



OFF HIGHWAY MOTOR VEHICLE INFORMATION BULLETIN FOR CALIFORNIA LAW ENFORCEMENT



Volume 20

February 25, 2020

Number 1

PROPERLY REGISTERED OUT-OF-STATE VEHICLES IN OHV PARKS

The purpose of this Off-Highway Motor Vehicle Information Bulletin is to clarify that vehicles with proper registration (highway-legal) from foreign jurisdictions (other states), may operate year-round in California Off-Highway Vehicle (OHV) parks, without regard for “red sticker” riding seasonal restrictions.

Clarification: While the California Air Resources Board (CA ARB) determined that all off-highway equipment was subject to the same air compliance regulations as California OHV equipment, those regulations have not restricted street legal vehicles. Non-resident vehicle owners with valid registration from out of state are governed by statute, not regulation, and therefore not subject to the same restrictions that vehicles subject to “identification” (green/red sticker) or “permitted” (non-resident) vehicles are.

Discussion: Many vehicles visit State Vehicular Recreation Areas (SVRAs) and OHV areas managed by other agencies every day. Vehicles from other states that have valid license plates and current registration should be treated as would a California highway-legal vehicle with valid license and registration. This does not mean that every foreign plated OHV that is driven or trailered into an OHV park is fully compliant with California law, but without additional reasons (probable cause), all properly licensed and registered vehicles should be allowed use of the OHV recreation area.

Example 1 – An off-highway motorcycle of two-stroke design with a South Dakota license plate, indicating current street legal registration, and all appropriate safety equipment is driven into an SVRA. Without noticeable violations of some type, this visitor should be allowed to recreate upon payment of entrance fees (if applicable), without further investigation even if red sticker riding restrictions are in place.

Example 2 – – During red-sticker restricted riding season, you notice a driver in a truck with an easily differentiated 2-stroke motorcycle in the bed of the truck. The truck has California plates with a current registration sticker. The motorcycle has South Dakota plates with a current registration sticker. Since the current registration for the truck and the motorcycle are different, and residents of California are subject to red season riding restrictions, additional investigation might be appropriate to determine if the driver is a resident of California. If the driver is a California based upon his/her possession of a California driver’s license, then refusal to allow the driver to ride is appropriate., if the driver’s license indicates that he/she has been a resident for more than 20 days per CVC 6700 (a).

Example 3 – If the person from example 1, rode through a campground area at an inappropriate speed, and the subsequent vehicle stop showed the driver to be a resident of California, based upon a California Driver's License, then the rider would be in violation of CVC 38020 in addition to the probable cause for the stop.

Law Enforcement Officers: Local, state and federal law enforcement officers should equally enforce the Red Sticker Riding restrictions for CA residents, Non-Resident OHV Permit holders and those riders whose vehicles come from states with an equivalent OHV registration program. However, unless you can develop your own probable cause for a properly registered out-of-state vehicle being used unlawfully, that visitor and vehicle should be allowed the recreational use of the OHV area. This would apply even if the vehicle appears to be a red sticker OHV. OHMVR Division staff will update the division website to include this OHV Information Bulletin as well as adding the information to the Frequently Asked Questions (FAQ) section.

For further clarification contact Mark Hada, Assistant Chief, Off-Highway Motor Vehicle Recreation (OHMVR) Division HQ at 916-327-5734.