

REFERENCE TITLE: motorcycle riders; helmets; fees

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

## **HB 2246**

Introduced by  
Representatives Friese: Cano, Gabaldón, Hernandez A, Powers Hannley

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 28-964. Motorcycles; all-terrain vehicles; motor driven  
5 cycles; helmets; equipment; prohibition; civil  
6 penalty

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

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

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

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

41 E. A PERSON WHO VIOLATES SUBSECTION A OF THIS SECTION IS SUBJECT TO  
42 A CIVIL PENALTY OF \$500. \$200 OF EACH CIVIL PENALTY COLLECTED SHALL BE  
43 DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE ARIZONA HIGHWAY  
44 USER REVENUE FUND AND \$300 OF EACH CIVIL PENALTY COLLECTED SHALL BE

1 DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE SPINAL AND HEAD  
2 INJURIES TRUST FUND 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, 28-2407, 28-2412 through 28-2462 and 28-2514.

13 (b) The donations prescribed in sections 28-2404, 28-2407, 28-2412  
14 through 28-2415, 28-2417 through 28-2462, 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.