

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2796

AN ACT

AMENDING SECTION 28-101, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 15, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2516; RELATING TO MODES OF TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-101, Arizona Revised Statutes, is amended to
3 read:
4 28-101. Definitions
5 In this title, unless the context otherwise requires:
6 1. "Alcohol" means any substance containing any form of alcohol,
7 including ethanol, methanol, propynol and isopropynol.
8 2. "Alcohol concentration" if expressed as a percentage means either:
9 (a) The number of grams of alcohol per one hundred milliliters of
10 blood.
11 (b) The number of grams of alcohol per two hundred ten liters of
12 breath.
13 3. "All-terrain vehicle" means a motor vehicle that satisfies all of
14 the following:
15 (a) Is designed primarily for recreational nonhighway all-terrain
16 travel.
17 (b) Is fifty or fewer inches in width.
18 (c) Has an unladen weight of eight hundred pounds or less.
19 (d) Travels on three or more low pressure tires.
20 (e) Has a seat to be straddled by the operator and handlebars for
21 steering control.
22 (f) Is operated on a public highway.
23 4. "Authorized emergency vehicle" means any of the following:
24 (a) A fire department vehicle.
25 (b) A police vehicle.
26 (c) An ambulance or emergency vehicle of a municipal department or
27 public service corporation that is designated or authorized by the department
28 or a local authority.
29 (d) Any other ambulance, fire truck or rescue vehicle that is
30 authorized by the department in its sole discretion and that meets liability
31 insurance requirements prescribed by the department.
32 5. "Aviation fuel" means all flammable liquids composed of a mixture
33 of selected hydrocarbons expressly manufactured and blended for the purpose
34 of effectively and efficiently operating an internal combustion engine for
35 use in an aircraft but does not include fuel for jet or turbine powered
36 aircraft.
37 6. "Bicycle" means a device, including a racing wheelchair, that is
38 propelled by human power and on which a person may ride and that has either:
39 (a) Two tandem wheels, either of which is more than sixteen inches in
40 diameter.
41 (b) Three wheels in contact with the ground, any of which is more than
42 sixteen inches in diameter.
43 7. "Board" means the transportation board.
44 8. "Bus" means a motor vehicle designed for carrying sixteen or more
45 passengers, including the driver.

- 1 9. "Business district" means the territory contiguous to and including
2 a highway if there are buildings in use for business or industrial purposes
3 within any six hundred feet along the highway, including hotels, banks or
4 office buildings, railroad stations and public buildings that occupy at least
5 three hundred feet of frontage on one side or three hundred feet collectively
6 on both sides of the highway.
- 7 10. "Combination of vehicles" means a truck or truck tractor and
8 semitrailer and any trailer that it tows but does not include a forklift
9 designed for the purpose of loading or unloading the truck, trailer or
10 semitrailer.
- 11 11. "Controlled substance" means a substance so classified under
12 section 102(6) of the controlled substances act (21 United States Code
13 section 802(6)) and includes all substances listed in schedules I through V
14 of 21 Code of Federal Regulations part 1308.
- 15 12. "Conviction" means:
16 (a) An unvacated adjudication of guilt or a determination that a
17 person violated or failed to comply with the law in a court of original
18 jurisdiction or by an authorized administrative tribunal.
19 (b) An unvacated forfeiture of bail or collateral deposited to secure
20 the person's appearance in court.
21 (c) A plea of guilty or no contest accepted by the court.
22 (d) The payment of a fine or court costs.
- 23 13. "County highway" means a public road constructed and maintained by
24 a county.
- 25 14. "Dealer" means a person who is engaged in the business of buying,
26 selling or exchanging motor vehicles, trailers or semitrailers and who has an
27 established place of business.
- 28 15. "Department" means the department of transportation acting directly
29 or through its duly authorized officers and agents.
- 30 16. "Director" means the director of the department of transportation.
- 31 17. "Drive" means to operate or be in actual physical control of a
32 motor vehicle.
- 33 18. "Driver" means a person who drives or is in actual physical control
34 of a vehicle.
- 35 19. "Driver license" means a license that is issued by a state to an
36 individual and that authorizes the individual to drive a motor vehicle.
- 37 20. "Electric personal assistive mobility device" means a
38 self-balancing two nontandem wheeled device with an electric propulsion
39 system that limits the maximum speed of the device to fifteen miles per hour
40 or less and that is designed to transport only one person.
- 41 21. "Farm tractor" means a motor vehicle designed and used primarily as
42 a farm implement for drawing implements of husbandry.
- 43 22. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
44 that is brought into this state other than in the ordinary course of business

1 by or through a manufacturer or dealer and that has not been registered in
2 this state.

3 23. "Golf cart" means a motor vehicle that has not less than three
4 wheels in contact with the ground, that has an unladen weight of less than
5 one thousand eight hundred pounds, that is designed to be and is operated at
6 not more than twenty-five miles per hour and that is designed to carry not
7 more than four persons including the driver.

8 24. "Hazardous material" means a material, and its mixtures or
9 solutions, that the United States department of transportation determines
10 under 49 Code of Federal Regulations is capable of posing an unreasonable
11 risk to health, safety and property if transported in commerce and that is
12 required to be placarded or marked as required by the department's safety
13 rules prescribed pursuant to chapter 14 of this title.

14 25. "Implement of husbandry" means a vehicle designed primarily for
15 agricultural purposes and used exclusively in the conduct of agricultural
16 operations, including an implement or vehicle whether self-propelled or
17 otherwise that meets all of the following conditions:

18 (a) Is used exclusively for carrying products of farming from one part
19 of a farm to another part of the same farm or from one farm to another farm.

20 (b) Is used solely for agricultural purposes including the preparation
21 or harvesting of cotton, alfalfa, grains and other farm crops.

22 (c) Is only incidentally operated or moved on a highway whether as a
23 trailer or self-propelled unit.

24 26. "Limousine" means a motor vehicle providing prearranged ground
25 transportation service for an individual passenger, or a group of passengers,
26 that is arranged in advance or is operated on a regular route or between
27 specified points and includes ground transportation under a contract or
28 agreement for services that includes a fixed rate or time and is provided in
29 a motor vehicle with a seating capacity not exceeding fifteen passengers
30 including the driver.

31 27. "Livery vehicle" means a motor vehicle that:

32 (a) Has a seating capacity not exceeding fifteen passengers including
33 the driver.

34 (b) Provides passenger services for a fare determined by a flat rate
35 or flat hourly rate between geographic zones or within a geographic area.

36 (c) Is available for hire on an exclusive or shared ride basis.

37 (d) May do any of the following:

38 (i) Operate on a regular route or between specified places.

39 (ii) Offer prearranged ground transportation **SERVICE** as defined in
40 section 28-141.

41 (iii) Offer on demand ground transportation service pursuant to a
42 contract with a public airport, licensed business entity or organization.

43 28. "Local authority" means any county, municipal or other local board
44 or body exercising jurisdiction over highways under the constitution and laws
45 of this state.

1 29. "Manufacturer" means a person engaged in the business of
2 manufacturing motor vehicles, trailers or semitrailers.

3 30. "Moped" means a bicycle that is equipped with a helper motor if the
4 vehicle has a maximum piston displacement of fifty cubic centimeters or less,
5 a brake horsepower of one and one-half or less and a maximum speed of
6 twenty-five miles per hour or less on a flat surface with less than a one per
7 cent grade.

8 31. "Motor driven cycle" means a motorcycle, including every motor
9 scooter, with a motor that produces not more than five horsepower.

10 32. "Motor vehicle":

11 (a) Means either:

12 (i) A self-propelled vehicle.

13 (ii) For the purposes of the laws relating to the imposition of a tax
14 on motor vehicle fuel, a vehicle that is operated on the highways of this
15 state and that is propelled by the use of motor vehicle fuel.

16 (b) Does not include a motorized wheelchair, an electric personal
17 assistive mobility device or a motorized skateboard. For the purposes of this
18 subdivision:

19 (i) "Motorized skateboard" means a self-propelled device that has a
20 motor, a deck on which a person may ride and at least two tandem wheels in
21 contact with the ground.

22 (ii) "Motorized wheelchair" means a self-propelled wheelchair that is
23 used by a person for mobility.

24 33. "Motor vehicle fuel" includes all products that are commonly or
25 commercially known or sold as gasoline, including casinghead gasoline,
26 natural gasoline and all flammable liquids, and that are composed of a
27 mixture of selected hydrocarbons expressly manufactured and blended for the
28 purpose of effectively and efficiently operating internal combustion
29 engines. Motor vehicle fuel does not include inflammable liquids that are
30 specifically manufactured for racing motor vehicles and that are distributed
31 for and used by racing motor vehicles at a racetrack, use fuel as defined in
32 section 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or
33 the mixture created at the interface of two different substances being
34 transported through a pipeline, commonly known as transmix.

35 34. "Motorcycle" means a motor vehicle that has a seat or saddle for
36 the use of the rider and that is designed to travel on not more than three
37 wheels in contact with the ground but excluding a tractor and a moped.

38 35. "Neighborhood electric vehicle" means a self-propelled electrically
39 powered motor vehicle to which all of the following apply:

40 (a) The vehicle is emission free.

41 ~~(b) The vehicle is designed to carry four or fewer persons.~~

42 ~~(c) The vehicle is designed to be and is operated at speeds of~~
43 ~~twenty-five miles per hour or less.~~

44 ~~(d)~~ (b) The vehicle has at least four wheels in contact with the
45 ground.

1 ~~(e)~~ (c) The vehicle ~~has an unladen weight of less than one thousand~~
2 ~~eight hundred pounds~~ COMPLIES WITH THE DEFINITION AND STANDARDS FOR LOW SPEED
3 VEHICLES SET FORTH IN FEDERAL MOTOR VEHICLE SAFETY STANDARD 500 AND 49 CODE
4 OF FEDERAL REGULATIONS SECTIONS 571.3(b) AND 571.500, RESPECTIVELY.

5 36. "Nonresident" means a person who is not a resident of this state as
6 defined in section 28-2001.

7 37. "Off-road recreational motor vehicle" means a motor vehicle that is
8 designed primarily for recreational nonhighway all-terrain travel and that is
9 not operated on a public highway. Off-road recreational motor vehicle does
10 not mean a motor vehicle used for construction, building trade, mining or
11 agricultural purposes.

12 38. "Operator" means a person who drives a motor vehicle on a highway,
13 who is in actual physical control of a motor vehicle on a highway or who is
14 exercising control over or steering a vehicle being towed by a motor vehicle.

15 39. "Owner" means:

16 (a) A person who holds the legal title of a vehicle.

17 (b) If a vehicle is the subject of an agreement for the conditional
18 sale or lease with the right of purchase on performance of the conditions
19 stated in the agreement and with an immediate right of possession vested in
20 the conditional vendee or lessee, the conditional vendee or lessee.

21 (c) If a mortgagor of a vehicle is entitled to possession of the
22 vehicle, the mortgagor.

23 40. "Pedestrian" means any person afoot. A person who uses an electric
24 personal assistive mobility device or a manual or motorized wheelchair is
25 considered a pedestrian unless the manual wheelchair qualifies as a
26 bicycle. For the purposes of this paragraph, "motorized wheelchair" means a
27 self-propelled wheelchair that is used by a person for mobility.

28 41. "Power sweeper" means an implement, with or without motive power,
29 that is only incidentally operated or moved on a street or highway and that
30 is designed for the removal of debris, dirt, gravel, litter or sand whether
31 by broom, vacuum or regenerative air system from asphaltic concrete or cement
32 concrete surfaces, including parking lots, highways, streets and warehouses,
33 and a vehicle on which the implement is permanently mounted.

34 42. "Public transit" means the transportation of passengers on
35 scheduled routes by means of a conveyance on an individual passenger
36 fare-paying basis excluding transportation by a sight-seeing bus, school bus
37 or taxi or a vehicle not operated on a scheduled route basis.

38 43. "Reconstructed vehicle" means a vehicle that has been assembled or
39 constructed largely by means of essential parts, new or used, derived from
40 vehicles or makes of vehicles of various names, models and types or that, if
41 originally otherwise constructed, has been materially altered by the removal
42 of essential parts or by the addition or substitution of essential parts, new
43 or used, derived from other vehicles or makes of vehicles. For the purposes
44 of this paragraph, "essential parts" means integral and body parts, the

1 removal, alteration or substitution of which will tend to conceal the
2 identity or substantially alter the appearance of the vehicle.

3 44. "Residence district" means the territory contiguous to and
4 including a highway not comprising a business district if the property on the
5 highway for a distance of three hundred feet or more is in the main improved
6 with residences or residences and buildings in use for business.

7 45. "Right-of-way" when used within the context of the regulation of
8 the movement of traffic on a highway means the privilege of the immediate use
9 of the highway. Right-of-way when used within the context of the real
10 property on which transportation facilities and appurtenances to the
11 facilities are constructed or maintained means the lands or interest in lands
12 within the right-of-way boundaries.

13 46. "School bus" means a motor vehicle that is designed for carrying
14 more than ten passengers and that is either:

15 (a) Owned by any public or governmental agency or other institution
16 and operated for the transportation of children to or from home or school on
17 a regularly scheduled basis.

18 (b) Privately owned and operated for compensation for the
19 transportation of children to or from home or school on a regularly scheduled
20 basis.

21 47. "Semitrailer" means a vehicle that is with or without motive power,
22 other than a pole trailer, that is designed for carrying persons or property
23 and for being drawn by a motor vehicle and that is constructed so that some
24 part of its weight and that of its load rests on or is carried by another
25 vehicle. For the purposes of this paragraph, "pole trailer" has the same
26 meaning prescribed in section 28-601.

27 48. "State" means a state of the United States and the District of
28 Columbia.

29 49. "State highway" means a state route or portion of a state route
30 that is accepted and designated by the board as a state highway and that is
31 maintained by the state.

32 50. "State route" means a right-of-way whether actually used as a
33 highway or not that is designated by the board as a location for the
34 construction of a state highway.

35 51. "Street" or "highway" means the entire width between the boundary
36 lines of every way if a part of the way is open to the use of the public for
37 purposes of vehicular travel.

38 52. "Taxi" means a motor vehicle that has a seating capacity not
39 exceeding fifteen passengers, including the driver, that is registered as a
40 taxi in this state or any other state, that provides passenger services and
41 that:

42 (a) Does not operate on a regular route or between specified places.

43 (b) Offers local transportation for a fare determined primarily on the
44 basis of the distance traveled.

1 B. THIS SECTION DOES NOT PROHIBIT A LOCAL AUTHORITY FROM ADOPTING AN
2 ORDINANCE THAT REGULATES OR PROHIBITS THE OPERATION OF MOTORIZED ELECTRIC OR
3 GAS POWERED BICYCLES OR TRICYCLES, EXCEPT THAT A LOCAL AUTHORITY SHALL NOT
4 ADOPT AN ORDINANCE THAT REQUIRES REGISTRATION AND LICENSING OF MOTORIZED
5 ELECTRIC OR GAS POWERED BICYCLES OR TRICYCLES.
6 C. FOR THE PURPOSES OF THIS SECTION, "MOTORIZED ELECTRIC OR GAS
7 POWERED BICYCLE OR TRICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED
8 WITH A HELPER MOTOR THAT HAS A MAXIMUM PISTON DISPLACEMENT OF FORTY-EIGHT
9 CUBIC CENTIMETERS OR LESS, THAT MAY ALSO BE SELF-PROPELLED AND THAT IS
10 OPERATED AT SPEEDS OF LESS THAN TWENTY MILES PER HOUR.