

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

SENATE BILL 1066

AN ACT

AMENDING SECTIONS 28-1095 AND 41-4001, ARIZONA REVISED STATUTES; RELATING
TO MANUFACTURED HOUSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-1095, Arizona Revised Statutes, is amended to
3 read:

4 28-1095. Vehicle length; exceptions; permits; rules;
5 definitions

6 A. A vehicle, including any load on the vehicle, shall not exceed a
7 length of forty feet extreme overall dimension, including front and rear
8 bumpers. This subsection does not apply to any of the following:

9 1. A semitrailer when used in combination with a truck or a truck
10 tractor.

11 2. A truck that is equipped with a conveyor bed, that is used
12 solely as a fiber and forage module mover and that does not exceed
13 forty-eight feet in length.

14 3. An articulated bus or articulated trolley coach that does not
15 exceed a length of sixty feet.

16 4. A bus that is not articulated and that does not exceed a length
17 of forty-five feet.

18 5. A recreational vehicle, a power unit, a farm vehicle, a horse
19 trailer or wheeled equipment as defined in section 28-2153 if used in
20 combination with two units and if the combination does not exceed
21 sixty-five feet in length.

22 6. A recreational vehicle as defined in section 41-4001, paragraph
23 ~~30~~ 33, subdivision (b) that does not exceed a length of forty-five feet.

24 B. A vehicle transporter may draw only one semitrailer. A
25 combination of vehicles, excluding a vehicle transporter and the
26 semitrailer it draws, that is coupled together shall not consist of more
27 than two units, except that a truck or a truck tractor and semitrailer may
28 draw either one trailer or a forklift.

29 C. The following restrictions apply:

30 1. The length of a semitrailer operating in a truck
31 tractor-semitrailer combination or a truck tractor-semitrailer-forklift
32 combination shall not exceed fifty-seven feet six inches.

33 2. The length of a semitrailer or trailer operating in a truck
34 tractor-semitrailer-trailer combination shall not exceed twenty-eight feet
35 six inches.

36 3. The length of a trailer operating in a truck-trailer combination
37 shall not exceed twenty-eight feet six inches.

38 4. If the length of a semitrailer is more than fifty-three feet,
39 the overall length of a truck tractor-semitrailer combination shall not
40 exceed sixty-five feet on all highways, except for the national intercity
41 truck route network designated by the United States secretary of
42 transportation as required by the surface transportation assistance act of
43 1982 or on a system of highways that is designated by a local authority.
44 In designating the streets, the local authority shall consider any
45 reasonable restriction including such safety restrictions as structural

1 hazards and street width and any other safety factors identified by the
2 local authority as a hazard to the motoring public.

3 5. A vehicle transporter and the semitrailer it draws shall not
4 exceed a length of eighty feet with a front overhang of not more than four
5 feet and a rear overhang of not more than six feet.

6 6. A truck-semitrailer combination shall not exceed an overall
7 length of sixty-five feet.

8 D. Subsection B and subsection C, paragraphs 1 through 6 of this
9 section do not apply to damaged, disabled or abandoned vehicles or
10 combinations of vehicles while being towed by a tow truck in compliance
11 with section 28-1108.

12 E. Notwithstanding subsections B and C of this section, extensions
13 of not more than three feet beyond the foremost part and six feet beyond
14 the rear bed or body of a vehicle or combination of vehicles used to
15 transport manufactured vehicles or fiber and forage shall not be included
16 in measuring the length of the vehicle or combination of vehicles when
17 loaded.

18 F. Pursuant to a permit issued pursuant to section 28-1103, a truck
19 or a truck tractor-semitrailer may draw not more than two additional
20 trailers or semitrailers. The department shall adopt rules governing the
21 movement and safety of a combination of vehicles under this subsection and
22 authorizing the issuance in advance of prepaid permits. The rules shall
23 include the adoption of minimum speeds on grades, lighting, signing,
24 identification and braking requirements and any other rules the department
25 deems necessary. The permit issued pursuant to this subsection is limited
26 to the following highways:

27 1. An interstate highway that connects with two states if both
28 states allow such combinations of trailers or semitrailers and if the
29 interstate highway does not exceed forty miles between the connecting
30 states.

31 2. A state route or highway that is located within four miles of
32 and extends to the border of this state and an adjacent state that allows
33 such combinations of trailers or semitrailers.

34 3. A state route or highway that extends at least ten miles through
35 an Indian reservation, that does not cross the Colorado river and that is
36 located within twenty miles of and extends to the border of this state and
37 an adjacent state that allows such combinations of trailers or
38 semitrailers.

39 G. Notwithstanding subsections B and C of this section:

40 1. A motor vehicle may draw one single axle tow dolly on which a
41 motor vehicle may be transported. A person shall secure the raised end of
42 any motor vehicle being transported pursuant to this paragraph to the tow
43 dolly by two separate chains, cables or equivalent devices adequate to
44 prevent shifting or separation of the drawn vehicle and the tow dolly.

1 2. A truck or a truck tractor may draw a trailer or semitrailer
2 that does not exceed a length of fifty-seven feet only on an interstate
3 highway or on a highway that is within ten miles of an interstate highway
4 if the trailer or semitrailer is manufactured in this state and is
5 traveling with or without a load from its place of manufacture to be
6 delivered for use outside this state.

7 3. A recreational vehicle may pull two units if all of the
8 following conditions are met:

9 (a) The middle unit is equipped with a fifth wheel and brakes. The
10 middle unit may be a farm vehicle or a horse trailer and shall have a
11 weight equal to or greater than the rear unit.

12 (b) If the rear unit has a gross weight of three thousand pounds or
13 more, it is equipped with brakes.

14 (c) The total combined gross weight of the towed units does not
15 exceed the manufacturer's stated gross vehicle weight of the towing unit.

16 4. A vehicle transporter may transport cargo or general freight on
17 a backhaul in compliance with section 28-1100.

18 H. For the purposes of this section:

19 1. "Backhaul" means the return trip of a vehicle transporter
20 carrying cargo or general freight over all or part of the same route.

21 2. "Farm vehicle" has the same meaning prescribed in section
22 28-2514.

23 3. "Recreational vehicle" means a motor vehicle that is designed
24 and customarily used for private pleasure, including vehicles commonly
25 called motor homes, pickup trucks with campers and pickup trucks with a
26 fifth wheel trailing device.

27 Sec. 2. Section 41-4001, Arizona Revised Statutes, is amended to
28 read:

29 41-4001. Definitions

30 In this chapter, unless the context otherwise requires:

31 1. "Accessory structure" means the installation, assembly,
32 connection or construction of any one-story habitable room, storage room,
33 patio, porch, garage, carport, awning, skirting, retaining wall,
34 evaporative cooler, refrigeration air conditioning system, solar system or
35 wood decking attached to a new or used manufactured home, mobile home or
36 residential single family factory-built building.

37 2. "Act" means the national manufactured housing construction and
38 safety standards act of 1974 and title VI of the housing and community
39 development act of 1974 (P.L. 93-383, as amended by P.L. 95-128, 95-557,
40 96-153 and 96-339).

41 3. "Alteration" means the replacement, addition, modification or
42 removal of any equipment or installation after the sale by a manufacturer
43 to a dealer or distributor but before the sale by a dealer to a purchaser,
44 which may affect compliance with the standards, construction, fire safety,
45 occupancy, plumbing or heat-producing or electrical system. Alteration
46 does not mean the repair or replacement of a component or appliance

1 requiring plug-in to an electrical receptacle if the replaced item is of
2 the same configuration and rating as the component or appliance being
3 repaired or replaced. Alteration also does not mean the addition of an
4 appliance requiring plug-in to an electrical receptacle if such appliance
5 is not provided with the unit by the manufacturer and the rating of the
6 appliance does not exceed the rating of the receptacle to which such
7 appliance is connected.

8 4. "Board" means the board of manufactured housing.

9 5. "Broker" means any person who acts as an agent for the sale or
10 exchange of a used manufactured home or mobile home except as exempted in
11 section 41-4028.

12 6. "Certificate" means a numbered or serialized label or seal that
13 is issued by the director as certification of compliance with this
14 chapter.

15 7. "CLOSED CONSTRUCTION" MEANS ANY BUILDING, BUILDING COMPONENT,
16 ASSEMBLY OR SYSTEM MANUFACTURED IN SUCH A MANNER THAT CONCEALED PARTS OR
17 PROCESSES OF MANUFACTURE CANNOT BE INSPECTED BEFORE INSTALLATION AT THE
18 BUILDING SITE WITHOUT DISASSEMBLY, DAMAGE OR DESTRUCTION.

19 8. "COMMERCIAL" MEANS A BUILDING WITH A USE-OCCUPANCY
20 CLASSIFICATION OTHER THAN SINGLE-FAMILY DWELLING.

21 ~~7.~~ 9. "Component" means any part, material or appliance that is
22 built-in as an integral part of the unit during the manufacturing process.

23 ~~8.~~ 10. "Consumer" means either a purchaser or seller of a unit
24 regulated by this chapter who utilizes the services of a person licensed
25 by the department.

26 ~~9.~~ 11. "Consummation of sale" means that a purchaser has received
27 all goods and services that the dealer or broker agreed to provide at the
28 time the contract was entered into, the transfer of title or the filing of
29 an affidavit of affixture, if applicable, to the sale. Consummation of
30 sale does not include warranties.

31 ~~10.~~ 12. "Dealer" means any person who sells, exchanges, buys,
32 offers or attempts to negotiate or acts as an agent for the sale or
33 exchange of factory-built buildings, manufactured homes or mobile homes
34 except as exempted in section 41-4028. A lease or rental agreement by
35 which the user acquired ownership of the unit with or without additional
36 remuneration is considered a sale under this chapter.

37 ~~11.~~ 13. "Defect" means any defect in the performance,
38 construction, components or material of a unit that renders the unit or
39 any part of the unit unfit for the ordinary use for which it was intended.

40 ~~12.~~ 14. "Department" means the Arizona department of housing.

41 ~~13.~~ 15. "Director" means the director of the department.

42 ~~14.~~ 16. "Earnest monies" means all monies given by a purchaser or
43 a financial institution to a dealer or broker before consummation of the
44 sale.

- 1 ~~15.~~ 17. "Factory-built building":
2 (a) Means a residential or commercial building that is:
3 (i) Either wholly or in substantial part manufactured UTILIZING
4 CLOSED CONSTRUCTION at an off-site location and transported for
5 installation or completion, or both, on-site.
6 (ii) Constructed in compliance with adopted codes, standards and
7 procedures.
8 (iii) Installed temporarily or permanently.
9 (b) Does not include a manufactured home, recreational vehicle,
10 panelized COMMERCIAL building UTILIZING OPEN CONSTRUCTION, PANELIZED
11 RESIDENTIAL BUILDING UTILIZING OPEN OR CLOSED CONSTRUCTION or domestic or
12 light commercial storage building.
13 ~~16.~~ 18. "HUD" means the United States department of housing and
14 urban development.
15 ~~17.~~ 19. "Imminent safety hazard" means an imminent and
16 unreasonable risk of death or severe personal injury.
17 ~~18.~~ 20. "Installation" means:
18 (a) Connecting new or used mobile homes, manufactured homes or
19 factory-built buildings to on-site utility terminals or repairing these
20 utility connections.
21 (b) Placing new or used mobile homes, manufactured homes, accessory
22 structures or factory-built buildings on foundation systems or repairing
23 these foundation systems.
24 (c) Providing ground anchoring for new or used mobile homes or
25 manufactured homes or repairing the ground anchoring.
26 ~~19.~~ 21. "Installer" means any person who engages in the business
27 of performing installations of manufactured homes, mobile homes or
28 residential single family factory-built buildings.
29 ~~20.~~ 22. "Installer of accessory structures" means any person who
30 engages in the business of installing accessory structures.
31 ~~21.~~ 23. "Listing agreement" means a document that contains the
32 name and address of the seller, the year, manufacturer and serial number
33 of the listed unit, the beginning and ending dates of the time period that
34 the agreement is in force, the name of the lender and lien amount, if
35 applicable, the price the seller is requesting for the unit, the
36 commission to be paid to the licensee and the signatures of the sellers
37 and the licensee who obtains the listing.
38 ~~22.~~ 24. "Local enforcement agency" means a zoning or building
39 department of a city, town or county or its agents.
40 ~~23.~~ 25. "Manufactured home" means a structure built in accordance
41 with the act.
42 ~~24.~~ 26. "Manufacturer" means any person engaged in manufacturing,
43 assembling or reconstructing any unit regulated by this chapter.
44 ~~25.~~ 27. "Mobile home" means a structure built before June 15,
45 1976, on a permanent chassis, capable of being transported in one or more
46 sections and designed to be used with or without a permanent foundation as

1 a dwelling when connected to on-site utilities. Mobile home does not
2 include recreational vehicles and factory-built buildings.

3 ~~26.~~ 28. "Office" means the office of manufactured housing within
4 the department.

5 29. "OPEN CONSTRUCTION" MEANS ANY BUILDING, BUILDING COMPONENT,
6 ASSEMBLY OR SYSTEM MANUFACTURED IN SUCH A MANNER THAT ALL PORTIONS CAN BE
7 READILY INSPECTED AT THE BUILDING SITE WITHOUT DISASSEMBLY, DAMAGE OR
8 DESTRUCTION.

9 ~~27.~~ 30. "Purchaser" means a person purchasing a unit in good faith
10 from a licensed dealer or broker for purposes other than resale.

11 ~~28.~~ 31. "Qualifying party" means a person who is an owner,
12 employee, corporate officer or partner of the licensed business and who
13 has active and direct supervision of and responsibility for all operations
14 of that licensed business.

15 ~~29.~~ 32. "Reconstruction" means construction work performed for the
16 purpose of restoration or modification of a unit by changing or adding
17 structural components or electrical, plumbing or heat or air producing
18 systems.

19 ~~30.~~ 33. "Recreational vehicle" means a vehicular type unit that
20 is:

21 (a) A portable camping trailer mounted on wheels and constructed
22 with collapsible partial sidewalls that fold for towing by another vehicle
23 and unfold for camping.

24 (b) A motor home designed to provide temporary living quarters for
25 recreational, camping or travel use and built on or permanently attached
26 to a self-propelled motor vehicle chassis or on a chassis cab or van that
27 is an integral part of the completed vehicle.

28 (c) A park trailer built on a single chassis, mounted on wheels and
29 designed to be connected to utilities necessary for operation of installed
30 fixtures and appliances and has a gross trailer area of not less than
31 three hundred twenty square feet and not more than four hundred square
32 feet when it is set up, except that it does not include fifth wheel
33 trailers.

34 (d) A travel trailer mounted on wheels, designed to provide
35 temporary living quarters for recreational, camping or travel use, of a
36 size or weight that may or may not require special highway movement
37 permits when towed by a motorized vehicle and has a trailer area of less
38 than three hundred twenty square feet. This subdivision includes fifth
39 wheel trailers. If a unit requires a size or weight permit, it shall be
40 manufactured to the standards for park trailers in a 119.5 of the American
41 national standards institute code.

42 (e) A portable truck camper constructed to provide temporary living
43 quarters for recreational, travel or camping use and consisting of a roof,
44 floor and sides designed to be loaded onto and unloaded from the bed of a
45 pickup truck.

1 34. "RESIDENTIAL" MEANS A BUILDING WITH A USE-OCCUPANCY
2 CLASSIFICATION OF A SINGLE-FAMILY DWELLING OR AS GOVERNED BY THE
3 INTERNATIONAL RESIDENTIAL CODE.

4 ~~31.~~ 35. "Salesperson" means any person who, for a salary,
5 commission or compensation of any kind, is employed by or acts on behalf
6 of any dealer or broker of manufactured homes, mobile homes or
7 factory-built buildings to sell, exchange, buy, offer or attempt to
8 negotiate or act as an agent for the sale or exchange of an interest in a
9 manufactured home, mobile home or factory-built building.

10 ~~32.~~ 36. "Seller" means a natural person who enters into a listing
11 agreement with a licensed dealer or broker for the purpose of resale.

12 ~~33.~~ 37. "Site development" means the development of an area for
13 the installation of the unit's or units' locations, parking, surface
14 drainage, driveways, on-site utility terminals and property lines at a
15 proposed construction site or area.

16 ~~34.~~ 38. "Statutory agent" means a person who is on file with the
17 corporation commission as the statutory agent.

18 ~~35.~~ 39. "Title transfer" means a true copy of the application for
19 title transfer that is stamped or validated by the appropriate government
20 agency.

21 ~~36.~~ 40. "Unit" means a manufactured home, mobile home,
22 factory-built building or accessory structures.

23 ~~37.~~ 41. "Used unit" means any unit that is regulated by this
24 chapter and that has been sold, bargained, exchanged or given away from a
25 purchaser who first acquired the unit that was titled in the name of such
26 purchaser.

27 ~~38.~~ 42. "Workmanship" means a minimum standard of construction or
28 installation reflecting a journeyman quality of the work of the various
29 trades.