

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1680

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-964, Arizona Revised Statutes, is amended to
3 read:

4 28-964. Motorcycles; all-terrain vehicles; motor driven
5 cycles; equipment; exception; citations; civil
6 penalty; community service

7 A. An operator or passenger of a motorcycle, all-terrain vehicle or
8 motor driven cycle who is under eighteen years of age shall wear at all
9 times a protective helmet on the operator's or passenger's head in an
10 appropriate manner. **A LAW ENFORCEMENT OFFICER MAY ISSUE A CITATION FOR A**
11 **VIOLATION OF THIS SUBSECTION ONLY TO AN OPERATOR OR PASSENGER WHO IS**
12 **SIXTEEN OR SEVENTEEN YEARS OF AGE AND WHO HAS BEEN ISSUED A DRIVER LICENSE**
13 **OR PERMIT.** The protective helmet shall be safely secured while the
14 operator or passenger is operating or riding on the motorcycle, all-terrain
15 vehicle or motor driven cycle. An operator of a motorcycle, all-terrain
16 vehicle or motor driven cycle shall wear at all times protective glasses,
17 goggles or a transparent face shield of a type approved by the director
18 unless the motorcycle, all-terrain vehicle or motor driven cycle is
19 equipped with a protective windshield. This subsection does not apply to
20 **ANY OF THE FOLLOWING:**

21 1. Electrically powered three wheeled vehicles or three wheeled
22 vehicles on which the operator and passenger ride within an enclosed cab.

23 2. **A MOTORCYCLE, ALL-TERRAIN VEHICLE OR MOTOR DRIVEN CYCLE THAT IS A**
24 **FARM OR AGRICULTURAL VEHICLE IF THE OPERATOR OR PASSENGER IS ENGAGED IN**
25 **AGRICULTURAL WORK.**

26 3. **AN ALL-TERRAIN VEHICLE AS DEFINED IN SECTION 28-101, PARAGRAPH 3,**
27 **SUBDIVISION (b).**

1 4. A MOTORCYCLE, ALL-TERRAIN VEHICLE OR MOTOR DRIVEN CYCLE THAT IS
2 OPERATED ON PRIVATE PROPERTY.

3 B. A motorcycle, all-terrain vehicle and motor driven cycle shall be
4 equipped with a rearview mirror, seat and footrests for the operator. A
5 motorcycle, all-terrain vehicle or motor driven cycle operated with a
6 passenger shall be equipped with a seat and footrests for the passenger.

7 C. AN OPERATOR OF A MOTORCYCLE, ALL-TERRAIN VEHICLE OR MOTOR DRIVEN
8 CYCLE WHO IS AT LEAST EIGHTEEN YEARS OF AGE MAY BE ISSUED A CITATION IF
9 EITHER OF THE FOLLOWING OCCURS:

10 1. A PASSENGER OF THE MOTORCYCLE, ALL-TERRAIN VEHICLE OR MOTOR
11 DRIVEN CYCLE IS UNDER EIGHTEEN YEARS OF AGE AND IS NOT WEARING A PROTECTIVE
12 HELMET AS PRESCRIBED IN SUBSECTION A OF THIS SECTION.

13 2. THE OPERATOR OR PASSENGER OF THE MOTORCYCLE, ALL-TERRAIN VEHICLE
14 OR MOTOR DRIVEN CYCLE IS UNDER EIGHTEEN YEARS OF AGE AND IS BOTH:

15 (a) NOT WEARING A PROTECTIVE HELMET AS PRESCRIBED IN SUBSECTION A OF
16 THIS SECTION.

17 (b) IN THE SAME GROUP OR PARTY AS THE OPERATOR OF THE INITIAL
18 MOTORCYCLE, ALL-TERRAIN VEHICLE OR MOTOR DRIVEN CYCLE WHO IS AT LEAST
19 EIGHTEEN YEARS OF AGE.

20 D. FOR AN INITIAL VIOLATION OF THIS SECTION, A PERSON IS SUBJECT TO
21 A CIVIL PENALTY OF \$100 OR COMMUNITY SERVICE IF THE PERSON IS SIXTEEN OR
22 SEVENTEEN YEARS OF AGE AT THE TIME OF THE VIOLATION."

23 Amend title to conform

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