

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HOUSE BILL 2551

AN ACT

AMENDING SECTIONS 17-457, 28-1173 AND 28-1174, ARIZONA REVISED STATUTES;
RELATING TO OFF-HIGHWAY VEHICLE USE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 17-457, Arizona Revised Statutes, is amended to
3 read:

4 17-457. Enforcement of article

5 All peace officers of the state, counties and municipalities and other
6 duly authorized state and federal employees ~~shall~~ MAY enforce the provisions
7 of this article.

8 Sec. 2. Section 28-1173, Arizona Revised Statutes, is amended to read:

9 28-1173. Enforcement

10 All peace officers of this state and counties, ~~cities or towns~~
11 MUNICIPALITIES OF THIS STATE and other duly authorized state ~~and federal~~
12 employees shall enforce this article ONLY ON LAND THAT IS SOLELY UNDER THE
13 JURISDICTION OF THIS STATE OR A COUNTY OR MUNICIPALITY OF THIS STATE.

14 Sec. 3. Section 28-1174, Arizona Revised Statutes, is amended to read:

15 28-1174. Operation restrictions; violation; classification

16 A. A person shall not drive an off-highway vehicle:

17 1. With reckless disregard for the safety of persons or property.

18 2. Off of an existing road, trail or route in a manner that causes
19 damage to wildlife habitat, riparian areas, cultural or natural resources or
20 property or improvements.

21 3. On roads, trails, routes or areas closed as indicated in rules or
22 regulations of ~~a federal agency~~, this state, a county or a municipality or by
23 proper posting if the land is private land.

24 4. Over unimproved roads, trails, routes or areas unless driving on
25 roads, trails, routes or areas where such driving is allowed by rule or
26 regulation.

27 B. A person shall drive an off-highway vehicle only on roads, trails,
28 routes or areas that are opened as indicated in rules or regulations of
29 ~~a federal agency~~, this state, a county or a municipality.

30 C. A person shall not operate an off-highway vehicle in a manner that
31 damages the environment, including excessive pollution of air, water or land,
32 abuse of the watershed or cultural or natural resources or impairment of
33 plant or animal life, where it is prohibited by rule, regulation, ordinance
34 or code.

35 D. A person shall not place or remove a regulatory sign governing
36 off-highway vehicle use on any public or state land. This subsection does
37 not apply to an agent of an appropriate federal, state, county, town or city
38 agency operating within that agency's authority.

39 E. A person who violates subsection A, paragraph 1 OF THIS SECTION is
40 guilty of a class 2 misdemeanor.

41 F. A person who violates any other provision of this section is guilty
42 of a class 3 misdemeanor.

1 G. In addition to or in lieu of a fine pursuant to this section, a
2 judge may order the person to perform at least eight but not more than
3 twenty-four hours of community restitution or to complete an approved safety
4 course related to the off-highway operation of motor vehicles, or both.

5 H. Subsections A and B **OF THIS SECTION** do not prohibit a private
6 landowner or lessee from performing normal agricultural or ranching practices
7 while operating an all-terrain vehicle or an off-highway vehicle on the
8 private or leased land.