Senate Engrossed House Bill

FILED
JANICE K. BREWER
SECRETARY OF STATE

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House of Representatives
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CHAPTER 145

HOUSE BILL 2483

AN ACT

AMENDING SECTIONS 28-627, 28-1171, 28-2061, 28-2153, 28-2512 AND 28-4132, ARIZONA REVISED STATUTES; RELATING TO TRAFFIC AND VEHICLE REGULATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 28-627, Arizona Revised Statutes, is amended to read:

28-627. Powers of local authorities; definition

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

1. Regulating the standing or parking of vehicles.

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

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

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

5. Regulating the speed of vehicles in public parks.

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

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

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

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

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

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

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

13. DESIGNATING ROUTES ON CERTAIN STREETS AND HIGHWAYS FOR THE PURPOSE OF ALLOWING OFF-HIGHWAY VEHICLE OPERATORS TO GAIN ACCESS TO OR FROM A DESIGNATED OFF-HIGHWAY RECREATION FACILITY AS DEFINED IN SECTION 28-1171, OFF-HIGHWAY VEHICLE TRAIL AS DEFINED IN SECTION 28-1171 OR OFF-HIGHWAY VEHICLE SPECIAL EVENT AS DEFINED IN SECTION 28-1171.

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

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

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

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

1. Unarmed police aides who are employed by the police department and who are empowered to commence an action or proceeding before a court or judge for a violation of the local authority's ordinances regulating the standing or parking of vehicles. The authority of the unarmed police aide as authorized in this section is limited to the enforcement of the ordinances of local authorities regulating the standing or parking of vehicles. Pursuant to rules established by the supreme court, an unarmed police aide appointed pursuant to this paragraph may serve any process originating out of a municipal court in the municipality in which the unarmed police aide is employed. Service of process under this paragraph shall only be made during the hours the municipal court is open for the transaction of business and only on court premises. This paragraph does not grant to unarmed police aides other powers or benefits to which peace officers of this state are entitled.

2. Traffic investigators who may:

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

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

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

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

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

2. Be an employee of the appointing local authority.

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

G. Notwithstanding subsection E of this section, an unarmed police aide or a traffic investigator shall not serve any process resulting from a citation issued for a violation of section 28-644 or 28-701 or of a city or

town ordinance for excessive speed or failure to obey a traffic control device that is obtained using automated enforcement technology.

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

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

J. For the purposes of this section, "automated enforcement technology" means a camera or similar device used to detect a vehicle driving through an intersection on a red light or a device that detects excessive vehicle speed that triggers a camera to take a photograph.

Sec. 2. Section 28-1171, Arizona Revised Statutes, is amended to read:

28-1171. Definitions

In this article, unless the context otherwise requires:

1. "Highway" means the entire width between the boundary lines of every way publicly maintained by the federal government, the department, a city, a town or a county if any part of the way is generally open to the use of the public for purposes of vehicular travel.

2. "Off-highway recreation facility" includes off-highway vehicle use areas and trails specifically developed and designated for use by off-highway vehicles.

3. "Off-highway vehicle":

(a) Means a motorized vehicle when operated off of highways on land, water, snow, ice or other natural terrain or on a combination of land, water, snow, ice or other natural terrain.

(b) Includes a two-wheel, three-wheel or four-wheel vehicle, motorcycle, four-wheel drive vehicle, dune buggy, amphibious vehicle, ground effects or air cushion vehicle and any other means of land transportation deriving motive power from a source other than muscle or wind.

(c) Does not include a vehicle that is either:

(i) Designed primarily for travel on, over or in the water.

(ii) Used in installation, inspection, maintenance, repair or related activities involving facilities for the provision of utility or railroad service.

4. "Off-highway vehicle trail" means a multiple use corridor that is all of the following:

(a) Open to recreational travel by an off-highway vehicle.

(b) Not normally suitable for travel by conventional two-wheel drive vehicles.

(c) Opened by the managing authority of the property that the trail traverses for the specific designated purpose of recreational off-highway vehicle use.

5. "OFF-HIGHWAY VEHICLE SPECIAL EVENT" MEANS AN EVENT ENDORSED OR SPONSORED BY A COUNTY OR MUNICIPALITY IN WHICH THE EVENT PARTICIPANTS OPERATE

OFF-HIGHWAY VEHICLES ON SPECIFIC ROUTES DESIGNATED BY A LOCAL AUTHORITY PURSUANT TO SECTION 28-627.

~~5.~~ 6. "Off-highway vehicle use area" means the entire area of a parcel of land, except for camping and approved buffer areas, that is managed specifically for off-highway vehicle use through the development or designation of off-highway vehicle trails.

Sec. 3. Section 28-2061, Arizona Revised Statutes, is amended to read:

28-2061. New off-road recreational motor vehicle; certificate of title

A. On the retail sale of a new off-road recreational motor vehicle, the dealer or person first receiving the motor vehicle from the manufacturer shall apply, on behalf of the purchaser, to the department for a certificate of title to the motor vehicle in the name of the purchaser. If satisfied that the application is genuine and regular and that the applicant is entitled to a certificate, the department shall issue a certificate of title to the motor vehicle without requiring registration for the motor vehicle.

B. A person shall apply for and obtain a certificate of title required by this section in the manner prescribed in this chapter. On the transfer of ownership of an off-road recreational motor vehicle for which a certificate of title is required by this section, a person shall apply for and obtain a new certificate in the manner prescribed in this chapter.

C. A PERSON PARTICIPATING IN AN OFF-HIGHWAY VEHICLE SPECIAL EVENT AS DEFINED IN SECTION 28-1171 IS EXEMPT FROM THE REQUIREMENTS OF THIS SECTION.

Sec. 4. Section 28-2153, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

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

D. This section does not apply to:

1. A farm tractor.

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

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

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

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

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

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

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

(a) A compressor.

(b) A forklift.

(c) A portable cement mixer.

(d) A single axle tow dolly as defined in section 28-1095.

(e) A tar pot.

(f) A water trailer used for watering livestock or for agricultural or domestic purposes.

(g) A welder.

(h) Any other similar item designed and used primarily for construction or building trade purposes.

9. An all-terrain vehicle or an off-road recreational motor vehicle operating on a dirt road that is located in an unincorporated area of this state. For the purposes of this paragraph, "dirt road" means an unpaved or ungraveled road that is not maintained by this state or a city, town or county of this state.

10. A PERSON OPERATING AN OFF-HIGHWAY VEHICLE WHO IS PARTICIPATING IN AN OFF-HIGHWAY VEHICLE SPECIAL EVENT AS DEFINED IN SECTION 28-1171.

E. A person who owns or operates a trailer that is exempt from registration pursuant to subsection D, paragraph 2 of this section shall notify the county assessor of the exemption, and the assessor shall assess the trailer.

F. A person who violates subsection E of this section is guilty of a class 2 misdemeanor.

Sec. 5. Section 28-2512, Arizona Revised Statutes, is amended to read:

28-2512. Off-road recreational motor vehicle license plate; fee

A. The department shall furnish to an owner of an off-road recreational motor vehicle one license plate for each titled off-road recreational motor vehicle.

B. The license plate is valid for the life of the vehicle.

C. The fee for a plate issued pursuant to this section is eight dollars.

D. The license plate assigned to an off-road recreational motor vehicle shall be:

1. Attached to the rear of the vehicle.

2. Securely fastened to the vehicle in a clearly visible position.

E. AN OWNER OF AN OFF-HIGHWAY VEHICLE AS DEFINED IN SECTION 28-1171 PARTICIPATING IN AN OFF-HIGHWAY VEHICLE SPECIAL EVENT AS DEFINED IN SECTION 28-1171 IS EXEMPT FROM THE REQUIREMENTS OF THIS SECTION.

Sec. 6. Section 28-4132, Arizona Revised Statutes, is amended to read

28-4132. Financial responsibility requirement exemptions

This article does not apply to the owner or operator of any:

1. Farm tractor.

2. Trailer used solely in the operation of a farm for transporting the unprocessed fiber or forage products of a farm or an implement of husbandry designed primarily for or used in agricultural operations and only incidentally operated or moved on a highway.

3. Road-roller or road machinery, including a power sweeper, temporarily operating or moved on the highway.

4. Trailer not used for commercial purposes or semitrailer not used for commercial purposes.

5. Motor vehicle rented without a driver that meets the requirements of section 28-2166.

6. Motor vehicle registered pursuant to section 28-2154.

7. Motor vehicle owned by the United States government.

8. Golf cart used in the operation of a golf course or only incidentally operated or moved on a highway.

9. All-terrain vehicle or off-road recreational motor vehicle operating on a dirt road that is located in an unincorporated area of this state. For the purposes of this paragraph, "dirt road" means an unpaved or ungraveled road that is not maintained by this state or a city, town or county of this state.

10. OFF-HIGHWAY VEHICLE PARTICIPATING IN AN OFF-HIGHWAY VEHICLE SPECIAL EVENT AS DEFINED IN SECTION 28-1171.

APPROVED BY THE GOVERNOR APRIL 23, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2004.