

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

HOUSE BILL 2422

AN ACT

AMENDING SECTIONS 28-101 AND 28-627, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 15, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-913; AMENDING SECTIONS 28-2153 AND 28-4132, ARIZONA REVISED STATUTES; RELATING TO TRANSPORTATION DEVICES.

(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 wheels and an
19 electric propulsion system that limits the maximum speed of the device to
20 fifteen miles per hour or less and that is designed to transport only one
21 person.

22 25. "ELIGIBLE ENTITY" MEANS A CORPORATION, PARTNERSHIP,
23 ASSOCIATION, FIRM, SOLE PROPRIETORSHIP OR OTHER ENTITY ENGAGED IN
24 BUSINESS.

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

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

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

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

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

1 ~~30.~~ **31.** "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.~~ **32.** "Limousine" means a motor vehicle providing prearranged
14 ground 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.~~ **33.** "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.~~ **34.** "Local authority" means any county, municipal or other
34 local board or body exercising jurisdiction over highways under the
35 constitution and laws of this state.

36 ~~34.~~ **35.** "Manufacturer" means a person engaged in the business of
37 manufacturing motor vehicles, trailers or semitrailers.

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

43 ~~39.~~ **37.** "Motorcycle" means a motor vehicle that has a seat or
44 saddle for the use of the rider and that is designed to travel on not more

1 than three wheels in contact with the ground but excludes a tractor and a
2 moped.

3 ~~36.~~ 38. "Motor driven cycle" means a motorcycle, including every
4 motor scooter, with a motor that produces not more than five horsepower.

5 ~~40.~~ 39. "Motorized quadricycle" means a self-propelled motor
6 vehicle to which all of the following apply:

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

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

11 (c) The vehicle seats at least eight passengers, including the
12 driver.

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

15 (e) The vehicle is a commercial motor vehicle as defined in section
16 28-5201.

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

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

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

25 ~~37.~~ 40. "Motor vehicle":

26 (a) Means either:

27 (i) A self-propelled vehicle.

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

31 (b) Does not include **A PERSONAL DELIVERY DEVICE**, a motorized
32 wheelchair, an electric personal assistive mobility device or a motorized
33 skateboard. For the purposes of this subdivision:

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

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

39 ~~38.~~ 41. "Motor vehicle fuel" includes all products that are
40 commonly or commercially known or sold as gasoline, including casinghead
41 gasoline, natural gasoline and all flammable liquids, and that are
42 composed of a mixture of selected hydrocarbons expressly manufactured and
43 blended for the purpose of effectively and efficiently operating internal
44 combustion engines. Motor vehicle fuel does not include inflammable
45 liquids that are specifically manufactured for racing motor vehicles and

1 that are distributed for and used by racing motor vehicles at a racetrack,
2 use fuel as defined in section 28-5601, aviation fuel, fuel for jet or
3 turbine powered aircraft or the mixture created at the interface of two
4 different substances being transported through a pipeline, commonly known
5 as transmix.

6 ~~41.~~ **42.** "Neighborhood electric vehicle" means a self-propelled
7 electrically powered motor vehicle to which all of the following apply:

8 (a) The vehicle is emission free.
9 (b) The vehicle has at least four wheels in contact with the
10 ground.

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

15 ~~42.~~ **43.** "Nonresident" means a person who is not a resident of this
16 state as defined in section 28-2001.

17 ~~43.~~ **44.** "Off-road recreational motor vehicle" means a motor
18 vehicle that is designed primarily for recreational nonhighway all-terrain
19 travel and that is not operated on a public highway. Off-road
20 recreational motor vehicle does not mean a motor vehicle used for
21 construction, building trade, mining or agricultural purposes.

22 ~~44.~~ **45.** "Operator" means a person who drives a motor vehicle on a
23 highway, who is in actual physical control of a motor vehicle on a highway
24 or who is exercising control over or steering a vehicle being towed by a
25 motor vehicle.

26 ~~45.~~ **46.** "Owner" means:

27 (a) A person who holds the legal title of a vehicle.
28 (b) If a vehicle is the subject of an agreement for the conditional
29 sale or lease with the right of purchase on performance of the conditions
30 stated in the agreement and with an immediate right of possession vested
31 in the conditional vendee or lessee, the conditional vendee or lessee.

32 (c) If a mortgagor of a vehicle is entitled to possession of the
33 vehicle, the mortgagor.

34 ~~46.~~ **47.** "Pedestrian" means any person afoot. A person who uses an
35 electric personal assistive mobility device or a manual or motorized
36 wheelchair is considered a pedestrian unless the manual wheelchair
37 qualifies as a bicycle. For the purposes of this paragraph, "motorized
38 wheelchair" means a self-propelled wheelchair that is used by a person for
39 mobility.

40 **48. "PERSONAL DELIVERY DEVICE" MEANS AN ELECTRONICALLY POWERED
41 DEVICE THAT:**

42 (a) IS OPERATED BY A PERSONAL DELIVERY DEVICE OPERATOR ON SIDEWALKS
43 AND CROSSWALKS AND THAT IS INTENDED TO BE USED PRIMARILY FOR TRANSPORTING
44 PROPERTY.

45 (b) WEIGHS LESS THAN ONE HUNDRED POUNDS, EXCLUDING CARGO.

(c) HAS A MAXIMUM SPEED OF TEN MILES PER HOUR.

(d) IS EQUIPPED WITH TECHNOLOGY TO ALLOW FOR THE OPERATION OF THE DEVICE WITH OR WITHOUT THE ACTIVE CONTROL OR MONITORING OF A NATURAL PERSON.

49. "PERSONAL DELIVERY DEVICE OPERATOR":

(a) MEANS AN ELIGIBLE ENTITY OR AN ELIGIBLE ENTITY'S AGENT THAT EXERCISES DIRECT PHYSICAL CONTROL OVER OR MONITORING OF THE NAVIGATION AND OPERATION OF A PERSONAL DELIVERY DEVICE.

(b) DOES NOT INCLUDE:

(i) A PERSON THAT REQUESTS A DELIVERY OR OTHER SERVICE THAT IS RENDERED BY A PERSONAL DELIVERY DEVICE.

(ii) A PERSON THAT ONLY ARRANGES FOR AND DISPATCHES A PERSONAL DELIVERY DEVICE FOR A DELIVERY OR OTHER SERVICE.

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

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

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

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

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

1 **52.** 55. "School bus" means a motor vehicle that is designed for
2 carrying more than ten passengers and that is either:

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

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

9 **53.** 56. "Semitrailer" means a vehicle that is with or without
10 motive power, other than a pole trailer, that is designed for carrying
11 persons or property and for being drawn by a motor vehicle and that is
12 constructed so that some part of its weight and that of its load rests on
13 or is carried by another vehicle. For the purposes of this paragraph,
14 "pole trailer" has the same meaning prescribed in section 28-601.

15 **54.** 57. "State" means a state of the United States and the
16 District of Columbia.

17 **55.** 58. "State highway" means a state route or portion of a state
18 route that is accepted and designated by the board as a state highway and
19 that is maintained by the state.

20 **56.** 59. "State route" means a right-of-way whether actually used
21 as a highway or not that is designated by the board as a location for the
22 construction of a state highway.

23 **57.** 60. "Street" or "highway" means the entire width between the
24 boundary lines of every way if a part of the way is open to the use of the
25 public for purposes of vehicular travel.

26 **58.** 61. "Taxi" means a motor vehicle that has a seating capacity
27 not exceeding fifteen passengers, including the driver, that provides
28 passenger services and that:

29 (a) Does not primarily operate on a regular route or between
30 specified places.

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

34 **59.** 62. "Title transfer form" means a paper or an electronic form
35 that is prescribed by the department for the purpose of transferring a
36 certificate of title from one owner to another owner.

37 **60.** 63. "Traffic survival school" means a school that offers
38 educational sessions to drivers who are required to attend and
39 successfully complete educational sessions pursuant to this title that are
40 designed to improve the safety and habits of drivers and that are approved
41 by the department.

42 **61.** 64. "Trailer" means a vehicle that is with or without motive
43 power, other than a pole trailer, that is designed for carrying persons or
44 property and for being drawn by a motor vehicle and that is constructed so
45 that no part of its weight rests on the towing vehicle. A semitrailer

1 equipped with an auxiliary front axle commonly known as a dolly is deemed
2 to be a trailer. For the purposes of this paragraph, "pole trailer" has
3 the same meaning prescribed in section 28-601.

4 ~~62.~~ 65. "Transportation network company" has the same meaning
5 prescribed in section 28-9551.

6 ~~63.~~ 66. "Transportation network company vehicle" has the same
7 meaning prescribed in section 28-9551.

8 ~~64.~~ 67. "Transportation network service" has the same meaning
9 prescribed in section 28-9551.

10 ~~65.~~ 68. "Truck" means a motor vehicle designed or used primarily
11 for the carrying of property other than the effects of the driver or
12 passengers and includes a motor vehicle to which has been added a box, a
13 platform or other equipment for such carrying.

14 ~~66.~~ 69. "Truck tractor" means a motor vehicle that is designed and
15 used primarily for drawing other vehicles and that is not constructed to
16 carry a load other than a part of the weight of the vehicle and load
17 drawn.

18 ~~67.~~ 70. "Vehicle":

19 (a) Means a device in, on or by which a person or property is or
20 may be transported or drawn on a public highway. ~~, excluding~~

21 (b) DOES NOT INCLUDE:

22 (i) Devices moved by human power. ~~or~~

23 (ii) DEVICES used exclusively on stationary rails or tracks.

24 (iii) PERSONAL DELIVERY DEVICES.

25 ~~68.~~ 71. "Vehicle transporter" means either:

26 (a) A truck tractor capable of carrying a load and drawing a
27 semitrailer.

28 (b) A truck tractor with a stinger-steered fifth wheel capable of
29 carrying a load and drawing a semitrailer or a truck tractor with a dolly
30 mounted fifth wheel that is securely fastened to the truck tractor at two
31 or more points and that is capable of carrying a load and drawing a
32 semitrailer.

33 Sec. 2. Section 28-627, Arizona Revised Statutes, is amended to
34 read:

35 28-627. Powers of local authorities

36 A. This chapter and chapters 4 and 5 of this title do not prohibit
37 a local authority, with respect to streets and highways under its
38 jurisdiction and within the reasonable exercise of the police power, from:

39 1. Regulating the standing or parking of vehicles.

40 2. Regulating traffic by means of police officers, traffic control
41 signals or volunteer posse organization members authorized by the sheriff
42 under section 11-441 for the purpose of directing traffic only.

43 3. Regulating or prohibiting processions or assemblages on the
44 highways.

1 4. Designating particular highways as one-way highways and
2 requiring that all vehicles on one-way highways be moved in one specific
3 direction.

4 5. Regulating the speed of vehicles in public parks.

5 6. Designating any highway as a through highway and requiring that
6 all vehicles stop before entering or crossing the highway or designating
7 any intersection as a stop intersection and requiring all vehicles to stop
8 at one or more entrances to the intersection.

9 7. Restricting the use of highways as authorized in section
10 28-1106.

11 8. Regulating the operation of bicycles and requiring the
12 registration and licensing of bicycles, including the requirement of a
13 registration fee.

14 9. Regulating or prohibiting the turning of vehicles or specified
15 types of vehicles at intersections.

16 10. Altering the *prima facie* speed limits as authorized by this
17 chapter.

18 11. Designating routes over streets and highways for vehicles not
19 exceeding one hundred two inches in width, exclusive of safety equipment.

20 12. Adopting other traffic regulations that are specifically
21 authorized by this chapter or chapter 4 or 5 of this title.

22 13. Designating routes on certain streets and highways for the
23 purpose of allowing off-highway vehicle operators to gain access to or
24 from a designated off-highway recreation facility as defined in section
25 28-1171, off-highway vehicle trail as defined in section 28-1171 or
26 off-highway vehicle special event as defined in section 28-1171.

27 14. **ADOPTING REASONABLE RESTRICTIONS FOR THE SAFE OPERATION OF**
28 **PERSONAL DELIVERY DEVICES, EXCEPT THAT A PERSONAL DELIVERY DEVICE OPERATOR**
29 **MAY NOT OPERATE A PERSONAL DELIVERY DEVICE ON NONMOTORIZED TRAILS OR**
30 **BICYCLE PATHS THAT ARE ESTABLISHED AND MAINTAINED BY THIS STATE OR A LOCAL**
31 **AUTHORITY.**

32 B. A local authority shall not erect or maintain a stop sign or
33 traffic control signal at any location that requires the traffic on any
34 state highway to stop before entering or crossing any intersecting highway
35 unless approval in writing has first been obtained from the director.

36 C. An ordinance or regulation enacted under subsection A, paragraph
37 4, 5, 6, 7, 9 or 10 of this section is not effective until signs giving
38 notice of the local traffic regulations are posted on or at the entrances
39 to the highway or part of the highway affected as is most appropriate.

40 D. The definition of motor vehicle prescribed in section 28-101
41 does not prevent a local authority from adopting ordinances that regulate
42 or prohibit the operation of motorized skateboards, except that a local
43 authority shall not adopt an ordinance that requires registration and
44 licensing of motorized skateboards. For the purposes of this subsection,
45 "motorized skateboard" means a self-propelled device that has a motor, a

1 deck on which a person may ride and at least two tandem wheels in contact
2 with the ground.

3 E. In addition to the appointment of peace officers, a local
4 authority may provide by ordinance for the appointment of:

5 1. Unarmed police aides or municipally approved private contractors
6 who are employed or contracted by the police department and who are
7 empowered to commence an action or proceeding before a court or judge for
8 a violation of the local authority's ordinances regulating the standing or
9 parking of vehicles. A municipally approved private contractor shall not
10 include a relative of an employee or of an elected official of the
11 municipality. The authority of the unarmed police aide or municipally
12 approved private contractor as authorized in this section is limited to
13 the enforcement of the ordinances of local authorities regulating the
14 standing or parking of vehicles. Pursuant to rules established by the
15 supreme court, an unarmed police aide appointed pursuant to this paragraph
16 may serve any process originating out of a municipal court in the
17 municipality in which the unarmed police aide is employed. Service of
18 process under this paragraph shall only be made during the hours the
19 municipal court is open for the transaction of business and only on court
20 premises. This paragraph does not grant to unarmed police aides or
21 municipally approved private contractors other powers or benefits to which
22 peace officers of this state are entitled.

23 2. Traffic investigators who may:

24 (a) Investigate traffic accidents within the jurisdiction of the
25 local authority.

26 (b) Commence an action or proceeding before a court or judge for
27 any violation of a state statute or local ordinance relating to traffic,
28 if the violation is related to a traffic accident within the jurisdiction
29 of the local authority.

30 (c) Pursuant to rules established by the supreme court, serve any
31 process originating out of a municipal court in the municipality in which
32 the traffic investigator is employed. Service of process under paragraph
33 1 of this subsection shall only be made during the hours the municipal
34 court is open for the transaction of business and only on court premises.

35 F. A traffic investigator appointed pursuant to this section shall:

36 1. Be unarmed at all times during the course of the traffic
37 investigator's duties.

38 2. Be an employee of the appointing local authority.

39 3. File written reports as required pursuant to section 28-667.

40 G. Notwithstanding subsection E of this section, an unarmed police
41 aide, a municipally approved private contractor or a traffic investigator
42 shall not serve any process resulting from a citation issued for a
43 violation of article 3 or 6 of this chapter or of a city or town ordinance
44 for excessive speed or failure to obey a traffic control device that is
45 obtained using a photo enforcement system.

1 H. This section does not grant other powers or benefits to traffic
2 investigators to which peace officers of this state are entitled.

3 I. Pursuant to section 28-1092, a local authority shall provide
4 reasonable access to and from terminals and service facilities on highways
5 under its jurisdiction.

6 Sec. 3. Title 28, chapter 3, article 15, Arizona Revised Statutes,
7 is amended by adding section 28-913, to read:

8 28-913. Personal delivery devices; requirements;
9 prohibitions; civil penalty

10 A. NOTWITHSTANDING ANY OTHER LAW, A PERSONAL DELIVERY DEVICE
11 OPERATOR MAY OPERATE A PERSONAL DELIVERY DEVICE ON SIDEWALKS AND
12 CROSSWALKS IN THIS STATE. A PERSONAL DELIVERY DEVICE OPERATING ON A
13 SIDEWALK OR CROSSWALK HAS ALL THE RIGHTS AND DUTIES APPLICABLE TO A
14 PEDESTRIAN UNDER THE SAME CIRCUMSTANCES, EXCEPT THAT THE PERSONAL DELIVERY
15 DEVICE MUST NOT UNREASONABLY INTERFERE WITH PEDESTRIANS OR TRAFFIC AND
16 MUST YIELD THE RIGHT-OF-WAY TO PEDESTRIANS ON THE SIDEWALK OR CROSSWALK.

17 B. A PERSONAL DELIVERY DEVICE MUST:

18 1. OBEY ALL OFFICIAL TRAFFIC AND PEDESTRIAN CONTROL SIGNALS AND
19 DEVICES.

20 2. HAVE A PLATE OR MARKER THAT HAS A UNIQUE IDENTIFYING DEVICE
21 NUMBER AND THAT IDENTIFIES THE NAME AND CONTACT INFORMATION OF THE
22 PERSONAL DELIVERY DEVICE OPERATOR THAT IS OPERATING THE DEVICE.

23 3. BE EQUIPPED WITH A BRAKING SYSTEM THAT, WHEN ACTIVE OR ENGAGED,
24 ENABLES THE PERSONAL DELIVERY DEVICE TO COME TO A CONTROLLED STOP.

25 C. A PERSONAL DELIVERY DEVICE OPERATOR MAY NOT:

26 1. OPERATE A PERSONAL DELIVERY DEVICE ON A:

27 (a) PUBLIC HIGHWAY EXCEPT TO THE EXTENT NECESSARY TO CROSS A
28 CROSSWALK.

29 (b) SIDEWALK OR CROSSWALK UNLESS THE PERSONAL DELIVERY DEVICE
30 OPERATOR IS ACTIVELY CONTROLLING OR MONITORING THE NAVIGATION AND
31 OPERATION OF THE PERSONAL DELIVERY DEVICE.

32 2. USE A PERSONAL DELIVERY DEVICE TO TRANSPORT HAZARDOUS MATERIALS
33 THAT REQUIRE PLACARDING AS PRESCRIBED BY THE DEPARTMENT.

34 D. AN ELIGIBLE ENTITY THAT OWNS AND OPERATES A PERSONAL DELIVERY
35 DEVICE IN THIS STATE MUST MAINTAIN AN INSURANCE POLICY ON BEHALF OF THE
36 ELIGIBLE ENTITY AND THE ELIGIBLE ENTITY'S AGENTS, INCLUDING THE PERSONAL
37 DELIVERY DEVICE OPERATOR, THAT PROVIDES GENERAL LIABILITY COVERAGE OF AT
38 LEAST ONE HUNDRED THOUSAND DOLLARS FOR DAMAGES ARISING FROM THE COMBINED
39 OPERATIONS OF PERSONAL DELIVERY DEVICES UNDER THE ELIGIBLE ENTITY'S OR
40 AGENT'S CONTROL.

41 E. A PERSON MAY NOT OPERATE A PERSONAL DELIVERY DEVICE IN THIS
42 STATE UNLESS THE PERSON IS AUTHORIZED TO DO SO UNDER THIS SECTION AND
43 COMPLIES WITH THIS SECTION.

44 F. A PERSON THAT VIOLATES THIS SECTION IS SUBJECT TO A CIVIL
45 PENALTY OF UP TO FIVE HUNDRED DOLLARS FOR EACH VIOLATION.

1 Sec. 4. Section 28-2153, Arizona Revised Statutes, is amended to
2 read:

3 28-2153. Registration requirement; exceptions; assessment;
4 violation; classification

5 A. A person shall not operate, move or leave standing on a highway
6 a motor vehicle, trailer or semitrailer unless the motor vehicle, trailer
7 or semitrailer has been registered with the department for the current
8 registration year or is properly registered for the current registration
9 year by the state or country of which the owner or lessee is a resident.

10 B. A resident shall not operate, move or leave standing on a
11 highway a motor vehicle, trailer or semitrailer that is:

12 1. Owned by a nonresident and that is primarily under the control
13 of a resident of this state for more than seven months unless the motor
14 vehicle, trailer or semitrailer has been registered with the department
15 for the current registration year.

16 2. Leased by the resident for more than twenty-nine days unless the
17 motor vehicle, trailer or semitrailer has been registered with the
18 department for the current registration year.

19 C. This section applies to a trailer or semitrailer without motive
20 power unless the vehicle is disabled or is being towed as an abandoned
21 vehicle at the direction of a law enforcement agency.

22 D. This section does not apply to:

23 1. A farm tractor.

24 2. A trailer used solely in the operation of a farm for
25 transporting the unprocessed fiber or forage products of a farm or any
26 implement of husbandry designed primarily for or used in agricultural
27 operations and only incidentally operated or moved on a highway.

28 3. A road roller or road machinery, including a power sweeper, that
29 is temporarily operating or moved on the highway.

30 4. An owner permitted to operate a vehicle under special provisions
31 relating to lienholders, manufacturers, dealers and nonresidents.

32 5. Motorized or nonmotorized equipment designed primarily for and
33 used in mining operations and only incidentally operated or moved on a
34 highway.

35 6. A motor vehicle that is being towed by a tow truck that has been
36 registered and for which a permit has been obtained pursuant to section
37 41-1830.51.

38 7. A golf cart used in the operation of a golf course or only
39 incidentally operated or moved on a highway.

40 8. Wheeled equipment. For the purposes of this paragraph, "wheeled
41 equipment" means:

42 (a) A compressor.

43 (b) A forklift or a hay squeeze machine that is designed to load
44 hay in an off-road situation.

- 1 (c) A portable cement mixer.
- 2 (d) A single axle tow dolly as defined in section 28-1095.
- 3 (e) A tar pot.
- 4 (f) A water trailer used for watering livestock or for agricultural
5 or domestic purposes.
- 6 (g) A welder.
- 7 (h) Any other similar item designed and used primarily for
8 construction or building trade purposes.

9 9. An all-terrain vehicle or an off-road recreational motor vehicle
10 operating on a dirt road that is located in an unincorporated area of this
11 state. For the purposes of this paragraph, "dirt road" means an unpaved
12 or ungraveled road that is not maintained by this state or a city, town or
13 county of this state.

14 10. A person operating an off-highway vehicle who is participating
15 in an off-highway vehicle special event as defined in section 28-1171.

16 11. An all-terrain vehicle or an off-highway vehicle as defined in
17 section 28-1171 that is only incidentally operated or moved on a highway.

18 **12. A PERSONAL DELIVERY DEVICE.**

19 E. A person who owns or operates a trailer that is exempt from
20 registration pursuant to subsection D, paragraph 2 of this section shall
21 notify the county assessor of the exemption, and the assessor shall assess
22 the trailer.

23 F. A person who violates **THIS** subsection ~~E of this section~~ is
24 guilty of a class 2 misdemeanor.

25 Sec. 5. Section 28-4132, Arizona Revised Statutes, is amended to
26 read:

27 **28-4132. Financial responsibility requirement exemptions**

28 This article does not apply to the owner or operator of any:

29 1. Farm tractor.

30 2. Trailer used solely in the operation of a farm for transporting
31 the unprocessed fiber or forage products of a farm or an implement of
32 husbandry designed primarily for or used in agricultural operations and
33 only incidentally operated or moved on a highway.

34 3. Road-roller or road machinery, including a power sweeper,
35 temporarily operating or moved on the highway.

36 4. Trailer not used for commercial purposes or semitrailer not used
37 for commercial purposes.

38 5. Motor vehicle rented without a driver that meets the
39 requirements of section 28-2166.

40 6. Motor vehicle registered pursuant to section 28-2154.

41 7. Motor vehicle owned by the United States government.

42 8. Golf cart used in the operation of a golf course or only
43 incidentally operated or moved on a highway.

1 9. All-terrain vehicle or off-road recreational motor vehicle
2 operating on a dirt road that is located in an unincorporated area of this
3 state. For the purposes of this paragraph, "dirt road" means an unpaved
4 or ungraveled road that is not maintained by this state or a city, town or
5 county of this state.

6 10. Off-highway vehicle participating in an off-highway vehicle
7 special event as defined in section 28-1171.

8 11. PERSONAL DELIVERY DEVICE.