

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 120
SENATE BILL 1398

AN ACT

AMENDING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 9, SECTION 1, CHAPTER 163, SECTION 1, CHAPTER 166, SECTION 1, CHAPTER 306, SECTION 1, AND CHAPTER 324, SECTION 1; AMENDING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 306, SECTION 2; AMENDING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 9, SECTION 1, CHAPTER 163, SECTION 1, CHAPTER 166, SECTION 1, CHAPTER 298, SECTION 3, CHAPTER 306, SECTION 1 AND CHAPTER 324, SECTION 1; AMENDING SECTION 28-627, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 306, SECTION 3; AMENDING SECTION 28-627, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 306, SECTION 4; AMENDING SECTION 28-819, ARIZONA REVISED STATUTES; RELATING TO MODES OF 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, as amended by
3 Laws 2018, chapter 9, section 1, chapter 163, section 1, chapter 166,
4 section 1, chapter 306, section 1 and chapter 324, section 1, is amended
5 to read:

6 28-101. Definitions

7 In this title, unless the context otherwise requires:

8 1. "Alcohol" means any substance containing any form of alcohol,
9 including ethanol, methanol, propynol and isopropynol.

10 2. "Alcohol concentration" if expressed as a percentage means
11 either:

12 (a) The number of grams of alcohol per one hundred milliliters of
13 blood.

14 (b) The number of grams of alcohol per two hundred ten liters of
15 breath.

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

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

18 (i) Is designed primarily for recreational nonhighway all-terrain
19 travel.

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

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

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

24 (v) Is operated on a public highway.

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

27 (i) Is designed primarily for recreational nonhighway all-terrain
28 travel.

29 (ii) Is eighty or fewer inches in width.

30 (iii) Has an unladen weight of two thousand five hundred pounds or
31 less.

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

33 (v) Has a steering wheel for steering control.

34 (vi) Has a rollover protective structure.

35 (vii) Has an occupant retention system.

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

37 (a) A fire department vehicle.

38 (b) A police vehicle.

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

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

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

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

11 7. "Bicycle" means a device, including a racing wheelchair, that is
12 propelled by human power and on which a person may ride and that has
13 either:

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

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

18 8. "Board" means the transportation board.

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

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

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

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

33 13. "Combination of vehicles" means a truck or truck tractor and
34 semitrailer and any trailer that it tows but does not include a forklift
35 designed for the purpose of loading or unloading the truck, trailer or
36 semitrailer.

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

41 15. "Conviction" means:

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

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

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

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

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

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

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

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

15 20. "Director" means the director of the department of
16 transportation.

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

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

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

23 24. "Electric bicycle" means a bicycle or tricycle that is equipped
24 with fully operable pedals and an electric motor of less than seven
25 hundred fifty watts and that meets the requirements of one of the
26 following classes:

27 (a) "Class 1 electric bicycle" means a bicycle or tricycle that is
28 equipped with an electric motor that provides assistance only when the
29 rider is pedaling and that ceases to provide assistance when the bicycle
30 or tricycle reaches the speed of twenty miles per hour.

31 (b) "Class 2 electric bicycle" means a bicycle or tricycle that is
32 equipped with an electric motor that may be used exclusively to propel the
33 bicycle or tricycle and that is not capable of providing assistance when
34 the bicycle or tricycle reaches the speed of twenty miles per hour.

35 (c) "Class 3 electric bicycle" means a bicycle or tricycle that is
36 equipped with an electric motor that provides assistance only when the
37 rider is pedaling and that ceases to provide assistance when the bicycle
38 or tricycle reaches the speed of twenty-eight miles per hour.

39 25. "ELECTRIC MINIATURE SCOOTER" MEANS A DEVICE THAT:

40 (a) WEIGHS LESS THAN THIRTY POUNDS.

41 (b) HAS TWO OR THREE WHEELS.

42 (c) HAS HANDLEBARS.

43 (d) HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING.

44 (e) IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH.

1 (f) HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TEN MILES PER HOUR,
2 WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.

3 ~~25.~~ 26. "Electric personal assistive mobility device" means a
4 self-balancing device with one wheel or two nontandem wheels and an
5 electric propulsion system that limits the maximum speed of the device to
6 fifteen miles per hour or less and that is designed to transport only one
7 person.

8 27. "ELECTRIC STANDUP SCOOTER":

9 (a) MEANS A DEVICE THAT:

10 (i) WEIGHS LESS THAN SEVENTY-FIVE POUNDS.

11 (ii) HAS TWO OR THREE WHEELS.

12 (iii) HAS HANDLEBARS.

13 (iv) HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING.

14 (v) IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH.

15 (vi) HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TWENTY MILES PER
16 HOUR, WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.

17 (b) DOES NOT INCLUDE AN ELECTRIC MINIATURE SCOOTER.

18 ~~26.~~ 28. "Evidence" includes both of the following:

19 (a) A display on a wireless communication device of a
20 department-generated driver license, nonoperating identification license,
21 vehicle registration card or other official record of the department that
22 is presented to a law enforcement officer or in a court or an
23 administrative proceeding.

24 (b) An electronic or digital license plate authorized pursuant to
25 section 28-364.

26 ~~27.~~ 29. "Farm" means any lands primarily used for agriculture
27 production.

28 ~~28.~~ 30. "Farm tractor" means a motor vehicle designed and used
29 primarily as a farm implement for drawing implements of husbandry.

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

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

39 ~~31.~~ 33. "Hazardous material" means a material, and its mixtures or
40 solutions, that the United States department of transportation determines
41 under 49 Code of Federal Regulations is, or any quantity of a material
42 listed as a select agent or toxin under 42 Code of Federal Regulations
43 part 73 that is, capable of posing an unreasonable risk to health, safety
44 and property if transported in commerce and that is required to be

1 placarded or marked as required by the department's safety rules
2 prescribed pursuant to chapter 14 of this title.

3 ~~32.~~ 34. "Implement of husbandry" means a vehicle that is designed
4 primarily for agricultural purposes and that is used exclusively in the
5 conduct of agricultural operations, including an implement or vehicle
6 whether self-propelled or otherwise that meets both of the following
7 conditions:

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

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

15 ~~33.~~ 35. "Limousine" means a motor vehicle providing prearranged
16 ground transportation service for an individual passenger, or a group of
17 passengers, that is arranged in advance or is operated on a regular route
18 or between specified points and includes ground transportation under a
19 contract or agreement for services that includes a fixed rate or time and
20 is provided in a motor vehicle with a seating capacity not exceeding
21 fifteen passengers including the driver.

22 ~~34.~~ 36. "Livery vehicle" means a motor vehicle that:

23 (a) Has a seating capacity not exceeding fifteen passengers
24 including the driver.

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

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

29 (d) May do any of the following:

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

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

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

35 ~~35.~~ 37. "Local authority" means any county, municipal or other
36 local board or body exercising jurisdiction over highways under the
37 constitution and laws of this state.

38 ~~36.~~ 38. "Manufacturer" means a person engaged in the business of
39 manufacturing motor vehicles, trailers or semitrailers.

40 ~~37.~~ 39. "Moped" means a bicycle, not including an electric
41 bicycle, **AN ELECTRIC MINIATURE SCOOTER OR AN ELECTRIC STANDUP SCOOTER**,
42 that is equipped with a helper motor if the vehicle has a maximum piston
43 displacement of fifty cubic centimeters or less, a brake horsepower of one
44 and one-half or less and a maximum speed of twenty-five miles per hour or
45 less on a flat surface with less than a one percent grade.

1 ~~38.~~ 40. "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, an
4 electric bicycle, AN ELECTRIC MINIATURE SCOOTER, AN ELECTRIC STANDUP
5 SCOOTER and a moped.

6 ~~39.~~ 41. "Motor driven cycle" means a motorcycle, including every
7 motor scooter, with a motor that produces not more than five horsepower
8 but does not include an electric bicycle, AN ELECTRIC MINIATURE SCOOTER OR
9 AN ELECTRIC STANDUP SCOOTER.

10 ~~40.~~ 42. "Motorized quadricycle" means a self-propelled motor
11 vehicle to which all of the following apply:

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

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

16 (c) The vehicle seats at least eight passengers, including the
17 driver.

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

20 (e) The vehicle is a commercial motor vehicle as defined in section
21 28-5201.

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

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

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

30 ~~41.~~ 43. "Motor vehicle":

31 (a) Means either:

32 (i) A self-propelled vehicle.

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

36 (b) Does not include a personal delivery device, a motorized
37 wheelchair, an electric personal assistive mobility device, an electric
38 bicycle, AN ELECTRIC MINIATURE SCOOTER, AN ELECTRIC STANDUP SCOOTER or a
39 motorized skateboard. For the purposes of this subdivision:

40 (i) "Motorized skateboard" means a self-propelled device THAT DOES
41 NOT HAVE HANDLEBARS AND that has a motor, a deck on which a person may
42 ride and at least two tandem wheels in contact with the ground.

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

1 ~~42.~~ 44. "Motor vehicle fuel" includes all products that are
2 commonly or commercially known or sold as gasoline, including casinghead
3 gasoline, natural gasoline and all flammable liquids, and that are
4 composed of a mixture of selected hydrocarbons expressly manufactured and
5 blended for the purpose of effectively and efficiently operating internal
6 combustion engines. Motor vehicle fuel does not include inflammable
7 liquids that are specifically manufactured for racing motor vehicles and
8 that are distributed for and used by racing motor vehicles at a racetrack,
9 use fuel as defined in section 28-5601, aviation fuel, fuel for jet or
10 turbine powered aircraft or the mixture created at the interface of two
11 different substances being transported through a pipeline, commonly known
12 as transmix.

13 ~~43.~~ 45. "Neighborhood electric vehicle" means a self-propelled
14 electrically powered motor vehicle to which all of the following apply:

15 (a) The vehicle is emission free.

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

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

22 ~~44.~~ 46. "Nonresident" means a person who is not a resident of this
23 state as defined in section 28-2001.

24 ~~45.~~ 47. "Off-road recreational motor vehicle" means a motor
25 vehicle that is designed primarily for recreational nonhighway all-terrain
26 travel and that is not operated on a public highway. Off-road
27 recreational motor vehicle does not mean a motor vehicle used for
28 construction, building trade, mining or agricultural purposes.

29 ~~46.~~ 48. "Operator" means a person who drives a motor vehicle on a
30 highway, who is in actual physical control of a motor vehicle on a highway
31 or who is exercising control over or steering a vehicle being towed by a
32 motor vehicle.

33 ~~47.~~ 49. "Owner" means:

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

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

39 (c) If a mortgagor of a vehicle is entitled to possession of the
40 vehicle, the mortgagor.

41 ~~48.~~ 50. "Pedestrian" means any person afoot. A person who uses an
42 electric personal assistive mobility device or a manual or motorized
43 wheelchair is considered a pedestrian unless the manual wheelchair
44 qualifies as a bicycle. For the purposes of this paragraph, "motorized

1 wheelchair" means a self-propelled wheelchair that is used by a person for
2 mobility.

3 ~~49.~~ 51. "Personal delivery device" means an electronically powered
4 device that:

5 (a) Is operated primarily on sidewalks and within crosswalks and
6 that is designed to transport property.

7 (b) Weighs less than two hundred pounds, excluding cargo, unless
8 otherwise authorized by a local authority pursuant to section 28-627.

9 (c) Operates at a maximum speed of seven miles per hour, unless
10 otherwise authorized by a local authority pursuant to section 28-627.

11 (d) Is equipped with technology to allow for the operation of the
12 device with or without the active control or monitoring of a natural
13 person.

14 (e) Is equipped with a braking system that when active or engaged
15 enables the personal delivery device to come to a controlled stop.

16 ~~50.~~ 52. "Power sweeper" means an implement, with or without motive
17 power, that is only incidentally operated or moved on a street or highway
18 and that is designed for the removal of debris, dirt, gravel, litter or
19 sand whether by broom, vacuum or regenerative air system from asphaltic
20 concrete or cement concrete surfaces, including parking lots, highways,
21 streets and warehouses, and a vehicle on which the implement is
22 permanently mounted.

23 ~~51.~~ 53. "Public transit" means the transportation of passengers on
24 scheduled routes by means of a conveyance on an individual passenger
25 fare-paying basis excluding transportation by a sightseeing bus, school
26 bus or taxi or a vehicle not operated on a scheduled route basis.

27 ~~52.~~ 54. "Reconstructed vehicle" means a vehicle that has been
28 assembled or constructed largely by means of essential parts, new or used,
29 derived from vehicles or makes of vehicles of various names, models and
30 types or that, if originally otherwise constructed, has been materially
31 altered by the removal of essential parts or by the addition or
32 substitution of essential parts, new or used, derived from other vehicles
33 or makes of vehicles. For the purposes of this paragraph, "essential
34 parts" means integral and body parts, the removal, alteration or
35 substitution of which will tend to conceal the identity or substantially
36 alter the appearance of the vehicle.

37 ~~53.~~ 55. "Residence district" means the territory contiguous to and
38 including a highway not comprising a business district if the property on
39 the highway for a distance of three hundred feet or more is in the main
40 improved with residences or residences and buildings in use for business.

41 ~~54.~~ 56. "Right-of-way" when used within the context of the
42 regulation of the movement of traffic on a highway means the privilege of
43 the immediate use of the highway. Right-of-way when used within the
44 context of the real property on which transportation facilities and

1 appurtenances to the facilities are constructed or maintained means the
2 lands or interest in lands within the right-of-way boundaries.

3 ~~55.~~ 57. "School bus" means a motor vehicle that is designed for
4 carrying more than ten passengers and that is either:

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

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

11 ~~56.~~ 58. "Semitrailer" means a vehicle that is with or without
12 motive power, other than a pole trailer or single-axle tow dolly, that is
13 designed for carrying persons or property and for being drawn by a motor
14 vehicle and that is constructed so that some part of its weight and that
15 of its load rests on or is carried by another vehicle. For the purposes
16 of this paragraph, "pole trailer" has the same meaning prescribed in
17 section 28-601.

18 ~~57.~~ 59. "Single-axle tow dolly" means a nonvehicle device that is
19 drawn by a motor vehicle, that is designed and used exclusively to
20 transport another motor vehicle and on which the front or rear wheels of
21 the drawn motor vehicle are mounted on the tow dolly while the other
22 wheels of the drawn motor vehicle remain in contact with the ground.

23 ~~58.~~ 60. "State" means a state of the United States and the
24 District of Columbia.

25 ~~59.~~ 61. "State highway" means a state route or portion of a state
26 route that is accepted and designated by the board as a state highway and
27 that is maintained by the state.

28 ~~60.~~ 62. "State route" means a right-of-way whether actually used
29 as a highway or not that is designated by the board as a location for the
30 construction of a state highway.

31 ~~61.~~ 63. "Street" or "highway" means the entire width between the
32 boundary lines of every way if a part of the way is open to the use of the
33 public for purposes of vehicular travel.

34 ~~62.~~ 64. "Taxi" means a motor vehicle that has a seating capacity
35 not exceeding fifteen passengers, including the driver, that provides
36 passenger services and that:

37 (a) Does not primarily operate on a regular route or between
38 specified places.

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

42 ~~63.~~ 65. "Title transfer form" means a paper or an electronic form
43 that is prescribed by the department for the purpose of transferring a
44 certificate of title from one owner to another owner.

1 ~~64.~~ 66. "Traffic survival school" means a school that offers
2 educational sessions to drivers who are required to attend and
3 successfully complete educational sessions pursuant to this title that are
4 designed to improve the safety and habits of drivers and that are approved
5 by the department.

6 ~~65.~~ 67. "Trailer" means a vehicle that is with or without motive
7 power, other than a pole trailer or single-axle tow dolly, that is
8 designed for carrying persons or property and for being drawn by a motor
9 vehicle and that is constructed so that no part of its weight rests on the
10 towing vehicle. A semitrailer equipped with an auxiliary front axle
11 commonly known as a dolly is deemed to be a trailer. For the purposes of
12 this paragraph, "pole trailer" has the same meaning prescribed in section
13 28-601.

14 ~~66.~~ 68. "Transportation network company" has the same meaning
15 prescribed in section 28-9551.

16 ~~67.~~ 69. "Transportation network company vehicle" has the same
17 meaning prescribed in section 28-9551.

18 ~~68.~~ 70. "Transportation network service" has the same meaning
19 prescribed in section 28-9551.

20 ~~69.~~ 71. "Truck" means a motor vehicle designed or used primarily
21 for the carrying of property other than the effects of the driver or
22 passengers and includes a motor vehicle to which has been added a box, a
23 platform or other equipment for such carrying.

24 ~~70.~~ 72. "Truck tractor" means a motor vehicle that is designed and
25 used primarily for drawing other vehicles and that is not constructed to
26 carry a load other than a part of the weight of the vehicle and load
27 drawn.

28 ~~71.~~ 73. "Vehicle":

29 (a) Means a device in, on or by which a person or property is or
30 may be transported or drawn on a public highway.

31 (b) Does not include:

32 (i) Electric bicycles, **ELECTRIC MINIATURE SCOOTERS, ELECTRIC**
33 **STANDUP SCOOTERS** and devices moved by human power.

34 (ii) Devices used exclusively on stationary rails or tracks.

35 (iii) Personal delivery devices.

36 ~~72.~~ 74. "Vehicle transporter" means either:

37 (a) A truck tractor capable of carrying a load and drawing a
38 semitrailer.

39 (b) A truck tractor with a stinger-steered fifth wheel capable of
40 carrying a load and drawing a semitrailer or a truck tractor with a dolly
41 mounted fifth wheel that is securely fastened to the truck tractor at two
42 or more points and that is capable of carrying a load and drawing a
43 semitrailer.

1 Sec. 2. Section 28-101, Arizona Revised Statutes, as amended by
2 Laws 2018, chapter 306, section 2, is amended to read:

3 28-101. Definitions

4 In this title, unless the context otherwise requires:

5 1. "Alcohol" means any substance containing any form of alcohol,
6 including ethanol, methanol, propynol and isopropynol.

7 2. "Alcohol concentration" if expressed as a percentage means
8 either:

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

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

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

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

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

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

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

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

21 (v) Is operated on a public highway.

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

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

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

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

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

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

31 (a) A fire department vehicle.

32 (b) A police vehicle.

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

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

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

44 6. "Aviation fuel" means all flammable liquids composed of a
45 mixture of selected hydrocarbons expressly manufactured and blended for

1 the purpose of effectively and efficiently operating an internal
2 combustion engine for use in an aircraft but does not include fuel for jet
3 or turbine powered aircraft.

4 7. "Bicycle" means a device, including a racing wheelchair, that is
5 propelled by human power and on which a person may ride and that has
6 either:

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

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

11 8. "Board" means the transportation board.

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

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

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

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

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

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

34 15. "Conviction" means:

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

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

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

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

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

44 17. "Dealer" means a person who is engaged in the business of
45 buying, selling or exchanging motor vehicles, trailers or semitrailers and

1 who has an established place of business and has paid fees pursuant to
2 section 28-4302.

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

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

7 20. "Director" means the director of the department of
8 transportation.

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

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

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

15 24. "ELECTRIC BICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED
16 WITH FULLY OPERABLE PEDALS AND AN ELECTRIC MOTOR OF LESS THAN SEVEN
17 HUNDRED FIFTY WATTS AND THAT MEETS THE REQUIREMENTS OF ONE OF THE
18 FOLLOWING CLASSES:

19 (a) "CLASS 1 ELECTRIC BICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS
20 EQUIPPED WITH AN ELECTRIC MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE
21 RIDER IS PEDALING AND THAT CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE
22 OR TRICYCLE REACHES THE SPEED OF TWENTY MILES PER HOUR.

23 (b) "CLASS 2 ELECTRIC BICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS
24 EQUIPPED WITH AN ELECTRIC MOTOR THAT MAY BE USED EXCLUSIVELY TO PROPEL THE
25 BICYCLE OR TRICYCLE AND THAT IS NOT CAPABLE OF PROVIDING ASSISTANCE WHEN
26 THE BICYCLE OR TRICYCLE REACHES THE SPEED OF TWENTY MILES PER HOUR.

27 (c) "CLASS 3 ELECTRIC BICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS
28 EQUIPPED WITH AN ELECTRIC MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE
29 RIDER IS PEDALING AND THAT CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE
30 OR TRICYCLE REACHES THE SPEED OF TWENTY-EIGHT MILES PER HOUR.

31 25. "ELECTRIC MINIATURE SCOOTER" MEANS A DEVICE THAT:

32 (a) WEIGHS LESS THAN THIRTY POUNDS.

33 (b) HAS TWO OR THREE WHEELS.

34 (c) HAS HANDLEBARS.

35 (d) HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING.

36 (e) IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH.

37 (f) HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TEN MILES PER HOUR,
38 WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.

39 ~~24.~~ 26. "Electric personal assistive mobility device" means a
40 self-balancing device with one wheel or two nontandem wheels and an
41 electric propulsion system that limits the maximum speed of the device to
42 fifteen miles per hour or less and that is designed to transport only one
43 person.

- 1 27. "ELECTRIC STANDUP SCOOTER":
2 (a) MEANS A DEVICE THAT:
3 (i) WEIGHS LESS THAN SEVENTY-FIVE POUNDS.
4 (ii) HAS TWO OR THREE WHEELS.
5 (iii) HAS HANDLEBARS.
6 (iv) HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING.
7 (v) IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH.
8 (vi) HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TWENTY MILES PER
9 HOUR, WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.
10 (b) DOES NOT INCLUDE AN ELECTRIC MINIATURE SCOOTER.
11 ~~25.~~ 28. "Farm" means any lands primarily used for agriculture
12 production.
13 ~~26.~~ 29. "Farm tractor" means a motor vehicle designed and used
14 primarily as a farm implement for drawing implements of husbandry.
15 ~~27.~~ 30. "Foreign vehicle" means a motor vehicle, trailer or
16 semitrailer that is brought into this state other than in the ordinary
17 course of business by or through a manufacturer or dealer and that has not
18 been registered in this state.
19 ~~28.~~ 31. "Golf cart" means a motor vehicle that has not less than
20 three wheels in contact with the ground, that has an unladen weight of
21 less than one thousand eight hundred pounds, that is designed to be and is
22 operated at not more than twenty-five miles per hour and that is designed
23 to carry not more than four persons including the driver.
24 ~~29.~~ 32. "Hazardous material" means a material, and its mixtures or
25 solutions, that the United States department of transportation determines
26 under 49 Code of Federal Regulations is, or any quantity of a material
27 listed as a select agent or toxin under 42 Code of Federal Regulations
28 part 73 that is, capable of posing an unreasonable risk to health, safety
29 and property if transported in commerce and that is required to be
30 placarded or marked as required by the department's safety rules
31 prescribed pursuant to chapter 14 of this title.
32 ~~30.~~ 33. "Implement of husbandry" means a vehicle that is designed
33 primarily for agricultural purposes and that is used exclusively in the
34 conduct of agricultural operations, including an implement or vehicle
35 whether self-propelled or otherwise that meets both of the following
36 conditions:
37 (a) Is used solely for agricultural purposes including the
38 preparation or harvesting of cotton, alfalfa, grains and other farm crops.
39 (b) Is only incidentally operated or moved on a highway whether as
40 a trailer or self-propelled unit. For the purposes of this subdivision,
41 "incidentally operated or moved on a highway" means travel between a farm
42 and another part of the same farm, from one farm to another farm or
43 between a farm and a place of repair, supply or storage.

1 ~~31.~~ 34. "Limousine" means a motor vehicle providing prearranged
2 ground transportation service for an individual passenger, or a group of
3 passengers, that is arranged in advance or is operated on a regular route
4 or between specified points and includes ground transportation under a
5 contract or agreement for services that includes a fixed rate or time and
6 is provided in a motor vehicle with a seating capacity not exceeding
7 fifteen passengers including the driver.

8 ~~32.~~ 35. "Livery vehicle" means a motor vehicle that:
9 (a) Has a seating capacity not exceeding fifteen passengers
10 including the driver.

11 (b) Provides passenger services for a fare determined by a flat
12 rate or flat hourly rate between geographic zones or within a geographic
13 area.

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

15 (d) May do any of the following:

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

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

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

21 ~~33.~~ 36. "Local authority" means any county, municipal or other
22 local board or body exercising jurisdiction over highways under the
23 constitution and laws of this state.

24 ~~34.~~ 37. "Manufacturer" means a person engaged in the business of
25 manufacturing motor vehicles, trailers or semitrailers.

26 ~~35.~~ 38. "Moped" means a bicycle, **NOT INCLUDING AN ELECTRIC**
27 **BICYCLE, AN ELECTRIC MINIATURE SCOOTER OR AN ELECTRIC STANDUP SCOOTER,**
28 that is equipped with a helper motor if the vehicle has a maximum piston
29 displacement of fifty cubic centimeters or less, a brake horsepower of one
30 and one-half or less and a maximum speed of twenty-five miles per hour or
31 less on a flat surface with less than a one percent grade.

32 ~~36.~~ 39. "Motorcycle" means a motor vehicle that has a seat or
33 saddle for the use of the rider and that is designed to travel on not more
34 than three wheels in contact with the ground but excludes a tractor, **AN**
35 **ELECTRIC BICYCLE, AN ELECTRIC MINIATURE SCOOTER, AN ELECTRIC STANDUP**
36 **SCOOTER** and a moped.

37 ~~37.~~ 40. "Motor driven cycle" means a motorcycle, including every
38 motor scooter, with a motor that produces not more than five horsepower
39 **BUT DOES NOT INCLUDE AN ELECTRIC BICYCLE, AN ELECTRIC MINIATURE SCOOTER OR**
40 **AN ELECTRIC STANDUP SCOOTER.**

41 ~~38.~~ 41. "Motorized quadricycle" means a self-propelled motor
42 vehicle to which all of the following apply:

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

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

3 (c) The vehicle seats at least eight passengers, including the
4 driver.

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

7 (e) The vehicle is a commercial motor vehicle as defined in section
8 28-5201.

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

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

13 (h) 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 ~~39.~~ 42. "Motor vehicle":

18 (a) Means either:

19 (i) A self-propelled vehicle.

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

23 (b) Does not include a motorized wheelchair, an electric personal
24 assistive mobility device, **AN ELECTRIC BICYCLE, AN ELECTRIC MINIATURE**
25 **SCOOTER, AN ELECTRIC STANDUP SCOOTER** or a motorized skateboard. For the
26 purposes of this subdivision:

27 (i) "Motorized skateboard" means a self-propelled device **THAT DOES**
28 **NOT HAVE HANDLEBARS AND** that has a motor, a deck on which a person may
29 ride and at least two tandem wheels in contact with the ground.

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

32 ~~40.~~ 43. "Motor vehicle fuel" includes all products that are
33 commonly or commercially known or sold as gasoline, including casinghead
34 gasoline, natural gasoline and all flammable liquids, and that are
35 composed of a mixture of selected hydrocarbons expressly manufactured and
36 blended for the purpose of effectively and efficiently operating internal
37 combustion engines. Motor vehicle fuel does not include inflammable
38 liquids that are specifically manufactured for racing motor vehicles and
39 that are distributed for and used by racing motor vehicles at a racetrack,
40 use fuel as defined in section 28-5601, aviation fuel, fuel for jet or
41 turbine powered aircraft or the mixture created at the interface of two
42 different substances being transported through a pipeline, commonly known
43 as transmix.

1 ~~41.~~ 44. "Neighborhood electric vehicle" means a self-propelled
2 electrically powered motor vehicle to which all of the following apply:

3 (a) The vehicle is emission free.

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

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

10 ~~42.~~ 45. "Nonresident" means a person who is not a resident of this
11 state as defined in section 28-2001.

12 ~~43.~~ 46. "Off-road recreational motor vehicle" means a motor
13 vehicle that is designed primarily for recreational nonhighway all-terrain
14 travel and that is not operated on a public highway. Off-road
15 recreational motor vehicle does not mean a motor vehicle used for
16 construction, building trade, mining or agricultural purposes.

17 ~~44.~~ 47. "Operator" means a person who drives a motor vehicle on a
18 highway, who is in actual physical control of a motor vehicle on a highway
19 or who is exercising control over or steering a vehicle being towed by a
20 motor vehicle.

21 ~~45.~~ 48. "Owner" means:

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

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

27 (c) If a mortgagor of a vehicle is entitled to possession of the
28 vehicle, the mortgagor.

29 ~~46.~~ 49. "Pedestrian" means any person afoot. A person who uses an
30 electric personal assistive mobility device or a manual or motorized
31 wheelchair is considered a pedestrian unless the manual wheelchair
32 qualifies as a bicycle. For the purposes of this paragraph, "motorized
33 wheelchair" means a self-propelled wheelchair that is used by a person for
34 mobility.

35 ~~47.~~ 50. "Power sweeper" means an implement, with or without motive
36 power, that is only incidentally operated or moved on a street or highway
37 and that is designed for the removal of debris, dirt, gravel, litter or
38 sand whether by broom, vacuum or regenerative air system from asphaltic
39 concrete or cement concrete surfaces, including parking lots, highways,
40 streets and warehouses, and a vehicle on which the implement is
41 permanently mounted.

42 ~~48.~~ 51. "Public transit" means the transportation of passengers on
43 scheduled routes by means of a conveyance on an individual passenger
44 fare-paying basis excluding transportation by a sightseeing bus, school
45 bus or taxi or a vehicle not operated on a scheduled route basis.

1 ~~49.~~ 52. "Reconstructed vehicle" means a vehicle that has been
2 assembled or constructed largely by means of essential parts, new or used,
3 derived from vehicles or makes of vehicles of various names, models and
4 types or that, if originally otherwise constructed, has been materially
5 altered by the removal of essential parts or by the addition or
6 substitution of essential parts, new or used, derived from other vehicles
7 or makes of vehicles. For the purposes of this paragraph, "essential
8 parts" means integral and body parts, the removal, alteration or
9 substitution of which will tend to conceal the identity or substantially
10 alter the appearance of the vehicle.

11 ~~50.~~ 53. "Residence district" means the territory contiguous to and
12 including a highway not comprising a business district if the property on
13 the highway for a distance of three hundred feet or more is in the main
14 improved with residences or residences and buildings in use for business.

15 ~~51.~~ 54. "Right-of-way" when used within the context of the
16 regulation of the movement of traffic on a highway means the privilege of
17 the immediate use of the highway. Right-of-way when used within the
18 context of the real property on which transportation facilities and
19 appurtenances to the facilities are constructed or maintained means the
20 lands or interest in lands within the right-of-way boundaries.

21 ~~52.~~ 55. "School bus" means a motor vehicle that is designed for
22 carrying more than ten passengers and that is either:

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

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

29 ~~53.~~ 56. "Semitrailer" means a vehicle that is with or without
30 motive power, other than a pole trailer, that is designed for carrying
31 persons or property and for being drawn by a motor vehicle and that is
32 constructed so that some part of its weight and that of its load rests on
33 or is carried by another vehicle. For the purposes of this paragraph,
34 "pole trailer" has the same meaning prescribed in section 28-601.

35 ~~54.~~ 57. "State" means a state of the United States and the
36 District of Columbia.

37 ~~55.~~ 58. "State highway" means a state route or portion of a state
38 route that is accepted and designated by the board as a state highway and
39 that is maintained by the state.

40 ~~56.~~ 59. "State route" means a right-of-way whether actually used
41 as a highway or not that is designated by the board as a location for the
42 construction of a state highway.

43 ~~57.~~ 60. "Street" or "highway" means the entire width between the
44 boundary lines of every way if a part of the way is open to the use of the
45 public for purposes of vehicular travel.

1 ~~58.~~ 61. "Taxi" means a motor vehicle that has a seating capacity
2 not exceeding fifteen passengers, including the driver, that provides
3 passenger services and that:

4 (a) Does not primarily operate on a regular route or between
5 specified places.

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

9 ~~59.~~ 62. "Title transfer form" means a paper or an electronic form
10 that is prescribed by the department for the purpose of transferring a
11 certificate of title from one owner to another owner.

12 ~~60.~~ 63. "Traffic survival school" means a school that offers
13 educational sessions to drivers who are required to attend and
14 successfully complete educational sessions pursuant to this title that are
15 designed to improve the safety and habits of drivers and that are approved
16 by the department.

17 ~~61.~~ 64. "Trailer" means a vehicle that is with or without motive
18 power, other than a pole trailer, that is designed for carrying persons or
19 property and for being drawn by a motor vehicle and that is constructed so
20 that no part of its weight rests on the towing vehicle. A semitrailer
21 equipped with an auxiliary front axle commonly known as a dolly is deemed
22 to be a trailer. For the purposes of this paragraph, "pole trailer" has
23 the same meaning prescribed in section 28-601.

24 ~~62.~~ 65. "Transportation network company" has the same meaning
25 prescribed in section 28-9551.

26 ~~63.~~ 66. "Transportation network company vehicle" has the same
27 meaning prescribed in section 28-9551.

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

30 ~~65.~~ 68. "Truck" means a motor vehicle designed or used primarily
31 for the carrying of property other than the effects of the driver or
32 passengers and includes a motor vehicle to which has been added a box, a
33 platform or other equipment for such carrying.

34 ~~66.~~ 69. "Truck tractor" means a motor vehicle that is designed and
35 used primarily for drawing other vehicles and that is not constructed to
36 carry a load other than a part of the weight of the vehicle and load
37 drawn.

38 ~~67.~~ 70. "Vehicle":

39 (a) Means a device in, on or by which a person or property is or
40 may be transported or drawn on a public highway.

41 (b) Does not include:

42 (i) ELECTRIC BICYCLES, ELECTRIC MINIATURE SCOOTERS, ELECTRIC
43 STANDUP SCOOTERS AND devices moved by human power.

44 (ii) Devices used exclusively on stationary rails or tracks.

1 ~~68.~~ 71. "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.

9 Sec. 3. Section 28-101, Arizona Revised Statutes, as amended by
10 Laws 2018, chapter 9, section 1, chapter 163, section 1, chapter 166,
11 section 1, chapter 298, section 3, chapter 306, section 1 and chapter 324,
12 section 1, is amended to read:

13 28-101. Definitions

14 In this title, unless the context otherwise requires:

15 1. "Alcohol" means any substance containing any form of alcohol,
16 including ethanol, methanol, propynol and isopropynol.

17 2. "Alcohol concentration" if expressed as a percentage means
18 either:

19 (a) The number of grams of alcohol per one hundred milliliters of
20 blood.

21 (b) The number of grams of alcohol per two hundred ten liters of
22 breath.

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

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

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

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

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

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

31 (v) Is operated on a public highway.

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

34 (i) Is designed primarily for recreational nonhighway all-terrain
35 travel.

36 (ii) Is eighty or fewer inches in width.

37 (iii) Has an unladen weight of two thousand five hundred pounds or
38 less.

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

40 (v) Has a steering wheel for steering control.

41 (vi) Has a rollover protective structure.

42 (vii) Has an occupant retention system.

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

44 (a) A fire department vehicle.

1 (b) A police vehicle.

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

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

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

13 6. "Automotive recycler" means a person that is engaged in the
14 business of buying or acquiring a motor vehicle solely for the purpose of
15 dismantling, selling or otherwise disposing of the parts or accessories
16 and that removes parts for resale from six or more vehicles in a calendar
17 year.

18 7. "Aviation fuel" means all flammable liquids composed of a
19 mixture of selected hydrocarbons expressly manufactured and blended for
20 the purpose of effectively and efficiently operating an internal
21 combustion engine for use in an aircraft but does not include fuel for jet
22 or turbine powered aircraft.

23 8. "Bicycle" means a device, including a racing wheelchair, that is
24 propelled by human power and on which a person may ride and that has
25 either:

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

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

30 9. "Board" means the transportation board.

31 10. "Bus" means a motor vehicle designed for carrying sixteen or
32 more passengers, including the driver.

33 11. "Business district" means the territory contiguous to and
34 including a highway if there are buildings in use for business or
35 industrial purposes within any six hundred feet along the highway,
36 including hotels, banks or office buildings, railroad stations and public
37 buildings that occupy at least three hundred feet of frontage on one side
38 or three hundred feet collectively on both sides of the highway.

39 12. "Certificate of ownership" means a paper or an electronic
40 record that is issued in another state or a foreign jurisdiction and that
41 indicates ownership of a vehicle.

42 13. "Certificate of title" means a paper document or an electronic
43 record that is issued by the department and that indicates ownership of a
44 vehicle.

1 14. "Combination of vehicles" means a truck or truck tractor and
2 semitrailer and any trailer that it tows but does not include a forklift
3 designed for the purpose of loading or unloading the truck, trailer or
4 semitrailer.

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

9 16. "Conviction" means:

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

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

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

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

17 17. "County highway" means a public road that is constructed and
18 maintained by a county.

19 18. "Dealer" means a person who is engaged in the business of
20 buying, selling or exchanging motor vehicles, trailers or semitrailers and
21 who has an established place of business and has paid fees pursuant to
22 section 28-4302.

23 19. "Department" means the department of transportation acting
24 directly or through its duly authorized officers and agents.

25 20. "Digital network or software application" has the same meaning
26 prescribed in section 28-9551.

27 21. "Director" means the director of the department of
28 transportation.

29 22. "Drive" means to operate or be in actual physical control of a
30 motor vehicle.

31 23. "Driver" means a person who drives or is in actual physical
32 control of a vehicle.

33 24. "Driver license" means a license that is issued by a state to
34 an individual and that authorizes the individual to drive a motor vehicle.

35 25. "Electric bicycle" means a bicycle or tricycle that is equipped
36 with fully operable pedals and an electric motor of less than seven
37 hundred fifty watts and that meets the requirements of one of the
38 following classes:

39 (a) "Class 1 electric bicycle" means a bicycle or tricycle that is
40 equipped with an electric motor that provides assistance only when the
41 rider is pedaling and that ceases to provide assistance when the bicycle
42 or tricycle reaches the speed of twenty miles per hour.

43 (b) "Class 2 electric bicycle" means a bicycle or tricycle that is
44 equipped with an electric motor that may be used exclusively to propel the

1 bicycle or tricycle and that is not capable of providing assistance when
2 the bicycle or tricycle reaches the speed of twenty miles per hour.

3 (c) "Class 3 electric bicycle" means a bicycle or tricycle that is
4 equipped with an electric motor that provides assistance only when the
5 rider is pedaling and that ceases to provide assistance when the bicycle
6 or tricycle reaches the speed of twenty-eight miles per hour.

7 26. "ELECTRIC MINIATURE SCOOTER" MEANS A DEVICE THAT:

8 (a) WEIGHS LESS THAN THIRTY POUNDS.

9 (b) HAS TWO OR THREE WHEELS.

10 (c) HAS HANDLEBARS.

11 (d) HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING.

12 (e) IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH.

13 (f) HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TEN MILES PER HOUR,
14 WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.

15 ~~26.~~ 27. "Electric personal assistive mobility device" means a
16 self-balancing device with one wheel or two nontandem wheels and an
17 electric propulsion system that limits the maximum speed of the device to
18 fifteen miles per hour or less and that is designed to transport only one
19 person.

20 28. "ELECTRIC STANDUP SCOOTER":

21 (a) MEANS A DEVICE THAT:

22 (i) WEIGHS LESS THAN SEVENTY-FIVE POUNDS.

23 (ii) HAS TWO OR THREE WHEELS.

24 (iii) HAS HANDLEBARS.

25 (iv) HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING.

26 (v) IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH.

27 (vi) HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TWENTY MILES PER
28 HOUR, WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.

29 (b) DOES NOT INCLUDE AN ELECTRIC MINIATURE SCOOTER.

30 ~~27.~~ 29. "Evidence" includes both of the following:

31 (a) A display on a wireless communication device of a
32 department-generated driver license, nonoperating identification license,
33 vehicle registration card or other official record of the department that
34 is presented to a law enforcement officer or in a court or an
35 administrative proceeding.

36 (b) An electronic or digital license plate authorized pursuant to
37 section 28-364.

38 ~~28.~~ 30. "Farm" means any lands primarily used for agriculture
39 production.

40 ~~29.~~ 31. "Farm tractor" means a motor vehicle designed and used
41 primarily as a farm implement for drawing implements of husbandry.

42 ~~30.~~ 32. "Foreign vehicle" means a motor vehicle, trailer or
43 semitrailer that is brought into this state other than in the ordinary
44 course of business by or through a manufacturer or dealer and that has not
45 been registered in this state.

1 ~~31.~~ 33. "Golf cart" means a motor vehicle that has not less than
2 three wheels in contact with the ground, that has an unladen weight of
3 less than one thousand eight hundred pounds, that is designed to be and is
4 operated at not more than twenty-five miles per hour and that is designed
5 to carry not more than four persons including the driver.

6 ~~32.~~ 34. "Hazardous material" means a material, and its mixtures or
7 solutions, that the United States department of transportation determines
8 under 49 Code of Federal Regulations is, or any quantity of a material
9 listed as a select agent or toxin under 42 Code of Federal Regulations
10 part 73 that is, capable of posing an unreasonable risk to health, safety
11 and property if transported in commerce and that is required to be
12 placarded or marked as required by the department's safety rules
13 prescribed pursuant to chapter 14 of this title.

14 ~~33.~~ 35. "Implement of husbandry" means a vehicle that is designed
15 primarily for agricultural purposes and that is used exclusively in the
16 conduct of agricultural operations, including an implement or vehicle
17 whether self-propelled or otherwise that meets both of the following
18 conditions:

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

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

26 ~~34.~~ 36. "Limousine" means a motor vehicle providing prearranged
27 ground transportation service for an individual passenger, or a group of
28 passengers, that is arranged in advance or is operated on a regular route
29 or between specified points and includes ground transportation under a
30 contract or agreement for services that includes a fixed rate or time and
31 is provided in a motor vehicle with a seating capacity not exceeding
32 fifteen passengers including the driver.

33 ~~35.~~ 37. "Livery vehicle" means a motor vehicle that:

34 (a) Has a seating capacity not exceeding fifteen passengers
35 including the driver.

36 (b) Provides passenger services for a fare determined by a flat
37 rate or flat hourly rate between geographic zones or within a geographic
38 area.

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

40 (d) May do any of the following:

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

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

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

1 ~~36-~~ 38. "Local authority" means any county, municipal or other
2 local board or body exercising jurisdiction over highways under the
3 constitution and laws of this state.

4 ~~37-~~ 39. "Manufacturer" means a person engaged in the business of
5 manufacturing motor vehicles, trailers or semitrailers.

6 ~~38-~~ 40. "Moped" means a bicycle, not including an electric
7 bicycle, AN ELECTRIC MINIATURE SCOOTER OR AN ELECTRIC STANDUP SCOOTER,
8 that is equipped with a helper motor if the vehicle has a maximum piston
9 displacement of fifty cubic centimeters or less, a brake horsepower of one
10 and one-half or less and a maximum speed of twenty-five miles per hour or
11 less on a flat surface with less than a one percent grade.

12 ~~39-~~ 41. "Motorcycle" means a motor vehicle that has a seat or
13 saddle for the use of the rider and that is designed to travel on not more
14 than three wheels in contact with the ground but excludes a tractor, an
15 electric bicycle, AN ELECTRIC MINIATURE SCOOTER, AN ELECTRIC STANDUP
16 SCOOTER and a moped.

17 ~~40-~~ 42. "Motor driven cycle" means a motorcycle, including every
18 motor scooter, with a motor that produces not more than five horsepower
19 but does not include an electric bicycle, AN ELECTRIC MINIATURE SCOOTER OR
20 AN ELECTRIC STANDUP SCOOTER.

21 ~~41-~~ 43. "Motorized quadricycle" means a self-propelled motor
22 vehicle to which all of the following apply:

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

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

27 (c) The vehicle seats at least eight passengers, including the
28 driver.

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

31 (e) The vehicle is a commercial motor vehicle as defined in section
32 28-5201.

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

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

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

41 ~~42-~~ 44. "Motor vehicle":

42 (a) Means either:

43 (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 scrap vehicle, a personal delivery device, a
5 motorized wheelchair, an electric personal assistive mobility device, an
6 electric bicycle, **AN ELECTRIC MINIATURE SCOOTER, AN ELECTRIC STANDUP**
7 **SCOOTER** or a motorized skateboard. For the purposes of this subdivision:

8 (i) "Motorized skateboard" means a self-propelled device **THAT DOES**
9 **NOT HAVE HANDLEBARS AND** that has a motor, a deck on which a person may
10 ride and at least two tandem wheels in contact with the ground.

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

13 ~~43.~~ 45. "Motor vehicle fuel" includes all products that are
14 commonly or commercially known or sold as gasoline, including casinghead
15 gasoline, natural gasoline and all flammable liquids, and that are
16 composed of a mixture of selected hydrocarbons expressly manufactured and
17 blended for the purpose of effectively and efficiently operating internal
18 combustion engines. Motor vehicle fuel does not include inflammable
19 liquids that are specifically manufactured for racing motor vehicles and
20 that are distributed for and used by racing motor vehicles at a racetrack,
21 use fuel as defined in section 28-5601, aviation fuel, fuel for jet or
22 turbine powered aircraft or the mixture created at the interface of two
23 different substances being transported through a pipeline, commonly known
24 as transmix.

25 ~~44.~~ 46. "Neighborhood electric vehicle" means a self-propelled
26 electrically powered motor vehicle to which all of the following apply:

27 (a) The vehicle is emission free.

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

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

34 ~~45.~~ 47. "Nonresident" means a person who is not a resident of this
35 state as defined in section 28-2001.

36 ~~46.~~ 48. "Off-road recreational motor vehicle" means a motor
37 vehicle that is designed primarily for recreational nonhighway all-terrain
38 travel and that is not operated on a public highway. Off-road
39 recreational motor vehicle does not mean a motor vehicle used for
40 construction, building trade, mining or agricultural purposes.

41 ~~47.~~ 49. "Operator" means a person who drives a motor vehicle on a
42 highway, who is in actual physical control of a motor vehicle on a highway
43 or who is exercising control over or steering a vehicle being towed by a
44 motor vehicle.

1 ~~48.~~ 50. "Owner" means:

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

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

7 (c) If a mortgagor of a vehicle is entitled to possession of the
8 vehicle, the mortgagor.

9 ~~49.~~ 51. "Pedestrian" means any person afoot. A person who uses an
10 electric personal assistive mobility device or a manual or motorized
11 wheelchair is considered a pedestrian unless the manual wheelchair
12 qualifies as a bicycle. For the purposes of this paragraph, "motorized
13 wheelchair" means a self-propelled wheelchair that is used by a person for
14 mobility.

15 ~~50.~~ 52. "Personal delivery device" means an electronically powered
16 device that:

17 (a) Is operated primarily on sidewalks and within crosswalks and
18 that is designed to transport property.

19 (b) Weighs less than two hundred pounds, excluding cargo, unless
20 otherwise authorized by a local authority pursuant to section 28-627.

21 (c) Operates at a maximum speed of seven miles per hour, unless
22 otherwise authorized by a local authority pursuant to section 28-627.

23 (d) Is equipped with technology to allow for the operation of the
24 device with or without the active control or monitoring of a natural
25 person.

26 (e) Is equipped with a braking system that when active or engaged
27 enables the personal delivery device to come to a controlled stop.

28 ~~51.~~ 53. "Power sweeper" means an implement, with or without motive
29 power, that is only incidentally operated or moved on a street or highway
30 and that is designed for the removal of debris, dirt, gravel, litter or
31 sand whether by broom, vacuum or regenerative air system from asphaltic
32 concrete or cement concrete surfaces, including parking lots, highways,
33 streets and warehouses, and a vehicle on which the implement is
34 permanently mounted.

35 ~~52.~~ 54. "Public transit" means the transportation of passengers on
36 scheduled routes by means of a conveyance on an individual passenger
37 fare-paying basis excluding transportation by a sightseeing bus, school
38 bus or taxi or a vehicle not operated on a scheduled route basis.

39 ~~53.~~ 55. "Reconstructed vehicle" means a vehicle that has been
40 assembled or constructed largely by means of essential parts, new or used,
41 derived from vehicles or makes of vehicles of various names, models and
42 types or that, if originally otherwise constructed, has been materially
43 altered by the removal of essential parts or by the addition or
44 substitution of essential parts, new or used, derived from other vehicles
45 or makes of vehicles. For the purposes of this paragraph, "essential

1 parts" means integral and body parts, the removal, alteration or
2 substitution of which will tend to conceal the identity or substantially
3 alter the appearance of the vehicle.

4 ~~54.~~ 56. "Residence district" means the territory contiguous to and
5 including a highway not comprising a business district if the property on
6 the highway for a distance of three hundred feet or more is in the main
7 improved with residences or residences and buildings in use for business.

8 ~~55.~~ 57. "Right-of-way" when used within the context of the
9 regulation of the movement of traffic on a highway means the privilege of
10 the immediate use of the highway. Right-of-way when used within the
11 context of the real property on which transportation facilities and
12 appurtenances to the facilities are constructed or maintained means the
13 lands or interest in lands within the right-of-way boundaries.

14 ~~56.~~ 58. "School bus" means a motor vehicle that is designed for
15 carrying more than ten passengers and that is either:

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

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

22 ~~57.~~ 59. "Scrap metal dealer" has the same meaning prescribed in
23 section 44-1641.

24 ~~58.~~ 60. "Scrap vehicle" has the same meaning prescribed in section
25 44-1641.

26 ~~59.~~ 61. "Semitrailer" means a vehicle that is with or without
27 motive power, other than a pole trailer or single-axle tow dolly, that is
28 designed for carrying persons or property and for being drawn by a motor
29 vehicle and that is constructed so that some part of its weight and that
30 of its load rests on or is carried by another vehicle. For the purposes
31 of this paragraph, "pole trailer" has the same meaning prescribed in
32 section 28-601.

33 ~~60.~~ 62. "Single-axle tow dolly" means a nonvehicle device that is
34 drawn by a motor vehicle, that is designed and used exclusively to
35 transport another motor vehicle and on which the front or rear wheels of
36 the drawn motor vehicle are mounted on the tow dolly while the other
37 wheels of the drawn motor vehicle remain in contact with the ground.

38 ~~61.~~ 63. "State" means a state of the United States and the
39 District of Columbia.

40 ~~62.~~ 64. "State highway" means a state route or portion of a state
41 route that is accepted and designated by the board as a state highway and
42 that is maintained by the state.

43 ~~63.~~ 65. "State route" means a right-of-way whether actually used
44 as a highway or not that is designated by the board as a location for the
45 construction of a state highway.

1 ~~64.~~ 66. "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 ~~65.~~ 67. "Taxi" means a motor vehicle that has a seating capacity
5 not 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 ~~66.~~ 68. "Title transfer form" means a paper or an electronic form
13 that is prescribed by the department for the purpose of transferring a
14 certificate of title from one owner to another owner.

15 ~~67.~~ 69. "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 ~~68.~~ 70. "Trailer" means a vehicle that is with or without motive
21 power, other than a pole trailer or single-axle tow dolly, that is
22 designed for carrying persons or property and for being drawn by a motor
23 vehicle and that is constructed so that no part of its weight rests on the
24 towing vehicle. A semitrailer equipped with an auxiliary front axle
25 commonly known as a dolly is deemed to be a trailer. For the purposes of
26 this paragraph, "pole trailer" has the same meaning prescribed in section
27 28-601.

28 ~~69.~~ 71. "Transportation network company" has the same meaning
29 prescribed in section 28-9551.

30 ~~70.~~ 72. "Transportation network company vehicle" has the same
31 meaning prescribed in section 28-9551.

32 ~~71.~~ 73. "Transportation network service" has the same meaning
33 prescribed in section 28-9551.

34 ~~72.~~ 74. "Truck" means a motor vehicle designed or used primarily
35 for the carrying of property other than the effects of the driver or
36 passengers and includes a motor vehicle to which has been added a box, a
37 platform or other equipment for such carrying.

38 ~~73.~~ 75. "Truck tractor" means a motor vehicle that is designed and
39 used primarily for drawing other vehicles and that is not constructed to
40 carry a load other than a part of the weight of the vehicle and load
41 drawn.

42 ~~74.~~ 76. "Vehicle":

43 (a) Means a device in, on or by which a person or property is or
44 may be transported or drawn on a public highway.

1 (b) Does not include:

2 (i) Electric bicycles, **ELECTRIC MINIATURE SCOOTERS, ELECTRIC**
3 **STANDUP SCOOTERS** and devices moved by human power.

4 (ii) Devices used exclusively on stationary rails or tracks.

5 (iii) Personal delivery devices.

6 (iv) A scrap vehicle.

7 ~~75.~~ **77.** "Vehicle transporter" means either:

8 (a) A truck tractor capable of carrying a load and drawing a
9 semitrailer.

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

15 Sec. 4. Section 28-627, Arizona Revised Statutes, as amended by
16 Laws 2018, chapter 306, section 3, is amended to read:

17 **28-627. Powers of local authorities**

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

21 1. Regulating the standing or parking of vehicles.

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

25 3. Regulating or prohibiting processions or assemblages on the
26 highways.

27 4. Designating particular highways as one-way highways and
28 requiring that all vehicles on one-way highways be moved in one specific
29 direction.

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

31 6. Designating any highway as a through highway and requiring that
32 all vehicles stop before entering or crossing the highway or designating
33 any intersection as a stop intersection and requiring all vehicles to stop
34 at one or more entrances to the intersection.

35 7. Restricting the use of highways as authorized in section
36 28-1106.

37 8. Regulating the operation of bicycles and requiring the
38 registration and licensing of bicycles, including the requirement of a
39 registration fee.

40 9. Regulating or prohibiting the turning of vehicles or specified
41 types of vehicles at intersections.

42 10. Altering the prima facie speed limits as authorized by this
43 chapter.

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

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

5 13. Designating routes on certain streets and highways for the
6 purpose of allowing off-highway vehicle operators to gain access to or
7 from a designated off-highway recreation facility as defined in section
8 28-1171, off-highway vehicle trail as defined in section 28-1171 or
9 off-highway vehicle special event as defined in section 28-1171.

10 14. Adopting reasonable restrictions for the safe operation of
11 personal delivery devices. The local authority may allow all of the
12 following:

13 (a) A personal delivery device's weight to exceed two hundred
14 pounds, excluding cargo.

15 (b) A personal delivery device to operate at a speed that exceeds
16 seven miles per hour.

17 (c) An owner and operator of a personal delivery device to maintain
18 an insurance policy that provides less than ~~one hundred thousand dollars~~
19 \$100,000 for damages arising from the operations of the personal delivery
20 device.

21 15. REGULATING ELECTRIC BICYCLES AND ELECTRIC STANDUP SCOOTERS. A
22 LOCAL AUTHORITY MAY CONSIDER THE ENVIRONMENTAL BENEFITS AND TRAFFIC
23 BENEFITS OF ELECTRIC BICYCLES AND ELECTRIC STANDUP SCOOTERS WHEN
24 REGULATING ELECTRIC BICYCLES AND ELECTRIC STANDUP SCOOTERS.

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

29 C. An ordinance or regulation enacted under subsection A, paragraph
30 4, 5, 6, 7, 9 or 10 of this section is not effective until signs giving
31 notice of the local traffic regulations are posted on or at the entrances
32 to the highway or part of the highway affected as is most appropriate.

33 D. The definition of motor vehicle prescribed in section 28-101
34 does not prevent a local authority from adopting ordinances that regulate
35 or prohibit the operation of motorized skateboards, except that a local
36 authority shall not adopt an ordinance that requires registration and
37 licensing of motorized skateboards. For the purposes of this subsection,
38 "motorized skateboard" means a self-propelled device that DOES NOT HAVE
39 HANDLEBARS AND THAT has a motor, a deck on which a person may ride and at
40 least two tandem wheels in contact with the ground.

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

43 1. Unarmed police aides or municipally approved private contractors
44 who are employed or contracted by the police department and who are
45 empowered to commence an action or proceeding before a court or judge for

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

16 2. Traffic investigators who may:

17 (a) Investigate traffic accidents within the jurisdiction of the
18 local authority.

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

23 (c) Pursuant to rules established by the supreme court, serve any
24 process originating out of a municipal court in the municipality in which
25 the traffic investigator is employed. Service of process under paragraph
26 1 of this subsection shall only be made during the hours the municipal
27 court is open for the transaction of business and only on court premises.

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

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

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

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

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

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

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

1 Sec. 5. Section 28-627, Arizona Revised Statutes, as amended by
2 Laws 2018, chapter 306, section 4, is amended to read:

3 28-627. Powers of local authorities

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

7 1. Regulating the standing or parking of vehicles.

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

11 3. Regulating or prohibiting processions or assemblages on the
12 highways.

13 4. Designating particular highways as one-way highways and
14 requiring that all vehicles on one-way highways be moved in one specific
15 direction.

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

17 6. Designating any highway as a through highway and requiring that
18 all vehicles stop before entering or crossing the highway or designating
19 any intersection as a stop intersection and requiring all vehicles to stop
20 at one or more entrances to the intersection.

21 7. Restricting the use of highways as authorized in section
22 28-1106.

23 8. Regulating the operation of bicycles and requiring the
24 registration and licensing of bicycles, including the requirement of a
25 registration fee.

26 9. Regulating or prohibiting the turning of vehicles or specified
27 types of vehicles at intersections.

28 10. Altering the prima facie speed limits as authorized by this
29 chapter.

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

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

34 13. Designating routes on certain streets and highways for the
35 purpose of allowing off-highway vehicle operators to gain access to or
36 from a designated off-highway recreation facility as defined in section
37 28-1171, off-highway vehicle trail as defined in section 28-1171 or
38 off-highway vehicle special event as defined in section 28-1171.

39 14. REGULATING ELECTRIC BICYCLES AND ELECTRIC STANDUP SCOOTERS. A
40 LOCAL AUTHORITY MAY CONSIDER THE ENVIRONMENTAL BENEFITS AND TRAFFIC
41 BENEFITS OF ELECTRIC BICYCLES AND ELECTRIC STANDUP SCOOTERS WHEN
42 REGULATING ELECTRIC BICYCLES AND ELECTRIC STANDUP SCOOTERS.

43 B. A local authority shall not erect or maintain a stop sign or
44 traffic control signal at any location that requires the traffic on any

1 state highway to stop before entering or crossing any intersecting highway
2 unless approval in writing has first been obtained from the director.

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

7 D. The definition of motor vehicle prescribed in section 28-101
8 does not prevent a local authority from adopting ordinances that regulate
9 or prohibit the operation of motorized skateboards, except that a local
10 authority shall not adopt an ordinance that requires registration and
11 licensing of motorized skateboards. For the purposes of this subsection,
12 "motorized skateboard" means a self-propelled device that **DOES NOT HAVE**
13 **HANDLEBARS AND THAT** has a motor, a deck on which a person may ride and at
14 least two tandem wheels in contact with the ground.

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

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

35 2. Traffic investigators who may:

36 (a) Investigate traffic accidents within the jurisdiction of the
37 local authority.

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

42 (c) Pursuant to rules established by the supreme court, serve any
43 process originating out of a municipal court in the municipality in which
44 the traffic investigator is employed. Service of process under paragraph

1 of this subsection shall only be made during the hours the municipal
2 court is open for the transaction of business and only on court premises.

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

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

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

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

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

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

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

19 Sec. 6. Section 28-819, Arizona Revised Statutes, is amended to
20 read:

21 28-819. Electric bicycles; electric standup scooters

22 A. An operator of an electric bicycle OR AN ELECTRIC STANDUP
23 SCOOTER is granted all the rights and privileges and is subject to all of
24 the duties of a person riding a bicycle. Except as otherwise provided in
25 this section OR AS OTHERWISE REGULATED BY A LOCAL AUTHORITY, an electric
26 bicycle OR AN ELECTRIC STANDUP SCOOTER is subject to the same provisions
27 of this title as a bicycle.

28 B. An electric bicycle OR AN ELECTRIC STANDUP SCOOTER is not
29 subject to the provisions of this title relating to certificates of title,
30 registration, vehicle license tax, driver licenses or vehicle insurance.

31 C. Beginning January 1, 2019, manufacturers and distributors of
32 electric bicycles shall apply a label that is permanently affixed, in a
33 prominent location, to each electric bicycle. The label shall contain the
34 classification number, top assisted speed and motor wattage of the
35 electric bicycle and shall be printed in at least nine-point type.

36 D. A class 1 electric bicycle, ~~or~~ a class 2 electric bicycle OR AN
37 ELECTRIC STANDUP SCOOTER may be used on bicycle and multiuse paths. A
38 local authority or agency of this state having jurisdiction over a bicycle
39 or multiuse path may prohibit the operation of a class 1 electric bicycle,
40 ~~or~~ class 2 electric bicycle OR ELECTRIC STANDUP SCOOTER on the path.

41 E. A class 3 electric bicycle may not be operated on a bicycle or
42 multiuse path unless it is within or adjacent to a highway or roadway or
43 unless the local authority or agency of this state having jurisdiction
44 over the path allows the operation.

1 F. AN ELECTRIC STANDUP SCOOTER MUST HAVE A UNIQUE IDENTIFICATION
2 THAT CONSISTS OF LETTERS OR NUMBERS, OR BOTH, AND THAT IS VISIBLE FROM A
3 DISTANCE OF AT LEAST FIVE FEET. THE IDENTIFICATION:

4 1. MAY NOT BE OBSCURED BY BRANDING OR OTHER MARKINGS.

5 2. SHALL BE USED IN THIS STATE TO IDENTIFY THE ELECTRIC STANDUP
6 SCOOTER. THIS PARAGRAPH APPLIES TO ALL PERSONS, INCLUDING LOCAL
7 AUTHORITIES.

8 Sec. 7. Effective date

9 Section 28-101, Arizona Revised Statutes, as amended by Laws 2018,
10 chapter 306, section 2 and this act, and section 28-627, Arizona Revised
11 Statutes, as amended by Laws 2018, chapter 306, section 4 and this act,
12 are effective from and after August 31, 2020.

13 Sec. 8. Conditional enactment

14 Section 28-101, Arizona Revised Statutes, as amended by Laws 2018,
15 chapter 9, section 1, chapter 163, section 1, chapter 166, section 1,
16 chapter 298, section 3, chapter 306, section 1, chapter 324, section 1 and
17 this act, becomes effective on the date prescribed by Laws 2018, chapter
18 298, section 12 but only on the occurrence of the condition prescribed by
19 Laws 2018, chapter 298, section 12.

APPROVED BY THE GOVERNOR APRIL 22, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2019.