

REFERENCE TITLE: commercial motor vehicles; civil penalties

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1370

Introduced by
Senator Payne

AN ACT

AMENDING SECTIONS 28-751, 28-1101, 28-1102, 28-1151, 28-3001, 28-5201 AND 28-5242, ARIZONA REVISED STATUTES; RELATING TO COMMERCIAL MOTOR VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-751, Arizona Revised Statutes, is amended to
3 read:

4 28-751. Required position and method of turning

5 The driver of a vehicle intending to turn shall do so as follows:

6 1. Right turns. Both the approach for a right turn and a right
7 turn shall be made as close as practicable to the right-hand curb or edge
8 of the roadway. **THE DRIVER OF A VEHICLE OR COMBINATION OF VEHICLES WITH A
9 TOTAL LENGTH OF AT LEAST FORTY FEET OR A TOTAL WIDTH OF AT LEAST TEN FEET,
10 WITH DUE REGARD FOR ALL OTHER TRAFFIC AND TO THE EXTENT NECESSARY, MAY
11 DEVIATE FROM THE LANE INTO WHICH THE DRIVER IS MAKING A RIGHT TURN.**

12 2. Left turns. The driver of a vehicle intending to turn left
13 shall approach the turn in the extreme left-hand lane lawfully available
14 to traffic moving in the direction of travel of the vehicle. If
15 practicable the driver shall make the left turn from the left of the
16 center of the intersection and shall make the turn to the left lane
17 immediately available for the driver's direction of traffic. **THE DRIVER
18 OF A VEHICLE OR COMBINATION OF VEHICLES WITH A TOTAL LENGTH OF AT LEAST
19 FORTY FEET OR A TOTAL WIDTH OF AT LEAST TEN FEET, WITH DUE REGARD FOR ALL
20 OTHER TRAFFIC AND TO THE EXTENT NECESSARY, MAY DEVIATE FROM THE LANE INTO
21 WHICH THE DRIVER IS MAKING A LEFT TURN.**

22 3. The director or local authorities in their respective
23 jurisdictions may cause markers, buttons or signs to be placed and may
24 require and direct that a different course from that specified in this
25 section be traveled by vehicles turning at an intersection. When markers,
26 buttons or signs are so placed, a driver of a vehicle shall not turn a
27 vehicle other than as directed and required by the markers, buttons or
28 signs.

29 4. Two-way left turn lanes. If a special lane for making left
30 turns by drivers proceeding in opposite directions has been indicated by
31 official traffic control devices:

32 (a) A driver shall not make a left turn from any other lane.

33 (b) A driver shall not drive a vehicle in the lane except if
34 preparing for or making a left turn from or into the roadway or if
35 preparing for or making a u-turn if otherwise permitted by law.

36 Sec. 2. Section 28-1101, Arizona Revised Statutes, is amended to
37 read:

38 28-1101. Weight violations; civil penalty; classification;
39 procedures; evidence

40 A. A person who violates section 28-1099, ~~or~~ 28-1100 **OR 28-1102** is:

41 1. Subject to a civil penalty ~~either~~ **BY ANY ONE OF THE FOLLOWING:**

42 (a) As prescribed in subsection B of this section.

43 (b) **AS PRESCRIBED IN SECTION 28-1102.**

44 ~~(b)~~ (c) Of ~~one-dollar~~ \$1 if the excess weight is one thousand
45 pounds or less.

1 2. Guilty of a class 3 misdemeanor for a second violation ~~of either~~
2 of these sections within six months of the preceding judgment.

3 3. Guilty of a class 2 misdemeanor for a second conviction for a
4 violation of ~~either of~~ these sections within one year of the preceding
5 conviction pursuant to paragraph 2 of this subsection.

6 B. A court shall impose civil penalties as follows:

7	If the excess weight is:	The minimum civil penalty is:
8	1,001 to 1,250 pounds	\$ 100.00
9	1,251 to 1,500	200.00
10	1,501 to 2,000	300.00
11	2,001 to 2,500	400.00
12	2,501 to 3,000	500.00
13	3,001 to 3,500	840.00
14	3,501 to 4,000	980.00
15	4,001 to 4,500	1120.00
16	4,501 to 4,750	1260.00
17	4,751 to 5,000	1400.00
18	5,001 and over	1400.00 plus an additional
19		\$100 for each 1000 pounds of
20		excess weight

21 C. If an officer finds that a person has violated only the axle
22 weight limitation and not the total weight limitation, the officer shall
23 request the driver to shift the load, as reasonable under the
24 circumstances, to comply with the axle weight limitation and
25 notwithstanding section 28-1521 or this section:

26 1. If the driver does not comply with the request of the officer to
27 shift the load, the driver is subject to a civil penalty ~~or a criminal~~
28 ~~penalty~~.

29 2. If the driver complies with the axle weight limitation after
30 shifting the load and the excess axle weight was two thousand five hundred
31 pounds or less:

32 (a) The officer shall not cite the driver.

33 (b) The driver is not subject to a civil penalty ~~or a criminal~~
34 ~~penalty~~ for a violation of the axle weight limitation.

35 3. If the driver shifts the load but does not comply with the axle
36 weight limitation or if the excess axle weight is more than two thousand
37 five hundred pounds, the driver is subject to a civil penalty ~~or a~~
38 ~~criminal penalty~~ for a violation of the axle weight limitation.

39 D. If a person is arrested for violating section 28-1099 or
40 28-1100, the arresting officer may take the person immediately before a
41 magistrate who is within the county in which the offense charged is
42 alleged to have been committed and who has jurisdiction of the offense.
43 If the person is taken before a justice of the peace, the person shall be
44 taken before the nearest or most accessible justice of the peace with
45 reference to the place where the arrest is made.

1 E. The officer or court collecting or receiving a civil penalty,
2 fee, fine or forfeiture for a violation of section 28-1099, ~~or~~ 28-1100 OR
3 28-1102 shall deposit, pursuant to sections 35-146 and 35-147, the amount
4 in the Arizona highway user revenue fund. If a civil penalty, fee or fine
5 is collected, ~~ten dollars~~ \$10 of the civil penalty, fee or fine is
6 deductible as reimbursement of costs from the amount collected, unless the
7 fee or fine is less than ~~ten dollars~~ \$10. The collecting official shall
8 deposit the deducted monies with the city, town or county treasury of the
9 city, town or county prosecuting or processing the violation.

10 F. A weight certificate or any other document that evidences the
11 receipt of goods for shipment, that is issued by a person engaged in the
12 business of transporting or forwarding goods and that states the gross
13 weight of the vehicle with load that is in excess of the prescribed
14 maximum weight limitation ~~permitted by~~ PRESCRIBED IN section 28-1099 or
15 28-1100 is prima facie evidence that the weight of a vehicle and load is
16 unlawful.

17 G. If the commodity being carried is sold by weight, a weight
18 certificate or any other document that evidences the receipt of goods for
19 shipment, that is issued by a person engaged in the business of
20 transporting or forwarding goods and that states the gross weight of the
21 vehicle with load that is not in excess of the prescribed maximum weight
22 limitation permitted by section 28-1100 is prima facie evidence that the
23 gross weight of a vehicle and load is lawful. The presumption that the
24 weight of the vehicle and load is lawful may be rebutted by the weight of
25 the vehicle and load as shown by means of the department's stationary
26 scale or a public weighmaster scale.

27 Sec. 3. Section 28-1102, Arizona Revised Statutes, is amended to
28 read:

29 28-1102. Weighing of vehicles and loads; civil penalty

30 A. A police or peace officer having reason to believe that the
31 weight of a vehicle and load does not conform to this article may require
32 the driver to:

33 1. Stop and submit to a weighing of the vehicle and load by means
34 of either portable or stationary scales.

35 2. Drive the vehicle to the nearest public scales, if the scales
36 are within two miles.

37 B. If on weighing a vehicle and load pursuant to subsection A of
38 this section an officer determines that the weight does not conform to
39 this article, the officer may require the driver to stop the vehicle in a
40 suitable place and remain standing until the portion of the load is
41 removed as necessary to reduce the gross weight of the vehicle to the
42 limit ~~permitted~~ ALLOWED under this article. The owner or operator shall
43 care for the material unloaded at the risk of the owner or operator.

44 C. A driver of a vehicle is ~~guilty of~~ SUBJECT TO a ~~class 3~~
45 ~~misdemeanor~~ CIVIL PENALTY OF \$250 who either:

1 1. Knowingly fails or refuses to stop and submit the vehicle and
2 load to a weighing.

3 2. Knowingly fails or refuses when directed by an officer on a
4 weighing of the vehicle to stop the vehicle and otherwise comply with
5 subsections A and B of this section.

6 D. A peace officer as defined in section 41-1701 or any other peace
7 officer designated by the director may require the weighing of a
8 commercial vehicle by means of portable scales at any time. Failure to
9 submit to weighing as required by this subsection is punishable by a civil
10 penalty, the minimum of which is the minimum civil penalty for over six
11 thousand pounds overweight as prescribed in section 28-1101, subsection B.

12 Sec. 4. Section 28-1151, Arizona Revised Statutes, is amended to
13 read:

14 28-1151. Violation; civil penalty

15 A person who operates, moves or leaves standing on a highway a
16 vehicle or a vehicle carrying or transporting cargo in violation of an
17 envelope permit is ~~guilty of~~ SUBJECT TO a ~~class 1 misdemeanor~~ CIVIL
18 PENALTY OF \$750.

19 Sec. 5. Section 28-3001, Arizona Revised Statutes, is amended to
20 read:

21 28-3001. Definitions

22 In this chapter, unless the context otherwise requires:

23 1. "Cancellation" means the annulment or termination of a driver
24 license because of an error or defect or because the licensee is no longer
25 entitled to the license.

26 2. "Commercial driver license" means a license that is issued to an
27 individual and that authorizes the individual to operate a class of
28 commercial motor vehicles.

29 3. "Commercial motor vehicle" means a motor vehicle or combination
30 of motor vehicles that is used in commerce to transport passengers or
31 property and that includes any of the following:

32 (a) A motor vehicle or combination of motor vehicles that has
33 EITHER a gross combined weight rating OR A GROSS COMBINED WEIGHT of
34 twenty-six thousand one or more pounds inclusive of a towed unit with a
35 gross vehicle weight rating OR A GROSS VEHICLE WEIGHT of more than ten
36 thousand pounds, WHICHEVER IS GREATER.

37 (b) A motor vehicle that has EITHER a gross vehicle weight rating
38 OR A GROSS VEHICLE WEIGHT of twenty-six thousand one or more pounds,
39 WHICHEVER IS GREATER.

40 (c) A bus.

41 (d) A motor vehicle or combination of motor vehicles that is used
42 in the transportation of materials found to be hazardous for the purposes
43 of the hazardous materials transportation authorization act of 1994 (49
44 United States Code sections 5101 through 5128) and is required to be

1 placarded under 49 Code of Federal Regulations section 172.504, as adopted
2 by the department pursuant to chapter 14 of this title.

3 4. "Conviction" has the same meaning prescribed in section 28-101
4 and also means a final conviction or judgment, including an order of a
5 juvenile court finding that a juvenile has violated a provision of this
6 title or has committed a delinquent act that if committed by an adult
7 constitutes any of the following:

8 (a) Criminal damage to property pursuant to section 13-1602,
9 subsection A, paragraph 1.

10 (b) A felony offense in the commission of which a motor vehicle was
11 used, including theft of a motor vehicle pursuant to section 13-1802,
12 unlawful use of means of transportation pursuant to section 13-1803 or
13 theft of means of transportation pursuant to section 13-1814.

14 (c) A forfeiture of bail or collateral deposited to secure a
15 defendant's appearance in court that has not been vacated.

16 5. "Disqualification" means a prohibition from obtaining a
17 commercial driver license or driving a commercial motor vehicle.

18 6. "Employer" means a person, including the United States, a state
19 or a political subdivision of a state, that owns or leases a commercial
20 motor vehicle or that assigns a person to operate a commercial motor
21 vehicle.

22 7. "Endorsement" means an authorization that is added to an
23 individual's driver license and that is required to permit the individual
24 to operate certain types of vehicles.

25 8. "Foreign" means outside the United States.

26 9. "Gross vehicle weight rating" means the weight that is assigned
27 by the vehicle manufacturer to a vehicle and that represents the maximum
28 recommended total weight including the vehicle and the load for the
29 vehicle.

30 10. "Judgment" means a final judgment and any of the following:

31 (a) The finding by a court that an individual is responsible for a
32 civil traffic violation.

33 (b) An individual's admission of responsibility for a civil traffic
34 violation.

35 (c) The voluntary or involuntary forfeiture of deposit in
36 connection with a civil traffic violation.

37 (d) A default judgment entered by a court pursuant to section
38 28-1596.

39 11. "License class" means, for the purpose of determining the
40 appropriate class of driver license required for the type of motor vehicle
41 or vehicle combination a driver intends to operate or is operating, the
42 class of driver license prescribed in section 28-3101.

43 12. "Nondomiciled commercial driver license" means a commercial
44 driver license issued to an individual domiciled in a foreign country or

1 to an individual domiciled in another state if that state is prohibited
2 from issuing commercial driver licenses.

3 13. "Original applicant" means any of the following:

4 (a) An applicant who has never been licensed or cannot provide
5 evidence of licensing.

6 (b) An applicant who is applying for a higher class of driver
7 license than the license currently held by the applicant.

8 (c) An applicant who has a license from a foreign country.

9 14. "Revocation" means that the driver license and driver's
10 privilege to drive a motor vehicle on the public highways of this state
11 are terminated and shall not be renewed or restored, except that an
12 application for a new license may be presented and acted on by the
13 department after one year from the date of revocation.

14 15. "State of domicile" means the state or jurisdiction where a
15 person has the person's true, fixed and permanent home and principal
16 residence and to which the person has the intention of returning after an
17 absence.

18 16. "Suspension" means that the driver license and driver's
19 privilege to drive a motor vehicle on the public highways of this state
20 are temporarily withdrawn during the period of the suspension.

21 17. "Vehicle combination" means a motor vehicle and a vehicle in
22 excess of ten thousand pounds gross vehicle weight that it tows, if the
23 combined gross vehicle weight rating is more than twenty-six thousand
24 pounds.

25 Sec. 6. Section 28-5201, Arizona Revised Statutes, is amended to
26 read:

27 28-5201. Definitions

28 In this chapter, unless the context otherwise requires:

29 1. "Commercial motor vehicle" means a motor vehicle or combination
30 of motor vehicles that is designed, used or maintained to transport
31 passengers or property in the furtherance of a commercial enterprise on a
32 highway in this state, that is not exempt from the gross weight fees as
33 prescribed in section 28-5432, subsection B and that includes any of the
34 following:

35 (a) A single vehicle or combination of vehicles that has EITHER a
36 gross vehicle weight rating OR A GROSS COMBINED WEIGHT of twenty-six
37 thousand one or more pounds, WHICHEVER IS GREATER, and that is used for
38 the purposes of intrastate commerce.

39 (b) A single vehicle or combination of vehicles that has a gross
40 vehicle weight rating of ten thousand one or more pounds and that is used
41 for the purposes of interstate commerce.

42 (c) A school bus.

43 (d) A bus.

44 (e) A vehicle that transports passengers for hire and that has a
45 design capacity for eight or more persons.

1 (f) A vehicle that is used in the transportation of materials found
2 to be hazardous for the purposes of the hazardous materials transportation
3 authorization act of 1994 (49 United States Code sections 5101 through
4 5128) and that is required to be placarded under 49 Code of Federal
5 Regulations section 172.504, as adopted by the department pursuant to this
6 chapter.

7 2. "Declared gross weight" has the same meaning prescribed in
8 section 28-5431. If a declaration has not been made, declared gross
9 weight means gross weight.

10 3. "Gross weight" has the same meaning prescribed in section
11 28-5431.

12 4. "Hazardous material" means a substance that has been determined
13 by the United States department of transportation under 49 Code of Federal
14 Regulations to be capable of posing an unreasonable risk to health, safety
15 and property if transported in commerce.

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

21 6. "Hazardous waste" means a material that is subject to the
22 hazardous waste manifest requirements of the department of environmental
23 quality or the United States environmental protection agency.

24 7. "Manufacturer" means a person who transports or causes to be
25 transported or shipped by a motor vehicle a material that is represented,
26 marked, certified or sold by a person for transportation in commerce.

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

29 9. "Motor vehicle" means any vehicle, machine, truck tractor,
30 trailer or semitrailer that is propelled or drawn by mechanical power and
31 that is used on a public highway in the transportation of passengers or
32 property in the furtherance of a commercial enterprise.

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

38 11. "Public highway" means a public street, alley, road, highway or
39 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. "Shipper" means a person who offers a material for motor
43 vehicle transportation in commerce.

