

REFERENCE TITLE: commercial motor vehicles

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

HB 2251

Introduced by
Representative Gray

AN ACT

AMENDING SECTIONS 28-1099, 28-1100, 28-2239, 28-2267 AND 28-3312, ARIZONA
REVISED STATUTES; RELATING TO COMMERCIAL MOTOR VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-1099, Arizona Revised Statutes, is amended to
3 read:

4 28-1099. Single axle load limit; exceptions

5 A. The gross weight imposed on the highway by the wheels of any one
6 axle of a vehicle shall not exceed twenty thousand pounds, except that:

7 1. The director may issue a special permit pursuant to section 28-1103
8 for the purpose of moving road machinery that exceeds the maximum weight
9 specified in this section from job to job within this state and from job to
10 place of servicing and return within this state.

11 2. ANY OVER-THE-ROAD BUS MAY EXCEED THE MAXIMUM SINGLE AXLE WEIGHT
12 LIMIT BUT SHALL NOT EXCEED TWENTY-FOUR THOUSAND POUNDS. FOR THE PURPOSES OF
13 THIS PARAGRAPH, "OVER-THE-ROAD BUS" MEANS A BUS CHARACTERIZED BY AN ELEVATED
14 PASSENGER DECK LOCATED OVER A BAGGAGE COMPARTMENT.

15 B. This section ~~shall~~ DOES not ~~be construed to~~ limit in any manner the
16 power of the director and a local authority to issue a special permit
17 pursuant to section 28-1103.

18 C. For the purposes of this article, the gross weight imposed on the
19 highway by the wheels of any one axle equals the total load transmitted to
20 the road by all wheels whose centers are included between two parallel
21 transverse vertical planes forty inches apart, extending across the full
22 width of the vehicle.

23 Sec. 2. Section 28-1100, Arizona Revised Statutes, is amended to read:

24 28-1100. Vehicles and loads; gross weight restrictions;
25 exceptions

26 A. Except as provided in subsection H of this section OR SECTION
27 28-1099, a person may operate a vehicle on all highways, including a toll
28 facility as defined in section 28-7751, subject to the following maximum
29 gross weights:

30 1. Twenty thousand pounds, including enforcement tolerances, on any
31 one axle.

32 2. Thirty-four thousand pounds, including enforcement tolerances, on a
33 tandem axle.

34 3. Eighty thousand pounds on a vehicle combination of five axles or
35 more.

36 4. On a group of two or more consecutive axles, including any steering
37 or castering axles, an overall gross weight, including enforcement
38 tolerances, produced by application of the following formula in which W
39 equals overall gross weight on any group of two or more consecutive axles to
40 the nearest five hundred pounds, L equals distance in feet between the
41 extreme of any group of two or more consecutive axles to the nearest foot and
42 N equals number of axles in any group under consideration, except that two
43 consecutive sets of tandem axles may carry a gross load of thirty-four
44 thousand pounds each if the overall distance between the first and last axles
45 of the consecutive sets of tandem axles is thirty-six feet or more if the

1 overall gross weight does not exceed eighty thousand pounds, including all
2 enforcement tolerances:

3
$$W = 500 (LN/(N-1) + 12N + 36)$$

4 B. For the purposes of subsection A of this section, "tandem axles"
5 means two or more consecutive axles that are more than forty inches but not
6 more than ninety-six inches apart.

7 C. This section does not apply to a vehicle and load that cannot be
8 easily dismantled or divided and that have been issued a special permit
9 pursuant to section 28-1103.

10 D. It is not a defense in a prosecution for a violation of this
11 section that a vehicle or vehicle combination is registered for a declared
12 gross weight as defined in section 28-5431 in excess of the amount allowed
13 under this section. The department shall not make an allowance or refund for
14 fees paid for the weight in excess of the amount allowed under this section.

15 E. A single vehicle or a single vehicle of a combination of vehicles
16 shall not be equipped with more than three axles, including the front
17 steering axle, unless the additional axles are steering axles or castering
18 axles. The limitation on the number of axles provided in this subsection
19 does not apply to a vehicle operated with a permit issued pursuant to section
20 28-1103.

21 F. A vehicle or combination of vehicles equipped with one or more
22 variable load axles shall have the pressure control preset and located
23 outside of the cab so that the operator of the vehicle cannot vary the weight
24 carried on the variable load axle or axles during transport of a load. The
25 actuating control that raises or lowers the axle or axles may be located
26 inside the cab for safety purposes. This actuating control must completely
27 raise or completely lower the axle or axles when activated.

28 G. This section does not apply to a truck that meets all of the
29 following requirements and for which a special permit has been issued
30 pursuant to section 28-1103:

- 31 1. Is equipped with a conveyor bed.
32 2. Is used solely as a fiber and forage module mover.
33 3. Does not exceed forty-eight feet in length.
34 4. Is only operated each year from August 1 through January 30, unless
35 the director extends the period of use.

36 H. The gross weight of a heavy-duty vehicle that is equipped with idle
37 reduction technology and the gross weight imposed on the highway by the
38 wheels of any one axle or axle group of the vehicle may exceed the weight
39 limitation specified in subsection A of this section by not more than four
40 hundred pounds or the weight of the idle reduction technology, whichever is
41 less. This subsection only applies if the heavy-duty vehicle operator, on
42 request, proves by written certification the weight of the idle reduction
43 technology and, by demonstration or certification, that the idle reduction
44 technology is fully functional at all times. For the purposes of this

1 subsection, "heavy-duty vehicle" and "idle reduction technology" have the
2 same meanings prescribed in 42 United States Code section 16104a.

3 Sec. 3. Section 28-2239, Arizona Revised Statutes, is amended to read:
4 28-2239. Temporary proportional registrations; fee

5 A. The department may sell temporary proportional registrations to
6 motor carriers that are registering under this article. Motor carriers may
7 use temporary proportional registrations for vehicles that are added to an
8 existing fleet or in lieu of lost registrations pending receipt of permanent
9 or replacement registrations.

10 B. The cost of a temporary proportional registration is one dollar,
11 and the registration is valid for ~~ninety~~ SIXTY days.

12 Sec. 4. Section 28-2267, Arizona Revised Statutes, is amended to read:
13 28-2267. Temporary registrations; fee

14 A. The department may sell temporary registrations to motor carriers
15 with existing fleets that are registered under this article. Temporary
16 registrations may be used for vehicles that are added to an existing fleet or
17 in lieu of lost registrations pending the receipt of permanent or replacement
18 registrations.

19 B. The temporary registration fee is one dollar. The temporary
20 registration is valid for ~~ninety~~ SIXTY days.

21 Sec. 5. Section 28-3312, Arizona Revised Statutes, is amended to read:
22 28-3312. Mandatory disqualification of commercial driver

23 licenses; definition

24 A. The department shall disqualify a person WHO IS required to have a
25 commercial driver license, ~~or~~ WHO IS a commercial driver license holder OR
26 WHO IS A COMMERCIAL INSTRUCTION PERMIT HOLDER from driving a commercial motor
27 vehicle as follows:

28 1. Except as provided in subsection E of this section and except as
29 otherwise provided in this subsection, for at least one year if a person:

30 (a) Refuses a test in violation of section 28-1321.

31 (b) Is convicted of a first violation of any of the following:

32 (i) Driving a commercial motor vehicle under the influence of
33 intoxicating liquor or a controlled substance or while having an alcohol
34 concentration of 0.04 or more.

35 (ii) Leaving the scene of an accident involving a motor vehicle driven
36 by the person.

37 (iii) Using a motor vehicle in the commission of a felony.

38 (iv) A violation of chapter 4, article 3 of this title while operating
39 a noncommercial motor vehicle.

40 (v) Driving a commercial motor vehicle while, as a result of prior
41 violations of this title committed while operating a commercial motor
42 vehicle, the person's commercial driver license is revoked, suspended or
43 canceled or the person is disqualified from operating a commercial motor
44 vehicle.

1 (vi) Causing a fatality through the negligent operation of a
2 commercial motor vehicle, including a conviction of manslaughter, homicide or
3 negligent homicide resulting from operation of a motor vehicle.

4 2. For at least three years, if the person is convicted of any of the
5 violations prescribed in paragraph 1 of this subsection and the violation
6 occurred while the person was transporting a hazardous material in the
7 quantity and under the circumstances that require placarding of the transport
8 vehicle under the department's safety rules pursuant to chapter 14 of this
9 title.

10 3. For the life of the person, if the person is convicted of two or
11 more violations of any of the offenses prescribed in paragraph 1 of this
12 subsection or of any combination of those offenses arising from two or more
13 separate incidents. The department shall consider only offenses committed
14 from and after December 31, 1989 in applying this paragraph.

15 4. Permanently if the person is convicted of using any motor vehicle
16 in the commission of a felony involving the manufacture, distribution or
17 dispensing of a controlled substance or possession with intent to
18 manufacture, distribute or dispense a controlled substance.

19 5. For at least sixty consecutive days, if the person is convicted of
20 two serious traffic violations committed in a motor vehicle arising from
21 separate incidents occurring within a three year period from the date of the
22 violation.

23 6. For at least one hundred twenty days served in addition to any
24 other disqualification, if the person is convicted of a third or subsequent
25 serious traffic violation committed in a motor vehicle arising from separate
26 incidents occurring within a three year period from the date of the
27 violation.

28 7. FOR AT LEAST SIXTY CONSECUTIVE DAYS, IF THE DEPARTMENT DETERMINES
29 THAT THE PERSON FALSIFIED INFORMATION OR DOCUMENTATION AS PART OF THE
30 LICENSING PROCESS.

31 8. FOR AT LEAST ONE YEAR, IF THE PERSON IS CONVICTED OF FRAUD RELATED
32 TO THE ISSUANCE OF A COMMERCIAL INSTRUCTION PERMIT OR COMMERCIAL DRIVER
33 LICENSE.

34 B. Except as provided in subsection C of this section, a person
35 required to have a commercial driver license or a commercial driver license
36 holder who is found responsible for violating an out-of-service order
37 pursuant to section 28-5241 is disqualified from driving a commercial motor
38 vehicle as follows:

39 1. For a period of one hundred eighty days if the person is found
40 responsible for a first violation of an out-of-service order.

41 2. For a period of two years if the person is found responsible for a
42 second violation of any out-of-service order during any ten year period
43 arising from separate incidents.

1 3. For a period of three years if the person is found responsible for
2 a third or subsequent violation of any out-of-service order during any ten
3 year period arising from separate incidents.

4 C. A person required to have a commercial driver license or a
5 commercial driver license holder who is found responsible for violating an
6 out-of-service order pursuant to section 28-5241 while transporting hazardous
7 materials or while operating a commercial motor vehicle designed or used to
8 transport sixteen or more passengers, including the driver, is disqualified
9 from driving a commercial motor vehicle as follows:

10 1. For a period of one hundred eighty days if the person is found
11 responsible for a first violation of an out-of-service order.

12 2. For a period of three years if the person is found responsible for
13 a second or subsequent violation of any out-of-service order during any ten
14 year period arising from separate incidents.

15 D. A person required to have a commercial driver license or a
16 commercial driver license holder who is convicted of or found responsible for
17 violating any federal, state or local railroad grade crossing law, ordinance
18 or regulation is disqualified from driving a commercial motor vehicle as
19 follows:

20 1. For a period of sixty days if a person is convicted of or found
21 responsible for a first violation.

22 2. For a period of one hundred twenty days if a person is convicted of
23 or found responsible for a second violation during any three year period.

24 3. For a period of one year if a person is convicted of or found
25 responsible for a third or subsequent violation during any three year period.

26 E. If a federal agency determines that a commercial motor vehicle
27 licensee is driving in a manner that constitutes an imminent hazard, the
28 department, on receipt of notification by the federal government, shall
29 disqualify the driver for a period not to exceed one year. The
30 disqualification shall run concurrently with any other disqualification
31 imposed on the driver. For the purposes of this subsection, "imminent
32 hazard" means the existence of a condition that presents a substantial
33 likelihood that death, serious illness, severe personal injury or a
34 substantial endangerment to health, property or the environment may occur
35 before the reasonably foreseeable completion date of a formal proceeding to
36 decrease the risk of death, illness, injury or endangerment.

37 F. The department shall keep records of findings of responsibility for
38 a civil traffic violation and of conviction of any moving criminal traffic
39 violation for a commercial driver licensee for violations in any type of
40 motor vehicle and for a person required to have a commercial driver license
41 if the violations arise from the operation of a commercial motor vehicle.
42 The department shall make the records available to other states, the United
43 States secretary of transportation, the driver and any motor carrier or
44 prospective motor carrier or the motor carrier's designated agent within ten
45 days after receiving a report of a conviction or finding of responsibility in

1 this state or receipt of a report of a conviction or finding of
2 responsibility or disqualification received from another state.

3 G. Disqualification for a serious traffic violation committed by a
4 commercial driver license holder while operating a noncommercial motor
5 vehicle applies only if the conviction results in the revocation,
6 cancellation or suspension of the person's commercial driver license or
7 noncommercial driver license.

8 H. The department may adopt rules establishing guidelines and
9 conditions under which the department may reduce a disqualification for life
10 pursuant to subsection A, paragraph 3 of this section to a disqualification
11 of at least ten years. If a person's disqualification is reduced pursuant to
12 rules adopted pursuant to this subsection and the person is subsequently
13 convicted of a violation described in subsection A, paragraph 1 of this
14 section, the person is permanently disqualified from driving a commercial
15 vehicle and is not eligible to apply for a reduction of the disqualification
16 pursuant to rules adopted pursuant to this subsection.

17 I. Except as provided in subsection E of this section, the beginning
18 date of the disqualification shall be **TEN DAYS AFTER** the date the department
19 receives the report of conviction or finding of responsibility.

20 J. For the purposes of this section, "serious traffic violation" means
21 a conviction or finding of responsibility for any of the following:

22 1. Excessive speeding involving a single offense for a speed of
23 fifteen miles per hour or more above the posted speed limit.

24 2. Reckless driving as provided by section 28-693.

25 3. Aggressive driving as provided by section 28-695.

26 4. Racing as defined in section 28-708.

27 5. Improper or erratic traffic lane changes as provided by section
28 28-729.

29 6. Following the vehicle ahead too closely as provided by section
30 28-730.

31 7. A violation of this title that is connected with a fatal traffic
32 accident.

33 8. Driving a commercial motor vehicle if the person has not been
34 issued a valid commercial driver license pursuant to this chapter.

35 9. Driving a commercial motor vehicle without a commercial driver
36 license in the person's possession.

37 10. Driving a commercial motor vehicle without having a valid
38 endorsement for the type of commercial motor vehicle or motor vehicle
39 combination being operated.