

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

HOUSE BILL 2251

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 17, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-985; AMENDING SECTIONS 28-1095, 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. Title 28, chapter 3, article 17, Arizona Revised Statutes,
3 is amended by adding section 28-985, to read:
4 28-985. Interstate movement of household goods inspection:
5 rules
6 THE DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO REGULATE INTERSTATE
7 MOVEMENT OF HOUSEHOLD GOODS AS OUTLINED IN 49 UNITED STATES CODE SECTION
8 14710. THE DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO ADOPT AND IMPLEMENT
9 RULES IN ORDER TO IMPLEMENT A REGULATORY PROGRAM.
10 Sec. 2. Section 28-1095, Arizona Revised Statutes, is amended to read:
11 28-1095. Vehicle length; exceptions; permits; rules;
12 definitions
13 A. A vehicle, including any load on the vehicle, shall not exceed a
14 length of forty feet extreme overall dimension, including front and rear
15 bumpers. This subsection does not apply to any of the following:
16 1. A semitrailer when used in combination with a truck or a truck
17 tractor.
18 2. A truck that is equipped with a conveyor bed, that is used solely
19 as a fiber and forage module mover and that does not exceed forty-eight feet
20 in length.
21 3. An articulated bus or articulated trolley coach that does not
22 exceed a length of sixty feet.
23 4. A bus that is not articulated and that does not exceed a length of
24 forty-five feet.
25 5. A recreational vehicle, a power unit, a farm vehicle, a horse
26 trailer or wheeled equipment as defined in section 28-2153 if used in
27 combination with two units and if the combination does not exceed sixty-five
28 feet in length.
29 6. A recreational vehicle as defined in section 41-2142, paragraph 30,
30 subdivision (b) that does not exceed a length of forty-five feet.
31 B. A vehicle transporter may draw only one semitrailer. A combination
32 of vehicles, excluding a vehicle transporter and the semitrailer it draws,
33 that is coupled together shall not consist of more than two units, except
34 that a truck or a truck tractor and semitrailer may draw either one trailer
35 or a forklift.
36 C. The following restrictions apply:
37 1. The length of a semitrailer operating in a truck
38 tractor-semitrailer combination or a truck tractor-semitrailer-forklift
39 combination shall not exceed fifty-seven feet six inches.
40 2. The length of a semitrailer or trailer operating in a truck
41 tractor-semitrailer-trailer combination shall not exceed twenty-eight feet
42 six inches.
43 3. The length of a trailer operating in a truck-trailer combination
44 shall not exceed twenty-eight feet six inches.

1 4. If the length of a semitrailer is more than fifty-three feet, the
2 overall length of a truck tractor-semitrailer combination shall not exceed
3 sixty-five feet on all highways, except for the national intercity truck
4 route network designated by the United States secretary of transportation as
5 required by the surface transportation assistance act of 1982 or on a system
6 of highways that is designated by a local authority. In designating the
7 streets, the local authority shall consider any reasonable restriction
8 including such safety restrictions as structural hazards and street width and
9 any other safety factors identified by the local authority as a hazard to the
10 motoring public.

11 5. A vehicle transporter and the semitrailer it draws shall not exceed
12 a length of ~~seventy-five~~ EIGHTY feet WITH A FRONT OVERHANG OF NOT MORE THAN
13 FOUR FEET AND A REAR OVERHANG OF NOT MORE THAN SIX FEET.

14 6. A truck-semitrailer combination shall not exceed an overall length
15 of sixty-five feet.

16 D. Subsection B and subsection C, paragraphs 1 through 6 of this
17 section do not apply to damaged, disabled or abandoned vehicles or
18 combinations of vehicles while being towed by a tow truck in compliance with
19 section 41-1830.51.

20 E. Notwithstanding subsections B and C of this section, extensions of
21 not more than three feet beyond the foremost part and six feet beyond the
22 rear bed or body of a vehicle or combination of vehicles used to transport
23 manufactured vehicles or fiber and forage shall not be included in measuring
24 the length of the vehicle or combination of vehicles when loaded.

25 F. Pursuant to a permit issued pursuant to section 28-1103, a truck or
26 a truck tractor-semitrailer may draw not more than two additional trailers or
27 semitrailers. The department shall adopt rules governing the movement and
28 safety of a combination of vehicles under this subsection and authorizing the
29 issuance in advance of prepaid permits. The rules shall include the adoption
30 of minimum speeds on grades, lighting, signing, identification and braking
31 requirements and any other rules the department deems necessary. The permit
32 issued pursuant to this subsection is limited to the following highways:

33 1. An interstate highway that connects with two states if both states
34 allow such combinations of trailers or semitrailers and if the interstate
35 highway does not exceed forty miles between the connecting states.

36 2. A state route or highway that is located within four miles of and
37 extends to the border of this state and an adjacent state that allows such
38 combinations of trailers or semitrailers.

39 3. A state route or highway that extends at least ten miles through an
40 Indian reservation, that does not cross the Colorado river and that is
41 located within twenty miles of and extends to the border of this state and an
42 adjacent state that allows such combinations of trailers or semitrailers.

43 G. Notwithstanding subsections B and C of this section:

44 1. A motor vehicle may draw one single axle tow dolly on which a motor
45 vehicle may be transported. A person shall secure the raised end of any

1 motor vehicle being transported pursuant to this paragraph to the tow dolly
2 by two separate chains, cables or equivalent devices adequate to prevent
3 shifting or separation of the drawn vehicle and the tow dolly. For the
4 purposes of this paragraph, "single axle tow dolly" means a vehicle drawn by
5 a motor vehicle and designed and used exclusively to transport another motor
6 vehicle by which the front or rear wheels of the drawn motor vehicle are
7 mounted on the tow dolly while the other wheels of the drawn motor vehicle
8 remain in contact with the ground.

9 2. A truck or a truck tractor may draw a trailer or semitrailer that
10 does not exceed a length of fifty-seven feet only on an interstate highway or
11 on a highway that is within ten miles of an interstate highway if the trailer
12 or semitrailer is manufactured in this state and is traveling with or without
13 a load from its place of manufacture to be delivered for use outside this
14 state.

15 3. A recreational vehicle may pull two units if all of the following
16 conditions are met:

17 (a) The middle unit is equipped with a fifth wheel and brakes. The
18 middle unit may be a farm vehicle or a horse trailer and shall have a weight
19 equal to or greater than the rear unit.

20 (b) If the rear unit has a gross weight of three thousand pounds or
21 more, it is equipped with brakes.

22 (c) The total combined gross weight of the towed units does not exceed
23 the manufacturer's stated gross vehicle weight of the towing unit.

24 4. A VEHICLE TRANSPORTER MAY TRANSPORT CARGO OR GENERAL FREIGHT ON A
25 BACKHAUL IN COMPLIANCE WITH SECTION 28-1100.

26 H. For the purposes of this section:

27 1. "BACKHAUL" MEANS THE RETURN TRIP OF A VEHICLE TRANSPORTER CARRYING
28 CARGO OR GENERAL FREIGHT OVER ALL OR PART OF THE SAME ROUTE.

29 ~~1-~~ 2. "Farm vehicle" has the same meaning prescribed in section
30 28-2514.

31 ~~2-~~ 3. "Recreational vehicle" means a motor vehicle that is designed
32 and customarily used for private pleasure, including vehicles commonly called
33 motor homes, pickup trucks with campers and pickup trucks with a fifth wheel
34 trailing device.

35 Sec. 3. Section 28-1099, Arizona Revised Statutes, is amended to read:
36 28-1099. Single axle load limit; exceptions

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

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

43 2. ANY OVER-THE-ROAD BUS MAY EXCEED THE MAXIMUM SINGLE AXLE WEIGHT
44 LIMIT BUT SHALL NOT EXCEED TWENTY-FOUR THOUSAND POUNDS. FOR THE PURPOSES OF

1 THIS PARAGRAPH, "OVER-THE-ROAD BUS" MEANS A BUS CHARACTERIZED BY AN ELEVATED
2 PASSENGER DECK LOCATED OVER A BAGGAGE COMPARTMENT.

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

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

11 Sec. 4. Section 28-1100, Arizona Revised Statutes, is amended to read:
12 28-1100. Vehicles and loads; gross weight restrictions;
13 exceptions

14 A. Except as provided in subsection H of this section OR SECTION
15 28-1099, a person may operate a vehicle on all highways, including a toll
16 facility as defined in section 28-7751, subject to the following maximum
17 gross weights:

18 1. Twenty thousand pounds, including enforcement tolerances, on any
19 one axle.

20 2. Thirty-four thousand pounds, including enforcement tolerances, on a
21 tandem axle.

22 3. Eighty thousand pounds on a vehicle combination of five axles or
23 more.

24 4. On a group of two or more consecutive axles, including any steering
25 or castering axles, an overall gross weight, including enforcement
26 tolerances, produced by application of the following formula in which W
27 equals overall gross weight on any group of two or more consecutive axles to
28 the nearest five hundred pounds, L equals distance in feet between the
29 extreme of any group of two or more consecutive axles to the nearest foot and
30 N equals number of axles in any group under consideration, except that two
31 consecutive sets of tandem axles may carry a gross load of thirty-four
32 thousand pounds each if the overall distance between the first and last axles
33 of the consecutive sets of tandem axles is thirty-six feet or more if the
34 overall gross weight does not exceed eighty thousand pounds, including all
35 enforcement tolerances:

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

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

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

43 D. It is not a defense in a prosecution for a violation of this
44 section that a vehicle or vehicle combination is registered for a declared
45 gross weight as defined in section 28-5431 in excess of the amount allowed

1 under this section. The department shall not make an allowance or refund for
2 fees paid for the weight in excess of the amount allowed under this section.

3 E. A single vehicle or a single vehicle of a combination of vehicles
4 shall not be equipped with more than three axles, including the front
5 steering axle, unless the additional axles are steering axles or castering
6 axles. The limitation on the number of axles provided in this subsection
7 does not apply to a vehicle operated with a permit issued pursuant to section
8 28-1103.

9 F. A vehicle or combination of vehicles equipped with one or more
10 variable load axles shall have the pressure control preset and located
11 outside of the cab so that the operator of the vehicle cannot vary the weight
12 carried on the variable load axle or axles during transport of a load. The
13 actuating control that raises or lowers the axle or axles may be located
14 inside the cab for safety purposes. This actuating control must completely
15 raise or completely lower the axle or axles when activated.

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

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

24 H. The gross weight of a heavy-duty vehicle that is equipped with idle
25 reduction technology and the gross weight imposed on the highway by the
26 wheels of any one axle or axle group of the vehicle may exceed the weight
27 limitation specified in subsection A of this section by not more than four
28 hundred pounds or the weight of the idle reduction technology, whichever is
29 less. This subsection only applies if the heavy-duty vehicle operator, on
30 request, proves by written certification the weight of the idle reduction
31 technology and, by demonstration or certification, that the idle reduction
32 technology is fully functional at all times. For the purposes of this
33 subsection, "heavy-duty vehicle" and "idle reduction technology" have the
34 same meanings prescribed in 42 United States Code section 16104a.

35 I. THE GROSS WEIGHT OF A VEHICLE OPERATED BY AN ENGINE FUELED
36 PRIMARILY BY NATURAL GAS AND THE GROSS WEIGHT IMPOSED ON THE HIGHWAY BY THE
37 WHEELS OF ANY ONE AXLE OR AXLE GROUP OF THE VEHICLE MAY EXCEED THE WEIGHT
38 LIMITATION SPECIFIED IN SUBSECTION A OF THIS SECTION, BUT MAY NOT EXCEED
39 EIGHTY-TWO THOUSAND POUNDS OR AN AMOUNT THAT IS EQUAL TO THE DIFFERENCE
40 BETWEEN THE WEIGHT OF THE VEHICLE ATTRIBUTABLE TO THE NATURAL GAS TANK AND
41 FUELING SYSTEM AND THE WEIGHT OF A COMPARABLE DIESEL TANK AND FUELING SYSTEM,
42 WHICHEVER IS LESS.

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

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

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

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

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

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

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

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

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

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

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

44 C. A person required to have a commercial driver license or a
45 commercial driver license holder who is found responsible for violating an

1 out-of-service order pursuant to section 28-5241 while transporting hazardous
2 materials or while operating a commercial motor vehicle designed or used to
3 transport sixteen or more passengers, including the driver, is disqualified
4 from driving a commercial motor vehicle as follows:

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

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

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

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

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

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

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

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

43 G. Disqualification for a serious traffic violation committed by a
44 commercial driver license holder while operating a noncommercial motor
45 vehicle applies only if the conviction results in the revocation,

1 cancellation or suspension of the person's commercial driver license or
2 noncommercial driver license.

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

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

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

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

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

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

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

22 5. Improper or erratic traffic lane changes as provided by section
23 28-729.

24 6. Following the vehicle ahead too closely as provided by section
25 28-730.

26 7. A violation of this title that is connected with a fatal traffic
27 accident.

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

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

32 10. Driving a commercial motor vehicle without having a valid
33 endorsement for the type of commercial motor vehicle or motor vehicle
34 combination being operated.