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REFERENCE TITLE: regulation of off-highway vehicles

**DRAFT**

# Off-Highway Vehicle Legislation

Introduced by  
The Off-Highway Vehicle Legislative Work Group

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AN ACT

AMENDING TITLE 5, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; TRANSFERRING AND RENUMBERING SECTION 28-1175, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 5, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTION 5-911; AMENDING SECTION 5-911, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; RELATING TO OFF-HIGHWAY VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 5, Arizona Revised Statutes, is amended by adding chapter 9, to read:

3 CHAPTER 9

4 OFF-HIGHWAY VEHICLES

5 ARTICLE 1. GENERAL PROVISIONS

6 5-901. Definitions

7 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "CLOSED COURSE" MEANS A MAINTAINED FACILITY THAT USES A  
9 DEPARTMENT OF TRANSPORTATION APPROVED DUST AND FIRE ABATEMENT  
10 MEASURES.

11 2. "HIGHWAY" MEANS THE ENTIRE WIDTH BETWEEN THE BOUNDARY LINES  
12 OF EVERY WAY PUBLICLY MAINTAINED BY THE FEDERAL GOVERNMENT, THE  
13 DEPARTMENT OF TRANSPORTATION, A CITY, A TOWN OR A COUNTY IF ANY PART OF  
14 THE WAY IS GENERALLY OPEN TO THE USE OF THE PUBLIC FOR PURPOSES OF  
15 CONVENTIONAL TWO-WHEEL DRIVE VEHICULAR TRAVEL. HIGHWAY DOES NOT  
16 INCLUDE ROUTES DESIGNATED FOR OFF-HIGHWAY VEHICLE USE.

17 3. "OFF-HIGHWAY VEHICLE":

18 (a) MEANS A MOTORIZED VEHICLE WHEN OPERATED OFF OF HIGHWAYS ON  
19 LAND, WATER, SNOW, ICE OR OTHER NATURAL TERRAIN OR ON A COMBINATION OF  
20 LAND, WATER, SNOW, ICE OR OTHER NATURAL TERRAIN.

21 (b) INCLUDES A TWO-WHEEL, THREE-WHEEL OR FOUR-WHEEL VEHICLE,  
22 MOTORCYCLE, FOUR-WHEEL DRIVE VEHICLE, DUNE BUGGY, AMPHIBIOUS VEHICLE,  
23 GROUND EFFECTS OR AIR CUSHION VEHICLE AND ANY OTHER MEANS OF LAND  
24 TRANSPORTATION DERIVING MOTIVE POWER FROM A SOURCE OTHER THAN  
25 MUSCLE OR WIND.

26 (c) DOES NOT INCLUDE A VEHICLE THAT IS EITHER:

27 (i) DESIGNED PRIMARILY FOR TRAVEL ON, OVER OR IN THE WATER.

28 (ii) USED IN INSTALLATION, INSPECTION, MAINTENANCE, REPAIR OR  
29 RELATED ACTIVITIES INVOLVING FACILITIES FOR THE PROVISION OF UTILITY OR  
30 RAILROAD SERVICE.

31 4. "OFF-HIGHWAY VEHICLE TRAIL" MEANS A MULTIPLE USE CORRIDOR  
32 THAT IS ALL OF THE FOLLOWING:

33 (a) OPEN TO RECREATIONAL TRAVEL BY AN OFF-HIGHWAY VEHICLE.

34 (b) NOT NORMALLY SUITABLE FOR TRAVEL BY CONVENTIONAL TWO-WHEEL  
35 DRIVE VEHICLES.

36 (c) OPENED BY THE MANAGING AUTHORITY OF THE PROPERTY THAT THE  
37 TRAIL TRAVERSES FOR THE SPECIFIC DESIGNATED PURPOSE OF RECREATIONAL  
38 OFF-HIGHWAY VEHICLE USE.

39 5. "OFF-HIGHWAY VEHICLE TYPE I VEHICLE" MEANS ANY MOTOR VEHICLE  
40 TO WHICH ALL OF THE FOLLOWING APPLY:

41 (a) THE MOTOR VEHICLE IS FIFTY INCHES OR LESS IN WIDTH.

42 (b) THE MOTOR VEHICLE HAS AN UNLADEN DRY WEIGHT OF EIGHT HUNDRED  
43 POUNDS OR LESS.

44 (c) THE MOTOR VEHICLE TRAVELS ON THREE OR MORE TIRES.

45 (d) THE MOTOR VEHICLE HAS A SEAT DESIGNED TO BE STRADDLED BY THE  
46 OPERATOR.

47 (e) THE MOTOR VEHICLE IS DESIGNED FOR OR CAPABLE OF OFF-HIGHWAY  
48 USE.

49 6. "OFF-HIGHWAY VEHICLE TYPE II VEHICLE" MEANS ANY MOTOR VEHICLE  
50 THAT HAS A SADDLE FOR THE USE OF THE OPERATOR AND THAT IS DESIGNED TO  
51 TRAVEL ON NOT MORE THAN TWO TIRES PRIMARILY FOR OFF-HIGHWAY USE.

52 7. "OFF-HIGHWAY VEHICLE TYPE III VEHICLE" MEANS ANY MOTOR VEHICLE  
53 THAT IS NOT AN OFF-HIGHWAY VEHICLE TYPE I VEHICLE OR AN OFF-HIGHWAY  
54 VEHICLE TYPE II VEHICLE AND THAT IS DESIGNED FOR OR CAPABLE OF OFF-  
55 HIGHWAY USE.

1 8. "OFF-HIGHWAY VEHICLE USE AREA" MEANS THE ENTIRE AREA OF A  
2 PARCEL OF LAND, EXCEPT FOR CAMPING AND APPROVED BUFFER AREAS, THAT IS  
3 MANAGED SPECIFICALLY FOR OFF-HIGHWAY VEHICLE USE.

4 5-902. Copper sticker off-highway vehicle management and safety fund

5 A. THE COPPER STICKER OFF-HIGHWAY VEHICLE MANAGEMENT AND  
6 SAFETY FUND IS ESTABLISHED. THE FUND CONSISTS OF ALL OF THE FOLLOWING:

- 7 1. MONIES DEPOSITED PURSUANT TO SECTION 5-903.
- 8 2. FEDERAL GRANTS AND PRIVATE GIFTS.
- 9 3. MATCHING MONIES FROM FEDERAL, STATE, LOCAL OR PRIVATE ENTITIES.

10 B. THE ARIZONA GAME AND FISH DEPARTMENT SHALL ADMINISTER THE  
11 FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED SOLELY FOR THE  
12 PURPOSES PROVIDED IN THIS SECTION AND ARE EXEMPT FROM THE PROVISIONS OF  
13 SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS. ON NOTICE FROM THE  
14 ARIZONA GAME AND FISH DEPARTMENT, THE STATE TREASURER SHALL INVEST AND  
15 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED  
16 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

17 C. THE ARIZONA GAME AND FISH DEPARTMENT SHALL SPEND NO MORE  
18 THAN SEVEN PER CENT OF THE TOTAL REVENUE GENERATED AND DEPOSITED IN  
19 THE FUND TO DEVELOP AND IMPLEMENT A COPPER STICKER USER FEE COLLECTION  
20 SYSTEM THROUGH THE ARIZONA GAME AND FISH DEPARTMENT AND ITS AGENTS  
21 PURSUANT TO SECTION 5-903. THE REMAINING MONIES DEPOSITED IN THE FUND  
22 SHALL BE USED AS FOLLOWS:

23 1. UP TO TEN PER CENT MAY BE SPENT BY THE STATE LAND DEPARTMENT TO  
24 ALLOW OCCUPANTS OF OFF-HIGHWAY VEHICLES WITH A COPPER STICKER TO  
25 CROSS STATE TRUST LAND ON EXISTING ROADS, TRAILS AND DESIGNATED ROUTES.  
26 OCCUPANTS OF OFF-HIGHWAY VEHICLES WITH A COPPER STICKER WHO CROSS  
27 STATE TRUST LANDS MUST COMPLY WITH ALL OF THE RULES AND REQUIREMENTS  
28 UNDER A STATE TRUST LAND RECREATIONAL PERMIT. ALL OTHER ACTIVITIES  
29 REQUIRE A STATE TRUST LAND RECREATIONAL PERMIT ISSUED BY THE STATE LAND  
30 DEPARTMENT. THE STATE LAND DEPARTMENT MAY USE THESE MONIES FOR COSTS  
31 ASSOCIATED WITH OFF-HIGHWAY VEHICLE USE OF LANDS WITHIN ITS  
32 JURISDICTION TO MANAGE AND MITIGATE IMPACTS ASSOCIATED WITH OFF-  
33 HIGHWAY VEHICLE USE AND FOR ENFORCEMENT OF OFF-HIGHWAY VEHICLE  
34 RULES. THE STATE LAND COMMISSIONER MAY RECLASSIFY STATE TRUST LAND AS  
35 NECESSARY PURSUANT TO SECTION 37-212. ANY UNUSED BALANCE OF THESE  
36 MONIES AT THE END OF EACH FISCAL YEAR SHALL REMAIN IN THE FUND.

37 2. FIFTEEN PER CENT MAY BE SPENT BY THE ARIZONA GAME AND FISH  
38 DEPARTMENT FOR BOTH OF THE FOLLOWING:

- 39 (a) LAW ENFORCEMENT ACTIVITIES RELATING TO THIS CHAPTER.
- 40 (b) OFF-HIGHWAY VEHICLE LAW ENFORCEMENT PURSUANT TO TITLE 17,  
41 CHAPTER 4, ARTICLE 3

42 3. EIGHTEEN PER CENT MAY BE SPENT BY THE ARIZONA GAME AND FISH  
43 DEPARTMENT FOR DEVELOPMENT AND ADMINISTRATION OF AN EDUCATIONAL  
44 COURSE PRESCRIBED BY SECTION 5-911 AND FOR AN OUTREACH AND INFORMATION  
45 PROGRAM ON OFF-HIGHWAY VEHICLE RECREATION AND RESPONSIBLE OFF-  
46 HIGHWAY VEHICLE USE

47 4. FIFTY PER CENT MAY BE SPENT BY THE ARIZONA GAME AND FISH  
48 DEPARTMENT TO DEVELOP AND IMPLEMENT A GRANT OR AGREEMENT PROGRAM,  
49 OR BOTH A GRANT AND AGREEMENT PROGRAM, THAT DISTRIBUTES THE MONIES, IN  
50 AN AMOUNT DETERMINED BY THE OFF-HIGHWAY VEHICLE ADVISORY GROUP  
51 ESTABLISHED BY SECTION 5-904 AND HAVING A SIXTY PER CENT BASE CAP ON ALL  
52 OF THE APPLICABLE CATEGORIES UNDER SECTION 5-902(4) A THRU F, WITH THE  
53 ARIZONA GAME AND FISH COMMISSION AND OFF HIGHWAY VEHICLE ADVISORY  
54 GROUP ALLOWING AN INCREASED PERCENTAGE AS DEEMED NECESSARY,  
55 DISTRIBUTED AND APPROVED BY THE ARIZONA GAME AND FISH COMMISSION, TO A  
56 QUALIFIED STATE OR FEDERAL AGENCY, CITY, TOWN, COUNTY OR TRIBAL

1 GOVERNMENT. AGENCIES RECEIVING MONIES UNDER THIS PARAGRAPH SHALL USE  
2 THE MONIES FOR ANY OF THE FOLLOWING:

3 (a) OFF-HIGHWAY VEHICLE-RELATED ENVIRONMENTAL EDUCATION,  
4 INFORMATION, SIGNAGE AND MAPS.

5 (b) OFF-HIGHWAY VEHICLE ACCESS, INCLUDING DEVELOPMENT, LEASE OR  
6 ACQUISITION OF ROADS, TRAILS, ROUTES, RIGHTS-OF-WAY AND EASEMENTS.

7 (c) MITIGATION OF DAMAGES TO LAND.

8 (d) INVENTORY, DESIGNATION, CONSTRUCTION, MAINTENANCE AND  
9 MANAGEMENT OF OFF-HIGHWAY VEHICLE USE AREAS AND OFF-HIGHWAY VEHICLE  
10 TRAILS AND ROADS WITHIN LAND UNDER THE JURISDICTION OF THE PARTICULAR  
11 AGENCY OR ANOTHER AGENCY OR LANDOWNER WITH PROOF OF CONCURRENCE  
12 FROM THE AGENCY OF JURISDICTION OR LANDOWNER.

13 (e) NECESSARY ENVIRONMENTAL, HISTORICAL AND CULTURAL CLEARANCE  
14 OR COMPLIANCE ACTIVITIES AND ACTIONS.

15 (f) ENFORCEMENT OF OFF HIGHWAY VEHICLE LAWS

16 D. THE ARIZONA GAME AND FISH COMMISSION MAY ADOPT ADMINISTRATIVE  
17 RULES NECESSARY TO IMPLEMENT THIS SECTION. THE OFF-HIGHWAY VEHICLE  
18 ADVISORY GROUP SHALL BE NOTIFIED OF CHANGES PRIOR TO IMPLEMENTATION.

19 5-903. Copper sticker requirements; fees; definition

20 A. A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE TYPE I  
21 VEHICLE, OFF-HIGHWAY VEHICLE TYPE II VEHICLE OR OFF-HIGHWAY VEHICLE  
22 TYPE III VEHICLE ON ANY LANDS IN THIS STATE NOT REQUIRING MOTOR VEHICLE  
23 REGISTRATION, INCLUDING ANY OFF-HIGHWAY VEHICLE TRAIL, ROAD OR OFF-  
24 HIGHWAY VEHICLE USE AREA AND EXCLUDING PRIVATE LAND AND INDIAN LAND,  
25 UNLESS THE PERSON HAS A COPPER STICKER FOR THE CURRENT YEAR AFFIXED OR  
26 CONSPICUOUSLY DISPLAYED ON THE BACK OF THE VEHICLE OR ON THE FRONT  
27 FORK OF THE VEHICLE OR UNLESS THE VEHICLE IS EXEMPT UNDER SECTION 5-905.  
28 THIS SUBSECTION APPLIES TO BOTH OF THE FOLLOWING:

29 1. ALL REGISTERED AND UNREGISTERED OFF-HIGHWAY VEHICLE TYPE I  
30 VEHICLES AND OFF-HIGHWAY VEHICLE TYPE II VEHICLES THAT ARE OWNED BY  
31 RESIDENTS AND NONRESIDENTS.

32 2. ALL UNREGISTERED OFF-HIGHWAY VEHICLE TYPE III VEHICLES THAT ARE  
33 OWNED BY RESIDENTS AND NONRESIDENTS.

34 B. THE OWNER OR OPERATOR OF ANY OFF-HIGHWAY VEHICLE REQUIRING  
35 THE COPPER STICKER UNDER THIS CHAPTER SHALL APPLY FOR A COPPER STICKER  
36 FROM THE ARIZONA GAME AND FISH DEPARTMENT OR ITS AUTHORIZED AGENTS ON  
37 FORMS APPROVED BY THE ARIZONA GAME AND FISH DEPARTMENT. EACH  
38 APPLICATION FOR A COPPER STICKER SHALL BE ACCOMPANIED BY ALL OF THE  
39 FOLLOWING:

40 1. THE NAME, ADDRESS AND DATE OF BIRTH OF THE VEHICLE OWNER.

41 2. THE TYPE, MAKE, MODEL AND VEHICLE IDENTIFICATION NUMBER IF  
42 APPLICABLE OF THE VEHICLE TO WHICH THE STICKER WILL BE AFFIXED.

43 3. THE PRINCIPAL COUNTY AND PREFERRED COUNTY WHERE THE OFF-  
44 HIGHWAY VEHICLE WILL BE OPERATED IN THIS STATE.

45 C. A PERSON SHALL NOT USE OR PERMIT THE USE OR DISPLAY OF ANY  
46 COPPER STICKER ON OR IN THE OPERATION OF ANY OFF-HIGHWAY VEHICLE OTHER  
47 THAN THE VEHICLE FOR WHICH IT WAS ISSUED.

48 D. COPPER STICKERS ARE VALID FOR ONE CALENDAR YEAR BEGINNING  
49 JANUARY 1 THROUGH DECEMBER 31 OF THE SAME YEAR.

50 E. THE ANNUAL COPPER STICKER FEE AND THE FEE FOR A DUPLICATE  
51 COPPER STICKER SHALL BE DETERMINED BY THE DIRECTOR OF THE ARIZONA  
52 GAME AND FISH DEPARTMENT. EACH MONTH THE COPPER STICKER FEES RECEIVED  
53 BY THE ARIZONA GAME AND FISH DEPARTMENT SHALL BE DEPOSITED, PURSUANT  
54 TO SECTIONS 35-146 AND 35-147, IN THE COPPER STICKER OFF-HIGHWAY VEHICLE  
55 MANAGEMENT AND SAFETY FUND ESTABLISHED BY SECTION 5-902.

1 F. ALL RECORDS OF THE ARIZONA GAME AND FISH DEPARTMENT MADE OR  
 2 KEPT PURSUANT TO THIS SECTION ARE PUBLIC RECORDS. THE ARIZONA GAME AND  
 3 FISH DEPARTMENT SHALL FURNISH INFORMATION OR COPIES FROM RECORDS KEPT  
 4 PURSUANT TO THIS SECTION SUBJECT TO SECTIONS 39-121.01 AND 39-121.03. IN  
 5 ADDITION THE ARIZONA GAME AND FISH COMMISSION SHALL PROVIDE AN ANNUAL  
 6 REPORT TO THE ARIZONA STATE PARKS BOARD, THE ARIZONA OFF HIGHWAY  
 7 VEHICLE ADVISORY GROUP AND THE LANDOWNER LEASEE/SPORTSMAN RELATION  
 8 COMMITTEE INCLUDING COPPER STICKER RELATED INCOME, DISTRIBUTION OF  
 9 MONIES, AND EXPENDITURES.

10 **5-904. Off-highway vehicle advisory group**

11 A. THE OFF-HIGHWAY VEHICLE ADVISORY GROUP IS ESTABLISHED  
 12 CONSISTING OF SEVEN MEMBERS WHO ARE APPOINTED BY THE ARIZONA STATE  
 13 PARKS BOARD AND THE ARIZONA GAME AND FISH COMMISSION. THE ARIZONA  
 14 GAME AND FISH COMMISSION SHALL APPOINT THREE MEMBERS AND THE ARIZONA  
 15 STATE PARKS BOARD SHALL APPOINT FOUR MEMBERS OF THE OFF-HIGHWAY  
 16 VEHICLE ADVISORY GROUP. NOT MORE THAN TWO MEMBERS SHALL BE RESIDENTS  
 17 OF THE SAME COUNTY

18 1. FIVE MEMBERS SHALL BE OFF-HIGHWAY VEHICLE RECREATIONISTS  
 19 AFFILIATED WITH AN ORGANIZED OFF-HIGHWAY VEHICLE GROUP

20 2. TWO MEMBERS OF THE ADVISORY GROUP SHALL REPRESENT THE  
 21 GENERAL PUBLIC OR CASUAL OFF-HIGHWAY VEHICLE RECREATIONIST

22 B. GROUP MEMBERS SERVE THREE-YEAR TERMS. GROUP MEMBERS SHALL  
 23 ANNUALLY ELECT A CHAIRPERSON FROM AMONG THE GROUP MEMBERS AS SET  
 24 FORTH BY THE ARIZONA STATE PARKS BOARD.

25 C. THE OFF-HIGHWAY VEHICLE ADVISORY GROUP SHALL EXAMINE  
 26 APPLICATIONS FOR ELIGIBLE PROJECTS AND DETERMINE THE AMOUNT OF  
 27 FUNDING, IF ANY, FOR EACH PROJECT WITH APPROVAL FROM THE ARIZONA GAME  
 28 AND FISH COMMISSION. IN ALLOCATING THE MONIES FROM THE GRANT AND  
 29 AGREEMENT PROGRAM, THE OFF-HIGHWAY VEHICLE ADVISORY GROUP AND  
 30 ARIZONA GAME AND FISH COMMISSION MAY CONSIDER ISSUES RELATING TO OFF-  
 31 HIGHWAY VEHICLES, INCLUDING THE FOLLOWING:

32 1. THE ADEQUACY OF THE APPLICANT'S EXISTING OFF-HIGHWAY VEHICLE  
 33 MANAGEMENT PROGRAMS.

34 2. THE PERCENTAGE OF OFF-HIGHWAY VEHICLE USE BASED ON  
 35 INFORMATION PROVIDED FROM THE MOST CURRENT ARIZONA STATE PARKS TRAILS  
 36 DOCUMENTS WITHIN THE JURISDICTION OF THE APPLICANT'S AREA OF  
 37 ADMINISTRATIVE AUTHORITY.

38 3. THE ACREAGE OF PUBLIC AND STATE LAND WITHIN THE JURISDICTION OF  
 39 THE APPLICANT'S AREA OF ADMINISTRATIVE AUTHORITY.

40 4. THE ABILITY OF THE APPLICANT TO CONSTRUCTIVELY USE ADDITIONAL  
 41 MONIES.

42 5. THE SCOPE AND EFFECTIVENESS OF THE GRANT PROPOSAL.

43 6. ANY MATCHING MONIES

44 **5-905. Exemptions**

45 THE FOLLOWING OFF-HIGHWAY VEHICLE TYPE I VEHICLES AND OFF-  
 46 HIGHWAY VEHICLE TYPE II VEHICLES ARE EXEMPT FROM THE COPPER STICKER  
 47 REQUIREMENTS OF THIS CHAPTER:

48 1. FOR A PERIOD OF NO MORE THAN THIRTY CONSECUTIVE DAYS, OFF-  
 49 HIGHWAY VEHICLES THAT ARE OWNED BY A NONRESIDENT AND THAT ARE  
 50 DISPLAYING A CURRENT OFF-HIGHWAY VEHICLE USER DECAL OR REGISTRATION  
 51 FROM THE NONRESIDENT'S STATE OF RESIDENCE. NONRESIDENTS THAT ARE  
 52 DISPLAYING A DEACL FROM ANOTHER STATE FOR A PERIOD OF MORE THAN THIRTY  
 53 CONSECUTIVE DAYS SHALL DISPLAY A CURRENT COPPER STICKER.

1           2. AN OFF-HIGHWAY VEHICLE THAT IS SOLD BY A DEALER TO A PERSON WHO  
2 IS NOT A RESIDENT OF THIS STATE AND WHO DOES NOT INTEND TO OPERATE THE  
3 VEHICLE IN THIS STATE.

4           3. AN OFF-HIGHWAY VEHICLE IMPLEMENT OF HUSBANDRY ONLY WHEN  
5 BEING OPERATED FOR THE PURPOSES OF HUSBANDRY. FOR THE PURPOSES OF THIS  
6 PARAGRAPH, "OFF-HIGHWAY VEHICLE IMPLEMENT OF HUSBANDRY" MEANS AN  
7 OFF-HIGHWAY VEHICLE USED PRIMARILY IN THE CONDUCT OF AGRICULTURAL  
8 OPERATIONS.

9           4. NEW OFF-HIGHWAY VEHICLES THAT ARE BEING TRANSPORTED TO AN  
10 OFF-HIGHWAY VEHICLE DEALERSHIP BY THE DEALER, EMPLOYEE OF THE  
11 DEALERSHIP OR AGENT FOR THE DEALERSHIP.

12           5. AN OFF-HIGHWAY VEHICLE THAT IS OWNED OR OPERATED, OR BOTH  
13 OWNED AND OPERATED, BY THE UNITED STATES GOVERNMENT, THIS STATE OR A  
14 POLITICAL SUBDIVISION OF THIS STATE.

15           6. INDIVIDUALS PARTICIPATING IN A RACE OR ORGANIZED EVENT AS PER  
16 ARS 5-909 OR OFF-HIGHWAY VEHICLE SPECIAL EVENT AS DEFINED IN ARS 28-1171(4).

17           5-906. Operation of off-highway vehicles on highways; liability

18           A. NO PERSON MAY OPERATE AN UNREGISTERED OFF-HIGHWAY VEHICLE ON  
19 ANY STREET OR HIGHWAY THAT IS NOT DESIGNATED AS OPEN TO OFF-HIGHWAY  
20 VEHICLE USE PURSUANT TO SECTION 28-627, SUBSECTION A, PARAGRAPH 13 EXCEPT  
21 IF ANY OF THE FOLLOWING APPLIES:

22           1. IF CROSSING A STREET OR HIGHWAY, THE OPERATOR COMES TO A  
23 COMPLETE STOP BEFORE CROSSING, PROCEEDS ONLY AFTER YIELDING THE RIGHT-  
24 OF-WAY TO ONCOMING TRAFFIC AND CROSSES AT A RIGHT ANGLE IN A CROSSING  
25 AREA DESIGNATED BY THE MANAGING AUTHORITY.

26           2. IF A PERSON IS LOADING OR UNLOADING AN OFF-HIGHWAY VEHICLE FROM  
27 A VEHICLE OR TRAILER, WHICH SHALL BE DONE WITH DUE REGARD FOR SAFETY  
28 AND AT THE NEAREST PRACTICAL POINT OF OPERATION UNLESS A DESIGNATED  
29 STAGING AREA IS AVAILABLE.

30           3. IF AN EMERGENCY EXISTS, DURING ANY PERIOD OF TIME AND AT THOSE  
31 LOCATIONS WHERE THE OPERATION OF CONVENTIONAL MOTOR VEHICLES IS  
32 IMPRACTICAL OR IF THE OPERATION IS DIRECTED BY A PEACE OFFICER OR OTHER  
33 PUBLIC AUTHORITY.

34           B. A FEDERAL, STATE, COUNTY OR MUNICIPAL AGENCY IS NOT SUBJECT TO  
35 CIVIL LIABILITY FOR ANY ACTION RELATING TO THE DESIGNATION OR  
36 MAINTENANCE OF ANY LAND, TRAIL, STREET OR HIGHWAY THAT IS OPEN FOR OFF-  
37 HIGHWAY VEHICLE USE.

38           5-907. Off-highway vehicle equipment requirements; rule making; classification

39           A. ALL OFF-HIGHWAY VEHICLES IN OPERATION IN THIS STATE SHALL BE  
40 EQUIPPED WITH ALL OF THE FOLLOWING:

41           1. BRAKES ADEQUATE TO CONTROL THE MOVEMENT OF AND TO STOP AND  
42 HOLD THE VEHICLE UNDER NORMAL OPERATING CONDITIONS.

43           2. LIGHTED HEADLIGHTS AND TAIL LIGHTS THAT MEET OR EXCEED  
44 ORIGINAL EQUIPMENT MANUFACTURER GUIDELINES IF OPERATED BETWEEN ONE-  
45 HALF HOUR AFTER LEGAL SUNSET AND ONE-HALF HOUR BEFORE LEGAL SUNRISE.

46           3. A MUFFLER THAT IS IN GOOD WORKING ORDER AND THAT IS IN CONSTANT  
47 OPERATION TO PREVENT EXCESSIVE OR UNUSUAL NOISE ABOVE NINETY-SIX  
48 DECIBELS, IF MEASURED FROM A DISTANCE OF TWENTY INCHES USING TEST  
49 PROCEDURES ESTABLISHED BY THE SOCIETY OF AUTOMOTIVE ENGINEERS, SAE  
50 STANDARD J1287 FOR ATVS AND MOTORCYCLES AND ISO STANDARD 5130 FOR ALL  
51 OTHER TYPE III OHVS, EXCEPT IF OPERATING ON A CLOSED COURSE.

52           4. A SPARK ARRESTOR DEVICE THAT IS APPROVED BY THE UNITED STATES  
53 DEPARTMENT OF AGRICULTURE AND THAT IS IN CONSTANT OPERATION EXCEPT IF  
54 OPERATING ON A CLOSED COURSE.

55           5. A SAFETY FLAG THAT IS AT LEAST SIX BY TWELVE INCHES AND THAT IS  
56 ATTACHED TO THE OFF-HIGHWAY VEHICLE AT LEAST EIGHT FEET ABOVE THE

1 SURFACE OF LEVEL GROUND, IF OPERATED ON SAND DUNES OR AREAS DESIGNATED  
2 BY THE MANAGING AGENCY.

3 B. A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE MAY NOT OPERATE OR  
4 RIDE ON AN OFF-HIGHWAY VEHICLE TYPE I VEHICLE OR AN OFF-HIGHWAY VEHICLE  
5 TYPE II VEHICLE ON PUBLIC OR STATE LAND UNLESS THE PERSON IS WEARING A  
6 PROPERLY FITTED AND FASTENED PROTECTIVE HEADGEAR DESIGNED FOR  
7 MOTORIZED VEHICLE USE WITH A MINIMUM UNITED STATES DEPARTMENT OF  
8 TRANSPORTATION (DOT) SAFETY RATING.

9 C. THE ARIZONA GAME AND FISH COMMISSION CONSULTING WITH THE OFF  
10 HIGHWAY VEHICLE ADVISORY GROUP

11 MAY:

12 1. MAKE RULES NECESSARY TO IMPLEMENT THIS SECTION.

13 2. PRESCRIBE ADDITIONAL EQUIPMENT REQUIREMENTS NOT IN CONFLICT  
14 WITH FEDERAL LAWS.

15 D. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A PETTY OFFENSE.

16 5-908. Operation restrictions

17 A. A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE IN A MANNER  
18 THAT CAUSES UNDUE DAMAGE TO WILDLIFE HABITAT, CULTURAL OR NATURAL  
19 RESOURCES OR PROPERTY OR IMPROVEMENTS.

20 B. A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE ON ROADS,  
21 TRAILS OR ROUTES THAT ARE POSTED CLOSED OR DRIVE ON ANY ROADS, TRAILS OR  
22 ROUTES WHERE DRIVING IS PROHIBITED BY RULE.

23 C. A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE IN  
24 CONNECTION WITH ACTS OF VANDALISM, BURGLARIES OR OTHER CRIMES OR  
25 CAUSE UNDUE DAMAGE TO THE ENVIRONMENT, INCLUDING POLLUTION OF AIR,  
26 WATER OR LAND, ABUSE OF THE WATERSHED, IMPAIRMENT OF PLANT OR ANIMAL  
27 LIFE.

28 D. A PERSON SHALL NOT PLACE OR REMOVE A REGULATORY SIGN  
29 GOVERNING OFF-HIGHWAY VEHICLE USE ON ANY PUBLIC OR STATE LAND. THIS  
30 SUBSECTION DOES NOT APPLY TO AN AGENT OF AN APPROPRIATE FEDERAL, STATE,  
31 COUNTY, TOWN OR CITY AGENCY OPERATING WITHIN THAT AGENCY'S AUTHORITY.

32 5-909. Race or organized event; authorization required

33 NO PERSON MAY ORGANIZE, PROMOTE OR HOLD AN OFF-HIGHWAY VEHICLE  
34 RACE OR OTHER ORGANIZED EVENT ON ANY LAND OR HIGHWAY IN THIS STATE,  
35 EXCEPT AS AUTHORIZED BY THE APPROPRIATE AGENCY THAT HAS JURISDICTION  
36 OVER THE LAND OR HIGHWAY OR THE LANDOWNER.

37 5-910. Violation; classification

38 UNLESS OTHERWISE SPECIFIED IN THIS CHAPTER, A PERSON WHO VIOLATES  
39 THIS CHAPTER IS GUILTY OF A CLASS 3 MISDEMEANOR.

40 Sec. 2. Transfer and renumber

41 Section 28-1175, Arizona Revised Statutes, is transferred and renumbered for placement in  
42 title 5, chapter 9, article 1, Arizona Revised Statutes, as added by this act, as section 5-911.

43 Sec. 3. Section 5-911, Arizona Revised Statutes, as transferred and renumbered by this act,  
44 is amended to read:

45 5-911. Instruction course; fee

46 A. The ARIZONA GAME AND FISH department shall conduct or approve an educational  
47 course of instruction in off-highway vehicle safety and environmental ethics. The course shall  
48 include instruction on off-highway vehicle uses that limit air pollution and harm to natural terrain,  
49 vegetation and animals. Successful completion of the course requires successful passage of a written  
50 examination.

51 B. Any governmental agency, corporation or other individual that conducts a training  
52 and/OR educational course that is approved by the department, OR THE BUREAU OF LAND  
53 MANAGEMENT OR THE UNITED STATES FOREST SERVICE OR AS APPROVED OR  
54 ACCEPTED BY THE ALL TERRAIN VEHICLE SAFETY INSTITUTE (ASI) OR THE  
55 NATIONAL OFF HIGHWAY VEHICLE CONSERVATION COUNCIL (NOHVCC), may collect a  
56 fee that is reasonable and commensurate for the training and that does not exceed fifty dollars

- 1           **Sec. 4. Initial terms of members of the off-highway vehicle advisory group**
- 2           **A. Notwithstanding section 5-904, Arizona Revised Statutes, as added by this act, the initial**
- 3 **terms of members of the off-highway vehicle advisory group are AS REQUIRED BY THE**
- 4 **ARIZONA STATE PARKS BOARD OFF HIGHWAY VEHICLE ADVISORY GROUP**
- 5 **REQUIREMENTS. BEGINNING FOLLOWING ACCEPTANCE OF THESE DOCUMENTS:**
- 6           **B. The Arizona state parks board and the Arizona game and fish commission shall make all**
- 7 **subsequent appointments as prescribed by statute.**
- 8           **Sec. 5. Effective date**
- 9           **This act is effective from and after?**

DRAFT