

REFERENCE TITLE: transport of cargo space passengers.

State of Arizona  
Senate  
Forty-fifth Legislature  
First Regular Session  
2001

## **SB 1203**

Introduced by  
Senators Gerard, Nichols, Hartley: Solomon

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 15, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-911; RELATING TO TRANSPORT OF CARGO SPACE PASSENGERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 28, chapter 3, article 15, Arizona Revised Statutes,  
3 is amended by adding section 28-911, to read:

4 28-911. Restrictions on transport of cargo space passengers;  
5 civil penalty; exceptions; definition

6 A. A DRIVER SHALL NOT ALLOW A PASSENGER TO RIDE IN OR ON ANY PORTION  
7 OF A MOTOR VEHICLE'S CARGO SPACE UNLESS THE CARGO SPACE HAS BEEN DESIGNED,  
8 INTENDED OR RETROFITTED, OR ANY COMBINATION OF THOSE, FOR THE SAFE CONVEYANCE  
9 OF PASSENGERS WITH INTEGRATED LAP AND SHOULDER BELTS OR LAP BELTS THAT MEET  
10 FEDERAL STANDARDS AS ESTABLISHED IN 49 CODE OF FEDERAL REGULATIONS SECTIONS  
11 571.207, 571.209 AND 571.210 AND THE SAFETY RESTRAINTS ARE BEING USED  
12 PROPERLY BY THE CARGO SPACE PASSENGERS.

13 B. A DRIVER WHO VIOLATES THIS SECTION IS SUBJECT TO A MAXIMUM CIVIL  
14 PENALTY OF TEN DOLLARS FOR EACH UNRESTRAINED OR IMPROPERLY RESTRAINED CARGO  
15 SPACE PASSENGER FOR THE FIRST VIOLATION AND TWENTY-FIVE DOLLARS FOR EACH  
16 UNRESTRAINED OR IMPROPERLY RESTRAINED CARGO SPACE PASSENGER FOR A SECOND OR  
17 SUBSEQUENT VIOLATION.

18 C. THIS SECTION DOES NOT:

19 1. APPLY TO A DRIVER WHO IS OPERATING A MOTOR VEHICLE ON PRIVATE  
20 PROPERTY.

21 2. APPLY TO PARTICIPANTS IN AN ORGANIZED PARADE TRAVELING AT LESS THAN  
22 EIGHT MILES PER HOUR AND UNDER THE SUPERVISION OF A LAW ENFORCEMENT AGENCY.

23 3. SUPERSEDE MORE STRINGENT FEDERAL OR TRIBAL LAWS.

24 D. IF A PERSON IS FOUND RESPONSIBLE FOR A CIVIL TRAFFIC VIOLATION  
25 PURSUANT TO THIS SECTION:

26 1. A DEPARTMENT OR AGENCY OF THIS STATE SHALL NOT CONSIDER THE  
27 VIOLATION FOR THE PURPOSE OF DETERMINING WHETHER THE PERSON'S DRIVER LICENSE  
28 SHOULD BE SUSPENDED, CANCELED, REVOKED OR REFUSED AND A COURT SHALL NOT  
29 TRANSMIT ABSTRACTS OF RECORDS OF JUDGMENT FOR THE VIOLATION TO THE  
30 DEPARTMENT.

31 2. AN INSURER SHALL NOT CONSIDER THE VIOLATION AS A MOVING TRAFFIC  
32 VIOLATION AGAINST THE PERSON FOR THE PURPOSE OF ESTABLISHING RATES OF MOTOR  
33 VEHICLE INSURANCE CHARGED BY THE INSURER AND SHALL NOT CANCEL OR REFUSE TO  
34 RENEW A POLICY OF INSURANCE BECAUSE OF THE VIOLATION.

35 E. FOR THE PURPOSES OF THIS SECTION, "CARGO SPACE" MEANS ANY AREA OF A  
36 MOTOR VEHICLE THAT IS INTENDED FOR THE TRANSPORT OF PRODUCTS OR MATERIALS.

37 Sec. 2. Effective date

38 This act is effective from and after December 31, 2001.