

AMENDED IN ASSEMBLY SEPTEMBER 7, 2017

AMENDED IN SENATE JUNE 15, 2017

**SENATE BILL**

**No. 159**

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**Introduced by Senator Allen**

January 19, 2017

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An act to amend Section 38225 of the Vehicle Code, relating to off-highway vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 159, as amended, Allen. Off-highway vehicles.

Existing law generally imposes a service fee of \$7 for the issuance or renewal of identification of off-highway motor vehicles subject to identification, and a special fee of \$33 paid at the time of payment of the service fee. Existing law requires the special fees, specified use fees for state vehicular recreation areas, and other specified funds to be deposited in the Off-Highway Vehicle Trust Fund, and requires moneys in the fund, upon appropriation, to be allocated for specified purposes related to off-highway recreation. These provisions are to be repealed on January 1, 2018.

This bill would extend the operation of these provisions ~~until January 1, 2023, if certain conditions are met.~~ *indefinitely*.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 38225 of the Vehicle Code is amended  
2 to read:

3 38225. (a) A service fee of seven dollars (\$7) shall be paid to  
4 the department for the issuance or renewal of identification of  
5 off-highway motor vehicles subject to identification, except as  
6 expressly exempted under this division.

7 (b) In addition to the service fee required by subdivision (a), a  
8 special fee of thirty-three dollars (\$33) shall be paid at the time of  
9 payment of the service fee for the issuance or renewal of an  
10 identification plate or device.

11 (c) All money transferred pursuant to Section 8352.6 of the  
12 Revenue and Taxation Code, all fees received by the department  
13 pursuant to subdivision (b), and all day use, overnight use, or  
14 annual or biennial use fees for state vehicular recreation areas  
15 received by the Department of Parks and Recreation shall be  
16 deposited in the Off-Highway Vehicle Trust Fund, which is hereby  
17 created. There shall be a separate reporting of special fee revenues  
18 by vehicle type, including four-wheeled vehicles, all-terrain  
19 vehicles, motorcycles, and snowmobiles. All money shall be  
20 deposited in the fund, and, upon appropriation by the Legislature,  
21 shall be allocated according to Section 5090.61 of the Public  
22 Resources Code.

23 (d) Any money temporarily transferred by the Legislature from  
24 the Off-Highway Vehicle Trust Fund to the General Fund shall be  
25 reimbursed, without interest, by the Legislature within two fiscal  
26 years of the transfer.

27 ~~(e) Any unencumbered funds remaining in the Off-Highway  
28 Vehicle Trust Fund on the date of repeal of this section pursuant  
29 to either subdivision (f) or (g) shall be transferred to the General  
30 Fund.~~

31 ~~(f) This section shall remain in effect only until January 1, 2018,  
32 and as of that date is repealed.~~

33 ~~(g) Notwithstanding subdivision (f), if a statute that is enacted  
34 before January 1, 2018, extends the operation of the Off-Highway  
35 Motor Vehicle Recreation Act of 2003 (Chapter 1.25 (commencing  
36 with Section 5090.01) of Division 5 of the Public Resources Code)  
37 until January 1, 2023, then this section shall remain in effect until  
38 January 1, 2023, and as of that date is repealed.~~

1 SEC. 2. This act is an urgency statute necessary for the  
2 immediate preservation of the public peace, health, or safety within  
3 the meaning of Article IV of the California Constitution and shall  
4 go into immediate effect. The facts constituting the necessity are:

5 In order to provide for the ~~extension of the Off-Highway Motor~~  
6 ~~Vehicle Program as quickly as possible, uninterrupted registration~~  
7 *of off-highway motor vehicles which protects the safety and*  
8 *ownership rights of vehicle owners and operators*, it is necessary  
9 for this act to take effect immediately.

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