House Engrossed

**FILED**

**JANICE K. BREWER**
**SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 142

# HOUSE BILL 2088

AN ACT

REPEALING SECTION 23-286, ARIZONA REVISED STATUTES; AMENDING SECTIONS 23-286.01, 28-929, 28-931, 28-935, 28-945, 28-952, 28-956, 28-5201 AND 28-5204, ARIZONA REVISED STATUTES; RELATING TO MOTOR CARRIER SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Repeal

Section 23-286, Arizona Revised Statutes, is repealed.

Sec. 2. Section 23-286.01, Arizona Revised Statutes, is amended to read:

23-286.01. Agricultural operations

~~A. Section 23-286, subsection A does not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes if such transportation:~~

~~1. Is limited to an area within a one hundred air mile radius from the source of the commodities or the distribution point for the farm supplies.~~

~~2. Is conducted during the planting and harvesting seasons in this state.~~

~~3. Is from the field to cooling facilities to the first point of processing or packing.~~

~~B.~~ A driver transporting agricultural commodities or farm supplies for agricultural purposes shall not drive for any period after having been on duty sixteen hours following eight consecutive hours off duty or for any period after having been on duty for one hundred twelve hours in any consecutive seven day period except that:

1. A driver transporting special situation farm products from the field to cooling facilities or a driver transporting livestock from pasture to pasture, during one period of not more than twenty-eight consecutive days or a combination of two periods totaling not more than twenty-eight days in a calendar year, may drive for not more than twelve hours during any sixteen hour workday.

2. The director of the department of public safety, for good cause, may temporarily waive the maximum on-duty time limits applicable to any seven day period if an emergency exists due to inclement weather, natural disaster or an adverse economic condition that threatens to disrupt the orderly movement of farm products during harvest for the duration of the emergency. For purposes of this ~~subdivision~~ PARAGRAPH, an emergency does not include a strike or labor dispute.

Sec. 3. Section 28-929, Arizona Revised Statutes, is amended to read:

28-929. Additional lighting equipment required on certain vehicles

In addition to other equipment required in this article, the following vehicles shall be equipped with the following equipment under the conditions stated in section 28-928:

1. On a bus or truck regardless of size, on the rear, two reflectors, one at each side, and ~~one stoplight~~ TWO STOPLIGHTS.

2. On a bus or truck eighty inches or more in overall width, in addition to the requirements in paragraph 1 of this section:

(a) On the front, two clearance lamps, one at each side.

(b) On the rear, two clearance lamps, one at each side.

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear. VEHICLES THAT EXCEED THIRTY FEET IN LENGTH SHALL HAVE A THIRD SIDE MARKER LAMP AT THE MIDPOINT BETWEEN THE FRONT AND REAR MARKER LAMPS.

(d) On each side, two reflectors, one at or near the front and one at or near the rear. VEHICLES THAT EXCEED THIRTY FEET IN LENGTH SHALL HAVE A THIRD REFLECTOR AT THE MIDPOINT BETWEEN THE FRONT AND REAR REFLECTORS.

3. On a truck tractor:

(a) On the front, two clearance lamps, one at each side.

(b) On the rear, ~~one stoplight~~ TWO STOPLIGHTS.

4. On a trailer or semitrailer with a gross weight of more than three thousand pounds:

(a) On the front, two clearance lamps, one at each side.

(b) On each side, two side marker lamps, one at or near the front and one at or near the rear. VEHICLES THAT EXCEED THIRTY FEET IN LENGTH SHALL HAVE A THIRD SIDE MARKER LAMP AT THE MIDPOINT BETWEEN THE FRONT AND REAR MARKER LAMPS.

(c) On each side, two reflectors, one at or near the front and one at or near the rear. VEHICLES THAT EXCEED THIRTY FEET IN LENGTH SHALL HAVE A THIRD REFLECTOR AT THE MIDPOINT BETWEEN THE FRONT AND REAR REFLECTORS.

(d) On the rear, two clearance lamps, one at each side, and two reflectors, one at each side, and ~~one stoplight~~ TWO STOPLIGHTS.

5. On a pole trailer with a gross weight of more than three thousand pounds:

(a) On each side, one side marker lamp and one clearance lamp that may be in combination, to show to the front, side and rear.

(b) On the rear of the pole trailer or load, two reflectors, one at each side.

6. On a trailer, semitrailer or pole trailer with a gross weight of three thousand pounds or less:

(a) On the rear, two reflectors, one on each side.

(b) ~~One stoplight~~ TWO STOPLIGHTS on a trailer or semitrailer if it is loaded in such a manner or is of such dimensions as to obscure the stoplight on the towing vehicle.

Sec. 4. Section 28-931, Arizona Revised Statutes, is amended to read:

28-931. <u>Lamp colors</u>

A. Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

B. Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

C. All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except that:

1. The stoplight or other signal device may be red, amber or yellow, EXCEPT ON A COMMERCIAL VEHICLE, AS DEFINED IN SECTION 28-2231, THE STOPLIGHT SHALL BE RED AND THE OTHER SIGNAL DEVICES SHALL BE RED OR AMBER.

2. The light illuminating the license plate or the light emitted by a backup lamp shall be white.

Sec. 5. Section 28-935, Arizona Revised Statutes, is amended to read:

28-935. Lamp or flag on projecting load

A. If the load on a vehicle extends to the rear four feet or more beyond the bed or body of the vehicle, ~~a~~ TWO red ~~light~~ LIGHTS or ~~lantern~~ TWO LANTERNS AND REFLECTORS, ONE ON EACH SIDE, plainly visible from a distance of at least five hundred feet to the sides and rear shall be displayed at the extreme rear end of the load, at the times specified in section 28-922. The red light or lantern required by this section is in addition to the red rear light required on every vehicle.

B. At any other time, a red flag or cloth not less than ~~twelve~~ EIGHTEEN inches square shall be displayed at the extreme rear end of the load. The flag or cloth shall be displayed so that the entire area is visible to the driver of a vehicle approaching from the rear.

Sec. 6. Section 28-945, Arizona Revised Statutes, is amended to read:

28-945. Alternate road lighting equipment

A motor vehicle, EXCEPT A COMMERCIAL VEHICLE AS DEFINED IN SECTION 28-2231, may be operated under the conditions specified in section 28-922 when it is equipped with two lighted lamps that are on the front of the motor vehicle and that are capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in section 28-941 or 28-943, but the motor vehicle shall not be operated at a speed of more than twenty miles per hour.

Sec. 7. Section 28-952, Arizona Revised Statutes, is amended to read:

28-952. Required brake equipment

A. The following brake equipment is required:

1. A motor vehicle, other than a motorcycle, all-terrain vehicle or motor driven cycle, if it is operated on a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two separate means of applying the brakes, each of which means is effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be constructed so that failure of any one part of the operating mechanism does not leave the motor vehicle without brakes on at least two wheels.

2. A motorcycle, an all-terrain vehicle and every motor driven cycle when operated on a highway shall be equipped with at least one brake that may be operated by hand or foot.

3. When it is operated on a highway a trailer or semitrailer with a gross weight of three thousand pounds or more shall be equipped with brakes that are adequate to control the movement of and to stop and to hold the vehicle and that are designed to either be applied by the driver of the

towing motor vehicle from its cab or be of a type that operates automatically when the service brakes of the towing motor vehicle are applied. The brakes shall be designed and connected so that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied, except that brakes are not required on all wheels of a truck that is being towed as a semitrailer and that is being towed in a drive-away, tow-away operation, if the combination of vehicles is capable of complying with all state and federal brake performance requirements. Only those brakes on the vehicle being towed need to be operative as may be necessary to ensure compliance with the performance requirements.

4. A new motor vehicle, trailer or semitrailer, except a motorcycle, all-terrain vehicle or motor driven cycle, sold in this state and operated on the highways shall be equipped with service brakes on all wheels of the vehicle, except that~~:~~

~~(a)~~ a semitrailer or trailer with a gross weight of less than three thousand pounds need not be equipped with brakes.

~~(b) A semitrailer or trailer with a gross weight of less than six thousand pounds may have brakes only on all wheels of one axle.~~

~~(c) Three axle truck tractors need only be equipped with brakes on all wheels of the two rear axles.~~

5. In any combination of motor drawn vehicles, means shall be provided for either or both of the following if capable of being used alternatively:

(a) Applying the rearmost trailer brakes of a trailer equipped with brakes in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate.

(b) Applying braking effort first on the rearmost trailer equipped with brakes.

6. A motor vehicle and combination of vehicles manufactured or sold in this state after July 1, 1964, except motorcycles, all-terrain vehicles and motor driven cycles, shall be equipped with parking brakes that are:

(a) Adequate to hold the vehicle on any grade on which it is operated under all conditions of loading on a surface free from snow, ice or loose material.

(b) Capable of being applied in conformance with the requirements of subdivision (a) of this paragraph by the driver's muscular effort, by spring action or by equivalent means. The operation of the parking brakes may be assisted by the service brakes or other source of power, if failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements.

(c) Designed so that when the brakes are applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

7. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be constructed so that failure of any one part does not leave the vehicle without operative brakes.

8. The brake shoes operating within or on the drums on the vehicle wheels of a motor vehicle may be used for both service and hand operation.

B. At all times, under all conditions of loading, on a dry, smooth, level road free from loose material and on application of the service or foot brake, a motor vehicle or combination of motor drawn vehicles shall be capable of being stopped within the distances specified below or of being decelerated at a sustained rate corresponding to these distances:

| | Feet to stop from 20 miles per hour | Deceleration in feet per second |
|---|---|---|
| Vehicles or combinations of vehicles having brakes on all wheels | 30 | 14 |
| Vehicles or combinations of vehicles not having brakes on all wheels | 40 | 10.7 |

C. Brakes shall be maintained in good working order and shall be adjusted to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

Sec. 8. Section 28-956, Arizona Revised Statutes, is amended to read:

28-956. Mirrors

A motor vehicle that is constructed or loaded in a manner that obstructs the driver's view to the rear of the vehicle from the driver's position shall be equipped with ~~a mirror~~ TWO MIRRORS located in a manner to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of the vehicle.

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

28-5201. Definitions

In this chapter, unless the context otherwise requires:

~~1. "Declared gross weight" has the same meaning prescribed in section 28-5431. If a declaration has not been made, declared gross weight means gross weight.~~

~~2.~~ 1. "Gross weight" has the same meaning prescribed in section 28-5431.

~~3.~~ 2. "Hazardous material" means a substance that has been determined by the United States department of transportation under 49 Code of Federal Regulations to be capable of posing an unreasonable risk to health, safety and property if transported in commerce.

~~4.~~ 3. "Hazardous substance" means a material and its mixtures or solutions that has been determined by the United States department of transportation under 49 Code of Federal Regulations to be capable of posing an unreasonable risk to health, safety and property if transported in commerce.

~~5.~~ 4. "Hazardous waste" means a material that is subject to the hazardous waste manifest requirements of the department of environmental quality or the United States environmental protection agency.

~~6.~~ 5. "Lightweight motor vehicle" means a motor vehicle or vehicle combination that has a ~~declared gross weight~~ GROSS VEHICLE WEIGHT RATING of ~~twenty~~ EIGHTEEN thousand pounds or less except:

(a) A motor vehicle that is used to transport passengers for hire.

(b) A motor vehicle that is used to transport hazardous materials, hazardous substances or hazardous wastes and that is required by the department to be marked or placarded~~, except that a motor vehicle that has a declared gross weight of twenty thousand pounds or less and that carries a hazardous material in an amount of less than one thousand pounds or not more than one hundred ten gallons of combustible liquid as listed in 49 Code of Federal Regulations section 172.504(a) table 2 is a lightweight motor vehicle~~.

~~7.~~ 6. "Manufacturer" means a person who transports or causes to be transported or shipped by a motor vehicle or lightweight motor vehicle a hazardous material, hazardous substance or hazardous waste or who manufactures, fabricates, marks, maintains, reconditions, repairs or tests a package or container that is represented, marked, certified or sold by a person for use in the transportation in commerce of hazardous materials, hazardous substances or hazardous wastes.

~~8.~~ 7. "Motor carrier" means a person who operates or causes to be operated a motor vehicle on a public highway.

~~9.~~ 8. "Motor vehicle" means a self-propelled motor driven vehicle or vehicle combination, except a lightweight motor vehicle, that is used on a public highway in the furtherance of a commercial enterprise.

~~10.~~ 9. "Person" means a public or private corporation, company, partnership, firm, association or society of persons, the federal government and its departments or agencies, this state or any of its agencies, departments, political subdivisions, counties, towns or municipal corporations or a natural person.

~~11.~~ 10. "Public highway" means a public street, alley, road, highway or thoroughfare of any kind in this state that is used by the public or that is open to the use of the public as a matter of right, for the purpose of vehicular travel.

~~12.~~ 11. "Shipper" means a person who offers a hazardous waste, hazardous substance or hazardous material for motor vehicle transportation in commerce.

~~13.~~ 12. "Transportation" means a movement of person or property by a motor vehicle and any loading, unloading or storage incidental to the movement.

~~14.~~ 13. "Vehicle combination" has the same meaning prescribed in section 28-5431.

Sec. 10. Section 28-5204, Arizona Revised Statutes, is amended to read:

28-5204. Administration and enforcement; rules; exemption

A. In the administration and enforcement of this chapter, the department of transportation shall adopt:

1. Reasonable rules it deems proper governing the safety operations of motor carriers, including rules governing safety operations of motor carriers, shippers and vehicles transporting hazardous materials, hazardous substances or hazardous wastes and shall prescribe necessary forms. In determining reasonable rules, the department of transportation shall consider:

(a) The nature of the operations and regulation of public service corporations as defined in article XV, sections 2 and 10, Constitution of Arizona.

(b) Rules adopted by the director of environmental quality pursuant to section 49-855.

2. Rules necessary to enforce and administer this chapter, including rules setting forth reasonable procedures to be followed in the enforcement of this chapter and rules adopting transporter safety standards for hazardous materials, hazardous substances and hazardous waste. In adopting the rules, the department shall consider, as evidence of generally accepted safety standards, the publications of the United States department of transportation and the environmental protection agency.

B. Rules adopted by the department of transportation also apply to a manufacturer, shipper, motor carrier and driver.

C. The department of public safety shall and a political subdivision may enforce this chapter and any rule adopted pursuant to this chapter by the department of transportation. A person acting for a political subdivision in enforcing this chapter is required to be certified by the department of public safety as qualified for the enforcement activities.

D. The department may audit records and inspect vehicles transporting hazardous materials, hazardous wastes and hazardous substances as prescribed in title 49.

E. This section does not apply to a lightweight motor vehicle THAT IS carrying hazardous materials ~~in an amount of less than one thousand pounds or not more than one hundred ten gallons of combustible liquid as listed in 49 Code of Federal Regulations section 172.504(a) table 2~~ AND THAT IS NOT REQUIRED BY THE DEPARTMENT TO BE MARKED OR PLACARDED.

APPROVED BY THE GOVERNOR MAY 1, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2008.