

NOTICES OF SUBSTANTIVE POLICY STATEMENTS

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF TRANSPORTATION

[M08-552]

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Off-Highway Vehicle Decal; Senate Bill 1167, Motor Vehicle Division Memo # T5389

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

The substantive requirements of Motor Vehicle Division Memo # T5389, issued December 12, 2008, are effective January 1, 2009.

3. Summary of the contents of the substantive policy statement:

Effective January 1, 2009, pursuant to Laws 2008, Chapter 294, the Arizona Department of Transportation, Motor Vehicle Division (MVD), and its Authorized Third Party Providers, including ServiceArizona (servicearizona.com), will begin issuing an Off-Highway Vehicle (OHV) decal to eligible vehicle owners for a fee of \$25.00.

The OHV decal is required for lawful Arizona off-highway operation of an all-terrain vehicle or off-highway vehicle that meets both of the following criteria:

Is designed by the manufacturer primarily for travel over unimproved terrain; and

Has an unladen weight of 1,800 lbs. or less.

An OHV decal issued to a qualified vehicle owner shall be attached to the upper left corner of the vehicle's license plate, and:

Is valid for one year from the last day of the month of issuance;

Is renewable no more than six-months before the expiration date indicated on the decal; and

Is non-refundable.

Note: The expiration date of an OHV decal may not be associated with the vehicle's registration cycle (e.g. expiration dates for decal and vehicle registration may differ) and a decal renewal notification or reminder will not be provided.

To obtain an OHV decal, a qualifying vehicle owner shall complete an off-highway vehicle decal application provided by MVD and indicate on the application whether the qualifying vehicle will be used exclusively off-highway, primarily off-highway (occasional on-highway use), or primarily on-highway (occasional off-highway use).

An owner registering a qualifying vehicle used primarily off-highway (occasionally on-highway), may be eligible for a new reduced vehicle license tax of \$3.00 and is exempt from payment of the registration fee if the owner can certify on the application that the vehicle meets all applicable safety and equipment requirements under A.R.S. Title 28, Chapter 3, Article 16.

When transferring ownership of an all-terrain vehicle, off-highway vehicle as defined under A.R.S. § 28-1171, or off-road recreational motor vehicle previously issued an Arizona off-road recreational vehicle license plate, the seller shall remove and retain the license plate as required by law. An unexpired OHV decal will follow the license plate retained by its owner and remains valid for use without payment of an additional OHV decal fee if properly transferred through MVD to another qualifying vehicle the seller may possess or acquire.

Additional information pertaining to OHV decal operating regulations is available online from the Arizona Game and Fish Department at: www.azgfd.gov/ohv.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

This is a new substantive policy statement.

5. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Lori B. Todd, Administrative Assistant
Address: Information and Learning Section
Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 517M
Phoenix, AZ 85007
Telephone: (602) 712-4788
Fax: (602) 712-3373
E-mail: LTodd@azdot.gov

6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Interested parties may obtain this information from the individual listed under item 5 at a cost of 25¢ per page.