

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 178

HOUSE BILL 2258

AN ACT

AMENDING SECTIONS 28-2153 AND 28-3102, ARIZONA REVISED STATUTES; RELATING TO DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-2153, Arizona Revised Statutes, is amended to
3 read:

4 28-2153. Registration requirement; exceptions; assessment;
5 violation; classification

6 A. A person shall not operate, move or leave standing on a highway a
7 motor vehicle, trailer or semitrailer unless the motor vehicle, trailer or
8 semitrailer has been registered with the department for the current
9 registration year or is properly registered for the current registration year
10 by the state or country of which the owner or lessee is a resident.

11 B. A resident shall not operate, move or leave standing on a highway a
12 motor vehicle, trailer or semitrailer that is:

13 1. Owned by a nonresident and that is primarily under the control of a
14 resident of this state for more than seven months unless the motor vehicle,
15 trailer or semitrailer has been registered with the department for the
16 current registration year.

17 2. Leased by the resident for more than twenty-nine days unless the
18 motor vehicle, trailer or semitrailer has been registered with the department
19 for the current registration year.

20 C. This section applies to a trailer or semitrailer without motive
21 power unless the vehicle is disabled or is being towed as an abandoned
22 vehicle at the direction of a law enforcement agency.

23 D. This section does not apply to:

24 1. A farm tractor.

25 2. A trailer used solely in the operation of a farm for transporting
26 the unprocessed fiber or forage products of a farm or any implement of
27 husbandry designed primarily for or used in agricultural operations and only
28 incidentally operated or moved on a highway.

29 3. A road roller or road machinery, including a power sweeper, that is
30 temporarily operating or moved on the highway.

31 4. An owner permitted to operate a vehicle under special provisions
32 relating to lienholders, manufacturers, dealers and nonresidents.

33 5. Motorized or nonmotorized equipment designed primarily for and used
34 in mining operations and only incidentally operated or moved on a highway.

35 6. A motor vehicle that is being towed by a tow truck that has been
36 registered and for which a permit has been obtained pursuant to section
37 28-1108.

38 7. A golf cart used in the operation of a golf course or only
39 incidentally operated or moved on a highway.

40 8. Wheeled equipment. For the purposes of this paragraph, "wheeled
41 equipment" means:

42 (a) A compressor.

43 (b) A forklift OR A HAY SQUEEZE MACHINE THAT IS DESIGNED TO LOAD HAY
44 IN AN OFF-ROAD SITUATION.

45 (c) A portable cement mixer.

- 1 (d) A single axle tow dolly as defined in section 28-1095.
2 (e) A tar pot.
3 (f) A water trailer used for watering livestock or for agricultural or
4 domestic purposes.
5 (g) A welder.
6 (h) Any other similar item designed and used primarily for
7 construction or building trade purposes.
8 9. An all-terrain vehicle or an off-road recreational motor vehicle
9 operating on a dirt road that is located in an unincorporated area of this
10 state. For the purposes of this paragraph, "dirt road" means an unpaved or
11 ungraveled road that is not maintained by this state or a city, town or
12 county of this state.
13 10. A person operating an off-highway vehicle who is participating in
14 an off-highway vehicle special event as defined in section 28-1171.
15 11. An all-terrain vehicle or an off-highway vehicle as defined in
16 section 28-1171 that is only incidentally operated or moved on a highway.
17 E. A person who owns or operates a trailer that is exempt from
18 registration pursuant to subsection D, paragraph 2 of this section shall
19 notify the county assessor of the exemption, and the assessor shall assess
20 the trailer.
21 F. A person who violates subsection E of this section is guilty of a
22 class 2 misdemeanor.
23 Sec. 2. Section 28-3102, Arizona Revised Statutes, is amended to read:
24 28-3102. Exceptions to driver license classes; definitions
25 A. Notwithstanding section 28-3101, a person who operates an
26 authorized emergency vehicle, a farm vehicle or a recreational vehicle may
27 operate the vehicle with a class A, B, C, D or G license.
28 B. For the purposes of this section:
29 1. "Commercial farming" means the intensive cultivation of arable land
30 by raising agricultural or horticultural products as a principal source of
31 the owner's livelihood.
32 2. "Commercial stock raising" means breeding, raising and caring for
33 domestic animals as a principal source of the owner's livelihood.
34 3. "Farm vehicle" means a vehicle or combination of vehicles that is
35 used for commercial farming or commercial stock raising and that meets all of
36 the following requirements:
37 (a) Is controlled and operated by the farm vehicle owner or the
38 owner's family member or employee.
39 (b) Is used to transport agricultural products, machinery or supplies
40 to or from a commercial farming or a commercial stock raising operation.
41 ~~(c) Is not used in the operations of a common or contract motor~~
42 ~~carrier.~~
43 (c) IS NOT USED IN THE OPERATIONS OF A FOR-HIRE MOTOR CARRIER.
44 (d) Is used within one hundred fifty miles of the farm vehicle owner's
45 commercial farming or commercial stock raising operation.

1 4. "FOR-HIRE MOTOR CARRIER" MEANS A PERSON ENGAGED IN AND COMPENSATED
2 DIRECTLY FOR THE TRANSPORTATION OF GOODS OR PASSENGERS.

3 4- 5. "Recreational vehicle" means a motor vehicle or vehicle
4 combination that is more than twenty-six thousand pounds gross vehicle weight
5 rating and that is designed and exclusively used for private pleasure,
6 including vehicles commonly called motor homes, pickup trucks with campers,
7 travel trailers, boat trailers and horse trailers used exclusively to
8 transport personal possessions or persons for noncommercial purposes.

~~APPROVED BY THE GOVERNOR APRIL 27, 2010.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.~~

Passed the House February 17, 2010

by the following vote: 55 Ayes,

1 Nays, 4 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate April 19, 2010

by the following vote: 34 Ayes,

4 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____ M.

Secretary of State

H.B. 2258

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 21, 2010,

by the following vote: 59 Ayes,

1 Nays, 0 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

21 day of April, 2010

at 3:46 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 27th day of

April, 2010,

at 3:10 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2258

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28th day of April, 2010,

at 3:32 o'clock a M.

[Signature]
Secretary of State