

Senate Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 33

SENATE BILL 1051

AN ACT

AMENDING SECTIONS 28-101 AND 28-3101, ARIZONA REVISED STATUTES; RELATING TO
MOTOR VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-101, 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 either of the following:

14 (a) A motor vehicle that satisfies all of the following:

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

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

18 (iii) Has an unladen weight of one thousand two hundred pounds or
19 less.

20 (iv) Travels on three or more nonhighway tires.

21 (v) Is operated on a public highway.

22 (b) A recreational off-highway vehicle that satisfies all of the
23 following:

24 (i) Is designed primarily for recreational nonhighway all-terrain
25 travel.

26 (ii) Is sixty-five or fewer inches in width.

27 (iii) Has an unladen weight of one thousand eight hundred pounds or
28 less.

29 (iv) Travels on four or more nonhighway tires.

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

31 (a) A fire department vehicle.

32 (b) A police vehicle.

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

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

39 5. "AUTOCYCLE" MEANS A THREE-WHEELED MOTORCYCLE ON WHICH THE DRIVER
40 AND PASSENGERS RIDE IN A COMPLETELY ENCLOSED SEATING AREA THAT IS EQUIPPED
41 WITH A ROLL CAGE, SAFETY BELTS FOR EACH OCCUPANT AND ANTILOCK BRAKES AND THAT
42 IS DESIGNED TO BE CONTROLLED WITH A STEERING WHEEL AND PEDALS.

43 6. "Aviation fuel" means all flammable liquids composed of a
44 mixture of selected hydrocarbons expressly manufactured and blended for the
45 purpose of effectively and efficiently operating an internal combustion

1 engine for use in an aircraft but does not include fuel for jet or turbine
2 powered aircraft.

3 ~~6.~~ 7. "Bicycle" means a device, including a racing wheelchair, that
4 is propelled by human power and on which a person may ride and that has
5 either:

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

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

10 ~~7.~~ 8. "Board" means the transportation board.

11 ~~8.~~ 9. "Bus" means a motor vehicle designed for carrying sixteen or
12 more passengers, including the driver.

13 ~~9.~~ 10. "Business district" means the territory contiguous to and
14 including a highway if there are buildings in use for business or industrial
15 purposes within any six hundred feet along the highway, including hotels,
16 banks or office buildings, railroad stations and public buildings that occupy
17 at least three hundred feet of frontage on one side or three hundred feet
18 collectively on both sides of the highway.

19 ~~10.~~ 11. "Combination of vehicles" means a truck or truck tractor and
20 semitrailer and any trailer that it tows but does not include a forklift
21 designed for the purpose of loading or unloading the truck, trailer or
22 semitrailer.

23 ~~11.~~ 12. "Controlled substance" means a substance so classified under
24 section 102(6) of the controlled substances act (21 United States Code
25 section 802(6)) and includes all substances listed in schedules I through V
26 of 21 Code of Federal Regulations part 1308.

27 ~~12.~~ 13. "Conviction" means:

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

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

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

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

35 ~~13.~~ 14. "County highway" means a public road constructed and
36 maintained by a county.

37 ~~14.~~ 15. "Dealer" means a person who is engaged in the business of
38 buying, selling or exchanging motor vehicles, trailers or semitrailers and
39 who has an established place of business.

40 ~~15.~~ 16. "Department" means the department of transportation acting
41 directly or through its duly authorized officers and agents.

42 ~~16.~~ 17. "Director" means the director of the department of
43 transportation.

44 ~~17.~~ 18. "Drive" means to operate or be in actual physical control of a
45 motor vehicle.

1 ~~18.~~ 19. "Driver" means a person who drives or is in actual physical
2 control of a vehicle.

3 ~~19.~~ 20. "Driver license" means a license that is issued by a state to
4 an individual and that authorizes the individual to drive a motor vehicle.

5 ~~20.~~ 21. "Electric personal assistive mobility device" means a
6 self-balancing two nontandem wheeled device with an electric propulsion
7 system that limits the maximum speed of the device to fifteen miles per hour
8 or less and that is designed to transport only one person.

9 ~~21.~~ 22. "Farm" means any lands primarily used for agriculture
10 production.

11 ~~22.~~ 23. "Farm tractor" means a motor vehicle designed and used
12 primarily as a farm implement for drawing implements of husbandry.

13 ~~23.~~ 24. "Foreign vehicle" means a motor vehicle, trailer or
14 semitrailer that is brought into this state other than in the ordinary course
15 of business by or through a manufacturer or dealer and that has not been
16 registered in this state.

17 ~~24.~~ 25. "Golf cart" means a motor vehicle that has not less than three
18 wheels in contact with the ground, that has an unladen weight of less than
19 one thousand eight hundred pounds, that is designed to be and is operated at
20 not more than twenty-five miles per hour and that is designed to carry not
21 more than four persons including the driver.

22 ~~25.~~ 26. "Hazardous material" means a material, and its mixtures or
23 solutions, that the United States department of transportation determines
24 under 49 Code of Federal Regulations is, or any quantity of a material listed
25 as a select agent or toxin under 42 Code of Federal Regulations part 73 that
26 is, capable of posing an unreasonable risk to health, safety and property if
27 transported in commerce and that is required to be placarded or marked as
28 required by the department's safety rules prescribed pursuant to chapter 14
29 of this title.

30 ~~26.~~ 27. "Implement of husbandry" means a vehicle designed primarily
31 for agricultural purposes and used exclusively in the conduct of agricultural
32 operations, including an implement or vehicle whether self-propelled or
33 otherwise that meets both of the following conditions:

34 (a) Is used solely for agricultural purposes including the preparation
35 or harvesting of cotton, alfalfa, grains and other farm crops.

36 (b) Is only incidentally operated or moved on a highway whether as a
37 trailer or self-propelled unit. For the purposes of this subdivision,
38 "incidentally operated or moved on a highway" means travel between a farm and
39 another part of the same farm, from one farm to another farm or between a
40 farm and a place of repair, supply or storage.

41 ~~27.~~ 28. "Limousine" means a motor vehicle providing prearranged ground
42 transportation service for an individual passenger, or a group of passengers,
43 that is arranged in advance or is operated on a regular route or between
44 specified points and includes ground transportation under a contract or
45 agreement for services that includes a fixed rate or time and is provided in

1 a motor vehicle with a seating capacity not exceeding fifteen passengers
2 including the driver.

3 ~~28.~~ 29. "Livery vehicle" means a motor vehicle that:

4 (a) Has a seating capacity not exceeding fifteen passengers including
5 the driver.

6 (b) Provides passenger services for a fare determined by a flat rate
7 or flat hourly rate between geographic zones or within a geographic area.

8 (c) Is available for hire on an exclusive or shared ride basis.

9 (d) May do any of the following:

10 (i) Operate on a regular route or between specified places.

11 (ii) Offer prearranged ground transportation service as defined in
12 section 28-141.

13 (iii) Offer on demand ground transportation service pursuant to a
14 contract with a public airport, licensed business entity or organization.

15 ~~29.~~ 30. "Local authority" means any county, municipal or other local
16 board or body exercising jurisdiction over highways under the constitution
17 and laws of this state.

18 ~~30.~~ 31. "Manufacturer" means a person engaged in the business of
19 manufacturing motor vehicles, trailers or semitrailers.

20 ~~31.~~ 32. "Moped" means a bicycle that is equipped with a helper motor
21 if the vehicle has a maximum piston displacement of fifty cubic centimeters
22 or less, a brake horsepower of one and one-half or less and a maximum speed
23 of twenty-five miles per hour or less on a flat surface with less than a one
24 per-cent PERCENT grade.

25 ~~32.~~ 33. "Motor driven cycle" means a motorcycle, including every motor
26 scooter, with a motor that produces not more than five horsepower.

27 ~~33.~~ 34. "Motor vehicle":

28 (a) Means either:

29 (i) A self-propelled vehicle.

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

33 (b) Does not include a motorized wheelchair, an electric personal
34 assistive mobility device or a motorized skateboard. For the purposes of
35 this subdivision:

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

39 (ii) "Motorized wheelchair" means a self-propelled wheelchair that is
40 used by a person for mobility.

41 ~~34.~~ 35. "Motor vehicle fuel" includes all products that are commonly
42 or commercially known or sold as gasoline, including casinghead gasoline,
43 natural gasoline and all flammable liquids, and that are composed of a
44 mixture of selected hydrocarbons expressly manufactured and blended for the
45 purpose of effectively and efficiently operating internal combustion engines.

1 Motor vehicle fuel does not include inflammable liquids that are specifically
2 manufactured for racing motor vehicles and that are distributed for and used
3 by racing motor vehicles at a racetrack, use fuel as defined in section
4 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the
5 mixture created at the interface of two different substances being
6 transported through a pipeline, commonly known as transmix.

7 ~~35.~~ 36. "Motorcycle" means a motor vehicle that has a seat or saddle
8 for the use of the rider and that is designed to travel on not more than
9 three wheels in contact with the ground but excluding a tractor and a moped.

10 ~~36.~~ 37. "Neighborhood electric vehicle" means a self-propelled
11 electrically powered motor vehicle to which all of the following apply:

12 (a) The vehicle is emission free.

13 (b) The vehicle has at least four wheels in contact with the ground.

14 (c) The vehicle complies with the definition and standards for low
15 speed vehicles set forth in federal motor vehicle safety standard 500 and 49
16 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.

17 ~~37.~~ 38. "Nonresident" means a person who is not a resident of this
18 state as defined in section 28-2001.

19 ~~38.~~ 39. "Off-road recreational motor vehicle" means a motor vehicle
20 that is designed primarily for recreational nonhighway all-terrain travel and
21 that is not operated on a public highway. Off-road recreational motor
22 vehicle does not mean a motor vehicle used for construction, building trade,
23 mining or agricultural purposes.

24 ~~39.~~ 40. "Operator" means a person who drives a motor vehicle on a
25 highway, who is in actual physical control of a motor vehicle on a highway or
26 who is exercising control over or steering a vehicle being towed by a motor
27 vehicle.

28 ~~40.~~ 41. "Owner" means:

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

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

34 (c) If a mortgagor of a vehicle is entitled to possession of the
35 vehicle, the mortgagor.

36 ~~41.~~ 42. "Pedestrian" means any person afoot. A person who uses an
37 electric personal assistive mobility device or a manual or motorized
38 wheelchair is considered a pedestrian unless the manual wheelchair qualifies
39 as a bicycle. For the purposes of this paragraph, "motorized wheelchair"
40 means a self-propelled wheelchair that is used by a person for mobility.

41 ~~42.~~ 43. "Power sweeper" means an implement, with or without motive
42 power, that is only incidentally operated or moved on a street or highway and
43 that is designed for the removal of debris, dirt, gravel, litter or sand
44 whether by broom, vacuum or regenerative air system from asphaltic concrete

1 or cement concrete surfaces, including parking lots, highways, streets and
2 warehouses, and a vehicle on which the implement is permanently mounted.

3 ~~43.~~ 44. "Public transit" means the transportation of passengers on
4 scheduled routes by means of a conveyance on an individual passenger
5 fare-paying basis excluding transportation by a sight-seeing bus, school bus
6 or taxi or a vehicle not operated on a scheduled route basis.

7 ~~44.~~ 45. "Reconstructed vehicle" means a vehicle that has been
8 assembled or constructed largely by means of essential parts, new or used,
9 derived from vehicles or makes of vehicles of various names, models and types
10 or that, if originally otherwise constructed, has been materially altered by
11 the removal of essential parts or by the addition or substitution of
12 essential parts, new or used, derived from other vehicles or makes of
13 vehicles. For the purposes of this paragraph, "essential parts" means
14 integral and body parts, the removal, alteration or substitution of which
15 will tend to conceal the identity or substantially alter the appearance of
16 the vehicle.

17 ~~45.~~ 46. "Residence district" means the territory contiguous to and
18 including a highway not comprising a business district if the property on the
19 highway for a distance of three hundred feet or more is in the main improved
20 with residences or residences and buildings in use for business.

21 ~~46.~~ 47. "Right-of-way" when used within the context of the regulation
22 of the movement of traffic on a highway means the privilege of the immediate
23 use of the highway. Right-of-way when used within the context of the real
24 property on which transportation facilities and appurtenances to the
25 facilities are constructed or maintained means the lands or interest in lands
26 within the right-of-way boundaries.

27 ~~47.~~ 48. "School bus" means a motor vehicle that is designed for
28 carrying more than ten passengers and that is either:

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

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

35 ~~48.~~ 49. "Semitrailer" means a vehicle that is with or without motive
36 power, other than a pole trailer, that is designed for carrying persons or
37 property and for being drawn by a motor vehicle and that is constructed so
38 that some part of its weight and that of its load rests on or is carried by
39 another vehicle. For the purposes of this paragraph, "pole trailer" has the
40 same meaning prescribed in section 28-601.

41 ~~49.~~ 50. "State" means a state of the United States and the District of
42 Columbia.

43 ~~50.~~ 51. "State highway" means a state route or portion of a state
44 route that is accepted and designated by the board as a state highway and
45 that is maintained by the state.

1 ~~51.~~ 52. "State route" means a right-of-way whether actually used as a
2 highway or not that is designated by the board as a location for the
3 construction of a state highway.

4 ~~52.~~ 53. "Street" or "highway" means the entire width between the
5 boundary lines of every way if a part of the way is open to the use of the
6 public for purposes of vehicular travel.

7 ~~53.~~ 54. "Taxi" means a motor vehicle that has a seating capacity not
8 exceeding fifteen passengers, including the driver, that is registered as a
9 taxi in this state or any other state, that provides passenger services and
10 that:

11 (a) Does not primarily operate on a regular route or between specified
12 places.

13 (b) Offers local transportation for a fare determined on the basis of
14 the distance traveled or prearranged ground transportation service as defined
15 in section 28-141 for a predetermined fare.

16 ~~54.~~ 55. "Traffic survival school" means a school that offers
17 educational sessions to drivers who are required to attend and successfully
18 complete educational sessions pursuant to this title that are designed to
19 improve the safety and habits of drivers and that are approved by the
20 department.

21 ~~55.~~ 56. "Trailer" means a vehicle that is with or without motive
22 power, other than a pole trailer, that is designed for carrying persons or
23 property and for being drawn by a motor vehicle and that is constructed so
24 that no part of its weight rests on the towing vehicle. A semitrailer
25 equipped with an auxiliary front axle commonly known as a dolly is deemed to
26 be a trailer. For the purposes of this paragraph, "pole trailer" has the
27 same meaning prescribed in section 28-601.

28 ~~56.~~ 57. "Truck" means a motor vehicle designed or used primarily for
29 the carrying of property other than the effects of the driver or passengers
30 and includes a motor vehicle to which has been added a box, a platform or
31 other equipment for such carrying.

32 ~~57.~~ 58. "Truck tractor" means a motor vehicle that is designed and
33 used primarily for drawing other vehicles and that is not constructed to
34 carry a load other than a part of the weight of the vehicle and load drawn.

35 ~~58.~~ 59. "Vehicle" means a device in, on or by which a person or
36 property is or may be transported or drawn on a public highway, excluding
37 devices moved by human power or used exclusively on stationary rails or
38 tracks.

39 ~~59.~~ 60. "Vehicle transporter" means either:

40 (a) A truck tractor capable of carrying a load and drawing a
41 semitrailer.

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

1 Sec. 2. Section 28-3101, Arizona Revised Statutes, is amended to read:

2 28-3101. Driver license classes

3 A. Except as provided in subsections B and C of this section and
4 section 28-3102, the following driver license classes are valid:

5 1. Class A. A class A license is valid for operating either of the
6 following:

7 (a) A motor vehicle that tows a vehicle with a gross vehicle weight
8 rating of more than ten thousand pounds if the combined gross vehicle weight
9 rating is twenty-six thousand one or more pounds.

10 (b) A vehicle that requires a class B, C or D license.

11 2. Class B. A class B license is valid for operating any of the
12 following:

13 (a) A single motor vehicle with a gross vehicle weight rating of
14 twenty-six thousand one or more pounds.

15 (b) A motor vehicle with a gross vehicle weight rating of twenty-six
16 thousand one or more pounds that tows a vehicle with a gross vehicle weight
17 rating of ten thousand pounds or less.

18 (c) A vehicle that requires a class C or D license for operation.

19 3. Class C. A class C license is valid for operating any of the
20 following:

21 (a) A single motor vehicle with a gross vehicle weight rating of
22 twenty-six thousand pounds or less.

23 (b) A motor vehicle with a gross vehicle weight rating of twenty-six
24 thousand pounds or less that tows a vehicle with a gross vehicle weight
25 rating of ten thousand pounds or less.

26 (c) A motor vehicle with a gross vehicle weight rating of twenty-six
27 thousand pounds or less that tows a vehicle with a gross vehicle weight
28 rating of more than ten thousand pounds, if the combined gross vehicle weight
29 rating is less than twenty-six thousand one pounds.

30 (d) A vehicle that is required to be placarded for hazardous
31 materials.

32 (e) A bus or school bus.

33 (f) A vehicle that requires a class D license for operation.

34 4. Class D. A class D license is valid for operating any of the
35 following:

36 (a) A single motor vehicle with a gross vehicle weight rating of
37 twenty-six thousand pounds or less.

38 (b) A motor vehicle with a gross vehicle weight rating of twenty-six
39 thousand pounds or less that tows a vehicle with a gross vehicle weight
40 rating of ten thousand pounds or less.

41 (c) A motor vehicle with a gross vehicle weight rating of twenty-six
42 thousand pounds or less that tows a vehicle with a gross vehicle weight
43 rating of more than ten thousand pounds if the combined gross vehicle weight
44 rating is less than twenty-six thousand one pounds.

1 (d) A motorized touring vehicle. For the purposes of this
2 subdivision, "motorized touring vehicle" means a motor vehicle that is all of
3 the following:

4 (i) Owned by a commercial entity.

5 (ii) Rented for use during a sightseeing tour that is guided by an
6 employee of the commercial entity that rents the motor vehicle.

7 (iii) Designed to travel with three wheels on the ground.

8 (iv) Capable of a maximum speed of forty-five miles per hour.

9 5. Class G. A class G license is valid for operating a single motor
10 vehicle with a gross vehicle weight rating of twenty-six thousand pounds or
11 less.

12 6. Class M. A class M license is valid for operating a motorcycle,
13 motor driven cycle or moped BUT IS NOT NECESSARY FOR OPERATING AN AUTOCYCLE.
14 For the purpose of licensing a driver, the department may endorse a class M
15 license classification on a valid class A, B, C, D or G license.

16 B. A class A, B, C, D or G license is not valid for operating a
17 vehicle that requires a class M license or a vehicle that requires a special
18 endorsement unless the proper endorsement appears on the license.

19 C. A commercial driver license is not required to operate a vehicle
20 described in subsection A, paragraph 1, 2 or 3 of this section if the vehicle
21 has been issued a historic vehicle license plate pursuant to section 28-2484
22 and the department provides in the vehicle registration record both of the
23 following:

24 1. That the vehicle is classified as a noncommercial vehicle and may
25 not be used as a commercial vehicle.

26 2. The vehicle's gross vehicle weight is entered as zero.

APPROVED BY THE GOVERNOR MARCH 23, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2015.

Passed the House March 17, 2015,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

Norma Chastain
Assistant Chief Clerk of the House

Passed the Senate February 9, 2015,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmine Bellenton
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
18th day of March, 2015,

at 1:55 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 23rd day of

March, 2015,

at 11:08 o'clock A M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 23rd day of March, 2015,

at 2:47 o'clock P. M.

[Signature]
Secretary of State

S.B. 1051