

REFERENCE TITLE: ADOT; primitive roads; designation

State of Arizona  
Senate  
Fifty-seventh Legislature  
Second Regular Session  
2026

## **SB 1456**

Introduced by  
Senator Farnsworth

AN ACT

AMENDING SECTION 28-7041, ARIZONA REVISED STATUTES; RELATING TO STATE  
HIGHWAYS AND ROUTES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-7041, Arizona Revised Statutes, is amended to  
3 read:

4 28-7041. State highways and routes defined; primitive road  
5 designation

6 A. The state highways, to be known as state routes, consist of the  
7 highways declared before August 12, 1927 to be state highways, under  
8 authority of law, that the board, after receipt of a recommendation from  
9 the director, may add to, abandon or change. If the board proceeds  
10 contrary to the recommendations of the director, ~~it~~ THE BOARD shall file a  
11 written report with the governor stating the reasons for the action.

12 B. The state highways consist of the parts of the state routes  
13 designated and accepted as state highways by the board. A highway that  
14 has not been designated as a state route shall not become a state highway  
15 and any portion of a state route shall not become a state highway until it  
16 has been specifically designated and accepted by the board as a state  
17 highway and ordered to be constructed and improved.

18 C. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE MAY DESIGNATE A STATE  
19 HIGHWAY OR ROUTE AS A PRIMITIVE ROAD.

20 D. NEITHER THIS STATE OR ITS EMPLOYEES ARE LIABLE FOR DAMAGES OR  
21 INJURIES RESULTING FROM THE USE OF A PRIMITIVE ROAD DESIGNATED PURSUANT TO  
22 SUBSECTION C OF THIS SECTION EXCEPT FOR INTENTIONAL INJURIES OR GROSS  
23 NEGLIGENCE CAUSED BY AN EMPLOYEE ACTING WITHIN THE SCOPE OF THE EMPLOYEE'S  
24 EMPLOYMENT.

25 E. THE DEPARTMENT SHALL PLACE SIGNS ON EACH ROAD DESIGNATED AS A  
26 PRIMITIVE ROAD IN LOCATIONS ADEQUATE TO WARN THE PUBLIC. THESE SIGNS  
27 SHALL STATE "PRIMITIVE ROAD, CAUTION, USE AT YOUR OWN RISK. THIS SURFACE  
28 IS NOT REGULARLY MAINTAINED".

29 ~~it~~ F. All highways, roads or streets that have been constructed,  
30 laid out, opened, established or maintained for ten years or more by the  
31 state or an agency or political subdivision of the state before January 1,  
32 1960 and that have been used continuously by the public as thoroughfares  
33 for free travel and passage for ten years or more are declared public  
34 highways, regardless of an error, defect or omission in the proceeding or  
35 failure to act to establish those highways, roads or streets or in  
36 recording the proceedings.