

REFERENCE TITLE: electric personal assistive mobility devices

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SB 1017

Introduced by
Senator Kavanagh

AN ACT

AMENDING SECTION 28-101, ARIZONA REVISED STATUTES; RELATING TO
TRANSPORTATION.

(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
9 either:

10 (a) The number of grams of alcohol per one hundred milliliters of
11 blood.

12 (b) The number of grams of alcohol per two hundred ten liters of
13 breath.

14 3. "All-terrain vehicle" means either of the following:

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

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

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

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

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

22 (v) Is operated on a public highway.

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

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

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

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

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

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

32 (a) A fire department vehicle.

33 (b) A police vehicle.

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

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

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

1 6. "Aviation fuel" means all flammable liquids composed of a
2 mixture of selected hydrocarbons expressly manufactured and blended for
3 the purpose of effectively and efficiently operating an internal
4 combustion engine for use in an aircraft but does not include fuel for jet
5 or turbine powered 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
8 either:

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

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

13 8. "Board" means the transportation board.

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

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

22 11. "Certificate of ownership" means a paper or an electronic
23 record that is issued in another state or a foreign jurisdiction and that
24 indicates ownership of a vehicle.

25 12. "Certificate of title" means a paper document or an electronic
26 record that is issued by the department and that indicates ownership of a
27 vehicle.

28 13. "Combination of vehicles" means a truck or truck tractor and
29 semitrailer and any trailer that it tows but does not include a forklift
30 designed for the purpose of loading or unloading the truck, trailer or
31 semitrailer.

32 14. "Controlled substance" means a substance so classified under
33 section 102(6) of the controlled substances act (21 United States Code
34 section 802(6)) and includes all substances listed in schedules I through
35 V of 21 Code of Federal Regulations part 1308.

36 15. "Conviction" means:

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

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

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

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

44 16. "County highway" means a public road that is constructed and
45 maintained by a county.

1 17. "Dealer" means a person who is engaged in the business of
2 buying, selling or exchanging motor vehicles, trailers or semitrailers and
3 who has an established place of business and has paid fees pursuant to
4 section 28-4302.

5 18. "Department" means the department of transportation acting
6 directly or through its duly authorized officers and agents.

7 19. "Digital network or software application" has the same meaning
8 prescribed in section 28-9551.

9 20. "Director" means the director of the department of
10 transportation.

11 21. "Drive" means to operate or be in actual physical control of a
12 motor vehicle.

13 22. "Driver" means a person who drives or is in actual physical
14 control of a vehicle.

15 23. "Driver license" means a license that is issued by a state to
16 an individual and that authorizes the individual to drive a motor vehicle.

17 24. "Electric personal assistive mobility device" means a
18 self-balancing **DEVICE WITH ONE WHEEL OR** two nontandem ~~wheeled device with~~
19 **WHEELS AND** an electric propulsion system that limits the maximum speed of
20 the device to fifteen miles per hour or less and that is designed to
21 transport only one person.

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

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

26 27. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
27 that is brought into this state other than in the ordinary course of
28 business by or through a manufacturer or dealer and that has not been
29 registered in this state.

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

35 29. "Hazardous material" means a material, and its mixtures or
36 solutions, that the United States department of transportation determines
37 under 49 Code of Federal Regulations is, or any quantity of a material
38 listed as a select agent or toxin under 42 Code of Federal Regulations
39 part 73 that is, capable of posing an unreasonable risk to health, safety
40 and property if transported in commerce and that is required to be
41 placarded or marked as required by the department's safety rules
42 prescribed pursuant to chapter 14 of this title.

43 30. "Implement of husbandry" means a vehicle **THAT IS** designed
44 primarily for agricultural purposes and **THAT IS** used exclusively in the
45 conduct of agricultural operations, including an implement or vehicle

1 whether self-propelled or otherwise that meets both of the following
2 conditions:

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

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

10 31. "Limousine" means a motor vehicle providing prearranged ground
11 transportation service for an individual passenger, or a group of
12 passengers, that is arranged in advance or is operated on a regular route
13 or between specified points and includes ground transportation under a
14 contract or agreement for services that includes a fixed rate or time and
15 is provided in a motor vehicle with a seating capacity not exceeding
16 fifteen passengers including the driver.

17 32. "Livery vehicle" means a motor vehicle that:

18 (a) Has a seating capacity not exceeding fifteen passengers
19 including the driver.

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

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

24 (d) May do any of the following:

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

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

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

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

33 34. "Manufacturer" means a person engaged in the business of
34 manufacturing motor vehicles, trailers or semitrailers.

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

40 36. "Motor driven cycle" means a motorcycle, including every motor
41 scooter, with a motor that produces not more than five horsepower.

42 37. "Motor vehicle":

43 (a) Means either:

44 (i) A self-propelled vehicle.

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

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

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

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

12 38. "Motor vehicle fuel" includes all products that are commonly or
13 commercially known or sold as gasoline, including casinghead gasoline,
14 natural gasoline and all flammable liquids, and that are composed of a
15 mixture of selected hydrocarbons expressly manufactured and blended for
16 the purpose of effectively and efficiently operating internal combustion
17 engines. Motor vehicle fuel does not include inflammable liquids that are
18 specifically manufactured for racing motor vehicles and that are
19 distributed for and used by racing motor vehicles at a racetrack, use fuel
20 as defined in section 28-5601, aviation fuel, fuel for jet or turbine
21 powered aircraft or the mixture created at the interface of two different
22 substances being transported through a pipeline, commonly known as
23 transmix.

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

28 40. "Motorized quadricycle" means a self-propelled motor vehicle to
29 which all of the following apply:

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

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

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

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

38 (e) The vehicle is a commercial motor vehicle as defined in section
39 28-5201.

40 (f) The vehicle is a limousine operating under a vehicle for hire
41 company permit issued pursuant to section 28-9503.

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

44 (h) The vehicle complies with the definition and standards for
45 low-speed vehicles set forth in federal motor vehicle safety standard 500

1 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,
2 respectively.

3 41. "Neighborhood electric vehicle" means a self-propelled
4 electrically powered motor vehicle to which all of the following apply:

5 (a) The vehicle is emission free.

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

8 (c) The vehicle complies with the definition and standards for ~~low~~
9 ~~speed~~ LOW-SPEED vehicles set forth in federal motor vehicle safety
10 standard 500 and 49 Code of Federal Regulations sections 571.3(b) and
11 571.500, respectively.

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

14 43. "Off-road recreational motor vehicle" means a motor vehicle
15 that is designed primarily for recreational nonhighway all-terrain travel
16 and that is not operated on a public highway. Off-road recreational motor
17 vehicle does not mean a motor vehicle used for construction, building
18 trade, mining or agricultural purposes.

19 44. "Operator" means a person who drives a motor vehicle on a
20 highway, who is in actual physical control of a motor vehicle on a highway
21 or who is exercising control over or steering a vehicle being towed by a
22 motor vehicle.

23 45. "Owner" means:

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

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

29 (c) If a mortgagor of a vehicle is entitled to possession of the
30 vehicle, the mortgagor.

31 46. "Pedestrian" means any person afoot. A person who uses an
32 electric personal assistive mobility device or a manual or motorized
33 wheelchair is considered a pedestrian unless the manual wheelchair
34 qualifies as a bicycle. For the purposes of this paragraph, "motorized
35 wheelchair" means a self-propelled wheelchair that is used by a person for
36 mobility.

37 47. "Power sweeper" means an implement, with or without motive
38 power, that is only incidentally operated or moved on a street or highway
39 and that is designed for the removal of debris, dirt, gravel, litter or
40 sand whether by broom, vacuum or regenerative air system from asphaltic
41 concrete or cement concrete surfaces, including parking lots, highways,
42 streets and warehouses, and a vehicle on which the implement is
43 permanently mounted.

44 48. "Public transit" means the transportation of passengers on
45 scheduled routes by means of a conveyance on an individual passenger

1 fare-paying basis excluding transportation by a sightseeing bus, school
2 bus or taxi or a vehicle not operated on a scheduled route basis.

3 49. "Reconstructed vehicle" means a vehicle that has been assembled
4 or constructed largely by means of essential parts, new or used, derived
5 from vehicles or makes of vehicles of various names, models and types or
6 that, if originally otherwise constructed, has been materially altered by
7 the removal of essential parts or by the addition or substitution of
8 essential parts, new or used, derived from other vehicles or makes of
9 vehicles. For the purposes of this paragraph, "essential parts" means
10 integral and body parts, the removal, alteration or substitution of which
11 will tend to conceal the identity or substantially alter the appearance of
12 the vehicle.

13 50. "Residence district" means the territory contiguous to and
14 including a highway not comprising a business district if the property on
15 the highway for a distance of three hundred feet or more is in the main
16 improved with residences or residences and buildings in use for business.

17 51. "Right-of-way" when used within the context of the regulation
18 of the movement of traffic on a highway means the privilege of the
19 immediate use of the highway. Right-of-way when used within the context
20 of the real property on which transportation facilities and appurtenances
21 to the facilities are constructed or maintained means the lands or
22 interest in lands within the right-of-way boundaries.

23 52. "School bus" means a motor vehicle that is designed for
24 carrying more than ten passengers and that is either:

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

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

31 53. "Semitrailer" means a vehicle that is with or without motive
32 power, other than a pole trailer, that is designed for carrying persons or
33 property and for being drawn by a motor vehicle and that is constructed so
34 that some part of its weight and that of its load rests on or is carried
35 by another vehicle. For the purposes of this paragraph, "pole trailer"
36 has the same meaning prescribed in section 28-601.

37 54. "State" means a state of the United States and the District of
38 Columbia.

39 55. "State highway" means a state route or portion of a state route
40 that is accepted and designated by the board as a state highway and that
41 is maintained by the state.

42 56. "State route" means a right-of-way whether actually used as a
43 highway or not that is designated by the board as a location for the
44 construction of a state highway.

1 57. "Street" or "highway" means the entire width between the
2 boundary lines of every way if a part of the way is open to the use of the
3 public for purposes of vehicular travel.

4 58. "Taxi" means a motor vehicle that has a seating capacity not
5 exceeding fifteen passengers, including the driver, that provides
6 passenger services and that:

7 (a) Does not primarily operate on a regular route or between
8 specified places.

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

12 59. "Title transfer form" means a paper or an electronic form that
13 is prescribed by the department for the purpose of transferring a
14 certificate of title from one owner to another owner.

15 60. "Traffic survival school" means a school that offers
16 educational sessions to drivers who are required to attend and
17 successfully complete educational sessions pursuant to this title that are
18 designed to improve the safety and habits of drivers and that are approved
19 by the department.

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

27 62. "Transportation network company" has the same meaning
28 prescribed in section 28-9551.

29 63. "Transportation network company vehicle" has the same meaning
30 prescribed in section 28-9551.

31 64. "Transportation network service" has the same meaning
32 prescribed in section 28-9551.

33 65. "Truck" means a motor vehicle designed or used primarily for
34 the carrying of property other than the effects of the driver or
35 passengers and includes a motor vehicle to which has been added a box, a
36 platform or other equipment for such carrying.

37 66. "Truck tractor" means a motor vehicle that is designed and used
38 primarily for drawing other vehicles and that is not constructed to carry
39 a load other than a part of the weight of the vehicle and load drawn.

40 67. "Vehicle" means a device in, on or by which a person or
41 property is or may be transported or drawn on a public highway, excluding
42 devices moved by human power or used exclusively on stationary rails or
43 tracks.

1 68. "Vehicle transporter" means either:

2 (a) A truck tractor capable of carrying a load and drawing a
3 semitrailer.

4 (b) A truck tractor with a stinger-steered fifth wheel capable of
5 carrying a load and drawing a semitrailer or a truck tractor with a dolly
6 mounted fifth wheel that is securely fastened to the truck tractor at two
7 or more points and that is capable of carrying a load and drawing a
8 semitrailer.