



## Arizona Definition of an Intrastate Commercial Motor Vehicle Frequently Asked Questions

On May 16, 2018, Governor Doug Ducey signed House Bill 2455 (HB2455) into law. The new law becomes effective on August 3, 2018. This bill changes the definition in Arizona Revised Statutes 28-5201(1)(A) of an intrastate commercial motor vehicle (CMV) in Arizona from 18,001 pounds or more to 26,001 pounds or more.

Specifically, ARS 28-5201(1)(A) now reads:

### *28-5201. Definitions*

*In this chapter, unless the context otherwise requires:*

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

**(a) A single vehicle or combination of vehicles that has a gross vehicle weight rating of twenty-six thousand one or more pounds and that is used for the purposes of intrastate commerce.**

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

*(c) A school bus.*

*(d) A bus.*

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

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

Vehicles that do not meet the definition of a CMV are no longer subjected to the requirements of ARS Title 28, Chapter 14 - Motor Carrier Safety.<sup>1</sup> This legislative change also exempts this classification of vehicle from the state's adoption of the Federal Motor Carrier Safety Regulations (FMCSRs) and the other CMV regulations found in Arizona Administrative Code Title 17, Chapter 5, Article 2.<sup>2</sup> However, medium duty vehicles remain subject to the remainder of ARS Title 28 and equipment is specifically regulated by Title 28, Chapter 3.<sup>3</sup>

**This law does not change any regulations for Interstate Commercial Vehicles.**

**The new law takes effect on August 3, 2018, you must follow the existing law until then. The question and answers below are only valid after August 3, 2018.**

<sup>1</sup> Found at: <https://www.azleg.gov/arsDetail/?title=28>

<sup>2</sup> Found at: [http://apps.azsos.gov/public\\_services/Title\\_17/17-05.pdf](http://apps.azsos.gov/public_services/Title_17/17-05.pdf)

<sup>3</sup> Found at: <https://www.azleg.gov/arsDetail/?title=28>

## **QUESTIONS AND ANSWERS**

### **Are Log Books and Driver Vehicle Inspection Reports still required?**

No. Intrastate vehicles under 26,001 GVWR/GCWR are no longer considered commercial motor vehicles for the purposes of record of duty status or daily vehicle inspections.

### **Do drivers need to have a medical examination and certificates?**

No. Intrastate vehicles under 26,001 GVWR/GCWR are no longer considered commercial motor vehicles for the purposes of medical examination and/or certificates. If the driver does not have a CDL, then they do not need to have a medical exam or certificate.

### **Do I need to install an electronic logging device (ELD) in vehicles under 26,001 GVWR/GCWR that only operate intrastate?**

No. Since the vehicle is not considered a commercial motor vehicle it is not subject to the ELD or Hours of Service requirements.

### **Do I still need to get a DOT number, if I don't have vehicles that meet the new definition?**

No. You are not required to apply for a DOT number if you are not operating any vehicles that meet the intrastate definition of a commercial motor vehicle, and you conduct only Arizona Intrastate operations.

### **Can I remove our DOT number / markings from our vehicles under 26,001 pounds GVWR/GCWR?**

Yes, you can remove your DOT number and markings as long as you are not operating vehicles or a combination of vehicles with a GCWR of 26,001 lbs or more.

### **What about my vehicles under 26,001 pounds that transport Haz Mat?**

If the quantity of hazardous materials requires the load to be placarded, then yes, it is still considered a commercial motor vehicle.

### **Can I still be placed out of service for unsafe vehicle?**

Yes. We always recommend you continue to operate at the highest levels of safety. ARS §28-982 allows law enforcement to put any vehicle that is unsafe out of service.

### **Do I need to maintain Driver Qualification Files for drivers of vehicles between 10,001 GVWR/GCWR and 26,001 GVWR/GCWR that drive only in intrastate commerce?**

Since these vehicles no longer meet the definition of commercial motor vehicles, it is no longer required. However, it is recommended that you maintain the highest level of hiring standards before putting a driver behind the wheel of any vehicle.

### **Do I still need to carry commercial vehicle liability insurance, and maintain minimum levels of cargo liability?**

The Arizona financial responsibility requirements still apply. Please visit Arizona Revised Statutes Title 28, Chapter 9 to see which limits apply to your vehicle.

### **My company fleet has trucks that weigh less than 26,001 pounds GVWR/GCWR, and trucks that weigh more than 26,001 pounds GVWR/GCWR. Can I continue to treat the smaller trucks the same as the larger trucks in terms of markings, insurance, inspections, and so forth?**

Yes. There is no regulation that states you cannot exceed requirements put forth by the state or federal government.

### **Do I still have to register my vehicle as a commercial vehicle?**

Yes. This change does not change how you register or pay fees on your vehicle. According to ADOT's website: "A vehicle registered in the name of a commercial enterprise must be registered commercially unless the registering applicant certifies that the vehicle will not be maintained and used for commercial purposes."