

Senate Engrossed

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**Betsy Bayless
Secretary of State**

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 7
SENATE BILL 1193

AN ACT

AMENDING SECTIONS 28-101, 28-904 AND 28-908, ARIZONA REVISED STATUTES;
AMENDING TITLE 28, CHAPTER 3, ARTICLE 15, ARIZONA REVISED STATUTES, BY ADDING
SECTION 28-911; RELATING TO ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

(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 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. "All-terrain vehicle" means a motor vehicle that satisfies all of
14 the following:

15 (a) Is designed primarily for recreational nonhighway all-terrain
16 travel.

17 (b) Is fifty or fewer inches in width.

18 (c) Has an unladen weight of eight hundred pounds or less.

19 (d) Travels on three or more low pressure tires.

20 (e) Has a seat to be straddled by the operator and handlebars for
21 steering control.

22 (f) Is operated on a public highway.

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

24 (a) A fire department vehicle.

25 (b) A police vehicle.

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

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

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

37 6. "Bicycle" means a device, including a racing wheelchair, that is
38 propelled by human power and on which a person may ride and that has either:

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

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

43 7. "Board" means the transportation board.

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

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

7 10. "Combination of vehicles" means a truck or truck tractor and
8 semitrailer and any trailer that it tows but does not include a forklift
9 designed for the purpose of loading or unloading the truck, trailer or
10 semitrailer.

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

15 12. "Conviction" means:

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

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

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

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

23 13. "County highway" means a public road constructed and maintained by
24 a county.

25 14. "Dealer" means a person who is engaged in the business of buying,
26 selling or exchanging motor vehicles, trailers or semitrailers and who has
27 an established place of business.

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

30 16. "Director" means the director of the department of transportation.

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

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

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

37 20. "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE" MEANS A
38 SELF-BALANCING TWO NON-TANDEM WHEELED DEVICE WITH AN ELECTRIC PROPULSION
39 SYSTEM THAT LIMITS THE MAXIMUM SPEED OF THE DEVICE TO FIFTEEN MILES PER HOUR
40 OR LESS AND THAT IS DESIGNED TO TRANSPORT ONLY ONE PERSON.

41 ~~20.~~ 21. "Farm tractor" means a motor vehicle designed and used
42 primarily as a farm implement for drawing implements of husbandry.

43 ~~21.~~ 22. "Foreign vehicle" means a motor vehicle, trailer or
44 semitrailer that is brought into this state other than in the ordinary course

1 of business by or through a manufacturer or dealer and that has not been
2 registered in this state.

3 ~~22.~~ 23. "Golf cart" means a motor vehicle that has not less than three
4 wheels in contact with the ground, that has an unladen weight of less than
5 one thousand eight hundred pounds, that is designed to be and is operated at
6 not more than twenty-five miles per hour and that is designed to carry not
7 more than four persons including the driver.

8 ~~23.~~ 24. "Hazardous material" means a material, and its mixtures or
9 solutions, that the United States department of transportation determines
10 under 49 Code of Federal Regulations is capable of posing an unreasonable
11 risk to health, safety and property if transported in commerce and that is
12 required to be placarded or marked as required by the department's safety
13 rules prescribed pursuant to chapter 14 of this title.

14 ~~24.~~ 25. "Implement of husbandry" means a vehicle designed primarily
15 for agricultural purposes and used exclusively in the conduct of agricultural
16 operations, including an implement or vehicle whether self-propelled or
17 otherwise that meets all of the following conditions:

18 (a) Is used exclusively for carrying products of farming from one part
19 of a farm to another part of the same farm or from one farm to another farm.

20 (b) Is used solely for agricultural purposes including the preparation
21 or harvesting of cotton, alfalfa, grains and other farm crops.

22 (c) Is only incidentally operated or moved on a highway whether as a
23 trailer or self-propelled unit.

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

27 ~~26.~~ 27. "Manufacturer" means a person engaged in the business of
28 manufacturing motor vehicles, trailers or semitrailers.

29 ~~27.~~ 28. "Moped" means a bicycle that is equipped with a helper motor
30 if the vehicle has a maximum piston displacement of fifty cubic centimeters
31 or less, a brake horsepower of one and one-half or less and a maximum speed
32 of twenty-five miles per hour or less on a flat surface with less than a one
33 per cent grade.

34 ~~28.~~ 29. "Motor driven cycle" means a motorcycle, including every motor
35 scooter, with a motor that produces not more than five horsepower.

36 ~~29.~~ 30. "Motor vehicle":

37 (a) Means either:

38 (i) A self-propelled vehicle.

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

42 (b) Does not include a motorized wheelchair, AN ELECTRIC PERSONAL
43 ASSISTIVE MOBILITY DEVICE or a motorized skateboard. For the purposes of this
44 subdivision:

1 (i) "Motorized wheelchair" means a self-propelled wheelchair that is
2 used by a person for mobility.

3 (ii) "Motorized skateboard" means a self-propelled device that has a
4 motor, a deck on which a person may ride and at least two tandem wheels in
5 contact with the ground.

6 ~~30.~~ 31. "Motor vehicle fuel" includes all products that are commonly
7 or commercially known or sold as gasoline, including casinghead gasoline,
8 natural gasoline and all flammable liquids, and that are composed of a
9 mixture of selected hydrocarbons expressly manufactured and blended for the
10 purpose of effectively and efficiently operating internal combustion engines.
11 Motor vehicle fuel does not include inflammable liquids that are
12 specifically manufactured for racing motor vehicles and that are distributed
13 for and used by racing motor vehicles at a racetrack, use fuel as defined in
14 section 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or
15 the mixture created at the interface of two different substances being
16 transported through a pipeline, commonly known as transmix.

17 ~~31.~~ 32. "Motorcycle" means a motor vehicle that has a seat or saddle
18 for the use of the rider and that is designed to travel on not more than
19 three wheels in contact with the ground but excluding a tractor and a moped.

20 ~~32.~~ 33. "Neighborhood electric vehicle" means a self-propelled
21 electrically powered motor vehicle to which all of the following apply:

22 (a) The vehicle is emission free.

23 (b) The vehicle is designed to carry four or fewer persons.

24 (c) The vehicle is designed to be and is operated at speeds of
25 twenty-five miles per hour or less.

26 (d) The vehicle has at least four wheels in contact with the ground.

27 (e) The vehicle has an unladen weight of less than one thousand eight
28 hundred pounds.

29 ~~33.~~ 34. "Nonresident" means a person who is not a resident of this
30 state as defined in section 28-2001.

31 ~~34.~~ 35. "Off-road recreational motor vehicle" means a motor vehicle
32 that is designed primarily for recreational nonhighway all-terrain travel and
33 that is not operated on a public highway. Off-road recreational motor
34 vehicle does not mean a motor vehicle used for construction, building trade,
35 mining or agricultural purposes.

36 ~~35.~~ 36. "Operator" means a person who drives a motor vehicle on a
37 highway, who is in actual physical control of a motor vehicle on a highway
38 or who is exercising control over or steering a vehicle being towed by a
39 motor vehicle.

40 ~~36.~~ 37. "Owner" means:

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

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

1 (c) If a mortgagor of a vehicle is entitled to possession of the
2 vehicle, the mortgagor.

3 ~~37.~~ 38. "Pedestrian" means any person afoot. A person who uses AN
4 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE OR a manual or motorized
5 wheelchair is considered a pedestrian unless the manual wheelchair qualifies
6 as a bicycle. For the purposes of this paragraph, "motorized wheelchair"
7 means a self-propelled wheelchair that is used by a person for mobility.

8 ~~38.~~ 39. "Power sweeper" means an implement, with or without motive
9 power, that is only incidentally operated or moved on a street or highway and
10 that is designed for the removal of debris, dirt, gravel, litter or sand
11 whether by broom, vacuum or regenerative air system from asphaltic concrete
12 or cement concrete surfaces, including parking lots, highways, streets and
13 warehouses, and a vehicle on which the implement is permanently mounted.

14 ~~39.~~ 40. "Public transit" means the transportation of passengers on
15 scheduled routes by means of a conveyance on an individual passenger
16 fare-paying basis excluding transportation by a sight-seeing bus, school bus
17 or taxi or a vehicle not operated on a scheduled route basis.

18 ~~40.~~ 41. "Reconstructed vehicle" means a vehicle that 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 types
21 or that, if originally otherwise constructed, has been materially altered by
22 the removal of essential parts or by the addition or substitution of
23 essential parts, new or used, derived from other vehicles or makes of
24 vehicles. For the purposes of this paragraph, "essential parts" means
25 integral and body parts, the removal, alteration or substitution of which
26 will tend to conceal the identity or substantially alter the appearance of
27 the vehicle.

28 ~~41.~~ 42. "Residence district" means the territory contiguous to and
29 including a highway not comprising a business district if the property on the
30 highway for a distance of three hundred feet or more is in the main improved
31 with residences or residences and buildings in use for business.

32 ~~42.~~ 43. "Right-of-way" when used within the context of the regulation
33 of the movement of traffic on a highway means the privilege of the immediate
34 use of the highway. Right-of-way when used within the context of the real
35 property on which transportation facilities and appurtenances to the
36 facilities are constructed or maintained means the lands or interest in lands
37 within the right-of-way boundaries.

38 ~~43.~~ 44. "School bus" means a motor vehicle that is designed for
39 carrying more than ten passengers and that is either:

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

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

1 ~~44.~~ 45. "Semitrailer" means a vehicle that is with or without motive
2 power, other than a pole trailer, that is designed for carrying persons or
3 property and for being drawn by a motor vehicle and that is constructed so
4 that some part of its weight and that of its load rests on or is carried by
5 another vehicle. For the purposes of this paragraph, "pole trailer" has the
6 same meaning prescribed in section 28-601.

7 ~~45.~~ 46. "State" means a state of the United States and the District
8 of Columbia.

9 ~~46.~~ 47. "State highway" means a state route or portion of a state
10 route that is accepted and designated by the board as a state highway and
11 that is maintained by the state.

12 ~~47.~~ 48. "State route" means a right-of-way whether actually used as
13 a highway or not that is designated by the board as a location for the
14 construction of a state highway.

15 ~~48.~~ 49. "Street" or "highway" means the entire width between the
16 boundary lines of every way if a part of the way is open to the use of the
17 public for purposes of vehicular travel.

18 ~~49.~~ 50. "Trailer" means a vehicle that is with or without motive
19 power, other than a pole trailer, that is designed for carrying persons or
20 property and for being drawn by a motor vehicle and that is constructed so
21 that no part of its weight rests on the towing vehicle. A semitrailer
22 equipped with an auxiliary front axle commonly known as a dolly is deemed to
23 be a trailer. For the purposes of this paragraph, "pole trailer" has the same
24 meaning prescribed in section 28-601.

25 ~~50.~~ 51. "Truck" means a motor vehicle designed or used primarily for
26 the carrying of property other than the effects of the driver or passengers
27 and includes a motor vehicle to which has been added a box, a platform or
28 other equipment for such carrying.

29 ~~51.~~ 52. "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 drawn.

32 ~~52.~~ 53. "Vehicle" means a device in, on or by which a person or
33 property is or may be transported or drawn on a public highway, excluding
34 devices moved by human power or used exclusively on stationary rails or
35 tracks.

36 ~~53.~~ 54. "Vehicle transporter" means either:

37 (a) A truck tractor capable of carrying a load and drawing a
38 semitrailer.

39 (b) A truck tractor with a stinger-steered fifth wheel capable of
40 carrying a load and drawing a semitrailer or a truck tractor with a dolly
41 mounted fifth wheel that is securely fastened to the truck tractor at two or
42 more points and that is capable of carrying a load and drawing a semitrailer.

1 Sec. 2. Section 28-904, Arizona Revised Statutes, is amended to read:
2 28-904. Driving on sidewalk

3 A. A person shall not drive a vehicle on a sidewalk area except on a
4 permanent or duly authorized temporary driveway.

5 B. This section does not apply to a motorized wheelchair, ELECTRIC
6 PERSONAL ASSISTIVE MOBILITY DEVICE, authorized emergency vehicle, security
7 vehicle owned by this state or small service vehicle owned by this state or
8 a political subdivision of this state.

9 Sec. 3. Section 28-908, Arizona Revised Statutes, is amended to read:
10 28-908. Persons in wheelchairs or on electric personal

11 assistive mobility devices

12 A person operating a wheelchair or motorized wheelchair OR AN ELECTRIC
13 PERSONAL ASSISTIVE MOBILITY DEVICE has all of the rights and duties that are
14 contained in this chapter and chapters 4 and 5 of this title and that are
15 applicable to pedestrians except provisions that by their nature can have no
16 application.

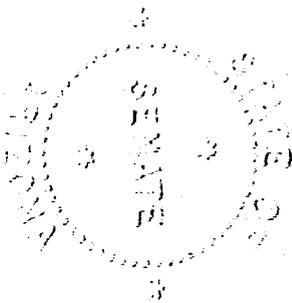
17 Sec. 4. Title 28, chapter 3, article 15, Arizona Revised Statutes, is
18 amended by adding section 28-911, to read;

19 28-911. Electric personal assistive mobility devices

20 A PERSON WHO IS UNDER SIXTEEN YEARS OF AGE SHALL NOT OPERATE AN
21 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.

APPROVED BY THE GOVERNOR APRIL 4, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 4, 2002.



Passed the House April 1, 2002,

Passed the Senate March 12, 2002

by the following vote: 37 Ayes,

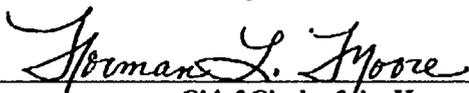
by the following vote: 27 Ayes,

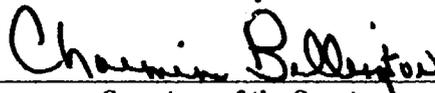
12 Nays, 11 Not Voting

0 Nays, 3 Not Voting


Speaker of the House


President of the Senate

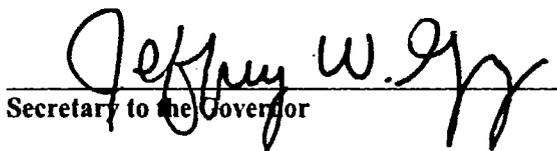

Chief Clerk of the House


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

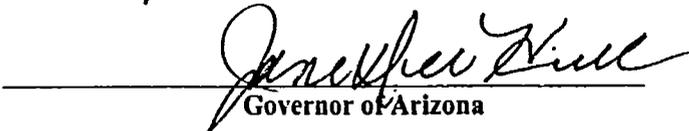
This Bill was received by the Governor this
2nd day of April, 2002,

at 12:20 o'clock P M.


Secretary to the Governor

Approved this 4th day of
April, 2002,

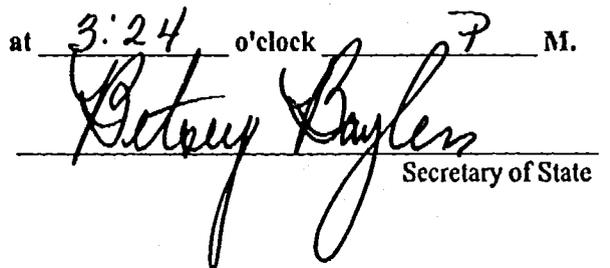
at 12:25 o'clock P M.


Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 4 day of April, 2002

at 3:24 o'clock P M.


Secretary of State

S.B. 1193