



Arizona State Senate Issue Brief

December 19, 2013

Note to Reader:

The Senate Research Staff provides nonpartisan, objective legislative research, policy analysis and related assistance to the members of the Arizona State Senate. The *Research Briefs* series is intended to introduce a reader to various legislatively related issues and provide useful resources to assist the reader in learning more on a given topic. Because of frequent legislative and executive activity, topics may undergo frequent changes. Additionally, nothing in the *Brief* should be used to draw conclusions on the legality of an issue.

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 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. The fine for violation is a civil penalty of \$50.

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.

Child Restraint System Penalties

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.

The Fund balance at the end of FY 2012, after accounting for accrued expenses, was \$7,400. DES purchased and distributed 3,452 child safety seats with Fund monies in FY 2012.

ADDITIONAL RESOURCES

- Governor's Office of Highway Safety
3030 N. Central, Suite 1550
Phoenix, AZ 85012
602-255-3216
www.azgohs.gov
- Arizona Department of Transportation
Motor Vehicle Division
1801 W. Jefferson St.
Phoenix, AZ 85007
602-255-0072
www.dot.state.az.us/mvd
- Arizona Department of Public Safety
2102 W. Encanto Blvd.
Phoenix, AZ 85009
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
- Vehicle Restraint System Statutes: A.R.S.
§§ 28-907 & 28-909