

House Engrossed Senate Bill

~~commercial motor vehicles; civil penalties~~
(now: civil penalties; commercial motor vehicles)

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1370

AN ACT

AMENDING SECTIONS 28-101, 28-751, 28-1101, 28-1102, 28-1151, 28-1301, 28-3001, 28-3101, 28-5201 AND 28-5242, ARIZONA REVISED STATUTES; RELATING TO COMMERCIAL MOTOR VEHICLES.

(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 thousand five hundred pounds or
29 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.

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

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

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

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

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

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

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

29 11. "Board" means the transportation board.

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

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

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

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

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

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

9 18. "Conviction" means:

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

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

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

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

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

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

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

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

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

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

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

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

35 27. "Dynamic driving task":

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

38 (b) Includes:

39 (i) Lateral vehicle motion control by steering.

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

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

43 (iv) Object and event response execution.

44 (v) Maneuver planning.

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

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

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

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

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

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

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

21 (a) Weighs less than thirty pounds.

22 (b) Has two or three wheels.

23 (c) Has handlebars.

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

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

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

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

33 31. "Electric standup scooter":

34 (a) Means a device that:

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

36 (ii) Has two or three wheels.

37 (iii) Has handlebars.

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

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

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

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

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

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

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

9 33. "Farm" means any lands primarily used for agriculture
10 production.

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

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

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

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

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

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

29 38. "GROSS COMBINED WEIGHT RATING" MEANS THE SUM OF THE GROSS
30 VEHICLE WEIGHT RATING OF A MOTOR VEHICLE AND THE TRAILER OR SEMITRAILER
31 THE MOTOR VEHICLE TOWS.

32 39. "GROSS VEHICLE WEIGHT RATING" MEANS THE WEIGHT THAT IS ASSIGNED
33 BY THE MOTOR VEHICLE MANUFACTURER TO A MOTOR VEHICLE AND THAT REPRESENTS
34 THE MAXIMUM RECOMMENDED TOTAL WEIGHT, INCLUDING THE VEHICLE AND THE LOAD
35 FOR THE VEHICLE.

36 ~~38.~~ 40. "Hazardous material" means a material, and its mixtures or
37 solutions, that the United States department of transportation determines
38 under 49 Code of Federal Regulations is, or any quantity of a material
39 listed as a select agent or toxin under 42 Code of Federal Regulations
40 part 73 that is, capable of posing an unreasonable risk to health, safety
41 and property if transported in commerce and that is required to be
42 placarded or marked as required by the department's safety rules
43 prescribed pursuant to chapter 14 of this title.

1 ~~39.~~ 41. "Human driver" means a natural person in the vehicle who
2 performs in real time all or part of the dynamic driving task or who
3 achieves a minimal risk condition for the vehicle.

4 ~~40.~~ 42. "Implement of husbandry" means a vehicle that is designed
5 primarily for agricultural purposes and that is used exclusively in the
6 conduct of agricultural operations, including an implement or vehicle
7 whether self-propelled or otherwise that meets both of the following
8 conditions:

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

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

16 ~~41.~~ 43. "Limousine" means a motor vehicle providing prearranged
17 ground transportation service for an individual passenger, or a group of
18 passengers, that is arranged in advance or is operated on a regular route
19 or between specified points and includes ground transportation under a
20 contract or agreement for services that includes a fixed rate or time and
21 is provided in a motor vehicle with a seating capacity not exceeding
22 fifteen passengers including the driver.

23 ~~42.~~ 44. "Livery vehicle" means a motor vehicle that:

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

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

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

30 (d) May do any of the following:

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

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

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

36 ~~43.~~ 45. "Local authority" means any county, municipal or other
37 local board or body exercising jurisdiction over highways under the
38 constitution and laws of this state.

39 ~~44.~~ 46. "Manufacturer" means a person engaged in the business of
40 manufacturing motor vehicles, trailers or semitrailers.

41 ~~45.~~ 47. "Minimal risk condition":

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

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

1 ~~46.~~ 48. "Moped" means a bicycle, not including an electric
2 bicycle, an electric miniature scooter or an electric standup scooter,
3 that is equipped with a helper motor if the vehicle has a maximum piston
4 displacement of fifty cubic centimeters or less, a brake horsepower of one
5 and one-half or less and a maximum speed of twenty-five miles per hour or
6 less on a flat surface with less than a one percent grade.

7 ~~47.~~ 49. "Motorcycle" means a motor vehicle that has a seat or
8 saddle for the use of the rider and that is designed to travel on not more
9 than three wheels in contact with the ground but excludes a tractor, an
10 electric bicycle, an electric miniature scooter, an electric standup
11 scooter and a moped.

12 ~~48.~~ 50. "Motor driven cycle" means a motorcycle, including every
13 motor scooter, with a motor that produces not more than five horsepower
14 but does not include an electric bicycle, an electric miniature scooter or
15 an electric standup scooter.

16 ~~49.~~ 51. "Motorized quadricycle" means a self-propelled motor
17 vehicle to which all of the following apply:

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

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

22 (c) The vehicle seats at least eight passengers, including the
23 driver.

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

26 (e) The vehicle is a commercial motor vehicle as defined in section
27 28-5201.

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

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

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

35 ~~50.~~ 52. "Motor vehicle":

36 (a) Means either:

37 (i) A self-propelled vehicle.

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

41 (b) Does not include a scrap vehicle, a personal delivery device, a
42 personal mobile cargo carrying device, a motorized wheelchair, an electric
43 personal assistive mobility device, an electric bicycle, an electric
44 miniature scooter, an electric standup scooter or a motorized skateboard.

45 For the purposes of this subdivision:

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

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

6 ~~51.~~ 53. "Motor vehicle fuel" includes all products that are
7 commonly or commercially known or sold as gasoline, including casinghead
8 gasoline, natural gasoline and all flammable liquids, and that are
9 composed of a mixture of selected hydrocarbons expressly manufactured and
10 blended for the purpose of effectively and efficiently operating internal
11 combustion engines. Motor vehicle fuel does not include inflammable
12 liquids that are specifically manufactured for racing motor vehicles and
13 that are distributed for and used by racing motor vehicles at a racetrack,
14 use fuel as defined in section 28-5601, aviation fuel, fuel for jet or
15 turbine powered aircraft or the mixture created at the interface of two
16 different substances being transported through a pipeline, commonly known
17 as transmix.

18 ~~52.~~ 54. "Neighborhood electric shuttle":

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

21 (i) The vehicle is emission free.

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

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

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

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

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

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

38 ~~53.~~ 55. "Neighborhood electric vehicle" means a self-propelled
39 electrically powered motor vehicle to which all of the following apply:

40 (a) The vehicle is emission free.

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

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

5 ~~54.~~ 56. "Neighborhood occupantless electric vehicle" means a
6 neighborhood electric vehicle that is not designed, intended or marketed
7 for human occupancy.

8 ~~55.~~ 57. "Nonresident" means a person who is not a resident of this
9 state as defined in section 28-2001.

10 ~~56.~~ 58. "Off-road recreational motor vehicle" means a motor
11 vehicle that is designed primarily for recreational nonhighway all-terrain
12 travel and that is not operated on a public highway. Off-road
13 recreational motor vehicle does not mean a motor vehicle used for
14 construction, building trade, mining or agricultural purposes.

15 ~~57.~~ 59. "Operational design domain":

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

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

20 ~~58.~~ 60. "Operator" means a person who drives a motor vehicle on a
21 highway, who is in actual physical control of a motor vehicle on a highway
22 or who is exercising control over or steering a vehicle being towed by a
23 motor vehicle.

24 ~~59.~~ 61. "Owner" means:

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

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

30 (c) If a mortgagor of a vehicle is entitled to possession of the
31 vehicle, the mortgagor.

32 ~~60.~~ 62. "Pedestrian" means any person afoot. A person who uses an
33 electric personal assistive mobility device or a manual or motorized
34 wheelchair is considered a pedestrian unless the manual wheelchair
35 qualifies as a bicycle. For the purposes of this paragraph, "motorized
36 wheelchair" means a self-propelled wheelchair that is used by a person for
37 mobility.

38 ~~61.~~ 63. "Personal delivery device":

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

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

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

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

2 ~~62.~~ 64. "Personal mobile cargo carrying device" means an
3 electronically powered device that:

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

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

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

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

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

14 ~~63.~~ 65. "Power sweeper" means an implement, with or without motive
15 power, that is only incidentally operated or moved on a street or highway
16 and that is designed for the removal of debris, dirt, gravel, litter or
17 sand whether by broom, vacuum or regenerative air system from asphaltic
18 concrete or cement concrete surfaces, including parking lots, highways,
19 streets and warehouses, and a vehicle on which the implement is
20 permanently mounted.

21 ~~64.~~ 66. "Public transit" means the transportation of passengers on
22 scheduled routes by means of a conveyance on an individual passenger
23 fare-paying basis excluding transportation by a sightseeing bus, school
24 bus or taxi or a vehicle not operated on a scheduled route basis.

25 ~~65.~~ 67. "Reconstructed vehicle" means a vehicle that has been
26 assembled or constructed largely by means of essential parts, new or used,
27 derived from vehicles or makes of vehicles of various names, models and
28 types or that, if originally otherwise constructed, has been materially
29 altered by the removal of essential parts or by the addition or
30 substitution of essential parts, new or used, derived from other vehicles
31 or makes of vehicles. For the purposes of this paragraph, "essential
32 parts" means integral and body parts, the removal, alteration or
33 substitution of which will tend to conceal the identity or substantially
34 alter the appearance of the vehicle.

35 ~~66.~~ 68. "Residence district" means the territory contiguous to and
36 including a highway not comprising a business district if the property on
37 the highway for a distance of three hundred feet or more is in the main
38 improved with residences or residences and buildings in use for business.

39 ~~67.~~ 69. "Right-of-way" when used within the context of the
40 regulation of the movement of traffic on a highway means the privilege of
41 the immediate use of the highway. Right-of-way when used within the
42 context of the real property on which transportation facilities and
43 appurtenances to the facilities are constructed or maintained means the
44 lands or interest in lands within the right-of-way boundaries.

1 ~~68.~~ 70. "SAE J3016" means surface transportation recommended
2 practice J3016 taxonomy and definitions for terms related to driving
3 automation systems for on-road motor vehicles published by SAE
4 international in June 2018.

5 ~~69.~~ 71. "School bus" means a motor vehicle that is designed for
6 carrying more than ten passengers and that is either:

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

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

13 ~~70.~~ 72. "Scrap metal dealer" has the same meaning prescribed in
14 section 44-1641.

15 ~~71.~~ 73. "Scrap vehicle" has the same meaning prescribed in section
16 44-1641.

17 ~~72.~~ 74. "Semitrailer" means a vehicle that is with or without
18 motive power, other than a pole trailer or single-axle tow dolly, that is
19 designed for carrying persons or property and for being drawn by a motor
20 vehicle and that is constructed so that some part of its weight and that
21 of its load rests on or is carried by another vehicle. For the purposes
22 of this paragraph, "pole trailer" has the same meaning prescribed in
23 section 28-601.

24 ~~73.~~ 75. "Single-axle tow dolly" means a nonvehicle device that is
25 drawn by a motor vehicle, that is designed and used exclusively to
26 transport another motor vehicle and on which the front or rear wheels of
27 the drawn motor vehicle are mounted on the tow dolly while the other
28 wheels of the drawn motor vehicle remain in contact with the ground.

29 ~~74.~~ 76. "State" means a state of the United States and the
30 District of Columbia.

31 ~~75.~~ 77. "State highway" means a state route or portion of a state
32 route that is accepted and designated by the board as a state highway and
33 that is maintained by the state.

34 ~~76.~~ 78. "State route" means a right-of-way whether actually used
35 as a highway or not that is designated by the board as a location for the
36 construction of a state highway.

37 ~~77.~~ 79. "Street" or "highway" means the entire width between the
38 boundary lines of every way if a part of the way is open to the use of the
39 public for purposes of vehicular travel.

40 ~~78.~~ 80. "Taxi" means a motor vehicle that has a seating capacity
41 not exceeding fifteen passengers, including the driver, that provides
42 passenger services and that:

43 (a) Does not primarily operate on a regular route or between
44 specified places.

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

4 ~~79.~~ 81. "Title transfer form" means a paper or an electronic form
5 that is prescribed by the department for the purpose of transferring a
6 certificate of title from one owner to another owner.

7 ~~80.~~ 82. "Traffic survival school" means a school that is licensed
8 pursuant to chapter 8, article 7.1 of this title and that offers
9 educational sessions that are designed to improve the safety and habits of
10 drivers and that are approved by the department.

11 ~~81.~~ 83. "Trailer" means a vehicle that is with or without motive
12 power, other than a pole trailer or single-axle tow dolly, that is
13 designed for carrying persons or property and for being drawn by a motor
14 vehicle and that is constructed so that no part of its weight rests on the
15 towing vehicle. A semitrailer equipped with an auxiliary front axle
16 commonly known as a dolly is deemed to be a trailer. For the purposes of
17 this paragraph, "pole trailer" has the same meaning prescribed in section
18 28-601.

19 ~~82.~~ 84. "Transportation network company" has the same meaning
20 prescribed in section 28-9551.

21 ~~83.~~ 85. "Transportation network company vehicle" has the same
22 meaning prescribed in section 28-9551.

23 ~~84.~~ 86. "Transportation network service" has the same meaning
24 prescribed in section 28-9551.

25 ~~85.~~ 87. "Truck" means a motor vehicle designed or used primarily
26 for the carrying of property other than the effects of the driver or
27 passengers and includes a motor vehicle to which has been added a box, a
28 platform or other equipment for such carrying.

29 ~~86.~~ 88. "Truck tractor" means a motor vehicle that is designed and
30 used primarily for drawing other vehicles and that is not constructed to
31 carry a load other than a part of the weight of the vehicle and load
32 drawn.

33 ~~87.~~ 89. "Vehicle":

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

36 (b) Does not include:

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

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

40 (iii) Personal delivery devices.

41 (iv) Scrap vehicles.

42 (v) Personal mobile cargo carrying devices.

1 ~~88.~~ 90. "Vehicle transporter" means either:

2 (a) A truck tractor capable of carrying a load and drawing a
3 semitrailer.

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

9 Sec. 2. Section 28-751, Arizona Revised Statutes, is amended to
10 read:

11 28-751. Required position and method of turning

12 The driver of a vehicle intending to turn shall do so as follows:

13 1. Right turns. Both the approach for a right turn and a right
14 turn shall be made as close as practicable to the right-hand curb or edge
15 of the roadway. THE DRIVER OF A VEHICLE OR COMBINATION OF VEHICLES WITH A
16 TOTAL LENGTH OF AT LEAST FORTY FEET OR A TOTAL WIDTH OF AT LEAST TEN FEET
17 MAY DEViate TO THE EXTENT NECESSARY FROM THE LANE INTO WHICH THE DRIVER IS
18 MAKING A RIGHT TURN IN A MANNER THAT AVOIDS CONTACT WITH ANOTHER PERSON OR
19 VEHICLE.

20 2. Left turns. The driver of a vehicle intending to turn left
21 shall approach the turn in the extreme left-hand lane lawfully available
22 to traffic moving in the direction of travel of the vehicle. If
23 practicable the driver shall make the left turn from the left of the
24 center of the intersection and shall make the turn to the left lane
25 immediately available for the driver's direction of traffic. THE DRIVER
26 OF A VEHICLE OR COMBINATION OF VEHICLES WITH A TOTAL LENGTH OF AT LEAST
27 FORTY FEET OR A TOTAL WIDTH OF AT LEAST TEN FEET MAY DEViate TO THE EXTENT
28 NECESSARY FROM THE LANE INTO WHICH THE DRIVER IS MAKING A LEFT TURN IN A
29 MANNER THAT AVOIDS CONTACT WITH ANOTHER PERSON OR VEHICLE.

30 3. The director or local authorities in their respective
31 jurisdictions may cause markers, buttons or signs to be placed and may
32 require and direct that a different course from that specified in this
33 section be traveled by vehicles turning at an intersection. When markers,
34 buttons or signs are so placed, a driver of a vehicle shall not turn a
35 vehicle other than as directed and required by the markers, buttons or
36 signs.

37 4. Two-way left turn lanes. If a special lane for making left
38 turns by drivers proceeding in opposite directions has been indicated by
39 official traffic control devices:

40 (a) A driver shall not make a left turn from any other lane.

41 (b) A driver shall not drive a vehicle in the lane except if
42 preparing for or making a left turn from or into the roadway or if
43 preparing for or making a u-turn if otherwise permitted by law.

1 Sec. 3. Section 28-1101, Arizona Revised Statutes, is amended to
2 read:

3 28-1101. Weight violations; civil penalty; classification;
4 procedures; evidence

5 A. A person who violates section 28-1099, ~~or~~ 28-1100 OR 28-1102 is:

6 1. Subject to a civil penalty ~~either~~ OF ANY OF THE FOLLOWING:

7 (a) As prescribed in subsection B of this section.

8 (b) AS PRESCRIBED IN SECTION 28-1102.

9 ~~(b)~~ (c) Of ~~one-dollar~~ \$1 if the excess weight is one thousand
10 pounds or less.

11 2. Guilty of a class 3 misdemeanor for a second violation ~~of either~~
12 of these sections within six months of the preceding judgment.

13 3. Guilty of a class 2 misdemeanor for a second conviction for a
14 violation ~~of either~~ of these sections within one year of the preceding
15 conviction pursuant to paragraph 2 of this subsection.

16 B. A court shall impose civil penalties as follows:

17 If the excess weight is: The minimum civil penalty is:

18 1,001 to 1,250 pounds \$ 100.00

19 1,251 to 1,500 200.00

20 1,501 to 2,000 300.00

21 2,001 to 2,500 400.00

22 2,501 to 3,000 500.00

23 3,001 to 3,500 840.00

24 3,501 to 4,000 980.00

25 4,001 to 4,500 1120.00

26 4,501 to 4,750 1260.00

27 4,751 to 5,000 1400.00

28 5,001 and over 1400.00 plus an additional
29 \$100 for each 1000 pounds
30 of excess weight

31 C. If an officer finds that a person has violated only the axle
32 weight limitation and not the total weight limitation, the officer shall
33 request the driver to shift the load, as reasonable under the
34 circumstances, to comply with the axle weight limitation and
35 notwithstanding section 28-1521 or this section:

36 1. If the driver does not comply with the request of the officer to
37 shift the load, the driver is subject to a civil penalty ~~or a criminal~~
38 ~~penalty~~.

39 2. If the driver complies with the axle weight limitation after
40 shifting the load and the excess axle weight was two thousand five hundred
41 pounds or less:

42 (a) The officer shall not cite the driver.

43 (b) The driver is not subject to a civil penalty ~~or a criminal~~
44 ~~penalty~~ for a violation of the axle weight limitation.

1 3. If the driver shifts the load but does not comply with the axle
2 weight limitation or if the excess axle weight is more than two thousand
3 five hundred pounds, the driver is subject to a civil penalty ~~or a~~
4 ~~criminal penalty~~ for a violation of the axle weight limitation.

5 D. If a person is arrested for violating section 28-1099 or
6 28-1100, the arresting officer may take the person immediately before a
7 magistrate who is within the county in which the offense charged is
8 alleged to have been committed and who has jurisdiction of the offense.
9 If the person is taken before a justice of the peace, the person shall be
10 taken before the nearest or most accessible justice of the peace with
11 reference to the place where the arrest is made.

12 E. The officer or court collecting or receiving a civil penalty,
13 fee, fine or forfeiture for a violation of section 28-1099, ~~or~~ 28-1100 ~~OR~~
14 ~~28-1102~~ shall deposit, pursuant to sections 35-146 and 35-147, the amount
15 in the Arizona highway user revenue fund. If a civil penalty, fee or fine
16 is collected, ~~ten dollars~~ \$10 of the civil penalty, fee or fine is
17 deductible as reimbursement of costs from the amount collected, unless the
18 fee or fine is less than ~~ten dollars~~ \$10. The collecting official shall
19 deposit the deducted monies with the city, town or county treasury of the
20 city, town or county prosecuting or processing the violation.

21 F. A weight certificate or any other document that evidences the
22 receipt of goods for shipment, that is issued by a person engaged in the
23 business of transporting or forwarding goods and that states the gross
24 weight of the vehicle with load that is in excess of the prescribed
25 maximum weight limitation ~~permitted by~~ PRESCRIBED IN section 28-1099 or
26 28-1100 is prima facie evidence that the weight of a vehicle and load is
27 unlawful.

28 G. If the commodity being carried is sold by weight, a weight
29 certificate or any other document that evidences the receipt of goods for
30 shipment, that is issued by a person engaged in the business of
31 transporting or forwarding goods and that states the gross weight of the
32 vehicle with load that is not in excess of the prescribed maximum weight
33 limitation permitted by section 28-1100 is prima facie evidence that the
34 gross weight of a vehicle and load is lawful. The presumption that the
35 weight of the vehicle and load is lawful may be rebutted by the weight of
36 the vehicle and load as shown by means of the department's stationary
37 scale or a public weighmaster scale.

38 Sec. 4. Section 28-1102, Arizona Revised Statutes, is amended to
39 read:

40 28-1102. Weighing of vehicles and loads; civil penalty

41 A. A police or peace officer having reason to believe that the
42 weight of a vehicle and load does not conform to this article may require
43 the driver to:

44 1. Stop and submit to a weighing of the vehicle and load by means
45 of either portable or stationary scales.

1 2. Drive the vehicle to the nearest public scales, if the scales
2 are within two miles.

3 B. If on weighing a vehicle and load pursuant to subsection A of
4 this section an officer determines that the weight does not conform to
5 this article, the officer may require the driver to stop the vehicle in a
6 suitable place and remain standing until the portion of the load is
7 removed as necessary to reduce the gross weight of the vehicle to the
8 limit ~~permitted~~ ALLOWED under this article. The owner or operator shall
9 care for the material unloaded at the risk of the owner or operator.

10 C. A driver of a vehicle is ~~guilty of a class 3 misdemeanor~~ SUBJECT
11 TO A CIVIL PENALTY OF \$250 who either:

12 1. Knowingly fails or refuses to stop and submit the vehicle and
13 load to a weighing.

14 2. Knowingly fails or refuses when directed by an officer on a
15 weighing of the vehicle to stop the vehicle and otherwise comply with
16 subsections A and B of this section.

17 D. A peace officer as defined in section 41-1701 or any other peace
18 officer designated by the director may require the weighing of a
19 commercial vehicle by means of portable scales at any time. Failure to
20 submit to weighing as required by this subsection is punishable by a civil
21 penalty, the minimum of which is the minimum civil penalty for over six
22 thousand pounds overweight as prescribed in section 28-1101, subsection B.

23 Sec. 5. Section 28-1151, Arizona Revised Statutes, is amended to
24 read:

25 28-1151. Violation; civil penalty

26 A person who operates, moves or leaves standing on a highway a
27 vehicle or a vehicle carrying or transporting cargo in violation of an
28 envelope permit is ~~guilty of a class 1 misdemeanor~~ SUBJECT TO A CIVIL
29 PENALTY OF \$750.

30 Sec. 6. Section 28-1301, Arizona Revised Statutes, is amended to
31 read:

32 28-1301. Definitions

33 In this chapter, unless the context otherwise requires:

34 1. "Certified ignition interlock device" means an ignition
35 interlock device that is certified pursuant to article 5 of this chapter.

36 2. "Circumvent" or "circumvention" means an attempted or successful
37 bypass of the proper functioning of a certified ignition interlock device
38 and includes all of the following:

39 (a) The bump start of a motor vehicle with a certified ignition
40 interlock device.

41 (b) The introduction of a false sample other than a deep-lung
42 breath sample from the person driving the motor vehicle.

43 (c) The introduction of an intentionally contaminated or a filtered
44 breath sample.

1 (d) The intentional disruption or blocking of a digital image
2 identification device.

3 (e) The continued operation of the motor vehicle after the
4 certified ignition interlock device detects breath alcohol exceeding the
5 presumptive limit prescribed in section 28-1381, subsection G, paragraph 3
6 or, if the person is under twenty-one years of age, any attempt to operate
7 the motor vehicle with any spirituous liquor in the person's body.

8 (f) Operating a motor vehicle without a properly functioning
9 certified ignition interlock device.

10 (g) Allowing a person other than the person who is required to
11 maintain a functioning certified ignition interlock device pursuant to
12 this chapter to breathe into the certified ignition interlock device for
13 the purpose of providing a breath alcohol sample to start the motor
14 vehicle or for the rolling retest.

15 3. "Commercial motor vehicle" means a motor vehicle or combination
16 of motor vehicles used **IN COMMERCE** to transport passengers or property if
17 the motor vehicle either:

18 (a) Has **EITHER** a gross combined weight rating **OR A GROSS WEIGHT** of
19 twenty-six thousand one or more pounds inclusive of a towed unit with a
20 gross vehicle weight rating **OR GROSS WEIGHT** of more than ten thousand
21 pounds, **WHICHEVER IS GREATER**.

22 (b) Has **EITHER** a gross vehicle weight rating **OR A GROSS WEIGHT** of
23 twenty-six thousand one or more pounds, **WHICHEVER IS GREATER**.

24 (c) Is a school bus.

25 (d) Is a bus.

26 (e) Is used in the transportation of materials found to be
27 hazardous for the purposes of the hazardous materials transportation act
28 (49 United States Code sections 5101 through 5127) and is required to be
29 placarded under 49 Code of Federal Regulations section 172.504, as adopted
30 by the department pursuant to chapter 14 of this title.

31 4. "Education" means a program in which a person participates in at
32 least sixteen hours of classroom instruction relating to alcohol or other
33 drugs.

34 5. **"GROSS WEIGHT" HAS THE SAME MEANING PRESCRIBED IN SECTION**
35 **28-5431.**

36 ~~5.~~ 6. "Ignition interlock device" means a device that is based on
37 alcohol specific electrochemical fuel sensor technology that meets the
38 national highway traffic safety administration specifications, that
39 connects a breath analyzer to a motor vehicle's ignition system, that is
40 constantly available to monitor the concentration by weight of alcohol in
41 the breath of any person attempting to start the motor vehicle by using
42 its ignition system and that deters starting the motor vehicle by use of
43 its ignition system unless the person attempting to start the motor
44 vehicle provides an appropriate breath sample for the device and the
45 device determines that the concentration by weight of alcohol in the
46 person's breath is below a preset level.

1 ~~6.~~ 7. "Ignition interlock service provider" means a person who is
2 an authorized representative of a manufacturer and who is under contract
3 with the department to install or oversee the installation of ignition
4 interlock devices by the provider's authorized agents or subcontractors
5 and to provide services to the public related to ignition interlock
6 devices.

7 ~~7.~~ 8. "License" means any license, temporary instruction permit or
8 temporary license issued under the laws of this state or any other state
9 pertaining to the licensing of persons to operate motor vehicles.

10 ~~8.~~ 9. "Manufacturer" means a person or an organization that is
11 located in the United States, that is responsible for the design,
12 construction or production of an ignition interlock device and that is
13 certified by the department to offer ignition interlock devices for
14 installation in motor vehicles in this state.

15 ~~9.~~ 10. "Rolling retest" means a breath alcohol test that is
16 required of a person at random intervals after the motor vehicle is
17 started and that is in addition to the initial test required to start the
18 motor vehicle.

19 ~~10.~~ 11. "Screening" means a preliminary interview and assessment
20 of an offender to determine if the offender requires alcohol or other drug
21 education or treatment.

22 ~~11.~~ 12. "Tampering" means an overt or conscious attempt to
23 physically disable or otherwise disconnect the certified ignition
24 interlock device from its power source that allows the operator to start
25 the engine without taking and passing the requisite breath test.

26 ~~12.~~ 13. "Technician" means a person who is certified and properly
27 trained by an ignition interlock service provider to install, inspect,
28 repair, calibrate, service or remove certified ignition interlock devices.

29 ~~13.~~ 14. "Treatment" means a program consisting of at least twenty
30 hours of participation in a group setting dealing with alcohol or other
31 drugs in addition to the sixteen hours of education.

32 Sec. 7. Section 28-3001, Arizona Revised Statutes, is amended to
33 read:

34 28-3001. Definitions

35 In this chapter, unless the context otherwise requires:

36 1. "Cancellation" means the annulment or termination of a driver
37 license because of an error or defect or because the licensee is no longer
38 entitled to the license.

39 2. "Commercial driver license" means a license that is issued to an
40 individual and that authorizes the individual to operate a class of
41 commercial motor vehicles.

42 3. "Commercial motor vehicle" means a motor vehicle or combination
43 of motor vehicles that is used in commerce to transport passengers or
44 property and that includes any of the following:

1 (a) A motor vehicle or combination of motor vehicles that has
2 EITHER a gross combined weight rating OR GROSS WEIGHT of twenty-six
3 thousand one or more pounds inclusive of a towed unit with a gross vehicle
4 weight rating OR GROSS WEIGHT of more than ten thousand pounds, WHICHEVER
5 IS GREATER.

6 (b) A motor vehicle that has EITHER a gross vehicle weight rating
7 OR A GROSS WEIGHT of twenty-six thousand one or more pounds, WHICHEVER IS
8 GREATER.

9 (c) A bus.

10 (d) A motor vehicle or combination of motor vehicles that is used
11 in the transportation of materials found to be hazardous for the purposes
12 of the hazardous materials transportation authorization act of 1994 (49
13 United States Code sections 5101 through 5128) and is required to be
14 placarded under 49 Code of Federal Regulations section 172.504, as adopted
15 by the department pursuant to chapter 14 of this title.

16 4. "Conviction" has the same meaning prescribed in section 28-101
17 and also means a final conviction or judgment, including an order of a
18 juvenile court finding that a juvenile has violated a provision of this
19 title or has committed a delinquent act that if committed by an adult
20 constitutes any of the following:

21 (a) Criminal damage to property pursuant to section 13-1602,
22 subsection A, paragraph 1.

23 (b) A felony offense in the commission of which a motor vehicle was
24 used, including theft of a motor vehicle pursuant to section 13-1802,
25 unlawful use of means of transportation pursuant to section 13-1803 or
26 theft of means of transportation pursuant to section 13-1814.

27 (c) A forfeiture of bail or collateral deposited to secure a
28 defendant's appearance in court that has not been vacated.

29 5. "Disqualification" means a prohibition from obtaining a
30 commercial driver license or driving a commercial motor vehicle.

31 6. "Employer" means a person, including the United States, a state
32 or a political subdivision of a state, that owns or leases a commercial
33 motor vehicle or that assigns a person to operate a commercial motor
34 vehicle.

35 7. "Endorsement" means an authorization that is added to an
36 individual's driver license and that is required to permit the individual
37 to operate certain types of vehicles.

38 8. "Foreign" means outside the United States.

39 ~~9. "Gross vehicle weight rating" means the weight that is assigned~~
40 ~~by the vehicle manufacturer to a vehicle and that represents the maximum~~
41 ~~recommended total weight including the vehicle and the load for the~~
42 ~~vehicle.~~

43 9. "GROSS WEIGHT" HAS THE SAME MEANING PRESCRIBED IN SECTION
44 28-5431.

1 10. "Judgment" means a final judgment and any of the following:

2 (a) The finding by a court that an individual is responsible for a
3 civil traffic violation.

4 (b) An individual's admission of responsibility for a civil traffic
5 violation.

6 (c) The voluntary or involuntary forfeiture of deposit in
7 connection with a civil traffic violation.

8 (d) A default judgment entered by a court pursuant to section
9 28-1596.

10 11. "License class" means, for the purpose of determining the
11 appropriate class of driver license required for the type of motor vehicle
12 or vehicle combination a driver intends to operate or is operating, the
13 class of driver license prescribed in section 28-3101.

14 12. "Nondomiciled commercial driver license" means a commercial
15 driver license issued to an individual domiciled in a foreign country or
16 to an individual domiciled in another state if that state is prohibited
17 from issuing commercial driver licenses.

18 13. "Original applicant" means any of the following:

19 (a) An applicant who has never been licensed or cannot provide
20 evidence of licensing.

21 (b) An applicant who is applying for a higher class of driver
22 license than the license currently held by the applicant.

23 (c) An applicant who has a license from a foreign country.

24 14. "Revocation" means that the driver license and driver's
25 privilege to drive a motor vehicle on the public highways of this state
26 are terminated and shall not be renewed or restored, except that an
27 application for a new license may be presented and acted on by the
28 department after one year from the date of revocation.

29 15. "State of domicile" means the state or jurisdiction where a
30 person has the person's true, fixed and permanent home and principal
31 residence and to which the person has the intention of returning after an
32 absence.

33 16. "Suspension" means that the driver license and driver's
34 privilege to drive a motor vehicle on the public highways of this state
35 are temporarily withdrawn during the period of the suspension.

36 17. "Vehicle combination" means a motor vehicle and a vehicle in
37 excess of ten thousand pounds gross ~~vehicle~~ weight that it tows, if the
38 ~~combined~~ gross ~~vehicle~~ ~~COMBINED~~ weight rating is more than twenty-six
39 thousand pounds.

40 Sec. 8. Section 28-3101, Arizona Revised Statutes, is amended to
41 read:

42 28-3101. Driver license classes

43 A. Except as provided in subsections B and C of this section and
44 section 28-3102, the following driver license classes are valid:

1 1. Class A. A class A license is valid for operating either of the
2 following:

3 (a) A motor vehicle that tows a vehicle with a gross vehicle weight
4 rating of more than ten thousand pounds if the ~~combined gross vehicle~~
5 ~~weight rating~~ GROSS COMBINED WEIGHT RATING is twenty-six thousand one or
6 more pounds.

7 (b) A vehicle that requires a class B, C or D license.

8 2. Class B. A class B license is valid for operating any of the
9 following:

10 (a) A single motor vehicle with a gross vehicle weight rating of
11 twenty-six thousand one or more pounds.

12 (b) A motor vehicle with a gross vehicle weight rating of
13 twenty-six thousand one or more pounds that tows a vehicle with a gross
14 vehicle weight rating of ten thousand pounds or less.

15 (c) A vehicle that requires a class C or D license for operation.

16 3. Class C. A class C license is valid for operating any of the
17 following:

18 (a) A single motor vehicle with a gross vehicle weight rating of
19 twenty-six thousand pounds or less.

20 (b) A motor vehicle with a gross vehicle weight rating of
21 twenty-six thousand pounds or less that tows a vehicle with a gross
22 vehicle weight rating of ten thousand pounds or less.

23 (c) A motor vehicle with a gross vehicle weight rating of
24 twenty-six thousand pounds or less that tows a vehicle with a gross
25 vehicle weight rating of more than ten thousand pounds, if the ~~combined~~
26 ~~gross vehicle weight rating~~ GROSS COMBINED WEIGHT RATING is less than
27 twenty-six thousand one pounds.

28 (d) A vehicle that is required to be placarded for hazardous
29 materials.

30 (e) A bus or school bus.

31 (f) A vehicle that requires a class D license for operation.

32 4. Class D. A class D license is valid for operating any of the
33 following:

34 (a) A single motor vehicle with a gross vehicle weight rating of
35 twenty-six thousand pounds or less, including an autocycle.

36 (b) A motor vehicle with a gross vehicle weight rating of
37 twenty-six thousand pounds or less that tows a vehicle with a gross
38 vehicle weight rating of ten thousand pounds or less.

39 (c) A motor vehicle with a gross vehicle weight rating of
40 twenty-six thousand pounds or less that tows a vehicle with a gross
41 vehicle weight rating of more than ten thousand pounds if the ~~combined~~
42 ~~gross vehicle weight rating~~ GROSS COMBINED WEIGHT RATING is less than
43 twenty-six thousand one pounds.

1 (d) A motorized touring vehicle. For the purposes of this
2 subdivision, "motorized touring vehicle" means a motor vehicle that is all
3 of the following:

4 (i) Owned by a commercial entity.

5 (ii) Rented for use during a sightseeing tour that is guided by an
6 employee of the commercial entity that rents the motor vehicle.

7 (iii) Designed to travel with three wheels on the ground.

8 (iv) Capable of a maximum speed of forty-five miles per hour.

9 5. Class G. A class G license is valid for operating a single
10 motor vehicle with a gross vehicle weight rating of twenty-six thousand
11 pounds or less.

12 6. Class M. A class M license is valid for operating a motorcycle,
13 motor driven cycle or moped but is not necessary for operating an
14 autocycle or a motorcycle that has at least three wheels and a three-point
15 safety belt and bucket or bench seats and that is fully enclosed or uses a
16 roll cage frame. For the purpose of licensing a driver, the department
17 may endorse a class M license classification on a valid class A, B, C, D
18 or G license.

19 B. A class A, B, C, D or G license is not valid for operating a
20 vehicle that requires a class M license or a vehicle that requires a
21 special endorsement unless the proper endorsement appears on the license.

22 C. A commercial driver license is not required to operate a vehicle
23 described in subsection A, paragraph 1, 2 or 3 of this section if the
24 vehicle has been issued a historic vehicle license plate pursuant to
25 section 28-2484 and the department provides in the vehicle registration
26 record both of the following:

27 1. That the vehicle is classified as a noncommercial vehicle and
28 may not be used as a commercial vehicle.

29 2. The vehicle's ~~gross vehicle weight~~ DECLARED GROSS WEIGHT AS
30 DEFINED IN SECTION 28-5431 is entered as zero.

31 Sec. 9. Section 28-5201, Arizona Revised Statutes, is amended to
32 read:

33 28-5201. Definitions

34 In this chapter, unless the context otherwise requires:

35 1. "Commercial motor vehicle" means a motor vehicle or combination
36 of motor vehicles that is designed, used or maintained to transport
37 passengers or property in the furtherance of a commercial enterprise on a
38 highway in this state, that is not exempt from the gross weight fees as
39 prescribed in section 28-5432, subsection B and that includes any of the
40 following:

41 (a) A single vehicle or combination of vehicles that has EITHER a
42 gross vehicle weight rating OR A GROSS WEIGHT of twenty-six thousand one
43 or more pounds, WHICHEVER IS GREATER, and that is used for the purposes of
44 intrastate commerce.

1 (b) A single vehicle or combination of vehicles that has a gross
2 vehicle weight rating of ten thousand one or more pounds and that is used
3 for the purposes of interstate commerce.

4 (c) A school bus.

5 (d) A bus.

6 (e) A vehicle that transports passengers for hire and that has a
7 design capacity for ~~eight~~ NINE or more persons.

8 (f) A vehicle that is used in the transportation of materials found
9 to be hazardous for the purposes of the hazardous materials transportation
10 authorization act of 1994 (49 United States Code sections 5101 through
11 5128) and that is required to be placarded under 49 Code of Federal
12 Regulations section 172.504, as adopted by the department pursuant to this
13 chapter.

14 2. "Declared gross weight" has the same meaning prescribed in
15 section 28-5431. If a declaration has not been made, declared gross
16 weight means gross weight.

17 3. "Gross weight" has the same meaning prescribed in section
18 28-5431.

19 4. "Hazardous material" means a substance that has been determined
20 by the United States department of transportation under 49 Code of Federal
21 Regulations to be capable of posing an unreasonable risk to health, safety
22 and property if transported in commerce.

23 5. "Hazardous substance" means a material and its mixtures or
24 solutions that ~~has~~ HAVE been determined by the United States department of
25 transportation under 49 Code of Federal Regulations to be capable of
26 posing an unreasonable risk to health, safety and property if transported
27 in commerce.

28 6. "Hazardous waste" means a material that is subject to the
29 hazardous waste manifest requirements of the department of environmental
30 quality or the United States environmental protection agency.

31 7. "Manufacturer" means a person who transports or causes to be
32 transported or shipped by a motor vehicle a material that is represented,
33 marked, certified or sold by a person for transportation in commerce.

34 8. "Motor carrier" means a person who operates or causes to be
35 operated a commercial motor vehicle on a public highway.

36 9. "Motor vehicle" means any vehicle, machine, truck tractor,
37 trailer or semitrailer that is propelled or drawn by mechanical power and
38 that is used on a public highway in the transportation of passengers or
39 property in the furtherance of a commercial enterprise.

40 10. "Person" means a public or private corporation, company,
41 partnership, firm, association or society of persons, the federal
42 government and its departments or agencies, this state or any of its
43 agencies, departments, political subdivisions, counties, towns or
44 municipal corporations or a natural person.

1 11. "Public highway" means a public street, alley, road, highway or
2 thoroughfare of any kind in this state that is used by the public or that
3 is open to the use of the public as a matter of right, for the purpose of
4 vehicular travel.

5 12. "Shipper" means a person who offers a material for motor
6 vehicle transportation in commerce.

7 13. "Transportation" means a movement of person or property by a
8 motor vehicle and any loading, unloading or storage incidental to the
9 movement.

10 14. "Vehicle combination" has the same meaning prescribed in
11 section 28-5431.

12 Sec. 10. Section 28-5242, Arizona Revised Statutes, is amended to
13 read:

14 28-5242. Registration requirements; interstate or foreign
15 commerce; enforcement; civil penalty; violations;
16 classification

17 A. A motor carrier shall not operate in this state a motor vehicle
18 involved in interstate or foreign commerce or require or allow a driver to
19 operate a motor vehicle involved in interstate or foreign commerce unless
20 the motor carrier is registered pursuant to 49 United States Code sections
21 13901 and 13902. A motor carrier domiciled outside of the United States
22 shall have proof of the registration in the vehicle when operating in this
23 state.

24 B. A motor carrier shall not operate in this state a motor vehicle
25 involved in interstate or foreign commerce or require or allow a driver to
26 operate a motor vehicle involved in interstate or foreign commerce beyond
27 the scope of the motor carrier's registration issued pursuant to 49 United
28 States Code sections 13901 and 13902.

29 C. A person who violates subsection A or B of this section is
30 ~~guilty of a class 2 misdemeanor~~ SUBJECT TO A CIVIL PENALTY OF \$500.

31 D. The department or a law enforcement officer authorized pursuant
32 to section 28-5204 may place a motor vehicle under an out-of-service order
33 until either the cargo is removed from the vehicle or the officer obtains
34 proof that the motor carrier is registered pursuant to 49 United States
35 Code sections 13901 and 13902.

36 E. A motor carrier shall not operate a motor vehicle or allow a
37 driver to operate a motor vehicle subject to an out-of-service order
38 issued pursuant to this section until the reason for the out-of-service
39 order has been remedied. A motor carrier or driver who violates this
40 subsection is guilty of a class 1 misdemeanor.