

REFERENCE TITLE: off-highway vehicles; tax stamps

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SB 1371

Introduced by
Senators Gould: Aguirre

AN ACT

AMENDING SECTIONS 28-1177 AND 28-2061, 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 an all-terrain vehicle or an off-highway
7 vehicle in this state without an off-highway vehicle user indicia issued by
8 the department if the all-terrain vehicle or off-highway vehicle meets both
9 of the following criteria:

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

12 2. Has an unladen weight of eighteen hundred pounds or less.

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

21 C. When a person pays for an off-highway vehicle user indicia pursuant
22 to this section, the person may request a motor vehicle registration if the
23 vehicle meets all equipment requirements to be operated on a highway pursuant
24 to article 16 of this chapter. If a person submits a signed affidavit to the
25 department affirming that the vehicle meets all of the equipment requirements
26 for highway use and that the vehicle will be operated primarily off of
27 highways **AND IF THE PERSON HAS EITHER A CERTIFICATE OF TITLE OR A TAX STAMP**
28 **FOR THE VEHICLE PURSUANT TO SECTION 28-2061**, the department shall register
29 the vehicle for highway use and the vehicle owner is not required to pay the
30 registration fee prescribed in section 28-2003. This subsection does not
31 apply to vehicles that as produced by the manufacturer meet the equipment
32 requirements to be operated on a highway pursuant to article 16 of this
33 chapter.

34 D. The director shall deposit, pursuant to sections 35-146 and 35-147,
35 seventy per cent of the user fees collected pursuant to this section in the
36 off-highway vehicle recreation fund established by section 28-1176 and thirty
37 per cent of the user fees collected pursuant to this section in the Arizona
38 highway user revenue fund.

39 E. An occupant of an off-highway vehicle with a user indicia issued
40 pursuant to this section who crosses state trust lands must comply with all
41 of the rules and requirements under a state trust land recreational permit.
42 All occupants of an off-highway vehicle with a user indicia shall obtain a
43 state trust land recreational permit from the state land department for all
44 other authorized recreational activities on state trust land.

1 F. This section does not apply to off-highway vehicles, all-terrain
2 vehicles or off-road recreational motor vehicles that are used off-highway
3 exclusively for agricultural, ranching, construction, mining or building
4 trade purposes.

5 Sec. 2. Section 28-2061, Arizona Revised Statutes, is amended to read:
6 28-2061. All-terrain vehicles; off-highway vehicles; off-road
7 recreational motor vehicles; certificates of title;
8 tax stamps; exemption

9 A. On the retail sale of a new all-terrain vehicle, off-highway
10 vehicle as defined in section 28-1171 or off-road recreational motor vehicle,
11 the dealer or person first receiving the motor vehicle from the manufacturer
12 shall apply, on behalf of the purchaser, to the department for a certificate
13 of title to the motor vehicle in the name of the purchaser. If satisfied
14 that the application is genuine and regular and that the applicant is
15 entitled to a certificate, the department shall issue a certificate of title
16 to the motor vehicle without requiring registration for the motor vehicle.

17 B. A person who owns an all-terrain vehicle, off-highway vehicle as
18 defined in section 28-1171 or off-road recreational motor vehicle shall
19 EITHER apply for and obtain a certificate of title required by this section
20 in the manner prescribed in this chapter ~~on or before July 1, 2009~~ OR APPLY
21 FOR AND OBTAIN A TAX STAMP IN A MANNER PRESCRIBED BY THE DIRECTOR. On the
22 transfer of ownership of an all-terrain vehicle, off-highway vehicle as
23 defined in section 28-1171 or off-road recreational motor vehicle for which a
24 certificate of title OR TAX STAMP is required by this section, a person shall
25 apply for and obtain a new certificate OR TAX STAMP in the manner prescribed
26 in this chapter. THE FEE FOR A TAX STAMP IS TWO DOLLARS. THE DEPARTMENT
27 SHALL PRESCRIBE BY RULE THE DESIGN OF THE TAX STAMP.

28 C. A person participating in an off-highway vehicle special event as
29 defined in section 28-1171 is exempt from the requirements of this section.