

# Arizona Peace Officer Standards and Training

## Basic Curriculum Model Lesson Plan

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**LESSON TITLE: TITLE 28- TRAFFIC LAW 4.6**

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SUBJECT:	Title 28 – Traffic Law
AZ POST DESIGNATION:	4.6
HOURS:	15
COURSE CONTENT:	An analysis of the most frequently used sections of A.R.S. Title 28. The elements of each offense and their application are emphasized.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will:
4.6.1	Identify the following definitions:
	A.    A.R.S. §28-101.
	1.    All-terrain vehicles.
	2.    Authorized emergency vehicles.
	3.    Auto cycle.
	4.    Bicycle.
	5.    Bus.
	6.    Driver.
	7.    Golf cart.
	8.    Implements of husbandry.
	9.    Local authority.
	10.   Moped.

11. Motor driven cycle.
  12. Motor vehicle.
  13. Motorcycle.
  14. Motorized Quadricycle
  15. Operator.
  16. Pedestrian.
  17. Right-of-way.
  18. School bus.
  19. Semi-trailer.
  20. State highway.
  21. Trailer.
  22. Truck.
  23. Vehicle.
- B. A.R.S. §28-601.
1. Controlled access highway.
  2. Crosswalk.
  3. Intersection.
  4. Official traffic control device.
  5. Park.
  6. Private road or driveway.
  7. Roadway.
  8. Sidewalk.
  9. Stop.

- 10. Traffic.
  - 11. Traffic control signal.
  - C. Resident defined – A.R.S. §28-2001.
- 4.6.2 Identify the provisions of the following Arizona Transportation Laws:
- A. Driver’s license – A.R.S. §28-3151.
    - 1. Instruction permits – A.R.S. §§28-3154 and 28-3155.
    - 2. Endorsement requirements – A.R.S. §28-3103.
  - B. Registration – A.R.S. §§28-2153, 28-2532 and 28-2533.
    - 1. Dealer’s special license plates – A.R.S. §28-4532.
    - 2. Temporary registration – A.R.S. §§28-4550 through 28-4551.
  - C. Financial responsibility – A.R.S. §§28-4132 through 28-4135
- 4.6.3 Identify that traffic laws apply to a person riding animals or driving animal-drawn vehicles – A.R.S. §28-625.
- 4.6.4 Identify the following provisions of law with regard to the crime of altering a motor vehicle serial or identification numbers:
- A. Elements of the crime – A.R.S. §§28-4593 and 28-2531.
  - B. Disposition of such vehicles – A.R.S. §28-4594.
- 4.6.5 Identify the elements of unlawful flight from a pursuing law enforcement officer.
- A. A.R.S. §28-622.
  - B. A.R.S. §28-622.01.
- 4.6.6 Identify the elements of reckless driving per A.R.S. §28-693.

- 4.6.7 Identify the elements of reporting collisions per A.R.S. §§28-661 through 28-667.
- 4.6.8 Identify the elements of equipment violations.
- A. Vehicle equipment – A.R.S. §§28-921 through 28-965.
  - B. Unsafe vehicle load – A.R.S. §28-1098.
  - C. Extended load limits – A.R.S. §§28-1096 and 28-1097.
  - D. Unsafe vehicles – A.R.S. §§28-921 and 28-981.
- 4.6.9 Identify the elements of speed restrictions per A.R.S. §§28-701 through 28-708.
- 4.6.10 Identify the elements of other violations:
- A. Traffic control signals and devices – A.R.S. §§28-643 through 28-651.
  - B. Driving on the right side of the road and overtaking/passing – A.R.S. §§28-721 through 28-737.
  - C. Turning, starting, stopping and signals – A.R.S. §§28-751 through 28-756.
  - D. Yield to emergency vehicle – A.R.S. §28-775.
  - E. Right-of-way – A.R.S. §§28-771 through 28-776.
  - F. Required stop – A.R.S. §§28-851 through 28-858.
  - G. Stopping, standing or parking – A.R.S. §§28-871, 28-873, 28-874 and 28-875.
  - H. Dumping refuse, rubbish or debris on highways or airports – A.R.S. §28-7056.
  - I. Parties to a crime/traffic offense – A.R.S. §28-1551.
  - J. Throwing or dropping objects from overpass – A.R.S. §28-898 and §13-3720.
- 4.6.11 Identify the elements of pedestrian rights and duties per A.R.S.

§§28-791 through 28-797.

- 4.6.12 Identify the elements of bicycle operation per A.R.S. §§28-811 through 28-817.
- 4.6.13 Identify the elements of vehicle restraints:
- A. Passenger restraints – A.R.S. §28-909(A).
  - B. Child restraints – A.R.S. §28-907.
- 4.6.14 Identify the elements of lost, stolen or abandoned vehicles – towing, storage, report and sale per A.R.S. §§28-4831 through 28-4838.
- 4.6.15 Identify the elements of stolen vehicles, reporting and inspecting, per A.R.S. §§28-4844 through 28-4846.

DATE FIRST PREPARED:

March 2001

PREPARED BY:

SME Committee

REVIEWED – **REVISED:**

SME Committee

DATE: December 2001

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DATE: July 2019

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DATE: October 2021

INSTRUCTOR REFERENCES:

A.R.S. Title 28

CLASS LEVEL:

Student

TRAINING AIDS:

Mesa P.D. Goped handout.

<http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY:

Interactive lecture and class discussion.

SUCCESS CRITERIA:

70% or higher on a written, multiple-choice examination.

DATE RELEASED TO THE SHARE FILE:

May 27, 2022

**I. INTRODUCTION**

- A. Instructor – (self) introduction.
- B. Preview of performance objectives.

**II. A.R.S. TITLE 28, CHAPTER 1, ARTICLE 1 – DEFINITIONS****P.O. 4.6.1A****A. 28-101 Authorized emergency vehicle.****P.O. 4.6.1A1**

- 1. Fire department vehicle.
- 2. Police vehicle.
- 3. 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.
- 4. 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.

**B. 28.101 Autocycle**

- 1. Three wheeled motorcycle on which the driver and passenger ride in a completely enclosed seating area or equipped with a roll cage.
- 2. Equipped with 3-point safety belts, bucket or bench seat, and anti-lock brakes.
- 3. Controlled with steering wheel and pedals.

**C. 28.101 Bicycle.****P.O. 4.6.1A2**

- 1. Includes racing wheelchairs.
- 2. Propelled by human power.
- 3. Upon which any person may ride.
- 4. Having two (2) tandem wheels, either of which is more than 16 inches in diameter.
- 5. Having three (3) wheels in contact with the ground, any of which is more than 16 inches in diameter.

**D. 28.101 Bus.****P.O. 4.6.1A3**

- 1. Motor vehicle designed for carrying 16 or more passengers, including the driver.

2. Vans are not usually designed for carrying more than 16 people.
- E. 28-101 Driver. **P.O. 4.6.1A4**
1. To drive, or is in actual physical control of, a vehicle.
  2. Driver is in physical control if the driver is behind the wheel and the motor is running.  
***INSTRUCTOR NOTE:*** Subject to the County Attorney's interpretations. Check with your FTO and Supervisor.
  3. Driver may be in physical control if the driver is behind the wheel and the motor is not running.
  4. Driver is not in physical control if behind the wheel and no keys in ignition.
- F. 28-101 Golf cart. **P.O. 4.6.1A5**
1. Motor vehicle that has not less than three (3) wheels in contact with the ground.
  2. Unladen weight of less than 1,800 pounds.
  3. Designed to be, and is operated at, not more than 25 m.p.h.
  4. Designed to carry not more than four (4) persons including the driver.
- G. 28.101 Implements of husbandry. **P.O. 4.6.1A6**
1. Vehicles designed primarily for agricultural purposes.
  2. Used exclusively in the conduct of agricultural operations.
  3. Used exclusively for carrying products of farming from one (1) part of a farm to another part of the same farm or from one (1) farm to another farm.
  4. Only incidentally operated or moved on a highway.
- H. 28-101 Local authority. **P.O. 4.6.1A7**
1. Any county, municipality or other local board or body exercising jurisdiction over highways under the constitution and laws of this state.
- I. 28-101 Moped. **P.O. 4.6.1A8**
1. Bicycle equipped with a helper motor.
  2. Maximum piston displacement of 50 cubic centimeters or less.



3. Brake horsepower of one and one half (1 ½) or less.

4. Maximum speed of 25 m.p.h. or less on a flat surface.

J. 28-101 Motor driven cycle.

**P.O. 4.6.1A9**

1. Motorcycle, including motor scooter with a motor, that produces not more than five (5) horsepower.

K. 28-101 Motor vehicle.

**P.O. 4.6.1A10**

1. Self-propelled vehicle.

2. Propelled by the use of motor vehicle fuel.

3. Does not include a motorized wheelchair.

4. Does not include a motorized skateboard.

5. ATV/Recreational Vehicle (as of January 2012).

L. 28-101 Motorcycle.

**P.O. 4.6.1A11**

1. Motor vehicles having a seat or saddle for use of by the rider.

2. Not more than three (3) wheels in contact with the ground.

3. Excludes tractor and moped. Old style three (3)-wheel tractor.

M. 28-101 Motorized Quadricycle

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

2. The vehicle has at least four (4) wheels in contact with the ground.

3. The vehicle seats at least eight (8) passengers, including the driver.

4. The vehicle is operable on a flat surface using solely the electric motor without assistance from the pedals or passengers. **INSTRUCTOR NOTE:** *Classified as a Commercial Motor Vehicle and limousine.*

N. 28-101 Operator.

**P.O. 4.6.1A12**

1. A person who drives a motor vehicle on a highway.

2. Actual physical control on a highway.
  3. Exercising control over steering of a vehicle being towed by a motor vehicle.
- O. 28-101 Pedestrian. **P.O. 4.6.1A13**
1. Person afoot.
  2. Person in a wheelchair (manual or motorized).
  3. Person who uses an electric personal assistive mobility device.
- P. 28-101 Right-of-way: Privilege of immediate use of the highway. **P.O. 4.6.1A14**
- Q. 28-101 School bus. **P.O. 4.6.1A15**
1. Motor vehicle, which is designed for carrying more than 10 passengers.
  2. Owned by the public or governmental agency.
  3. Privately owned and operated for compensation for the transportation of children to or from home or school on a regularly-scheduled basis.
- R. 28-101 Semi trailer. **P.O. 4.6.1A16**
1. Vehicle that is with or without motive power, other than a pole trailer, that is designed for carrying persons or property.
  2. Being drawn by a motor-powered vehicle.
  3. Some part of its weight and that of its load rests on, or is carried by, another vehicle.
- S. 28-101 State highway. **P.O. 4.6.1A17**
1. Any state route or portion thereof.
  2. Designed by the transportation board.
  3. Maintained by the state.
- T. 28-101 Trailer. **P.O. 4.6.1A18**
1. Vehicle that is with or without motive power, other than a pole trailer, that is designed for carrying persons or property.

2. Being drawn by a motor vehicle.
3. No part of vehicle weight or load rests upon the towing vehicle.

U. 28-101 Truck.

**P.O. 4.6.1A19**

1. Motor vehicle designed or used primarily for the carrying of property other than the effects of the driver or passengers.
2. Includes a motor vehicle to which has been added a box, platform or other equipment for such carry.

V. 28-101 Truck tractor.

**P.O. 4.6.1A19a**

1. Motor vehicles designed and used primarily for drawing other vehicles.
2. Not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

W. 28-101 Vehicle.

**P.O. 4.6.1A20**

1. A device in, upon, or by which a person or property is, or may be, transported or drawn on a public highway (horse drawn is a vehicle).
2. Excludes devices moved by human power or used exclusively on stationary rails or tracks (bicycles are not vehicles). **INSTRUCTOR NOTE:** See: 28-812, applicability of traffic laws to bicycle riders.

**III. A.R.S. TITLE 28, CHAPTER 1, ARTICLE 2**

A. 28-121.A Violation; classification.

1. Class 2 misdemeanor unless otherwise defined.
2. Civil traffic for Chapters 3, 5, 7, 8 and 9, Article 4 or Chapter 10, Article 10.

**IV. A.R.S. TITLE 28, CHAPTER 2, ARTICLE 5**

A. 28-448.A Notice of address or name change for driver's license or identification card.

1. Ten (10) days.
2. Name or address change.
3. Driver's license, title or vehicle registration.
4. Notify by telephone, internet, in writing or in person.

- V. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 1 P.O. 4.6.1B**
- A. 28-601 Controlled access highway. **P.O. 4.6.1B1**
1. A highway, street or roadway.
  2. To, or from, which owners or occupants of abutting lands and other persons have no legal right of access.
  3. Except at such points only and in the manner determined by the public authority that has jurisdiction over the highway, street or roadway.
- B. 28-601 Crosswalk. **P.O. 4.6.1B2**
1. Prolongation of lateral lines of the sidewalks.
  2. Pedestrian crossing marked by lines.
- C. 28-601 Intersection: Area within the prolongation of the lateral curb lines. **P.O. 4.6.1B3**
1. Any sign, signal, marking or device.
  2. Erected by authority of a public body having jurisdiction.
  3. Purpose of regulating, warning or guiding traffic.
- D. 28-601 Official traffic control device. **P.O. 4.6.1B4**
1. Any sign, signal, marking or device.
  2. Erected by authority of a public body having jurisdiction.
  3. Purpose of regulating, warning or guiding traffic.
- E. 28-601 Park. **P.O. 4.6.1B5**
1. Standing of a vehicle, occupied or not.
  2. Except for temporary loading or unloading.
- F. 28-601 Private road or driveway, privately owned and used with permission of the owner. **P.O. 4.6.1B6**
- G. 28-601 Roadway. **P.O. 4.6.1B7**

1. That portion of highway that is improved, designed or ordinarily used for vehicular travel.
2. Exclusive of the berm or shoulder.
3. If more than one (1) roadway, the term “roadway” does not include all collectively.

H. 28-601 Sidewalk. **P.O. 4.6.1B8**

1. Area between curb or lateral lines of roadway and adjacent property lines.
2. Intended for the use of pedestrians.

I. 28-601 Stop. **P.O. 4.6.1B9**

1. Complete cessation of movement.

J. 28-601.28 Traffic. **P.O. 4.6.1B10**

1. Pedestrians.
2. Ridden or herded animals.
3. Vehicles.
4. Other conveyances.

K. 28-601 Traffic control signal. **P.O. 4.6.1B11**

1. Device which is manually, electrically or mechanically operated.
2. Directs traffic to stop and proceed.

**VI. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 2**

A. 28-622 Failure to comply with police officer. **P.O. 4.6.5A**

1. Willfully fail or refuse to comply with any lawful order or direction.
2. Class 2 misdemeanor.

B. 28-622.01 Unlawful flight. **P.O. 4.6.5B**

1. Willfully flees or attempts to elude
2. Emergency lights and siren, marked vehicle.

3. Violator must know you are attempting to stop him/her.
  4. Class 5 felony.
- C. 28-623 Obedience by public officers, except as provided, public officers must obey traffic laws.
- D. 28-624 Authorized emergency vehicles.
1. May park or stand in violation of code.
  2. May proceed past red lights or stop signs after slowing as necessary.
  3. May exceed the speed limit, but not as to endanger life or property.
  4. May disregard direction of movement or turning laws.
  5. Must be using lights and siren, unless a police vehicle.
  6. Not protected from the reckless disregard for the safety of others.
- E. 28-625 Traffic laws apply to animals and animal drawn vehicles. **P.O. 4.6.3**
1. Granted all the rights and subject to all duties applicable.
  2. This Chapter and Chapters 4 and 5.

**VII A.R.S. TITLE 28, CHAPTER 3, ARTICLE 3****P.O. 4.6.10**

- A. 28-643 Local traffic control devices.
1. Local authorities shall place and maintain traffic control devices.
  2. Must conform to the uniform manual.
- B. 28-644.A1 Obedience to traffic control devices. ***INSTRUCTOR NOTE: Do NOT use 28-644.A1 as a catch all.***
1. Devices must be in the proper position and legible.
  2. Use the most specific code.
  3. Use for passing in a school zone.
- C. 28-644.A2 Driving over, stopping or parking in a gore area.
1. The gore area is the two (2) white lines between the on or off ramp and the throughway.

- D. 28-645.A Traffic control signal legend.
1. Green indication:
    - a. May proceed, but must yield right of way to vehicles and pedestrians lawfully within the intersection.
    - b. May make movement indicated by green arrow, but must yield to vehicles and pedestrians lawfully in the intersection.
    - c. Pedestrians may proceed on a green light unless otherwise directed.
  2. Yellow indication:
    - a. Indicated red will immediately follow.
    - b. Pedestrians may complete crossing, but may not start to cross.
  3. Red indication:
    - a. Vehicles may not enter the intersection.
    - b. Right turn – may make right turn on red after stopping.
      - i. Must stop completely before making a turn.
      - ii. Cannot turn if signs prohibit.
      - iii. Yield to others lawfully within the intersection.
    - c. Left turn – may make left turn on red after stopping on one-way street and turning onto a one-way street. **INSTRUCTOR NOTE:** *Going one-way to another one-way.*
    - d. Pedestrians may not cross.
  4. Red signals other than at intersections (28-645.B).
    - a. Stop must be at signs or markers on pavements.
    - b. If there are no signs or markers, the stop must be at a signal.
  5. Inoperative signals (28-645.C).
    - a. Traffic signals not working.
    - b. All drivers approaching must stop.

- c. Driver on the right has the right-of-way if arrived at the same time as others.
- E. 28-646 Pedestrian control signal.
  - 1. Pedestrians may not start to cross if “Do Not Walk” or hand symbol signal is displayed, but may finish crossing.
  - 2. Pedestrians shall not loiter or unduly delay crossing.
- F. 28-647 Flashing signals.
  - 1. Flashing red – vehicles must stop before entering an intersection.
  - 2. May proceed after stopping and yielding.
  - 3. Flashing yellow – vehicles may proceed with caution.
  - 4. Must yield right-of-way (yield sign).
- G. 28-649 Interference with traffic control device, cite the violator and get the device replaced repaired. **INSTRUCTOR NOTE:** *Consider theft or criminal damage charges under Title 13.*
- H. 28-650 Warning devices at construction sites.
  - 1. Responsible party (person, company, city, etc.).
  - 2. Shall post and maintain warning signs, signals, markers and barricades that are in compliance.
- I. 28-651 Use of private property to avoid a traffic control device, shall not drive on, or through, any private property to avoid obedience to traffic rules or any traffic control device. **INSTRUCTOR NOTE:** *Officer MUST see the violator leave and re-enter the roadway.*

**VIII. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 4****P.O. 4.6.7**

- A. 28-661 Collision involving death or personal injury.
  - 1. Injury or death.
  - 2. Driver must immediately stop and return to the scene.
  - 3. Remain at scene and fulfill requirements of 28-663. **INSTRUCTOR NOTE:** *See 13-105.34 for the definition of serious injury.*
    - a. Class 5 felony if not serious injury or death.



- b. Class 3 felony if serious injury or death.
    - c. Class 2 felony if serious injury or death and driver caused the collision.
  - 4. Violation of this section applies to both public and private property.
- B. 28-662 Collision involving damage to vehicle.
  - 1. Damage to vehicle only, driven or attended.
  - 2. Immediately stop and return to the scene.
  - 3. Remain at scene and comply with 28-663.
  - 4. Class 2 misdemeanor.
- C. 28-663 Duty to give information and assistance.
  - 1. Injury, death or damage to vehicle driven or attended.
  - 2. Give the driver's name and address and registration number.
  - 3. On request show driver's license.
  - 4. Render reasonable assistance.
  - 5. Class 3 misdemeanor.
  - 6. Violation of this section applies to both public and private property.
- D. 28-664 Duty on striking an unattended vehicle.
  - 1. Collides with an unattended vehicle.
  - 2. Stop.
  - 3. Notify the owner or leave information in a conspicuous place.
  - 4. Class 3 misdemeanor.
  - 5. Violation of this section applies to both public and private property.
- E. 28-665 Striking fixture on a highway.
  - 1. Vehicle damage only.
  - 2. Take reasonable steps to locate and notify the owner or person in charge.

3. Give facts, driver's name and address and registration number.
  4. On request show driver's license.
  5. Class 3 misdemeanor.
- F. 28-666 Notice of collision. **INSTRUCTOR NOTE:** Refer to 28-674. A Quick Clearance Law.
1. Injury or death.
  2. Notify by quickest means: Local police, sheriff or State Trooper.
- G. 28-667 Written collision reports.
1. Injury, death or damage in excess of \$2000.
  2. Officers must submit a written report within 24 hours of completing the investigation.
  3. Original stays with the officer's agency.
  4. Copies to the Department of Transportation.
  5. If no injury and less than \$2000:
    - a. Must complete a portion of the report to include: Time, day, month, year, location, identity of all parties and narrative description. **INSTRUCTOR NOTE:** Check with your supervisor and FTO on your department's policy.
- H. 28-669.A Collision report forms.
1. The Department of Transportation furnishes the collision forms to all agencies in the state.
- I. 28-671 Collision report required by city or town.
1. If you are involved in a city vehicle collision, you are required to complete a city collision form.
- J. 28-672.A Collision with serious injury (class 3 misd.). **INSTRUCTOR NOTE:** Go over codes for student's workbooks. 28-645A3, 28-729, 28-771, 28-772, 28-773, 28-797E & G, 28-792, 28-855B, 28-794, 28-857A, and 28-914.
- K. 28-672B Collision with death class 3 misd.).
- L. 28-675 Causing death by use of a motor vehicle (felony).

M. 28-676 Causing serious physical injury by use of vehicle (felony).

**IX. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 5**

A. 28-693.A Reckless driving.

**P.O. 4.6.6**

1. Reckless disregard for the safety of persons or property. **INSTRUCTOR NOTE:** *The officer should see two (2) or more hazardous violations- use good judgment. Some departments require a written report. Only reckless citations are issued.*

B. 28-694 Wrong way driving

1. Wrong way means vehicular movement that is in a direction opposing the legal flow of traffic. Wrong way does not include median crossing or a collision where a motor vehicle comes to a stop facing the wrong way.

C. 28-695 Aggressive driving.

1. Drivers in a manner which is an immediate hazard to another person or vehicle.
2. Commits a violation of 701.A or 701.02 and
3. Commits at least two (2) of the following violations:
  - a. 28-644, failure to obey traffic control device.
  - b. 28-724B, overtaking or passing on the right by driving off the roadway or pavement.
  - c. 28-729, unsafe lane use.
  - d. 28-730A, following too close.
  - e. 28-771 through 776, failure to yield right-of-way.
4. Class 1 misdemeanor.

**X. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 6**

**P.O. 4.6.9**

A. 28-701.A Reasonable and prudent. **INSTRUCTOR NOTE:** *The Officer must be able to show what is reasonable and prudent for the violation.*

1. For speeding, use "speed greater than reasonable and prudent."
2. For collision, use "failure to control to avoid collision."

B. 28-701.E

**P.O. 4.6.9**

1. Implements of husbandry may drive slower than the normal flow of traffic for safe operation.
- C. 28-701.02 Excessive speeds.
1. Exceed 35 m.p.h. in marked school zone (applies to 15 m.p.h. zones).
  2. Exceed posted limit in a business or residential district by more than 20 m.p.h.
  3. Exceed the posted speed limit by more than twenty miles per hour in other locations.
  4. Class 3 misdemeanor.
- D. 28-702 State highway speed limit.
1. Not an enforcement statute, do not cite.
  2. Gives authority for the director to vary the maximum speed limit.
  3. Must place signs to give notice.
  4. May determine various speeds for location and conditions of the area.
- E. 28-702.01 Waste of a finite resource.
1. If the maximum speed limit on a public highway in this state is at least thirty miles per hour in an area that is outside of an urbanized area, a person shall not drive a motor vehicle at a speed in excess of the posted speed limit on that highway.
  2. If the maximum speed limit on a public highway in this state is at least forty miles per hour in an urbanized area, a person shall not drive a motor vehicle at a speed in excess of the posted speed limit on that highway.
  3. If the speed at which the person is alleged to have driven as provided in section 28-707, subsection A or the speed at which the court finds the person drove is not more than ten miles per hour in excess of the posted speed limit, the offense is may be designated as the waste of a finite resource and is a civil traffic violation subject to subsection B of this section.
  4. If a person is found responsible for a civil traffic violation pursuant to subsection A of this section:
    - a. A department or agency of this state shall not consider the violation for the purpose of determining whether the person's driver license should be suspended or revoked and a court shall not transmit abstracts of records of judgment for the violation to the department.

- b. An insurer shall not consider the violation as a moving traffic violation against the person for the purpose of establishing rates of motor vehicle insurance charged by the insurer and shall not cancel or refuse to renew a policy of insurance because of the violation.
  - c. The civil penalty shall not exceed fifteen dollars \$15 plus the surcharges imposed pursuant to sections 12-116.01 and 12-116.02.
  - d. A report shall not be made under section 28-1559, subsection B.
5. If the maximum speed limit on a public highway in this state is at least thirty miles per hour in an area that is outside of an urbanized area, a person shall not drive a motor vehicle at a speed in excess of the posted speed limit on that highway.
  6. If the maximum speed limit on a public highway in this state is at least forty miles per hour in an urbanized area, a person shall not drive a motor vehicle at a speed in excess of the posted speed limit on that highway.
  7. If the speed at which the person is alleged to have driven as provided in section 28-707, subsection A or the speed at which the court finds the person drove is more than ten miles per hour in excess of the posted speed limit, the offense is designated as a civil traffic violation and the person is subject to a civil penalty of not more than the amount provided in section 28-1598.
  8. For the purposes of this section, "urbanized area" has the same meaning prescribed in section 28-702.04.
- F. 28-702.04 Maximum speed limit on interstate highways outside urbanized areas.
1. Area is outside of 50,000 population, maximum limit is 65 m.p.h., can be less.
  2. A person shall not exceed the maximum limit.
  3. Director can raise the limit to 75 m.p.h.
  4. Civil violation.
- G. 28-704 Minimum speed limits.
1. Shall not drive at a speed as to impede or block normal traffic
  2. Shall not drive at a speed less than the posted minimum.
  3. Shall use turn out or pull off if five (5) or more vehicles are behind a slow moving vehicle – two (2)-lane highway.
    - a. "Turnout" means a widened place in the street for vehicles to pass each other or

temporarily park and includes a right turn lane.

4. Vehicles as defined in this section include electric bicycles, electric miniature scooter, electric standup scooters and devices moved by human power.

H. 28-705 Special speed limitations.

1. Not to operate a motorcycle at night more than 35 m.p.h. unless the headlamp can reveal a person at a distance of 300 feet.

I. 28-708.A Racing on highways.

1. Shall not drive a vehicle or participate in a race, speed competition, drag race, acceleration contest, test of physical endurance or exhibition of speed or acceleration.
2. Class 1 misdemeanor.
3. Any person who knowingly aids or abets another person in the commission of a violation of this section is guilty of a Class 2 misdemeanor.

**XI. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 7**

A. 28-721.A Driving on the right side of the roadway.

**P.O. 4.6.10B**

1. On all roadways of sufficient width, a vehicle shall be driven on the right half ( $\frac{1}{2}$ ) of the roadway except:
  - a. When overtaking and passing.
  - b. When the right half ( $\frac{1}{2}$ ) of roadway is closed.
  - c. When the roadway is divided into three (3) lanes.
  - d. On a one (1)-way street.
  - e. Must drive in the right hand lane if moving slower than the normal speed of traffic.

B. 28-722 Passing vehicles proceeding in opposite directions.

1. Pass vehicles approaching from the opposite direction on the right.
2. Both drivers shall give at least half ( $\frac{1}{2}$ ) of the roadway to the other driver or as nearly as possible.

C. 28-723 Overtaking on the left.

1. A driver passing a vehicle traveling in the same direction shall pass on the left and not return to the right side of the roadway until safe to do so.
  2. Driver being passed must yield right of way and not speed up.
- D. 28-724 Overtaking on the right permitted.
1. When an overtaken vehicle is preparing to make a left turn.
  2. Unobstructed pavement, not occupied by vehicles and two (2) or more lanes.
  3. On a one (1)-way street.
  4. When it can be done safely.
  5. Must not drive off the traveled portion of roadway.
- E. 28-725 Limitations on passing of the left.
1. Shall not drive left of center to overtake or pass another vehicle traveling in the same direction unless:
    - a. Left side is clearly visible and free of traffic to permit passing.
    - b. Must return to the right side of the roadway before coming within 100 feet of traffic approaching in the opposite direction.
- F. 28-726 Limitations on driving left of center.
1. Approaching a curve or crest of a grade when the view is obstructed.
  2. Approaching within 100 feet of, or traversing, an intersection or a railroad grade crossing where signs or markings indicate no passing.
  3. When view is obstructed or approaching within 100 feet of any bridge, viaduct or tunnel.
- G. 28-727 No passing zones.
1. When signs or markings are in place and clearly visible prohibiting passing.
- H. 28-728 One (1)-way roadways.
1. Vehicle must be driven in the direction indicated.
  2. Vehicles must be driven to the right side of an island.
- I. 28-729 Driving on roadways ~~lined~~ laned for traffic.

1. Drive as near as practicable within a single lane.
  2. Must change lanes safely.
  3. Three (3) lane roadways, not to drive in the center lane, except to overtake where permitted.
- J. 28-730 Following too closely.
1. Cannot follow another vehicle more closely than is reasonable.
  2. Truck and trailer following another ~~like~~ vehicle must leave sufficient space so that an overtaking vehicle may enter and occupy the space safely.
  3. Does not apply to funeral processions.
- K. 28-731 Driving on divided highways.
1. If divided by a raised, depressed or barricade, persons shall drive on the right-hand roadway.
  2. Shall not drive over, across or within the barrier.
- L. 28-732 Restricted access.
1. Shall not drive onto, or from, a controlled access road.
  2. Except at entrances and exits established by public authority.
- M. 28-733 Restrictions on use of a controlled access highway:
1. The Director or local authorities may prohibit the use of.
  2. The Director or local authorities must erect and maintain signs.
  3. A person shall not disobey restriction signs.
- N. 28-735 Overtaking bicycles.
1. When overtaking and passing a bicycle traveling in the same direction, exercise due care by leaving a safe distance of no less than three (3) feet until safely past the bicycle.  
**INSTRUCTOR NOTE:** *Also discuss 28-736, 28-737.*
  2. Violators are subject to a \$500 fine if serious injury and a \$1,000 fine if death unless the collision occurred in a vehicular traffic lane when a bike lane or path is present.



## XII. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 9

P.O. 4.6.10C

- A. 28-751 Required position and method of turning.
1. Right turn must be made as close as practicable to the right-hand edge of the roadway and must be completed in the curb lane or at the right edge of the road.
  2. Left turn is approached in the extreme left lane and completed in the left lane immediately available for traffic.
  3. Must obey markers, buttons or signs.
  4. If two (2)-way left turn lanes are present, shall not make a left turn from any other lane.
  5. Shall not drive vehicles in the lane except if preparing for or making a left turn from, or into, roadway.
- B. 28-752 U-turns.
1. Prohibited on hills and curves where view is obstructed within 500 feet.
  2. Prohibited where posted (cite 28-644).
- C. 28-753 Starting a parked vehicle – a vehicle, which is stopped, standing or parked, shall not move unless it is safe to do so.
- D. 28-754 Turning movements and required signals.
1. Proper position as required in 28-751.
  2. Vehicle cannot be turned from a direct course unless it can be done safely.
  3. Signal must be given at least 100 feet prior to the turn.
  4. Cannot slow or stop without a given signal (brake lights are adequate as the signal).
- E. 28-755 Hand or arm signals.
1. A person must give a hand or arm signal for stopping or turning.
  2. Can be given by a department-approved mechanical device.
  3. If load prevents arm signals ~~to be~~ from being seen, front and rear signals must be given by lamps. **INSTRUCTOR NOTE:** *Turn signals are only required if movement affects other traffic.*
- F. 28-756 Method of giving hand and arm signals.

1. Signal must be given from the left side of the vehicle.
2. Left turn, hand and arm extended horizontally.
3. Right turn, hand and arm extended upward.
4. Stop or slowing, hand and arm extended downward.
5. A person on a bicycle may signal with their right arm extended.

**XIII. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 9****P.O. 4.6.10E**

- A. 28-771 Vehicle approaching an intersection.
  1. Upon approach to an uncontrolled intersection, the vehicle on the right shall have the right of way.
  2. At "T" intersections, the through street shall have the right of way.
- B. 28-772 Vehicle turning left at intersection.
  1. Must yield to all vehicles within the intersection or approaching so close as to be a hazard.
- C. 28-773 Vehicles Yielding from a Stop Sign.
- D. 28-774 Vehicles entering a highway or intersection (private drive).
  1. Must yield to vehicles on the highway or roadway.
- E. 28-775 Operation of vehicles on approach of emergency vehicles or passing stationary vehicles.  
**P.O. 4.6.10D**
  1. Emergency vehicles must be displaying emergency lights and using sirens, except police vehicles.
  2. Vehicles must pull to the right and stop.
  3. Cannot follow a fire truck within 500 feet.
  4. The driver of the emergency vehicle is not relieved of responsibility.
  5. Drivers must move over away from parked vehicles (displaying lights) if safe to do so.  
***INSTRUCTOR NOTE: 28-775E applies to any vehicle that is displaying flashing lights or warning lights.***

- F. 28-776 Funeral procession or Military procession.
  - 1. Vehicles must yield right of way (except emergency vehicles).
  - 2. Vehicles in procession must have headlamps on.
  - 3. Escort vehicles (including military vehicles) have authority of emergency vehicles.
  - 4. Can exceed the speed limit by 15 m.p.h.
  - 5. Must use emergency lights.

**XIV. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 10****P.O. 4.6.11**

- A. 28-791 Pedestrians subject to traffic laws.
  - 1. Pedestrians must comply with traffic control signals.
- B. 28-792 Pedestrian right of way in crosswalk.
  - 1. Vehicles must yield right of way to pedestrians in crosswalks (marked or unmarked).
  - 2. Pedestrians must be on the vehicle's half ( $\frac{1}{2}$ ) of roadway or so close as to present a hazard.
  - 3. Vehicle cannot pass another vehicle proceeding in the same direction.
  - 4. Pedestrians cannot suddenly step off the curb.
- C. 28-793 Crossing other than at crosswalk.
  - 1. Pedestrians must yield to vehicles if not in a marked or unmarked crosswalk.
  - 2. Pedestrians must yield to vehicles if a tunnel or bridge is available.
  - 3. Pedestrians shall not cross between signaled intersections (jay walking).
- D. 28-794 Drivers to exercise due care; drivers must use care to avoid pedestrians at all times.  
**INSTRUCTOR NOTE:** No "open season" on pedestrians.
- E. 28-795 Pedestrians to use the right half ( $\frac{1}{2}$ ) of crosswalk.
  - 1. Pedestrians shall move expeditiously, when practicable, on the right half ( $\frac{1}{2}$ ) of the crosswalk.
- F. 28-796 Pedestrians on roadway.

1. Must use sidewalks where provided.
  2. Must use the left side of the road, facing traffic, where there are no sidewalks.
  3. Cannot hitchhike on the roadway.
- G. 28-797 School crosswalks.
1. Vehicles may not exceed 15 m.p.h. in properly posted school zones.
  2. Only when approaching a school crosswalk, may it resume normal speed after the crosswalk is passed. **INSTRUCTOR NOTE:** Cite 28-797.F.
  3. Must yield to any person in the crosswalk. **INSTRUCTOR NOTE:** Cite 28-797.G.
  4. Must not pass other vehicles (posted no passing). **INSTRUCTOR NOTE:** Cite 28-644 (Traffic control device).

**XV. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 11****P.O. 4.6.12**

- A. 28-811 Parent and guardian responsibility.
1. Shall not authorize or knowingly permit a violation on this chapter.
- B. 28-812 Applicability of traffic laws to bicycle riders.
1. Riding on the roadway or shoulder.
  2. Granted all rights and subject to all duties applicable to the driver of a vehicle (if by their nature they apply). **INSTRUCTOR NOTE:** Check your agency's policy on the minimum age to issue a citation.
  3. DUI laws do not apply to bicycles.
- C. 28-813 Riding on bicycles.
1. Riders must have a permanently attached seat.
  2. Bicycle can only carry the number of persons it was designed for.
- D. 28-814 Clinging to vehicles – shall not attach bicycle, coaster, sled, toy vehicle or roller skates to vehicle.
- E. 28-815 Riding on roadway and bicycle path.
1. Riders must operate as near to the right side of the road as practical.

2. Riders cannot ride more than two (2) abreast (except in bike paths).
3. Vehicles cannot use the bike lane (except emergency vehicles).
4. Shall not operate, stop, park or leave standing any vehicle in a bike lane.
5. The edge of the roadway indicator is not a bike lane (has to be marked).

F. 28-816 Carrying articles.

1. Rider cannot carry anything which prevents him/her from controlling the vehicle – one (1) hand.

G. 28-817 Bicycle equipment.

1. Must have a white headlamp visible from 500 feet to the front, at night.
2. Must have a red reflector visible from 50 feet to 300 feet to the rear at night.
3. May have a red lamp visible at 500 feet to the rear at night in addition to the red reflector.
4. Must have a brake.

**XVI. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 12**

**P.O. 4.6.10F**

A. 28-851 Obedience to train signal.

1. Vehicles must stop between 15 and 50 feet from the nearest rail when any warning is given at a grade crossing.
2. Vehicles shall not drive around or through gate or barrier at crossing.
3. Pedestrian Responsibilities. **INSTRUCTOR NOTE:** 28-851.E

B. 28-853 Certain vehicles must stop at a grade crossing.

1. Vehicles carrying passengers for hire, school bus with any children or vehicles with explosives or flammable cargo.
2. Must stop within 15 to 50 feet of rail.
3. Stop, look and listen.
4. Proceed in a gear which does not require shifting gears. **INSTRUCTOR NOTE:** Addition of subsections B & C effective 09/30/2011

- C. 28-855 Stop and yield signs.
  - 1. Stop sign – vehicle must come to a complete stop.
  - 2. Yield sign – vehicle must yield to any other traffic.
  - 3. A collision is prima facie evidence of a violation.
  
- D. 28-856 Stop before emerging from an alley or private drive; vehicles must stop and yield to vehicles and pedestrians in the roadway.
  
- E. 28-857 Passing school bus.
  - 1. Vehicles must stop for school buses if lights and signs are displayed.
  - 2. Stop is not necessary on separate roadways (medians).
  
- F. 28-858 Approaching horses and livestock.
  - 1. Upon approach shall use caution not to frighten.
  - 2. Ensure safety of animals and people riding.
  - 3. If an animal appears frightened, shall slow speed.
  - 4. If signaled to do so, stop and not proceed until the animal is under control.

**XVII. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 13****P.O. 4.6.10G**

- A. 28-871 Stopping, standing or parking.
  - 1. On a highway outside of a business or residential district, shall not stop, stand or park.
  - 2. (attended or not) on the main traveled portion of the roadway.
  
- B. 28-872 Removal of illegally stopped vehicles. ***INSTRUCTOR NOTE: The officer must provide a tow sheet to the tow truck driver.***
  - 1. An officer may remove a vehicle that is:
    - a. Stolen.
    - b. Persons cannot take charge of the vehicle.
    - c. Where the driver is arrested.
    - d. Abandoned on highway – four (4) hours rural, two (2) hours city.

- e. A hazard or safety concern.
- C. 28-873 Stopping, standing or parking prohibitions.
- 1. On a sidewalk.
  - 2. In front of a driveway.
  - 3. Within an intersection.
  - 4. Within 15 feet of a fire hydrant.
  - 5. On a crosswalk.
  - 6. Within 20 feet of a crosswalk at an intersection.
  - 7. Within 30 feet of any flashing beacon, stop sign, yield sign or traffic control signal located at the side of the road. **INSTRUCTOR NOTE:** Discuss 28-874, 28-875.

**XVIII. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 14**

- A. 28-884 Parking space for physically disabled persons.
- 1. Shall not stand or park a motor vehicle within any marked handicap space unless displaying proper placard or license. **INSTRUCTOR NOTE:** Discuss 28-882, proper marking requirements.

**XIX. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 15**

- A. 28-891 Limitations on backing.
- 1. Reasonable safety and without interfering with other traffic.
  - 2. Shall not back on any access road, exit or entrance ramp of a controlled access highway.
- B. 28-892 Riding on motorcycle or all-terrain vehicle.
- 1. Shall ride on a permanent or regular seat attached to the vehicle.
  - 2. Shall not carry more people than the vehicle is designed for.
- C. 28-893 Obstruction to view – interference with driving.
- 1. Driver may not drive a vehicle when the passengers or load obstructs the driver's view or control.

2. Passengers may not obstruct the driver's view or control.
- D. 28-896 Causing trailers to sway.
1. A vehicle may not be driven at a speed which causes the trailer to sway.
- E. 28-897 Crossing a fire hose.
1. A vehicle may not be driven over fire hoses without consent of the fire department.
  2. If the hose is under a vehicle, do not allow it to move until the fire department allows it.
- F. 28-898 Placing glass objects on the roadway. **P.O. 4.6.10J**
1. No person shall place any substance on the roadway likely to cause injury. **INSTRUCTOR NOTE: Refer to 13-1603, Criminal Littering.**
  2. Also refer to 13-3720, dropping objects from an overpass.
  3. The person SHALL remove the substance.
  4. Wrecker drivers must remove debris.
- G. 28-901 Maximum number in school bus.
1. The bus cannot carry more people than the vehicle was designed for.
  2. Cannot drive while a person is standing on the bus.
  3. Bus must stop on the same side of the road as the school.
- H. 28-903 Operation of motorcycle on lane roadway.
1. Other vehicles cannot deprive motorcycles of the lane (motorcycles may operate two (2) abreast).
  2. Motorcycles shall not overtake a vehicle within the same lane.
  3. Shall not split lanes.
- I. 28-904 Driving on sidewalk – no person shall drive a vehicle on a sidewalk except at driveways.
- J. 28-905 Opening vehicle door.
1. Shall not open the door unless it is reasonably safe to do so.
  2. Open only long enough to unload or load passengers.



- K. 28-906 Mechanical raising and lowering – cannot raise or lower a vehicle on roadway when speed is above 15 m.p.h.
- L. 28-907 Child passenger restraint system. **P.O. 4.6.13B**
1. A person shall not transport any child under five (5) years of age unless properly restrained in a child passenger-restraint system. ***INSTRUCTOR NOTE: Discuss definitions under 28-907N1***
  2. A person shall not transport a child between the ages of 5 and 8 who is less than 4 feet 9 inches unless they are in a proper booster seat.
  3. Officer shall determine from the driver the age of the child.
  4. Do not need another violation to stop the driver.
- M. 28-908 Persons in wheelchairs – all rights of pedestrians apply.
- N. 28-909 Vehicle restraints. **P.O. 4.6.13A**
1. Front seat occupants.
  2. Model year 1972 or newer.
  3. Driver is responsible for all passengers under 16.
  4. Passenger responsible for 16 or older.
  5. Cannot stop for this violation only.
- O. 28-914 Use of portable wireless communication devices while driving.
1. Unless a motor vehicle is parked or stopped pursuant to section 28-645, subsection a, paragraph 3 or section 28-851, a person may not operate a motor vehicle on a street or highway if the person does either of the following:
    - a. Physically holds or supports with any part of the person's body either of the following:
      - i. A portable wireless communication device.
      - ii. A stand-alone electronic device.
    - b. Writes, sends or reads any text-based communication
  2. This section does not apply to:

- a. An operator of an authorized emergency, law enforcement or probation vehicle who uses a portable wireless communication device while acting in an official capacity.
  - b. An operator who is licensed by the federal communications commission while operating a radio frequency device other than a portable wireless communication device.
  - c. An operator who uses a two-way radio or private land mobile radio system, while in the performance and scope of the operator's work-related duties and who is operating a fleet vehicle or who possesses a commercial driver license.
  - d. An operator who uses a portable wireless communication device to report illegal activity or summon emergency help.
3. A peace officer who stops a motor vehicle for an alleged violation of this section may not:
- a. Take possession of or otherwise inspect a portable wireless communication device in the possession of the operator unless otherwise authorized by law.
  - b. Issue a citation for a violation of this section before January 1, 2021 and may issue only a warning beginning on the effective date of this section through December 31, 2020.

**XX. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 16****P.O. 4.6.8A****A. 28-921 Applicability of equipment requirements.****P.O. 4.6.8D**

1. Shall not drive, permit, allow or require a vehicle to be driven if:
  - a. Unsafe condition.
  - b. Does not contain parts as required.
  - c. Forbidden act or fails to perform required act.
  - d. Does not apply to implements of husbandry, road machinery, etc., unless specifically stated in Article 16.

**B. 28-922 Lighted lamps.**

1. Lighted lamps are required on every vehicle from sunset to sunrise.
2. When light is insufficient to see 500 feet ahead.

- C. 28-924 Headlamps on motor vehicles.
1. Every motor vehicle, except a motorcycle, all-terrain vehicle or motor driven cycle, shall be equipped with at least two (2) headlamps, one (1) on each side of the vehicle.
  2. Every motorcycle, all-terrain vehicle or motor drive cycle shall be equipped with at least one (1) and not more than two (2) headlamps.
  3. Headlamps to be between 22 and 54 inches above the ground. **INSTRUCTOR NOTE:** *Discuss new manufacturing techniques such as new "blue" headlights and running lights on motorcycles.* **P.O. 4.6.8D**
- D. 28-925 Tail lamps.
1. Every motor vehicle, trailer, semi-trailer, pole trailer and other vehicle at the end of a train of vehicles:
    - a. Shall have at least one (1) tail lamp. **P.O. 4.6.8D**
    - b. Must emit a red light visible at 500 feet. **INSTRUCTOR NOTE:** *Discuss clear tail lamps, they do not meet the 500-foot requirement.*
    - c. On a train of vehicles, only the rear vehicle must have a visible tail lamp.
    - d. Tail lamps to be between 15 and 72 inches above the ground.
    - e. A white license plate light must make the plate legible from at least 50 feet.
    - f. Must operate when headlamps are lighted.
- E. 28-926 New motor vehicles, reflectors.
1. Cars, pickups and medium-sized trucks must have two (2) red reflectors.
  2. Motorcycles must have at least one (1).
  3. Must be no less than 21 inches and no more than 60 inches.
- F. 28-927 Stop lamps – a motor vehicle cannot be sold and/or operated unless it is equipped with a stop lamp as required by 28-939.
- G. 28-931 Lamp Colors
1. Clearance lamps front and side – amber.
  2. Rear clearance lamps – red.

3. All lights and reflectors on the rear – red, except signal devices can be amber.
  4. License plate lamp and back up lamps – white.
- H. 28-935 Lamp or flag on projecting load – a red lamp shall be attached to the rear most portion of a load when:
1. The load extends four (4) or more feet beyond the body of the vehicle.
  2. It is between sunset and sunrise.
  3. During daylight hours, a 18-inch square flag is required.
- I. 28-936 Lamps on parked vehicles.
1. If sufficient light to reveal a person or object at 500 feet then no light is required.
  2. If not sufficient lighting, vehicles must have one (1) white or amber light to the front and one (1) red light to the rear to be visible from 500 feet.
  3. All lights and headlamps to be dimmed.
- J. 28-937 Lamps on other vehicles and equipment – all vehicles, including animal drawn vehicles and farm vehicles, during the hours from sunset to sunrise shall:
1. Be equipped with at least one (1) lighted headlamp.
  2. Be equipped with at least one (1) lighted tail lamp.
  3. Be visible from 500 feet, front and rear.
- K. 28-939 Signal lamps and signal devices.
1. Stop lamps may be red or yellow and shall be activated by foot brake and may be incorporated with the tail lamp.
  2. Turn signals shall be visible from the front and rear.
  3. Visible for at least 100 feet day or night.
  4. Good working conditions.
  5. Not to project a glaring or dazzling light.
- L. 28-940 Additional lighting equipment. **INSTRUCTOR NOTE:** Discuss colored lights, neon undercarriage lights, etc.

1. Cowl lights may be amber or white.
  2. Not more than two (2).
  3. Running board lights may be amber or white, one (1) on each side of the vehicle.
  4. Vehicle may have two (2) back-up lights which cannot be lighted when the vehicle is in forward motion.
- M. 28-941 Multiple beam road lighting equipment.
1. New motor vehicles must have a high beam indicator light.
  2. No substance may be placed in front of the headlamps, etc., unless the substance is clear and transparent. **INSTRUCTOR NOTE:** *Smoked headlamp covers or lenses.*
- N. 28-942 Use of multiple beam road lighting.
1. Dim lights for oncoming traffic within 500 feet.
  2. Dim lights while following within 200 feet behind, except to pass. **INSTRUCTOR NOTE:** *Failure to dim is an indication of possible DUI.*
- O. 28-946 Number of driving lamps required or allowed.
1. Sunset to sunrise, two (2) lighted lamps shall be displayed.
  2. One (1) on each side of the vehicle except for motorcycles.
  3. Only a total of four (4) lamps on the front of the vehicle may be lighted lit while on the highway.
- P. 28-947 Special restrictions on lamps.
1. No red or red and blue lamps may project forward except on an emergency vehicle.
  2. Lights projecting forward shall be white or amber only.
- Q. 28-952 Brakes.
1. Every motor vehicle other than a motorcycle, all-terrain vehicle or a motor driven cycle, operated on a highway:
    - a. Shall be equipped with brakes adequate to control the vehicle.
    - b. To stop and hold the vehicle.

- c. Applied two (2) separate ways.
- d. Must be independent systems.
- e. Must apply to at least two (2) wheels.
- f. Every motorcycle, all-terrain vehicle and motor driven cycle must be:
  - i. Equipped with at least one (1) brake.
  - ii. Applied by hand or foot.
- g. Every trailer or semi-trailer of 3,000 pounds or more:
  - i. Shall be equipped with brakes adequate to control the vehicle.
  - ii. To stop and hold vehicles.
  - iii. Applied either automatically by use of the service brakes or by the driver manually.
  - iv. Must work in case of break-away.
  - v. Three (3)-axle trucks need brakes only on the two (2) rear axles.
  - vi. Brakes must be in good working order.
- R. 28-954 Horns and warning devices.
  - 1. Every motor vehicle must have a horn in good working order which is audible from 200 feet or more.
  - 2. No vehicle shall be equipped with a siren, whistle or bell – except emergency vehicles or a stationary theft device.
- S. 28-955 Mufflers.
  - 1. Every motor vehicle shall:
    - a. Be equipped with a muffler in good working order.
    - b. Must prevent excessive or unusual noise.
    - c. No by-pass or cutouts permitted.
    - d. Engines must be adjusted to prevent excessive fumes or smoke.

- T. 28-956 Mirrors.
1. A motor vehicle that is constructed or loaded as to obstruct the driver's view to the rear, shall have mirrors adequate to reflect the view of 200 feet behind the vehicle.  
***INSTRUCTOR NOTE: See 28-964 for motorcycles.***
- U. 28-957 Windshield wipers required.
1. Windshields of every motor vehicle shall be equipped with a device for cleaning rain, snow and other moisture.
  2. Operated by driver and maintained in good working order.
- V. 28-957.01 Windshields required.
1. Passenger vehicles and trucks must be equipped with a windshield.
  2. Motorcycles, all-terrain vehicles, golf carts, fire trucks and fire engines are exempt.
- W. 28-958.01 Rear fender splash guards.
1. Shall not operate a truck, trailer, semi-trailer or bus upon a highway unless:
    - a. Equipped with a splash guard.
    - b. Prevents splashing of mud and water.
    - c. Must be no greater than eight (8) inches above the ground.
    - d. Wide enough to cover the full tread of the tire.
    - e. Does not apply to ¾-ton pickups or less, unless modified from original bumper height.
- Y. 28-959.01 Materials on windows or windshields.
1. A person shall not operate a motor vehicle with objects or materials placed, displayed, installed, affixed or applied to the windshield, side or rear windows.
  2. Exceptions:
    - a. Side windows and wing vents.
    - b. Portions of windshield at bottom outsides.
    - c. Rear-view mirror or safety monitoring equipment.

- d. Sun visors.
  - e. Rear trunk handles or hinges as well as rear window wiper and wiper motors.
- Z. 28-963 Image display device – no person shall operate a motor vehicle equipped with a television viewer or visual image from a visual display device if:  
**INSTRUCTOR NOTE:** *Does not apply to Navigation-GPS type devices.*
- 1. It is located forward of the back of the driver seat.
  - 2. Directly or indirectly visible to the driver.
  - 3. Record or broadcast a video on a portable wireless communication device or stand-alone electronic device, except that the person may use the devices for the sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle. **INSTRUCTOR NOTE:** *Does not include mounted or manufactured continuous recording devices.*
- AA. 28-964 Motorcycles, all-terrain vehicles, motor driven cycles.
- 1. Riders must wear a helmet if under 18.
  - 2. Must wear eye protection or have a protective windshield.
  - 3. Does not apply to three (3)-wheel, electrically powered vehicles or three (3)-wheel vehicles with a cab.
  - 4. Motorcycles must have a rear-view mirror, seat and footrests.
  - 5. Passengers must have a seat and footrest.
- BB. 28-965 Fuel tank caps – no person shall operate a motor vehicle without a fuel tank cap made of non-combustible material.
- CC. 28-966 Neighborhood electric vehicles and motorized quadricycles.
- 1. Neighborhood electric vehicles shall not exceed 25 m.p.h.
  - 2. Motorized quadricycles shall not exceed 15 m.p.h.
  - 3. Neither shall operate on a roadway with a speed limit greater than 35 m.p.h.  
**INSTRUCTOR NOTE:** *Does not prohibit vehicles from crossing 35 m.p.h. roadway*
  - 4. Shall have restrictions posted on the vehicle in clear view.



- A. 28-981 Vehicle equipment.
1. A person shall not drive, or move, on a highway a motor vehicle, tow truck, trailer, semi-trailer or pole trailer, or any combination unless:
    - a. Equipment is in good working order.
    - b. Vehicle is in safe mechanical condition.

**XXII. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 18**

- A. 28-1093 Width of vehicles. ***INSTRUCTOR NOTE:*** Use for bad front ends, flat tires, bad or missing shocks, or when the overall condition of the vehicle is a hazard. measure tire to tire.
1. The total outside width of any vehicle shall not exceed eight (8) feet except:
    - a. Vehicle in operation on July 1, 1950.
    - b. Eight (8) feet, six (6) inches on certain state and federal highways.
    - c. By permit.
- B. 28-1094 Vehicle height.
1. Shall not exceed 13 feet, six (6) inches except:
    - a. By permit.
    - b. Fourteen (14) feet on designated highways.
- C. 28-1095 Vehicle length.
1. Single vehicle not to exceed 40 feet including bumpers.
  2. Farm vehicle with a conveyor may be 48 feet.
  3. Vehicle combinations:
    - a. Semi-trailer operated in truck tractor, semi-trailer or forklift combinations shall not exceed 57 feet, six (6) inches.
    - b. Semi-trailer or trailer in truck tractor or semi-trailer combination shall not exceed 28 feet, six (6) inches.
    - c. Trailer in a truck trailer combination shall not exceed 28 feet, six (6) inches.
    - d. If the length of a semi-trailer is more than 53 feet, the overall length of a vehicle

combination shall not exceed 65 feet.

- e. Recreational vehicles may pull two (2) units if the middle unit is a 5th wheel, rear unit has brakes if 3,000 pounds or more and towed units do not exceed the manufacturer's state gross vehicle weight of the towing unit. **INSTRUCTOR NOTE:** *Middle unit can be a farm vehicle, horse trailer or other wheeled equipment.*

D. 28-1096 Projecting loads.

**P.O. 4.6.8C**

1. Passenger type vehicles shall not have a load which extends beyond the driver's side fenders and no more than six (6) inches beyond the passenger side.

E. 28-1097 Maximum load extensions.

**P.O. 4.6.8B**

1. Load shall not extend more than three (3) feet beyond the front.
2. Load shall not extend more than six (6) feet beyond the rear.
3. Pole trailers are exempt.

F. 28-1098 Vehicle loads.

1. Shall not drive or move a vehicle on a highway unless the vehicle is constructed and loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping from the vehicle.
2. Exceptions are water to clean the roadway and sand for traction.
3. Load or covering must be securely fastened to the vehicle.
4. Minor pieces of agricultural material such as leaves and stems.

G. 28-1102 Weighing of vehicles.

1. Officers may require the weighing of suspected overweight vehicles.
2. May take vehicles to scale if within two (2) miles.
3. Officers may take vehicles out of service and require excess load to be unloaded.

H. 28-1104 Issuance of special permits.

1. Special permits for over-dimensional loads must be carried in the vehicle.
2. Driver shall not violate any of the terms or conditions of the special permit.

- I. 28-1108 Vehicle towing.
  1. The drawbar or other connection shall be of sufficient strength to pull all weight towed.
  2. Drawbar or other connection shall not exceed 15 feet.
  3. If the connection consists of a chain, rope or cable, a white flag of cloth at least 12 inches square shall be displayed on the connection.
  4. The Department of Public Safety shall inspect and register tow trucks in Arizona.

**XXIII. A.R.S. TITLE 28, CHAPTER 3, ARTICLE 20**

- A. 28-1174 Operation restrictions – shall not drive an off-highway vehicle with reckless disregard for the safety of persons or property.

**XXIV. A.R.S TITLE 28, CHAPTER 3, ARTICLE 21**

- A. 28-1202 Photo Enforcement First Responder Exemption.
  1. A vehicle in use by a first responder in the line of duty is exempt from any enforcement action or measure resulting from a photo enforcement system.
- B. 28-1524 Offense by person owning or controlling a vehicle.
  1. The owner or any other person employing or otherwise directing the driver of a vehicle to require or to knowingly permit the operation of the vehicle on a highway in any manner contrary to the law.
  2. Class 2 misdemeanor.

**XXV. A.R.S. TITLE 28, CHAPTER 5, ARTICLE 3****P.O. 4.6.10I**

- A. 28-1551 Parties to a crime.
  1. A person who commits, attempts to commit, conspires to commit or aids or abets in the commission of an act declared in Chapters 3 or 4 of this title or this chapter to be a crime, whether individually, in connection with one (1) or more other persons or as a principle, agent or accessory, is guilty of the offense.
  2. A person who falsely, fraudulently, forcibly or willfully induces, causes or coerces, requires, permits or directs another to violate any provisions of Chapters 3 or 4 of this title or this chapter is guilty of the offense.

**XXVI. A.R.S. TITLE 28, CHAPTER 5, ARTICLE 4**

- A. 28-1591 Traffic violations, civil matters.

1. Chapter 3 and Chapter 5 are civil unless otherwise stated.
  2. Parking and standing complaints can be sent by mail if the violator is not present.  
**INSTRUCTOR NOTE:** *Some courts require certified mail; check with your FTO or supervisor.*
- B. 28-1592 Commencement of action.
1. Sixty (60) days after the alleged violation.
  2. One hundred and eighty (180) days after the alleged violation if related to collision.
  3. Within one year after the alleged violation if the alleged violation is under investigation in conjunction with a traffic accident resulting in death.
- C. 28-1594 Authority to detain persons.
1. A peace officer, or duly authorized agent, may stop and detain a person as it is reasonably necessary to investigate an actual or suspected violation of this title and to serve a copy of the traffic complaint.
- D. 28-1595 Failure to stop or provide evidence of identity.
1. May not knowingly fail or refuse to bring the operator's motor vehicle to a stop after being given a visual or audible signal or instruction.
  2. After stopping, the operator of a motor vehicle must not fail or refuse to exhibit the operator's driver's license as required. **INSTRUCTOR NOTE:** *Do not confuse this law with license not in possession. Check your department's policy.*
  3. Class 2 misdemeanor.

**XXVII. A.R.S. TITLE 28, CHAPTER 7, ARTICLE 1**

- A. 28-2001.A Resident defined. **P.O. 4.6.1C**
1. For the purpose of registration and operation of motor vehicles (driver's license).
  2. A person who remains in this state for an aggregate period of seven (7) months during a calendar year.
  3. A person who engages in trade, profession or occupation, other than seasonal agricultural work and temporary seasonal work not to exceed three (3) months.
  4. A person who places children in school.

5. A person who declares that person is a resident for resident tuition.
  6. An individual, partnership, company, firm, corporation or association that maintains a main office, branch or warehouse facility in this state and that bases and operates motor vehicles in this state.
  7. A person who is registered to vote in this state.
- B. 28-2008 Duplicate registration.
1. If a license plate or registration becomes lost, stolen, unreadable or mutilated, it must be replaced immediately.

**XXVIII. A.R.S. TITLE 28, CHAPTER 7, ARTICLE 2**

- A. 28-2058 Transfer of title.
1. Purchaser or transferee shall transfer title within 15 days.
  2. Seller must immediately surrender title to buyer.
  3. Seller must sign registration card with buyer's information and mail to the department.

**XXIV. A.R.S. TITLE 28, CHAPTER 7, ARTICLE 5****P.O. 4.6.2B**

- A. 28-2152 Registration in a county other than residence.
1. A person must register their vehicle in the county of their residence.
- B. 28-2153 Registration requirement.
1. A person shall not operate, move or leave standing on a highway a motor vehicle, trailer or semi-trailer unless the vehicle has been registered with the department for the current registration year by the state of the country in which the owner or lessee is a resident. **INSTRUCTOR NOTE:** Use to cite resident owners with out of state plates.
  2. Residents shall not operate a vehicle owned by a non-resident if used by the resident for more than seven (7) months.
  3. Does not apply to:
    - a. Farm tractor.
    - b. Implements of husbandry.
    - c. Road roller or machinery, including a power sweeper.

- d. Mining equipment.
  - e. Golf carts in operation on a golf course.
  - f. Wheeled equipment (compressor, forklift, portable cement mixer, tow dolly, tar pot, water trailer, welder, etc.).
- C. 28-2155 One (1) trip permits.
- 1. Valid only for:
    - a. Vehicle emissions.
    - b. Register and titling.
    - c. Vehicle inspection by registering officers.
    - d. Vehicle repair to comply with emission testing.
    - e. By a licensed wholesaler if no valid plate is issued.
  - 2. Still must comply with the insurance requirement.
  - 3. Permits must be displayed clearly visible from outside of the vehicle.
- D. 28-2158 Registration card.
- 1. Shall be carried at all times in the driver's compartment of the vehicle for which it is issued. **INSTRUCTOR NOTE:** *May display electronic version of registration per legislative change 28-101.25(a).*
  - 2. Subject to inspection.

**XXV. A.R.S. TITLE 28, CHAPTER 7, ARTICLE 10**

- A. 28-2322 Non-resident expired registration.
- 1. A person shall not operate a foreign vehicle unless the current year registration is displayed (plate). **INSTRUCTOR NOTE:** *See 28-2328.*

**XXVI. A.R.S. TITLE 28, CHAPTER 7, ARTICLE 11**

- A. 28-2354 License plates. **P.O. 4.6.2B**
- 1. License plate shall be displayed on the rear of a vehicle or on the front and rear if two (2) are issued (tractors without trailer must have the plate displayed to the front).

2. A person shall display all license plates as required, until their lawful use expires or is canceled or revoked (must remove old plates). **INSTRUCTOR NOTE:** *Cite for 28-2354.B for license plate covers. Smoked, film or spray, etc.*
3. A person shall maintain each license plate so it is clearly legible. The issuing State printed on the license plate must be clearly visible. **INSTRUCTOR NOTE:** *Blocking of the state is not a primary violation.*
4. Must be securely fastened to prevent the plate from swinging.
5. Must be at least 12 inches from the ground to the bottom of the plate (no maximum height).
6. Clearly visible.

**XXVII. A.R.S. TITLE 28, CHAPTER 7, ARTICLE 16****A. 28-2513 Mopeds.**

1. No title issued.
2. Registration tag fixed to the frame identifies moped for registration purposes.
3. Exempt from the requirements of 28-964.
4. Must have a valid driver's license.
5. Restricted from right-of-ways designated for bicycles.

**B. 28-2531 Registration violations.****P.O. 4.6.4A**

1. Class 5 felony violation to:
  - a. Intentionally remove, deface, alter or destroy a manufacturer's serial number or VIN.
  - b. Be in possession of a motor vehicle knowingly or having reason to know the manufacturer's serial number or VIN is removed, defaced, altered or destroyed.
  - c. Issue a license plate without full payment.
  - d. Knowingly possess any removed, defaced, altered or destroyed manufacturer's serial or VIN from a motor vehicle.
3. Class 2 misdemeanor violation to:
  - a. Display or possess a registration card or license plate knowing it to be fictitious or

to have been stolen, canceled, revoked, suspended or altered.

- b. Lend to a person, or knowingly permit the use of, the person's registration card or license plate by a person not entitled.
- c. Knowingly fail or refuse to surrender on demand a license plate that has been suspended, canceled or revoked.
- d. Use a false or fictitious name or address in an application for registration.
- e. Knowingly make a false statement or conceal a material fact in the application for registration.
- f. Knowingly place information on the registration that does not exist on title.
- g. Operate, on a street or highway, a motor vehicle without an emission's control device or with an inoperative device.

**C. 28-2532 Registration violation.**

**P.O. 4.6.2B**

1. The resident owner or non-resident owner or operator of a motor vehicle, trailer or semi-trailer that is required by law to be registered in this state and that is not registered or does not display license plates assigned by the department for the current registration year and who operates or knowingly permits the vehicle to be operated on a highway, is subject to a civil penalty.

**D. 28-2533 Failure to obtain Arizona registration.**

**P.O. 4.6.2B**

1. If now working, paying in-state tuition, children enrolled in school or residing here more than six (6) months, must obtain Arizona plates.

**XXXIII. A.R.S. TITLE 28, CHAPTER 8, ARTICLE 3**

**A. 28-3101 Driver's license classes.**

1. Class A:
  - a. Tows a vehicle with a GVWR of 10,001 pounds or more if total weight is 26,001 pounds or more.
  - b. All lower class vehicles.
2. Class B:
  - a. Single unit with a GVWR of 26,001 pounds or more.



- b. Single unit with a GVWR of 26,001 pounds or more while towing a trailer less than 10,000 pounds.
  - c. All lower class vehicles.
3. Class C:
- a. A bus or school bus.
  - b. A vehicle that is required to be placarded for hazardous materials.
  - c. All lower class vehicles.
4. Class D:
- a. Single unit under 26,001 pounds.
  - b. Single unit under 26,001 pounds towing a trailer less than 10,001 pounds.
  - c. Single unit under 26,001 pounds towing a trailer over 10,001 pounds if total weight less than 26,001 pounds.
  - d. ATV requires a class D.
5. Class G: Single unit under 26,001 pounds.
6. Class M: Motorcycle license. ***INSTRUCTOR NOTE:*** *Autocycle not required to have "M" endorsement.*

B. 28-3103 Driver's license endorsements.

**P.O. 4.6.2A2**

- 1. Motorcycle.
- 2. Hazardous material.
- 3. Double-triple trailer.
- 4. Passenger vehicle.
- 5. Tank vehicle.

**XXXIV. TITLE 28, CHAPTER 8, ARTICLE 4**

**P.O. 4.6.2A**

A. 28-3151 Driver's license requirements.

- 1. A person shall not drive a motor vehicle or vehicle combination without a valid driver's license and proper endorsement (military persons have up to six (6) months after being

discharged to renew license).

- B. 28-3152 Driver's license exemptions:
1. Active-duty military personnel while operating a military vehicle in service of the armed forces. **INSTRUCTOR NOTE:** See 28-3171D, Veterans have 6 months from the date of discharge to renew their expired license. They should have the expired license in their possession.
  2. Farm tractor or implements of husbandry.
  3. Non-resident who had a valid license in another state or country.
- C. 28-3153 Driver's license issuance.
1. The department shall not issue a class D or class M license to a person under 16 years of age, exceptions are instruction permits.
  2. The department shall not issue a class D or class M license or permit to anyone under the age of 18 if convicted of certain offenses.
- D. 28-3154 Class G instruction permit. **P.O. 4.6.2A1**
1. Eligible at fifteen (15) years, six (6) months.
  2. Must have a licensed driver in the seat next to the driver who is at least 21 years of age.
  3. Must have a permit in immediate possession.
  4. Prohibited from using a wireless communication device except in case of emergency. **INSTRUCTOR NOTE:** This is a secondary offense, in effect for the duration of Class G license.
- E. 28-3155 Restricted permits. **P.O. 4.6.2A1**
1. Fifteen (15) years of age.
  2. Must be enrolled in a driver program.
  3. Must have a permit in possession.
  4. Must have an approved instructor in the seat next to the driver.
- F. 28-3156 Motorcycle permits.
1. Must have a permit in possession.

2. Cannot operate on freeway.
  3. Cannot operate at night.
- G. 28-3169 Possession and display of driver's license.
1. Shall have a legible driver's license in possession at all times when operating a motor vehicle. **INSTRUCTOR NOTE:** *May display electronic version of license per legislative change, 28-101.25(a).*
  2. Shall display license.
  3. Not responsible if shown in court.
- H. 28-3174 Class G license.
1. First six months shall NOT drive between 12:00 midnight and 5:00 A.M.
    - a. Exception, accompanied by parent or guardian in seat beside the G licensee.
    - b. Exception for driving directly to or from a sanctioned school activity, place of employment, sanctioned religious activity, or family emergency.
  2. First six months shall NOT have more than one person under the age of eighteen (18) in the vehicle.
    - a. Exception if they are siblings.
    - b. Exception if accompanied by parent or guardian in the seat beside the G licensee.
      - i. A Peace Officer shall NOT stop for these reasons only.
      - ii. Prohibited from using a wireless communication device except in case of emergency.

**XXXV. A.R.S. TITLE 28, CHAPTER 8, ARTICLE 5**

- A. 28-3222 Domicile change (CDL).
1. Must obtain an Arizona CDL within 30 days if the CDL operator resides in Arizona.
- B. 28-3226 Limit on number of CDL's.
1. Cannot have more than one (1) except for a 10-day period.

**XXXVI. A.R.S. TITLE 28, CHAPTER 8, ARTICLE 8**

- A. 28-3473 License violations.
1. Shall not operate a vehicle while privilege is suspended, revoked, canceled or refused or if the person is disqualified from driving. **INSTRUCTOR NOTE:** *Disqualification is defined in 28-3001.5.*
  2. Class 1 misdemeanor.
- B. 28-3474 Permitting unauthorized minors to drive.
1. A person shall not knowingly cause or permit a child or ward to drive a motor vehicle on a highway if the person is not authorized.
  2. Class 2 misdemeanor.
- C. 28-3475 Permitting unauthorized person to drive.
1. A person shall not authorize, or knowingly permit, a motor vehicle owned by that person to be driven on the highway by any other person who is not authorized.
- D. 28-3476 False certification.
1. A person who intentionally alters, forges or counterfeits a driver's license or non-operating identification license issued by the United States, Canada or Mexico, is guilty of a Class 1 misdemeanor.
- E. 28-3478 Unlawful acts.
1. It is a Class 2 misdemeanor for a person to:
    - a. Knowingly display, cause or permit to be displayed or have in possession a canceled, revoked, suspended, fictitious or fraudulently altered driver's license.
    - b. Lend the person's license to another.
    - c. Knowingly display or represent as the person's own driver's license a license not issued to that person.
    - d. Apply and to knowingly use a false name, to make false statements or to knowingly conceal a material fact.
    - e. Permit an unlawful use of a person's driver's license.
    - f. Knowingly use a false name when obtaining an I.D.
- F. 28-3480 Operation in violation of restriction. **INSTRUCTOR NOTE:** *See 28-1464, Ignition interlock device (IID) See 28-3159 for restrictions. See 28-144 for post conviction restriction*

types.

1. A person shall not operate a motor vehicle in violation of a driver's license restriction. Violations are a class 2 misdemeanor.
  2. Exception for corrective lens violation (civil penalty only).
- G. 28-3481 Commercial driver's license violation. **INSTRUCTOR NOTE:** *Discuss endorsements.*
1. A person shall not drive a motor vehicle on a highway without a valid class or commercial driver's license or commercial driver license endorsement.
  2. Class 3 misdemeanor.
- H. 28-3482 Driving on a license suspended for failure to appear or failure to pay.
1. Licenses suspended pursuant to failure to pay (FTP) or failure to appear (FTA) is a civil traffic violation.
- I. 28-3511 Removal and Impoundment of Vehicle. **INSTRUCTOR NOTE:** *Discuss community caretaking doctrine in reference to Miranda V. City of Cornelius, 429 F.3d 858 (9th Cir. 2005) and People V. Williams, 145 Cal App 4th 756*
1. A peace officer shall cause the removal and either immobilization or impoundment of a vehicle if the peace officer determines that a person is driving the vehicle while either of the following applies:
    - a. The person's driving privilege is revoked for any reason.
    - b. The person has not ever been issued a valid license or permit by this state and the person does not produce evidence of ever having a valid license or permit by another jurisdiction.
    - c. The person is required to have an ignition lock device and is operating a vehicle without a functioning device (Unless emergency under 28-1464).
    - d. In furtherance of the illegal presence of an alien in the United States and in violation of a criminal offense, the person is transporting or moving or attempting to transport or move an alien in this state in a vehicle if the person knows or recklessly disregards the fact that the alien has come to, has entered or remains in the United States in violation of law.
    - e. The person is concealing, harboring or shielding or attempting to conceal, harbor or shield from detection an alien in this state in a vehicle if the person knows or recklessly disregards the fact that the alien has come to, entered or remains in the United States in violation of law.

2. A peace officer shall cause the removal and impoundment of a vehicle if the peace officer determines that a person is driving the vehicle and if any of the following apply:
  - a. The person's driving privilege is canceled, or revoked for any reason.
  - b. The person has not ever been issued a driver license or permit by this state and the person does not produce evidence of ever having a driver license or permit issued by another jurisdiction. This paragraph does not apply to implements of husbandry.
  - c. The person is not in compliance with the financial responsibility requirements of chapter 9, article 4 of this title.
  - d. The person is driving a vehicle that is involved in an accident that results in either property damage or injury to or death of another person.
  - e. The person is driving a vehicle in violation of 28-693 or 28-708 and the officer reasonably believes that allowing the person to continue driving the vehicle would expose other persons to risk of serious bodily injury or death.
  - f. The person is obstructing a highway or other public thoroughfare in violation of 13-2906 and the peace officer reasonably believes that allowing the person to continue driving the vehicle would expose other persons to the risk of serious bodily injury or death.
3. Except as provided in subsection D of this section, while a peace officer has control of the vehicle the peace officer shall cause the removal and either immobilization or impoundment of the vehicle if the peace officer has probable cause to arrest the driver of the vehicle for a violation of section 4-244.33 (Driver under 21 with alcohol in system) or section 28-1382(Extreme DUI) or 28-1383 (Aggravated DUI).
4. If the driver is being arrested for alcohol offenses listed above, then a peace officer shall not remove and impound a vehicle if all of the following apply:
  - a. The vehicle is currently registered and the driver or vehicle is in compliance with insurance laws.
  - b. The spouse of the driver is with the driver at the time of arrest.
  - c. The officer has reasonable grounds to believe that the spouse has a valid driver license, is not impaired by any substance, is not under 21 with alcohol in system.
  - d. The spouse notifies the officers that the spouse will drive the vehicle from the place of arrest to the driver's home or other place of safety and does so.

- A. 28-4132 Financial responsibility requirement exemptions.
1. Farm tractor.
  2. Trailer used solely for farm operations or implements of husbandry.
  3. Road-roll or road machinery.
  4. Trailer not used for commercial purposes.
  5. Rented vehicle without driver that meets 28-2166.
  6. Motor vehicle registered under 28-2154.
  7. Motor vehicles owned by the United States government.
  8. Golf cart in operation on golf course incidentally on roadway.
- B. 28-4133 Insurance identification cards. **P.O. 4.6.2C**
1. Insurer shall issue two (2) cards.
  2. Person must have proof of insurance in the vehicle.
  3. Card to have insured name, company name, address and phone number.
- C. 28-4134 Peace officer responsibilities. **P.O. 4.6.2C**
1. When investigating a collision, the officer shall check the computer for validity of insurance.
  2. Require, and the person shall show, proof for that motor vehicle.
  3. If the computer shows insurance not valid and the person does not have a more current card, the officer shall issue a citation for lack of proper proof of insurance.
- D. 28-4135 Motor vehicle financial responsibility. **P.O. 4.6.2C**
1. Failure to produce evidence of financial responsibility on the requirement of a law enforcement officer (28-4135C). **INSTRUCTOR NOTE:** Evidence can be displayed on an electronic hand held device (smartphone or tablet).
  2. Vehicle must be insured (28-4135A).
- E. 28-4139 License plate display violation.
1. Display of a license plate on a motor vehicle if the registration or license plate has been

suspended, is a civil violation.

2. Suspended license plates shall be confiscated at the time of the citation.
3. Motor vehicle division shall provide information on suspended plates.

#### XXXVIII.A.R.S. TITLE 28, CHAPTER 10, ARTICLE 7

##### A. 28-4532 Dealer-owned vehicle.

**P.O. 4.6.2B1**

1. Dealer plates shall not be used on a dealer-owned vehicle.
  - a. Work or service truck.
  - b. A leased or rented vehicle. **INSTRUCTOR NOTE:** *Loaner vehicles from the service department can use dealer plates.*
  - c. A laden vehicle designed for the transportation of cargo unless the cargo consists of no more than three (3) vehicles that are owned by the dealer and the laden vehicle and the cargo are being operated or transported by the dealer for resale.
2. Only the owner, full-time employee, prospective buyers or 3rd party contractor may use dealer plates. **INSTRUCTOR NOTE:** *Prospective buyers may use the plate for a maximum of 48 hours for passenger cars.*
3. May be used for personal use if assigned to owner or full-time employee and dealer keeps record of assignment (28-4532C1).

##### B. 28-4550 Temporary registration.

**P.O. 4.6.2B2**

1. A person who issues temporary registration plates or markers shall affix clearly and indelibly, on the face of each temporary plate, the date of issuance and expiration and the make and serial number of the vehicle for which it is issued.
2. It shall not contain the name or address of the person who purchased the vehicle in a position that can be seen from outside the vehicle.

##### C. 28-4551 Expiration of temporary registration.

**P.O. 4.6.2B2**

1. A temporary registration plate expires and is void upon receipt of the permanent plates. **INSTRUCTOR NOTE:** *Refer to 28-2156, Temporary Registration valid for 30 days.*
2. A person to whom the temporary registration is issued shall destroy the temporary.
3. Owner shall destroy the temporary registration after 45 days.

##### D. 28-4553 Violation.



1. A dealer shall not lend a temporary registration to a person or use it on a vehicle that the dealer owns.

**XXXIX. A.R.S. TITLE 28, CHAPTER 10, ARTICLE 8**

- A. 28-4593 Altering a serial or identification number. **P.O. 4.6.4A**
1. A person who knowingly removes, defaces, alters or destroys a manufacturer's number of a motor vehicle or major component part without permission of the department is guilty of a Class 3 misdemeanor. **INSTRUCTOR NOTE:** Discuss with 28-2531.
  2. A person who intentionally removes, defaces, alters or destroys a manufacturer's serial or VIN with the intent to alter the identity of that or another motor vehicle or major component part, is guilty of a Class 5 felony.
- B. 28-4594 Altered serial or VIN contraband. **P.O. 4.6.14B**
1. With the exception of a VIN being altered with permission, any vehicle that has an altered VIN shall be contraband.
  2. Law enforcement agencies shall immediately seize and store the vehicle or major component part and restore the original VIN.

**XL. A.R.S. TITLE 28, CHAPTER 11, ARTICLE 2****P.O. 4.6.14**

- A. 28-4833 Local ordinances.
1. Cities or towns may provide, by ordinances, for removal and custody of abandoned vehicles.
- B. 28-4834 Vehicle removal.
1. An officer who has reasonable grounds to believe that a vehicle has been lost, stolen, abandoned or otherwise unclaimed, may remove, or cause the removal of, the vehicle from any street or highway or any federal, state or private property.
  2. The officer shall inspect the vehicle and complete the vehicle identification form approved by the director.
  3. The officer shall inquire to determine if the vehicle is stolen.
  4. If a renter/tenant parks a vehicle on the landlord's premises in an authorized parking area, the vehicle cannot be towed for being abandoned by virtue of expired registration standing alone.
- C. 28-4835 Presumption of responsibility – the last owner of record is responsible. Good reason

for changing title and registration when selling.

D. 28-4836 Towed vehicles.

1. Unless acting under the direction of a peace officer, anyone who removes a vehicle into a public garage, parking lot, storage yard or automotive recycling yard or on private property without the consent of the vehicle's owner or the owner's agent, shall notify the law enforcement agency.
2. Any person who fails to comply with this section, forfeits claims and is guilty of a Class 1 misdemeanor.

E. 28-4837 Towing and storage costs.

1. The public agency employing an officer who has removed, or caused the removal of, a vehicle is not responsible for the costs. **INSTRUCTOR NOTE:** *The registered owner is responsible for the cost if declared abandoned.*

F. 28-4839 Reporting vehicle abandoned in storage.

1. If a vehicle is left in a public garage or parking lot for storage or parking for more than 15 days that has not been left under a written contract of storage, the party in possession of such a vehicle shall follow certain procedures.

G. 28-4844 Affidavit of a stolen vehicle.

**P.O. 4.6.15**

1. When the owner of a motor vehicle, trailer or semi-trailer that is stolen or embezzled files an affidavit with the department, the department shall immediately suspend the registration of the vehicle and shall not transfer the registration or re-register the vehicle until it is notified that the owner has recovered the vehicle.

H. 28-4846 Stolen vehicles – inspection of.

**P.O. 4.6.15**

1. For the purposes of enforcing this title or locating stolen vehicles or parts of those vehicles, peace officers may:
  - a. Inspect a vehicle to examine any VIN.
  - b. Inspect the title of any vehicle.

**XLI. A.R.S. TITLE 28, CHAPTER 20, ARTICLE 5**

A. 28-7053 Misuse of public highway or airport.

1. Any person who places, maintains an encroachment or obstruction on, makes any use of or otherwise occupies a public highway or airport of this state or any of its political subdivisions.

2. Any person who knowingly molests or destroys any part, projection, structure or appurtenance.
3. Any person who knowingly destroys or interferes with a ford, dip, culvert or crossing of a creek, gulch, river or stream.
4. Any person who knowingly places or maintains a vehicle, aircraft or structure parked or placed, wholly or partly, within a public highway.
5. Any person who knowingly stores, services, repairs or otherwise works on a vehicle within a highway, other than a vehicle which is temporarily disabled.
6. Any person who knowingly removes, damages or destroys a tree or shrub on the right-of-way.
7. All previous guilty of a petty offense.

B. 28-7056 Dumping trash on highways or airports.

**P.O. 4.6.10H**

1. A person who dumps, deposits, places, throws or leaves refuse, rubbish, debris, filthy or odoriferous objects, substances or other trash on a state or county highway, road, public thoroughfare, public airport or right-of-way to a state or county highway is guilty of a Class 3 misdemeanor. **INSTRUCTOR NOTE:** See 13-3720.
2. The driver is presumed to be the offender.

**XLII. CONCLUSION**

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).