

Date of Hearing: June 13, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION  
Laura Friedman, Chair  
SB 894 (Jones) – As Amended March 28, 2022

**SENATE VOTE:** 39-0

**SUBJECT:** Off-highway vehicles

**SUMMARY:** This bill creates a registration and identification program for off-highway motorcycles or all-terrain vehicles used solely for competition not on a public highway and that do not meet California's air emissions standards applicable to other off-highway vehicles (competition OHVs). Specifically, **this bill:**

- 1) Requires a competition OHV model year (MY) 2022 or newer and used solely for competition not on a public highway to have a vehicle identification number (VIN) or product identification number (PIN) that denotes the OHV as a competition off-highway motorcycle.
- 2) Requires the Department of Motor Vehicles (DMV) to register a competition OHV MY 2022 or newer whose owner has paid the following registration fees, effective January 1, 2023.
  - a. A service fee of \$9 for issuance or renewal of competition OHV identification. (The service fee is in lieu of a \$7 service fee paid by owners of noncompetition OHVs.)
  - b. A special fee of \$42 for competition OHV that will be operated on public lands for which funds from the Off-Highway Vehicle Trust Fund have been expended. (The special fee is in lieu of a \$33 special fee paid by owners of noncompetition OHVs.)
- 3) Requires the DMV, after deducting its reasonable costs of implementation, to deposit proceeds of the special fee into the Off-Highway Vehicle Trust Fund and, subject to an appropriation by the Legislature, restricts use of the monies to the reasonable costs to the Department of Parks and Recreation (Parks) related to the activities of competition OHVs conducted on public lands.
- 4) Effective January 1, 2024, the bill requires a competition OHV to display its assigned identification number so as to be visible from the left side, and requires any such vehicle to have a muffler and spark arrestor when the vehicle is operated on public lands.

**EXISTING LAW:**

- 1) Requires motor vehicles that are unregistered because they are used exclusively off-road to be issued and display an identification plate obtained from the DMV, with certain exceptions, including certain OHVs used in competitive events upon closed courses.
- 2) Requires DMV, upon identifying an OHV subject to identification, to issue to the owner a suitable identification plate that is capable of being attached to the vehicle, as specified. Further specifies a violation of the Vehicle Code is punishable as an infraction.

- 3) Requires all OHV identification plates to be displayed in a specified manner, including on the left fork leg of a motorcycle, either horizontal or vertical, and visible from the left side of the motorcycle.
- 4) Imposes, generally, specified fees on off-highway motor vehicles, including, among others, a service fee of \$7 for the issuance or renewal of identification for off-highway motor vehicles and a special fee of \$33 paid concurrently with the service fee. The current total fees for OHV registration are \$52.
- 5) 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. Requires other fees to be deposited in the Motor Vehicle Account and allocated for California Highway Patrol (CHP) enforcement.
- 6) Requires all OHVs to meet specified requirements, including, but not limited to, a requirement that the vehicle be equipped with a spark arrester maintained in effective working order. Certain OHVs being operated in an organized racing or competitive event upon a closed course are exempt from these requirements.
- 7) Establishes a green sticker program whereby OHVs which meet air emissions standards can operate year round.
- 8) Establishes a red sticker program whereby OHVs which do not meet air emissions standards can only operate during riding season as determined by CARB. By the 2022 model year, new OHVs must either meet air emissions standards or may only be used in competitive, sanctioned events; no new red stickers will be issued. Beginning in 2025, pre-2022 model year red sticker OHVs may operate year round, rather than be limited to the riding season.

**FISCAL EFFECT:** Unknown

**COMMENTS:** In 1994, ARB adopted emissions standards applicable to OHVs, which were highly polluting. Consistent with ARB's regulation, DMV would issue a registration sticker to an OHV whose owner had paid a \$52 biennial registration fee (a \$33 special fee to fund OHV trail maintenance, a \$7 service fee to cover DMV's administrative costs, an \$8 fee to cover the California Highway Patrol's enforcement costs and a \$4 fee to fund local governments). DMV would issue a green registration sticker to an owner of an OHV manufactured to meet ARB's emission standards. However, DMV would issue a red registration sticker to the owner of an OHV not manufactured to meet California's emissions standards. While "green sticker" OHVs could operate on public OHV lands year round, ARB regulation restricted the operation of "red sticker" OHVs on certain public lands when local air quality was particularly poor, typically the summer months.

ARB instituted its "red sticker program" as a compromise with industry to allow it time to develop, manufacture, market and sell OHVs that complied with California's emission rules. In a recent assessment of the red sticker program, ARB noted the majority of off-highway motorcycles sold in California are red sticker vehicles with no emissions controls.

According to ARB, noncompliant off-road motorcycles emit pollution (both from their tailpipes and as evaporation from fuel tanks) 1.5 times to 25 times higher than emissions-compliant models. Before approving the 2019 red sticker program amendments, ARB staff estimated that,

by 2031, approximately 60% of smog forming pollution from off-highway motorcycles would be associated with red sticker OHVs. For these reasons, ARB amended its regulation in 2019 to end the red sticker program. ARB anticipates substantial reductions in air pollutants from OHVs as a result. Or, to use a particularly convoluted but illustrative example included in one ARB report, by the year 2031, the amount of air pollution reduced by elimination of the red sticker program will eventually be roughly equivalent to the emissions produced by driving a 2018-model-year passenger vehicle around the circumference of the earth more than 2,300 times every day.

ARB's regulation still allows an owner of an older noncompliant OHV to register it with DMV. However, an owner of a noncompliant OHV model year 2022 or newer will be unable to register the OHV with DMV, which means the vehicle would not be allowed to operate on public lands.

Many OHV motorcycle enthusiasts prefer the performance and other characteristics of noncompliant OHVs to their cleaner counterparts. This is especially true of those who ride OHVs in professional and nonprofessional competitive events. This bill provides a way for the owner of a non-compliant OHV to register that OHV with DMV and receive not a red sticker, but a competition sticker. Registration would allow financing, insurance and tracking by law enforcement of such vehicles, while a competition sticker would allow the OHV to operate on public lands solely in organized racing or competitive events upon a closed course.

Presumably, only a small number of OHVs will be sold, housed and registered as competition OHVs in California, given the restrictions on operating competition OHVs on the public lands on which many OHV trails and parks are located. This, in turn, should minimize the harm to air quality caused by these noncompliant vehicles. Should it turn out that the number of competition OHVs registered in California is especially large and growing, the Legislature may need to revisit the policy of allowing registration of competition OHVs that do not comply with California's air quality regulations.

*Red Sticker Sunset.* In July 2013, CARB began conducting an assessment of the red sticker program. CARB subsequently worked closely with industry stakeholders and other state agencies to develop regulatory amendments in 2019 to end the Red Sticker Program in 2021. CARB notes in its information digest pertaining to the 2019 amendments, "The red sticker program was envisioned as a temporary measure to provide stability in the market while manufacturers developed a full range of OHRV that complied with California's emissions standards. This temporary measure has now been in effect for more than twenty years, and the majority of off-highway motorcycles (OHMC) sold in California are red sticker vehicles with no emissions controls."

*End of an Era.* According to the author, the expiration of CARB's red sticker program has created confusion about which OHVs can be registered and reduced revenue for OHV programs. This bill is intended to clarify the rules by creating a new OHV competition sticker program with specified fees. Beginning in 2024 those fees are a \$9 fee payable to the DMV for the issuance or renewal of specified vehicle identification and a fee of \$42 for the Off Highway Vehicle Trust Fund.

*Looks Familiar.* This bill is similar to SB 227 (Jones) from last year, which passed out of this committee 13-0-2 and ultimately was held on the Assembly Appropriations Suspense file. The final version of SB 227, which is substantially the same as this bill, was amended to remove the opposition of the environmental groups who opposed the bill in this committee. These amendments deleted the requirement for the public land managers of the OHV parks to establish

a schedule when non-compliant OHVs could practice. With this amendment, the bill does not address when OHVs with competition stickers may operate, an issue subject to federal law.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Ama District 36  
American Motorcyclist Association  
California Wilderness Coalition (CALWILD)  
Cnda-california Motorcycle Dealers Association  
Defenders of Wildlife  
District 36 Motorcycle Sports Committee, INC. (ama D36)  
Motorcycle Industry Council  
Off Road Vehicle Legislative Coalition  
Sacramento Pacific International Trials Society  
Tuleyome  
Yuba County

**Opposition**

None on file.

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