

REFERENCE TITLE: authorized emergency vehicles; probation officers

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

HB 2383

Introduced by
Representatives Clodfelter: Cook, Hernandez, Payne, Stringer, Udall

AN ACT

AMENDING SECTION 28-101, ARIZONA REVISED STATUTES; RELATING TO AUTHORIZED
EMERGENCY VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-101, 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 (e) A PROBATION OFFICER'S VEHICLE.

41 5. "Autocycle" means a three-wheeled motorcycle on which the driver
42 and passengers ride in a fully or partially enclosed seating area that is
43 equipped with a roll cage, safety belts for each occupant and antilock
44 brakes and that is designed to be controlled with a steering wheel and
45 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.

- 1 16. "County highway" means a public road that is constructed and
2 maintained by a county.
- 3 17. "Dealer" means a person who is engaged in the business of
4 buying, selling or exchanging motor vehicles, trailers or semitrailers and
5 who has an established place of business and has paid fees pursuant to
6 section 28-4302.
- 7 18. "Department" means the department of transportation acting
8 directly or through its duly authorized officers and agents.
- 9 19. "Digital network or software application" has the same meaning
10 prescribed in section 28-9551.
- 11 20. "Director" means the director of the department of
12 transportation.
- 13 21. "Drive" means to operate or be in actual physical control of a
14 motor vehicle.
- 15 22. "Driver" means a person who drives or is in actual physical
16 control of a vehicle.
- 17 23. "Driver license" means a license that is issued by a state to
18 an individual and that authorizes the individual to drive a motor vehicle.
- 19 24. "Electric personal assistive mobility device" means a
20 self-balancing device with one wheel or two nontandem wheels and an
21 electric propulsion system that limits the maximum speed of the device to
22 fifteen miles per hour or less and that is designed to transport only one
23 person.
- 24 25. "Farm" means any lands primarily used for agriculture
25 production.
- 26 26. "Farm tractor" means a motor vehicle designed and used
27 primarily as a farm implement for drawing implements of husbandry.
- 28 27. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
29 that is brought into this state other than in the ordinary course of
30 business by or through a manufacturer or dealer and that has not been
31 registered in this state.
- 32 28. "Golf cart" means a motor vehicle that has not less than three
33 wheels in contact with the ground, that has an unladen weight of less than
34 one thousand eight hundred pounds, that is designed to be and is operated
35 at not more than twenty-five miles per hour and that is designed to carry
36 not more than four persons including the driver.
- 37 29. "Hazardous material" means a material, and its mixtures or
38 solutions, that the United States department of transportation determines
39 under 49 Code of Federal Regulations is, or any quantity of a material
40 listed as a select agent or toxin under 42 Code of Federal Regulations
41 part 73 that is, capable of posing an unreasonable risk to health, safety
42 and property if transported in commerce and that is required to be
43 placarded or marked as required by the department's safety rules
44 prescribed pursuant to chapter 14 of this title.

1 30. "Implement of husbandry" means a vehicle that is designed
2 primarily for agricultural purposes and that is used exclusively in the
3 conduct of agricultural operations, including an implement or vehicle
4 whether self-propelled or otherwise that meets both of the following
5 conditions:

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

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

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

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

21 (a) Has a seating capacity not exceeding fifteen passengers
22 including the driver.

23 (b) Provides passenger services for a fare determined by a flat
24 rate or flat hourly rate between geographic zones or within a geographic
25 area.

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

27 (d) May do any of the following:

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

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

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

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

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

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

1 ~~39.~~ 36. "Motorcycle" means a motor vehicle that has a seat or
2 saddle for the use of the rider and that is designed to travel on not more
3 than three wheels in contact with the ground but excludes a tractor and a
4 moped.

5 ~~36.~~ 37. "Motor driven cycle" means a motorcycle, including every
6 motor scooter, with a motor that produces not more than five horsepower.

7 ~~40.~~ 38. "Motorized quadricycle" means a self-propelled motor
8 vehicle to which all of the following apply:

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

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

13 (c) The vehicle seats at least eight passengers, including the
14 driver.

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

17 (e) The vehicle is a commercial motor vehicle as defined in section
18 28-5201.

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

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

23 (h) The vehicle complies with the definition and standards for
24 low-speed vehicles set forth in federal motor vehicle safety standard 500
25 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,
26 respectively.

27 ~~37.~~ 39. "Motor vehicle":

28 (a) Means either:

29 (i) A self-propelled vehicle.

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

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

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

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

41 ~~38.~~ 40. "Motor vehicle fuel" includes all products that are
42 commonly or commercially known or sold as gasoline, including casinghead
43 gasoline, natural gasoline and all flammable liquids, and that are
44 composed of a mixture of selected hydrocarbons expressly manufactured and
45 blended for the purpose of effectively and efficiently operating internal

1 combustion engines. Motor vehicle fuel does not include inflammable
2 liquids that are specifically manufactured for racing motor vehicles and
3 that are distributed for and used by racing motor vehicles at a racetrack,
4 use fuel as defined in section 28-5601, aviation fuel, fuel for jet or
5 turbine powered aircraft or the mixture created at the interface of two
6 different substances being transported through a pipeline, commonly known
7 as transmix.

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

10 (a) The vehicle is emission free.

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

13 (c) The vehicle complies with the definition and standards for
14 low-speed vehicles set forth in federal motor vehicle safety standard 500
15 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,
16 respectively.

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

19 43. "Off-road recreational motor vehicle" means a motor vehicle
20 that is designed primarily for recreational nonhighway all-terrain travel
21 and that is not operated on a public highway. Off-road recreational motor
22 vehicle does not mean a motor vehicle used for construction, building
23 trade, mining or agricultural purposes.

24 44. "Operator" means a person who drives a motor vehicle on a
25 highway, who is in actual physical control of a motor vehicle on a highway
26 or who is exercising control over or steering a vehicle being towed by a
27 motor vehicle.

28 45. "Owner" means:

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

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

34 (c) If a mortgagor of a vehicle is entitled to possession of the
35 vehicle, the mortgagor.

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

42 47. "Power sweeper" means an implement, with or without motive
43 power, that is only incidentally operated or moved on a street or highway
44 and that is designed for the removal of debris, dirt, gravel, litter or
45 sand whether by broom, vacuum or regenerative air system from asphaltic

1 concrete or cement concrete surfaces, including parking lots, highways,
2 streets and warehouses, and a vehicle on which the implement is
3 permanently mounted.

4 48. "Public transit" means the transportation of passengers on
5 scheduled routes by means of a conveyance on an individual passenger
6 fare-paying basis excluding transportation by a sightseeing bus, school
7 bus or taxi or a vehicle not operated on a scheduled route basis.

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

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

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

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

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

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

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

42 54. "State" means a state of the United States and the District of
43 Columbia.

1 55. "State highway" means a state route or portion of a state route
2 that is accepted and designated by the board as a state highway and that
3 is maintained by the state.

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

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

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

13 (a) Does not primarily operate on a regular route or between
14 specified places.

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

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

21 60. "Traffic survival school" means a school that offers
22 educational sessions to drivers who are required to attend and
23 successfully complete educational sessions pursuant to this title that are
24 designed to improve the safety and habits of drivers and that are approved
25 by the department.

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

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

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

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

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

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

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

5 68. "Vehicle transporter" means either:

6 (a) A truck tractor capable of carrying a load and drawing a
7 semitrailer.

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