OFF HIGHWAY MOTOR VEHICLE INFORMATION BULLETIN

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CHANGES TO RED STICKER RIDING SEASON RULES FOR NON-CALIFORNIA RESIDENTS

Current Procedure: Nonresident off-highway vehicle (OHV) users, when visiting California, must have either current OHV registration from their home state or purchase a California OHV Nonresident Permit. Current practice dictates that these visitors are not subject to California Clean Air Standards as defined in the California Code of Regulations (CCR) and can, therefore, operate their California non-compliant OHVs (red sticker motorcycles and ATVs) year round in California.

New Procedure: Enforcement of the California Air Resources Board (CARB) regulations shall be based upon the vehicle and not the residence of the owner. All OHVs that would receive an emissions non-compliant designation (Red Sticker) in California (identified by a 3 or C in the eighth digit of the VIN) may only be ridden during open Red Sticker riding seasons with a California Nonresident OHV Use Permit or an equivalent current home state registration. Riding seasons are determined by CARB and can be found at: www.ohv.parks.ca.gov/redsticker_riding.

Law Enforcement Officers: While local and federal law enforcement officers may begin equally enforcing the Red Sticker Riding seasons for California residents and Nonresident OHV Permit or equivalent current home state registration holders, State Vehicular Recreation Area (SVRA) law enforcement officers are strongly encouraged to use the 2017 riding season as an opportunity to educate out-of-state OHV users on this change unless repeat offences occur. The OHMVR Division would encourage local and federal law enforcement to follow this lead as the current procedure has been in effect for many years. OHMVR Division staff will update the Division website, including the FAQ section. California Nonresident OHV Permit vendors will provide purchasers with a notice explaining the updated CARB nonresident OHV policy. Neighboring states and OHV stakeholder groups will also be notified.

Background: In June of 2016, CARB Legal Office determined that the Department of Parks and Recreation (DPR) should enforce compliance of existing Red Sticker regulations to out-of-state residents operating emission non-compliant OHVs during the appropriate riding season. Enforcement should have begun in 2013 when CARB received permission from the United States Environmental Protection Agency (EPA) to enforce the California emission standards. DPR did not receive notice of this ruling at that time.

CARB maintains that it is the state where the vehicle is used, not the state where the vehicle is registered, that determines which season the OHV may be operated. According to CARB, violation of 13 CCR section 2412 (b) (Emission Standards and Test Procedures – New Off-Highway Recreational Vehicles and Engines) would be cited under Health & Safety Code section 43016 (a $500 fine). CARB states that violation of 13 CCR section 2412 (b) can also be cited under California Vehicle Code section 38020.

For further clarification, contact Mark Hada at the OHMVR Division headquarters at 916-327-5734.