

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 164

HOUSE BILL 2673

AN ACT

AMENDING SECTIONS 28-1104, 28-1110 AND 28-1144, ARIZONA REVISED STATUTES;
RELATING TO VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-1104, Arizona Revised Statutes, is amended to
3 read:

4 28-1104. Issuance of special permits; rules

5 A. The application for a special permit prescribed in section 28-1103
6 shall specifically describe the vehicle or vehicles and load to be operated
7 or moved and the particular highways for which the permit to operate is
8 requested. IF THE ACTUAL VEHICLE AND LOAD TO BE MOVED ARE SUBSEQUENTLY OF A
9 LESSER DIMENSION OR WEIGHT THAN THAT DESCRIBED ON THE PERMIT, BOTH OF THE
10 FOLLOWING APPLY:

11 1. THE DIRECTOR SHALL NOT REQUIRE THE OPERATOR TO APPLY FOR A NEW
12 PERMIT OR PAY AN ADDITIONAL FEE.

13 2. THE OPERATOR SHALL COMPLY WITH ALL OTHER CONDITIONS OF THE PERMIT.

14 B. Subject to subsection E of this section and if the special permit
15 is issued, the director or local authority may:

16 1. Establish seasonal or other time limitations within which the
17 vehicles described may be operated on the highways indicated or otherwise
18 limit or prescribe conditions of operation of the vehicle or vehicles, when
19 necessary to assure against undue damage to the road foundations, surfaces or
20 structures.

21 2. Require an undertaking or any other security as deemed necessary to
22 compensate for an injury to a roadway or road structure.

23 C. The special permit shall be carried in the vehicle or combination
24 of vehicles to which it refers and shall be open to inspection by any police
25 officer or authorized agent of an authority granting the permit. A person
26 shall not violate any of the terms or conditions of the special permit.

27 D. The director shall adopt rules for the movement of equipment
28 without a special permit for the purpose of repair or for local operation.

29 E. A permit shall not be issued pursuant to section 28-1103 for moving
30 a mobile home unless the applicant provides evidence of payment of all
31 applicable ad valorem taxes or a clearance from the assessor of the county in
32 which the mobile home is located. The clearance is valid for not more than
33 thirty days, and the assessor shall issue the clearance if the assessor
34 determines that all fees and ad valorem taxes applicable to the mobile home
35 pursuant to title 42 have been paid as of the date of application. This
36 subsection does not limit the discretion of the director or local authority
37 to deny an application for a permit for moving a mobile home for reasons
38 other than nonpayment of ad valorem taxes.

39 Sec. 2. Section 28-1110, Arizona Revised Statutes, is amended to read:

40 28-1110. Escort vehicle operation; training and certification;
41 insurance; exemption

42 A. Except as otherwise provided in this section, any individual
43 operating an escort vehicle that is escorting a vehicle required to be
44 permitted pursuant to this article or article 19 of this chapter on a highway
45 in this state shall have completed training in and be certified by a program

1 that meets the escort vehicle operator training and certification standards
2 of the commercial vehicle safety alliance, INCLUDING BEST PRACTICES IN
3 TRAFFIC CONTROL TECHNIQUES ON THE ROAD, or an equivalent program that meets
4 the same objectives before entering into service as an escort vehicle
5 operator.

6 B. An escort vehicle operator shall repeat training and certification
7 requirements at least once every four years.

8 C. An escort vehicle operator shall:

9 1. Be at least eighteen years of age.

10 2. Have a valid driver license.

11 3. Have a legible and valid escort vehicle operator certificate issued
12 in this state or in another state in the operator's immediate possession
13 while operating an escort vehicle that is escorting a vehicle required to be
14 permitted pursuant to this article or article 19 of this chapter on a highway
15 in this state.

16 ~~4. Have a minimum of four hours of training in certified traffic~~
17 ~~control techniques.~~

18 D. Escort vehicle operators who are trained and certified pursuant to
19 subsection ~~C~~, ~~paragraph 4~~ A OF THIS SECTION may perform traffic control under
20 guidelines developed by the department of transportation, the department of
21 public safety and the transportation industry. Escort vehicle operators who
22 perform traffic control must have in force a minimum level of commercial
23 liability insurance as prescribed by the director of the department of
24 transportation and that is not less than five hundred thousand dollars.

25 E. An individual who operates an escort vehicle in violation of this
26 section or rules adopted by the director relating to the operation of escort
27 vehicles is responsible for a civil traffic violation.

28 F. A department or agency of this state shall not consider the
29 violation for the purpose of determining whether the person's driver license
30 should be suspended or revoked and a court shall not transmit abstracts of
31 records of judgment for the violation to the department.

32 G. This section does not apply to law enforcement personnel escorting
33 overdimensional permitted loads in the conduct of their normal duties or
34 under contract to governmental entities.

35 H. A certification issued by another state authorizing a person to
36 escort vehicles required to be permitted pursuant to this article or article
37 19 of this chapter on a highway in this state satisfies the certification
38 requirements of this section but does not authorize the person to perform
39 traffic control except as prescribed by rules established by the department.

40 Sec. 3. Section 28-1144, Arizona Revised Statutes, is amended to read:
41 28-1144. Issuing envelope permits; restrictions; requirements

42 A. On approval of the application, the director may issue an envelope
43 permit. The envelope permit for a nonspecific and nonreducible vehicle or
44 cargo shall not authorize a vehicle or a vehicle transporting cargo on a

1 highway to exceed two hundred fifty thousand pounds gross weight, fourteen
2 feet in width, sixteen feet in height and one hundred twenty feet in length.

3 B. THE DIRECTOR MAY ISSUE AN ENVELOPE PERMIT FOR A VEHICLE HAULING A
4 HOUSEBOAT WITHIN A TEN MILE RADIUS OF A LAKE THAT IS LOCATED IN THIS STATE
5 AND THE STATE OF UTAH AND WHOSE TRIBUTARY IS THE COLORADO RIVER IF THE
6 VEHICLE OR LOAD DOES NOT EXCEED ONE HUNDRED FIFTY THOUSAND POUNDS GROSS
7 WEIGHT, SIXTEEN AND ONE-HALF FEET IN WIDTH, TWENTY-FIVE FEET IN HEIGHT AND
8 ONE HUNDRED TWENTY FEET IN LENGTH. A PERSON WHO OPERATES A VEHICLE ON A
9 HIGHWAY TRANSPORTING A HOUSEBOAT FOR WHICH AN ENVELOPE PERMIT HAS BEEN ISSUED
10 PURSUANT TO THIS SUBSECTION MUST NOTIFY THE DEPARTMENT AS PRESCRIBED BY THE
11 DIRECTOR EACH TIME A VEHICLE HAULS A HOUSEBOAT AS AUTHORIZED BY THE ENVELOPE
12 PERMIT. A PERSON WHO VIOLATES THE NOTIFICATION REQUIREMENT OF THIS
13 SUBSECTION SUBJECTS THE ENVELOPE PERMIT TO IMMEDIATE REVOCATION BY THE
14 DEPARTMENT AND MUST APPLY FOR A SPECIAL PERMIT PRESCRIBED IN SECTION 28-1103
15 IN ORDER TO COMPLY WITH THE PROVISIONS OF ARTICLE 18 OF THIS CHAPTER RELATING
16 TO VEHICLE SIZE, WEIGHT AND LOAD. THE DIRECTOR SHALL ADOPT RULES, INCLUDING
17 ESTABLISHING FEES, FOR ENVELOPE PERMITS FOR VEHICLES HAULING HOUSEBOATS
18 PURSUANT TO THIS SUBSECTION.

19 ~~B.~~ C. A vehicle for which an envelope permit is issued shall have at
20 least ~~four~~ THREE axles. Except for excess gross weight, excess width or
21 length authorized by the envelope permit, a vehicle and cargo shall meet the
22 requirements of statutes, rules and ordinances governing the movement of
23 vehicles on highways and rules of local authorities.

24 ~~C.~~ D. A person who operates a vehicle on a highway transporting cargo
25 for which an envelope permit has been issued and is required shall have a
26 legible envelope permit in the person's immediate possession. The envelope
27 permit is valid only if the power unit towing or transporting the cargo is
28 listed on the permit. The operator shall display the envelope permit on
29 demand of a peace officer.

30 ~~D.~~ E. A photocopy or facsimile of the envelope permit is not valid.

31 ~~E.~~ F. An envelope permit shall provide for the listing of any number
32 of power units on the permit. A permit may be duplicated and modified to
33 include the listing of additional power units at the time of initial
34 application or later.

35 ~~F.~~ G. The director shall not issue an envelope permit for a vehicle
36 or vehicle combination that transports cargo commonly known as a mobile or
37 modular home.

APPROVED BY THE GOVERNOR APRIL 3, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2012.

Passed the House March 1, 2012

Passed the Senate March 22, 2012

by the following vote: 55 Ayes,

by the following vote: 30 Ayes,

0 Nays, 4 Not Voting
1 vacant

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate.

[Signature]
Chief Clerk of the House

[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. 2673

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

March 29, 2012,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting


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

29 day of March, 2012,

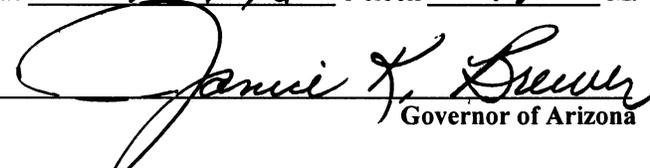
at 11:30 o'clock A M.


Secretary to the Governor

Approved this 3rd day of

April, 2012,

at 10:46 o'clock A. M.


Governor of Arizona

H.B. 2673

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 3rd day of April, 2012,

at 1:16 o'clock P M.


Secretary of State