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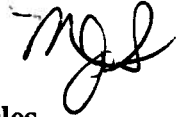
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MEMORANDUM

DATE: March 7, 2008
TO: Chairman and Members, Nevada's Legislative Committee on Public Lands
(NRS 218.5363)
FROM: Michael J. Stewart, Supervising Principal Research Analyst
Research Division 
SUBJECT: Documents and Handouts Regarding Off-Highway Vehicles

Please find enclosed with this memorandum copies of the following documents concerning off-highway vehicles (OHVs), which were provided to members of the Legislative Committee on Public Lands during the Committee's recent informational tour to Washington, D.C.:

- From the Motorcycle Industry Council:
 1. "Nevada OHV Statistics;"
 2. A policy statement titled "Support for Off-Highway Vehicle Trails Program Legislation;"
 3. "State Off-Highway Motorcycle Requirements," showing in tabular form various equipment requirements for certain OHVs;
 4. A summary of statewide OHV programs titled, "State ATV and OHM Trails Programs;"
 5. "Draft Model State Legislation" for OHVs; and
 6. A listing of statewide OHV program contacts for 2008.
- From the Specialty Vehicle Institute of America:
 1. "State All-Terrain Vehicle Requirements," February 2008; and
 2. A series of press releases from the Specialty Vehicle Institute of America providing policy statements and commentary on OHV safety provisions.

EXHIBIT L - LANDS
Document consists of 66 pages.
Entire Exhibit Provided
Meeting Date: 03-07-08



Also attached is a letter dated February 27, 2008, from Clay Thomas, Deputy Director, Nevada's Department of Motor Vehicles, responding to and commenting on testimony made and presentations received at the Committee's meeting in Las Vegas on December 13, 2007. Finally, please find enclosed a brochure from the Idaho Department of Parks and Recreation highlighting the ATV and motorbike registration and equipment requirements in the State of Idaho.

CONCLUDING REMARKS

I trust the attached documents are helpful as the Committee continues to discuss possible statewide legislation regarding OHVs. As always, please feel free to call me at 775/684-6825 if I may be of any assistance to you.

MJS/sg:G80524.11E

Enc.

cc: J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division, LCB
Matthew S. Nichols, Senior Deputy Legislative Counsel, Legal Division, LCB



Nevada OHV Statistics

	<u>Nevada New Retail Sales</u>			<u>U.S. New Retail Sales</u>		
	<u>Off-Highway Motorcycles</u>	<u>ATVs</u>	<u>Total</u>	<u>Off-Highway Motorcycles</u>	<u>ATVs</u>	<u>Total</u>
% Change 2000-2005	81.8%	114.1%	118.5%	40.7%	20.3%	25.4%
2000	2,956	4,791	7,747	217,927	648,645	866,572
2001	3,694	6,104	9,798	270,208	729,054	999,262
2002	4,050	7,205	11,255	293,981	769,483	1,063,464
2003	4,610	7,908	12,518	313,971	799,353	1,113,324
2004	5,149	9,929	15,078	312,558	812,970	1,125,528
2005	5,374	11,553	16,927	306,592	780,433	1,087,025
2006	4,828	10,307	15,135			

Source: MIC Retail Sales Report, based on actual sales registrations from Arctic Cat, Bombardier, Honda, Kawasaki, KTM, Polaris, Suzuki, and Yamaha. Off-highway includes dual motorcycles.

2001/03 Estimated Vehicle Population

Nevada's rank among the 50 states is shown in parentheses.

	<u>Off-Highway Motorcycles</u>	<u>ATVs</u>	<u>Total</u>
Nevada	33,400 (28th)	45,000 (38th)	78,400 (35th)
Total U.S.	2,412,000	5,600,000	8,012,000

Source: Motorcycles- Motorcycle Industry Council, 2003 Motorcycle Statistical Annual

Source: ATVs- U.S. Consumer Product Safety Commission, 2001 All-Terrain Vehicle ATV Exposure Survey

SUPPORT FOR OFF-HIGHWAY VEHICLE TRAILS PROGRAM LEGISLATION

The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing manufacturers and distributors of motorcycles, all-terrain vehicles, scooters, motorcycle parts and accessories and members of allied trades.

The Specialty Vehicle Institute of America (SVIA) is the national nonprofit trade association which represents manufacturers and distributors of all-terrain vehicles (ATVs) in the United States.

Both MIC and SVIA enthusiastically support the enactment of state OHV trails program legislation which would provide funding for state off-highway vehicle trails through fees generated from off-highway vehicles.

Our member companies and the thousands of riders who use our products have a vital interest in off-highway vehicle recreation and in the use and management of our public lands. We recognize the critical importance of protecting our natural resources and acknowledge that motorized recreation is not an appropriate activity on all public lands. However, there is no question that it is a legitimate use of the land and providing riding opportunities in appropriate areas for the many thousands of off-highway vehicle riders will serve to prevent use on lands on which is neither authorized nor proper. OHV recreation is enjoying unprecedented popularity and growth. At the same time, areas where these products can legally be used are shrinking. New retail sales of ATVs and off-highway motorcycles have increased dramatically in the past few years. In Nevada, there was a 95% increase in sales between 2000-2006 and it is estimated that there were over 78,000 ATVs and off-highway motorcycles owned in the state, based on 2001 and 2003 figures respectively. Establishing trails and riding areas where these products can be used legitimately and appropriately should be a priority and will serve to benefit not only the many thousands of off-highway vehicle riders in the state but the broader population as well.

An OHV trails program is a user-pay program, funded by off-highway vehicle registration fees and therefore would not be dependent on funding from other state sources. A registration requirement would also facilitate enforcement against illegal riding.

We believe that adequate trails and off-highway vehicle riding areas are vital to the nation's health and economy. Off-highway vehicle recreation is a family-oriented activity. It encourages fitness and gives city residents a chance to experience the country. Recreational trails give all of us a reason to get out of our cars and get a little closer to nature. Trails and OHV riding areas are also good for business. Studies show that well designed recreational trails improve neighboring property values, result in significant expenditures on the related recreational equipment and activity, and bring tourists into the community. OHV recreation contributes billions of dollars to state and local economies. In California alone, a California Department of Parks and Recreation study showed that OHV use contributes over \$9 billion in revenue to the state economy. Trails are also vital components of the quality of life within an area which helps to attract relocating businesses.

Further, a viable trails program is an essential ingredient in securing additional federal funding for state trails activities under the National Recreational Trails Fund Act.

The establishment of a state OHV program would achieve all the goals set forth above, laying the foundation which would benefit the citizens of the state today and for generations to come. We urge your support for OHV trail program legislation.



STATE OFF-HIGHWAY MOTORCYCLE REQUIREMENTS

Off-Highway Equipment Requirements												
Off-Highway Registration	Vehicle Title	Operator License	Minimum Age to Operate	Lighting	Brakes	Muffler	Spark Arrestor	Approved Helmet	Other	Rider Education	Classified As	Motorcycles Used Off-Highway at Some Time (2003)
Alabama			14BH									47,500
Alaska												12,500
Arizona	•m					•m				X	OHV OHV	63,900
Arkansas												29,200
California	•Ad	•		•K	•	•M	•N			X	OHMV OHV	478,000
Colorado	•USe			•KU	•m	•Mm	•m					88,000
Connecticut	•Ed		12U, 16Ua & p	•	•	•Mm	•	•		•CU	ATV	37,800
Delaware	•Dd		12B	•K	•	•Mm	•	•		X	OHV	8,000
Dist. of Col.	•											1,900
Florida		•			•	•					OHV ORV	140,000
Georgia												88,100
Hawaii												N/A
Idaho	•e	•T				•M	•N	•CU		X	Motorbike	40,400
Illinois												101,000
Indiana	•Ueq	•s	14B	•K	•L	•					ORV	68,800
Iowa	•Ue	•n									ATV	32,900
Kansas		•										24,800
Kentucky			12j, 16k & B			•		•v			ATV	46,100
Louisiana	•d	•									ORV	40,800
Maine	•Fe		10R, 16B & a	•m		•Mm	•	•C		•G	ATV	14,800
Maryland	•He	•BH	12H	•KH	•H	•MH					ORV	51,700
Massachusetts	•Ee	•	12, 14B, 10g	•	•	•M	•	•	•P	•O	RV	59,300
Michigan	•e	•	16B & a	•K	•L	•Mm	•	•	•P	•O	ORV	128,600
Minnesota	•e	•i	16aUh, 12BU		•	•M		•CU	•P	•OU	OHM	61,000
Mississippi		•i										23,100
Missouri		•									ORV	52,000
Montana	•d	•U				•Mmw	•w			X	OHV	19,800
Nebraska		•q										13,400
Nevada		•i					•					37,800
New Hampshire	•Fer	•Fa	14B & a	•K	•L	•Mm	•	•C	•Y	•J & u	OHRV	25,400
New Jersey												73,000
New Mexico	•UEd	•U	18Ua & B	•KU		•MUS	•US	•CUS	•YUS	•CU	OHMV	25,300
New York	•Fd		16B, 10W	•Km	•	•m	•N	•		•c	ATV	114,700
North Carolina	•UFd	•	16b & m, 12W			•MH		•C		•y	Class I OHV	98,400
North Dakota	•Ed	•U	16B, 12V	•K	•	•M					APV	7,200
Ohio												128,100
Oklahoma	•Id	•t		•KH	•	•H	•H	•H			ORV	37,300
Oregon	•He	•U, a or h	7U, 12UB & a	•K	•	•M	•H	•CU		•iU	Class III ATV/ORV	60,400
Pennsylvania						•H	•NH				ORV/Trail bike	138,500
Rhode Island	•Ee	•	12, 16BH	•K	•	•m		•	•Q		RV	9,000
South Carolina		•i										44,200
South Dakota		•									ORV	10,400
Tennessee		•				•H	•H	•C			ORV	58,500
Texas		•				•H	•NH	•H			Motorbike	170,600
Utah	•UEe	•Z	8Um, 16a	•K	•	•	•	•C		•b	OHV	41,400
Vermont	•UEd	•o	12B	•m	•m	•Mm					ATV	7,600
Virginia		•zf									ORM	65,700
Washington	•d	•		•K	•	•M	•			X	NHV/ORV	96,400
West Virginia		•										28,400
Wisconsin												59,700
Wyoming	•He										ORRV	12,900

- Requirement in law
- A. Except street-registered OHMs. Identification sticker required to transport competition OHM.
- B. Unless supervised.
- C. Under age 18.
- D. Except street-registered OHMs or OHMs in races.
- E. Except street-registered OHMs.
- F. Except OHMs in races.
- G. For ages 10-15 with parent.
- H. Applies only on certain state lands.
- I. Only if lien exists.
- J. Under age 14.
- K. Night operation only.
- L. Specific performance requirements.
- M. In-use sound limit specified. All new OHMs must meet EPA standards which preempt state law.
- N. Approved by U.S. Forest Service.
- O. Under age 16.
- P. Eye protection.
- Q. 16 sq. in. reflective material each side of OHM.
- R. Unless taking a safety course.
- S. Except OHMs used only for agriculture or in authorized events.
- T. For transfer of ownership.
- U. On public lands.

- V. On DNR lands if accompanied by parent.
- W. With safety certificate.
- X. Safety education & info program available.
- Y. Eye protection for operators under 18.
- Z. For 1988 model year or newer.
 - a. Unless in possession of safety certificate.
 - b. Unless operator's license possessed.
 - c. Ages 10-15 unless supervised.
 - d. By motor vehicle registration agency.
 - e. By recreation management agency.
 - f. Purchased as new after 7/1/06.
 - g. In authorized events.
 - h. Unless accompanied by person at least 18 who holds license or operator permit.
 - i. Ages 7-12.
 - j. For OHMs over 70 cc.
 - k. For OHMs over 90 cc.
 - m. Except in authorized events as specified.
 - n. Acquired 1/1/00 or after.
 - o. Beginning with 2004 model year.
 - p. Unless supervised by adult with safety certificate.
 - q. Purchased after 12/31/03.
 - r. Except OHM of 95cc or less as specified.
 - s. Purchased after 12/31/05; excludes ORVs at least 5 years old.
 - t. Acquired 7/1/05 or after.

- u. For persons convicted of OHRV law violations.
 - v. Under age 16 at all times; 16 & over on public land.
 - w. Effective 10/1/07.
 - y. Ages 12-15.
 - z. For OHMs over 50 cc.
- OHM SOUND LEVEL LIMITS**
- CA Manuf'd after 1985, 82 dBA; manuf'd before 1986, 101 dBA, 1986 & after 96 dBA; racing - manuf'd before 1998, 101 dBA, 1998 & after 96 dBA.
 - CO Localities may adopt: 35 mph or less 82 dBA; over 35 mph 86 dBA.
 - DE Manuf'd 1978 and after 88 dBA.
 - ID 96 dBA.
 - MA Manuf'd 1979 and after 84 dBA.
 - MD 103 dBA (+2 dBA correction factor).
 - ME 96 dBA.
 - MI Manuf'd 1986 and after 82 dBA/94 dBA
 - MN Manuf'd before 1986, 99 dBA, 1986 & after 96 dBA.
 - MT 96 dBA.
 - NH 96 dBA.
 - NM 96 dBA.
 - ND 85 dBA.
 - OH Manuf'd 2006 and after, 96 dBA.
 - OR Model year after 1975 99 dBA/82 dBA; racing: 105.
 - VT 82 dBA.
 - WA 86 dBA or 105 dBA.

Test Procedure Key

- a— SAE J-331a.
- b— Passby test 50 feet.
- c— Passby test 20 feet.
- d— Stationary test 20 inches (SAE J-1287).
- e— Measured at 50 feet. Test procedure not prescribed.
- f— Full throttle, 2nd gear at 50 feet.

Although the chart represents information from the most authoritative sources available as of the date shown above, the Motorcycle Industry Council is not responsible for accuracy or completeness. Many of the provisions summarized herein have exceptions and may require further explanation. It is necessary to refer to the actual laws and regulations for specific details.



Motorcycle Industry Council

GOVERNMENT RELATIONS BULLETIN

October 15, 2007 GRB 07-01

Contacts: Kathy Van Kleec

Duane Taylor

State ATV and OHM Trails Programs

This summary is intended to provide information on state all-terrain vehicle (ATV) and off-highway motorcycle (OHM) trails programs.

Some of the information provided in this chart is contained in state statute. Much of it however was provided by each state's administering agency or agencies. Whatever information was provided by these agencies has been reprinted. MIC assumes no responsibility for accuracy or completeness.

This information relates to state programs specifically addressing off-highway vehicles. Information on the states' recreational trails programs under the federal Recreational Trails Program (RTP) is not included on this chart, except in cases where states provided information on their RTP Advisory Committee. The RTP is administered by the Federal Highway Administration and funds are provided to states to develop and maintain both motorized and non-motorized recreational trails and trail-related facilities. Each state administers its own program and each state has a Recreational Trails Advisory Committee to assist with the program. Information on the federal Recreational Trails Program is also available from MIC.

The Motorcycle Industry Council strongly supports state off-highway vehicle trails programs. Not only do they provide riding opportunities for the millions of OHV riders in the nation, but studies show that OHV recreation contributes significantly to local economies through increased tourism and related expenditures.



STATE ATV/OHM TRAILS PROGRAMS

October 2007

STATE	REGISTRATION					OHV ADVISORY CMTE.	OHV TRAILS PROGRAM			
	ATVs	OHMs	FEE	PORTION TO TRAILS	ADMINIS- TERING AGENCY	# OF MEMBERS/ TERM	TYPE OF FUNDING	FUNDING FROM GAS TAX	GRANTS TO FEDERAL AGENCIES	ADMINIS- TERING AGENCY
Alabama										
Alaska										
Arizona						7/3 yrs.	H	Yes	Yes	State Parks
Arkansas	•	•	\$5A	None	Finance & Administration					
California	•	•	\$25/2 yrs.	32%	DMV	7/4 yrs.	H	Yes	Yes	State Parks
Colorado	• B	• B	\$25.25/yr.	75%	State Parks	9/4 yrs.	HF	No	Yes	State Parks
Connecticut	•	•	\$20/2 yrs.	None	DMV					
Delaware	•	•	\$6/3 yrs.	None	DMV					
Dist. of Col.										
Florida			\$29 MA	\$27	Hwy. Safety & Motor Vehicles	9/2 yrs.	C	No	Yes	Division of Forestry
Georgia										
Hawaii										Land & Nat. Resources
Idaho	•	•	\$10/yr.	85%	Parks & Recreation	9/4 yrs.	H	Yes	Yes	Parks & Recreation
Illinois	• I	• I	\$30/3 yrs. N	\$17 N	Secretary of State	5/2 yrs.	D	No	No	DNR
Indiana	•	•	\$30/3 yrs.	Varies	DNR		N/A	No	N/A	DNR
Iowa	•	•	\$16.25/yr.	50-75%	DNR	5/undet.	H	No	Yes	DNR
Kansas										
Kentucky										
Louisiana	•	•	\$6/12 yrs.	None	Public Safety					
Maine	•	•	\$33/yr.; E	43.7%	Inland Fisheries & Wildlife	10/3 yrs.	H	Yes	No	Conservation, ORV Div.
Maryland	• I	• I	\$5/yr.	N/A	DNR					
Massachusetts	•	•	\$40/2 yrs.	None	Fish, Wildlife & Env. Law Enf					
Michigan	•	•	\$16.25/yr.	≥50%	DNR	7/3 yrs.	D	No	Yes	DNR
Minnesota	•	•	\$30/3 yrs.	Varies	DNR	30/varies	C	Yes	No	DNR
Mississippi										
Missouri	•	•	\$10/3 yrs.	None	Revenue					
Montana	•	•	\$61.25A/P	None/P	Justice; MV Div.	5/3 yrs.	D	Yes	Yes	Fish, Wildlife & Parks
Nebraska										
Nevada										
New Hampshire	•	•	GE	Varies	Fish & Game		H	Yes	Yes	Bureau of Trails
New Jersey	• B	•	\$10/yr.; E	None	DMV					
New Mexico	•	•	\$17/2 yrs. /S E	0/100%	DMV	26/2 yrs.	N/A	No	N/A	Tourism
New York	•	•	\$10/yr.	None	DMV					
North Carolina										
North Dakota	•	•	\$10/2 yrs.	50%	DOT	11/2 yrs.	D	No	No	Parks & Recreation
Ohio	•	•	\$8.50/3 yrs.	44%	Bureau of Motor Vehicles		D	No	No	DNR
Oklahoma	•	•	\$11A	None	Tax Commission					
Oregon	• I	• I	\$10/2 yrs	N/A	Parks & Recreation	9/4 yrs.	C	Yes	Yes	Parks & Recreation
Pennsylvania	•	•	\$20/2 yrs.	80%	Conservation & Natural Res.	17/3 yrs.	C	Yes	Yes	Conservation & Nat. Res.
Rhode Island	•	•	\$25/yr. R	None	Environmental Management					
South Carolina										
South Dakota										
Tennessee										
Texas	• J	• J	\$8/yr	100%	Parks & Wildlife		D	No	Yes	Parks & Wildlife
Utah	•	•	\$17/yr.	60%	DMV	11/4 yrs.	C	Yes	Yes	Parks & Recreation
Vermont	•	•	\$25/yr.	85% L	DMV		D	No	No	Natural Resources
Virginia										
Washington	•	•	\$18/yr.	Varies	Licensing	15/3 yrs.	H	Yes	Yes	Rec & Conserv. Funding
West Virginia	•	•	\$30/2 yrs. QE	≥50%	DNR	7/3 yrs.	D	Yes	Yes	DNR
Wisconsin	• I	• I	\$15/yr.	\$14	Parks & Cultural Resources	10/NA	N/A	Yes	Yes	Parks & Cultural Resources
Wyoming										

- - Required by law or regulation
- N/A - Information not available
- A - One-time only
- B - Applies only on public lands
- C - Matching grant-type
- D - 100% state funding
- E - Separate fee for out-of-state
- F - Matching grants receive priority
- G - ATVs: \$54/yr; OHMs: \$45/yr
- H - Both 100% funding & matching grant type

- I - Applies on specific lands only
- J - Permit fee for public lands
- K - ATVs: \$30/3 yrs.
- L - Trails on private land & liability insurance
- M - Titling fee
- N - Plus \$30 titling fee; \$17 of which allocated for trails
- P - Decal required for recreational use on public lands. Fee varies; 60% allocated for trails
- Q - \$15 one-time for private use

- R - Plus \$10 resident/\$20 non-resident for operation on DEM OHV facilities
- S - Plus user fee not to exceed \$30/2 yrs. for OHV trail & safety programs

This summary chart was compiled by reviewing state statutes and from information provided by state agencies. Although every attempt was made to provide accurate information, MIC is not responsible for accuracy or completeness. Many of the provisions summarized herein may require further explanation.

State-Run OHV Riding Areas/Trails: 1 state-run motorized only riding area.

OHV ADVISORY COMMITTEE: None

DELAWARE

REGISTRATION REQUIREMENTS: ATVs and OHMs

Fee: \$6/3 years

Administering Agency: Dept. of Motor Vehicles

STATE OHV TRAILS PROGRAM: None

State-Run OHV Riding Areas/Trails: 23 miles of OHV trails, mostly on Army Corps of Engineers land (1998 information)

OHV ADVISORY COMMITTEE: None

FLORIDA (2003 information)

REGISTRATION REQUIREMENTS: No registration requirement; however ATVs and OHMs purchased after July 1, 2002 required to be titled.

(Titling) Fee: \$29. Allocation: 100%, less \$2 administrative fee, for OHV Recreation Program implementation.

Administering Agency: Dept. of Highway Safety and Motor Vehicles

STATE OHV TRAILS PROGRAM: Yes; matching grant type (80% state/20% match), in-kind contributions may be counted. Grants may be given to federal agencies.

Funding from Gasoline Tax: No

State-Run OHV Riding Areas/Trails: 1 state-run riding area (2,600 acres)

Administering Agency: Dept. of Agriculture and Consumer Services, Division of Forestry

OHV ADVISORY COMMITTEE: Yes

Number of Members: 9 (Reps. from Depts. of Agriculture & Consumer Services, Highway Safety & Motor Vehicles and Environmental Protection's Office of Greenways & Trails; Fish & Wildlife Conservation Commission, scientist, OHV dealer, 3 OHV groups)

Term: 2 years

Budgetary Authority: No

GEORGIA

REGISTRATION REQUIREMENTS: None

STATE OHV TRAILS PROGRAM: None

OHV ADVISORY COMMITTEE: None

HAWAII (2003 Information)

<u>REGISTRATION REQUIREMENTS:</u>	None
<u>STATE OHV TRAILS PROGRAM:</u>	RTP only
State-Run OHV Riding Areas/Trails:	1 riding area on state land, managed by Hawaii Motor Sports; estimated 450 acres. 300 miles of dirt roads are available to 4-wheel drive and street legal OHVs.
Administering Agency:	Dept. of Land and Natural Resources
<u>OHV ADVISORY COMMITTEE:</u>	RTP Committee only
Number of Members:	7
Term:	1 year

IDAHO

<u>REGISTRATION REQUIREMENTS:</u>	ATVs and OHMs
Fee:	\$10/year. Allocation: 85% for trails; 15% for administration.
Administering Agency:	Dept. of Parks & Recreation
<u>STATE OHV TRAILS PROGRAM:</u>	Yes; 100% state-funded or matching grant type; match is encouraged. In-kind contributions may be counted. Grants may be given to federal agencies.
Funding from Gasoline Tax:	Yes; approximately 1% of gas tax receipts (\$1.3 million) to trails program.
State-Run OHV Riding Areas/Trails:	None
Administering Agency:	Dept. of Parks & Recreation
<u>OHV ADVISORY COMMITTEE:</u>	Yes
Numbers of Members:	9 (3 ATV/OHM; 3 snowmobile; 3 non-motorized)
Term:	4 years
Budgetary Authority:	No

ILLINOIS

<u>REGISTRATION REQUIREMENTS:</u>	No registration requirement; however ATVs and OHMs purchased after 1/1/98 required to be titled and OHVs operated in public OHV parks must have public access sticker.
Fee:	Titling: \$30; \$17 allocated to trails. Public access sticker: \$30/3 years; 100% allocated to trails.
Administering Agency:	Secretary of State
<u>STATE OHV TRAILS PROGRAM:</u>	Yes; 100% state-funded.
Funding from Gasoline Tax:	No
State-Run OHV Riding Areas/Trails:	None; however, 5 OHV sites have received state OHV funds. There are 940 acres/70 miles of OHV riding areas/trails. (2003 information)

Administering Agency:	Dept. of Natural Resources
<u>OHV ADVISORY COMMITTEE:</u>	Yes
Number of Members:	5 (1 member from each DNR, American Motorcyclist Association, ABATE of IL & 2 OHV rider/club members)
Term:	2 years
Budgetary Authority:	Yes

INDIANA

<u>REGISTRATION REQUIREMENTS:</u>	ATVs and OHMs
Fee:	\$30/3 years. Allocation: 100% deposited in ORV and snowmobile fund for enforcement, administration and ORV trail construction and maintenance.
Administering Agency:	Dept. of Natural Resources
<u>STATE OHV TRAILS PROGRAM:</u>	Yes
Funding from Gasoline Tax:	No
State-Run OHV Riding Areas/Trails:	One 500 acre area; one 3,000 acre area under development.
Administering Agency:	Dept. of Natural Resources
<u>OHV ADVISORY COMMITTEE:</u>	RTP Committee only
Number of Members:	16 (ATV user, bicyclist, environmental group, equestrian, 4-WD user, hiker, mountain biker, off-road motorcyclist, pedestrian, park & recreation agency, snowmobiler, sportsperson, soil & water conservation district, trail support group, user with disabilities, water trail user).
Term:	3 years
Budgetary Authority:	No

IOWA

<u>REGISTRATION REQUIREMENTS:</u>	ATVs and OHMs
Fee:	\$16.25 year. Allocation: 50% for ATV parks; 25% for enforcement; 25% for maintenance.
Administering Agency:	Dept. of Natural Resources
<u>STATE OHV TRAILS PROGRAM:</u>	Yes; 100% state-funded or matching grant type. Grants may be given to federal agencies.
Funding from Gasoline Tax:	No
State-Run OHV Riding Areas/Trails:	8 OHV parks; 2,500 acres.
Administering Agency:	Dept. of Natural Resources
<u>OHV ADVISORY COMMITTEE:</u>	Yes

Number of Members: 5 (3 from DNR, 2 from IA OHV Association)
Term: No set length
Budgetary Authority: Yes (advisory only)

KANSAS

REGISTRATION REQUIREMENTS: None
STATE OHV TRAILS PROGRAM: None
OHV ADVISORY COMMITTEE: None

KENTUCKY

REGISTRATION REQUIREMENTS: None
STATE OHV TRAILS PROGRAM: None
OHV ADVISORY COMMITTEE: RTP Committee only

Number of Members: 12 (Kentucky Trails Advisory Board; includes representatives of 4-WD, ATV, OHM user groups, and 8 nonmotorized and environmental groups)
Term: 4 years
Budgetary Authority: No

LOUISIANA

REGISTRATION REQUIREMENTS: ATVs and OHMs
Fee: \$6/2 years

Administering Agency: Dept. of Public Safety

STATE OHV TRAILS PROGRAM: None

State-Run OHV Riding Areas/Trails: 400 miles of OHV riding areas/trails (2003 information)

OHV ADVISORY COMMITTEE: None

MAINE

REGISTRATION REQUIREMENTS: ATVs and OHMs

Fee: Resident: \$33/year; non-resident: \$68/year. Allocation: resident – 43.7% for trails; 43.7% for enforcement; 12.6% for administration. Non-resident – 46.9% for trails; 46.9% for enforcement; 6.2% for administration.

Administering Agency: Dept. of Inland Fisheries and Wildlife

STATE OHV TRAILS PROGRAM: Yes; 100% state-funded and matching grant type. In-kind contribution may be counted.

Funding from Gasoline Tax: Yes; \$114,000 (50% of .1525% of total gas tax receipts) distributed to

	trails program. Subject to annual appropriation.
State-Run OHV Riding Areas/Trails:	3 state-run OHV riding areas, 7 major rail trails.
Administering Agency:	Dept. of Conservation, ORV Division
<u>OHV ADVISORY COMMITTEE:</u>	Yes
Number of Members:	10 (3 club reps; 1 municipal rep; 1 statewide ATV organization; 1 ATV business; 1 large land owner; 1 environmental group; 1 farm organization; 1 small wood lot owner).
Term:	3 years
Budgetary Authority:	No

MARYLAND

<u>REGISTRATION REQUIREMENTS:</u>	ATVs and OHMs (on specified public lands only)
Fee:	\$5/year
Administering Agency:	Dept. of Natural Resources
<u>STATE OHV TRAILS PROGRAM:</u>	None
<u>OHV ADVISORY COMMITTEE:</u>	None

MASSACHUSETTS

<u>REGISTRATION REQUIREMENTS:</u>	ATVs and OHMs
Fee:	\$40/2 years. Allocation: General Fund.
Administering Agency:	Dept. of Fisheries, Wildlife & Environmental Law Enforcement, Division of Law Enforcement
<u>STATE OHV TRAILS PROGRAM:</u>	None
State-Run OHV Riding Areas/Trails:	6 state-run riding areas (180 miles of trails); 3 are OHM only.
<u>OHV ADVISORY COMMITTEE:</u>	No

MICHIGAN

<u>REGISTRATION REQUIREMENTS:</u>	ATVs and OHMs
Fee:	\$16.25/year. Allocation: not less than 50% for trails; 31.25% for enforcement; 12.5% for restoration; 3.125% for administration; 3.125% float for law enforcement/maintenance.
Administering Agency:	Dept. of Natural Resources
<u>STATE OHV TRAILS PROGRAM:</u>	Yes; 100% state-funded. Grants may be given to federal agencies.
Funding from Gasoline Tax:	No
State-Run OHV Riding Areas/Trails:	2 state-run OHV riding areas; 3,180 miles of trails and routes.
Administering Agency:	Dept. of Natural Resources

<u>OHV ADVISORY COMMITTEE:</u>	Yes
Number of Members:	7 (3 trail users/dealers; 2 environmental groups; 1 law enforcement; 1 at large public)
Term:	3 years
Budgetary Authority:	N/A

MINNESOTA

<u>REGISTRATION REQUIREMENTS:</u>	ATVs and OHMs
Fee:	\$30/3 years. Allocation: trails – 15 % for ATV; 35% for OHM; enforcement – 46% for ATV; 27% for OHM. Trails on state lands – 37% for ATV; 35% for OHM.
Administering Agency:	Dept. of Natural Resources
<u>STATE OHV TRAILS PROGRAM:</u>	Yes; matching grant program. In-kind contributions may be counted.
Funding from Gasoline Tax:	Yes; .15% of ATV gas tax receipts and .046% of OHM gas tax receipts to trails program.
State-Run OHV Riding Areas/Trails:	1 state-run OHV area; 1,200 acres plus 498 miles of state ATV/OHM trails.
Administering Agency:	Dept. of Natural Resources
<u>OHV ADVISORY COMMITTEE:</u>	Yes
Number of Members:	30 (3 each from: OHM, ATV, snowmobile, 4x4, skiing, hiking, mt. biking, bicycling, equestrian, in-line skating)
Term:	No Committee limit; terms vary by group
Budgetary Authority:	No

MISSISSIPPI

<u>REGISTRATION REQUIREMENTS:</u>	None
<u>STATE OHV TRAILS PROGRAM:</u>	None
State-Run OHV Riding Areas/Trails:	1 state-run area; 15 miles of trails (1998 information)
<u>OHV ADVISORY COMMITTEE:</u>	None

MISSOURI

<u>REGISTRATION REQUIREMENTS:</u>	ATVs and OHMs
Fee:	\$10/3 years. Allocation: General Fund.
Administering Agency:	Dept. of Revenue

STATE OHV TRAILS PROGRAM: None

State-Run OHV Riding Areas/Trails: 2 state-run riding areas with 9,372 acres/195 miles of trails (2003 information)

OHV ADVISORY COMMITTEE: None

MONTANA

REGISTRATION REQUIREMENTS: ATVs and OHMs

Fee: \$61.25 one-time fee, allocated to General Revenue. Decal required for recreational use on public lands; issued by county, fee varies. Allocation: 60% for trails.

Administering Agency: Dept. of Justice, Motor Vehicle Division

STATE OHV TRAILS PROGRAM: Yes; matching grant program. In-kind contributions may be counted. Grants may be given to federal agencies.

Funding from Gasoline Tax: Yes; 1/8 of 1% (\$154,000 in FY '06) attributable to OHVs provided for trails program, subject to appropriation.

State-Run OHV Riding Areas/Trails: No state-run riding areas. There are 8,400 miles of trails, all on federal lands.

Administering Agency: Dept. of Fish, Wildlife and Parks

OHV ADVISORY COMMITTEE: Yes

Number of Members: 5 (user groups and land management agencies)

Term: 3 years

Budgetary Authority: No

NEBRASKA

REGISTRATION REQUIREMENTS: None

STATE OHV TRAILS PROGRAM: None

OHV ADVISORY COMMITTEE: None

NEVADA

REGISTRATION REQUIREMENTS: None

STATE OHV TRAILS PROGRAM: None

OHV ADVISORY COMMITTEE: None

NEW HAMPSHIRE

REGISTRATION REQUIREMENTS: ATVs and OHMs

Fee: Resident: \$45/year for OHMs & \$54/year for ATVs; non-resident: \$64/year for OHMs & \$73/year for ATVs. Allocation: varies by vehicle

type and by resident vs. non-resident; between 47%-58% for trails; 37%-48% for enforcement.

Administering Agency:	Fish & Game Dept.
<u>STATE OHV TRAILS PROGRAM:</u>	Yes; 100% state-funded and matching grant type. In-kind contributions may be counted.
Funding from Gasoline Tax:	Yes; \$9/OHV to trails program (1/3 for administrative expenses; 2/3 for grants).
State-Run OHV Riding Areas/Trails:	3 state-run riding areas; approximately 500 miles of trails.
Administering Agency:	Dept. of Resources and Economic Development, Bureau of Trails
<u>OHV ADVISORY COMMITTEE:</u>	None

NEW JERSEY

<u>REGISTRATION REQUIREMENTS:</u>	ATVs (for use on public lands only)
Fee:	\$10/year resident; \$12/year non-resident. Allocation: \$5 to ATV safety education and training manuals or programs; remainder to General Treasury.
Administering Agency:	Division of Motor Vehicles
<u>STATE OHV TRAILS PROGRAM:</u>	None
State-Run OHV Riding Areas/Trails:	200 miles of sand roads for registered 4x4s and dual sport motorcycles only.
<u>OHV ADVISORY COMMITTEE:</u>	RTP Committee only (NJ Trails Council); 11 members, 1 of which is an OHV representative.

NEW MEXICO

<u>REGISTRATION REQUIREMENTS:</u>	ATVs and OHMs
Fee:	\$17/2 years plus \$1 for NM Clean and Beautiful Program registration fee; plus off-highway user fee not to exceed \$30/2 years, allocated to trail safety fund.
Administering Agency:	Motor Vehicle Division
<u>STATE OHV TRAILS PROGRAM:</u>	Yes
Funding from Gasoline Tax:	No
State-Run Riding Areas/Trails:	N/A
Administering Agency:	Tourism Dept.
<u>OHV ADVISORY COMMITTEE:</u>	Yes (Off-Highway Motor Vehicle Safety Board)
Number of Members:	9 ex-officio; 17 appointed
Term:	2 years
Budgetary Authority:	N/A

NEW YORK

REGISTRATION REQUIREMENTS: ATVs and OHMs
Fee: \$10/year. Allocation: General Fund.
Administering Agency: Dept. of Motor Vehicles
STATE OHV TRAILS PROGRAM: None
OHV ADVISORY COMMITTEE: None

NORTH CAROLINA

REGISTRATION REQUIREMENTS: None
STATE OHV TRAILS PROGRAM: None
OHV ADVISORY COMMITTEE: RTP Committee only (North Carolina Trails Committee has 1 OHV representative)

NORTH DAKOTA

REGISTRATION REQUIREMENTS: ATVs and OHMs
Fee: \$10/2 years. Allocation: 50% for trails.
Administering Agency: Dept. of Transportation
STATE OHV TRAILS PROGRAM: Yes; 100% state funded.
Funding from Gasoline Tax: No
State-Run OHV Riding Areas/Trails: 1 state-run OHV riding area; 16 miles of trails.
Administering Agency: Dept. of Parks & Recreation
OHV ADVISORY COMMITTEE: Yes
Number of Members: 11 (state and federal land management agencies, rider groups, dealers, private citizens)
Term: 2 years
Budgetary Authority: No

OHIO

REGISTRATION REQUIREMENTS: ATVs and OHMs
Fee: \$8.50/3 years. Allocation: 44% for trails including construction, maintenance, and associated equipment.
Administering Agency: Bureau of Motor Vehicles
STATE OHV TRAILS PROGRAM: Yes; 100% state-funded; funding available only to DNR for projects on state lands.
Funding from Gasoline Tax: No

State-Run OHV Riding Areas/Trails:	4 state-run OHV riding areas; 43 miles of OHV trails.
Administering Agency:	Dept. of Natural Resources
<u>OHV ADVISORY COMMITTEE:</u>	RTP Committee only (State Recreational Trail Advisory Board; 30% motorized representation)

OKLAHOMA

<u>REGISTRATION REQUIREMENTS:</u>	ATVs and OHMs purchased after 7/1/05
Fee:	\$11, one-time only. Allocation: General Revenue.
Administering Agency:	Tax Commission
<u>STATE OHV TRAILS PROGRAM:</u>	None
State-Run OHV Riding Areas/Trails:	3 state-run OHV riding areas/3,000 acres. Additional municipal riding areas, as well as opportunities on certain federal land.
<u>OHV ADVISORY COMMITTEE:</u>	RTP Committee only
Number of Members:	9 (OHV/ATV; 4-WD; hiking; equestrian; bicycle; mountain bike; environmental/conservation; disabled access; at-large)
Term:	3 years
Budgetary Authority:	No

OREGON

<u>REGISTRATION REQUIREMENTS:</u>	ATVs and OHMs; permit system for posted riding areas.
Fee:	\$10/2 years. Allocation: 100% for OHV trails, enforcement, development, acquisition, safety and education.
Administering Agency:	Parks & Recreation Dept.
<u>STATE OHV TRAILS PROGRAM:</u>	Yes; matching grant type. In-kind contributions may be counted. Grants may be given to federal agencies.
Funding from Gasoline Tax:	Yes; 100% of gas tax receipts (approximately \$3.5 million/year) to trails program; subject to annual appropriation.
State-Run OHV Riding Areas/Trails:	None
Administering Agency:	Parks & Recreation Dept.
<u>OHV ADVISORY COMMITTEE:</u>	Yes
Number of Members:	9 (7 OHV representatives, USFS, and BLM).
Term:	4 years
Budgetary Authority:	Yes (advisory)

PENNSYLVANIA

<u>REGISTRATION REQUIREMENTS:</u>	ATVs
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Fee:	\$20/2 years. Allocation: 80% for trails; 5% for enforcement; 15% for other.
Administering Agency:	Dept. of Conservation and Natural Resources
<u>STATE OHV TRAILS PROGRAM:</u>	Yes; matching grant type. In-kind contributions may be counted. Grants may be given to federal agencies.
Funding from Gasoline Tax:	Yes; \$100,000 only for joint-use roads. Subject to annual appropriation.
State-Run OHV Riding Areas/Trails:	11 state-run ATV riding areas; 246 miles of trails on state forest land.
Administering Agency:	Dept. of Conservation and Natural Resources, Bureau of Recreation and Conservation
<u>OHV ADVISORY COMMITTEE:</u>	Yes
Number of Members:	17 (2 PA OHV Assn. reps.; 2 PA Snowmobile Assn. reps.; 2 conservation/non-motorized recreation reps.; 4 legislative committee chairmen, as specified, 1 rep. from PA Game Cmsn.; Allegheny NF; State Assn. of Township Supervisors; State Assn. of Boroughs; State Assn. of County Cmsrs.; PA Travel Council; PA Farm Bureau)
Term:	3 years
Budgetary Authority:	No

RHODE ISLAND

<u>REGISTRATION REQUIREMENTS:</u>	ATVs and OHMs
Fee:	\$25/year, plus \$10/year resident & \$20/year nonresident registration for operation on DEM OHV facilities. Allocation: General Revenue.
Administering Agency:	Dept. of Environmental Management
<u>STATE OHV TRAILS PROGRAM:</u>	None
State-Run OHV Riding Areas/Trails:	1 state-run OHV riding area; 18 miles of trails (2003 information)
<u>OHV ADVISORY COMMITTEE:</u>	None

SOUTH CAROLINA

<u>REGISTRATION REQUIREMENTS:</u>	None
<u>STATE OHV TRAILS PROGRAM:</u>	None
<u>OHV ADVISORY COMMITTEE:</u>	None

SOUTH DAKOTA

<u>REGISTRATION REQUIREMENTS:</u>	None (unless operated on roads)
<u>STATE OHV TRAILS PROGRAM:</u>	None
State-Run OHV Riding Areas/Trails:	1 state-run riding area; 400 acres

OHV ADVISORY COMMITTEE: None

TENNESSEE

REGISTRATION REQUIREMENTS: None

STATE OHV TRAILS PROGRAM: None

State-Run OHV Riding Areas/Trails: 1 state-run riding area (50,000 acres/43 miles of trails)

OHV ADVISORY COMMITTEE: RTP Committee only (Council on Greenways and Trails)

Number of Members: 3 member OHV committee

Term: 3 years

Budgetary Authority: No

TEXAS

REGISTRATION REQUIREMENTS: ATVs and OHMs

Fee: \$8/year. Allocation: 100%, less allowable costs, to OHV trails program.

Administering Agency: Parks & Wildlife Dept.

STATE OHV TRAILS PROGRAM: Yes; 100% state-funded. Grants may be given to federal agencies.

Funding from Gasoline Tax: No

State-Run OHV Riding Areas/Trails: One 18 acre state run minibike area.

Administering Agency: Parks & Wildlife Dept.

OHV ADVISORY COMMITTEE: None

UTAH

REGISTRATION REQUIREMENTS: ATVs and OHMs

Fee: \$17/year. Allocation: 60% for trails; 40% for enforcement.

Administering Agency: Department of Motor Vehicles

STATE OHV TRAILS PROGRAM: Yes; matching grant type. In-kind contributions may be counted. Grants may be given to federal agencies.

Funding from Gasoline Tax: Yes; .5% (up to \$1,050,000) to trails program. Subject to annual appropriation.

State-Run OHV Riding Areas/Trails: 1 state-run riding area (approx. 400 acres) plus opportunities in several state parks.

Administering Agency: Division of Parks & Recreation

OHV ADVISORY COMMITTEE: Yes

Number of Members: 11 (ATV, OHM, snowmobile, BLM, U.S. Forest Service, OHV safety, OHV dealers, 4x4, youth member, member at large)

Term: 4 years (2 term maximum)
Budgetary Authority: No

VERMONT (2003 Information)

REGISTRATION REQUIREMENTS: ATVs and OHMs
Fee: \$25/ year. Allocation: 85% for liability insurance and trails on private land.
Administering Agency: Dept. of Motor Vehicles
STATE OHV TRAILS PROGRAM: Yes; 100% state-funded.
Funding from Gasoline Tax: No
State-Run OHV Riding Areas/Trails: None
Administering Agency: Agency of Natural Resources
OHV ADVISORY COMMITTEE: None

VIRGINIA

REGISTRATION REQUIREMENTS: None
STATE OHV TRAILS PROGRAM: None
State-Run OHV Riding Areas/Trails: No state-run riding trails except short handicapped hunter trails.
OHV ADVISORY COMMITTEE: No

WASHINGTON

REGISTRATION REQUIREMENTS: ATVs and OHMs
Fee: \$18/year. Allocation: for ORV recreation facilities; no more than 18% for administration.
Administering Agency: Dept. of Licensing
STATE OHV TRAILS PROGRAM: Yes; 100% state-funded, but matching grant type is encouraged. In-kind contributions may be counted. Grants may be given to federal agencies.
Funding from Gasoline Tax: Yes; 1% of gas tax receipts attributed to nonhighway recreational use. 54.5% goes to OHV grant program (\$1,857,288); subject to biennial appropriation.
State-Run OHV Riding Areas/Trails: 1 state-run riding area; 600 acres.
Administering Agency: Recreation and Conservation Funding Board
OHV ADVISORY COMMITTEE: Yes (Nonhighway and ORV Activity Advisory Committee)
Number of Members: 15 (4 agency representatives, ATV, 4X4, motorcycle, hiking, horse,

mountain bike, hunting-fishing)

Term: 3 years

Budgetary Authority: No

WEST VIRGINIA

REGISTRATION REQUIREMENTS: None

STATE OHV TRAILS PROGRAM: None

OHV ADVISORY COMMITTEE: None

WISCONSIN (2003 information)

REGISTRATION REQUIREMENTS: ATVs

Fee: \$30/2 years for use on public lands. \$15 one-time fee for private use.
Allocation: At least 50% for trails; up to 50% for enforcement/education.

Administering Agency: Dept. of Natural Resources

STATE OHV TRAILS PROGRAM: Yes; 100% state-funded available to units of government. Grants may be given to federal agencies.

Funding from Gasoline Tax: Yes; \$948,000 attributable to OHVs. Subject to annual appropriation.

State-Run OHV Riding Areas/Trails: 225 miles of trails

Administering Agency: Dept. of Natural Resources

OHV ADVISORY COMMITTEE: Yes

Number of Members: 7

Term: 3 years

Budgetary Authority: No

WYOMING

REGISTRATION REQUIREMENTS: ATVs and OHMs (used on state ORRV trails)

Fee: \$15/year. Allocation: \$14 to ORRV trails program.

Administering Agency: Dept. of State Parks and Cultural Resources

STATE OHV TRAILS PROGRAM: Yes. Grants may be given to federal agencies.

Funding from Gasoline Tax: Yes; \$10.40/registered ORRV earmarked for OHV trails program.
Subject to annual appropriation.

State-Run OHV Riding Areas/Trails: N/A

Administering Agency: Dept. of State Parks and Cultural Resources

OHV ADVISORY COMMITTEE: Yes (Wyoming State Trails Council)



Motorcycle Industry Council



DRAFT MODEL STATE LEGISLATION

OFF-HIGHWAY VEHICLE ACT

The purpose of this legislation is to provide for the registration of off-highway vehicles, the establishment and management of OHV trails and riding areas, the issuance of recreation use permits and to establish fees and their uses

Material in italics is for drafting purposes only and may not be appropriate for every state.

Findings. The General Assembly finds that:

- (1) Recreation is an important industry in this state and its growth should be encouraged.
- (2) The establishment and maintenance of off-highway vehicle recreation trails and riding areas is an important component for the promotion of recreation and conservation.
- (3) The federal government has emphasized the importance of recreation trails by enacting the National Recreational Trails Act of 1991 (P.L. 102-240, Sec. 1301).
- (4) The State should adopt a comprehensive off-highway vehicle recreation trails Act for the establishment, maintenance and use of recreation trails and riding areas.

CHAPTER 1. OFF-HIGHWAY VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

§1. Definitions.

As used in this chapter, unless the context otherwise requires:

- (1) "Board" means the State Off-Highway Vehicle Trails Advisory Board.
- (2) "Commissioner" means the commissioner of _____.
- (3) "Dealer" means a person engaged in the business of selling off-highway vehicles at wholesale or retail in this state.
- (4) "Department" means the Department of _____.
- (5) "Designated off-highway vehicle recreation trail or riding area" means a trail or riding area that is developed, acquired, maintained, managed and funded under the provisions of this Act.
- (6) "Director" means the Director of _____.
- (7) "Direct services" includes, but is not limited to, the activities and expenses associated with law enforcement, capital equipment, rescue and first aid equipment, off-highway vehicle facilities, and contract services related to maintaining staging areas, trails and riding areas.
- (8) "Fund" means the Off-Highway Vehicle Trails Fund.
- (9) "Off-highway vehicle, (OHV)" means any self-propelled vehicle designed to travel on wheels or tracks in contact with the ground, intended primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. OHV includes but is not limited to off-highway motorcycles and all-terrain vehicles, but does not include the following:
 - (a) Any vessel, boat or personal watercraft designed primarily for travel on, over, or in the water;

- (b) Golf carts;
- (c) Military vehicles;
- (d) Snowmobiles; and
- (e) Vehicles titled and registered pursuant to chapter ____ of Title ____ for use on the highways of this state.

(10) "Off-highway vehicle trail" means any public road, route, or way owned or managed by the state or any agency or political subdivision thereof or the United States for off-highway vehicle use in accordance with the provisions of Subchapter C of this chapter.

(11) "Off-highway vehicle use area" means the entire area of a parcel of land except for camping and approved buffer areas that is posted or designated for OHV use in accordance with rules adopted by the managing authority.

(12) "Off-highway vehicle recreation facility" includes OHV trails and OHV use areas.

(13) "Off-highway vehicle recreation use permit" means a permit issued for operation of an off-road vehicle on designated OHV trails or riding areas under Section 9.

(14) "Operator" means any person who operates, or is in physical control of, an off-highway vehicle.

(15) "Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized organizations, and conducted at a predetermined time and place as permitted by the resource management authority as required.

(16) "Owner" means any person, other than a lien holder, having a property interest in an off-highway vehicle and entitled to its use and possession.

(17) "Person" means any individual, firm, partnership, association, or corporation.

(18) "Possession" means physical custody of an off-highway vehicle by any person or by any owner of a motor vehicle or trailer on or in which an off-highway vehicle is placed for the purpose of transport.

(19) "Staging area" means any parking lot, trail head, or other location to or from which any off-highway vehicle is transported by truck, trailer, or other motor vehicle so that it may be placed into or removed from operation on a trail or riding area. Staging area does not include any location to which an off-highway vehicle is transported primarily for the purpose of service, maintenance, repair, storage, or sale.

SUBCHAPTER B. TITLING AND REGISTRATION OF OFF-HIGHWAY VEHICLES - FEES - APPLICATIONS - REQUIREMENTS - EXEMPTIONS.

§2. Designated division or state agency.

The governor shall designate a division of the governor's office or a state agency(s) to establish and administer off-highway vehicle title and registration programs.

§3. Purpose of program

The purpose of the off-highway vehicle program is to provide for the titling and registration of off-highway vehicles as defined, develop information on the state off-highway vehicle population to facilitate off-highway vehicle recreation and other management programs such as vehicle anti-theft and recovery, to promote off-highway vehicle recreation as an economic component of tourism and to establish a revenue-neutral fee base.

§4. Off-highway vehicle registration.

(a) Except as provided in subsection (o) of this section, a person may not operate any off-highway vehicle within the state unless the vehicle has been registered by the *Department of Public Safety* and numbered in accordance with the provisions of this section.

(b) Off-highway vehicle registration is valid for one year and shall be renewed annually.

(c) Proof of ownership shall be required prior to the initial registration of any off-highway vehicle under this section. At the time of the original registration and at the time of each annual renewal, the department shall, upon application, issue to the registrant a certificate of registration indicating the

distinctive number assigned to the vehicle, the validity of the current registration, the expiration date thereof and a validation tag, plate or decal which shall be affixed to the off-highway vehicle as may be prescribed. Registration of an off-highway vehicle under this section is for purposes other than operation on public roads and highways and conveys no right or privilege to do so except as provided otherwise provided.

(d) Except as provided in (n), (1) and (2) below, every owner of an off-highway vehicle which is in this State and for which no certificate of title has been issued shall make application to the department for a certificate of title of the vehicle within sixty days after the effective date of this Act. The off-highway vehicle title shall be issued for purposes of registration only and convey no right or privilege to operate the vehicle on public roads and highways.

(e) On and after the effective date of this Act, a retail dealer selling a new off-highway vehicle shall apply for title in the purchaser's name within fifteen days following the sale.

(f) The department shall not register or renew the registration of an off-highway vehicle unless a certificate of title has been issued to the owner of the vehicle.

(g) A number assigned to an off-highway vehicle at the time of its original registration shall remain with the off-highway vehicle until the vehicle ownership changes, the vehicle is destroyed, abandoned, or permanently removed from the state or until such registration number is changed or terminated by the department.

(h) The department may employ agents, including retail dealers, for purposes of registering off-highway vehicles pursuant to the provisions of this section. Upon receiving a registration application, the agent shall collect the fee specified in section _____ and issue a temporary registration. The application will then be forwarded to the department which shall issue the registration. The agent may retain not more than \$2.00 for each registration issued, as authorized by the director.

(i) Every dealer shall require each purchaser of an off-highway vehicle as defined in this Act to complete a registration application and pay the registration fee before the vehicle leaves the dealer's premises, except for those exempted in subsection (n) of this section and non-residents who purchase off-highway vehicles for use exclusively outside of the state.

(j) Each off-highway vehicle owned by a lessor for rental purposes shall be registered pursuant to this section upon the payment of a registration fee as specified.

(k) The registration fee for all off-highway vehicles owned by a dealer or manufacturer and operated solely for demonstration or testing purposes shall be as specified. Dealer and manufacturer registrations are not transferable and shall be distinguishable from the registration required for owners.

(l) In the event of the loss, mutilation, or destruction of any registration, the owner of the registered off-highway vehicle shall file a statement containing such facts, as the division shall require for the issuance of a replacement registration, together with the specified fee.

(m) A registration certificate shall be issued without fee for any off-highway vehicle owned by the Federal government, the State or a political subdivision thereof upon proper application.

(n) Titling and registration under this section is not required for any:

- (1) Off-highway vehicle owned by a resident of another country or state if the vehicle is covered by a valid license or registration issued by that country or State and such off-highway vehicle has not been within this state for more than thirty consecutive days; and
- (2) Off-highway vehicle used by a dealer or manufacturer, an authorized designee thereof or other approved training entity for off-highway vehicle operator training or safety education programs.

(o) The registration number assigned to an off-highway vehicle shall be displayed on the vehicle at all times in such manner as prescribed.

(p) Every person, while operating an off-highway vehicle in this state which is required to be registered under this section, shall have on his person or in the off-highway vehicle the registration thereof and shall, upon demand of any peace officer authorized to enforce this article, produce for inspection the registration for such off-highway vehicle.

(q) Any person who violates the requirements of this section is guilty of a misdemeanor.

§5. Fees for off-highway vehicle title and registration.

(a) Off-highway vehicle title	\$10.00
(b) Off-highway vehicle registration	10.00
(c) Off-highway vehicle registered for use by dealers and manufacturers.	20.00
(d) Off-highway vehicle registered for rental use.	20.00
(e) Off-highway vehicle replacement title or registration.	2.00

§6. Remittance of fees collected.

- (a) 100% of the OHV title fees shall be remitted as prescribed for administration of title, registration and access use permit issuance.
- (b) 85% of the registration fees shall be deposited into the OHV trails fund and 15% shall be retained by the department for administrative costs.

SUBCHAPTER C. OFF-HIGHWAY VEHICLE RECREATION PROGRAM.

§7. Designated division or state agency.

The governor shall designate a division of the governor's office or a state agency(s) to establish and administer the off-highway vehicle recreation program.

§8. Purpose of program.

The purpose of the off-highway vehicle recreation program is to encourage the establishment of trails and riding areas, both public and private, to foster the responsible use of off-highway vehicles as a beneficial recreational activity and to promote its growth as a positive contributor to the state economy.

§9. Off-highway vehicle recreation access use permit required.

(a) Except as provided in (k) (1) through (5) of this section, no person shall operate any off-highway vehicle on designated recreation trails or riding areas established within this state in accordance with the provisions of this chapter after December 31, 200_ unless the off-highway vehicle has been assigned and displays an OHV recreation access use permit decal in accordance with the provisions of this subchapter. The access use decal shall be displayed in addition to and distinct in design and color from the OHV registration decal as prescribed in subchapter B.

(b) The department shall provide for the issuance of recreation access use permits for off-road vehicles and may appoint agents for collecting fees and issuing permits. The department shall provide for replacement decals upon application and payment of fee. Fees are as prescribed in section _____.

(c) Application for annual or temporary OHV recreation access use permits shall be made to the department or its authorized agent as prescribed.

(d) An application for an annual permit shall be signed by at least one owner, and shall be accompanied by the prescribed fee. Upon receipt of the annual permit application and the application fee, the off-road vehicle shall be assigned a recreation access use permit number tag or decal, which shall be affixed to the off-road vehicle in a manner prescribed.

(e) Any person acquiring an off-road vehicle for which an annual access use permit has been issued who desires to continue to use the permit must, within fifteen days of the acquisition of the off-road vehicle, make application to the department or its authorized agent for transfer of the permit, and the application shall be accompanied by a transfer fee as prescribed.

(f) Application for a temporary permit shall be accompanied by the prescribed fee and is valid for thirty days. The permit shall be carried on the vehicle at all times during its operation in the state.

(g) Except as provided in (k), (3) of this section, any out-of-state operator of an off-highway vehicle shall, when operating in this state, comply with this chapter, and if an OHV recreation access use permit is required under this chapter, the operator shall obtain an annual or temporary permit and decal as appropriate.

(h) Except as provided in subsection (k), (1) through (5) of this section, on and after January 1, 200_, no person shall operate, nor have in his possession at any staging area, designated trail or riding area any nonresident-owned or -operated off-highway vehicle unless the vehicle is covered by a valid license or

registration of another state or country and the nonresident-owned or -operated off-highway vehicle has not been within this state for more than thirty consecutive days, or has been issued an access use permit pursuant to this subsection.

(i) OHV recreation access use permits may be issued to nonresident-owned or -operated off-highway vehicles and shall be available through designated agents for a fee as specified in section _____ and are valid for one year.

(j) Nonresident off-highway vehicle permits shall be displayed as required by the division.

(k) OHV recreation access use permits and decals shall be required under the provisions of this chapter except for the following:

- (1) Off-highway vehicles owned and operated by the United States, this state, another state, or political subdivisions thereof;
- (2) Off-road vehicles operated on lands owned or leased by the OHV owner or operator or on lands which the operator has permission to operate without an OHV use permit;
- (3) Off-road vehicles owned by a resident of another State or country that have a valid OHV access use permit or vehicle registration issued in accordance with the laws of that State or country. This exemption shall apply only to the extent that a reciprocal exemption or privilege is granted under the laws of that State or country;
- (4) Off-road vehicles while being used for law enforcement or search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency, and
- (5) Off-highway vehicle used exclusively on private property.

§10. Fees for off-highway vehicle recreation access use permit.

(a) Annual off-highway vehicle recreation access use permit.	15.00
(b) Temporary resident access use permit.	4.00
(c) Replacement permit.	3.00
(d) Transfer of permit.	3.00
(e) Non-resident access use permit.	30.00
(f) Temporary non-resident access use permit.	10.00

§11. Remittance of fees collected.

100% of fees collected under section 10 shall be deposited into the OHV trails fund.

SUBCHAPTER D. OFF-HIGHWAY VEHICLE TRAILS FUND.

§12. Purpose and operation of fund

(a) The purpose of the trails fund is to establish a revenue-neutral funding mechanism to support the off-highway vehicle recreation program.

(b) The off-highway vehicle trails fund is created as a special fund in the State treasury. Moneys from Federal, state, and private sources may be deposited into the fund. Fees collected from the issuance of off-highway vehicle access use permits shall be deposited into the fund. Fines assessed for citations issued to off-highway vehicle operators shall be deposited into the fund. All interest accrued on the fund shall be deposited into the fund.

(c) Moneys in the fund shall be used only for the following purposes:

- (1) Grants for establishment of off-highway vehicle recreation trails and riding areas on county, municipal, other units of local government, or private lands where a recreational need for the development of trails and riding areas is shown;
- (2) Grants for maintenance and construction of off-highway vehicle recreation trails, and riding areas on federal lands, where permitted by law;
- (3) Grants for acquisition of property from willing sellers for off-highway vehicle recreation trails and riding areas when the objective of a trail or riding area cannot be accomplished by other means;

- (4) Grants for development of urban off-highway vehicle trail linkages near homes and workplaces;
- (5) Grants for maintenance of existing off-highway vehicle recreation trails and riding areas;
- (6) Grants for restoration of areas damaged by usage of off-highway vehicles on recreation trails and riding areas;
- (7) Grants for provision of features that facilitate the access and use of off-highway vehicle trails and riding areas by persons with disabilities;
- (8) Grants for acquisition of easements for off-highway vehicle trails or for trail corridors and riding areas;
- (9) Administration, enforcement, planning, and implementation of this Act.

(d) The Department shall establish, by rule, measures to verify that recipients of money from the fund comply with the specified conditions for the use of the money. The fund shall be subject to periodic audit as required by regulation and law.

(e) The Department may not use money from the Fund for the condemnation of any kind of interest in property.

(f) The Department shall establish a program to administer grants from the Fund to units of local government, not-for-profit organizations, and other groups to operate, maintain, and acquire land for off-highway vehicle trails, parks and riding areas that are open and accessible to the public in accordance with this chapter.

§13. Use of funds on private lands; conditions.

As a condition to making available moneys for work on off-highway vehicle trails and riding areas that would affect privately owned land, the department shall obtain written assurances that the owner(s) of the property will cooperate and participate as necessary in the activities to be conducted. An easement or other legally binding agreement that ensures access to the trails and riding areas funded by those moneys must accompany any use of moneys on private lands.

§14. Use of funds on Federal lands; conditions

As a condition to making available moneys for work on off-highway vehicle trails and riding areas on Federal property, the department shall enter into a memorandum of understanding or other similar agreement that assures that the Federal land manager will cooperate with state officials and participate as necessary in the activities to be conducted on the properties.

§15. Funding from gasoline tax.

(a) Revenue collected from motor fuel taxes paid on fuel used in off-highway vehicles shall be remitted annually into the off-highway vehicle trails fund.

(b) Amount remitted shall be recalculated annually based on the state OHV population and estimated amount of fuel consumed, however not less than 1/2 of 1% of state total.

SUBCHAPTER E. OFF-HIGHWAY VEHICLE TRAILS ADVISORY BOARD.

§16. Establishment and operation of the board.

(a) The Board shall consist of 7 members, one from each of the following organizations, except 3 members shall be from chartered off-highway motorcycle and all-terrain vehicle rider clubs, appointed by the Director from nominations submitted by clubs statewide with the concurrence of the agency members.

- (1) *Department of Economic Development (tourism).*
- (2) *Department of Natural Resources.*
- (3) *Department of Parks and Wildlife.*
- (4) *Department of Public Safety.*
- (5) 3 members representing funding user groups.

(b) Terms of the members shall be 3 years, beginning on January 1 and ending on December 31. The board shall meet beginning in January of 200_. The Department shall establish by rule, procedures for

conduct of the board's business. At least one member of the Board shall also be the Department's state trails coordinator.

(c) The director of the *Department of Parks and Wildlife* or his designee shall chair the meetings.

(d) The Board shall evaluate and recommend to the Director, recreation trail and riding area projects for funding consistent with the purposes set forth in section 12.

§17. Rules.

The designated division(s) or state agency(s) may adopt rules to administer this chapter.

SUBCHAPTER F. OFF-HIGHWAY VEHICLE NOISE EMISSIONS

§18. Noise Emissions.

(a) Off-highway vehicles shall at all times be equipped with a silencer, or other device, which limits noise emissions.

(b) Noise emissions of off-highway vehicles shall be limited to the following levels when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J1287 JUL98:

(1) If manufactured on or after January 1, 1998.....96 dbA

(2) If manufactured prior to January 1, 1998.....101 dbA

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STATE ALL-TERRAIN VEHICLE REQUIREMENTS

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FEBRUARY 2008

State	REGISTRATION	TITLE	MV OPERATOR'S LICENSE	MINIMUM AGE	SAFETY EDUCATION CERTIFICATE	EQUIPMENT REQUIREMENTS				PASSENGER PROHIBITION	ON-ROAD USE	CLASSIFIED AS	WEIGHT/WIDTH /CC LIMITS
						LIGHTING	MUFFLER	SPARK ARRESTER	HELMET/EYE PROTECTION				
Alabama				14DS							X	OHV	
Alaska		.									Q	OHV/ATV	≤800lbs/≤50"/1000cc
Arizona		.											
Arkansas	•A	.		12D		•G	•	•C		•LE	Zr	ATV	none/≤75"
California	•A	.		14EM, 18En or a	•Ein	•G	•IC	•	•KE	•LE	Z	OHMV/ATV	≤900lbs/≤50"
Colorado	•BCE					•EG	•ICE	•CE			Zr	OHV	
Connecticut	•A		•F	12E, 16Ea & n	•vE	•u	•			•O	Z	ATV	≤600lbs/≤50"
Delaware	•AC			12D		•G	•IC				J	OHV	
Dist. of Col.													
Florida		.							•d	•OV	X	ORV/ATV	≤900lbs/≤50"
Georgia												ORV/ATV	≤1000lbs/≤50"+
Hawaii													
Idaho	•B	.					•I	•	•KE		Q	ATV	<850lbs/≤48"
Illinois		.									Zr	ATV/OHV	≤900lbs/≤50"
Indiana	•BC	•Y	•F	14D		•G					Z	ORV	
Iowa	•BE	.		12DE, 18aE	•IE	•G				•L	Z (re)	ATV	<1000lbs/none/1000cc
Kansas		.									g	ATV	≤1000lbs/≤48"
Kentucky				12R, 16u & D					•K(d, jEr)		Zr	ATV	
Louisiana	•A	.											
Maine	•AC			10, 16D & a	•c	•u	•IC	•	•Ki		Z	ATV	
Maryland	•BS		•PS	12S		•GS	•IS					ORV	
Massachusetts	•B	.		10, 12S, 14D, 16½F		•u	•	•	•K		Z	RV	
Michigan	•B	.		12r, 16t & D & a	•d	•G	•IC	•	•L	•L	Z	ORV/ATV	
Minnesota	•B			10E, 12uE, 16Ea & D	•yE	•FG	•IC	•	•KE	•iW	Q	ATV	<900lbs/none+
Mississippi	•A	.											
Missouri	•A	.		16D		•C	•C	•C	•Ki	•L, r	X	ATV	≤1000lbs/≤50"
Montana	•A	•E					I	•			Q	OHV	
Nebraska		•Y				•F & G		•C		•L	X (re)	ATV	≤900lbs/≤50"
Nevada								•			Q	OHV	
New Hampshire	•Bk		•Fa	14D & a	•q	•u	•IC		•i	•i	Z	OHRV/ATV	≤1000lbs/≤50"
New Jersey	•ACE			x, 14E, 16uE	•irCE	•C	•	•	•K		Z	ATV	none/none/600cc
New Mexico	•A	.		6E, 10D & b, 18D(W)	•i	•G	I	•	•i	•i	Zr	ATV/OHVM	≤1000lbs/≤50"
New York	•AC			10D, 16D or a	•cD	•GC	•C	•	•K	•L	Z	ATV	≤1000lbs/≤70"
North Carolina#				8, 12R, 16u & D, p, h	•s	•G	•	•	•	•L	Z	ATV	
North Dakota	•ACE		•a	12, 16D or a	•d	•	•IS		•Ki	•L	X	Class II OHV	none/≤50"
Ohio	•A	.	•E	16D, 12S		•G	•		•S	•LS		APV	
Oklahoma	•AY	•Y	•F			•SG			•KIE	•LE	X	ATV	≤800lbs/≤48"
Oregon	•BS			16n & aE	•dE	•G	•I	•S	•KIE		Zr	ATV	≤800lbs/≤50"
Pennsylvania	•B	.		8E, 10RE, 16a	•o	•G	•I	•S	•K		Z	ATV	≤800lbs/≤50"+
Rhode Island	•B	.	•T			•F & G	•IC		•K		Z	RV/ATV	
South Carolina				12S, 16SD & F, w									
South Dakota		.									N	ATV/ORV	
Tennessee		.							•Ki		Z	OHMV/OHV	
Texas	•BS	.		14D	•nE	•EG	•E	•EC	•E	•LE	Zr	ATV	
Utah	•BE		•aE	8E, 16a	•mE	•G	•	•	•Ki		Z	ATV/OHV	≤800lbs/≤50"
Vermont	•AE	.		12D, 16FD, 18a		•C	•IC	•C			Z	ATV	
Virginia		•YU		12R, 16u	•i				•K	•L	Zr	ATV	
Washington	•Ar	.		13F & zD		•G	•I	•	•Kz			NHV/ORV	
West Virginia		.		18a	•i	•G	•	•	•Ki	•HL	Q	ATV	≤800lbs/≤52"
Wisconsin	•BC	.		12r & D(W)	•y	•F & G	•I	•	•Kir		Zr	ATV	≤900lbs/≤48"
Wyoming	•BS										Z	ORRV	≤900lbs/≤50"

- A. Required by law or regulation
- B. By motor vehicle registration agency
- C. By recreation management agency
- D. Except in authorized events
- E. Unless supervised
- F. Applies only on public lands
- G. To cross highway
- H. For night operation only
- I. More than 1 passenger prohibited & passenger under age 18 unless operator has specified driver's license or is at least age 18 prohibited
- J. Decibel limit specified
- K. Prohibited
- L. Approved helmet
- M. Except if designed to carry passenger
- N. Unless supervised by parent or his designee and either has safety certificate or is supervised by adult with certificate
- O. Prohibited except to cross highway & by registered ATVs with 4 or more wheels & 200 cc or more
- P. ATV definition specifies single rider
- Q. Must have license or learner's permit, or be accompanied by licensee or by parent
- R. Allowed as specified in law
- S. For ATV over 70cc
- T. Applies only on specified public lands
- U. For ages 16-18 to cross highway
- V. For ATV over 50cc

- V. Two-rider ATV separately defined
- W. Additional provisions apply; law too complex to summarize completely
- X. Prohibited with specified exceptions
- Y. For ATVs purchased after date specified in law
- Z. Prohibited except to cross highway
- a. Unless safety certificate is possessed
- b. Unless on age-appropriate sized ATV
- c. For ages 10-15
- d. Under age 16
- e. During daylight hours only
- f. If issued to persons age 12-15, not valid for ATVs > 90cc unless training course completed on ATV > 90cc & able to reach handlebars & footpegs
- g. Prohibited on specified highways
- h. cc restrictions not applicable to persons born by 8/15/97 with parent or guardian who owned ATV prior to 8/15/05
- i. For persons under age 18
- j. For persons age 16 & over
- k. Not required in certain cases for ATVs ≤ 95cc
- m. Unless motor vehicle operator's license possessed
- n. Unless supervised by adult with safety certificate
- o. For ages 8-15

- p. Sale for use by person under age 8 prohibited; sales restrictions based on age/cc size
- q. Under age 14
- r. Except if engaged in agricultural activities
- s. For persons born on/after 1/1/90; effective 10/1/06
- t. For 3-wheel ATVs
- u. For ATVs over 90cc
- v. For all ages; under age 18 must complete safety course
- w. Sale to under age 16 prohibited
- x. Sale of ATV over 90cc for use under age 16 prohibited
- y. For persons born after date specified in law
- z. On specified lands
- + Separate limits for Class II ATVs
- # Provisions exclude ATVs engaged in farming, hunting or trapping

CLASSIFICATION ABBREVIATIONS

- APV - All-purpose vehicle
- ATV - All-terrain vehicle
- NHV - Non-highway vehicle
- OHV - Off-highway vehicle
- OHMV - Off-highway motor vehicle
- OHRV - Off-highway recreation vehicle
- ORV - Off-road vehicle
- ORRV - Off-road recreational vehicle
- RV - Recreation vehicle

This chart is compiled by SVIA's Government Relations Office. Please contact SVIA for additional information concerning ATVs. Although this chart represents information from the most authoritative sources available, SVIA is not responsible for accuracy or completeness. Many of the provisions summarized herein have exceptions and may require further explanation. It is necessary to refer to the actual laws and regulations for specific details.



Contact:

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ATV Industry at Work Developing New Design, Configuration and Performance Standards to Improve Safety for Riders of All Ages

IRVINE, Calif. Feb. 16, 2007 – To ensure the continued safety of all-terrain vehicle riders across the country, the Specialty Vehicle Institute of America is working with the industry and other interested parties to enhance the current standard (ANSI/SVIA 1-2001) that addresses the design and performance of ATVs manufactured and distributed in the United States.

The draft revised standard is designed to better address the needs of an evolving U.S. market, including the specifications for two new categories of ATVs. The intention is to provide ATVs that, based on available data, appeal to younger riders and their families so that youth will ride appropriately sized ATVs, rather than adult-sized ATVs.

The revised standard will provide specifications for a transition model, referred to as Category T, which is a recreational ATV of appropriate size for a rider age 14 or older (still under direct adult supervision) or by a rider 16 or older. Category T models have a limited speed set by an adult using a tool of 20 or 30 miles per hour, and a maximum speed of 38 mph.

-more-

ATV STANDARD – Page 2

In addition, the revised standard will include specifications for a youth-model ATV, referred to as Category Y-10+, intended for use by children 10 or older. The limited speed for the Y-10+ model is 15 mph (set by an adult using a tool), with a maximum speed of 30 mph.

This draft revision reflects an effort to improve the matching of the categories to the size, capabilities and expectations of younger riders by promoting their use of Category Y and Category T ATVs rather than larger, adult-sized ATVs.

The revised standard also will define the two different types of ATVs: a traditional ATV for use by a single rider, referred to as Type I; and an ATV for use by a rider and a single passenger, referred to as Type II. The standard will include provisions for passenger handholds and footrests for Type II ATVs.

The revised ATV standard will be completed in 2007. Overall, the collaborative, industry-wide effort is focusing on 15 key areas:

- Throttle
- Clutch and Gearshift Controls
- Engine and Fuel Cutoff Devices
- Lighting
- Tires
- Operator Foot Environment
- Service and Parking Brake
- Parking Mechanism Performance
- Pitch Stability
- Safety and Warning Labels
- Owner's Manual
- Hang Tags
- Compliance Certification Label
- Youth ATV Categories
- Specifications and Definitions for Type I and Type II ATVs

-more-

ATV STANDARD – Page 3

As the U.S. Consumer Product Safety Commission moves toward making its final ruling, SVIA member companies voluntarily continue to follow the existing ANSI ATV standard. The ANSI process ensures that there is an opportunity for all those who are interested in and affected by a standard to participate in its development. The SVIA expects that the new standard provisions will be the basis for any final mandatory ruling made by the CPSC.

Furthermore, SVIA encourages all new entrant manufacturers and distributors selling ATVs in the United States to only offer products that follow the current and evolving ANSI ATV standard, and to support and promote free rider training, state legislation and parental supervision. The safety of ATV riders across the country is everyone's responsibility.

History of the ATV Standard

In 1985, the SVIA began development of a standard, which established the requirements for equipment, configuration, and performance of four-wheel all-terrain vehicles in the United States. In 1990, the ANSI approved the first standard for all-terrain vehicles. In 2001, the standard was revised to modify certain definitional language and add several provisions to enhance and clarify the standard.

About the SVIA

Since 1983, the Specialty Vehicle Institute of America® has promoted the safe and responsible use of All-Terrain Vehicles through rider training programs, public awareness campaigns, and state legislation. The SVIA also serves as a resource for ATV research, statistics, and vehicle standards. The SVIA, based in Irvine, Calif., is a not-for-profit trade association sponsored by Arctic Cat, BRP, Bush Hog, Honda, Kawasaki, Polaris, Suzuki, Tomberlin and Yamaha. For membership information, call (949) 727-3727. For safety information or to enroll in the ATV *RiderCourse*SM nearest you, visit www.atvsafety.org and click on "Online Enrollment" or call (800) 887-2887.



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**Specialty Vehicle Institute of America Statement
Regarding U.S. Consumer Product Safety Commission
Notice of Proposed Rulemaking Addressing All-Terrain Vehicle Safety**

Feb. 16, 2007

The Specialty Vehicle Institute of America is pleased that the Consumer Product Safety Commission recognizes the need to establish minimum uniform safety standards for all-terrain vehicles that are being marketed and sold to U.S. consumers.

The proposed rule is based largely on the industry's voluntary equipment and design standard, as well as safety programs developed and promoted by SVIA member companies over the past 20 years.

SVIA member companies continue to follow the existing approved American National Standards Institute (ANSI) ATV voluntary standard. The ANSI standard is currently being revised and updated, and the SVIA expects that this revised standard will be the basis for any final mandatory rule.

The SVIA will continue to support federal legislation that will require all ATVs to meet minimum uniform safety standards. Such legislation will provide immediate protections for U.S. consumers while the CPSC's rulemaking progresses. While the initial action by the CPSC is important, the process for achieving an acceptable, workable mandatory rule is arduous and time-consuming.

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The industry remains concerned about the rising number of new-entrant ATVs sold in the United States that now account for approximately 20 percent of sales. The SVIA encourages all new entrants to the U.S. ATV market to offer only products that comply with the current and evolving ANSI ATV standard, and to support and promote free rider training, state legislation and parental supervision.

About the SVIA

Since 1983, the Specialty Vehicle Institute of America® (SVIA) has promoted the safe and responsible use of All-Terrain Vehicles (ATVs) through rider training programs, public awareness campaigns, and state legislation. The SVIA also serves as a resource for ATV research, statistics, and vehicle standards. The SVIA, based in Irvine, Calif., is a not-for-profit trade association sponsored by Arctic Cat, BRP, Bush Hog, Honda, Kawasaki, Polaris, Suzuki, Tomberlin and Yamaha. For membership information, call (949) 727-3727. For safety information or to enroll in the ATV *RiderCourse*SM nearest you, visit www.atvsafety.org and click on "Online Enrollment" or call (800) 887-2887.

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Contact:

Specialty Vehicle Institute of America
Media Relations
(949) 727-3727, Ext. 3091

**REPORT FINDS NEW ENTRANT ALL-TERRAIN VEHICLES
TARGETING YOUTH RIDERS FAIL TO COMPLY WITH INDUSTRY
STANDARDS AND POSE CONSUMER SAFETY RISKS**

***Established ATV Manufacturers Urge Congress to Enact Legislation Making
Voluntary Standards Mandatory for all ATVs Sold in U.S.***

WASHINGTON, D.C., June 2, 2006 – A new study released today by the Specialty Vehicle Institute of America revealed a host of dangerous safety problems with youth-model all-terrain vehicles from several companies that are new to the U.S. market. The study analyzed four such “new entrant” ATVs and found that each one failed to comply with the voluntary industry standard agreed to by established ATV companies and by the U.S. Consumer Product Safety Commission. The study authors concluded that three of the four ATVs suffered from severe safety issues and may constitute a Substantial Product Hazard under U.S. law, subject to a CPSC recall. Hazards included inadequate brakes and suspension, no lockout to prevent starting while in gear, and top speeds beyond the limits established for youth models.

All of the problem ATVs are targeted to the youth market and are readily available over the Internet or at various retailers not traditionally associated with powersports products.

The SVIA commissioned the report, authored by two former U.S. CPSC experts at the firm Marchica & Deppa, to analyze four ATVs manufactured by new entrant companies.

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Page 2 – Hazardous New Entrant ATVs

The four ATVs do not comply with ANSI/SVIA-1-2001 American National Standard for Four Wheel All-Terrain Vehicles – Equipment, Configuration, and Performance Requirement, nor with the voluntary agreement between the CPSC and that established ATV companies who are members of SVIA.

SVIA President Tim Buche will discuss the study as part of his testimony at a June 6 Senate Commerce, Science and Transportation Subcommittee Hearing on “Compliance with All-Terrain Vehicle Standards,” chaired by Sen. George Allen, R-Va.

“This report confirms our worst fears, new entrants to the U.S. market that don’t comply with the voluntary safety standards established ATV companies adhere to are jeopardizing the safety of young riders,” said SVIA President Tim Buche. “These new entrants now comprise 20 percent of the market and are undercutting the safety programs developed by established ATV companies. We urge Congress to enact legislation to make the voluntary industry standards, responsible sales practices and the offer of free training with purchase mandatory for any ATV sold in the United States.”

The study was commissioned to examine and test the new entrant ATVs for compliance with the ANSI/SVIA-1-2001 standard, and to determine the extent to which the new entrant companies are providing proper product safety information, warnings, training and product support. The ATVs tested were all youth- or small-sized vehicles intended for use by children under age 16.

“The four new entrant ATVs we tested pose a serious safety risk to consumers,” said Nick Marchica, co-author of the study and the former project manager for the CPSC’s Product Safety Assessment in the Office of Compliance. “We found a variety of serious safety violations. Two of the ATVs lacked front brakes. Two had inadequate suspension systems or none at all. Two can be started in gear.”

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Page 3 – Hazardous New Entrant ATVs

“We determined that two of the smallest ATVs sold for use by young children were so unsafe that we refused to allow our youth test operators to ride them,” Marchica said.

“The high speed, poor brakes and suspension systems of these products were deemed too potentially dangerous.”

Marchica & Deppa chose the four new entrant ATVs from the Internet. Three were purchased by phone and delivered directly to the home of one of the partners. The four ATVs purchased included a Baja Motorsports 90cc, a Kazuma Meerkat 50cc, Sun L SLA-90cc, and a Long Chang Lion S 110cc. The authors analyzed the four ATVs in accordance with the requirements of the ANSI/SVIA-1-2001 standard. The vehicles were delivered without having been properly set up and adjusted, including potentially hazardous assembly omissions and tires inflated to five or six times over the recommended pressures – which is another serious safety problem.

“SVIA has contacted many new entrants, provided complimentary copies of the standard, and encouraged SVIA membership and participation in the safety programs offered by the more established ATV companies,” Buche said. “Their disregard for consumer safety could seriously undermine the current government and industry efforts to enhance ATV safety, and leave the government no choice but to mandate compliance with the voluntary standards.”

Further information on the report is available by contacting SVIA media relations at the number listed on this release.

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Page 4 – Hazardous New Entrant ATVs

About the Specialty Vehicle Institute of America

Since 1983, the Specialty Vehicle Institute of America® has promoted the safe and responsible use of All-Terrain Vehicles (ATVs) through rider training programs, public awareness campaigns, and state legislation. The SVIA also serves as a resource for ATV research, statistics, and vehicle standards. The SVIA, based in Irvine, Calif., is a not-for-profit trade association sponsored by Arctic Cat, Bombardier, Honda, John Deere, Kawasaki, Patriot, Polaris, Suzuki, Tomberlin, and Yamaha. For membership information, call (949) 727-3727. For safety information or to enroll in an ATV RiderCourseSM, call (800) 887-2887 or visit www.atvsafety.org.

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Contact:

SVIA Media Relations
(949) 727-3727, ext. 3091

**North Carolina Enacts ATV Safety Law;
ATV Industry Commends Passage of Comprehensive Safety Legislation**

IRVINE, Calif., Aug. 18, 2005 – North Carolina Gov. Michael F. Easley has signed into law a landmark ATV safety bill, SB 189, sponsored by Sen. William R. Purcell.

The Specialty Vehicle Institute of America® worked closely with the North Carolina Child Fatality Task Force to help craft the legislation and advocate its passage. We could not have gotten this legislation passed without the Task Force's leadership. SVIA also thanks the North Carolina Off-Highway Vehicle Riders Association and its president Nancy Minard for their steadfast support for the legislation throughout the legislative process. The new law, which was signed by the Governor on Aug. 18, 2005, will take effect Dec. 1, 2005.

SVIA commends the North Carolina legislature for passing this very comprehensive ATV safety legislation. Kathy Van Kleeck, SVIA's vice president, government relations, testified before a senate committee and provided comments to legislators. "We are gratified that the legislature recognized the importance of ATV safety and look forward to working with the state to implement the safety education provisions," she said.

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SVIA has developed Model State ATV Safety Legislation that has served as the basis for many existing state ATV safety laws, and all of the Model's provisions were incorporated into the North Carolina legislation, with a few modifications.

Major provisions of the new law include:

- Prohibits parent or guardian from knowingly permitting a person:
 - Under age 8 to operate an ATV;
 - Under age 12 to operate an ATV of 70 cc or greater;
 - Under age 16 to operate an ATV over 90 cc;
 - Under age 16 to operate an ATV unless under continuous visual supervision of a person at least age 18.
- The prohibitions on persons under age 12 operating an ATV of 70 cc or greater and under age 16 operating an ATV over 90 cc do not apply to any parent or guardian of a person born on or before Aug. 15, 1997, who permits that person to operate an ATV and who establishes proof that the parent or guardian owned the ATV prior to Aug. 15, 2005.
- Prohibits the carrying of passengers unless the ATV was specifically designed by the manufacturer to carry passengers.
- Prohibits a person from knowingly selling or offering to sell an ATV:
 - For use by a person under age 8.
 - 70 cc or more for use by a person under age 12.
 - Greater than 90 cc for use by a person under age 16.
- Requires every ATV operator to wear eye protection and a helmet meeting U.S. DOT standards.

- Prohibits ATV operation:
 - While under the influence of alcohol, any controlled substance, or a drug that impairs vision or motor coordination.
 - On any public street, road, or highway except to cross or at any time on an interstate or limited-access highway.
 - During the hours of darkness, without displaying a lighted headlamp and taillamp.
- Effective Oct. 1, 2006, requires every ATV operator born on or after Jan. 1, 1990 to possess a safety certificate indicating successful completion of an ATV safety course sponsored or approved by the All-Terrain Vehicle Safety Institute.
- Requires all ATVs sold or operated in the state to be equipped with a brake system, an effective muffler system and a U.S. Forest Service qualified spark arrester, all maintained in good working condition.
- Sets penalties for violation.
- Persons using ATVs for farming, hunting or trapping are exempt from the law's provisions.

Prior to the enactment of this legislation, North Carolina was one of only six states to have no ATV laws in place. North Carolina is now considered to have among the most comprehensive, if not the most comprehensive, safety laws in the country.

The safe and responsible use of ATVs remains the top priority of the ATV industry, and the industry will continue to strongly advocate state ATV safety legislation along with

education and parental supervision, as the most effective means for reducing ATV-related injuries and deaths caused by improper use of ATVs. Ninety-two percent of ATV-related fatalities involve behaviors that the industry warns against in its rider education programs, in all literature and on vehicle labels. SB 189 prohibits all of these behaviors.

About the SVIA

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About the ASI

The All-Terrain Vehicle Safety Institute[®], a not-for-profit division of the Specialty Vehicle Institute of America, was formed in 1988 to implement an expanded national program of all-terrain vehicle safety education and awareness. The ASI’s primary goal is to promote the safe and responsible use of ATVs, thereby reducing accidents and injuries that may result from improper ATV operation by the rider. For safety information or to enroll in the *ATV RiderCourse*SM nearest you, visit www.atvsafety.org and click on “Online Enrollment,” or call 800.887.2887.

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Contact:

Specialty Vehicle Institute of America, Media Relations
(949) 727-3727, ext 3091

**Specialty Vehicle Institute of America Statement Regarding
Amendment to FY2006 Transportation, Treasury, Judiciary, Housing
and Urban Development Appropriations Bill**

IRVINE, Calif., Oct. 24, 2005 – Specialty Vehicle Institute of America® member companies continue to comply with the existing ATV standard developed jointly with the American National Standards Institute and SVIA is moving forward with the planned 2006 maintenance of the current standard. We encourage all new entrants to the U.S. ATV market to offer only products that comply with the current and evolving ANSI standard, and to support and promote free rider training, state legislation and parental supervision.

The SVIA shares the Consumer Product Safety Commission's commitment to improving ATV safety and reducing the number of deaths and injuries, most of which result from improper use of the product. SVIA will continue to work with the CPSC while promoting a three-pronged approach to improving ATV safety that includes rider education, comprehensive state safety legislation, and parental supervision for youth under 16.

About the SVIA

Since 1983, the Specialty Vehicle Institute of America has promoted the safe and responsible use of All-Terrain Vehicles through rider training programs, public awareness campaigns, and state legislation. The SVIA also serves as a resource for ATV

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research, statistics, and vehicle standards. The SVIA, based in Irvine, California, is a not-for-profit trade association sponsored by AlphaSports, Arctic Cat, Bombardier, Bush Hog, Honda, John Deere, Kawasaki, Patriot, Polaris, Suzuki and Yamaha. For membership information, call 949.727.3727; for safety information or to enroll in the *ATV RiderCourse*SM nearest you, visit www.atvsafety.org and click on “Online Enrollment,” or call 800.887.2887.

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Contact:

Specialty Vehicle Institute of America, Media Relations
(949) 727-3727, ext. 3091

**Statement From the Specialty Vehicle Institute of America
Regarding the American Academy of Pediatrics Study of Nonfatal ATV Injuries**

IRVINE, Calif., Nov. 3, 2005 - The Specialty Vehicle Institute of America® supports a call to action for more education and state legislation to ensure the safe and proper use of all-terrain vehicles, especially to prevent youth under age 16 from riding adult-sized ATVs. SVIA believes that a three-pronged approach, including rider training, parental supervision, and appropriate state safety legislation is the best means to effect change, thus reducing ATV-related injuries.

The industry's model legislation, which has served as the basis for many states with comprehensive ATV safety laws, prohibits youth under 16 from riding adult-sized ATVs, prohibits passengers, and requires adult supervision, among other safety provisions.

Research has shown that more than 92 percent of all ATV fatalities involve one or more user behaviors that are strongly and visibly "warned against" by the industry in dealerships, in product literature, in public awareness messages, through rider training, and on the vehicle itself. These risky and irresponsible behaviors include children riding adult-sized ATVs, riding without a helmet, riding with a passenger on a single-rider vehicle, riding on public roads, and riding at excessive speed.

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The safe and responsible use of ATVs is the top priority of the SVIA and its member companies will continue to work with the Consumer Product Safety Commission, user groups, retail dealerships, and all others interested in promoting ATV safety to further reduce the number of accidents resulting from misuse of the product.

About the SVIA

Since 1983, the Specialty Vehicle Institute of America has promoted the safe and responsible use of All-Terrain Vehicles through rider training programs, public awareness campaigns, and state legislation. The SVIA also serves as a resource for ATV research, statistics, and vehicle standards. The SVIA, based in Irvine, California, is a not-for-profit trade association sponsored by AlphaSports, Arctic Cat, Bombardier, Bush Hog, Honda, John Deere, Kawasaki, Patriot, Polaris, Suzuki and Yamaha. For membership information, call 949.727.3727; for safety information or to enroll in the *ATV RiderCourse*SM nearest you, visit www.atvsafety.org and click on "Online Enrollment," or call 800.887.2887.



Contact:

Specialty Vehicle Institute of America, Media Relations
(949) 727-3727, ext. 3091

**Statement from Tim Buche, President
of the Specialty Vehicle Institute of America Regarding New U.S. ATV Market Entrants**

IRVINE, Calif., May 27, 2005 – The U.S. market for all-terrain vehicles is highly attractive to manufacturers and distributors from around the world. The sheer volume and thirteen years of consecutive new unit sales growth, combined with a diverse customer base seeking all ranges of displacement, style and type, are attracting an increasing number of new distributors. The large number of new entrants in our market is testimony to a flourishing, open global marketplace.

Major manufacturers and distributors of ATVs in the United States have outlined a broad list of ongoing safety initiatives in safety agreements filed with the Consumer Product Safety Commission. In 2003, these manufacturers represented more than 90 percent of documented new retail sales of ATVs in the United States.

The member companies of the Specialty Vehicle Institute of America® also have developed and implemented nationwide programs for ATV safety, public education and rider training, and SVIA is the document sponsor for the American National Standards Institute voluntary standard. SVIA has issued an open invitation to all new entrants into the ATV market in the United States to participate in these safety programs – key elements of which are aimed at deterring the use of adult-sized ATVs by children under age 16. Several new entrants have accepted the invitation; hence, consumers are better served by these new members. SVIA staff is continuing to contact other new entrants and explain the benefits to their customers and the ATV marketplace as a whole by their participation in these important programs.

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A unique distinction from today's new entrants and the entry of the now-termed "Big Four" (Honda, Kawasaki, Suzuki and Yamaha) decades ago, is that the Big Four entered the market directly or through closely held distributors. Today's new entrants are entering through mostly independent and autonomous distributorships.

New entrants seek both traditional and alternate distribution channels. Theirs is not an easy task. The health and sustainability of the ATV industry depends on all participants addressing emissions, equipment requirements, and support of training programs – as well as meeting the high expectations for performance, reliability and customer service that the American consumer has come to expect.

Several new entrants are working closely with the industry associations to move into the market in an appropriate manner, as have AlphaSports, Bombardier, Bush Hog, John Deere and Patriot in recent years. It is important that prospective retailers carefully consider the level of commitment and support that a distributor offers. The level of support that a retailer receives says a lot about the level of support they will be able to offer their retail customers.

The member companies of the SVIA urge the CPSC and other appropriate federal agencies to make similar efforts to help persuade these new entrants to participate in these longstanding and important safety initiatives and regulatory components.

About the SVIA

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949.727.3727; for safety information or to enroll in the ATV *RiderCourse*SM nearest you, visit www.atvsafety.org and click on "Online Enrollment," or call 800.887.2887.

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Contact:

Specialty Vehicle Institute of America, Media Relations
(949) 727-3727, ext. 3091

**Specialty Vehicle Institute of America Statement Regarding
Consumer Product Safety Commission Review of All-Terrain Vehicle Standards**

IRVINE, Calif., June 9, 2005 – The ATV Industry remains committed to the safety of its customers and will continue to promote and enhance its multi-tiered efforts aimed at increasing awareness of the proper operation and use of ATVs. The ATV industry believes that rider education, parental supervision, and appropriate state legislation are the keys to improving ATV safety for both children and adults.

Since 1984, the major manufacturers and distributors of ATVs in the United States have worked closely with the Consumer Product Safety Commission to implement ongoing safety initiatives. In 2003, these manufacturers represented over 90 percent of documented new retail sales of ATVs in the United States.

These companies have an exemplary record of cooperation with the CPSC and will continue to demonstrate this throughout the newly announced process of reviewing ATV standards. At the same time, the industry will continue to promote state legislation that enforces ATV safety, addresses vehicle misuse present in 92 percent of ATV fatalities, and restricts the operation of adult-sized ATVs to persons aged 16 and older. It will also continue to implore parents and guardians to make sure their children don't ride adult-sized ATVs, and supervise children under 16 at all times when they ride the smaller youth-model ATVs designed for them.

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New entrants to the U.S. ATV market represent an increasing share of new vehicles sold each year, and it is critical that these companies understand the importance of following the example set by SVIA member companies. SVIA is an inclusive organization and has issued an open invitation to all new entrants into the ATV market in the United States to participate in its ongoing safety education and training programs – key elements of which are aimed at deterring the use of adult-sized ATVs by children under age 16.

About the SVIA

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Contact:

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(949) 727-3727, ext. 3091

**Statement from the Specialty Vehicle Institute of America on the
Consumer Product Safety Commission's Announcement of Advance
Notice of Proposed Rulemaking**

IRVINE, Calif., Oct. 6, 2005 — The Specialty Vehicle Institute of America® shares the Consumer Product Safety Commission's commitment to improving ATV safety and reducing the number of deaths and injuries, most of which result from improper use of the product. SVIA will continue to work with the CPSC while promoting a three-pronged approach to improving ATV safety that includes rider education, comprehensive state safety legislation, and parental supervision for youth under 16.

SVIA member companies continue to comply with the existing ATV standard developed jointly with the American National Standards Institute and SVIA is moving forward with the planned 2006 maintenance of the current standard. We encourage all new entrants to the U.S. ATV market to offer only products that comply with the current and evolving ANSI standard, and to support and promote free rider training, state legislation and parental supervision.

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Contact:

Specialty Vehicle Institute of America, Media Relations
(949) 727-3727, ext. 3091

**American Academy of Pediatrics Study Underscores Importance of
ATV Rider Training, Parental Supervision, and State Safety Legislation**

**ATV Industry Continues Working to
Decrease ATV Related Injuries Among Children**

IRVINE, Calif., March 4, 2005 – The Specialty Vehicle Institute of America® supports the American Academy of Pediatrics call for ongoing creative attempts to identify effective strategies to decrease ATV injuries among children. SVIA believes that a three-pronged approach including rider training, parental supervision, and appropriate state safety legislation is the best means to effect change, thus reducing ATV related injuries.

Research has shown that more than 92 percent of all ATV fatalities involve one or more user behaviors that are strongly and visibly “warned against” by the industry in dealerships, in product literature, in public awareness messages, through rider training, and on the vehicle itself. These risky and irresponsible behaviors include children riding adult-sized ATVs, riding without a helmet, riding with a passenger, riding on public roads, and riding at excessive speed. Furthermore, in crashes involving children, an overwhelming number of injuries are the result of children under 16 riding adult-sized ATVs.

In an effort to reach not only children, but their parents or adult supervisors, the major

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manufacturers of all-terrain vehicles and Weekly Reader Corporation recently joined together to promote an educational program devoted to the safe and responsible use of all-terrain vehicles. The 2004/2005 educational program -- *Protect Yourself. Protect the Planet.* -- calls on teachers, parents and community leaders to stress the importance of ATV safety education for youth. The goal is to educate the public, parents, and kids under 16 years of age, about safe ATV operation and how to be an environmentally responsible ATV rider.

The program includes the distribution of 20,000 sets of classroom materials – a teacher's guide, a student activity booklet, a parent take-home brochure, and classroom poster – to middle schools and high schools in areas across the country where ATVs are most popular. These materials have the potential to reach approximately 60,000 educators, 1.8 million students and 3.6 million parents.

The key messages outlined in the program focus on the ATV Safety Institute's Golden Rules of ATV safety. These important guidelines, for both youth and adults, include:

- Never ride alone.
- Riders under age 16 require adult supervision
- Do not carry passengers
- Ride an ATV that's right for your age. The guidelines are:

Age 6 and older	Under 70cc
Age 12 and older	70cc – 90cc
Age 16 and older	Over 90cc
- Wear a helmet and protective gear
- Plan ahead
- Ride only on marked trails
- Respect wildlife and habitats

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The major U.S. distributors and manufacturers of ATVs have, for more than two decades, made unprecedented and unified efforts to promote the safe and responsible use of ATVs and to deter parents from allowing their children to use adult-sized ATVs. The industry's model state ATV safety legislation directly addresses "warned against behaviors" by imposing age limits consistent with those recommended by the United States Consumer Product Safety Commission as well as other restrictions on ATV operation.

This model state ATV legislation includes safety provisions that prohibit children under 16 from riding adult-sized ATVs, carrying passengers, riding on public roads, and riding without adult supervision. The primary safety provisions of the legislation include:

1. Requires protective gear: All ATV riders are required to wear eye protection and an approved safety helmet.
2. Prohibits passengers: The carrying of passengers is not allowed in any circumstance.
3. Codifies operator age restrictions: No one under age 16 may operate an adult-sized ATV (engine capacity greater than 90 cc) on public land. Youth-size ATVs (engine capacity 70 cc up to and including 90 cc) may be operated on public land only by those aged 12 and older.
4. Requires adult supervision: Persons under age 16 must be under continuous adult supervision while operating an ATV on public land.
5. Promotes education: States must implement a comprehensive ATV safety education and training program, which provides for the hands-on training of ATV operators.
6. Establishes safety certification: All persons operating an ATV on public land must have a safety certificate.
7. Prohibits ATV operation on public roads.

The safe and responsible use of ATVs is the top priority of the ATV industry, and the industry will continue to enhance its multi-tiered efforts aimed at further reducing the number of accidents and injuries caused by improper use of ATVs.

The major ATV manufacturers and distributors – through the ATV Safety Institute® or their own dealers – offer free training to all purchasers of new ATVs and their eligible family members. In fact, most manufacturers offer a \$100 cash incentive to first-time purchasers who take training. Consumers can visit ASI's website, www.atvsafety.org or call 1-800-887-2887 for information on training at nearly 1,000 sites in the United States. Since 1988, more than 510,000 riders have taken the half-day, hands-on ASI RiderCourse. In any given week, 200-300 training classes are conducted nationwide by one of 1,500 licensed ASI Instructors.

About the SVIA

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About the ASI

The All-Terrain Vehicle Safety Institute, a not-for-profit division of the Specialty Vehicle Institute of America, was formed in 1988 to implement an expanded national program of all-terrain vehicle safety education and awareness. The ASI's primary goal is

to promote the safe and responsible use of ATVs, thereby reducing accidents and injuries that may result from improper ATV operation by the rider. For safety information or to enroll in the ATV *RiderCourse*SM nearest you, visit www.atvsafety.org and click on "Online Enrollment," or call 800.887.2887.

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Ginny Lewis
Director

February 27, 2008

Dean R Rhoads
Nevada State Senator
PO Box 8
Tuscarora NV 89834

Dear Senator Rhoads,

On December 13, 2007 the Legislative Committee on Public Lands met and took testimony on agenda item VIII B. **Discussion of Potential Future OHV Legislation in Nevada and Suggestions From Various Interested Parties**. Having reviewed the minutes from that meeting, I believe it is appropriate to further clarify some points made to you and your committee by individuals representing various entities.

LOSS OF REVENUE AND TAX DOLLARS TO THE STATE

Prior legislative testimony and information presented before your committee addressed the potential loss of revenue due to out of state Off-Highway Vehicle (OHV) purchases. Figures supplied by Ms. Susan Fisher in previous testimony estimated the loss between 34-37 million dollars. Although out of state sales can create a loss of revenue for our State, the potential loss may have been overstated.

Collection of taxes for vehicles purchased out of state are based upon the difference between the sales tax percentage charged by the out of state dealer and the applicable sales tax percentage of the Nevada county where the vehicle would be registered. If taxes collected from an out of state dealership are less than Nevada's sales tax rate, only the difference is applied and collected. Conversely, if the taxes collected from an out of state dealership exceeds Nevada's sales tax rate, no additional amount would be collected at time of registration.

Another factor affecting sale tax collection is the passage of Ballot Question 8 (General Election - November 2006). The passage of Question 8 ended the collection of occasional sales tax between all private party vehicle sales. As such, should OHV's come under the purview of the statutes which the DMV currently operates, occasional sales tax would not be collected.

Lastly, Nevada's Use Tax is applicable to the purchase of an OHV whether it's from an out of state dealer or between private parties. The agency responsible for overseeing the collection of Use Tax is, of course, the Department of Taxation. The collection of monies for the state of Nevada concerning out of state sales of OHV's already exists in the form of a Use Tax.

SALES TAX COLLECTION AT TIME OF TITLING

Although DMV improperly issued some titles to OHV's in the past, the practice was immediately stopped once it was determined the activity was in violation of the Nevada Constitution. As a point of clarification, within the processes of the DMV, the collection of sales tax occurs at the time of registration rather than at the time of titling. There is no statutory requirement that an individual obtain a Nevada title to their vehicle.

TITLING WILL PREVENT THEFT

Titling OHV's will not guarantee that theft will be identified or curtailed. In 2003 the National Highway Transportation and Safety Administration (NHTSA) provided clarification regarding the types of vehicles to be included in the VIN (Vehicle Identification Number) system. Since NHTSA's function is to regulate "motor vehicles" defined as "a vehicle driven on public streets, roads, and highways" it was clear that off highway vehicles were outside the regulatory jurisdiction of NHTSA and could not be included in the system. Currently NMVTIS (National Motor Vehicle Title Information System) does not include OHV Product Identification Numbers (PIN.) Further, OHV PIN's are in a non-conforming format which further complicates the issue.

Upon talking with Idaho Department of Parks and Recreation, which oversees their OHV program it was learned that they have no verification system for their OHV's, nor do they perform stolen checks.

CONSTITUTIONALITY

The Nevada Constitution is clear on the collection and use of highway funds. The DMV as a highway funded agency has expressed concerns about registering and/or titling off highway vehicles and therefore has requested an Attorney General opinion on this matter.

Although the original bill contained language allowing some fees to be retained by the DMV to off-set costs, the bill did not address nor clarify the constitutional issues. As you are aware the Department of Wildlife is a General Funded agency that currently issues titles to recreational vehicles (boats).

PROFITABILITY OF THE PROGRAM

Any agency tasked with implementing an OHV program would probably require "start up" monies. The DMV could not absorb the estimated 400,000 OHV's and their owners into our existing offices without severely impacting wait times and operations. A fiscal note was submitted during the 2007 legislative session which indicated eventual positive revenue. However that figure was predicated upon 100% compliance (20,000 New OHV's sold to Nevada residents, 400,000 existing OHV's in Nevada all complying with the law, etc.)

Even with an enforcement element (which was not part of the bill) it's highly improbable that 100% compliance would be achieved in order to generate a profit let alone enough revenue generated to cover the costs of the program.

CONSENSUS

On April 23, 2007 Susan Fisher invited approximately 25 individuals to a meeting to discuss SB-434. In attendance were OHV dealers, OHV riders, trail association representatives, public land advocates, and state agencies (Idaho and Nevada). At the conclusion of the meeting it was the consensus of the group that DMV was not the appropriate agency to register or title OHV's. The appropriate agencies were NDOW for registration and titling and State Parks for administering the fund program. The conclusion was reached, in part, due to NDOW and State Parks being General Funded agencies. Also discussed was the necessity of an enforcement program in order for a program to be successful.

Although this agreement was reached after several hours of discussion, the consensus of the group was apparently never presented to members of the legislature by Ms. Fisher.

In concluding, the Department of Motor Vehicles has not taken a position on whether or not it's in the States best interest to implement an Off-Highway Vehicle Program. Rather, we believe it's prudent to supply your committee and the legislature with factual information concerning issues that affect this agency and the public at large pertaining to the implementation of such a program.

I thank you in advance for attention to this matter and respectfully request this letter be added into the record.

Sincerely,



Clay Thomas, Deputy Director
Department of Motor Vehicles

DMV296

cc: Ginny Lewis, Director, Department of Motor Vehicles
Josh Hicks, General Counsel to the Governor

