ARIZONA’S SEAT BELT LAWS

INTRODUCTION

Vehicle restraint systems include safety belts and child passenger restraint systems that are designed to reduce the risk of injury or death for the user when a motor vehicle is involved in an accident.

There are two main types of safety belt laws: primary enforcement and secondary enforcement. Primary enforcement laws allow police officers to stop a vehicle because of a suspected seat belt violation, while secondary enforcement laws allow peace officers to issue a citation for a seat belt violation during a traffic stop for another violation.

There is no federal seat belt law. The U.S. Department of Transportation, through the National Highway Transportation Safety Administration (NHTSA), offers grant programs to states; in 2002, 48 states, the District of Columbia and Puerto Rico shared a $44.4 million grant. Safety and public awareness campaigns are also conducted by NHTSA, including the “crash test dummies” campaign. Grant monies were reauthorized for safety belt programs in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which was signed into law in August of 2005.

ARIZONA REGULATIONS

Arizona is a secondary enforcement state, except for children under the age of eight who meet a certain height requirement. Arizona requires the use of safety belts where they are installed, by front seat occupants of a motor vehicle. The driver of the vehicle is responsible for the use of safety belts by all passengers under the age of 16, whereas front seat passengers at least 16 years of age may be cited for a safety belt violation. The maximum civil penalty for a person violating this law is $10 for each violation. All fees imposed and collected by municipal courts are retained by the municipality to the benefit of the local jurisdiction. Arizona does not prohibit or restrict passengers from riding in the cargo area of a pickup truck.

Arizona has a primary enforcement child restraint system law. Persons operating a motor vehicle when transporting a child who is
Arizona’s Seat Belt Laws

under eight years of age and not more than 4’9” must have the child properly secured in a child restraint system, such as a child safety seat or a booster seat. Drivers transporting more than one child must secure as many children in child restraint systems as is reasonable given the size of the passenger area and the number of passengers being transported.

CHILD RESTRAINT SYSTEM REQUIREMENTS

The Arizona Department of Transportation (ADOT) has adopted standards for child passenger restraint systems in accordance with federal child restraint system laws (49 Code of Federal Regulations § 571.213). Child safety restraint systems used in Arizona must therefore meet federal safety standards and must be used by following the manufacturer’s instructions. Many local government agencies offer free inspections of child safety seats by certified technicians, who will ensure that the seat meets federal guidelines, is the right size for the child and is installed correctly. Inspection locations can be obtained through ADOT or the Governor’s Office of Highway Safety (GOHS).

CHILD RESTRAINT SYSTEM PENALTIES

The violation for operating a vehicle with a child that is not properly restrained is subject to a $50 civil penalty. The civil penalty is not assessed if the penalized driver subsequently equips his or her vehicle with a proper child restraint system (A.R.S. § 28-907). Monies collected from civil penalties for violations of Arizona’s child restraint system law are deposited in the Child Restraint Fund (Fund). The Fund is administered by the Arizona Department of Economic Security (DES). DES uses the Fund to purchase child restraint systems, which are loaned to indigent persons at no charge for as long as they have a need to transport a child under eight years of age and 4’9” or under. If monies in the Fund exceed $20,000, the excess monies are deposited in the Arizona Highway User Revenue Fund.

BUCKLE UP BABY CAMPAIGN

The GOHS operates a hotline to educate drivers about the hazards of transporting children that are not properly secured. The hotline allows concerned citizens to make a report anonymously upon observing transportation of a child under the age of eight that is not properly restrained. The GOHS will mail the registered owner of the vehicle information regarding hazards and encouraging the use of a proper child restraint system, but the information is not provided to law enforcement or insurance companies.

ADDITIONAL RESOURCES

- Governor’s Office of Highway Safety
  www.azgohs.gov
- Arizona Department of Transportation – Motor Vehicle Division
  602-255-0072
  www.dot.state.az.us/mvd
- Arizona Department of Public Safety
  602-223-2000
  www.dps.state.az.us
- National Highway Transportation Safety Administration, Region 9
  201 Mission St., Suite 2230
  San Francisco, CA 94105
  415-744-3089
  www.nhtsa.gov/
- National Safety Council
  1121 Spring Lake Drive
  Itasca, IL 60143-3201
  630-285-1121
  http://www.nsc.org
- Federal Child Safety Restraint System Law, 49 Code of Federal Regulations Section 571.213