

Date of Hearing: June 11, 2024

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

SB 708 (Jones) – As Amended May 29, 2024

SENATE VOTE: 39-0

SUBJECT: Vehicles: off-highway motor vehicles: off-highway motorcycles: sanctioned event permit

SUMMARY: Requires the Department of Parks and Recreation (State Parks) to issue a sanctioned event permit that allows a California resident, upon payment of a fee, to operate off-road motorcycles that do not meet emissions standards at competitions on public lands (i.e., “sanctioned events”). Specifically, **this bill:**

- 1) Requires State Parks to issue an annual special permit known as the “sanctioned event permit” to operate certain off-road motorcycles at sanctioned events.
- 2) Requires the permit be available for online purchase beginning January 1, 2026.
- 3) Defines “sanctioned event” as an event approved by an agency within its guidelines for off-highway vehicle competition or racing events.
- 4) Specifies that a sanctioned event permit shall expire on December 31st of the year that the permit is issued, is only available to California residents, and is for model year 2022 and newer off-road motorcycles that are not eligible for the “Green Sticker” or “Red Sticker” off-highway vehicle identification.
- 5) Requires a sanctioned event permit to be displayed on the left side of an off-road motorcycle and be visible for inspection at sanctioned events.
- 6) Specifies that a sanctioned event permit is nonrefundable, nonreplaceable, and void if removed from an off-road motorcycle.
- 7) Requires State Parks to establish a fee for this permit to recover the operation and administrative costs of issuing the permit.

EXISTING LAW:

- 1) Establishes State Parks to administer and manage the state park system, including state vehicular recreation areas, which provide off-highway vehicle (OHV) recreation opportunities (Public Resources Code § 501, § 5001 *et seq.*).
- 2) Establishes the Department of Motor Vehicles (DMV) to, among other purposes, regulate the use of motor vehicles, register vehicles, and license drivers (Vehicle Code § 1500 *et seq.*).
- 3) Defines “off-highway motor vehicle” to generally include motorcycles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles (ATVs), jeeps, and recreational OHVs (Vehicle Code § 38012).

- 4) Requires motor vehicles that are unregistered because they are used exclusively off-road to be issued and to display an identification plate obtained from DMV, with certain exceptions, including certain OHVs used in competitive events upon closed courses (Vehicle Code § 38010).
- 5) Requires DMV, upon identifying an OHV subject to the identification described above, to issue to the owner a suitable identification plate that is capable of being attached to the vehicle, as specified (Vehicle Code § 38160).
- 6) Requires certain fees associated with OHVs to be deposited in the OHV Trust Fund, and requires moneys in the fund to be allocated for specified purposes related to off-highway recreation (Vehicle Code § 38225 *et seq.*).
- 7) Authorizes State Parks to issue to a nonresident of this state a special permit to operate an off-highway motor vehicle. Requires the fee for this special permit to be not less than \$20, as established by State Parks (Vehicle Code § 38087.5, § 38231.5).
- 8) Establishes a Green Sticker Program, with stickers issued by DMV, whereby OHVs that meet air emissions standards can operate year round on public lands [Title 13 California Code of Regulations (CCR) § 2412 (b)].
- 9) Establishes a Red Sticker Program, with stickers issued by DMV, whereby OHVs of model year 2021 or earlier that do not meet air emissions standards can only operate during the riding season, as determined by the California Air Resources Board (CARB), on public lands [Title 13 CCR § 2412 (f), § 2415].
- 10) Specifies that, beginning in 2025, pre-2022 model year Red Sticker OHVs may operate year round, rather than be limited to the riding season [Title 13 CCR § 2412 (f)].

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** This bill will allow emission noncompliant competition motorcycles that are model year 2022 and newer to receive a permit from State Parks. According to the author, “[This bill] will create a new online sanctioned event permit program for model year 2022 and newer competition motorcycles to replace the Red Sticker registration program that ended [for vehicles newer than] 2021 by providing an identification decal that is to be displayed on competition motorcycles when operated at sanctioned events on public lands.”
- 2) **Background.** In 1994, CARB adopted the first regulation to control emissions from OHVs. CARB subsequently adopted the Red Sticker Program in 1998 after industry noted concerns over a lack of compliant models. The Red Sticker Program was intended as a temporary measure to provide industry time to develop emission compliant models while not disrupting vehicle availability and sales. Under this program, vehicles that do not meet emissions standards must have a “3” or “C” in the eighth digit of the VIN and may be used for recreational purposes on public lands in accordance with the Red Sticker schedule if they have a red sticker. The Red Sticker schedule limits use to certain times of year to support compliance with federal ozone standards.

CARB anticipated that as emission compliant (Green Sticker) models came onto the market, consumers would prefer these models since they have no use restrictions. While this largely occurred with ATVs, demand for Red Sticker motorcycles remained high, accounting for over 50% of sales between 2012 and 2015.

Ultimately, the Red Sticker Program's riding restrictions were ineffective at changing consumer behavior and these OHVs disproportionately accounted for OHV emissions. In response, CARB updated its regulations to sunset the Red Sticker Program for model years 2022 and later, but included provisions to continue to allow the recreational use of older models on public lands. OHVs that do not meet CARB's standards may only be used on public lands for competition and competition-associated practice events on a closed course. The new regulations also bring California's rules into alignment with federal OHV rules adopted in 2006.

Previous bills that were similar to this bill would have established a process for DMV to register and identify certain OHVs that do not comply with air emission regulations for use solely for competition off public highways. This bill would require State Parks, beginning January 1, 2026, to offer sanctioned event permits online for a fee (set by State Parks). The permit would be valid for the calendar year in which the permit was issued and would only be available to off-road motorcycles of model year 2022 or later that are not eligible for CARB's Green or Red Sticker Programs.

These off-road motorcycles could only be used on public lands at a sanctioned event, defined as an event approved by an agency within its guidelines for OHV competition or racing events. This could include sanctioned events hosted by federal, state, or local agencies, or tribes. State agencies that offer OHV competition or racing events include State Parks and some state fairs. The Bureau of Land Management and the U.S. Forest Service offer events on federal lands. Local agencies that offer events include counties and some cities. It is unclear if Native American tribes in California offer OHV opportunities.

According to State Parks, the federal government looks to California's Sticker Programs to identify competition OHVs on federal lands in California during federally sanctioned events. With the sunset of the Red Sticker Program, federal land managers have inconsistently allowed the use of off-road motorcycles without a sticker. State Parks notes a replacement Sticker Program could more consistently allow the use of off-road motorcycles on federal lands during sanctioned events.

- 3) **Dual referral.** This bill is also referred to the Assembly Transportation Committee.
- 4) **Arguments in support.** Several off-road organizations and industry associations write in support, stating that this new permit program for the newer competition motorcycles is needed because CARB ended the Red Sticker Program in 2021 with no subsequent identification process in place for the 2022 and newer model year competition motorcycles. Supporters maintain that the lack of a vehicle permit has caused chaos and confusion with numerous state and federal land management agencies when trying to identify those vehicles at sanctioned competition events held on public lands.
- 5) **Related legislation.** SB 894 (Jones) of 2022 would have established a process to register and identify certain OHVs that do not comply with air emission regulations for use solely for

competition off public highways. SB 894 was vetoed by the Governor.

SB 227 (Jones) of 2021 would have established a process to register and identify certain OHVs that do not comply with air emission regulations for use solely for competition off public highways. SB 227 was held on the suspense file in the Assembly Appropriations Committee.

SB 1024 (Jones) of 2020 would have established a new registration program for OHVs used in competition. SB 1024 was placed on the inactive file in the Senate after returning from the Assembly.

REGISTERED SUPPORT / OPPOSITION:

Support

Coalition for Public Access (Sponsor)
3 Brothers Racing
Abate of California
American Motorcyclist Association
Bay Area Riders Forum
California Motorcycle Dealers Association
California Wilderness Coalition
Del Amo Motorsports
Del Amo Motorsports of South Bay
Dunlop Motorcycle Tires
Gp Motorcycles
K&B Motorsports of Petaluma
Kiska Inc.
KTM North America
Motorcycle Industry Council
Northstate Powersports
Off Road Vehicle Legislative Coalition
Pierer Mobility North America
Santa Barabra Motorsports
Sierra Motor Sports
Tuleyome
Western Propane Services, Inc.

Opposition

None on file

Analysis Prepared by: Stephanie Mitchell / W., P., & W. / (916) 319-2096