

JURISDICTION:
General Reference:

ARIZONA
Arizona Revised Statutes Annotated

Required Use of Safety Belts¹:

Requirements:

I. A front seat occupant of a motor vehicle² is required to use either lap or lap and shoulder belt combination while the vehicle is in motion. §28-909(A)
II. A driver must insure that front seat passengers <16 years old comply with the above requirement. §28-909(B)
Secondary Enforcement. A law enforcement officer shall not stop or issue a citation for a violation of this requirement unless the vehicle was stopped for some other motor vehicle law violation. §28-909(C)

Sanctions for Failure to Use or Require the Use of Safety Belts:

Civil Penalty: A fine of not more than **\$10³** for each violation. §28-909(G)
Note: A violation of this requirement cannot be used as a basis for suspending or revocation an offender's driving privileges. §28-909(D)

Effect on Civil Liability:

No statutory provision.⁴

Required Use of Child Safety Restraint Systems⁵:

Requirements:

A person transporting a child, who is <5 years old, must restrain such child in an Federally approved child passenger restraint system. §28-907(A) & (B)
Note: There appears to be no point assessment for this offense.

Sanctions for Failure to Require the Use of Child Restraint Systems:

Civil Penalty: A fine of **\$50³**. §28-907(C)

Effect on Civil Liability:

No statutory provision.

Required Use of Motorcycle Protective Headgear:

Requirements:

A person, who is <18 years old, shall not operate or ride on a motorcycle unless they wear a protective helmet. §28-964(A)

Sanctions for Failure to Use:

Civil Traffic Offense: Not more than **\$250³**. §§28-121(B) & 28-1598

¹**Exemptions.** The requirement does not apply (1) to children, who are subject to being restrained via a child safety seat; (2) to persons, who via a written statement from a physician, are unable for physical or psychological reasons cannot wear a shoulder or lap belt; and, (3) to letter carriers of the U.S. Postal Service while on official duties. §28-909(F)

²This requirement applies to persons operating or riding in motor vehicles (1) that are designed to carry ≤10 persons, (2) that were manufactured after model year 1972 and (3) that must be equipped with safety belts under Federal law. §28-909(A)

³An offender is also subject to assessments which can be ≤60% of the fine imposed. §§12-116.01 & 12-116.02

⁴In a case decided prior to the enactment of the mandatory safety belt use law, the Arizona Supreme Court held that failure to use a safety belt can be considered in whether to apportion damages in automobile accident injury situations. I.e., damages can be reduced if the persons seeking damages have failed to use a safety belt. *Law v. Superior Court of State of Ariz.*, 755 P.2d 1135 (Ariz. 1988)

⁵**Exemptions.** A motor vehicle operator does not have to comply with the mandatory child restraint provisions under the following circumstances. (1) The operator is driving a vehicle that was not manufactured with passenger restraint systems. (2) The operator is driving a recreational vehicle defined in §41-2142. (3) The operator is driving a commercial motor vehicle. (4) A person is transporting a child in an emergency in order to obtain medical care. (5) Due to the size of the passenger compartment of the vehicle, the operator cannot secure all of the children that must be restrained. However, the operator must restrain at least one such child and must restrain as many such children as is possible under the conditions. §28-907(G)

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Note: There appears to be no point assessment for this offense.

A person's failure to wear a protective helmet can be admitted into evidence to reduce the amount of damages such person will be awarded as a result of injuries they sustained in a traffic accident. However, it must be shown that such a failure contributed to the person's injuries. *Warfel v. Cheney*, 758 P.2d 1326 (Ariz.App. 1988)

Required Use of Motorcycle Eye Protection Device:

Requirements:

A person operating a motorcycle shall wear an eye protection device (e.g., glasses, goggles, et al.) unless the motorcycle is equipped with a protective windshield. §28-964(A)

Sanctions for Failure to Use:

Civil Traffic Offense: Not more than **\$250**.³ §§28-121(B) & 28-1598
Note: There appears to be no point assessment for this offense.

Required Use of Bicycle Protective Headgear:

Requirements:

None

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

None

Sanctions for a Violation:

Exemptions: