



What Does the CA OHMVR Division December 19 Information Bulletin Mean for CA Dealers?

The California Off-Highway Motor Vehicle Recreation (OHMVR) Division issued a notice on December 19 of last month entitled, "Off-Highway Motor Vehicle Information Bulletin For California Law Enforcement." (*attached*)

Since then, the CMDA Headquarters has received a number of enquiries regarding some of the statements contained therein.

The Bulletin explains that effective January 1, 2025, " ... *Red Sticker and Green Sticker registration are equally valid year-round in all public areas designated for OHV recreation.*"

Essentially, that means, that as part of the California Air Resources Board (CARB) 2019 regulatory change, all current Red Sticker identified OHVs are now permitted to operate year-round, without time or date restrictions, on California public areas designated for public use. In other words, all previously-issued Red Sticker OHVs are "grandfathered in" for the uses that Green Sticker OHVs have always enjoyed.

That's the good news that will bring many more OHV enthusiasts to state SVRAs on their public lands to enjoy completely the outdoor experience that OHV recreation brings, without use conditions. That was one of the positive results of CARB's 2019 regulation that the CMDA fought hard for.

Further on in the Bulletin, however, it was revealed that: ***DMV continues to issue Red Sticker registrations for model year 2022 and newer. Until further notice, Law Enforcement shall treat all off-highway motor vehicles with current Red Sticker registration as valid regardless of model year, so long as the registration matches the vehicle identification number (VIN).***

However, part of CARB's 2019 regulation clearly mandates that post-2021 (or 2022 and forward) MY off-road motorcycles that do not meet CARB's OHV low engine emission standard (mainly motocross-type) cannot be issued Red Sticker registration.

The DMV has contended, since CARB's regulation went into force, that part of the regulation does not apply to them, relying on the provisions of CVC 38010 to continue to issue Red Stickers to these post-2021 MY off-road motorcycles.

Some dealers have also begun to issue Red Stickers,

not being aware of CARB's prohibition, or ignoring it.

Therein lies the problem. The Bulletin was issued by the OHMVR Division specifically for use by its law enforcement officers for enforcing admission and the use of these vehicles on public lands and the OHMVR Bulletin seems to agree with its interpretation.

The CMDA has been advising its members not to issue Red Stickers to this category of OHVs, because CARB was very insistent that violators, whether they be retailers or even owners, could be cited in the future for up to \$37,500 per incident.

The CMDA then went to the extent of having a waiver created for its members' distribution to purchasers of these motorcycles, upon signing, advised them of the strict use prohibitions on public land. Dealers can legally sell these non-CARB cert units, because

CARB has no authority as to their sale, just their use, on public land.

The result is, we have a serious dispute between state agencies, and as often, California motorcycle dealers are caught in the middle.

We understand, negotiations are ongoing between CARB and the DMV to try and reach an equitable resolution.

For Now:

1. It is not clear if DMV office-issued, or dealer -issued Red Stickers for these bikes will not be rescinded, and/or dealers and purchasers cited by CARB.

2. It is not clear if these Red Stickers issued since 2021 will be renewed upon their 2-year expiration.

The CMDA continues to recommend to its members **not** to issue Red Stickers for these units because of the potential extreme violation penalties by CARB.

If a buyer insists on obtaining a Red Sticker, refer them to the nearest DMV office to obtain one, themselves. We understand not all offices issue them.

We have contacted CARB and the DMV for both agencies' official position on this serious issue that has caused much financial harm to our members and will continue to keep you informed when any new developments occur. ♦





OFF-HIGHWAY MOTOR VEHICLE INFORMATION BULLETIN

FOR CALIFORNIA LAW ENFORCEMENT



Volume 24

December 19, 2024

Number 3

Red Sticker Riding Season Sunset December 31st, 2024
--

The purpose of this bulletin is to update information regarding competition off-highway motorcycles, the California Air Resources Board (CARB) Red Sticker Registration Program, and the Department of Motor Vehicles (DMV) off-highway motor vehicle (OHV) identification ("registration"). Information in this bulletin supersedes any conflicting information in previous OHV Information Bulletins. OHV Information Bulletins 21-2 and 22-2 shall be considered obsolete.

Effective January 1, 2025, off-road motorcycles and ATVs previously registered pursuant to California Code of Regulations (CCR), Title 13, Section 2415, are now permitted to operate year-round in public areas designated for OHV use. Beginning January 1, 2025, Red Sticker and Green Sticker registration are equally **valid** year-round in all public areas designated for OHV recreation. **DMV continues to issue Red Sticker registrations for model year 2022 and newer.** Until further notice, Law Enforcement shall treat all off-highway motor vehicles with current Red-Sticker registration as valid regardless of model year, so long as the registration matches the vehicle identification number (VIN).

BACKGROUND

CARB regulations contained in CCR Sections 2412(f) and 2415, known as the Red Sticker Program, established an alternative emissions registration for off-highway motorcycles and All-Terrain Vehicles that did not comply with CARB's OHV emissions standards. However, CARB's emissions provisions do not apply to racing vehicles (Health and Safety Code (HSC) §43001(a)). Most motorcycles registered through the Red Sticker program were designed for competition use. The Red Sticker Program allowed competition/racing motorcycles of model years 2003 through 2021 to be registered by DMV and issued a Red Sticker. The Red Sticker Program also allowed these OHVs and ATVs to be operated in areas identified in CCR, Title 13, Section 2415, with seasonal restrictions. As part of

CARB's Red Sticker Executive Order (EO), OHV manufacturers implemented a coding convention for the eighth character of VIN with a "C" or "3" to streamline the identification process.

GUIDANCE FOR LAW ENFORCEMENT OFFICERS

Although CARB amended its regulations in 2019, phasing out the Red Sticker program for model year 2021 and older, the DMV continues to issue Red Sticker registration for 2022 and later model year competition motorcycles pursuant to CVC §38010. Until further notice, Law Enforcement shall treat all off-highway motor vehicles with current Red-Sticker registration as valid regardless of model year, so long as the registration matches the VIN.

Law Enforcement defer to the DMV and only take possession of an invalid registration sticker. Law Enforcement are reminded to return confiscated indicia to DMV pursuant to CVC§ 4460(b), except when retained as evidence of a separate violation.

GUIDANCE FOR OWNERS

Until further notice, effective January 1, 2025, off-road motorcycles and ATVs previously registered pursuant to CCR, Title 13, Section 2415, are now permitted to operate year-round in public areas designated for OHV use. Beginning January 1, 2025, Red Sticker and Green Sticker registration are equally **valid** year-round in all public areas designated for OHV recreation.

Please note: Guidance related to vehicle identification and registration may change at the discretion of the DMV.

For further clarification, contact Superintendent Jack Gorman, Assistant Chief, Off-Highway Motor Vehicle Recreation (OHMVR) Division at (661) 449-7858.