

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

HOUSE BILL 2248

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~~ FULLY OR PARTIALLY enclosed seating area
41 that is equipped with a roll cage, safety belts for each occupant and
42 antilock brakes and that is designed to be controlled with a steering wheel
43 and pedals.

- 1 6. "Aviation fuel" means all flammable liquids composed of a mixture
2 of selected hydrocarbons expressly manufactured and blended for the purpose
3 of effectively and efficiently operating an internal combustion engine for
4 use in an aircraft but does not include fuel for jet or turbine powered
5 aircraft.
- 6 7. "Bicycle" means a device, including a racing wheelchair, that is
7 propelled by human power and on which a person may ride and that has either:
8 (a) Two tandem wheels, either of which is more than sixteen inches in
9 diameter.
10 (b) Three wheels in contact with the ground, any of which is more than
11 sixteen inches in diameter.
- 12 8. "Board" means the transportation board.
- 13 9. "Bus" means a motor vehicle designed for carrying sixteen or more
14 passengers, including the driver.
- 15 10. "Business district" means the territory contiguous to and
16 including a highway if there are buildings in use for business or industrial
17 purposes within any six hundred feet along the highway, including hotels,
18 banks or office buildings, railroad stations and public buildings that occupy
19 at least three hundred feet of frontage on one side or three hundred feet
20 collectively on both sides of the highway.
- 21 11. "Combination of vehicles" means a truck or truck tractor and
22 semitrailer and any trailer that it tows but does not include a forklift
23 designed for the purpose of loading or unloading the truck, trailer or
24 semitrailer.
- 25 12. "Controlled substance" means a substance so classified under
26 section 102(6) of the controlled substances act (21 United States Code
27 section 802(6)) and includes all substances listed in schedules I through V
28 of 21 Code of Federal Regulations part 1308.
- 29 13. "Conviction" means:
30 (a) An unvacated adjudication of guilt or a determination that a
31 person violated or failed to comply with the law in a court of original
32 jurisdiction or by an authorized administrative tribunal.
33 (b) An unvacated forfeiture of bail or collateral deposited to secure
34 the person's appearance in court.
35 (c) A plea of guilty or no contest accepted by the court.
36 (d) The payment of a fine or court costs.
- 37 14. "County highway" means a public road that is constructed and
38 maintained by a county.
- 39 15. "Dealer" means a person who is engaged in the business of buying,
40 selling or exchanging motor vehicles, trailers or semitrailers and who has an
41 established place of business.
- 42 16. "Department" means the department of transportation acting
43 directly or through its duly authorized officers and agents.

- 1 17. "Digital network or software application" has the same meaning
2 prescribed in section 28-9551.
- 3 18. "Director" means the director of the department of transportation.
- 4 19. "Drive" means to operate or be in actual physical control of a
5 motor vehicle.
- 6 20. "Driver" means a person who drives or is in actual physical
7 control of a vehicle.
- 8 21. "Driver license" means a license that is issued by a state to an
9 individual and that authorizes the individual to drive a motor vehicle.
- 10 22. "Electric personal assistive mobility device" means a
11 self-balancing two nontandem wheeled device with an electric propulsion
12 system that limits the maximum speed of the device to fifteen miles per hour
13 or less and that is designed to transport only one person.
- 14 23. "Farm" means any lands primarily used for agriculture production.
- 15 24. "Farm tractor" means a motor vehicle designed and used primarily
16 as a farm implement for drawing implements of husbandry.
- 17 25. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
18 that is brought into this state other than in the ordinary course of business
19 by or through a manufacturer or dealer and that has not been registered in
20 this state.
- 21 26. "Golf cart" means a motor vehicle that has not less than three
22 wheels in contact with the ground, that has an unladen weight of less than
23 one thousand eight hundred pounds, that is designed to be and is operated at
24 not more than twenty-five miles per hour and that is designed to carry not
25 more than four persons including the driver.
- 26 27. "Hazardous material" means a material, and its mixtures or
27 solutions, that the United States department of transportation determines
28 under 49 Code of Federal Regulations is, or any quantity of a material listed
29 as a select agent or toxin under 42 Code of Federal Regulations part 73 that
30 is, capable of posing an unreasonable risk to health, safety and property if
31 transported in commerce and that is required to be placarded or marked as
32 required by the department's safety rules prescribed pursuant to chapter 14
33 of this title.
- 34 28. "Implement of husbandry" means a vehicle designed primarily for
35 agricultural purposes and used exclusively in the conduct of agricultural
36 operations, including an implement or vehicle whether self-propelled or
37 otherwise that meets both of the following conditions:
- 38 (a) Is used solely for agricultural purposes including the preparation
39 or harvesting of cotton, alfalfa, grains and other farm crops.
- 40 (b) Is only incidentally operated or moved on a highway whether as a
41 trailer or self-propelled unit. For the purposes of this subdivision,
42 "incidentally operated or moved on a highway" means travel between a farm and
43 another part of the same farm, from one farm to another farm or between a
44 farm and a place of repair, supply or storage.

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

8 30. "Livery vehicle" means a motor vehicle that:

9 (a) Has a seating capacity not exceeding fifteen passengers including
10 the driver.

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

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

14 (d) May do any of the following:

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

16 (ii) Offer prearranged ground transportation service as defined in
17 section 28-141.

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

20 31. "Local authority" means any county, municipal or other local board
21 or body exercising jurisdiction over highways under the constitution and laws
22 of this state.

23 32. "Manufacturer" means a person engaged in the business of
24 manufacturing motor vehicles, trailers or semitrailers.

25 33. "Moped" means a bicycle that is equipped with a helper motor if
26 the vehicle has a maximum piston displacement of fifty cubic centimeters or
27 less, a brake horsepower of one and one-half or less and a maximum speed of
28 twenty-five miles per hour or less on a flat surface with less than a one
29 percent grade.

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

32 35. "Motor vehicle":

33 (a) Means either:

34 (i) A self-propelled vehicle.

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

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

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

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

3 36. "Motor vehicle fuel" includes all products that are commonly or
4 commercially known or sold as gasoline, including casinghead gasoline,
5 natural gasoline and all flammable liquids, and that are composed of a
6 mixture of selected hydrocarbons expressly manufactured and blended for the
7 purpose of effectively and efficiently operating internal combustion engines.
8 Motor vehicle fuel does not include inflammable liquids that are specifically
9 manufactured for racing motor vehicles and that are distributed for and used
10 by racing motor vehicles at a racetrack, use fuel as defined in section
11 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the
12 mixture created at the interface of two different substances being
13 transported through a pipeline, commonly known as transmix.

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

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

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

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

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

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

25 (e) The vehicle is a commercial motor vehicle as defined in section
26 28-5201.

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

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

31 (h) The vehicle complies with the definition and standards for
32 low-speed vehicles set forth in federal motor vehicle safety standard 500 and
33 49 Code of Federal Regulations ~~section~~ SECTIONS 571.3(b) and 571.500,
34 respectively.

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

37 (a) The vehicle is emission free.

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

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

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

1 41. "Off-road recreational motor vehicle" means a motor vehicle that
2 is designed primarily for recreational nonhighway all-terrain travel and that
3 is not operated on a public highway. Off-road recreational motor vehicle
4 does not mean a motor vehicle used for construction, building trade, mining
5 or agricultural purposes.

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

9 43. "Owner" means:

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

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

15 (c) If a mortgagor of a vehicle is entitled to possession of the
16 vehicle, the mortgagor.

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

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

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

32 47. "Reconstructed vehicle" means a vehicle that has been assembled or
33 constructed largely by means of essential parts, new or used, derived from
34 vehicles or makes of vehicles of various names, models and types or that, if
35 originally otherwise constructed, has been materially altered by the removal
36 of essential parts or by the addition or substitution of essential parts, new
37 or used, derived from other vehicles or makes of vehicles. For the purposes
38 of this paragraph, "essential parts" means integral and body parts, the
39 removal, alteration or substitution of which will tend to conceal the
40 identity or substantially alter the appearance of the vehicle.

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

1 49. "Right-of-way" when used within the context of the regulation of
2 the movement of traffic on a highway means the privilege of the immediate use
3 of the highway. Right-of-way when used within the context of the real
4 property on which transportation facilities and appurtenances to the
5 facilities are constructed or maintained means the lands or interest in lands
6 within the right-of-way boundaries.

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

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

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

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

21 52. "State" means a state of the United States and the District of
22 Columbia.

23 53. "State highway" means a state route or portion of a state route
24 that is accepted and designated by the board as a state highway and that is
25 maintained by the state.

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

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

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

36 (a) Does not primarily operate on a regular route or between specified
37 places.

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

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

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

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

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

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

14 62. "Truck" means a motor vehicle designed or used primarily for the
15 carrying of property other than the effects of the driver or passengers and
16 includes a motor vehicle to which has been added a box, a platform or other
17 equipment for such carrying.

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

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

24 65. "Vehicle transporter" means either:

25 (a) A truck tractor capable of carrying a load and drawing a
26 semitrailer.

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

31 Sec. 2. Section 28-3101, Arizona Revised Statutes, is amended to read:
32 28-3101. [Driver license classes](#)

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

35 1. Class A. A class A license is valid for operating either of the
36 following:

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

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

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

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

- 1 (b) A motor vehicle with a gross vehicle weight rating of twenty-six
2 thousand one or more pounds that tows a vehicle with a gross vehicle weight
3 rating of ten thousand pounds or less.
- 4 (c) A vehicle that requires a class C or D license for operation.
- 5 3. Class C. A class C license is valid for operating any of the
6 following:
- 7 (a) A single motor vehicle with a gross vehicle weight rating of
8 twenty-six thousand pounds or less.
- 9 (b) A motor vehicle with a gross vehicle weight rating of twenty-six
10 thousand pounds or less that tows a vehicle with a gross vehicle weight
11 rating of ten thousand pounds or less.
- 12 (c) A motor vehicle with a gross vehicle weight rating of twenty-six
13 thousand pounds or less that tows a vehicle with a gross vehicle weight
14 rating of more than ten thousand pounds, if the combined gross vehicle weight
15 rating is less than twenty-six thousand one pounds.
- 16 (d) A vehicle that is required to be placarded for hazardous
17 materials.
- 18 (e) A bus or school bus.
- 19 (f) A vehicle that requires a class D license for operation.
- 20 4. Class D. A class D license is valid for operating any of the
21 following:
- 22 (a) A single motor vehicle with a gross vehicle weight rating of
23 twenty-six thousand pounds or less, **INCLUDING AN AUTOCYCLE**.
- 24 (b) A motor vehicle with a gross vehicle weight rating of twenty-six
25 thousand pounds or less that tows a vehicle with a gross vehicle weight
26 rating of ten thousand pounds or less.
- 27 (c) A motor vehicle with a gross vehicle weight rating of twenty-six
28 thousand pounds or less that tows a vehicle with a gross vehicle weight
29 rating of more than ten thousand pounds if the combined gross vehicle weight
30 rating is less than twenty-six thousand one pounds.
- 31 (d) A motorized touring vehicle. For the purposes of this
32 subdivision, "motorized touring vehicle" means a motor vehicle that is all of
33 the following:
- 34 (i) Owned by a commercial entity.
- 35 (ii) Rented for use during a sightseeing tour that is guided by an
36 employee of the commercial entity that rents the motor vehicle.
- 37 (iii) Designed to travel with three wheels on the ground.
- 38 (iv) Capable of a maximum speed of forty-five miles per hour.
- 39 5. Class G. A class G license is valid for operating a single motor
40 vehicle with a gross vehicle weight rating of twenty-six thousand pounds or
41 less.
- 42 6. Class M. A class M license is valid for operating a motorcycle,
43 motor driven cycle or moped but is not necessary for operating an autocycle.

1 For the purpose of licensing a driver, the department may endorse a class M
2 license classification on a valid class A, B, C, D or G license.

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

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

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

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