

REFERENCE TITLE: **personal delivery devices**

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1305

Introduced by
Senator Livingston

AN ACT

AMENDING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 89, SECTION 1 AND CHAPTER 120, SECTION 1; AMENDING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 89, SECTION 3 AND CHAPTER 120, SECTION 3; REPEALING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 89, SECTION 2 AND CHAPTER 120, SECTION 2; AMENDING TITLE 28, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 22; RELATING TO PERSONAL DELIVERY 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 2019, chapter 89, section 1 and chapter 120, section 1, is amended to
4 read:

5 28-101. Definitions

6 In this title, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

23 (v) Is operated on a public highway.

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

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

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

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

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

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

33 (vi) Has a rollover protective structure.

34 (vii) Has an occupant retention system.

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

36 (a) A fire department vehicle.

37 (b) A police vehicle.

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

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

44 5. "Autocycle" means a three-wheeled motorcycle on which the driver
45 and passengers ride in a fully or partially enclosed seating area that is

1 equipped with a roll cage, safety belts for each occupant and antilock
2 brakes and that is designed to be controlled with a steering wheel and
3 pedals.

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

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

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

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

16 8. "Board" means the transportation board.

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

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

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

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

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

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

39 15. "Conviction" means:

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

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

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

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

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

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

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

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

12 20. "Director" means the director of the department of
13 transportation.

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

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

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

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

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

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

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

36 25. "Electric miniature scooter" means a device that:

37 (a) Weighs less than thirty pounds.

38 (b) Has two or three wheels.

39 (c) Has handlebars.

40 (d) Has a floorboard on which a person may stand while riding.

41 (e) Is powered by an electric motor or human power, or both.

42 (f) Has a maximum speed that does not exceed ten miles per hour,
43 with or without human propulsion, on a paved level surface.

44 26. "Electric personal assistive mobility device" means a
45 self-balancing device with one wheel or two nontandem wheels and an

1 electric propulsion system that limits the maximum speed of the device to
2 fifteen miles per hour or less and that is designed to transport only one
3 person.

4 27. "Electric standup scooter":

5 (a) Means a device that:

6 (i) Weighs less than seventy-five pounds.

7 (ii) Has two or three wheels.

8 (iii) Has handlebars.

9 (iv) Has a floorboard on which a person may stand while riding.

10 (v) Is powered by an electric motor or human power, or both.

11 (vi) Has a maximum speed that does not exceed twenty miles per
12 hour, with or without human propulsion, on a paved level surface.

13 (b) Does not include an electric miniature scooter.

14 28. "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 29. "Farm" means any lands primarily used for agriculture
23 production.

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

26 31. "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 32. "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 33. "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 34. "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 35. "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 36. "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 37. "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 38. "Manufacturer" means a person engaged in the business of
34 manufacturing motor vehicles, trailers or semitrailers.

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

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

1 41. "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, an electric miniature scooter or an
4 electric standup scooter.

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

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

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

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

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

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

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

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

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

25 43. "Motor vehicle":

26 (a) Means either:

27 (i) A self-propelled vehicle.

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

31 (b) Does not include ~~a personal delivery device~~, A PERSONAL
32 DELIVERY DEVICE, a personal mobile cargo carrying device, a motorized
33 wheelchair, an electric personal assistive mobility device, an electric
34 bicycle, an electric miniature scooter, an electric standup scooter or a
35 motorized skateboard. For the purposes of this subdivision:

36 (i) "Motorized skateboard" means a self-propelled device that does
37 not have handlebars and that has a motor, a deck on which a person may
38 ride and at least two tandem wheels in contact with the ground.

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

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

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

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

10 (a) The vehicle is emission free.

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

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

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

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

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

28 49. "Owner" means:

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

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

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

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

42 ~~51. "Personal delivery device":~~

43 ~~(a) Means an electronically powered device that:~~

44 ~~(i) Is operated primarily on sidewalks and within crosswalks and~~
45 ~~that is designed to transport property.~~

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

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

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

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

10 ~~(b) Does not include a personal mobile cargo carrying device.~~

11 51. "PERSONAL DELIVERY DEVICE":

12 (a) MEANS A DEVICE THAT IS BOTH OF THE FOLLOWING:

13 (i) MANUFACTURED FOR TRANSPORTING CARGO AND GOODS IN AN AREA
14 DESCRIBED IN SECTION 28-1225.

15 (ii) IS EQUIPPED WITH AUTOMATED DRIVING TECHNOLOGY, INCLUDING
16 SOFTWARE AND HARDWARE, THAT ENABLES THE OPERATION OF THE DEVICE WITH THE
17 REMOTE SUPPORT AND SUPERVISION OF A HUMAN.

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

19 52. "Personal mobile cargo carrying device" means an electronically
20 powered device that:

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

23 (b) Weighs less than eighty pounds, excluding cargo.

24 (c) Operates at a maximum speed of twelve miles per hour.

25 (d) Is equipped with technology to transport personal property with
26 the active monitoring of a property owner and that is primarily designed
27 to remain within twenty-five feet of the property owner.

28 (e) Is equipped with a braking system that when active or engaged
29 enables the personal mobile cargo carrying device to come to a controlled
30 stop.

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

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

42 55. "Reconstructed vehicle" means a vehicle that has been assembled
43 or constructed largely by means of essential parts, new or used, derived
44 from vehicles or makes of vehicles of various names, models and types or
45 that, if originally otherwise constructed, has been materially altered by

1 the removal of essential parts or by the addition or substitution of
2 essential parts, new or used, derived from other vehicles or makes of
3 vehicles. For the purposes of this paragraph, "essential parts" means
4 integral and body parts, the removal, alteration or substitution of which
5 will tend to conceal the identity or substantially alter the appearance of
6 the vehicle.

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

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

17 58. "School bus" means a motor vehicle that is designed for
18 carrying more than ten passengers and that is either:

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

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

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

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

37 61. "State" means a state of the United States and the District of
38 Columbia.

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

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

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

4 65. "Taxi" means a motor vehicle that has a seating capacity not
5 exceeding fifteen passengers, including the driver, that provides
6 passenger services and that:

7 (a) Does not primarily operate on a regular route or between
8 specified places.

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

12 66. "Title transfer form" means a paper or an electronic form that
13 is prescribed by the department for the purpose of transferring a
14 certificate of title from one owner to another owner.

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

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

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

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

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

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

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

41 74. "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:

1 (i) Electric bicycles, electric miniature scooters, electric
2 standup scooters and devices moved by human power.

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

4 ~~(iii) Personal delivery devices.~~

5 (iii) PERSONAL DELIVERY DEVICES.

6 (iv) Personal mobile cargo carrying devices.

7 75. "Vehicle transporter" means either:

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

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

15 Sec. 2. Section 28-101, Arizona Revised Statutes, as amended by
16 Laws 2019, chapter 89, section 3 and chapter 120, section 3, is amended to
17 read:

18 28-101. Definitions

19 In this title, unless the context otherwise requires:

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

22 2. "Alcohol concentration" if expressed as a percentage means
23 either:

24 (a) The number of grams of alcohol per one hundred milliliters of
25 blood.

26 (b) The number of grams of alcohol per two hundred ten liters of
27 breath.

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

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

30 (i) Is designed primarily for recreational nonhighway all-terrain
31 travel.

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

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

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

36 (v) Is operated on a public highway.

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

39 (i) Is designed primarily for recreational nonhighway all-terrain
40 travel.

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

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

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

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

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

10 (a) Weighs less than thirty pounds.

11 (b) Has two or three wheels.

12 (c) Has handlebars.

13 (d) Has a floorboard on which a person may stand while riding.

14 (e) Is powered by an electric motor or human power, or both.

15 (f) Has a maximum speed that does not exceed ten miles per hour,
16 with or without human propulsion, on a paved level surface.

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

22 28. "Electric standup scooter":

23 (a) Means a device that:

24 (i) Weighs less than seventy-five pounds.

25 (ii) Has two or three wheels.

26 (iii) Has handlebars.

27 (iv) Has a floorboard on which a person may stand while riding.

28 (v) Is powered by an electric motor or human power, or both.

29 (vi) Has a maximum speed that does not exceed twenty miles per
30 hour, with or without human propulsion, on a paved level surface.

31 (b) Does not include an electric miniature scooter.

32 29. "Evidence" includes both of the following:

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

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

40 30. "Farm" means any lands primarily used for agriculture
41 production.

42 31. "Farm tractor" means a motor vehicle designed and used
43 primarily as a farm implement for drawing implements of husbandry.

44 32. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
45 that is brought into this state other than in the ordinary course of

1 business by or through a manufacturer or dealer and that has not been
2 registered in this state.

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

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

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

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

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

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

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

36 (a) Has a seating capacity not exceeding fifteen passengers
37 including the driver.

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

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

42 (d) May do any of the following:

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

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

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

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

6 39. "Manufacturer" means a person engaged in the business of
7 manufacturing motor vehicles, trailers or semitrailers.

8 40. "Moped" means a bicycle, not including an electric bicycle, an
9 electric miniature scooter or an electric standup scooter, that is
10 equipped with a helper motor if the vehicle has a maximum piston
11 displacement of fifty cubic centimeters or less, a brake horsepower of one
12 and one-half or less and a maximum speed of twenty-five miles per hour or
13 less on a flat surface with less than a one percent grade.

14 41. "Motorcycle" means a motor vehicle that has a seat or saddle
15 for the use of the rider and that is designed to travel on not more than
16 three wheels in contact with the ground but excludes a tractor, an
17 electric bicycle, an electric miniature scooter, an electric standup
18 scooter and a moped.

19 42. "Motor driven cycle" means a motorcycle, including every motor
20 scooter, with a motor that produces not more than five horsepower but does
21 not include an electric bicycle, an electric miniature scooter or an
22 electric standup scooter.

23 43. "Motorized quadricycle" means a self-propelled motor vehicle to
24 which all of the following apply:

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

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

29 (c) The vehicle seats at least eight passengers, including the
30 driver.

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

33 (e) The vehicle is a commercial motor vehicle as defined in section
34 28-5201.

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

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

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

43 44. "Motor vehicle":

44 (a) Means either:

45 (i) A self-propelled vehicle.

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

4 (b) Does not include a scrap vehicle, ~~a personal delivery device~~, A
5 PERSONAL DELIVERY DEVICE, a personal mobile cargo carrying device, a
6 motorized wheelchair, an electric personal assistive mobility device, an
7 electric bicycle, an electric miniature scooter, an electric standup
8 scooter or a motorized skateboard. For the purposes of this subdivision:

9 (i) "Motorized skateboard" means a self-propelled device that does
10 not have handlebars and that has a motor, a deck on which a person may
11 ride and at least two tandem wheels in contact with the ground.

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

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

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

28 (a) The vehicle is emission free.

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

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

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

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

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

1 50. "Owner" means:

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

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

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

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

15 ~~52. "Personal delivery device":~~

16 ~~(a) Means an electronically powered device that:~~

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

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

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

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

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

28 ~~(b) Does not include a personal mobile cargo carrying device.~~

29 52. "PERSONAL DELIVERY DEVICE":

30 (a) MEANS A DEVICE THAT IS BOTH OF THE FOLLOWING:

31 (i) MANUFACTURED FOR TRANSPORTING CARGO AND GOODS IN AN AREA
32 DESCRIBED IN SECTION 28-1225.

33 (ii) IS EQUIPPED WITH AUTOMATED DRIVING TECHNOLOGY, INCLUDING
34 SOFTWARE AND HARDWARE, THAT ENABLES THE OPERATION OF THE DEVICE WITH THE
35 REMOTE SUPPORT AND SUPERVISION OF A HUMAN.

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

37 53. "Personal mobile cargo carrying device" means an electronically
38 powered device that:

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

41 (b) Weighs less than eighty pounds, excluding cargo.

42 (c) Operates at a maximum speed of twelve miles per hour.

43 (d) Is equipped with technology to transport personal property with
44 the active monitoring of a property owner and that is primarily designed
45 to remain within twenty-five feet of the property owner.

1 (e) Is equipped with a braking system that when active or engaged
2 enables the personal mobile cargo carrying device to come to a controlled
3 stop.

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

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

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

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

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

35 59. "School bus" means a motor vehicle that is designed for
36 carrying more than ten passengers and that is either:

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

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

43 60. "Scrap metal dealer" has the same meaning prescribed in section
44 44-1641.

1 61. "Scrap vehicle" has the same meaning prescribed in section
2 44-1641.

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

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

15 64. "State" means a state of the United States and the District of
16 Columbia.

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

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

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

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

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

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

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

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

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

9 72. "Transportation network company" has the same meaning
10 prescribed in section 28-9551.

11 73. "Transportation network company vehicle" has the same meaning
12 prescribed in section 28-9551.

13 74. "Transportation network service" has the same meaning
14 prescribed in section 28-9551.

15 75. "Truck" means a motor vehicle designed or used primarily for
16 the carrying of property other than the effects of the driver or
17 passengers and includes a motor vehicle to which has been added a box, a
18 platform or other equipment for such carrying.

19 76. "Truck tractor" means a motor vehicle that is designed and used
20 primarily for drawing other vehicles and that is not constructed to carry
21 a load other than a part of the weight of the vehicle and load drawn.

22 77. "Vehicle":

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

25 (b) Does not include:

26 (i) Electric bicycles, electric miniature scooters, electric
27 standup scooters and devices moved by human power.

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

29 ~~(iii) Personal delivery devices.~~

30 (iii) PERSONAL DELIVERY DEVICES.

31 (iv) Scrap vehicles.

32 (v) Personal mobile cargo carrying devices.

33 78. "Vehicle transporter" means either:

34 (a) A truck tractor capable of carrying a load and drawing a
35 semitrailer.

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

41 Sec. 3. Repeal

42 Section 28-101, Arizona Revised Statutes, as amended by Laws 2019,
43 chapter 89, section 2 and chapter 120, section 2, is repealed.

1 Sec. 4. Title 28, chapter 3, Arizona Revised Statutes, is amended
2 by adding article 22, to read:

3 ARTICLE 22. PERSONAL DELIVERY DEVICES

4 28-1221. Definitions

5 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 1. "AGENT" MEANS A DIRECTOR, OFFICER, EMPLOYEE OR OTHER PERSON WHO
7 IS AUTHORIZED TO ACT ON BEHALF OF A BUSINESS ENTITY.

8 2. "BUSINESS ENTITY" MEANS A LEGAL ENTITY, INCLUDING A CORPORATION,
9 PARTNERSHIP OR SOLE PROPRIETORSHIP, THAT IS FORMED FOR THE PURPOSE OF
10 MAKING A PROFIT.

11 3. "PEDESTRIAN AREA" INCLUDES A SIDEWALK, CROSSWALK, SCHOOL
12 CROSSWALK, SCHOOL CROSSING ZONE OR SAFETY ZONE.

13 28-1222. Applicability of laws to personal delivery devices

14 A. THE OPERATION OF A PERSONAL DELIVERY DEVICE IS GOVERNED
15 EXCLUSIVELY BY BOTH OF THE FOLLOWING:

16 1. THIS ARTICLE.

17 2. ANY APPLICABLE REGULATION THAT IS ADOPTED BY A LOCAL AUTHORITY
18 AND THAT IS CONSISTENT WITH THIS ARTICLE.

19 B. A PERSONAL DELIVERY DEVICE THAT IS OPERATED IN COMPLIANCE WITH
20 THIS ARTICLE IS NOT A VEHICLE.

21 28-1223. Operator

22 A. A PERSON MAY OPERATE A PERSONAL DELIVERY DEVICE ONLY IF BOTH OF
23 THE FOLLOWING APPLY:

24 1. THE PERSON IS A BUSINESS ENTITY.

25 2. A HUMAN WHO IS AN AGENT IS CAPABLE OF MONITORING OR EXERCISING
26 PHYSICAL CONTROL OVER THE NAVIGATION AND OPERATION OF THE PERSONAL
27 DELIVERY DEVICE.

28 B. EXCEPT AS PROVIDED BY SUBSECTION C OF THIS SECTION, WHEN A
29 PERSONAL DELIVERY DEVICE OPERATED BY A BUSINESS ENTITY IS ENGAGED, THE
30 BUSINESS ENTITY IS THE OPERATOR OF THE PERSONAL DELIVERY DEVICE SOLELY FOR
31 THE PURPOSE OF ASSESSING COMPLIANCE WITH APPLICABLE TRAFFIC LAWS.

32 C. WHEN A PERSONAL DELIVERY DEVICE OPERATED BY A BUSINESS ENTITY IS
33 ENGAGED AND AN AGENT CONTROLS THE PERSONAL DELIVERY DEVICE IN A MANNER
34 THAT IS OUTSIDE THE SCOPE OF THE AGENT'S OFFICE OR EMPLOYMENT, THE AGENT
35 IS THE OPERATOR OF THE PERSONAL DELIVERY DEVICE.

36 D. A PERSON IS NOT THE OPERATOR OF A PERSONAL DELIVERY DEVICE
37 SOLELY BECAUSE THE PERSON EITHER:

38 1. REQUESTS A DELIVERY OR SERVICE PROVIDED BY THE PERSONAL DELIVERY
39 DEVICE.

40 2. DISPATCHES THE PERSONAL DELIVERY DEVICE.

41 28-1224. Device operation

42 A PERSONAL DELIVERY DEVICE MUST:

43 1. OPERATE IN A MANNER THAT COMPLIES WITH THE PROVISIONS OF THIS
44 TITLE THAT APPLY TO PEDESTRIANS EXCEPT THOSE PROVISIONS THAT BY THEIR
45 NATURE CAN HAVE NO APPLICATION.

- 1 2. YIELD TO OR NOT OBSTRUCT THE RIGHT-OF-WAY OF ALL OTHER TRAFFIC,
2 INCLUDING PEDESTRIANS.
- 3 3. NOT UNREASONABLY INTERFERE WITH OTHER TRAFFIC, INCLUDING
4 PEDESTRIANS.
- 5 4. IF OPERATED AT NIGHTTIME, DISPLAY THE LIGHTS REQUIRED BY SECTION
6 28-1226.
- 7 5. COMPLY WITH ANY APPLICABLE REGULATIONS THAT ARE ADOPTED BY A
8 LOCAL AUTHORITY.
- 9 6. NOT TRANSPORT HAZARDOUS MATERIALS THAT ARE REGULATED UNDER THE
10 HAZARDOUS MATERIALS TRANSPORTATION AUTHORIZATION ACT OF 1994 (49 UNITED
11 STATES CODE SECTIONS 5101 THROUGH 5128) AND MUST BE PLACARDED UNDER
12 49 CODE OF FEDERAL REGULATIONS SECTIONS 172.500 THROUGH 172.560.
- 13 7. BE MONITORED OR CONTROLLED TO ENSURE COMPLIANCE WITH PARAGRAPH 3
14 OF THIS SECTION.
- 15 28-1225. Areas of operation
- 16 A PERSONAL DELIVERY DEVICE MAY BE OPERATED EITHER:
- 17 1. AT SPEEDS UP TO TWELVE MILES PER HOUR IN A PEDESTRIAN AREA.
- 18 2. AT SPEEDS OF NOT MORE THAN TWENTY MILES PER HOUR ON A HIGHWAY IN
19 AN AREA THAT IS NOT A PEDESTRIAN AREA.
- 20 28-1226. Equipment
- 21 A. A PERSONAL DELIVERY DEVICE MUST BE EQUIPPED WITH BOTH OF THE
22 FOLLOWING:
- 23 1. A MARKER THAT CLEARLY STATES THE NAME AND CONTACT INFORMATION OF
24 THE OWNER AND A UNIQUE IDENTIFICATION NUMBER.
- 25 2. A BRAKING SYSTEM THAT ENABLES THE DEVICE TO COME TO A CONTROLLED
26 STOP.
- 27 B. A PERSONAL DELIVERY DEVICE THAT IS OPERATED AT NIGHTTIME MUST BE
28 EQUIPPED WITH LIGHTS ON THE FRONT AND REAR OF THE PERSONAL DELIVERY DEVICE
29 THAT ARE VISIBLE AND RECOGNIZABLE UNDER NORMAL ATMOSPHERIC CONDITIONS ON
30 ALL SIDES OF THE DEVICE FROM ONE TO FIVE HUNDRED FEET FROM THE DEVICE WHEN
31 THE LIGHTS ARE DIRECTLY IN FRONT OF LOWER BEAMS OF HEAD LAMPS AS
32 PRESCRIBED IN SECTION 28-924.
- 33 28-1227. Local authority regulations; peace officers
- 34 A. A LOCAL AUTHORITY MAY NOT REGULATE THE OPERATION OF A PERSONAL
35 DELIVERY DEVICE ON A HIGHWAY OR IN A PEDESTRIAN AREA IN A MANNER THAT IS
36 INCONSISTENT WITH THIS ARTICLE, INCLUDING LIMITING THE HOURS OF OPERATION
37 OR ZONES OF OPERATION.
- 38 B. THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A LOCAL
39 AUTHORITY'S PEACE OFFICERS TO ENFORCE THE LAWS OF THIS STATE RELATING TO
40 THE OPERATION OF A PERSONAL DELIVERY DEVICE.
- 41 28-1228. Insurance
- 42 A BUSINESS ENTITY THAT OPERATES A PERSONAL DELIVERY DEVICE MUST
43 MAINTAIN AN INSURANCE POLICY THAT INCLUDES GENERAL LIABILITY COVERAGE OF
44 AT LEAST \$100,000 FOR DAMAGES ARISING FROM THE OPERATION OF THE DEVICE.

1 Sec. 5. Effective date

2 The following sections are effective from and after August 31, 2020:

3 1. Section 28-101, Arizona Revised Statutes, as amended by Laws
4 2019, chapter 89, section 1, chapter 120, section 1 and this act.

5 2. Section 28-101, Arizona Revised Statutes, as amended by Laws
6 2019, chapter 89, section 2 and chapter 120, section 2 and repealed by
7 this act.

8 3. Title 28, chapter 3, article 22, Arizona Revised Statutes, as
9 added by this act.

10 Sec. 6. Conditional enactment

11 Section 2 of this act becomes effective on the date prescribed by
12 Laws 2018, chapter 298, section 12 but only on the occurrence of the
13 condition prescribed by Laws 2018, chapter 298, section 12 and not before
14 August 31, 2020.