

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 16
HOUSE BILL 2413

AN ACT

AMENDING SECTIONS 28-6705 AND 28-6706, ARIZONA REVISED STATUTES; RELATING
TO COUNTY HIGHWAYS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-6705, Arizona Revised Statutes, is amended to
3 read:

4 28-6705. Public road and street maintenance

5 A. The board of supervisors may spend public monies for maintenance
6 of public roads and streets other than legally designated state and county
7 highways located without the limits of an incorporated city or
8 town. Before spending public monies under this section, the roads or
9 streets shall be ~~both~~ EITHER:

10 1. Laid out, opened and constructed IN ACCORDANCE WITH STANDARD
11 ENGINEERING ROAD SPECIFICATIONS ADOPTED BY THE BOARD OF SUPERVISORS
12 without cost to the county.

13 2. Completed pursuant to a plat THAT IS approved pursuant to
14 sections 11-802 and 11-822 ~~and in accordance with standard engineering~~
15 ~~road specifications adopted by the board of supervisors to ensure uniform~~
16 ~~compliance.~~

17 B. The board of supervisors may spend public monies for maintenance
18 of public roads and streets that were laid out, constructed and opened
19 before June 13, 1990, ~~or that have been designated as primitive roads~~
20 ~~pursuant to section 28-6706, subsection D,~~ even if the roads and streets
21 were not constructed in accordance with subsection A of this section.

22 C. Maintenance of a public road or street does not include
23 purchasing or laying cement. To reduce long-term maintenance costs for
24 maintenance authorized by this section, the board of supervisors may spend
25 monies to add rock products, gravel and processed materials to the base of
26 the roads and streets. Petroleum based or nonpetroleum based products may
27 be used in the maintenance and repair of unpaved roads, alleys and
28 shoulders identified pursuant to section 9-500.04 or 49-474.01 or unpaved
29 roads, alleys and shoulders in any county where the control officer as
30 defined in section 49-471 certifies to the board of supervisors that
31 emissions from such roads, alleys or shoulders may endanger compliance
32 with the national ambient air quality standard as defined in section
33 49-401.01.

34 Sec. 2. Section 28-6706, Arizona Revised Statutes, is amended to
35 read:

36 28-6706. Primitive roads

37 A. The board of supervisors or the governing body of a city or town
38 may designate a public road within its jurisdiction as a primitive road as
39 prescribed in this section.

40 B. Neither a county, city or town nor its employees are liable for
41 damages or injuries resulting from the use of a primitive road designated
42 under this section except for intentional injuries or gross negligence
43 caused by an employee acting within the scope of the employee's
44 employment.

1 C. ~~Except as provided in subsection D,~~ The board of supervisors or
2 the governing body of a city or town shall not designate a road as a
3 primitive road unless it was opened before June 13, ~~1975~~ 1990 and was not
4 constructed in accordance with county standards.

5 ~~D. The board of supervisors or the governing body of a city or town~~
6 ~~may designate a road as a primitive road if all of the following apply:~~

7 ~~1. The road was opened after June 13, 1975.~~

8 ~~2. The road was accepted for maintenance by the board of~~
9 ~~supervisors or the governing body of a city or town before June 13, 1985.~~

10 ~~3. The road was not constructed in accordance with county~~
11 ~~standards.~~

12 ~~E.~~ D. The county, city or town shall place signs on every road
13 designated as a primitive road in locations adequate to warn the
14 public. These signs shall state "Primitive road, caution, use at your own
15 risk. This surface is not regularly maintained."

16 ~~F.~~ E. A board of supervisors or the governing body of a city or
17 town shall not designate a state or county highway as a primitive road.

APPROVED BY THE GOVERNOR MARCH 16, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 16, 2018.