

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1320

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-101, Arizona Revised Statutes, is amended to
3 read:

4 28-101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Alcohol" means any substance containing any form of alcohol,
7 including ethanol, methanol, propynol and isopropynol.

8 2. "Alcohol concentration" if expressed as a percentage means either:

9 (a) The number of grams of alcohol per one hundred milliliters of
10 blood.

11 (b) The number of grams of alcohol per two hundred ten liters of
12 breath.

13 3. "All-terrain vehicle" means a motor vehicle that satisfies all of
14 the following:

15 (a) Is designed primarily for recreational nonhighway all-terrain
16 travel.

17 (b) Is fifty or fewer inches in width.

18 (c) Has an unladen weight of eight hundred pounds or less.

19 (d) Travels on three or more low pressure tires.

20 (e) Has a seat to be straddled by the operator and handlebars for
21 steering control.

22 (f) Is operated on a public highway.

23 4. "Authorized emergency vehicle" means any of the following:

24 (a) A fire department vehicle.

25 (b) A police vehicle.

26 (c) An ambulance or emergency vehicle of a municipal department or
27 public service corporation that is designated or authorized by the department
28 or a local authority.

1 (d) Any other ambulance, fire truck or rescue vehicle that is
2 authorized by the department in its sole discretion and that meets liability
3 insurance requirements prescribed by the department.

4 5. "Aviation fuel" means all flammable liquids composed of a mixture
5 of selected hydrocarbons expressly manufactured and blended for the purpose
6 of effectively and efficiently operating an internal combustion engine for
7 use in an aircraft but does not include fuel for jet or turbine powered
8 aircraft.

9 6. "Bicycle" means a device, including a racing wheelchair, that is
10 propelled by human power and on which a person may ride and that has either:

11 (a) Two tandem wheels, either of which is more than sixteen inches in
12 diameter.

13 (b) Three wheels in contact with the ground, any of which is more than
14 sixteen inches in diameter.

15 7. "Board" means the transportation board.

16 8. "Bus" means a motor vehicle designed for carrying sixteen or more
17 passengers, including the driver.

18 9. "Business district" means the territory contiguous to and including
19 a highway if there are buildings in use for business or industrial purposes
20 within any six hundred feet along the highway, including hotels, banks or
21 office buildings, railroad stations and public buildings that occupy at least
22 three hundred feet of frontage on one side or three hundred feet collectively
23 on both sides of the highway.

24 10. "Combination of vehicles" means a truck or truck tractor and
25 semitrailer and any trailer that it tows but does not include a forklift
26 designed for the purpose of loading or unloading the truck, trailer or
27 semitrailer.

28 11. "Controlled substance" means a substance so classified under
29 section 102(6) of the controlled substances act (21 United States Code
30 section 802(6)) and includes all substances listed in schedules I through V
31 of 21 Code of Federal Regulations part 1308.

32 12. "Conviction" means:

1 (a) An unvacated adjudication of guilt or a determination that a
2 person violated or failed to comply with the law in a court of original
3 jurisdiction or by an authorized administrative tribunal.

4 (b) An unvacated forfeiture of bail or collateral deposited to secure
5 the person's appearance in court.

6 (c) A plea of guilty or no contest accepted by the court.

7 (d) The payment of a fine or court costs.

8 13. "County highway" means a public road constructed and maintained by
9 a county.

10 14. "Dealer" means a person who is engaged in the business of buying,
11 selling or exchanging motor vehicles, trailers or semitrailers and who has an
12 established place of business.

13 15. "Department" means the department of transportation acting directly
14 or through its duly authorized officers and agents.

15 16. "Director" means the director of the department of transportation.

16 17. "Drive" means to operate or be in actual physical control of a
17 motor vehicle.

18 18. "Driver" means a person who drives or is in actual physical control
19 of a vehicle.

20 19. "Driver license" means a license that is issued by a state to an
21 individual and that authorizes the individual to drive a motor vehicle.

22 20. "Electric personal assistive mobility device" means a
23 self-balancing two nontandem wheeled device with an electric propulsion
24 system that limits the maximum speed of the device to fifteen miles per hour
25 or less and that is designed to transport only one person.

26 21. "Farm tractor" means a motor vehicle designed and used primarily as
27 a farm implement for drawing implements of husbandry.

28 22. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
29 that is brought into this state other than in the ordinary course of business
30 by or through a manufacturer or dealer and that has not been registered in
31 this state.

1 23. "Golf cart" means a motor vehicle that has not less than three
2 wheels in contact with the ground, that has an unladen weight of less than
3 one thousand eight hundred pounds, that is designed to be and is operated at
4 not more than twenty-five miles per hour and that is designed to carry not
5 more than four persons including the driver.

6 24. "Hazardous material" means a material, and its mixtures or
7 solutions, that the United States department of transportation determines
8 under 49 Code of Federal Regulations is, or any quantity of a material listed
9 as a select agent or toxin under 42 Code of Federal Regulations part 73 that
10 is, capable of posing an unreasonable risk to health, safety and property if
11 transported in commerce and that is required to be placarded or marked as
12 required by the department's safety rules prescribed pursuant to chapter 14
13 of this title.

14 25. "Implement of husbandry" means a vehicle designed primarily for
15 agricultural purposes and used exclusively in the conduct of agricultural
16 operations, including an implement or vehicle whether self-propelled or
17 otherwise that meets ~~at~~ BOTH of the following conditions:

18 ~~(a) Is used exclusively for carrying products of farming from one part~~
19 ~~of a farm to another part of the same farm or from one farm to another farm.~~

20 ~~(b)~~ (a) Is used solely for agricultural purposes including the
21 preparation or harvesting of cotton, alfalfa, grains and other farm crops.

22 ~~(c)~~ (b) Is only incidentally operated or moved on a highway whether
23 as a trailer or self-propelled unit. FOR THE PURPOSES OF THIS PARAGRAPH,
24 "INCIDENTALLY OPERATED OR MOVED ON A HIGHWAY" MEANS TRAVEL BETWEEN A FARM AND
25 ANOTHER PART OF THE SAME FARM, FROM ONE FARM TO ANOTHER FARM OR A FARM AND A
26 PLACE OF REPAIR, SUPPLY OR STORAGE.

27 26. "Limousine" means a motor vehicle providing prearranged ground
28 transportation service for an individual passenger, or a group of passengers,
29 that is arranged in advance or is operated on a regular route or between
30 specified points and includes ground transportation under a contract or
31 agreement for services that includes a fixed rate or time and is provided in

1 a motor vehicle with a seating capacity not exceeding fifteen passengers
2 including the driver.

3 27. "Livery vehicle" means a motor vehicle that:

4 (a) Has a seating capacity not exceeding fifteen passengers including
5 the driver.

6 (b) Provides passenger services for a fare determined by a flat rate
7 or flat hourly rate between geographic zones or within a geographic area.

8 (c) Is available for hire on an exclusive or shared ride basis.

9 (d) May do any of the following:

10 (i) Operate on a regular route or between specified places.

11 (ii) Offer prearranged ground transportation service as defined in
12 section 28-141.

13 (iii) Offer on demand ground transportation service pursuant to a
14 contract with a public airport, licensed business entity or organization.

15 28. "Local authority" means any county, municipal or other local board
16 or body exercising jurisdiction over highways under the constitution and laws
17 of this state.

18 29. "Manufacturer" means a person engaged in the business of
19 manufacturing motor vehicles, trailers or semitrailers.

20 30. "Moped" means a bicycle that is equipped with a helper motor if the
21 vehicle has a maximum piston displacement of fifty cubic centimeters or less,
22 a brake horsepower of one and one-half or less and a maximum speed of
23 twenty-five miles per hour or less on a flat surface with less than a one per
24 cent grade.

25 31. "Motor driven cycle" means a motorcycle, including every motor
26 scooter, with a motor that produces not more than five horsepower.

27 32. "Motor vehicle":

28 (a) Means either:

29 (i) A self-propelled vehicle.

30 (ii) For the purposes of the laws relating to the imposition of a tax
31 on motor vehicle fuel, a vehicle that is operated on the highways of this
32 state and that is propelled by the use of motor vehicle fuel.

1 (b) Does not include a motorized wheelchair, an electric personal
2 assistive mobility device or a motorized skateboard. For the purposes of this
3 subdivision:

4 (i) "Motorized skateboard" means a self-propelled device that has a
5 motor, a deck on which a person may ride and at least two tandem wheels in
6 contact with the ground.

7 (ii) "Motorized wheelchair" means a self-propelled wheelchair that is
8 used by a person for mobility.

9 33. "Motor vehicle fuel" includes all products that are commonly or
10 commercially known or sold as gasoline, including casinghead gasoline,
11 natural gasoline and all flammable liquids, and that are composed of a
12 mixture of selected hydrocarbons expressly manufactured and blended for the
13 purpose of effectively and efficiently operating internal combustion engines.
14 Motor vehicle fuel does not include inflammable liquids that are specifically
15 manufactured for racing motor vehicles and that are distributed for and used
16 by racing motor vehicles at a racetrack, use fuel as defined in section
17 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the
18 mixture created at the interface of two different substances being
19 transported through a pipeline, commonly known as transmix.

20 34. "Motorcycle" means a motor vehicle that has a seat or saddle for
21 the use of the rider and that is designed to travel on not more than three
22 wheels in contact with the ground but excluding a tractor and a moped.

23 35. "Neighborhood electric vehicle" means a self-propelled electrically
24 powered motor vehicle to which all of the following apply:

25 (a) The vehicle is emission free.

26 (b) The vehicle has at least four wheels in contact with the ground.

27 (c) The vehicle complies with the definition and standards for low
28 speed vehicles set forth in federal motor vehicle safety standard 500 and 49
29 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.

30 36. "Nonresident" means a person who is not a resident of this state as
31 defined in section 28-2001.

1 37. "Off-road recreational motor vehicle" means a motor vehicle that is
2 designed primarily for recreational nonhighway all-terrain travel and that is
3 not operated on a public highway. Off-road recreational motor vehicle does
4 not mean a motor vehicle used for construction, building trade, mining or
5 agricultural purposes.

6 38. "Operator" means a person who drives a motor vehicle on a highway,
7 who is in actual physical control of a motor vehicle on a highway or who is
8 exercising control over or steering a vehicle being towed by a motor vehicle.

9 39. "Owner" means:

10 (a) A person who holds the legal title of a vehicle.

11 (b) If a vehicle is the subject of an agreement for the conditional
12 sale or lease with the right of purchase on performance of the conditions
13 stated in the agreement and with an immediate right of possession vested in
14 the conditional vendee or lessee, the conditional vendee or lessee.

15 (c) If a mortgagor of a vehicle is entitled to possession of the
16 vehicle, the mortgagor.

17 40. "Pedestrian" means any person afoot. A person who uses an electric
18 personal assistive mobility device or a manual or motorized wheelchair is
19 considered a pedestrian unless the manual wheelchair qualifies as a bicycle.
20 For the purposes of this paragraph, "motorized wheelchair" means a
21 self-propelled wheelchair that is used by a person for mobility.

22 41. "Power sweeper" means an implement, with or without motive power,
23 that is only incidentally operated or moved on a street or highway and that
24 is designed for the removal of debris, dirt, gravel, litter or sand whether
25 by broom, vacuum or regenerative air system from asphaltic concrete or cement
26 concrete surfaces, including parking lots, highways, streets and warehouses,
27 and a vehicle on which the implement is permanently mounted.

28 42. "Public transit" means the transportation of passengers on
29 scheduled routes by means of a conveyance on an individual passenger
30 fare-paying basis excluding transportation by a sight-seeing bus, school bus
31 or taxi or a vehicle not operated on a scheduled route basis.

1 43. "Reconstructed vehicle" means a vehicle that has been assembled or
2 constructed largely by means of essential parts, new or used, derived from
3 vehicles or makes of vehicles of various names, models and types or that, if
4 originally otherwise constructed, has been materially altered by the removal
5 of essential parts or by the addition or substitution of essential parts, new
6 or used, derived from other vehicles or makes of vehicles. For the purposes
7 of this paragraph, "essential parts" means integral and body parts, the
8 removal, alteration or substitution of which will tend to conceal the
9 identity or substantially alter the appearance of the vehicle.

10 44. "Residence district" means the territory contiguous to and
11 including a highway not comprising a business district if the property on the
12 highway for a distance of three hundred feet or more is in the main improved
13 with residences or residences and buildings in use for business.

14 45. "Right-of-way" when used within the context of the regulation of
15 the movement of traffic on a highway means the privilege of the immediate use
16 of the highway. Right-of-way when used within the context of the real
17 property on which transportation facilities and appurtenances to the
18 facilities are constructed or maintained means the lands or interest in lands
19 within the right-of-way boundaries.

20 46. "School bus" means a motor vehicle that is designed for carrying
21 more than ten passengers and that is either:

22 (a) Owned by any public or governmental agency or other institution
23 and operated for the transportation of children to or from home or school on
24 a regularly scheduled basis.

25 (b) Privately owned and operated for compensation for the
26 transportation of children to or from home or school on a regularly scheduled
27 basis.

28 47. "Semitrailer" means a vehicle that is with or without motive power,
29 other than a pole trailer, that is designed for carrying persons or property
30 and for being drawn by a motor vehicle and that is constructed so that some
31 part of its weight and that of its load rests on or is carried by another

1 vehicle. For the purposes of this paragraph, "pole trailer" has the same
2 meaning prescribed in section 28-601.

3 48. "State" means a state of the United States and the District of
4 Columbia.

5 49. "State highway" means a state route or portion of a state route
6 that is accepted and designated by the board as a state highway and that is
7 maintained by the state.

8 50. "State route" means a right-of-way whether actually used as a
9 highway or not that is designated by the board as a location for the
10 construction of a state highway.

11 51. "Street" or "highway" means the entire width between the boundary
12 lines of every way if a part of the way is open to the use of the public for
13 purposes of vehicular travel.

14 52. "Taxi" means a motor vehicle that has a seating capacity not
15 exceeding fifteen passengers, including the driver, that is registered as a
16 taxi in this state or any other state, that provides passenger services and
17 that:

18 (a) Does not operate on a regular route or between specified places.

19 (b) Offers local transportation for a fare determined primarily on the
20 basis of the distance traveled.

21 53. "Trailer" means a vehicle that is with or without motive power,
22 other than a pole trailer, that is designed for carrying persons or property
23 and for being drawn by a motor vehicle and that is constructed so that no
24 part of its weight rests on the towing vehicle. A semitrailer equipped with
25 an auxiliary front axle commonly known as a dolly is deemed to be a trailer.
26 For the purposes of this paragraph, "pole trailer" has the same meaning
27 prescribed in section 28-601.

28 54. "Truck" means a motor vehicle designed or used primarily for the
29 carrying of property other than the effects of the driver or passengers and
30 includes a motor vehicle to which has been added a box, a platform or other
31 equipment for such carrying.

1 B. IF A HIGH OCCUPANCY VEHICLE LANE BECOMES DEGRADED DUE TO THE
2 AUTHORIZATION OF SINGLE OCCUPANCY VEHICLES AUTHORIZED UNDER SECTIONS 28-2416
3 AND 28-2416.01, USE OF THE LANE IS RESTRICTED TO THE FOLLOWING VEHICLES IN
4 THE FOLLOWING PRIORITY:

5 1. PASSENGER VEHICLES WITH TWO OR MORE OCCUPANTS, INCLUDING THE
6 DRIVER.

7 2. PUBLIC TRANSIT BUSES.

8 3. BUSES WITH TWO OR MORE OCCUPANTS, INCLUDING THE DRIVER.

9 4. MOTORCYCLES.

10 5. ALTERNATIVE FUEL VEHICLES.

11 6. LOW EMISSION AND ENERGY EFFICIENT VEHICLES.

12 C. THE DEPARTMENT SHALL LIMIT USE TO VEHICLES IN THE PRIORITY ORDER
13 PRESCRIBED IN SUBSECTION B OF THIS SECTION AND SHALL MAINTAIN THOSE
14 RESTRICTIONS WHILE THE LANE OR PORTION OF THE LANE REMAINS DEGRADED.

15 D. FOR THE PURPOSES OF THIS SECTION, A HIGH OCCUPANCY VEHICLE LANE IS
16 DEGRADED IF VEHICLES OPERATING ON THE FACILITY, OR PORTIONS OF THE FACILITY,
17 ARE FAILING TO MAINTAIN A SPEED OF FORTY-FIVE MILES PER HOUR OR GREATER
18 NINETY PER CENT OF THE TIME OVER A CONSECUTIVE ONE HUNDRED EIGHTY DAY PERIOD
19 DURING MORNING AND EVENING WEEKDAY PEAK HOUR PERIODS.

20 Sec. 4. Section 28-367, Arizona Revised Statutes, is amended to read:

21 28-367. Public transit

22 The director shall:

23 1. Receive, allocate, control and disperse all monies designated for
24 state public transit programs by federal or state law ~~or rule~~.

25 2. Pass on projects for construction in cooperation with the United
26 States.

27 3. Negotiate and enter into contracts on behalf of this state with the
28 United States for the cooperative construction and maintenance of federal aid
29 public transit systems in this state.

30 4. Enter into agreements on behalf of this state with counties,
31 cities, towns, public transit districts or any other political subdivisions

1 for the improvement or maintenance of public transit systems or for the joint
2 improvement or maintenance of public transit systems.

3 5. Enter into contracts for the construction of state public transit
4 systems.

5 ~~6. Adopt rules for the application for and the expenditure of all~~
6 ~~public transit monies.~~

7 Sec. 5. Section 28-372, Arizona Revised Statutes, is amended to read:

8 28-372. Returned checks; dishonored electronic payments; fees

9 A. The director may assess:

10 1. The fee specified in section 44-6852 for a check, draft or order
11 that has been dishonored because of insufficient monies, payments stopped or
12 closed accounts.

13 2. Collection costs.

14 3. A FEE TO BE DETERMINED BY THE DIRECTOR FOR EACH ELECTRONIC PAYMENT
15 THAT HAS BEEN DISHONORED BECAUSE OF INSUFFICIENT MONIES, PAYMENTS STOPPED OR
16 CLOSED ACCOUNTS.

17 B. The director shall deposit, pursuant to sections 35-146 and 35-147,
18 service fees for dishonored checks, drafts, ~~or~~ orders OR ELECTRONIC PAYMENTS
19 that were submitted for titling and registering vehicles in the state highway
20 fund established by section 28-6991. The director shall deposit, pursuant to
21 sections 35-146 and 35-147, all other service fees collected under subsection
22 A of this section in the highway user revenue fund.

23 Sec. 6. Section 28-601, Arizona Revised Statutes, is amended to read:

24 28-601. Definitions

25 In this chapter, unless the context otherwise requires:

26 1. "Commercial motor vehicle" means a motor vehicle or combination of
27 vehicles that is designed, used or maintained to transport passengers or
28 property in the furtherance of a commercial enterprise, that is a commercial
29 motor vehicle as defined in section 28-5201 and that is not exempt from gross
30 weight fees as prescribed in section 28-5432, subsection B.

31 2. "Controlled access highway" means a highway, street or roadway to
32 or from which owners or occupants of abutting lands and other persons have no

1 legal right of access except at such points only and in the manner determined
2 by the public authority that has jurisdiction over the highway, street or
3 roadway.

4 3. "Crosswalk" means:

5 (a) That part of a roadway at an intersection included within the
6 prolongations or connections of the lateral lines of the sidewalks on
7 opposite sides of the highway measured from the curbs or, in absence of
8 curbs, from the edges of the traversable roadway.

9 (b) Any portion of a roadway at an intersection or elsewhere that is
10 distinctly indicated for pedestrian crossing by lines or other markings on
11 the surface.

12 4. "Escort vehicle" means a vehicle that is required pursuant to rules
13 adopted by the department to escort motor vehicles or combinations of
14 vehicles that require issuance of a permit pursuant to article 18 or 19 of
15 this chapter for operation on the highways of this state.

16 5. "Explosives" means any chemical compound, mixture or device that is
17 commonly used or intended for the purpose of producing an explosion and that
18 is defined in 49 Code of Federal Regulations part 173.

19 6. "Flammable liquid" means any liquid that has a flash point of less
20 than one hundred degrees Fahrenheit and that is defined in 49 Code of Federal
21 Regulations section 173.120.

22 7. "Gross weight" means the weight of a vehicle without a load plus
23 the weight of any load on the vehicle.

24 8. "Intersection" means the area embraced within the prolongation or
25 connection of the lateral curb lines, or if none, the lateral boundary lines
26 of the roadways of two highways that join one another at, or approximately
27 at, right angles, or the area within which vehicles traveling on different
28 highways joining at any other angle may come in conflict. If a highway
29 includes two roadways thirty or more feet apart, each crossing of each
30 roadway of the divided highway by an intersecting highway is a separate
31 intersection. If the intersecting highway also includes two roadways thirty

1 or more feet apart, each crossing of two roadways of the highways is a
2 separate intersection.

3 9. "License" means any license, temporary instruction permit or
4 temporary license issued under the laws of this state or any other state that
5 pertain to the licensing of persons to operate motor vehicles.

6 10. "LOW EMISSION AND ENERGY EFFICIENT VEHICLE" MEANS A VEHICLE THAT
7 HAS BEEN CERTIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
8 ADMINISTRATOR IN ACCORDANCE WITH 23 UNITED STATES CODE SECTION 166 OR THAT IS
9 PART OF A FEDERALLY APPROVED PILOT PROGRAM.

10 ~~10.~~ 11. "Motorized wheelchair" means any self-propelled wheelchair
11 that is used by a person for mobility.

12 ~~11.~~ 12. "Official traffic control device" means any sign, signal,
13 marking or device that is not inconsistent with this chapter and that is
14 placed or erected by authority of a public body or official having
15 jurisdiction for the purpose of regulating, warning or guiding traffic.

16 ~~12.~~ 13. "Park", if prohibited, means the standing of a vehicle,
17 whether occupied or not, otherwise than temporarily for the purpose of and
18 while actually engaged in loading or unloading.

19 ~~13.~~ 14. "Photo enforcement system" means a device substantially
20 consisting of a radar unit or sensor linked to a camera or other recording
21 device that produces one or more photographs, microphotographs, videotapes or
22 digital or other recorded images of a vehicle's license plate for the purpose
23 of identifying violators of articles 3 and 6 of this chapter.

24 ~~14.~~ 15. "Pneumatic tire" means a tire in which compressed air is
25 designed to support the load.

26 ~~15.~~ 16. "Pole trailer" means a vehicle that is all of the following:

27 (a) Without motive power.

28 (b) Designed to be drawn by another vehicle and attached to the towing
29 vehicle by means of a reach or pole or by being boomed or otherwise secured
30 to the towing vehicle.

1 (c) Used ordinarily for transporting long or irregularly shaped loads
2 such as poles, pipes or structural members capable generally of sustaining
3 themselves as beams between the supporting connections.

4 ~~16.~~ 17. "Police officer" means an officer authorized to direct or
5 regulate traffic or make arrests for violations of traffic rules or other
6 offenses.

7 ~~17.~~ 18. "Private road or driveway" means a way or place that is in
8 private ownership and that is used for vehicular travel by the owner and
9 those persons who have express or implied permission from the owner but not
10 by other persons.

11 ~~18.~~ 19. "Railroad" means a carrier of persons or property on cars
12 operated on stationary rails.

13 ~~19.~~ 20. "Railroad sign or signal" means a sign, signal or device
14 erected by authority of a public body or official or by a railroad and
15 intended to give notice of the presence of railroad tracks or the approach of
16 a railroad train.

17 ~~20.~~ 21. "Railroad train" means a steam engine or any electric or other
18 motor that is with or without cars coupled to the steam engine or electric or
19 other motor and that is operated on rails.

20 ~~21.~~ 22. "Roadway" means that portion of a highway that is improved,
21 designed or ordinarily used for vehicular travel, exclusive of the berm or
22 shoulder. If a highway includes two or more separate roadways, roadway
23 refers to any such roadway separately but not to all such roadways
24 collectively.

25 ~~22.~~ 23. "Safety zone" means the area or space that is both:

26 (a) Officially set apart within a roadway for the exclusive use of
27 pedestrians.

28 (b) Protected or either marked or indicated by adequate signs as to be
29 plainly visible at all times while set apart as a safety zone.

30 ~~23.~~ 24. "Sidewalk" means that portion of a street that is between the
31 curb lines or the lateral lines of a roadway and the adjacent property lines
32 and that is intended for the use of pedestrians.

1 ~~24. "Solid tire" means a tire that both:~~

2 ~~(a) Is made of rubber or other resilient material.~~

3 ~~(b) Does not depend on compressed air for the support of the load.~~

4 25. "Stop", if required, means complete cessation from movement.

5 26. "Stop, stopping or standing", if prohibited, means any stopping or
6 standing of an occupied or unoccupied vehicle, except when necessary to avoid
7 conflict with other traffic or in compliance with directions of a police
8 officer or traffic control sign or signal.

9 27. "Through highway" means a highway or portion of a highway at the
10 entrances to which vehicular traffic from intersecting highways is required
11 by law to stop before entering or crossing and when stop signs are erected as
12 provided in this chapter.

13 28. "Traffic" means pedestrians, ridden or herded animals, vehicles and
14 other conveyances either singly or together while using a highway for
15 purposes of travel.

16 29. "Traffic control signal" means a device, whether manually,
17 electrically or mechanically operated, by which traffic is alternately
18 directed to stop and to proceed.

19 30. "Truck" means a motor vehicle that is designed, used or maintained
20 primarily for the transportation of property.

21 Sec. 7. Section 28-641, Arizona Revised Statutes, is amended to read:

22 28-641. Traffic control device manual and specifications

23 The director shall adopt a manual and specifications for a uniform
24 system of traffic control devices for use on highways in this state. ~~Except~~
25 ~~as provided in section 28-2416,~~ The uniform system shall correlate with and
26 as far as possible conform to the system set forth in the most recent edition
27 of the manual on uniform traffic control devices for streets and highways
28 prepared by the national joint committee on uniform traffic control devices.

29 Sec. 8. Section 28-642, Arizona Revised Statutes, is amended to read:

30 28-642. Traffic control signs on state highways; rules

31 A. The director shall place and maintain traffic control devices that
32 conform to the manual and specifications prescribed in section 28-641 ~~and to~~

1 ~~the requirements prescribed in section 28-2416~~ on all state highways as the
2 director deems necessary to indicate and to carry out this chapter or to
3 regulate, warn or guide traffic.

4 B. A local authority shall not place or maintain a traffic control
5 device on a highway under the jurisdiction of the director except by the
6 director's permission.

7 C. In cooperation with local authorities, the director shall
8 synchronize traffic control signals on a state highway that has a traffic
9 flow exceeding fifteen thousand motor vehicles per day in a vehicle emissions
10 control area as defined in section 49-541.

11 D. The director shall adopt rules pursuant to title 41, chapter 6 to
12 establish criteria for the installation and maintenance of directional signs
13 for universities prescribed in section 15-1601, for community colleges as
14 defined in section 15-1401 and for the campus of a regionally accredited
15 college or university.

16 Sec. 9. Section 28-693, Arizona Revised Statutes, is amended to read:
17 28-693. Reckless driving; classification; license; surrender

18 A. A person who drives a vehicle in reckless disregard for the safety
19 of persons or property is guilty of reckless driving.

20 B. A person convicted of reckless driving is guilty of a class 2
21 misdemeanor.

22 C. In addition, the judge may require the surrender to a police
23 officer of any driver license of the convicted person, shall report the
24 conviction to the department and may order the driving privileges of the
25 person to be suspended for a period of not more than ninety days. On receipt
26 of the abstract of conviction and order, the department shall suspend the
27 driving privilege of the person for the period of time ordered by the judge.

28 D. If a person who is convicted of a violation of this section has
29 been previously convicted of a violation of this section, section 13-1102 or
30 section 13-1103, subsection A, paragraph 1, in the driving of a vehicle, or
31 section 28-708, 28-1381, 28-1382 or 28-1383 within a period of twenty-four
32 months:

1 1. The person is guilty of a class 1 misdemeanor.

2 2. The person is not eligible for probation, pardon, suspension of
3 sentence or release on any basis until the person has served not less than
4 twenty days in jail.

5 3. The judge may require the surrender to a police officer of any
6 driver license of the person and shall immediately forward the abstract of
7 conviction to the department.

8 4. On receipt of the abstract of conviction, the department shall
9 revoke the driving privilege of the person.

10 E. ~~The dates of the commission of the offense are the determining~~
11 ~~factor in applying subsection D of this section.~~ IN APPLYING THE TWENTY-FOUR
12 MONTH PERIOD PROVISION OF SUBSECTION D OF THIS SECTION, THE DATES OF THE
13 COMMISSION OF THE OFFENSE SHALL BE THE DETERMINING FACTOR, IRRESPECTIVE OF
14 THE SEQUENCE IN WHICH THE OFFENSES WERE COMMITTED. A second or subsequent
15 violation for which a conviction occurs as provided in this section does not
16 include a conviction for an offense arising out of the same series of acts.

17 F. On pronouncement of a jail sentence under this section, and after
18 the court receives confirmation that the person is employed or is a student,
19 the court may provide in the sentence that if the defendant is employed or is
20 a student the defendant can continue employment or schooling for not more
21 than twelve hours per day nor more than five days per week. The defendant
22 shall spend the remaining days or parts of days in jail until the sentence is
23 served and shall be allowed out of jail only long enough to complete the
24 defendant's actual hours of employment or schooling.

25 Sec. 10. Section 28-701, Arizona Revised Statutes, is amended to read:
26 28-701. Reasonable and prudent speed; prima facie evidence;
27 exceptions

28 A. A person shall not drive a vehicle on a highway at a speed greater
29 than is reasonable and prudent under the circumstances, conditions and actual
30 and potential hazards then existing. A person shall control the speed of a
31 vehicle as necessary to avoid colliding with any object, person, vehicle or
32 other conveyance on, entering or adjacent to the highway in compliance with

1 legal requirements and the duty of all persons to exercise reasonable care
2 for the protection of others.

3 B. Except as provided in subsections C and D of this section or except
4 if a special hazard requires a lesser speed, any speed in excess of the
5 following speeds is prima facie evidence that the speed is too great and
6 therefore unreasonable:

- 7 1. Fifteen miles per hour approaching a school crossing.
- 8 2. Twenty-five miles per hour in a business or residential district.
- 9 3. Sixty-five miles per hour in other locations.

10 C. The speed limits prescribed in this section may be altered as
11 authorized in sections 28-702 and 28-703.

12 D. The maximum speed provided in this section is reduced to the speed
13 that is reasonable and prudent under the conditions and with regard to the
14 actual and potential hazards then existing, including the following
15 conditions:

- 16 1. Approaching and crossing an intersection or railroad crossing.
- 17 2. Approaching and going around a curve.
- 18 3. Approaching a hillcrest.
- 19 4. Traveling on a narrow or winding roadway.
- 20 5. A special hazard exists with respect to pedestrians or other
21 traffic or by reason of weather or highway conditions.

22 E. A person shall not drive a motor vehicle at a speed that is less
23 than the speed that is reasonable and prudent under existing conditions
24 **UNLESS THE SPEED THAT IS REASONABLE AND PRUDENT EXCEEDS THE MAXIMUM SAFE**
25 **OPERATING SPEED OF THE LAWFULLY OPERATED IMPLEMENT OF HUSBANDRY.**

26 Sec. 11. Section 28-704, Arizona Revised Statutes, is amended to read:
27 **28-704. Minimum speed limits; requirement to turn off roadway**

28 A. A person shall not drive a motor vehicle at such a slow speed as to
29 impede or block the normal and reasonable movement of traffic except when
30 **EITHER OF THE FOLLOWING APPLIES:**

- 31 1. Reduced speed is necessary for safe operation or in compliance with
32 law.

1 2. THE REASONABLE FLOW OF TRAFFIC EXCEEDS THE MAXIMUM SAFE OPERATING
2 SPEED OF THE LAWFULLY OPERATED IMPLEMENT OF HUSBANDRY.

3 B. If the director or local authorities within their respective
4 jurisdictions determine on the basis of an engineering and traffic
5 investigation that slow speeds on any part of a highway consistently impede
6 the normal and reasonable movement of traffic, the director or local
7 authority may determine and declare a minimum speed limit below which a
8 person shall not drive a vehicle except when necessary for safe operation or
9 in compliance with law.

10 C. If a person is driving a vehicle at a speed less than the normal
11 flow of traffic at the particular time and place on a two-lane highway where
12 passing is unsafe, and if five or more vehicles are formed in a line behind
13 the vehicle, the person shall turn the vehicle off the roadway at the nearest
14 place designated as a turnout by signs erected by the director or a local
15 authority, or wherever sufficient area for a safe turnout exists, in order to
16 permit the vehicles following to proceed.

17 Sec. 12. Section 28-737, Arizona Revised Statutes, is amended to read:
18 28-737. High occupancy vehicle lanes; civil penalty; definition

19 A. Except as provided in ~~section~~ SECTIONS 28-2416 AND 28-2416.01 and
20 subsections B, C, ~~AND D and E~~ of this section, a person shall not drive a
21 vehicle carrying fewer than two persons, including the driver, in a high
22 occupancy vehicle lane at any time the use of the high occupancy vehicle lane
23 is restricted to vehicles carrying two or more persons, including the driver.

24 ~~B. If the department receives approval from the federal government~~
25 ~~allowing the use of high occupancy vehicle lanes by hybrid vehicles, a person~~
26 ~~may drive a hybrid vehicle with alternative fuel vehicle special plates, or~~
27 ~~an alternative fuel vehicle sticker, and a hybrid vehicle sticker issued~~
28 ~~pursuant to section 28-2416 in high occupancy vehicle lanes at any time,~~
29 ~~regardless of occupancy level, without penalty.~~

30 ~~C.~~ B. During the performance of a tow truck operator's duties, a tow
31 truck operator may drive a tow truck in a high occupancy vehicle lane,
32 regardless of occupancy level, without penalty.

1 ~~D.~~ C. A person may drive a motorcycle in a high occupancy vehicle
2 lane at any time regardless of the number of passengers, without penalty.

3 ~~E.~~ D. A person may drive a public transportation vehicle in a high
4 occupancy vehicle lane at any time regardless of the number of passengers,
5 without penalty.

6 ~~F.~~ E. A person who violates subsection A of this section is subject
7 to a civil penalty of two hundred dollars.

8 ~~G.~~ F. Notwithstanding section 28-1554, one hundred dollars of each
9 civil penalty collected pursuant to subsection ~~F~~ E of this section shall be
10 deposited in the state general fund.

11 ~~H.~~ G. For the purposes of this section, ~~:-~~

12 ~~1. "Hybrid vehicle" means a factory-manufactured vehicle that~~
13 ~~satisfies all of the following:~~

14 ~~(a) Combines two or more power train technologies to produce a vehicle~~
15 ~~with significantly lower fuel consumption than the average of its class.~~

16 ~~(b) Exhibits the storage of kinetic energy by use of regenerative~~
17 ~~braking and batteries or capacitors, and the stored energy is used to assist~~
18 ~~or provide full acceleration of the vehicle.~~

19 ~~(c) Allows a portion of the energy to be supplied from an internal~~
20 ~~combustion engine or fuel cell for vehicle acceleration and to store~~
21 ~~electrical energy on board.~~

22 ~~(d) Obtains all energy required to operate from storage fuel tanks~~
23 ~~placed on board the vehicle.~~

24 ~~(e) Has been approved by the United States environmental protection~~
25 ~~agency as meeting, at a minimum, the United States environmental protection~~
26 ~~agency ultralow emission vehicle standard pursuant to 40 Code of Federal~~
27 ~~Regulations section 88.104-94.~~

28 ~~2.~~ "public transportation vehicle" means any vehicle that provides a
29 public entity's public transportation service and either:

30 ~~(a)~~ 1. Is owned or operated by the public entity.

31 ~~(b)~~ 2. Is operated under a contract with the public entity.

32 Sec. 13. Section 28-876, Arizona Revised Statutes, is amended to read:

1 28-876. Parking spaces for electric vehicles; civil penalty

2 A. A person shall not stop, stand or park a motor vehicle within any
3 parking space specially designated for parking and fueling motor vehicles
4 fueled EXCLUSIVELY by electricity unless the motor vehicle is powered by
5 electricity and has been issued an alternative fuel vehicle special plate or
6 sticker pursuant to section 28-2416.

7 B. If a law enforcement officer finds a motor vehicle in violation of
8 this section, the law enforcement officer shall issue a complaint to the
9 operator or other person in charge of the motor vehicle or, if an operator or
10 other person is not present, to the registered owner of the motor vehicle for
11 a civil traffic violation.

12 C. A person who is found responsible for a violation of this section
13 is subject to a civil penalty of at least three hundred fifty dollars.
14 Notwithstanding section 28-1554, the civil penalties collected pursuant to
15 this subsection shall be deposited in the state general fund.

16 Sec. 14. Section 28-924, Arizona Revised Statutes, is amended to read:

17 28-924. Motor vehicle head lamps

18 A. A motor vehicle other than a motorcycle, an all-terrain vehicle or
19 a motor driven cycle shall be equipped with at least two head lamps with at
20 least one on each side of the front of the motor vehicle. The head lamps
21 shall comply with the requirements and limitations of this article.

22 B. A motorcycle, an all-terrain vehicle and a motor driven cycle shall
23 be equipped with at least one and not more than two head lamps that comply
24 with the requirements and limitations of this article.

25 C. A head lamp on a motor vehicle, including a motorcycle, an
26 all-terrain vehicle and a motor driven cycle, shall be located at a height of
27 not more than fifty-four inches nor less than ~~twenty-four~~ TWENTY-TWO inches
28 to be measured as provided in section 28-923, subsection B.

29 Sec. 15. Section 28-925, Arizona Revised Statutes, is amended to read:

30 28-925. Tail lamps

31 A. A motor vehicle, trailer, semitrailer and pole trailer and any
32 other vehicle that is being drawn at the end of a train of vehicles shall be

1 equipped with at least one tail lamp mounted on the rear. When lighted as
2 required by this article, the tail lamp shall emit a red light plainly
3 visible from a distance of five hundred feet to the rear, except that in the
4 case of a train of vehicles, only the tail lamp on the rearmost vehicle need
5 actually be seen from the distance specified.

6 B. A tail lamp on a vehicle shall be located at a height of not more
7 than ~~sixty~~ SEVENTY-TWO inches nor less than fifteen inches to be measured as
8 provided in section 28-923, subsection B.

9 C. Either a tail lamp or a separate lamp shall be constructed and
10 placed in a manner that illuminates with a white light the rear license plate
11 and renders it clearly legible from a distance of fifty feet to the rear. A
12 taillamp or tail lamps together with any separate lamp for illuminating the
13 rear license plate shall be wired to provide that the tail lamp or lamps are
14 lighted whenever the head lamps or auxiliary driving lamps are lighted.

15 Sec. 16. Repeal

16 Section 28-952.01, Arizona Revised Statutes, is repealed.

17 Sec. 17. Repeal

18 Title 28, chapter 6, article 1, Arizona Revised Statutes, is repealed.

19 Sec. 18. Section 28-2003, Arizona Revised Statutes, is amended to read:

20 28-2003. Fees; vehicle title and registration; identification
21 plate; definition

22 A. The following fees are required:

23 1. For each certificate of title, salvage certificate of title,
24 restored salvage certificate of title or nonrepairable vehicle certificate of
25 title, four dollars.

26 2. For each certificate of title for a mobile home, seven
27 dollars. The director shall deposit three dollars of each fee imposed by
28 this paragraph in the state highway fund established by section 28-6991.

29 3. For the registration of a motor vehicle, eight dollars, except that
30 the fee for motorcycles is nine dollars.

31 4. For a duplicate registration card or any duplicate permit, four
32 dollars.

1 5. For each special ninety day nonresident registration issued under
2 section 28-2154, fifteen dollars.

3 6. ~~Except as provided in paragraph 7 of this subsection,~~ For the
4 registration of a trailer or semitrailer that IS NOT A TRAVEL TRAILER AND
5 THAT is ten thousand pounds or less gross vehicle weight AND THAT IS USED IN
6 THE FURTHERANCE OF A COMMERCIAL ENTERPRISE, eight dollars. ~~, and~~

7 7. For the registration of a trailer or semitrailer that IS NOT A
8 TRAVEL TRAILER AND THAT exceeds ten thousand pounds gross vehicle weight:

9 (a) On initial registration, a one-time fee of two hundred forty-five
10 dollars.

11 (b) On renewal of registration or if previously registered in another
12 state, a one-time fee of:

13 (i) If the trailer's or semitrailer's model year is less than six
14 years old, one hundred forty-five dollars.

15 (ii) If the trailer's or semitrailer's model year is at least six
16 years old, ninety-five dollars.

17 ~~7.~~ 8. For the registration of a noncommercial trailer that is not a
18 travel trailer and that is ~~less than six~~ TEN thousand pounds OR LESS gross
19 vehicle weight:

20 (a) On initial registration, a one-time fee of twenty dollars.

21 (b) On renewal of registration, a one-time fee of five dollars.

22 ~~8.~~ 9. For a transfer of a noncommercial trailer that is not a travel
23 trailer and that is ~~less than six~~ TEN thousand pounds OR LESS gross vehicle
24 weight, twelve dollars.

25 ~~9.~~ 10. For each special ninety day resident registration issued under
26 section 28-2154, fifteen dollars.

27 ~~10.~~ 11. For each one trip registration permit issued under section
28 28-2155, one dollar.

29 ~~11.~~ 12. For each temporary general use registration issued under
30 section 28-2156, fifteen dollars.

31 ~~12.~~ 13. For each identification plate bearing a serial or
32 identification number to be affixed to any vehicle, five dollars.

1 B. For the purposes of this section, "travel trailer" means a trailer
2 that is:

3 1. Mounted on wheels.

4 2. Designed to provide temporary living quarters for recreational,
5 camping or travel use.

6 3. Less than eight feet in width and less than forty feet in length.

7 Sec. 19. Section 28-2351, Arizona Revised Statutes, is amended to
8 read:

9 28-2351. License plate provided; design

10 A. The department shall provide to every owner one license plate for
11 each vehicle registered. At the request of the owner and on payment of any
12 required fee, the department shall provide either one or two license plates
13 for a vehicle for which a special plate is requested pursuant to this
14 chapter, except that the department shall provide one license plate if the
15 special plate is issued pursuant to section 28-2404, ~~28-2409 or~~ 28-2416 **OR**
16 **28-2416.01**.

17 B. The license plate shall display the number assigned to the vehicle
18 and to the owner of the vehicle and the name of this state, which may be
19 abbreviated. The director shall coat the license plate with a reflective
20 material that is consistent with the determination of the license plate
21 commission established by section 28-2405 regarding the color and design of
22 license plates and special plates as prescribed by section 28-2405. The
23 director shall design the license plate and the letters and numerals on the
24 license plate to be of sufficient size to be plainly readable during daylight
25 from a distance of one hundred feet. In addition to the standard license
26 plate issued for a trailer before August 12, 2005, the director shall issue a
27 license plate for trailers that has a design that is similar to the standard
28 size license plate for trailers but that is the same size as the license
29 plate for motorcycles. The trailer owner shall notify the department which
30 size license plate the owner wants for the trailer.

31 C. Notwithstanding any other law, the department shall not contract
32 with a nongovernmental entity to purchase or secure reflective material for

1 the plates issued by the department unless the department has made a
2 reasonable effort to secure qualified bids or proposals from as many
3 individual responsible respondents as possible.

4 D. The license plate commission established by section 28-2405 shall
5 determine the color and design of the license plate. All other plates issued
6 by the department, except the plates issued pursuant to sections 28-2412,
7 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2432~~ 28-2434,
8 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, shall
9 be the same color as and similar in design to the license plate as determined
10 by the commission.

11 E. A passenger motor vehicle rented without a driver shall receive the
12 same type of license plate as issued for a private passenger motor vehicle.

13 Sec. 20. Section 28-2354, Arizona Revised Statutes, is amended to
14 read:

15 28-2354. License plates; attachment; civil penalty

16 A. A person shall display the license plate or plates as follows:

17 1. For a motor vehicle, motorcycle, trailer or semitrailer, on the
18 rear.

19 2. For a vehicle for which two license plates are issued, the vehicle
20 owner shall display either of the following:

21 (a) One plate on the rear.

22 (b) One plate on the front and one plate on the rear.

23 B. A person shall display all license plates as required by
24 subsection A until their lawful use expires or is canceled or revoked. A
25 person shall maintain each license plate so it is clearly legible ~~and so that~~
26 ~~the name of this state at the top of the license plate is not obscured~~. A
27 person shall securely fasten each license plate to the vehicle as follows:

28 1. To prevent the plate from swinging.

29 2. At a height of at least twelve inches from the ground to the bottom
30 of the plate.

31 3. In a position to be clearly visible.

1 C. A PERSON SHALL MAINTAIN EACH LICENSE PLATE SO THAT THE NAME OF THIS
2 STATE AT THE TOP OF THE LICENSE PLATE IS NOT OBSCURED.

3 D. A PEACE OFFICER SHALL NOT STOP OR ISSUE A CITATION TO A PERSON
4 OPERATING A MOTOR VEHICLE ON A HIGHWAY IN THIS STATE FOR A VIOLATION OF
5 SUBSECTION C OF THIS SECTION UNLESS THE PEACE OFFICER HAS REASONABLE CAUSE TO
6 BELIEVE THERE IS ANOTHER ALLEGED VIOLATION OF A MOTOR VEHICLE LAW OF THIS
7 STATE.

8 E. IF A PERSON VIOLATES SUBSECTION C OF THIS SECTION, THE PERSON IS
9 SUBJECT TO A CIVIL PENALTY OF THIRTY DOLLARS, EXCEPT THAT IF A PERSON
10 VIOLATES SUBSECTION C OF THIS SECTION WITHIN TWELVE MONTHS AFTER THE DATE OF
11 A PRIOR VIOLATION OF SUBSECTION C OF THIS SECTION, THE PERSON IS SUBJECT TO A
12 CIVIL PENALTY OF ONE HUNDRED DOLLARS.

13 Sec. 21. Section 28-2403, Arizona Revised Statutes, is amended to
14 read:

15 28-2403. Special plates; transfers; violation; classification

16 A. Except as otherwise provided in this article, the department shall
17 issue or renew special plates in lieu of the regular license plates pursuant
18 to the following conditions and procedures and only if the requirements
19 prescribed by this article for the requested special plates are met:

20 1. Except as provided in ~~section~~ SECTIONS 28-2416 AND 28-2416.01, a
21 person who is the registered owner of a vehicle registered with the
22 department or who applies for an original or renewal registration of a
23 vehicle may submit to the department a completed application form as
24 prescribed by the department with the fee prescribed by section 28-2402 for
25 special plates in addition to the registration fee prescribed by section
26 28-2003.

27 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
28 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2432~~ 28-2434, 28-2452,
29 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, the special
30 plates shall be the same color as and similar to the design of the regular
31 license plates that is determined by the license plate commission pursuant to
32 section 28-2351.

1 3. Except as provided in section 28-2416, the department shall issue
2 special plates only to the owner or lessee of a vehicle that is currently
3 registered, including any vehicle that has a declared gross weight, as
4 defined in section 28-5431, of twenty-six thousand pounds or less.

5 4. Except as provided in ~~section~~ SECTIONS 28-2416 AND 28-2416.01, the
6 department shall charge the fee prescribed by section 28-2402 for each annual
7 renewal of special plates in addition to the registration fee prescribed by
8 section 28-2003.

9 B. Except as provided in ~~section~~ SECTIONS 28-2416 AND 28-2416.01, on
10 notification to the department and on payment of the transfer fee prescribed
11 by section 28-2402, a person who is issued special plates may transfer the
12 special plates to another vehicle the person owns or leases. Persons who are
13 issued special plates for hearing impaired persons pursuant to section
14 28-2408 and international symbol of access special plates pursuant to section
15 28-2409 are exempt from the transfer fee. If a person who is issued special
16 plates sells, trades or otherwise releases ownership of the vehicle on which
17 the plates have been displayed, the person shall immediately report the
18 transfer of the plates to the department or the person shall surrender the
19 plates to the department as prescribed by the director. It is unlawful for a
20 person to whom the plates have been issued to knowingly permit them to be
21 displayed on a vehicle except the vehicle authorized by the department.

22 C. The special plates shall be affixed to the vehicle for which
23 registration is sought in lieu of the regular license plates.

24 D. A person is guilty of a class 3 misdemeanor who:

25 1. Violates subsection B of this section.

26 2. Fraudulently gives false or fictitious information in the
27 application for or renewal of special plates or placards issued pursuant to
28 this article.

29 3. Conceals a material fact or otherwise commits fraud in the
30 application for or renewal of special plates or placards issued pursuant to
31 this article.

1 Sec. 22. Section 28-2405, Arizona Revised Statutes, is amended to
2 read:

3 28-2405. License plate commission

4 A. A license plate commission is established. The commission is
5 composed of the following members:

6 1. Two public members who are appointed by the director of the
7 department of transportation.

8 2. A person who is appointed by the governor from the governor's
9 office of highway safety and who serves at the pleasure of the governor.

10 3. The director of the department of public safety or the director's
11 designee.

12 4. The director of the department of transportation or the director's
13 designee.

14 5. The director of the office of tourism or the director's designee.

15 6. The director of the state department of corrections or the
16 director's designee.

17 B. The director of the department of transportation or the director's
18 designee shall serve as chairman of the commission. The chairman shall
19 preside at commission meetings and coordinate the activities of the
20 commission and staff implementation of commission actions.

21 C. All official actions of the commission shall be decided by a
22 majority vote of commission members.

23 D. The commission shall determine the following:

24 1. The color and design of license plates.

25 2. The color of special plates to be the same as and the design of
26 special plates to be similar to the license plates, except for special plates
27 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416, 28-2416.01,
28 28-2417 through ~~28-2432~~ 28-2434, 28-2452, 28-2453, 28-2454 and 28-2455 and
29 article 14 of this chapter.

30 3. Whether to authorize special organization plates pursuant to
31 section 28-2404.

1 2. Provides proof as follows:

2 (a) For an original equipment manufactured alternative fuel vehicle ~~or~~
3 ~~hybrid vehicle~~, the dealer who sells the motor vehicle shall provide to the
4 department of transportation and the owner of the motor vehicle a certificate
5 indicating:

6 (i) That the motor vehicle is EXCLUSIVELY powered by an alternative
7 fuel ~~or is a hybrid vehicle~~ AND IS INCAPABLE OF OPERATING ON ANY OTHER TYPE
8 OF FUEL.

9 (ii) The emission classification of the motor vehicle as low,
10 inherently low, ultralow or zero.

11 (b) For a converted motor vehicle or a motor vehicle that is assembled
12 by the owner, the department of environmental quality or an agent of the
13 department of environmental quality shall provide a certificate to the
14 department of transportation and the owner of the motor vehicle indicating
15 that the motor vehicle is EXCLUSIVELY powered by an alternative fuel ~~or is a~~
16 ~~hybrid vehicle~~ AND IS INCAPABLE OF OPERATING ON ANY OTHER TYPE OF FUEL.

17 3. Pays an eight dollar special plate ~~administrative~~ ADMINISTRATION
18 fee, except that vehicles that are registered pursuant to section 28-2511 are
19 exempt from that fee. The department shall deposit, pursuant to sections
20 35-146 and 35-147, all special plate ~~administrative~~ ADMINISTRATION fees in
21 the state highway fund established by section 28-6991.

22 ~~D.~~ C. The color and design of the alternative fuel vehicle special
23 plates are subject to the approval of the department of commerce energy
24 office. The director may allow a request for alternative fuel vehicle
25 special plates to be combined with a request for personalized special plates.
26 If the director allows such a combination, the request shall be in a form
27 prescribed by the director and is subject to the fees for the personalized
28 special plates in addition to the fees required for alternative fuel vehicle
29 special plates. Alternative fuel vehicle special plates are not
30 transferable, except that if the director allows alternative fuel vehicle
31 special plates to be personalized a person who is issued personalized
32 alternative fuel vehicle special plates may transfer those plates to another

1 alternative fuel vehicle for which the person is the registered owner or
2 lessee.

3 ~~F.~~ D. If a motor vehicle qualifies pursuant to this section and any
4 other special plates are issued pursuant to article 7, 8 or 13 of this
5 chapter or section 28-2514 for the motor vehicle, the department may issue an
6 alternative fuel vehicle sticker to the person who owns the motor vehicle.
7 The alternative fuel vehicle sticker shall be diamond-shaped, shall indicate
8 the type of alternative fuel used by the vehicle and shall be placed on the
9 motor vehicle as prescribed by the department.

10 ~~F.~~ E. Except as provided in section ~~28-737, subsection B~~ 28-337, a
11 person may drive a motor vehicle with alternative fuel vehicle special plates
12 or an alternative fuel vehicle sticker in high occupancy vehicle lanes at any
13 time, regardless of occupancy level, without penalty.

14 ~~G.~~ F. A person shall not drive a motor vehicle in a high occupancy
15 vehicle lane with an alternative fuel vehicle sticker if the motor vehicle is
16 not an alternative fuel vehicle ~~or a hybrid vehicle~~ for which an alternative
17 fuel vehicle sticker ~~and a hybrid vehicle sticker have~~ HAS been issued
18 pursuant to this section. A person who violates this subsection is subject
19 to a civil penalty of three hundred fifty dollars. Notwithstanding section
20 28-1554, the civil penalty collected pursuant to this subsection shall be
21 deposited in the state general fund.

22 ~~H. The department shall mark high occupancy vehicle lane signs to~~
23 ~~indicate that those lanes may be used by alternative fuel vehicles regardless~~
24 ~~of the number of occupants. The design of the sign shall be the same as the~~
25 ~~design of the alternative fuel vehicle special plate, and the sign shall be~~
26 ~~at least as large as the high occupancy vehicle lane sign. These high~~
27 ~~occupancy vehicle lane signs are official traffic control devices. On~~
28 ~~highway exit signs the department shall also indicate access to alternative~~
29 ~~fuel vehicle fueling stations that are open to the public.~~

30 G. FOR THE PURPOSES OF SECTION 28-337, THE DEPARTMENT SHALL:

31 1. LIMIT OR SUSPEND THE ISSUANCE OF ALTERNATIVE FUEL VEHICLE SPECIAL
32 PLATES.

1 FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR
2 LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATES. LOW EMISSION AND
3 ENERGY EFFICIENT VEHICLE SPECIAL PLATES MAY BE TRANSFERRED TO ANOTHER LOW
4 EMISSION AND ENERGY EFFICIENT VEHICLE FOR WHICH THE PERSON IS THE REGISTERED
5 OWNER OR LESSEE.

6 D. EXCEPT AS PROVIDED IN SECTION 28-337 AND IF THE DEPARTMENT RECEIVES
7 APPROVAL FROM THE FEDERAL GOVERNMENT ALLOWING THE USE OF HIGH OCCUPANCY
8 VEHICLE LANES BY LOW EMISSION AND ENERGY EFFICIENT VEHICLES, AS DEFINED IN
9 SECTION 28-601, THAT ACHIEVE NOT LESS THAN A FIFTY PER CENT INCREASE IN CITY
10 FUEL ECONOMY OR NOT LESS THAN A TWENTY-FIVE PER CENT INCREASE IN COMBINED
11 CITY-HIGHWAY FUEL ECONOMY IN ACCORDANCE WITH 23 UNITED STATES CODE SECTION
12 166, A PERSON MAY DRIVE A MOTOR VEHICLE WITH A LOW EMISSION AND ENERGY
13 EFFICIENT VEHICLE SPECIAL PLATE IN HIGH OCCUPANCY VEHICLE LANES AT ANY TIME,
14 REGARDLESS OF OCCUPANCY LEVEL, WITHOUT PENALTY.

15 E. A PERSON SHALL NOT DRIVE A MOTOR VEHICLE IN A HIGH OCCUPANCY
16 VEHICLE LANE WITH A LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE
17 IF THE MOTOR VEHICLE IS NOT A LOW EMISSION AND ENERGY EFFICIENT VEHICLE FOR
18 WHICH A LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE HAS BEEN
19 ISSUED PURSUANT TO THIS SECTION. A PERSON WHO VIOLATES THIS SUBSECTION IS
20 SUBJECT TO A CIVIL PENALTY OF THREE HUNDRED FIFTY DOLLARS. NOTWITHSTANDING
21 SECTION 28-1554, THE CIVIL PENALTY COLLECTED PURSUANT TO THIS SUBSECTION
22 SHALL BE DEPOSITED IN THE STATE GENERAL FUND.

23 F. FOR THE PURPOSES OF SECTION 28-337, THE DEPARTMENT SHALL:

24 1. LIMIT OR SUSPEND THE ISSUANCE OF LOW EMISSION AND ENERGY EFFICIENT
25 VEHICLE SPECIAL PLATES.

26 2. REMOVE THE PRIVILEGE OF OPERATING IN THE HIGH OCCUPANCY VEHICLE
27 LANE WITH A SINGLE OCCUPANT, INCLUDING THE DRIVER.

28 Sec. 25. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
29 amended by adding sections 28-2433 and 28-2434, to read:

30 28-2433. Arizona professional football club special plates; fund

31 A. IF, BY DECEMBER 31, 2009, A CHARITABLE ORGANIZATION AFFILIATED WITH
32 AN ARIZONA PROFESSIONAL FOOTBALL CLUB DONATES THIRTY-TWO THOUSAND DOLLARS TO

1 THE DEPARTMENT FOR THE IMPLEMENTATION OF AN ARIZONA PROFESSIONAL FOOTBALL
2 CLUB SPECIAL PLATE, THE DEPARTMENT SHALL ISSUE THE ARIZONA PROFESSIONAL
3 FOOTBALL CLUB SPECIAL PLATES. THE ENTITY THAT PROVIDES THE THIRTY-TWO
4 THOUSAND DOLLARS FOR THE IMPLEMENTATION OF THE ARIZONA PROFESSIONAL FOOTBALL
5 CLUB SPECIAL PLATES SHALL DESIGN THE ARIZONA PROFESSIONAL FOOTBALL CLUB
6 SPECIAL PLATES. THE DESIGN AND COLOR OF THE ARIZONA PROFESSIONAL FOOTBALL
7 CLUB SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF THE DEPARTMENT. THE
8 DIRECTOR MAY ALLOW A REQUEST FOR ARIZONA PROFESSIONAL FOOTBALL CLUB SPECIAL
9 PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE
10 DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM PRESCRIBED
11 BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL
12 PLATES IN ADDITION TO THE FEES REQUIRED FOR ARIZONA PROFESSIONAL FOOTBALL
13 CLUB SPECIAL PLATES.

14 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
15 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
16 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

17 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
18 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
19 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
20 SECTION IN THE ARIZONA PROFESSIONAL FOOTBALL CLUB SPECIAL PLATE FUND
21 ESTABLISHED BY SUBSECTION D OF THIS SECTION.

22 D. THE ARIZONA PROFESSIONAL FOOTBALL CLUB SPECIAL PLATE FUND IS
23 ESTABLISHED CONSISTING OF MONIES RECEIVED PURSUANT TO THIS SECTION. THE
24 DIRECTOR SHALL ADMINISTER THE FUND. THE FIRST THIRTY-TWO THOUSAND DOLLARS
25 RECEIVED SHALL BE REIMBURSED TO THE ENTITY THAT PAID THE IMPLEMENTATION FEE
26 TO THE DEPARTMENT PURSUANT TO SUBSECTION A OF THIS SECTION. NOT MORE THAN
27 TEN PER CENT OF MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR THE
28 COST OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
29 APPROPRIATED. THE DIRECTOR SHALL ALLOCATE MONIES FROM THE FUND THROUGH A
30 PRIVATE ARIZONA PROFESSIONAL FOOTBALL ORGANIZATION'S FOUNDATION THAT IS
31 QUALIFIED UNDER SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE
32 FOR FEDERAL INCOME TAX PURPOSES. THE DIRECTOR SHALL FORWARD ALL MONIES

1 DEPOSITED IN THE ARIZONA PROFESSIONAL FOOTBALL CLUB SPECIAL PLATE FUND,
2 EXCLUDING ADMINISTRATIVE FEES, TO THE FOUNDATION ON AN ANNUAL BASIS.

3 E. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND
4 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED
5 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

6 28-2434. Emergency medical services special plates

7 A. IF, BY DECEMBER 31, 2014, A NONPROFIT CORPORATION IN THIS STATE
8 THAT IS QUALIFIED UNDER SECTION 501(c)(3) OF THE UNITED STATES INTERNAL
9 REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES PAYS THIRTY-TWO THOUSAND DOLLARS
10 TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT
11 SHALL ISSUE EMERGENCY MEDICAL SERVICES SPECIAL PLATES. THE NONPROFIT
12 CORPORATION THAT PROVIDES THE THIRTY-TWO THOUSAND DOLLARS FOR THE
13 IMPLEMENTATION OF THE EMERGENCY MEDICAL SERVICES SPECIAL PLATES SHALL DESIGN
14 THE EMERGENCY MEDICAL SERVICES SPECIAL PLATES. THE DESIGN AND COLOR OF THE
15 EMERGENCY MEDICAL SERVICES SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF THE
16 DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR EMERGENCY MEDICAL SERVICES
17 SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES.
18 IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM
19 PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED
20 SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR EMERGENCY MEDICAL
21 SERVICES SPECIAL PLATES.

22 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
23 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
24 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

25 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
26 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
27 ESTABLISHED BY SECTION 28-6991 AND SHALL DISTRIBUTE ALL DONATIONS COLLECTED
28 PURSUANT TO THIS SECTION AS AUTHORIZED IN A WRITTEN RESOLUTION OF THE
29 NONPROFIT CORPORATION THAT PROVIDED THE THIRTY-TWO THOUSAND DOLLARS FOR
30 IMPLEMENTATION OF THIS SECTION. THE NONPROFIT CORPORATION SHALL FILE A COPY
31 OF THIS RESOLUTION WITH THE DEPARTMENT. THE NONPROFIT CORPORATION MUST USE
32 THE DONATIONS FOR PUBLIC PURPOSES RELATED TO EMERGENCY MEDICAL SERVICES.

1 Sec. 26. Section 28-2511, Arizona Revised Statutes, is amended to
2 read:

3 28-2511. Official vehicles; registration exemption; definitions

4 A. A registration fee is not required for a vehicle owned by a foreign
5 government, by a consul or any other official representative of a foreign
6 government, by the United States, by a state or political subdivision of a
7 state, by an Indian tribal government, by a provider of ambulance, fire
8 fighting or rescue services that is used solely for the purpose of providing
9 emergency services or by a nonprofit organization that presents to the
10 department a form approved by the director of the division of emergency
11 management pursuant to section 26-318. The person who has custody of these
12 vehicles shall register them as required by this chapter and shall display
13 official license plates that bear distinguishing marks. The department shall
14 furnish the license plates free of charge. The department may issue regular
15 license plates without any distinguishing marks for vehicles that are exempt
16 from title 38, chapter 3, article 10 pursuant to section 38-538.03,
17 subsection B.

18 B. The director may issue license plates for vehicles owned by and
19 used in the line of duty by law enforcement agencies in other states and the
20 federal government without being registered as required by this chapter.

21 C. The director may enter into agreements or arrangements subject to
22 the approval of the attorney general of this state with the federal
23 government and with motor vehicle departments in other states to provide for
24 a reciprocal exchange of license plates for use on vehicles owned or operated
25 by law enforcement agencies for investigating actual or suspected violations
26 of law. License plates of other states obtained pursuant to this subsection
27 may be used on exempt vehicles of law enforcement agencies of this state or a
28 political subdivision of this state.

29 D. The director shall maintain a record of the license plates issued
30 pursuant to subsections B and C of this section. The director shall also
31 keep a record of the license plates received pursuant to subsection C of this
32 section, the regular license plates issued pursuant to subsection A of this

1 section and the vehicles to which the plates are attached. These records are
2 not open to public inspection except on demand of the attorney general.

3 E. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, any vehicle that
4 is registered pursuant to this section and that is EXCLUSIVELY powered by an
5 alternative fuel shall display an alternative fuel vehicle special plate
6 issued pursuant to section 28-2416. ~~, except that~~ EXCEPT AS OTHERWISE
7 PROVIDED IN THIS SUBSECTION, ANY VEHICLE THAT IS REGISTERED PURSUANT TO THIS
8 SECTION AND THAT IS A LOW EMISSION AND ENERGY EFFICIENT VEHICLE AS DEFINED IN
9 SECTION 28-601 SHALL DISPLAY A LOW EMISSION AND ENERGY EFFICIENT VEHICLE
10 SPECIAL PLATE ISSUED PURSUANT TO SECTION 28-2416.01. The department may
11 issue regular license plates without any alternative fuel OR LOW EMISSION AND
12 ENERGY EFFICIENT distinguishing marks or regular alternative fuel vehicle
13 special plates OR LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATES
14 for vehicles that are exempt from title 38, chapter 3, article 10 pursuant to
15 section 38-538.03, subsection B. This subsection applies to all existing
16 vehicles that are registered pursuant to this section and all newly-acquired
17 vehicles that are registered pursuant to this section.

18 F. For the purposes of this section:

19 1. "Alternative fuel" has the same meaning prescribed in section
20 1-215.

21 2. "Ambulance" means a vehicle for which a certificate of registration
22 has been issued pursuant to section 36-2212.

23 Sec. 27. Section 28-3152, Arizona Revised Statutes, is amended to
24 read:

25 28-3152. Driver license: exemptions: limitation

26 A. Except as provided in subsection B, the following persons are
27 exempt from licensing under this chapter:

28 1. EXCEPT FOR UNITED STATES RESERVE TECHNICIANS, any of the following
29 while operating a commercial motor vehicle for military purposes:

30 (a) Active duty military personnel.

31 (b) Members of the United States military reserve forces.

1 (c) Members of the United States army national guard on active duty or
2 the United States air national guard on active duty, including:

3 (i) Personnel on full-time national guard active duty.

4 (ii) Personnel on part-time national guard training.

5 (d) United States army national guard and United States air national
6 guard military technicians who are civilians and who are required to wear
7 military uniforms.

8 (e) Active duty United States coast guard personnel.

9 ~~This paragraph does not apply to United States reserve technicians.~~

10 2. A person while driving or operating a farm tractor or implement of
11 husbandry that is temporarily INCIDENTALLY operated or moved on a highway.

12 3. A person who is a nonresident, who is at least sixteen years of age
13 and who has in the person's immediate possession a valid driver license
14 issued to the person in the person's home state or country while the person
15 is operating a motor vehicle requiring a class D license.

16 4. A person who is a nonresident, who is at least eighteen years of
17 age and who has in the person's immediate possession a valid commercial
18 driver license or classified license that is issued to the person in the
19 person's home state or country and that authorizes operation of a commercial
20 motor vehicle while the person is operating a motor vehicle requiring a class
21 A, B or C license in this state, except that the person must be licensed
22 under this chapter before accepting employment from a resident of this state
23 involving the operation of a motor vehicle requiring a class A, B or C
24 license.

25 5. A person who is a nonresident, who is at least eighteen years of
26 age and whose home state or country does not require the licensing of
27 operators while the person operates a motor vehicle requiring a class D
28 license for a period of not more than ninety days in a calendar year, if the
29 motor vehicle that the person is operating is duly registered in the home
30 state or country of the nonresident.

31 6. A person who has in the person's immediate possession a valid
32 driver license issued to the person by another state or country while the

1 person is operating a motor vehicle requiring a class D license, who is an
2 employee, agent or consultant of an organization that operates in this state
3 and at least one other state or country, who is principally domiciled or
4 employed in another state or country and who is present in this state not
5 more than ninety consecutive days.

6 B. A person who is a resident of a foreign country and who operates a
7 commercial vehicle in this state shall obtain a commercial driver license of
8 the proper class that is issued by this state or another state, if the
9 foreign country does not grant reciprocal driver license privileges to
10 operators of commercial vehicles who are residents of this state.

11 Sec. 28. Section 28-3312, Arizona Revised Statutes, is amended to
12 read:

13 28-3312. Mandatory disqualification of commercial driver
14 licenses: definition

15 A. The department shall disqualify a person required to have a
16 commercial driver license or a commercial driver license holder from driving
17 a commercial motor vehicle as follows:

18 1. Except as provided in subsection E of this section and except as
19 otherwise provided in this subsection, for at least one year if a person:

20 (a) Refuses a test in violation of section 28-1321.

21 (b) Is convicted of a first violation of any of the following:

22 (i) Driving a commercial motor vehicle under the influence of
23 intoxicating liquor or a controlled substance or while having an alcohol
24 concentration of 0.04 or more.

25 (ii) Leaving the scene of an accident involving a motor vehicle driven
26 by the person.

27 (iii) Using a motor vehicle in the commission of a felony.

28 (iv) A violation of chapter 4, article 3 of this title while operating
29 a noncommercial motor vehicle.

30 (v) Driving a commercial motor vehicle while, as a result of prior
31 violations of this title committed while operating a commercial motor
32 vehicle, the person's commercial driver license is revoked, suspended or

1 canceled or the person is disqualified from operating a commercial motor
2 vehicle.

3 (vi) Causing a fatality through the negligent operation of a
4 commercial motor vehicle, including a conviction of manslaughter, homicide or
5 negligent homicide resulting from operation of a motor vehicle.

6 2. For at least three years, if the person is convicted of any of the
7 violations prescribed in paragraph 1 of this subsection and the violation
8 occurred while the person was transporting a hazardous material in the
9 quantity and under the circumstances that require placarding of the transport
10 vehicle under the department's safety rules pursuant to chapter 14 of this
11 title.

12 3. For the life of the person, if the person is convicted of two or
13 more violations of any of the offenses prescribed in paragraph 1 of this
14 subsection or of any combination of those offenses arising from two or more
15 separate incidents. The department shall consider only offenses committed
16 from and after December 31, 1989 in applying this paragraph.

17 4. Permanently if the person is convicted of using any motor vehicle
18 in the commission of a felony involving the manufacture, distribution or
19 dispensing of a controlled substance or possession with intent to
20 manufacture, distribute or dispense a controlled substance.

21 5. For at least sixty consecutive days, if the person is convicted of
22 two serious traffic violations committed in a motor vehicle arising from
23 separate incidents occurring within a three year period from the date of the
24 violation.

25 6. For at least one hundred twenty days served in addition to any
26 other disqualification, if the person is convicted of a third or subsequent
27 serious traffic violation committed in a motor vehicle arising from separate
28 incidents occurring within a three year period from the date of the
29 violation.

30 B. Except as provided in subsection C of this section, a person
31 required to have a commercial driver license or a commercial driver license
32 holder who is found responsible for violating an out-of-service order

1 pursuant to section 28-5241 is disqualified from driving a commercial motor
2 vehicle as follows:

3 1. For a period of ~~ninety~~ ONE HUNDRED EIGHTY days if the person is
4 found responsible for a first violation of an out-of-service order.

5 2. For a period of ~~one-year~~ TWO YEARS if the person is found
6 responsible for a second violation of any out-of-service order during any ten
7 year period arising from separate incidents.

8 3. For a period of three years if the person is found responsible for
9 a third or subsequent violation of any out-of-service order during any ten
10 year period arising from separate incidents.

11 C. A person required to have a commercial driver license or a
12 commercial driver license holder who is found responsible for violating an
13 out-of-service order pursuant to section 28-5241 while transporting hazardous
14 materials or while operating a commercial motor vehicle designed or used to
15 transport sixteen or more passengers, including the driver, is disqualified
16 from driving a commercial motor vehicle as follows:

17 1. For a period of one hundred eighty days if the person is found
18 responsible for a first violation of an out-of-service order.

19 2. For a period of three years if the person is found responsible for
20 a second or subsequent violation of any out-of-service order during any ten
21 year period arising from separate incidents.

22 D. A person required to have a commercial driver license or a
23 commercial driver license holder who is convicted of or found responsible for
24 violating any federal, state or local railroad grade crossing law, ordinance
25 or regulation is disqualified from driving a commercial motor vehicle as
26 follows:

27 1. For a period of sixty days if a person is convicted of or found
28 responsible for a first violation.

29 2. For a period of one hundred twenty days if a person is convicted of
30 or found responsible for a second violation during any three year period.

31 3. For a period of one year if a person is convicted of or found
32 responsible for a third or subsequent violation during any three year period.

1 E. If a federal agency determines that a commercial motor vehicle
2 licensee is driving in a manner that constitutes an imminent hazard, the
3 department, on receipt of notification by the federal government, shall
4 disqualify the driver for a period not to exceed one year. The
5 disqualification shall run concurrently with any other disqualification
6 imposed on the driver. For the purposes of this subsection, "imminent
7 hazard" means the existence of a condition that presents a substantial
8 likelihood that death, serious illness, severe personal injury or a
9 substantial endangerment to health, property or the environment may occur
10 before the reasonably foreseeable completion date of a formal proceeding to
11 decrease the risk of death, illness, injury or endangerment.

12 F. The department shall keep records of findings of responsibility for
13 a civil traffic violation and of conviction of any moving criminal traffic
14 violation for a commercial driver licensee for violations in any type of
15 motor vehicle and for a person required to have a commercial driver license
16 if the violations arise from the operation of a commercial motor vehicle.
17 The department shall make the records available to other states, the United
18 States secretary of transportation, the driver and any motor carrier or
19 prospective motor carrier or the motor carrier's designated agent within ten
20 days after receiving ~~notice~~ A REPORT of a conviction OR FINDING OF
21 RESPONSIBILITY in this state or receipt of a ~~notice~~ REPORT of a conviction OR
22 FINDING OF RESPONSIBILITY or disqualification received from another state.

23 G. Disqualification for a serious traffic violation committed by a
24 commercial driver license holder while operating a noncommercial motor
25 vehicle applies only if the conviction results in the revocation,
26 cancellation or suspension of the person's commercial driver license or
27 noncommercial driver license.

28 H. The department may adopt rules establishing guidelines and
29 conditions under which the department may reduce a disqualification for life
30 pursuant to subsection A, paragraph 3 of this section to a disqualification
31 of at least ten years. If a person's disqualification is reduced pursuant to
32 rules adopted pursuant to this subsection and the person is subsequently

1 convicted of a violation described in subsection A, paragraph 1 of this
2 section, the person is permanently disqualified from driving a commercial
3 vehicle and is not eligible to apply for a reduction of the disqualification
4 pursuant to rules adopted pursuant to this subsection.

5 I. Except as provided in subsection E of this section, the beginning
6 date of the disqualification shall be the date the department receives the
7 report of conviction or finding of responsibility.

8 J. For the purposes of this section, "serious traffic violation" means
9 a conviction or finding of responsibility for any of the following:

10 1. Excessive speeding involving a single offense for a speed of
11 fifteen miles per hour or more above the posted speed limit.

12 2. Reckless driving as provided by section 28-693.

13 3. Aggressive driving as provided by section 28-695.

14 4. Racing as defined in section 28-708.

15 5. Improper or erratic traffic lane changes as provided by section
16 28-729.

17 6. Following the vehicle ahead too closely as provided by section
18 28-730.

19 7. A violation of this title that is connected with a fatal traffic
20 accident.

21 8. Driving a commercial motor vehicle if the person has not been
22 issued a valid commercial driver license pursuant to this chapter.

23 9. Driving a commercial motor vehicle without a commercial driver
24 license in the person's possession.

25 10. Driving a commercial motor vehicle without having a valid
26 endorsement for the type of commercial motor vehicle or motor vehicle
27 combination being operated.

28 Sec. 29. Section 28-3392, Arizona Revised Statutes, is amended to
29 read:

30 28-3392. Defensive driving school; eligibility

31 A. A court:

1 1. Shall allow an individual who is issued a citation for a civil
2 traffic moving violation pursuant to chapter 3, articles 2, 3, 4 and 6
3 through 15 of this title or a local civil traffic ordinance relating to the
4 same subject matter to attend a defensive driving school for the purposes
5 provided in this article.

6 2. Except as prescribed in subsection C of this section, may allow an
7 individual who is issued a citation for a violation of section 28-701.02 to
8 attend a defensive driving school.

9 B. A person who attends a defensive driving school pursuant to this
10 article is not eligible to attend a defensive driving school again within
11 twenty-four months from the day of the last violation for which the person
12 was authorized by this article to attend a defensive driving school.

13 C. Notwithstanding subsection A of this section:

14 1. An individual who commits a civil or criminal traffic violation
15 resulting in death or serious physical injury is not eligible to attend a
16 defensive driving school, except that the court may order the individual to
17 attend a defensive driving school in addition to another sentence imposed by
18 the court on an adjudication or admission of the traffic violation.

19 2. If a commercial driver license holder **OR A DRIVER OF A COMMERCIAL**
20 **MOTOR VEHICLE THAT REQUIRES A COMMERCIAL DRIVER LICENSE** is found guilty or
21 responsible for a moving violation, the court may require the violator to
22 attend defensive driving school as an element of sentence, but may not
23 dismiss the conviction or finding of responsibility and shall report the
24 conviction or finding of responsibility to the department as prescribed in
25 section 28-1559. A commercial driver license holder **OR A DRIVER OF A**
26 **COMMERCIAL MOTOR VEHICLE THAT REQUIRES A COMMERCIAL DRIVER LICENSE** is not
27 eligible for the defensive driving diversion program.

28 Sec. 30. Section 28-3511, Arizona Revised Statutes, is amended to
29 read:

30 **28-3511. Removal and immobilization or impoundment of vehicle**

1 A. A peace officer shall cause the removal and either immobilization
2 or impoundment of a vehicle if the peace officer determines that a person is
3 driving the vehicle while ~~either~~ ANY of the following applies:

4 1. The person's driving privilege is suspended or revoked for any
5 reason.

6 2. The person has not ever been issued a valid driver license or
7 permit by this state and the person does not produce evidence of ever having
8 a valid driver license or permit issued by another jurisdiction. **THIS**
9 **PARAGRAPH DOES NOT APPLY TO THE OPERATION OF AN IMPLEMENT OF HUSBANDRY.**

10 3. The person is subject to an ignition interlock device requirement
11 pursuant to chapter 4 of this title and the person is operating a vehicle
12 without a functioning certified ignition interlock device. This paragraph
13 does not apply to a person operating an employer's vehicle or the operation
14 of a vehicle due to a substantial emergency as defined in section 28-1464.

15 B. A peace officer shall cause the removal and impoundment of a
16 vehicle if the peace officer determines that a person is driving the vehicle
17 and if all of the following apply:

18 1. The person's driving privilege is canceled, suspended or revoked
19 for any reason or the person has not ever been issued a driver license or
20 permit by this state and the person does not produce evidence of ever having
21 a driver license or permit issued by another jurisdiction.

22 2. The person is not in compliance with the financial responsibility
23 requirements of chapter 9, article 4 of this title.

24 3. The person is driving a vehicle that is involved in an accident
25 that results in either property damage or injury to or death of another
26 person.

27 C. Except as provided in subsection D of this section, while a peace
28 officer has control of the vehicle the peace officer shall cause the removal
29 and either immobilization or impoundment of the vehicle if the peace officer
30 has probable cause to arrest the driver of the vehicle for a violation of
31 section 4-244, paragraph 33 or section 28-1382 or 28-1383.

1 D. A peace officer shall not cause the removal and either the
2 immobilization or impoundment of a vehicle pursuant to subsection C of this
3 section if all of the following apply:

4 1. The peace officer determines that the vehicle is currently
5 registered and that the driver or the vehicle is in compliance with the
6 financial responsibility requirements of chapter 9, article 4 of this title.

7 2. The spouse of the driver is with the driver at the time of the
8 arrest.

9 3. The peace officer has reasonable grounds to believe that the spouse
10 of the driver:

11 (a) Has a valid driver license.

12 (b) Is not impaired by intoxicating liquor, any drug, a vapor
13 releasing substance containing a toxic substance or any combination of
14 liquor, drugs or vapor releasing substances.

15 (c) Does not have any spirituous liquor in the spouse's body if the
16 spouse is under twenty-one years of age.

17 4. The spouse notifies the peace officer that the spouse will drive
18 the vehicle from the place of arrest to the driver's home or other place of
19 safety.

20 5. The spouse drives the vehicle as prescribed by paragraph 4 of this
21 subsection.

22 E. Except as otherwise provided in this article, a vehicle that is
23 removed and either immobilized or impounded pursuant to subsection A, B or C
24 of this section shall be immobilized or impounded for thirty days. An
25 insurance company does not have a duty to pay any benefits for charges or
26 fees for immobilization or impoundment.

27 F. The owner of a vehicle that is removed and either immobilized or
28 impounded pursuant to subsection A, B or C of this section, the spouse of the
29 owner and each person identified on the department's record with an interest
30 in the vehicle shall be provided with an opportunity for an immobilization or
31 poststorage hearing pursuant to section 28-3514.

1 Sec. 31. Section 28-4541, Arizona Revised Statutes, is amended to
2 read:

3 28-4541. Continuation date; delinquent fee due from
4 manufacturer; penalty

5 A. IN ORDER TO DISTRIBUTE THE CONTINUATION WORKLOAD AS UNIFORMLY AS
6 PRACTICABLE THROUGHOUT THE TWELVE MONTHS OF THE CALENDAR YEAR, THE DIRECTOR
7 MAY PROVIDE FOR STAGGERED CONTINUATION DATES FOR THE RIGHT TO USE A
8 MANUFACTURER LICENSE PLATE. IN ORDER TO INITIATE A STAGGERED CONTINUATION
9 SYSTEM, THE DIRECTOR MAY INITIALLY PROVIDE OR CONTINUE THE RIGHT FOR MORE OR
10 LESS THAN A TWELVE MONTH PERIOD, BUT NOT MORE THAN EIGHTEEN MONTHS, AND MAY
11 PRORATE THE FEES.

12 B. If a manufacturer fails, neglects or refuses to file an application
13 for renewal and pay the required fee for the ensuing year on or before
14 midnight ~~of December 1 of each year~~ ON THE CONTINUATION DATE, the fee is
15 delinquent, and the department shall charge and collect a penalty equal to
16 the fee if the manufacturer files an application for renewal after ~~December 1~~
17 THE CONTINUATION DATE.

18 Sec. 32. Section 28-5001, Arizona Revised Statutes, is amended to
19 read:

20 28-5001. Definition of title service company

21 In this chapter, unless the context otherwise requires, "title service
22 company" means a person, other than a licensed motor vehicle dealer, who for
23 a fee issues temporary registration plates or prepares ~~and~~ OR submits to the
24 director applications for registration of, and certificates of title to,
25 motor vehicles AND MAY PREPARE OR SUBMIT TO THE DIRECTOR FUEL TAX REPORTS ON
26 BEHALF OF LICENSED MOTOR CARRIERS.

27 Sec. 33. Section 28-5241, Arizona Revised Statutes, is amended to
28 read:

29 28-5241. Out-of-service orders; violation; civil penalty;
30 definition

31 A. A motor carrier shall not require or permit a driver:

1 1. To operate a commercial motor vehicle that is subject to an
2 out-of-service order until all repairs required by the out-of-service order
3 have been satisfactorily completed.

4 2. Who is subject to an out-of-service order to operate a commercial
5 motor vehicle until the reason for the out-of-service order has been
6 remedied.

7 B. A driver:

8 1. Shall not operate a commercial motor vehicle that is subject to an
9 out-of-service order until all repairs required by the out-of-service order
10 have been satisfactorily completed.

11 2. Who is subject to an out-of-service order shall not operate a
12 commercial motor vehicle until the reason for the out-of-service order has
13 been remedied.

14 C. Notwithstanding section 28-5240, a violation of this section is a
15 civil traffic violation.

16 D. The court shall impose:

17 1. ~~ON A DRIVER WHO VIOLATES OR FAILS TO COMPLY WITH AN OUT-OF-SERVICE~~
18 ~~ORDER~~ a civil penalty of:

19 (a) At least ~~one~~ TWO thousand ~~one~~ FIVE hundred dollars ~~and not more~~
20 ~~than two thousand seven hundred fifty dollars on a driver who violates or~~
21 ~~fails to comply with an out-of-service order~~ FOR AN INITIAL VIOLATION OR
22 FAILURE.

23 (b) FIVE THOUSAND DOLLARS FOR A SUBSEQUENT VIOLATION OR FAILURE.

24 2. A civil penalty of at least two thousand seven hundred fifty
25 dollars and not more than ~~e~~leven TWENTY-FIVE thousand dollars on a motor
26 carrier who violates an out-of-service order or who requires or permits a
27 driver to violate or fail to comply with an out-of-service order.

28 E. In addition to other penalties prescribed by this chapter, if a
29 motor carrier or driver is found responsible for a violation of this section,
30 the motor carrier or driver is subject to disqualification pursuant to
31 section 28-3312.

1 F. For the purposes of this section, "out-of-service order" means a
2 declaration by a specialty officer of the department or a law enforcement
3 officer authorized pursuant to section 28-5204 that a driver, motor vehicle
4 or motor carrier is out of service pursuant to this chapter.

5 Sec. 34. Section 28-5432, Arizona Revised Statutes, is amended to
6 read:

7 28-5432. Gross weight fees; application; exceptions

8 A. This article applies to all of the following:

9 1. A trailer or semitrailer with a gross weight of ten thousand pounds
10 or less **AND THAT IS USED IN THE FURTHERANCE OF A COMMERCIAL ENTERPRISE.**

11 2. A motor vehicle or vehicle combination if the motor vehicle or
12 vehicle combination is designed, used or maintained primarily for the
13 transportation of passengers for compensation or for the transportation of
14 property.

15 3. A hearse, an ambulance or any other vehicle that is used by a
16 mortician in the conduct of the mortician's business.

17 4. A commercial motor vehicle as defined in section 28-5201.

18 B. This article does not apply to:

19 1. A vehicle commonly referred to as a station wagon or to a vehicle
20 commonly known as and referred to by the manufacturer's rating as a
21 three-quarter ton or less pickup truck or three-quarter ton or less van
22 unless such a vehicle is maintained and operated more than one thousand hours
23 in a vehicle registration year for the transportation of passengers or
24 property in the furtherance of a commercial enterprise. An applicant
25 requesting title or registration of a motor vehicle in the name of a
26 commercial enterprise shall pay the fees imposed by this article unless the
27 applicant certifies on the application that the vehicle will not be
28 maintained and operated in the furtherance of a commercial enterprise.

29 2. A trailer or semitrailer with a declared gross weight of ~~less than~~
30 ~~six~~ **TEN** thousand pounds **OR LESS**, if the trailer or semitrailer is not used in
31 the furtherance of a commercial enterprise **AND THE APPLICANT CERTIFIES ON THE**

1 APPLICATION THAT THE VEHICLE WILL NOT BE MAINTAINED AND OPERATED IN THE
2 FURTHERANCE OF A COMMERCIAL ENTERPRISE.

3 C. The following motor vehicles, trailers and semitrailers are exempt
4 from the gross weight fee prescribed in section 28-5433:

5 1. A motor vehicle, trailer or semitrailer that is owned and operated
6 by a religious institution and that is used exclusively for the
7 transportation of property produced and distributed for charitable purposes
8 without compensation. For the purposes of this paragraph, "religious
9 institution" means a recognized organization that has an established place of
10 meeting for religious worship and that holds regular meetings for that
11 purpose at least once each week in at least five cities or towns in this
12 state.

13 2. A motor vehicle, trailer or semitrailer that is owned and operated
14 by a nonprofit school that is recognized as being tax exempt by the federal
15 or state government if the motor vehicle, trailer or semitrailer is used
16 exclusively for any of the following:

17 (a) The transportation of pupils in connection with the school
18 curriculum.

19 (b) The training of pupils.

20 (c) The transportation of property for charitable purposes without
21 compensation.

22 3. A motor vehicle, trailer or semitrailer that is owned by a
23 nonprofit organization in this state that presents to the department a form
24 approved by the director of the division of emergency management pursuant to
25 section 26-318.

26 4. A vehicle that is owned and operated only for government purposes
27 by a foreign government, a consul or any other official representative of a
28 foreign government, by the United States, by a state or political subdivision
29 of a state or by an Indian tribal government.

30 5. A motor vehicle that is privately owned and operated exclusively as
31 a school bus pursuant to a contract with a school district. If a privately
32 owned and operated school bus is temporarily operated for purposes other than

1 those prescribed in the definition of school bus in section 28-101, the
2 registering officer shall assess and collect a monthly gross weight fee equal
3 to one-tenth of the annual gross weight fee prescribed by section 28-5433 for
4 each calendar month that the motor vehicle is so operated in this state. The
5 registering officer shall not apportion the gross weight fee for a fraction
6 of a calendar month.

7 Sec. 35. Section 28-5736, Arizona Revised Statutes, is amended to
8 read:

9 28-5736. Bond requirement

10 A. The director may require ~~a surety bond if~~ an interstate user ~~does~~
11 ~~not file tax reports or remit taxes or if the director determines that the~~
12 ~~interests of this state or of member jurisdictions of the international fuel~~
13 ~~tax agreement are in jeopardy~~ OR APPLICANT TO POST A SURETY OR CASH BOND IF
14 ONE OR MORE OF THE FOLLOWING APPLY:

15 1. THE INTERSTATE USER FAILS TO FILE TAX REPORTS TIMELY OR TO REMIT
16 TAXES TIMELY.

17 2. THE DIRECTOR DETERMINES THAT THE INTERESTS OF THIS STATE OR MEMBER
18 JURISDICTIONS ARE IN JEOPARDY.

19 3. THE APPLICANT IS NOT BASED IN A JURISDICTION THAT IS A MEMBER OF
20 THE INTERNATIONAL FUEL TAX AGREEMENT.

21 4. THE APPLICANT DOES NOT HAVE A GOOD STANDING STATUS FROM ANOTHER
22 MEMBER JURISDICTION AS A RESULT OF A PREVIOUS LICENSE.

23 5. THE APPLICANT DOES NOT HAVE HISTORY AS A MOTOR CARRIER IN THIS
24 STATE OR ANY OTHER MEMBER JURISDICTION.

25 B. If required, the surety OR CASH bond:

26 1. Shall indicate that the interstate user is the principal obligor
27 and the state is the obligee.

28 2. Shall be conditioned on the interstate user faithfully complying
29 with this article and the prompt filing of true reports and payment by the
30 interstate user of all use fuel taxes and fees due or accrued under this
31 article, together with all penalties and interest on the taxes and fees.

1 3. Shall ~~not be more than two times the quarterly tax liability of the~~
2 ~~interstate user as determined by the director~~ BE IN AN AMOUNT THAT IS
3 PRESCRIBED BY THE DIRECTOR AND THAT DOES NOT EXCEED ONE HUNDRED THOUSAND
4 DOLLARS.

5 Sec. 36. Section 28-5801, Arizona Revised Statutes, is amended to
6 read:

7 28-5801. Vehicle license tax rate

8 A. At the time of application for and before registration each year of
9 a vehicle, the registering officer shall collect the vehicle license tax
10 imposed by article IX, section 11, Constitution of Arizona. On the
11 taxpayer's vehicle license tax bill, the registering officer shall provide
12 the taxpayer with the following:

13 1. Information showing the amount of the vehicle license tax that each
14 category of recipient will receive and the amount that is owed by the
15 taxpayer.

16 2. The amount of vehicle license tax the taxpayer would pay pursuant
17 to section 28-5805 if the taxpayer's motor vehicle was powered by alternative
18 fuel.

19 B. Except as provided in subsections C and D of this section:

20 1. During the first twelve months of the life of a vehicle as
21 determined by its initial registration, the vehicle license tax is based on
22 each one hundred dollars in value, the value of the vehicle is sixty per cent
23 of the manufacturer's base retail price of the vehicle and the vehicle
24 license tax rate for each of the recipients is as follows:

25 (a) The rate for the Arizona highway user revenue fund is one dollar
26 twenty-six cents.

27 (b) The rate for the county general fund is sixty-nine cents.

28 (c) The rate for counties for the same use as highway user revenue
29 fund monies is sixteen cents.

30 (d) The rate for incorporated cities and towns is sixty-nine cents.

31 2. During each succeeding twelve month period, the vehicle license tax
32 is based on each one hundred dollars in value, the value of the vehicle is

1 16.25 per cent less than the value for the preceding twelve month period and
2 the vehicle license tax rate for each of the recipients is as follows:

3 (a) The rate for the Arizona highway user revenue fund is one dollar
4 thirty cents.

5 (b) The rate for the county general fund is seventy-one cents.

6 (c) The rate for counties for the same use as highway user revenue
7 fund monies is seventeen cents.

8 (d) The rate for incorporated cities and towns is seventy-one cents.

9 3. The minimum amount of the vehicle license tax computed under this
10 section is ten dollars per year for each vehicle that is subject to the tax.
11 If the product of all of the rates prescribed in paragraph 1 or 2 of this
12 subsection is less than ten dollars, the vehicle license tax is ten dollars.
13 The vehicle license tax collected pursuant to this paragraph shall be
14 distributed to the recipients prescribed in this subsection based on the
15 percentage of each recipient's rate to the sum of all of the rates.

16 C. The vehicle license tax is as follows for noncommercial trailers
17 that are not travel trailers and that are ~~less than six~~ TEN thousand pounds
18 OR LESS gross vehicle weight:

19 1. On initial registration, a one-time vehicle license tax of one
20 hundred five dollars.

21 2. On renewal of registration, a one-time vehicle license tax of
22 seventy dollars.

23 D. The vehicle license tax is as follows for a trailer or semitrailer
24 that IS NOT A TRAVEL TRAILER AND THAT exceeds ten thousand pounds gross
25 vehicle weight:

26 1. On initial registration, a one-time vehicle license tax of five
27 hundred fifty-five dollars.

28 2. On renewal of registration or if previously registered in another
29 state, a one-time vehicle license tax of:

30 (a) If the trailer's or semitrailer's model year is less than six
31 years old, three hundred fifty-five dollars.

1 (b) If the trailer's or semitrailer's model year is at least six years
2 old, one hundred dollars.

3 E. The vehicle license tax collected pursuant to subsection C or D of
4 this section shall be distributed to the recipients prescribed in
5 subsection B of this section based on the percentage of each recipient's rate
6 to the sum of all of the rates.

7 F. For the purposes of subsection C AND D of this section, "travel
8 trailer" has the same meaning prescribed in section 28-2003.

9 Sec. 37. Section 28-6501, Arizona Revised Statutes, is amended to
10 read:

11 28-6501. Definition of highway user revenues

12 In this article, unless the context otherwise requires or except as
13 otherwise provided by statute, "highway user revenues" means all monies
14 received in this state from licenses, taxes, penalties, interest and fees
15 authorized by the following:

16 1. Chapters 2, 7, 8 and 15 of this title, except for:

17 (a) The special plate administration fees prescribed in sections
18 28-2404, 28-2412 through ~~28-2432~~ 28-2434 and 28-2514.

19 (b) The donations prescribed in sections 28-2404, 28-2412 through
20 28-2415, 28-2417 through ~~28-2432~~ 28-2434, 28-2453, 28-2454 and 28-2455.

21 2. Section 28-1177.

22 3. Chapters 10 and 11 of this title.

23 4. Chapter 16, articles 1, 2 and 4 of this title, except as provided
24 in sections 28-5926 and 28-5927.

25 Sec. 38. Section 28-6991, Arizona Revised Statutes, is amended to
26 read:

27 28-6991. State highway fund; sources

28 A state highway fund is established that consists of:

29 1. Monies distributed from the Arizona highway user revenue fund
30 pursuant to chapter 18 of this title.

31 2. Monies appropriated by the legislature.

1 3. Monies received from donations for the construction, improvement or
2 maintenance of state highways or bridges. These monies shall be credited to
3 a special account and shall be spent only for the purpose indicated by the
4 donor.

5 4. Monies received from counties under cooperative agreements,
6 including proceeds from bond issues. The state treasurer shall deposit these
7 monies to the credit of the fund in a special account on delivery to the
8 treasurer of a concise written agreement between the department and the
9 county stating the purposes for which the monies are surrendered by the
10 county, and these monies shall be spent only as stated in the agreement.

11 5. Monies received from the United States under an act of Congress to
12 provide aid for the construction of rural post roads, but monies received on
13 projects for which the monies necessary to be provided by this state are
14 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
15 shall be allotted by the department and deposited by the state treasurer in
16 the special account within the fund established for each project. On
17 completion of the project, on the satisfaction and discharge in full of all
18 obligations of any kind created and on request of the department, the
19 treasurer shall transfer the unexpended balance in the special account for
20 the project into the state highway fund, and the unexpended balance and any
21 further federal aid thereafter received on account of the project may be
22 spent under the general provisions of this title.

23 6. Monies in the custody of an officer or agent of this state from any
24 source that is to be used for the construction, improvement or maintenance of
25 state highways or bridges.

26 7. Monies deposited in the state general fund and arising from the
27 disposal of state personal property belonging to the department.

28 8. Receipts from the sale or disposal of any or all other property
29 held by the department and purchased with state highway monies.

30 9. Monies generated pursuant to section 28-410.

31 10. Monies distributed pursuant to section 28-5808, subsection B,
32 paragraph 2, subdivision (d).

1 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

2 12. Except as provided in section 28-5101, the following monies:

3 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
4 subsection B, paragraph 2, subdivision (e).

5 (b) One dollar of each registration fee and one dollar of each title
6 fee collected pursuant to section 28-2003.

7 (c) Two dollars of each late registration penalty collected by the
8 director pursuant to section 28-2162.

9 (d) The air quality compliance fee collected pursuant to section
10 49-542.

11 (e) The special plate administration fees collected pursuant to
12 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 THROUGH
13 ~~28-2432~~ 28-2434 and 28-2514.

14 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
15 if the director is the registering officer.

16 13. Monies deposited pursuant to chapter 5, article 5 of this title.

17 14. Donations received pursuant to section 28-2269.

18 15. Dealer and registration monies collected pursuant to section
19 28-4304.

20 16. Abandoned vehicle administration monies deposited pursuant to
21 section 28-4804.

22 17. Monies deposited pursuant to section 28-710, subsection D,
23 paragraph 2.

24 18. Monies deposited pursuant to section 28-2065.

25 19. Donations deposited pursuant to section 28-2430.

26 20. Monies deposited pursuant to section 28-7311.

27 21. MONIES DEPOSITED PURSUANT TO SECTION 28-7059.

28 Sec. 39. Section 28-6993, Arizona Revised Statutes, is amended to
29 read:

30 28-6993. State highway fund; authorized uses

31 A. Except as provided in subsection B of this section and section
32 28-6538, the state highway fund shall be used for any of the following

1 purposes in strict conformity with and subject to the budget as provided by
2 this section and by sections 28-6997 through 28-7003:

3 1. To pay salaries, wages, necessary travel expenses and other
4 expenses of officers and employees of the department and the incidental
5 office expenses, including telegraph, telephone, postal and express charges
6 and printing, stationery and advertising expenses.

7 2. To pay for both:

8 (a) Equipment, supplies, machines, tools, department offices and
9 laboratories established by the department.

10 (b) The construction and repair of buildings or yards of the
11 department.

12 3. To pay the cost of both:

13 (a) Engineering, construction, improvement and maintenance of state
14 highways and parts of highways forming state routes.

15 (b) Highways under cooperative agreements with the United States that
16 are entered into pursuant to this chapter and an act of Congress providing
17 for the construction of rural post roads.

18 4. To pay land damages incurred by reason of establishing, opening,
19 altering, relocating, widening or abandoning portions of a state route or
20 state highway.

21 5. To reimburse the department revolving account.

22 6. To pay premiums on authorized indemnity bonds and on compensation
23 insurance under the workers' compensation act.

24 7. To defray lawful expenses and costs required to administer and
25 carry out the intent, purposes and provisions of this title, including
26 repayment of obligations entered into pursuant to this title, payment of
27 interest on obligations entered into pursuant to this title, repayment of
28 loans and other financial assistance, including repayment of advances and
29 interest on advances made to the department pursuant to section 28-7677, and
30 payment of all other obligations and expenses of the board and department
31 pursuant to chapter 21 of this title.

32 8. To pay lawful bills and charges incurred by the state engineer.

1 9. To acquire, construct or improve entry roads to state parks or
2 roads within state parks.

3 10. To acquire, construct or improve entry roads to state prisons.

4 11. To pay the cost of relocating a utility facility pursuant to
5 section 28-7156.

6 12. For the purposes provided in subsections C, D and E of this section
7 and sections 28-1143, 28-2353 and 28-3003.

8 B. For each fiscal year, the department of transportation shall
9 allocate and transfer monies in the state highway fund to the department of
10 public safety for funding a portion of highway patrol costs in eight
11 installments in each of the first eight months of a fiscal year that do not
12 exceed ten million dollars.

13 C. Subject to legislative appropriation, the department may use the
14 monies in the state highway fund as prescribed in section 28-6991,
15 paragraph 12 to carry out the duties imposed by this title for registration
16 or titling of vehicles, to operate joint title, registration and driver
17 licensing offices, to cover the administrative costs of issuing the air
18 quality compliance sticker, modifying the year validating tab and issuing the
19 windshield sticker and to cover expenses and costs in issuing special plates
20 pursuant to sections 28-2404, 28-2412 through ~~28-2432~~ 28-2434 and 28-2514.

21 D. The department shall use monies deposited in the state highway fund
22 pursuant to chapter 5, article 5 of this title only as prescribed by that
23 article.

24 E. Monies deposited in the state highway fund pursuant to section
25 28-2269 shall be used only as prescribed by that section.

26 F. Monies deposited in the state highway fund pursuant to section
27 28-710, subsection D, paragraph 2 shall only be used for state highway work
28 zone traffic control devices.

29 G. The department may exchange monies distributed to the state highway
30 fund pursuant to section 28-6538, subsection A, paragraph 1 for local
31 government surface transportation program federal monies suballocated to
32 councils of government and metropolitan planning organizations if the local

1 government scheduled to receive the federal monies concurs. An exchange of
2 state highway fund monies pursuant to this subsection shall be in an amount
3 that is at least equal to ninety per cent of the federal obligation authority
4 that exists in the project for which the exchange is proposed.

5 Sec. 40. Repeal

6 Section 28-6994, Arizona Revised Statutes, is repealed.

7 Sec. 41. Section 28-7045, Arizona Revised Statutes, is amended to
8 read:

9 28-7045. Director; state highway and route use; rules

10 The director shall:—

11 ~~1. Adopt rules for closing state highways under construction or~~
12 ~~repair.~~

13 ~~2.~~ exercise complete and exclusive operational control and
14 jurisdiction over the use of state highways and routes and adopt rules
15 regarding the use as the director deems necessary to prevent the abuse and
16 unauthorized use of these highways and routes.

17 Sec. 42. Section 28-7058, Arizona Revised Statutes, is amended to
18 read:

19 28-7058. Privatization of rest areas; state certified rest area
20 program; rules; program termination; definitions

21 A. The department may:

22 1. Privatize any rest area constructed on or adjacent to state
23 highways in this state on or after ~~the effective date of this section~~
24 SEPTEMBER 26, 2008. Any agreement between the department and a person for
25 privatization under this section shall include a provision that:

26 ~~1.~~ (a) Prohibits the person from charging any fees for the use of a
27 lavatory.

28 ~~2.~~ (b) Requires the person to provide an adequate outdoor picnic area
29 to be available to the public at no charge.

30 2. ESTABLISH A STATE CERTIFIED REST AREA PROGRAM THAT MEETS THE
31 REQUIREMENTS ESTABLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION PURSUANT TO
32 PUBLIC LAW 109-59, SECTION 1310.

1 CONTRACT TO LEASE SPONSOR RECOGNITION SPACE AND TO FURNISH, INSTALL, MAINTAIN
2 AND REPLACE SIGNS FOR THE BENEFIT OF BUSINESS OR ORGANIZATIONAL SPONSORS.

3 B. THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT AND OPERATE THE REST
4 AREA SPONSORSHIP SIGN PROGRAM. COSTS INCURRED UNDER THE PROGRAM SHALL BE
5 PAID UNDER AGREEMENTS NEGOTIATED BETWEEN THE THIRD PARTY AND THE BUSINESS OR
6 ORGANIZATIONAL SPONSORS.

7 C. THE DEPARTMENT MAY ENTER INTO A REVENUE SHARING AGREEMENT WITH THE
8 THIRD PARTY. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
9 35-147, ALL MONIES RECEIVED FROM THE REVENUE SHARING AGREEMENT IN A
10 SUBACCOUNT OF THE STATE HIGHWAY FUND FOR THE PURPOSE OF REST AREA
11 MAINTENANCE, OPERATIONS AND REPAIRS.

12 D. THE REST AREA SPONSORSHIP SIGN PROGRAM ESTABLISHED PURSUANT TO THIS
13 SECTION ENDS ON JULY 1, 2019 PURSUANT TO SECTION 41-3102.

14 Sec. 44. Section 28-8202, Arizona Revised Statutes, is amended to
15 read:

16 28-8202. State aviation fund: report

17 A. A state aviation fund is established consisting of the following:

18 1. Aviation fuel taxes or motor vehicle fuel taxes deposited by the
19 department.

20 2. Monies deposited by the department as a result of the sale of an
21 abandoned aircraft as defined in section 28-8243 or seized aircraft.

22 3. The amount of flight property tax that the department of revenue
23 has deposited pursuant to section 42-14255.

24 4. Registration fees, license taxes and penalties collected pursuant
25 to article 4 of this chapter.

26 5. Monies received by the department from the operation of airports
27 under this article and articles 2 through 5 of this chapter.

28 B. On notice from the department, the state treasurer shall invest and
29 divest monies in the state aviation fund as provided by section 35-313, and
30 monies earned from investment shall be credited to the fund.

31 C. The department shall administer monies that are appropriated by the
32 legislature from the state aviation fund.

1 D. The board shall distribute monies appropriated to the department
2 from the state aviation fund for planning, design, development, acquisition
3 of interests in land, construction and improvement of publicly owned and
4 operated airport facilities in counties and incorporated cities and towns.
5 The board shall distribute these monies according to the needs for these
6 facilities as determined by the board. No more than ten per cent of the
7 ~~total aviation~~ AVERAGE ANNUAL REVENUE THAT THE fund RECEIVED FOR THE PAST
8 THREE YEARS may be awarded to any one airport in GRANTS IN any fiscal
9 year. For THE purposes of this subsection, "publicly owned and operated
10 airport facility" means an airport and appurtenant facilities in which one or
11 more agencies, departments or instrumentalities of this state or a city, town
12 or county of this state holds an interest in the land on which the airport is
13 located that is clear of any reversionary interest, lien, easement, lease or
14 other encumbrance that might preclude or interfere with the possession, use
15 or control of the land for public airport purposes for a minimum period of
16 twenty years.

17 Sec. 45. Section 41-608, Arizona Revised Statutes, is amended to read:

18 41-608. Veterans' donations fund

19 A. The veterans' donations fund is established consisting of monies,
20 gifts and contributions donated to the department and monies deposited
21 pursuant to sections 28-2414, 28-2428, 28-2431, 28-2453, 28-2454, 28-2455 and
22 43-620. The department shall administer the fund. Monies in the fund are
23 continuously appropriated. The monies in the fund are exempt from the
24 provisions of section 35-190 relating to lapsing of appropriations.

25 B. The director or the director's designee may solicit and receive
26 donations, including in-kind donations, from the public for veterans. The
27 director shall deposit, pursuant to sections 35-146 and 35-147, the monetary
28 donations in the veterans' donations fund. Monies in the fund are subject to
29 state auditing procedures. Except for monies deposited pursuant to section
30 28-2431, the donations may be used for the benefit of the veterans within the
31 state of Arizona at the discretion of the director.

1 C. The director shall establish a separate subaccount in the veterans'
2 donations fund for the deposit of monies received pursuant to section
3 28-2431, subsection C. The monies in the subaccount shall be used ~~at the~~
4 ~~director's discretion for the benefit of any immediate family member of a~~
5 ~~person who died while on active duty in the United States military~~ FOR THE
6 CONSTRUCTION AND MAINTENANCE OF THE ENDURING FREEDOM MEMORIAL AUTHORIZED
7 PURSUANT TO SECTION 41-1363 FOR PLACEMENT IN WESLEY BOLIN PLAZA.

8 D. The director shall inventory and account for the use of any
9 tangible personal property donated to the fund.

10 E. On notice from the director, the state treasurer shall invest and
11 divest monies in the fund as provided by section 35-313, and monies earned
12 from investment shall be credited to the fund.

13 Section 46. Section 41-1722, Arizona Revised Statutes, is amended to
14 read:

15 41-1722. State photo enforcement system; penalties; fund

16 A. Notwithstanding any other law, the department shall enter into a
17 contract or contracts with a private vendor or vendors pursuant to chapter 23
18 of this title to establish a state photo enforcement system consisting of
19 cameras placed throughout this state as determined by the director to enforce
20 the provisions of title 28, chapter 3, articles 3 and 6 relating to vehicle
21 traffic and speed.

22 B. Notwithstanding any other law, the civil penalty or fine for a
23 citation or a notice of violation issued pursuant to this section is one
24 hundred sixty-five dollars and is not subject to any surcharge except the
25 surcharge imposed by section 16-954. State photo enforcement citations shall
26 not be included in judicial productivity credit calculations for fiscal year
27 2008-2009.

28 C. The photo enforcement fund is established consisting of monies
29 received from citations or notices of violation issued pursuant to this
30 section. The director shall administer the fund. Monies in the fund are
31 subject to legislative appropriation and are appropriated to the department
32 for administrative and personnel costs of the state photo enforcement system.

1 Monies remaining in the fund in excess of two hundred fifty thousand dollars
2 at the end of each calendar quarter shall be deposited, pursuant to sections
3 35-146 and 35-147, in the state general fund.

4 D. Notwithstanding any other law, if a person is found responsible for
5 a civil traffic violation or a notice of violation pursuant to a citation
6 issued pursuant to this section, the department of transportation shall not
7 consider the violation for the purpose of determining whether the person's
8 driver license should be suspended or revoked. A court shall ~~not~~ ONLY
9 transmit abstracts of records of these violations to the department of
10 transportation FOR COMMERCIAL DRIVER LICENSE HOLDERS."

11 Amend title to conform

and, as so amended, it do pass

ANDY BIGGS
Chairman

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