



**Bill Number: S.B. 1567**

**Kerr Substitute Floor Amendment**

**Reference to: printed bill**

**Amendment drafted by: Leg Council**

## **FLOOR AMENDMENT EXPLANATION**

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- 1. Prohibits a person from operating an OHV without a valid driver license and when consumption, or possession of an open container, of spiritous liquor.**
- 2. Prohibits a person from allowing a minor under 12 years old to operate an OHV, excluding areas dedicated for OHV use.**
- 3. Prohibits a person from allowing a person under 18 years old to operate an OHV or be an OHV passenger wearing a helmet, unless the OHV passenger is:  
a) the OHV passenger is properly secured in a child restraint system; and  
b) the OHV is equipped with a rollover protection system.**
- 4. Requires a citation for a minor that violates OHV-use restrictions or the driver license requirement to be issued to either:  
a) the parent or legal guardian of a minor who is under 12 years old; or  
b) the parent or legal guardian of the minor or a minor who is at least 12 years old and under 16 years old, but not both.**
- 5. Requires the Arizona Game and Fish Department (AZGFD) to certify, rather than conduct or approve, an OHV Safety Education Course.**
- 6. Requires the OHV Course to include verification of completion, rather than requiring AZGFD to issue certificates of completion.**
- 7. Requires, beginning January 1, 2025, a person to provide proof of OHV Course completion to AZGFD, if the person purchases a nonresident OHV user indicium.**
- 8. Requires AZGFD, rather than the Arizona Department of Transportation, to submit the report on the results of implementing the OHV education requirement.**
- 9. Removes the following OHV Course components:  
a) written knowledge instruction and examination;**

**Amendment explanation prepared by Kiyahna Araza  
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- b) operational skills instruction and an examination that is required only for an operator who is under 18 years old who does not possess a valid driver license;**
- c) the training of OHV operators;**
- d) the preparation and dissemination of OHV information and safety advice to the public; and**
- e) education relating to both the:**
  - i. importance of gates and fences used in agriculture and how to properly close a gate; and**
  - ii. respectful, sustainable and on-trail, OHV operation and respect for communities affected by OHV operation.**

**10. Modifies the definitions of *motor vehicle* and *OHV*.**

**11. Defines *dirt bike* and *highway*.**

**12. Makes technical and conforming changes.**

KERR SUBSTITUTE FLOOR AMENDMENT  
SENATE AMENDMENTS TO S.B. 1567

I move the following SUBSTITUTE amendment to the TRANSPORTATION, TECHNOLOGY AND MISSING CHILDREN Committee Amendment to SENATE BILL 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. Spirituos 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.

1 D. For the purposes of this section:

2 1. "Motor vehicle":

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

6 (b) Does not include a vehicle operated exclusively on rails OR  
7 WATER.

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

12 3. "Passenger compartment" means the area of a motor vehicle  
13 designed for the seating of the driver and other passengers of the vehicle.  
14 Passenger compartment includes an unlocked glove compartment and any  
15 unlocked portable devices within the immediate reach of the driver or any  
16 passengers. Passenger compartment does not include the trunk, a locked  
17 glove compartment or the area behind the last upright seat of a motor  
18 vehicle that is not equipped with a trunk.

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

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

26 28-1171. Definitions

27 In this article, unless the context otherwise requires:

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

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

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

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

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

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

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

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

19 6. "Off-highway vehicle":

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

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

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

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

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

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

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

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

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

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

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

22 28-1174. Operation restrictions; violation; classification;  
23 citation

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

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

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

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

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

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

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

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

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

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

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





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 motorized  
9 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           ~~E.~~ 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           ~~F.~~ 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 land  
28 in accordance with the landowner's or lessee's lease.

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

3           28-3151. Driver license requirement; definition

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

7           B. A person who is licensed under this chapter is entitled to  
8 exercise the privilege granted by this chapter on highways and is not  
9 required to obtain another license to exercise the privilege by a county,  
10 municipal or local board or a body with authority to adopt local police  
11 regulations.

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

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

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

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

25 Renumber to conform

26 Page 1, line 4, strike "conduct or approve" insert "certify"

27 Line 5, strike "shall:"

28 Strike lines 6 through 27, insert "includes verification of completion."

29 Reletter to conform

30 Line 29, strike "the written component of"

Senate Amendments to S.B. 1567

- 1 Page 1, line 36, after "Statutes" insert ", or provide proof of completion to the
- 2 Arizona game and fish department if the person purchases a nonresident
- 3 off-highway user indicia from the Arizona game and fish department pursuant
- 4 to section 28-1177, Arizona Revised Statutes"
- 5 Page 2, line 1, after "the" insert "Arizona game and fish"; strike "of
- 6 transportation"
- 7 Amend title to conform

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