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California State Senate

SENATOR
MIMI WALTERS
THIRTY-SEVENTH SENATE DISTRICT



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June 24, 2013

Mr. Greg Schmidt, Secretary of the Senate
Attn: Senate President Pro Tem Darrell Steinberg
Senate Rules Committee
State Capitol, Room 400
Sacramento, CA 95814

RE: Letter to the Senate Journal articulating the legislative intent of Senate Bill 234 (Walters)

Dear Secretary Schmidt:

I respectfully submit this letter to the Senate Journal to express the legislative intent of Senate Bill 234 (Walters) in order to assist recreational off-highway vehicle (ROV) users and local law enforcement until SB 234 can be signed into law.

In 2012, Assembly Bill 1595 (Cook) defined recreational ROVs and prescribed safety regulations for their use in California. The bill was sponsored by manufacturers of ROV products.

The new regulations require the following:

- An ROV operator must be at least 16 years old or be directly supervised by a parent, guardian, or adult authorized by a parent or guardian.
- ROV operators and passengers must wear safety helmets as well as seatbelts and shoulder belts or safety harnesses that are properly fastened when the vehicle is moving.
- All passengers must occupy seats provided by the manufacturer. *(effective July 1, 2013)*
- An ROV passenger must be able to grasp the occupant handhold with the seat-shoulder belt or safety harness fastened while seated upright with his or her back up against the seatback and with both feet flat on the floorboard.

After AB 1595 passed, many concerns were raised about the unintended consequences of the legislation, especially by current owners of ROVs. In response, Assembly Bill 1266 (Nielson) was quickly passed to eliminate the requirement that both feet must be flat on the floorboard as it discriminated against disabled and short stature passengers. AB 1266 also delayed implementation of the manufacturer seat requirement until July 1, 2013.

Some of these new rules, while well-intentioned, created operational difficulties for many users, as well. The rules also made many previously modified ROVs illegal, despite the fact that they were legally modified at great expense to their owners before the new requirements were in place.

SB 234 (Walters) is a cleanup of AB 1595 that makes the following changes:

1. Allow a passenger to occupy seats that are installed in a separate seat location not designed or provided by the manufacturer in vehicles with a model year of 2013 or earlier provided that the seat is fully contained inside of the vehicle's rollover protection structure.
2. Defines ROV occupant handhold as, "A factory or aftermarket device grasped by an occupant to provide support and to assist in keeping arms and hands within the ROV. Handholds shall be designed to allow the ROV passenger to dismount without interference from the handholds. The steering wheel shall be considered a handhold for the ROV operator."

SB 234 is an urgency measure that seeks to amend Section 38603 of the Vehicle Code (which contains the manufacturer seat requirement) before it goes into effect on July 1, 2013. Unfortunately, due to committee schedules and other legislative processes this session, the bill will not be able to reach the Governor's desk until August of this year. It has no opposition and received unanimous support in the Senate. It also recently passed on consent out of the Assembly Committee on Transportation.

It is my hope that ROV owners will not be issued citations or be required to refrain from these recreational activities with their families while the bill completes its passage through the legislative process.

Sincerely,



MIMI WALTERS
Senator, 37th District