

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Roy Wilson, Supervisor Marion Ashley


SUBMITTAL DATE:
November 15, 2005

SUBJECT: Off Highway Vehicle Violations

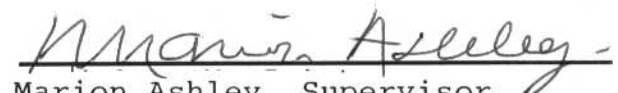
RECOMMENDED MOTION: That the Board of Supervisors adopt the attached Resolution No. 2005-484 calling on the State Judicial Council to increase the base fees for illegal off-highway vehicle violations relative to Section 38301 of the California Vehicle Code.

BACKGROUND: The Coachella Valley Association of Governments has been working on the problem of illegal Off-Highway Vehicles (OHV) and the damage caused by them in the region. A task force was formed to study and address the OHV issues. As a result of it's work the task force met with various state officials. Hal Thomas, State Commissioner, with the State Off Highway Motor Vehicle Recreation Division of California Parks recommended that the base fee for OHV violations under California Vehicle Code Section 38301 be increased from the base amount of \$35. The total cost (including other fees is \$124) This current nominal base fee does little as a deterrent. To accomplish the increase it will be necessary to adjust the Uniform Bail and Penalty Schedule for infraction violations of the Vehicle Code through the State Judicial Council. The attached resolution will accomplish this goal.

Board consideration and adoption of the resolution is requested.



Roy Wilson, Supervisor
Fourth District



Marion Ashley, Supervisor
Fifth District

Departmental Concurrence

- Policy
- Policy
- Consent
- Consent

Dept' Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.:

District:

Agenda Number:

3.29

RESOLUTION NO. 2005-484

**A RESOLUTION OF THE
RIVERSIDE COUNTY BOARD OF SUPERVISORS
EXPRESSING CVAG'S SUPPORT FOR INCREASING
BASE FINE FOR SECTION 38301 OF CALIFORNIA VEHICLE CODE
RELATED TO OFF HIGHWAY VEHICLE ACTIVITIES**

WHEREAS, illegal use of off-highway vehicles (OHV) can cause physical injury, and death to riders as well as environmental resource damage; and,

WHEREAS, illegal use of off highway vehicles has an adverse effect on the many off-highway vehicle users who obey the law and use legal authorized riding areas, and;

WHEREAS, illegal OHV activity is increasing in the Coachella Valley resulting in increased enforcement and destruction of the natural environment;

WHEREAS, many OHV groups support increased measures to prevent illegal riding and environmental resources damage; and,

WHEREAS, the base fine for OHV violations in some areas is low and does not serve as a deterrent to illegal OHV activity and are deemed by OHV violators as "the cost of doing business"; and,

WHEREAS, California Vehicle Code 38301, "Unlawful to Violate Off-Highway Vehicle Operation Regulations" is the general vehicle code used by public safety and law enforcement to cite violators of off highway vehicle activity; and,

WHEREAS, the base fine for California Vehicle Code Section 38301, is only \$35; with the total bail amount is \$124.00; and deemed as an infraction; and,

WHEREAS, an increase in the base fine for California Vehicle Code Section 38301 could serve as a deterrent and lead to a significant reduction in violations; and,

WHEREAS, the State Judicial Council is the policy-setting body of the California courts which established the Uniform Bail and Penalty Schedule for infraction violations; and,

WHEREAS, the State Judicial Council allows an opportunity and will be seeking comment from persons and organizations interested in proposed changes to the California Vehicle Code in November, 2005;

WHEREAS, CVAG's Public Safety Committee formed an OHV Task Force to address the illegal OHV issues occurring in the Coachella Valley; and,

WHEREAS, CVAG's OHV Task Force has recommended public comment to the State Judicial Council to support an increase in the base fine of Section 38301 to serve as a deterrent to illegal OHV riders which will reduce the number of violators;

NOW, THEREFORE, BE IT RESOLVED, THAT: THE RIVERSIDE COUNTY BOARD OF SUPERVISORS HEREBY DECLARE AND RESOLVE THAT CVAG SUPPORTS AND ENDORSES AN INCREASE IN THE BASE FINE FOR CALIFORNIA VEHICLE CODE SECTION 38301 BY THE STATE JUDICIAL COUNCIL TO SERVE AS A DETERRENT TO ILLEGAL OFF HIGHWAY VEHICLE ACTIVITY.

APPROVED AND ADOPTED on this day, November 8, 2005.