111. "All-terrain vehicle" means a motor vehicle subject to subdivision (a) of Section 38010 which is all of the following:
   (a) Designed for operation off of the highway by an operator with no more than one passenger.
   (b) Fifty inches or less in width.
   (c) Nine hundred pounds or less unladen weight.
   (d) Suspended on three or more low-pressure tires.
   (e) Has a single seat designed to be straddled by the operator, or a single seat designed to be straddled by the operator and a seat for no more than one passenger.
   (f) Has handlebars for steering control.

111.3. An "all-terrain vehicle safety instructor" is a person who is sponsored by an all-terrain vehicle safety training organization, who has completed a course in all-terrain vehicle safety instruction administered by an approved all-terrain vehicle safety training organization, and who has been licensed by the department pursuant to Section 11105.1.

111.5. An "all-terrain vehicle safety training organization" is any organization which is approved to offer a program of instruction in all-terrain vehicle safety, including all-terrain vehicle safety instruction training, by the Off-Highway Vehicle Safety Education Committee and which has been issued a license by the department pursuant to Section 11105.6.

11100.1. No person who instructs others in the operation of all-terrain vehicles shall represent that the instruction given satisfies the requirements of Sections 38503 and 38504, and no certificate shall be issued or awarded for participation in all-terrain vehicle safety instruction unless the instruction is conducted by a licensed all-terrain vehicle safety instructor who is sponsored by an all-terrain vehicle safety training organization. This section shall become operative on July 1, 1988.

11102. (a) A driving school owner, or the principal in an all-terrain vehicle safety training organization, shall meet all of the following requirements:
   (1) Maintain an established place of business open to the public.
No office or place of business shall be situated within 500 feet of any building used by the department as an office, unless the owner was established at that location on or before January 1, 1976.

(2) Have the proper equipment necessary to give instruction in the operation of the class of vehicles for which the course is designed, which shall include, but not be limited to, training vehicles equipped with all of the following:
   (A) An additional functional foot brake affixed to the right side of the front floor.
   (B) A rearview mirror placed on the inside of the windshield on the right side, which is additional to the factory-installed mirror in the center of the windshield.

(3) Procure and file with the department a bond of ten thousand dollars ($10,000) executed by an admitted surety insurer and conditioned that the applicant shall not practice any fraud or make any fraudulent representation that will cause a monetary loss to a person taking instruction from the applicant.

(4) Meet the requirements of Section 11105.2 and, if the person is the owner of a driving school, meet the requirements of Section 11102.5. If the owner is not the operator of the driving school, the owner shall designate an operator who shall meet the requirements of Section 11102.5.

(5) (A) File with the department an instrument, in writing, appointing the director as the agent of the applicant upon whom a process may be served in any action commenced against the applicant arising out of any claim for damages suffered by any person by the applicant's violation of any provision of this code or any condition of the bond.

   (B) The applicant shall stipulate in the instrument that any process directed to the applicant, when personal service cannot be made in this state after due diligence, may be served upon the director or, if the director is absent from the office, upon any employee in charge of the office of the director, in which case the service is of the same effect as if served upon the applicant personally. The applicant shall further stipulate, in writing, that the agency created by the instrument shall continue during the period covered by the license and so long thereafter as the applicant may be made to answer in damages for a violation of this code or any condition of the bond.

   (C) The instrument appointing the director as agent for the applicant for service of process shall be acknowledged by the applicant before a notary public.

   (D) If the licensee is served with process by service upon the director, one copy of the summons and complaint shall be left with the director or in the director's office in Sacramento or mailed to the office of the director in Sacramento. A fee of five dollars ($5) shall also be paid to the director at the time of service of the
copy of the summons and complaint.

(E) The service on the director is a sufficient service on the licensee if the plaintiff or the plaintiff's attorney also, on the same day, sends notice of the service and a copy of the summons and complaint by registered mail to the licensee. A copy of the summons and complaint shall also be mailed by the plaintiff or his or her attorney to the surety of the applicant's bond at the address of the surety given in the bond, postpaid and registered with request for return receipt.

(F) The director shall keep a record of all process served upon the director under this paragraph showing the day and hour of service, and the director shall retain the summons and complaint served on file.

(G) If the licensee is served with process by service thereof upon the director, the licensee has 30 days after that service within which to answer any complaint or other pleading filed in the cause. For purposes of venue, if the licensee is served with process by service upon the director, the service is deemed to have been made upon the licensee in the county in which the licensee has or last had the licensee's established place of business.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license, or a new application, examination, and a fee shall be required.

11103.1. An all-terrain vehicle safety training organization shall maintain bodily injury and property damage liability insurance on motor vehicles while being used in all-terrain vehicle safety instruction, insuring the liability of the organization, the instructors, and any person taking instruction in at least the following amounts:

(a) One hundred fifty thousand dollars ($150,000) for bodily injury to or death of one person in any one accident.

(b) Subject to the limit specified in paragraph (1) for one person, three hundred thousand dollars ($300,000) for bodily injury to or death of two or more persons in any one accident.

(c) Fifty thousand dollars ($50,000) for damage to property of others in any one accident.

This section shall become operative on July 1, 1988.

11104.3. (a) An all-terrain vehicle safety instructor shall meet all of the following requirements:

(1) Be a person who has not been convicted of a crime involving an act of dishonesty, fraud, or deceit with the intent to benefit himself or herself or another substantially, or to injure another substantially; or has not committed any act which, if done as an all-terrain vehicle safety instructor, would be grounds for the suspension or revocation of the all-terrain vehicle safety instructor's
s license. A conviction after a plea of nolo contendere shall be deemed to be a conviction within the meaning of this section.

(2) Have a high school education or its equivalent and have satisfactorily completed a course of instruction training in all-terrain vehicle safety as approved by the Off-Highway Vehicle Safety Education Committee.

(3) Within three attempts, pass the examination that the department requires on off-highway vehicle laws, safe driving practices, operation of all-terrain vehicles, and teaching methods and techniques.

(4) Be physically able to safely operate a motor vehicle and to train others in the operation of all-terrain vehicles.

(5) Hold a valid driver's license issued by this state or any contiguous state.

(6) Not be on probation to the department as a negligent operator or the equivalent of that in the state that issued the driver's license.

(7) Have a driver record which does not have an outstanding notice for violating a written promise to appear in court or for willfully failing to pay a lawfully imposed fine, as provided in Section 40509 or 40509.5 or as provided in equivalent statutes in the state that issued the driver's license.

(8) Be 18 years of age or older.

(9) Be sponsored by an all-terrain vehicle safety training organization.

(b) The qualifying requirements in this section shall be met within one year from the date of application for a license, or a new application, examination, and a fee shall be required.

11104.6. Each applicant for a license or for renewal of a license under this chapter shall submit an application to the department on the forms prescribed by the department. The applicant shall provide the department any information concerning the applicant's character, honesty, integrity, and reputation which the department considers to be necessary.

This section shall become operative on July 1, 1988.

11105.1. (a) The department shall issue a license certificate to each driving school instructor and to each all-terrain vehicle safety instructor when it is satisfied that the person has met the qualifications required under this chapter. The original instructor's license and any instructor's license renewed pursuant to subdivisions (b) and (c) is valid for three years from the date issued unless canceled, suspended, or revoked by the department.

(b) A licensee may apply for the renewal of an instructor's license prior to the expiration date of the license. In no event shall an instructor renew the license after the date of expiration.
(c) The department shall require all of the following for the renewal of the instructor's license:

(1) Compliance with Section 11104, except subdivision (c) thereof, for a driving school instructor, or compliance with Section 11104.3, except paragraph (3) of subdivision (a) thereof, for an all-terrain vehicle safety instructor, and, for either, compliance with Section 11105.2.

(2) Satisfactory completion of an examination as provided in Section 11104 or 11104.3, as applicable, at least once during each succeeding three-year period after the initial issuance of an instructor license certificate.

In lieu of any examination for renewal of the license, the department may accept submission by the licensee of evidence of continuing professional education as defined in paragraph (2) of subdivision (b) of Section 11105.

(d) The department may issue a probationary instructor's license and certificate subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license or certificate, but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

(e) This section shall become operative on July 1, 1988.

11105.2. (a) The fee for a license issued to a driving school owner or to an all-terrain vehicle safety training organization shall be as follows:

(1) For the original license, or an ownership change which requires a new application, except as provided by Section 42231, a nonrefundable fee of one hundred fifty dollars ($150).

(2) For the annual renewal of a license, a fee of fifty dollars ($50).

(3) If an alteration of an existing license is caused by a firm name change, a change in corporate officer structure, address change, or the addition of a branch location, a fee of seventy dollars ($70).

(4) For replacement of the license when the original license is lost, stolen, or mutilated, a fee of fifteen dollars ($15).

(b) The fee for a license issued to a driving school operator shall be as follows:

(1) For the original license a nonrefundable fee of one hundred dollars ($100).

(2) For the annual renewal of a license, a fee of one hundred dollars ($100).

(3) If an alteration of an existing license is caused by a change
in school name or location, or the addition of a branch location, a fee of fifteen dollars ($15).

(4) For replacement of the license when the original license is lost, stolen, or mutilated, a fee of fifteen dollars ($15).

(c) The fee for a license issued to a driving school instructor or to an all-terrain vehicle safety instructor shall be as follows:

(1) For the original license, except as provided by Section 42231, a nonrefundable fee of thirty dollars ($30).

(2) For the triennial renewal of a license, a fee of thirty dollars ($30).

(3) If an alteration of an existing license is caused by a change in the instructor's employing school's name or location, or transfer of the instructor's license to another employing school, a fee of fifteen dollars ($15).

(4) For the replacement of the instructor's license when the original license is lost, stolen, or mutilated, a fee of fifteen dollars ($15).

(d) This section shall become operative on July 1, 1988.

11105.6. (a) The department shall issue a license to an all-terrain vehicle safety training organization when the department is satisfied that the organization has met the qualifications required under this chapter and has been approved and certified by the Off-Highway Vehicle Safety Education Committee. The license shall be valid for a period of one year from midnight of the last day of the month of issuance unless canceled, suspended, or revoked by the department.

(b) The license shall be renewed annually. The department shall require compliance with Sections 11102 and 11105.2 for the renewal of the license.

(c) This section shall become operative on July 1, 1988.

11108. (a) Every person licensed under this chapter shall keep a record showing all of the following:

(1) The name and address and license number of the school.

(2) The name and address of each person given instruction.

(3) Excepting all-terrain vehicle safety training organizations, the instruction permit number or driver's license number of every person given instruction in the driving of a motor vehicle.

(4) Excepting all-terrain vehicle safety training organizations, the date any instruction permit was issued.

(5) The name and instructor's license number of each instructor.

(6) The particular type of instruction given and the date of the instruction.

(7) The amount of time devoted to each type of instruction.

(8) The total number of hours of instruction.
(9) The total cost to the student of the instruction.
(b) The records shall be retained for at least three years and shall be open to the inspection of the department at all reasonable times, but shall be only for the confidential use of the department.

(c) Whenever the licensee suspends or terminates the licensed activity, the licensee shall surrender the records to the department for examination not later than the end of the third day, excluding Saturdays, Sundays, and legal holidays, after the date of suspension or termination. The department may duplicate or make a record of any information contained in the licensee's records. All of the licensee's records shall be returned to the licensee not later than 30 days after the date of surrender.
(d) Every all-terrain vehicle safety training organization shall maintain records for all-terrain vehicle safety instructors who are authorized to offer that organization's courses of instruction.
(e) Each all-terrain vehicle safety instructor shall report the information required under this section to the all-terrain vehicle safety training organization no later than the 15th day of the month following the date instruction was provided. Instructors shall notify the organization, which shall, in turn, notify the department at least 30 days in advance of providing a course of instruction, of the time, date, location, and type of instruction to be given.
(f) This section shall become operative on July 1, 1988.

11109. Every licensee under this chapter shall maintain all vehicles used in driver training in safe mechanical condition at all times.

11110. (a) The department, after notice and hearing, may suspend or revoke any license issued under this chapter if any of the following occur:
(1) The department finds and determines that the licensee fails to meet the requirements to receive or hold a license under this chapter.
(2) The licensee fails to keep the records required by this chapter.
(3) The licensee (A) permits fraud or engages in fraudulent practices either with reference to an applicant for a driver's license or an all-terrain vehicle safety certificate or the department, or (B) induces or countenances fraud or fraudulent practices on the part of any applicant.
(4) The licensee fails to comply with this chapter or regulation or requirement of the department adopted pursuant thereto.
(5) The licensee represents himself or herself as an agent or employee of the department or uses advertising designed to create the impression, or that would reasonably have the effect of leading persons to believe, that the licensee is in fact an employee or representative of the department; or the licensee makes an advertisement, in any manner or by any means, which is untrue or misleading and that is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(6) The licensee, or any employee or agent of the licensee, solicits driver training or instruction or all-terrain vehicle safety instruction in, or within 200 feet of, an office of the department.

(7) The licensee is convicted of violating Section 14606, 20001, 20002, 20003, 20004, 20006, 20008, 23103, 23104, 23152, or 23153 of this code or subdivision (c) of Section 192 of the Penal Code. A conviction, after a plea of nolo contendere, is a conviction within the meaning of this paragraph.

(8) The licensee teaches, or permits a student to be taught, the specific tests administered by the department through use of the department's forms or testing facilities.

(9) The licensee conducts training, or permits training by any employee, in an unsafe manner or contrary to safe driving practices.

(10) The licensed school owner or licensed driving school operator teaches, or permits an employee to teach, driving instruction or all-terrain vehicle safety instruction without a valid instructor's license.

(11) The licensed school owner does not have in effect a bond as required by Section 11102.

(12) The licensee permits the use of the license by any other person for the purpose of permitting that person to engage in the ownership or operation of a school or in the giving of driving instruction or all-terrain vehicle safety instruction for compensation.

(13) The licensee holds a secondary teaching credential and explicitly or implicitly recruits or attempts to recruit a pupil who is enrolled in a junior or senior high school to be a customer for any business licensed pursuant to this article that is owned by the licensee or for which the licensee is an employee.

(b) In the interest of the public's safety, as determined by the department, the department may immediately suspend the license of any licensee for any alleged violation under this chapter and shall conduct a hearing of the alleged violation within 30 days of the suspension.

27802. (a) The department may adopt reasonable regulations
establishing specifications and standards for safety helmets offered for sale, or sold, for use by drivers and passengers of motorcycles and motorized bicycles as it determines are necessary for the safety of those drivers and passengers. The regulations shall include, but are not limited to, the requirements imposed by Federal Motor Vehicle Safety Standard No. 218 (49 C.F.R. Sec. 571.218) and may include compliance with that federal standard by incorporation of its requirements by reference. Each helmet sold or offered for sale for use by drivers and passengers of motorcycles and motorized bicycles shall be conspicuously labeled in accordance with the federal standard which shall constitute the manufacturer's certification that the helmet conforms to the applicable federal motor vehicle safety standards.

(b) No person shall sell, or offer for sale, for use by a driver or passenger of a motorcycle or motorized bicycle any safety helmet which is not of a type meeting requirements established by the department.

38000. This division may be cited as the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971.

38001. (a) Except as otherwise provided, this division applies to off-highway motor vehicles, as defined in Section 38006, on lands, other than a highway, that are open and accessible to the public, including any land acquired, developed, operated, or maintained, in whole or in part, with money from the Off-Highway Vehicle Trust Fund, except private lands under the immediate control of the owner or his or her agent where permission is required and has been granted to operate a motor vehicle. For purposes of this division, the term "highway" does not include fire trails, logging roads, service roads regardless of surface composition, or other roughly graded trails and roads upon which vehicular travel by the public is permitted.

(b) Privately owned and maintained parking facilities that are generally open to the public are exempt from this division, unless the facilities are specifically declared subject to this division by the procedure specified in Section 21107.8.

38006. As used in this division, an "off-highway motor vehicle" is any of the following:

(a) A motor vehicle subject to the provisions of subdivision (a) of Section 38010.

(b) A motor vehicle registered under Section 4000, when such motor vehicle is operated on land to which this division has application.
(c) A motor vehicle owned or operated by a nonresident of this state, whether or not such motor vehicle is identified or registered in a foreign jurisdiction, when such motor vehicle is operated on lands to which this division has application.

38007. The Off-Highway Motor Vehicle Recreation Division of the Department of Parks and Recreation shall adopt courses of instruction in off-highway motor vehicle safety, operation, and principles of environmental preservation by January 1, 2005. For this purpose the division shall consult with the Department of the California Highway Patrol and other public and private agencies or organizations. The division shall make this course of instruction available directly, through contractual agreement, or through volunteers authorized by the division to conduct a course of instruction.

38010. (a) Except as otherwise provided in subdivision (b), every motor vehicle specified in Section 38012 that is not registered under this code because it is to be operated or used exclusively off the highways, except as provided in this division, shall be issued and display an identification plate or device issued by the department.

(b) Subdivision (a) does not apply to any of the following:

1. Motor vehicles specifically exempted from registration under this code, including, but not limited to, motor vehicles exempted pursuant to Sections 4006, 4010, 4012, 4013, 4015, 4018, and 4019.
2. Implements of husbandry.
3. Motor vehicles owned by the state, or any county, city, district, or political subdivision of the state, or the United States.
4. Motor vehicles owned or operated by, or operated under contract with a utility, whether privately or publicly owned, when used as specified in Section 22512.
5. Special construction equipment described in Section 565, regardless of whether those motor vehicles are used in connection with highway or railroad work.
6. A motor vehicle with a currently valid special permit issued under Section 38087.5 that is owned or operated by a nonresident of this state and the vehicle is not identified or registered in a foreign jurisdiction. For the purposes of this paragraph, a person who holds a valid driver's license issued by a foreign jurisdiction is presumed to be a nonresident.
7. Commercial vehicles weighing more than 6,000 pounds unladen.
8. Any motorcycle manufactured in the year 1942 or prior.
9. Four-wheeled motor vehicles operated solely in organized racing or competitive events upon a closed course when those events
are conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.

(10) A motor vehicle with a currently valid identification or registration permit issued by another state.

38012. (a) As used in this division, "off-highway motor vehicle subject to identification" means a motor vehicle subject to the provisions of subdivision (a) of Section 38010.

(b) As used in this division, "off-highway motor vehicle" includes, but is not limited to, the following:

(1) Any motorcycle or motor-driven cycle, except for any motorcycle which is eligible for a special transportation identification device issued pursuant to Section 38088.

(2) Any snowmobile or other vehicle designed to travel over snow or ice, as defined in Section 557.

(3) Any motor vehicle commonly referred to as a sand buggy, dune buggy, or all-terrain vehicle.

(4) Any motor vehicle commonly referred to as a jeep.

38013. Unless otherwise provided, the terms "identification" and "identification certificate" shall have the same meaning as the terms "registration" and "registration card," respectively, as used in Division 3 (commencing with Section 4000).

38014. As used in this division, "closed course" includes, but is not limited to, a speedway, racetrack, or a prescribed and defined route of travel on or off a highway that is closed to all motor vehicles other than those of participants. A closed course is one which is not available at any time for vehicular access by the general public.

38020. Except as otherwise provided in this division, no person shall operate, transport, or leave standing any off-highway motor vehicle subject to identification under this code which is not registered under the provisions of Division 3 (commencing with
Section 4000), unless it is identified under the provisions of this chapter. A violation of this section is an infraction. Riding in violation of seasons established by Section 2412(f) and 2415 of Title 13 of the California Code of Regulations constitutes a violation of this section. This section shall not apply to the operation, transportation, or leaving standing of an off-highway vehicle pursuant to a valid special permit.

38021. (a) A manufacturer, dealer, or distributor, or his agent, owning or lawfully possessing any off-highway motor vehicle of a type otherwise required to be identified hereunder may operate or use such vehicle without an identification certificate and plate or device upon condition that each such vehicle is accompanied by a special permit issued to the manufacturer, dealer, or distributor as provided in this division.

(b) Persons licensed pursuant to Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 need not obtain such a permit provided the vehicle is operated or used under special plates issued to the licensee.

38022. Notwithstanding the provisions of Section 4000, motorcycles issued a special transportation identification device pursuant to Section 38088 may be transported upon a highway to and from a closed course.

38025. In accordance with subdivision (c) of Section 4000, a motor vehicle issued a plate or device pursuant to Section 38160 may be operated or driven upon a highway but only as follows:

(a) On a two-lane highway, only to cross the highway at an angle of approximately 90 degrees to the direction of the roadway and at a place where a quick and safe crossing may be made, or only when the roadway is not maintained by snow removal equipment and is closed to motor vehicles that are subject to registration pursuant to Division 3 (commencing with Section 4000), or only to cross a highway in the manner specified in subdivision (b).

(b) With respect to the crossing of a highway having more than two lanes, or a highway having limited access, a motor vehicle may cross a highway but only at a place designated by the Department of Transportation or local authorities with respect to a highway under their respective jurisdictions as a place where a motor vehicle, or specified types of motor vehicle, may cross a highway, and a vehicle shall cross the highway only at that designated place and only in a
quick and safe manner.

(c) The Department of Transportation and local authorities with respect to a highway under their respective jurisdictions may designate, by the erection of an appropriate sign of a type approved by the Department of Transportation, a place where a motor vehicle, or specified type of motor vehicle, may cross a highway having more than two lanes or having limited access.

(d) A motor vehicle identified pursuant to Section 38010 may be towed upon a highway, but not driven, if the vehicle displays a plate or device issued pursuant to Section 38160.

(e) A motorcycle identified pursuant to Section 38010 may be pushed upon a highway, but not ridden, if the motorcycle has displayed upon it a plate or device issued pursuant to Section 38160.

(f) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may operate or drive an off-highway vehicle identified pursuant to Section 38010 upon a highway in an emergency response situation.

38026. (a) In addition to Section 38025 and after complying with subdivision (c) of this section, if a local authority, an agency of the federal government, or the Director of Parks and Recreation finds that a highway, or a portion thereof, under the jurisdiction of the authority, agency, or the director, as the case may be, is located in a manner that provides a connecting link between off-highway motor vehicle trail segments, between an off-highway motor vehicle recreational use area and necessary service facilities, or between lodging facilities and an off-highway motor vehicle recreational facility and if it is found that the highway is designed and constructed so as to safely permit the use of regular vehicular traffic and also the driving of off-highway motor vehicles on that highway, the local authority, by resolution or ordinance, agency of the federal government, or the Director of Parks and Recreation, as the case may be, may designate that highway, or a portion thereof, for combined use and shall prescribe rules and regulations therefore. No highway, or portion thereof, shall be so designated for a distance of more than three miles. No freeway shall be designated under this section.

(b) The Off-Highway Motor Vehicle Recreation Commission may propose highway segments for consideration by local authorities, an agency of the federal government, or the Director of Parks and Recreation for combined use.

(c) Prior to designating a highway or portion thereof on the motion of the local authority, an agency of the federal government, or the Director of Parks and Recreation, or as a recommendation of
the Off-Highway Motor Vehicle Recreation Commission, a local
authority, an agency of the federal government, or the Director of
Parks and Recreation shall notify the Commissioner of the California
Highway Patrol, and shall not designate any segment pursuant to
subdivision (a) which, in the opinion of the commissioner, would
create a potential traffic safety hazard.

(d) A designation of a highway, or a portion thereof, under
subdivision (a) shall become effective upon the erection of
appropriate signs of a type approved by the Department of
Transportation on and along the highway, or portion thereof.
The cost of the signs shall be reimbursed from the Off-Highway
Vehicle Trust Fund, when appropriated by the Legislature, or by
expenditure of funds from a grant or cooperative agreement made
pursuant to Section 5090.50 of the Public Resources Code.

38026.5. (a) In accordance with subdivision (c) of Section 4000, a
motor vehicle issued a plate or device pursuant to Section 38160 may
be operated or driven on a local highway, or a portion thereof,
which is designated pursuant to Section 38026 if the operation is in
conformance with the Vehicle Code and the vehicle complies with
off-highway vehicle equipment requirements specified in this
division.

(b) Notwithstanding subdivision (a), it is unlawful for any person
using an off-highway vehicle on a combined-use highway to do any of
the following:

1. Operate an off-highway motor vehicle on the highway during the
   hours of darkness.

2. Operate any vehicle on the highway which does not have an
   operational stoplight.

3. Operate any vehicle on the highway which does not have rubber
   tires.

4. Operate any vehicle without a valid driver's license of the
   appropriate class for the vehicle operation in possession.

5. Operate any vehicle on the highway without complying with the
   provisions of Article 2 (commencing with Section 16020) of Chapter 1
   of Division 7.

38027. Motor-driven cycles issued a plate or device pursuant to
Section 38160 may be moved, by nonmechanical means only, adjacent to
a roadway, in such a manner so as to not interfere with traffic upon
the highway, only for the purpose of gaining access to, or returning
from, areas designed for the operation of off-highway vehicles, when
no other route is available. The Department of Transportation or
local authority may designate access routes leading to off-highway
parks as suitable for the operation of off-highway vehicles, if such access routes are available to the general public only for pedestrian and off-highway motor vehicle travel.

38030. Notwithstanding the provisions of Section 38020, an unidentified off-highway motor vehicle subject to identification may be left standing upon a highway or public or private property adjacent to the place of business of a dealer of such motor vehicles when done so in connection with the loading and unloading or storage of such vehicles to be used in the dealer's business, unless already prohibited by law.

38040. Application for the original identification of a motor vehicle, other than a motorcycle, required to be identified pursuant to this division shall be made by the owner to the department upon the appropriate form furnished by it and shall contain all of the following:
   (a) The true, full name, business or residence and mailing address, and the driver's license or identification card number, if any, of the owner and the legal owner, if any.
   (b) The name of the county in which the owner resides.
   (c) A description of the vehicle, including the following, insofar as it may exist:
      (1) The make, model, and type of body.
      (2) The vehicle identification number or any other number as may be required by the department.
   (d) Information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to identification.

38041. Application for the original identification of a motorcycle shall be made by the owner to the department upon the appropriate form furnished by it, and shall contain:
   (a) The true, full name, business or residence and mailing address, and the driver's license or identification card number, if any, of the owner and the legal owner, if any.
   (b) The name of the county in which the owner resides.
   (c) A description of the motorcycle including the following data insofar as it may exist:
      (1) The make and type of body.
      (2) The motor and frame numbers recorded exactly as stamped on the engine and frame, respectively, by the manufacturer, and any other identifying number of the motorcycle as may be required by the
(3) The date first sold by a manufacturer or dealer to a consumer.

(d) Such information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to identification.

(e) The department shall maintain a cross-index file of motor and frame numbers identified with it.

The application shall be accompanied by a tracing, tape lift, or photograph of the motor or frame numbers, or where the facsimile of the motor or frame numbers cannot be obtained, a verification of the numbers shall be required.

38045. Ownership of title to an off-highway motor vehicle subject to identification under this division may be held by two (or more) coowners as provided in Section 682 of the Civil Code, except that:

(a) A vehicle may be identified in the names of two (or more) persons as coowners in the alternative by the use of the word "or." A vehicle so identified in the alternative shall be deemed to be held in joint tenancy. Each coowner shall be deemed to have granted to the other coowners the absolute right to dispose of the title and interest in the vehicle. Upon the death of a coowner, the interest of the decedent shall pass to the survivor as though title or interest in the vehicle was held in joint tenancy, unless a contrary intention is set forth in writing upon the application for identification.

(b) A vehicle may be identified in the names of two (or more) persons as coowners in the alternative by the use of the word "or" and if declared in writing upon the application for identification by the applicants to be community property, or tenancy in common, shall grant to each coowner the absolute power to transfer the title or interest of the other coowners only during the lifetime of such coowners.

(c) A vehicle may be identified in the names of two (or more) persons as coowners in the conjunctive by the use of the word "and" and shall thereafter require the signature of each coowner or his personal representative to transfer title to the vehicle, except where title to the vehicle is set forth in joint tenancy, the signature of each coowner or his personal representative shall be required only during the lifetime of the coowners, and upon death of a coowner title shall pass to the surviving coowner.

(d) The department may adopt suitable abbreviations to appear upon the certificate of identification and certificate of ownership to designate the manner in which title to the vehicle is held if set forth by the coowners upon the application for identification.
38050. In the absence of the regularly required supporting evidence of ownership upon application for identification or transfer of a vehicle, the department may accept an undertaking or bond which shall be conditioned to protect the department and all officers and employees thereof and any subsequent purchaser of the vehicle, any person acquiring a lien or security interest thereon, or the successor in interest of such purchaser or person against any loss or damage on account of any defect in or undisclosed claim upon the right, title, and interest of the applicant or other person in and to the vehicle.

38055. In the event the vehicle is no longer identified in this state and the currently valid certificate of ownership is surrendered to the department, the bond or undertaking shall be returned and surrendered at the end of three years or prior thereto.

38060. (a) Whenever any person, after making application for identification of an off-highway motor vehicle subject to identification, or after the identification either as owner or legal owner, moves or acquires a new address different from the address shown in the application or upon the certificate of ownership or identification certificate, that person shall, within 10 days thereafter, notify the department of his or her old and new addresses.

(b) Any owner having notified the department as required in subdivision (a), shall immediately mark out the former on the face of the certificate and write with pen and ink or type the new on the face of the certificate immediately below the former address and initial the entry.

38070. The department, upon identifying an off-highway motor vehicle subject to identification, shall issue a certificate of ownership to the legal owner and an identification certificate to the owner, or both to the owner if there is no legal owner.

38075. (a) The identification certificate shall contain upon the
38076. The certificate of ownership shall contain:
   (a) Not less than the information required upon the face of the identification certificate.
   (b) Provision for notice to the department of a transfer of the title or interest of the owner or legal owner.
   (c) Provision for application for transfer of identification by the transferee.

38080. (a) The department may authorize, under Section 4456, dealers licensed under Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 to use numbered copies of the report-of-sale form and corresponding temporary identification devices upon off-highway motor vehicles subject to identification that they sell.

   (b) Off-highway motor vehicles subject to identification that are purchased from dealers not required to be licensed under Article 1 (commencing with Section 11700) of Chapter 4 of Division 5, or that are specially constructed by the owner or owners, may be operated off-highway, as provided by this division, without an identification plate or device or identification certificate, provided a receipt or other suitable device issued by the department is displayed upon the vehicle evidencing an application has been made and appropriate fees paid pursuant to this division, until the identification plate or device and identification certificate are received from the department.

38085. (a) Every owner upon receipt of an identification certificate shall maintain the same or a facsimile copy thereof with
the vehicle for which it is issued at all times when the vehicle is 
operated or transported.

(b) The provisions of this section do not apply when an 
identification certificate is removed from the vehicle for the 
purpose of application for renewal or transfer of identification.

38087. (a) Upon payment of the fees specified in Section 38231, the department may issue to manufacturers, dealers, distributors, or their agents, a special permit to operate or use for the purpose of delivery, demonstration, or display, off-highway motor vehicles otherwise required to be identified under this division.

(b) Special permits issued pursuant to this section shall expire at midnight on the 30th day of June in the second calendar year following the year of issuance of such permit.

38087.5. (a) Upon payment of the fee specified in Section 38231.5, the Department of Parks and Recreation may issue to a nonresident of this state a special permit to operate an off-highway motor vehicle otherwise required to be identified under this chapter.

(b) Special permits issued under this section shall expire on December 31 in the year of their issuance.

38088. (a) Upon payment of the fee specified in Section 38232, the department shall issue to the owner of a motorcycle, which the owner has certified as being used exclusively in racing events on a closed course, a special transportation identification device for the purpose of identifying the motorcycle while it is being transported upon a highway to and from racing events on a closed course. Such device may be either a plate or a sticker, whichever is determined by the department to be the most appropriate.

(b) Such device is nonrenewable, nontransferrable, and becomes invalid when the vehicle for which it was issued is sold or dismantled.

(c) A certificate of ownership may not be issued in conjunction with a special transportation identification device.

38090. If any identification certificate or identification plate or device is stolen, lost, mutilated or illegible, the owner of the
vehicle for which the same was issued, as shown by the records of the department, shall immediately make application for and may, upon furnishing information satisfactory to the department, obtain a duplicate or substitute or a new identification under a new number, as determined to be most advisable by the department. An application for a duplicate identification certificate is not required in conjunction with any other application.

38095. If any certificate of ownership is stolen, lost, mutilated or illegible, the legal owner or, if none, the owner of the vehicle for which the same was issued as shown by the records of the department shall immediately make application for and may, upon furnishing information satisfactory to the department, obtain a duplicate.

38100. The provisions of Sections 4458, 4460, 4461, 4462, 4463, and 4464 shall be fully applicable to motor vehicles identified under this division and the terms "identification" and "identification certificate" shall have the same meaning as the terms "registration" and "registration card," respectively, as used in those sections.

38110. Certificates of ownership shall not be renewed but shall remain valid until suspended, revoked, or canceled by the department for cause or upon transfer of any interest shown therein.

38115. Every motor vehicle identification and identification certificate issued pursuant to this division shall expire at midnight on the 30th day of June in the second calendar year following the year of issuance of such certificate. The department may upon payment of the proper fees renew such identification.

38120. (a) Application for renewal of identification of off-highway motor vehicles subject to identification shall be made by the owner not later than midnight of the 30th day of June of the expiration year. The application shall contain the true, full name and driver's license or identification card number, if any, of the owner.
   (b) Whenever any application for identification or transfer of
ownership of an off-highway motor vehicle subject to identification is filed with the department between June 1 and June 30 of the year of expiration, the application shall be accompanied by the full renewal fees in addition to any other fees then due and payable.

(c) Whenever an application for identification or transfer of ownership of an off-highway motor vehicle subject to identification is filed with the department between January 1 and May 31 of the year of expiration, the application may be accompanied by full renewal fees in addition to any other fees then due and payable, which renewal fees shall be for the two-year period following June 30th of the year in which paid.

38121. (a) Prior to the expiration of the identification of an off-highway motor vehicle, if that identification is not to be renewed prior to its expiration, the owner of the vehicle shall file, under penalty of perjury, a certification that the vehicle will not be operated, used, or transported on public property or private property in a manner so as to subject the vehicle to identification during the subsequent identification period without first making an application for identification of the vehicle, including full payment of all fees. The certification of nonoperation is valid until the identification is renewed under subdivision (c).

(b) Each certification of nonoperation filed pursuant to subdivision (a) shall be accompanied by a filing fee of fifteen dollars ($15).

(c) An application for renewal of identification, whether or not accompanied by an application for transfer of title to, or any interest in, the vehicle, shall be submitted to the department with payment of the required fees for the current identification period and without penalty for delinquent payment of fees imposed under this code if the department receives the application on or before the date the vehicle is first operated, used, or transported on public property or private property in a manner so as to subject the vehicle to identification and certification of nonoperation required pursuant to subdivision (a).

(d) A certification of nonoperation is not required to be filed pursuant to subdivision (a) for a vehicle on which the identification expires while being held as inventory by a dealer or lessor-retailer.

38125. Whenever by reason of the theft or embezzlement of an off-highway motor vehicle subject to identification the owner or legal owner is not in possession of the vehicle at the time penalties
accrue for failure to obtain identification, or renewal thereof, the owner or legal owner may secure the identification or renewal of the identification of the vehicle within 20 days after its recovery upon filing an affidavit setting forth the circumstances of the theft or embezzlement if the theft or embezzlement of the vehicle has been reported pursuant to provisions of this code, without penalty for delinquent payment of fees imposed under this division.

38130. When application for identification of an off-highway motor vehicle subject to identification has been made as required by this division, the vehicle may be operated pursuant to this division until the new indicia of current identification have been received from the department on condition that there be displayed on the vehicle the identification plate or device and validating device, if any, issued to the vehicle for the previous identification term.

38135. The department may, upon renewing of an identification of off-highway motor vehicles subject to identification, issue a new identification certificate or may endorse or authorize the endorsement of a receipt or validation upon payment of the required fees. The receipt or validation to be stamped upon the identification certificate last issued for the vehicle during the preceding period, or upon a potential identification certificate issued near the close of the preceding period, which identification certificate so endorsed or validated shall constitute the identification certificate for the ensuing two-year period. If the identification certificate and potential identification certificate are unavailable, a fee as specified in Section 38260 shall not be paid.

38145. The department shall refuse the identification or renewal or transfer of identification of an off-highway motor vehicle subject to identification upon any of the following grounds:
   (a) That the application contains any false or fraudulent statement.
   (b) That the required fee has not been paid.

38150. The department may refuse the identification or renewal or transfer of identification of an off-highway motor vehicle subject to identification in any of the following circumstances:
   (a) If the department is satisfied that the applicant is not
entitled thereto under this code.

(b) If the applicant has failed to furnish the department with
information required in the application or reasonable additional
information required by the department.

(c) If the department determines that the applicant has made or
permitted unlawful use of any identification certificate, certificate
of ownership, identification plates, or other identifying indicia.

38160. The department, upon identifying an off-highway motor
vehicle subject to identification, shall issue to the owner a
suitable identification plate or device which is capable of being
attached to the vehicle in such a manner so as to not endanger the
operator or passengers of the vehicle, and which shall identify the
vehicle for which it is issued for the period of its validity.

38165. The department shall determine the size, color, and letters
or number of the plate or device issued pursuant to this division and
the life of the series of plate or device issued, but in no event
less than six years. During the intervening identification periods
for which the plate or device is issued, the department shall issue a
tab, sticker, or other suitable device to indicate the term for
which such plate or device will be valid.

38170. (a) Every off-highway motor vehicle subject to
identification shall have displayed upon it the identification number
assigned to the vehicle for which it is issued, together with the
word "California" or the abbreviation "CAL" and the year number for
which it is issued or a suitable device issued by the department for
validation purposes, which device shall contain the year for which it
is issued.

(b) The identification plate or device shall at all times be
securely fastened to the vehicle for which it is issued and shall be
mounted or affixed in a position to be clearly visible, and shall be
maintained in a condition so as to be clearly legible. No covering
shall be used on the identification plate or device.

(c) All identification plates or devices issued on or after
January 1, 1996, shall be displayed as follows:

1) On the left fork leg of a motorcycle, either horizontal or
vertical, and shall be visible from the left side of the motorcycle.

2) On the left quadrant of the metal frame member of sand rails,
rail-type buggies, and dune buggies, visible from the rear of the
vehicle.
(3) On the left rear quadrant on permanent plastic or metal frame members of all-terrain vehicles, visible to outside inspections.
(4) On the left tunnel on the back quadrant of snowmobiles.

38180. Chapter 3 (commencing with Section 11500) of Division 5 shall be applicable to off-highway motor vehicles subject to identification, except as provided in this article.

38185. No off-highway motor vehicle subject to identification which has been reported dismantled or sold as salvage may be subsequently identified until it has been inspected by the department.

38195. The provisions of Chapter 2 (commencing with Section 5600) of Division 3 shall be applicable to off-highway motor vehicles subject to identification, and the terms "registration," "registration card," and "registered" as used therein, shall apply to the terms "identification," "identification certificate," and "identified," respectively, except that Sections 5901, 5902, 5903, 5904, 5906, and 6052 shall not apply.

38200. (a) Every licensed dealer upon transferring by sale, lease, or otherwise any off-highway motor vehicle subject to identification, whether new or used, of a type subject to identification under this division, shall, not later than the end of the fifth calendar day thereafter, not counting the day of sale, lease, or other transfer, give written notice of the transfer to the department upon an appropriate form provided by it; but a dealer need not give the notice when selling or transferring a new unidentified off-highway motor vehicle subject to identification to another dealer.

A "sale" shall be deemed completed and consummated when the purchaser of that vehicle has paid the purchase price, or, in lieu thereof, has signed a purchase contract or security agreement, and taken physical possession or delivery of that vehicle.

(b) Every dealer of off-highway motor vehicles subject to identification who is not licensed with the department, and who engages only in the sale of vehicles of a type not properly equipped for operation upon the highway and that are restricted to off-highway operation or use, shall comply with the provisions of Section 5900, or such regulations as the director determines are necessary to carry out the provisions of this division.
Whenever any person has received as transferee a properly endorsed certificate of ownership, he or she shall, within 10 days thereafter, endorse the ownership certificate as required and forward the ownership certificate with the proper transfer fee and, if required under Section 38120, any other fee due and thereby make application for transfer of identification. The certificate of ownership shall contain a space for the applicant's driver's license or identification card number, and the applicant shall furnish that number, if any, in the space provided.

When the transferee of an off-highway motor vehicle subject to identification is a dealer who holds such vehicle for resale, the dealer is not required to make application for transfer, but upon transferring his title or interest to another person he shall comply with this division.

The department shall withhold identification of or the transfer of ownership of any vehicle subject to identification under this division until the applicant pays to the department the use tax measured by the sales price of the vehicle as required by the Sales and Use Tax Law, together with penalty, if any, unless the purchaser presents evidence on a form prescribed by the State Board of Equalization that sales tax will be paid by the seller or that use tax has been collected by the seller or that the State Board of Equalization finds that no use tax is due. If the applicant so desires, he may pay the use tax and penalty, if any, to the department so as to secure immediate action upon his application for identification or transfer of ownership, and thereafter he may apply through the Department of Motor Vehicles to the State Board of Equalization under the provisions of the Sales and Use Tax Law for a refund of the amount so paid.

The department shall transmit to the State Board of Equalization all collections of use tax and penalty made under this section. This transmittal shall be made at least monthly, accompanied by a schedule in such form as the department and board may prescribe.

The State Board of Equalization shall reimburse the department for its costs incurred in carrying out the provisions of this section. Such reimbursement shall be effected under agreement between the agencies, approved by the Department of Finance.

In computing any use tax or penalty thereon under the provisions of this section dollar fractions shall be disregarded in the manner specified in Section 9559 of this code. Payment of tax and penalty on this basis shall be deemed full compliance with the
requirements of the Sales and Use Tax Law insofar as they are applicable to the use of vehicles to which this section relates.

38225. (a) A service fee of seven dollars ($7) shall be paid to the department for the issuance or renewal of identification of off-highway motor vehicles subject to identification, except as expressly exempted under this division.

(b) This section shall become operative on January 1, 2007.

38225.4. In addition to the service fees specified in subdivision (a) of Section 38225, as amended by Section 6 of Chapter 964 of the Statutes of 1992, a fee of three dollars ($3) shall be paid at the time of issuance or renewal of identification of off-highway motor vehicles subject to identification, except as expressly exempted under this division. The department shall deposit the fee received under this section in the Motor Vehicle Account in the State Transportation Fund. The money deposited in the account pursuant to this section shall be available, upon appropriation by the Legislature, for expenditure to offset the costs of maintaining the uniformed field strength of the Department of the California Highway Patrol.

38230. In addition to the fees imposed by Section 38225, there shall be paid a four-dollar ($4) fee for the issuance or renewal of identification for every off-highway motor vehicle subject to identification. The fee imposed by this section is in lieu of all taxes according to value levied for state or local purposes.

38231. The fees for a special permit issued under Section 38087 shall be the prevailing identification fees as set forth in Sections 38225 and 38230 and shall be deposited and distributed as are identification fees under this chapter.

38231.5. (a) The fee for a special permit issued under Section 38087.5 shall be not less than twenty dollars ($20), as established by the Department of Parks and Recreation. The Department of Parks and Recreation may adjust the special permit fee for a permit issued to a nonresident of this state under Section 38087.5, as necessary, to recover the costs of this program. After deducting its administrative and vendor costs, the Department of Parks and Recreation shall deposit the fees received under this section in the Off-Highway Vehicle Trust Fund. Money in the fund shall be
allocated, upon appropriation, as provided in Sections 5090.50 and 5090.64 of the Public Resources Code.

(b) The Department of Parks and Recreation shall print the special permits required by Section 38087.5 and shall supervise the sale of those permits throughout the state.

(c) The Department of Parks and Recreation shall either distribute and sell the special permits directly or contract with vendors according to rules and regulations established by that department. The vendors shall receive a commission in an amount not to exceed 5 percent of the fee imposed pursuant to subdivision (a) for each special permit sold. The Department of Parks and Recreation may solicit the participation of qualified retail commercial enterprises engaged in the sale or rental of off-highway vehicles, equipment, accessories, or supplies to act as authorized vendors of the special permits and may authorize local and federal agencies that provide off-highway vehicle opportunities to act as authorized vendors of the special permits.

38232. A special fee of fifteen dollars ($15) shall be paid to the department for the issuance of a special transportation identification device issued pursuant to Section 38088 and shall be deposited in the Motor Vehicle Account in the Transportation Tax Fund. The fee is in lieu of the fees provided in Section 38225.

38235. All money collected by the department under Section 38230 shall be reported monthly to the Controller and at the same time be deposited in the State Treasury to the credit of the Off-Highway License Fee Fund, which is hereby created.

38240. (a) The Controller shall allocate the fees collected under Section 38230 in July and January of each fiscal year to cities and counties based upon the proportional estimated off-highway motor vehicle use and related activity within the respective jurisdictions pursuant to the report described in subdivision (d) of Section 5090.15 of the Public Resources Code.

(b) The funds collected under Section 38230 shall be used for the purposes set forth in Sections 5090.50 and 5090.64 of the Public Resources Code.

(c) In addition to the purposes set forth in subdivision (b), funds received by a city or county pursuant to this section may be expended for facilities located outside the limits of the city or county if both of the following conditions are met:

1. The funds are expended for the purposes of acquiring, developing, and constructing trails, areas, or other facilities for
the use of off-highway motor vehicles.

(2) The funds are expended pursuant to an agreement with the city in which the facility is located or with the county in which the facility is located if the facility is located in an unincorporated territory.

(d) This section shall become operative on January 1, 2006.

38241. Any city, county, or city and county may apply to the population research unit of the Department of Finance to estimate its population. The department may make the estimate if in the opinion of the department there is available adequate information upon which to base the estimate. Not less than 25 days nor more than 30 days after the completion of the estimate, the Department of Finance shall file a certified copy thereof with the Controller if the estimate is greater than the current certified population. This certification may be made once each fiscal year.

All payments under Section 38240 for any allocation subsequent to the filing of the estimate shall be based upon the population so estimated until a subsequent certification is made by the Department of Finance or a subsequent federal decennial census is made.

Population changes based on a federal or state special census or estimate validated by the Department of Finance shall be accepted by the Controller only if certified to him or her at the request of the Department of Finance. The request shall be made only if the census or estimate is greater than the current certified population and shall become effective on the first day of the month following receipt of the certification.

The Department of Finance may assess a reasonable charge, not to exceed the actual cost thereof, for the preparation of population estimates pursuant to this section, which is a proper charge against the city, county or city and county applying therefore. The amount received shall be deposited in the State Treasury as a reimbursement to be credited to the appropriation from which the expenditure is made.

As of May 1, 1988, any population estimate prepared by the Department of Finance pursuant to Section 2227 of the Revenue and Taxation Code may be used for all purposes of this section unless a written request not to certify is received by the department from the city, city and county, or county within 25 days of completion of the estimate.

This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.
38245. Whenever an off-highway motor vehicle subject to identification is operated or transported in this state without the fees required by this division having first been paid, the fee is delinquent.

38246. (a) A penalty shall be added upon any application for renewal of identification made on or after the day following the expiration date, except as provided in Section 4605, 38121, or 38247.

(b) If the fee specified in subdivision (a) or (b) of Section 38255 is not paid within 10 days after the fee becomes delinquent, a penalty shall be assessed.

(c) If renewal fee penalties have not accrued and the ownership of the vehicle is transferred, the transferee has 20 days from the date of transfer to pay the identification fees that become due without payment of any penalties that would otherwise be required under subdivision (a) or to file a certificate of nonoperation pursuant to subdivision (a) of Section 38121, if the vehicle will not be operated, used, or transported on public property or private property in a manner so as to subject the vehicle to identification during the subsequent identification period without first making application for identification of the vehicle, including full payment of all fees.

(d) Except as otherwise provided in this section, if any fee is not paid within 20 days after the fee becomes delinquent, a penalty shall be assessed.

38247. (a) When a transferee or purchaser of a vehicle applies for transfer of identification, as provided in Section 38025, and it is determined by the department that penalties accrued prior to the purchase of the vehicle, and that the transferee or purchaser was not cognizant of the nonpayment of the fees for identification for the current or prior identification years, the department may waive the identification penalties upon payment of the fees for identification due.

(b) Other provisions of this code notwithstanding, the director may at his discretion investigate into the circumstances of any application for identification to ascertain if penalties had accrued through no fault or intent of the owner. Provided such circumstances prevail, the director may waive any penalties upon payment of the fees for identification then due.

(c) When a transferee or purchaser of a vehicle applies for
transfer of identification of a vehicle, and it is determined by the
department that fees for identification of the vehicle for any year
are unpaid and due, that such fees became due prior to the purchase
of the vehicle by the transferee or purchaser and that the transferee
or purchaser was not cognizant of the fact that such fees were
unpaid and due, the department may waive such fees and any penalty
thereon when the identification fees due for the vehicle for the
current year are paid.

(d) Upon the transfer of a vehicle for which fees for
identification and any penalties thereon are unpaid and due, such
fees and penalties are, notwithstanding the provisions of Article 6
(commencing with Section 9800) of this chapter, the personal debt of
the transferor of the vehicle who did not pay such fees and penalties
when they became due or accrued. Such fees and penalties may be
collected by the department in an appropriate civil action if the
department has waived such fees and penalties pursuant to subdivision
(c).

38250. Whenever any person has received as transferee a properly
endorsed certificate of ownership and the transfer fee has not been
paid as required by this division within 10 days, the fee is
delinquent.

38255. Upon application for transfer of ownership or any interest
of an owner, or legal owner in or to any off-highway motor vehicle
identified under this division, there shall be paid the following
fees:

(a) For a transfer by the owner ....................... $15
(b) For a transfer by the legal owner ............... $15
(c) When application is presented showing a transfer by
both the owner and legal owner ..................... $15

38260. Upon application for a duplicate ownership certificate or
identification certificate, or a duplicate or substitute
identification plate or device, or any other tabs, stickers, or
devices, there shall be paid a fee in the amount of fifteen dollars
($15).
38265. (a) The penalty for delinquency in respect to any transfer shall be fifteen dollars ($15), and shall apply only to the last transfer.
   (b) The penalty for delinquency in respect to the fees imposed by Sections 38225 and 38230 shall be equal to one-half the fee after it has been computed.

38280. Federal, state, or local authorities having jurisdiction over public lands may place or cause to be placed and maintained, such appropriate signs, signals and other traffic control devices as may be necessary to properly indicate and carry out any provision of law or any duly adopted regulation of such governmental authority or to warn or guide traffic.

38285. Only those signs, signals, markings, or devices that conform to the uniform standards and specifications adopted by the Department of Parks and Recreation, with the approval of the Off-Highway Motor Vehicle Recreation Commission, shall be placed as provided in Section 38280.
   Special signs, signals, markings, or devices may be used on a temporary basis for purposes of directing traffic on and at sanctioned events conducted on public lands with permission of the agency having administrative jurisdiction over such lands.

38286. The provisions of Article 3 (commencing with Section 38305), Article 4 (commencing with Section 38312), Article 5 (commencing with Section 38316), Section 38319 of this chapter, and subdivision (h) of Section 38370 shall not apply to a motor vehicle being operated in an organized racing event that is conducted under the auspices of a recognized sanctioning body or by permit issued by the governmental authority having jurisdiction.

38300. It is unlawful for the driver of any vehicle to disobey any sign, signal, or traffic control device placed or maintained pursuant to Section 38280.

38301. It is unlawful to operate a vehicle in violation of special regulations which have been promulgated by the governmental agency having jurisdiction over public lands, including, but not limited to, regulations governing access, routes of travel, plants, wildlife,
wildlife habitat, water resources, and historical sites.

38301.5. Every person convicted of violating a local ordinance which is adopted by a city with a population over 2,000,000 persons pursuant to Section 38301 and which prohibits entry into all or portions of an area designated by ordinance as a mountain fire district shall be punished as follows:
   (a) Except as provided in subdivisions (b) and (c), the offense is an infraction punishable by a fine not exceeding one hundred fifty dollars ($150).
   (b) For a second offense committed within one year of a prior violation for which there was a conviction punishable under subdivision (a), the offense is punishable as an infraction by a fine not exceeding two hundred fifty dollars ($250).
   (c) (1) For a third or subsequent offense committed within one year of two or more prior violations for which there were convictions punishable under this section, the offense is punishable as a misdemeanor by a fine not exceeding one thousand dollars ($1,000) or by imprisonment in the county jail not exceeding 90 days, or by both that fine and imprisonment. Additionally, the court may order impoundment of the vehicle used in the offense under the following conditions:
      (A) The person convicted under this subdivision is the owner of the vehicle.
      (B) The vehicle is subject to Section 38010.
   (2) The period of impoundment imposed pursuant to this subdivision shall be not less than one day nor more than 30 days. The impoundment shall be at the owner's expense.

38302. It is unlawful for any person to place or erect any sign, signal, or traffic control device for off-highway traffic upon public lands unless authorized by law.

38304. The operator of an off-highway motor vehicle shall be able to reach and operate all controls necessary to safely operate the vehicle.

38305. No person shall drive an off-highway motor vehicle at a speed greater than is reasonable or prudent and in no event at a speed which endangers the safety of other persons or property.

38310. The prima facie speed limit within 50 feet of any campground, campsite, or concentration of people or animals shall be
15 miles per hour unless changed as authorized by this code and, if so changed, only when signs have been erected giving notice thereof.

38312. No person shall place in motion an off-highway motor vehicle that is stopped, standing, or parked until such movement can be made with reasonable safety.

38314. No person shall turn an off-highway motor vehicle from a direct course or move right or left until such movement can be made with reasonable safety.

38316. (a) It is unlawful for any person to drive any off-highway motor vehicle with a willful and wanton disregard for the safety of other persons or property.
   (b) Any person who violates this section shall, upon conviction thereof, be punished by imprisonment in the county jail for not less than five days nor more than 90 days or by fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or by both such fine and imprisonment, except as provided in Section 38317.

38317. Whenever reckless driving of an off-highway motor vehicle proximately causes bodily injury to any person, the person driving the vehicle shall, upon conviction thereof, be punished by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or by both such fine and imprisonment.

38318. (a) Any person who throws any substance at an off-highway motor vehicle or occupant thereof is guilty of a misdemeanor and shall be punished pursuant to Section 42002 by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail for not more than six months, or by both the fine and imprisonment.
   (b) Any person who, with intent to do great bodily injury, maliciously and willfully throws or projects any rock, brick, bottle, metal, or other missile, projects any other substance capable of doing serious bodily harm, or discharges a firearm at an off-highway motor vehicle or occupant thereof is guilty of a felony.
38318.5. (a) Any person who maliciously removes or alters trail, danger, or directional markers or signs provided for the safety or guidance of off-highway motor vehicles is guilty of a misdemeanor and shall be punished pursuant to Section 42002 by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail for not more than six months, or by both the fine and imprisonment.

(b) Any person who, with intent to do great bodily injury (1) proximately causes great bodily injury to any person as a result of acts prohibited by subdivision (a), or (2) erects or places any cable, chain, rope, fishing line, or other similar material which is unmarked or intentionally placed, or both, for malicious purpose is guilty of a felony.

(c) Any person convicted under subdivision (a) or (b) shall, if the violation proximately causes one or more adverse environmental impacts, also be liable in civil damages for the cost of mitigation, restoration, or repair thereof, in addition to any other liability imposed by law.

38319. No person shall operate, nor shall an owner permit the operation of, an off-highway motor vehicle in a manner likely to cause malicious or unnecessary damage to the land, wildlife, wildlife habitat or vegetative resources.

38320. (a) No person shall throw or deposit, nor shall the registered owner or the driver, if such owner is not then present in the vehicle, aid or abet in the throwing or depositing, upon any area, public or private, any bottle, can, garbage, glass, nail, offal, paper, wire, any substance likely to injure or kill wild or domestic animal or plant life or damage traffic using such area, or any noisome, nauseous or offensive matter of any kind.

(b) No person shall place, deposit or dump, or cause to be placed, deposited or dumped, any rocks or dirt in or upon any area, public or private, without the consent of the property owner or public agency having jurisdiction over the area.

(c) Any person who violates this section shall, upon conviction thereof, be punished by a fine of not less than fifty dollars ($50). No part of such fine shall be suspended. The court may permit the fine required by this section to be paid in installments if the court determines that the defendant is unable to pay the fine in one lump sum.
38321. (a) Any person who drops, dumps, deposits, places, or throws, or causes or permits to be dropped, dumped, deposited, placed, or thrown, upon any area, any material described in Section 38320, shall immediately remove the material or cause it to be removed.

(b) If such person fails to comply with the provisions of this section, the governmental agency responsible for the maintenance of the area, or the property owner of the land on which the material has been deposited, may remove such material and collect, by civil action, if necessary, the actual cost of the removal operation in addition to any other damages authorized by law from the person who did not comply with the requirements of this section.

38325. The provisions of this chapter shall apply to all off-highway motor vehicles, as defined in Section 38006, when operated in areas in which this division has application.

38330. It is unlawful to operate any vehicle or combination of vehicles which is in an unsafe condition, which is not equipped as required by this chapter or the equipment regulations of the governmental agency having jurisdiction over public lands, or which is not safely loaded.

38335. When operated from one-half hour after sunset to one-half hour before sunrise, each motor vehicle shall be equipped with at least one lighted white headlamp directed toward the front of the vehicle. Such lamp shall be of an intensity sufficient to reveal persons and vehicles at a distance of at least 200 feet.

38345. When operated from one-half hour after sunset to one-half hour before sunrise, each motor vehicle which is not in combination with any other vehicle shall be equipped with at least one lighted red taillamp which shall be clearly visible from the rear.

(a) Every such vehicle or vehicles at the end of a combination of vehicles shall be equipped with one lighted red taillamp when operated from one-half hour after sunset to one-half hour before sunrise.
38346. A person shall not display a flashing or steady burning red or blue warning light on an off-highway motor vehicle except as permitted by Section 21055 or when an extreme hazard exists.

38355. (a) Except as provided in subdivision (b), every motor vehicle shall be equipped with a service brake system which is in good working order and adequate to control the movement of, and to stop and hold to the limit of traction of, such vehicle or combination of vehicles under all conditions of loading and upon any grade on which it is operated.
  (b) Any motor vehicle, such as an air-cushioned vehicle, which is unable to comply with the requirements of this section due to the method of operation, is exempt, if the operator is able to exercise safe control over the movement of such vehicle.

38365. (a) Every off-highway motor vehicle, as defined in Section 38006, shall at all times be equipped with an adequate muffler in constant operation and properly maintained so as to meet the requirements of Section 38370, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.
  (b) The provisions of subdivision (a) shall not be applicable to vehicles being operated off the highways in an organized racing or competitive event upon a closed course or in a hill climb or drag race, which is conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.

38366. (a) Notwithstanding Section 4442 of the Public Resources Code, and except for vehicles with mufflers as provided in Article 2 (commencing with Section 27150) of Chapter 5 of Division 12, no person shall use, operate, or allow to be used or operated, any off-highway motor vehicle, as defined in Section 38006, on any forest-covered land, brush-covered land, or grass-covered land unless the vehicle is equipped with a spark arrester maintained in effective working order.
  (b) A spark arrester affixed to the exhaust system of a vehicle subject to this section shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.
  (c) A spark arrester is a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine or which is
qualified and rated by the United States Forest Service.

(d) Subdivision (a) shall not be applicable to vehicles being operated off the highway in an organized racing or competitive event upon a closed course, which is conducted under the auspices of a recognized sanctioning body and by permit issued by the fire protection authority having jurisdiction.

38370. (a) The Department of Motor Vehicles shall not identify any new off-highway motor vehicle, which is subject to identification and which produces a maximum noise level that exceeds the following noise limit, at a distance of 50 feet from the centerline of travel, under test procedures established by the Department of the California Highway Patrol.

(1) Any such vehicle manufactured before January 1, 1973 ................................. 92 dBA
(2) Any such vehicle manufactured on or after January 1, 1973, and before January 1, 1975 ..... 88 dBA
(3) Any such vehicle manufactured on or after January 1, 1975, and before January 1, 1986 ..... 86 dBA
(4) Any such vehicle manufactured on or after January 1, 1986 ................................. 82 dBA

(b) The department may accept a dealer's certificate as proof of compliance with this section.

(c) Test procedures for compliance with this section shall be established by the Department of the California Highway Patrol, taking into consideration the test procedures of the Society of Automotive Engineers.

(d) No person shall sell or offer for sale any new off-highway motor vehicle which is subject to identification and which produces a maximum noise level that exceeds the noise limits in subdivision (a), and for which noise emission standards or regulations have not been adopted by the Administrator of the Environmental Protection Agency pursuant to the Federal Noise Control Act of 1972 (P.L. 92-574).

(e) No person shall sell or offer for sale any new off-highway motor vehicle which is subject to identification and which produces a noise level that exceeds, or in any way violates, the noise emission standards or regulations adopted for such a motor vehicle by the Administrator of the Environmental Protection Agency pursuant to the Federal Noise Control Act of 1972 (P.L. 92-574).

(f) As used in this section, the term "identify" is equivalent to the term "licensing" as used in Section 6(e)(2) of the Federal Noise
(g) Any off-highway motor vehicle, when operating pursuant to Section 38001, shall at all times be equipped with a silencer, or other device, which limits noise emissions to not more than 101 dBA if manufactured on or after January 1, 1975, or 105 dBA if manufactured before January 1, 1975, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287. This subdivision shall only be operative until January 1, 2003.

(h) On and after January 1, 2003, off-highway motor vehicles, when operating pursuant to Section 38001, shall at all times be equipped with a silencer, or other device, which limits noise emissions.

(1) Noise emissions of competition off-highway vehicles manufactured on or after January 1, 1998, shall be limited to not more than 96 dBA, and if manufactured prior to January 1, 1998, to not more than 101 dBA, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287, as applicable. Noise emissions of all other off-highway vehicles shall be limited to not more than 96 dBA if manufactured on or after January 1, 1986, and not more than 101 dBA if manufactured prior to January 1, 1986, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287, as applicable.

(2) The Off-Highway Motor Vehicle Recreation Division of the Department of Parks and Recreation shall evaluate and reassess the dates specified in paragraph (1) and include the findings and recommendations in the noise report required in subdivision (o) of Section 5090.32 of the Public Resources Code.

(i) Off-highway vehicle manufacturers or their agents prior to the sale to the general public in California of any new off-highway vehicle model manufactured after January 1, 2003, shall provide to the Off-Highway Motor Vehicle Recreation Division of the California Department of Parks and Recreation rpm data needed to conduct the J-1287 test, where applicable.

38375. (a) An off-highway motor vehicle, except an authorized emergency vehicle, shall not be equipped with a siren.

(b) A person driving an off-highway motor vehicle, except the driver of an authorized emergency vehicle as permitted by Section 21055, shall not use a siren.

38380. (a) Because of specialized conditions such as fire hazard,
public safety or other circumstances, any local authority, or state or federal agencies having control over public lands may require that vehicles being operated off highway be equipped with additional equipment.

(b) When such additional equipment is required in a specific location, the governmental agency having jurisdiction over that location shall insure that such regulations are posted in a manner that operators of off-highway motor vehicles using those locations will be aware of the special requirements.

38390. No person shall operate or maintain in a condition of readiness for operation any off-highway motor vehicle which is required to be equipped with a motor vehicle pollution control device under Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code or with any other certified motor vehicle pollution control device required by any other state law or any rule or regulation adopted pursuant to such law, or required to be equipped with a motor vehicle pollution control device pursuant to the Clean Air Act (42 U.S.C. 1857 et seq.) and the standards and regulations promulgated thereunder, unless it is equipped with the required motor vehicle pollution control device which is correctly installed and in operating condition. No person shall disconnect, modify, or alter any such required device. Notwithstanding Section 43107 of the Health and Safety Code, this section shall apply only to off-highway motor vehicles of the 1978 or later model year.

38391. No person shall install, sell, offer for sale, or advertise any device, apparatus, or mechanism intended for use with, or as a part of, any required off-highway motor vehicle pollution control device or system which alters or modifies the original design or performance of any such motor vehicle pollution control device or system.

38392. When the court finds that a person has willfully violated any provision of this article, such person shall be fined the maximum amount that may be imposed for such an offense, and no part of the fine may be suspended.

"Willfully", as used in this section, has the same meaning as the meaning of that word prescribed in Section 7 of the Penal Code.

38393. No person shall operate an off-highway motor vehicle after
notice by a traffic officer or other authorized public officer that such vehicle is not equipped with the required certified motor vehicle pollution control device correctly installed in operating condition, except as may be necessary to return the vehicle to the residence or place of business of the owner or driver or to a garage, until the vehicle has been properly equipped with such a device.

38394. The notice to appear issued or complaint filed for a violation of any provision of this article shall require that the person to whom the notice to appear is issued or against whom the complaint is filed produce proof of correction pursuant to Section 40150.

38395. This article shall not apply to an alteration, modification, or modifying device, apparatus, or mechanism found by resolution of the State Air Resources Board either:
   (a) To not reduce the effectiveness of any required off-highway motor vehicle pollution control device; or
   (b) To result in emissions from any such modified or altered off-highway vehicle which are at levels which comply with existing state or federal standards for that model year of the vehicle being modified or converted.

38396. The provisions of this article apply to off-highway motor vehicles of the United States or its agencies, to the extent authorized by federal law.

38397. Except as provided in Section 38390, this article shall be applicable to all off-highway motor vehicles, whether or not subject to identification pursuant to this division and without limitation by the exceptions contained in Section 38001, and to all off-highway motor vehicles operated or maintained in a condition of readiness for operation on private or public property.

38500. The Off-Highway Vehicle Safety Education Committee is hereby established. The committee consists of the Commissioner of the California Highway Patrol, the Deputy Director of Parks and Recreation for Off-Highway Vehicles, the Director of Motor Vehicles,
or their designees, and a member of the Off-Highway Motor Vehicle Recreation Commission appointed by the members of the commission. The committee shall receive staff assistance in its operations from the Off-Highway Motor Vehicle Recreation Division in the Department of Parks and Recreation.

38500.1. The Off-Highway Vehicle Safety Education Committee shall meet periodically to perform all of the following:
   (a) Develop minimum criteria for certification as an approved all-terrain vehicle safety training organization. The criteria shall include, but not be limited to, the following:
      (1) Curriculum and materials for training instructors to teach all-terrain vehicle operation and safety.
      (2) Curriculum and materials for training all-terrain vehicle safety.
      (3) Curriculum for teaching responsible use of off-highway vehicles with respect to environmental considerations, private property restrictions, off-highway vehicle operating laws, including noise and spark arrestor laws, and prohibitions against operating off-highway vehicles under the influence of alcohol or drugs.
      (4) Record keeping and insurance requirements to satisfy the requirements of Sections 11103.1 and 11108.
   (b) Upon presentation to the committee of a proposed program by an applicant to become an approved all-terrain vehicle safety training organization, the committee shall determine whether the applicant's program meets the minimum criteria and, if approved, shall recommend the organization for licensing pursuant to Section 11105.6.

38501. (a) An all-terrain vehicle safety training organization, commencing on January 1, 1989, shall issue an all-terrain vehicle safety certificate furnished by the department to any individual who successfully completes a course of instruction in all-terrain vehicle operation and safety as approved and certified by the Off-highway Vehicle Safety Education Committee.
   (b) The department shall charge a fee not to exceed three dollars ($3) for each all-terrain vehicle safety certificate issued by an all-terrain vehicle safety training organization to each person completing a course of instruction from an all-terrain vehicle safety instructor using the approved course of instruction of the all-terrain vehicle safety training organization. The amount of the fee shall be determined by the department and shall be sufficient to defray the actual costs incurred by the department for administering and monitoring this program.
   (c) An all-terrain vehicle safety training organization shall not
charge a fee in excess of the fee charged by the department pursuant to subdivision (b) for furnishing an all-terrain vehicle safety certificate. An organization may charge a fee not to exceed three dollars ($3) in addition to the fee charged by the department for the issuance of a duplicate certificate and shall provide a duplicate certificate if requested by the person who completed the course.

38502. The department, on and after July 1, 1988, may monitor any all-terrain vehicle safety training organization or any all-terrain vehicle safety instructor without advance notice. The monitoring may include, but is not limited to, the instruction provided, business practices, and records required by Section 11108.

38503. No person under the age of 18 years, on and after January 1, 1990, shall operate an all-terrain vehicle on public lands of this state unless the person satisfies one of the following conditions:
   (a) The person is taking a prescribed safety training course under the direct supervision of a certified all-terrain vehicle safety instructor.
   (b) The person is under the direct supervision of an adult who has in their possession an appropriate safety certificate issued by this state, or issued under the authority of another state.
   (c) The person has in possession an appropriate safety certificate issued by this state or issued under the authority of another state.

38504. No person under 14 years of age, on and after January 1, 1990, shall operate an all-terrain vehicle on public lands of this state unless the person satisfies one of the conditions set forth in Section 38503 and, in addition, is accompanied by and under the direct supervision of a parent or guardian or is accompanied by and under the direct supervision of an adult who is authorized by the parent or guardian.

38505. No person, on and after January 1, 1989, shall operate, ride, or be otherwise propelled on an all-terrain vehicle on public lands unless the person wears a safety helmet meeting requirements established for motorcycles and motorized bicycles, pursuant to Section 27802.
38506. No operator of an all-terrain vehicle may carry a passenger when operating on public lands.

However, the operator of an all-terrain vehicle, that is designed for operation off of the highway by an operator with no more than one passenger, may carry a passenger when operating on public lands.

42204. Notwithstanding any other provisions of law, all fines and forfeitures collected for violations of Division 16.5 (commencing with Section 38000) shall be deposited in the appropriate fund in the county where the violation occurred and distributed in the same manner as specified in Section 42201.5, and shall be used for enforcing laws related to the operation of off-highway motor vehicles.

PUBLIC RESOURCES CODE

4442. (a) Except as otherwise provided in this section, no person shall use, operate, or allow to be used or operated, any internal combustion engine which uses hydrocarbon fuels on any forest-covered land, brush-covered land, or grass-covered land unless the engine is equipped with a spark arrester, as defined in subdivision (c), maintained in effective working order or the engine is constructed, equipped, and maintained for the prevention of fire pursuant to Section 4443.

(b) Spark arresters affixed to the exhaust system of engines or vehicles subject to this section shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

(c) A spark arrester is a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.

(d) Engines used to provide motive power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code.

(e) Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in effective mechanical condition.

(f) Motor vehicles when being operated in an organized racing or
competitive event upon a closed course are not subject to this
section if the event is conducted under the auspices of a recognized
sanctioning body and by permit issued by the fire protection
authority having jurisdiction.

4442.5. No person shall sell, offer for sale, lease, or rent to any
person any internal combustion engine subject to Section 4442 or
4443, and not subject to Section 13005 of the Health and Safety Code,
unless the person provides a written notice to the purchaser or
bailee, at the time of sale or at the time of entering into the lease
or rental contract, stating that it is a violation of Section 4442
or 4443 to use or operate the engine on any forest-covered,
brush-covered, or grass-covered land unless the engine is equipped
with a spark arrester, as defined in Section 4442, maintained in
effective working order or the engine is constructed, equipped, and
maintained for the prevention of fire pursuant to Section 4443.

5001.8. (a) The use of motor vehicles in units of the state park
system is subject to the following limitations:
(1) In state wildernesses, natural preserves, and cultural
preserves, use is prohibited.
(2) In state parks, state reserves, state beaches, wayside
campgrounds, and historical units, use is confined to paved areas and
other areas specifically designated and maintained for normal
ingress, egress, and parking.
(3) In state recreation areas, use is confined to specifically
designated and maintained roads and trails.
(b) The use of motor vehicles on lands in the state vehicular
recreation areas is confined to areas and routes designated for that
purpose.

5006.4. (a) The department may acquire, on behalf of the state, a
fee or lesser interest in real and personal property located near
Hollister in San Benito County for the state park system. If the
property is leased, the lease shall be for such term and for such
consideration as is mutually agreed upon by and between the director
and the lessor, and with the rental to be paid by the department.
Any interest acquired pursuant to this section shall be subject to
the provisions of the Property Acquisition Law (Part 11 (commencing
with Section 15850) of Division 3 of Title 2 of the Government Code).
With respect to lands subject to the grantor's reservation of oil
and gas and mineral rights, the proviso contained in Section 5019
shall not apply.
(b) The department shall carry out a program in that unit of
development, maintenance, administration, and conservation of trails
and areas for the recreational use of off-highway vehicles and for
other related state park system purposes. Areas for the recreational use of off-highway vehicles shall be administered pursuant to Chapter 1.25 (commencing with Section 5090.01).

Any fees, rentals, or other returns collected by the department in its administration of the unit shall be paid into the State Treasury to the credit of the Off-Highway Vehicle Fund.

5006.41. The department may enter into agreements with the Department of Water Resources and the Department of Fish and Game to plan, develop, and administer real and personal property located in the vicinity of Oroville. The department shall carry out a program in that unit of development, maintenance, administration, and conservation of trails and areas for the recreational use of off-highway vehicles. Areas for the recreational use of off-highway vehicles shall be administered pursuant to Chapter 1.25 (commencing with Section 5090.01).

Any fees, rentals, or other returns collected by the department in its administration of the unit shall be paid into the State Treasury to the credit of the Off-Highway Vehicle Fund.

5006.45. (a) Notwithstanding any other provision of law, the Director of General Services may acquire, on behalf of the state, a fee or lesser interest in such real and personal property located in the vicinity of Ocotillo Wells in San Diego County as is designated in writing to the Director of General Services by the Director of Parks and Recreation. If the property is leased, the lease shall be for such term and for such consideration as is mutually agreed upon by and between the Director of General Services and the lessor, and with the rental to be paid by the Department of Parks and Recreation.

(b) Prior to making any acquisition:

(1) The Director of Parks and Recreation shall recommend to the State Park and Recreation Commission his designation of lands presently owned by the department to be included in the vehicular recreation area provided in subdivision (d), and no acquisition may be made unless and until the commission has concurred in that designation.

(2) The director shall conduct at least one public hearing in San Diego County regarding the designation of lands presently owned by the department to be included in the vehicular recreation area. The director shall consider and be guided by testimony presented at the hearing.

(c) Any interest acquired pursuant to this section shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the
Government Code). The proviso in Section 5019 shall not apply to any
property acquired pursuant to this section that is subject to a
reservation of oil and mineral rights if the Director of Parks and
Recreation finds that the proposed prospecting or extraction of oil
and minerals will not unreasonably interfere with the use of the
property or adjoining property for recreation and if the grantor or
lessor of the surface of the property, if other than the state or the
holder of such a reservation, consents to the proposed prospecting
or extraction.

(d) Upon acquisition of the interest, the Director of General
Services shall forthwith transfer the interest to the jurisdiction of
the department, which shall administer the property as a unit of the
state park system. The department shall carry out a program in that
unit of development, maintenance, administration, and conservation
of trails and areas for the recreational use of off-highway vehicles
and for other related state park system purposes. Areas for the
recreational use of off-highway vehicles shall be administered
pursuant to Chapter 1.25 (commencing with Section 5090.01).

(e) Any fees, rentals, or other returns collected by the
department in its administration of the unit shall be paid into the
State Treasury to the credit of the Off-Highway Vehicle Fund.

(f) The Director of Parks and Recreation shall review, and report
annually to the State Park and Recreation Commission regarding, the
development, maintenance, administration, and public usage of the
vehicular recreation area and its success, effects on the
environment, and appropriateness as a unit of the state park system.

5006.47. (a) Notwithstanding any other provision of law, the
Director of General Services may acquire, on behalf of the state, a
fee or lesser right or interest in such real and personal property in
the Counties of Los Angeles and Ventura located in the vicinity of
Gorman and commonly known as Hungry Valley as is designated in
writing by the Director of Parks and Recreation to the Director of
General Services. If the property is leased, the lease shall be for
such term and for such consideration as is mutually agreed upon by
and between the Director of General Services and the lessor, and
consented to by the Director of Parks and Recreation, and with rent
to be paid by the Department of Parks and Recreation.

(b) Any interest in property acquired pursuant to this section
shall be subject to the provisions of the Property Acquisition Law
(Part 11 (commencing with Section 15850) of Division 3 of Title 2 of
the Government Code). The proviso in Section 5019 shall not apply to
any property acquired pursuant to this section that is subject to a
reservation of oil and mineral rights if the Director of Parks and
Recreation finds that the proposed prospecting or extraction of oil
and minerals will not unreasonably interfere with the use of the
property or adjoining property for recreation and if the grantor or
lesser of the surface of the property, if other than the state or the
holder of such a reservation, consents to the proposed prospecting
or extraction.

(c) Upon acquisition of the property, the Director of General
Services shall transfer jurisdiction over the property to the
Department of Parks and Recreation, which shall administer the
property as a unit of the state park system. The 51st District
Agricultural Association may propose a name for the unit. The
department shall carry out a program in that unit of planning,
development, construction, maintenance, administration, and
conservation of trails and areas for the recreational use of
off-highway vehicles and for other related purposes of the state park
system. Areas for the recreational use of off-highway vehicles
shall be administered pursuant to Chapter 1.25 (commencing with
Section 5090.01). The 51st District Agricultural Association may use
the land and facilities within the unit for a fair oriented to
off-highway vehicles for not more than 10 days each year if the
Director of Parks and Recreation approves that use. The director may
impose such terms and conditions upon such use as the director deems
necessary and proper. The dates of that use shall be selected each
year prior to January 1 and shall be subject to the approval of the
Director of Parks and Recreation.

(d) If the Director of General Services determines that it is
necessary, in order to purchase the property, to offer to the person
from whom it is being purchased an option to lease back all or part
of the property, the director may make such an offer if the Director
of Parks and Recreation determines at the time of the purchase that
the property is not then needed for the purposes of the state park
system and will not be needed for the term of the lease thus offered.

At any time after the option expires, the Director of General
Services may offer, under competitive bidding procedures, all or part
of the property for lease if the Director of Parks and Recreation
determines at that time it is not then needed for the purposes of the
state park system and will not be needed for the term of the lease
to be offered. Any lease entered into pursuant to this section shall
be subject to Section 15862 of the Government Code. Notwithstanding
the provisions of Section 15863 of the Government Code, all rent
accruing from any such lease after jurisdiction over the property is
transferred to the Department of Parks and Recreation pursuant to
subdivision (e) shall be paid into the State Treasury to the credit
of the Off-Highway Vehicle Fund and shall be available for
expenditure only for the purposes specified in subdivision (b) of
Section 5090.61.

(e) Any fees or other returns collected by the department in its
administration of the unit shall be paid into the State Treasury to
the credit of the Off-Highway Vehicle Fund and shall be available for
expenditure only for the purposes specified in subdivision (b) of Section 5090.61.

5006.48. (a) Notwithstanding any other provision of law, the Director of General Services may acquire, on behalf of the state, a fee or lesser right or interest in real and personal property in the Counties of Alameda and San Joaquin located approximately 10 miles east of the City of Livermore and commonly known as the Carnegie Cycle Park. If the property is leased, the lease shall be for such term and for such consideration as is mutually agreed upon by and between the Director of General Services and the lessor, and consented to by the Director of Parks and Recreation, and with rent to be paid by the Department of Parks and Recreation.

(b) Any interest in property acquired pursuant to this section shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

(c) Upon acquisition of the property, the Director of General Services shall transfer jurisdiction over the property to the Department of Parks and Recreation, which shall administer the property as a unit of the state park system. The Department of Parks and Recreation shall carry out a program in that unit of planning, development, construction, maintenance, administration, and conservation of trails and areas for the recreational use of off-highway vehicles and for other related purposes of the state park system. Areas for the recreational use of off-highway vehicles shall be administered pursuant to Chapter 1.25 (commencing with Section 5090.01).

(d) The Director of General Services may offer, under competitive bidding procedures, all or part of the property for lease if the Director of Parks and Recreation determines at that time it is not then needed for the purposes of the state park system and will not be needed for the term of the lease to be offered. Any lease entered into pursuant to this section shall be subject to Section 15862 of the Government Code. Notwithstanding the provisions of Section 15863 of the Government Code, all rent accruing from any such lease after jurisdiction over the property is transferred to the Department of Parks and Recreation pursuant to subdivision (c) shall be paid into the State Treasury to the credit of the Off-Highway Vehicle Fund and shall be available for expenditure only for the purposes specified in subdivision (b) of Section 5090.61.

(e) Any fees or other returns collected by the Department of Parks and Recreation in its administration of such unit shall be paid into the State Treasury to the credit of the Off-Highway Vehicle Fund and shall be available for expenditure only for the purposes specified
5008. (a) The department shall protect the state park system and the state vehicular recreation area and trail system from damage and preserve the peace therein.

(b) The director may designate any officer or employee of the department as a peace officer. The primary duties of the peace officer shall be the enforcement of this division, Sections 4442 and 4442.5, the rules and regulations of the department, Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code, the rules and regulations of the Department of Boating and Waterways, Chapter 2 (commencing with Section 9850) of Division 3.5 of the Vehicle Code, and Division 16.5 (commencing with Section 38000) of the Vehicle Code and to arrest persons for the commission of public offenses within the property under its jurisdiction. The authority and powers of the peace officer shall be limited to those conferred by law upon peace officers listed in Section 830.2 of the Penal Code.

(c) The department shall protect property included in the California recreational trail system and the property included in the recreational trail system under Section 6 of Chapter 1234 of the Statutes of 1980 from damage and preserve the peace therein. The primary duties of any officer or employee designated a peace officer under this section shall include enforcement of the rules and regulations established by the department under subdivision (l) of Section 6 of Chapter 1234 of the Statutes of 1980 and the arrest of persons for the commission of public offenses within the property included in the recreational trail system under Section 6 of Chapter 1234 of the Statutes of 1980.

(d) Any person who violates the rules and regulations established by the department is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding 90 days, or by a fine not exceeding one thousand dollars ($1,000), or by both that fine and imprisonment, except that at the time a particular action is commenced, the judge may, considering the recommendation of the prosecuting attorney, reduce the charged offense from a misdemeanor to an infraction. Any person convicted of the offense after such a reduction shall be punished by a fine of not less than ten dollars ($10) nor more than one thousand dollars ($1,000).

5010. (a) The department may collect fees, rents, and other returns for the use of any state park system area, the amounts to be determined by the department. The department may accept a credit card as a method of payment for fees collected through the department's reservation system. Any contract executed by the department with
credit card issuers or draft purchasers shall be consistent with Section 6159 of the Government Code. Notwithstanding Title 1.3 (commencing with Section 1747) of Part 4 of Division 3 of the Civil Code, the department may impose a surcharge in an amount to cover the cost of providing the reservation service, including reimbursement for any fee or discount charged by the credit card issuer.

(b) All revenues received by the department during each fiscal year shall be paid into the State Treasury to the credit of the State Parks and Recreation Fund, which is hereby created.

c) Notwithstanding subdivision (b), all revenues received by the department from the state vehicular recreation areas shall be paid into the State Treasury to the credit of the Off-Highway Vehicle Trust Fund, as required by Section 38225 of the Vehicle Code.

d) All revenues received by the department for the entry or launching of boats shall be paid into the State Treasury to the credit of the State Parks and Recreation Fund and shall be used for boating safety, enforcement, operation, and maintenance programs of the department.

e) On July 1, 1980, all existing balances, including unappropriated balances and encumbered and unencumbered balances, of the following funds and accounts shall be transferred to the State Parks and Recreation Fund:

(1) Park and Recreation Revolving Account (Section 5098, Public Resources Code, as added by Chapter 1222, Statutes of 1972).

(2) The Resources Protection Account (Section 8600, Public Resources Code, as added by Chapter 1052, Statutes of 1969).

(3) Collier Park Preservation Fund (Section 5010, Public Resources Code, as added by Chapter 1502, Statutes of 1974).

(4) San Francisco Maritime State Historic Park Account (Section 2, Chapter 1764, Statutes of 1971).

(5) State Park Highway Account, Bagley Conservation Fund (Section 2107.7, Streets and Highways Code, as added by Chapter 1032, Statutes of 1973).

(6) All funds received by the department pursuant to Division 21 (commencing with Section 31000).

(7) Hostel Facilities Use Fees Account (Section 2, Chapter 265, Statutes of 1974).

(8) All funds, other than expended funds, previously appropriated to the department from the Bagley Conservation Fund.

f) On and after July 1, 1980, all funds, other than those specified in subdivisions (g) and (h), in the State Parks and Recreation Fund shall be available for expenditure for state park planning, acquisition, and development projects, operation of the state park system, and resource and property management and protection, when appropriated by the Legislature.

g) All funds in the State Parks and Recreation Fund which had previously been appropriated and have become encumbered, may be used,
without further appropriation, for liquidation of those encumbrances, upon the same terms and conditions as made by those previous appropriations.

(h) The balance of any unencumbered funds in the State Park Highway Account in the Bagley Conservation Fund shall be transferred to the State Parks and Recreation Fund and shall be available for expenditure as provided in subdivisions (b) and (c) of Section 2107.7 of the Streets and Highways Code.

(i) All funds received by the Department of Parks and Recreation from the auction sales conducted pursuant to Section 2080.6 of the Civil Code shall be paid into the State Treasury to the credit of the State Parks and Recreation Fund and shall be used for training department employees in the Ranger/Lifeguard classification, including, but not limited to, resource management and protection, law enforcement, interpretation, first aid, cardiopulmonary resuscitation, and medical technical training.

5019.56. State recreation units consist of areas selected, developed, and operated to provide outdoor recreational opportunities. The units shall be designated by the commission by naming, in accordance with Article 1 (commencing with Section 5001) and this article relating to classification.

In the planning of improvements to be undertaken within state recreation units, consideration shall be given to compatibility of design with the surrounding scenic and environmental characteristics.

State recreation units may be established in the terrestrial or nonmarine aquatic (lake or stream) environments of the state and shall be further classified as one of the following types:

(a) State recreation areas, consisting of areas selected and developed to provide multiple recreational opportunities to meet other than purely local needs. The areas shall be selected for their having terrain capable of withstanding extensive human impact and for their proximity to large population centers, major routes of travel, or proven recreational resources such as manmade or natural bodies of water. Areas containing ecological, geological, scenic, or cultural resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural or cultural preserves, or, for those areas situated seaward of the mean high tide line, shall be designated state marine reserves, state marine parks, state marine conservation areas, or state marine cultural preservation areas.

Improvements may be undertaken to provide for recreational activities, including, but not limited to, camping, picnicking, swimming, hiking, bicycling, horseback riding, boating, waterskiing, diving, winter sports, fishing, and hunting.
Improvements to provide for urban or indoor formalized recreational activities shall not be undertaken within state recreation areas.

(b) Underwater recreation areas, consisting of areas in the nonmarine aquatic (lake or stream) environment selected and developed to provide surface and subsurface water-oriented recreational opportunities, while preserving basic resource values for present and future generations.

(c) State beaches, consisting of areas with frontage on the ocean, or bays designed to provide swimming, boating, fishing, and other beach-oriented recreational activities. Coastal areas containing ecological, geological, scenic, or cultural resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural or cultural preserves, or, for those areas situated seaward of the mean high tide line, shall be designated state marine reserves, state marine parks, state marine conservation areas, or state marine cultural preservation areas.

(d) Wayside campgrounds, consisting of relatively small areas suitable for overnight camping and offering convenient access to major highways.

5070.5. The Legislature hereby declares that it is the policy of the state to:

(a) Increase accessibility and enhance the use, enjoyment, and understanding of California's scenic, natural, historic, and cultural resources.

(b) Encourage hiking, horseback riding, and bicycling as important contributions to the health and welfare of the state's population.

(c) Provide for the use of recreational trails by physically disabled persons, the elderly, and others in need of graduated trails with special safety features, particularly in conjunction with heritage corridors.

(d) Increase opportunities for recreational boating on designated waterways.

(e) Increase opportunities for use of recreational vehicles in designated areas and trail corridors pursuant to Chapter 1.25 (commencing with Section 5090.01).

(f) Provide for the development and maintenance of a statewide system of recreational and interpretive trails, including heritage corridors.

(g) Increase the recreational and educational use of public roads by developing guides, maps, and other interpretive materials concerning significant historical, agricultural, scenic, and other resource areas.

(h) Encourage the development by cities, counties, districts, and private groups of recreational and interpretive trails, including
heritage corridors.

5070.7. The director shall cause to be prepared, and continuously maintained, a comprehensive plan for the development and operation of a statewide system of recreation trails. The plan, which shall be titled the California Recreational Trails System Plan, shall:
   (a) Assess the present and future demand for trail-oriented recreation uses.
   (b) Recommend an integrated and interconnecting system of trail routes designed to provide a wide range of recreational opportunities and to assure access and linkage to scenic, natural, historic, and recreational areas of statewide significance.

5071. The plan shall contain, but shall not be limited to, the following elements:
   (a) Pedestrian trails.
   (b) Bikeways.
   (c) Equestrian trails.
   (d) Boating trails.
   (e) Trails and areas suitable for use by physically disabled persons, the elderly, and others in need of graduated trails, especially along designated heritage corridors.
   (f) Cross-country skiing trails.
   (g) Heritage corridors.

5071.3. For each of the elements specified in Section 5071, the plan shall:
   (a) Set forth the role of state government in providing increased opportunities associated with that particular recreational use.
   (b) Describe specific policies, standards, and criteria to be followed by the department and other participating public agencies in acquiring, developing, operating, and maintaining land and water trails and areas as part of the system.
   (c) Specify standards and criteria to be followed by the department and other participating public agencies in providing facilities such as overnight camps, hostels, rest areas, access points, corrals, launching ramps, staging areas, and parking areas to complement trail routes and areas.
   (d) Identify, on a statewide basis, the general location and extent of trail routes, areas, and complementary facilities to be included within the system.
   (e) Describe new and revised state policies, programs, and other
actions of the executive and legislative branches required to assure orderly development of the system.

(f) Recommend to federal, regional, and local agencies and to the private sector actions which will assist and complement state efforts to implement the system.

5071.5. In the preparation of the plan, the director shall actively seek participation of other units of state government and of appropriate federal, regional, and local agencies.

5071.7. (a) (1) In planning the system, the director shall consult with and seek the assistance of the Department of Transportation. The Department of Transportation shall plan and design those trail routes that are in need of construction contiguous to state highways and serve both a transportation and a recreational need.

(2) The Department of Transportation shall install or supervise the installation of signs along heritage corridors consistent with the plan element developed pursuant to this section and Section 5071; provided, however, that it shall neither install nor supervise the installation of those signs until it determines that it has available to it adequate volunteers or funds, or a combination thereof, to install or supervise the installation of the signs, or until the Legislature appropriates sufficient funds for the installation or supervision of installation, whichever occurs first.

(b) The element of the plan relating to boating trails and other segments of the system which are oriented to waterways shall be prepared and maintained by the Department of Boating and Waterways pursuant to Article 2.6 (commencing with Section 68) of Chapter 2 of Division 1 of the Harbors and Navigation Code. Those segments shall be integrated with the California Protected Waterways Plan developed pursuant to Chapter 1273 of the Statutes of 1968, and shall be planned so as to be consistent with the preservation of rivers of the California Wild and Scenic Rivers System, as provided in Chapter 1.4 (commencing with Section 5093.50) of this division.

(c) Any element of the plan relating to trails and areas for the use of off-highway motor vehicles shall be prepared and maintained by the Division of Off/Highway Motor Vehicle Recreation pursuant to Chapter 1.25 (commencing with Section 5090.01).

(d) In planning the system, the director shall consult with and seek the assistance of the Department of Rehabilitation, representatives of its California Access Network volunteers, and nonprofit disability access groups to assure that adequate provision
is made for publicizing the potential use of recreational trails, including heritage corridors by physically disabled persons.

5072.8. (a) The Recreational Trails Fund is hereby created. Moneys in the Recreational Trails Fund shall be available, upon appropriation by the Legislature, to the department for competitive grants to cities, counties, districts, state agencies, and nonprofit organizations with management responsibilities over public lands to acquire and develop recreational trails.

(b) The Controller shall promptly transfer all money received by the state from the federal government as allocations from the National Recreational Trails Trust Fund pursuant to the Steve Symms National Recreational Trails Fund Act of 1991 (P.L. 102-240) and deposited in the Federal Trust Fund, to the Recreational Trails Fund.

The money in the Recreational Trails Fund shall be available to the department for expenditure, upon appropriation by the Legislature, for grants pursuant to subdivision (a), in accordance with the Steve Symms National Recreational Trails Fund Act of 1991. Seventy percent of the money received by the state from the federal government and transferred to the Recreational Trails Fund pursuant to this subdivision shall be available only for nonmotorized recreational trails with at least one-half of that amount available only for grants to cities, counties, districts, and nonprofit organizations for the acquisition and development of new nonmotorized recreational trails and the reconstruction or relocation of existing nonmotorized recreational trails.

(c) The department shall prepare and adopt criteria and procedures for evaluating applications for grants, which, at a minimum, shall include certification that the project is consistent with the applicant's general plan or the equivalent planning document, complies with the California Environmental Quality Act (Division 13 (commencing with Section 21000)) and other environmental protection laws and regulations, and is not required as a mitigation measure as a condition for a permit or other entitlement. The department shall forward to the Director of Finance for inclusion in the Governor's Budget of each fiscal year all projects that are recommended for funding and those projects shall be contained in the Budget Bill for that fiscal year.

(d) No grant shall be made from the Recreational Trails Fund to an applicant unless the applicant agrees to both of the following conditions:

1) To maintain and operate the property acquired, developed, rehabilitated, or restored with the funds in perpetuity. With the approval of the department, the applicant or its successors in interest in the property may transfer the responsibility to maintain and operate the property in accordance with this section. In the case of lands not held in fee by the applicant (limited tenure
projects), perpetuity shall be in accordance with the tenure or for the length of time sufficient to provide public benefits commensurate with the type and duration of interest in land held by the applicant.

(2) To use the property only for the purposes of the grant and to make no other use, sale, or other disposition or conversion of the property except as authorized by a specific act of the Legislature and the property shall be replaced with property of equivalent value and usefulness as determined by the department. The property acquired or developed may be transferred to another public agency if the successor agency assumes the obligations imposed under this chapter.

(e) All applicants for a grant pursuant to this section shall submit an application to the department for approval. Each application shall include in writing the conditions specified in paragraphs (1) and (2) of subdivision (d).

5073.5. The Governor shall establish a California Recreational Trails Committee to advise the director in the development and coordination of the system. The committee shall consist of seven members appointed by the Governor. Two members shall be selected from the northern, two members from the southern, and two members from the central portions of the state, and one member shall be selected at large. Members shall be selected from lists submitted by private organizations which have a demonstrated interest in the establishment of recreation trails. The chairman of the committee shall be elected by the members from their membership.

5073.7. The terms of the members of the committee shall be four years, except that such members first appointed to the committee shall classify themselves by lot so that the term of three members shall expire January 15, 1976, the term of two members shall expire January 15, 1977, and the term of two members shall expire January 15, 1978.

Members of the committee shall serve without compensation, but shall be reimbursed for actual and necessary expenses, including traveling expenses, incurred in the performance of their duties.

5074. The committee shall have the following powers and duties:

(a) Coordinate trail planning and development among cities, counties, and districts. In carrying out this responsibility, the committee shall review records of easements and other interests in lands which are available for recreational trail usage, including public lands, utility easements, other rights-of-way, gifts, or surplus public lands which may be adaptable for such use, and shall
advise the director in the development of standards for trail construction so that uniform construction standards may be available to cities, counties, and districts.

(b) Advise the director in the preparation and maintenance of the plan.

(c) Study the problems and opportunities presented by the use of private property for recreational trail use and advise the director on measures to mitigate undesirable aspects of such usage.

5074.1. The director shall be responsible for planning and for the orderly development and operation of the system. The director shall encourage other public agencies to acquire, develop, and manage segments of the system which are outside of the exterior boundaries of state park system units, and other areas under state jurisdiction. The director may enter into contractual agreements under which responsibility for state trail development and operation may be carried out by other public agencies.

5074.3. (a) The right of eminent domain may not be exercised to acquire property, any interest in property, or use of any property for the trails contemplated pursuant to this article.

(b) Notwithstanding the provisions of subdivision (a) of this section, the director may, pursuant to Section 5006, replace property or interests in property through the exercise of eminent domain whenever a trail, or a portion thereof, has been acquired through the exercise of eminent domain by another public entity; provided, that the property to be acquired is in the immediate vicinity of the property being replaced, and the director may, pursuant to Section 5006, acquire property or interests in property through the exercise of eminent domain for trails established pursuant to this article in hardship cases as determined by the department. Acquisitions pursuant to this section shall be funded by moneys appropriated as provided in Section 5075.

5075.3. In specifying criteria and standards for the design and construction of trail routes and complementary facilities as provided in subdivisions (b) and (c) of Section 5071.3, the director shall include the following:

(a) The following routes shall be given priority in the allocation of funds:

(1) Routes which are in proximity or accessible to major urban areas of the state.
(2) Routes which are located on lands in public ownership.

(3) Routes which provide linkage or access to natural, scenic, historic, or recreational areas of clear statewide significance.

(4) Routes which are, or may be, the subject of agreements providing for participation of other public agencies, cooperating volunteer trail associations, or any combination of those entities, in state trail acquisition, development, or maintenance.

(6) Where feasible, trail uses may be combined on routes within the system; however, where trail use by motor vehicles is incompatible with other trail uses, separate areas and facilities should be provided.

(c) Trails should be located and managed so as to restrict trail users to established routes and to aid in effective law enforcement.

(d) Trails should be located so as to avoid severance of private property and to minimize impact on adjacent landowners and operations. The location of any trail authorized by this article shall, if the property owner so requests, be placed as nearly as physically practicable to the boundary lines of the property traversed by the trail, as such boundary lines existed as of January 1, 1975.

(e) Insofar as possible, trails should be designed and maintained to harmonize with, and complement, established forest, agricultural, and resource management plans. No trail, or property acquisition therefor, shall interfere with a landowner's water rights or his right to access to the place of exercise of such water rights.

(f) Trails should be planned as a system and each trail segment should be part of the overall system plan.

(g) Trails should be appropriately signed to provide identification, direction, and information.

(h) Rest areas, shelters, sanitary facilities, or other conveniences should be designed and located to meet the needs of trail users, including physically handicapped persons, and to prevent intrusion into surrounding areas.

(i) The department shall erect fences along any trail when requested to do so by the owner of adjacent land, or with the consent of the owner of such land when the department determines it will be in the best interests of the users of the trail and adjoining property owners, and shall place gates in such fences when necessary to afford proper access and at each point of intersection with existing roads, trails, or at used points of access to or across such trail. The department shall maintain such fences and gates in good condition.

(j) A landowner's right to conduct agricultural, timber harvesting, or mining activities on private lands adjacent to, or in the vicinity of, a trail shall not be restricted because of the presence of the trail.
5075.4. No adjoining property owner is liable for any actions of any type resulting from, or caused by, trail users trespassing on adjoining property, and no adjoining property owner is liable for any actions of any type started on, or taking place within, the boundaries of the trail arising out of the activities of other parties.

5075.7. Each study of potential trail routes for inclusion in the system shall include an evaluation of the impact of the proposed trail route on adjacent landowners. In conducting studies of potential trail routes for inclusion in the system, the director shall give priority to the following:
   (a) A trail route linking state parks, federal recreation areas, and other areas of statewide or national significance located in coastal areas.
   (b) A trail route through the Sacramento-San Joaquin Delta linking scenic and recreation areas of the San Francisco Bay area with state and federal recreation areas in the Lake Tahoe Basin.
   (c) East-west trail routes for nonmotorized use linking the state coastal trail route with the existing Pacific Crest Trail.
   (d) Trail routes designed principally for boaters along the following waterways:
       (1) Eel River in Humboldt, Mendocino, and Trinity Counties.
       (2) Smith River in Del Norte County.
       (3) Russian River in Sonoma and Mendocino Counties.
       (4) Big River in Mendocino County.
       (5) Albion River in Mendocino County.
       (6) Navarro River in Mendocino County.
       (7) Feather River from Thermalito Afterbay to mouth.
       (8) Sacramento River from Keswick Dam to mouth.
       (9) American River from Folsom Dam to mouth.
       (10) South Fork of American River from Coloma to Folsom Lake.
       (11) Tuolumne River from O'Shaughnessy Dam to New Don Pedro Reservoir.
       (12) Stanislaus River from the Stanislaus Power House to Melones Reservoir.
       (13) Colorado River from Needles to the international boundary.
   (e) A hiking, bicycling, and horseback riding trail route along the San Joaquin River from Friant Dam to State Highway Route 99.

5090.01. This chapter shall be known and may be cited as the Off-Highway Motor Vehicle Recreation Act of 2003.
5090.02. (a) The Legislature finds that off-highway motor vehicles are enjoying an ever-increasing popularity in California and that the indiscriminate and uncontrolled use of those vehicles may have a deleterious impact on the environment, wildlife habitats, native wildlife, and native flora.

(b) The Legislature hereby declares that effectively managed areas and adequate facilities for the use of off-highway vehicles and conservation and enforcement are essential for ecologically balanced recreation.

(c) Accordingly, it is the intent of the Legislature that:

1) Existing off-highway motor vehicle recreational areas, facilities, and opportunities be expanded and be managed in a manner consistent with this chapter, in particular to maintain sustained long-term use.

2) New off-highway motor vehicle recreational areas, facilities, and opportunities be provided and managed pursuant to this chapter in a manner that will sustain long-term use.

3) When areas or trails or portions thereof cannot be maintained to appropriate established standards for sustained long-term use, they shall be closed to use and repaired, to prevent accelerated erosion. Those areas shall remain closed until they can be managed within the soil conservation standard or shall be closed and restored.

4) Prompt and effective implementation of the Off-Highway Motor Vehicle Recreation Program by the Division of Off-Highway Motor Vehicle Recreation shall have an equal priority among other programs in the department.

5) Off-highway motor vehicle recreation be managed in accordance with this chapter through financial assistance to local government and joint undertakings with agencies of the United States.

5090.03. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.


5090.05. "Division" means the Division of Off-Highway Motor Vehicle Recreation of the Department of Parks and Recreation.
5090.06. "Fund" means the Off-Highway Vehicle Trust Fund created by subdivision (c) of Section 38225 of the Vehicle Code.

5090.07. "Off-highway motor vehicle" means an off-highway motor vehicle as defined in Section 38006 of the Vehicle Code.

5090.08. "Program" means the Off-Highway Motor Vehicle Recreation Program.

5090.09. "System" means the state vehicular recreation areas, the California Statewide Motorized Trail, areas and trails within the state park system, and areas supported by the grant program.

5090.10. "Conservation" means activities, practices, and programs that sustain soils, plants, wildlife, and their habitat in accordance with the standards adopted pursuant to Section 5090.35.

5090.11. "Restoration" means, upon closure of the unit or any portion thereof, the restoration of land to the contours, the plant communities, and the plant covers comparable to those on surrounding lands or at least those that existed prior to off-highway motor vehicle use.

5090.12. "Grant program" means the local assistance grant program and the cooperative agreement program.

5090.15. (a) There is in the department the Off-Highway Motor Vehicle Recreation Commission, consisting of seven members, three of whom shall be appointed by the Governor, two of whom shall be appointed by the Senate Committee on Rules, and two of whom shall be appointed by the Speaker of the Assembly.
   (b) In order to be appointed to the commission, a nominee shall represent one or more of the following groups:
(1) Off-highway vehicle recreation interests.
(2) Biological or soil scientists.
(3) Groups or associations of predominantly rural landowners.
(4) Law enforcement.
(5) Environmental protection organizations.
(6) Nonmotorized recreationist interests.

It is the intent of the Legislature that appointees to the commission represent all of the groups delineated in paragraphs (1) to (6), inclusive, to the extent possible.

(c) Whenever any reference is made to the State Park and Recreation Commission pertaining to a duty, power, purpose, responsibility, or jurisdiction of the State Park and Recreation Commission with respect to the state vehicular recreation areas, as established by this chapter, it shall be deemed to be a reference to, and to mean, the Off-Highway Motor Vehicle Recreation Commission.

(d) Based on the findings in the 2004 Off-Highway Vehicle Fuel Tax Study, the division shall, not later than January 1, 2005, prepare and submit to the Legislature a report that identifies the principal reasons why people are using off-road trails and facilities, and an estimate of the proportional amount of off-highway motor vehicle use by jurisdiction, as a means of assisting in the determination of how fuel tax and in lieu of property tax funds should be expended.

(e) This section shall become inoperative on July 1, 2007, and, as of January 1, 2008, is repealed, unless a later enacted statute that is enacted before January 1, 2008, deletes or extends the dates on which it becomes inoperative and is repealed.

5090.16. In making appointments to the commission, the Governor, Senate Committee on Rules, and Speaker of the Assembly shall consider the places of residence of the members of the commission in order to ensure statewide representation.

5090.17. (a) The terms of the members of the commission shall be four years.

(b) Appointments to the commission shall comply with the qualifications for membership specified in Sections 5090.15 and 5090.16.

5090.18. In case of any vacancy in the membership of the commission, the appointing authority of the vacating member shall appoint a successor member for the unexpired portion of the term.
5090.19. The members of the commission shall elect a chairperson from their number who shall serve as chairperson for one year and until his or her successor is elected.

5090.20. The director is the secretary of the commission.

5090.21. Members of the commission may receive a salary for their services in an amount of fifty dollars ($50) for each day, up to a maximum salary of one hundred dollars ($100) per month. A member of the commission may also be reimbursed for the actual and necessary expenses which are incurred in the performance of the member's duties.

Notwithstanding any other provision of law, any member of the commission who is also a member of, and is entitled to receive the benefits from, the Legislators' Retirement System may elect to forego the compensation provided by this section and, if the compensation is foregone, the member shall not have his or her retirement benefits reduced and shall not be required to be reinstated into the retirement system.

5090.22. The chairperson of the commission may appoint committees composed of members of the commission and prescribe the jurisdiction of each.

5090.23. The commission shall establish policies for the general guidance of the director and the division regarding all aspects of the system and the program.

5090.24. The commission has the following particular duties and responsibilities:
(a) Be fully informed regarding all governmental activities affecting the program.
(b) Meet at least four times per year at various locations throughout the state to receive comments on the implementation of the program. Establish an annual calendar of proposed meetings at the beginning of each calendar year.
(c) Consider, upon the request of any owner or tenant, whose property is in the vicinity of any land in the system, any alleged
adverse impacts occurring on that person's property from the
operation of off-highway motor vehicles and recommend to the division
suitable measures for the prevention of any adverse impact
determined by the commission to be occurring, and suitable measures
for the restoration of adversely impacted property.

(d) Review and comment annually to the director on the proposed
budget of expenditures from the fund.

(e) Review and approve all minor and major capital outlay
expenditures proposed for the system.

(f) Conduct one public meeting annually, prior to the start of
each grant program cycle, to collect public input concerning the
program, recommendations for program improvements, and specific
project needs for the system.

(g) Prepare and submit a program report to the Governor, the
Assembly Water, Parks, and Wildlife Committee, the Senate Committee
on Natural Resources and Wildlife, and the Committee on
Appropriations of each house on or before July 1, 2005, and every two
years thereafter. The report shall address the status of the
program and off-highway motor vehicle recreation, the results of the
strategic planning process completed pursuant to subdivision (n) of
Section 5090.32, the condition of natural and cultural resources of
areas and trails receiving state off-highway motor vehicle funds, the
resolution of conflicts of use in those areas and trails, the status
of, and the accomplishments of expenditures from, the Conservation
and Enforcement Services Account, a summary of resource monitoring
data compiled and restoration work concluded, and other relevant
program-related environmental issues that have arisen over the
preceding two calendar years.

The program report shall be adopted by the commission after
discussing its contents during two or more public hearings.

(h) The commission shall hold a public hearing in an area in close
proximity to any proposed substantial acquisition or development
project unless a hearing consistent with federal law or regulation is
held in close proximity to the proposed project.

5090.30. There is in the department the Division of Off-Highway
Motor Vehicle Recreation. Whenever any reference is made to the
Office of Off-Highway Motor Vehicle Recreation, it shall be deemed to
be a reference to, and to mean, the division. Section 507.1 does
not apply to the division.

5090.31. The division shall be under the direction of a deputy
director appointed by the director. The deputy director shall have
no responsibilities other than directing and managing the division
and the program.
5090.32. The division has the following duties and responsibilities:
   (a) Planning, acquisition, development, conservation, and restoration of lands in the state vehicular recreation areas.
   (b) Direct management, maintenance, administration, and operation of lands in the state vehicular recreation areas.
   (c) Provide for law enforcement and appropriate public safety activities.
   (d) Implementation of all aspects of the program.
   (e) Ensure program compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000)) in state vehicular recreation areas.
   (f) Implement the policies established by the commission.
   (g) Provide staff assistance to the commission.
   (h) Prepare and implement plans for lands in, or proposed to be included in, state vehicular recreation areas, including new state vehicular recreation areas. However, no plan shall be prepared in any instance specified in subdivision (c) of Section 5002.2.
   (i) Conduct, or cause to be conducted, surveys and prepare, or cause to be prepared, studies that are necessary or desirable for implementing the program.
   (j) Recruit and utilize volunteers to further the objectives of the program.
   (k) Prepare and coordinate safety and education programs.
   (l) Conduct, or cause to be conducted, an annual audit of grants and cooperative agreements, and the performance of any recipient in expending a grant or cooperative agreement made pursuant to Article 5 (commencing with Section 5090.50).
   (m) Provide for the enforcement of Division 16.5 (commencing with Section 38000) of the Vehicle Code and other laws regulating the use or equipment of off-highway motor vehicles in all areas acquired, maintained, or operated by funds from the fund; however, the Department of the California Highway Patrol shall have responsibility for enforcement on highways.
   (n) Complete by January 1, 2005, a strategic planning process that will identify future off-highway vehicle recreational needs, including, but not limited to, potential off-highway vehicle parks in urban areas to properly direct vehicle operators away from illegal or environmentally sensitive areas. This strategic planning process shall take into consideration, at a minimum, environmental constraints, infrastructure requirements, demographic limitations, and local, state, and federal land use planning processes. The initial strategic plan shall be updated periodically.
   (o) Prepare and submit a report to the Legislature on or before January 1, 2005, that examines the effectiveness of the current noise
standard, enforcement efforts, public outreach and education programs, the feasibility of improving the off-highway vehicle noise standard, and reassessment of the dates specified in paragraph (1) of subdivision (h) of Section 38370 of the Vehicle Code. The report shall also consider future reporting needs and appropriate reporting intervals.

5090.34. Under the direction of the commission, the division shall publish and update periodically, a guidebook, including the text of this chapter, other laws and regulations relating to the program, and detailed maps of areas and trails in the system. The guidebook may include other public areas, trails, and facilities for the use of off-highway motor vehicles. The guidebook shall include information regarding the responsibility of users of the system and shall set forth pertinent laws, rules, and regulations, including particular provisions and other information intended to prevent trespass and damage to public and private property. The guidebook shall be prepared at minimal cost to facilitate the broadest possible distribution and may be offered for sale at a price only sufficient to meet all costs of preparation, printing, and distribution.

5090.35. (a) The protection of public safety, the appropriate utilization of lands, and the conservation of land resources are of the highest priority in the management of the state vehicular recreation areas; and, accordingly, the division shall promptly repair and continuously maintain areas and trails, anticipate and prevent accelerated and unnatural erosion, and restore lands damaged by erosion to the extent possible.

(b) (1) The division, in consultation with the United States Natural Resource Conservation Service, the United States Geological Survey, the United States Forest Service, the United States Bureau of Land Management, and the California Department of Conservation shall update the 1991 Soil Conservation Guidelines and Standards to establish a generic and measurable soil conservation standard by March 1, 2006, at least sufficient to allow restoration of off-highway motor vehicle areas and trails. The 1991 Soil Conservation Guidelines and Standards shall remain in effect until they are updated pursuant to this subdivision.

(2) Upon a determination that the soil conservation standards and habitat protection plans are not being met in any portion of any state vehicular recreation area the division shall temporarily close the noncompliant portion to repair and prevent accelerated erosion, until the soil conservation standards are met.
(3) Upon a determination that the soil conservation standards cannot be met in any portion of any state vehicular recreation area, the division shall close and restore the noncompliant portion pursuant to Section 5090.11.

(c) (1) The division shall make an inventory of wildlife populations and their habitats in each state vehicular recreation area and shall prepare a wildlife habitat protection program to sustain a viable species composition specific to each state vehicular recreation area by July 1, 1989.

(2) If the division determines that the habitat protection program is not being met in any portion of any state vehicular recreation area, the division shall close the noncompliant portion temporarily until the habitat protection program is met.

(3) If the division determines that the habitat protection program cannot be met in any portion of any state vehicular recreation area, the division shall close and restore that noncompliant portion pursuant to Section 5090.11.

(d) The division shall monitor the condition of soils and wildlife habitat in each state vehicular recreation area each year in order to determine whether the soil conservation standards and habitat protection programs are being met.

(e) The division shall not fund trail construction unless the trail is capable of complying with the conservation specifications prescribed in subdivisions (b) and (c). The division shall not fund trail construction where conservation is not feasible.

(f) The division shall monitor and protect cultural and archaeological resources within the state vehicular recreation areas.

5090.36. The division may enter into contracts with concessionaires and grants or cooperative agreements with other public agencies, pursuant to laws and procedures specified in this division, for the care and maintenance of lands in the system, including law enforcement services with public agencies having law enforcement authority.

5090.37. Eminent domain shall not be exercised to acquire any interest in property for a state vehicular recreation area, the California Statewide Motorized Trail, or any grant program area or trail by the division or any public agency that has entered into a grant or cooperative agreement with the division.
5090.38. No owner or other person having legal control of property in the vicinity of any lands in the system is liable for any actions of any type resulting from, or caused by, the user of an off-highway motor vehicle who is trespassing on property outside the system; and no owner or other person having legal control of property in the vicinity of any lands in the system is liable for any one's actions of any type commenced on, or taking place within, the boundaries of lands in the system.

5090.43. (a) State vehicular recreation areas shall be established on lands where there are quality recreational opportunities for off-highway motor vehicles and in accordance with the requirements of Section 5090.35. Areas shall be developed, managed, and operated for the purpose of making the fullest public use of the outdoor recreational opportunities present. The natural and cultural elements of the environment may be managed or modified to enhance the recreational experience consistent with the requirements of Section 5090.35.

(b) Lands for state vehicular recreation areas shall be selected for acquisition so as to minimize the need for establishing sensitive areas.

(c) After January 1, 1988, no new cultural or natural preserves or state wildernesses shall be established within state vehicular recreation areas. To protect natural and cultural values, sensitive areas within state vehicular recreation areas may be designated by the division if the Off-Highway Motor Vehicle Recreation Commission holds a public hearing and makes a recommendation therefore. These sensitive areas shall be managed by the division in accordance with Sections 5019.71 and 5019.74, which define the purpose and management of natural and cultural preserves.

If off-highway motor vehicle use results in damage to any natural or cultural values, appropriate measures shall be taken to protect these lands from any further damage. These measures may include the erection of physical barriers and shall include the restoration of natural resources and the repair of damage to cultural resources.

5090.44. The division shall assist in the designation of corridors for a California Statewide Motorized Trail. The California Statewide Motorized Trail shall consist of corridors that are designated and maintained for recreational travel by off-highway motor vehicles, as defined in Section 38006 of the Vehicle Code, and that are designated for off-highway motor vehicle travel by the owner of, or other person or public entity having control over, the property traversed by the corridor. Portions of the California Statewide Motorized Trail may include lands designated and maintained as trailheads. The California Statewide Motorized Trail shall be selected and managed in accordance with this chapter. Trails
designated pursuant to this section may be known as the California Statewide Motorized Trail.

5090.50. (a) Grants may be made to cities, counties, and appropriate districts if the grant applicant has approval to apply for grant funds, in the form of a resolution from its governing body.

(b) The division may enter into cooperative agreements with agencies of the United States and federally recognized Native American tribes.

(c) Grants and cooperative agreements may be awarded for the planning, acquisition, development, maintenance, administration, operation, enforcement, restoration, and conservation of trails, trailheads, areas, and other facilities associated with the use of off-highway motor vehicles, and programs involving off-highway motor vehicle safety or education.

(d) Grant and cooperative agreement applications shall be in accordance with local or federal plans and any plans for off-highway motor vehicle recreation prepared by the division.

(e) Notwithstanding subdivision (c), funds may be used for law enforcement and repairing damage caused by the use of off-highway motor vehicles on property being used by off-highway motor vehicles where the operation of those vehicles is prohibited by federal, state, or local law.

(f) Notwithstanding subdivision (c), grants may be awarded to educational institutions and nonprofit organizations for eligible projects that are designed to sustain a managed off-highway motor vehicle recreation program. Eligible projects shall be limited to scientific research, natural resource conservation activities, as defined in Section 5090.10, cultural resource conservation activities, and programs involving off-highway motor vehicle safety or education. If the application for grant funds involves activities on any public lands, the applicant shall obtain approval from the affected land management agency and submit that approval with the application for grant funds. All projects shall comply with the requirements of subdivisions (g) and (h).

(g) Every applicant for a grant shall comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000)). The division shall ensure that all cooperative agreement applications have completed environmental review procedures that are at least comparable to those of the California Environmental Quality Act.

(h) All cooperative agreements shall be subject to the uniform application of soil, wildlife, and wildlife habitat protection standards specified in Section 5090.53.

(i) Subdivision (h) does not apply to applicants that apply solely for law enforcement funding.
5090.51. (a) Except as provided in subdivision (b), to be eligible for a grant, the applicant shall agree to provide, and provide, matching funds, or the equivalent value of services, material, or property used, in an amount of not less than 25 percent of the total expense of the off-highway motor vehicle facility.

(b) Notwithstanding subdivision (a), there shall be no matching fund requirement imposed with respect to any grant, or portion of any grant, that consists of funding for the planning, acquisition, development, or construction of a regional off-highway motor vehicle facility. The commission shall adopt criteria for the determination of which facilities are regional and which are less than regional. The criteria shall take into account, at a minimum, all of the following:

1. That the facility for which a grant is requested is or will be primarily for casual usage.
2. The size of each facility.
3. The diversity of vehicle-related recreational activities to be provided by the facility.
4. The size of the population of potential users of the facility and the extent of the geographic area to be served by the facility.
5. The potential for each facility for which a grant is requested to become financially self-sustaining.

5090.53. (a) Money in the fund may be granted or expended pursuant to Section 5090.50 for projects to fulfill the conditions outlined below and for public health and safety facilities.

(b) However, no funds may be granted or expended pursuant to Section 5090.50 for the acquisition of land for, or the development of, a trail, trailhead, area, or other facility for the use of off-highway motor vehicles after July 1, 1989, unless all of the following conditions are met:

1. The recipient has completed wildlife habitat and soil surveys and has prepared a wildlife habitat protection program to sustain a viable species composition for the project area.
2. The recipient agrees to monitor the condition of soils and wildlife in the project area each year in order to determine whether the soil conservation standards and the wildlife habitat protection programs adopted pursuant to Section 5090.35 are being met.
3. The recipient agrees that, whenever the soil conservation standards adopted pursuant to Section 5090.35 are not being met in
any portion of a project area, the recipient shall close temporarily that noncompliant portion, to repair and prevent accelerated erosion, until the same soil conservation standards adopted pursuant to Section 5090.35 are met.

(4) The recipient agrees that, whenever the wildlife habitat protection programs adopted pursuant to Section 5090.35 are not being met in any portion of a project area, the recipient shall close temporarily that noncompliant portion until the same wildlife habitat protection programs adopted pursuant to Section 5090.35 are met.

(5) The recipient agrees to enforce the registration of off-highway motor vehicles and the other provisions of Division 16.5 (commencing with Section 38000) of the Vehicle Code and to enforce the other applicable laws regarding the operation of off-highway motor vehicles.

5090.60. The fund consists of deposits from the following sources:

(a) Revenues transferred from the Motor Vehicle Fuel Account in the Transportation Tax Fund.
(b) Fees paid pursuant to subdivision (b) of Section 38225 of the Vehicle Code.
(c) Unexpended service fees.
(d) Fees and other proceeds collected at state vehicular recreation areas, as provided in subdivision (c) of Section 5010.
(e) Reimbursements.
(f) Revenues and income from any other source required by law to be deposited in the fund.

5090.61. Money in the fund shall be available, upon appropriation by the Legislature, for allocation by the commission as follows:

(a) An amount, not to exceed 50 percent of the revenues from the special fee required by subdivision (b) of Section 38225 of the Vehicle Code, the revenues transferred from the Motor Vehicle Fuel Account, and revenue received from interest, is available for local assistance grants or cooperative agreements pursuant to Article 5 (commencing with Section 5090.50).
(b) The remainder of the revenues from the special fee required by subdivision (b) of Section 38225 of the Vehicle Code and the remainder of the revenues transferred from the Motor Vehicle Fuel Account, together with all other moneys in the fund, shall be available for the support of the division in implementing the program and for the planning, acquisition, development, construction, maintenance, administration, operation, and conservation of lands in the system. As used in this subdivision, "support of the division" includes functions performed outside the division by others on behalf
of the division, including costs incurred on behalf of the division for personnel management and training, accounting and fiscal analysis, records, purchasing, public information activities, consultation of professional scientists and reclamation experts for purposes of Section 5090.35, and legal services.

"Support of the division" does not include any costs incurred by, or attributable to, the director or the director's immediate staff or their salaries.

5090.63. This article shall become operative on July 1, 1983.

5090.64. (a) Thirty percent of the funds allocated pursuant to Section 8352.8 of the Revenue and Taxation Code shall be expended solely for restoration activities, as defined in Section 5090.11.

(b) Seventy percent of the funds allocated pursuant to Section 8352.8 of the Revenue and Taxation Code shall be expended solely for the following activities related to the use of off-highway motor vehicles:

1. Conservation activities carried out for the prevention or reduction of soil loss, wildlife loss, and habitat loss as described in Sections 5090.10, 5090.35, 5090.50, and 5090.53.

2. Enforcement activities consisting of employing, equipping, and supervising law enforcement personnel for the purpose of protecting natural and cultural resources, enforcement of Division 16.5 (commencing with Section 38000) of the Vehicle Code, enforcement of Sections 4442 and 4442.5 of this code, and enforcement of other laws regulating the equipment and use of off-highway motor vehicles.

3. The construction of physical barriers and other means of traffic control regulating the use of off-highway motor vehicles.

5090.65. Money in the fund shall be used to pay for the repair of any boundary fence that segregates off-highway vehicle use from adjoining landowners and is adjacent to an off-highway vehicle site that is funded by the fund, when the fence has become broken or damaged by off-highway vehicle users.

5090.70. This chapter shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted
statute, that is enacted before January 1, 2007, deletes or extends that date.

REVENUE AND TAXATION CODE

8352.8. (a) The Conservation and Enforcement Services Account is hereby established as an account in the Off-Highway Vehicle Trust Fund. Subject to Sections 8352 and 8352.1, on the first day of every month there shall be transferred from money deposited in the Motor Vehicle Fuel Account to the Conservation and Enforcement Services Account the total amount determined on the basis of the estimates contained in this section.

(b) On or before August 15, 1987, and every two years thereafter, the Department of Transportation shall prepare, or cause to be prepared, in cooperation with the Department of Parks and Recreation, a report setting forth the current estimate of the amount of money credited to the Motor Vehicle Fuel Account that is attributable to taxes imposed upon distributions of motor vehicle fuel estimated to have been used in the off-highway operation of vehicles required to be registered as off-highway vehicles by Division 16.5 (commencing with Section 38000) of the Vehicle Code, but which were not so registered, and shall submit a copy of the report to the Legislature.

(c) Funds in the Conservation and Enforcement Services Account shall be allocated to the Division of Off-Highway Motor Vehicle Recreation of the Department of Parks and Recreation for expenditure when appropriated by the Legislature for the purposes of Section 5090.64 of the Public Resources Code.

(d) On or before January 1, 2005, the Division of Off-Highway Motor Vehicle Recreation in the Department of Parks and Recreation shall submit a report to the Legislature that identifies the appropriate level of funding necessary to sustain conservation and enforcement needs, grant areas, state vehicular recreation areas, capital outlay, and division support, based upon an analysis of program income and expenditures during the preceding five fiscal years and the findings contained in the most recent fuel tax study.

CALIFORNIA REGULATIONS

Article 3. Off-Highway Recreational Vehicles and Engines

2410. Applicability.

(a)(1) This article applies to all new off-highway recreational vehicles and engines manufactured for use in such vehicles produced on or after January 1, 1997, for sale, lease, use, and introduction into commerce in California.
(2) New off-highway recreational vehicles and engines used in such vehicles, subject to any of the
standards set forth in Article 3, shall be certified for use and sale by the Air Resources Board and covered
by an Executive Order, pursuant to Section 2412 of this Article.
(b) Each part of this article is severable, and in the event that any part of this chapter or article is held to be
invalid, the remainder of this article continues in full force and effect.
(c) This article includes provisions for certification, labeling requirements, emission standard enforcement,
recall, and use restrictions.

2411. Definitions.

(a) The definitions in Section 1900(b), Chapter 1, Division 3, Title 13 of the California Code of
Regulations, apply with the following additions:
(1) All-Terrain Vehicle (ATV) means any motorized off-highway vehicle 50 inches (1270 mm) or less in
overall width, designed to travel on four low pressure tires, having a seat designed to be straddled by the
operator and handlebars for steering control, and intended for use by a single operator and no passengers.
The vehicle is designed to carry not more than 350 pounds (160 kg) payload, excluding the operator, and is
powered by an internal combustion engine. Width shall be exclusive of accessories and optional equipment.
A golf cart is not, for purposes of this regulation, to be classified as an all-terrain vehicle.
(2) ARB Enforcement Officer means any employee of the Air Resources Board so designated in writing by
the Executive Officer of the Air Resources Board or by the Executive Officer’s designee.
(3) Assembly-Line Tests are those tests or inspections which are performed on or at the end of the
assembly-line.
(4) Confirmatory testing means an ARB directed follow-up emissions test and inspection of the test engine
or test vehicle that had been used by the manufacturer to obtain test data for submittal with the certification
application. The emissions tests can be conducted at ARB or contracted-out facilities or at the
manufacturer’s facility.
(5) Crankcase Emissions means airborne substances emitted into the atmosphere from any portion
of the engine crankcase ventilation or lubrication system.

(6) Emission Control System includes any component, group of components, or engine
modification which controls or causes the reduction of substances emitted from an engine.

(7) End of Assembly-Line is defined as that place where the final inspection test or quality-audit
test is performed by the manufacturer.
(8) Exhaust Emissions means substances emitted into the atmosphere from any opening
downstream from the exhaust port of an engine.

(9) Final Calendar Quarter Production is defined as the calendar quarter in which the production of
an engine family ends.

(10) Fuel System means the combination of any of the following components: fuel tank, fuel pump,
fuel lines, oil injection metering system, carburetor or fuel injection components, evaporative controls and
all fuel system vents.

(11) Golf Cart means a vehicle used to convey equipment and no more than two persons, including
the driver, to play the game of golf in an area designated as a golf course. Golf carts are designed to have
an unladen weight of less than 1,300 pounds and carry not more than 100 pounds, excluding passengers,
accessories and optional equipment. A golf cart is not used for grounds keeping or maintenance purposes.

(12) Manufacturer means the engine or vehicle manufacturer that applies to have the vehicle or engine certified.

(13) Off-Highway Recreational Vehicle Engines or Engines are identified as: two-stroke or four-stroke, air-cooled, liquid-cooled, gasoline, diesel, or alternate fuel powered engines or electric motors that are designed for powering off-road recreational vehicles and engines included in, but not limited to use in, the following: off-road motorcycles, all-terrain vehicles, and golf carts. All engines and equipment that fall within the scope of the preemption of Section 209(e)(1)(A) of the Federal Clean Air Act, as amended, and as defined by regulation of the Environmental Protection Agency, are specifically not included within this category.

(14) Off-Highway Vehicle (OHV) Area is defined as a public land area in which the riding of off-highway recreational vehicles is allowed. These areas are managed by public land agencies, such as the California Department of Parks and Recreation, the Bureau of Land Management, the United States Forest Service, cities, counties, and other jurisdictions.

(15) Off-Road Equipment and Vehicle means any non-stationary device, powered by an internal combustion engine or electric motor, used primarily off the highways, to propel, move, or draw persons or property including any device propelled, moved, or drawn exclusively by human power, and used in, but not limited to the following applications: Marine Vessels, Construction/Farm Equipment, Locomotives, Utility Engines and Lawn and Garden Equipment, Off-Road Motorcycles, and Off-Highway Vehicles.

(16) Off-Road Motorcycle means any two-or three-wheeled vehicle equipped with an internal combustion engine and weighing less than 1,499 pounds. An off-road motorcycle is primarily designed for use off highways. These vehicles are mainly used for recreational riding on dirt trails but are not limited to this purpose.

(17) Scheduled Maintenance means any adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems required by the manufacturer which is performed on a periodic basis to prevent part failure or equipment or engine malfunction, or anticipated as necessary to correct an overt indication of malfunction or failure for which periodic maintenance is not appropriate.

(18) Ultimate Purchaser means the first person who in good faith purchases or leases a new engine, vehicle, or piece of equipment for purposes other than resale.

(19) Unscheduled Maintenance means any inspection, adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems which is performed to correct or diagnose a part failure which was not anticipated.

(20) Vehicle Identification Number (VIN) means an alphanumeric code which has been permanently assigned by the manufacturer to a vehicle. The VIN is unique to each vehicle and may contain information deemed necessary by governing agencies. If a manufacturer cannot obtain a federal VIN from the National Highway Traffic Safety Administration for their vehicles, an alternative VIN approved by the Executive Officer of the Air Resources Board may be used. Unless otherwise noted, the VIN and alternate VIN will follow formats specified in the Code of Federal Regulations 49, Chapter V, Parts 565, 566, and 571, which
(21) Zero Emission Vehicle means any vehicle which procedures zero exhaust emissions of any criteria pollutant under any and all possible operational modes.


(a) This section applies to all off-highway recreational vehicles and engines used in such vehicles produced on or after January 1, 1997.
(b) For purposes of certification in California, manufacturers must comply with the following exhaust emissions from new off-highway recreational vehicles and engines that are sold, leased, used, or introduced into commerce in California. Exhaust emissions must not exceed:

### Emission Standards

<table>
<thead>
<tr>
<th>Vehicle &amp; Model Year</th>
<th>Hydrocarbon</th>
<th>Oxides of Nitrogen</th>
<th>Carbon Monoxide</th>
<th>Particulate Matter</th>
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<tr>
<td>Off-Road Motorcycles and All-Terrain Vehicles with Engines Greater Than 90 cc (g/km) 1997 and Later</td>
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<td>Off-Road motorcycles and All-Terrain Vehicles with Engines 90 cc or Less (g/km)</td>
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<td>1999 and Later</td>
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</table>
All-Terrain Vehicles Option 1997 and Later

Shall comply with exhaust emission standards equivalent to the off-road motorcycle and all-terrain vehicles standard using the utility test procedures set forth in CCR, Title 13, section 2403, and the incorporated document California Exhaust Emission Standards and Test Procedures for 1995 and Later Small Off-Road Engines which is hereby incorporated by reference herein.

Golf Carts in Federal Ozone Non-Attainment Areas 1997 and Later

ZERO ZERO ZERO ZERO

Off-Road Motorcycle and All-Terrain Vehicle Option: 1997 and Later Vehicles with Engines Greater Than 90 cc, and 1999 and Later Vehicles with Engines 90 cc or Less

Vehicles and engines that do not meet the emissions standards noted above may be certified subject to the use restrictions described in subsection (f) below,

1 Applicable to diesel and two-stroke spark ignited engines only.

2 Compliance with the 1.2 grams per kilometer HC standard to be applied as a corporate average shall be determined as provided in subsection (d). Each engine family shall have only one applicable standard.

3 Cubic centimeter.

4 Grams per kilometer.

5 Compliance with the equivalent all-terrain vehicle HC standard to be applied as a corporate average shall be determined as provided in subsection (d). Each engine family shall have only one applicable standard.

(c)(1) The test procedures for determining certification and compliance with the standards for exhaust emissions from new off-road motorcycles, all-terrain vehicles, and golf carts are set forth in California Exhaust Emission Standards and Test Procedures for 1997 and Later Off-Highway Recreational Vehicles and Engines, adopted November 23, 1994, and last amended October 22, 1999, which are hereby incorporated by reference herein and which in turn incorporates by reference Subparts E and F,
Title 40, Code of Federal Regulations. Manufacturers of the following are not required to perform emissions testing, but must file an application of certification and comply with the administrative requirements outlined in the procedures to certify their vehicles for sale in California:

A) Golf carts.
B) Off-road motorcycles and all-terrain vehicles, and engines used in such vehicles, as described in subsection (f) below.

(2) The test procedures for determining certification and compliance with the standards for exhaust emissions from all-terrain vehicle engines (those engines utilizing the optional standards noted in (b) above) are set forth in California Exhaust Emission Standards and Test Procedures for 1995 and Later Small Off-Road Engines, adopted March 20, 1992, and last amended March 23, 1999.

(d) Compliance with a standard to be applied as a corporate average shall be determined as follows:

\[
\frac{\sum_{j=1}^{n} (PROD)_{jx} (STD)_{jx}}{\sum_{j=1}^{n} (PROD)_{jx}} = STD_{ca}
\]

where:

- \( n \) = Off-road motorcycle and all-terrain vehicle engine families.
- \( PROD_{jx} \) = Number of units in engine family \( j \) produced for sale in California in model year \( x \).
- \( STD_{jx} \) = The manufacturer designated HC exhaust emission standard for engine family \( j \) in model year \( x \), which shall be determined by the manufacturer subject to the following conditions: (1) no individual engine family exhaust emission standard shall exceed 2.5 g/km, and (2) no engine family designation or engine family exhaust emission standard shall be amended in a model year after the engine family is certified for the model year, and (3) prior to sale or offering for sale in California, each engine family shall be certified in accordance with California Exhaust Emissions Standards and Test Procedures for 1997 and Later Off-highway Recreational Vehicles and Engines adopted November 23, 1994, and shall be required to meet the manufacturer’s designated HC exhaust emission standard as a condition of the certification Executive Order. Prior to certification the manufacturer shall also submit estimated production volumes for each engine family to be offered for sale in California.

- \( STD_{ca} \) = A manufacturer’s corporate average HC exhaust emissions from those California off-road motorcycles and all-terrain vehicles subject to the California corporate average HC exhaust emissions standard, as established by an Executive Order certifying the California production for the model year. This order must be obtained prior to the issuance of certification Executive Orders for individual engine families for the model year and shall include but not be limited to the following requirements:

(1) During the manufacturer’s production year, for each vehicle produced for sale in California, the manufacturer must provide the following information to the Executive Officer within 30 days after the last day in each calendar quarter:
(i) vehicle identification numbers and an explanation of the identification code if applicable;

(ii) model number and engine size of vehicle;

(iii) the total number of vehicles marketed and produced for sale in California and their applicable designated emissions standards.

(2) The manufacturer’s average HC exhaust emissions shall meet the corporate average standard at the end of the manufacturer’s production for the model year.

(3) Production and sale of vehicles which result in noncompliance with the California standard for the model year shall cause a manufacturer to be subject to civil penalties, according to applicable provisions of the Health and Safety Code. All excess emissions resulting from non-compliance with the California standard shall be made up in the following model year.

(4) For a period of up to one year following the end of the model year, for each model the manufacturer shall submit California sales and registration data as it becomes available.

(e) As an option to the standards set forth in subsection (b) above, exhaust emissions from 1997 and later all-terrain vehicle engines must not exceed the equivalent to the off-road motorcycle and all-terrain vehicle standard using the test procedures set forth in California Exhaust Emission Standards and Test Procedures for 1995 and Later Small Off-Road Engines, adopted March 20, 1992, and last amended March 23, 1999, which is hereby incorporated by reference herein.

(f) Off-road motorcycles and ATVs, and engines used in such vehicles, that do not meet the emissions standards in subsection (b) above may operate only during certain periods of time at certain off-highway vehicle (OHV) riding areas. Section 2415 of this Article lists these California OHV riding areas and their associated riding seasons for off-highway recreational vehicles that are subject to use restrictions.

(g)(1) On or after January 1, 1997, no new engines greater than 90 cc may be produced for sale to replace off-road motorcycles, all-terrain vehicles and engines used in such vehicles, unless those engines comply with the emission control standards in effect at the time of replacement.

(2) On or after January 1, 1997, manufacturers may not produce for sale in federal ozone nonattainment areas of California new, non-zero emission engines for golf carts.

(3) On or after January 1, 1999, no new engines 90 cc or less may be produced for sale to replace off-road motorcycle and all-terrain vehicle engines, unless those engines comply with the emission control standards in effect at the time of replacement.

(h) The Executive Officer may find that any off-road motorcycles, all-terrain vehicles or engines used in such vehicles certified to comply with California emission standards and test procedures for on-road or other off-road applications are in compliance with these regulations.

(i) No crankcase emissions shall be discharged into the ambient atmosphere from 1997 and later off-road motorcycles, all-terrain vehicles, golf carts, or engines used in such vehicles.

All off-road motorcycles, all-terrain vehicles, and engines used in such vehicles, except those certified according to section 2412(f), produced on or after January 1, 1997, for sale, lease, use or introduction into commerce in California, shall comply with the labeling requirements of the Title 13, California Code of Regulations, Chapter 1, Article 2, Section 1965, and the incorporated California Motor Vehicle Emission Control and Smog Index Label Specifications, adopted March 1, 1978, as last amended July 12, 1991 June 24, 1996 (as corrected September 20, 1996), and which are hereby incorporated by reference herein. Any reference to motorcycles in the incorporated documents applies to off-road motorcycles, all-terrain vehicles, and engines used in such vehicles.


This section applies to off-road motorcycles, all-terrain vehicles, and engines used in such vehicles, except those certified according to section 2412(f), produced on or after January 1, 1997, for sale, lease, use or introduction into commerce in California. Off-road motorcycles, all-terrain vehicles, and engines used in such vehicles are subject to Title 13, California Code of Regulations, Chapter 2, Articles 2.1 through 2.3, and the incorporated Appendix A, California In-Use Vehicle Emission-Related Recall Procedures, Enforcement Test Procedures, and Failure Reporting Procedures for 1982 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, Heavy-Duty Vehicles and Engines, and Motorcycles, which are incorporated by reference herein.


(a) The following table lists the public off-highway vehicle (OHV) areas of California designated for off-highway recreational vehicle operation, including off-highway motorcycle and ATV operation. Model year 2003 and later off-highway motorcycles and ATVs that are certified pursuant to section 2412(f) are permitted to operate in the areas noted below only during the applicable riding seasons noted. Off-highway motorcycles and ATVs that meet the emissions standards noted in section 2412(b) are not subject to riding season use restrictions. This table contains the following information: OHV area managing entities, OHV area names, and the applicable riding seasons.

<table>
<thead>
<tr>
<th>OHV Area Managing Entity 1</th>
<th>OHV Area Name</th>
<th>Riding Season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Parks and Recreation (DPR)</td>
<td>Carnegie</td>
<td>Nov 1 - Apr 30</td>
</tr>
<tr>
<td>OHV Area Managing Entity</td>
<td>OHV Area Name</td>
<td>Riding Season</td>
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<tr>
<td>--------------------------</td>
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</tr>
<tr>
<td>BLM Norcal</td>
<td>Fort Sage OHV Area</td>
<td>Year-round</td>
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<tr>
<td></td>
<td>Samoa Dunes</td>
<td>Year-round</td>
</tr>
<tr>
<td></td>
<td>Black Sands Beach</td>
<td>Year-round</td>
</tr>
<tr>
<td></td>
<td>Chappie-Shasta ORV Area</td>
<td>Oct 1 - May 31</td>
</tr>
<tr>
<td></td>
<td>South Cow Mountain Recreation Area</td>
<td>Year-round</td>
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<tr>
<td></td>
<td>Knoxville Recreation Area</td>
<td>Year-round</td>
</tr>
</tbody>
</table>

1 The OHV area managing entities are indicated in *italics*, and the managing entity regions are indicated in regular text.
<table>
<thead>
<tr>
<th>OHV Area Managing Entity</th>
<th>OHV Area Name</th>
<th>Riding Season</th>
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</thead>
<tbody>
<tr>
<td>Bureau of Land Management (BLM) (continued)</td>
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<tr>
<td>Plaster City</td>
<td>Oct 1 - May 31</td>
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<tr>
<td>Imperial Sand Dunes (Buttercup Valley)</td>
<td>Oct 1 - Apr 30</td>
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<tr>
<td>Lark Canyon (McCain Valley)</td>
<td>Dec 1 - Jan 31</td>
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<tr>
<td>Rasor</td>
<td>Oct 1 - Apr 30</td>
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<tr>
<td>Imperial Sand Dunes (Mammoth Wash)</td>
<td>Oct 1 - Apr 30</td>
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<tr>
<td>El Mirage/Shadow Mountains</td>
<td>Nov 1 - Mar 15</td>
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<tr>
<td>Rice Valley Dunes</td>
<td>Year-round</td>
<td></td>
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<tr>
<td>OHV Area Managing Entity</td>
<td>OHV Area Name</td>
<td>Riding Season</td>
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<tr>
<td>United States Forest Service (USFS)</td>
<td>Parker Strip</td>
<td>Year-round</td>
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<tr>
<td>Angeles National Forest</td>
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<tr>
<td>Mt. Baldy Ranger District</td>
<td>Dec 1 - Jan 31</td>
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<tr>
<td>Rowher Flat</td>
<td>Nov 1 - Mar 31</td>
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<tr>
<td>Tujung Ranger District</td>
<td>Dec 1 - Jan 31</td>
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<tr>
<td>Littlerock</td>
<td>Nov 1 - Mar 31</td>
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<tr>
<td>Cleveland National Forest</td>
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<tr>
<td>Corral Canyon</td>
<td>Dec 1 - Jan 31</td>
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<tr>
<td>Wildomar</td>
<td>Dec 1 - Feb 28/29a</td>
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<tr>
<td>United States Forest Service (USFS) (continued)</td>
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<tr>
<td>Eldorado National Forest</td>
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<tr>
<td>Mace Mill--Rock Creek</td>
<td>Oct 15 - May 31</td>
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<tr>
<td>Barrett Lake</td>
<td>Year-round</td>
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<tr>
<td>Inyo National Forest</td>
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<td>Poleta</td>
<td>Year-round</td>
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<tr>
<td>OHV Area Managing Entity</td>
<td>OHV Area Name</td>
<td>Riding Season</td>
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<td>United States Forest Service (USFS) (continued)</td>
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<tr>
<td>Mendocino National Forest</td>
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<tr>
<td>Lake Tahoe Basin Management Unit</td>
<td>Kings Beach</td>
<td>Year-round</td>
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<tr>
<td>Los Padres National Forest</td>
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<tr>
<td>Alamo Mountain</td>
<td>Oct 15 - Apr 30</td>
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<tr>
<td>Ballinger Canyon</td>
<td>Nov 1 - Mar 15</td>
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<tr>
<td>Black Mountain (Pozo-LaPanza)</td>
<td>Oct 1 - Apr 30</td>
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<td>Santa Barbara Ranger District</td>
<td>Nov 15 - Mar 15</td>
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<tr>
<td>Ortega Trail</td>
<td>Nov 15 - Mar 15</td>
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<tr>
<td>Davis Flat</td>
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<tr>
<td>Lake Pillsbury</td>
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<tr>
<td>Elk Mountain Area</td>
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<tr>
<td>Plumas National Forest</td>
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<tr>
<td>Gold Lake</td>
<td>Year-round</td>
<td></td>
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<tr>
<td>Dixie Mountain</td>
<td>Year-round</td>
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<td>San Bernardino National Forest</td>
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<tr>
<td>Mosquito Creek/Antelope Lake/Lights Creek/ Canyon Dam</td>
<td>Year-round</td>
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<tr>
<td>Deadman Springs/Snake Lake</td>
<td>Year-round</td>
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<tr>
<td>Cleghorn Bar/Poker Flat/La Porte</td>
<td>Year-round</td>
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<tr>
<td>Big Creek/Four Tees/French Creek/Bucks Summit</td>
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<tr>
<td>San Bernardino National Forest</td>
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<tr>
<td>Lake Arrowhead Area</td>
<td>Nov 1 - Feb 28/29a</td>
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<td>Big Bear Lake Area</td>
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<td>San Jacinto Area</td>
<td>Nov 1 - Feb 28/29a</td>
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<td>Lytle Creek Area</td>
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<td>Sequoia National Forest</td>
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<td>Tule River Ranger District</td>
<td>Nov 1 - Apr 30</td>
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<tr>
<td>Frog Meadow Area</td>
<td>Nov 1 - Apr 30</td>
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<tr>
<td>Kennedy Meadows</td>
<td>Year-round</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>OHV Area Managing Entity</th>
<th>OHV Area Name</th>
<th>Riding Season</th>
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</thead>
<tbody>
<tr>
<td>United States Forest Service (USFS) (continued)</td>
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<tr>
<td>OHV Area Managing Entity</td>
<td>OHV Area Name</td>
<td>Riding Season</td>
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<tr>
<td>Shasta-Trinity National Forest</td>
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<td>Hayfork Area</td>
<td>Year-round</td>
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<td></td>
<td>McCloud Ranger District</td>
<td>Year-round</td>
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<tr>
<td>Sierra National Forest</td>
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<td></td>
<td>Kings River</td>
<td>Nov 1 - May 31</td>
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<td></td>
<td>Shaver Lake Area</td>
<td>Nov 1 - May 31</td>
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<td></td>
<td>Hites Cove</td>
<td>Nov 1 - May 31</td>
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<tr>
<td></td>
<td>Miami Creek</td>
<td>Nov 1 - May 31</td>
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<tr>
<td>Six Rivers National Forest</td>
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<td></td>
<td>Smith Rivers NRA</td>
<td>Year-round</td>
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<tr>
<td>Stanislaus National Forest</td>
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<td></td>
<td>Niagara Ridge Area/Herring Creek</td>
<td>Year-round</td>
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<tr>
<td></td>
<td>Date Flat Area/Moore Creek Area</td>
<td>Oct 1 - May 31</td>
</tr>
<tr>
<td></td>
<td>Deer Creek Area/Hull Creek Area</td>
<td>Oct 1 - May 31</td>
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<tr>
<td></td>
<td>Corral Hollow/Spicer</td>
<td>Oct 1 - May 31</td>
</tr>
<tr>
<td>United States Forest Service (USFS) (continued)</td>
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<tr>
<td>Tahoe National Forest</td>
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<tr>
<td>Foresthill OHV Area</td>
<td>Oct 1 - May 31</td>
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<tr>
<td>Fordyce Jeep Trail</td>
<td>Oct 1 - May 31</td>
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<tr>
<td>Truckee Ranger District</td>
<td>Year-round</td>
<td></td>
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<tr>
<td>Prosser Hills Area</td>
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<td></td>
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<tr>
<td>Downieville Ranger District</td>
<td>Year-round</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cities, Counties, or other Jurisdictions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Frank Raines-Deer Creek OHV Park</td>
<td>Oct 1 - May 31</td>
</tr>
<tr>
<td>La Grange ORV Park</td>
<td>Nov 1 - Mar 31</td>
</tr>
<tr>
<td>Park Moabi</td>
<td>Year-round</td>
</tr>
<tr>
<td>Riverfront Park ORV Area</td>
<td>Year-round</td>
</tr>
<tr>
<td>County of Santa Clara Motorcycle Park</td>
<td>Nov 1 - Apr 30</td>
</tr>
<tr>
<td>Black Butte Lake</td>
<td>Year-round</td>
</tr>
</tbody>
</table>

a. In leap years, February 29 is the last day of February.

~ (b) The Executive Officer shall publish in the California Regulatory Notice Register and notify potentially affected OHV Area Managing Entities regarding revisions to Table 1 in subsection (a) at least 30 days before the revisions take effect, in the following situations:

(1) The Executive Officer may revise Table 1 in subsection (a) when there is a change in the designation
(with respect to California Ambient Air Quality Standards), from ozone nonattainment to attainment, of an area in which an OHV area is located, provided that the attainment area is not identified as an upwind contributor to significant impacts to transport of ozone or ozone precursors as identified and defined in Section 70500, Title 17, California Code of Regulations.

(2) The Executive Officer may revise Table 1 in subsection (a) to reflect changes in the physical characteristics or identity of OHV Areas, including but not limited to changes in ownership or control of listed areas, addition or deletion of areas, or changes in the geographic domain of listed areas.

(3) Within five years from the effective date of adoption or date of implementation, whichever comes later, the Air Resources Board, in consultation with the Secretary for Environmental Protection, shall review the provisions of this section to determine whether it should be retained, revised or repealed.

Article 7: Certification Procedures for Aftermarket Parts for Off-Road Vehicles, Engines, Equipment

2470. Applicability

This article shall apply to all aftermarket parts which are sold, offered for sale, or advertised for sale for use on off-road vehicles, engines, or equipment which are subject to California or federal emission standards.

2471. Definitions.

(a) The definitions in Section 1900(b), Chapter 3, Title 13 of the California Code of Regulations shall apply with the following additions:

(1) “All-Terrain Vehicle (ATV)” means any motorized off-highway vehicle 50 inches (1270 mm) or less in overall width, designed to travel on four low pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and no passengers. The vehicle is designed to carry not more than 350 pounds (160 kg) payload, excluding the operator, and is powered by an internal combustion engine. Width shall be exclusive of accessories and optional equipment. A golf cart is not, for purposes of this regulation, to be classified as an all-terrain vehicle.

(2) “Alternate Fuel” means any fuel that will reduce non-methane hydrocarbons (on a reactivity-adjusted basis), NOx, CO, and the potential risk associated with toxic air contaminants as compared to gasoline or diesel fuel and would not result in increased deterioration of the engine. Alternate fuels include, but are not limited to, methanol, ethanol, liquefied petroleum gas, compressed natural gas, and electricity.

(3) “Alternative fuel” refers to liquefied petroleum gas, natural gas, alcohol, and alcohol/gasoline fuels.

(4) “Alternative fuel conversion system” means a package of fuel, ignition, emission control, and engine components that are modified, removed, or added during the process of modifying a vehicle/engine/equipment to operate on an alternative fuel and to perform at an emission rate lower than or equal to the rate to which the engine family was originally certified.

(5) “Alternative fuel conversion system manufacturer” refers to a person who manufactures or assembles an alternative fuel conversion system for sale in California, requests, and is granted the Executive Order certifying the conversion system.

(6) “Confirmatory testing” means an ARB directed follow-up emissions test and inspection of the test engine or test vehicle that had been used by the manufacturer to obtain test data for submittal with the certification application. The emissions tests can be conducted at ARB or contracted out facilities or at the...
manufacturer’s facility.

(7) “Conventional fuel” means gasoline or diesel fuel.

(8) “Diesel Cycle Engine” means a type of engine with operating characteristics significantly similar to the theoretical diesel combustion cycle. The primary means of controlling power output in a diesel cycle engine is by limiting the amount of fuel that is injected into the combustion chambers of the engine. A diesel cycle engine may be petroleum-fueled (i.e. diesel-fueled) or alternate-fueled.

(9) “Driveability” of an off-road vehicle or off-road equipment means the smooth delivery of power, as demanded by the driver or operator. Typical causes of driveability degradation are rough idling, misfiring, surging, hesitation, or insufficient power. Conversion from conventional fuels to alternative fuels may entail losses of volumetric efficiency, resulting in some power loss. Such power loss is not considered to be driveability degradation.

(10) “Dual fuel” refers to a conversion system which utilizes both an alternative fuel and a conventional fuel without further hardware changeover required.

(11) “Emission Control System” includes any component, group of components, or engine modification that controls or causes the reduction of substances emitted from an engine.

(12) “Engine Family” is a subclass of a basic engine based on similar emission characteristics. The engine family is the grouping of engines that is used for the purposes of certification.

(13) “Executive Officer” means the Executive Officer of the Air Resources Board or his or her authorized representative.

(14) “Exhaust Emissions” means substances emitted into the atmosphere from any opening downstream from the exhaust port of an off-road vehicle, engine, or equipment.

(15) “Fuel System” means the combination of any of the following components: fuel tank, fuel pump, fuel lines, oil injection metering system, carburetor or fuel injection components, evaporative controls and all fuel system vents.

(16) “Go-Kart” means any four wheeled, open framed vehicle equipped with an internal combustion engine. These vehicles are generally found at amusement parks and rented to patrons on a “pay-by-play” basis. These vehicles are generally designed for a single rider and run on a confined track. A go-kart that is not used exclusively in competition/racing events in a closed course is not a competition/racing vehicle for purposes of these regulations.

(17) “Golf Cart” means a vehicle used to convey equipment and no more than two persons, including the driver, to play the game of golf in an area designated as a golf course. Golf carts are designed to have an unladen weight of less than 1,300 pounds and carry not more than 100 pounds, excluding passengers, accessories and optional equipment. A golf cart is not used for grounds keeping or maintenance purposes.

(18) “Heavy-Duty Off-Road Diesel Cycle Engines” or “Engines” are identified as: diesel or alternate fuel powered diesel cycle internal combustion engines 175 horsepower and greater, operated on or in any device by which any person or property may be propelled, moved or drawn upon a highway, but are primarily used off a highway. The engines are designed for powering construction, farm, mining, forestry and industrial implement and equipment. They are designed to be used in, but are not limited to use in, the following applications: agricultural tractors, backhoes, excavators, dozers, log skidders, trenchers, motor graders, portable generators and compressors and other miscellaneous applications. Specifically excluded from this category are: (1) engines operated on or in any device used exclusively upon stationary rails or tracks; (2) engines used to propel marine vessels; (3) internal combustion engines attached to a foundation at a location; (4) transportable engines subject to District permitting rules which have been operated at a location for a period of one year or more on January 1, 1997; and (5) stationary or transportable gas turbines for power generation.

(19) “Inboard Engine” means a four-stroke spark-ignition marine engine not used in a personal watercraft that is designed such that the propeller shaft penetrates the hull of the marine watercraft while the engine
and the remainder of the drive unit is internal to the hull of the marine watercraft.

(20) “Installer” means a person who installs alternative fuel conversion systems on off-road vehicles/engines/equipment.

(21) “Marine watercraft” means every description of boat, ship or other artificial contrivance used, or capable of being operated on water.

(22) “Model year” means the manufacturer’s annual production period which includes January 1 of a calendar year or, if the manufacturer has no annual production period, the calendar year.

(23) “Off-Highway Recreational Vehicle Engines” or “Engines” are identified as: two-stroke or four-stroke, air-cooled, liquid-cooled, gasoline, diesel, or alternate fuel powered engines or electric motors that are designed for powering off-road recreational vehicles and engines included in, but not limited to use in, the following: off-road motorcycles, all-terrain vehicles, and golf carts. All engines and equipment that fall within the scope of the preemption of Section 209(e)(1)(A) of the Federal Clean Air Act, as amended, and as defined by regulation of the Environmental Protection Agency, are specifically excluded within this category.

(24) “Off-Road Aftermarket Parts Manufacturer” means any person engaged in the manufacturing of add-on or modified parts, as defined in Section 1900(b), (1) and (10), Chapter 3, Title 13, California Code of Regulations, for off-road vehicles, engines or equipment subject to California or federal emission standards.

(25) “Off-Road Engine” means any internal combustion engine or motor designed for powering off-road vehicles or off-road equipment. All engines that fall within the scope of the preemption of Section 209(e)(1)(A) of the Federal Clean Air Act, as amended, and as defined by regulation of the Environmental Protection Agency, are specifically excluded within this category.

(26) “Off-Road Large Spark-ignition Engines” or “LSI Engines” means any engine that produces a gross horsepower 25 and greater horsepower or is designed (e.g., through fueling, engine calibrations, valve timing, engine speed modifications, etc.) to produce 25 and greater horsepower. If an engine family has models at or above 25 horsepower and models below 25 horsepower, only the models at or above 25 horsepower would be considered LSI engines. The engine’s operating characteristics are significantly similar to the theoretical Otto combustion cycle with the engine’s primary means of controlling power output being to limit the amount of air that is throttled into the combustion chamber of the engine. LSI engines or alternate fuel powered LSI internal combustion engines are designed for powering, but not limited to powering, forklift trucks, sweepers, generators, and industrial equipment and other miscellaneous applications. All engines and equipment that fall within the scope of the preemption of Section 209(e)(1)(A) of the Federal Clean Air Act, as amended, and as defined by regulation of the Environmental Protection Agency, are specifically excluded from this category.

Specifically excluded from this category are: 1) engines operated on or in any device used exclusively upon stationary rails or tracks; 2) engines used to propel marine vessels; 3) internal combustion engines attached to a foundation at a location for at least 12 months; 4) off-road recreational vehicles and snowmobiles; and 5) stationary or transportable gas turbines for power generation.

(27) “Off-Road Motorcycle” means any two or three-wheeled vehicle equipped with an internal combustion engine and weighing less than 1,499 pounds. An off-road motorcycle is primarily designed for use off highways. These vehicles are mainly used for recreational riding on dirt trails but are not limited to this purpose.

(28) “Off-Road Vehicle” or “Off-Road Equipment” means any non-stationary device, powered by an internal combustion engine or motor, used primarily off the highways to propel, move, or draw persons or property including any device propelled, moved, or drawn exclusively by human power, and used in, but not limited to, the following applications: Marine Vessels, Construction/Farm Equipment, Locomotives, Small Off-Road Engines, Off-Road Motorcycles, and Off-Highway Recreational Vehicles.
(29) “Otto Cycle Engine” means a type of engine with operating characteristics significantly similar to the theoretical Otto combustion cycle. The primary means of controlling power output in an Otto cycle engine is by limiting the amount of air and fuel which can enter the combustion chambers of the engine. As an example, gasoline-fueled engines are Otto cycle engines.

(30) “Outboard engine” means a spark-ignition marine engine that, when properly mounted on a marine watercraft in the position to operate, houses the engine and drive unit external to the hull of the marine watercraft.

(31) “Personal watercraft engine” means a spark-ignition marine engine that does not meet the definition of outboard engine, inboard engine or sterndrive engine, except that the Executive Officer may in his or her discretion classify a personal watercraft engine as an inboard or sterndrive engine if it is comparable in technology and emissions to an inboard or sterndrive engine.

(32) “Scheduled Maintenance” means any adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems required by the manufacturer which is performed on a periodic basis to prevent part failure or equipment or engine malfunction, or anticipated as necessary to correct an overt indication of malfunction or failure for which periodic maintenance is not appropriate.

(33) “Small off-road engine” means any engine that produces a gross horsepower less than 25 horsepower, or is designed (e.g., through fuel feed, valve timing, etc.) to produce less than 25 horsepower, that is not used to propel a licensed on-road motor vehicle, an off-road motorcycle, an all-terrain vehicle, a marine vessel, a snowmobile, a model airplane, a model car, or a model boat. If an engine family has models below 25 horsepower and models at or above 25 horsepower, only the models under 25 horsepower would be considered small off-road engines. Uses for small off-road engines include, but are not limited to, applications such as lawn mowers, weed trimmers, chain saws, golf carts, specialty vehicles, generators and pumps. All engines and equipment that fall within the scope of the preemption of Section 209(e)(1)(A) of the Federal Clean Air Act, as amended, and as defined by regulation of the Environmental Protection Agency, are specifically not included within this category.

(34) “Spark-ignition marine engine” means any engine used to propel a marine watercraft, and which utilizes the spark-ignition combustion cycle.

(35) “Specialty Vehicles” means any vehicle powered by an internal combustion engine having not less than 3 wheels in contact with the ground, having an unladen weight generally less than 2,000 pounds, which is typically operated between 10 and 35 miles per hour. The recommended bed payload for specialty vehicles is usually up to 2,000 pounds.

Specialty vehicles are mainly used off of highways and residential streets. Applications of such vehicles include, but are not limited to, carrying passengers, hauling light loads, grounds keeping and maintenance, resort or hotel areas, airports, etc.

(36) “Sterndrive engine” means a four-stroke spark-ignition marine engine not used in a personal watercraft that is designed such that the drive unit is external to the hull of the marine watercraft, while the engine is internal to the hull of the marine watercraft.

(37) “Test engine” means the engine or group of engines that a manufacturer uses during certification, production line and in-use testing to determine compliance with emission standards.

(38) “Ultimate Purchaser” means the first person who in good faith purchases a replacement, add-on, or modified part for purposes other than resale.

(39) “Warrantable Condition” means any condition of an engine that requires the manufacturer to take corrective action pursuant to applicable defects warranty provisions.

(40) “Warranted Part” means any emissions-related part installed on an engine by the equipment or engine manufacturer, or installed in a warranty repair, which is listed on the warranty parts list.

(41) “Warranty period” means the period of time, either in years or hours of operation, that the engine or
part is covered by the warranty provisions.

(42) “Warranty station” means a service facility authorized by the equipment or engine manufacturer to perform warranty repairs. This includes all manufacturer distribution centers that are franchised to service the subject equipment or engines.

2472. Air Pollution Control and Modification Devices.

(a) No person shall install, sell, offer for sale, or advertise any device, apparatus, or mechanism intended for use with, or as a part of, any required off-road vehicle, engine, or equipment pollution control device or system which alters or modifies the original design or performance of any such pollution control device or system.

(b) No person shall operate or maintain in a condition of readiness for operation any off-road vehicle, engine, or equipment which is required to be equipped with a pollution control device under Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code or with any other certified off-road vehicle, engine, or equipment pollution control device required by any other state law or any rule or regulation adopted pursuant to such law, or required to be equipped with an off-road vehicle, engine, or equipment pollution control device pursuant to the Clean Air Act (42 U.S.C.1857 et seq.) and the standards and regulations promulgated thereunder, unless it is equipped with the required off-road vehicle, engine, or equipment pollution control device which is correctly installed and in operating condition. No person shall disconnect, modify, or alter any such required device.

(c) This section shall not apply to an alteration, modification, or modifying device, apparatus, or mechanism found by resolution of the State Air Resources Board to do either of the following:

(1) Not to reduce the effectiveness of any required off-road vehicle, engine, or equipment pollution control device.

(2) To result in emissions from any such modified or altered off-road vehicle, engine, or equipment which are at levels which comply with existing state or federal standards for that model-year of the vehicle, engine or equipment being modified or converted.

2473. Replacement Parts.

(a) Any replacement part subject to the provisions of this article shall be presumed to be in compliance with this article unless the executive officer makes a finding to the contrary pursuant to Section 2475(a).

(b) The manufacturer of any replacement part subject to the provisions of this article shall maintain sufficient records, such as performance specifications, test data, or other information, to substantiate that such a replacement part is in compliance with this article. Such records shall be open for reasonable inspection by the executive officer or his/her representative. All such records shall be maintained for four years from the year of manufacture of the replacement part. The manufacturer may determine the format for maintaining such records (including, but not limited to, electronic or computer readable files, backup tapes, or magnetic media), provided the format allows the records to be readily retrieved and displayed to the executive officer.

2474. Add-On Parts and Modified Parts.
(a) As used in this section, the terms “advertise” and “advertisement” include, but are not limited to, any notice, announcement, information, publication, catalog, listing for sale, or other statement concerning a product or service communicated to the public for the purpose of furthering the sale of the product or service.

(b) (1) Except for publishers as provided in subsection 3, no person or company doing business solely in California or advertising only in California shall advertise any device, apparatus, or mechanism which alters or modifies the original design or performance of any required off-road vehicle, engine, or equipment pollution control device or system unless such part, apparatus, or mechanism has been exempted from Vehicle Code (VC) Sections 27156, 38391 or California Code of Regulations (CCR), Title 13, Section 2472, and the limitations of the exemption, if any, are contained within the advertisement in type size to give reasonable notice of such limitations.

(2) Except for publishers as provided in subsection 3, no person or company doing business in interstate commerce shall advertise in California any device, apparatus, or mechanism which alters or modifies the original design or performance of any required off-road vehicle, engine, or equipment pollution control device or system and is not exempted from VC Sections 27156, 38391 or CCR, Title 13, Section 2472, unless each advertisement contains a legally adequate disclaimer in type size adequate to give reasonable notice of any limitation on the sale or use of the device, apparatus, or mechanism.

(3) No publisher, after receipt of notice from the state board or after otherwise being placed on notice that the advertised part is subject to and has not been exempted from the provisions of VC Sections 27156, 38391 or CCR, Title 13, Section 2472, shall make or disseminate or cause to be made or disseminated before the public in this state any advertisement for add-on or modified parts subject to the provisions of this article, which have not been exempted from VC Sections 27156, 38391 or CCR, Title 13, Section 2472, unless such advertisement clearly and accurately states the legal conditions, if any, on sale and use of the parts in California.

(4) The staff of the state board shall provide, upon request, model language which satisfies these requirements.

(c) No person shall advertise, offer for sale, or install a part as an off-road vehicle, engine, or equipment pollution control device or as an exempted device, when in fact such part is not an off-road vehicle, engine, or equipment pollution control device or is not approved or exempted by the state board.

(d) No person shall advertise, offer for sale, sell, or install an add-on or modified part as a replacement part.

(e) The executive officer may exempt add-on and modified parts based on an evaluation conducted in accordance with the “Procedures for Exemption of Add-On and Modified Parts for Off-Road Categories,” adopted October 1, 1999, which is hereby incorporated by reference herein.

(f) Each person engaged in the business of retail sale or installation of an add-on or modified part which has not been exempted from VC Sections 27156, 38391 or CCR, Title 13, Section 2472 shall maintain records of such activity which indicate date of sale, purchaser name and address, vehicle, engine, or equipment model and work performed if applicable. Such records shall be open for reasonable inspection by the executive officer or his/her representative. All such records shall be maintained for four years from the date of sale or installation.

(g) A violation of any of the prohibitions set forth in this section shall be grounds for the executive officer to invoke the provisions of section 2476.

(h) (1) The executive officer shall exempt new aftermarket non-original equipment catalytic converters for off-road vehicles, engines, and equipment from the prohibitions of VC Sections 27156, 38391 or CCR,
Title 13, Section 2472 based on an evaluation conducted in accordance with the “California Evaluation
Procedures for New Aftermarket Non-Original Equipment Catalytic Converters for Off-Road Vehicles,
Engines, and Equipment,” adopted October 1, 1999, which is hereby incorporated by reference herein.

(2) No person shall install, sell, offer for sale or advertise any new non-original equipment aftermarket
catalytic converter for off-road vehicles, engines, and equipment in California that has not been exempted
pursuant to the procedures as provided in this subsection.

(3) For the purposes of this regulation, a new non-original equipment aftermarket catalytic converter for
off-road vehicles, engines, and equipment is a catalytic converter which is constructed of all new materials
and is not a replacement part as defined in Title 13, CCR, Section 1900, or which includes any new
material or construction which is not equivalent to

the materials or construction of the original equipment converter for off-
road vehicles, engines, and equipment.

(i)

(1) No person shall install, sell, offer for sale or advertise any used catalytic
converter for off-road vehicles, engines, or equipment in California unless
such catalytic converter has been exempted pursuant to the “Procedures for

Exemption of Add-On and Modified Parts for Off-Road Categories,”
adopted October 1, 1999, which is hereby incorporated by reference herein.

(2) No person shall install, sell, offer for sale or advertise any recycled or
salvaged used catalytic converter for off-road vehicles, engines, and
equipment in California unless such converters have been exempted from
the prohibitions of VC Sections 27156, 38391 or CCR, Title 13, Section
2472 pursuant to the procedures provided in this subsection.

(3) For the purposes of this regulation, a “used catalytic converter” for
off-road vehicles, engines, and equipment is a catalytic converter which is
not a new aftermarket non-original equipment catalytic converter for off-
road vehicles, engines, and equipment as defined in subsection (h)(3), or a
replacement part as defined in Title 13, CCR, Section 1900.

(j)

(1) The executive officer shall exempt alternative fuel conversion systems for
off-road vehicles, engines, and equipment from the prohibitions of VC
Sections 27156, 38391 or CCR, Title 13, Section 2472 based on an
evaluation conducted in accordance with the “California Certification and
Installation Procedures for Systems Designed to Convert Off-Road
Vehicles, Engines, and Equipment to Use Alternative Fuels,” adopted
October 1, 1999, which is hereby incorporated by reference herein.

(2) No person shall install any alternative fuel conversion system for off-road
vehicles, engines, and equipment in California unless the alternative fuel conversion system has been exempted and installed in accordance with the procedures and requirements pursuant to the “California Certification and Installation Procedures for Systems Designed to Convert Off-Road Vehicles, Engines, and Equipment to Use Alternative Fuels,” adopted October 1, 1999, which is hereby incorporated by reference herein.

2475. Surveillance.

(a) Replacement parts. The executive officer may order, for cause, the manufacturer of any replacement part subject to the provisions of this article to submit any records relating to such part which are maintained pursuant to section 2473(b) above. The executive officer may order, for cause, the manufacturer of any replacement part subject to the provisions of this article to submit a reasonable number of parts typical of the manufacturer’s production for testing and evaluation. If, after a review of all records submitted by the manufacturer and of the results of any tests conducted by the state board’s staff, the executive officer finds that such part is not in fact a replacement part, the executive officer may invoke section 2476. Replacement parts evaluated pursuant to this section shall be compared with the specifications contained in the applicable off-road vehicle, engine or equipment manufacturer’s application for certification.

(b) Add-on parts and modified parts. The executive officer may order, for cause, the manufacturer of any add-on part or modified part subject to the provisions of this article to submit a reasonable number of parts typical of the manufacturer’s production for testing and evaluation. In-use performance will also be evaluated. If, after a review of the results of any tests or evaluations conducted by the state board’s staff and of any information submitted by the manufacturer, the executive officer finds that an add-on part or a modified part does not conform to the “Procedures for Exemption of Add-On and Modified Parts for Off-Road Categories,” adopted October 1, 1999, which is hereby incorporated by reference herein, the executive officer may invoke Section 2476.

2476. Enforcement Action.

(a) When this section is invoked pursuant to other sections of this article, the executive officer may issue a cease and desist order and may require the person to submit a plan for correcting any deficiencies found by the state board. The executive officer may order any of the actions contained in the plan, and/or may declare a part to be not in compliance with VC Sections 27156, 38391 or CCR, Title 13, Section 2472 unless he/she finds the plan adequate to correct the deficiencies found by the state board. The plan may be required to include such corrective actions as the cessation of sale of non-complying parts, the recall of any non-complying parts already sold, and corrective advertising to correct misleading information regarding the emission control capabilities of the device and to ensure compliance with California’s laws. The executive officer may also seek fines for violations of VC Sections 27156, 38391 or CCR, Title 13, Section 2472, or other laws or regulations, as applicable.

(b) When this section is invoked by the executive officer on either his/her own initiative or in response to complaints received, an investigation may be made by the executive officer or
his/her representative to gather evidence regarding continuing violations of this article by any person engaged in the business of advertising, offering for sale, selling, or installing an add-on or modified part.

(c) Any person against whom enforcement action (other than the filing of an action in court) is initiated pursuant to this section may request a public hearing to review the enforcement action.

(d) Nothing in this article shall prohibit the executive officer from taking any other action provided for by law, including the prosecution of an action in court.