

REFERENCE TITLE: motor carrier safety; vehicle equipment

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2088

Introduced by
Representatives Biggs, Burges: Crump, Farley

AN ACT

REPEALING SECTION 23-286, ARIZONA REVISED STATUTES; AMENDING SECTIONS 23-286.01, 28-929, 28-931, 28-935, 28-945, 28-952, 28-956, 28-5201 AND 28-5204, ARIZONA REVISED STATUTES; RELATING TO MOTOR CARRIER SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Section 23-286, Arizona Revised Statutes, is repealed.

4 Sec. 2. Section 23-286.01, Arizona Revised Statutes, is amended to
5 read:

6 23-286.01. Agricultural operations

7 ~~A. Section 23-286, subsection A does not apply to drivers transporting~~
8 ~~agricultural commodities or farm supplies for agricultural purposes if such~~
9 ~~transportation:~~

10 ~~1. Is limited to an area within a one hundred air mile radius from the~~
11 ~~source of the commodities or the distribution point for the farm supplies.~~

12 ~~2. Is conducted during the planting and harvesting seasons in this~~
13 ~~state.~~

14 ~~3. Is from the field to cooling facilities to the first point of~~
15 ~~processing or packing.~~

16 ~~B.~~ A driver transporting agricultural commodities or farm supplies for
17 agricultural purposes shall not drive for any period after having been on
18 duty sixteen hours following eight consecutive hours off duty or for any
19 period after having been on duty for one hundred twelve hours in any
20 consecutive seven day period except that:

21 1. A driver transporting special situation farm products from the
22 field to cooling facilities or a driver transporting livestock from pasture
23 to pasture, during one period of not more than twenty-eight consecutive days
24 or a combination of two periods totaling not more than twenty-eight days in a
25 calendar year, may drive for not more than twelve hours during any sixteen
26 hour workday.

27 2. The director of the department of public safety, for good cause,
28 may temporarily waive the maximum on-duty time limits applicable to any seven
29 day period if an emergency exists due to inclement weather, natural disaster
30 or an adverse economic condition that threatens to disrupt the orderly
31 movement of farm products during harvest for the duration of the emergency.
32 For purposes of this ~~subdivision~~ PARAGRAPH, an emergency does not include a
33 strike or labor dispute.

34 Sec. 3. Section 28-929, Arizona Revised Statutes, is amended to read:

35 28-929. Additional lighting equipment required on certain
36 vehicles

37 In addition to other equipment required in this article, the following
38 vehicles shall be equipped with the following equipment under the conditions
39 stated in section 28-928:

40 1. On a bus or truck regardless of size, on the rear, two reflectors,
41 one at each side, and ~~one stoplight~~ TWO STOPLIGHTS.

42 2. On a bus or truck eighty inches or more in overall width, in
43 addition to the requirements in paragraph 1 of this section:

44 (a) On the front, two clearance lamps, one at each side.

45 (b) On the rear, two clearance lamps, one at each side.

1 (c) On each side, two side marker lamps, one at or near the front and
2 one at or near the rear. VEHICLES THAT EXCEED THIRTY FEET IN LENGTH SHALL
3 HAVE A THIRD SIDE MARKER LAMP AT THE MIDPOINT BETWEEN THE FRONT AND REAR
4 MARKER LAMPS.

5 (d) On each side, two reflectors, one at or near the front and one at
6 or near the rear. VEHICLES THAT EXCEED THIRTY FEET IN LENGTH SHALL HAVE A
7 THIRD REFLECTOR AT THE MIDPOINT BETWEEN THE FRONT AND REAR REFLECTORS.

8 3. On a truck tractor:

9 (a) On the front, two clearance lamps, one at each side.

10 (b) On the rear, ~~one stoplight~~ TWO SPOTLIGHTS.

11 4. On a trailer or semitrailer with a gross weight of more than three
12 thousand pounds:

13 (a) On the front, two clearance lamps, one at each side.

14 (b) On each side, two side marker lamps, one at or near the front and
15 one at or near the rear. VEHICLES THAT EXCEED THIRTY FEET IN LENGTH SHALL
16 HAVE A THIRD SIDE MARKER LAMP AT THE MIDPOINT BETWEEN THE FRONT AND REAR
17 MARKER LAMPS.

18 (c) On each side, two reflectors, one at or near the front and one at
19 or near the rear. VEHICLES THAT EXCEED THIRTY FEET IN LENGTH SHALL HAVE A
20 THIRD REFLECTOR AT THE MIDPOINT BETWEEN THE FRONT AND REAR REFLECTORS.

21 (d) On the rear, two clearance lamps, one at each side, and two
22 reflectors, one at each side, and ~~one stoplight~~ TWO STOPLIGHTS.

23 5. On a pole trailer with a gross weight of more than three thousand
24 pounds:

25 (a) On each side, one side marker lamp and one clearance lamp that may
26 be in combination, to show to the front, side and rear.

27 (b) On the rear of the pole trailer or load, two reflectors, one at
28 each side.

29 6. On a trailer, semitrailer or pole trailer with a gross weight of
30 three thousand pounds or less:

31 (a) On the rear, two reflectors, one on each side.

32 (b) ~~One stoplight~~ TWO STOPLIGHTS on a trailer or semitrailer if it is
33 loaded in such a manner or is of such dimensions as to obscure the stoplight
34 on the towing vehicle.

35 Sec. 4. Section 28-931, Arizona Revised Statutes, is amended to read:
36 28-931. Lamp colors

37 A. Front clearance lamps and those marker lamps and reflectors mounted
38 on the front or on the side near the front of a vehicle shall display or
39 reflect an amber color.

40 B. Rear clearance lamps and those marker lamps and reflectors mounted
41 on the rear or on the sides near the rear of a vehicle shall display or
42 reflect a red color.

43 C. All lighting devices and reflectors mounted on the rear of any
44 vehicle shall display or reflect a red color, except that:

1 1. The stoplight or other signal device may be red, amber or yellow,
2 EXCEPT ON A COMMERCIAL VEHICLE, AS DEFINED IN SECTION 28-2231, THE STOPLIGHT
3 SHALL BE RED AND THE OTHER SIGNAL DEVICES SHALL BE RED OR AMBER.

4 2. The light illuminating the license plate or the light emitted by a
5 backup lamp shall be white.

6 Sec. 5. Section 28-935, Arizona Revised Statutes, is amended to read:
7 28-935. Lamp or flag on projecting load

8 A. If the load on a vehicle extends to the rear four feet or more
9 beyond the bed or body of the vehicle, ~~a- TWO red light~~ LIGHTS or ~~lantern~~ TWO
10 LANTERNS AND REFLECTORS, ONE ON EACH SIDE, plainly visible from a distance of
11 at least five hundred feet to the sides and rear shall be displayed at the
12 extreme rear end of the load, at the times specified in section 28-922. The
13 red light or lantern required by this section is in addition to the red rear
14 light required on every vehicle.

15 B. At any other time, a red flag or cloth not less than ~~twelve~~
16 EIGHTEEN inches square shall be displayed at the extreme rear end of the
17 load. The flag or cloth shall be displayed so that the entire area is
18 visible to the driver of a vehicle approaching from the rear.

19 Sec. 6. Section 28-945, Arizona Revised Statutes, is amended to read:
20 28-945. Alternate road lighting equipment

21 A motor vehicle, EXCEPT A COMMERCIAL VEHICLE AS DEFINED IN SECTION
22 28-2231, may be operated under the conditions specified in section 28-922
23 when it is equipped with two lighted lamps that are on the front of the motor
24 vehicle and that are capable of revealing persons and objects seventy-five
25 feet ahead in lieu of lamps required in section 28-941 or 28-943, but the
26 motor vehicle shall not be operated at a speed of more than twenty miles per
27 hour.

28 Sec. 7. Section 28-952, Arizona Revised Statutes, is amended to read:
29 28-952. Required brake equipment

30 A. The following brake equipment is required:

31 1. A motor vehicle, other than a motorcycle, all-terrain vehicle or
32 motor driven cycle, if it is operated on a highway shall be equipped with
33 brakes adequate to control the movement of and to stop and hold the vehicle,
34 including two separate means of applying the brakes, each of which means is
35 effective to apply the brakes to at least two wheels. If these two separate
36 means of applying the brakes are connected in any way, they shall be
37 constructed so that failure of any one part of the operating mechanism does
38 not leave the motor vehicle without brakes on at least two wheels.

39 2. A motorcycle, an all-terrain vehicle and every motor driven cycle
40 when operated on a highway shall be equipped with at least one brake that may
41 be operated by hand or foot.

42 3. When it is operated on a highway a trailer or semitrailer with a
43 gross weight of three thousand pounds or more shall be equipped with brakes
44 that are adequate to control the movement of and to stop and to hold the
45 vehicle and that are designed to either be applied by the driver of the

1 towing motor vehicle from its cab or be of a type that operates automatically
2 when the service brakes of the towing motor vehicle are applied. The brakes
3 shall be designed and connected so that in case of an accidental breakaway of
4 the towed vehicle the brakes shall be automatically applied, except that
5 brakes are not required on all wheels of a truck that is being towed as a
6 semitrailer and that is being towed in a drive-away, tow-away operation, if
7 the combination of vehicles is capable of complying with all state and
8 federal brake performance requirements. Only those brakes on the vehicle
9 being towed need to be operative as may be necessary to ensure compliance
10 with the performance requirements.

11 4. A new motor vehicle, trailer or semitrailer, except a motorcycle,
12 all-terrain vehicle or motor driven cycle, sold in this state and operated on
13 the highways shall be equipped with service brakes on all wheels of the
14 vehicle, except that:—

15 ~~(a) a semitrailer or trailer with a gross weight of less than three~~
16 ~~thousand pounds need not be equipped with brakes.~~

17 ~~(b) A semitrailer or trailer with a gross weight of less than six~~
18 ~~thousand pounds may have brakes only on all wheels of one axle.~~

19 ~~(c) Three axle truck tractors need only be equipped with brakes on all~~
20 ~~wheels of the two rear axles.~~

21 5. In any combination of motor drawn vehicles, means shall be provided
22 for either or both of the following if capable of being used alternatively:

23 (a) Applying the rearmost trailer brakes of a trailer equipped with
24 brakes in approximate synchronism with the brakes on the towing vehicle and
25 developing the required braking effort on the rearmost wheels at the fastest
26 rate.

27 (b) Applying braking effort first on the rearmost trailer equipped
28 with brakes.

29 6. A motor vehicle and combination of vehicles manufactured or sold in
30 this state after July 1, 1964, except motorcycles, all-terrain vehicles and
31 motor driven cycles, shall be equipped with parking brakes that are:

32 (a) Adequate to hold the vehicle on any grade on which it is operated
33 under all conditions of loading on a surface free from snow, ice or loose
34 material.

35 (b) Capable of being applied in conformance with the requirements of
36 subdivision (a) of this paragraph by the driver's muscular effort, by spring
37 action or by equivalent means. The operation of the parking brakes may be
38 assisted by the service brakes or other source of power, if failure of the
39 service brake actuation system or other power assisting mechanism will not
40 prevent the parking brakes from being applied in conformance with the
41 foregoing requirements.

42 (c) Designed so that when the brakes are applied they shall remain
43 applied with the required effectiveness despite exhaustion of any source of
44 energy or leakage of any kind.

1 7. The same brake drums, brake shoes and lining assemblies, brake shoe
2 anchors and mechanical brake shoe actuation mechanism normally associated
3 with the wheel brake assemblies may be used for both the service brakes and
4 the parking brakes. If the means of applying the parking brakes and the
5 service brakes are connected in any way, they shall be constructed so that
6 failure of any one part does not leave the vehicle without operative brakes.

7 8. The brake shoes operating within or on the drums on the vehicle
8 wheels of a motor vehicle may be used for both service and hand operation.

9 B. At all times, under all conditions of loading, on a dry, smooth,
10 level road free from loose material and on application of the service or foot
11 brake, a motor vehicle or combination of motor drawn vehicles shall be
12 capable of being stopped within the distances specified below or of being
13 decelerated at a sustained rate corresponding to these distances:

	Feet to stop	Deceleration
	from 20 miles	in feet
	per hour	per second
17 Vehicles or combinations of		
18 vehicles having brakes on		
19 all wheels	30	14
20 Vehicles or combinations of		
21 vehicles not having brakes		
22 on all wheels	40	10.7

23 C. Brakes shall be maintained in good working order and shall be
24 adjusted to operate as equally as practicable with respect to the wheels on
25 opposite sides of the vehicle.

26 Sec. 8. Section 28-956, Arizona Revised Statutes, is amended to read:
27 28-956. Mirrors

28 A motor vehicle that is constructed or loaded in a manner that
29 obstructs the driver's view to the rear of the vehicle from the driver's
30 position shall be equipped with ~~a mirror~~ TWO MIRRORS located in a manner to
31 reflect to the driver a view of the highway for a distance of at least two
32 hundred feet to the rear of the vehicle.

33 Sec. 9. Section 28-5201, Arizona Revised Statutes, is amended to read:
34 28-5201. Definitions

35 In this chapter, unless the context otherwise requires:

36 ~~1. "Declared gross weight" has the same meaning prescribed in section~~
37 ~~28-5431. If a declaration has not been made, declared gross weight means~~
38 ~~gross weight.~~

39 ~~2.~~ 1. "Gross weight" has the same meaning prescribed in section
40 28-5431.

41 ~~3.~~ 2. "Hazardous material" means a substance that has been determined
42 by the United States department of transportation under 49 Code of Federal
43 Regulations to be capable of posing an unreasonable risk to health, safety
44 and property if transported in commerce.

1 ~~4.~~ 3. "Hazardous substance" means a material and its mixtures or
2 solutions that has been determined by the United States department of
3 transportation under 49 Code of Federal Regulations to be capable of posing
4 an unreasonable risk to health, safety and property if transported in
5 commerce.

6 ~~5.~~ 4. "Hazardous waste" means a material that is subject to the
7 hazardous waste manifest requirements of the department of environmental
8 quality or the United States environmental protection agency.

9 ~~6.~~ 5. "Lightweight motor vehicle" means a motor vehicle or vehicle
10 combination that has a ~~declared gross weight~~ GROSS VEHICLE WEIGHT RATING of
11 ~~twenty~~ EIGHTEEN thousand pounds or less except:

12 (a) A motor vehicle that is used to transport passengers for hire.

13 (b) A motor vehicle that is used to transport hazardous materials,
14 hazardous substances or hazardous wastes and that is required by the
15 department to be marked or placarded, ~~except that a motor vehicle that has a~~
16 ~~declared gross weight of twenty thousand pounds or less and that carries a~~
17 ~~hazardous material in an amount of less than one thousand pounds or not more~~
18 ~~than one hundred ten gallons of combustible liquid as listed in 49 Code of~~
19 ~~Federal Regulations section 172.504(a) table 2 is a lightweight motor~~
20 ~~vehicle.~~

21 ~~7.~~ 6. "Manufacturer" means a person who transports or causes to be
22 transported or shipped by a motor vehicle or lightweight motor vehicle a
23 hazardous material, hazardous substance or hazardous waste or who
24 manufactures, fabricates, marks, maintains, reconditions, repairs or tests a
25 package or container that is represented, marked, certified or sold by a
26 person for use in the transportation in commerce of hazardous materials,
27 hazardous substances or hazardous wastes.

28 ~~8.~~ 7. "Motor carrier" means a person who operates or causes to be
29 operated a motor vehicle on a public highway.

30 ~~9.~~ 8. "Motor vehicle" means a self-propelled motor driven vehicle or
31 vehicle combination, except a lightweight motor vehicle, that is used on a
32 public highway in the furtherance of a commercial enterprise.

33 ~~10.~~ 9. "Person" means a public or private corporation, company,
34 partnership, firm, association or society of persons, the federal government
35 and its departments or agencies, this state or any of its agencies,
36 departments, political subdivisions, counties, towns or municipal
37 corporations or a natural person.

38 ~~11.~~ 10. "Public highway" means a public street, alley, road, highway
39 or thoroughfare of any kind in this state that is used by the public or that
40 is open to the use of the public as a matter of right, for the purpose of
41 vehicular travel.

42 ~~12.~~ 11. "Shipper" means a person who offers a hazardous waste,
43 hazardous substance or hazardous material for motor vehicle transportation in
44 commerce.

1 ~~13.~~ 12. "Transportation" means a movement of person or property by a
2 motor vehicle and any loading, unloading or storage incidental to the
3 movement.

4 ~~14.~~ 13. "Vehicle combination" has the same meaning prescribed in
5 section 28-5431.

6 Sec. 10. Section 28-5204, Arizona Revised Statutes, is amended to
7 read:

8 28-5204. Administration and enforcement; rules; exemption

9 A. In the administration and enforcement of this chapter, the
10 department of transportation shall adopt:

11 1. Reasonable rules it deems proper governing the safety operations of
12 motor carriers, including rules governing safety operations of motor
13 carriers, shippers and vehicles transporting hazardous materials, hazardous
14 substances or hazardous wastes and shall prescribe necessary forms. In
15 determining reasonable rules, the department of transportation shall
16 consider:

17 (a) The nature of the operations and regulation of public service
18 corporations as defined in article XV, sections 2 and 10, Constitution of
19 Arizona.

20 (b) Rules adopted by the director of environmental quality pursuant to
21 section 49-855.

22 2. Rules necessary to enforce and administer this chapter, including
23 rules setting forth reasonable procedures to be followed in the enforcement
24 of this chapter and rules adopting transporter safety standards for hazardous
25 materials, hazardous substances and hazardous waste. In adopting the rules,
26 the department shall consider, as evidence of generally accepted safety
27 standards, the publications of the United States department of transportation
28 and the environmental protection agency.

29 B. Rules adopted by the department of transportation also apply to a
30 manufacturer, shipper, motor carrier and driver.

31 C. The department of public safety shall and a political subdivision
32 may enforce this chapter and any rule adopted pursuant to this chapter by the
33 department of transportation. A person acting for a political subdivision in
34 enforcing this chapter is required to be certified by the department of
35 public safety as qualified for the enforcement activities.

36 D. The department may audit records and inspect vehicles transporting
37 hazardous materials, hazardous wastes and hazardous substances as prescribed
38 in title 49.

39 E. This section does not apply to a lightweight motor vehicle **THAT IS**
40 carrying hazardous materials ~~in an amount of less than one thousand pounds or~~
41 ~~not more than one hundred ten gallons of combustible liquid as listed in 49~~
42 ~~Code of Federal Regulations section 172.504(a) table 2~~ **AND THAT IS NOT**
43 **REQUIRED BY THE DEPARTMENT TO BE MARKED OR PLACARDED.**