

REFERENCE TITLE: miniature scooters; electric standup scooters

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SB 1398

Introduced by
Senator Pace

AN ACT

AMENDING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 9, SECTION 1, CHAPTER 163, SECTION 1, CHAPTER 166, SECTION 1, CHAPTER 306, SECTION 1, AND CHAPTER 324, SECTION 1; AMENDING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 306, SECTION 2; AMENDING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 9, SECTION 1, CHAPTER 163, SECTION 1, CHAPTER 166, SECTION 1, CHAPTER 298, SECTION 3, CHAPTER 306, SECTION 1 AND CHAPTER 324, SECTION 1; AMENDING SECTION 28-627, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 306, SECTION 3; AMENDING SECTION 28-627, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 306, SECTION 4; AMENDING SECTION 28-819, ARIZONA REVISED STATUTES; RELATING TO MODES OF TRANSPORTATION.

(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, as amended by
3 Laws 2018, chapter 9, section 1, chapter 163, section 1, chapter 166,
4 section 1, chapter 306, section 1 and chapter 324, section 1, is amended
5 to read:

6 28-101. Definitions

7 In this title, unless the context otherwise requires:

8 1. "Alcohol" means any substance containing any form of alcohol,
9 including ethanol, methanol, propynol and isopropynol.

10 2. "Alcohol concentration" if expressed as a percentage means
11 either:

12 (a) The number of grams of alcohol per one hundred milliliters of
13 blood.

14 (b) The number of grams of alcohol per two hundred ten liters of
15 breath.

16 3. "All-terrain vehicle" means either of the following:

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

18 (i) Is designed primarily for recreational nonhighway all-terrain
19 travel.

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

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

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

24 (v) Is operated on a public highway.

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

27 (i) Is designed primarily for recreational nonhighway all-terrain
28 travel.

29 (ii) Is eighty or fewer inches in width.

30 (iii) Has an unladen weight of two thousand five hundred pounds or
31 less.

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

33 (v) Has a steering wheel for steering control.

34 (vi) Has a rollover protective structure.

35 (vii) Has an occupant retention system.

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

37 (a) A fire department vehicle.

38 (b) A police vehicle.

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

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

1 5. "Autocycle" means a three-wheeled motorcycle on which the driver
2 and passengers ride in a fully or partially enclosed seating area that is
3 equipped with a roll cage, safety belts for each occupant and antilock
4 brakes and that is designed to be controlled with a steering wheel and
5 pedals.

6 6. "Aviation fuel" means all flammable liquids composed of a
7 mixture of selected hydrocarbons expressly manufactured and blended for
8 the purpose of effectively and efficiently operating an internal
9 combustion engine for use in an aircraft but does not include fuel for jet
10 or turbine powered aircraft.

11 7. "Bicycle" means a device, including a racing wheelchair, that is
12 propelled by human power and on which a person may ride and that has
13 either:

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

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

18 8. "Board" means the transportation board.

19 9. "Bus" means a motor vehicle designed for carrying sixteen or
20 more passengers, including the driver.

21 10. "Business district" means the territory contiguous to and
22 including a highway if there are buildings in use for business or
23 industrial purposes within any six hundred feet along the highway,
24 including hotels, banks or office buildings, railroad stations and public
25 buildings that occupy at least three hundred feet of frontage on one side
26 or three hundred feet collectively on both sides of the highway.

27 11. "Certificate of ownership" means a paper or an electronic
28 record that is issued in another state or a foreign jurisdiction and that
29 indicates ownership of a vehicle.

30 12. "Certificate of title" means a paper document or an electronic
31 record that is issued by the department and that indicates ownership of a
32 vehicle.

33 13. "Combination of vehicles" means a truck or truck tractor and
34 semitrailer and any trailer that it tows but does not include a forklift
35 designed for the purpose of loading or unloading the truck, trailer or
36 semitrailer.

37 14. "Controlled substance" means a substance so classified under
38 section 102(6) of the controlled substances act (21 United States Code
39 section 802(6)) and includes all substances listed in schedules I through
40 V of 21 Code of Federal Regulations part 1308.

41 15. "Conviction" means:

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

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

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

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

5 16. "County highway" means a public road that is constructed and
6 maintained by a county.

7 17. "Dealer" means a person who is engaged in the business of
8 buying, selling or exchanging motor vehicles, trailers or semitrailers and
9 who has an established place of business and has paid fees pursuant to
10 section 28-4302.

11 18. "Department" means the department of transportation acting
12 directly or through its duly authorized officers and agents.

13 19. "Digital network or software application" has the same meaning
14 prescribed in section 28-9551.

15 20. "Director" means the director of the department of
16 transportation.

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

19 22. "Driver" means a person who drives or is in actual physical
20 control of a vehicle.

21 23. "Driver license" means a license that is issued by a state to
22 an individual and that authorizes the individual to drive a motor vehicle.

23 24. "Electric bicycle" means a bicycle or tricycle that is equipped
24 with fully operable pedals and an electric motor of less than seven
25 hundred fifty watts and that meets the requirements of one of the
26 following classes:

27 (a) "Class 1 electric bicycle" means a bicycle or tricycle that is
28 equipped with an electric motor that provides assistance only when the
29 rider is pedaling and that ceases to provide assistance when the bicycle
30 or tricycle reaches the speed of twenty miles per hour.

31 (b) "Class 2 electric bicycle" means a bicycle or tricycle that is
32 equipped with an electric motor that may be used exclusively to propel the
33 bicycle or tricycle and that is not capable of providing assistance when
34 the bicycle or tricycle reaches the speed of twenty miles per hour.

35 (c) "Class 3 electric bicycle" means a bicycle or tricycle that is
36 equipped with an electric motor that provides assistance only when the
37 rider is pedaling and that ceases to provide assistance when the bicycle
38 or tricycle reaches the speed of twenty-eight miles per hour.

39 25. "ELECTRIC MINIATURE SCOOTER" MEANS A DEVICE THAT:

40 (a) WEIGHS LESS THAN THIRTY POUNDS.

41 (b) HAS TWO OR THREE WHEELS.

42 (c) HAS HANDLEBARS.

43 (d) HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING.

44 (e) IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH.

1 (f) HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TEN MILES PER HOUR,
2 WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.

3 ~~25.~~ 26. "Electric personal assistive mobility device" means a
4 self-balancing device with one wheel or two nontandem wheels and an
5 electric propulsion system that limits the maximum speed of the device to
6 fifteen miles per hour or less and that is designed to transport only one
7 person.

8 27. "ELECTRIC STANDUP SCOOTER":

9 (a) MEANS A DEVICE THAT:

10 (i) WEIGHS LESS THAN SEVENTY-FIVE POUNDS.

11 (ii) HAS TWO OR THREE WHEELS.

12 (iii) HAS HANDLEBARS.

13 (iv) HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING.

14 (v) IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH.

15 (vi) HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TWENTY MILES PER
16 HOUR, WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.

17 (b) DOES NOT INCLUDE AN ELECTRIC MINIATURE SCOOTER.

18 ~~26.~~ 28. "Evidence" includes both of the following:

19 (a) A display on a wireless communication device of a
20 department-generated driver license, nonoperating identification license,
21 vehicle registration card or other official record of the department that
22 is presented to a law enforcement officer or in a court or an
23 administrative proceeding.

24 (b) An electronic or digital license plate authorized pursuant to
25 section 28-364.

26 ~~27.~~ 29. "Farm" means any lands primarily used for agriculture
27 production.

28 ~~28.~~ 30. "Farm tractor" means a motor vehicle designed and used
29 primarily as a farm implement for drawing implements of husbandry.

30 ~~29.~~ 31. "Foreign vehicle" means a motor vehicle, trailer or
31 semitrailer that is brought into this state other than in the ordinary
32 course of business by or through a manufacturer or dealer and that has not
33 been registered in this state.

34 ~~30.~~ 32. "Golf cart" means a motor vehicle that has not less than
35 three wheels in contact with the ground, that has an unladen weight of
36 less than one thousand eight hundred pounds, that is designed to be and is
37 operated at not more than twenty-five miles per hour and that is designed
38 to carry not more than four persons including the driver.

39 ~~31.~~ 33. "Hazardous material" means a material, and its mixtures or
40 solutions, that the United States department of transportation determines
41 under 49 Code of Federal Regulations is, or any quantity of a material
42 listed as a select agent or toxin under 42 Code of Federal Regulations
43 part 73 that is, capable of posing an unreasonable risk to health, safety
44 and property if transported in commerce and that is required to be

1 placarded or marked as required by the department's safety rules
2 prescribed pursuant to chapter 14 of this title.

3 ~~32.~~ 34. "Implement of husbandry" means a vehicle that is designed
4 primarily for agricultural purposes and that is used exclusively in the
5 conduct of agricultural operations, including an implement or vehicle
6 whether self-propelled or otherwise that meets both of the following
7 conditions:

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

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

15 ~~33.~~ 35. "Limousine" means a motor vehicle providing prearranged
16 ground transportation service for an individual passenger, or a group of
17 passengers, that is arranged in advance or is operated on a regular route
18 or between specified points and includes ground transportation under a
19 contract or agreement for services that includes a fixed rate or time and
20 is provided in a motor vehicle with a seating capacity not exceeding
21 fifteen passengers including the driver.

22 ~~34.~~ 36. "Livery vehicle" means a motor vehicle that:

23 (a) Has a seating capacity not exceeding fifteen passengers
24 including the driver.

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

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

29 (d) May do any of the following:

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

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

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

35 ~~35.~~ 37. "Local authority" means any county, municipal or other
36 local board or body exercising jurisdiction over highways under the
37 constitution and laws of this state.

38 ~~36.~~ 38. "Manufacturer" means a person engaged in the business of
39 manufacturing motor vehicles, trailers or semitrailers.

40 ~~37.~~ 39. "Moped" means a bicycle, not including an electric
41 bicycle, **AN ELECTRIC MINIATURE SCOOTER OR AN ELECTRIC STANDUP SCOOTER**,
42 that is equipped with a helper motor if the vehicle has a maximum piston
43 displacement of fifty cubic centimeters or less, a brake horsepower of one
44 and one-half or less and a maximum speed of twenty-five miles per hour or
45 less on a flat surface with less than a one percent grade.

1 ~~38.~~ 40. "Motorcycle" means a motor vehicle that has a seat or
2 saddle for the use of the rider and that is designed to travel on not more
3 than three wheels in contact with the ground but excludes a tractor, an
4 electric bicycle, AN ELECTRIC MINIATURE SCOOTER, AN ELECTRIC STANDUP
5 SCOOTER and a moped.

6 ~~39.~~ 41. "Motor driven cycle" means a motorcycle, including every
7 motor scooter, with a motor that produces not more than five horsepower
8 but does not include an electric bicycle, AN ELECTRIC MINIATURE SCOOTER OR
9 AN ELECTRIC STANDUP SCOOTER.

10 ~~40.~~ 42. "Motorized quadricycle" means a self-propelled motor
11 vehicle to which all of the following apply:

12 (a) The vehicle is self-propelled by an emission-free electric
13 motor and may include pedals operated by the passengers.

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

16 (c) The vehicle seats at least eight passengers, including the
17 driver.

18 (d) The vehicle is operable on a flat surface using solely the
19 electric motor without assistance from the pedals or passengers.

20 (e) The vehicle is a commercial motor vehicle as defined in section
21 28-5201.

22 (f) The vehicle is a limousine operating under a vehicle for hire
23 company permit issued pursuant to section 28-9503.

24 (g) The vehicle is manufactured by a motor vehicle manufacturer
25 that is licensed pursuant to chapter 10 of this title.

26 (h) The vehicle complies with the definition and standards for
27 low-speed vehicles set forth in federal motor vehicle safety standard 500
28 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,
29 respectively.

30 ~~41.~~ 43. "Motor vehicle":

31 (a) Means either:

32 (i) A self-propelled vehicle.

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

36 (b) Does not include a personal delivery device, a motorized
37 wheelchair, an electric personal assistive mobility device, an electric
38 bicycle, AN ELECTRIC MINIATURE SCOOTER, AN ELECTRIC STANDUP SCOOTER or a
39 motorized skateboard. For the purposes of this subdivision:

40 (i) "Motorized skateboard" means a self-propelled device THAT DOES
41 NOT HAVE HANDLEBARS AND that has a motor, a deck on which a person may
42 ride and at least two tandem wheels in contact with the ground.

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

1 ~~42.~~ 44. "Motor vehicle fuel" includes all products that are
2 commonly or commercially known or sold as gasoline, including casinghead
3 gasoline, natural gasoline and all flammable liquids, and that are
4 composed of a mixture of selected hydrocarbons expressly manufactured and
5 blended for the purpose of effectively and efficiently operating internal
6 combustion engines. Motor vehicle fuel does not include inflammable
7 liquids that are specifically manufactured for racing motor vehicles and
8 that are distributed for and used by racing motor vehicles at a racetrack,
9 use fuel as defined in section 28-5601, aviation fuel, fuel for jet or
10 turbine powered aircraft or the mixture created at the interface of two
11 different substances being transported through a pipeline, commonly known
12 as transmix.

13 ~~43.~~ 45. "Neighborhood electric vehicle" means a self-propelled
14 electrically powered motor vehicle to which all of the following apply:

15 (a) The vehicle is emission free.

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

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

22 ~~44.~~ 46. "Nonresident" means a person who is not a resident of this
23 state as defined in section 28-2001.

24 ~~45.~~ 47. "Off-road recreational motor vehicle" means a motor
25 vehicle that is designed primarily for recreational nonhighway all-terrain
26 travel and that is not operated on a public highway. Off-road
27 recreational motor vehicle does not mean a motor vehicle used for
28 construction, building trade, mining or agricultural purposes.

29 ~~46.~~ 48. "Operator" means a person who drives a motor vehicle on a
30 highway, who is in actual physical control of a motor vehicle on a highway
31 or who is exercising control over or steering a vehicle being towed by a
32 motor vehicle.

33 ~~47.~~ 49. "Owner" means:

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

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

39 (c) If a mortgagor of a vehicle is entitled to possession of the
40 vehicle, the mortgagor.

41 ~~48.~~ 50. "Pedestrian" means any person afoot. A person who uses an
42 electric personal assistive mobility device or a manual or motorized
43 wheelchair is considered a pedestrian unless the manual wheelchair
44 qualifies as a bicycle. For the purposes of this paragraph, "motorized

1 wheelchair" means a self-propelled wheelchair that is used by a person for
2 mobility.

3 ~~49.~~ 51. "Personal delivery device" means an electronically powered
4 device that:

5 (a) Is operated primarily on sidewalks and within crosswalks and
6 that is designed to transport property.

7 (b) Weighs less than two hundred pounds, excluding cargo, unless
8 otherwise authorized by a local authority pursuant to section 28-627.

9 (c) Operates at a maximum speed of seven miles per hour, unless
10 otherwise authorized by a local authority pursuant to section 28-627.

11 (d) Is equipped with technology to allow for the operation of the
12 device with or without the active control or monitoring of a natural
13 person.

14 (e) Is equipped with a braking system that when active or engaged
15 enables the personal delivery device to come to a controlled stop.

16 ~~50.~~ 52. "Power sweeper" means an implement, with or without motive
17 power, that is only incidentally operated or moved on a street or highway
18 and that is designed for the removal of debris, dirt, gravel, litter or
19 sand whether by broom, vacuum or regenerative air system from asphaltic
20 concrete or cement concrete surfaces, including parking lots, highways,
21 streets and warehouses, and a vehicle on which the implement is
22 permanently mounted.

23 ~~51.~~ 53. "Public transit" means the transportation of passengers on
24 scheduled routes by means of a conveyance on an individual passenger
25 fare-paying basis excluding transportation by a sightseeing bus, school
26 bus or taxi or a vehicle not operated on a scheduled route basis.

27 ~~52.~~ 54. "Reconstructed vehicle" means a vehicle that has been
28 assembled or constructed largely by means of essential parts, new or used,
29 derived from vehicles or makes of vehicles of various names, models and
30 types or that, if originally otherwise constructed, has been materially
31 altered by the removal of essential parts or by the addition or
32 substitution of essential parts, new or used, derived from other vehicles
33 or makes of vehicles. For the purposes of this paragraph, "essential
34 parts" means integral and body parts, the removal, alteration or
35 substitution of which will tend to conceal the identity or substantially
36 alter the appearance of the vehicle.

37 ~~53.~~ 55. "Residence district" means the territory contiguous to and
38 including a highway not comprising a business district if the property on
39 the highway for a distance of three hundred feet or more is in the main
40 improved with residences or residences and buildings in use for business.

41 ~~54.~~ 56. "Right-of-way" when used within the context of the
42 regulation of the movement of traffic on a highway means the privilege of
43 the immediate use of the highway. Right-of-way when used within the
44 context of the real property on which transportation facilities and

1 appurtenances to the facilities are constructed or maintained means the
2 lands or interest in lands within the right-of-way boundaries.

3 ~~55.~~ 57. "School bus" means a motor vehicle that is designed for
4 carrying more than ten passengers and that is either:

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

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

11 ~~56.~~ 58. "Semitrailer" means a vehicle that is with or without
12 motive power, other than a pole trailer or single-axle tow dolly, that is
13 designed for carrying persons or property and for being drawn by a motor
14 vehicle and that is constructed so that some part of its weight and that
15 of its load rests on or is carried by another vehicle. For the purposes
16 of this paragraph, "pole trailer" has the same meaning prescribed in
17 section 28-601.

18 ~~57.~~ 59. "Single-axle tow dolly" means a nonvehicle device that is
19 drawn by a motor vehicle, that is designed and used exclusively to
20 transport another motor vehicle and on which the front or rear wheels of
21 the drawn motor vehicle are mounted on the tow dolly while the other
22 wheels of the drawn motor vehicle remain in contact with the ground.

23 ~~58.~~ 60. "State" means a state of the United States and the
24 District of Columbia.

25 ~~59.~~ 61. "State highway" means a state route or portion of a state
26 route that is accepted and designated by the board as a state highway and
27 that is maintained by the state.

28 ~~60.~~ 62. "State route" means a right-of-way whether actually used
29 as a highway or not that is designated by the board as a location for the
30 construction of a state highway.

31 ~~61.~~ 63. "Street" or "highway" means the entire width between the
32 boundary lines of every way if a part of the way is open to the use of the
33 public for purposes of vehicular travel.

34 ~~62.~~ 64. "Taxi" means a motor vehicle that has a seating capacity
35 not exceeding fifteen passengers, including the driver, that provides
36 passenger services and that:

37 (a) Does not primarily operate on a regular route or between
38 specified places.

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

42 ~~63.~~ 65. "Title transfer form" means a paper or an electronic form
43 that is prescribed by the department for the purpose of transferring a
44 certificate of title from one owner to another owner.

1 ~~64.~~ 66. "Traffic survival school" means a school that offers
2 educational sessions to drivers who are required to attend and
3 successfully complete educational sessions pursuant to this title that are
4 designed to improve the safety and habits of drivers and that are approved
5 by the department.

6 ~~65.~~ 67. "Trailer" means a vehicle that is with or without motive
7 power, other than a pole trailer or single-axle tow dolly, that is
8 designed for carrying persons or property and for being drawn by a motor
9 vehicle and that is constructed so that no part of its weight rests on the
10 towing vehicle. A semitrailer equipped with an auxiliary front axle
11 commonly known as a dolly is deemed to be a trailer. For the purposes of
12 this paragraph, "pole trailer" has the same meaning prescribed in section
13 28-601.

14 ~~66.~~ 68. "Transportation network company" has the same meaning
15 prescribed in section 28-9551.

16 ~~67.~~ 69. "Transportation network company vehicle" has the same
17 meaning prescribed in section 28-9551.

18 ~~68.~~ 70. "Transportation network service" has the same meaning
19 prescribed in section 28-9551.

20 ~~69.~~ 71. "Truck" means a motor vehicle designed or used primarily
21 for the carrying of property other than the effects of the driver or
22 passengers and includes a motor vehicle to which has been added a box, a
23 platform or other equipment for such carrying.

24 ~~70.~~ 72. "Truck tractor" means a motor vehicle that is designed and
25 used primarily for drawing other vehicles and that is not constructed to
26 carry a load other than a part of the weight of the vehicle and load
27 drawn.

28 ~~71.~~ 73. "Vehicle":

29 (a) Means a device in, on or by which a person or property is or
30 may be transported or drawn on a public highway.

31 (b) Does not include:

32 (i) Electric bicycles, **ELECTRIC MINIATURE SCOOTERS, ELECTRIC**
33 **STANDUP SCOOTERS** and devices moved by human power.

34 (ii) Devices used exclusively on stationary rails or tracks.

35 (iii) Personal delivery devices.

36 ~~72.~~ 74. "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
42 or more points and that is capable of carrying a load and drawing a
43 semitrailer.

1 Sec. 2. Section 28-101, Arizona Revised Statutes, as amended by
2 Laws 2018, chapter 306, section 2, is amended to read:

3 28-101. Definitions

4 In this title, unless the context otherwise requires:

5 1. "Alcohol" means any substance containing any form of alcohol,
6 including ethanol, methanol, propynol and isopropynol.

7 2. "Alcohol concentration" if expressed as a percentage means
8 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
35 department 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
38 liability insurance requirements prescribed by the department.

39 5. "Autocycle" means a three-wheeled motorcycle on which the driver
40 and passengers ride in a fully or partially enclosed seating area that is
41 equipped with a roll cage, safety belts for each occupant and antilock
42 brakes and that is designed to be controlled with a steering wheel and
43 pedals.

44 6. "Aviation fuel" means all flammable liquids composed of a
45 mixture of selected hydrocarbons expressly manufactured and blended for

1 the purpose of effectively and efficiently operating an internal
2 combustion engine for use in an aircraft but does not include fuel for jet
3 or turbine powered aircraft.

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

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

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

11 8. "Board" means the transportation board.

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

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

20 11. "Certificate of ownership" means a paper or an electronic
21 record that is issued in another state or a foreign jurisdiction and that
22 indicates ownership of a vehicle.

23 12. "Certificate of title" means a paper document or an electronic
24 record that is issued by the department and that indicates ownership of a
25 vehicle.

26 13. "Combination of vehicles" means a truck or truck tractor and
27 semitrailer and any trailer that it tows but does not include a forklift
28 designed for the purpose of loading or unloading the truck, trailer or
29 semitrailer.

30 14. "Controlled substance" means a substance so classified under
31 section 102(6) of the controlled substances act (21 United States Code
32 section 802(6)) and includes all substances listed in schedules I through
33 V of 21 Code of Federal Regulations part 1308.

34 15. "Conviction" means:

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

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

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

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

42 16. "County highway" means a public road that is constructed and
43 maintained by a county.

44 17. "Dealer" means a person who is engaged in the business of
45 buying, selling or exchanging motor vehicles, trailers or semitrailers and

1 who has an established place of business and has paid fees pursuant to
2 section 28-4302.

3 18. "Department" means the department of transportation acting
4 directly or through its duly authorized officers and agents.

5 19. "Digital network or software application" has the same meaning
6 prescribed in section 28-9551.

7 20. "Director" means the director of the department of
8 transportation.

9 21. "Drive" means to operate or be in actual physical control of a
10 motor vehicle.

11 22. "Driver" means a person who drives or is in actual physical
12 control of a vehicle.

13 23. "Driver license" means a license that is issued by a state to
14 an individual and that authorizes the individual to drive a motor vehicle.

15 24. "ELECTRIC BICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED
16 WITH FULLY OPERABLE PEDALS AND AN ELECTRIC MOTOR OF LESS THAN SEVEN
17 HUNDRED FIFTY WATTS AND THAT MEETS THE REQUIREMENTS OF ONE OF THE
18 FOLLOWING CLASSES:

19 (a) "CLASS 1 ELECTRIC BICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS
20 EQUIPPED WITH AN ELECTRIC MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE
21 RIDER IS PEDALING AND THAT CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE
22 OR TRICYCLE REACHES THE SPEED OF TWENTY MILES PER HOUR.

23 (b) "CLASS 2 ELECTRIC BICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS
24 EQUIPPED WITH AN ELECTRIC MOTOR THAT MAY BE USED EXCLUSIVELY TO PROPEL THE
25 BICYCLE OR TRICYCLE AND THAT IS NOT CAPABLE OF PROVIDING ASSISTANCE WHEN
26 THE BICYCLE OR TRICYCLE REACHES THE SPEED OF TWENTY MILES PER HOUR.

27 (c) "CLASS 3 ELECTRIC BICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS
28 EQUIPPED WITH AN ELECTRIC MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE
29 RIDER IS PEDALING AND THAT CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE
30 OR TRICYCLE REACHES THE SPEED OF TWENTY-EIGHT MILES PER HOUR.

31 25. "ELECTRIC MINIATURE SCOOTER" MEANS A DEVICE THAT:

32 (a) WEIGHS LESS THAN THIRTY POUNDS.

33 (b) HAS TWO OR THREE WHEELS.

34 (c) HAS HANDLEBARS.

35 (d) HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING.

36 (e) IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH.

37 (f) HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TEN MILES PER HOUR,
38 WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.

39 ~~24.~~ 26. "Electric personal assistive mobility device" means a
40 self-balancing device with one wheel or two nontandem wheels and an
41 electric propulsion system that limits the maximum speed of the device to
42 fifteen miles per hour or less and that is designed to transport only one
43 person.

44 27. "ELECTRIC STANDUP SCOOTER":

45 (a) MEANS A DEVICE THAT:

- 1 (i) WEIGHS LESS THAN SEVENTY-FIVE POUNDS.
- 2 (ii) HAS TWO OR THREE WHEELS.
- 3 (iii) HAS HANDLEBARS.
- 4 (iv) HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING.
- 5 (v) IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH.
- 6 (vi) HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TWENTY MILES PER
- 7 HOUR, WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.
- 8 (b) DOES NOT INCLUDE AN ELECTRIC MINIATURE SCOOTER.

9 ~~25.~~ 28. "Farm" means any lands primarily used for agriculture
10 production.

11 ~~26.~~ 29. "Farm tractor" means a motor vehicle designed and used
12 primarily as a farm implement for drawing implements of husbandry.

13 ~~27.~~ 30. "Foreign vehicle" means a motor vehicle, trailer or
14 semitrailer that is brought into this state other than in the ordinary
15 course of business by or through a manufacturer or dealer and that has not
16 been registered in this state.

17 ~~28.~~ 31. "Golf cart" means a motor vehicle that has not less than
18 three wheels in contact with the ground, that has an unladen weight of
19 less than one thousand eight hundred pounds, that is designed to be and is
20 operated at not more than twenty-five miles per hour and that is designed
21 to carry not more than four persons including the driver.

22 ~~29.~~ 32. "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
25 listed as a select agent or toxin under 42 Code of Federal Regulations
26 part 73 that is, capable of posing an unreasonable risk to health, safety
27 and property if transported in commerce and that is required to be
28 placarded or marked as required by the department's safety rules
29 prescribed pursuant to chapter 14 of this title.

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

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

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

42 ~~31.~~ 34. "Limousine" means a motor vehicle providing prearranged
43 ground transportation service for an individual passenger, or a group of
44 passengers, that is arranged in advance or is operated on a regular route
45 or between specified points and includes ground transportation under a

1 contract or agreement for services that includes a fixed rate or time and
2 is provided in a motor vehicle with a seating capacity not exceeding
3 fifteen passengers including the driver.

4 ~~32.~~ 35. "Livery vehicle" means a motor vehicle that:

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

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

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

11 (d) May do any of the following:

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

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

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

17 ~~33.~~ 36. "Local authority" means any county, municipal or other
18 local board or body exercising jurisdiction over highways under the
19 constitution and laws of this state.

20 ~~34.~~ 37. "Manufacturer" means a person engaged in the business of
21 manufacturing motor vehicles, trailers or semitrailers.

22 ~~35.~~ 38. "Moped" means a bicycle, **NOT INCLUDING AN ELECTRIC**
23 **BICYCLE, AN ELECTRIC MINIATURE SCOOTER OR AN ELECTRIC STANDUP SCOOTER,**
24 that is equipped with a helper motor if the vehicle has a maximum piston
25 displacement of fifty cubic centimeters or less, a brake horsepower of one
26 and one-half or less and a maximum speed of twenty-five miles per hour or
27 less on a flat surface with less than a one percent grade.

28 ~~36.~~ 39. "Motorcycle" means a motor vehicle that has a seat or
29 saddle for the use of the rider and that is designed to travel on not more
30 than three wheels in contact with the ground but excludes a tractor, **AN**
31 **ELECTRIC BICYCLE, AN ELECTRIC MINIATURE SCOOTER, AN ELECTRIC STANDUP**
32 **SCOOTER** and a moped.

33 ~~37.~~ 40. "Motor driven cycle" means a motorcycle, including every
34 motor scooter, with a motor that produces not more than five horsepower
35 **BUT DOES NOT INCLUDE AN ELECTRIC BICYCLE, AN ELECTRIC MINIATURE SCOOTER OR**
36 **AN ELECTRIC STANDUP SCOOTER.**

37 ~~38.~~ 41. "Motorized quadricycle" means a self-propelled motor
38 vehicle to which all of the following apply:

39 (a) The vehicle is self-propelled by an emission-free electric
40 motor and may include pedals operated by the passengers.

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

43 (c) The vehicle seats at least eight passengers, including the
44 driver.

1 (d) The vehicle is operable on a flat surface using solely the
2 electric motor without assistance from the pedals or passengers.

3 (e) The vehicle is a commercial motor vehicle as defined in section
4 28-5201.

5 (f) The vehicle is a limousine operating under a vehicle for hire
6 company permit issued pursuant to section 28-9503.

7 (g) The vehicle is manufactured by a motor vehicle manufacturer
8 that is licensed pursuant to chapter 10 of this title.

9 (h) The vehicle complies with the definition and standards for
10 low-speed vehicles set forth in federal motor vehicle safety standard 500
11 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,
12 respectively.

13 ~~39.~~ 42. "Motor vehicle":

14 (a) Means either:

15 (i) A self-propelled vehicle.

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

19 (b) Does not include a motorized wheelchair, an electric personal
20 assistive mobility device, **AN ELECTRIC BICYCLE, AN ELECTRIC MINIATURE**
21 **SCOOTER, AN ELECTRIC STANDUP SCOOTER** or a motorized skateboard. For the
22 purposes of this subdivision:

23 (i) "Motorized skateboard" means a self-propelled device **THAT DOES**
24 **NOT HAVE HANDLEBARS AND** that has a motor, a deck on which a person may
25 ride and at least two tandem wheels in contact with the ground.

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

28 ~~40.~~ 43. "Motor vehicle fuel" includes all products that are
29 commonly or commercially known or sold as gasoline, including casinghead
30 gasoline, natural gasoline and all flammable liquids, and that are
31 composed of a mixture of selected hydrocarbons expressly manufactured and
32 blended for the purpose of effectively and efficiently operating internal
33 combustion engines. Motor vehicle fuel does not include inflammable
34 liquids that are specifically manufactured for racing motor vehicles and
35 that are distributed for and used by racing motor vehicles at a racetrack,
36 use fuel as defined in section 28-5601, aviation fuel, fuel for jet or
37 turbine powered aircraft or the mixture created at the interface of two
38 different substances being transported through a pipeline, commonly known
39 as transmix.

40 ~~41.~~ 44. "Neighborhood electric vehicle" means a self-propelled
41 electrically powered motor vehicle to which all of the following apply:

42 (a) The vehicle is emission free.

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

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

5 ~~42.~~ 45. "Nonresident" means a person who is not a resident of this
6 state as defined in section 28-2001.

7 ~~43.~~ 46. "Off-road recreational motor vehicle" means a motor
8 vehicle that is designed primarily for recreational nonhighway all-terrain
9 travel and that is not operated on a public highway. Off-road
10 recreational motor vehicle does not mean a motor vehicle used for
11 construction, building trade, mining or agricultural purposes.

12 ~~44.~~ 47. "Operator" means a person who drives a motor vehicle on a
13 highway, who is in actual physical control of a motor vehicle on a highway
14 or who is exercising control over or steering a vehicle being towed by a
15 motor vehicle.

16 ~~45.~~ 48. "Owner" means:

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

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

22 (c) If a mortgagor of a vehicle is entitled to possession of the
23 vehicle, the mortgagor.

24 ~~46.~~ 49. "Pedestrian" means any person afoot. A person who uses an
25 electric personal assistive mobility device or a manual or motorized
26 wheelchair is considered a pedestrian unless the manual wheelchair
27 qualifies as a bicycle. For the purposes of this paragraph, "motorized
28 wheelchair" means a self-propelled wheelchair that is used by a person for
29 mobility.

30 ~~47.~~ 50. "Power sweeper" means an implement, with or without motive
31 power, that is only incidentally operated or moved on a street or highway
32 and that is designed for the removal of debris, dirt, gravel, litter or
33 sand whether by broom, vacuum or regenerative air system from asphaltic
34 concrete or cement concrete surfaces, including parking lots, highways,
35 streets and warehouses, and a vehicle on which the implement is
36 permanently mounted.

37 ~~48.~~ 51. "Public transit" means the transportation of passengers on
38 scheduled routes by means of a conveyance on an individual passenger
39 fare-paying basis excluding transportation by a sightseeing bus, school
40 bus or taxi or a vehicle not operated on a scheduled route basis.

41 ~~49.~~ 52. "Reconstructed vehicle" means a vehicle that has been
42 assembled or constructed largely by means of essential parts, new or used,
43 derived from vehicles or makes of vehicles of various names, models and
44 types or that, if originally otherwise constructed, has been materially
45 altered by the removal of essential parts or by the addition or

1 substitution of essential parts, new or used, derived from other vehicles
2 or makes of vehicles. For the purposes of this paragraph, "essential
3 parts" means integral and body parts, the removal, alteration or
4 substitution of which will tend to conceal the identity or substantially
5 alter the appearance of the vehicle.

6 ~~50.~~ 53. "Residence district" means the territory contiguous to and
7 including a highway not comprising a business district if the property on
8 the highway for a distance of three hundred feet or more is in the main
9 improved with residences or residences and buildings in use for business.

10 ~~51.~~ 54. "Right-of-way" when used within the context of the
11 regulation of the movement of traffic on a highway means the privilege of
12 the immediate use of the highway. Right-of-way when used within the
13 context of the real property on which transportation facilities and
14 appurtenances to the facilities are constructed or maintained means the
15 lands or interest in lands within the right-of-way boundaries.

16 ~~52.~~ 55. "School bus" means a motor vehicle that is designed for
17 carrying more than ten passengers and that is either:

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

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

24 ~~53.~~ 56. "Semitrailer" means a vehicle that is with or without
25 motive power, other than a pole trailer, that is designed for carrying
26 persons or property and for being drawn by a motor vehicle and that is
27 constructed so that some part of its weight and that of its load rests on
28 or is carried by another vehicle. For the purposes of this paragraph,
29 "pole trailer" has the same meaning prescribed in section 28-601.

30 ~~54.~~ 57. "State" means a state of the United States and the
31 District of Columbia.

32 ~~55.~~ 58. "State highway" means a state route or portion of a state
33 route that is accepted and designated by the board as a state highway and
34 that is maintained by the state.

35 ~~56.~~ 59. "State route" means a right-of-way whether actually used
36 as a highway or not that is designated by the board as a location for the
37 construction of a state highway.

38 ~~57.~~ 60. "Street" or "highway" means the entire width between the
39 boundary lines of every way if a part of the way is open to the use of the
40 public for purposes of vehicular travel.

41 ~~58.~~ 61. "Taxi" means a motor vehicle that has a seating capacity
42 not exceeding fifteen passengers, including the driver, that provides
43 passenger services and that:

44 (a) Does not primarily operate on a regular route or between
45 specified places.

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

4 ~~59.~~ 62. "Title transfer form" means a paper or an electronic form
5 that is prescribed by the department for the purpose of transferring a
6 certificate of title from one owner to another owner.

7 ~~60.~~ 63. "Traffic survival school" means a school that offers
8 educational sessions to drivers who are required to attend and
9 successfully complete educational sessions pursuant to this title that are
10 designed to improve the safety and habits of drivers and that are approved
11 by the department.

12 ~~61.~~ 64. "Trailer" means a vehicle that is with or without motive
13 power, other than a pole trailer, that is designed for carrying persons or
14 property and for being drawn by a motor vehicle and that is constructed so
15 that no part of its weight rests on the towing vehicle. A semitrailer
16 equipped with an auxiliary front axle commonly known as a dolly is deemed
17 to be a trailer. For the purposes of this paragraph, "pole trailer" has
18 the same meaning prescribed in section 28-601.

19 ~~62.~~ 65. "Transportation network company" has the same meaning
20 prescribed in section 28-9551.

21 ~~63.~~ 66. "Transportation network company vehicle" has the same
22 meaning prescribed in section 28-9551.

23 ~~64.~~ 67. "Transportation network service" has the same meaning
24 prescribed in section 28-9551.

25 ~~65.~~ 68. "Truck" means a motor vehicle designed or used primarily
26 for the carrying of property other than the effects of the driver or
27 passengers and includes a motor vehicle to which has been added a box, a
28 platform or other equipment for such carrying.

29 ~~66.~~ 69. "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
32 drawn.

33 ~~67.~~ 70. "Vehicle":

34 (a) Means a device in, on or by which a person or property is or
35 may be transported or drawn on a public highway.

36 (b) Does not include:

37 (i) ELECTRIC BICYCLES, ELECTRIC MINIATURE SCOOTERS, ELECTRIC
38 STANDUP SCOOTERS AND devices moved by human power.

39 (ii) Devices used exclusively on stationary rails or tracks.

40 ~~68.~~ 71. "Vehicle transporter" means either:

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

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

1 or more points and that is capable of carrying a load and drawing a
2 semitrailer.

3 Sec. 3. Section 28-101, Arizona Revised Statutes, as amended by
4 Laws 2018, chapter 9, section 1, chapter 163, section 1, chapter 166,
5 section 1, chapter 298, section 3, chapter 306, section 1 and chapter 324,
6 section 1, is amended to read:

7 28-101. Definitions

8 In this title, unless the context otherwise requires:

9 1. "Alcohol" means any substance containing any form of alcohol,
10 including ethanol, methanol, propynol and isopropynol.

11 2. "Alcohol concentration" if expressed as a percentage means
12 either:

13 (a) The number of grams of alcohol per one hundred milliliters of
14 blood.

15 (b) The number of grams of alcohol per two hundred ten liters of
16 breath.

17 3. "All-terrain vehicle" means either of the following:

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

19 (i) Is designed primarily for recreational nonhighway all-terrain
20 travel.

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

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

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

25 (v) Is operated on a public highway.

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

28 (i) Is designed primarily for recreational nonhighway all-terrain
29 travel.

30 (ii) Is eighty or fewer inches in width.

31 (iii) Has an unladen weight of two thousand five hundred pounds or
32 less.

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

34 (v) Has a steering wheel for steering control.

35 (vi) Has a rollover protective structure.

36 (vii) Has an occupant retention system.

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

38 (a) A fire department vehicle.

39 (b) A police vehicle.

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

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

1 5. "Autocycle" means a three-wheeled motorcycle on which the driver
2 and passengers ride in a fully or partially enclosed seating area that is
3 equipped with a roll cage, safety belts for each occupant and antilock
4 brakes and that is designed to be controlled with a steering wheel and
5 pedals.

6 6. "Automotive recycler" means a person that is engaged in the
7 business of buying or acquiring a motor vehicle solely for the purpose of
8 dismantling, selling or otherwise disposing of the parts or accessories
9 and that removes parts for resale from six or more vehicles in a calendar
10 year.

11 7. "Aviation fuel" means all flammable liquids composed of a
12 mixture of selected hydrocarbons expressly manufactured and blended for
13 the purpose of effectively and efficiently operating an internal
14 combustion engine for use in an aircraft but does not include fuel for jet
15 or turbine powered aircraft.

16 8. "Bicycle" means a device, including a racing wheelchair, that is
17 propelled by human power and on which a person may ride and that has
18 either:

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

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

23 9. "Board" means the transportation board.

24 10. "Bus" means a motor vehicle designed for carrying sixteen or
25 more passengers, including the driver.

26 11. "Business district" means the territory contiguous to and
27 including a highway if there are buildings in use for business or
28 industrial purposes within any six hundred feet along the highway,
29 including hotels, banks or office buildings, railroad stations and public
30 buildings that occupy at least three hundred feet of frontage on one side
31 or three hundred feet collectively on both sides of the highway.

32 12. "Certificate of ownership" means a paper or an electronic
33 record that is issued in another state or a foreign jurisdiction and that
34 indicates ownership of a vehicle.

35 13. "Certificate of title" means a paper document or an electronic
36 record that is issued by the department and that indicates ownership of a
37 vehicle.

38 14. "Combination of vehicles" means a truck or truck tractor and
39 semitrailer and any trailer that it tows but does not include a forklift
40 designed for the purpose of loading or unloading the truck, trailer or
41 semitrailer.

42 15. "Controlled substance" means a substance so classified under
43 section 102(6) of the controlled substances act (21 United States Code
44 section 802(6)) and includes all substances listed in schedules I through
45 V of 21 Code of Federal Regulations part 1308.

1 16. "Conviction" means:

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

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

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

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

9 17. "County highway" means a public road that is constructed and
10 maintained by a county.

11 18. "Dealer" means a person who is engaged in the business of
12 buying, selling or exchanging motor vehicles, trailers or semitrailers and
13 who has an established place of business and has paid fees pursuant to
14 section 28-4302.

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

17 20. "Digital network or software application" has the same meaning
18 prescribed in section 28-9551.

19 21. "Director" means the director of the department of
20 transportation.

21 22. "Drive" means to operate or be in actual physical control of a
22 motor vehicle.

23 23. "Driver" means a person who drives or is in actual physical
24 control of a vehicle.

25 24. "Driver license" means a license that is issued by a state to
26 an individual and that authorizes the individual to drive a motor vehicle.

27 25. "Electric bicycle" means a bicycle or tricycle that is equipped
28 with fully operable pedals and an electric motor of less than seven
29 hundred fifty watts and that meets the requirements of one of the
30 following classes:

31 (a) "Class 1 electric bicycle" means a bicycle or tricycle that is
32 equipped with an electric motor that provides assistance only when the
33 rider is pedaling and that ceases to provide assistance when the bicycle
34 or tricycle reaches the speed of twenty miles per hour.

35 (b) "Class 2 electric bicycle" means a bicycle or tricycle that is
36 equipped with an electric motor that may be used exclusively to propel the
37 bicycle or tricycle and that is not capable of providing assistance when
38 the bicycle or tricycle reaches the speed of twenty miles per hour.

39 (c) "Class 3 electric bicycle" means a bicycle or tricycle that is
40 equipped with an electric motor that provides assistance only when the
41 rider is pedaling and that ceases to provide assistance when the bicycle
42 or tricycle reaches the speed of twenty-eight miles per hour.

43 26. "ELECTRIC MINIATURE SCOOTER" MEANS A DEVICE THAT:

44 (a) WEIGHS LESS THAN THIRTY POUNDS.

45 (b) HAS TWO OR THREE WHEELS.

- 1 (c) HAS HANDLEBARS.
- 2 (d) HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING.
- 3 (e) IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH.
- 4 (f) HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TEN MILES PER HOUR,
- 5 WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.

6 ~~26.~~ 27. "Electric personal assistive mobility device" means a
7 self-balancing device with one wheel or two nontandem wheels and an
8 electric propulsion system that limits the maximum speed of the device to
9 fifteen miles per hour or less and that is designed to transport only one
10 person.

11 28. "ELECTRIC STANDUP SCOOTER":

12 (a) MEANS A DEVICE THAT:

13 (i) WEIGHS LESS THAN SEVENTY-FIVE POUNDS.

14 (ii) HAS TWO OR THREE WHEELS.

15 (iii) HAS HANDLEBARS.

16 (iv) HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING.

17 (v) IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH.

18 (vi) HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TWENTY MILES PER
19 HOUR, WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.

20 (b) DOES NOT INCLUDE AN ELECTRIC MINIATURE SCOOTER.

21 ~~27.~~ 29. "Evidence" includes both of the following:

22 (a) A display on a wireless communication device of a
23 department-generated driver license, nonoperating identification license,
24 vehicle registration card or other official record of the department that
25 is presented to a law enforcement officer or in a court or an
26 administrative proceeding.

27 (b) An electronic or digital license plate authorized pursuant to
28 section 28-364.

29 ~~28.~~ 30. "Farm" means any lands primarily used for agriculture
30 production.

31 ~~29.~~ 31. "Farm tractor" means a motor vehicle designed and used
32 primarily as a farm implement for drawing implements of husbandry.

33 ~~30.~~ 32. "Foreign vehicle" means a motor vehicle, trailer or
34 semitrailer that is brought into this state other than in the ordinary
35 course of business by or through a manufacturer or dealer and that has not
36 been registered in this state.

37 ~~31.~~ 33. "Golf cart" means a motor vehicle that has not less than
38 three wheels in contact with the ground, that has an unladen weight of
39 less than one thousand eight hundred pounds, that is designed to be and is
40 operated at not more than twenty-five miles per hour and that is designed
41 to carry not more than four persons including the driver.

42 ~~32.~~ 34. "Hazardous material" means a material, and its mixtures or
43 solutions, that the United States department of transportation determines
44 under 49 Code of Federal Regulations is, or any quantity of a material
45 listed as a select agent or toxin under 42 Code of Federal Regulations

1 part 73 that is, capable of posing an unreasonable risk to health, safety
2 and property if transported in commerce and that is required to be
3 placarded or marked as required by the department's safety rules
4 prescribed pursuant to chapter 14 of this title.

5 ~~33.~~ 35. "Implement of husbandry" means a vehicle that is designed
6 primarily for agricultural purposes and that is used exclusively in the
7 conduct of agricultural operations, including an implement or vehicle
8 whether self-propelled or otherwise that meets both of the following
9 conditions:

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

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

17 ~~34.~~ 36. "Limousine" means a motor vehicle providing prearranged
18 ground transportation service for an individual passenger, or a group of
19 passengers, that is arranged in advance or is operated on a regular route
20 or between specified points and includes ground transportation under a
21 contract or agreement for services that includes a fixed rate or time and
22 is provided in a motor vehicle with a seating capacity not exceeding
23 fifteen passengers including the driver.

24 ~~35.~~ 37. "Livery vehicle" means a motor vehicle that:

25 (a) Has a seating capacity not exceeding fifteen passengers
26 including the driver.

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

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

31 (d) May do any of the following:

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

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

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

37 ~~36.~~ 38. "Local authority" means any county, municipal or other
38 local board or body exercising jurisdiction over highways under the
39 constitution and laws of this state.

40 ~~37.~~ 39. "Manufacturer" means a person engaged in the business of
41 manufacturing motor vehicles, trailers or semitrailers.

42 ~~38.~~ 40. "Moped" means a bicycle, not including an electric
43 bicycle, **AN ELECTRIC MINIATURE SCOOTER OR AN ELECTRIC STANDUP SCOOTER**,
44 that is equipped with a helper motor if the vehicle has a maximum piston
45 displacement of fifty cubic centimeters or less, a brake horsepower of one

1 and one-half or less and a maximum speed of twenty-five miles per hour or
2 less on a flat surface with less than a one percent grade.

3 ~~39.~~ 41. "Motorcycle" means a motor vehicle that has a seat or
4 saddle for the use of the rider and that is designed to travel on not more
5 than three wheels in contact with the ground but excludes a tractor, an
6 electric bicycle, AN ELECTRIC MINIATURE SCOOTER, AN ELECTRIC STANDUP
7 SCOOTER and a moped.

8 ~~40.~~ 42. "Motor driven cycle" means a motorcycle, including every
9 motor scooter, with a motor that produces not more than five horsepower
10 but does not include an electric bicycle, AN ELECTRIC MINIATURE SCOOTER OR
11 AN ELECTRIC STANDUP SCOOTER.

12 ~~41.~~ 43. "Motorized quadricycle" means a self-propelled motor
13 vehicle to which all of the following apply:

14 (a) The vehicle is self-propelled by an emission-free electric
15 motor and may include pedals operated by the passengers.

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

18 (c) The vehicle seats at least eight passengers, including the
19 driver.

20 (d) The vehicle is operable on a flat surface using solely the
21 electric motor without assistance from the pedals or passengers.

22 (e) The vehicle is a commercial motor vehicle as defined in section
23 28-5201.

24 (f) The vehicle is a limousine operating under a vehicle for hire
25 company permit issued pursuant to section 28-9503.

26 (g) The vehicle is manufactured by a motor vehicle manufacturer
27 that is licensed pursuant to chapter 10 of this title.

28 (h) The vehicle complies with the definition and standards for
29 low-speed vehicles set forth in federal motor vehicle safety standard 500
30 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,
31 respectively.

32 ~~42.~~ 44. "Motor vehicle":

33 (a) Means either:

34 (i) A self-propelled vehicle.

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

38 (b) Does not include a scrap vehicle, a personal delivery device, a
39 motorized wheelchair, an electric personal assistive mobility device, an
40 electric bicycle, AN ELECTRIC MINIATURE SCOOTER, AN ELECTRIC STANDUP
41 SCOOTER or a motorized skateboard. For the purposes of this subdivision:

42 (i) "Motorized skateboard" means a self-propelled device THAT DOES
43 NOT HAVE HANDLEBARS AND that has a motor, a deck on which a person may
44 ride and at least two tandem wheels in contact with the ground.

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

3 ~~43.~~ 45. "Motor vehicle fuel" includes all products that are
4 commonly or commercially known or sold as gasoline, including casinghead
5 gasoline, natural gasoline and all flammable liquids, and that are
6 composed of a mixture of selected hydrocarbons expressly manufactured and
7 blended for the purpose of effectively and efficiently operating internal
8 combustion engines. Motor vehicle fuel does not include inflammable
9 liquids that are specifically manufactured for racing motor vehicles and
10 that are distributed for and used by racing motor vehicles at a racetrack,
11 use fuel as defined in section 28-5601, aviation fuel, fuel for jet or
12 turbine powered aircraft or the mixture created at the interface of two
13 different substances being transported through a pipeline, commonly known
14 as transmix.

15 ~~44.~~ 46. "Neighborhood electric vehicle" means a self-propelled
16 electrically powered motor vehicle to which all of the following apply:

17 (a) The vehicle is emission free.

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

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

24 ~~45.~~ 47. "Nonresident" means a person who is not a resident of this
25 state as defined in section 28-2001.

26 ~~46.~~ 48. "Off-road recreational motor vehicle" means a motor
27 vehicle that is designed primarily for recreational nonhighway all-terrain
28 travel and that is not operated on a public highway. Off-road
29 recreational motor vehicle does not mean a motor vehicle used for
30 construction, building trade, mining or agricultural purposes.

31 ~~47.~~ 49. "Operator" means a person who drives a motor vehicle on a
32 highway, who is in actual physical control of a motor vehicle on a highway
33 or who is exercising control over or steering a vehicle being towed by a
34 motor vehicle.

35 ~~48.~~ 50. "Owner" means:

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

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

41 (c) If a mortgagor of a vehicle is entitled to possession of the
42 vehicle, the mortgagor.

43 ~~49.~~ 51. "Pedestrian" means any person afoot. A person who uses an
44 electric personal assistive mobility device or a manual or motorized
45 wheelchair is considered a pedestrian unless the manual wheelchair

1 qualifies as a bicycle. For the purposes of this paragraph, "motorized
2 wheelchair" means a self-propelled wheelchair that is used by a person for
3 mobility.

4 ~~50.~~ 52. "Personal delivery device" means an electronically powered
5 device that:

6 (a) Is operated primarily on sidewalks and within crosswalks and
7 that is designed to transport property.

8 (b) Weighs less than two hundred pounds, excluding cargo, unless
9 otherwise authorized by a local authority pursuant to section 28-627.

10 (c) Operates at a maximum speed of seven miles per hour, unless
11 otherwise authorized by a local authority pursuant to section 28-627.

12 (d) Is equipped with technology to allow for the operation of the
13 device with or without the active control or monitoring of a natural
14 person.

15 (e) Is equipped with a braking system that when active or engaged
16 enables the personal delivery device to come to a controlled stop.

17 ~~51.~~ 53. "Power sweeper" means an implement, with or without motive
18 power, that is only incidentally operated or moved on a street or highway
19 and that is designed for the removal of debris, dirt, gravel, litter or
20 sand whether by broom, vacuum or regenerative air system from asphaltic
21 concrete or cement concrete surfaces, including parking lots, highways,
22 streets and warehouses, and a vehicle on which the implement is
23 permanently mounted.

24 ~~52.~~ 54. "Public transit" means the transportation of passengers on
25 scheduled routes by means of a conveyance on an individual passenger
26 fare-paying basis excluding transportation by a sightseeing bus, school
27 bus or taxi or a vehicle not operated on a scheduled route basis.

28 ~~53.~~ 55. "Reconstructed vehicle" means a vehicle that has been
29 assembled or constructed largely by means of essential parts, new or used,
30 derived from vehicles or makes of vehicles of various names, models and
31 types or that, if originally otherwise constructed, has been materially
32 altered by the removal of essential parts or by the addition or
33 substitution of essential parts, new or used, derived from other vehicles
34 or makes of vehicles. For the purposes of this paragraph, "essential
35 parts" means integral and body parts, the removal, alteration or
36 substitution of which will tend to conceal the identity or substantially
37 alter the appearance of the vehicle.

38 ~~54.~~ 56. "Residence district" means the territory contiguous to and
39 including a highway not comprising a business district if the property on
40 the highway for a distance of three hundred feet or more is in the main
41 improved with residences or residences and buildings in use for business.

42 ~~55.~~ 57. "Right-of-way" when used within the context of the
43 regulation of the movement of traffic on a highway means the privilege of
44 the immediate use of the highway. Right-of-way when used within the
45 context of the real property on which transportation facilities and

1 appurtenances to the facilities are constructed or maintained means the
2 lands or interest in lands within the right-of-way boundaries.

3 ~~56.~~ 58. "School bus" means a motor vehicle that is designed for
4 carrying more than ten passengers and that is either:

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

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

11 ~~57.~~ 59. "Scrap metal dealer" has the same meaning prescribed in
12 section 44-1641.

13 ~~58.~~ 60. "Scrap vehicle" has the same meaning prescribed in section
14 44-1641.

15 ~~59.~~ 61. "Semitrailer" means a vehicle that is with or without
16 motive power, other than a pole trailer or single-axle tow dolly, that is
17 designed for carrying persons or property and for being drawn by a motor
18 vehicle and that is constructed so that some part of its weight and that
19 of its load rests on or is carried by another vehicle. For the purposes
20 of this paragraph, "pole trailer" has the same meaning prescribed in
21 section 28-601.

22 ~~60.~~ 62. "Single-axle tow dolly" means a nonvehicle device that is
23 drawn by a motor vehicle, that is designed and used exclusively to
24 transport another motor vehicle and on which the front or rear wheels of
25 the drawn motor vehicle are mounted on the tow dolly while the other
26 wheels of the drawn motor vehicle remain in contact with the ground.

27 ~~61.~~ 63. "State" means a state of the United States and the
28 District of Columbia.

29 ~~62.~~ 64. "State highway" means a state route or portion of a state
30 route that is accepted and designated by the board as a state highway and
31 that is maintained by the state.

32 ~~63.~~ 65. "State route" means a right-of-way whether actually used
33 as a highway or not that is designated by the board as a location for the
34 construction of a state highway.

35 ~~64.~~ 66. "Street" or "highway" means the entire width between the
36 boundary lines of every way if a part of the way is open to the use of the
37 public for purposes of vehicular travel.

38 ~~65.~~ 67. "Taxi" means a motor vehicle that has a seating capacity
39 not exceeding fifteen passengers, including the driver, that provides
40 passenger services and that:

41 (a) Does not primarily operate on a regular route or between
42 specified places.

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

1 ~~66.~~ 68. "Title transfer form" means a paper or an electronic form
2 that is prescribed by the department for the purpose of transferring a
3 certificate of title from one owner to another owner.

4 ~~67.~~ 69. "Traffic survival school" means a school that offers
5 educational sessions to drivers who are required to attend and
6 successfully complete educational sessions pursuant to this title that are
7 designed to improve the safety and habits of drivers and that are approved
8 by the department.

9 ~~68.~~ 70. "Trailer" means a vehicle that is with or without motive
10 power, other than a pole trailer or single-axle tow dolly, that is
11 designed for carrying persons or property and for being drawn by a motor
12 vehicle and that is constructed so that no part of its weight rests on the
13 towing vehicle. A semitrailer equipped with an auxiliary front axle
14 commonly known as a dolly is deemed to be a trailer. For the purposes of
15 this paragraph, "pole trailer" has the same meaning prescribed in section
16 28-601.

17 ~~69.~~ 71. "Transportation network company" has the same meaning
18 prescribed in section 28-9551.

19 ~~70.~~ 72. "Transportation network company vehicle" has the same
20 meaning prescribed in section 28-9551.

21 ~~71.~~ 73. "Transportation network service" has the same meaning
22 prescribed in section 28-9551.

23 ~~72.~~ 74. "Truck" means a motor vehicle designed or used primarily
24 for the carrying of property other than the effects of the driver or
25 passengers and includes a motor vehicle to which has been added a box, a
26 platform or other equipment for such carrying.

27 ~~73.~~ 75. "Truck tractor" means a motor vehicle that is designed and
28 used primarily for drawing other vehicles and that is not constructed to
29 carry a load other than a part of the weight of the vehicle and load
30 drawn.

31 ~~74.~~ 76. "Vehicle":

32 (a) Means a device in, on or by which a person or property is or
33 may be transported or drawn on a public highway.

34 (b) Does not include:

35 (i) Electric bicycles, **ELECTRIC MINIATURE SCOOTERS, ELECTRIC**
36 **STANDUP SCOOTERS** and devices moved by human power.

37 (ii) Devices used exclusively on stationary rails or tracks.

38 (iii) Personal delivery devices.

39 (iv) A scrap vehicle.

40 ~~75.~~ 77. "Vehicle transporter" means either:

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

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

1 or more points and that is capable of carrying a load and drawing a
2 semitrailer.

3 Sec. 4. Section 28-627, Arizona Revised Statutes, as amended by
4 Laws 2018, chapter 306, section 3, is amended to read:

5 28-627. Powers of local authorities

6 A. This chapter and chapters 4 and 5 of this title do not prohibit
7 a local authority, with respect to streets and highways under its
8 jurisdiction and within the reasonable exercise of the police power, from:

9 1. Regulating the standing or parking of vehicles.

10 2. Regulating traffic by means of police officers, traffic control
11 signals or volunteer posse organization members authorized by the sheriff
12 under section 11-441 for the purpose of directing traffic only.

13 3. Regulating or prohibiting processions or assemblages on the
14 highways.

15 4. Designating particular highways as one-way highways and
16 requiring that all vehicles on one-way highways be moved in one specific
17 direction.

18 5. Regulating the speed of vehicles in public parks.

19 6. Designating any highway as a through highway and requiring that
20 all vehicles stop before entering or crossing the highway or designating
21 any intersection as a stop intersection and requiring all vehicles to stop
22 at one or more entrances to the intersection.

23 7. Restricting the use of highways as authorized in section
24 28-1106.

25 8. Regulating the operation of bicycles and requiring the
26 registration and licensing of bicycles, including the requirement of a
27 registration fee.

28 9. Regulating or prohibiting the turning of vehicles or specified
29 types of vehicles at intersections.

30 10. Altering the prima facie speed limits as authorized by this
31 chapter.

32 11. Designating routes over streets and highways for vehicles not
33 exceeding one hundred two inches in width, exclusive of safety equipment.

34 12. Adopting other traffic regulations that are specifically
35 authorized by this chapter or chapter 4 or 5 of this title.

36 13. Designating routes on certain streets and highways for the
37 purpose of allowing off-highway vehicle operators to gain access to or
38 from a designated off-highway recreation facility as defined in section
39 28-1171, off-highway vehicle trail as defined in section 28-1171 or
40 off-highway vehicle special event as defined in section 28-1171.

41 14. Adopting reasonable restrictions for the safe operation of
42 personal delivery devices. The local authority may allow all of the
43 following:

44 (a) A personal delivery device's weight to exceed two hundred
45 pounds, excluding cargo.

1 (b) A personal delivery device to operate at a speed that exceeds
2 seven miles per hour.

3 (c) An owner and operator of a personal delivery device to maintain
4 an insurance policy that provides less than ~~one hundred thousand dollars~~
5 \$100,000 for damages arising from the operations of the personal delivery
6 device.

7 B. A local authority shall not erect or maintain a stop sign or
8 traffic control signal at any location that requires the traffic on any
9 state highway to stop before entering or crossing any intersecting highway
10 unless approval in writing has first been obtained from the director.

11 C. An ordinance or regulation enacted under subsection A, paragraph
12 4, 5, 6, 7, 9 or 10 of this section is not effective until signs giving
13 notice of the local traffic regulations are posted on or at the entrances
14 to the highway or part of the highway affected as is most appropriate.

15 D. The definition of motor vehicle prescribed in section 28-101
16 does not prevent a local authority from adopting ordinances that regulate
17 or prohibit the operation of motorized skateboards, except that a local
18 authority shall not adopt an ordinance that requires registration and
19 licensing of motorized skateboards. For the purposes of this subsection,
20 "motorized skateboard" means a self-propelled device that DOES NOT HAVE
21 HANDLEBARS AND THAT has a motor, a deck on which a person may ride and at
22 least two tandem wheels in contact with the ground.

23 E. In addition to the appointment of peace officers, a local
24 authority may provide by ordinance for the appointment of:

25 1. Unarmed police aides or municipally approved private contractors
26 who are employed or contracted by the police department and who are
27 empowered to commence an action or proceeding before a court or judge for
28 a violation of the local authority's ordinances regulating the standing or
29 parking of vehicles. A municipally approved private contractor shall not
30 include a relative of an employee or of an elected official of the
31 municipality. The authority of the unarmed police aide or municipally
32 approved private contractor as authorized in this section is limited to
33 the enforcement of the ordinances of local authorities regulating the
34 standing or parking of vehicles. Pursuant to rules established by the
35 supreme court, an unarmed police aide appointed pursuant to this paragraph
36 may serve any process originating out of a municipal court in the
37 municipality in which the unarmed police aide is employed. Service of
38 process under this paragraph shall only be made during the hours the
39 municipal court is open for the transaction of business and only on court
40 premises. This paragraph does not grant to unarmed police aides or
41 municipally approved private contractors other powers or benefits to which
42 peace officers of this state are entitled.

43 2. Traffic investigators who may:

44 (a) Investigate traffic accidents within the jurisdiction of the
45 local authority.

1 (b) Commence an action or proceeding before a court or judge for
2 any violation of a state statute or local ordinance relating to traffic,
3 if the violation is related to a traffic accident within the jurisdiction
4 of the local authority.

5 (c) Pursuant to rules established by the supreme court, serve any
6 process originating out of a municipal court in the municipality in which
7 the traffic investigator is employed. Service of process under paragraph
8 1 of this subsection shall only be made during the hours the municipal
9 court is open for the transaction of business and only on court premises.

10 F. A traffic investigator appointed pursuant to this section shall:

11 1. Be unarmed at all times during the course of the traffic
12 investigator's duties.

13 2. Be an employee of the appointing local authority.

14 3. File written reports as required pursuant to section 28-667.

15 G. Notwithstanding subsection E of this section, an unarmed police
16 aide, a municipally approved private contractor or a traffic investigator
17 shall not serve any process resulting from a citation issued for a
18 violation of article 3 or 6 of this chapter or of a city or town ordinance
19 for excessive speed or failure to obey a traffic control device that is
20 obtained using a photo enforcement system.

21 H. This section does not grant other powers or benefits to traffic
22 investigators to which peace officers of this state are entitled.

23 I. Pursuant to section 28-1092, a local authority shall provide
24 reasonable access to and from terminals and service facilities on highways
25 under its jurisdiction.

26 Sec. 5. Section 28-627, Arizona Revised Statutes, as amended by
27 Laws 2018, chapter 306, section 4, is amended to read:

28 28-627. Powers of local authorities

29 A. This chapter and chapters 4 and 5 of this title do not prohibit
30 a local authority, with respect to streets and highways under its
31 jurisdiction and within the reasonable exercise of the police power, from:

32 1. Regulating the standing or parking of vehicles.

33 2. Regulating traffic by means of police officers, traffic control
34 signals or volunteer posse organization members authorized by the sheriff
35 under section 11-441 for the purpose of directing traffic only.

36 3. Regulating or prohibiting processions or assemblages on the
37 highways.

38 4. Designating particular highways as one-way highways and
39 requiring that all vehicles on one-way highways be moved in one specific
40 direction.

41 5. Regulating the speed of vehicles in public parks.

42 6. Designating any highway as a through highway and requiring that
43 all vehicles stop before entering or crossing the highway or designating
44 any intersection as a stop intersection and requiring all vehicles to stop
45 at one or more entrances to the intersection.

1 7. Restricting the use of highways as authorized in section
2 28-1106.

3 8. Regulating the operation of bicycles and requiring the
4 registration and licensing of bicycles, including the requirement of a
5 registration fee.

6 9. Regulating or prohibiting the turning of vehicles or specified
7 types of vehicles at intersections.

8 10. Altering the prima facie speed limits as authorized by this
9 chapter.

10 11. Designating routes over streets and highways for vehicles not
11 exceeding one hundred two inches in width, exclusive of safety equipment.

12 12. Adopting other traffic regulations that are specifically
13 authorized by this chapter or chapter 4 or 5 of this title.

14 13. Designating routes on certain streets and highways for the
15 purpose of allowing off-highway vehicle operators to gain access to or
16 from a designated off-highway recreation facility as defined in section
17 28-1171, off-highway vehicle trail as defined in section 28-1171 or
18 off-highway vehicle special event as defined in section 28-1171.

19 B. A local authority shall not erect or maintain a stop sign or
20 traffic control signal at any location that requires the traffic on any
21 state highway to stop before entering or crossing any intersecting highway
22 unless approval in writing has first been obtained from the director.

23 C. An ordinance or regulation enacted under subsection A, paragraph
24 4, 5, 6, 7, 9 or 10 of this section is not effective until signs giving
25 notice of the local traffic regulations are posted on or at the entrances
26 to the highway or part of the highway affected as is most appropriate.

27 D. The definition of motor vehicle prescribed in section 28-101
28 does not prevent a local authority from adopting ordinances that regulate
29 or prohibit the operation of motorized skateboards, except that a local
30 authority shall not adopt an ordinance that requires registration and
31 licensing of motorized skateboards. For the purposes of this subsection,
32 "motorized skateboard" means a self-propelled device that **DOES NOT HAVE**
33 **HANDLEBARS AND THAT** has a motor, a deck on which a person may ride and at
34 least two tandem wheels in contact with the ground.

35 E. In addition to the appointment of peace officers, a local
36 authority may provide by ordinance for the appointment of:

37 1. Unarmed police aides or municipally approved private contractors
38 who are employed or contracted by the police department and who are
39 empowered to commence an action or proceeding before a court or judge for
40 a violation of the local authority's ordinances regulating the standing or
41 parking of vehicles. A municipally approved private contractor shall not
42 include a relative of an employee or of an elected official of the
43 municipality. The authority of the unarmed police aide or municipally
44 approved private contractor as authorized in this section is limited to
45 the enforcement of the ordinances of local authorities regulating the

1 standing or parking of vehicles. Pursuant to rules established by the
2 supreme court, an unarmed police aide appointed pursuant to this paragraph
3 may serve any process originating out of a municipal court in the
4 municipality in which the unarmed police aide is employed. Service of
5 process under this paragraph shall only be made during the hours the
6 municipal court is open for the transaction of business and only on court
7 premises. This paragraph does not grant to unarmed police aides or
8 municipally approved private contractors other powers or benefits to which
9 peace officers of this state are entitled.

10 2. Traffic investigators who may:

11 (a) Investigate traffic accidents within the jurisdiction of the
12 local authority.

13 (b) Commence an action or proceeding before a court or judge for
14 any violation of a state statute or local ordinance relating to traffic,
15 if the violation is related to a traffic accident within the jurisdiction
16 of the local authority.

17 (c) Pursuant to rules established by the supreme court, serve any
18 process originating out of a municipal court in the municipality in which
19 the traffic investigator is employed. Service of process under paragraph
20 1 of this subsection shall only be made during the hours the municipal
21 court is open for the transaction of business and only on court premises.

22 F. A traffic investigator appointed pursuant to this section shall:

23 1. Be unarmed at all times during the course of the traffic
24 investigator's duties.

25 2. Be an employee of the appointing local authority.

26 3. File written reports as required pursuant to section 28-667.

27 G. Notwithstanding subsection E of this section, an unarmed police
28 aide, a municipally approved private contractor or a traffic investigator
29 shall not serve any process resulting from a citation issued for a
30 violation of article 3 or 6 of this chapter or of a city or town ordinance
31 for excessive speed or failure to obey a traffic control device that is
32 obtained using a photo enforcement system.

33 H. This section does not grant other powers or benefits to traffic
34 investigators to which peace officers of this state are entitled.

35 I. Pursuant to section 28-1092, a local authority shall provide
36 reasonable access to and from terminals and service facilities on highways
37 under its jurisdiction.

38 Sec. 6. Section 28-819, Arizona Revised Statutes, is amended to
39 read:

40 28-819. Electric bicycles; electric miniature scooters;
41 electric standup scooters

42 A. An operator of an electric bicycle, **AN ELECTRIC MINIATURE**
43 **SCOOTER OR AN ELECTRIC STANDUP SCOOTER** is granted all the rights and
44 privileges and is subject to all of the duties of a person riding a
45 bicycle. Except as otherwise provided in this section **OR AS OTHERWISE**

1 REGULATED BY A LOCAL AUTHORITY, an electric bicycle, AN ELECTRIC MINIATURE
2 SCOOTER OR AN ELECTRIC STANDUP SCOOTER is subject to the same provisions
3 of this title as a bicycle. A LOCAL AUTHORITY MAY CONSIDER THE
4 ENVIRONMENTAL BENEFITS AND TRAFFIC BENEFITS OF ELECTRIC BICYCLES, ELECTRIC
5 MINIATURE SCOOTERS AND ELECTRIC STANDUP SCOOTERS WHEN REGULATING THE
6 ELECTRIC BICYCLES, ELECTRIC MINIATURE SCOOTERS AND ELECTRIC STANDUP
7 SCOOTERS.

8 B. An electric bicycle, AN ELECTRIC MINIATURE SCOOTER OR AN
9 ELECTRIC STANDUP SCOOTER is not subject to the provisions of this title
10 relating to certificates of title, registration, vehicle license tax,
11 driver licenses or vehicle insurance.

12 C. Beginning January 1, 2019, manufacturers and distributors of
13 electric bicycles shall apply a label that is permanently affixed, in a
14 prominent location, to each electric bicycle. The label shall contain the
15 classification number, top assisted speed and motor wattage of the
16 electric bicycle and shall be printed in at least nine-point type.

17 D. A class 1 electric bicycle, ~~or~~ a class 2 electric bicycle, AN
18 ELECTRIC MINIATURE SCOOTER OR AN ELECTRIC STANDUP SCOOTER may be used on
19 bicycle and multiuse paths. A local authority or agency of this state
20 having jurisdiction over a bicycle or multiuse path may prohibit the
21 operation of a class 1 electric bicycle, ~~or~~ class 2 electric bicycle,
22 ELECTRIC MINIATURE SCOOTER OR ELECTRIC STANDUP SCOOTER on the path.

23 E. A class 3 electric bicycle may not be operated on a bicycle or
24 multiuse path unless it is within or adjacent to a highway or roadway or
25 unless the local authority or agency of this state having jurisdiction
26 over the path allows the operation.

27 F. AN ELECTRIC STANDUP SCOOTER MUST HAVE A UNIQUE IDENTIFICATION
28 THAT CONSISTS OF BOTH LETTERS AND NUMBERS AND THAT IS VISIBLE FROM A
29 DISTANCE OF AT LEAST FIVE FEET. THE IDENTIFICATION:

- 30 1. MAY NOT BE OBSCURED BY BRANDING OR OTHER MARKINGS.
31 2. SHALL BE USED IN THIS STATE TO IDENTIFY THE ELECTRIC STANDUP
32 SCOOTER. THIS PARAGRAPH APPLIES TO ALL PERSONS, INCLUDING LOCAL
33 AUTHORITIES.

34 Sec. 7. Effective date

35 Section 28-101, Arizona Revised Statutes, as amended by Laws 2018,
36 chapter 306, section 2 and this act, and section 28-627, Arizona Revised
37 Statutes, as amended by Laws 2018, chapter 306, section 4 and this act,
38 are effective from and after August 31, 2020.

39 Sec. 8. Conditional enactment

40 Section 28-101, Arizona Revised Statutes, as amended by Laws 2018,
41 chapter 9, section 1, chapter 163, section 1, chapter 166, section 1,
42 chapter 298, section 3, chapter 306, section 1, chapter 324, section 1 and
43 this act, becomes effective on the date prescribed by Laws 2018, chapter
44 298, section 12 but only on the occurrence of the condition prescribed by
45 Laws 2018, chapter 298, section 12.