

HCS HB 2042 -- OFF-HIGHWAY VEHICLES

SPONSOR: Brown (30)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 10 to 0.

This substitute changes the laws regarding off-highway vehicles. In its main provisions, the substitute:

(1) Requires a person when applying for an original certificate of ownership for an all-terrain vehicle or a recreational off-highway vehicle to submit an affidavit explaining how the vehicle was acquired, an inspection performed by law enforcement verifying that the vehicle has not been reported stolen in the national crime information center and any appropriate statewide law enforcement computer, and a photocopy of the bill of sale establishing ownership of the vehicle;

(2) Requires a nonresident to annually obtain and display a permit from the Department of Natural Resources to operate an off-highway vehicle in Missouri beginning January 1, 2011, or to display a valid highway license on the vehicle. The cost of the permit will be \$20;

(3) Requires the department to issue a printed user certificate to be carried by the user of the vehicle at all times;

(4) Allows a duplicate user certificate to be obtained by filing an affidavit explaining the need for the replacement and submitting an \$8 replacement fee;

(5) Specifies that all certificates will expire on December 31 of the registration year;

(6) Exempts off-highway vehicles owned and operated by the United States, another state, or any other political subdivision; vehicles participating in officially sanctioned race events; and licensed or unlicensed motorcycles from the permit requirements; and

(7) Creates the Off-Highway Vehicle User Permit Fund to be administered by the department for the deposit of all off-highway vehicle user fees and the \$8 replacement fee as well as gifts, donations, bequests, or appropriated funds. Thirty-five percent of the moneys in the fund must be spent for informational and educational programs relating to safety, the environment, and the responsible use of off-highway vehicle recreation. The remaining 65% must be used for the designation, construction, maintenance, renovation, and repair of off-highway routes and trails;

designation, management, and acquisition of land for access roads and off-highway recreation facilities and use areas; enforcement of off-highway vehicle laws; off-highway vehicle-related informational and environmental programs, information, signage, maps, and responsible use programs; mitigation of damages to land, revegetation, and the prevention and restoration of damages to natural and cultural resources; and environmental, historical, and cultural clearance or compliance activities. Moneys in the fund cannot be used to construct new off-highway vehicle trails on environmentally or culturally sensitive land unless the appropriate land management agency determines that the new construction would benefit or protect cultural or sensitive sites.

Anyone violating the provisions of the substitute will be guilty of an infraction.

FISCAL NOTE: No impact on state funds in FY 2011, FY 2012, and FY 2013.

PROPONENTS: Supporters say that the bill will correct titling consistency problems caused by the inability to title some used all-terrain vehicles and recreational off-highway vehicles that were bought from individuals. The revenue generated by the user permit and replacement fees is needed to maintain ATV parks.

Testifying for the bill were Representative Brown (30); and Department of Natural Resources.

OPPONENTS: There was no opposition voiced to the committee.