

REFERENCE TITLE: **highway speed restrictions; safety**

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2059

Introduced by
Representative Kupper

AN ACT

AMENDING SECTIONS 28-701, 28-701.02, 28-702 AND 28-702.01, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-702.02; REPEALING SECTION 28-702.04, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 28-702.04; RELATING TO HIGHWAY SPEED RESTRICTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-701, Arizona Revised Statutes, is amended to
3 read:

4 28-701. Reasonable and prudent speed; prima facie evidence;
5 exceptions

6 A. A person shall not drive a vehicle on a highway at a speed
7 greater than is reasonable and prudent under the circumstances, conditions
8 and actual and potential hazards then existing. A person shall control
9 the speed of a vehicle as necessary to avoid colliding with any object,
10 person, vehicle or other conveyance on, entering or adjacent to the
11 highway in compliance with legal requirements and the duty of all persons
12 to exercise reasonable care for the protection of others.

13 B. Except as provided in subsections C and D of this section or
14 except if a special hazard EXISTS THAT requires a lesser speed FOR
15 COMPLIANCE WITH SUBSECTION A OF THIS SECTION, any speed in excess of the
16 following speeds is prima facie evidence that the speed is ~~too great and~~
17 ~~therefore unreasonable~~ NOT REASONABLE OR PRUDENT AND THAT IT IS UNLAWFUL:

18 1. Fifteen miles per hour approaching a school crossing.

19 2. Twenty-five miles per hour in a business or residential
20 district.

21 3. Sixty-five miles per hour in other locations.

22 C. The speed limits prescribed in this section may be altered as
23 authorized in sections 28-702, 28-702.02, 28-702.04 and 28-703.

24 D. The maximum speed provided in this section is reduced to the
25 speed that is reasonable and prudent under the conditions and with regard
26 to the actual and potential hazards then existing, including the following
27 conditions:

28 1. Approaching and crossing an intersection or railroad crossing.

29 2. Approaching and going around a curve.

30 3. Approaching a hillcrest.

31 4. Traveling on a narrow or winding roadway.

32 5. A special hazard exists with respect to pedestrians or other
33 traffic or by reason of weather or highway conditions.

34 E. THE MAXIMUM LAWFUL SPEED PROVIDED IN THIS SECTION DOES NOT APPLY
35 TO:

36 1. AN EMERGENCY VEHICLE THAT IS OPERATED IN A MANNER DESCRIBED IN
37 SECTION 28-624.

38 2. A VEHICLE THAT IS OPERATED ON A FREEWAY DESIGNATED AS A
39 DERESTRICTED SPEED ZONE PURSUANT TO SECTION 28-702.02 IF THE VEHICLE IS
40 OPERATED IN COMPLIANCE WITH THE REQUIREMENTS PRESCRIBED IN SECTION
41 28-702.02.

1 ~~F.~~ F. A person shall not drive a motor vehicle at a speed that is
2 less than the speed that is reasonable and prudent under existing
3 conditions unless the speed that is reasonable and prudent exceeds the
4 maximum safe operating speed of the lawfully operated implement of
5 husbandry.

6 Sec. 2. Section 28-701.02, Arizona Revised Statutes, is amended to
7 read:

8 28-701.02. Excessive speeds; violation; classification

9 A. A person shall not:

- 10 1. Exceed thirty-five miles per hour approaching a school crossing.
11 2. Exceed the posted speed limit in a business or residential
12 district by more than twenty miles per hour, or if no speed limit is
13 posted, exceed forty-five miles per hour.
14 3. Exceed the posted speed limit by more than twenty miles per hour
15 in other locations.

16 B. THIS SECTION DOES NOT APPLY TO VEHICLES OPERATING IN COMPLIANCE
17 WITH THE REQUIREMENTS OF A DERESTRICTED SPEED ZONE DESIGNATED PURSUANT TO
18 SECTION 28-702.02 BETWEEN THIRTY MINUTES BEFORE SUNRISE UNTIL THIRTY
19 MINUTES AFTER SUNSET.

20 ~~B.~~ C. A person who violates subsection A of this section is guilty
21 of a class 3 misdemeanor.

22 ~~C.~~ D. A person who is charged with a violation of this section may
23 not be issued a civil complaint for a violation of section 28-701 if the
24 civil complaint alleges a violation arising out of the same circumstances.

25 Sec. 3. Section 28-702, Arizona Revised Statutes, is amended to
26 read:

27 28-702. State highway speed limits

28 A. If the director determines on the basis of an engineering and
29 traffic investigation that ~~any~~ THE maximum speed limit OF EIGHTY MILES PER
30 HOUR is greater or less than is reasonable or safe under the conditions
31 found to exist on any part of a state highway, the director may determine
32 and declare a reasonable and safe maximum speed limit or varying speed
33 limits for the location.

34 B. The maximum speed limit determined pursuant to this section OR
35 FOR A DERESTRICTED SPEED ZONE DESIGNATED PURSUANT TO SECTION 28-702.02 is
36 effective when appropriate signs giving notice of the maximum speed limit
37 OR DERESTRICTED SPEED ZONE are erected.

38 C. The director may declare a maximum speed limit that is
39 determined pursuant to this section to be effective at all times or at
40 such times as indicated on the speed limit signs. The director may
41 establish varying speed limits for different times of day, different types
42 of vehicles, varying weather conditions and other factors bearing on safe
43 speeds. The varying limits are effective when posted on appropriate fixed
44 or variable signs.

1 Sec. 4. Section 28-702.01, Arizona Revised Statutes, is amended to
2 read:

3 28-702.01. Waste of a finite resource; civil penalties;
4 urbanized areas; exception; definition

5 A. If the maximum speed limit on a public highway in this state is
6 at least thirty miles per hour in an area that is outside of an urbanized
7 area, a person shall not drive a motor vehicle at a speed in excess of the
8 posted speed limit on that highway. If the maximum speed limit on a
9 public highway in this state is at least forty miles per hour in an
10 urbanized area, a person shall not drive a motor vehicle at a speed in
11 excess of the posted speed limit on that highway. If the speed at which
12 the person is alleged to have driven as provided in section 28-707,
13 subsection A or the speed at which the court finds the person drove is not
14 more than ten miles per hour in excess of the posted speed limit, the
15 offense may be designated as the waste of a finite resource and is a civil
16 traffic violation subject to subsection B of this section.

17 B. If a person is found responsible for a civil traffic violation
18 pursuant to subsection A of this section:

19 1. A department or agency of this state shall not consider the
20 violation for the purpose of determining whether the person's driver
21 license should be suspended or revoked and a court shall not transmit
22 abstracts of records of judgment for the violation to the department.

23 2. An insurer shall not consider the violation as a moving traffic
24 violation against the person for the purpose of establishing rates of
25 motor vehicle insurance charged by the insurer and shall not cancel or
26 refuse to renew a policy of insurance because of the violation.

27 3. The civil penalty shall not exceed \$15 plus the surcharges
28 imposed pursuant to sections 12-116.01 and 12-116.02.

29 4. A report shall not be made under section 28-1559, subsection B.

30 C. If the maximum speed limit on a public highway in this state is
31 at least thirty miles per hour in an area that is outside of an urbanized
32 area, a person shall not drive a motor vehicle at a speed in excess of the
33 posted speed limit on that highway. If the maximum speed limit on a
34 public highway in this state is at least forty miles per hour in an
35 urbanized area, a person shall not drive a motor vehicle at a speed in
36 excess of the posted speed limit on that highway. If the speed at which
37 the person is alleged to have driven as provided in section 28-707,
38 subsection A or the speed at which the court finds the person drove is
39 more than ten miles per hour in excess of the posted speed limit, the
40 offense is designated as a civil traffic violation and the person is
41 subject to a civil penalty of not more than the amount provided in section
42 28-1598.

D. THIS SECTION DOES NOT APPLY TO A STATE HIGHWAY SEGMENT THAT IS DESIGNATED AS A DERESTRICTED SPEED ZONE PURSUANT TO SECTION 28-702.02 BETWEEN THIRTY MINUTES BEFORE SUNRISE UNTIL THIRTY MINUTES AFTER SUNSET.

~~D.~~ E. For the purposes of this section, "urbanized area" has the same meaning prescribed in section 28-702.04.

Sec. 5. Title 28, chapter 3, article 6, Arizona Revised Statutes, is amended by adding section 28-702.02, to read:

28-702.02. Derestricted speed zones; designation; requirements; enforcement; violation; civil penalties; definitions

A. THE DIRECTOR MAY DESIGNATE A SEGMENT OF A STATE HIGHWAY AS A DERESTRICTED SPEED ZONE WHERE NO MAXIMUM SPEED LIMIT APPLIES TO MOTOR VEHICLES THAT ARE NOT COMMERCIAL VEHICLES. FROM THIRTY MINUTES BEFORE SUNRISE TO THIRTY MINUTES AFTER SUNSET IF THE SEGMENT MEETS THE CRITERIA PRESCRIBED BY THIS SECTION BASED ON AN ENGINEERING AND TRAFFIC INVESTIGATION USING EXISTING DEPARTMENT DATA. DURING THE THIRTY-MINUTE PERIOD AFTER SUNSET AND THE THIRTY-MINUTE PERIOD BEFORE SUNRISE, THE MAXIMUM SPEED LIMIT IS EIGHTY MILES PER HOUR. THE DIRECTOR MAY SUSPEND OR REVOKE A DERESTRICTED SPEED ZONE DESIGNATION IF AN ENGINEERING AND TRAFFIC INVESTIGATION INDICATES INCREASED SAFETY RISKS OR INFRASTRUCTURE DEFICIENCIES.

B. A SEGMENT OF A STATE HIGHWAY MAY BE DESIGNATED AS A DERESTRICTED SPEED ZONE FOR MOTOR VEHICLES THAT ARE NOT COMMERCIAL VEHICLES IF ALL OF THE FOLLOWING ARE MET:

1. THE STATE HIGHWAY SEGMENT IS LOCATED OUTSIDE AN URBANIZED AREA WITH A POPULATION OF FIFTY THOUSAND OR MORE PERSONS.

2. THE STATE HIGHWAY SEGMENT HAS A CRASH RATE BELOW THE STATEWIDE AVERAGE FOR SIMILAR STATE HIGHWAYS BASED ON THE MOST RECENT FIVE YEARS OF DATA.

3. THE STATE HIGHWAY SEGMENT HAS EXISTING INFRASTRUCTURE THAT MEETS OR EXCEEDS STANDARDS ESTABLISHED BY AN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS FOR HIGH SPEED TRAVEL.

C. IN A DERESTRICTED SPEED ZONE, A PERSON SHALL:

1. DRIVE IN THE RIGHT-HAND LANE EXCEPT WHEN PASSING ANOTHER VEHICLE OR PREPARING TO EXIT THE STATE HIGHWAY.

2. PASS ANOTHER VEHICLE ONLY ON THE LEFT AND RETURN TO THE RIGHT-HAND LANE AS SOON AS SAFELY POSSIBLE.

3. YIELD TO FASTER MOVING TRAFFIC BY MOVING TO THE RIGHT-HAND LANE WHEN IT IS SAFE TO DO.

D. THE DIRECTOR SHALL:

1. ERECT SIGNS USING EXISTING SIGN INVENTORY OR FEDERAL HIGHWAY MONIES WHERE POSSIBLE THAT CLEARLY MARK THE BEGINNING AND THE END OF THE DERESTRICTED SPEED ZONE.

2. SUSPEND DERESTRICTED SPEED ZONE DESIGNATIONS WITH APPROPRIATE SIGNAGE OR VARIABLE MESSAGE SIGNS IN WORK ZONES, SCHOOL ZONES OR AREAS WITH TEMPORARY HAZARDS OR DURING INCLEMENT WEATHER OR REDUCED VISIBILITY.

E. THE DEPARTMENT SHALL:

1. CONDUCT AN ANNUAL SAFETY AUDIT OF DESIGNATED DERESTRICTED SPEED ZONES AS PART OF ROUTINE HIGHWAY SAFETY EVALUATIONS. THE AUDIT SHALL INCLUDE COMPARISONS OF DATA COLLECTED BEFORE AND AFTER THE DESIGNATION OF THE STATE HIGHWAY SEGMENT AS A DERESTRICTED SPEED ZONE, INCLUDING CRASH RATES, INJURY RATES, FATALITY RATES AND ENFORCEMENT STATISTICS ON VIOLATIONS OF THIS SECTION AND SHALL BE SUBMITTED TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES. THE DEPARTMENT SHALL PROVIDE A COPY OF THIS AUDIT TO THE SECRETARY OF STATE.

2. IMPLEMENT A PUBLIC EDUCATION CAMPAIGN TO INFORM DRIVERS OF DERESTRICTED SPEED ZONE REQUIREMENTS PURSUANT TO THIS SECTION.

3. COORDINATE WITH THE DEPARTMENT OF PUBLIC SAFETY TO ENFORCE THIS SECTION.

F. FOR THE PURPOSES OF ENFORCING SECTION 28-701 IN A DERESTRICTED SPEED ZONE, EITHER OF THE FOLLOWING SHALL BE PRIMA FACIE EVIDENCE THE SPEED IS GREATER THAN IS REASONABLE AND PRUDENT IF THE SPEED IS EXCESSIVE GIVEN SPECIFIC CONDITIONS, INCLUDING WEATHER CONDITIONS, ROAD CONDITIONS, TRAFFIC VOLUME, VISIBILITY, A DRIVER'S REACTION TIME AND THE VEHICLE'S MECHANICAL CONDITION.

G. NOTWITHSTANDING SECTION 28-1598, A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF AT LEAST:

1. \$500 FOR A FIRST OFFENSE.

2. \$1,000 FOR A SECOND OFFENSE WITHIN ONE YEAR.

H. THE DIRECTOR SHALL DESIGNATE AN INITIAL DERESTRICTED SPEED ZONE FOR ONE YEAR ON INTERSTATE 8 AS A PILOT PROGRAM. THE DIRECTOR SHALL DESIGNATE THE EXACT STATE HIGHWAY SEGMENT PURSUANT TO THE CRITERIA PRESCRIBED BY THIS SECTION. ADDITIONAL STATE HIGHWAY SEGMENTS MAY BE DESIGNED AS DERESTRICTED SPEED ZONES AFTER EVALUATING THE PILOT PROGRAM'S SAFETY DATA AND SUBJECT TO INFRASTRUCTURE UPGRADES NEEDED TO MEET THE REQUIREMENTS OF SUBSECTION B OF THIS SECTION.

I. FOR THE PURPOSES OF THIS SECTION:

1. "COMMERCIAL VEHICLE" MEANS A BUS, TRUCK OR TRUCK TRAILER, TRAILER OR SEMITRAILER.

2. "URBANIZED AREA" HAS THE SAME MEANING PRESCRIBED IN SECTION 28-702.04.

Sec. 6. Repeal

Section 28-702.04, Arizona Revised Statutes, is repealed.

1 Sec. 7. Title 28, chapter 3, article 6, Arizona Revised Statutes,
2 is amended by adding a new section 28-702.04, to read:

3 ~~28-702.04. Maximum speed limit on interstate highways outside~~
4 ~~urbanized areas; civil traffic violation; civil~~
5 ~~penalty; definition~~

6 A. THE MAXIMUM SPEED LIMIT FOR VEHICLES TRAVELING ON INTERSTATE
7 HIGHWAYS OUTSIDE OF URBANIZED AREAS WITH A POPULATION OF FIFTY THOUSAND OR
8 MORE PERSONS IS EIGHTY MILES PER HOUR EXCEPT AS PROVIDED IN SECTION
9 28-702.02.

10 B. THE DIRECTOR MAY DECLARE A DIFFERENT MAXIMUM SPEED LIMIT
11 PURSUANT TO SECTION 28-702 OR DESIGNATE A DERESTRICTED SPEED ZONE PURSUANT
12 TO SECTION 28-702.02 BASED ON FINDINGS FROM AN ENGINEERING AND TRAFFIC
13 INVESTIGATION.

14 C. A VIOLATION OF THIS SECTION IS A CIVIL TRAFFIC VIOLATION, AND
15 THE PERSON IS SUBJECT TO A CIVIL PENALTY THAT DOES NOT EXCEED THE AMOUNT
16 PROVIDED BY SECTION 28-1598.

17 D. FOR THE PURPOSES OF THIS SECTION, "URBANIZED AREA" MEANS AN
18 URBANIZED AREA AS DEFINED IN THE MOST RECENT UNITED STATES DECENNIAL
19 CENSUS.

20 Sec. 8. Short title

21 This act may be cited as the "Reasonable and Prudent Interstate
22 Driving (RAPID) Act".