

**State of California
Department of Motor Vehicles**

**Mandatory Report to the Legislature of the State
of California**

**Senate Bill (SB) 742 –
Off-Highway Vehicle Indicia
Study Report**

In Accordance with Chapter 541 Statutes of 2007

July 1, 2009



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INTRODUCTION AND SUMMARY

This Report to the Legislature was prepared by the Department of Motor Vehicles (DMV) in conjunction with the Division of Off-Highway Motor Vehicle (OHV) Recreation of the Department of Parks and Recreation (DPR), as required by Chapter 541 of the Statutes of 2007, also known as California Vehicle Code (CVC) Section 38165(b).

Chapter 541 requires the report to contain recommendations to improve the identification of OHV. The report must examine the benefits and challenges of all of the following:

1. *Using multiple identification stickers for each vehicle.*
2. *Using large-print identifying numbers or letters.*
3. *Various identifying devices, such as license plates and stickers.*
4. *Requiring license plates or other device alternatives for certain OHV types.*
5. *Including a unique number for special nonresident permits issued under CVC Section 38087.5.*

DMV and DPR jointly recommend that no changes be made to the identification of OHVs at this time. DMV should continue issuance of a recently redesigned, multi-color license plate that distinguishes between OHVs based on their compliance with California emissions requirements. DPR enforcement personnel continue to gauge the effectiveness of these devices in the field; additional changes to the program would likely prove confusing to officers and OHV owners.

OHV PROGRAM BACKGROUND

In California, OHVs are motor vehicles operated off-highway. They can include vehicles registered pursuant to CVC Division 3 for on-highway use or identified pursuant to Division 16.5 for off-road use on lands that are open and accessible to the public. While on-highway registration is usually signified by metal plates on the front and rear of a motor vehicle, off-highway identification is demonstrated by a sticker issued by DMV pursuant to CVC Section 38010. For the purposes of this document, the term OHV is used to describe vehicles issued identification pursuant to Division 16.5.

The term "highway" does not include fire trails, logging roads, or service roads regardless of surface composition, or other roughly graded trails and roads upon which vehicular travel by the public is permitted (CVC Section 38001).

OHV Types

The most common types of OHVs are motorcycles, snowmobiles, dune buggies, all-terrain vehicles (ATVs), and jeeps. All vehicles operated on public lands must be issued OHV identification issued by DMV. On-highway vehicles may travel off-highway with or without OHV identification. The identification fee for an OHV vehicle is \$50 and is valid for a two-year period. Vehicles that can be operated both on-highway and off-highway are given a street-legal license (e.g., motorcycle plate). There are approximately 811,000 vehicles currently identified through the OHV Program at DMV.

OHV License Plate Materials

The design of OHV indicia is driven largely by safety and versatility. OHVs are often used in situations where rollover or loss of control is likely and the operator is exposed. As a result, CVC Section 38160 requires use of materials that would not endanger the operator or passengers of the vehicle. In addition, because such a wide variety of vehicles qualify as OHVs, materials must be designed to be useful (and visible) on a variety of surfaces.

As a result, OHV license plate-stickers are not manufactured of hard metal like those issued to automobiles, commercial vehicles, trailers, and motorcycles. Instead, they are flexible, pliable, and self-adhesive for secure application to the vehicle. Adhesive labels are used rather than hard metal for ease of application to various materials used in the manufacturing of the vehicle (e.g., fiberglass, various plastics).

The location of the plate on the vehicle is specified in CVC Section 38170. For example, the plate must be located on the left fork of a motorcycle or left rear quadrant of an ATV. When such vehicles are operated at speed, positive identification of even larger size indicia is difficult. Identifying the owner of an OHV who breaks the law is important; however, without positive identification of the operator, prosecution will most likely be impossible given the attire normally used when riding an OHV (helmet, gloves, boots, protective gear, long pants, and long sleeves). Without positive identification of the operator, District Attorneys will not pursue prosecution, given that any number of individuals can operate a specific OHV.

In January 1994, the California Air Resources Board (ARB) adopted emission-control regulations for off-highway recreational vehicles. ARB established regulations to limit the use of OHVs that do not meet emission standards applicable for California OHV riding areas. Non-complying OHVs are typically identified by a "3" or "C" in the eighth position of the Vehicle Identification Number. After the regulations were established, ARB and DMV developed criteria for identifying non-complying OHVs so that they may be issued distinguishing indicia, commonly called "red" stickers. Emissions-compliant OHVs are issued "green" stickers.

- Green stickers are issued for all California OHVs year-model 2002 and older, including those previously issued a red sticker, and to 2003 and newer complying vehicles. Green stickers allow unrestricted, year-round use at all California OHV riding areas.
- Red stickers are issued to 2003 year-model and newer OHVs that are not certified to California OHV emission standards. Red stickers allow only seasonal use of California OHV riding areas.

In March 2008, DPR and DMV initiated changes to OHV indicia intended to enhance visibility for better enforcement of OHV identification and emissions requirements. Up to this point in time, OHV stickers were primarily green and black or red and black, with the expiration year being the prominent feature. The following changes were made effective in February 2009:

- Expiration year and the sticker-plate serial number were reversed, resulting in the specific plate number more prominent.

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- A third, contrasting color was added as background to denote the expiration year to further enhance the new design’s visibility from a distance. The top band of color will change with the identification year.
- A space between the first three characters and the second set of three characters was incorporated to further distinguish the information appearing on the sticker.

OHV Stickers issued from 2003-2008:



OHV Stickers issued beginning in February 2009:



SPECIFIC FINDINGS

As stated earlier, Chapter 541 (CVC Section 38165(b)) statements to the benefits and challenges presented by OHV indicia in five specific areas:

1) Using multiple identification stickers for each vehicle

Benefits

- Law enforcement personnel could see the numbers coming and going in both directions. This would be similar to highway situations where front and rear license plates make vehicle identification easier.

Challenges

- Multiple identification stickers would require more than one mounting surface. Many OHVs have limited if any, body panels, limiting the practicality of the suggestion.

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- Excess inventory, such as a second sticker that could not be used, could end up fraudulently used on other vehicles.
- Multiple pieces of OHV indicia would have very limited benefit; most inspections are conducted while the vehicle is stationary.
- Using multiple pieces of inventory would raise program costs, providing less revenue available to support the DPR mission.

2) Using large-print identifying numbers or letters

Note: Current indicia revision includes contrasting bands of color as visual reference to the year of expiration. The current numeric font size is as large as possible without decreasing the size of the other two bands (i.e., Year Band, Green or Red Band).

Benefits

- A larger font print would provide law enforcement personnel greater visibility from a distance and improve identification of vehicles under observation.

Challenges

- Larger fonts would likely necessitate larger stickers, and 87 percent of OHVs in use today are “dirt bikes” and other small, ATVs with limited surface space for sticker placement.
- The indicia stickers are designed for one application. If removed for maintenance (common for motorcycle suspension fork repair) or accidentally washed off by a power washer, the sticker is voided and must be replaced.
- On some surfaces, such as the fork of a motorcycle, large-sized indicia would exceed available space. Larger fonts would actually be more difficult to read when wrapped around the front fork.
- Larger stickers have proven to be more difficult to place on a vehicle because they require careful handling when being placed. They would be more susceptible to damage or folding during placement, necessitating more frequent replacement.
- Larger stickers would be of limited benefit when a vehicle is in motion in a trail environment. Realistically, no sticker is likely to be legible at speed and in motion.

3) Various identifying devices, such as license plates and stickers

Benefits

- Traditional license plates, such as those used for on the highway, would be easier for law enforcement personnel to read in the field.
- Under such a system, OHVs could be issued a permanent license plate number, using a small sticker for biennial renewals.
- Standardizing the program to operate more like highway registration could better leverage existing equipment and other resources at DMV.
- Permanent numbers could reduce substitutions and simplify computer records associated with each unique OHV.

Challenges

- Stickers were specifically designed to provide safety and durability. Metal plates are unsafe in an off-highway environment and CVC Section 38160 specifically requires indicia not endanger the OHV operator or passengers. Idaho issues license plates for

OHVs and is now working to require only sticker-type indicia after receiving numerous complaints related to safety and placement.

- The off-road environment is more prone to dirt, mud, and debris. Embossed metal plates would be more difficult to keep clean than a flat sticker, and ultimately more difficult to read.
- OHVs are not always equipped with surfaces such as bumpers and flat panels that can accommodate the placement of a license plate.
- License plates cost significantly more than stickers for DMV to produce.

4) Requiring license plates or other device alternatives for certain OHV types

Benefits

- Some larger OHVs such as sand rails or dune buggies can accommodate traditional license plate designs that allow for larger identification numbers.
- Larger identification numbers would aid law enforcement personnel in identifying vehicles under observation.

Challenges

- Implementation of a separate plate system for larger OHVs would increase the cost of maintaining the OHV program by adding to its complexity. DMV would need to maintain multiple inventory types for various types and make new programming changes that would reduce revenue available from the OHV program.
- Larger OHVs make up a small percentage of the vehicles used off-highway. More than two-thirds of the vehicles carrying OHV identification are motorcycles and ATVs.
- Different license plate types would be confusing to enforcement personnel and the public. There would be a likelihood of errors in the issuance of OHV identification.

5) Including a unique number for special nonresident permits issued under CVC Section 38087.5.

Benefits

- New permitting could improve enforcement and increase the revenue received from nonresident park visitors.
- Numbered permits and improved information recording practices could enhance the method of capturing nonresident park usage.
- Improved permitting of nonresident vehicles could reduce trafficking of stolen OHVs by providing better information to the California Law Enforcement Telecommunications System.

Challenges

- Approximately 30,000 nonresident permits are issued through DPR vendors annually in California and other states. They are not recorded in databases alongside traditional OHV records
- Nonresident permits are only required for visitors from states that do not issue OHV identification. As a result, recording of these records would only generate a partial record of nonresident visitors.

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- Nonresident permit volumes are expected to drop dramatically in 2009, because Arizona recently started an OHV identification program. Approximately 25 percent of the permits are issued to visitors from Arizona.
- Nonresident permits are already numbered for control purposes during distribution and to track sales by vendors.
- Combining these records with traditional records would require an interface where they are issued, raising the cost and bureaucracy associated with their issuance.
- Purchasers of nonresident permits are not required to show identification and detailed vehicle information is not provided. The requirements would need to be significantly upgraded before unique numbers would add value to the process.

CONCLUSION

This report recommends that no changes be made to the identification of OHVs at this time. DMV should continue issuance of a recently redesigned, multi-color license indicia that distinguishes between OHVs based on compliance with California emissions requirements.

DPR will continue to gauge the effectiveness of these devices in the field. Law enforcement personnel have found the red/green sticker program to be an effective tool in readily identifying vehicles subject to restriction. The stickers clearly distinguish restricted vehicles and are effective at both entry gates to OHV riding areas and on trails. Additional changes to the program would likely prove confusing to officers and off-road enthusiasts.

Attachments

California Vehicle Code Sections

California Vehicle Code Sections

Applicability of Provisions

38001. (a) Except as otherwise provided, this division applies to off-highway motor vehicles, as defined in Section 38006, on lands, other than a highway, that are open and accessible to the public, including any land acquired, developed, operated, or maintained, in whole or in part, with money from the Off-Highway Vehicle Trust Fund, except private lands under the immediate control of the owner or his or her agent where permission is required and has been granted to operate a motor vehicle. For purposes of this division, the term "highway" does not include fire trails, logging roads, service roads regardless of surface composition, or other roughly graded trails and roads upon which vehicular travel by the public is permitted.

(b) Privately owned and maintained parking facilities that are generally open to the public are exempt from this division, unless the facilities are specifically declared subject to this division by the procedure specified in Section 21107.8.

Off-Highway Motor Vehicle Defined

38006. As used in this division, an "off-highway motor vehicle" is any of the following:

- (a) A motor vehicle subject to the provisions of subdivision (a) of Section 38010.
- (b) A motor vehicle registered under Section 4000, when such motor vehicle is operated on land to which this division has application.
- (c) A motor vehicle owned or operated by a nonresident of this state, whether or not such motor vehicle is identified or registered in a foreign jurisdiction, when such motor vehicle is operated on lands to which this division has application.

Issuance and Display of Identification Plates

38010. (a) Except as otherwise provided in subdivision (b), every motor vehicle specified in Section 38012 that is not registered under this code because it is to be operated or used exclusively off the highways, except as provided in this division, shall be issued and display an identification plate or device issued by the department.

(b) Subdivision (a) does not apply to any of the following:

- (1) Motor vehicles specifically exempted from registration under this code, including, but not limited to, motor vehicles exempted pursuant to Sections 4006, 4010, 4012, 4013, 4015, 4018, and 4019.
- (2) Implements of husbandry.
- (3) Motor vehicles owned by the state, or any county, city, district, or political subdivision of the state, or the United States.
- (4) Motor vehicles owned or operated by, or operated under contract with a utility, whether privately or publicly owned, when used as specified in Section 22512.
- (5) Special construction equipment described in Section 565, regardless of whether those motor vehicles are used in connection with highway or railroad work.
- (6) A motor vehicle with a currently valid special permit issued under Section 38087.5 that is owned or operated by a nonresident of this state and the vehicle is not identified or registered in a foreign

jurisdiction. For the purposes of this paragraph, a person who holds a valid driver's license issued by a foreign jurisdiction is presumed to be a nonresident.

(7) Commercial vehicles weighing more than 6,000 pounds unladen.

(8) Any motorcycle manufactured in the year 1942 or prior.

(9) Four-wheeled motor vehicles operated solely in organized racing or competitive events upon a closed course when those events are conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.

(10) A motor vehicle with a currently valid identification or registration permit issued by another state.

Definitions

38012. (a) As used in this division, "off-highway motor vehicle subject to identification" means a motor vehicle subject to the provisions of subdivision (a) of Section 38010.

(b) As used in this division, "off-highway motor vehicle" includes, but is not limited to, the following:

(1) Any motorcycle or motor-driven cycle, except for any motorcycle which is eligible for a special transportation identification device issued pursuant to Section 38088.

(2) Any snowmobile or other vehicle designed to travel over snow or ice, as defined in Section 557.

(3) Any motor vehicle commonly referred to as a sand buggy, dune buggy, or all-terrain vehicle.

(4) Any motor vehicle commonly referred to as a jeep.

Issuance of Identification Plates

38160. The department, upon identifying an off-highway motor vehicle subject to identification, shall issue to the owner a suitable identification plate or device which is capable of being attached to the vehicle in such a manner so as to not endanger the operator or passengers of the vehicle, and which shall identify the vehicle for which it is issued for the period of its validity.

Design of Identification Plates

38165. The department shall determine the size, color, and letters or number of the plate or device issued pursuant to this division and the life of the series of plate or device issued, but in no event less than six years. The design of the plate or device shall have the identification number as the most prominent feature of the device. During the intervening identification periods for which the plate or device is issued, the department shall issue a tab, sticker, or other suitable device to indicate the term for which such plate or device will be valid.

(b) On or before July 1, 2009, the department, in conjunction with the Division of Off-Highway Motor Vehicle Recreation of the Department of Parks and Recreation, shall report to the Assembly Committee on Water, Parks and Wildlife and the Senate Committee on Natural Resources and Water, regarding recommendations to improve the identification of off-highway motor vehicles. At a minimum, the report shall examine the benefits and challenges of all of the following:

(1) Using multiple identification stickers for each vehicle.

(2) Using large-print identifying numbers or letters.

(3) Various identifying devices, such as license plates and stickers.

(4) Requiring license plates or other device alternatives for certain off-highway vehicle types.

(5) Including a unique number for special nonresident permits issued under Section 38087.5.

(c) In preparing the report, the department and the Division of Off-Highway Motor Vehicle Recreation shall work with vehicle manufacturers to evaluate feasibility.

Display of Identification Plates

38170. (a) Every off-highway motor vehicle subject to identification shall have displayed upon it the identification number assigned to the vehicle for which it is issued, together with the word "California" or the abbreviation "CAL" and the year number for which it is issued or a suitable device issued by the department for validation purposes, which device shall contain the year for which it is issued.

(b) The identification plate or device shall at all times be securely fastened to the vehicle for which it is issued and shall be mounted or affixed in a position to be clearly visible, and shall be maintained in a condition so as to be clearly legible. No covering shall be used on the identification plate or device.

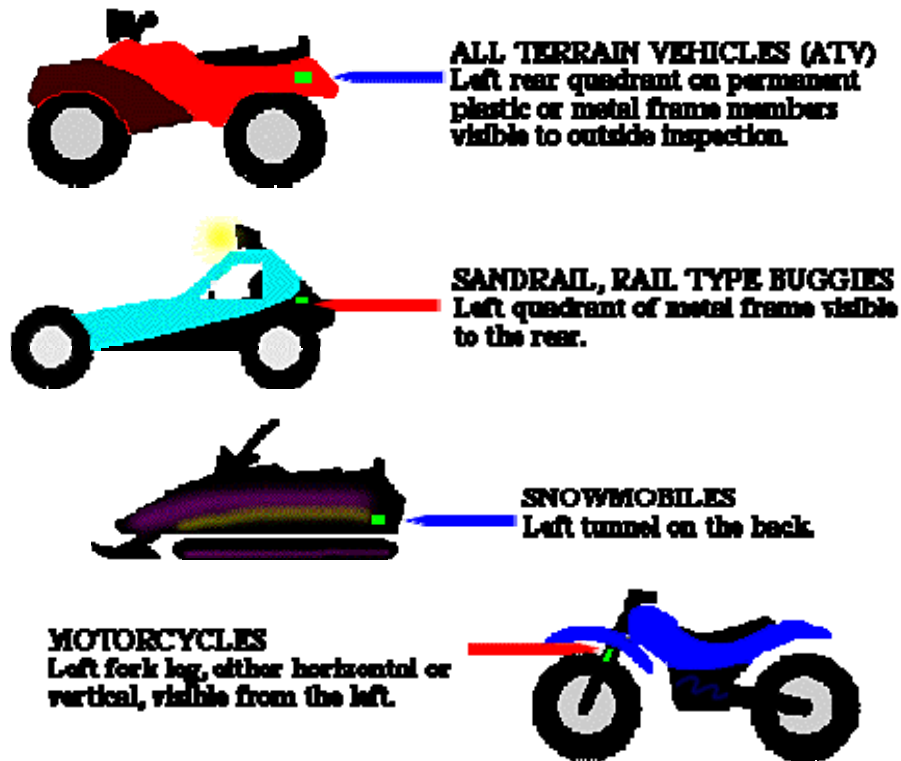
(c) All identification plates or devices issued on or after January 1, 1996, shall be displayed as follows:

(1) On the left fork leg of a motorcycle, either horizontal or vertical, and shall be visible from the left side of the motorcycle.

(2) On the left quadrant of the metal frame member of sand rails, rail-type buggies, and dune buggies, visible from the rear of the vehicle.

(3) On the left rear quadrant on permanent plastic or metal frame members of all-terrain vehicles, visible from the rear of the vehicle.

(4) On the left tunnel on the back quadrant of snowmobiles.



30.005 Exemptions (VC §38010)

The following vehicles are exempt from OHV identification:

- Vehicles crossing a highway in accordance with a permit issued by the Department of Transportation (CALTRANS).
- Special construction equipment, special mobile equipment, cemetery equipment, forklift trucks, firefighting vehicles, logging vehicles, and golf carts.
- Implements of Husbandry. (Defined in *California Vehicle Code* Division 16, beginning with Section 36000.)
- Self-propelled wheelchairs.
- Motorized bicycles (mopeds).
- Motor vehicles owned by the state, or any county, city, district, or political subdivision of the state, or the United States.
- Motor vehicles owned or operated by, or operated under contract with a utility, whether privately or publicly owned, when used as specified in VC §22512.
- Special construction equipment described in VC §565, regardless of whether such motor vehicles are used in connection with highway or railroad work.
- A motor vehicle owned or operated by a nonresident of this state, whether or not such vehicle is identified or registered in a foreign jurisdiction. For the purposes of this paragraph, a person who holds a valid driver license issued by a foreign jurisdiction shall be presumed to be such a nonresident.
- Commercial vehicles with an unladen weight of 6,001 pounds or more.
- Any motorcycle manufactured in 1942 or prior thereto.
- Four-wheel motor vehicles operated solely in organized racing or competitive events upon a "closed course" when such events are conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.
- Any racing motorcycle which carries a Motorcycle Transportation Permit while being transported on the highway.