

Senate Engrossed

off-highway vehicles; education requirement

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 240
SENATE BILL 1567

AN ACT

AMENDING SECTIONS 4-251, 28-1171, 28-1174, 28-1179 AND 28-3151, 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 4-251, Arizona Revised Statutes, is amended to
3 read:

4 4-251. Spirituuous liquor in motor vehicles; prohibitions;
5 violation; classification; exceptions; definitions

6 A. It is unlawful for any person to:

7 1. Consume spirituuous liquor while operating or while within the
8 passenger compartment of a motor vehicle that is located on any public
9 highway or right-of-way of a public highway in this state.

10 2. Possess an open container of spirituuous liquor within the
11 passenger compartment of a motor vehicle that is located on any public
12 highway or right-of-way of a public highway in this state.

13 B. A person who violates subsection A of this section is guilty of
14 a class 2 misdemeanor.

15 C. This section does not apply to:

16 1. A passenger in any bus, limousine, taxi or transportation
17 network company vehicle as defined in section 28-9551 while the vehicle is
18 being used to provide transportation network services as defined in
19 section 28-9551.

20 2. A passenger in the living quarters of a motor home as defined in
21 section 28-4301.

22 D. For the purposes of this section:

23 1. "Motor vehicle":

24 (a) Means ~~any vehicle that is driven or drawn by mechanical power~~
25 ~~and that is designed primarily for use on public highways~~ A SELF-PROPELLED
26 VEHICLE. ~~Motor vehicle~~

27 (b) Does not include a vehicle operated exclusively on rails OR
28 WATER.

29 2. "Open container" means any bottle, can, jar, container dispensed
30 pursuant to section 4-244, paragraph 32, subdivision (c) or other
31 receptacle that contains spirituuous liquor and that has been opened, has
32 had its seal broken or the contents of which have been partially removed.

33 3. "Passenger compartment" means the area of a motor vehicle
34 designed for the seating of the driver and other passengers of the
35 vehicle. Passenger compartment includes an unlocked glove compartment and
36 any unlocked portable devices within the immediate reach of the driver or
37 any passengers. Passenger compartment does not include the trunk, a
38 locked glove compartment or the area behind the last upright seat of a
39 motor vehicle that is not equipped with a trunk.

40 4. "Public highway or right-of-way of a public highway" means the
41 entire width between and immediately adjacent to the boundary lines of
42 every way maintained by the federal government, this state or a county,
43 city or town if any part of the way is generally open to the use of the
44 public for purposes of vehicular travel.

1 Sec. 2. Section 28-1171, Arizona Revised Statutes, is amended to
2 read:

3 28-1171. Definitions

4 In this article, unless the context otherwise requires:

5 1. "Access road" means a multiple use corridor that meets all of
6 the following criteria:

7 (a) Is maintained for travel by two-wheel vehicles.

8 (b) Allows entry to staging areas, recreational facilities, trail
9 heads and parking.

10 (c) Is determined to be an access road by the appropriate land
11 managing authority.

12 2. "Closed course" means a maintained facility that uses department
13 approved dust abatement and fire abatement measures.

14 3. "Highway" means the entire width between the boundary lines of
15 every way publicly maintained by the federal government, the department, a
16 city, a town or a county if any part of the way is generally open to the
17 use of the public for purposes of conventional two-wheel drive vehicular
18 travel. Highway does not include routes designated for off-highway
19 vehicle use.

20 4. "Mitigation" means the rectification or reduction of existing
21 damage to natural resources, including flora, fauna and land or cultural
22 resources, including prehistoric or historic archaeological sites, if the
23 damage is caused by off-highway vehicles.

24 5. "Off-highway recreation facility" includes off-highway vehicle
25 use areas and trails designated for use by off-highway vehicles.

26 6. "Off-highway vehicle":

27 (a) Means a motorized vehicle that is operated primarily off of
28 highways and that is designed, modified or purpose-built primarily for
29 recreational nonhighway all-terrain travel.

30 (b) Includes a tracked or wheeled vehicle, ~~utility vehicle~~
31 RECREATIONAL OR UTILITY SIDE-BY-SIDE VEHICLE, all-terrain vehicle,
32 motorcycle, ~~four-wheel drive vehicle~~ DIRT BIKE, dune buggy, sand rail,
33 amphibious vehicle, ground effects or air cushion vehicle and any other
34 means of land transportation deriving motive power from a source other
35 than muscle or wind. FOR THE PURPOSES OF THIS SUBDIVISION, "DIRT BIKE"
36 MEANS A LIGHTWEIGHT MOTORCYCLE THAT IS DESIGNED FOR USE ON ROUGH TERRAIN,
37 INCLUDING UNSURFACED ROADS OR TRACKS.

38 (c) Does not include a vehicle that is either:

39 (i) Designed primarily for travel on, over or in the water.

40 (ii) Used in installation, inspection, maintenance, repair or
41 related activities involving facilities for the provision of utility or
42 railroad service or used in the exploration or mining of minerals or
43 aggregates as defined in title 27.

1 7. "Off-highway vehicle special event" means an event that is
2 endorsed, authorized, permitted or sponsored by a federal, state, county
3 or municipal agency and in which the event participants operate
4 off-highway vehicles on specific routes or areas designated by a local
5 authority pursuant to section 28-627.

6 8. "Off-highway vehicle trail" means a multiple use corridor that
7 is both of the following:

8 (a) Open to recreational travel by an off-highway vehicle.

9 (b) Designated or managed by or for the managing authority of the
10 property that the trail traverses for off-highway vehicle use.

11 9. "Off-highway vehicle use area" means the entire area of a parcel
12 of land, except for approved buffer areas, that is managed or designated
13 for off-highway vehicle use.

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

16 28-1174. Operation restrictions; violation; classification;
17 citation

18 A. A person ~~shall not drive~~ MAY NOT OPERATE OR ALLOW A MINOR WHO IS
19 UNDER TWELVE YEARS OF AGE TO OPERATE an off-highway vehicle:

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

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

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

27 4. Over unimproved roads, trails, routes or areas unless driving on
28 roads, trails, routes or areas where such driving is allowed by rule or
29 regulation.

30 B. A person shall ~~drive~~ OPERATE OR ALLOW A MINOR WHO IS UNDER
31 TWELVE YEARS OF AGE TO OPERATE an off-highway vehicle only on roads,
32 trails, routes or areas that are opened as indicated in rules or
33 regulations of a federal agency, this state, ~~OR~~ OR a county or a
34 municipality.

35 C. A person shall not operate OR ALLOW A MINOR WHO IS UNDER TWELVE
36 YEARS OF AGE TO OPERATE an off-highway vehicle in a manner that damages
37 the environment, including excessive pollution of air, water or land,
38 abuse of the watershed or cultural or natural resources or impairment of
39 plant or animal life, where it is prohibited by rule, regulation,
40 ordinance or code.

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

1 E. EXCEPT AS PROVIDED IN SUBSECTION I OF THIS SECTION, a person who
2 violates subsection A, paragraph 1 is guilty of a class 2 misdemeanor.

3 F. EXCEPT AS PROVIDED IN SUBSECTION I OF THIS SECTION, a person who
4 violates any other provision of this section is guilty of a class 3
5 misdemeanor.

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

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

15 I. IF A MINOR WHO IS UNDER TWELVE YEARS OF AGE VIOLATES THIS
16 SECTION, A CITATION SHALL BE ISSUED TO THE PARENT OR LEGAL GUARDIAN OF THE
17 MINOR AND NOT TO THE MINOR. IF A MINOR WHO IS AT LEAST TWELVE YEARS OF
18 AGE AND UNDER SIXTEEN YEARS OF AGE VIOLATES THIS SECTION, A CITATION MAY
19 BE ISSUED TO THE MINOR OR TO THE PARENT OR LEGAL GUARDIAN OF THE MINOR,
20 BUT NOT TO BOTH.

21 Sec. 4. Section 28-1179, Arizona Revised Statutes, is amended to
22 read:

23 28-1179. Off-highway vehicle equipment requirements; rule
24 making; exception

25 A. An off-highway vehicle in operation in this state shall be
26 equipped with all of the following:

27 1. Brakes adequate to control the movement of the vehicle and to
28 stop and hold the vehicle under normal operating conditions.

29 2. Lighted headlights and taillights that meet or exceed original
30 equipment manufacturer guidelines if operated between one-half hour after
31 sunset and one-half hour before sunrise.

32 3. Except when operating on a closed course, either a muffler or
33 other noise dissipative device that prevents sound above ninety-six
34 decibels. The director shall adopt the current sound measurement standard
35 of the society of automotive engineers for all-terrain vehicles and
36 motorcycles and the current sound measurement standard of the
37 international organization for standardization for all other off-highway
38 vehicles.

39 4. A spark arrestor device that is approved by the United States
40 department of agriculture and that is in constant operation except if
41 operating on a closed course.

1 5. A safety flag that is at least six by twelve inches and that is
2 attached to the off-highway vehicle at least eight feet above the surface
3 of level ground, if operated on sand dunes or IN areas designated by the
4 managing agency.

5 B. A person who is under eighteen years of age may not operate AN
6 OFF-HIGHWAY VEHICLE or ~~ride on~~ BE an off-highway vehicle PASSENGER on
7 public or state land unless the person is wearing A protective ~~headgear~~
8 HELMET that is properly fitted and fastened, that is designed for
9 motorized vehicle use and that has a minimum United States department of
10 transportation safety rating.

11 C. A PERSON MAY NOT ALLOW A PERSON WHO IS UNDER EIGHTEEN YEARS OF
12 AGE TO OPERATE AN OFF-HIGHWAY VEHICLE OR BE AN OFF-HIGHWAY VEHICLE
13 PASSENGER IN VIOLATION OF SUBSECTION B OF THIS SECTION.

14 D. SUBSECTIONS B AND C OF THIS SECTION DO NOT APPLY TO A CHILD WHO
15 IS AN OFF-HIGHWAY VEHICLE PASSENGER IF BOTH OF THE FOLLOWING OCCUR:

16 1. THE CHILD IS PROPERLY SECURED IN A CHILD RESTRAINT SYSTEM
17 PURSUANT TO SECTION 28-907.

18 2. THE OFF-HIGHWAY VEHICLE IS EQUIPPED WITH A ROLLOVER PROTECTION
19 SYSTEM.

20 ~~D.~~ E. In consultation with the department ~~of transportation~~, the
21 Arizona game and fish commission may:

22 1. Adopt rules necessary to implement this section.

23 2. Prescribe additional equipment requirements not in conflict with
24 federal laws.

25 ~~D.~~ F. This section does not apply to a private landowner or lessee
26 performing normal agricultural or ranching practices while operating an
27 all-terrain vehicle or an off-highway vehicle on the private or leased
28 land in accordance with the landowner's or lessee's lease.

29 Sec. 5. Section 28-3151, Arizona Revised Statutes, is amended to
30 read:

31 28-3151. Driver license requirement; definition

32 A. Unless exempt pursuant to this chapter, a person shall not drive
33 a motor vehicle or vehicle combination on a highway without a valid driver
34 license and proper endorsement as prescribed by this chapter.

35 B. A person who is licensed under this chapter is entitled to
36 exercise the privilege granted by this chapter on highways and is not
37 required to obtain another license to exercise the privilege by a county,
38 municipal or local board or a body with authority to adopt local police
39 regulations.

40 C. A PERSON MAY NOT DRIVE AN OFF-HIGHWAY VEHICLE IN THIS STATE
41 WITHOUT A VALID DRIVER LICENSE AS PRESCRIBED BY THIS CHAPTER. IF A MINOR
42 WHO IS UNDER TWELVE YEARS OF AGE VIOLATES THIS SUBSECTION, A CITATION
43 SHALL BE ISSUED TO THE PARENT OR LEGAL GUARDIAN OF THE MINOR AND NOT TO
44 THE MINOR. IF A MINOR WHO IS AT LEAST TWELVE YEARS OF AGE AND UNDER

1 SIXTEEN YEARS OF AGE VIOLATES THIS SUBSECTION, A CITATION MAY BE ISSUED TO
2 THE MINOR OR TO THE PARENT OR LEGAL GUARDIAN OF THE MINOR, BUT NOT TO
3 BOTH.

4 D. FOR THE PURPOSES OF THIS SECTION, "HIGHWAY":

5 1. MEANS THE ENTIRE WIDTH BETWEEN THE BOUNDARY LINES OF EVERY WAY
6 PUBLICLY MAINTAINED BY THE FEDERAL GOVERNMENT, THE DEPARTMENT OR A CITY,
7 TOWN OR COUNTY IF ANY PART OF THE WAY IS OPEN TO THE PUBLIC FOR THE
8 PURPOSES OF VEHICULAR TRAVEL OTHER THAN EXCLUSIVE OFF-HIGHWAY VEHICLE USE.

9 2. DOES NOT INCLUDE ROUTES DESIGNATED FOR OFF-HIGHWAY VEHICLE USE.

10 Sec. 6. Off-highway vehicle user indicia; education
11 requirement; report; delayed repeal

12 A. The Arizona game and fish department shall certify an
13 off-highway vehicle safety education course that includes verification of
14 completion.

15 B. The Arizona game and fish department shall ensure that a person
16 may complete the off-highway vehicle safety education course online.

17 C. From and after December 31, 2024, a person must complete the
18 off-highway vehicle safety education course and provide to the department
19 of transportation proof of the completion before the department of
20 transportation may issue a resident or nonresident off-highway vehicle
21 user indicia to the person pursuant to section 28-1177, Arizona Revised
22 Statutes, or provide proof of completion to the Arizona game and fish
23 department if the person purchases a nonresident off-highway user indicia
24 from the Arizona game and fish department pursuant to section 28-1177,
25 Arizona Revised Statutes. The department of transportation shall share
26 with the Arizona game and fish department all off-highway vehicle data
27 relating to persons who have provided proof of completion of the education
28 course prescribed by this subsection and all user indicias issued by the
29 department of transportation pursuant to this subsection.

30 D. On or before December 1, 2026, the Arizona game and fish
31 department shall submit a report regarding the results of implementing the
32 education requirement prescribed in subsection A of this section,
33 including the revenues and costs associated with the implementation and
34 any recommendations for administrative or legislative action, to the
35 governor, the president of the senate and the speaker of the house of
36 representatives and provide a copy of this report to the secretary of
37 state.

38 E. This section is repealed from and after May 31, 2027.

APPROVED BY THE GOVERNOR JUNE 21, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 21, 2024.