

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1640

AN ACT

AMENDING TITLE 28, CHAPTER 14, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-5244; RELATING TO FOREIGN MOTOR CARRIERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 28, chapter 14, article 2, Arizona Revised Statutes,
3 is amended by adding section 28-5244, to read:
4 28-5244. Foreign motor carriers; definition
5 A. NOTWITHSTANDING ANY OTHER LAW, A FOREIGN MOTOR CARRIER OR FOREIGN
6 PRIVATE MOTOR CARRIER THAT IS REQUIRED TO HAVE A CERTIFICATE OF REGISTRATION
7 ISSUED BY THE UNITED STATES SECRETARY OF THE DEPARTMENT OF TRANSPORTATION
8 PURSUANT TO 49 CODE OF FEDERAL REGULATIONS SECTIONS 368.1 THROUGH 368.8 SHALL
9 NOT DO ANY OF THE FOLLOWING:
10 1. OPERATE IN THIS STATE WITHOUT THE REQUIRED CERTIFICATE IN THE
11 VEHICLE.
12 2. OPERATE BEYOND THE LIMITATIONS OR RESTRICTIONS SPECIFIED IN THE
13 CERTIFICATE AS ISSUED.
14 3. REFUSE TO SHOW THE CERTIFICATE ON REQUEST OF A PEACE OFFICER.
15 4. PROVIDE POINT-TO-POINT TRANSPORTATION SERVICES, INCLUDING EXPRESS
16 DELIVERY SERVICES, IN THE UNITED STATES FOR GOODS OTHER THAN INTERNATIONAL
17 CARGO.
18 B. NOTWITHSTANDING ANY OTHER LAW, A MOTOR CARRIER THAT IS REQUIRED TO
19 BE REGISTERED WITH THE UNITED STATES SECRETARY OF THE DEPARTMENT OF
20 TRANSPORTATION PURSUANT TO 49 UNITED STATES CODE SECTION 13902 OR 49 CODE OF
21 FEDERAL REGULATIONS SECTIONS 390.1 THROUGH 390.37 SHALL NOT DO ANY OF THE
22 FOLLOWING:
23 1. OPERATE IN THIS STATE WITHOUT THE REQUIRED REGISTRATION.
24 2. OPERATE BEYOND THE LIMITATIONS OR RESTRICTIONS SPECIFIED IN ITS
25 REGISTRATION.
26 3. OPERATE IN THIS STATE WITHOUT THE REQUIRED OPERATING AUTHORITY.
27 C. A MOTOR CARRIER THAT VIOLATES SUBSECTION A OR B IS SUBJECT TO A
28 CIVIL PENALTY OF ONE THOUSAND DOLLARS.
29 D. A LAW ENFORCEMENT AGENCY MAY IMPOUND A VEHICLE OPERATED IN
30 VIOLATION OF SUBSECTION A OR B AND ITS CARGO UNTIL THE CITATION AND ALL
31 CHARGES RELATED TO THE IMPOUNDMENT ARE CLEARED. THE IMPOUNDMENT CHARGES ARE
32 THE RESPONSIBILITY OF THE VEHICLE'S OWNER.
33 E. A MOTOR CARRIER GRANTED PERMANENT OPERATING AUTHORITY PURSUANT TO
34 49 CODE OF FEDERAL REGULATIONS SECTIONS 368.1 THROUGH 368.8 SHALL NOT OPERATE
35 A VEHICLE ON A HIGHWAY UNLESS THE VEHICLE IS INSPECTED BY A COMMERCIAL
36 VEHICLE SAFETY ALLIANCE-CERTIFIED INSPECTOR AT LEAST EVERY THREE MONTHS AND
37 SHALL DISPLAY A CURRENT SAFETY INSPECTION DECAL ATTESTING TO THE SUCCESSFUL
38 COMPLETION OF THOSE INSPECTIONS FOR AT LEAST THREE YEARS AFTER RECEIVING
39 PERMANENT OPERATING AUTHORITY.
40 F. SUBSECTION E DOES NOT APPLY TO A MOTOR CARRIER THAT IS GRANTED
41 AUTHORITY TO OPERATE SOLELY IN A COMMERCIAL ZONE ON THE UNITED STATES-MEXICO
42 INTERNATIONAL BORDER.

1 G. FOR THE PURPOSES OF THIS SECTION, "LIMITATIONS OR RESTRICTIONS"
2 INCLUDES COMMERCIAL ZONES, MUNICIPALITY, CONTIGUOUS MUNICIPALITIES,
3 UNINCORPORATED AREA, AND TERMINAL AREAS, AS DEFINED IN 49 CODE OF FEDERAL
4 REGULATIONS SECTIONS 372.101 THROUGH 372.221.