

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HOUSE BILL 2443

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-1171, Arizona Revised Statutes, is amended to
3 read:

4 ~~28-1171.~~ Definitions

5 In this article, unless the context otherwise requires:

6 1. "CLOSED COURSE" MEANS A MAINTAINED FACILITY THAT USES DEPARTMENT
7 APPROVED DUST ABATEMENT AND FIRE ABATEMENT MEASURES.

8 ~~1-~~ 2. "Highway" means the entire width between the boundary lines of
9 every way publicly maintained by the federal government, the department, a
10 city, a town or a county if any part of the way is generally open to the use
11 of the public for purposes of CONVENTIONAL TWO-WHEEL DRIVE vehicular
12 travel. HIGHWAY DOES NOT INCLUDE ROUTES DESIGNATED FOR OFF-HIGHWAY VEHICLE
13 USE.

14 ~~2-~~ 3. "Off-highway recreation facility" includes off-highway vehicle
15 use areas and trails ~~specifically developed and~~ designated for use by
16 off-highway vehicles.

17 ~~3-~~ 4. "Off-highway vehicle":

18 (a) Means a motorized vehicle when operated PRIMARILY off of highways
19 on land, water, snow, ice or other natural terrain or on a combination of
20 land, water, snow, ice or other natural terrain.

21 (b) Includes a two-wheel, three-wheel or four-wheel vehicle,
22 motorcycle, four-wheel drive vehicle, dune buggy, amphibious vehicle, ground
23 effects or air cushion vehicle and any other means of land transportation
24 deriving motive power from a source other than muscle or wind.

25 (c) Does not include a vehicle that is either:

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

27 (ii) Used in installation, inspection, maintenance, repair or related
28 activities involving facilities for the provision of utility or railroad
29 service.

30 ~~4-~~ 5. "Off-highway vehicle special event" means an event THAT IS
31 endorsed, AUTHORIZED, PERMITTED or sponsored by a FEDERAL, STATE, county or
32 ~~municipality~~ MUNICIPAL AGENCY AND in which the event participants operate
33 off-highway vehicles on specific routes OR AREAS designated by a local
34 authority pursuant to section 28-627.

35 ~~5-~~ 6. "Off-highway vehicle trail" means a multiple use corridor that
36 is ~~at~~ AT LEAST ONE of the following:

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

38 (b) Not normally suitable for travel by conventional two-wheel drive
39 vehicles.

40 (c) ~~Opened~~ DESIGNATED by the managing authority of the property that
41 the trail traverses for ~~the specific designated purpose of recreational~~
42 off-highway vehicle use.

1 ~~6-~~ 7. "Off-highway vehicle use area" means the entire area of a
2 parcel of land, except for ~~camping and~~ approved buffer areas, that is managed
3 ~~specifically~~ for off-highway vehicle use ~~through the development or~~
4 ~~designation of off highway vehicle trails.~~

5 Sec. 2. Section 28-1174, Arizona Revised Statutes, is amended to read:
6 28-1174. Operation restrictions; violation; classification

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

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

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

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

16 4. OVER UNIMPROVED ROADS, TRAILS, ROUTES OR AREAS UNLESS DRIVING ON
17 ROADS, TRAILS, ROUTES OR AREAS WHERE SUCH DRIVING IS ALLOWED BY RULE OR
18 REGULATION.

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

22 E. A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE IN CONNECTION
23 WITH ACTS OF VANDALISM, HARASSMENT OF WILDLIFE OR DOMESTIC ANIMALS,
24 BURGLARIES OR OTHER CRIMES OR DAMAGE TO THE ENVIRONMENT, INCLUDING EXCESSIVE
25 POLLUTION OF AIR, WATER OR LAND, ABUSE OF THE WATERSHED OR IMPAIRMENT OF
26 PLANT OR ANIMAL LIFE.

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

31 ~~B-~~ G. A person who violates ~~this section~~ SUBSECTION A, PARAGRAPH 1 is
32 guilty of a class 2 misdemeanor.

33 H. A PERSON WHO VIOLATES ANY OTHER PROVISION OF THIS SECTION IS GUILTY
34 OF A CLASS 3 MISDEMEANOR.

35 ~~C-~~ I. In addition to or in lieu of ~~the A~~ fine ~~prescribed by~~ PURSUANT
36 TO this section, a judge may order the person to perform at least eight but
37 not more than twenty-four hours of community restitution or to complete an
38 approved safety course RELATED TO THE OFF-HIGHWAY OPERATION OF MOTOR
39 VEHICLES, or both.

40 J. SUBSECTION C OR D DOES NOT PROHIBIT A PRIVATE LANDOWNER OR LESSEE
41 FROM PERFORMING NORMAL AGRICULTURAL OR RANCHING PRACTICES WHILE OPERATING AN
42 ALL TERRAIN VEHICLE OR OFF HIGHWAY VEHICLE ON THE PRIVATE OR LEASED LAND.

1 Sec. 3. Section 28-1175, Arizona Revised Statutes, is amended to read:
2 28-1175. Instruction course; fee

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

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

18 Sec. 4. Section 28-1176, Arizona Revised Statutes, is amended to read:
19 28-1176. Off-highway vehicle recreation fund; annual reports

20 A. An off-highway vehicle recreation fund is established. The fund
21 consists of:

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

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

31 C. The Arizona game and fish department shall spend ~~thirty~~ THIRTY-FIVE
32 per cent of the monies in the off-highway vehicle recreation fund for an
33 informational and educational program on off-highway vehicle recreation and
34 law enforcement activities relating to this article and for off-highway
35 vehicle law enforcement pursuant to title 17, chapter 4, article 3, INCLUDING
36 SEVEN FULL-TIME EMPLOYEES TO ENFORCE THIS ARTICLE AND TITLE 17, CHAPTER 4,
37 ARTICLE 3.

38 D. THE STATE LAND DEPARTMENT MAY SPEND UP TO FIVE PER CENT OF THE
39 MONIES IN THE OFF-HIGHWAY VEHICLE RECREATIONAL FUND TO ALLOW OCCUPANTS OF
40 OFF-HIGHWAY VEHICLES WITH USER INDICIA TO CROSS STATE TRUST LAND ON EXISTING
41 ROADS, TRAILS AND DESIGNATED ROUTES. AN OCCUPANT OF AN OFF-HIGHWAY VEHICLE
42 WITH A USER INDICIA ISSUED PURSUANT TO SECTION 28-1177 WHO CROSSES STATE
43 TRUST LANDS MUST COMPLY WITH ALL OF THE RULES AND REQUIREMENTS UNDER A STATE
44 TRUST LAND RECREATIONAL PERMIT. ALL OCCUPANTS OF AN OFF-HIGHWAY VEHICLE WITH
45 A USER INDICIA SHALL OBTAIN A STATE TRUST LAND RECREATIONAL PERMIT FROM THE

1 STATE LAND DEPARTMENT FOR ALL OTHER AUTHORIZED RECREATIONAL ACTIVITIES ON
2 STATE TRUST LAND. THE STATE LAND DEPARTMENT SHALL USE THESE MONIES FOR COSTS
3 ASSOCIATED WITH OFF-HIGHWAY VEHICLE USE OF LANDS WITHIN ITS JURISDICTION, TO
4 MITIGATE DAMAGE TO THE LAND, FOR NECESSARY ENVIRONMENTAL, HISTORICAL AND
5 CULTURAL CLEARANCE OR COMPLIANCE ACTIVITIES AND TO FUND ENFORCEMENT OF
6 OFF-HIGHWAY VEHICLE LAWS.

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

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

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

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

18 3. TO DESIGNATE, CONSTRUCT, MAINTAIN, MANAGE AND ACQUIRE LAND FOR
19 OFF-HIGHWAY VEHICLE RECREATION FACILITIES, OFF-HIGHWAY VEHICLE USE AREAS AND
20 OFF-HIGHWAY VEHICLE TRAILS.

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

22 5. TO ESTABLISH OFF-HIGHWAY VEHICLE RELATED INFORMATIONAL AND
23 ENVIRONMENTAL EDUCATION PROGRAMS.

24 6. FOR MITIGATION OF DAMAGES TO LAND.

25 7. FOR OFF-HIGHWAY VEHICLE RELATED ENVIRONMENTAL EDUCATION
26 INFORMATION, SIGNAGE AND MAPS.

27 8. FOR NECESSARY ENVIRONMENTAL, HISTORICAL AND CULTURAL CLEARANCE OR
28 COMPLIANCE ACTIVITIES FOR PROPOSED OFF-HIGHWAY VEHICLE RECREATION FACILITIES,
29 OFF-HIGHWAY VEHICLE USE AREAS AND OFF-HIGHWAY VEHICLE TRAILS.

30 ~~E-~~ F. The allocation of the monies in ~~the matching fund program~~
31 ~~prescribed in~~ subsection ~~D-~~ E, ~~paragraph~~ PARAGRAPHS 3 THROUGH 8 of this
32 section and the percentages allocated to each of the purposes prescribed in
33 ~~the program~~ SUBSECTION E, PARAGRAPHS 3 THROUGH 8 OF THIS SECTION shall be
34 determined by an off-highway vehicle plan prepared ~~by the Arizona outdoor~~
35 ~~recreation coordinating commission and approved~~ by the ARIZONA state parks
36 board.

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

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

H. G. The Arizona ~~outdoor recreation coordinating commission~~ STATE PARKS BOARD shall examine applications for eligible projects and determine the amount of funding, if any, for each project.

H. BEGINNING SEPTEMBER 1, 2010, AND ON OR BEFORE SEPTEMBER 1 OF EACH SUBSEQUENT YEAR, EACH AGENCY THAT RECEIVES MONIES FROM THE OFF-HIGHWAY VEHICLE RECREATION FUND SHALL SUBMIT AN OFF-HIGHWAY VEHICLE REPORT TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE CHAIRPERSON OF THE SENATE NATURAL RESOURCES AND RURAL AFFAIRS COMMITTEE OR ITS SUCCESSOR COMMITTEE AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES NATURAL RESOURCES AND PUBLIC SAFETY COMMITTEE OR ITS SUCCESSOR COMMITTEE. THE REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC. THE REPORT SHALL INCLUDE INFORMATION ON ALL OF THE FOLLOWING IF APPLICABLE:

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

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

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

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

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

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

28-1177. Off-highway vehicle user fee; indicia; registration; exception

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

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

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

1 B. A PERSON SHALL APPLY TO THE DEPARTMENT OF TRANSPORTATION FOR THE
2 OFF-HIGHWAY VEHICLE USER INDICIA BY SUBMITTING AN APPLICATION PRESCRIBED BY
3 THE DEPARTMENT OF TRANSPORTATION AND A USER FEE FOR THE INDICIA IN AN AMOUNT
4 TO BE DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION IN
5 COOPERATION WITH THE DIRECTOR OF THE ARIZONA GAME AND FISH DEPARTMENT AND THE
6 ARIZONA STATE PARKS BOARD. THE USER INDICIA IS VALID FOR ONE YEAR FROM THE
7 DATE OF ISSUANCE AND MAY BE RENEWED. THE DEPARTMENT SHALL PRESCRIBE BY RULE
8 THE DESIGN AND PLACEMENT OF THE INDICIA.

9 C. WHEN A PERSON PAYS FOR AN OFF-HIGHWAY VEHICLE USER INDICIA PURSUANT
10 TO THIS SECTION, THE PERSON MAY REQUEST A MOTOR VEHICLE REGISTRATION IF THE
11 VEHICLE MEETS ALL EQUIPMENT REQUIREMENTS TO BE OPERATED ON A HIGHWAY PURSUANT
12 TO CHAPTER 3, ARTICLE 16 OF THIS TITLE. IF A PERSON SUBMITS A SIGNED
13 AFFIDAVIT TO THE DEPARTMENT AFFIRMING THAT THE VEHICLE MEETS ALL OF THE
14 EQUIPMENT REQUIREMENTS FOR HIGHWAY USE, THE DEPARTMENT SHALL REGISTER THE
15 VEHICLE FOR HIGHWAY USE AND THE VEHICLE OWNER IS NOT REQUIRED TO PAY THE
16 REGISTRATION FEE PRESCRIBED IN SECTION 28-2003.

17 D. THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,
18 SEVENTY PER CENT OF THE USER FEES COLLECTED PURSUANT TO THIS SECTION IN THE
19 OFF-HIGHWAY VEHICLE RECREATION FUND ESTABLISHED BY SECTION 28-1176 AND THIRTY
20 PER CENT OF THE USER FEES COLLECTED PURSUANT TO THIS SECTION IN THE ARIZONA
21 HIGHWAY USER REVENUE FUND.

22 E. THIS SECTION DOES NOT APPLY TO OFF-HIGHWAY VEHICLES, ALL-TERRAIN
23 VEHICLES OR OFF-ROAD RECREATIONAL MOTOR VEHICLES THAT ARE USED OFF-HIGHWAY
24 EXCLUSIVELY FOR AGRICULTURAL, RANCHING, CONSTRUCTION, MINING OR BUILDING
25 TRADE PURPOSES.

26 28-1178. Operation of off-highway vehicles; exceptions

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

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

1 28-1181. Civil traffic violation
2 UNLESS OTHERWISE SPECIFIED IN THIS ARTICLE, A VIOLATION OF THIS ARTICLE
3 IS A CIVIL TRAFFIC VIOLATION.
4 Sec. 6. Section 28-2003, Arizona Revised Statutes, is amended to read:
5 28-2003. Fees; vehicle title and registration; identification
6 plate; definition
7 A. The following fees are required:
8 1. For each certificate of title, salvage certificate of title,
9 restored salvage certificate of title or nonrepairable vehicle certificate of
10 title, four dollars.
11 2. For each certificate of title for a mobile home, seven
12 dollars. The director shall deposit three dollars of each fee imposed by
13 this paragraph in the state highway fund established by section 28-6991.
14 3. EXCEPT AS PROVIDED IN SECTION 28-1177, for the registration of a
15 motor vehicle, eight dollars, except that the fee for motorcycles is nine
16 dollars.
17 4. For a duplicate registration card or any duplicate permit, four
18 dollars.
19 5. For each special ninety day nonresident registration issued under
20 section 28-2154, fifteen dollars.
21 6. Except as provided in paragraph 7 of this subsection, for the
22 registration of a trailer or semitrailer that is ten thousand pounds or less
23 gross vehicle weight, eight dollars, and for the registration of a trailer or
24 semitrailer that exceeds ten thousand pounds gross vehicle weight:
25 (a) On initial registration, a one-time fee of two hundred forty-five
26 dollars.
27 (b) On renewal of registration or if previously registered in another
28 state, a one-time fee of:
29 (i) If the trailer's or semitrailer's model year is less than six
30 years old, one hundred forty-five dollars.
31 (ii) If the trailer's or semitrailer's model year is at least six
32 years old, ninety-five dollars.
33 7. For the registration of a noncommercial trailer that is not a
34 travel trailer and that is less than six thousand pounds gross vehicle
35 weight:
36 (a) On initial registration, a one-time fee of twenty dollars.
37 (b) On renewal of registration, a one-time fee of five dollars.
38 8. For a transfer of a noncommercial trailer that is not a travel
39 trailer and that is less than six thousand pounds gross vehicle weight,
40 twelve dollars.
41 9. For each special ninety day resident registration issued under
42 section 28-2154, fifteen dollars.
43 10. For each one trip registration permit issued under section 28-2155,
44 one dollar.

1 11. For each temporary general use registration issued under section
2 28-2156, fifteen dollars.

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

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

7 1. Mounted on wheels.

8 2. Designed to provide temporary living quarters for recreational,
9 camping or travel use.

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

11 Sec. 7. Section 28-2061, Arizona Revised Statutes, is amended to read:

12 28-2061. All-terrain vehicles; off-highway vehicles; off-road
13 recreational motor vehicles; certificates of title;
14 exemption

15 A. On the retail sale of a new **ALL-TERRAIN VEHICLE, OFF-HIGHWAY**
16 **VEHICLE AS DEFINED IN SECTION 28-1171 OR** off-road recreational motor vehicle,
17 the dealer or person first receiving the motor vehicle from the manufacturer
18 shall apply, on behalf of the purchaser, to the department for a certificate
19 of title to the motor vehicle in the name of the purchaser. If satisfied
20 that the application is genuine and regular and that the applicant is
21 entitled to a certificate, the department shall issue a certificate of title
22 to the motor vehicle without requiring registration for the motor vehicle.

23 B. A person **WHO OWNS AN ALL-TERRAIN VEHICLE, OFF-HIGHWAY VEHICLE AS**
24 **DEFINED IN SECTION 28-1171 OR OFF-ROAD RECREATIONAL MOTOR VEHICLE** shall apply
25 for and obtain a certificate of title required by this section in the manner
26 prescribed in this chapter **ON OR BEFORE JULY 1, 2008**. On the transfer of
27 ownership of an **ALL-TERRAIN VEHICLE, OFF-HIGHWAY VEHICLE AS DEFINED IN**
28 **SECTION 28-1171 OR** off-road recreational motor vehicle for which a
29 certificate of title is required by this section, a person shall apply for
30 and obtain a new certificate in the manner prescribed in this chapter.

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

33 Sec. 8. Section 28-2153, Arizona Revised Statutes, is amended to read:

34 28-2153. Registration requirement; exceptions; assessment;
35 violation; classification

36 A. A person shall not operate, move or leave standing on a highway a
37 motor vehicle, trailer or semitrailer unless the motor vehicle, trailer or
38 semitrailer has been registered with the department for the current
39 registration year or is properly registered for the current registration year
40 by the state or country of which the owner or lessee is a resident.

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

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

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

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

11 D. This section does not apply to:

12 1. A farm tractor.

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

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

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

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

23 6. A motor vehicle that is being towed by a tow truck that has been
24 registered and for which a permit has been obtained pursuant to section
25 28-1108.

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

28 8. Wheeled equipment. For the purposes of this paragraph, "wheeled
29 equipment" means:

30 (a) A compressor.

31 (b) A forklift.

32 (c) A portable cement mixer.

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

34 (e) A tar pot.

35 (f) A water trailer used for watering livestock or for agricultural or
36 domestic purposes.

37 (g) A welder.

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

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

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

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

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

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

11 Sec. 9. Section 28-2512, Arizona Revised Statutes, is amended to read:
12 28-2512. All-terrain motor vehicles; off-highway vehicles;
13 off-road recreational motor vehicles; license plates

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

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

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

22 C. The fee for a plate issued pursuant to this section is eight
23 dollars.

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

- 26 1. Attached to the rear of the vehicle.
- 27 2. Securely fastened to the vehicle in a clearly visible position.

28 E. An owner of an off-highway vehicle as defined in section 28-1171
29 participating in an off-highway vehicle special event as defined in section
30 28-1171 is exempt from the requirements of this section.

31 F. ON OR BEFORE JULY 1, 2008, THE DIRECTOR SHALL ESTABLISH PROCEDURES
32 TO SYSTEMATICALLY REPLACE LICENSE PLATES ISSUED FOR ALL-TERRAIN VEHICLES,
33 OFF-HIGHWAY VEHICLES AND OFF-ROAD RECREATIONAL MOTOR VEHICLES BEFORE JANUARY
34 1, 2008 WITH THE LICENSE PLATE PRESCRIBED IN THIS SECTION.

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

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

40 28-5801. Vehicle license tax rate

41 A. At the time of application for and before registration each year of
42 a vehicle, the registering officer shall collect the vehicle license tax
43 imposed by article IX, section 11, Constitution of Arizona. On the
44 taxpayer's vehicle license tax bill, the registering officer shall provide
45 the taxpayer with the following:

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

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

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

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

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

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

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

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

19 2. During each succeeding twelve month period, the vehicle license tax
20 is based on each one hundred dollars in value, the value of the vehicle is
21 16.25 per cent less than the value for the preceding twelve month period and
22 the vehicle license tax rate for each of the recipients is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 1. IS DESIGNED BY THE MANUFACTURER PRIMARILY FOR TRAVEL OVER
13 UNIMPROVED TERRAIN.

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

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

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

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

23 28-6501. Definition of highway user revenues

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

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

29 (a) The special plate administration fees prescribed in sections
30 28-2404, 28-2412 through 28-2428 and 28-2514.

31 (b) The donations prescribed in sections 28-2404, 28-2412 through
32 28-2415, 28-2417 through 28-2428, 28-2453, 28-2454 and 28-2455.

33 2. SECTION 28-1177.

34 ~~2.~~ 3. Chapters 10 and 11 of this title.

35 ~~3.~~ 4. Chapter 16, articles 1, 2 and 4 of this title, except as
36 provided in sections 28-5926 and 28-5927.

37 Sec. 12. Legislative intent; definitions

38 A. It is the intent of the legislature that the initial priorities for
39 the use of the monies that are deposited pursuant to section 28-1177, Arizona
40 Revised Statutes, as added by this act, in the off-highway vehicle recreation
41 fund established by section 28-1176, Arizona Revised Statutes, as amended by
42 this act, and that are disbursed by the Arizona state parks board shall be as
43 follows:

44 1. To identify existing roads, trails, routes and areas for
45 all-terrain vehicle and off-highway vehicle use.

- 1 2. To provide signs and maps for all-terrain vehicle and off-highway
2 vehicle roads, trails, routes and areas.
- 3 3. To provide to the public information on acceptable areas to use
4 all-terrain vehicles and off-highway vehicles.
- 5 B. For the purposes of this section:
- 6 1. "All-terrain vehicle" has the same meaning prescribed in section
7 28-101, Arizona Revised Statutes.
- 8 2. "Off-highway vehicle" has the same meaning prescribed in section
9 28-1171, Arizona Revised Statutes, as amended by this act.
- 10 Sec. 13. Effective date
- 11 This act is effective from and after December 31, 2007.