

COMMITTEE ON NATURAL RESOURCES, INFRASTRUCTURE AND PUBLIC DEBT
SENATE AMENDMENTS TO S.B. 1320
(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Title 28, chapter 2, article 2, Arizona Revised Statutes,
3 is amended by adding section 28-337, to read:

4 28-337. High occupancy vehicle lane; lane degradation; priority
5 use

6 A. IN ACCORDANCE WITH 23 UNITED STATES CODE SECTION 166, THE
7 DEPARTMENT SHALL DEVELOP PROCEDURES TO MONITOR THE IMPACT THAT SINGLE
8 OCCUPANCY VEHICLES AUTHORIZED UNDER SECTIONS 28-2416 AND 28-2416.01 HAVE ON
9 THE OPERATION OF THE HIGH OCCUPANCY VEHICLE LANES.

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

14 1. PASSENGER VEHICLES WITH TWO OR MORE OCCUPANTS, INCLUDING THE
15 DRIVER.

16 2. PUBLIC TRANSIT BUSES.

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

18 4. MOTORCYCLES.

19 5. ALTERNATIVE FUEL VEHICLES.

20 6. LOW EMISSION AND ENERGY EFFICIENT VEHICLES.

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

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

29 Renumber to conform

1 Page 1, between lines 18 and 19, insert:

2 "Sec. 3. Section 28-601, Arizona Revised Statutes, is amended to read:
3 28-601. Definitions

4 In this chapter, unless the context otherwise requires:

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

10 2. "Controlled access highway" means a highway, street or roadway to
11 or from which owners or occupants of abutting lands and other persons have no
12 legal right of access except at such points only and in the manner determined
13 by the public authority that has jurisdiction over the highway, street or
14 roadway.

15 3. "Crosswalk" means:

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

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

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

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

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

1 7. "Gross weight" means the weight of a vehicle without a load plus
2 the weight of any load on the vehicle.

3 8. "Intersection" means the area embraced within the prolongation or
4 connection of the lateral curb lines, or if none, the lateral boundary lines
5 of the roadways of two highways that join one another at, or approximately
6 at, right angles, or the area within which vehicles traveling on different
7 highways joining at any other angle may come in conflict. If a highway
8 includes two roadways thirty or more feet apart, each crossing of each
9 roadway of the divided highway by an intersecting highway is a separate
10 intersection. If the intersecting highway also includes two roadways thirty
11 or more feet apart, each crossing of two roadways of the highways is a
12 separate intersection.

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

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

20 ~~10.~~ 11. "Motorized wheelchair" means any self-propelled wheelchair
21 that is used by a person for mobility.

22 ~~11.~~ 12. "Official traffic control device" means any sign, signal,
23 marking or device that is not inconsistent with this chapter and that is
24 placed or erected by authority of a public body or official having
25 jurisdiction for the purpose of regulating, warning or guiding traffic.

26 ~~12.~~ 13. "Park", if prohibited, means the standing of a vehicle,
27 whether occupied or not, otherwise than temporarily for the purpose of and
28 while actually engaged in loading or unloading.

29 ~~13.~~ 14. "Photo enforcement system" means a device substantially
30 consisting of a radar unit or sensor linked to a camera or other recording
31 device that produces one or more photographs, microphotographs, videotapes or

1 digital or other recorded images of a vehicle's license plate for the purpose
2 of identifying violators of articles 3 and 6 of this chapter.

3 ~~14.~~ 15. "Pneumatic tire" means a tire in which compressed air is
4 designed to support the load.

5 ~~15.~~ 16. "Pole trailer" means a vehicle that is all of the following:

6 (a) Without motive power.

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

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

13 ~~16.~~ 17. "Police officer" means an officer authorized to direct or
14 regulate traffic or make arrests for violations of traffic rules or other
15 offenses.

16 ~~17.~~ 18. "Private road or driveway" means a way or place that is in
17 private ownership and that is used for vehicular travel by the owner and
18 those persons who have express or implied permission from the owner but not
19 by other persons.

20 ~~18.~~ 19. "Railroad" means a carrier of persons or property on cars
21 operated on stationary rails.

22 ~~19.~~ 20. "Railroad sign or signal" means a sign, signal or device
23 erected by authority of a public body or official or by a railroad and
24 intended to give notice of the presence of railroad tracks or the approach of
25 a railroad train.

26 ~~20.~~ 21. "Railroad train" means a steam engine or any electric or other
27 motor that is with or without cars coupled to the steam engine or electric or
28 other motor and that is operated on rails.

29 ~~21.~~ 22. "Roadway" means that portion of a highway that is improved,
30 designed or ordinarily used for vehicular travel, exclusive of the berm or
31 shoulder. If a highway includes two or more separate roadways, roadway

1 refers to any such roadway separately but not to all such roadways
2 collectively.

3 ~~22.~~ 23. "Safety zone" means the area or space that is both:

4 (a) Officially set apart within a roadway for the exclusive use of
5 pedestrians.

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

8 ~~23.~~ 24. "Sidewalk" means that portion of a street that is between the
9 curb lines or the lateral lines of a roadway and the adjacent property lines
10 and that is intended for the use of pedestrians.

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

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

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

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

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

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

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

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

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

1 Sec. 4. Section 28-641, Arizona Revised Statutes, is amended to read:

2 28-641. Traffic control device manual and specifications

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

9 Sec. 5. Section 28-642, Arizona Revised Statutes, is amended to read:

10 28-642. Traffic control signs on state highways; rules

11 A. The director shall place and maintain traffic control devices that
12 conform to the manual and specifications prescribed in section 28-641 ~~and to~~
13 ~~the requirements prescribed in section 28-2416~~ on all state highways as the
14 director deems necessary to indicate and to carry out this chapter or to
15 regulate, warn or guide traffic.

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

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

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

28 Sec. 6. Section 28-737, Arizona Revised Statutes, is amended to read:

29 28-737. High occupancy vehicle lanes; civil penalty; definition

30 A. Except as provided in ~~section~~ SECTIONS 28-2416 AND 28-2416.01 and
31 subsections B, C, ~~AND D and E~~ of this section, a person shall not drive a
32 vehicle carrying fewer than two persons, including the driver, in a high

1 occupancy vehicle lane at any time the use of the high occupancy vehicle lane
2 is restricted to vehicles carrying two or more persons, including the driver.

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

9 ~~G.~~ B. During the performance of a tow truck operator's duties, a tow
10 truck operator may drive a tow truck in a high occupancy vehicle lane,
11 regardless of occupancy level, without penalty.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 Sec. 7. Section 28-876, Arizona Revised Statutes, is amended to read:

15 28-876. Parking spaces for electric vehicles; civil penalty

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

21 B. If a law enforcement officer finds a motor vehicle in violation of
22 this section, the law enforcement officer shall issue a complaint to the
23 operator or other person in charge of the motor vehicle or, if an operator or
24 other person is not present, to the registered owner of the motor vehicle for
25 a civil traffic violation.

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

30 ReNUMBER to conform

1 Page 2, between lines 6 and 7, insert:

2 "Sec. 10. Section 28-2351, Arizona Revised Statutes, is amended to
3 read:

4 28-2351. License plate provided; design

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

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

26 C. Notwithstanding any other law, the department shall not contract
27 with a nongovernmental entity to purchase or secure reflective material for
28 the plates issued by the department unless the department has made a
29 reasonable effort to secure qualified bids or proposals from as many
30 individual responsible respondents as possible.

31 D. The license plate commission established by section 28-2405 shall
32 determine the color and design of the license plate. All other plates issued

1 by the department, except the plates issued pursuant to sections 28-2412,
2 28-2413, 28-2414, 28-2416, [28-2416.01](#), [28-2417](#) through 28-2432, 28-2452,
3 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, shall be the
4 same color as and similar in design to the license plate as determined by the
5 commission.

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

8 Sec. 11. Section 28-2403, Arizona Revised Statutes, is amended to
9 read:

10 [28-2403. Special plates; transfers; violation; classification](#)

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

15 1. Except as provided in ~~section~~ [SECTIONS](#) 28-2416 [AND](#) [28-2416.01](#), a
16 person who is the registered owner of a vehicle registered with the
17 department or who applies for an original or renewal registration of a
18 vehicle may submit to the department a completed application form as
19 prescribed by the department with the fee prescribed by section 28-2402 for
20 special plates in addition to the registration fee prescribed by section
21 28-2003.

22 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
23 28-2414, 28-2416, [28-2416.01](#), [28-2417](#) through 28-2432, 28-2452, 28-2453,
24 28-2454 and 28-2455 and article 14 of this chapter, the special plates shall
25 be the same color as and similar to the design of the regular license plates
26 that is determined by the license plate commission pursuant to section
27 28-2351.

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

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

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

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

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

21 1. Violates subsection B of this section.

22 2. Fraudulently gives false or fictitious information in the
23 application for or renewal of special plates or placards issued pursuant to
24 this article.

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

28 Sec. 12. Section 28-2405, Arizona Revised Statutes, is amended to
29 read:

30 28-2405. License plate commission

31 A. A license plate commission is established. The commission is
32 composed of the following members:

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

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

5 3. The director of the department of public safety or the director's
6 designee.

7 4. The director of the department of transportation or the director's
8 designee.

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

10 6. The director of the state department of corrections or the
11 director's designee.

12 B. The director of the department of transportation or the director's
13 designee shall serve as chairman of the commission. The chairman shall
14 preside at commission meetings and coordinate the activities of the
15 commission and staff implementation of commission actions.

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

18 D. The commission shall determine the following:

19 1. The color and design of license plates.

20 2. The color of special plates to be the same as and the design of
21 special plates to be similar to the license plates, except for special plates
22 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416, [28-2416.01](#),
23 [28-2417](#) through 28-2432, 28-2452, 28-2453, 28-2454 and 28-2455 and article
24 14 of this chapter.

25 3. Whether to authorize special organization plates pursuant to
26 section 28-2404.

27 4. The indicia for special organization plates issued pursuant to
28 section 28-2404.

29 E. The department shall provide the commission with staff and
30 technical assistance as necessary to perform its functions.

31 F. Commission members are not eligible to receive compensation, but
32 the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of

1 this section are eligible for reimbursement of expenses pursuant to title 38,
2 chapter 4, article 2.

3 Sec. 13. Section 28-2416, Arizona Revised Statutes, is amended to
4 read:

5 28-2416. Alternative fuel vehicle special plates; stickers; use
6 of high occupancy vehicle lanes; definition

7 A. ~~Beginning on April 1, 1997,~~ A person who owns a motor vehicle that
8 has either been converted or manufactured to use an alternative fuel AS THE
9 VEHICLE'S EXCLUSIVE FUEL SOURCE AND THAT IS INCAPABLE OF OPERATING ON ANY
10 OTHER TYPE OF FUEL and the alternative fuel was subject to the use fuel tax
11 imposed pursuant to chapter 16 of this title before April 1, 1997 shall apply
12 for alternative fuel vehicle special plates pursuant to this section.

13 ~~B. A person who owns a motor vehicle that is a hybrid vehicle may~~
14 ~~apply for alternative fuel vehicle special plates pursuant to this~~
15 ~~section. The department shall issue alternative fuel vehicle special plates,~~
16 ~~or an alternative fuel vehicle sticker as provided in subsection E of this~~
17 ~~section, and a hybrid vehicle sticker to a person who satisfies the~~
18 ~~requirements prescribed in subsection C of this section. The hybrid vehicle~~
19 ~~sticker shall be designed by the department and shall be placed on the motor~~
20 ~~vehicle as prescribed by the department.~~

21 ~~C.~~ B. The department shall issue alternative fuel vehicle special
22 plates, or an alternative fuel vehicle sticker as provided in subsection ~~E~~ D
23 of this section, to a person who satisfies all of the following:

24 1. Owns a motor vehicle that is EXCLUSIVELY powered by an alternative
25 fuel ~~or that is a hybrid vehicle~~ AND THAT IS INCAPABLE OF OPERATING ON ANY
26 OTHER TYPE OF FUEL.

27 2. Provides proof as follows:

28 (a) For an original equipment manufactured alternative fuel vehicle ~~or~~
29 ~~hybrid vehicle~~, the dealer who sells the motor vehicle shall provide to the
30 department of transportation and the owner of the motor vehicle a certificate
31 indicating:

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

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

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

12 3. Pays an eight dollar special plate ~~administrative~~ ADMINISTRATION
13 fee, except that vehicles that are registered pursuant to section 28-2511 are
14 exempt from that fee. The department shall deposit, pursuant to sections
15 35-146 and 35-147, all special plate ~~administrative~~ ADMINISTRATION fees in
16 the state highway fund established by section 28-6991.

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

30 ~~E.~~ D. If a motor vehicle qualifies pursuant to this section and any
31 other special plates are issued pursuant to article 7, 8 or 13 of this
32 chapter or section 28-2514 for the motor vehicle, the department may issue an

1 alternative fuel vehicle sticker to the person who owns the motor vehicle.
2 The alternative fuel vehicle sticker shall be diamond-shaped, shall indicate
3 the type of alternative fuel used by the vehicle and shall be placed on the
4 motor vehicle as prescribed by the department.

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

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

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

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

26 1. LIMIT OR SUSPEND THE ISSUANCE OF ALTERNATIVE FUEL VEHICLE SPECIAL
27 PLATES.

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

30 ~~I.~~ H. If the department publishes maps of the state highway system
31 that are distributed to the general public, the department shall indicate on

1 those maps the approximate location of alternative fuel delivery facilities
2 that are open to the public.

3 ~~1.~~ I. For the purposes of this section, ~~2.~~

4 ~~1.~~ "alternative fuel" has the same meaning prescribed in section
5 1-215.

6 ~~2. "Hybrid vehicle" has the same meaning prescribed in section 28-737.~~

7 Sec. 14. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
8 amended by adding section 28-2416.01, to read:

9 28-2416.01. Low emission and energy efficient vehicle special
10 plates; use of high occupancy vehicle lanes;
11 civil penalty

12 A. EXCEPT AS PROVIDED IN SECTION 28-337 AND IF THE DEPARTMENT RECEIVES
13 APPROVAL FROM THE FEDERAL GOVERNMENT AS PRESCRIBED IN SUBSECTION D OF THIS
14 SECTION, A PERSON WHO OWNS A MOTOR VEHICLE THAT IS A LOW EMISSION AND ENERGY
15 EFFICIENT VEHICLE AS DEFINED IN SECTION 28-601 MAY APPLY FOR A LOW EMISSION
16 AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE PURSUANT TO THIS SECTION. THE LOW
17 EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE SHALL BE DESIGNED BY THE
18 DIRECTOR.

19 B. A PERSON WHO APPLIES FOR A LOW EMISSION AND ENERGY EFFICIENT
20 VEHICLE SPECIAL PLATE SHALL PAY AN EIGHT DOLLAR PLATE ADMINISTRATION FEE,
21 EXCEPT THAT VEHICLES THAT ARE REGISTERED PURSUANT TO SECTION 28-2511 ARE
22 EXEMPT FROM THAT FEE. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS
23 35-146 AND 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY
24 FUND ESTABLISHED BY SECTION 28-6991.

25 C. THE DIRECTOR MAY ALLOW A REQUEST FOR A LOW EMISSION AND ENERGY
26 EFFICIENT VEHICLE SPECIAL PLATE TO BE COMBINED WITH A REQUEST FOR
27 PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE
28 REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE
29 FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR
30 LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATES. LOW EMISSION AND
31 ENERGY EFFICIENT VEHICLE SPECIAL PLATES MAY BE TRANSFERRED TO ANOTHER LOW

1 EMISSION AND ENERGY EFFICIENT VEHICLE FOR WHICH THE PERSON IS THE REGISTERED
2 OWNER OR LESSEE.

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

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

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

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

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

25 Sec. 15. Section 28-2511, Arizona Revised Statutes, is amended to
26 read:

27 28-2511. Official vehicles; registration exemption; definitions

28 A. A registration fee is not required for a vehicle owned by a foreign
29 government, by a consul or any other official representative of a foreign
30 government, by the United States, by a state or political subdivision of a
31 state, by an Indian tribal government, by a provider of ambulance, fire
32 fighting or rescue services that is used solely for the purpose of providing

1 emergency services or by a nonprofit organization that presents to the
2 department a form approved by the director of the division of emergency
3 management pursuant to section 26-318. The person who has custody of these
4 vehicles shall register them as required by this chapter and shall display
5 official license plates that bear distinguishing marks. The department shall
6 furnish the license plates free of charge. The department may issue regular
7 license plates without any distinguishing marks for vehicles that are exempt
8 from title 38, chapter 3, article 10 pursuant to section 38-538.03,
9 subsection B.

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

13 C. The director may enter into agreements or arrangements subject to
14 the approval of the attorney general of this state with the federal
15 government and with motor vehicle departments in other states to provide for
16 a reciprocal exchange of license plates for use on vehicles owned or operated
17 by law enforcement agencies for investigating actual or suspected violations
18 of law. License plates of other states obtained pursuant to this subsection
19 may be used on exempt vehicles of law enforcement agencies of this state or a
20 political subdivision of this state.

21 D. The director shall maintain a record of the license plates issued
22 pursuant to subsections B and C of this section. The director shall also
23 keep a record of the license plates received pursuant to subsection C of this
24 section, the regular license plates issued pursuant to subsection A of this
25 section and the vehicles to which the plates are attached. These records are
26 not open to public inspection except on demand of the attorney general.

27 E. **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,** any vehicle that
28 is registered pursuant to this section and that is **EXCLUSIVELY** powered by an
29 alternative fuel shall display an alternative fuel vehicle special plate
30 issued pursuant to section 28-2416. ~~, except that~~ **EXCEPT AS OTHERWISE**
31 **PROVIDED IN THIS SUBSECTION, ANY VEHICLE THAT IS REGISTERED PURSUANT TO THIS**
32 **SECTION AND THAT IS A LOW EMISSION AND ENERGY EFFICIENT VEHICLE AS DEFINED IN**

1 SECTION 28-601 SHALL DISPLAY A LOW EMISSION AND ENERGY EFFICIENT VEHICLE
2 SPECIAL PLATE ISSUED PURSUANT TO SECTION 28-2416.01. The department may
3 issue regular license plates without any alternative fuel OR LOW EMISSION AND
4 ENERGY EFFICIENT distinguishing marks or regular alternative fuel vehicle
5 special plates OR LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATES
6 for vehicles that are exempt from title 38, chapter 3, article 10 pursuant to
7 section 38-538.03, subsection B. This subsection applies to all existing
8 vehicles that are registered pursuant to this section and all newly-acquired
9 vehicles that are registered pursuant to this section.

10 F. For the purposes of this section:

11 1. "Alternative fuel" has the same meaning prescribed in section
12 1-215.

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

15 Renumber to conform

16 Page 8, after line 8, insert:

17 "Sec. 22. Section 28-6991, Arizona Revised Statutes, is amended to
18 read:

19 28-6991. State highway fund: sources

20 A state highway fund is established that consists of:

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

23 2. Monies appropriated by the legislature.

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

28 4. Monies received from counties under cooperative agreements,
29 including proceeds from bond issues. The state treasurer shall deposit these
30 monies to the credit of the fund in a special account on delivery to the
31 treasurer of a concise written agreement between the department and the

1 county stating the purposes for which the monies are surrendered by the
2 county, and these monies shall be spent only as stated in the agreement.

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

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

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

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

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

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

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

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

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

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

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

1 (d) The air quality compliance fee collected pursuant to section
2 49-542.

3 (e) The special plate administration fees collected pursuant to
4 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 THROUGH
5 28-2432 and 28-2514.

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

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

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

10 15. Dealer and registration monies collected pursuant to section
11 28-4304.

12 16. Abandoned vehicle administration monies deposited pursuant to
13 section 28-4804.

14 17. Monies deposited pursuant to section 28-710, subsection D,
15 paragraph 2.

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

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

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

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

20 Sec. 23. Section 28-7058, Arizona Revised Statutes, is amended to
21 read:

22 28-7058. Privatization of rest areas; state certified rest area
23 program; rules; program termination; definitions

24 A. The department may:

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

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

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

1 SPONSORSHIP SIGNS AT REST AREAS LOCATED IN THE PUBLIC RIGHT-OF-WAY OF THE
2 INTERSTATE OR STATE HIGHWAY SYSTEM. THE THIRD PARTY SHALL AGREE IN THE
3 CONTRACT TO LEASE SPONSOR RECOGNITION SPACE AND TO FURNISH, INSTALL, MAINTAIN
4 AND REPLACE SIGNS FOR THE BENEFIT OF BUSINESS OR ORGANIZATIONAL SPONSORS.

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

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

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

16 Amend title to conform

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