreation Areas and receive public input regarding the program.
    - Commission will review all plans for new and expanded local and regional vehicle recreation areas that have applied for grant funds.
    - Fiscal responsibilities for allocation of grants and cooperative agreements as well as capital outlay projects will go the Division.
    - Commission will no longer have authority to establish policies for general guidance.
- Green/Red Sticker Registration Fee – The green/red sticker increases from $25 to $50 every two years.
    - Increased funding for the Grants and Cooperative Agreements Program and the State Vehicular Recreation Areas.
    - Helps meet growing needs for trail maintenance and development, environmental protection, and enforcement resulting from the continued increase in demand for OHV recreation.

- Grants and Cooperative Agreements
  - Funds for grants and cooperative agreements will be divided as follows:
    - 50% - Operations and Maintenance
    - 25% - Restoration
    - 20% - Law Enforcement
    - 5% - Education and Safety
  - Operation and Maintenance funds shall be available for the acquisition, maintenance, operation, planning, development or conservation of trials and facilities associated with the use of off-highway motor vehicle recreation as well as motorized access to nonmotorized recreation.
  - Restoration Projects – the Division shall develop and implement, in consultation with the Wildlife Conservation Board, a competitive Grants and Cooperative Agreements Program for projects providing ecological restoration or repair to habitat.
    - The bill expands the legal expenditure of restoration project funds to include:
      - Repairing environmental damage caused by legal OHV activities.
      - Repairing environmental damage caused by illegal OHV activities.
      - Planning associated with restoration projects.
  - Law enforcement funds will be distributed on a non-competitive basis and shall be proportionate to the off-highway motor vehicle needs under each entity's jurisdiction. Funds will be distributed as follows:
    - 40% - Local law enforcement entities
    - 30% - BLM
    - 30% - USFS
  - Education and Safety – Creation of this specific category provides funding for comprehensive education that teaches off-highway motor vehicle safety, environmental responsibility, and respect for private property, or provides safety programs associated with off-highway motor vehicle recreation.
  - USFS Inventoried Roadless Areas – Operation and Maintenance funds may only be allocated to projects in inventoried roadless areas meeting one of the following criteria:
    - Realigns a forest system road or trail to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a classified route and that cannot be mitigated by route maintenance.
    - Reconstructs a national forest system road or trail to implement a route safety improvement project on a classified route determined to be hazardous on the basis of accident experience or accident potential on that route.

        - Maintains a road or trail that is included in the National Forest Road and Trail System on or before January 1, 2009.
    - The Grants and Cooperative Agreements Program guidelines shall:
        - Distribute funds (other than law enforcement) on a competitive basis.
        - Be developed with public input, including focus groups.
        - Require applications to be in accordance with local or federal plans and the strategic plan of the division.
        - Fund all eligible applications to the extent possible.
    - Non-profit organizations and educational institutions can apply for funding for projects to perform trail and facility maintenance and restoration.
        - These changes are in addition to the current law, which allows funding for non-profits organizations and educational institutions to perform scientific research, natural resource conservation activities, and safety and education activities.
    - Federal Agencies will now be required to provide a 25% match of funds or the equivalent amount of value of services or material used. This change in legislation means that all grant applicants will be required to provide the same amount of match.
    - Currently $4 of the green/red sticker fee goes to counties in lieu of property taxes. Applicants, if a city or county, will now be required to disclose how those fees collected by the counties are being used and whether the use of these fees complements the applicant's project.
    - Only those applicants who are performing ground disturbing activities will be subject to the uniform application of soil and wildlife habitat protection standards.
    - The Deputy Director shall not participate in scoring of grants or cooperative agreements.
    - The Division shall establish an administrative appeal process as part of the Grants and Cooperative Agreements Program. Currently the appeal process is found only in regulations. Appeals will first go to the OHMVR Deputy Director and then to the Director of State Parks.

- Fines for operation of a vehicle in a closed area have been set and increased in law.
    - The fine for a first offense has been increased from $35 to $50. After court assessments, violations could result in a $190 fine.
    - The second offense within seven years is punishable by a fine not to exceed $75. After court assessments, violations could result in a $298 fine.
    - The third offense within seven years is punishable by a fine not to exceed $150. In addition, the court may assess costs sufficient to

repair property damage resulting from the violation. After court assessments, violations could result in a $570 fine.

- CESA – No new funding will be directed to the Conservation and Enforcement Services Account. Restoration funds currently remaining in the CESA account will be available for expenditure as follows:
    - Up to 40% may be used by BLM and the USFS to complete necessary route designation planning work and to implement route planning decisions.
    - Up to $1.1 million may be used in each grant cycle to increase the funds available for restoration grants.
    - **Note**: When the remaining funds in CESA have been depleted, the CESA account will be eliminated.

- The bill clarifies that off-highway recreation includes both motorized recreation and motorized off-highway access to nonmotorized recreation activities.

- The OHMVR Division, in cooperation with the Commission, shall make available on the Division's internet web site the following information:
    - The text of laws and regulations relating to the program and operation of off-highway motor vehicles.
    - A statewide map and regional maps of federal, state, and local off-highway motor vehicle recreation areas and facilities in the state, including links to maps of federal off-highway motor vehicle routes resulting from the route designation process.
    - Information concerning safety, education, and trail etiquette.
    - Information to prevent trespass, damage to public and private property, and damage to natural resources, including penalties and liability associated with trespass and damage caused.

- OHV Guidebook – The Division shall create a guidebook of federal, state and local OHV recreation opportunities that includes contact information where current specific maps and information for each facility may be located.
    - The Division shall work with OHV retailers and associations to distribute the guidebook and to increase awareness of the resources available on the web site.

- SNO-PARKS – Prior to the bill, the fee was set in statute. New language allows the Department to set fees as deemed appropriate.

- Green/Red Sticker Appearance – The design of the green/red sticker will be changed so the identification numbers are larger and are easier to read.

- The Department of Motor Vehicles, in conjunction with the Division, and after consultation with vehicle manufacturers, shall report to the Assembly Committee on Water, Parks and Wildlife and the Senate Committee on Natural Resources and Water by July 1, 2009, regarding recommendations to improve the identification of OHVs. At a minimum, the benefits and challenges of the following items must be addressed:
    - Using multiple identification stickers for each vehicle.
    - Using large-print identifying numbers or letters.
    - Various identifying devices, such as license plates and stickers.
    - Requiring license plates or other device alternatives for certain off-highway vehicle types.
    - Having a unique number for special nonresident permits issued under Section 38087.5.

- Program Funding – Revisions to provide a more stable stream of funding have been developed.
    - The Revenue and Tax Code has been modified to stipulate that the amount of funds transferred as a percent of the Motor Vehicle Fuel Account shall be equal to the percent transferred in the 2006-07 fiscal year.
    - Every five years, starting in the 2013-14 fiscal year, the percent transferred may be adjusted. Adjustments shall be based on, but not limited to, the changes in the following factors since the 2006-07 fiscal year or the last adjustment, whichever is more recent:
        - The number of vehicles registered as off-highway motor vehicles.
        - The number of registered street-legal vehicles that are anticipated to be used off-highway, including four-wheel drive vehicles, all-wheel drive vehicles, and dual-sport motorcycles.
        - Attendance at the State Vehicular Recreation Areas.
        - Off-highway recreation use on federal lands as indicated by the USFS's National Visitor Use Monitoring and the BLM's Recreation Management Information System.