

CHAPTER 14 – MOTOR VEHICLES AND TRAFFIC

Sec. 14-70. Truck traffic; liability for damages and violations; registered owner responsibility.

(a) Any person driving, operating or parking any truck upon any street under the jurisdiction of the City of Peoria shall be liable for actual amount of damage, together with the civil penalty provided under Section 14-74 of this code, to any street, light or sign of the City of Peoria as a result of any unlawful operation, driving, moving or parking of the truck, or as a result of operating, driving, moving or parking any truck weighing or measuring in excess of the maximum weight or as the result of operating any truck containing safety violations for which a citation could be issued.

(b) When the driver is not the owner of the truck, but is operating, driving, moving or parking the truck with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any damage and civil penalties. Notwithstanding the foregoing, the court shall have the jurisdiction to apportion the damage and civil penalties between the operator of the truck and the owner.

(c) The registered owner of a Truck pursuant to Title 28, Arizona Revised Statutes shall have a duty to ensure that any truck registered to them is not driven on a public roadway within the City of Peoria in excess of the maximum weight restrictions under this Chapter or Title 28, Arizona Revised Statutes or in violation of the truck route restrictions of this Chapter or containing any safety violations prohibited by this Chapter or title 28, Arizona Revised Statute or any state or federal statute or regulation. It shall be presumed that any truck operated upon the public roadways in excess of the maximum weight permitted by this Chapter or Title 28, Arizona Revised Statutes or in violation of the truck route restrictions of this Chapter or containing any safety violations prohibited by this Chapter or Title 28, Arizona Revised Statute or any state or federal statute or regulation is done with the consent and on behalf of the registered owner.

(1) The burden of proof shall be upon the registered owner to introduce evidence to rebut the presumption provided for under this Section.

(d) Damages, under this section, shall be ordered as restitution to the City of Peoria by the magistrate court upon any conviction for violation of this code. The city magistrate shall not waive or reduce the amount of restitution provided for by this section.

(e) The city attorney may bring a civil action on behalf of the city against either the driver and/or the registered owner of the truck to recover such damages and civil penalties in full. Any party such subject to a judgment for such damages and civil penalties may file an action for contribution from other parties that they determine to be at fault.

State law reference(s) -- Adoption by reference, A.R.S. § 9-801 et seq.

(Code 1977, § 6-5-6)

(Ord. No. 91-34, 10/21/91, Amended)

(Ord. No. 05-70, 11/15/05, Amended) SUPP 2005-04

(Ord. No. 08-21, 07/01/08, Amended) SUPP 2008-03