

PROPOSED
SENATE AMENDMENTS TO S.B. 1567
(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 4-251, Arizona Revised Statutes, is amended to
3 read:

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

6 A. It is unlawful for any person to:

7 1. Consume spirituous 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 spirituous 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 a
14 class 2 misdemeanor.

15 C. This section does not apply to:

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

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

5 3. "Passenger compartment" means the area of a motor vehicle
6 designed for the seating of the driver and other passengers of the vehicle.
7 Passenger compartment includes an unlocked glove compartment and any
8 unlocked portable devices within the immediate reach of the driver or any
9 passengers. Passenger compartment does not include the trunk, a locked
10 glove compartment or the area behind the last upright seat of a motor
11 vehicle that is not equipped with a trunk.

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

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

19 28-1171. Definitions

20 In this article, unless the context otherwise requires:

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

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

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

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

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

30 3. "Highway" means the entire width between the boundary lines of
31 every way publicly maintained by the federal government, the department, a
32 city, a town or a county if any part of the way is generally open to the

1 use of the public for purposes of conventional two-wheel drive vehicular
2 travel. Highway does not include routes designated for off-highway vehicle
3 use.

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

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

10 6. "Off-highway vehicle":
11

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. A person shall not operate **OR ALLOW A MINOR WHO IS UNDER TWELVE YEARS OF AGE TO OPERATE** an off-highway vehicle in a manner that damages the environment, including excessive pollution of air, water or land, abuse of

1 the watershed or cultural or natural resources or impairment of plant or
2 animal life, where it is prohibited by rule, regulation, ordinance or code.

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

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

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

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

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

21 I. IF A MINOR WHO IS UNDER TWELVE YEARS OF AGE VIOLATES THIS
22 SECTION, A CITATION SHALL BE ISSUED TO THE PARENT OR LEGAL GUARDIAN OF THE
23 MINOR AND NOT TO THE MINOR. IF A MINOR WHO IS AT LEAST TWELVE YEARS OF AGE
24 AND UNDER SIXTEEN YEARS OF AGE VIOLATES THIS SECTION, A CITATION MAY BE
25 ISSUED TO THE MINOR OR TO THE PARENT OR LEGAL GUARDIAN OF THE MINOR, BUT
26 NOT TO BOTH.

27 Sec. 4. Section 28-3151, Arizona Revised Statutes, is amended to
28 read:

29 28-3151. Driver license requirement

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

1 B. A person who is licensed under this chapter is entitled to
2 exercise the privilege granted by this chapter on highways and is not
3 required to obtain another license to exercise the privilege by a county,
4 municipal or local board or a body with authority to adopt local police
5 regulations.

6 C. A PERSON MAY NOT DRIVE AN OFF-HIGHWAY VEHICLE IN THIS STATE
7 WITHOUT A VALID DRIVER LICENSE AS PRESCRIBED BY THIS CHAPTER. IF A MINOR
8 WHO IS UNDER TWELVE YEARS OF AGE VIOLATES THIS SUBSECTION, A CITATION SHALL
9 BE ISSUED TO THE PARENT OF LEGAL GUARDIAN OF THE MINOR AND NOT TO THE
10 MINOR. IF A MINOR WHO IS AT LEAST TWELVE YEARS OF AGE AND UNDER SIXTEEN
11 YEARS OF AGE VIOLATES THIS SUBSECTION, A CITATION MAY BE ISSUED TO THE
12 MINOR OR TO THE PARENT OR LEGAL GUARDIAN OF THE MINOR, BUT NOT TO BOTH."

13 Renumber to conform

14 Amend title to conform

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