

**Arizona Revised Statute
Off-Highway Vehicle Laws**

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28-101. Definitions

In this title, unless the context otherwise requires:

3. "All-terrain vehicle" means either of the following:

(a) A motor vehicle that satisfies all of the following:

(i) Is designed primarily for recreational nonhighway all-terrain travel.

(ii) Is fifty or fewer inches in width.

(iii) Has an unladen weight of one thousand two hundred pounds or less.

(iv) Travels on three or more nonhighway tires.

(v) Is operated on a public highway.

(b) A recreational off-highway vehicle that satisfies all of the following:

(i) Is designed primarily for recreational nonhighway all-terrain travel.

(ii) Is eighty or fewer inches in width.

(iii) Has an unladen weight of two thousand five hundred pounds or less.

(iv) Travels on four or more nonhighway tires.

(v) Has a steering wheel for steering control.

(vi) Has a rollover protective structure.

(vii) Has an occupant retention system.

28-1171. Definitions

In this article, unless the context otherwise requires:

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

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

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

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

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

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

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

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

6. "Off-highway vehicle":

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

(b) Includes a tracked or wheeled vehicle, utility vehicle, all-terrain vehicle, motorcycle, four-wheel drive vehicle, dune buggy, sand rail, amphibious vehicle, ground effects or air cushion vehicle and any other means of land transportation deriving motive power from a source other than muscle or wind.

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

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

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

7. "Off-highway vehicle special event" means an event that is endorsed, authorized, permitted or sponsored by a federal, state, county or municipal agency and in which the event participants operate off-highway 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.

28-1172. Applicability: private and Indian lands

This article applies to all lands in this state except private land and Indian land.

28-1173. Enforcement

All peace officers of this state and counties or municipalities of this state and other duly authorized state employees may enforce this article.

28-1174. Operation restrictions: violation: classification

A. A person shall not drive 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 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, a county or a municipality.

C. A person shall not operate an off-highway vehicle in a manner that damages the environment, including excessive pollution of air, water or land, abuse of the watershed or cultural or natural resources or impairment of plant or animal life, where it is prohibited by rule, regulation, ordinance or code.

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

E. A person who violates subsection A, paragraph 1 is guilty of a class 2 misdemeanor.

F. A person who violates any other provision of this section is guilty of a class 3 misdemeanor.

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

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

28-1175. Instruction course: fee

A. The Arizona game and fish department shall conduct or approve an educational course of instruction in off-highway vehicle safety and environmental ethics. The course shall include instruction on off-highway vehicle uses that limit air pollution and harm to natural terrain, vegetation and animals. Successful completion of the course requires successful passage of a written examination.

B. Any governmental agency, corporation or other individual that conducts a training or educational course, or both, that is approved by the Arizona game and fish department, the United States bureau of land management or the United States forest service or that is approved or accepted by the all-terrain vehicle safety institute or the national off-highway vehicle conservation council may collect a fee from the participant that is reasonable and commensurate for the training and that is determined by the director of the Arizona game and fish department by rule.

28-1176. Off-highway vehicle recreation fund; annual reports; definition

A. An off-highway vehicle recreation fund is established. The fund consists of:

1. Monies appropriated by the legislature.
2. Monies deposited pursuant to sections 28-1177 and 28-5927.
3. Federal grants and private gifts.

B. Monies in the off-highway vehicle recreation fund are appropriated to the Arizona state parks board solely for the purposes provided in this article. Interest earned on monies in the fund shall be credited to the fund. Monies in the off-highway vehicle recreation fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

C. The Arizona game and fish department shall spend thirty-five percent of the monies in the off-highway vehicle recreation fund for:

1. Informational and educational programs related to safety, the environment and responsible use with respect to off-highway vehicle recreation.
2. Law enforcement activities relating to this article.
3. The administration of the indicia program.
4. Off-highway vehicle law enforcement pursuant to title 17, chapter 4, article 3, including seven full-time employees to enforce this article and title 17, chapter 4, article 3.

D. The state land department shall spend five percent of the monies in the off-highway vehicle recreational fund to allow occupants of off-highway vehicles with resident or nonresident off-highway vehicle user indicia to cross state trust land on existing roads, trails and designated routes. The state land department shall use these monies for costs associated with off-highway vehicle use of lands within its jurisdiction, to mitigate damage to the land, for necessary environmental, historical and cultural clearance or compliance activities and to fund enforcement of off-highway vehicle laws.

E. The Arizona state parks board shall spend sixty percent of the monies in the off-highway vehicle recreation fund for the following purposes:

1. No more than twelve percent to fund staff support to plan and administer the off-highway vehicle recreation fund.
2. To establish an off-highway vehicle program based on the priorities established in the off-highway vehicle recreational plan.
3. To designate, construct, maintain, renovate, repair or connect off-highway vehicle routes and trails and to designate, manage and acquire land for access roads, off-highway vehicle recreation facilities and off-highway vehicle use areas. After expenditures pursuant to paragraph 1 of this subsection, the Arizona state parks board shall not spend more than thirty-five percent of the remaining monies received pursuant to this subsection for construction of new off-highway vehicle trails.
4. For enforcement of off-highway vehicle laws.
5. For off-highway vehicle related informational and environmental education programs, information, signage, maps and responsible use programs.
6. For the mitigation of damages to land, revegetation and the prevention and restoration of damages to natural and cultural resources, including the closure of existing access roads, off-highway vehicle use areas and off-highway vehicle routes and trails.
7. For necessary environmental, historical and cultural clearance or compliance activities.

F. The allocation of the monies in subsection E, paragraphs 3 through 7 of this section and the percentages allocated to each of the purposes prescribed in subsection E, paragraphs 3 through 7 of this section shall be based on an off-highway vehicle recreational plan.

G. Monies in the off-highway vehicle recreation fund shall not be used to construct new off-highway vehicle trails or routes on environmentally or culturally sensitive land unless the appropriate land management agency determines that certain new trail construction would benefit or protect cultural or sensitive sites. For the purposes of this subsection, "environmentally or culturally sensitive land" means areas of lands that are either:

1. Administratively or legislatively designated by the federal government as any of the following:

- (a) A national monument.
- (b) An area of critical environmental concern.
- (c) A conservation area.
- (d) An inventoried roadless area.

2. Determined by the applicable land management agency to contain significant natural or cultural resources or values.

H. The Arizona state parks board shall examine applications for eligible projects and determine the amount of funding, if any, for each project. In determining the amount of monies for eligible projects, the Arizona state parks board shall give preference to applications for projects with mitigation efforts and for projects that encompass a large number of purposes described in subsection E, paragraphs 3 through 7 of this section.

I. Beginning September 1, 2011, and on or before September 1 of each subsequent year, each agency that receives monies from the off-highway vehicle recreation fund shall submit an off-highway vehicle report to the president of the senate, the speaker of the house of representatives, the chairperson of the senate natural resources and rural affairs committee, or its successor committee, and the chairperson of the house of representatives natural resources and public safety committee, or its successor committee. The report shall be made available to the public. The report shall include information on all of the following if applicable:

1. The amount of monies spent or encumbered in the fund during the preceding fiscal year for the purposes of off-highway vehicle law enforcement activities.
2. The amount of monies spent from the off-highway vehicle recreation fund during the preceding fiscal year for employee services.
3. The number of full-time employees employed in the preceding fiscal year in connection with off-highway vehicle law enforcement activities.
4. The amount of monies spent from the off-highway vehicle recreation fund during the preceding fiscal year for information and education.
5. The number and specific location of verbal warnings, written warnings and citations given or issued during the preceding fiscal year.
6. A specific and detailed accounting for all monies spent in accordance with this section for construction of new off-highway vehicle trails, mitigation of damages to lands, revegetation, the prevention and restoration of damages to natural and cultural resources, signage, maps and necessary environmental, historical and cultural clearance or compliance activities.

J. For the purposes of this section, "off-highway vehicle recreational plan" means a plan that is maintained by the Arizona state parks board pursuant to section 41-511.04.

28-1177. Off-highway vehicle user fee; indicia; registration; state trust land recreational permit; exception

A. A person shall not operate or allow the operation of an all-terrain vehicle or an off-highway vehicle in this state without either a resident or nonresident off-highway vehicle user indicia issued by the department if the all-terrain vehicle or off-highway vehicle meets both of the following criteria:

1. Is designed by the manufacturer primarily for travel over unimproved terrain.
2. Has an unladen weight of two thousand five hundred pounds or less.

B. A person shall apply to the department of transportation for a resident or nonresident off-highway vehicle user indicia by submitting an application prescribed by the department of transportation and a user fee for the indicia in an amount to be determined by the director of the department of transportation in cooperation with the director of the Arizona game and fish department and the Arizona state parks board. The resident or nonresident off-highway vehicle user indicia is valid for one year from the date of issuance and may be renewed. The department shall prescribe by rule the design and placement of the indicia.

C. When a person pays for a resident off-highway vehicle user indicia pursuant to this section, the person may request a motor vehicle registration if the vehicle meets all equipment requirements to be operated on a highway pursuant to article 16 of this chapter. If a person submits a signed affidavit to the department affirming that the vehicle meets all of the equipment requirements for highway use and that the vehicle will be operated primarily off of highways, the department shall register the vehicle for highway use and the vehicle owner is not required to pay the registration fee prescribed in section 28-2003. This subsection does not apply to vehicles that as produced by the manufacturer meet the equipment requirements to be operated on a highway pursuant to article 16 of this chapter.

D. The director shall deposit, pursuant to sections 35-146 and 35-147, seventy percent of the user fees collected pursuant to this section in the off-highway vehicle recreation fund established by section 28-1176 and thirty percent of the user fees collected pursuant to this section in the Arizona highway user revenue fund.

E. The Arizona game and fish department may provide for the purchase of nonresident off-highway vehicle user indicia and may impose an additional service fee in an amount to be determined by the Arizona game and fish commission by rule. The Arizona game and fish department shall deposit, pursuant to sections 35-146 and 35-147, the service fees collected pursuant to this subsection in the game and fish fund established by section 17-261.

F. An occupant of an off-highway vehicle with a resident or nonresident off-highway vehicle user indicia issued pursuant to this section who crosses state trust lands must comply with all of the rules and requirements under a state trust land recreational permit. All occupants of an off-highway vehicle with a resident or nonresident off-highway vehicle user indicia shall obtain a state trust land recreational permit from the state land department for all other authorized recreational activities on state trust land.

G. This section does not apply to off-highway vehicles, all-terrain vehicles or off-road recreational motor vehicles that are used off-highway exclusively for agricultural, ranching, construction, mining, mining exploration or building trade purposes.

H. In consultation with the department of transportation, the Arizona game and fish department may adopt rules necessary to implement this section.

28-1178. Operation of off-highway vehicles; exceptions

A person may operate an all-terrain vehicle or an off-highway vehicle in this state without a resident or nonresident off-highway vehicle user indicia issued pursuant to section 28-1177 if any of the following applies:

1. The person is participating in an off-highway special event.

2. The person is operating an all-terrain vehicle or an off-highway vehicle on private land.
3. The person is loading or unloading an all-terrain vehicle or an off-highway vehicle from a vehicle.
4. During a period of emergency or if the operation is directed by a peace officer or other public authority.
5. The vehicle displays a valid dealer license plate that the department issues pursuant to section 28-4533.

28-1179. Off-highway vehicle equipment requirements; rule making; exception

A. An off-highway vehicle in operation in this state shall be equipped with all of the following:

1. Brakes adequate to control the movement of the vehicle and to stop and hold the vehicle under normal operating conditions.
2. Lighted headlights and taillights that meet or exceed original equipment manufacturer guidelines if operated between one-half hour after sunset and one-half hour before sunrise.
3. Except when operating on a closed course, either a muffler or other noise dissipative device that prevents sound above ninety-six decibels. The director shall adopt the current sound measurement standard of the society of automotive engineers for all-terrain vehicles and motorcycles and the current sound measurement standard of the international organization for standardization for all other off-highway vehicles.
4. A spark arrestor device that is approved by the United States department of agriculture and that is in constant operation except if operating on a closed course.
5. A safety flag that is at least six by twelve inches and that is attached to the off-highway vehicle at least eight feet above the surface of level ground, if operated on sand dunes or areas designated by the managing agency.

B. A person who is under eighteen years of age may not operate or ride on an off-highway vehicle on public or state land unless the person is wearing protective headgear that is properly fitted and fastened, that is designed for motorized vehicle use and that has a minimum United States department of transportation safety rating.

C. In consultation with the department of transportation, the Arizona game and fish commission may:

1. Adopt rules necessary to implement this section.
2. Prescribe additional equipment requirements not in conflict with federal laws.

D. This section does not apply to a private landowner or lessee performing normal agricultural or ranching practices while operating an all-terrain vehicle or an off-highway vehicle on the private or leased land in accordance with the landowner's or lessee's lease.

28-1180. Race or organized event; authorization required

No person may organize, promote or hold an off-highway vehicle race or other organized event on any land or highway in this state, except as authorized by the appropriate agency that has jurisdiction over the land or highway or the landowner.

28-1181. Civil traffic violation

Unless otherwise specified in this article, a violation of this article is a civil traffic violation.

28-2061. All-terrain vehicles; off-highway vehicles; off-road recreational motor vehicles; certificates of title; exemption

A. On the retail sale of a new all-terrain vehicle, off-highway vehicle as defined in section 28-1171 or off-road recreational motor vehicle, the dealer or person first receiving the motor vehicle from the manufacturer shall apply, on behalf of the purchaser, to the department for a certificate of title to the motor vehicle in the name of the purchaser. If satisfied that the application is genuine and regular and that the applicant is entitled to a certificate of title, the department shall issue a certificate of title to the motor vehicle without requiring registration for the motor vehicle.

B. A person who owns an all-terrain vehicle, off-highway vehicle as defined in section 28-1171 or off-road recreational motor vehicle shall apply for and obtain a certificate of title required by this section in the manner prescribed in this chapter. On the transfer of ownership of an all-terrain vehicle, off-highway vehicle as defined in section 28-1171 or off-road recreational motor vehicle for which a certificate of title is required by this section, a person shall apply for and obtain a new certificate of title in the manner prescribed in this chapter.

C. A person participating in an off-highway vehicle special event as defined in section 28-1171 is exempt from the requirements of this section.

28-2512. All-terrain motor vehicles; off-highway vehicles; off-road recreational motor vehicles; license plates

A. Every owner of an all-terrain vehicle, off-highway vehicle as defined in section 28-1171 or off-road recreational motor vehicle shall apply to the department for a license plate.

B. The department shall furnish to an owner of an all-terrain vehicle, off-highway vehicle as defined in section 28-1171 or off-road recreational motor vehicle one license plate for each vehicle.

C. The fee for a plate issued pursuant to this section is eight dollars.

D. The license plate assigned to a motor vehicle pursuant to this section shall be:

1. Attached to the rear of the vehicle.
2. Securely fastened to the vehicle in a clearly visible position.

E. An owner of an off-highway vehicle as defined in section 28-1171 participating in an off-highway vehicle special event as defined in section 28-1171 is exempt from the requirements of this section.

F. On or before July 1, 2009, the director shall establish procedures to systematically replace license plates issued for all-terrain vehicles, off-highway vehicles and off-road recreational motor vehicles before January 1, 2009 with the license plate prescribed in this section.

G. In consultation with the Arizona game and fish department and the Arizona state parks board, the director shall design the license plate prescribed by this section.