State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1100

AN ACT

AMENDING SECTIONS 28-101, 28-1177 AND 28-5801, ARIZONA REVISED STATUTES;
RELATING TO TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 28-101, Arizona Revised Statutes, is amended to read:

28-101. Definitions
In this title, unless the context otherwise requires:
1. "Alcohol" means any substance containing any form of alcohol, including ethanol, methanol, propynol and isopropynol.
2. "Alcohol concentration" if expressed as a percentage means either:
   (a) The number of grams of alcohol per one hundred milliliters of blood.
   (b) The number of grams of alcohol per two hundred ten liters of breath.
3. "All-terrain vehicle" means either of the following:
   (a) A motor vehicle that satisfies all of the following:
      (i) Is designed primarily for recreational nonhighway all-terrain travel.
      (ii) Is fifty or fewer inches in width.
      (iii) Has an unladen weight of one thousand two hundred pounds or less.
      (iv) Travels on three or more nonhighway tires.
      (v) Is operated on a public highway.
   (b) A recreational off-highway vehicle that satisfies all of the following:
      (i) Is designed primarily for recreational nonhighway all-terrain travel.
      (ii) Is eighty or fewer inches in width.
      (iii) Has an unladen weight of two thousand five hundred pounds or less.
      (iv) Travels on four or more nonhighway tires.
      (v) Has a steering wheel for steering control.
      (vi) Has a rollover protective structure.
      (vii) Has an occupant retention system.
4. "Authorized emergency vehicle" means any of the following:
   (a) A fire department vehicle.
   (b) A police vehicle.
   (c) An ambulance or emergency vehicle of a municipal department or public service corporation that is designated or authorized by the department or a local authority.
   (d) Any other ambulance, fire truck or rescue vehicle that is authorized by the department in its sole discretion and that meets liability insurance requirements prescribed by the department.
5. "Autocycle" means a three-wheeled motorcycle on which the driver and passengers ride in a fully or partially enclosed seating area that is equipped with a roll cage, safety belts for each occupant and antilock
brakes and that is designed to be controlled with a steering wheel and pedals.

6. "Automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain.

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

8. "Autonomous vehicle" means a motor vehicle that is equipped with an automated driving system.

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

10. "Bicycle" means a device, including a racing wheelchair, that is propelled by human power and on which a person may ride and that has either:
   (a) Two tandem wheels, either of which is more than sixteen inches in diameter.
   (b) Three wheels in contact with the ground, any of which is more than sixteen inches in diameter.

11. "Board" means the transportation board.

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

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

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

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

16. "Combination of vehicles" means a truck or truck tractor and semitrailer and any trailer that it tows but does not include a forklift designed for the purpose of loading or unloading the truck, trailer or semitrailer.
17. "Controlled substance" means a substance so classified under section 102(6) of the controlled substances act (21 United States Code section 802(6)) and includes all substances listed in schedules I through V of 21 Code of Federal Regulations part 1308.

18. "Conviction" means:
   (a) An unvacated adjudication of guilt or a determination that a person violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal.
   (b) An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court.
   (c) A plea of guilty or no contest accepted by the court.
   (d) The payment of a fine or court costs.

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

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

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

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

23. "Director" means the director of the department of transportation.

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

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

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

27. "Dynamic driving task":
   (a) Means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic.
   (b) Includes:
      (i) Lateral vehicle motion control by steering.
      (ii) Longitudinal motion control by acceleration and deceleration.
      (iii) Monitoring the driving environment by object and event detection, recognition, classification and response preparation.
      (iv) Object and event response execution.
      (v) Maneuver planning.
      (vi) Enhancing conspicuity by lighting, signaling and gesturing.
   (c) Does not include strategic functions such as trip scheduling and selecting destinations and waypoints.

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

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

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

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

29. "Electric miniature scooter" means a device that:

(a) Weighs less than thirty pounds.

(b) Has two or three wheels.

(c) Has handlebars.

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

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

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

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

31. "Electric standup scooter":

(a) Means a device that:

(i) Weighs less than seventy-five pounds.

(ii) Has two or three wheels.

(iii) Has handlebars.

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

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

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

(b) Does not include an electric miniature scooter.

32. "Evidence" includes both of the following:

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

(b) An electronic or digital license plate authorized pursuant to
section 28-364.
33. "Farm" means any lands primarily used for agriculture production.
34. "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing implements of husbandry.
35. "Foreign vehicle" means a motor vehicle, trailer or semitrailer that is brought into this state other than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in this state.
36. "Fully autonomous vehicle" means an autonomous vehicle that is equipped with an automated driving system designed to function as a level four or five system under SAE J3016 and that may be designed to function either:
   (a) Solely by use of the automated driving system.
   (b) By a human driver when the automated driving system is not engaged.
37. "Golf cart" means a motor vehicle that has not less than three wheels in contact with the ground, that has an unladen weight of less than one thousand eight hundred pounds, that is designed to be and is operated at not more than twenty-five miles per hour and that is designed to carry not more than four persons including the driver.
38. "Hazardous material" means a material, and its mixtures or solutions, that the United States department of transportation determines under 49 Code of Federal Regulations is, or any quantity of a material listed as a select agent or toxin under 42 Code of Federal Regulations part 73 that is, capable of posing an unreasonable risk to health, safety and property if transported in commerce and that is required to be placarded or marked as required by the department's safety rules prescribed pursuant to chapter 14 of this title.
39. "Human driver" means a natural person in the vehicle who performs in real time all or part of the dynamic driving task or who achieves a minimal risk condition for the vehicle.
40. "Implement of husbandry" means a vehicle that is designed primarily for agricultural purposes and that is used exclusively in the conduct of agricultural operations, including an implement or vehicle whether self-propelled or otherwise that meets both of the following conditions:
   (a) Is used solely for agricultural purposes including the preparation or harvesting of cotton, alfalfa, grains and other farm crops.
   (b) Is only incidentally operated or moved on a highway whether as a trailer or self-propelled unit. For the purposes of this subdivision, "incidentally operated or moved on a highway" means travel between a farm and another part of the same farm, from one farm to another farm or between a farm and a place of repair, supply or storage.
41. "Limousine" means a motor vehicle providing prearranged ground transportation service for an individual passenger, or a group of passengers, that is arranged in advance or is operated on a regular route or between specified points and includes ground transportation under a contract or agreement for services that includes a fixed rate or time and is provided in a motor vehicle with a seating capacity not exceeding fifteen passengers including the driver.

42. "Livery vehicle" means a motor vehicle that:
   (a) Has a seating capacity not exceeding fifteen passengers including the driver.
   (b) Provides passenger services for a fare determined by a flat rate or flat hourly rate between geographic zones or within a geographic area.
   (c) Is available for hire on an exclusive or shared ride basis.
   (d) May do any of the following:
      (i) Operate on a regular route or between specified places.
      (ii) Offer prearranged ground transportation service as defined in section 28-141.
      (iii) Offer on demand ground transportation service pursuant to a contract with a public airport, licensed business entity or organization.

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

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

45. "Minimal risk condition":
   (a) Means a condition to which a human driver or an automated driving system may bring a vehicle in order to reduce the risk of a crash when a given trip cannot or should not be completed.
   (b) Includes bringing the vehicle to a complete stop.

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

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

48. "Motor driven cycle" means a motorcycle, including every motor scooter, with a motor that produces not more than five horsepower but does not include an electric bicycle, an electric miniature scooter or an electric standup scooter.
49. "Motorized quadricycle" means a self-propelled motor vehicle to which all of the following apply:
   (a) The vehicle is self-propelled by an emission-free electric motor and may include pedals operated by the passengers.
   (b) The vehicle has at least four wheels in contact with the ground.
   (c) The vehicle seats at least eight passengers, including the driver.
   (d) The vehicle is operable on a flat surface using solely the electric motor without assistance from the pedals or passengers.
   (e) The vehicle is a commercial motor vehicle as defined in section 28-5201.
   (f) The vehicle is a limousine operating under a vehicle for hire company permit issued pursuant to section 28-9503.
   (g) The vehicle is manufactured by a motor vehicle manufacturer that is licensed pursuant to chapter 10 of this title.
   (h) The vehicle complies with the definition and standards for low-speed vehicles set forth in 49 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.

50. "Motor vehicle":
   (a) Means either:
      (i) A self-propelled vehicle.
      (ii) For the purposes of the laws relating to the imposition of a tax on motor vehicle fuel, a vehicle that is operated on the highways of this state and that is propelled by the use of motor vehicle fuel.
   (b) Does not include a scrap vehicle, a personal delivery device, a personal mobile cargo carrying device, a motorized wheelchair, an electric personal assistive mobility device, an electric bicycle, an electric miniature scooter, an electric standup scooter or a motorized skateboard. For the purposes of this subdivision:
      (i) "Motorized skateboard" means a self-propelled device that does not have handlebars and that has a motor, a deck on which a person may ride and at least two tandem wheels in contact with the ground.
      (ii) "Motorized wheelchair" means a self-propelled wheelchair that is used by a person for mobility.

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

52. "Neighborhood electric shuttle":
(a) Means a self-propelled electrically powered motor vehicle to which all of the following apply:
   (i) The vehicle is emission free.
   (ii) The vehicle has at least four wheels in contact with the ground.
   (iii) The vehicle is capable of transporting at least eight passengers, including the driver.
   (iv) The vehicle is a commercial motor vehicle as defined in section 28-5201.
   (v) The vehicle is a vehicle for hire as defined in section 28-9501 and operates under a vehicle for hire company permit issued pursuant to section 28-9503.
   (vi) The vehicle complies with the definition and standards for low-speed vehicles set forth in 49 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.
(b) Includes a vehicle that meets the standards prescribed in subdivision (a) of this paragraph and that has been modified after market and not by the manufacturer to transport up to fifteen passengers, including the driver.

53. "Neighborhood electric vehicle" means a self-propelled electrically powered motor vehicle to which all of the following apply:
   (a) The vehicle is emission free.
   (b) The vehicle has at least four wheels in contact with the ground.
   (c) The vehicle complies with the definition and standards for low-speed vehicles, unless excepted or exempted under federal law, set forth in 49 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.

54. "Neighborhood occupantless electric vehicle" means a neighborhood electric vehicle that is not designed, intended or marketed for human occupancy.

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

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

57. "Operational design domain":
(a) Means operating conditions under which a given automated driving system is specifically designed to function.
(b) Includes roadway types, speed range, environmental conditions, such as weather or time of day, and other domain constraints.

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

59. "Owner" means:
   (a) A person who holds the legal title of a vehicle.
   (b) If a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, the conditional vendee or lessee.
   (c) If a mortgagor of a vehicle is entitled to possession of the vehicle, the mortgagor.

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

61. "Personal delivery device":
   (a) Means a device that is both of the following:
      (i) Manufactured for transporting cargo and goods in an area described in section 28-1225.
      (ii) Equipped with automated driving technology, including software and hardware, that enables the operation of the device with the remote support and supervision of a human.
   (b) Does not include a personal mobile cargo carrying device.

62. "Personal mobile cargo carrying device" means an electronically powered device that:
   (a) Is operated primarily on sidewalks and within crosswalks and that is designed to transport property.
   (b) Weighs less than eighty pounds, excluding cargo.
   (c) Operates at a maximum speed of twelve miles per hour.
   (d) Is equipped with technology to transport personal property with the active monitoring of a property owner and that is primarily designed to remain within twenty-five feet of the property owner.
   (e) Is equipped with a braking system that when active or engaged enables the personal mobile cargo carrying device to come to a controlled stop.

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

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

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

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

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

68. "SAE J3016" means surface transportation recommended practice J3016 taxonomy and definitions for terms related to driving automation systems for on-road motor vehicles published by SAE international in June 2018.

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

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

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

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

71. "Scrap vehicle" has the same meaning prescribed in section 44-1641.

72. "Semitrailer" means a vehicle that is with or without motive power, other than a pole trailer or single-axle tow dolly, that is designed for carrying persons or property and for being drawn by a motor
vehicle and that is constructed so that some part of its weight and that
of its load rests on or is carried by another vehicle. For the purposes
of this paragraph, "pole trailer" has the same meaning prescribed in
section 28-601.
73. "Single-axle tow dolly" means a nonvehicle device that is drawn
by a motor vehicle, that is designed and used exclusively to transport
another motor vehicle and on which the front or rear wheels of the drawn
motor vehicle are mounted on the tow dolly while the other wheels of the
drawn motor vehicle remain in contact with the ground.
74. "State" means a state of the United States and the District of
Columbia.
75. "State highway" means a state route or portion of a state route
that is accepted and designated by the board as a state highway and that
is maintained by the state.
76. "State route" means a right-of-way whether actually used as a
highway or not that is designated by the board as a location for the
construction of a state highway.
77. "Street" or "highway" means the entire width between the
boundary lines of every way if a part of the way is open to the use of the
public for purposes of vehicular travel.
78. "Taxi" means a motor vehicle that has a seating capacity not
exceeding fifteen passengers, including the driver, that provides
passenger services and that:
(a) Does not primarily operate on a regular route or between
specified places.
(b) Offers local transportation for a fare determined on the basis
of the distance traveled or prearranged ground transportation service as
defined in section 28-141 for a predetermined fare.
79. "Title transfer form" means a paper or an electronic form that
is prescribed by the department for the purpose of transferring a
certificate of title from one owner to another owner.
80. "Traffic survival school" means a school that is licensed
pursuant to chapter 8, article 7.1 of this title and that offers
educational sessions that are designed to improve the safety and habits of
drivers and that are approved by the department.
81. "Trailer" means a vehicle that is with or without motive power,
other than a pole trailer or single-axle tow dolly, that is designed for
carrying persons or property and for being drawn by a motor vehicle and
that is constructed so that no part of its weight rests on the towing
vehicle. A semitrailer equipped with an auxiliary front axle commonly
known as a dolly is deemed to be a trailer. For the purposes of this
paragraph, "pole trailer" has the same meaning prescribed in section
28-601.
82. "Transportation network company" has the same meaning
prescribed in section 28-9551.
83. "Transportation network company vehicle" has the same meaning prescribed in section 28-9551.

84. "Transportation network service" has the same meaning prescribed in section 28-9551.

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

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

87. "Vehicle":
(a) Means a device in, on or by which a person or property is or may be transported or drawn on a public highway.
(b) Does not include:
   (i) Electric bicycles, electric miniature scooters, electric standup scooters and devices moved by human power.
   (ii) Devices used exclusively on stationary rails or tracks.
   (iii) Personal delivery devices.
   (iv) Scrap vehicles.
   (v) Personal mobile cargo carrying devices.

88. "Vehicle transporter" means either:
   (a) A truck tractor capable of carrying a load and drawing a semitrailer.
   (b) A truck tractor with a stinger-steered fifth wheel capable of carrying a load and drawing a semitrailer or a truck tractor with a dolly mounted fifth wheel that is securely fastened to the truck tractor at two or more points and that is capable of carrying a load and drawing a semitrailer.

Sec. 2. Section 28-1177, Arizona Revised Statutes, is amended to read:

28-1177. Off-highway vehicle user fee; indicia; registration; state trust land recreational permit; exception

A. A person shall not operate or allow the operation of an all-terrain vehicle or an off-highway vehicle in this state without either a resident or nonresident off-highway vehicle user indicia issued by the department if the all-terrain vehicle or off-highway vehicle meets both of the following criteria:
   1. Is designed by the manufacturer primarily for travel over unimproved terrain.
   2. Has an unladen weight of two three thousand five hundred pounds or less.

B. A person shall apply to the department of transportation for a resident or nonresident off-highway vehicle user indicia by submitting an application prescribed by the department of transportation and a user fee
for the indicia in an amount to be determined by the director of the
department of transportation in cooperation with the director of the
Arizona game and fish department and the Arizona state parks board. The
resident or nonresident off-highway vehicle user indicia is valid for one
year from the date of issuance and may be renewed. The department shall
prescribe by rule the design and placement of the indicia.

C. When a person pays for a resident off-highway vehicle user
indicia pursuant to this section, the person may request a motor vehicle
registration if the vehicle meets all equipment requirements to be
operated on a highway pursuant to article 16 of this chapter. If a person
submits a signed affidavit to the department affirming that the vehicle
meets all of the equipment requirements for highway use and that the
vehicle will be operated primarily off of highways, the department shall
register the vehicle for highway use and the vehicle owner is not required
to pay the registration fee prescribed in section 28-2003. This
subsection does not apply to vehicles that as produced by the manufacturer
meet the equipment requirements to be operated on a highway pursuant to
article 16 of this chapter.

D. The director shall deposit, pursuant to sections 35-146 and
35-147, seventy percent of the user fees collected pursuant to this
section in the off-highway vehicle recreation fund established by section
28-1176 and thirty percent of the user fees collected pursuant to this
section in the Arizona highway user revenue fund.

E. The Arizona game and fish department may provide for the
purchase of nonresident off-highway vehicle user indicia and may impose an
additional service fee in an amount to be determined by the Arizona game
and fish commission by rule. The Arizona game and fish department shall
deposit, pursuant to sections 35-146 and 35-147, the service fees
collected pursuant to this subsection in the game and fish fund
established by section 17-261.

F. An occupant of an off-highway vehicle with a resident or
nonresident off-highway vehicle user indicia issued pursuant to this
section who crosses state trust lands must comply with all of the rules
and requirements under a state trust land recreational permit. All
occupants of an off-highway vehicle with a resident or nonresident
off-highway vehicle user indicia shall obtain a state trust land
recreational permit from the state land department for all other
authorized recreational activities on state trust land.

G. This section does not apply to off-highway vehicles, all-terrain
vehicles or off-road recreational motor vehicles that are used off-highway
exclusively for agricultural, ranching, construction, mining, mining
exploration or building trade purposes.

H. In consultation with the department of transportation, the
Arizona game and fish department may adopt rules necessary to implement
this section.
Sec. 3. Section 28-5801, Arizona Revised Statutes, is amended to read:

28-5801. Vehicle license tax rate
A. At the time of application for and before registration each year of a vehicle, the registering officer shall collect the vehicle license tax imposed by article IX, section 11, Constitution of Arizona. On the taxpayer's vehicle license tax bill, the registering officer shall provide the taxpayer with the following:
1. Information showing the amount of the vehicle license tax that each category of recipient will receive and the amount that is owed by the taxpayer.
2. The amount of vehicle license tax the taxpayer would pay pursuant to section 28-5805 if the taxpayer's motor vehicle was powered by alternative fuel.
B. Except as provided in subsections C, D and E of this section:
1. During the first twelve months of the life of a vehicle as determined by its initial registration, the vehicle license tax is based on each $100 in value, the value of the vehicle is sixty percent of the manufacturer's base retail price of the vehicle and the vehicle license tax rate for each of the recipients is as follows:
   (a) The rate for the Arizona highway user revenue fund is $1.26.
   (b) The rate for the county general fund is $.69.
   (c) The rate for counties for any purposes related to transportation, as determined by the board of supervisors, is $.16.
   (d) The rate for incorporated cities and towns is $.69.
2. During each succeeding twelve-month period, the vehicle license tax is based on each $100 in value, the value of the vehicle is 16.25 percent less than the value for the preceding twelve-month period and the vehicle license tax rate for each of the recipients is as follows:
   (a) The rate for the Arizona highway user revenue fund is $1.30.
   (b) The rate for the county general fund is $.71.
   (c) The rate for counties for the same use as highway user revenue fund monies is $.17.
   (d) The rate for incorporated cities and towns is $.71.
3. The minimum amount of the vehicle license tax computed under this section is $10 per year for each vehicle that is subject to the tax. If the product of all of the rates prescribed in paragraph 1 or 2 of this subsection is less than $10, the vehicle license tax is $10. The vehicle license tax collected pursuant to this paragraph shall be distributed to the recipients prescribed in this subsection based on the percentage of each recipient's rate to the sum of all of the rates.
C. The vehicle license tax is as follows for noncommercial trailers that are not travel trailers and that are ten thousand pounds or less gross vehicle weight:
   1. On initial registration, a onetime vehicle license tax of $105.
2. On renewal of registration, a onetime vehicle license tax of $70.

D. The vehicle license tax is as follows for a trailer or semitrailer that is not a travel trailer and that exceeds ten thousand pounds gross vehicle weight:
   1. On initial registration, a onetime vehicle license tax of $555.
   2. On renewal of registration or if previously registered in another state, a onetime vehicle license tax of:
      (a) If the trailer's or semitrailer's model year is less than six years old, $355.
      (b) If the trailer's or semitrailer's model year is at least six years old, $100.

E. The vehicle license tax for an all-terrain vehicle or off-highway vehicle as defined in section 28-1171 is $3 if the all-terrain vehicle or off-highway vehicle meets both of the following criteria:
   1. Is designed by the manufacturer primarily for travel over unimproved terrain.
   2. Has an unladen weight of three thousand five hundred pounds or less.

F. The vehicle license tax collected pursuant to subsection C, D or E of this section shall be distributed to the recipients prescribed in subsection B of this section based on the percentage of each recipient's rate to the sum of all of the rates.

G. For the purposes of subsections C and D of this section, "travel trailer" has the same meaning prescribed in section 28-2003.