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**Jane Dee Hull  
Secretary of State**

CHAPTER 134

**SENATE BILL 1298**

AN ACT

AMENDING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1995, CHAPTER 20, SECTION 1; AMENDING SECTIONS 28-207, 28-303, 28-305, 28-943, 28-955, 28-965, 28-1252 AND 28-1591.03, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 6, ARTICLE 16, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-966; RELATING TO REGULATION OF VEHICLES.

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

2 Section 1. Section 28-101, Arizona Revised Statutes, as amended by  
3 Laws 1995, chapter 20, section 1, is amended to 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 either:

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

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

13 3. "Authorized emergency vehicle" means vehicles of the fire  
14 department, police vehicles, ambulances and emergency vehicles of municipal  
15 departments or public service corporations that are designated or authorized  
16 by the department or local authorities or other ambulances, fire trucks and  
17 rescue vehicles that may be authorized at the sole discretion of the  
18 department and that meet liability insurance requirements prescribed by the  
19 department.

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

6           5. "Bicycle" means every device propelled by human power upon which  
7 any person may ride, having two tandem wheels either of which is more than  
8 sixteen inches in diameter or having three wheels in contact with the ground  
9 any of which is more than sixteen inches in diameter.

10          6. "Board" means the transportation board.

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

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

19          9. "Car pool or van pool operator" means any natural person when  
20 engaged either regularly or occasionally in carrying one or more other  
21 persons by motor vehicle on any public highway, with or without compensation  
22 but not for profit, provided that the carriage of such other person or  
23 persons is incidental to another purpose of the car pool or van pool  
24 operator. A car pool or van pool operator shall be conclusively presumed not  
25 to be carrying persons for profit if either:

26           (a) He receives compensation not exceeding twenty cents per mile for  
27 total vehicle miles traveled, except that the proportionate share of the car  
28 pool or van pool operator shall be included in such amount.

29           (b) He carries one or more of his passengers in consideration of his  
30 being carried in like situations by such passenger or passengers. The  
31 receipt of compensation in excess of twenty cents per mile for total vehicle  
32 miles traveled shall not preclude a car pool or van pool operator from  
33 showing that such compensation does not result in a profit to him or that  
34 such operator did not intend that a profit result. Such carriage shall be  
35 deemed incidental to another purpose of the car pool or van pool operator if,  
36 except in unusual circumstances, such operator is not making the trip solely  
37 for the purpose of carrying a passenger or passengers. A car pool or van  
38 pool operator is conclusively presumed not to be transporting passengers for  
39 hire.

40          10. "Car pool or van pool vehicle" means any motor vehicle when  
41 operated by a car pool or van pool operator.

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

1           12. "Controlled substance" means any 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 on schedules I through V  
4 of title 21 Code of Federal Regulations part 1308.

5           13. "Conviction" means:

6           (a) An unvacated adjudication of guilt or a determination that a  
7 person has 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 secure  
10 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           14. "County highway" means any public road constructed and maintained  
14 by a county.

15           15. "Dealer" means any person who is engaged in the business of buying,  
16 selling or exchanging motor vehicles, trailers or semitrailers and who has  
17 an established place of business.

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

20           17. "Director" means the director of the department of transportation.

21           18. "Distributor" means any person who refines, manufactures, produces,  
22 compounds, blends or imports motor vehicle fuel, aviation fuel or liquid use  
23 fuel in the original package or container or otherwise, and includes every  
24 person importing motor vehicle fuel, aviation fuel or liquid use fuel by  
25 means of a pipeline or in any other manner but does not include persons  
26 importing motor vehicle fuel, aviation fuel or liquid use fuel in the fuel  
27 tank of a motor vehicle or aircraft.

28           19. "Drive" means to operate or be in physical control of a motor  
29 vehicle.

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

32           21. "Driver's license" means a license which is issued by a state to  
33 an individual and which authorizes the individual to drive a motor vehicle.

34           22. "Essential parts" means integral and body parts, the removal,  
35 alteration or substitution of which will tend to conceal the identity or  
36 substantially alter the appearance of the vehicle.

37           23. "Farm tractor" means a motor vehicle designed and used primarily  
38 as a farm implement for drawing implements of husbandry.

39           24. "Foreign vehicle" means any motor vehicle, trailer or semitrailer  
40 which is brought into this state otherwise than in the ordinary course of  
41 business by or through a manufacturer or dealer and which has not been  
42 registered in this state.

43           25. "Golf cart" means a motor vehicle which has not less than three  
44 wheels in contact with the ground, which has an unladen weight of less than  
45 ~~thirteen~~ EIGHTEEN hundred pounds, which is designed to be and is operated at

1 not more than ~~fifteen~~ TWENTY-FIVE miles an hour and which is designed to  
2 carry ~~golf equipment and~~ not more than four persons including the driver.

3 26. "Hazardous materials" means a material, and its mixtures or  
4 solutions, which has been determined by the United States department of  
5 transportation under title 49 Code of Federal Regulations to be capable of  
6 posing an unreasonable risk to health, safety and property if transported in  
7 commerce and is required to be placarded or marked as required by the  
8 department's safety rules prescribed pursuant to chapter 19, article 1 of  
9 this title.

10 27. "Implements of husbandry" means vehicles designed primarily for  
11 agricultural purposes and used exclusively in the conduct of agricultural  
12 operations. Any implement or vehicle, whether self-propelled or otherwise,  
13 which is used exclusively for carrying products of farming from one part of  
14 a farm to another part of the same farm, or from one farm to another farm,  
15 which is used solely for agricultural purposes including the preparation or  
16 harvesting of cotton, alfalfa, grains and other farm crops, and which is only  
17 incidentally operated or moved on a highway whether as a trailer or  
18 self-propelled unit is an implement of husbandry exempt from registration as  
19 a motor vehicle.

20 28. "Improved highway" means a highway paved with cement concrete or  
21 asphaltic concrete, or having a hard surface and distinct roadway not less  
22 than four inches thick, made up of a mixture of rock, sand or gravel, bound  
23 together by an artificial binder other than natural soil.

24 29. "Local authorities" means the county, municipal and other local  
25 board or body exercising jurisdiction over highways under the constitution  
26 and laws of this state.

27 30. "Manufacturer" means any person engaged in the business of  
28 manufacturing motor vehicles, trailers or semitrailers.

29 31. "Motor-driven cycle" means a motorcycle, including every motor  
30 scooter, with a motor which produces not to exceed five horsepower.

31 32. "Motor vehicle" means any self-propelled vehicle but, for the  
32 purposes of the laws relating to the imposition of a tax upon motor vehicle  
33 fuel, ~~the term~~ MOTOR VEHICLE means any vehicle which is operated upon the  
34 highways of this state and which is propelled by the use of motor vehicle  
35 fuel. Motor vehicle does not include a motorized wheelchair or a motorized  
36 skateboard.

37 33. "Motor vehicle division" or "vehicle division" means the division  
38 of motor vehicles of the department of transportation acting directly or  
39 through its duly authorized officers and agents as designated by the  
40 director.

41 34. "Motor vehicle fuel" includes all products commonly or commercially  
42 known or sold as gasoline, including casing head gasoline, natural gasoline  
43 and all flammable liquids, composed of a mixture of selected hydrocarbons  
44 expressly manufactured and blended for the purpose of effectively and  
45 efficiently operating internal combustion engines. Motor vehicle fuel does

1 not include use fuel as defined in section 28-1551, aviation fuel, fuel for  
2 jet or turbine powered aircraft or the mixture created at the interface of  
3 two different substances being transported through a pipeline, commonly known  
4 as transmix.

5 35. "Motorcycle" means a motor vehicle having a seat or saddle for the  
6 use of the rider and designed to travel on not more than three wheels in  
7 contact with the ground but excluding a tractor and excluding pedal bicycles  
8 with helper motors.

9 36. "Motorized skateboard" means a self-propelled device that has a  
10 motor, a deck on which a person may ride and at least two tandem wheels in  
11 contact with the ground.

12 37. "Motorized wheelchair" means any self-propelled vehicle that is  
13 designed for, and used by, a handicapped person.

14 38. "NEIGHBORHOOD ELECTRIC VEHICLE" MEANS A SELF-PROPELLED ELECTRICALLY  
15 POWERED MOTOR VEHICLE TO WHICH ALL OF THE FOLLOWING APPLY:

16 (a) THE VEHICLE IS EMISSION FREE.

17 (b) THE VEHICLE IS DESIGNED TO CARRY FOUR OR FEWER PERSONS.

18 (c) THE VEHICLE IS DESIGNED TO BE AND IS OPERATED AT SPEEDS OF  
19 TWENTY-FIVE MILES PER HOUR OR LESS.

20 (d) THE VEHICLE HAS AT LEAST FOUR WHEELS IN CONTACT WITH THE GROUND.

21 (e) THE VEHICLE HAS AN UNLADEN WEIGHT OF LESS THAN ONE THOUSAND EIGHT  
22 HUNDRED POUNDS.

23 ~~38-~~ 39. "Nonresident" means a person who is not a resident of this  
24 state as defined in section 28-102.

25 ~~39-~~ 40. "Operator" means a person who drives or is in actual physical  
26 control over a motor vehicle upon a highway or who is exercising control over  
27 or steering a vehicle being towed by a motor vehicle.

28 ~~40-~~ 41. "Owner" means a person who holds the legal title of a vehicle  
29 or, if a vehicle is the subject of an agreement for the conditional sale or  
30 lease with the right of purchase upon performance of the conditions stated  
31 in the agreement and with an immediate right of possession vested in the  
32 conditional vendee or lessee, the conditional vendee or lessee, or, if a  
33 mortgagor of a vehicle is entitled to possession, the mortgagor.

34 ~~41-~~ 42. "Pedal bicycle with helper motor" means every bicycle equipped  
35 with a helper motor, if such vehicle has a maximum piston displacement of  
36 fifty cubic centimeters or less, a brake horsepower of one and one-half or  
37 less and a maximum speed of twenty-five miles per hour or less on a flat  
38 surface with less than a one per cent grade.

39 ~~42-~~ 43. "Pedestrian" means any person afoot. A person who is not  
40 ambulatory and WHO is in a wheelchair or motorized wheelchair is considered  
41 a pedestrian.

42 ~~43-~~ 44. "Person" means every natural person, firm, copartnership,  
43 association or corporation.

44 ~~44-~~ 45. "Pneumatic tire" means every tire in which compressed air is  
45 designed to support the load.

1           ~~45-~~ 46. "Pole trailer" means a vehicle without motive power designed  
2 to be drawn by another vehicle and attached to the towing vehicle by means  
3 of a reach or pole, or by being boomed or otherwise secured to the towing  
4 vehicle, and ordinarily used for transporting long or irregularly shaped  
5 loads such as poles, pipes or structural members capable, generally, of  
6 sustaining themselves as beams between the supporting connections.

7           ~~46-~~ 47. "Power sweeper" means any implement, with or without motive  
8 power, designed for the removal of debris, dirt, gravel, litter or sand  
9 whether by broom, vacuum or regenerative air system from asphaltic concrete  
10 or cement concrete surfaces, including parking lots, highways, streets and  
11 warehouses, and any vehicle on which such implement has been permanently  
12 mounted, and which is only incidentally operated or moved on a street or  
13 highway.

14           ~~47-~~ 48. "Public transit" or "mass transit" means the transportation  
15 of passengers on scheduled routes by means of a conveyance on an individual  
16 passenger fare-paying basis excluding transportation by a sight-seeing bus,  
17 school bus or taxi or any vehicle not operated on a scheduled route basis.

18           ~~48-~~ 49. "Reconstructed vehicle" means any vehicle which has been  
19 assembled or constructed largely by means of essential parts, new or used,  
20 derived from vehicles or makes of vehicles of various names, models and  
21 types, or which, if originally otherwise constructed, has been materially  
22 altered by the removal of essential parts or by the addition or substitution  
23 of essential parts, new or used, derived from other vehicles or makes of  
24 vehicles.

25           ~~49-~~ 50. "Residence district" means the territory contiguous to and  
26 including a highway not comprising a business district when the property on  
27 the highway for a distance of three hundred feet or more is in the main  
28 improved with residences or residences and buildings in use for business.

29           ~~50-~~ 51. "Right-of-way" when used within the context of the regulation  
30 of the movement of traffic on a highway means the privilege of the immediate  
31 use of the highway. Right-of-way when used within the context of the real  
32 property upon which transportation facilities and appurtenances to such  
33 facilities are constructed or maintained means the lands or interest in lands  
34 within the right-of-way boundaries.

35           ~~51-~~ 52. "Road tractor" means any motor vehicle designed and used for  
36 drawing other vehicles and not constructed to carry a load either  
37 independently or any part of the weight of a vehicle or load so drawn.

38           ~~52-~~ 53. "Safety zone" means the area or space which is officially set  
39 apart within a roadway for the exclusive use of pedestrians and which is  
40 protected or is marked or indicated by adequate signs as to be plainly  
41 visible at all times while set apart as a safety zone.

42           ~~53-~~ 54. "School bus" means a motor vehicle designed for carrying more  
43 than ten passengers, owned by a public or governmental agency or other  
44 institution and operated for the transportation of children to or from home  
45 or school on a regularly scheduled basis or privately-owned and operated for

1 compensation for the transportation of children to or from home or school on  
2 a regularly scheduled basis.

3 ~~54-~~ 55. "Semitrailer" means a vehicle with or without motive power,  
4 other than a pole trailer, designed for carrying persons or property and for  
5 being drawn by a motor vehicle and constructed so that some part of its  
6 weight and that of its load rests upon or is carried by another vehicle.

7 ~~55-~~ 56. "Serious traffic violation" means a conviction when operating  
8 a commercial motor vehicle of:

9 (a) Excessive speeding involving conviction or adjudication of speed  
10 restrictions and a finding of a speed fifteen miles per hour or more above  
11 the speed limit as prescribed in section 28-707 or a violation of section  
12 28-701.02.

13 (b) A violation of section 28-693.

14 (c) A violation of any state or local law related to motor vehicle  
15 traffic control, other than a parking violation, arising in connection with  
16 a fatal accident.

17 ~~56-~~ 57. "Service station" means a place operated primarily for the  
18 purpose of delivering motor vehicle fuel into the fuel tanks of motor  
19 vehicles.

20 ~~57-~~ 58. "Solid tire" means a tire which is made of rubber or other  
21 resilient material and which does not depend upon compressed air for the  
22 support of the load.

23 ~~58-~~ 59. "Specially constructed vehicle" means any vehicle not  
24 originally constructed under a distinctive name, make, model or type by a  
25 generally recognized manufacturer of vehicles.

26 ~~59-~~ 60. "State" means a state of the United States and the District  
27 of Columbia.

28 ~~60-~~ 61. "State airports" means state-owned airports.

29 ~~61-~~ 62. "State engineer" means the assistant director of the highway  
30 division of the department of transportation.

31 ~~62-~~ 63. "State highway" means any state route, or portion of a state  
32 route, that is accepted and designated by the transportation board as a state  
33 highway and maintained by the state.

34 ~~63-~~ 64. "State route" means any right-of-way, whether actually used  
35 as a highway or not, designated by the transportation board as a location for  
36 the construction of a state highway.

37 ~~64-~~ 65. "Street" or "highway" means the entire width between the  
38 boundary lines of every way when any part thereof is open to the use of the  
39 public for purposes of vehicular travel.

40 ~~65-~~ 66. "Superintendent" means the assistant director for the motor  
41 vehicle division of the department of transportation.

42 ~~66-~~ 67. "Trailer" means a vehicle with or without motive power, other  
43 than a pole trailer, designed for carrying persons or property and for being  
44 drawn by a motor vehicle and so constructed that no part of its weight rests

1 upon the towing vehicle. A semitrailer equipped with an auxiliary front axle  
2 commonly known as a dolly shall be deemed to be a trailer.

3 ~~67-~~ 68. "Truck" means any motor vehicle designed or used primarily for  
4 the carrying of property other than the effects of the driver or passengers  
5 and includes a motor vehicle to which has been added a box, a platform or  
6 other equipment for such carrying.

7 ~~68-~~ 69. "Truck tractor" means any motor vehicle designed and used  
8 primarily for drawing other vehicles and not constructed to carry a load  
9 other than a part of the weight of the vehicle and load drawn.

10 ~~69-~~ 70. "Vehicle" means a device in, upon or by which any person or  
11 property is or may be transported or drawn upon a public highway, excepting  
12 devices moved by human power or used exclusively upon stationary rails or  
13 tracks.

14 ~~70-~~ 71. "Vehicle transporter" means either:

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

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

21 Sec. 2. Section 28-207, Arizona Revised Statutes, is amended to read:

22 28-207. Exemption from payment of weight fees; religious  
23 institutions; nonprofit schools; disaster assistance  
24 organizations; government entities; pupil  
25 transportation

26 A. Motor vehicles, trailers or semitrailers owned and operated by  
27 religious institutions and used exclusively for the transportation of  
28 property produced and distributed for charitable purposes without  
29 compensation are exempt from the weight fee provided by section 28-206.

30 B. For the purposes of subsection A of this section, "religious  
31 institution" means a recognized organization having an established place of  
32 meeting for religious worship which holds regular meetings for that purpose  
33 at least once each week in not less than five cities or towns in the state.

34 C. Motor vehicles, trailers and semitrailers owned and operated by  
35 nonprofit schools which are recognized as being tax exempt by the federal or  
36 state government are exempt from the weight fee provided by section 28-206  
37 if used exclusively for any of the following:

38 1. The transportation of pupils in connection with the school  
39 curriculum.

40 2. The training of pupils.

41 3. The transportation of property for charitable purposes without  
42 compensation.

43 D. Motor vehicles, trailers and semitrailers owned by any nonprofit  
44 organization in this state which presents to the motor vehicle division a  
45 form approved by the director of the division of emergency management

1 pursuant to section 26-318 are exempt from the weight fee provided by section  
2 28-206.

3 E. A vehicle owned and operated by a foreign government, a consul or  
4 any other official representative of a foreign government, by the United  
5 States, by a state or political subdivision of a state or by an Indian tribal  
6 government is exempt from the weight fees provided by section 28-206.

7 F. A motor vehicle which is privately owned and operated exclusively  
8 as a school bus pursuant to a contract with a school district is exempt from  
9 the weight fee prescribed by section 28-206, subsection A. If a privately  
10 owned and operated school bus is temporarily operated for purposes other than  
11 those prescribed by section 28-101, paragraph 52 54, the registering officer  
12 shall assess and collect a monthly weight fee equal to one-tenth of the  
13 annual weight fee prescribed by section 28-206, subsection A for each  
14 calendar month that the motor vehicle is so operated in this state. The  
15 registering officer shall not apportion the weight fee for any fraction of  
16 a calendar month.

17 Sec. 3. Section 28-303, Arizona Revised Statutes, is amended to read:  
18 28-303. Application for certificate of title

19 A. Application for a certificate of title to a motor vehicle, trailer  
20 or semitrailer shall be made to the assessor of the county in which the  
21 transferee resides upon a form furnished by the vehicle division. Such  
22 application shall be made within fifteen days of such purchase or transfer.  
23 The application shall be signed by the transferee and shall contain:

24 1. The transferee's full name and either THE driver's license number  
25 or a number assigned by the department or division.

26 2. The transferee's complete residence address.

27 3. A brief description of the vehicle to be titled.

28 4. The name of the manufacturer of the vehicle.

29 5. The serial number of the vehicle.

30 6. Whether the vehicle is new or used.

31 7. The last license number if applicable and if known and the state  
32 in which issued.

33 8. If the application is for a certificate of title to a new vehicle,  
34 the date of sale by the manufacturer or dealer to the person first operating  
35 the vehicle.

36 9. If the application is in the name of a lessor, the lessor stated  
37 as owner or transferee and, at the option of the lessor, the lessee stated  
38 as the registrant. The address may be of either the lessor or lessee, but  
39 the application shall be signed by both the lessor and lessee.

40 10. Other information required by the vehicle division.

41 B. Unless subsection A, paragraph 9 of this section applies, an  
42 applicant may request that a post office box address which is regularly used  
43 by the applicant be used on the title of a motor vehicle, trailer or  
44 semitrailer. The department shall comply with the request.

1 C. An application for a certificate of title to a vehicle previously  
2 registered shall be accompanied by the odometer mileage disclosure statement  
3 prescribed by section 28-314. If the applicant is applying for title  
4 pursuant to section 28-315, the application shall be accompanied by the  
5 applicant's statement of the odometer reading as of the date of application.

6 D. The application for a certificate of title to a new vehicle shall  
7 be accompanied by a certificate from the manufacturer showing the date of  
8 sale to the dealer or person first receiving it from the manufacturer, the  
9 name of the dealer or person and a description sufficient to identify the  
10 vehicle, and certifying that the vehicle was new when sold. If sold through  
11 a dealer, the dealer shall certify that the vehicle was new when sold to the  
12 applicant.

13 E. If the application is for a certificate of title to a specially  
14 constructed, reconstructed or foreign vehicle, such fact shall be stated in  
15 the application. With reference to every foreign vehicle which has been  
16 registered in another state or country, the owner of such vehicle shall  
17 surrender to the vehicle division the number plates assigned to the vehicle,  
18 the registration card and certificate of title, certificate of ownership or  
19 other evidence of foreign registration, together with satisfactory evidence  
20 of ownership showing that the applicant is the lawful owner or possessor of  
21 the vehicle.

22 F. If in the course of interstate operation of a vehicle registered  
23 in another state or country it is desirable to retain registration of the  
24 vehicle in the other state or country, the applicant need not follow the  
25 requirements of subsection E of this section but shall submit for inspection  
26 evidence of the foreign registration and ownership, and the vehicle division  
27 upon a proper showing shall register the vehicle, but shall not issue a  
28 certificate of title for it.

29 G. Before titling or registration, a foreign vehicle shall be examined  
30 and inspected by the vehicle division or an officer or agent of the division,  
31 including examination and inspection to establish compliance with section  
32 28-955, under such conditions and standards as may be required by the  
33 director of environmental quality.

34 H. An applicant who rents or intends to rent the vehicle without a  
35 driver shall state that fact in the application.

36 I. Before the vehicle division may issue a certificate of title to a  
37 vehicle imported into this country, the owner shall obtain a certificate of  
38 compliance which states that the vehicle meets all federal vehicle equipment  
39 and emissions equipment requirements. This subsection does not apply to a  
40 golf cart OR NEIGHBORHOOD ELECTRIC VEHICLE.

41 J. The vehicle division may issue a vehicle certificate of title  
42 without registration for any of the following reasons:

43 1. The applicant for a certificate of title is a nonresident whose  
44 vehicle is not subject to vehicle registration in this state.

1           2. The owner will be registering the vehicle under chapter 2, article  
2 1.1 of this title.

3           3. The applicant certifies that the vehicle has been acquired for  
4 purposes other than highway use.

5           4. The vehicle has been acquired by operation of law.

6           5. The vehicle is an off-road recreational motor vehicle required to  
7 be titled pursuant to section 28-303.01.

8           K. The department may request an applicant who appears in person for  
9 a certificate of title of a motor vehicle, trailer or semitrailer to complete  
10 satisfactorily the vision screening test prescribed by the department.

11           Sec. 4. Section 28-305, Arizona Revised Statutes, is amended to read:  
12 28-305. Application for registration; issuance and display of  
13 card

14           A. Every application for registration of a motor vehicle, trailer or  
15 semitrailer shall be made to the vehicle division on forms prescribed and  
16 furnished by the division.

17           B. The application shall contain:

18           1. The name and complete residence address of the owner.

19           2. A description of the vehicle, including the serial number.

20           3. If a new vehicle the date of sale by the manufacturer or dealer to  
21 the person first operating the vehicle.

22           4. Other facts required by the division.

23           5. When the owner of the vehicle rents or intends to rent the vehicle  
24 without a driver, such fact shall be stated.

25           C. The registering ~~office~~ OFFICER shall indicate on the face of the  
26 registration application that the registrant may be subject to vehicle  
27 emissions testing requirements pursuant to section 49-542.

28           D. An applicant may request that a post office box address which is  
29 regularly used by the applicant and is located within the county in which the  
30 applicant resides appear on the registration of a motor vehicle, trailer or  
31 semitrailer. The department shall comply with the request.

32           E. Every application shall be accompanied by the required fees and the  
33 certificate of title to the vehicle for which registration is sought. The  
34 registering officer may waive the requirement that the applicant present a  
35 certificate of title at the time of making application for renewal when the  
36 registering officer has available complete and sufficient records to  
37 accurately compute the license tax.

38           F. The vehicle division shall file each application and when satisfied  
39 that the application is genuine and regular, shall issue to the owner of the  
40 vehicle a registration card and shall assign number plates to the vehicle.  
41 The registration card shall contain upon the face of the card the date  
42 issued, the registration number assigned to the owner and the vehicle, the  
43 name and address of the owner, a description of the registered vehicle  
44 including the serial number and the amount of fees paid for registration of  
45 the vehicle. The registration card shall at all times be carried within the

1 ~~drivers~~ DRIVER'S compartment of the vehicle for which issued, and shall be  
2 subject to inspection by the director or his authorized agent, members of the  
3 highway patrol or any peace officer.

4 G. The director shall deny registration of any motor vehicle, trailer  
5 or semitrailer owned by or under control of a person who has failed, refused  
6 or neglected to pay any motor vehicle fee, tax or other assessment or penalty  
7 due to the division or for its account. A registration so denied shall be  
8 renewed only upon paying the fees provided for registration and the full  
9 amount of the delinquent fees, taxes or other assessments and penalties.

10 H. The department may request an applicant who appears in person to  
11 register a motor vehicle, trailer or semitrailer to complete satisfactorily  
12 the vision screening test prescribed by the department.

13 I. A PERSON APPLYING FOR INITIAL REGISTRATION OF A NEIGHBORHOOD  
14 ELECTRIC VEHICLE SHALL CERTIFY IN WRITING THAT A NOTICE OF THE OPERATIONAL  
15 RESTRICTIONS APPLYING TO THE VEHICLE AS PROVIDED IN SECTION 28-966 ARE  
16 CONTAINED ON A PERMANENT NOTICE ATTACHED TO OR PAINTED ON THE VEHICLE IN A  
17 LOCATION THAT IS IN CLEAR VIEW OF THE DRIVER.

18 Sec. 5. Section 28-943, Arizona Revised Statutes, is amended to read:  
19 28-943. Single-beam road-lighting equipment

20 Head lamps arranged to provide a single distribution of light shall be  
21 permitted on motor vehicles manufactured and sold prior to January 1, 1951,  
22 AND ON NEIGHBORHOOD ELECTRIC VEHICLES, in lieu of multiple-beam road-lighting  
23 equipment specified in this article if the single distribution of light  
24 complies with the following requirements and limitations:

25 1. The head lamps shall be so aimed that when the vehicle is not  
26 loaded none of the high intensity portion of the light shall at a distance  
27 of twenty-five feet ahead project higher than a level of five inches below  
28 the level of the center of the lamp from which it comes, and in no case  
29 higher than forty-two inches above the level on which the vehicle stands at  
30 a distance of seventy-five feet ahead.

31 2. The intensity shall be sufficient to reveal persons and vehicles  
32 at a distance of at least two hundred feet.

33 Sec. 6. Section 28-955, Arizona Revised Statutes, is amended to read:  
34 28-955. Mufflers; prevention of noise and air pollution; civil

35 sanction; exception

36 A. Every motor vehicle shall at all times be equipped with a muffler  
37 in good working order and in constant operation to prevent excessive or  
38 unusual noise, and no person shall use a muffler cut-out, bypass or similar  
39 device upon a motor vehicle on a highway.

40 B. The engine and power mechanism of every motor vehicle shall be so  
41 equipped and adjusted as to prevent the escape of excessive fumes or smoke.

42 C. Beginning with motor vehicles and motor vehicle engines of the 1968  
43 model year, motor vehicles and motor vehicle engines shall be equipped with  
44 emissions control devices that meet the standards established by the director  
45 of environmental quality.

1 D. A person who violates this section is subject to the imposition of  
2 a civil sanction of at least one hundred dollars.

3 E. THIS SECTION DOES NOT APPLY TO AN ELECTRICALLY POWERED MOTOR  
4 VEHICLE.

5 Sec. 7. Section 28-965, Arizona Revised Statutes, is amended to read:  
6 28-965. Fuel tank caps

7 No person shall operate a motor vehicle upon any highway unless the  
8 filling spout for the fuel tank is properly closed by means of a cap or cover  
9 composed of a noncombustible material which meets or exceeds applicable  
10 federal safety standards. THIS SECTION DOES NOT APPLY TO AN ELECTRICALLY  
11 POWERED MOTOR VEHICLE.

12 Sec. 8. Title 28, chapter 6, article 16, Arizona Revised Statutes, is  
13 amended by adding section 28-966, to read:

14 28-966. Neighborhood electric vehicles; speed; restrictions

15 A. A NEIGHBORHOOD ELECTRIC VEHICLE SHALL NOT BE OPERATED AT A SPEED  
16 OF MORE THAN TWENTY-FIVE MILES PER HOUR.

17 B. A NEIGHBORHOOD ELECTRIC VEHICLE SHALL NOT BE DRIVEN ON A HIGHWAY  
18 THAT HAS A POSTED SPEED LIMIT OF MORE THAN THIRTY-FIVE MILES PER HOUR. THIS  
19 SUBSECTION DOES NOT PROHIBIT A NEIGHBORHOOD ELECTRIC VEHICLE FROM CROSSING  
20 A HIGHWAY THAT HAS A POSTED SPEED LIMIT OF MORE THAN THIRTY-FIVE MILES PER  
21 HOUR AT AN INTERSECTION.

22 C. A NEIGHBORHOOD ELECTRIC VEHICLE SHALL HAVE A NOTICE OF THE  
23 OPERATIONAL RESTRICTIONS APPLYING TO THE VEHICLE PERMANENTLY ATTACHED TO OR  
24 PAINTED ON THE VEHICLE IN A LOCATION THAT IS IN CLEAR VIEW OF THE DRIVER.

25 Sec. 9. Section 28-1252, Arizona Revised Statutes, is amended to read:  
26 28-1252. Financial responsibility requirements; exemptions

27 This article does not apply to the owner or operator of:

28 1. Farm tractors.

29 2. Trailers used solely in the operation of a farm for transporting  
30 the unprocessed fiber or forage products of a farm or any implement of  
31 husbandry designed primarily for or used in agricultural operations and only  
32 incidentally operated or moved on a highway.

33 3. Road-rollers or road machinery, including power sweepers,  
34 temporarily operating or moved on the highway.

35 4. Trailers not used for commercial purposes or semitrailers not used  
36 for commercial purposes.

37 5. A motor vehicle or vehicle combination subject to the financial  
38 responsibility requirements of article 7 of this chapter.

39 6. A motor vehicle rented without a driver meeting the requirements  
40 of section 28-324.

41 7. A motor vehicle registered pursuant to section 28-302,  
42 subsection E.

43 8. Any motor vehicle owned by the United States government.

44 9. A GOLF CART OR OTHER MOTOR VEHICLE USED IN THE OPERATION OF A GOLF  
45 COURSE OR ONLY INCIDENTALLY OPERATED OR MOVED ON A HIGHWAY.

1           Sec. 10. Section 28-1591.03, Arizona Revised Statutes, is amended to  
2 read:

3           28-1591.03. Privately owned motor vehicle used for school bus;  
4                           classification; vehicle license tax; rate

5           A. There shall be a separate classification of motor vehicles for  
6 purposes of taxation pursuant to article IX, section 11, Constitution of  
7 Arizona, which classification shall consist of privately owned motor vehicles  
8 which are exclusively operated as a school bus.

9           B. Notwithstanding the provisions of section 28-1591, subsection A,  
10 there shall be collected by the registering officer at the time of  
11 application for and before registration of the motor vehicle classified  
12 pursuant to subsection A of this section an annual license tax at the rate  
13 of four dollars for each one hundred dollars in value. During the first  
14 twelve months of the life of the vehicle as determined by its initial  
15 registration the value is one per cent of the manufacturer's base retail  
16 price of the vehicle. During each succeeding twelve month period the value  
17 of the vehicle is fifteen per cent less than the value of the preceding  
18 twelve month period. However, the minimum amount of the license tax computed  
19 under this subsection shall be five dollars per year for each vehicle subject  
20 to the tax.

21           C. Except as specifically provided in this section the vehicle license  
22 tax on vehicles classified pursuant to subsection A of this section shall be  
23 governed by the provisions of this article.

24           D. If a school bus is temporarily operated for purposes other than  
25 those prescribed by section 28-101, paragraph ~~53~~ 54, there shall be assessed  
26 and collected monthly a vehicle license tax equal to one-tenth of the annual  
27 vehicle license tax provided for by section 28-1591 for each calendar month  
28 that the motor vehicle is so operated in this state. The registering officer  
29 shall not apportion the vehicle license tax for any fraction of a calendar  
30 month.

APPROVED BY THE GOVERNOR APRIL 9, 1996.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 1996.