

House Engrossed Senate Bill
all-terrain vehicles; definition

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1052

AN ACT

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

(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, is amended to
3 read:

4 28-101. Definitions

5 In this title, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

22 (v) Is operated on a public highway.

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

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

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

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

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

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

32 (vi) Has a rollover protective structure.

33 (vii) Has an occupant retention system.

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

35 (a) A fire department vehicle.

36 (b) A police vehicle.

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

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

43 5. "Autocycle" means a three-wheeled motorcycle on which the driver
44 and passengers ride in a fully or partially enclosed seating area that is
45 equipped with a roll cage, safety belts for each occupant and antilock

1 brakes and that is designed to be controlled with a steering wheel and
2 pedals.

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

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

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

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

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

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

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

26 11. "Board" means the transportation board.

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

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

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

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

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

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

5 18. "Conviction" means:

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

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

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

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

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

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

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

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

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

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

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

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

31 27. "Dynamic driving task":

32 (a) Means all of the real-time operational and tactical functions
33 required to operate a vehicle in on-road traffic.

34 (b) Includes:

35 (i) Lateral vehicle motion control by steering.

36 (ii) Longitudinal motion control by acceleration and deceleration.

37 (iii) Monitoring the driving environment by object and event
38 detection, recognition, classification and response preparation.

39 (iv) Object and event response execution.

40 (v) Maneuver planning.

41 (vi) Enhancing conspicuity by lighting, signaling and gesturing.

42 (c) Does not include strategic functions such as trip scheduling
43 and selecting destinations and waypoints.

44 28. "Electric bicycle" means a bicycle or tricycle that is equipped
45 with fully operable pedals and an electric motor of less than seven

1 hundred fifty watts and that meets the requirements of one of the
2 following classes:

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

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

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

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

16 (a) Weighs less than thirty pounds.

17 (b) Has two or three wheels.

18 (c) Has handlebars.

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

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

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

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

28 31. "Electric standup scooter":

29 (a) Means a device that:

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

31 (ii) Has two or three wheels.

32 (iii) Has handlebars.

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

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

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

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

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

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

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

1 33. "Farm" means any lands primarily used for agriculture
2 production.

3 34. "Farm tractor" means a motor vehicle designed and used
4 primarily as a farm implement for drawing implements of husbandry.

5 35. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
6 that is brought into this state other than in the ordinary course of
7 business by or through a manufacturer or dealer and that has not been
8 registered in this state.

9 36. "Fully autonomous vehicle" means an autonomous vehicle that is
10 equipped with an automated driving system designed to function as a level
11 four or five system under SAE J3016 and that may be designed to function
12 either:

13 (a) Solely by use of the automated driving system.

14 (b) By a human driver when the automated driving system is not
15 engaged.

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

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

29 39. "Human driver" means a natural person in the vehicle who
30 performs in real time all or part of the dynamic driving task or who
31 achieves a minimal risk condition for the vehicle.

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

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

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

44 41. "Limousine" means a motor vehicle providing prearranged ground
45 transportation service for an individual passenger, or a group of

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

6 42. "Livery vehicle" means a motor vehicle that:

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

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

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

13 (d) May do any of the following:

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

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

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

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

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

24 45. "Minimal risk condition":

25 (a) Means a condition to which a human driver or an automated
26 driving system may bring a vehicle in order to reduce the risk of a crash
27 when a given trip cannot or should not be completed.

28 (b) Includes bringing the vehicle to a complete stop.

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

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

40 48. "Motor driven cycle" means a motorcycle, including every motor
41 scooter, with a motor that produces not more than five horsepower but does
42 not include an electric bicycle, an electric miniature scooter or an
43 electric standup scooter.

44 49. "Motorized quadricycle" means a self-propelled motor vehicle to
45 which all of the following apply:

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

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

5 (c) The vehicle seats at least eight passengers, including the
6 driver.

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

9 (e) The vehicle is a commercial motor vehicle as defined in section
10 28-5201.

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

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

15 (h) The vehicle complies with the definition and standards for
16 low-speed vehicles set forth in 49 Code of Federal Regulations sections
17 571.3(b) and 571.500, respectively.

18 50. "Motor vehicle":

19 (a) Means either:

20 (i) A self-propelled vehicle.

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

24 (b) Does not include a scrap vehicle, a personal delivery device, a
25 personal mobile cargo carrying device, a motorized wheelchair, an electric
26 personal assistive mobility device, an electric bicycle, an electric
27 miniature scooter, an electric standup scooter or a motorized skateboard.
28 For the purposes of this subdivision:

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

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

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

1 52. "Neighborhood electric shuttle":

2 (a) Means a self-propelled electrically powered motor vehicle to
3 which all of the following apply:

4 (i) The vehicle is emission free.

5 (ii) The vehicle has at least four wheels in contact with the
6 ground.

7 (iii) The vehicle is capable of transporting at least eight
8 passengers, including the driver.

9 (iv) The vehicle is a commercial motor vehicle as defined in
10 section 28-5201.

11 (v) The vehicle is a vehicle for hire as defined in section 28-9501
12 and operates under a vehicle for hire company permit issued pursuant to
13 section 28-9503.

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

17 (b) Includes a vehicle that meets the standards prescribed in
18 subdivision (a) of this paragraph and that has been modified after market
19 and not by the manufacturer to transport up to fifteen passengers,
20 including the driver.

21 53. "Neighborhood electric vehicle" means a self-propelled
22 electrically powered motor vehicle to which all of the following apply:

23 (a) The vehicle is emission free.

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

26 (c) The vehicle complies with the definition and standards for
27 low-speed vehicles, unless excepted or exempted under federal law, set
28 forth in 49 Code of Federal Regulations sections 571.3(b) and 571.500,
29 respectively.

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

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

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

40 57. "Operational design domain":

41 (a) Means operating conditions under which a given automated
42 driving system is specifically designed to function.

43 (b) Includes roadway types, speed range, environmental conditions,
44 such as weather or time of day, and other domain constraints.

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

5 59. "Owner" means:

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

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

11 (c) If a mortgagor of a vehicle is entitled to possession of the
12 vehicle, the mortgagor.

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

19 61. "Personal delivery device":

20 (a) Means a device that is both of the following:

21 (i) Manufactured for transporting cargo and goods in an area
22 described in section 28-1225.

23 (ii) Equipped with automated driving technology, including software
24 and hardware, that enables the operation of the device with the remote
25 support and supervision of a human.

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

27 62. "Personal mobile cargo carrying device" means an electronically
28 powered device that:

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

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

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

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

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

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

1 64. "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 65. "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 66. "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 67. "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 68. "SAE J3016" means surface transportation recommended practice
26 J3016 taxonomy and definitions for terms related to driving automation
27 systems for on-road motor vehicles published by SAE international in June
28 2018.

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

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

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

37 70. "Scrap metal dealer" has the same meaning prescribed in section
38 44-1641.

39 71. "Scrap vehicle" has the same meaning prescribed in section
40 44-1641.

41 72. "Semitrailer" means a vehicle that is with or without motive
42 power, other than a pole trailer or single-axle tow dolly, that is
43 designed for carrying persons or property and for being drawn by a motor
44 vehicle and that is constructed so that some part of its weight and that
45 of its load rests on or is carried by another vehicle. For the purposes

1 of this paragraph, "pole trailer" has the same meaning prescribed in
2 section 28-601.

3 73. "Single-axle tow dolly" means a nonvehicle device that is drawn
4 by a motor vehicle, that is designed and used exclusively to transport
5 another motor vehicle and on which the front or rear wheels of the drawn
6 motor vehicle are mounted on the tow dolly while the other wheels of the
7 drawn motor vehicle remain in contact with the ground.

8 74. "State" means a state of the United States and the District of
9 Columbia.

10 75. "State highway" means a state route or portion of a state route
11 that is accepted and designated by the board as a state highway and that
12 is maintained by the state.

13 76. "State route" means a right-of-way whether actually used as a
14 highway or not that is designated by the board as a location for the
15 construction of a state highway.

16 77. "Street" or "highway" means the entire width between the
17 boundary lines of every way if a part of the way is open to the use of the
18 public for purposes of vehicular travel.

19 78. "Taxi" means a motor vehicle that has a seating capacity not
20 exceeding fifteen passengers, including the driver, that provides
21 passenger services and that:

22 (a) Does not primarily operate on a regular route or between
23 specified places.

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

27 79. "Title transfer form" means a paper or an electronic form that
28 is prescribed by the department for the purpose of transferring a
29 certificate of title from one owner to another owner.

30 80. "Traffic survival school" means a school that is licensed
31 pursuant to chapter 8, article 7.1 of this title and that offers
32 educational sessions that are designed to improve the safety and habits of
33 drivers and that are approved by the department.

34 81. "Trailer" means a vehicle that is with or without motive power,
35 other than a pole trailer or single-axle tow dolly, that is designed for
36 carrying persons or property and for being drawn by a motor vehicle and
37 that is constructed so that no part of its weight rests on the towing
38 vehicle. A semitrailer equipped with an auxiliary front axle commonly
39 known as a dolly is deemed to be a trailer. For the purposes of this
40 paragraph, "pole trailer" has the same meaning prescribed in section
41 28-601.

42 82. "Transportation network company" has the same meaning
43 prescribed in section 28-9551.

44 83. "Transportation network company vehicle" has the same meaning
45 prescribed in section 28-9551.

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

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

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

10 87. "Vehicle":

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

13 (b) Does not include:

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

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

17 (iii) Personal delivery devices.

18 (iv) Scrap vehicles.

19 (v) Personal mobile cargo carrying devices.

20 88. "Vehicle transporter" means either:

21 (a) A truck tractor capable of carrying a load and drawing a
22 semitrailer.

23 (b) A truck tractor with a stinger-steered fifth wheel capable of
24 carrying a load and drawing a semitrailer or a truck tractor with a dolly
25 mounted fifth wheel that is securely fastened to the truck tractor at two
26 or more points and that is capable of carrying a load and drawing a
27 semitrailer.

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

30 28-1177. Off-highway vehicle user fee; indicia; registration;
31 state trust land recreational permit; exception

32 A. A person shall not operate or allow the operation of an
33 all-terrain vehicle or an off-highway vehicle in this state without either
34 a resident or nonresident off-highway vehicle user indicia issued by the
35 department if the all-terrain vehicle or off-highway vehicle meets both of
36 the following criteria:

37 1. Is designed by the manufacturer primarily for travel over
38 unimproved terrain.

39 2. Has an unladen weight of ~~two~~ THREE thousand five hundred pounds
40 or less.

41 B. A person shall apply to the department of transportation for a
42 resident or nonresident off-highway vehicle user indicia by submitting an
43 application prescribed by the department of transportation and a user fee
44 for the indicia in an amount to be determined by the director of the
45 department of transportation in cooperation with the director of the

1 Arizona game and fish department and the Arizona state parks board. The
2 resident or nonresident off-highway vehicle user indicia is valid for one
3 year from the date of issuance and may be renewed. The department shall
4 prescribe by rule the design and placement of the indicia.

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

17 D. The director shall deposit, pursuant to sections 35-146 and
18 35-147, seventy percent of the user fees collected pursuant to this
19 section in the off-highway vehicle recreation fund established by section
20 28-1176 and thirty percent of the user fees collected pursuant to this
21 section in the Arizona highway user revenue fund.

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

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

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

41 H. In consultation with the department of transportation, the
42 Arizona game and fish department may adopt rules necessary to implement
43 this section.

1 Sec. 3. Section 28-5801, Arizona Revised Statutes, is amended to
2 read:

3 28-5801. Vehicle license tax rate

4 A. At the time of application for and before registration each year
5 of a vehicle, the registering officer shall collect the vehicle license
6 tax imposed by article IX, section 11, Constitution of Arizona. On the
7 taxpayer's vehicle license tax bill, the registering officer shall provide
8 the taxpayer with the following:

9 1. Information showing the amount of the vehicle license tax that
10 each category of recipient will receive and the amount that is owed by the
11 taxpayer.

12 2. The amount of vehicle license tax the taxpayer would pay
13 pursuant to section 28-5805 if the taxpayer's motor vehicle was powered by
14 alternative fuel.

15 B. Except as provided in subsections C, D and E of this section:

16 1. During the first twelve months of the life of a vehicle as
17 determined by its initial registration, the vehicle license tax is based
18 on each \$100 in value, the value of the vehicle is sixty percent of the
19 manufacturer's base retail price of the vehicle and the vehicle license
20 tax rate for each of the recipients is as follows:

21 (a) The rate for the Arizona highway user revenue fund is \$1.26.

22 (b) The rate for the county general fund is \$.69.

23 (c) The rate for counties for any purposes related to
24 transportation, as determined by the board of supervisors, is \$.16.

25 (d) The rate for incorporated cities and towns is \$.69.

26 2. During each succeeding twelve-month period, the vehicle license
27 tax is based on each \$100 in value, the value of the vehicle is 16.25
28 percent less than the value for the preceding twelve-month period and the
29 vehicle license tax rate for each of the recipients is as follows:

30 (a) The rate for the Arizona highway user revenue fund is \$1.30.

31 (b) The rate for the county general fund is \$.71.

32 (c) The rate for counties for the same use as highway user revenue
33 fund monies is \$.17.

34 (d) The rate for incorporated cities and towns is \$.71.

35 3. The minimum amount of the vehicle license tax computed under
36 this section is \$10 per year for each vehicle that is subject to the tax.
37 If the product of all of the rates prescribed in paragraph 1 or 2 of this
38 subsection is less than \$10, the vehicle license tax is \$10. The vehicle
39 license tax collected pursuant to this paragraph shall be distributed to
40 the recipients prescribed in this subsection based on the percentage of
41 each recipient's rate to the sum of all of the rates.

42 C. The vehicle license tax is as follows for noncommercial trailers
43 that are not travel trailers and that are ten thousand pounds or less
44 gross vehicle weight:

45 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 ~~two~~ 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.

Sec. 4. Legislative intent

The legislature intends that:

1. After the effective date of this act the Arizona state parks board continues to use the increased user fees described in section 5 of this act for the purposes described in section 5, subsection A of this act.

2. The increase in the user fees described in section 5 of this act shall be used to protect private property rights and personal property that is located on real property from any damage that is caused by an operator's unintentional or intentional misuse of an all-terrain vehicle. Any additional increase in the user fees beyond the increase described in section 5 of this act shall be used as prescribed in section 28-1177, Arizona Revised Statutes, as amended by this act.

3. The user fees described in section 5 of this act place the responsibility on the all-terrain vehicle community to fund increased law enforcement resources to enable law enforcement to better identify and fine persons who violate the laws and to provide additional resources to the off-highway vehicle recreation fund established by section 28-1176, Arizona Revised Statutes, to mitigate any private property damage that is caused by all-terrain vehicle operators.

1 Sec. 5. Conditional enactment; notice; definition

2 A. This act does not become effective unless on or before
3 September 1, 2027 the department of transportation increases the user fees
4 for a resident off-highway vehicle user indicia and a nonresident
5 off-highway vehicle user indicia that are issued pursuant to section
6 28-1177, Arizona Revised Statutes, as amended by this act, and the Arizona
7 state parks board uses the monies that are from the increased user fees
8 and that are deposited in the off-highway vehicle recreation fund
9 established by section 28-1176, Arizona Revised Statutes, sufficient to do
10 both of the following:

11 1. Mitigate damages to land, including private property, that
12 result from all-terrain vehicles and allow private individuals to directly
13 receive monies from the off-highway vehicle recreation fund for monies to
14 use for remediation.

15 2. Fund a county sheriff law enforcement program relating to the
16 all-terrain vehicle laws in this state to enable a county sheriff to
17 enforce the all-terrain vehicle laws in this state.

18 B. The department of transportation and the Arizona state parks
19 board shall notify the director of the Arizona legislative council in
20 writing on or before October 1, 2027 either:

21 1. Of the date on which the condition was met.

22 2. That the condition was not met.

23 C. For the purposes of this section, "all-terrain vehicle" has the
24 same meaning prescribed in section 28-101, Arizona Revised Statutes, as
25 amended by this act.