

# Arizona Bicycling Laws

CBAC April 3, 2017



# *Bicycle Law Sources*

- *Arizona Revised Statutes*
- *Glendale City Code*
- *Court Cases*
- *Others: county, universities, federal*

# Arizona Revised Statutes

A.R.S.	Definition	Definition
28-101(7)	<p><i>“Bicycle” means a device, including a racing wheelchair, that is propelled by human power and on which a person may ride and that has either:</i></p> <ul style="list-style-type: none"><li><i>(a) two tandem wheels, either of which is more than 16 inches in diameter</i></li><li><i>(b) Three wheels in contact with the ground, any of which is more than sixteen inches in diameter.</i></li></ul>	<p><i>(20) “Driver” means a person who drives or is in actual physical control of a vehicle.</i></p>

# Arizona Revised Statutes (cont.)

A.R.S.	Definition	Definition
28-101(33)	<p>“Moped” means a bicycle that is equipped with a helper motor if the vehicle has a maximum piston displacement of fifty cubic centimeters or less, a brake horsepower of one and one-half or less and a maximum speed of twenty-five miles per hour or less on a flat surface with less than a one percent grade.</p>	<p>(35) “Motor vehicle: (i) a self-propelled vehicle. (64) “Vehicle” means a device in, on or by which a person or property is or may be transported or drawn on a public highway, excluding devices moved by human power...</p>

# Arizona Revised Statutes (cont.)

A.R.S.	Chapter 3 Traffic and Vehicle Regulation	
28-735	When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three feet...	
28-756	Method of giving hand and arm signals...[same as a car] (B) a person operating a bicycle may give a right turn signal by extending the right hand and arm horizontally to the right side of the bicycle.	

# Arizona Revised Statutes (cont.)

A.R.S.	Text	Text
28-791	<i>Pedestrians are subject to traffic control signals at intersections...</i>	
28-792	<i>...the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be in order to yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway on which the vehicle is travelling...</i>	<i>A pedestrian shall not suddenly leave any curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the driver to yield.</i>

# Arizona Revised Statutes (cont.)

A.R.S.	Text	Interpretation
28-794	<p>Notwithstanding the provisions of this chapter every driver of a vehicle shall:</p> <ol style="list-style-type: none"><li>1. Exercise due care to avoid colliding with any pedestrian on any roadway.</li><li>3. Exercise proper precaution on observing a child or a confused or incapacitated person on a roadway</li></ol>	
28-795	<p>Pedestrians shall move expeditiously, when practicable, on the right half of crosswalks.</p>	

# A.R.S. Title 28, Chapter 3, Article 11

<i>Operation of Bicycles</i>	<i>Text</i>	<i>Definitions</i>
28-811	<p>A. Parent/guardian shall not authorize or knowingly permit child/ward to violate this chapter.</p> <p>B. Except as otherwise provided in this article, this chapter applies to a bicycle when it is operated on a highway or on a path set aside for the exclusive use of bicycles.</p>	101(55) "Highway" means the entire width between the boundary lines of every way if a part of the way is open to the use of the public for purposes of vehicular travel

# Arizona Revised Statutes (cont.)

A.R.S.	Text	Definitions
28-812	<p>A person riding a bicycle on a roadway or on a shoulder adjoining a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle...except provisions...that by their nature can have no application.</p>	<p>601(22) "Roadway" means that portion of a highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.</p>
28-813	<p>(A) A person propelling a bicycle shall not ride other than on or astride a permanent and regular seat...</p> <p>(B)...not use a bicycle to carry more persons...than the number for which it is designed and equipped...</p>	

# Arizona Revised Statutes (cont.)

A.R.S.	Text	
28-814	<i>A person riding on a bicycle...shall not attach the bicycle...or that person to a vehicle on a roadway</i>	
28-815	<i>A person riding a bicycle on a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway, except...</i>	<ol style="list-style-type: none"><li><i>1. If overtaking and passing another bicycle</i></li><li><i>2. If preparing for a left turn</i></li><li><i>3. Necessary to avoid conditions</i></li><li><i>4. If the lane is too narrow</i></li></ol>

# Arizona Revised Statutes (cont.)

A.R.S.	Text	
28-816	<p>A person shall not carry a package, bundle or article while operating a bicycle if the package, bundle or article prevents the driver from keeping at least one hand on the handlebars.</p>	
28-817	<p>(A) A bicycle used at nighttime shall have a lamp on the front that emits a white light visible from a distance of at least five hundred feet to the front...</p>	<p>...and a red reflector on the rear of a type that is approved by the department and that is visible from all distances from fifty to three hundred feet to the rear...</p>

# Arizona Revised Statutes (cont.)

A.R.S.	Text	Interpretation
28-817	<i>(B) A person shall not operate a bicycle that is equipped with a siren or whistle.</i>	
28-817	<i>(C) A bicycle shall be equipped with a brake that enable the operator to make the braked wheels skid on dry, level, clean pavement.</i>	

Why couldn't the bike stand?



It was two tired.

## Court Decisions

*Maxwell v. Gossett*, 126 Ariz. 98 (1980)

*Preston v. City of Tucson*, 2 CA-CV 2009-0090 (memorandum decision)

*Munguia v. Laidlaw Education Services*, 1 CA-CV 2008-0510 (memorandum decision)

# Glendale City Codes: Parks & Recreation

## *G.C.C. Sec. 27-3 Bicycle*

*Any device propelled by human power upon which any person may ride having two tandem wheels either of which is more than twelve (12) inches in diameter or having three (3) wheels in contact with the ground any of which is more than twelve (12) inches in diameter.*

*Sidewalk: Any portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property line, intended for the use of pedestrians.*

# Glendale City Codes

## *G.C.C. Sec. 27-45*

*(a) No person shall operate or use any vehicle, bicycle, unicycle, motorized skateboard, skateboard, rollerskates or in-line skates in a city park except on public roadways or at such other locations as are specifically designated for such use.*

*(b) No person operating or using a vehicle, bicycle, unicycle, motorized skateboard, skateboard, rollerskates or in-line skates in a city park shall operate or use such vehicle or equipment in any unsafe manner. All persons operating or using such vehicle or equipment in a park shall yield the right-of-way to all pedestrians.*

# Glendale City Codes

(c) No person shall operate or use a vehicle, bicycle, unicycle, motorized skateboard, rollerskates or in-line skates in a city park at a speed greater than fifteen (15) miles per hour or any other posted speed limit.

G.C.C. Sec. 27-49

(d) Persons riding horses, donkeys or mules on a bridle or multi-use trail in a city park shall have the right-of-way over any pedestrians or persons using vehicles, bicycles, motorized skateboards, skateboards, rollerskates, or in-line skate on such trails.

# Glendale Codes: Motorized Skateboards

## G.C.C. Sec. 8-51

Motorized skateboard: a self-propelled device that has a motor, gas or electric, a deck on which a person may ride and at least two (2) tandem wheels in contact with the ground...

## Sec. 8-52

(a) It is unlawful for any person to operate a motorized skateboard in any city park, on any public sidewalk, roadway, or any other part of a street or city property.

(b) It is unlawful for any parent, guardian or legal custodian of any minor to authorize or knowingly permit such minor to violate any of the provisions of this article.

(c) Violation = not more than \$150