



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1377

off-highway vehicles; fund

Purpose

Outlines changes to the distribution of monies in the Off-Highway Vehicle Recreation Fund (Fund) and allowable uses of Fund monies.

Background

An *off-highway vehicle trail* is a multiple use corridor that is open to recreational travel by an off-highway vehicle and designated or managed by or for the managing authority of the property that the trail traverses for off-highway vehicle (OHV) use ([A.R.S. § 28-1171](#)).

The Fund consists of legislative appropriations, monies from OHV user indicia fees, monies from motor vehicle fuel taxes, federal grants and private gifts. Fund monies are distributed to the following agencies for specified purposes, including program administration, law enforcement and OHV trail maintenance: 1) 35 percent to the Arizona Game and Fish Department; 2) 5 percent to the State Land Department; and 3) 60 percent to the Arizona State Parks Board.

Each agency receiving monies from the Fund is required to submit an annual OHV report to the Legislature by September 1 of each of year and make the report available to the public. The report must include, if applicable: 1) the amount of monies spent or encumbered for OHV law enforcement activities; 2) the amount of monies spent for employee services; 3) the number of full-time employees (FTEs) employed in connection with OHV law enforcement activities; 4) the amount of monies spent for information and education; 5) information about verbal and written warnings and citations given or issued; and 6) a specified and detailed accounting for all monies spent for construction of new OHV trails, mitigation of damages to lands, revegetation, prevention and restoration of natural and cultural resources, signage, maps and necessary environmental, historical and cultural clearance or compliance activities ([A.R.S. §§ 28-1176](#) and [28-1177](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Increases, from 7 to 14, the number of FTEs the Arizona Game & Fish Department may employ to enforce off-highway vehicle laws.
2. Increases, from 5 percent to 15 percent, the required percentage of Fund monies the Arizona State Land Department must spend on trails.
3. Lowers, from 60 to 50 percent, the required percentage the Arizona State Parks Board may spend from the Fund on OHV related activities.

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4. Lowers, from up to 12 percent to up to 10 percent, the percentage the Arizona State Parks Board may spend from the Fund on administration.
5. Requires the Arizona State Parks Board to spend at least 10 percent of Fund monies on enforcement of OHV laws and at least 10 percent for state land lessee impacts.
6. Requires any designation or acquisition of land for OHV be approved at an Arizona State Parks Board public meeting.
7. Requires the Arizona State Parks Board, in determining the amount of monies for eligible projects, to give preference to applications for projects with mitigation efforts, for projects that address impacts to state land lessees, for nonfederal projects and for projects where federal entities work with state and local entities.
8. Adds the number and status of filed off-highway vehicle injury claims filed in the state to Fund reporting requirements.
9. Requires the Director of the Arizona Department of Transportation to deposit all off-highway vehicle user fees into the Fund, rather than 70 percent to the Fund and 30 percent into the Arizona Highway User Revenue Fund.
10. Asserts that all OHV operators and passengers assume all risks of personal injury or death associated with recreational use on public or private land.
11. Specifies that landowners and authorized lessees do not have a duty to keep lands safety for entry and use by recreational users or to warn of or maintain lands and trails against unsafe conditions.
12. Modifies the definition of *off-highway vehicle trail*.
13. Makes technical and conforming changes.
14. Becomes effective on the general effective.

Prepared by Senate Research

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LMM/sr