

REFERENCE TITLE: motorcycle riders; helmets; fees

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HB 2046

Introduced by
Representative Frieese

AN ACT

AMENDING SECTIONS 28-964, 28-6501 AND 41-3203, ARIZONA REVISED STATUTES;
RELATING TO VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 28-964, Arizona Revised Statutes, is amended to read:

28-964. Motorcycles; all-terrain vehicles; motor driven cycles; helmets; equipment; prohibition; civil penalty

A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, an operator or passenger of a motorcycle, all-terrain vehicle or motor driven cycle ~~who is under eighteen years of age~~ shall wear at all times a protective helmet on the operator's or passenger's head in an appropriate manner. The protective helmet shall be safely secured while the operator or passenger is operating or riding on the motorcycle, all-terrain vehicle or motor driven cycle. An operator of a motorcycle, all-terrain vehicle or motor driven cycle shall wear at all times protective glasses, goggles or a transparent face shield of a type approved by the director unless the motorcycle, all-terrain vehicle or motor driven cycle is equipped with a protective windshield. This subsection does not apply to electrically powered three wheeled vehicles or three wheeled vehicles on which the operator and passenger ride within an enclosed cab.

B. AN OPERATOR OR PASSENGER OF A MOTORCYCLE, ALL-TERRAIN VEHICLE OR MOTOR DRIVEN CYCLE WHO IS AT LEAST EIGHTEEN YEARS OF AGE IS EXEMPT FROM THE HELMET REQUIREMENT PRESCRIBED BY SUBSECTION A OF THIS SECTION IF THE OWNER PAYS A FEE WHEN REGISTERING THE MOTORCYCLE, ALL-TERRAIN VEHICLE OR MOTOR DRIVEN CYCLE. THE DIRECTOR SHALL DETERMINE THE AMOUNT OF THE FEE. THE FEE ALLOWS A PERSON TO OPERATE THE MOTORCYCLE, ALL-TERRAIN VEHICLE OR MOTOR DRIVEN CYCLE WITHOUT WEARING A HELMET AND ALLOWS A PASSENGER TO RIDE ON THE MOTORCYCLE, ALL-TERRAIN VEHICLE OR MOTOR DRIVEN CYCLE WITHOUT WEARING A HELMET. THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ALL FEES COLLECTED PURSUANT TO THIS SUBSECTION IN THE ARIZONA HIGHWAY USER REVENUE FUND.

~~B.~~ C. A motorcycle, all-terrain vehicle and motor driven cycle shall be equipped with a rearview mirror, seat and footrests for the operator. A motorcycle, all-terrain vehicle or motor driven cycle operated with a passenger shall be equipped with a seat and footrests for the passenger.

D. A PEACE OFFICER MAY NOT STOP OR ISSUE A CITATION TO A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND WHO IS OPERATING A MOTOR VEHICLE ON A HIGHWAY IN THIS STATE FOR A VIOLATION OF SUBSECTION A OF THIS SECTION UNLESS THE PEACE OFFICER HAS REASONABLE CAUSE TO BELIEVE THERE IS ANOTHER ALLEGED VIOLATION OF A MOTOR VEHICLE LAW OF THIS STATE.

E. A PERSON WHO VIOLATES SUBSECTION A OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF FIVE HUNDRED DOLLARS. TWO HUNDRED DOLLARS OF EACH CIVIL PENALTY COLLECTED SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE ARIZONA HIGHWAY USER REVENUE FUND AND THREE HUNDRED DOLLARS OF EACH CIVIL PENALTY COLLECTED SHALL BE DEPOSITED, PURSUANT TO

1 SECTIONS 35-146 AND 35-147, IN THE SPINAL AND HEAD INJURIES TRUST FUND
2 ESTABLISHED BY SECTION 41-3203.

3 Sec. 2. Section 28-6501, Arizona Revised Statutes, is amended to
4 read:

5 28-6501. Definition of highway user revenues

6 In this article, unless the context otherwise requires or except as
7 otherwise provided by statute, "highway user revenues" means all monies
8 received in this state from licenses, taxes, penalties, interest and fees
9 authorized by the following:

10 1. Chapters 2, 7, 8 and 15 of this title, except for:

11 (a) The special plate administration fees prescribed in sections
12 28-2404, 28-2412 through 28-2459 and 28-2514.

13 (b) The donations prescribed in sections 28-2404, 28-2412 through
14 28-2415, 28-2417 through 28-2459, 28-2473, 28-2474 and 28-2475.

15 2. Section 28-1177.

16 3. Chapters 10 and 11 of this title.

17 4. Chapter 16, articles 1, 2 and 4 of this title, except as
18 provided in sections 28-5926 and 28-5927.

19 5. SECTION 28-964.

20 Sec. 3. Section 41-3203, Arizona Revised Statutes, is amended to
21 read:

22 41-3203. Spinal and head injuries trust fund; purpose

23 A. The spinal and head injuries trust fund is established. ~~The~~
24 ~~trust fund shall be administered by~~ The director of the department of
25 economic security SHALL ADMINISTER THE TRUST FUND, subject to legislative
26 appropriation. The spinal and head injuries trust fund shall consist of
27 THE FOLLOWING:

28 1. Revenues derived from assessments imposed pursuant to section
29 12-116.02 and distributed pursuant to section 36-2219.01, subsection B,
30 paragraph 3.

31 2. MONIES DEPOSITED PURSUANT TO SECTION 28-964.

32 B. On notice from the department of economic security, the state
33 treasurer shall invest and divest monies in the fund as provided by
34 section 35-313, and monies earned from investment shall be credited to the
35 trust fund. Monies in the fund do not revert to the state general fund.

36 C. Trust fund monies shall be spent on approval of the department
37 of economic security's rehabilitation services administration only if
38 comparable resources are not available or are not able to be delivered in
39 a timely manner and in accordance with guidelines for the following
40 purposes:

41 1. Public information, prevention and education of the general
42 public and professionals.

1 2. Rehabilitation, transitional living and equipment necessary for
2 activities of daily living. MONIES RECEIVED PURSUANT TO SECTION 28-964
3 MAY BE USED ONLY FOR THE PURPOSES OF THIS PARAGRAPH AND ONLY FOR A HEAD
4 INJURY THAT RESULTS FROM AN ACCIDENT INVOLVING A VEHICLE AS DEFINED IN
5 SECTION 28-101.

6 3. A portion of the disease surveillance system and statewide
7 referral services for those with head and spinal injuries.

8 4. Costs incurred by the advisory council on spinal and head
9 injuries established pursuant to section 41-3201.

10 5. Administrative costs incurred by the department of economic
11 security to administer ~~the provisions of~~ this article.