

ARIZONA STATUTES

TITLE 28. TRANSPORTATION
CHAPTER 1. DEFINITIONS, PENALTIES AND GENERAL PROVISIONS
ARTICLE 1. DEFINITIONS

28-101. Definitions

In this title, unless the context otherwise requires:

1. "Alcohol" means any substance containing any form of alcohol, including ethanol, methanol, propynol and isopropynol.
2. "Alcohol concentration" if expressed as a percentage means either:
 - (a) The number of grams of alcohol per one hundred milliliters of blood.
 - (b) The number of grams of alcohol per two hundred ten liters of breath.
3. "All-terrain vehicle" means a motor vehicle that satisfies all of the following:
 - (a) Is designed primarily for recreational nonhighway all-terrain travel.
 - (b) Is fifty or fewer inches in width.
 - (c) Has an unladen weight of eight hundred pounds or less.
 - (d) Travels on three or more low pressure tires.
 - (e) Has a seat to be straddled by the operator and handlebars for steering control.
 - (f) Is operated on a public highway.
4. "Authorized emergency vehicle" means any of the following:
 - (a) A fire department vehicle.
 - (b) A police vehicle.
 - (c) An ambulance or emergency vehicle of a municipal department or public service corporation that is designated or authorized by the department or a local authority.
 - (d) Any other ambulance, fire truck or rescue vehicle that is authorized by the department in its sole discretion and that meets liability insurance requirements prescribed by the department.
5. "Aviation fuel" means all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion engine for use in an aircraft but does not include fuel for jet or turbine powered aircraft.
6. "Bicycle" means a device, including a racing wheelchair, that is propelled by human power and on which a person may ride and that has either:
 - (a) Two tandem wheels, either of which is more than sixteen inches in diameter.
 - (b) Three wheels in contact with the ground, any of which is more than sixteen inches in diameter.
7. "Board" means the transportation board.
8. "Bus" means a motor vehicle designed for carrying sixteen or more passengers, including the driver.
9. "Business district" means the territory contiguous to and including a highway if there are buildings in use for business or industrial purposes within any six hundred feet along the highway, including hotels, banks or

office buildings, railroad stations and public buildings that occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

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

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

12. "Conviction" means:

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

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

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

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

13. "County highway" means a public road constructed and maintained by a county.

14. "Dealer" means a person who is engaged in the business of buying, selling or exchanging motor vehicles, trailers or semitrailers and who has an established place of business.

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

16. "Director" means the director of the department of transportation.

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

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

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

20. "Electric personal assistive mobility device" means a self-balancing two nontandem wheeled device with an electric propulsion system that limits the maximum speed of the device to fifteen miles per hour or less and that is designed to transport only one person.

21. "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing implements of husbandry.

22. "Foreign vehicle" means a motor vehicle, trailer or semitrailer that is brought into this state other than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in this state.

23. "Golf cart" means a motor vehicle that has not less than three wheels in contact with the ground, that has an unladen weight of less than one thousand eight hundred pounds, that is designed to be and is operated at not more than twenty-five miles per hour and that is designed to carry not more than four persons including the driver.

24. "Hazardous material" means a material, and its mixtures or solutions, that the United States department of transportation determines under 49 Code of Federal Regulations 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.

25. "Implement of husbandry" means a vehicle designed primarily for agricultural purposes and used exclusively in the conduct of agricultural operations, including an implement or vehicle whether self-propelled or

otherwise that meets all of the following conditions:

(a) Is used exclusively for carrying products of farming from one part of a farm to another part of the same farm or from one farm to another farm.

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

(c) Is only incidentally operated or moved on a highway whether as a trailer or self-propelled unit.

26. "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.

27. "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 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.

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

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

30. "Moped" means a bicycle 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 per cent grade.

31. "Motor driven cycle" means a motorcycle, including every motor scooter, with a motor that produces not more than five horsepower.

32. "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 motorized wheelchair, an electric personal assistive mobility device or a motorized skateboard. For the purposes of this subdivision:

(i) "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.

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

33. "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.

34. "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 excluding a tractor and a moped.

35. "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 is designed to carry four or fewer persons.
- (c) The vehicle is designed to be and is operated at speeds of twenty-five miles per hour or less.
- (d) The vehicle has at least four wheels in contact with the ground.
- (e) The vehicle has an unladen weight of less than one thousand eight hundred pounds.

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

37. "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.

38. "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.

39. "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 stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, the conditional vendee or lessee.
- (c) If a mortgagor of a vehicle is entitled to possession of the vehicle, the mortgagor.

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

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

42. "Public transit" means the transportation of passengers on scheduled routes by means of a conveyance on an individual passenger fare-paying basis excluding transportation by a sight-seeing bus, school bus or taxi or

a vehicle not operated on a scheduled route basis.

43. "Reconstructed vehicle" means a vehicle that has been assembled or constructed largely by means of essential parts, new or used, derived from vehicles or makes of vehicles of various names, models and types or that, if originally otherwise constructed, has been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles. For the purposes of this paragraph, "essential parts" means integral and body parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

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

45. "Right-of-way" when used within the context of the regulation of the movement of traffic on a highway means the privilege of the immediate use of the highway. Right-of-way when used within the context of the real property on which transportation facilities and appurtenances to the facilities are constructed or maintained means the lands or interest in lands within the right-of-way boundaries.

46. "School bus" means a motor vehicle that is designed for carrying more than ten passengers and that is either:

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

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

47. "Semitrailer" means a vehicle that is with or without motive power, other than a pole trailer, that is designed for carrying persons or property and for being drawn by a motor vehicle and that is constructed so that some part of its weight and that of its load rests on or is carried by another vehicle. For the purposes of this paragraph, "pole trailer" has the same meaning prescribed in section 28-601.

48. "State" means a state of the United States and the District of Columbia.

49. "State highway" means a state route or portion of a state route that is accepted and designated by the board as a state highway and that is maintained by the state.

50. "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.

51. "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.

52. "Taxi" means a motor vehicle that has a seating capacity not exceeding fifteen passengers, including the driver, that is registered as a taxi in this state or any other state, that provides passenger services and that:

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

(b) Offers local transportation for a fare determined primarily on the basis of the distance traveled.

53. "Trailer" means a vehicle that is with or without motive power, other than a pole trailer, 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.

54. "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.

55. "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.

56. "Vehicle" means a device in, on or by which a person or property is or may be transported or drawn on a public highway, excluding devices moved by human power or used exclusively on stationary rails or tracks.

57. "Vehicle transporter" means either:

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

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

TITLE 28. TRANSPORTATION
CHAPTER 3. TRAFFIC AND VEHICLE REGULATION
ARTICLE 2. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

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, paragraph 1 of this 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.

TITLE 28. TRANSPORTATION
CHAPTER 3. TRAFFIC AND VEHICLE REGULATION
ARTICLE 15. MISCELLANEOUS RULES

28-892. Riding on motorcycle or all-terrain vehicle

A person operating a motorcycle or all-terrain vehicle shall ride only on the permanent and regular seat attached to the motorcycle or all-terrain vehicle. The operator of a motorcycle or all-terrain vehicle shall not carry any other person and any other person shall not ride on a motorcycle or all-terrain vehicle unless the motorcycle or all-terrain vehicle is designed to carry more than one person. On a motorcycle or all-terrain vehicle designed to carry more than one person, a passenger may ride on the permanent and regular seat if it is designed for two persons or on another seat firmly attached to the motorcycle or all-terrain vehicle at the rear or side of the operator.

TITLE 28. TRANSPORTATION
CHAPTER 3. TRAFFIC AND VEHICLE REGULATION
ARTICLE 16. EQUIPMENT

28-924. Motor vehicle head lamps

A. A motor vehicle other than a motorcycle, an all-terrain vehicle or a motor driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle. The head lamps shall comply with the requirements and limitations of this article.

B. A motorcycle, an all-terrain vehicle and a motor driven cycle shall be equipped with at least one and not more than two head lamps that comply with the requirements and limitations of this article.

C. A head lamp on a motor vehicle, including a motorcycle, an all-terrain vehicle and a motor driven cycle, shall be located at a height of not more than fifty-four inches nor less than twenty-four inches to be measured as provided in section 28-923, subsection B.

28-952. Required brake equipment

A. The following brake equipment is required:

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

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

3. When it is operated on a highway a trailer or semitrailer with a gross weight of three thousand pounds or more shall be equipped with brakes that are adequate to control the movement of and to stop and to hold the vehicle and that are designed to either be applied by the driver of the towing motor vehicle from its cab or be of a type that operates automatically when the service brakes of the towing motor vehicle are applied. The brakes shall be designed and connected so that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied, except that brakes are not required on all wheels of a truck that is being towed as a semitrailer and that is being towed in a drive-away, tow-away operation, if the combination of vehicles is capable of complying with all state and federal brake performance requirements. Only those brakes on the vehicle being towed need to be operative as may be necessary to ensure compliance with the performance requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

B. At all times, under all conditions of loading, on a dry, smooth, level road free from loose material and on application of the service or foot brake, a motor vehicle or combination of motor drawn vehicles shall be capable

of being stopped within the distances specified below or of being decelerated at a sustained rate corresponding to these distances:

	Feet to stop from 20 miles per hour	Deceleration in feet per second
Vehicles or combinations of vehicles having brakes on all wheels	30	14
Vehicles or combinations of		

vehicles not having brakes

on all wheels	40	10.7
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C. Brakes shall be maintained in good working order and shall be adjusted to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

28-953. Brakes on all-terrain vehicles and motor driven cycles

A. The director may:

1. Require an inspection of the brake on an all-terrain vehicle or a motor driven cycle.
2. Disapprove a brake that does not comply with the performance ability standard provided in section 28-952 or that is not so designed or constructed to ensure reasonable and reliable performance in actual use.

B. The director may refuse to register or may suspend or revoke the registration of a vehicle referred to in this section if the director determines that the brake on the vehicle does not comply with this section.

C. A person shall not operate on a highway a vehicle referred to in this section if the director has disapproved the brake equipment on the vehicle or type of vehicle.

28-955.01. Motorcycles; noise level equipment; unauthorized equipment

A. A person shall not operate or as an owner permit the operation of a motorcycle in this state that is not equipped with the manufacturer's original muffler or other original noise reduction equipment or with a replacement muffler or replacement noise reduction equipment capable of reducing the noise levels below the maximum operating noise levels established by the department pursuant to section 28-955.02.

B. A person shall not use a muffler cutout, bypass or similar device on a motorcycle operated in this state.

28-955.02. Motorcycle noise level rules

A. The department shall establish by rule maximum operating noise levels for motorcycles operated in this state.

B. The rules shall:

1. Provide for varying maximum operational noise levels for motorcycles, categorized by year of manufacture and speed of operation of the motorcycle.
2. Be based on noise reduction levels achieved by reasonable and prudent operation of a motorcycle and proper maintenance of the noise reduction equipment.

28-955.03. Exemption for racing motorcycles; definition

A. Sections 28-955.01 and 28-955.02 do not apply to a racing motorcycle operated in a racing event or in a facility used for a racing event.

B. For the purposes of this section, "racing motorcycle" means either:

1. A motorcycle that is intended by the manufacturer to be operated at a facility used for a racing event.
2. A motorcycle that has been modified by the owner to be operated at a facility used for a racing event.

28-964. Motorcycles; all-terrain vehicles; motor driven cycles; equipment; exception; prohibition

A. An operator or passenger of a motorcycle, all-terrain vehicle or motor driven cycle who is under eighteen years of age shall wear at all times a protective helmet on the operator's or passenger's head in an appropriate manner. The protective helmet shall be safely secured while the operator or passenger is operating or riding on the motorcycle, all-terrain vehicle or motor driven cycle. An operator of a motorcycle, all-terrain vehicle or motor driven cycle shall wear at all times protective glasses, goggles or a transparent face shield of a type approved by the director unless the motorcycle, all-terrain vehicle or motor driven cycle is equipped with a protective windshield. This subsection does not apply to electrically powered three wheeled vehicles or three wheeled vehicles on which the operator and passenger ride within an enclosed cab.

B. A motorcycle, all-terrain vehicle and motor driven cycle shall be equipped with a rearview mirror, seat and footrests for the operator. A motorcycle, all-terrain vehicle or motor driven cycle operated with a passenger shall be equipped with a seat, footrests and handrails for the passenger.

C. A person shall not operate a motorcycle, all-terrain vehicle or motor driven cycle equipped with handlebars that are positioned so that the hands of the operator are above the operator's shoulder height when the operator is sitting astride the seat and the operator's hands are on the handlebar grips.

TITLE 28. TRANSPORTATION
CHAPTER 3. TRAFFIC AND VEHICLE REGULATION
ARTICLE 20. OFF-HIGHWAY VEHICLES

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 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. "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.

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.

(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 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. "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.

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.

28-1175. Instruction course; fee

A. The department shall conduct or approve an educational course of instruction in off-highway vehicle safety and environmental ethics. The course shall include instruction on off-highway vehicle uses that limit air pollution and harm to natural terrain, vegetation and animals. Successful completion of the course requires successful passage of a written examination.

B. Any governmental agency, corporation or other individual that conducts a training and educational course that is approved by the department may collect a fee that is reasonable and commensurate for the training and that does not exceed fifty dollars.

28-1172. Applicability; private and Indian lands

This article applies to all lands in this state except private land and Indian land.

28-1173. Enforcement

All peace officers of this state and counties, cities or towns and other duly authorized state and federal employees shall enforce this article.

28-1174. Operation restrictions; violation; classification

A. It is unlawful for a person to drive an off-highway vehicle with reckless disregard for the safety of persons or property.

B. A person who violates this section is guilty of a class 2 misdemeanor.

C. In addition to or in lieu of the fine prescribed by this section, a judge may order the person to perform at least eight but not more than twenty-four hours of community service or to complete an approved safety course, or both.

28-1176. Off-highway vehicle recreation fund

A. An off-highway vehicle recreation fund is established. The fund consists of:

1. Monies appropriated by the legislature.
2. Monies deposited pursuant to section 28-5927.
3. Federal grants and private gifts.
4. Matching monies from federal, state, local or private entities.

B. Monies in the off-highway vehicle recreation fund are appropriated to the Arizona state parks board solely for the purposes provided in this article. Interest earned on monies in the fund shall be credited to the fund. Monies in the off-highway vehicle recreation fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

C. The Arizona game and fish department shall spend thirty per cent of the monies in the off-highway vehicle recreation fund for an informational and educational program on off-highway vehicle recreation and law enforcement activities relating to this article and for off-highway vehicle law enforcement pursuant to title 17, chapter 4, article 3.

D. The Arizona state parks board shall spend seventy per cent of the monies in the off-highway vehicle recreation fund for the following purposes:

1. No more than eighteen per cent to fund staff support to plan and administer the off-highway vehicle recreation fund.

2. To establish a facility development program based on the priorities established in the off-highway vehicle plan.

3. To establish a matching fund program for funding off-highway related law enforcement, informational and environmental education programs, mitigation of environmental damage, facility development, land acquisition and construction of off-highway vehicle related facilities.

E. The allocation of the monies in the matching fund program prescribed in subsection D, paragraph 3 of this section and the percentages allocated to each of the purposes prescribed in the program shall be determined by an off-highway vehicle plan prepared by the Arizona outdoor recreation coordinating commission and approved by the state parks board.

F. Monies in the matching fund program established under subsection D, paragraph 3 of this section shall be distributed in an amount determined by the Arizona outdoor recreation coordinating commission to a qualified state or federal agency, city, town, county or tribal government. The Arizona state parks board may require additional matching monies that may be direct monies or in-kind services from these entities before the distribution pursuant to this subsection.

G. Agencies receiving monies under this section shall use the monies:

1. To designate, construct, maintain and manage off-highway vehicle recreation facilities, off-highway vehicle use areas and off-highway vehicle trails within land under the jurisdiction of the particular agency.

2. For enforcement of off-highway vehicle laws.

3. For mitigation of damages to land.

4. For off-highway vehicle related environmental education.

H. The Arizona outdoor recreation coordinating commission shall examine applications for eligible projects and determine the amount of funding, if any, for each project.

TITLE 28. TRANSPORTATION
CHAPTER 7. CERTIFICATE OF TITLE AND REGISTRATION
ARTICLE 1. GENERAL PROVISIONS

28-2003. Fees; vehicle title and registration; identification plate; definition

A. The following fees are required:

1. For each certificate of title, salvage certificate of title, restored salvage certificate of title or nonrepairable vehicle certificate of title, four dollars.

2. For each certificate of title for a mobile home, seven dollars. The director shall deposit three dollars of each fee imposed by this paragraph in the state highway fund established by section 28-6991.

3. For the registration of a motor vehicle, eight dollars, except that the fee for motorcycles is nine dollars.

4. For a duplicate registration card or any duplicate permit, four dollars.

5. For each special ninety day nonresident registration issued under section 28-2154, fifteen dollars.

6. Except as provided in paragraph 7 of this subsection, for the registration of a trailer or semitrailer that is ten thousand pounds or less gross vehicle weight, eight dollars, and for the registration of a trailer or semitrailer that exceeds ten thousand pounds gross vehicle weight:

(a) On initial registration, a one-time fee of two hundred forty-five dollars.

(b) On renewal of registration or if previously registered in another state, a one-time fee of:

(i) If the trailer's or semitrailer's model year is less than six years old, one hundred forty-five dollars.

(ii) If the trailer's or semitrailer's model year is at least six years old, ninety-five dollars.

7. For the registration of a noncommercial trailer that is not a travel trailer and that is less than six thousand pounds gross vehicle weight:

(a) On initial registration, a one-time fee of twenty dollars.

(b) On renewal of registration, a one-time fee of five dollars.

8. For a transfer of a noncommercial trailer that is not a travel trailer and that is less than six thousand pounds gross vehicle weight, twelve dollars.

9. For each special ninety day resident registration issued under section 28-2154, fifteen dollars.

10. For each one trip registration permit issued under section 28-2155, one dollar.

11. For each temporary general use registration issued under section 28-2156, fifteen dollars.

12. For each identification plate bearing a serial or identification number to be affixed to any vehicle, five dollars.

B. For the purposes of this section, "travel trailer" means a trailer that is:

1. Mounted on wheels.

2. Designed to provide temporary living quarters for recreational, camping or travel use.

3. Less than eight feet in width and less than forty feet in length.

TITLE 28. TRANSPORTATION
CHAPTER 7. CERTIFICATE OF TITLE AND REGISTRATION
ARTICLE 2. CERTIFICATE OF TITLE AND REGISTRATION

28-2051. Application for certificate of title; vision screening test

A. A person shall apply to the department on a form prescribed or authorized by the department for a certificate of title to a motor vehicle, trailer or semitrailer. The person shall make the application within fifteen days of the purchase or transfer of the vehicle, trailer or semitrailer. All transferees shall sign the application, except that one transferee may sign the application if both of the following apply:

1. The application is for the purposes of converting an out-of-state certificate of title to a certificate of title issued pursuant to this article.

2. The ownership or legal status of the motor vehicle, trailer or semitrailer does not change.

B. The application shall contain:

1. The transferee's full name and either the driver license number of the transferee or a number assigned by the department.

2. The transferee's complete residence address.

3. A brief description of the vehicle to be titled.

4. The name of the manufacturer of the vehicle.

5. The serial number of the vehicle.

6. The last license plate number if applicable and if known and the state in which the license plate number was issued.

7. If the application is for a certificate of title to a new vehicle, the date of sale by the manufacturer or dealer to the person first operating the vehicle.

8. If the application is in the name of a lessor:

- (a) The lessor shown on the application as the owner or transferee.
- (b) At the option of the lessor, the lessee shown on the application as the registrant.
- (c) The address of either the lessor or lessee.
- (d) The signature of the lessor.

9. If the application is for a certificate of title to a specially constructed, reconstructed or foreign vehicle, a statement of that fact. For the purposes of this paragraph, "specially constructed vehicle" means a vehicle not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles.

10. If an applicant rents or intends to rent the vehicle without a driver, a statement of that fact.

11. Other information required by the department.

C. Unless subsection B, paragraph 8 of this section applies, on request of an applicant, the department shall allow the applicant to provide on the title of a motor vehicle, trailer or semitrailer a post office box address that is regularly used by the applicant.

D. A person shall submit the following information with an application for a certificate of title:

1. To a vehicle previously registered:

(a) The odometer mileage disclosure statement prescribed by section 28-2058.

(b) If the applicant is applying for title pursuant to section 28-2060, the applicant's statement of the odometer reading as of the date of application.

2. To a new vehicle:

(a) A certificate or electronic title from the manufacturer showing the date of sale to the dealer or person first receiving the vehicle from the manufacturer. Before the department issues a certificate of title to a new vehicle, a certificate or electronic title from the manufacturer shall be surrendered to the department.

(b) The name of the dealer or person.

(c) A description sufficient to identify the vehicle.

(d) A statement certifying that the vehicle was new when sold.

(e) If sold through a dealer, a statement by the dealer certifying that the vehicle was new when sold to the applicant.

E. The department may request an applicant who appears in person for a certificate of title of a motor vehicle, trailer or semitrailer to complete satisfactorily the vision screening test prescribed by the department.

28-2053. Certificate of title without registration

The department may issue a vehicle certificate of title without registration for any of the following reasons:

1. The applicant for a certificate of title is a nonresident whose vehicle is not subject to vehicle registration in this state.

2. The owner will register the vehicle under article 7 or 8 of this chapter.

3. The applicant certifies that the vehicle was acquired for purposes other than highway use.

4. The vehicle was acquired by operation of law.

5. The vehicle is an off-road recreational motor vehicle required to be titled pursuant to section 28-2061.

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

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.

TITLE 28. TRANSPORTATION
CHAPTER 7. CERTIFICATE OF TITLE AND REGISTRATION
ARTICLE 5. REGISTRATION REQUIREMENTS GENERALLY

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

TITLE 28. TRANSPORTATION
CHAPTER 7. CERTIFICATE OF TITLE AND REGISTRATION
ARTICLE 15. DISTINCTIVE VEHICLES

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.

TITLE 28. TRANSPORTATION
CHAPTER 9. VEHICLE INSURANCE AND FINANCIAL RESPONSIBILITY
ARTICLE 4. MANDATORY MOTOR VEHICLE INSURANCE

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.

TITLE 28. TRANSPORTATION
CHAPTER 16. TAXES
ARTICLE 1. MOTOR FUEL TAXES

28-5617. Vendors; receipt

A. A vendor of use fuel, the use of which is taxable under this article, who sells and delivers the use fuel into a fuel tank shall give the user a receipt for the use fuel. The receipt shall include the following:

1. The date of purchase.
2. The seller's name and address.
3. The number of gallons purchased.
4. The type of fuel purchased.
5. The price per gallon of the fuel.
6. The rate of tax paid.
7. Other information required by the director.

B. A person who is the owner of use fuel that is contained in bulk storage and who permits the fuel to be delivered into the fuel tank of a motor vehicle for which the person is not the owner or lessee:

1. Is presumed to be a vendor of use fuel.
2. Shall comply with the requirements in this article for vendors of use fuel.

TITLE 41. STATE GOVERNMENT
CHAPTER 3. ADMINISTRATIVE BOARDS AND COMMISSIONS
ARTICLE 1.1. ARIZONA STATE PARKS BOARD

41-511.04. Duties; board; partnership fund; state historic preservation officer

A. The board shall:

1. Select areas of scenic beauty, natural features and historical properties now owned by the state, except properties in the care and custody of other agencies by virtue of agreement with the state or as established by law, for management, operation and further development as state parks and historical monuments.
2. Manage, develop and operate state parks, monuments or trails established or acquired pursuant to law, or previously granted to the state for park or recreation purposes, except those falling under the jurisdiction of other state agencies as established by law.
3. Investigate lands owned by the state to determine in cooperation with the agency that manages the land which tracts should be set aside and dedicated for use as state parks, monuments or trails.
4. Investigate federally owned lands to determine their desirability for use as state parks, monuments or trails and negotiate with the federal agency having jurisdiction over such lands for the transfer of title to the Arizona state parks board.
5. Investigate privately owned lands to determine their desirability as state parks, monuments or trails and negotiate with private owners for the transfer of title to the Arizona state parks board.
6. Enter into agreements with the United States, other states or local governmental units, private societies or persons for the development and protection of state parks, monuments and trails.
7. Plan, coordinate and administer a state historic preservation program including the program established pursuant to the national historic preservation act of 1966, as amended.
8. Advise, assist and cooperate with federal and state agencies, political subdivisions of this state and other persons in identifying and preserving properties of historic or prehistoric significance.
9. Keep and administer an Arizona register of historic places composed of districts, sites, buildings, structures and objects significant in this state's history, architecture, archaeology, engineering and culture which meet criteria which the board establishes or which are listed on the national register of historic places. Entry on the register requires nomination by the state historic preservation officer and owner notification in accordance with rules which the board adopts.
10. Accept, on behalf of the state historic preservation officer, applications for classification as historic property received from the county assessor.
11. Adopt rules with regard to classification of historic property including:
 - (a) Minimum maintenance standards for the property.
 - (b) Requirements for documentation.
12. Monitor the performance of state agencies in the management of historic properties as provided in chapter 4.2 of this title.
13. Advise the governor on historic preservation matters.

14. Plan and administer a statewide parks and recreation program including the programs established pursuant to the land and water conservation fund act of 1965 (P.L. 88-578; 78 Stat. 897).

15. Prepare, maintain and update a comprehensive plan for the development of the outdoor recreation resources of this state.

16. Initiate and carry out studies to determine the recreational needs of this state and the counties, cities and towns.

17. Coordinate recreational plans and developments of federal, state, county, city, town and private agencies.

18. Receive applications for projects to be funded through the land and water conservation fund, the state lake improvement fund and the law enforcement and boating safety fund on behalf of the Arizona outdoor recreation coordinating commission.

19. Provide staff support to the Arizona outdoor recreation coordinating commission.

20. Maintain a statewide off-highway vehicle recreational plan which shall be updated at least once every six years and shall be used by all participating agencies to guide distribution and expenditure of monies under section 28-1176.

21. Collaborate with the state forester in presentations to legislative committees on issues associated with forest management and wildfire prevention and suppression as provided by section 37-622, subsection B.

B. Notwithstanding section 41-511.11, the board may annually collect and expend monies to plan and administer the land and water conservation fund program, in conjunction with other administrative tasks and recreation plans, as a surcharge to subgrantees in a proportionate amount, not to exceed ten per cent, of the cost of each project. The surcharge monies shall be set aside to fund staff support for the land and water conservation fund program.

C. A partnership fund is established consisting of monies received pursuant to subsection B of this section, monies received from intergovernmental agreements pursuant to title 11, chapter 7, article 3 and monies received pursuant to section 35-148. The board shall administer the fund monies as a continuing appropriation for the purposes provided in these sections.

D. The state historic preservation officer shall:

1. In cooperation with federal and state agencies, political subdivisions of this state and other persons direct and conduct a comprehensive statewide survey of historic properties and maintain inventories of historic properties.

2. Identify and nominate eligible properties to the national register of historic places and the Arizona register of historic places and otherwise administer applications for listing historic properties on the national and state registers.

3. Administer grants-in-aid for historic preservation projects within this state.

4. Advise, assist and monitor, as appropriate, federal and state agencies and political subdivisions of this state in carrying out their historic preservation responsibilities and cooperate with federal and state agencies, political subdivisions of this state and other persons to ensure that historic properties are taken into consideration at all levels of planning and development.

5. Develop and make available information concerning professional methods and techniques for the preservation of historic properties.

6. Make recommendations on the certification, classification and eligibility of historic properties for property tax and investment tax incentives.

41-511.22. Trail systems plan; deposit of monies; definition

A. The board shall prepare a trail systems plan that:

1. Identifies on a statewide basis the general location and extent of significant trail routes, areas and complementary facilities.
2. Assesses the physical condition of the systems.
3. Assesses usage of trails.
4. Describes specific policies, standards and criteria to be followed in adopting, developing, operating and maintaining trails in the systems.
5. Recommends to federal, state, regional, local and tribal agencies and to the private sector actions which will enhance the trail systems.

B. The plan shall be revised at least once every five years.

C. Monies from gifts, grants and other donations received by the board for the trail systems plan shall be deposited in a separate account of the state parks fund established by section 41-511.11 and may be allocated by the board for special trail project priorities established annually by the board.

D. Monies deposited in the state parks fund account shall be used for providing state monies up to an amount equal to the amount of cash, materials and labor from any other source for the planning, acquisition, maintenance or operation of the trails and for administrative expenses of not more than twenty per cent of total account monies.

E. For purposes of this section, "trail systems" means coordinated systems of trails in this state.

TITLE 41. STATE GOVERNMENT
CHAPTER 3. ADMINISTRATIVE BOARDS AND COMMISSIONS
ARTICLE 1.2. ARIZONA OUTDOOR RECREATION COORDINATING COMMISSION

41-511.25. Arizona outdoor recreation coordinating commission; members; powers and duties

A. The Arizona outdoor recreation coordinating commission is established. The commission shall be composed of seven members consisting of the director of the Arizona game and fish department, the director of the Arizona state parks board and five members appointed by the governor. The ex officio members may not serve as officers of the commission. Of the members appointed by the governor three shall be professional full-time parks and recreation department directors of a county, city, or town and no two shall reside in the same county. Two members appointed by the governor shall be from the general public and each shall have broad experience in outdoor recreation. Of the five appointed members, no more than two shall reside in the same county. Each appointed member shall be appointed for a term of three years. Appointed members shall be reimbursed for expenses incurred while attending meetings called by the commission as prescribed by section 38-624.

B. The commission shall:

1. Review statewide outdoor recreation and lake improvement plans and provide comments to the Arizona state parks board.
2. Review budget proposals for the use of land and water conservation fund surcharges and the state lake improvement fund for planning and administration and provide recommendations to the Arizona state parks board.
3. Establish criteria and policies for the equitable distribution of funding, review applications for eligible

projects and determine the amount of funding, if any, for each project to be funded from the land and water conservation fund, the state lake improvement fund, the law enforcement and boating safety fund and the off-highway vehicle recreation fund.

TITLE 49 THE ENVIRONMENT
CHAPTER 3. AIR QUALITY
ARTICLE 5. ANNUAL EMISSIONS INSPECTION OF MOTOR VEHICLES

49-542.04. Off-road vehicle and engine standards

A. The department shall adopt rules for air pollution emission standards for off-road vehicles and engines marketed in the state beginning with the 1999 model year.

B. The standards may include the following categories:

1. Heavy-duty diesel vehicles rated at 175-750 horsepower.
2. Small utility and lawn and garden equipment engines rated at less than twenty-five horsepower.
3. Recreational vehicles rated at less than twenty-five horsepower.
4. Specialty engines and go-carts rated at greater than twenty-five horsepower.
5. Off-road motorcycles and all terrain vehicles.

C. In a county with a population of more than one million two hundred thousand persons according to the most recent United States decennial census, the department shall adopt rules for air pollution emission standards for golf cart engines.