

REFERENCE TITLE: **autocycles; definition; class D licenses**

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2248

Introduced by
Representative Gray

AN ACT

**AMENDING SECTIONS 28-101 AND 28-3101, ARIZONA REVISED STATUTES; RELATING TO
DRIVER LICENSES.**

(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 either of the following:

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

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

17 (ii) Is fifty or fewer inches in width.

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

20 (iv) Travels on three or more nonhighway tires.

21 (v) Is operated on a public highway.

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

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

26 (ii) Is sixty-five or fewer inches in width.

27 (iii) Has an unladen weight of one thousand eight hundred pounds or
28 less.

29 (iv) Travels on four or more nonhighway tires.

30 4. "Authorized emergency vehicle" means any of the following:

31 (a) A fire department vehicle.

32 (b) A police vehicle.

33 (c) An ambulance or emergency vehicle of a municipal department or
34 public service corporation that is designated or authorized by the department
35 or a local authority.

36 (d) Any other ambulance, fire truck or rescue vehicle that is
37 authorized by the department in its sole discretion and that meets liability
38 insurance requirements prescribed by the department.

39 5. "Autocycle" means a three-wheeled motorcycle on which the driver
40 and passengers ride in a ~~completely enclosed~~ seating area that is equipped
41 with a roll cage, safety belts for each occupant and antilock brakes and that
42 is designed to be controlled with a steering wheel and pedals.

43 6. "Aviation fuel" means all flammable liquids composed of a mixture
44 of selected hydrocarbons expressly manufactured and blended for the purpose
45 of effectively and efficiently operating an internal combustion engine for

1 use in an aircraft but does not include fuel for jet or turbine powered
2 aircraft.

3 7. "Bicycle" means a device, including a racing wheelchair, that is
4 propelled by human power and on which a person may ride and that has either:

5 (a) Two tandem wheels, either of which is more than sixteen inches in
6 diameter.

7 (b) Three wheels in contact with the ground, any of which is more than
8 sixteen inches in diameter.

9 8. "Board" means the transportation board.

10 9. "Bus" means a motor vehicle designed for carrying sixteen or more
11 passengers, including the driver.

12 10. "Business district" means the territory contiguous to and
13 including a highway if there are buildings in use for business or industrial
14 purposes within any six hundred feet along the highway, including hotels,
15 banks or office buildings, railroad stations and public buildings that occupy
16 at least three hundred feet of frontage on one side or three hundred feet
17 collectively on both sides of the highway.

18 11. "Combination of vehicles" means a truck or truck tractor and
19 semitrailer and any trailer that it tows but does not include a forklift
20 designed for the purpose of loading or unloading the truck, trailer or
21 semitrailer.

22 12. "Controlled substance" means a substance so classified under
23 section 102(6) of the controlled substances act (21 United States Code
24 section 802(6)) and includes all substances listed in schedules I through V
25 of 21 Code of Federal Regulations part 1308.

26 13. "Conviction" means:

27 (a) An unvacated adjudication of guilt or a determination that a
28 person violated or failed to comply with the law in a court of original
29 jurisdiction or by an authorized administrative tribunal.

30 (b) An unvacated forfeiture of bail or collateral deposited to secure
31 the person's appearance in court.

32 (c) A plea of guilty or no contest accepted by the court.

33 (d) The payment of a fine or court costs.

34 14. "County highway" means a public road that is constructed and
35 maintained by a county.

36 15. "Dealer" means a person who is engaged in the business of buying,
37 selling or exchanging motor vehicles, trailers or semitrailers and who has an
38 established place of business.

39 16. "Department" means the department of transportation acting
40 directly or through its duly authorized officers and agents.

41 17. "Digital network or software application" has the same meaning
42 prescribed in section 28-9551.

43 18. "Director" means the director of the department of transportation.

44 19. "Drive" means to operate or be in actual physical control of a
45 motor vehicle.

1 20. "Driver" means a person who drives or is in actual physical
2 control of a vehicle.

3 21. "Driver license" means a license that is issued by a state to an
4 individual and that authorizes the individual to drive a motor vehicle.

5 22. "Electric personal assistive mobility device" means a
6 self-balancing two nontandem wheeled device with an electric propulsion
7 system that limits the maximum speed of the device to fifteen miles per hour
8 or less and that is designed to transport only one person.

9 23. "Farm" means any lands primarily used for agriculture production.

10 24. "Farm tractor" means a motor vehicle designed and used primarily
11 as a farm implement for drawing implements of husbandry.

12 25. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
13 that is brought into this state other than in the ordinary course of business
14 by or through a manufacturer or dealer and that has not been registered in
15 this state.

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

21 27. "Hazardous material" means a material, and its mixtures or
22 solutions, that the United States department of transportation determines
23 under 49 Code of Federal Regulations is, or any quantity of a material listed
24 as a select agent or toxin under 42 Code of Federal Regulations part 73 that
25 is, capable of posing an unreasonable risk to health, safety and property if
26 transported in commerce and that is required to be placarded or marked as
27 required by the department's safety rules prescribed pursuant to chapter 14
28 of this title.

29 28. "Implement of husbandry" means a vehicle designed primarily for
30 agricultural purposes and used exclusively in the conduct of agricultural
31 operations, including an implement or vehicle whether self-propelled or
32 otherwise that meets both of the following conditions:

33 (a) Is used solely for agricultural purposes including the preparation
34 or harvesting of cotton, alfalfa, grains and other farm crops.

35 (b) Is only incidentally operated or moved on a highway whether as a
36 trailer or self-propelled unit. For the purposes of this subdivision,
37 "incidentally operated or moved on a highway" means travel between a farm and
38 another part of the same farm, from one farm to another farm or between a
39 farm and a place of repair, supply or storage.

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

1 30. "Livery vehicle" means a motor vehicle that:
2 (a) Has a seating capacity not exceeding fifteen passengers including
3 the driver.
4 (b) Provides passenger services for a fare determined by a flat rate
5 or flat hourly rate between geographic zones or within a geographic area.
6 (c) Is available for hire on an exclusive or shared ride basis.
7 (d) May do any of the following:
8 (i) Operate on a regular route or between specified places.
9 (ii) Offer prearranged ground transportation service as defined in
10 section 28-141.
11 (iii) Offer on demand ground transportation service pursuant to a
12 contract with a public airport, licensed business entity or organization.
13 31. "Local authority" means any county, municipal or other local board
14 or body exercising jurisdiction over highways under the constitution and laws
15 of this state.
16 32. "Manufacturer" means a person engaged in the business of
17 manufacturing motor vehicles, trailers or semitrailers.
18 33. "Moped" means a bicycle that is equipped with a helper motor if
19 the vehicle has a maximum piston displacement of fifty cubic centimeters or
20 less, a brake horsepower of one and one-half or less and a maximum speed of
21 twenty-five miles per hour or less on a flat surface with less than a one
22 percent grade.
23 34. "Motor driven cycle" means a motorcycle, including every motor
24 scooter, with a motor that produces not more than five horsepower.
25 35. "Motor vehicle":
26 (a) Means either:
27 (i) A self-propelled vehicle.
28 (ii) For the purposes of the laws relating to the imposition of a tax
29 on motor vehicle fuel, a vehicle that is operated on the highways of this
30 state and that is propelled by the use of motor vehicle fuel.
31 (b) Does not include a motorized wheelchair, an electric personal
32 assistive mobility device or a motorized skateboard. For the purposes of
33 this subdivision:
34 (i) "Motorized skateboard" means a self-propelled device that has a
35 motor, a deck on which a person may ride and at least two tandem wheels in
36 contact with the ground.
37 (ii) "Motorized wheelchair" means a self-propelled wheelchair that is
38 used by a person for mobility.
39 36. "Motor vehicle fuel" includes all products that are commonly or
40 commercially known or sold as gasoline, including casinghead gasoline,
41 natural gasoline and all flammable liquids, and that are composed of a
42 mixture of selected hydrocarbons expressly manufactured and blended for the
43 purpose of effectively and efficiently operating internal combustion engines.
44 Motor vehicle fuel does not include inflammable liquids that are specifically
45 manufactured for racing motor vehicles and that are distributed for and used
46 by racing motor vehicles at a racetrack, use fuel as defined in section

1 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the
2 mixture created at the interface of two different substances being
3 transported through a pipeline, commonly known as transmix.

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

7 38. "Motorized quadricycle" means a self-propelled motor vehicle to
8 which all of the following apply:

9 (a) The vehicle is self-propelled by an emission-free electric motor
10 and may include pedals operated by the passengers.

11 (b) The vehicle has at least four wheels in contact with the ground.

12 (c) The vehicle seats at least eight passengers, including the driver.

13 (d) The vehicle is operable on a flat surface using solely the
14 electric motor without assistance from the pedals or passengers.

15 (e) The vehicle is a commercial motor vehicle as defined in section
16 28-5201.

17 (f) The vehicle is licensed by the department ~~of weights and measures~~
18 to operate as a limousine pursuant to section 28-9503.

19 (g) The vehicle is manufactured by a motor vehicle manufacturer that
20 is licensed pursuant to chapter 10 of this title.

21 (h) The vehicle complies with the definition and standards for
22 low-speed vehicles set forth in federal motor vehicle safety standard 500 and
23 49 Code of Federal Regulations ~~section~~ SECTIONS 571.3(b) and 571.500,
24 respectively.

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

27 (a) The vehicle is emission free.

28 (b) The vehicle has at least four wheels in contact with the ground.

29 (c) The vehicle complies with the definition and standards for low
30 speed vehicles set forth in federal motor vehicle safety standard 500 and 49
31 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.

32 40. "Nonresident" means a person who is not a resident of this state
33 as defined in section 28-2001.

34 41. "Off-road recreational motor vehicle" means a motor vehicle that
35 is designed primarily for recreational nonhighway all-terrain travel and that
36 is not operated on a public highway. Off-road recreational motor vehicle
37 does not mean a motor vehicle used for construction, building trade, mining
38 or agricultural purposes.

39 42. "Operator" means a person who drives a motor vehicle on a highway,
40 who is in actual physical control of a motor vehicle on a highway or who is
41 exercising control over or steering a vehicle being towed by a motor vehicle.

42 43. "Owner" means:

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

44 (b) If a vehicle is the subject of an agreement for the conditional
45 sale or lease with the right of purchase on performance of the conditions

1 stated in the agreement and with an immediate right of possession vested in
2 the conditional vendee or lessee, the conditional vendee or lessee.

3 (c) If a mortgagor of a vehicle is entitled to possession of the
4 vehicle, the mortgagor.

5 44. "Pedestrian" means any person afoot. A person who uses an
6 electric personal assistive mobility device or a manual or motorized
7 wheelchair is considered a pedestrian unless the manual wheelchair qualifies
8 as a bicycle. For the purposes of this paragraph, "motorized wheelchair"
9 means a self-propelled wheelchair that is used by a person for mobility.

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

16 46. "Public transit" means the transportation of passengers on
17 scheduled routes by means of a conveyance on an individual passenger
18 fare-paying basis excluding transportation by a sightseeing bus, school bus
19 or taxi or a vehicle not operated on a scheduled route basis.

20 47. "Reconstructed vehicle" means a vehicle that has been assembled or
21 constructed largely by means of essential parts, new or used, derived from
22 vehicles or makes of vehicles of various names, models and types or that, if
23 originally otherwise constructed, has been materially altered by the removal
24 of essential parts or by the addition or substitution of essential parts, new
25 or used, derived from other vehicles or makes of vehicles. For the purposes
26 of this paragraph, "essential parts" means integral and body parts, the
27 removal, alteration or substitution of which will tend to conceal the
28 identity or substantially alter the appearance of the vehicle.

29 48. "Residence district" means the territory contiguous to and
30 including a highway not comprising a business district if the property on the
31 highway for a distance of three hundred feet or more is in the main improved
32 with residences or residences and buildings in use for business.

33 49. "Right-of-way" when used within the context of the regulation of
34 the movement of traffic on a highway means the privilege of the immediate use
35 of the highway. Right-of-way when used within the context of the real
36 property on which transportation facilities and appurtenances to the
37 facilities are constructed or maintained means the lands or interest in lands
38 within the right-of-way boundaries.

39 50. "School bus" means a motor vehicle that is designed for carrying
40 more than ten passengers and that is either:

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

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

1 51. "Semitrailer" means a vehicle that is with or without motive
2 power, other than a pole trailer, that is designed for carrying persons or
3 property and for being drawn by a motor vehicle and that is constructed so
4 that some part of its weight and that of its load rests on or is carried by
5 another vehicle. For the purposes of this paragraph, "pole trailer" has the
6 same meaning prescribed in section 28-601.

7 52. "State" means a state of the United States and the District of
8 Columbia.

9 53. "State highway" means a state route or portion of a state route
10 that is accepted and designated by the board as a state highway and that is
11 maintained by the state.

12 54. "State route" means a right-of-way whether actually used as a
13 highway or not that is designated by the board as a location for the
14 construction of a state highway.

15 55. "Street" or "highway" means the entire width between the boundary
16 lines of every way if a part of the way is open to the use of the public for
17 purposes of vehicular travel.

18 56. "Taxi" means a motor vehicle that has a seating capacity not
19 exceeding fifteen passengers, including the driver, that is registered as a
20 taxi in this state or any other state, that provides passenger services and
21 that:

22 (a) Does not primarily operate on a regular route or between specified
23 places.

24 (b) Offers local transportation for a fare determined on the basis of
25 the distance traveled or prearranged ground transportation service as defined
26 in section 28-141 for a predetermined fare.

27 57. "Traffic survival school" means a school that offers educational
28 sessions to drivers who are required to attend and successfully complete
29 educational sessions pursuant to this title that are designed to improve the
30 safety and habits of drivers and that are approved by the department.

31 58. "Trailer" means a vehicle that is with or without motive power,
32 other than a pole trailer, that is designed for carrying persons or property
33 and for being drawn by a motor vehicle and that is constructed so that no
34 part of its weight rests on the towing vehicle. A semitrailer equipped with
35 an auxiliary front axle commonly known as a dolly is deemed to be a trailer.
36 For the purposes of this paragraph, "pole trailer" has the same meaning
37 prescribed in section 28-601.

38 59. "Transportation network company" has the same meaning prescribed
39 in section 28-9551.

40 60. "Transportation network company vehicle" has the same meaning
41 prescribed in section 28-9551.

42 61. "Transportation network service" has the same meaning prescribed
43 in section 28-9551.

44 62. "Truck" means a motor vehicle designed or used primarily for the
45 carrying of property other than the effects of the driver or passengers and

1 includes a motor vehicle to which has been added a box, a platform or other
2 equipment for such carrying.

3 63. "Truck tractor" means a motor vehicle that is designed and used
4 primarily for drawing other vehicles and that is not constructed to carry a
5 load other than a part of the weight of the vehicle and load drawn.

6 64. "Vehicle" means a device in, on or by which a person or property
7 is or may be transported or drawn on a public highway, excluding devices
8 moved by human power or used exclusively on stationary rails or tracks.

9 65. "Vehicle transporter" means either:

10 (a) A truck tractor capable of carrying a load and drawing a
11 semitrailer.

12 (b) A truck tractor with a stinger-steered fifth wheel capable of
13 carrying a load and drawing a semitrailer or a truck tractor with a dolly
14 mounted fifth wheel that is securely fastened to the truck tractor at two or
15 more points and that is capable of carrying a load and drawing a semitrailer.

16 Sec. 2. Section 28-3101, Arizona Revised Statutes, is amended to read:

17 28-3101. Driver license classes

18 A. Except as provided in subsections B and C of this section and
19 section 28-3102, the following driver license classes are valid:

20 1. Class A. A class A license is valid for operating either of the
21 following:

22 (a) A motor vehicle that tows a vehicle with a gross vehicle weight
23 rating of more than ten thousand pounds if the combined gross vehicle weight
24 rating is twenty-six thousand one or more pounds.

25 (b) A vehicle that requires a class B, C or D license.

26 2. Class B. A class B license is valid for operating any of the
27 following:

28 (a) A single motor vehicle with a gross vehicle weight rating of
29 twenty-six thousand one or more pounds.

30 (b) A motor vehicle with a gross vehicle weight rating of twenty-six
31 thousand one or more pounds that tows a vehicle with a gross vehicle weight
32 rating of ten thousand pounds or less.

33 (c) A vehicle that requires a class C or D license for operation.

34 3. Class C. A class C license is valid for operating any of the
35 following:

36 (a) A single motor vehicle with a gross vehicle weight rating of
37 twenty-six thousand pounds or less.

38 (b) A motor vehicle with a gross vehicle weight rating of twenty-six
39 thousand pounds or less that tows a vehicle with a gross vehicle weight
40 rating of ten thousand pounds or less.

41 (c) A motor vehicle with a gross vehicle weight rating of twenty-six
42 thousand pounds or less that tows a vehicle with a gross vehicle weight
43 rating of more than ten thousand pounds, if the combined gross vehicle weight
44 rating is less than twenty-six thousand one pounds.

45 (d) A vehicle that is required to be placarded for hazardous
46 materials.

1 (e) A bus or school bus.

2 (f) A vehicle that requires a class D license for operation.

3 4. Class D. A class D license is valid for operating any of the
4 following:

5 (a) A single motor vehicle with a gross vehicle weight rating of
6 twenty-six thousand pounds or less, INCLUDING AN AUTOCYCLE.

7 (b) A motor vehicle with a gross vehicle weight rating of twenty-six
8 thousand pounds or less that tows a vehicle with a gross vehicle weight
9 rating of ten thousand pounds or less.

10 (c) A motor vehicle with a gross vehicle weight rating of twenty-six
11 thousand pounds or less that tows a vehicle with a gross vehicle weight
12 rating of more than ten thousand pounds if the combined gross vehicle weight
13 rating is less than twenty-six thousand one pounds.

14 (d) A motorized touring vehicle. For the purposes of this
15 subdivision, "motorized touring vehicle" means a motor vehicle that is all of
16 the following:

17 (i) Owned by a commercial entity.

18 (ii) Rented for use during a sightseeing tour that is guided by an
19 employee of the commercial entity that rents the motor vehicle.

20 (iii) Designed to travel with three wheels on the ground.

21 (iv) Capable of a maximum speed of forty-five miles per hour.

22 5. Class G. A class G license is valid for operating a single motor
23 vehicle with a gross vehicle weight rating of twenty-six thousand pounds or
24 less.

25 6. Class M. A class M license is valid for operating a motorcycle,
26 motor driven cycle or moped but is not necessary for operating an autocycle.
27 For the purpose of licensing a driver, the department may endorse a class M
28 license classification on a valid class A, B, C, D or G license.

29 B. A class A, B, C, D or G license is not valid for operating a
30 vehicle that requires a class M license or a vehicle that requires a special
31 endorsement unless the proper endorsement appears on the license.

32 C. A commercial driver license is not required to operate a vehicle
33 described in subsection A, paragraph 1, 2 or 3 of this section if the vehicle
34 has been issued a historic vehicle license plate pursuant to section 28-2484
35 and the department provides in the vehicle registration record both of the
36 following:

37 1. That the vehicle is classified as a noncommercial vehicle and may
38 not be used as a commercial vehicle.

39 2. The vehicle's gross vehicle weight is entered as zero.