



# OFF HIGHWAY MOTOR VEHICLE INFORMATION BULLETIN



FOR CALIFORNIA LAW ENFORCEMENT

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## Changes to Red Sticker Riding Season Rules for Non California Residents

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

**New Procedure:** Enforcement of the CA 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 Non-Resident OHV Use Permit or an equivalent current home state registration. Riding seasons are determined by the CARB and can be found at:

[http://www.ohv.parks.ca.gov/?page\\_id=21928](http://www.ohv.parks.ca.gov/?page_id=21928)

**Law Enforcement Officers:** While local and federal law enforcement officers may begin equally enforcing the Red Sticker Riding seasons for CA residents and Non-Resident 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. Distributors of California Non-Resident OHV Permits will include a memorandum that documents the updating of the CARB non-resident OHV policy. Neighboring states will be notified as well as OHV stakeholder groups.

**Background:** In June of 2016, the California Air Resource Board (CARB) Legal Section determined that the Department of Parks & Recreation (DPR) should enforce the regulation against out of state residents operating emission non-compliant OHVs during the appropriate riding season. Enforcement should have begun effective 2013 when CARB received permission to enforce the California emission standards from the US Environmental Protection Agency (EPA). 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 in which season the OHV may be operated. According to CARB, violation of 13 CCR § 2412 (b) would be Health & Safety Code section 43016 (a \$500 fine).

California Air Resources Clarification of 13 CCR § 2412 (b) Emission Standards and Test Procedures - New Off-Highway Recreational Vehicles and Engines. CVC 38020 can also be used to enforce this regulation.

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