

REFERENCE TITLE: unsafe vehicle tires; use; sale

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

HB 2160

Introduced by
Representative Campbell

AN ACT

AMENDING SECTIONS 28-958 AND 44-1301, ARIZONA REVISED STATUTES; AMENDING TITLE 44, CHAPTER 9, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 44-1302.01; RELATING TO TIRES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-958, Arizona Revised Statutes, is amended to
3 read:

4 28-958. Tire equipment restrictions; unsafe tires prohibited;
5 definitions

6 A. A solid rubber tire on a vehicle shall have rubber on its entire
7 traction surface at least one inch thick above the edge of the flange of
8 the entire periphery.

9 B. A tire on a vehicle that is moved on a highway shall not have on
10 its periphery any block, stud, flange, cleat, spike or other protuberance
11 that is made of any material other than rubber and that projects beyond
12 the tread of the traction surface of the tire, except that it is
13 permissible to use:

14 1. Farm machinery with tires having protuberances that will not
15 injure the highway.

16 2. Tire chains of reasonable proportions on a vehicle when required
17 for safety because of snow, ice or other conditions tending to cause a
18 vehicle to skid.

19 3. From October 1 to May 1 pneumatic tires containing metal type
20 studs of tungsten carbide or other suitable material that are inserted or
21 constructed in a manner so that the number of studs or the percentage of
22 metal in contact with the roadway does not exceed three ~~percent~~ PERCENT
23 of the total tire area in contact with the roadway under any conditions.

24 C. The director and local authorities in their respective
25 jurisdictions may issue special permits authorizing the operation on a
26 highway of traction engines or tractors having movable tracks with
27 transverse corrugations on the periphery of the movable tracks or farm
28 tractors or other farm machinery, the operation of which on a highway
29 would otherwise be prohibited under this chapter.

30 D. A PERSON MAY NOT OPERATE A VEHICLE WITH AN UNSAFE TIRE ON A
31 STREET OR HIGHWAY IN THIS STATE. A VEHICLE WITH AN UNSAFE TIRE IS DEEMED
32 TO BE IN AN UNSAFE CONDITION AND THE REQUIREMENTS OF SECTION 28-982 APPLY.
33 THIS SUBSECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

34 1. A COMMERCIAL MOTOR VEHICLE OR INTERMODAL EQUIPMENT AS DEFINED IN
35 49 CODE OF FEDERAL REGULATIONS SECTION 390.5.

36 2. A CLASSIC CAR AS DEFINED IN SECTION 28-2483.

37 3. A HISTORIC VEHICLE AS DEFINED IN SECTION 28-2484.

38 4. LIGHT RAIL, A STREET CAR OR A RAILROAD CAR.

39 5. A BICYCLE.

40 6. A MOPED.

41 7. A VEHICLE THAT IS USED IN MINING OR METALLURGICAL OPERATIONS,
42 AGRICULTURE, CONSTRUCTION OR EARTH MOVING.

43 8. AN AIRPLANE.

1 9. A VEHICLE THAT IS OPERATED OFF THE ROADS IN THIS STATE AND THAT
2 IS USED TO TRANSPORT PERSONS OR PROPERTY OR USED FOR AGRICULTURE,
3 CONSTRUCTION OR EARTH MOVING.

4 E. FOR THE PURPOSES OF THIS SECTION:

5 1. "DAMAGE" MEANS ANY CRACKING, BUBBLING, CUTTING, CHUNKING OR
6 SEPARATION OF THE TIRE SIDEWALL OR TREAD, INCLUDING EXPOSED BODY PLY OR
7 BELT MATERIAL, OR ANY VISIBLE DETERIORATION OF THE TIRE BEAD OR INNER
8 LINER.

9 2. "IMPROPER REPAIR" MEANS A PUNCTURE REPAIR OF DAMAGE LARGER THAN
10 ONE-FOURTH OF AN INCH, A PUNCTURE REPAIR TO A TIRE SIDEWALL, THE TREAD
11 SHOULDER OR BELT EDGE AREA OR A PUNCTURE REPAIR THAT HAS NOT BEEN BOTH
12 SEALED OR PATCHED ON THE INSIDE AND REPAIRED WITH A CURED RUBBER STEM
13 THROUGH TO THE OUTSIDE.

14 3. "UNSAFE TIRE" MEANS A VEHICLE TIRE THAT IS NOT SUITABLE FOR ITS
15 ORIGINAL INTENDED PURPOSE BECAUSE OF ANY OF THE FOLLOWING:

16 (a) WEAR.

17 (b) DAMAGE.

18 (c) IMPROPER REPAIR.

19 (d) THE TIRE WAS MANUFACTURED MORE THAN SEVEN YEARS AGO.

20 (e) THE TIRE IS SUBJECT TO A MANUFACTURER'S RECALL.

21 4. "WEAR" MEANS THE REDUCTION OF THE MAJOR GROOVE DEPTH OF THE TIRE
22 TO TWO THIRTY-SECONDS OF AN INCH.

23 Sec. 2. Section 44-1301, Arizona Revised Statutes, is amended to
24 read:

25 44-1301. Definitions

26 In this article, unless the context otherwise requires:

27 1. "Damage" means any cracking, bubbling, cutting, chunking or
28 separation of the tire sidewall or tread, including exposed body ply or
29 belt material, or any visible deterioration of the tire bead or inner
30 liner.

31 2. "Improper repair" means ~~any~~ A puncture repair of damage larger
32 than one-fourth of an inch, ~~any~~ A puncture repair to a tire sidewall, the
33 tread shoulder or belt edge area, or a puncture repair that has not been
34 both sealed or patched on the inside and repaired with a cured rubber stem
35 through to the outside.

36 3. "Motor vehicle" means any automobile, motorcycle, truck,
37 trailer, semitrailer, truck tractor and semitrailer combination or other
38 vehicle operated on the roads of this state, used to transport persons or
39 property and propelled by power other than muscular power, but motor
40 vehicle does not include traction engines, vehicles that run only on a
41 track, bicycles or mopeds.

42 4. "Off road motor vehicle" means any automobile, motorcycle,
43 truck, trailer, semitrailer, truck tractor and semitrailer combination,
44 heavy equipment used in mining or metallurgical operations, agriculture,

1 construction or earth moving, airplanes or other vehicles operated off the
2 roads of this state, used to transport persons or property or used for
3 agricultural, construction or earth moving activities and propelled by
4 power other than muscular power, but off road motor vehicle does not
5 include traction engines, vehicles that run only on a track, bicycles or
6 mopeds.

7 5. "Person" means any public or private corporation, company,
8 partnership, firm, association or society of persons, the federal
9 government and any of its departments or agencies, this state or any of
10 its agencies, departments, political subdivisions, counties, towns or
11 municipal corporations, as well as a natural person.

12 6. "UNSAFE TIRE" MEANS A VEHICLE TIRE THAT IS NOT SUITABLE FOR ITS
13 ORIGINAL INTENDED PURPOSE BECAUSE OF ANY OF THE FOLLOWING:

14 (a) WEAR.

15 (b) DAMAGE.

16 (c) IMPROPER REPAIR.

17 (d) THE TIRE WAS MANUFACTURED MORE THAN SEVEN YEARS AGO.

18 (e) THE TIRE IS SUBJECT TO A MANUFACTURER'S RECALL.

19 ~~6. 7. "Waste tire" means a motor vehicle tire that is no longer~~
20 ~~suitable for its original intended purpose because of wear, damage,~~
21 ~~improper repair or manufacturer's recall.~~ AN UNSAFE TIRE.

22 ~~7. 8. "Waste tire collection site" means a site where waste tires~~
23 ~~are collected before being offered for recycling or reuse and where more~~
24 ~~than five hundred tires are kept on site on any day.~~

25 ~~8. 9. "Wear" means the reduction of the major groove depth of the~~
26 ~~tire to two thirty-seconds of an inch.~~

27 Sec. 3. Heading change

28 The article heading of title 44, chapter 9, article 8, Arizona
29 Revised Statutes, is changed from "WASTE TIRE DISPOSAL" to "SALE AND
30 DISPOSAL OF WASTE TIRES".

31 Sec. 4. Title 44, chapter 9, article 8, Arizona Revised Statutes,
32 is amended by adding section 44-1302.01, to read:

33 44-1302.01. Sale or installation of unsafe tires

34 A. IT IS AN UNLAWFUL PRACTICE PURSUANT TO SECTION 44-1522 FOR A
35 PERSON IN THE ORDINARY COURSE OF BUSINESS TO KNOWINGLY SELL, ADVERTISE FOR
36 SALE OR TRADE AN UNSAFE TIRE OR TO INSTALL AN UNSAFE TIRE ON A VEHICLE IN
37 THIS STATE.

38 B. THIS SECTION DOES NOT APPLY TO A TIRE THAT IS USED FOR ANY OF
39 THE FOLLOWING:

40 1. A COMMERCIAL MOTOR VEHICLE OR INTERMODAL EQUIPMENT AS DEFINED IN
41 49 CODE OF FEDERAL REGULATIONS SECTION 390.5.

42 2. A CLASSIC CAR AS DEFINED IN SECTION 28-2483.

43 3. A HISTORIC VEHICLE AS DEFINED IN SECTION 28-2484.

44 4. LIGHT RAIL, A STREET CAR OR A RAILROAD CAR.

- 1 5. A BICYCLE.
- 2 6. A MOPED.
- 3 7. A VEHICLE USED IN MINING OR METALLURGICAL OPERATIONS,
- 4 AGRICULTURE, CONSTRUCTION OR EARTH MOVING.
- 5 8. AN AIRPLANE.
- 6 9. A VEHICLE THAT IS OPERATED OFF THE ROADS IN THIS STATE AND THAT
- 7 IS USED TO TRANSPORT PERSONS OR PROPERTY OR USED FOR AGRICULTURE,
- 8 CONSTRUCTION OR EARTH MOVING.