

REFERENCE TITLE: *off-highway vehicle user fees*

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1393**

Introduced by  
Senator Kerr

### AN ACT

AMENDING SECTION 28-1177, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 20, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1182; AMENDING SECTION 28-6501, ARIZONA REVISED STATUTES; RELATING TO OFF-HIGHWAY VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-1177, Arizona Revised Statutes, is amended to  
3 read:

4 28-1177. Off-highway vehicle user fee; indicia; registration;  
5 state trust land recreational permit; exception

6 A. A person shall not operate or allow the operation of an  
7 all-terrain vehicle or an off-highway vehicle in this state without ~~either~~  
8 a VALID resident or nonresident off-highway vehicle user indicia issued by  
9 the department if the all-terrain vehicle or off-highway vehicle meets  
10 both of the following criteria:

11 1. Is designed by the manufacturer primarily for travel over  
12 unimproved terrain.

13 2. Has an unladen weight of two thousand five hundred pounds or  
14 less.

15 B. A person shall apply to the department of transportation for a  
16 resident or nonresident off-highway vehicle user indicia by submitting an  
17 application prescribed by the department of transportation and a user fee  
18 for the indicia in an amount to be determined by the director of the  
19 department of transportation in cooperation with the director of the  
20 Arizona game and fish department and the Arizona state parks board. The  
21 resident or nonresident off-highway vehicle user indicia is valid for one  
22 year from the date of issuance and may be renewed. The department shall  
23 prescribe by rule the design and placement of the indicia.

24 C. When a person pays for a resident off-highway vehicle user  
25 indicia pursuant to this section, the person may request a motor vehicle  
26 registration if the vehicle meets all equipment requirements to be  
27 operated on a highway pursuant to article 16 of this chapter. If a person  
28 submits a signed affidavit to the department affirming that the vehicle  
29 meets all of the equipment requirements for highway use and that the  
30 vehicle will be operated primarily off of highways, the department shall  
31 register the vehicle for highway use and the vehicle owner is not required  
32 to pay the registration fee prescribed in section 28-2003. This  
33 subsection does not apply to vehicles that ~~as produced by the manufacturer~~  
34 ~~meet the equipment requirements to be operated on a highway pursuant to~~  
35 ~~article 16 of this chapter~~ ARE NOT OFF-HIGHWAY VEHICLES.

36 D. The director shall deposit, pursuant to sections 35-146 and  
37 35-147, seventy percent of the user fees collected pursuant to this  
38 section in the off-highway vehicle recreation fund established by section  
39 28-1176 and thirty percent of the user fees collected pursuant to this  
40 section in the ~~Arizona highway user revenue~~ OFF-HIGHWAY VEHICLE LAW  
41 ENFORCEMENT SAFETY fund ESTABLISHED BY SECTION 28-1182.

42 E. The Arizona game and fish department may provide for the  
43 purchase of nonresident off-highway vehicle user indicia and may impose an  
44 additional service fee in an amount to be determined by the Arizona game  
45 and fish commission by rule. The Arizona game and fish department shall

1 deposit, pursuant to sections 35-146 and 35-147, the service fees  
2 collected pursuant to this subsection in the game and fish fund  
3 established by section 17-261.

4 F. An occupant of an off-highway vehicle with a resident or  
5 nonresident off-highway vehicle user indicia issued pursuant to this  
6 section who crosses state trust lands must comply with all of the rules  
7 and requirements under a state trust land recreational permit. All  
8 occupants of an off-highway vehicle with a resident or nonresident  
9 off-highway vehicle user indicia shall obtain a state trust land  
10 recreational permit from the state land department for all other  
11 authorized recreational activities on state trust land.

12 G. This section does not apply to off-highway vehicles, all-terrain  
13 vehicles or off-road recreational motor vehicles that are used off-highway  
14 exclusively for agricultural, ranching, construction, mining, mining  
15 exploration or building trade purposes.

16 H. In consultation with the department of transportation, the  
17 Arizona game and fish department may adopt rules necessary to implement  
18 this section.

19 Sec. 2. Title 28, chapter 3, article 20, Arizona Revised Statutes,  
20 is amended by adding section 28-1182, to read:

21 28-1182. Off-highway vehicle law enforcement safety fund

22 A. THE OFF-HIGHWAY VEHICLE LAW ENFORCEMENT SAFETY FUND IS  
23 ESTABLISHED CONSISTING OF:

- 24 1. MONIES APPROPRIATED BY THE LEGISLATURE.
- 25 2. MONIES DEPOSITED PURSUANT TO SECTION 28-1177.
- 26 3. FEDERAL GRANTS.
- 27 4. PRIVATE GIFTS.

28 B. MONIES IN THE OFF-HIGHWAY VEHICLE LAW ENFORCEMENT SAFETY FUND  
29 ARE CONTINUOUSLY APPROPRIATED AND SHALL BE DISTRIBUTED TO EACH COUNTY  
30 SHERIFF'S OFFICE SOLELY FOR THE PURPOSES PROVIDED IN THIS ARTICLE. THE  
31 STATE TREASURER SHALL ADMINISTER THE FUND. INTEREST EARNED ON MONIES IN  
32 THE FUND SHALL BE CREDITED TO THE FUND. MONIES IN THE OFF-HIGHWAY VEHICLE  
33 LAW ENFORCEMENT SAFETY FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION  
34 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

35 C. THE STATE TREASURER SHALL DISTRIBUTE THE MONIES MONTHLY TO THE  
36 SHERIFFS' OFFICES IN EACH COUNTY IN THE FOLLOWING PERCENTAGES:

- 37 1. APACHE 3%
- 38 2. COCHISE 4%
- 39 3. COCONINO 18%
- 40 4. GILA 5%
- 41 5. GRAHAM 3%
- 42 6. GREENLEE 3%
- 43 7. LA PAZ 4%
- 44 8. MARICOPA 11%
- 45 9. MOHAVE 12%

1	10. NAVAJO	4%
2	11. PIMA	5%
3	12. PINAL	9%
4	13. SANTA CRUZ	3%
5	14. YAVAPAI	13%
6	15. YUMA	3%

7 Sec. 3. Section 28-6501, Arizona Revised Statutes, is amended to  
8 read:

9 28-6501. Definition of highway user revenues

10 In this article, unless the context otherwise requires or except as  
11 otherwise provided by statute, "highway user revenues" means all monies  
12 received in this state from licenses, taxes, penalties, interest and fees  
13 authorized by the following:

- 14 1. Chapters 2, 7, 8 and 15 of this title, except for:
  - 15 (a) The special plate administration fees prescribed in sections
  - 16 28-2404, 28-2407, 28-2412 through 28-2470.17 and 28-2514.
  - 17 (b) The donations prescribed in sections 28-2404, 28-2407, 28-2412
  - 18 through 28-2415, 28-2417 through 28-2470.17, 28-2473, 28-2474, 28-2475 and
  - 19 28-2476.

20 ~~2. Section 28-1177.~~

- 21 ~~3.~~ 2. Chapters 10 and 11 of this title.
- 22 ~~4.~~ 3. Chapter 16, articles 1, 2 and 4 of this title, except as
- 23 provided in sections 28-5926 and 28-5927.