

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

SENATE BILL 1305

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.

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

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

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

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

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

18 8. "Board" means the transportation board.

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

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

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

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

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

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

41 15. "Conviction" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (a) Weighs less than thirty pounds.

41 (b) Has two or three wheels.

42 (c) Has handlebars.

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

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

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

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

8 27. "Electric standup scooter":

9 (a) Means a device that:

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

11 (ii) Has two or three wheels.

12 (iii) Has handlebars.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (d) May do any of the following:

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

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

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

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

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

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

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

6 41. "Motor driven cycle" means a motorcycle, including every motor
7 scooter, with a motor that produces not more than five horsepower but does
8 not include an electric bicycle, an electric miniature scooter or an
9 electric standup scooter.

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

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

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

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

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

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

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

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

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

30 43. "Motor vehicle":

31 (a) Means either:

32 (i) A self-propelled vehicle.

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

36 (b) Does not include ~~a personal delivery device~~, A PERSONAL
37 DELIVERY DEVICE, a personal mobile cargo carrying device, a motorized
38 wheelchair, an electric personal assistive mobility device, an electric
39 bicycle, an electric miniature scooter, an electric standup scooter or a
40 motorized skateboard. For the purposes of this subdivision:

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

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

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

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

15 (a) The vehicle is emission free.

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

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

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

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

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

33 49. "Owner" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

17 51. "PERSONAL DELIVERY DEVICE":

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

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

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

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

25 52. "Personal mobile cargo carrying device" means an electronically
26 powered device that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 61. "State" means a state of the United States and the District of
2 Columbia.

3 62. "State highway" means a state route or portion of a state route
4 that is accepted and designated by the board as a state highway and that
5 is maintained by the state.

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

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

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

15 (a) Does not primarily operate on a regular route or between
16 specified places.

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

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

23 67. "Traffic survival school" means a school that offers
24 educational sessions to drivers who are required to attend and
25 successfully complete educational sessions pursuant to this title that are
26 designed to improve the safety and habits of drivers and that are approved
27 by the department.

28 68. "Trailer" means a vehicle that is with or without motive power,
29 other than a pole trailer or single-axle tow dolly, that is designed for
30 carrying persons or property and for being drawn by a motor vehicle and
31 that is constructed so that no part of its weight rests on the towing
32 vehicle. A semitrailer equipped with an auxiliary front axle commonly
33 known as a dolly is deemed to be a trailer. For the purposes of this
34 paragraph, "pole trailer" has the same meaning prescribed in section
35 28-601.

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

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

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

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

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

4 74. "Vehicle":

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

7 (b) Does not include:

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

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

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

12 (iii) PERSONAL DELIVERY DEVICES.

13 (iv) Personal mobile cargo carrying devices.

14 75. "Vehicle transporter" means either:

15 (a) A truck tractor capable of carrying a load and drawing a
16 semitrailer.

17 (b) A truck tractor with a stinger-steered fifth wheel capable of
18 carrying a load and drawing a semitrailer or a truck tractor with a dolly
19 mounted fifth wheel that is securely fastened to the truck tractor at two
20 or more points and that is capable of carrying a load and drawing a
21 semitrailer.

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

25 28-101. Definitions

26 In this title, unless the context otherwise requires:

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

29 2. "Alcohol concentration" if expressed as a percentage means
30 either:

31 (a) The number of grams of alcohol per one hundred milliliters of
32 blood.

33 (b) The number of grams of alcohol per two hundred ten liters of
34 breath.

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

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

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

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

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

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

43 (v) Is operated on a public highway.

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

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

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

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

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

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

21 16. "Conviction" means:

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

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

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

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

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

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

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

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

39 21. "Director" means the director of the department of
40 transportation.

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

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

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

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

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

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

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

19 26. "Electric miniature scooter" means a device that:

20 (a) Weighs less than thirty pounds.

21 (b) Has two or three wheels.

22 (c) Has handlebars.

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

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

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

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

32 28. "Electric standup scooter":

33 (a) Means a device that:

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

35 (ii) Has two or three wheels.

36 (iii) Has handlebars.

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

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

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

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

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

43 (a) A display on a wireless communication device of a
44 department-generated driver license, nonoperating identification license,
45 vehicle registration card or other official record of the department that

1 is presented to a law enforcement officer or in a court or an
2 administrative proceeding.

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

5 30. "Farm" means any lands primarily used for agriculture
6 production.

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

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

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

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

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

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

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

38 36. "Limousine" means a motor vehicle providing prearranged ground
39 transportation service for an individual passenger, or a group of
40 passengers, that is arranged in advance or is operated on a regular route
41 or between specified points and includes ground transportation under a
42 contract or agreement for services that includes a fixed rate or time and
43 is provided in a motor vehicle with a seating capacity not exceeding
44 fifteen passengers including the driver.

- 1 37. "Livery vehicle" means a motor vehicle that:
2 (a) Has a seating capacity not exceeding fifteen passengers
3 including the driver.
4 (b) Provides passenger services for a fare determined by a flat
5 rate or flat hourly rate between geographic zones or within a geographic
6 area.
7 (c) Is available for hire on an exclusive or shared ride basis.
8 (d) May do any of the following:
9 (i) Operate on a regular route or between specified places.
10 (ii) Offer prearranged ground transportation service as defined in
11 section 28-141.
12 (iii) Offer on demand ground transportation service pursuant to a
13 contract with a public airport, licensed business entity or organization.
14 38. "Local authority" means any county, municipal or other local
15 board or body exercising jurisdiction over highways under the constitution
16 and laws of this state.
17 39. "Manufacturer" means a person engaged in the business of
18 manufacturing motor vehicles, trailers or semitrailers.
19 40. "Moped" means a bicycle, not including an electric bicycle, an
20 electric miniature scooter or an electric standup scooter, that is
21 equipped with a helper motor if the vehicle has a maximum piston
22 displacement of fifty cubic centimeters or less, a brake horsepower of one
23 and one-half or less and a maximum speed of twenty-five miles per hour or
24 less on a flat surface with less than a one percent grade.
25 41. "Motorcycle" means a motor vehicle that has a seat or saddle
26 for the use of the rider and that is designed to travel on not more than
27 three wheels in contact with the ground but excludes a tractor, an
28 electric bicycle, an electric miniature scooter, an electric standup
29 scooter and a moped.
30 42. "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, an electric miniature scooter or an
33 electric standup scooter.
34 43. "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 44. "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 scrap vehicle, ~~a personal delivery device~~, A
16 PERSONAL DELIVERY DEVICE, a personal mobile cargo carrying device, a
17 motorized wheelchair, an electric personal assistive mobility device, an
18 electric bicycle, an electric miniature scooter, an electric standup
19 scooter or a motorized skateboard. For the purposes of this subdivision:

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

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

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

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

39 (a) The vehicle is emission free.

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

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

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

3 48. "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 49. "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 50. "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 51. "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 ~~52. "Personal delivery device":~~

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

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

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

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

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

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

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

40 52. "PERSONAL DELIVERY DEVICE":

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

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

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

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

5 53. "Personal mobile cargo carrying device" means an electronically
6 powered device that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 60. "Scrap metal dealer" has the same meaning prescribed in section
12 44-1641.

13 61. "Scrap vehicle" has the same meaning prescribed in section
14 44-1641.

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

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

27 64. "State" means a state of the United States and the District of
28 Columbia.

29 65. "State highway" means a state route or portion of a state route
30 that is accepted and designated by the board as a state highway and that
31 is maintained by the state.

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

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

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

41 (a) Does not primarily operate on a regular route or between
42 specified places.

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

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

4 70. "Traffic survival school" means a school that offers
5 educational sessions to drivers who are required to attend and
6 successfully complete educational sessions pursuant to this title that are
7 designed to improve the safety and habits of drivers and that are approved
8 by the department.

9 71. "Trailer" means a vehicle that is with or without motive power,
10 other than a pole trailer or single-axle tow dolly, that is designed for
11 carrying persons or property and for being drawn by a motor vehicle and
12 that is constructed so that no part of its weight rests on the towing
13 vehicle. A semitrailer equipped with an auxiliary front axle commonly
14 known as a dolly is deemed to be a trailer. For the purposes of this
15 paragraph, "pole trailer" has the same meaning prescribed in section
16 28-601.

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

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

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

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

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

30 77. "Vehicle":

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

33 (b) Does not include:

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

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

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

38 (iii) PERSONAL DELIVERY DEVICES.

39 (iv) Scrap vehicles.

40 (v) Personal mobile cargo carrying devices.

41 78. "Vehicle transporter" means either:

42 (a) A truck tractor capable of carrying a load and drawing a
43 semitrailer.

1 (b) A truck tractor with a stinger-steered fifth wheel capable of
2 carrying a load and drawing a semitrailer or a truck tractor with a dolly
3 mounted fifth wheel that is securely fastened to the truck tractor at two
4 or more points and that is capable of carrying a load and drawing a
5 semitrailer.

6 Sec. 3. Repeal

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

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

11 ARTICLE 22. PERSONAL DELIVERY DEVICES

12 28-1221. Definitions

13 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

16 2. "BUSINESS ENTITY" MEANS A LEGAL ENTITY, INCLUDING A CORPORATION,
17 PARTNERSHIP OR SOLE PROPRIETORSHIP.

18 3. "PEDESTRIAN AREA" INCLUDES A SIDEWALK, CROSSWALK, SCHOOL
19 CROSSWALK, SCHOOL CROSSING ZONE OR SAFETY ZONE.

20 28-1222. Applicability of laws to personal delivery devices

21 A. THE OPERATION OF A PERSONAL DELIVERY DEVICE IS GOVERNED
22 EXCLUSIVELY BY BOTH OF THE FOLLOWING:

23 1. THIS ARTICLE.

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

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

28 28-1223. Operator

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

31 1. THE PERSON IS A BUSINESS ENTITY.

32 2. A HUMAN WHO IS AN AGENT IS CAPABLE OF MONITORING OR EXERCISING
33 PHYSICAL CONTROL OVER THE NAVIGATION AND OPERATION OF THE PERSONAL
34 DELIVERY DEVICE.

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

39 C. WHEN A PERSONAL DELIVERY DEVICE OPERATED BY A BUSINESS ENTITY IS
40 ENGAGED AND AN AGENT CONTROLS THE PERSONAL DELIVERY DEVICE IN A MANNER
41 THAT IS OUTSIDE THE SCOPE OF THE AGENT'S OFFICE OR EMPLOYMENT, THE AGENT
42 IS THE OPERATOR OF THE PERSONAL DELIVERY DEVICE.

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

3 1. REQUESTS A DELIVERY OR SERVICE PROVIDED BY THE PERSONAL DELIVERY
4 DEVICE.

5 2. DISPATCHES THE PERSONAL DELIVERY DEVICE.

6 28-1224. Device operation

7 A PERSONAL DELIVERY DEVICE MUST:

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

11 2. YIELD TO OR NOT OBSTRUCT THE RIGHT-OF-WAY OF ALL OTHER TRAFFIC,
12 INCLUDING PEDESTRIANS.

13 3. NOT UNREASONABLY INTERFERE WITH OTHER TRAFFIC, INCLUDING
14 PEDESTRIANS.

15 4. IF OPERATED AT NIGHTTIME, DISPLAY THE LIGHTS REQUIRED BY SECTION
16 28-1226.

17 5. COMPLY WITH ANY APPLICABLE REGULATIONS THAT ARE ADOPTED BY A
18 LOCAL AUTHORITY.

19 6. NOT TRANSPORT HAZARDOUS MATERIALS THAT ARE REGULATED UNDER THE
20 HAZARDOUS MATERIALS TRANSPORTATION AUTHORIZATION ACT OF 1994 (49 UNITED
21 STATES CODE SECTIONS 5101 THROUGH 5128) AND MUST BE PLACARDED UNDER
22 49 CODE OF FEDERAL REGULATIONS SECTIONS 172.500 THROUGH 172.560.

23 7. BE MONITORED OR CONTROLLED TO ENSURE COMPLIANCE WITH PARAGRAPH 3
24 OF THIS SECTION.

25 28-1225. Areas of operation

26 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION A PERSONAL
27 DELIVERY DEVICE MAY BE OPERATED EITHER:

28 1. AT SPEEDS UP TO TWELVE MILES PER HOUR IN A PEDESTRIAN AREA.

29 2. AT SPEEDS UP TO TWENTY MILES PER HOUR ON THE SIDE OR SHOULDER OF
30 A HIGHWAY IN AN AREA THAT IS NOT A PEDESTRIAN AREA.

31 B. A LOCAL AUTHORITY MAY ESTABLISH A MAXIMUM SPEED OF LESS THAN
32 TWELVE MILES PER HOUR FOR A PERSONAL DELIVERY DEVICE IN A PEDESTRIAN AREA
33 IF THE LOCAL AUTHORITY DETERMINES THAT A MAXIMUM SPEED OF TWELVE MILES PER
34 HOUR IS UNREASONABLE OR UNSAFE FOR THAT AREA. A MAXIMUM SPEED ESTABLISHED
35 UNDER THIS SUBSECTION MAY NOT BE LESS THAN SEVEN MILES PER HOUR.

36 28-1226. Equipment

37 A. A PERSONAL DELIVERY DEVICE MUST BE EQUIPPED WITH BOTH OF THE
38 FOLLOWING:

39 1. A MARKER THAT CLEARLY STATES THE NAME AND CONTACT INFORMATION OF
40 THE OWNER AND A UNIQUE IDENTIFICATION NUMBER.

41 2. A BRAKING SYSTEM THAT ENABLES THE DEVICE TO COME TO A CONTROLLED
42 STOP.

43 B. A PERSONAL DELIVERY DEVICE THAT IS OPERATED AT NIGHTTIME MUST BE
44 EQUIPPED WITH LIGHTS ON THE FRONT AND REAR OF THE PERSONAL DELIVERY DEVICE
45 THAT ARE VISIBLE AND RECOGNIZABLE UNDER NORMAL ATMOSPHERIC CONDITIONS ON

1 ALL SIDES OF THE DEVICE FROM ONE TO FIVE HUNDRED FEET FROM THE DEVICE WHEN
2 THE LIGHTS ARE DIRECTLY IN FRONT OF LOWER BEAMS OF HEAD LAMPS AS
3 PRESCRIBED IN SECTION 28-924.

4 28-1227. Local authority regulations; peace officers

5 A. A LOCAL AUTHORITY MAY NOT REGULATE THE OPERATION OF A PERSONAL
6 DELIVERY DEVICE ON A HIGHWAY OR IN A PEDESTRIAN AREA IN A MANNER THAT IS
7 INCONSISTENT WITH THIS ARTICLE.

8 B. THIS SECTION DOES NOT:

9 1. AFFECT THE AUTHORITY OF A LOCAL AUTHORITY'S PEACE OFFICERS TO
10 ENFORCE THE LAWS OF THIS STATE RELATING TO THE OPERATION OF A PERSONAL
11 DELIVERY DEVICE.

12 2. PREVENT A LOCAL AUTHORITY FROM PROHIBITING PERSONAL DELIVERY
13 DEVICES IN A SPECIFIED ZONE OR DURING CERTAIN HOURS IN A SPECIFIED ZONE TO
14 PROTECT PUBLIC HEALTH AND SAFETY.

15 28-1228. Insurance

16 A BUSINESS ENTITY THAT OPERATES A PERSONAL DELIVERY DEVICE MUST
17 MAINTAIN AN INSURANCE POLICY THAT INCLUDES GENERAL LIABILITY COVERAGE OF
18 AT LEAST \$100,000 FOR DAMAGES ARISING FROM THE OPERATION OF THE DEVICE.

19 Sec. 5. Effective date

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

21 1. Section 28-101, Arizona Revised Statutes, as amended by Laws
22 2019, chapter 89, section 1, chapter 120, section 1 and this act.

23 2. Section 28-101, Arizona Revised Statutes, as amended by Laws
24 2019, chapter 89, section 2 and chapter 120, section 2 and repealed by
25 this act.

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

28 Sec. 6. Conditional enactment

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