

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 89**  
**HOUSE BILL 2132**

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 28-904, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 306, SECTION 5; AMENDING SECTION 28-904, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 306, SECTION 6; AMENDING SECTION 28-908, ARIZONA REVISED STATUTES; RELATING TO TRANSPORTATION DEVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-101, Arizona Revised Statutes, 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 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.
- 44 26. "Evidence" includes both of the following:

1 (a) A display on a wireless communication device of a  
2 department-generated driver license, nonoperating identification license,  
3 vehicle registration card or other official record of the department that  
4 is presented to a law enforcement officer or in a court or an  
5 administrative proceeding.

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

8 27. "Farm" means any lands primarily used for agriculture  
9 production.

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

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

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

21 31. "Hazardous material" means a material, and its mixtures or  
22 solutions, that the United States department of transportation determines  
23 under 49 Code of Federal Regulations is, or any quantity of a material  
24 listed as a select agent or toxin under 42 Code of Federal Regulations  
25 part 73 that is, capable of posing an unreasonable risk to health, safety  
26 and property if transported in commerce and that is required to be  
27 placarded or marked as required by the department's safety rules  
28 prescribed pursuant to chapter 14 of this title.

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

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

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

41 33. "Limousine" means a motor vehicle providing prearranged ground  
42 transportation service for an individual passenger, or a group of  
43 passengers, that is arranged in advance or is operated on a regular route  
44 or between specified points and includes ground transportation under a  
45 contract or agreement for services that includes a fixed rate or time and

1 is provided in a motor vehicle with a seating capacity not exceeding  
2 fifteen passengers including the driver.

3 34. "Livery vehicle" means a motor vehicle that:

4 (a) Has a seating capacity not exceeding fifteen passengers  
5 including the driver.

6 (b) Provides passenger services for a fare determined by a flat  
7 rate or flat hourly rate between geographic zones or within a geographic  
8 area.

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

10 (d) May do any of the following:

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

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

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

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

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

21 37. "Moped" means a bicycle, not including an electric bicycle,  
22 that is equipped with a helper motor if the vehicle has a maximum piston  
23 displacement of fifty cubic centimeters or less, a brake horsepower of one  
24 and one-half or less and a maximum speed of twenty-five miles per hour or  
25 less on a flat surface with less than a one percent grade.

26 38. "Motorcycle" means a motor vehicle that has a seat or saddle  
27 for the use of the rider and that is designed to travel on not more than  
28 three wheels in contact with the ground but excludes a tractor, an  
29 electric bicycle and a moped.

30 39. "Motor driven cycle" means a motorcycle, including every motor  
31 scooter, with a motor that produces not more than five horsepower but does  
32 not include an electric bicycle.

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

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

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

39 (c) The vehicle seats at least eight passengers, including the  
40 driver.

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

43 (e) The vehicle is a commercial motor vehicle as defined in section  
44 28-5201.

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

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

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

9 41. "Motor vehicle":

10 (a) Means either:

11 (i) A self-propelled vehicle.

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

15 (b) Does not include a personal delivery device, **A PERSONAL MOBILE**  
16 **CARGO CARRYING DEVICE**, a motorized wheelchair, an electric personal  
17 assistive mobility device, an electric bicycle or a motorized skateboard.  
18 For the purposes of this subdivision:

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

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

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

36 43. "Neighborhood electric vehicle" means a self-propelled  
37 electrically powered motor vehicle to which all of the following apply:

38 (a) The vehicle is emission free.

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

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

1           44. "Nonresident" means a person who is not a resident of this  
2 state as defined in section 28-2001.

3           45. "Off-road recreational motor vehicle" means a motor vehicle  
4 that is designed primarily for recreational nonhighway all-terrain travel  
5 and that is not operated on a public highway. Off-road recreational motor  
6 vehicle does not mean a motor vehicle used for construction, building  
7 trade, mining or agricultural purposes.

8           46. "Operator" means a person who drives a motor vehicle on a  
9 highway, who is in actual physical control of a motor vehicle on a highway  
10 or who is exercising control over or steering a vehicle being towed by a  
11 motor vehicle.

12           47. "Owner" means:

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

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

18           (c) If a mortgagor of a vehicle is entitled to possession of the  
19 vehicle, the mortgagor.

20           48. "Pedestrian" means any person afoot. A person who uses an  
21 electric personal assistive mobility device or a manual or motorized  
22 wheelchair is considered a pedestrian unless the manual wheelchair  
23 qualifies as a bicycle. For the purposes of this paragraph, "motorized  
24 wheelchair" means a self-propelled wheelchair that is used by a person for  
25 mobility.

26           49. "Personal delivery device":

27           (a) Means an electronically powered device that:

28           ~~(a)~~ (i) Is operated primarily on sidewalks and within crosswalks  
29 and that is designed to transport property.

30           ~~(b)~~ (ii) Weighs less than two hundred pounds, excluding cargo,  
31 unless otherwise authorized by a local authority pursuant to section  
32 28-627.

33           ~~(c)~~ (iii) Operates at a maximum speed of seven miles per hour,  
34 unless otherwise authorized by a local authority pursuant to section  
35 28-627.

36           ~~(d)~~ (iv) Is equipped with technology to allow for the operation of  
37 the device with or without the active control or monitoring of a natural  
38 person.

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

41           (b) DOES NOT INCLUDE A PERSONAL MOBILE CARGO CARRYING DEVICE.

42           50. "PERSONAL MOBILE CARGO CARRYING DEVICE" MEANS AN ELECTRONICALLY  
43 POWERED DEVICE THAT:

44           (a) IS OPERATED PRIMARILY ON SIDEWALKS AND WITHIN CROSSWALKS AND  
45 THAT IS DESIGNED TO TRANSPORT PROPERTY.



1 (b) WEIGHS LESS THAN EIGHTY POUNDS, EXCLUDING CARGO.

2 (c) OPERATES AT A MAXIMUM SPEED OF TWELVE MILES PER HOUR.

3 (d) IS EQUIPPED WITH TECHNOLOGY TO TRANSPORT PERSONAL PROPERTY WITH  
4 THE ACTIVE MONITORING OF A PROPERTY OWNER AND THAT IS PRIMARILY DESIGNED  
5 TO REMAIN WITHIN TWENTY-FIVE FEET OF THE PROPERTY OWNER.

6 (e) IS EQUIPPED WITH A BRAKING SYSTEM THAT WHEN ACTIVE OR ENGAGED  
7 ENABLES THE PERSONAL MOBILE CARGO CARRYING DEVICE TO COME TO A CONTROLLED  
8 STOP.

9 ~~50.~~ 51. "Power sweeper" means an implement, with or without motive  
10 power, that is only incidentally operated or moved on a street or highway  
11 and that is designed for the removal of debris, dirt, gravel, litter or  
12 sand whether by broom, vacuum or regenerative air system from asphaltic  
13 concrete or cement concrete surfaces, including parking lots, highways,  
14 streets and warehouses, and a vehicle on which the implement is  
15 permanently mounted.

16 ~~51.~~ 52. "Public transit" means the transportation of passengers on  
17 scheduled routes by means of a conveyance on an individual passenger  
18 fare-paying basis excluding transportation by a sightseeing bus, school  
19 bus or taxi or a vehicle not operated on a scheduled route basis.

20 ~~52.~~ 53. "Reconstructed vehicle" means a vehicle that has been  
21 assembled or constructed largely by means of essential parts, new or used,  
22 derived from vehicles or makes of vehicles of various names, models and  
23 types or that, if originally otherwise constructed, has been materially  
24 altered by the removal of essential parts or by the addition or  
25 substitution of essential parts, new or used, derived from other vehicles  
26 or makes of vehicles. For the purposes of this paragraph, "essential  
27 parts" means integral and body parts, the removal, alteration or  
28 substitution of which will tend to conceal the identity or substantially  
29 alter the appearance of the vehicle.

30 ~~53.~~ 54. "Residence district" means the territory contiguous to and  
31 including a highway not comprising a business district if the property on  
32 the highway for a distance of three hundred feet or more is in the main  
33 improved with residences or residences and buildings in use for business.

34 ~~54.~~ 55. "Right-of-way" when used within the context of the  
35 regulation of the movement of traffic on a highway means the privilege of  
36 the immediate use of the highway. Right-of-way when used within the  
37 context of the real property on which transportation facilities and  
38 appurtenances to the facilities are constructed or maintained means the  
39 lands or interest in lands within the right-of-way boundaries.

40 ~~55.~~ 56. "School bus" means a motor vehicle that is designed for  
41 carrying more than ten passengers and that is either:

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

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

4 ~~56.~~ 57. "Semitrailer" means a vehicle that is with or without  
5 motive power, other than a pole trailer or single-axle tow dolly, that is  
6 designed for carrying persons or property and for being drawn by a motor  
7 vehicle and that is constructed so that some part of its weight and that  
8 of its load rests on or is carried by another vehicle. For the purposes  
9 of this paragraph, "pole trailer" has the same meaning prescribed in  
10 section 28-601.

11 ~~57.~~ 58. "Single-axle tow dolly" means a nonvehicle device that is  
12 drawn by a motor vehicle, that is designed and used exclusively to  
13 transport another motor vehicle and on which the front or rear wheels of  
14 the drawn motor vehicle are mounted on the tow dolly while the other  
15 wheels of the drawn motor vehicle remain in contact with the ground.

16 ~~58.~~ 59. "State" means a state of the United States and the  
17 District of Columbia.

18 ~~59.~~ 60. "State highway" means a state route or portion of a state  
19 route that is accepted and designated by the board as a state highway and  
20 that is maintained by the state.

21 ~~60.~~ 61. "State route" means a right-of-way whether actually used  
22 as a highway or not that is designated by the board as a location for the  
23 construction of a state highway.

24 ~~61.~~ 62. "Street" or "highway" means the entire width between the  
25 boundary lines of every way if a part of the way is open to the use of the  
26 public for purposes of vehicular travel.

27 ~~62.~~ 63. "Taxi" means a motor vehicle that has a seating capacity  
28 not exceeding fifteen passengers, including the driver, that provides  
29 passenger services and that:

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

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

35 ~~63.~~ 64. "Title transfer form" means a paper or an electronic form  
36 that is prescribed by the department for the purpose of transferring a  
37 certificate of title from one owner to another owner.

38 ~~64.~~ 65. "Traffic survival school" means a school that offers  
39 educational sessions to drivers who are required to attend and  
40 successfully complete educational sessions pursuant to this title that are  
41 designed to improve the safety and habits of drivers and that are approved  
42 by the department.

43 ~~65.~~ 66. "Trailer" means a vehicle that is with or without motive  
44 power, other than a pole trailer or single-axle tow dolly, that is  
45 designed for carrying persons or property and for being drawn by a motor

1 vehicle and that is constructed so that no part of its weight rests on the  
2 towing vehicle. A semitrailer equipped with an auxiliary front axle  
3 commonly known as a dolly is deemed to be a trailer. For the purposes of  
4 this paragraph, "pole trailer" has the same meaning prescribed in section  
5 28-601.

6 ~~66.~~ 67. "Transportation network company" has the same meaning  
7 prescribed in section 28-9551.

8 ~~67.~~ 68. "Transportation network company vehicle" has the same  
9 meaning prescribed in section 28-9551.

10 ~~68.~~ 69. "Transportation network service" has the same meaning  
11 prescribed in section 28-9551.

12 ~~69.~~ 70. "Truck" means a motor vehicle designed or used primarily  
13 for the carrying of property other than the effects of the driver or  
14 passengers and includes a motor vehicle to which has been added a box, a  
15 platform or other equipment for such carrying.

16 ~~70.~~ 71. "Truck tractor" means a motor vehicle that is designed and  
17 used primarily for drawing other vehicles and that is not constructed to  
18 carry a load other than a part of the weight of the vehicle and load  
19 drawn.

20 ~~71.~~ 72. "Vehicle":

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

23 (b) Does not include:

24 (i) Electric bicycles and devices moved by human power.

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

26 (iii) Personal delivery devices.

27 (iv) PERSONAL MOBILE CARGO CARRYING DEVICES.

28 ~~72.~~ 73. "Vehicle transporter" means either:

29 (a) A truck tractor capable of carrying a load and drawing a  
30 semitrailer.

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

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

38 28-101. Definitions

39 In this title, unless the context otherwise requires:

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

42 2. "Alcohol concentration" if expressed as a percentage means  
43 either:

44 (a) The number of grams of alcohol per one hundred milliliters of  
45 blood.

- 1 (b) The number of grams of alcohol per two hundred ten liters of  
2 breath.
- 3 3. "All-terrain vehicle" means either of the following:
- 4 (a) A motor vehicle that satisfies all of the following:
- 5 (i) Is designed primarily for recreational nonhighway all-terrain  
6 travel.
- 7 (ii) Is fifty or fewer inches in width.
- 8 (iii) Has an unladen weight of one thousand two hundred pounds or  
9 less.
- 10 (iv) Travels on three or more nonhighway tires.
- 11 (v) Is operated on a public highway.
- 12 (b) A recreational off-highway vehicle that satisfies all of the  
13 following:
- 14 (i) Is designed primarily for recreational nonhighway all-terrain  
15 travel.
- 16 (ii) Is sixty-five or fewer inches in width.
- 17 (iii) Has an unladen weight of one thousand eight hundred pounds or  
18 less.
- 19 (iv) Travels on four or more nonhighway tires.
- 20 4. "Authorized emergency vehicle" means any of the following:
- 21 (a) A fire department vehicle.
- 22 (b) A police vehicle.
- 23 (c) An ambulance or emergency vehicle of a municipal department or  
24 public service corporation that is designated or authorized by the  
25 department or a local authority.
- 26 (d) Any other ambulance, fire truck or rescue vehicle that is  
27 authorized by the department in its sole discretion and that meets  
28 liability insurance requirements prescribed by the department.
- 29 5. "Autocycle" means a three-wheeled motorcycle on which the driver  
30 and passengers ride in a fully or partially enclosed seating area that is  
31 equipped with a roll cage, safety belts for each occupant and antilock  
32 brakes and that is designed to be controlled with a steering wheel and  
33 pedals.
- 34 6. "Aviation fuel" means all flammable liquids composed of a  
35 mixture of selected hydrocarbons expressly manufactured and blended for  
36 the purpose of effectively and efficiently operating an internal  
37 combustion engine for use in an aircraft but does not include fuel for jet  
38 or turbine powered aircraft.
- 39 7. "Bicycle" means a device, including a racing wheelchair, that is  
40 propelled by human power and on which a person may ride and that has  
41 either:
- 42 (a) Two tandem wheels, either of which is more than sixteen inches  
43 in diameter.
- 44 (b) Three wheels in contact with the ground, any of which is more  
45 than sixteen inches in diameter.

- 1           8. "Board" means the transportation board.
- 2           9. "Bus" means a motor vehicle designed for carrying sixteen or  
3 more passengers, including the driver.
- 4           10. "Business district" means the territory contiguous to and  
5 including a highway if there are buildings in use for business or  
6 industrial purposes within any six hundred feet along the highway,  
7 including hotels, banks or office buildings, railroad stations and public  
8 buildings that occupy at least three hundred feet of frontage on one side  
9 or three hundred feet collectively on both sides of the highway.
- 10          11. "Certificate of ownership" means a paper or an electronic  
11 record that is issued in another state or a foreign jurisdiction and that  
12 indicates ownership of a vehicle.
- 13          12. "Certificate of title" means a paper document or an electronic  
14 record that is issued by the department and that indicates ownership of a  
15 vehicle.
- 16          13. "Combination of vehicles" means a truck or truck tractor and  
17 semitrailer and any trailer that it tows but does not include a forklift  
18 designed for the purpose of loading or unloading the truck, trailer or  
19 semitrailer.
- 20          14. "Controlled substance" means a substance so classified under  
21 section 102(6) of the controlled substances act (21 United States Code  
22 section 802(6)) and includes all substances listed in schedules I through  
23 V of 21 Code of Federal Regulations part 1308.
- 24          15. "Conviction" means:
- 25           (a) An unvacated adjudication of guilt or a determination that a  
26 person violated or failed to comply with the law in a court of original  
27 jurisdiction or by an authorized administrative tribunal.
- 28           (b) An unvacated forfeiture of bail or collateral deposited to  
29 secure the person's appearance in court.
- 30           (c) A plea of guilty or no contest accepted by the court.
- 31           (d) The payment of a fine or court costs.
- 32          16. "County highway" means a public road that is constructed and  
33 maintained by a county.
- 34          17. "Dealer" means a person who is engaged in the business of  
35 buying, selling or exchanging motor vehicles, trailers or semitrailers and  
36 who has an established place of business and has paid fees pursuant to  
37 section 28-4302.
- 38          18. "Department" means the department of transportation acting  
39 directly or through its duly authorized officers and agents.
- 40          19. "Digital network or software application" has the same meaning  
41 prescribed in section 28-9551.
- 42          20. "Director" means the director of the department of  
43 transportation.
- 44          21. "Drive" means to operate or be in actual physical control of a  
45 motor vehicle.

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

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

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

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

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

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

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

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

31          30. "Implement of husbandry" means a vehicle that is designed  
32 primarily for agricultural purposes and that is used exclusively in the  
33 conduct of agricultural operations, including an implement or vehicle  
34 whether self-propelled or otherwise that meets both of the following  
35 conditions:

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

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

43          31. "Limousine" means a motor vehicle providing prearranged ground  
44 transportation service for an individual passenger, or a group of  
45 passengers, that is arranged in advance or is operated on a regular route

1 or between specified points and includes ground transportation under a  
2 contract or agreement for services that includes a fixed rate or time and  
3 is provided in a motor vehicle with a seating capacity not exceeding  
4 fifteen passengers including the driver.

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

6 (a) Has a seating capacity not exceeding fifteen passengers  
7 including the driver.

8 (b) Provides passenger services for a fare determined by a flat  
9 rate or flat hourly rate between geographic zones or within a geographic  
10 area.

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

12 (d) May do any of the following:

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

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

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

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

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

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

28 36. "Motorcycle" means a motor vehicle that has a seat or saddle  
29 for the use of the rider and that is designed to travel on not more than  
30 three wheels in contact with the ground but excludes a tractor and a  
31 moped.

32 37. "Motor driven cycle" means a motorcycle, including every motor  
33 scooter, with a motor that produces not more than five horsepower.

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

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

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

40 (c) The vehicle seats at least eight passengers, including the  
41 driver.

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

44 (e) The vehicle is a commercial motor vehicle as defined in section  
45 28-5201.

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

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

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

9 39. "Motor vehicle":

10 (a) Means either:

11 (i) A self-propelled vehicle.

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

15 (b) Does not include **A PERSONAL MOBILE CARGO CARRYING DEVICE**, a  
16 motorized wheelchair, an electric personal assistive mobility device or a  
17 motorized skateboard. For the purposes of this subdivision:

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

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

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

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

37 (a) The vehicle is emission free.

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

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

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



1           43. "Off-road recreational motor vehicle" means a motor vehicle  
2 that is designed primarily for recreational nonhighway all-terrain travel  
3 and that is not operated on a public highway. Off-road recreational motor  
4 vehicle does not mean a motor vehicle used for construction, building  
5 trade, mining or agricultural purposes.

6           44. "Operator" means a person who drives a motor vehicle on a  
7 highway, who is in actual physical control of a motor vehicle on a highway  
8 or who is exercising control over or steering a vehicle being towed by a  
9 motor vehicle.

10          45. "Owner" means:

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

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

16           (c) If a mortgagor of a vehicle is entitled to possession of the  
17 vehicle, the mortgagor.

18          46. "Pedestrian" means any person afoot. A person who uses an  
19 electric personal assistive mobility device or a manual or motorized  
20 wheelchair is considered a pedestrian unless the manual wheelchair  
21 qualifies as a bicycle. For the purposes of this paragraph, "motorized  
22 wheelchair" means a self-propelled wheelchair that is used by a person for  
23 mobility.

24          47. "PERSONAL MOBILE CARGO CARRYING DEVICE" MEANS AN ELECTRONICALLY  
25 POWERED DEVICE THAT:

26           (a) IS OPERATED PRIMARILY ON SIDEWALKS AND WITHIN CROSSWALKS AND  
27 THAT IS DESIGNED TO TRANSPORT PROPERTY.

28           (b) WEIGHS LESS THAN EIGHTY POUNDS, EXCLUDING CARGO.

29           (c) OPERATES AT A MAXIMUM SPEED OF TWELVE MILES PER HOUR.

30           (d) IS EQUIPPED WITH TECHNOLOGY TO TRANSPORT PERSONAL PROPERTY WITH  
31 THE ACTIVE MONITORING OF A PROPERTY OWNER AND THAT IS PRIMARILY DESIGNED  
32 TO REMAIN WITHIN TWENTY-FIVE FEET OF THE PROPERTY OWNER.

33           (e) IS EQUIPPED WITH A BRAKING SYSTEM THAT WHEN ACTIVE OR ENGAGED  
34 ENABLES THE PERSONAL MOBILE CARGO CARRYING DEVICE TO COME TO A CONTROLLED  
35 STOP.

36          ~~47.~~ 48. "Power sweeper" means an implement, with or without motive  
37 power, that is only incidentally operated or moved on a street or highway  
38 and that is designed for the removal of debris, dirt, gravel, litter or  
39 sand whether by broom, vacuum or regenerative air system from asphaltic  
40 concrete or cement concrete surfaces, including parking lots, highways,  
41 streets and warehouses, and a vehicle on which the implement is  
42 permanently mounted.

43          ~~48.~~ 49. "Public transit" means the transportation of passengers on  
44 scheduled routes by means of a conveyance on an individual passenger

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

3 ~~49.~~ 50. "Reconstructed vehicle" means a vehicle that has been  
4 assembled or constructed largely by means of essential parts, new or used,  
5 derived from vehicles or makes of vehicles of various names, models and  
6 types or that, if originally otherwise constructed, has been materially  
7 altered by the removal of essential parts or by the addition or  
8 substitution of essential parts, new or used, derived from other vehicles  
9 or makes of vehicles. For the purposes of this paragraph, "essential  
10 parts" means integral and body parts, the removal, alteration or  
11 substitution of which will tend to conceal the identity or substantially  
12 alter the appearance of the vehicle.

13 ~~50.~~ 51. "Residence district" means the territory contiguous to and  
14 including a highway not comprising a business district if the property on  
15 the highway for a distance of three hundred feet or more is in the main  
16 improved with residences or residences and buildings in use for business.

17 ~~51.~~ 52. "Right-of-way" when used within the context of the  
18 regulation of the movement of traffic on a highway means the privilege of  
19 the immediate use of the highway. Right-of-way when used within the  
20 context of the real property on which transportation facilities and  
21 appurtenances to the facilities are constructed or maintained means the  
22 lands or interest in lands within the right-of-way boundaries.

23 ~~52.~~ 53. "School bus" means a motor vehicle that is designed for  
24 carrying more than ten passengers and that is either:

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

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

31 ~~53.~~ 54. "Semitrailer" means a vehicle that is with or without  
32 motive power, other than a pole trailer, that is designed for carrying  
33 persons or property and for being drawn by a motor vehicle and that is  
34 constructed so that some part of its weight and that of its load rests on  
35 or is carried by another vehicle. For the purposes of this paragraph,  
36 "pole trailer" has the same meaning prescribed in section 28-601.

37 ~~54.~~ 55. "State" means a state of the United States and the  
38 District of Columbia.

39 ~~55.~~ 56. "State highway" means a state route or portion of a state  
40 route that is accepted and designated by the board as a state highway and  
41 that is maintained by the state.

42 ~~56.~~ 57. "State route" means a right-of-way whether actually used  
43 as a highway or not that is designated by the board as a location for the  
44 construction of a state highway.

1           ~~57.~~ 58. "Street" or "highway" means the entire width between the  
2 boundary lines of every way if a part of the way is open to the use of the  
3 public for purposes of vehicular travel.

4           ~~58.~~ 59. "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           ~~59.~~ 60. "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           ~~60.~~ 61. "Traffic survival school" means a school that offers  
16 educational sessions to drivers who are required to attend and  
17 successfully complete educational sessions pursuant to this title that are  
18 designed to improve the safety and habits of drivers and that are approved  
19 by the department.

20           ~~61.~~ 62. "Trailer" means a vehicle that is with or without motive  
21 power, other than a pole trailer, that is designed for carrying persons or  
22 property and for being drawn by a motor vehicle and that is constructed so  
23 that no part of its weight rests on the towing vehicle. A semitrailer  
24 equipped with an auxiliary front axle commonly known as a dolly is deemed  
25 to be a trailer. For the purposes of this paragraph, "pole trailer" has  
26 the same meaning prescribed in section 28-601.

27           ~~62.~~ 63. "Transportation network company" has the same meaning  
28 prescribed in section 28-9551.

29           ~~63.~~ 64. "Transportation network company vehicle" has the same  
30 meaning prescribed in section 28-9551.

31           ~~64.~~ 65. "Transportation network service" has the same meaning  
32 prescribed in section 28-9551.

33           ~~65.~~ 66. "Truck" means a motor vehicle designed or used primarily  
34 for the carrying of property other than the effects of the driver or  
35 passengers and includes a motor vehicle to which has been added a box, a  
36 platform or other equipment for such carrying.

37           ~~66.~~ 67. "Truck tractor" means a motor vehicle that is designed and  
38 used primarily for drawing other vehicles and that is not constructed to  
39 carry a load other than a part of the weight of the vehicle and load  
40 drawn.

41           ~~67.~~ 68. "Vehicle":

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

44           (b) Does not include:

45           (i) Devices moved by human power.

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

2 (iii) PERSONAL MOBILE CARGO CARRYING DEVICES.

3 ~~68.~~ 69. "Vehicle transporter" means either:

4 (a) A truck tractor capable of carrying a load and drawing a  
5 semitrailer.

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

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

15 28-101. Definitions

16 In this title, unless the context otherwise requires:

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

19 2. "Alcohol concentration" if expressed as a percentage means  
20 either:

21 (a) The number of grams of alcohol per one hundred milliliters of  
22 blood.

23 (b) The number of grams of alcohol per two hundred ten liters of  
24 breath.

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

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

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

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

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

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

33 (v) Is operated on a public highway.

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

36 (i) Is designed primarily for recreational nonhighway all-terrain  
37 travel.

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

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

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

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

43 (vi) Has a rollover protective structure.

44 (vii) Has an occupant retention system.

- 1           4. "Authorized emergency vehicle" means any of the following:  
2           (a) A fire department vehicle.  
3           (b) A police vehicle.  
4           (c) An ambulance or emergency vehicle of a municipal department or  
5 public service corporation that is designated or authorized by the  
6 department or a local authority.  
7           (d) Any other ambulance, fire truck or rescue vehicle that is  
8 authorized by the department in its sole discretion and that meets  
9 liability insurance requirements prescribed by the department.
- 10          5. "Autocycle" means a three-wheeled motorcycle on which the driver  
11 and passengers ride in a fully or partially enclosed seating area that is  
12 equipped with a roll cage, safety belts for each occupant and antilock  
13 brakes and that is designed to be controlled with a steering wheel and  
14 pedals.
- 15          6. "Automotive recycler" means a person that is engaged in the  
16 business of buying or acquiring a motor vehicle solely for the purpose of  
17 dismantling, selling or otherwise disposing of the parts or accessories  
18 and that removes parts for resale from six or more vehicles in a calendar  
19 year.
- 20          7. "Aviation fuel" means all flammable liquids composed of a  
21 mixture of selected hydrocarbons expressly manufactured and blended for  
22 the purpose of effectively and efficiently operating an internal  
23 combustion engine for use in an aircraft but does not include fuel for jet  
24 or turbine powered aircraft.
- 25          8. "Bicycle" means a device, including a racing wheelchair, that is  
26 propelled by human power and on which a person may ride and that has  
27 either:  
28           (a) Two tandem wheels, either of which is more than sixteen inches  
29 in diameter.  
30           (b) Three wheels in contact with the ground, any of which is more  
31 than sixteen inches in diameter.
- 32          9. "Board" means the transportation board.
- 33          10. "Bus" means a motor vehicle designed for carrying sixteen or  
34 more passengers, including the driver.
- 35          11. "Business district" means the territory contiguous to and  
36 including a highway if there are buildings in use for business or  
37 industrial purposes within any six hundred feet along the highway,  
38 including hotels, banks or office buildings, railroad stations and public  
39 buildings that occupy at least three hundred feet of frontage on one side  
40 or three hundred feet collectively on both sides of the highway.
- 41          12. "Certificate of ownership" means a paper or an electronic  
42 record that is issued in another state or a foreign jurisdiction and that  
43 indicates ownership of a vehicle.

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

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

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

12           16. "Conviction" means:

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

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

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

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

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

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

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

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

30           21. "Director" means the director of the department of  
31 transportation.

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

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

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

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

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

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

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

9 26. "Electric personal assistive mobility device" means a  
10 self-balancing device with one wheel or two nontandem wheels and an  
11 electric propulsion system that limits the maximum speed of the device to  
12 fifteen miles per hour or less and that is designed to transport only one  
13 person.

14 27. "Evidence" includes both of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (d) May do any of the following:

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

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

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

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

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

35 38. "Moped" means a bicycle, not including an electric bicycle,  
36 that is equipped with a helper motor if the vehicle has a maximum piston  
37 displacement of fifty cubic centimeters or less, a brake horsepower of one  
38 and one-half or less and a maximum speed of twenty-five miles per hour or  
39 less on a flat surface with less than a one percent grade.

40 39. "Motorcycle" means a motor vehicle that has a seat or saddle  
41 for the use of the rider and that is designed to travel on not more than  
42 three wheels in contact with the ground but excludes a tractor, an  
43 electric bicycle and a moped.



1           40. "Motor driven cycle" means a motorcycle, including every motor  
2 scooter, with a motor that produces not more than five horsepower but does  
3 not include an electric bicycle.

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

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

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

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

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

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

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

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

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

24          42. "Motor vehicle":

25           (a) Means either:

26           (i) A self-propelled vehicle.

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

30           (b) Does not include a scrap vehicle, a personal delivery device, A  
31 PERSONAL MOBILE CARGO CARRYING DEVICE, a motorized wheelchair, an electric  
32 personal assistive mobility device, an electric bicycle or a motorized  
33 skateboard. For the purposes of this subdivision:

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

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

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

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

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

8 (a) The vehicle is emission free.

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

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

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

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

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

26 48. "Owner" means:

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

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

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

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

40 50. "Personal delivery device":

41 (a) Means an electronically powered device that:

42 ~~(a)~~ (i) Is operated primarily on sidewalks and within crosswalks  
43 and that is designed to transport property.

1 ~~(b)~~ (ii) Weighs less than two hundred pounds, excluding cargo,  
2 unless otherwise authorized by a local authority pursuant to section  
3 28-627.

4 ~~(c)~~ (iii) Operates at a maximum speed of seven miles per hour,  
5 unless otherwise authorized by a local authority pursuant to section  
6 28-627.

7 ~~(d)~~ (iv) Is equipped with technology to allow for the operation of  
8 the device with or without the active control or monitoring of a natural  
9 person.

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

12 (b) DOES NOT INCLUDE A PERSONAL MOBILE CARGO CARRYING DEVICE.

13 51. "PERSONAL MOBILE CARGO CARRYING DEVICE" MEANS AN ELECTRONICALLY  
14 POWERED DEVICE THAT:

15 (a) IS OPERATED PRIMARILY ON SIDEWALKS AND WITHIN CROSSWALKS AND  
16 THAT IS DESIGNED TO TRANSPORT PROPERTY.

17 (b) WEIGHS LESS THAN EIGHTY POUNDS, EXCLUDING CARGO.

18 (c) OPERATES AT A MAXIMUM SPEED OF TWELVE MILES PER HOUR.

19 (d) IS EQUIPPED WITH TECHNOLOGY TO TRANSPORT PERSONAL PROPERTY WITH  
20 THE ACTIVE MONITORING OF A PROPERTY OWNER AND THAT IS PRIMARILY DESIGNED  
21 TO REMAIN WITHIN TWENTY-FIVE FEET OF THE PROPERTY OWNER.

22 (e) IS EQUIPPED WITH A BRAKING SYSTEM THAT WHEN ACTIVE OR ENGAGED  
23 ENABLES THE PERSONAL MOBILE CARGO CARRYING DEVICE TO COME TO A CONTROLLED  
24 STOP.

25 ~~51.~~ 52. "Power sweeper" means an implement, with or without motive  
26 power, that is only incidentally operated or moved on a street or highway  
27 and that is designed for the removal of debris, dirt, gravel, litter or  
28 sand whether by broom, vacuum or regenerative air system from asphaltic  
29 concrete or cement concrete surfaces, including parking lots, highways,  
30 streets and warehouses, and a vehicle on which the implement is  
31 permanently mounted.

32 ~~52.~~ 53. "Public transit" means the transportation of passengers on  
33 scheduled routes by means of a conveyance on an individual passenger  
34 fare-paying basis excluding transportation by a sightseeing bus, school  
35 bus or taxi or a vehicle not operated on a scheduled route basis.

36 ~~53.~~ 54. "Reconstructed vehicle" means a vehicle that has been  
37 assembled or constructed largely by means of essential parts, new or used,  
38 derived from vehicles or makes of vehicles of various names, models and  
39 types or that, if originally otherwise constructed, has been materially  
40 altered by the removal of essential parts or by the addition or  
41 substitution of essential parts, new or used, derived from other vehicles  
42 or makes of vehicles. For the purposes of this paragraph, "essential  
43 parts" means integral and body parts, the removal, alteration or  
44 substitution of which will tend to conceal the identity or substantially  
45 alter the appearance of the vehicle.

1           ~~54.~~ 55. "Residence district" means the territory contiguous to and  
2 including a highway not comprising a business district if the property on  
3 the highway for a distance of three hundred feet or more is in the main  
4 improved with residences or residences and buildings in use for business.  
5           ~~55.~~ 56. "Right-of-way" when used within the context of the  
6 regulation of the movement of traffic on a highway means the privilege of  
7 the immediate use of the highway. Right-of-way when used within the  
8 context of the real property on which transportation facilities and  
9 appurtenances to the facilities are constructed or maintained means the  
10 lands or interest in lands within the right-of-way boundaries.  
11           ~~56.~~ 57. "School bus" means a motor vehicle that is designed for  
12 carrying more than ten passengers and that is either:  
13           (a) Owned by any public or governmental agency or other institution  
14 and operated for the transportation of children to or from home or school  
15 on a regularly scheduled basis.  
16           (b) Privately owned and operated for compensation for the  
17 transportation of children to or from home or school on a regularly  
18 scheduled basis.  
19           ~~57.~~ 58. "Scrap metal dealer" has the same meaning prescribed in  
20 section 44-1641.  
21           ~~58.~~ 59. "Scrap vehicle" has the same meaning prescribed in section  
22 44-1641.  
23           ~~59.~~ 60. "Semitrailer" means a vehicle that is with or without  
24 motive power, other than a pole trailer or single-axle tow dolly, that is  
25 designed for carrying persons or property and for being drawn by a motor  
26 vehicle and that is constructed so that some part of its weight and that  
27 of its load rests on or is carried by another vehicle. For the purposes  
28 of this paragraph, "pole trailer" has the same meaning prescribed in  
29 section 28-601.  
30           ~~60.~~ 61. "Single-axle tow dolly" means a nonvehicle device that is  
31 drawn by a motor vehicle, that is designed and used exclusively to  
32 transport another motor vehicle and on which the front or rear wheels of  
33 the drawn motor vehicle are mounted on the tow dolly while the other  
34 wheels of the drawn motor vehicle remain in contact with the ground.  
35           ~~61.~~ 62. "State" means a state of the United States and the  
36 District of Columbia.  
37           ~~62.~~ 63. "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           ~~63.~~ 64. "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           ~~64.~~ 65. "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           ~~65.~~ 66. "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           ~~66.~~ 67. "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           ~~67.~~ 68. "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           ~~68.~~ 69. "Trailer" means a vehicle that is with or without motive  
18 power, other than a pole trailer or single-axle tow dolly, that is  
19 designed for carrying persons or property and for being drawn by a motor  
20 vehicle and that is constructed so that no part of its weight rests on the  
21 towing vehicle. A semitrailer equipped with an auxiliary front axle  
22 commonly known as a dolly is deemed to be a trailer. For the purposes of  
23 this paragraph, "pole trailer" has the same meaning prescribed in section  
24 28-601.

25           ~~69.~~ 70. "Transportation network company" has the same meaning  
26 prescribed in section 28-9551.

27           ~~70.~~ 71. "Transportation network company vehicle" has the same  
28 meaning prescribed in section 28-9551.

29           ~~71.~~ 72. "Transportation network service" has the same meaning  
30 prescribed in section 28-9551.

31           ~~72.~~ 73. "Truck" means a motor vehicle designed or used primarily  
32 for the carrying of property other than the effects of the driver or  
33 passengers and includes a motor vehicle to which has been added a box, a  
34 platform or other equipment for such carrying.

35           ~~73.~~ 74. "Truck tractor" means a motor vehicle that is designed and  
36 used primarily for drawing other vehicles and that is not constructed to  
37 carry a load other than a part of the weight of the vehicle and load  
38 drawn.

39           ~~74.~~ 75. "Vehicle":

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

42           (b) Does not include:

43           (i) Electric bicycles and devices moved by human power.

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

45           (iii) Personal delivery devices.

1 (iv) ~~A~~ Scrap ~~vehicle~~ VEHICLES.

2 (v) PERSONAL MOBILE CARGO CARRYING DEVICES.

3 ~~75.~~ 76. "Vehicle transporter" means either:

4 (a) A truck tractor capable of carrying a load and drawing a  
5 semitrailer.

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

11 Sec. 4. Section 28-904, Arizona Revised Statutes, as amended by  
12 Laws 2018, chapter 306, section 5, is amended to read:

13 28-904. Driving on sidewalk

14 A. A person shall not drive a vehicle on a sidewalk area except on  
15 a permanent or duly authorized temporary driveway.

16 B. This section does not apply to a motorized wheelchair, AN  
17 electric personal assistive mobility device, a personal delivery device, A  
18 PERSONAL MOBILE CARGO CARRYING DEVICE, an authorized emergency vehicle, A  
19 security vehicle owned by this state or A small service vehicle owned by  
20 this state or a political subdivision of this state.

21 Sec. 5. Section 28-904, Arizona Revised Statutes, as amended by  
22 Laws 2018, chapter 306, section 6, is amended to read:

23 28-904. Driving on sidewalk

24 A. A person shall not drive a vehicle on a sidewalk area except on  
25 a permanent or duly authorized temporary driveway.

26 B. This section does not apply to a motorized wheelchair, electric  
27 personal assistive mobility device, PERSONAL MOBILE CARGO CARRYING DEVICE,  
28 authorized emergency vehicle, security vehicle owned by this state or  
29 small service vehicle owned by this state or a political subdivision of  
30 this state.

31 Sec. 6. Section 28-908, Arizona Revised Statutes, is amended to  
32 read:

33 28-908. Persons in wheelchairs or on electric personal  
34 assistive mobility devices

35 A person operating a wheelchair, ~~or~~ A motorized wheelchair, ~~or~~ an  
36 electric personal assistive mobility device OR A PERSONAL MOBILE CARGO  
37 CARRYING DEVICE has all of the rights and duties that are contained in  
38 this chapter and chapters 4 and 5 of this title and that are applicable to  
39 pedestrians except provisions that by their nature can have no  
40 application.

41 Sec. 7. Effective date

42 Section 28-101, Arizona Revised Statutes, as amended by Laws 2018,  
43 chapter 306, section 2 and this act and section 28-904, Arizona Revised  
44 Statutes, as amended by Laws 2018, chapter 306, section 6 and this act,  
45 are effective from and after August 31, 2020.

1           Sec. 8. Conditional enactment

2           Section 28-101, Arizona Revised Statutes, as amended by Laws 2018,  
3 chapter 9, section 1, chapter 163, section 1, chapter 166, section 1,  
4 chapter 298, section 3, chapter 306, section 1, chapter 324, section 1 and  
5 this act, becomes effective on the date prescribed by Laws 2018, chapter  
6 298, section 12 but only on the occurrence of the condition prescribed by  
7 Laws 2018, chapter 298, section 12.

APPROVED BY THE GOVERNOR APRIL 16, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2019.