

REFERENCE TITLE: **highway video surveillance; prohibition**

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SB 1419

Introduced by
Senator Rogers

AN ACT

AMENDING SECTIONS 28-101, 28-601 AND 28-627, ARIZONA REVISED STATUTES;
REPEALING TITLE 28, CHAPTER 3, ARTICLE 21, ARIZONA REVISED STATUTES;
AMENDING TITLE 28, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING A NEW
ARTICLE 21; REPEALING SECTION 28-1602, ARIZONA REVISED STATUTES; RELATING
TO PHOTO ENFORCEMENT SYSTEMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-101, Arizona Revised Statutes, is amended to
3 read:

4 28-101. Definitions

5 In this title, unless the context otherwise requires:

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

8 2. "Alcohol concentration" if expressed as a percentage means
9 either:

10 (a) The number of grams of alcohol per one hundred milliliters of
11 blood.

12 (b) The number of grams of alcohol per two hundred ten liters of
13 breath.

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

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

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

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

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

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

22 (v) Is operated on a public highway.

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

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

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

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

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

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

32 (vi) Has a rollover protective structure.

33 (vii) Has an occupant retention system.

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

35 (a) A fire department vehicle.

36 (b) A police vehicle.

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

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

43 5. "Autocycle" means a three-wheeled motorcycle on which the driver
44 and passengers ride in a fully or partially enclosed seating area that is
45 equipped with a roll cage, safety belts for each occupant and antilock

1 brakes and that is designed to be controlled with a steering wheel and
2 pedals.

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

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

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

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

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

20 9. "Board" means the transportation board.

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

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

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

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

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

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

43 16. "Conviction" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 26. "Electric miniature scooter" means a device that:

43 (a) Weighs less than thirty pounds.

44 (b) Has two or three wheels.

45 (c) Has handlebars.

- 1 (d) Has a floorboard on which a person may stand while riding.
2 (e) Is powered by an electric motor or human power, or both.
3 (f) Has a maximum speed that does not exceed ten miles per hour,
4 with or without human propulsion, on a paved level surface.
5 27. "Electric personal assistive mobility device" means a
6 self-balancing device with one wheel or two nontandem wheels and an
7 electric propulsion system that limits the maximum speed of the device to
8 fifteen miles per hour or less and that is designed to transport only one
9 person.
10 28. "Electric standup scooter":
11 (a) Means a device that:
12 (i) Weighs less than seventy-five pounds.
13 (ii) Has two or three wheels.
14 (iii) Has handlebars.
15 (iv) Has a floorboard on which a person may stand while riding.
16 (v) Is powered by an electric motor or human power, or both.
17 (vi) Has a maximum speed that does not exceed twenty miles per
18 hour, with or without human propulsion, on a paved level surface.
19 (b) Does not include an electric miniature scooter.
20 29. "Evidence" includes both of the following:
21 (a) A display on a wireless communication device of a
22 department-generated driver license, nonoperating identification license,
23 vehicle registration card or other official record of the department that
24 is presented to a law enforcement officer or in a court or an
25 administrative proceeding.
26 (b) An electronic or digital license plate authorized pursuant to
27 section 28-364.
28 30. "Farm" means any lands primarily used for agriculture
29 production.
30 31. "Farm tractor" means a motor vehicle designed and used
31 primarily as a farm implement for drawing implements of husbandry.
32 32. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
33 that is brought into this state other than in the ordinary course of
34 business by or through a manufacturer or dealer and that has not been
35 registered in this state.
36 33. "Golf cart" means a motor vehicle that has not less than three
37 wheels in contact with the ground, that has an unladen weight of less than
38 one thousand eight hundred pounds, that is designed to be and is operated
39 at not more than twenty-five miles per hour and that is designed to carry
40 not more than four persons including the driver.
41 34. "Hazardous material" means a material, and its mixtures or
42 solutions, that the United States department of transportation determines
43 under 49 Code of Federal Regulations is, or any quantity of a material
44 listed as a select agent or toxin under 42 Code of Federal Regulations
45 part 73 that is, capable of posing an unreasonable risk to health, safety

and property if transported in commerce and that is required to be placarded or marked as required by the department's safety rules prescribed pursuant to chapter 14 of this title.

35. "HIGHWAY VIDEO SURVEILLANCE" MEANS THE USE OF A CAMERA OR OTHER IMAGING DEVICE OR ANY OTHER DEVICE, INCLUDING A TRANSPONDER, CELLULAR TELEPHONE, GLOBAL POSITIONING SATELLITE, DRONE OR RADIO FREQUENCY IDENTIFICATION DEVICE, THAT BY ITSELF OR IN CONJUNCTION WITH OTHER DEVICES OR INFORMATION MAY BE USED TO DETERMINE THE OWNERSHIP OR LOCATION OF A MOTOR VEHICLE, THE IDENTITY OF A MOTOR VEHICLE'S OCCUPANTS OR THE IDENTITY OR LOCATION OF A PEDESTRIAN.

~~35-~~ 36. "Implement of husbandry" means a vehicle that is designed primarily for agricultural purposes and that is used exclusively in the conduct of agricultural operations, including an implement or vehicle whether self-propelled or otherwise that meets both of the following conditions:

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

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

~~36-~~ 37. "Limousine" means a motor vehicle providing prearranged ground transportation service for an individual passenger, or a group of passengers, that is arranged in advance or is operated on a regular route or between specified points and includes ground transportation under a contract or agreement for services that includes a fixed rate or time and is provided in a motor vehicle with a seating capacity not exceeding fifteen passengers including the driver.

~~37-~~ 38. "Livery vehicle" means a motor vehicle that:

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

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

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

(d) May do any of the following:

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

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

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

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

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

~~40.~~ 41. "Moped" means a bicycle, not including an electric bicycle, an electric miniature scooter or an electric standup scooter, that is equipped with a helper motor if the vehicle has a maximum piston displacement of fifty cubic centimeters or less, a brake horsepower of one and one-half or less and a maximum speed of twenty-five miles per hour or less on a flat surface with less than a one percent grade.

~~41.~~ 42. "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the rider and that is designed to travel on not more than three wheels in contact with the ground but excludes a tractor, an electric bicycle, an electric miniature scooter, an electric standup scooter and a moped.

~~42.~~ 43. "Motor driven cycle" means a motorcycle, including every motor scooter, with a motor that produces not more than five horsepower but does not include an electric bicycle, an electric miniature scooter or an electric standup scooter.

~~43.~~ 44. "Motorized quadricycle" means a self-propelled motor vehicle to which all of the following apply:

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

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

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

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

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

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

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

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

~~44.~~ 45. "Motor vehicle":

(a) Means either:

(i) A self-propelled vehicle.

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

(b) Does not include a scrap vehicle, a personal delivery device, a personal mobile cargo carrying device, a motorized wheelchair, an electric

personal assistive mobility device, an electric bicycle, an electric miniature scooter, an electric standup scooter or a motorized skateboard. For the purposes of this subdivision:

(i) "Motorized skateboard" means a self-propelled device that does not have handlebars and that has a motor, a deck on which a person may ride and at least two tandem wheels in contact with the ground.

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

~~45.~~ 46. "Motor vehicle fuel" includes all products that are commonly or commercially known or sold as gasoline, including casinghead gasoline, natural gasoline and all flammable liquids, and that are composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating internal combustion engines. Motor vehicle fuel does not include inflammable liquids that are specifically manufactured for racing motor vehicles and that are distributed for and used by racing motor vehicles at a racetrack, use fuel as defined in section 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the mixture created at the interface of two different substances being transported through a pipeline, commonly known as transmix.

~~46.~~ 47. "Neighborhood electric vehicle" means a self-propelled electrically powered motor vehicle to which all of the following apply:

(a) The vehicle is emission free.

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

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

~~47.~~ 48. "Nonresident" means a person who is not a resident of this state as defined in section 28-2001.

~~48.~~ 49. "Off-road recreational motor vehicle" means a motor vehicle that is designed primarily for recreational nonhighway all-terrain travel and that is not operated on a public highway. Off-road recreational motor vehicle does not mean a motor vehicle used for construction, building trade, mining or agricultural purposes.

~~49.~~ 50. "Operator" means a person who drives a motor vehicle on a highway, who is in actual physical control of a motor vehicle on a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

~~50.~~ 51. "Owner" means:

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

(b) If a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase on performance of the conditions

1 stated in the agreement and with an immediate right of possession vested
2 in the conditional vendee or lessee, the conditional vendee or lessee.

3 (c) If a mortgagor of a vehicle is entitled to possession of the
4 vehicle, the mortgagor.

5 ~~51.~~ 52. "Pedestrian" means any person afoot. A person who uses an
6 electric personal assistive mobility device or a manual or motorized
7 wheelchair is considered a pedestrian unless the manual wheelchair
8 qualifies as a bicycle. For the purposes of this paragraph, "motorized
9 wheelchair" means a self-propelled wheelchair that is used by a person for
10 mobility.

11 ~~52.~~ 53. "Personal delivery device":

12 (a) Means a device that is both of the following:

13 (i) Manufactured for transporting cargo and goods in an area
14 described in section 28-1225.

15 (ii) ~~is~~ Equipped with automated driving technology, including
16 software and hardware, that enables the operation of the device with the
17 remote support and supervision of a human.

18 (b) Does not include a personal mobile cargo carrying device.

19 ~~53.~~ 54. "Personal mobile cargo carrying device" means an
20 electronically powered device that:

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

23 (b) Weighs less than eighty pounds, excluding cargo.

24 (c) Operates at a maximum speed of twelve miles per hour.

25 (d) Is equipped with technology to transport personal property with
26 the active monitoring of a property owner and that is primarily designed
27 to remain within twenty-five feet of the property owner.

28 (e) Is equipped with a braking system that when active or engaged
29 enables the personal mobile cargo carrying device to come to a controlled
30 stop.

31 ~~54.~~ 55. "Power sweeper" means an implement, with or without motive
32 power, that is only incidentally operated or moved on a street or highway
33 and that is designed for the removal of debris, dirt, gravel, litter or
34 sand whether by broom, vacuum or regenerative air system from asphaltic
35 concrete or cement concrete surfaces, including parking lots, highways,
36 streets and warehouses, and a vehicle on which the implement is
37 permanently mounted.

38 ~~55.~~ 56. "Public transit" means the transportation of passengers on
39 scheduled routes by means of a conveyance on an individual passenger
40 fare-paying basis excluding transportation by a sightseeing bus, school
41 bus or taxi or a vehicle not operated on a scheduled route basis.

42 ~~56.~~ 57. "Reconstructed vehicle" means a vehicle that has been
43 assembled or constructed largely by means of essential parts, new or used,
44 derived from vehicles or makes of vehicles of various names, models and
45 types or that, if originally otherwise constructed, has been materially

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

7 ~~57.~~ 58. "Residence district" means the territory contiguous to and
 8 including a highway not comprising a business district if the property on
 9 the highway for a distance of three hundred feet or more is in the main
 10 improved with residences or residences and buildings in use for business.

11 ~~58.~~ 59. "Right-of-way" when used within the context of the
 12 regulation of the movement of traffic on a highway means the privilege of
 13 the immediate use of the highway. Right-of-way when used within the
 14 context of the real property on which transportation facilities and
 15 appurtenances to the facilities are constructed or maintained means the
 16 lands or interest in lands within the right-of-way boundaries.

17 ~~59.~~ 60. "School bus" means a motor vehicle that is designed for
 18 carrying more than ten passengers and that is either:

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

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

25 ~~60.~~ 61. "Scrap metal dealer" has the same meaning prescribed in
 26 section 44-1641.

27 ~~61.~~ 62. "Scrap vehicle" has the same meaning prescribed in section
 28 44-1641.

29 ~~62.~~ 63. "Semitrailer" means a vehicle that is with or without
 30 motive power, other than a pole trailer or single-axle tow dolly, that is
 31 designed for carrying persons or property and for being drawn by a motor
 32 vehicle and that is constructed so that some part of its weight and that
 33 of its load rests on or is carried by another vehicle. For the purposes
 34 of this paragraph, "pole trailer" has the same meaning prescribed in
 35 section 28-601.

36 ~~63.~~ 64. "Single-axle tow dolly" means a nonvehicle device that is
 37 drawn by a motor vehicle, that is designed and used exclusively to
 38 transport another motor vehicle and on which the front or rear wheels of
 39 the drawn motor vehicle are mounted on the tow dolly while the other
 40 wheels of the drawn motor vehicle remain in contact with the ground.

41 ~~64.~~ 65. "State" means a state of the United States and the
 42 District of Columbia.

43 ~~65.~~ 66. "State highway" means a state route or portion of a state
 44 route that is accepted and designated by the board as a state highway and
 45 that is maintained by the state.

~~66.~~ 67. "State route" means a right-of-way whether actually used as a highway or not that is designated by the board as a location for the construction of a state highway.

~~67.~~ 68. "Street" or "highway" means the entire width between the boundary lines of every way if a part of the way is open to the use of the public for purposes of vehicular travel.

~~68.~~ 69. "Taxi" means a motor vehicle that has a seating capacity not exceeding fifteen passengers, including the driver, that provides passenger services and that:

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

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

~~69.~~ 70. "Title transfer form" means a paper or an electronic form that is prescribed by the department for the purpose of transferring a certificate of title from one owner to another owner.

~~70.~~ 71. "Traffic survival school" means a school that offers educational sessions to drivers who are required to attend and successfully complete educational sessions pursuant to this title that are designed to improve the safety and habits of drivers and that are approved by the department.

~~71.~~ 72. "Trailer" means a vehicle that is with or without motive power, other than a pole trailer or single-axle tow dolly, that is designed for carrying persons or property and for being drawn by a motor vehicle and that is constructed so that no part of its weight rests on the towing vehicle. A semitrailer equipped with an auxiliary front axle commonly known as a dolly is deemed to be a trailer. For the purposes of this paragraph, "pole trailer" has the same meaning prescribed in section 28-601.

~~72.~~ 73. "Transportation network company" has the same meaning prescribed in section 28-9551.

~~73.~~ 74. "Transportation network company vehicle" has the same meaning prescribed in section 28-9551.

~~74.~~ 75. "Transportation network service" has the same meaning prescribed in section 28-9551.

~~75.~~ 76. "Truck" means a motor vehicle designed or used primarily for the carrying of property other than the effects of the driver or passengers and includes a motor vehicle to which has been added a box, a platform or other equipment for such carrying.

~~76.~~ 77. "Truck tractor" means a motor vehicle that is designed and used primarily for drawing other vehicles and that is not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

1 ~~77.~~ 78. "Vehicle":

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

4 (b) Does not include:

5 (i) Electric bicycles, electric miniature scooters, electric
6 standup scooters and devices moved by human power.

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

8 (iii) Personal delivery devices.

9 (iv) Scrap vehicles.

10 (v) Personal mobile cargo carrying devices.

11 ~~78.~~ 79. "Vehicle transporter" means either:

12 (a) A truck tractor capable of carrying a load and drawing a
13 semitrailer.

14 (b) A truck tractor with a stinger-steered fifth wheel capable of
15 carrying a load and drawing a semitrailer or a truck tractor with a dolly
16 mounted fifth wheel that is securely fastened to the truck tractor at two
17 or more points and that is capable of carrying a load and drawing a
18 semitrailer.

19 Sec. 2. Section 28-601, Arizona Revised Statutes, is amended to
20 read:

21 28-601. Definitions

22 In this chapter, unless the context otherwise requires:

23 1. "Commercial motor vehicle" means a motor vehicle or combination
24 of vehicles that is designed, used or maintained to transport passengers
25 or property in the furtherance of a commercial enterprise, that is a
26 commercial motor vehicle as defined in section 28-5201 and that is not
27 exempt from gross weight fees as prescribed in section 28-5432,
28 subsection B.

29 2. "Controlled access highway" means a highway, street or roadway
30 to or from which owners or occupants of abutting lands and other persons
31 have no legal right of access except at such points only and in the manner
32 determined by the public authority that has jurisdiction over the highway,
33 street or roadway.

34 3. "Crosswalk" means:

35 (a) That part of a roadway at an intersection included within the
36 prolongations or connections of the lateral lines of the sidewalks on
37 opposite sides of the highway measured from the curbs or, in absence of
38 curbs, from the edges of the traversable roadway.

39 (b) Any portion of a roadway at an intersection or elsewhere that
40 is distinctly indicated for pedestrian crossing by lines or other markings
41 on the surface.

42 4. "Escort vehicle" means a vehicle that is required pursuant to
43 rules adopted by the department to escort motor vehicles or combinations
44 of vehicles that require issuance of a permit pursuant to article 18 or 19
45 of this chapter for operation on the highways of this state.

1 5. "Explosives" means any chemical compound, mixture or device that
2 is commonly used or intended for the purpose of producing an explosion and
3 that is defined in 49 Code of Federal Regulations part 173.

4 6. "Flammable liquid" means any liquid that has a flash point of
5 less than one hundred degrees Fahrenheit and that is defined in 49 Code of
6 Federal Regulations section 173.120.

7 7. "Gross weight" means the weight of a vehicle without a load plus
8 the weight of any load on the vehicle.

9 8. "Intersection" means the area embraced within the prolongation
10 or connection of the lateral curb lines, or if none, the lateral boundary
11 lines of the roadways of two highways that join one another at, or
12 approximately at, right angles, or the area within which vehicles
13 traveling on different highways joining at any other angle may come in
14 conflict. If a highway includes two roadways thirty or more feet apart,
15 each crossing of each roadway of the divided highway by an intersecting
16 highway is a separate intersection. If the intersecting highway also
17 includes two roadways thirty or more feet apart, each crossing of two
18 roadways of the highways is a separate intersection.

19 9. "License" means any license, temporary instruction permit or
20 temporary license issued under the laws of this state or any other state
21 that pertain to the licensing of persons to operate motor vehicles.

22 10. "Low emission and energy efficient vehicle" means a vehicle
23 that has been certified by the United States environmental protection
24 agency administrator in accordance with 23 United States Code section 166
25 or that is part of a federally approved pilot program.

26 11. "Motorized wheelchair" means any self-propelled wheelchair that
27 is used by a person for mobility.

28 12. "Official traffic control device" means any sign, signal,
29 marking or device that is not inconsistent with this chapter and that is
30 placed or erected by authority of a public body or official having
31 jurisdiction for the purpose of regulating, warning or guiding traffic.

32 13. "Park", if prohibited, means the standing of a vehicle, whether
33 occupied or not, otherwise than temporarily for the purpose of and while
34 actually engaged in loading or unloading.

35 ~~14. "Photo enforcement system" means a device substantially~~
36 ~~consisting of a radar unit or sensor linked to a camera or other recording~~
37 ~~device that produces one or more photographs, microphotographs, videotapes~~
38 ~~or digital or other recorded images of a vehicle's license plate for the~~
39 ~~purpose of identifying violators of articles 3 and 6 of this chapter.~~

40 ~~15.~~ 14. "Pneumatic tire" means a tire in which compressed air is
41 designed to support the load.

42 ~~16.~~ 15. "Pole trailer" means a vehicle that is all of the
43 following:

1 (a) Without motive power.

2 (b) Designed to be drawn by another vehicle and attached to the
3 towing vehicle by means of a reach or pole or by being boomed or otherwise
4 secured to the towing vehicle.

5 (c) Used ordinarily for transporting long or irregularly shaped
6 loads such as poles, pipes or structural members capable generally of
7 sustaining themselves as beams between the supporting connections.

8 ~~17.~~ 16. "Police officer" means an officer authorized to direct or
9 regulate traffic or make arrests for violations of traffic rules or other
10 offenses.

11 ~~18.~~ 17. "Private road or driveway" means a way or place that is in
12 private ownership and that is used for vehicular travel by the owner and
13 those persons who have express or implied permission from the owner but
14 not by other persons.

15 ~~19.~~ 18. "Railroad" means a carrier of persons or property on cars
16 operated on stationary rails.

17 ~~20.~~ 19. "Railroad sign or signal" means a sign, signal or device
18 erected by authority of a public body or official or by a railroad and
19 intended to give notice of the presence of railroad tracks or the approach
20 of a railroad train.

21 ~~21.~~ 20. "Railroad train" means a steam engine or any electric or
22 other motor that is with or without cars coupled to the steam engine or
23 electric or other motor and that is operated on rails.

24 ~~22.~~ 21. "Roadway" means that portion of a highway that is
25 improved, designed or ordinarily used for vehicular travel, exclusive of
26 the berm or shoulder. If a highway includes two or more separate
27 roadways, roadway refers to any such roadway separately but not to all
28 such roadways collectively.

29 ~~23.~~ 22. "Safety zone" means the area or space that is both:

30 (a) Officially set apart within a roadway for the exclusive use of
31 pedestrians.

32 (b) Protected or either marked or indicated by adequate signs as to
33 be plainly visible at all times while set apart as a safety zone.

34 ~~24.~~ 23. "Sidewalk" means that portion of a street that is between
35 the curb lines or the lateral lines of a roadway and the adjacent property
36 lines and that is intended for the use of pedestrians.

37 ~~25.~~ 24. "Stop", if required, means complete cessation from
38 movement.

39 ~~26.~~ 25. "Stop, stopping or standing", if prohibited, means any
40 stopping or standing of an occupied or unoccupied vehicle, except when
41 necessary to avoid conflict with other traffic or in compliance with
42 directions of a police officer or traffic control sign or signal.

43 ~~27.~~ 26. "Through highway" means a highway or portion of a highway
44 at the entrances to which vehicular traffic from intersecting highways is

1 required by law to stop before entering or crossing and when stop signs
2 are erected as provided in this chapter.

3 ~~28.~~ 27. "Traffic" means pedestrians, ridden or herded animals,
4 vehicles and other conveyances either singly or together while using a
5 highway for purposes of travel.

6 ~~29.~~ 28. "Traffic control signal" means a device, whether manually,
7 electrically or mechanically operated, by which traffic is alternately
8 directed to stop and to proceed.

9 ~~30.~~ 29. "Truck" means a motor vehicle that is designed, used or
10 maintained primarily for the transportation of property.

11 Sec. 3. Section 28-627, Arizona Revised Statutes, is amended to
12 read:

13 28-627. Powers of local authorities

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

- 17 1. Regulating the standing or parking of vehicles.
- 18 2. Regulating traffic by means of police officers, traffic control
19 signals or volunteer posse organization members authorized by the sheriff
20 under section 11-441 for the purpose of directing traffic only.
- 21 3. Regulating or prohibiting processions or assemblages on the
22 highways.
- 23 4. Designating particular highways as one-way highways and
24 requiring that all vehicles on one-way highways be moved in one specific
25 direction.
- 26 5. Regulating the speed of vehicles in public parks.
- 27 6. Designating any highway as a through highway and requiring that
28 all vehicles stop before entering or crossing the highway or designating
29 any intersection as a stop intersection and requiring all vehicles to stop
30 at one or more entrances to the intersection.
- 31 7. Restricting the use of highways as authorized in section
32 28-1106.
- 33 8. Regulating the operation of bicycles and requiring the
34 registration and licensing of bicycles, including the requirement of a
35 registration fee.
- 36 9. Regulating or prohibiting the turning of vehicles or specified
37 types of vehicles at intersections.
- 38 10. Altering the prima facie speed limits as authorized by this
39 chapter.
- 40 11. Designating routes over streets and highways for vehicles not
41 exceeding one hundred two inches in width, exclusive of safety equipment.
- 42 12. Adopting other traffic regulations that are specifically
43 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.

14. Regulating electric bicycles and electric standup scooters. A local authority may consider the environmental benefits and traffic benefits of electric bicycles and electric standup scooters when regulating electric bicycles and electric standup scooters.

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 does not have handlebars and 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 or municipally approved private contractors who are employed or contracted 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. A municipally approved private contractor shall not include a relative of an employee or of an elected official of the municipality. The authority of the unarmed police aide or municipally approved private contractor 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 or municipally approved private contractors other powers or benefits to which peace officers of this state are entitled.

1 2. Traffic investigators who may:
2 (a) Investigate traffic accidents within the jurisdiction of the
3 local authority.
4 (b) Commence an action or proceeding before a court or judge for
5 any violation of a state statute or local ordinance relating to traffic,
6 if the violation is related to a traffic accident within the jurisdiction
7 of the local authority.
8 (c) Pursuant to rules established by the supreme court, serve any
9 process originating out of a municipal court in the municipality in which
10 the traffic investigator is employed. Service of process under paragraph
11 1 of this subsection shall only be made during the hours the municipal
12 court is open for the transaction of business and only on court premises.
13 F. A traffic investigator appointed pursuant to this section shall:
14 1. Be unarmed at all times during the course of the traffic
15 investigator's duties.
16 2. Be an employee of the appointing local authority.
17 3. File written reports as required pursuant to section 28-667.
18 G. Notwithstanding subsection E of this section, an unarmed police
19 aide, a municipally approved private contractor or a traffic investigator
20 shall not serve any process resulting from a citation issued for a
21 violation of article 3 or 6 of this chapter or of a city or town ordinance
22 for excessive speed or failure to obey a traffic control device that is
23 obtained using ~~a photo enforcement system~~ HIGHWAY VIDEO SURVEILLANCE.
24 H. This section does not grant other powers or benefits to traffic
25 investigators to which peace officers of this state are entitled.
26 I. Pursuant to section 28-1092, a local authority shall provide
27 reasonable access to and from terminals and service facilities on highways
28 under its jurisdiction.
29 Sec. 4. Repeal
30 Title 28, chapter 3, article 21, Arizona Revised Statutes, is
31 repealed.
32 Sec. 5. Title 28, chapter 3, Arizona Revised Statutes, is amended
33 by adding a new article 21, to read:
34 ARTICLE 21. HIGHWAY VIDEO SURVEILLANCE
35 28-1201. Highway video surveillance; prohibited
36 THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE MAY NOT CONDUCT
37 HIGHWAY VIDEO SURVEILLANCE ON A CONTROLLED ACCESS HIGHWAY AS DEFINED IN
38 SECTION 28-601 OR ON A SIDEWALK AS DEFINED IN SECTION 28-601.
39 28-1202. Violation; injury; damages; attorney fees
40 A PERSON WHO SUFFERS AN INJURY AS A RESULT OF A VIOLATION OF THIS
41 ARTICLE IS ENTITLED TO THE FOLLOWING DAMAGES:
42 1. AT LEAST \$1,000 FOR EACH VIOLATION.
43 2. COSTS AND REASONABLE ATTORNEY FEES.
44 Sec. 6. Repeal
45 Section 28-1602, Arizona Revised Statutes, is repealed.