

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 ~~5.~~ 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.  
46 Motor vehicle fuel does not include inflammable liquids that are specifically

1 manufactured for racing motor vehicles and that are distributed for and used  
2 by racing motor vehicles at a racetrack, use fuel as defined in section  
3 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the  
4 mixture created at the interface of two different substances being  
5 transported through a pipeline, commonly known as transmix.

6 ~~35-~~ 36. "Motorcycle" means a motor vehicle that has a seat or saddle  
7 for the use of the rider and that is designed to travel on not more than  
8 three wheels in contact with the ground but excluding a tractor and a moped.

9 ~~36-~~ 37. "Neighborhood electric vehicle" means a self-propelled  
10 electrically powered motor vehicle to which all of the following apply:

11 (a) The vehicle is emission free.

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

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

16 ~~37-~~ 38. "Nonresident" means a person who is not a resident of this  
17 state as defined in section 28-2001.

18 ~~38-~~ 39. "Off-road recreational motor vehicle" means a motor vehicle  
19 that is designed primarily for recreational nonhighway all-terrain travel and  
20 that is not operated on a public highway. Off-road recreational motor  
21 vehicle does not mean a motor vehicle used for construction, building trade,  
22 mining or agricultural purposes.

23 ~~39-~~ 40. "Operator" means a person who drives a motor vehicle on a  
24 highway, who is in actual physical control of a motor vehicle on a highway or  
25 who is exercising control over or steering a vehicle being towed by a motor  
26 vehicle.

27 ~~40-~~ 41. "Owner" means:

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

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

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

35 ~~41-~~ 42. "Pedestrian" means any person afoot. A person who uses an  
36 electric personal assistive mobility device or a manual or motorized  
37 wheelchair is considered a pedestrian unless the manual wheelchair qualifies  
38 as a bicycle. For the purposes of this paragraph, "motorized wheelchair"  
39 means a self-propelled wheelchair that is used by a person for mobility.

40 ~~42-~~ 43. "Power sweeper" means an implement, with or without motive  
41 power, that is only incidentally operated or moved on a street or highway and  
42 that is designed for the removal of debris, dirt, gravel, litter or sand  
43 whether by broom, vacuum or regenerative air system from asphaltic concrete  
44 or cement concrete surfaces, including parking lots, highways, streets and  
45 warehouses, and a vehicle on which the implement is permanently mounted.

1       ~~43.~~ 44. "Public transit" means the transportation of passengers on  
2 scheduled routes by means of a conveyance on an individual passenger  
3 fare-paying basis excluding transportation by a sight-seeing bus, school bus  
4 or taxi or a vehicle not operated on a scheduled route basis.

5       ~~44.~~ 45. "Reconstructed vehicle" means a vehicle that has been  
6 assembled or constructed largely by means of essential parts, new or used,  
7 derived from vehicles or makes of vehicles of various names, models and types  
8 or that, if originally otherwise constructed, has been materially altered by  
9 the removal of essential parts or by the addition or substitution of  
10 essential parts, new or used, derived from other vehicles or makes of  
11 vehicles. For the purposes of this paragraph, "essential parts" means  
12 integral and body parts, the removal, alteration or substitution of which  
13 will tend to conceal the identity or substantially alter the appearance of  
14 the vehicle.

15       ~~45.~~ 46. "Residence district" means the territory contiguous to and  
16 including a highway not comprising a business district if the property on the  
17 highway for a distance of three hundred feet or more is in the main improved  
18 with residences or residences and buildings in use for business.

19       ~~46.~~ 47. "Right-of-way" when used within the context of the regulation  
20 of the movement of traffic on a highway means the privilege of the immediate  
21 use of the highway. Right-of-way when used within the context of the real  
22 property on which transportation facilities and appurtenances to the  
23 facilities are constructed or maintained means the lands or interest in lands  
24 within the right-of-way boundaries.

25       ~~47.~~ 48. "School bus" means a motor vehicle that is designed for  
26 carrying more than ten passengers and that is either:

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

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

33       ~~48.~~ 49. "Semitrailer" means a vehicle that is with or without motive  
34 power, other than a pole trailer, that is designed for carrying persons or  
35 property and for being drawn by a motor vehicle and that is constructed so  
36 that some part of its weight and that of its load rests on or is carried by  
37 another vehicle. For the purposes of this paragraph, "pole trailer" has the  
38 same meaning prescribed in section 28-601.

39       ~~49.~~ 50. "State" means a state of the United States and the District of  
40 Columbia.

41       ~~50.~~ 51. "State highway" means a state route or portion of a state  
42 route that is accepted and designated by the board as a state highway and  
43 that is maintained by the state.

44       ~~51.~~ 52. "State route" means a right-of-way whether actually used as a  
45 highway or not that is designated by the board as a location for the  
46 construction of a state highway.

1           ~~52.~~ 53. "Street" or "highway" means the entire width between the  
2 boundary lines of every way if a part of the way is open to the use of the  
3 public for purposes of vehicular travel.

4           ~~53.~~ 54. "Taxi" means a motor vehicle that has a seating capacity not  
5 exceeding fifteen passengers, including the driver, that is registered as a  
6 taxi in this state or any other state, that provides passenger services and  
7 that:

8           (a) Does not primarily operate on a regular route or between specified  
9 places.

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

13           ~~54.~~ 55. "Traffic survival school" means a school that offers  
14 educational sessions to drivers who are required to attend and successfully  
15 complete educational sessions pursuant to this title that are designed to  
16 improve the safety and habits of drivers and that are approved by the  
17 department.

18           ~~55.~~ 56. "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  
24 same meaning prescribed in section 28-601.

25           ~~56.~~ 57. "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           ~~57.~~ 58. "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           ~~58.~~ 59. "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           ~~59.~~ 60. "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.

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

44           ~~28-3101.~~ Driver license classes

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



- 1           1. Class A. A class A license is valid for operating either of the  
2 following:
- 3           (a) A motor vehicle that tows a vehicle with a gross vehicle weight  
4 rating of more than ten thousand pounds if the combined gross vehicle weight  
5 rating is twenty-six thousand one or more pounds.
- 6           (b) A vehicle that requires a class B, C or D license.
- 7           2. Class B. A class B license is valid for operating any of the  
8 following:
- 9           (a) A single motor vehicle with a gross vehicle weight rating of  
10 twenty-six thousand one or more pounds.
- 11           (b) A motor vehicle with a gross vehicle weight rating of twenty-six  
12 thousand one or more pounds that tows a vehicle with a gross vehicle weight  
13 rating of ten thousand pounds or less.
- 14           (c) A vehicle that requires a class C or D license for operation.
- 15           3. Class C. A class C license is valid for operating any of the  
16 following:
- 17           (a) A single motor vehicle with a gross vehicle weight rating of  
18 twenty-six thousand pounds or less.
- 19           (b) A motor vehicle with a gross vehicle weight rating of twenty-six  
20 thousand pounds or less that tows a vehicle with a gross vehicle weight  
21 rating of ten thousand pounds or less.
- 22           (c) A motor vehicle with a gross vehicle weight rating of twenty-six  
23 thousand pounds or less that tows a vehicle with a gross vehicle weight  
24 rating of more than ten thousand pounds, if the combined gross vehicle weight  
25 rating is less than twenty-six thousand one pounds.
- 26           (d) A vehicle that is required to be placarded for hazardous  
27 materials.
- 28           (e) A bus or school bus.
- 29           (f) A vehicle that requires a class D license for operation.
- 30           4. Class D. A class D license is valid for operating any of the  
31 following:
- 32           (a) A single motor vehicle with a gross vehicle weight rating of  
33 twenty-six thousand pounds or less.
- 34           (b) A motor vehicle with a gross vehicle weight rating of twenty-six  
35 thousand pounds or less that tows a vehicle with a gross vehicle weight  
36 rating of ten thousand pounds or less.
- 37           (c) A motor vehicle with a gross vehicle weight rating of twenty-six  
38 thousand pounds or less that tows a vehicle with a gross vehicle weight  
39 rating of more than ten thousand pounds if the combined gross vehicle weight  
40 rating is less than twenty-six thousand one pounds.
- 41           (d) A motorized touring vehicle. For the purposes of this  
42 subdivision, "motorized touring vehicle" means a motor vehicle that is all of  
43 the following:
- 44           (i) Owned by a commercial entity.
- 45           (ii) Rented for use during a sightseeing tour that is guided by an  
46 employee of the commercial entity that rents the motor vehicle.

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

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

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

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

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

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

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

20 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.