



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED

FACT SHEET FOR S.B. 1567

off-highway vehicles; education requirements

Purpose

Establishes a driver license requirement to operate an off-highway vehicle (OHV), a prohibition on the consumption or possession of an open container of spirituous liquor while operating an OHV, requirements for a person who allows a minor to operate an OHV, including the citation of minors, and an OHV Safety Education Course that is required for OHV operation beginning January 1, 2025.

Background

An *OHV* is a motorized vehicle that is operated primarily off of highways and is designed, modified or purpose-built primarily for recreational nonhighway all-terrain travel, including a tracked or wheeled, utility, all-terrain, four-wheel drive, amphibious or ground effects or air cushion vehicle, motorcycle, dune buggy and any other means of land transportation deriving motive power from a source other than muscle or wind ([A.R.S. § 28-1171](#)).

A person may not drive an OHV: 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 habitats, riparian areas, cultural or natural resources or property or improvements; 3) on roads, trails or areas closed as indicated in rules or regulations of a federal agency, the state, a county or municipality or by proper posting that 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; or 5) in a manner that damages the environment where it is prohibited by rule, regulation, ordinance or code. A person may not place or remove a regulatory sign governing OHV use. A person is guilty of a class 2 misdemeanor for operating an OHV in reckless disregard for the safety of persons or property and a class 3 misdemeanor for violating any of the other prescribed prohibitions. A judge may order at least 8 but not more than 24 hours of community restitution or completion of an approved OHV safety course ([A.R.S. § 28-1174](#)).

It is unlawful for a person to consume or possess an open container of spirituous liquor while operating or within the passenger compartment of a motor vehicle that is located on any public highway or right-of-way in the state and is guilty of a class 2 misdemeanor. A *motor vehicle* is any vehicle that is driven or drawn by mechanical power and designed primarily for use on public highways and does not include a vehicle operated exclusively on rails ([A.R.S. § 4-251](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Restrictions on and Requirements for OHVs

1. Prohibits a person from driving an OHV in Arizona without a valid driver license.
2. Includes an OHV as a motor vehicle that is subject to the prohibition on consuming, or possessing an open container of spiritous liquor while in operation or within the passenger compartment of a motor vehicle that is located on any public highway or right-of-way of a public highway in the state.
3. Specifies that a person who is under 18 years old may not operate or be a passenger in an OHV on public or state land unless the person is wearing a protective helmet, rather than headgear, that:
 - a) is properly fitted and fastened;
 - b) is designed for motorized vehicle use; and
 - c) has a minimum U.S. Department of Transportation safety rating.
4. Prohibits a person from allowing a person under 18 years old to operate an OHV or be an OHV passenger unless the person wears a protective helmet, as prescribed.
5. Excludes, from the helmet requirement, a child who is a passenger of an OHV, if:
 - a) the child is properly secured in a child restraint system; and
 - b) the OHV is equipped with a rollover protective system.
6. Requires a person to allow a minor who is under 12 years old to operate an OHV only on roads, trails, routes or areas that are opened as indicated in rules or regulations of a federal agency, the state or a county or municipality.
7. Prohibits a person from allowing a minor who is under 12 years old to operate an OHV:
 - a) with reckless disregard for the safety of persons or property;
 - b) off of an existing road, trail or route in a manner that causes damage to a wildlife habitat, riparian areas, cultural or natural resources, or property or improvements;
 - c) on roads, trails, routes or areas closed as indicated in rules or regulations of a federal or state agency or by proper posting if the land is private land; and
 - d) over unimproved roads, trails, routes or areas unless driving on roads, trails, routes or areas where such driving is allowed by rule or regulation.
8. Prohibits a person from allowing a minor who is under 12 years old to operate an OHV in a manner that damages the environment where it is prohibited by rule, regulation, ordinance or code, including excessive:
 - a) pollution of air, water or land;
 - b) abuse of the watershed or cultural or natural resources; and
 - c) impairment of plant or animal life.
9. Requires a citation for a minor who is under 12 years old to be issued to the parent or legal guardian of the minor and not to the minor for:
 - a) a violation of OHV operation restrictions; or
 - b) operating an OHV without a driver license.

10. Allows a citation for a minor who is at least 12 years old and under 16 years old to be issued to the minor or the parent or legal guardian of the minor, but not both, for:
 - a) a violation of OHV operation restrictions; or
 - b) operating an OHV without a driver license.

OHV Safety Education Course (OHV Course)

11. Requires, beginning January 1, 2025, a person to complete the OHV Course and provide proof of completion to:
 - a) ADOT, before ADOT may issue resident or nonresident OHV indicia; or
 - b) the Arizona Game and Fish Department (AZGFD), if a person purchases a nonresident OHV indicium from AZGFD.
12. Requires AZGFD to certify an OHV Course that includes verification of completion.
13. Requires AZGFD to ensure that a person can complete the OHV Course online.
14. Requires ADOT to share with AZGFD all OHV data relating to persons who have provided proof of course completion and all user indicia issued by ADOT.
15. Requires, by December 1, 2026, AZGFD to submit a report to the Governor, President of the Senate and Speaker of the House of Representatives and provide a copy of the report to the Secretary of State regarding the results of implementing the OHV Course, including:
 - a) the revenues and costs associated with the implementation; and
 - b) any recommendations for administrative or legislative action.
16. Repeals the OHV Course and related requirements on June 1, 2027.

Miscellaneous

17. Modifies, for the prohibition on spirituous liquor in motor vehicles, the definition of a *motor vehicle* to:
 - a) be a self-propelled vehicle, rather than any vehicle that is driven or drawn by mechanical power and is designed primarily for use on public highways; and
 - b) exclude a vehicle operated exclusively on water.
18. Modifies the definition of an *OHV* to include:
 - a) a recreational or utility side-by-side vehicle, rather than a utility vehicle; and
 - b) a dirt bike, rather than a four-wheel drive vehicle.
19. Defines a *dirt bike* as a lightweight motorcycle that is designed for use on rough terrain, including unsurfaced roads or tracks.
20. Defines a *highway* as the entire width between the boundary lines of every way publicly maintained by the federal government, ADOT or a city, town or county if any part of the way is open to the public for the purposes of vehicular travel other than exclusive OHV use, excluding routes designated for OHV use.
21. Makes technical and conforming changes.
22. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Adds prohibitions on OHV operation relating to driver licenses and the 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 as prescribed, unless the OHV is being operated in areas dedicated for OHV use.
3. Allows a citation for a violating minor to be issued to either:
 - a) the parent or legal guardian of a minor who is under 12 years old; or
 - b) a minor who is at least 12 years old and under 16 years old or the parent or legal guardian of the minor, but not to both.
4. Modifies the definitions of *motor vehicle* and *OHV*.
5. Defines *dirt bike*.
6. Makes conforming changes.

Amendments Adopted by Committee of the Whole

1. The committee amendment was substituted for the committee of the whole amendment.
2. Adds prohibitions on OHV operation relating to driver licenses and the consumption, or possession of an open container, of spiritous liquor.
3. Prohibits a person from allowing a minor under 12 years old to operate an OHV as prescribed, unless the OHV is being operated in areas dedicated for OHV use.
4. Prohibits a person from allowing a person under 18 years old to operate an OHV or be an OHV passenger without wearing a helmet, except as specified.
5. Allows a citation for a violating minor to be issued to either:
 - a) the parent or legal guardian of a minor who is under 12 years old; or
 - b) a minor who is at least 12 years old and under 16 years old or the parent or legal guardian of the minor, but not to both.
6. Requires the AZGFD to certify, rather than conduct or approve, an OHV Course.
7. Requires the OHV Course to include verification of completion, rather than requiring AZGFD to issue certificates of completion.
8. 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.
9. Requires AZGFD, rather than the Arizona Department of Transportation, to submit a report relating to the OHV education requirement.

10. Removes the following requirements for the OHV Course:

- a) the training of OHV operators;
- b) the preparation and dissemination of OHV information and safety advice to the public;
- c) 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; and
- d) to be composed of:
 - i. a written knowledge instruction and examination component that is required for each operator; and
 - ii. an operational skills instruction and examination component that is required only for an operator who is under 18 years old who does not possess a valid driver license.

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

12. Defines *dirt bike* and *highway*.

13. Makes technical and conforming changes.

Senate Action

TTMC 2/15/24 DPA 4-3-0

Prepared by Senate Research

March 13, 2024

KJA/EB/slp