1. GENERAL ENFORCEMENT GUIDELINES

A. Citing Violators

(1) Use of Discretion - This policy provides guidelines for enforcement of State and City traffic codes; however, with justification, employees may use discretion when determining whether or not to cite violators.

(2) State and City Traffic Codes

(a) Arizona Revised Statutes (ARS) Title 28 should be used for most traffic law violations.

(b) Phoenix City Codes (PCC) may be used if there is not an applicable State code.

(c) Violators will be cited for appropriate violations of ARS Title 28 when both City and State codes exist for the violation, except for parking violations.

B. Warnings - Since the Department does not authorize issuing written warnings for traffic violations, employees may issue a verbal warning for violations unless otherwise indicated in this policy. A subject Contact Data Form will be completed for all warnings.

C. Enforcement on Non-Dedicated Streets

(1) City and State traffic codes may be enforced on non-dedicated streets with unrestricted public access. This includes the following:

- Housing projects
- Condominium complexes, and similar developments
- Any street that is open to the public for vehicular traffic

(2) Prior to issuing an Arizona Traffic Ticket and Complaint (ATTC) for traffic control sign violations occurring in these types of locations, employees will ensure the words CITY OF PHOENIX are imprinted on the bottom of the sign.

(3) Any private road restricting public access by sign or guardhouse is not subject to traffic enforcement other than driving under the influence (DUI), hit and run, or reckless driving.

D. Out-Of-State Student - Out-of-state students enrolled with seven or more semester hours in this state in a publicly funded or private educational institution should not be cited for having an out-of-state driver license or vehicle registration.

(1) The driver license/registration must be current.

(2) This also applies to students on semester breaks and summer vacations

2. REGISTRATION

A. General Guidelines - Violators who are cited or warned for a registration violation will be advised they are subject to another citation for the same violation should they continue to drive the vehicle on the roadway.

B. Enforcement Procedures:

(1) Registration Display ARS 28-2158C	• Cite only the owner
(2) Mutilated License Plates ARS 28-2354B	• Cite only the owner

2. B. Enforcement Procedures: (Continued)

(3) Transfer Title in 15 Days ARS 28-2058A2B	• Cite only the owner
(4) Attachment of Plates ARS 28-2354	• Warnings will normally be given when plates are improperly fastened. • If two plates were issued and the owner chooses to display the second plate, it will be displayed on the front of the vehicle.
(5) Current Registration ARS 28-2532A ARS 28-2153	• Cite violators who are Arizona residents and owners of the vehicles in the following situations: * Individuals who knowingly fail to register their vehicles in Arizona for the first time * Individuals who are stopped with an expired registration who have not sent their registration renewal to the Motor Vehicle Division (MVD) and have the registration renewal form in their possession or have not had the vehicle emissions checked • Road rollers or road machinery, including power sweepers, are exempt from this code when operated temporarily on the roadway. • Military personnel are not required to have an Arizona vehicle registration if they possess a valid registration from another state or the District of Columbia. * This exemption does not apply to military dependants. * If it can be shown the dependent is an Arizona resident pursuant to ARS 28-2001, and the vehicle is owned solely by the dependent, an Arizona registration is required.
(6) Fictitious Plates ARS 28-2531B1 (Criminal)	"Fictitious plates" means the license plates are counterfeit or have been knowingly stolen, canceled, revoked, suspended, or altered. "Altered" includes removing logos, words or other markings or the altering of any color on the license plate issued by MVD. An expired license plate with a current registration tab from another vehicle or a homemade tab is considered fictitious. • Employees will seize plates from any vehicle to which they have legal access if the plate has been physically altered or if it is a homemade plate designed to look like an official plate. • The seized plate will be returned to MVD. • The owner or operator may be cited for this violation.
(7) License Plates Belonging to Another ARS 28-2531B2	• Cite the registered owner of the plates under ARS 28-2531B2 • Cite the borrower under ARS 28-2532A, Failure to Display Assigned Plates • Seize the plates and return them to MVD
(8) Canceled Vehicle Registration ARS 28-2532A	• If registration has been cancelled the owner should be cited for No Current Registration. • Employees will not issue an ATTC for canceled plates • Canceled plates will not be seized. • If the registration on canceled plates is expired, cite for expired registration.
(9) Dealer Plates ARS 28-4532	• Cite violators and impound the plates for safekeeping • Dealer plates may be used by an owner, an employee, or a prospective buyer (this includes personal use by an owner or a full-time employee). • Dealer plates may not be used on work, service, leased, rented, on a laden vehicle designed for the transportation of cargo (unless the cargo consists of no more than three vehicles owned by the dealer and the laden vehicle and cargo are being operated or transported by the dealer for resale), or a vehicle that has been sold. • A dealer may demonstrate a vehicle laden with cargo after obtaining a permit from MVD (the permit must be carried in the vehicle). • Dealer plates expire each December 31; there is no grace period.

2. B. Enforcement Procedures: (Continued)

(10) Suspended Vehicle Registration (Financial Responsibility) ARS 28-4139A	• Violators whose license plates and registration are suspended for financial responsibility should be cited for a civil violation. • License plates will be seized and placed in the designated container located in the property room at each precinct and the Tactical Support and Traffic Bureaus.

3. **DRIVER LICENSES**

A. General Guidelines

(1) Violators - Violators who are cited or warned for a driver license violation will be advised they may be cited for the same violation should they continue to drive a motor vehicle.

(2) Military and Military Dependent Exemptions

(a) Active-Duty Military - Active-duty military members transferred to Arizona need not obtain an Arizona driver license if they have a valid CURRENT driver license from their home state or the District of Columbia.

- Some states, like Arizona, provide active duty military personnel with special licenses that do not expire until after discharge.
- In accordance with ARS 28-3171, the Arizona operator or chauffeur license of active-duty military members does not expire until six months from the date of their discharge from military service.
- Arizona does not recognize a driver license issued to U.S. military personnel by the military or a foreign country. However, returning military personnel will be allowed to drive on such a license directly from the port of entry to their assigned base.

(b) Military Dependents

- The active duty military exemption does NOT apply to military dependents.
- Military dependent are required to obtain an Arizona driver license as soon as they become residents.
- The Military Spouses Residency Relief Act of 2009 (MSRRA) does not affect whether a spouse must get a driver license in a non-domiciliary state. This is entirely a function of state law. ARS 28-3152 has not been amended or changed to specifically exempt military dependents.

B. Enforcement Action:

(1) Suspended or Revoked Licenses	General Guidelines • Cite and release violators. • If the situation is aggravated, violators may be booked. • An indication of an MVD license suspension or revocation received via the Mobile Data Computer (MDC) or Information Services Unit (ISU) Arizona Criminal Justice Information System (ACJIS) computer, is sufficient evidence to issue an ATTC. • Advise the violator of Miranda rights and question the violator about the suspension or revocation, identity, residency, etc. • VIOLATORS WILL NOT BE ALLOWED TO DRIVE. • Licenses will be seized and placed in the designated container located in the property room at each precinct and the Tactical Support and Traffic Bureaus. (continued on next page)

3. B. Enforcement Action: (Continued

(1) Suspended or Revoked Licenses (Continued)	ARS 28-3482 (civil) • If a driver's license has been suspended for failure to pay a fine or failure to appear. ARS 28-3473A (Criminal) • If a license is suspended or revoked for any other reason, such as for a DUI, reckless driving, or financial responsibility. ARS 28-3151A (Civil) If a license has been suspended or revoked for a non-DUI offense in another state, this code will be used. ARS 28-1464 (Criminal) - This code will be charged when a person subject to ARS28-1461 (Ignition Interlock Devices), violates the restriction. • Persons subject to this restriction will have a notation on their MVD record.
(2) No Driver License ARS 28-3151A	Cite violators when the license has expired, a resident is using an out-of-state license, or the driver has never been licensed (including motorcycles). • Officers will not give violators permission to drive. • Expired licenses will not be seized.
(3) Unlawful Use of License ARS 28-3478.3 (Criminal)	• Seize and impound licenses that are fictitious, fraudulently obtained, or intentionally altered. • Seize licenses that are canceled, revoked, or suspended and place in the designated container located in the property room at each precinct and the Tactical Support and Traffic Bureaus. • If a driver's license is seized in connection with a booking, it will be so indicated in the Arrest/Booking Record.
(4) Legible License ARS 28-3169A	• Violators who do not possess a legible driver license may be warned or cited.
(5) Duplicate Driver License ARS 28-3170	• Do not cite. • If a subject has both a duplicate and an original driver license with the same expiration date, the duplicate license will be returned to the subject and the original license will be forwarded to MVD.
(6) Re-examination for License ARS 28-3314	• Do not cite. • Submit a memorandum requesting re-examination to the Vehicular Crimes Unit (VCU). VCU will forward the memorandum to MVD.

4. **MANDATORY INSURANCE, ARS 28-4135**

A. Definitions

(1) Motor Vehicle	For the purposes of this statute, a motor vehicle is defined as any self-propelled vehicle having a motor that exceeds 5 horsepower or is designed to be operated at more than 25 miles per hour.
(2) Proof of Insurance	A motor vehicle insurance identification card or any proof of current vehicle insurance acceptable under the provisions or ARS 28-4133 may be considered as evidence of financial responsibility for the motor vehicle.

B. Enforcement Guidelines

(1) Officers will not stop motorists solely for the purpose of checking for proof of insurance.

4. B. (2) When a motorist is legally stopped, the officer shall request proof of insurance from the driver.

(a) The driver shall then provide the proof of insurance that must be carried in the vehicle.

(b) Information from an MVD records check will show whether there is any Notice of Insurance Cancellation or Non-renewal on record with MVD.

(c) The driver shall be given an ATTC charging ARS 28-4135C, Failure to Provide Proof of Mandatory Insurance, if MVD records reflect a cancellation of insurance and the driver cannot produce a more recent proof of insurance coverage or financial responsibility.

(3) Refer to ARS 28-4132 for those vehicles exempt from mandatory insurance.

(4) Mandatory insurance does not apply to private property accidents.

C. Vehicles Registered Out of State

(1) If the driver of a vehicle registered out of state is found in violation, the driver should be cited.

(2) If the driver produces proof of insurance from the state in which the vehicle is registered, the driver is not in violation.

5. **MOVING VIOLATIONS**

A. Speeding Violations

(1) Speed Greater than Reasonable and Prudent, ARS 28-701A

(a) General Guidelines

- To determine what speed is deemed reasonable and prudent, officers will utilize posted speed limits along with existing road conditions.
- In non-accident situations, the charge will be SPEED GREATER THAN REASONABLE AND PRUDENT.

(b) Accidents - When this code is used for accidents involving a collision with any object, person, vehicle, or conveyance on, entering, or adjacent to the highway, the charge will be FAILURE TO CONTROL SPEED TO AVOID A COLLISON.

(2) Speed in Alleyways, PCC 36-43 will be used for alley speed and is the only exception to the use of ARS speed codes.

(3) Excessive Speed, ARS 28-701.02.A (Criminal)

(a) Cite or book for excessive speed when the violator is exceeding the posted speed limit in a business or residential district by more than 20 Miles Per Hour (MPH), or if no speed limit is posted, exceed 45 MPH, or exceeding the posted speed limit by more than 20 MPH in other locations..

- The decision to book should be based upon the danger posed to the community by the actions of the violator and that which is in the best interests of the Department.

(b) Cite or book for the specific subsection: for example, ARS 28-701.02.A.1 or 28-701.02.A.2.

5. A. (3) (c) **Do not** charge for both ARS 28-701A and ARS 28-701.02 when the violation has arisen from the same circumstance.

(d) When the violator is booked and additional civil traffic violations will be issued, refer to Operations Order 7.6.00, Arizona traffic and Ticket Complaint for further information.

(4) Speed in School Zones, ARS 28-797H - Cite when the violator is driving 16 mph or more between the portable signs indicating SCHOOL IN SESSION and STOP WHEN CHILDREN IN CROSSWALK.

(5) Speed in a State Highway Work Zone, ARS 28-710

(1) "State highway work zone" means an area within a state highway right-of-way (*i.e.*, SR101, SR202, SR51, SR143) and is subject to preliminary engineering work or construction, repair, or maintenance work.

(2) ARS 28-710A – When workers are not present, a person shall not drive a vehicle at a speed that is greater than the speed allowed by traffic control devices.

(3) ARS 28-710B – When workers are present, a person shall not drive a vehicle at a speed that is greater than the speed allowed by traffic control devices.

B. Traffic Control Devices

(1) Obedience to Traffic Control Devices ARS 28-644	• Cite only when another specific code does not exist to cover the violation. • This code applies only to drivers of vehicles and cannot be used for pedestrians.
(2) Flashing Yellow Signal ARS 28-647.2	• Cite for accident cause or when a hazard exists.
(3) Required Yield at Yield Sign ARS 28-855C	• Cite for accident cause or when a hazard exists.

C. Vehicle Movement

(1) General Guidelines - Cite for the following traffic violations when a hazard exists or an accident has occurred.

(a) State Codes	• Passing on the Left, ARS 28-723 • Passing on the Right, ARS 28-724B • Limitations on Passing to Left, ARS 28-725 • One-Way Roads, ARS 28-728B • Driving in One Lane/Changing Lanes, ARS 28-729.1 • Obedience to Slow-Moving Traffic Lane Markings, Obedience to Lane Direction Markings, ARS 28-729.3 • Following Too Closely, ARS 28-730A • Controlled Access Roads, ARS 28-732 • Driving, Stopping, or Parking in a Designated Bicycle Path, ARS 28-815D • Limitation on Backing, ARS 28-891
(b) City Codes	• One-Way Alley, PCC 36-52 • Reversible Lane, PCC 36-53 • Temporary Markings and Barricades, PCC 36-54 • Obstructing Traffic, PCC 36-57 • Boarding or Alighting from Moving Vehicle, PCC 36-66

(2) Limitations on Driving Left of Center, ARS 28-726.A2 - Cite violators if they drive left of center within 100 feet of an intersection.

5. C. (3) No Passing Zones (Marked), ARS 28-727

(a) Cite violators for zones created by the State Highway Commission.

(b) ARS 28-644 will be used for zones created by the City traffic engineer.

(c) ARS 28-644A1 will be used for school zones.

(4) Turning Movements

(a) General Guidelines - Cite for the following traffic violations when a hazard exists or an accident has resulted.

- Starting Parked Vehicle, ARS 28-753
- Turning Mid-Block/Intersection, ARS 28-754A
- Signal Before Stopping/Slowing, ARS 28-754C

(b) U-Turns - Cite for unsafe U-turns under PCC 36-47 when any one of the following conditions exist:

- The movement is prohibited by a sign.
- The movement results in an accident.
- The movement requires another motorist to take evasive action.

(5) Squealing Tires, PCC 36-69 - Cite violators when the action appears to be intentional.

D. Right-of-Way, Vehicle - Cite for the following traffic violations when a hazard exists or an accident has resulted.

(1) Car on Right, Open Intersection	ARS 28-771A
(2) Turning Left at Intersection	ARS 28-772
(3) Yield From Stop Sign	ARS 28-773B
(4) Yield From Private Road/Driveway	ARS 28-774
(5) Yield to Emergency Vehicle	ARS 28-775A1
(6) Following Fire Truck Within 500'	ARS 28-775B
(7) Emerging From Alley or Drive	ARS 28-856

E. Cruising, PCC 36-57.01

(1) General Enforcement Guidelines

(a) Cite violators

(b) This ordinance will only be enforced in areas properly posted as no cruising zones: for example, Metrocenter or South Phoenix.

(c) Every no-cruising area shall be posted with sufficient signs to provide notice that cruising is prohibited.

(2) Enforcement Criteria - In order to cite a violator for this ordinance, officers must establish:

(a) A stationary traffic control point from which officers observe the flow of traffic.

(b) That congestion exists throughout the measuring period. Congestion exists when a vehicle is unable to clear a signalized intersection in two light changes.

5. E. (2) (c) That violators cause or permit their vehicle to be driven past the traffic control point three times in a two-hour period.

- Persons permitting a vehicle under their care, custody, or control to be driven past the traffic control point can be cited even if the drivers change.

F. Reckless Driving, ARS 28-693 (Criminal) - The violator must show reckless disregard for the life and property of others.

(1) Submit a Case Report (CR) detailing all violations committed and include the ATTC number.

(2) The ATTC will be issued for Reckless Driving and all underlying civil infractions as well as administrative (insurance, registration, etc.) citations.

- Ensure the CR number is listed on the ATTC.

G. Aggressive Driving, ARS 28-695 (Criminal) - The elements of Reckless Driving apply under this statute in addition to the following:

(1) There must be a speed violation as defined in ARS 28-701A or ARS 28-701.02, **and** there must be at least two of the following moving violations as defined in ARS 28-695.

- ARS 28-644 Failure to obey a traffic control device
- ARS 28-724 Overtaking and passing on the right off pavement or main roadway
- ARS 28-729 Unsafe lane change
- ARS 28-730 Following too close
- Any failure to yield right-of-way

(2) If the elements of Aggressive Driving exist, charge the suspect with both Reckless Driving and Aggressive Driving.

(3) Cite all of the underlying civil infractions as well as any administrative or other applicable civil infractions.

- Ensure the CR number is listed on the ATTC.

(4) A CR describing all of the infractions as well as the physical conditions at the time of the infractions (locations of pedestrians, buildings, and other hazards) will be completed.

- Ensure the ATTC number is listed in the CR.

H. Racing on Highways, ARS 28-708A (Criminal)

(1) Enforcement Criteria - ARS 28-708A encompasses a diversity of violations therefore officers should refer to the below examples for charging criteria.

(a) Racing/ Exhibition of Speed ARS 28-708A	Exhibition of Speed • When only one vehicle is involved, and it can be established the vehicle was being monitored • "Exhibition of acceleration" and "making a speed record" are within this section. Racing - As defined in ARS 28-708H2 • When two or more vehicles are involved and at least one of the vehicles is attempting to out-gain, outdistance, or prevent the other vehicle/s from passing • If one of the drivers is not party to the race, only the participating driver/s will be cited.

5. H. (1) Enforcement Criteria - ARS 28-708A (continued)

(a) Racing/ Exhibition of Speed ARS 28-708A (continued)	Drag Racing - As defined in ARS 28-708H1 • When two or more vehicles, from a point side by side, accelerate in a competitive attempt to outdistance each other, or when one or more vehicles are driven over a common selected course, from the same point, for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles within a certain distance or time limit.

(2) Enforcement Action

(a) All participating vehicle operators will be cited for these and any other traffic violations that occurred.

(b) A CR will be completed ensuring the specific wording, Exhibition of Speed, Racing, **or** Drag Racing, is listed in the Narrative section as well as any other factors involved in the offense: for example, fishtailing, burning rubber, and squealing tires.

6. **OBEDIENCE TO POLICE OFFICERS**

A. Obedience to Police Officers ARS 28-622 (Criminal)	• This statute applies when: * An officer is directing, controlling, or regulating traffic * An officer gives a driver or a pedestrian a lawful order relating to traffic: for example, tells a motorist not to drive on an expired or suspended license. • ARS 13-2509, Resisting an order directing, regulating, or controlling motor vehicle, may be used in situations when it is appropriate to complete a CR.
B. Failure to Stop Motor Vehicle Upon Command of a Peace Officer ARS 28-1595 (Criminal)	• Cite violators. • If the situation is aggravated: for example, continued refusal to obey command, violators may be booked.

7. **NON-MOVING VIOLATIONS (EQUIPMENT)**

A. Mud Flaps ARS 28-958.01	• Applies to a truck, trailer, semitrailer, or bus operated on a highway. Does not apply to a vehicle commonly known as a pickup truck with a manufacturer's gross vehicle weight rating of 10,000 pounds or less, except that this section applies if the pickup truck has been modified from the original bumper height design to raise the center of gravity of the pickup truck.. • This violation is a primary offense and can be cited as any other equipment violation.
B. Size, Weight, and Loads	• For overweight vehicles a certified Commercial Vehicle Enforcement Officer should be contacted through the Radio Supervisor for any enforcement action. * ARS 28-935B Red lamp, flag, or cloth required 4 feet or more from the rear * ARS 1094A Vehicle over height of 13 feet 6 inches * ARS 28-1096 Load extending beyond the line of left side fenders or more than 6 inches beyond line of right fenders * ARS 1097A1 Load projecting more than 3 feet from front of vehicle * ARS 1097A2 Load projecting more than 6 feet from rear of bed or body of vehicle * ARS 28-1098A Spilling load on roadway * ARS 28-1098B Uncovered/unsecured load

7. **NON-MOVING VIOLATIONS (EQUIPMENT)** (continued)

C. Vehicle Lighting Equipment ARS 28-925C ARS 28-931C	• ARS 28-925C - White lamps required on rear license plate rendering it legible from a distance of 50 feet • ARS 28-931C - White lamps required on rear license plate
D. Space Between Towed Vehicles (15' Maximum) ARS 28-1108	• Cite for accident cause or when a hazard exists

8. **NOISE VIOLATIONS**

A. Unreasonable Use of Horn, PCC 36-72	• Cite violators. • Time of day or night should be considered when citing this statute.
B. Loudspeakers or Amplifiers in or on Vehicles, PCC 36-73	• Enforced only on complaint or in aggravated circumstances.

9. **UNLAWFUL FLIGHT FROM PURSUING LAW ENFORCEMENT VEHICLE**

A. General Information - Unlawful flight from a pursuing law enforcement vehicle is a class 5 felony. The statute for this violation is ARS 28-622.01.

B. Enforcement Criteria - The following elements must exist before a subject can be charged with unlawful flight:

(1) The driver has willfully fled or attempted to elude the pursuing officers by rapid speeds and/or by making evasive maneuvers, looked over the shoulder toward the police vehicle, moved the head to look into the rearview mirror, turned off headlights, etc.

(2) The law enforcement vehicle was being operated in accordance with ARS 28-624C (siren sounding and red light/s on).

∗ Emergency lights alone are not sufficient.

(3) The law enforcement vehicle is equipped with identifying decals, emergency lights, and a siren.

C. Completion of a CR - A CR will be completed when any driver of a motor vehicle willfully flees or attempts to elude a pursuing official law enforcement vehicle.

(1) The CR will include:

- The distance between all vehicles involved and the sequence of the chase
- Preliminary breath test (PBT) results, if administered
- Any evidence to show the suspect's knowledge of being pursued, such as elements listed in section 9.B of this order
- A complete description of the pursuing vehicle, including the equipment number
- A statement that the pursuing vehicle was operating with red lights and siren in accordance with ARS 28-624C
- A motive for the unlawful flight (possession of stolen vehicle or property, driving on a revoked license, etc.)

(2) Refer to Operations Order 5.7.00, Reports, for proper reporting procedures.

D. Enforcement Action

(1) Suspects must be advised of their Miranda rights per prior to questioning.

9. D. (2) Officers will cite for any traffic violations observed prior to the unlawful flight.

(3) Do not cite for those traffic offenses that occurred during the pursuit, but all violations will be described in detail in the CR.

(4) If there are insufficient elements to substantiate an unlawful flight charge, officers will consider citing the violator for ARS 28-1595, Failure to Stop at Peace Officer's Signal.

10. **BICYCLES**

A. General Guidelines

(1) Bicycle riders are subject to the same laws as motor vehicles and may be cited for appropriate sections of ARS Title 28 the same as drivers of vehicles.

(2) According to state law, a person under the age of eight cannot commit an offense and, therefore, will not be cited for the violations contained in this section.

B. Enforcement Guidelines - Cite for the following civil traffic violations when a hazard exists or an accident has occurred.

(1) Riding on a Bicycle Seat	ARS 28-813A
(2) More than One Person on Bicycle	ARS 28-813B
(3) Clinging to Vehicles	ARS 28-814
(4) Riding on Roadway/Bicycle Path	ARS 28-815
(5) Carrying Articles While Riding	ARS 28-816
(6) Bicycle Brakes Required	ARS 28-817C
(7) Bicycle Lamps Required	ARS 28-817A
(8) Yielding Pedestrian Right of Way on Sidewalks	PCC 36-113

11. **MOPEDS**

A. Definition - A moped means a bicycle (not including an electric bicycle), an electric miniature scooter or an electric stand-up scooter equipped with a helper motor, if the vehicle has a maximum piston displacement of fifty cubic centimeters or less, a brake horsepower of one and one-half or less, and a maximum speed of 25 MPH or less, on a flat surface with less than a one percent grade.

B. Registration

(1) Mopeds require a registration but not an MVD title; the notarized bill of sale shows ownership.

(2) Operators of mopeds that do not bear registration will be cited for ARS 28-2513, Moped Without Permanently Affixed Registration Number.

(3) Operators of mopeds can be charged with Driving Under the Influence (DUI).

C. Driver License

(1) Any class of driver's license is valid for operating a moped.

D. Equipment Violations - Mopeds are not subject to equipment violations (mirrors, eye protection, etc.) as are motorcycles.

E. Insurance - Moped operators are not required to provide proof of insurance.

12. **OFF-ROAD VEHICLES**

A. Operation on A Public Thoroughfare

(1) Off-road vehicles (dirt bikes, mini-bikes, ATCs, etc.) may not be operated on a public thoroughfare unless the operator and the vehicle are licensed in accordance with ARS 28-3151A and ARS 28-2153.

(2) Adult and juvenile violators may be cited or warned, as appropriate, but will not be allowed to drive on a public thoroughfare.

B. Equipment - Equipment required in accordance with ARS 28-964 is applicable to off-road vehicles that are driven on any highway and that satisfy the definitions for motorcycles or motor-driven cycles in ARS 28-101.

C. Miscellaneous Enforcement

(1) View Phoenix Online Codes for enforcement codes, such as for dust-proof driveways (PCC36-62) and City parks (PCC 24-43).

(2) Officers will warn violators if the violation is unintentional or unavoidable but may cite in all other circumstances.

13. **PEDESTRIANS** - Pedestrians may be issued an ATTC for violations of various sections of ARS Title 28, as well as PCC violations.

(1) PCC	• Crossing a Roadway, PCC 36-128 • Cite in accidents or when a hazard exists.
(2) ARS Title 28	• Use state codes for all other violations, such as hitchhiking, etc.

14. **MOTORIZED SKATEBOARDS**

A. Definitions

(1) A motorized skateboard is defined in PCC 36.1 as a self-propelled device that has a gas or electric motor, a deck on which a person may ride, and at least two tandem wheels in contact with the ground and which is not otherwise defined in ARS Title 28 as a motor vehicle, motor-driven cycle, motorized wheelchair, or electric personal assistive mobility device.

(2) In ARS 28-101.33(b)(i), a motorized skateboard is defined as a self-propelled device that has a motor, a deck on which a person may ride, and at least two tandem wheels in contact with the ground.

(3) Motorized play vehicle is defined in PCC 36.1 as a coaster, scooter, any other alternatively fueled device, or other motorized vehicle that is self-propelled by a motor or engine, gas or electric, and which is not otherwise defined in ARS Title 28 as a motor vehicle, motorcycle, motor-driven cycle, motorized wheelchair, or electric personal assistive mobility device.

B. Enforcement Action

(1) General Enforcement Guidelines

(a) Officers may take enforcement action when the operator of a motorized skateboard/ play vehicle violates any laws or ordinances that apply to motor vehicles.

(b) Major traffic offenses, such as hit and run, DUI, and reckless driving also apply to motorized skateboards/play vehicles.

14. B. (1) (c) Officers will obtain a supervisor's permission prior to citing a violator who is eight to 14 years of age.

(2) Specific Codes - Officers will use the following specific PCC codes when citing violators, all violations under PCC 36-64 are civil traffic offenses:

(a) PCC 36-64.A	• Violators operating motorized skateboards/play vehicles (gas or electric) and/or other "play vehicles" will be cited with this code when operated on any sidewalk, street, bike path or bikeway, equestrian trail, or shared use path. • This code **will not** be used for mini-motorcycles or vehicles that meet the definition of a motorcycle or motor vehicle under ARS Title 28; use the following appropriate ARS Title 28 codes: ∗ No motorcycle license ∗ No vehicle registration ∗ No insurance ∗ No windshield, etc.
(b) PCC 36-64.B	• Prohibited operation on private property without owner's permission. • Upon complaint by a property owner, cite violators. Use this code if violations are observed in City parks or on City property.
(c) PCC 36-64.C	• Prohibited operation on private property causing excessive, unnecessary, or offensive noise. • Cite violators whose actions disturb the peace and quiet of any neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitivity.
(d) PCC 36-64.D	• Allowing minor to operate motorized skateboard/play vehicle • Cite parents where applicable.
(e) PCC 36-64.E.1	• Failure to post notice of PCC 36-64.
(f) PCC 36-64.E.2	• Failure to provide copy of notice of PCC 36-64

15. **ELECTRIC BICYCLES**

A. "Electric Bicycle" means a bicycle or tricycle equipped with fully operable pedals and an electric motor of less than 750 watts and meets the requirements of one of the following classes.

NOTE: License, registration, and insurance are not required. It is not a "vehicle" for Title 28 purposes, so DUI does not apply.

(1) Class 1 Electric Bicycle – A bicycle or tricycle equipped with an electric motor that assists when the bicycle reaches the speed of 20 MPH.

(2) Class 2 Electric Bicycle – A bicycle or tricycle equipped with an electric motor that may be used exclusively to propel the bicycle or tricycle and is not capable of assisting when the bicycle or tricycle reaches the speed of 20 MPH.

(3) Class 3 Electric Bicycle – A bicycle or tricycle equipped with an electric motor that assists when the bicycle or tricycle reaches the speed of 28 MPH.

B. Officers will use the following civil traffic PCC codes when enforcing violations:

(1) PCC 36-500	• Operating at a speed not reasonable/prudent, failure to control speed to avoid a collision
(2) PCC 36-501	• Turning movement requirements
(3) PCC 36-502	• Yielding right of way
(4) PCC 36-504	• Electric bicycle operation prohibited on sidewalks
(5) PCC 36-510	• Electric bicycle operators must be 16 years or older
(6) PCC 36-514	• Class 3 electric bicycles or tricycles prohibited on sidewalks, alleys, and public rights-of-way.

16. **ELECTRIC SCOOTERS**

A. "Electric Scooter" means a device which weighs less than 75 pounds, is powered by human power, an electric motor, or both and that has two or three wheels, handlebars, and a maximum speed of 20 MPH.

B. Officers will use the following civil traffic PCC codes when enforcing violations:

(1) PCC 36-300	• Operating at a speed not reasonable/prudent, failure to control speed to avoid a collision
(2) PCC 36-301	• Turning movement requirements
(3) PCC 36-302	• Yielding right of way
(4) PCC 36-304	• Electric scooter operation prohibited on sidewalks
(5) PCC 36-307	• White light and red reflector required at night
(6) PCC 36-308	• Electric scooter operators must be 16 years or older

17. **MOTOR DRIVEN CYCLES AND MOTORCYCLES**

A. "Motor driven cycle" means a motorcycle, including every motor scooter, with a motor that produces not more than five horsepower but does not include an electric bicycle, an electric miniature scooter, or an electric standup scooter.

B. Motor driven cycles are subject to the same laws and requirements as motorcycles.

(1) Motorcycle means a motor vehicle that has a seat or saddle for the use of the rider and that is designed to travel on not more than three wheels in contact with the ground but excludes a tractor, an electric bicycle, an electric motor scooter, and electric stand-up scooter, and a moped.

(2) A motorcycle can be either gas or electric powered.

C. A person operating an electric motorcycle can be charged with DUI.

D. The following may be cited for violators:

(1) ARS 28-903B	• The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
(2) ARS 28-903C	• A person shall not operate a motorcycle between the lanes of traffic or between adjacent rows of vehicles.
(3) ARS 28-903F	• The operator of a two-wheeled motorcycle may overtake and pass another vehicle stopped in the same direction of travel and in the same lane as the operator and may operate the motorcycle between lanes of traffic if the movement may be made safely and if the operator does both of the following: Operates the motorcycle on a street that both: ∗ Is divided into at least two adjacent traffic lanes in the same direction of travel ∗ Has a speed limit that does not exceed 45 MPH Travels at a speed that does not exceed 15 MPH.
(4) ARS 28-964A	• Eye protection required
(5) ARS 28-964A	• Helmet required for operator/passenger under 18 years of age
(6) ARS 28-964B	• Rearview mirror, seat, and footrests required for the operator. A motorcycle, all-terrain vehicle, or motor driven cycle operated with a passenger shall be equipped with a seat and footrests for the passenger.