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)
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.

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 $500. $200 OF EACH CIVIL PENALTY COLLECTED SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE ARIZONA HIGHWAY USER REVENUE FUND AND $300 OF EACH CIVIL PENALTY COLLECTED SHALL BE
DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE SPINAL AND HEAD
INJURIES TRUST FUND ESTABLISHED BY SECTION 41-3203.

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

28-6501. Definition of highway user revenues
In this article, unless the context otherwise requires or except as otherwise provided by statute, "highway user revenues" means all monies received in this state from licenses, taxes, penalties, interest and fees authorized by the following:

1. Chapters 2, 7, 8 and 15 of this title, except for:
   (a) The special plate administration fees prescribed in sections 28-2404, 28-2407, 28-2412 through 28-2462 and 28-2514.
2. Section 28-1177.
3. Chapters 10 and 11 of this title.
4. Chapter 16, articles 1, 2 and 4 of this title, except as provided in sections 28-5926 and 28-5927.
5. SECTION 28-964.

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

41-3203. Spinal and head injuries trust fund; purpose
A. The spinal and head injuries trust fund is established. The trust fund shall be administered by the director of the department of economic security, subject to legislative appropriation. The spinal and head injuries trust fund shall consist of THE FOLLOWING:

1. Revenues derived from assessments imposed pursuant to section 12-116.02 and distributed pursuant to section 36-2219.01, subsection B, paragraph 3.
2. MONIES DEPOSITED PURSUANT TO SECTION 28-964.
B. On notice from the department of economic security, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the trust fund. Monies in the fund do not revert to the state general fund.
C. Trust fund monies shall be spent on approval of the department of economic security's rehabilitation services administration only if comparable resources are not available or are not able to be delivered in a timely manner and in accordance with guidelines for the following purposes:
   1. Public information, prevention and education of the general public and professionals.
2. Rehabilitation, transitional living and equipment necessary for activities of daily living. MONIES RECEIVED PURSUANT TO SECTION 28-964 MAY BE USED ONLY FOR THE PURPOSES OF THIS PARAGRAPH AND ONLY FOR A HEAD INJURY THAT RESULTS FROM AN ACCIDENT INVOLVING A VEHICLE AS DEFINED IN SECTION 28-101.

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

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

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