

COMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION

SENATE AMENDMENTS TO S.B. 1270

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 28, chapter 2, article 3, Arizona Revised Statutes,  
3 is amended by adding section 28-376, to read:

4 28-376. Employment of personnel; definition

5 A. THE DIRECTOR MAY OBTAIN CRIMINAL HISTORY RECORD INFORMATION  
6 REGARDING APPLICANTS FOR EMPLOYMENT FOR THE PURPOSE OF HIRING PERSONNEL.  
7 BEFORE MAKING A FINAL OFFER OF EMPLOYMENT, THE DIRECTOR SHALL REQUIRE THE  
8 PREFERRED APPLICANTS TO SUBMIT A FULL SET OF FINGERPRINTS. THE DIRECTOR  
9 SHALL SUBMIT THE FINGERPRINTS TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE  
10 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO  
11 SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY  
12 EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION. THE  
13 DEPARTMENT OF TRANSPORTATION SHALL NOT DISCLOSE INFORMATION OBTAINED PURSUANT  
14 TO THIS SUBSECTION EXCEPT TO MEMBERS OF THE DEPARTMENT'S STAFF SOLELY FOR  
15 EMPLOYMENT PURPOSES. AN APPLICANT SHALL NOT BE DISQUALIFIED FROM EMPLOYMENT  
16 UNDER THIS SUBSECTION EXCEPT IN ACCORDANCE WITH SECTION 13-904, SUBSECTION E.

17 B. THE DIRECTOR MAY OBTAIN CONSUMER REPORT INFORMATION REGARDING  
18 APPLICANTS FOR EMPLOYMENT FOR THE PURPOSE OF HIRING PERSONNEL. INFORMATION  
19 OBTAINED MAY ONLY BE USED TO DETERMINE THE SUITABILITY OF THE APPLICANT FOR  
20 POSITIONS INVOLVING FIDUCIARY OR FINANCIAL RESPONSIBILITIES, THE ISSUANCE OF  
21 DRIVER LICENSES OR OTHER PERSONAL IDENTIFICATION DOCUMENTS OR ACCESS TO  
22 HIGHLY CONFIDENTIAL INFORMATION. CONSUMER REPORT INFORMATION MAY BE OBTAINED  
23 AND USED ONLY IN ACCORDANCE WITH THE FAIR CREDIT REPORTING ACT (15 UNITED  
24 STATES CODE SECTIONS 1681 THROUGH 1681x). AN APPLICANT SHALL NOT BE  
25 DISQUALIFIED FROM EMPLOYMENT UNDER THIS SUBSECTION UNLESS THE CONSUMER REPORT  
26 INFORMATION RELIED ON FOR THE DISQUALIFICATION HAS A REASONABLE RELATIONSHIP  
27 TO THE FUNCTIONS OF THE POSITION.

1 C. FOR THE PURPOSES OF THIS SECTION, "APPLICANT" MEANS ANY PERSON WHO  
2 SEEKS EMPLOYMENT AS A NEW HIRE OR ANY EMPLOYEE OF THE DEPARTMENT WHO SEEKS A  
3 TRANSFER, A RECLASSIFICATION OR A REASSIGNMENT TO A DIFFERENT POSITION.

4 Sec. 2. Section 28-853, Arizona Revised Statutes, is amended to read:

5 28-853. Railroad grade crossing: stop required of certain  
6 vehicles; other requirements

7 A. Except as otherwise provided in this article, before crossing at  
8 grade any track or tracks of a railroad, the driver of a motor vehicle  
9 carrying passengers for hire, of any school bus carrying any school child or  
10 of any vehicle carrying or returning after delivery of explosive substances  
11 or flammable liquids as a cargo or part of a cargo shall stop the vehicle  
12 within fifty feet but not less than fifteen feet from the nearest rail of the  
13 railroad, while stopped listen and look in both directions along the track  
14 for an approaching train and for signals indicating the approach of a train  
15 and not proceed until the driver can do so safely. After stopping as  
16 required by this section and on proceeding when it is safe to do so, the  
17 driver of the vehicle shall cross only in a gear of the vehicle for which  
18 there is no need to change gears while traversing the crossing and shall not  
19 shift gears while crossing the track or tracks.

20 ~~B.~~ This ~~section~~ SUBSECTION does not apply at:

21 1. A crossing where a police officer or a traffic control signal  
22 directs traffic to proceed.

23 2. A street railway grade crossing within a business or residence  
24 district.

25 B. A DRIVER OF A COMMERCIAL MOTOR VEHICLE SHALL NOT ENTER A RAILROAD  
26 OR RAIL TRANSIT CROSSING UNLESS THERE IS SUFFICIENT SPACE ON THE OTHER SIDE  
27 OF THE RAILROAD OR RAIL TRANSIT CROSSING TO ACCOMMODATE THE VEHICLE BEING  
28 DRIVEN.

29 C. A DRIVER OF A COMMERCIAL MOTOR VEHICLE SHALL NOT ENTER A RAILROAD  
30 OR RAIL TRANSIT CROSSING UNLESS THERE IS SUFFICIENT UNDERCARRIAGE CLEARANCE  
31 TO CROSS THE INTERSECTION WITHOUT OBSTRUCTING THE THROUGH PASSAGE OF A  
32 RAILWAY VEHICLE, INCLUDING A TRAIN OR A CITY TRANSIT VEHICLE.

1           Sec. 3. Section 28-938, Arizona Revised Statutes, is amended to read:

2           28-938. Spot and auxiliary lamps

3           A motor vehicle may be equipped with any of the following:

4           1. Not more than one spot lamp that when lighted is aimed and used on  
5           approaching another vehicle only so that no part of the high intensity  
6           portion of the beam is directed to the left of the prolongation of the  
7           extreme left side of the vehicle nor more than one hundred feet ahead of the  
8           vehicle.

9           2. Not more than two fog lamps that are mounted on the front at a  
10          height of not less than twelve inches and not more than thirty inches above  
11          the level surface on which the vehicle stands and that are aimed so that when  
12          the vehicle is not loaded none of the high intensity portion of the light to  
13          the left of the center of the vehicle shall project, at a distance of  
14          twenty-five feet ahead, higher than a level of four inches below the level of  
15          the center of the lamp that is aimed.

16          3. Not more than two auxiliary passing lamps that are mounted on the  
17          front at a height of not less than twenty-four inches and not more than  
18          forty-two inches above the level surface on which the vehicle stands and that  
19          meet the requirements and limitations provided in sections 28-921 through  
20          ~~28-951~~ 28-949.

21          4. Not more than two auxiliary driving lamps that are mounted on the  
22          front at a height of not less than sixteen inches nor more than forty-two  
23          inches above the level surface on which the vehicle stands and that meet the  
24          requirements and limitations provided in sections 28-921 through ~~28-951~~  
25          28-949.

26          Sec. 4. Section 28-948, Arizona Revised Statutes, is amended to read:

27          28-948. Snow removal equipment lamps

28          ~~A. The director shall adopt standards and specifications applicable to~~  
29          ~~head lamps, clearance lamps, identification and other lamps on snow removal~~  
30          ~~equipment when operated on the highways of this state in lieu of the lamps~~  
31          ~~otherwise required on motor vehicles by this article. The standards and~~  
32          ~~specifications:~~

1           ~~1. May permit the use of flashing lights for purposes of~~  
2           ~~identification on snow removal equipment when in service on a highway.~~

3           ~~2. Shall correlate with and, as far as possible, conform with those~~  
4           ~~approved by the American association of state highway officials.~~

5           ~~B.~~ A person shall not operate snow removal equipment on a highway  
6           unless the lamps on the equipment comply with and are lighted when and as  
7           required by ~~the~~ APPLICABLE FEDERAL SAFETY standards and specifications  
8           ~~adopted pursuant to this section.~~

9           Sec. 5. Section 28-949, Arizona Revised Statutes, is amended to read:

10          28-949. Selling or using lamps

11          A. A person shall not have for sale, sell or offer for sale for use on  
12          or as a part of the equipment of a motor vehicle, trailer or semitrailer or  
13          shall not use on any such vehicle a reflector that is required by this  
14          article, head lamp, auxiliary driving lamp, rear lamp, signal lamp or parts  
15          of any of the foregoing that tend to change the original design or  
16          performance unless the lamps or reflectors are of a type that ~~has been~~  
17          ~~submitted to and approved by the department~~ MEETS APPLICABLE FEDERAL SAFETY  
18          STANDARDS.

19          B. A person shall not have for sale, sell or offer for sale for use on  
20          or as a part of the equipment of a motor vehicle, trailer or semitrailer a  
21          lamp or device that is described in this section ~~and that has been approved~~  
22          ~~by the department~~ unless the lamp or device bears the trademark or name under  
23          which it is approved so as to be legible when installed.

24          C. A person shall not use on any motor vehicle, trailer or semitrailer  
25          a lamp that is described in this section unless the lamp is mounted and  
26          adjusted to focus and aim pursuant to ~~instructions of the department~~  
27          APPLICABLE FEDERAL SAFETY STANDARDS.

28          Sec. 6. Repeal

29          Sections 28-950 and 28-951, Arizona Revised Statutes, are repealed.

1           Sec. 7. Section 28-959, Arizona Revised Statutes, is amended to read:

2           28-959. Safety glass required; applicability; denial or  
3                           suspension of registration; definition

4           A. A person shall not sell and the department shall not register a new  
5           motor vehicle as specified in this section unless the vehicle is equipped  
6           with safety glass wherever glass is used in doors, windows and windshields.  
7           ~~The safety glass shall be of a type approved by the director.~~

8           B. This section applies to passenger motor vehicles, other than golf  
9           carts, including passenger buses and school buses. For trucks, including  
10          truck tractors, the requirements of this section for safety glass apply to  
11          all glass used in doors, windows and windshields in the drivers' compartments  
12          of the vehicles.

13          ~~C. The director shall compile and publish a list of types of glass by~~  
14          ~~name that are approved by the director and that meet the requirements of this~~  
15          ~~section.~~

16          ~~D.~~ C. The director shall not register a new motor vehicle unless it  
17          is equipped with an approved type of safety glass. The director shall  
18          suspend the registration of any motor vehicle that is subject to this section  
19          and that the director finds is not equipped with an approved type of safety  
20          glass. The suspension shall continue until the motor vehicle is made to  
21          conform to the requirements of this section.

22          ~~E.~~ D. A person shall not replace glass or glazing materials used in  
23          partitions, doors, windows, windshields or wind deflectors in a motor vehicle  
24          with a material other than safety glass ~~of a type approved by the director.~~

25          ~~F.~~ E. For the purposes of this section, "safety glass" means ~~either:~~  
26          ~~1.~~ a product composed of glass that is manufactured, fabricated or  
27          treated in a manner that substantially prevents shattering and flying of the  
28          glass when struck or broken **AND THAT MEETS APPLICABLE FEDERAL SAFETY**  
29          **STANDARDS.**

30          ~~2. Other or similar products as approved by the director.~~

1           Sec. 8. Section 28-1105, Arizona Revised Statutes, is amended to read:

2           28-1105. Special permit fees

3           A. Except as otherwise provided by law, the following fees are  
4 required:

5           1. Fifteen dollars for each special permit issued pursuant to section  
6 28-1103 for excess size, except that a thirty dollar fee is required for each  
7 thirty day permit and a three hundred sixty dollar fee is required for each  
8 annual permit.

9           2. Seventy-five dollars for each permit and each thirty day permit  
10 issued pursuant to section 28-1103 for excess weight, except that a six  
11 hundred dollar fee is required for each annual permit. FOR COMMERCIAL  
12 VEHICLES TRAVELING THROUGH AN INTERNATIONAL PORT OF ENTRY ON A SPECIAL SINGLE  
13 TRIP EXCESS WEIGHT PERMIT ISSUED PURSUANT TO SECTION 28-1103, THE DIRECTOR  
14 SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THE SEVENTY-FIVE  
15 DOLLAR SPECIAL SINGLE TRIP PERMIT FEE COLLECTED PURSUANT TO THIS PARAGRAPH IN  
16 THE STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991.

17           3. For a permit requested for a motor vehicle or combination of  
18 vehicles that is in excess of both the size and weight permitted by this  
19 chapter, the amount of fees applicable for an excess weight permit.

20           4. Three hundred sixty dollars for each permit issued pursuant to  
21 section 28-1103, subsection C.

22           B. A fee is not required for a permit issued pursuant to section  
23 28-1103 for the movement of vehicles or combinations of vehicles owned by the  
24 United States government, this state or a county, city or town.

25           C. If a special permit is required by the director and by one or more  
26 authorities to move a vehicle or combination of vehicles, the applicant for  
27 the permit or permits shall pay a permit fee only to the director and is not  
28 required to pay a permit fee to a local authority.

29           D. If a special permit is required by more than one local authority to  
30 move a vehicle or combination of vehicles and if the permit is not required  
31 by the director, the applicant shall pay a permit fee only to the local

1 authority that has jurisdiction of the streets and highways where the  
2 movements of the vehicle or combination of vehicles originate.

3 Sec. 9. Section 28-3001, Arizona Revised Statutes, is amended to read:

4 28-3001. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Cancellation" means the annulment or termination of a driver  
7 license because of an error or defect or because the licensee is no longer  
8 entitled to the license.

9 2. "Commercial driver license" means a license that is issued to an  
10 individual and that authorizes the individual to operate a class of  
11 commercial motor vehicles.

12 3. "Commercial motor vehicle" means a motor vehicle or combination of  
13 motor vehicles THAT IS used IN COMMERCE to transport passengers or property  
14 ~~if the motor vehicle either~~ AND THAT INCLUDES ANY OF THE FOLLOWING:

15 (a) A MOTOR VEHICLE OR COMBINATION OF MOTOR VEHICLES THAT has a gross  
16 combined weight rating of twenty-six thousand one or more pounds inclusive of  
17 a towed unit with a gross vehicle weight rating of more than ten thousand  
18 pounds.

19 (b) A MOTOR VEHICLE THAT has a gross vehicle weight rating of  
20 twenty-six thousand one or more pounds.

21 ~~(c) Is a school bus.~~

22 ~~(d)~~ (c) ~~Is~~ A bus.

23 ~~(e)~~ (d) A MOTOR VEHICLE OR COMBINATION OF MOTOR VEHICLES THAT is used  
24 in the transportation of materials found to be hazardous for the purposes of  
25 the hazardous materials transportation AUTHORIZATION act OF 1994 (49 United  
26 States Code sections 5101 through ~~5127~~ 5128) and is required to be placarded  
27 under 49 Code of Federal Regulations section 172.504, as adopted by the  
28 department pursuant to chapter 14 of this title.

29 4. "Conviction" has the same meaning prescribed in section 28-101 and  
30 also means a final conviction or judgment, including an order of a juvenile  
31 court finding that a juvenile has violated a provision of this title or has

1 committed a delinquent act that if committed by an adult constitutes any of  
2 the following:

3 (a) Criminal damage to property pursuant to section 13-1602,  
4 subsection A, paragraph 1.

5 (b) A felony offense in the commission of which a motor vehicle was  
6 used, including theft of a motor vehicle pursuant to section 13-1802,  
7 unlawful use of means of transportation pursuant to section 13-1803 or theft  
8 of means of transportation pursuant to section 13-1814.

9 (c) A forfeiture of bail or collateral deposited to secure a  
10 defendant's appearance in court that has not been vacated.

11 5. "Disqualification" means a prohibition from obtaining a commercial  
12 driver license or driving a commercial motor vehicle.

13 6. "Employer" means a person, including the United States, a state or  
14 a political subdivision of a state, that owns or leases a commercial motor  
15 vehicle or that assigns a person to operate a commercial motor vehicle.

16 7. "Endorsement" means an authorization that is added to an  
17 individual's driver license and that is required to permit the individual to  
18 operate certain types of vehicles.

19 8. "Foreign" means outside the United States.

20 9. "Gross vehicle weight rating" means the weight that is assigned by  
21 the vehicle manufacturer to a vehicle and that represents the maximum  
22 recommended total weight including the vehicle and the load for the vehicle.

23 10. "Judgment" means a final judgment and any of the following:

24 (a) The finding by a court that an individual is responsible for a  
25 civil traffic violation.

26 (b) An individual's admission of responsibility for a civil traffic  
27 violation.

28 (c) The voluntary or involuntary forfeiture of deposit in connection  
29 with a civil traffic violation.

30 (d) A default judgment entered by a court pursuant to section 28-1596.

31 11. "License class" means, for the purpose of determining the  
32 appropriate class of driver license required for the type of motor vehicle or

1 vehicle combination a driver intends to operate or is operating, the class of  
2 driver license prescribed in section 28-3101.

3 12. "Nonresident commercial driver license" means a commercial driver  
4 license issued to an individual domiciled in a foreign country.

5 13. "Original applicant" means any of the following:

6 (a) An applicant who has never been licensed or cannot provide  
7 evidence of licensing.

8 (b) An applicant who is applying for a higher class of driver license  
9 than the license currently held by the applicant.

10 (c) An applicant who has a license from a foreign country.

11 14. "Revocation" means that the driver license and driver's privilege  
12 to drive a motor vehicle on the public highways of this state are terminated  
13 and shall not be renewed or restored, except that an application for a new  
14 license may be presented and acted on by the department after one year from  
15 the date of revocation.

16 15. "State of domicile" means the state or jurisdiction where a person  
17 has the person's true, fixed and permanent home and principal residence and  
18 to which the person has the intention of returning after an absence.

19 16. "Suspension" means that the driver license and driver's privilege  
20 to drive a motor vehicle on the public highways of this state are temporarily  
21 withdrawn during the period of the suspension and until application for  
22 reinstatement is made.

23 17. "Vehicle combination" means a motor vehicle and a vehicle in excess  
24 of ten thousand pounds gross vehicle weight that it tows, if the combined  
25 gross vehicle weight rating is more than twenty-six thousand pounds.

26 Sec. 10. Section 28-3481, Arizona Revised Statutes, is amended to  
27 read:

28 28-3481. Commercial motor vehicle drivers; violations;  
29 classification

30 A. A person who drives a commercial motor vehicle on a highway in this  
31 state without a valid appropriate class of commercial driver license OR  
32 COMMERCIAL DRIVER LICENSE ENDORSEMENT is guilty of a class 3 misdemeanor.

1           B. A driver of a commercial motor vehicle who provides false or  
2 fraudulent information to an employer as required by section 28-3227 is  
3 guilty of a class 3 misdemeanor.

4           C. A driver of a commercial motor vehicle who fails to report the  
5 information required in section 28-3227 is guilty of a class 3 misdemeanor.

6           Sec. 11. Section 28-4361, Arizona Revised Statutes, is amended to  
7 read:

8           28-4361. License application; criminal records check

9           A. A person shall apply for a license to the director in writing on  
10 forms prescribed by the director. The person shall include with the  
11 application all documents and bonds required and the annual license fees  
12 prescribed by section 28-4302.

13           B. The application shall be verified and shall contain:

14           1. The name and residence of either:

15           (a) The applicant.

16           (b) If the applicant is a partnership, each partner.

17           (c) If the applicant is a corporation, each principal officer,  
18 director, agent or stockholder who owns twenty per cent or more of the  
19 corporation and the name of the state in which the corporation was organized.

20           2. The principal place of business of the applicant.

21           3. The established place of business or the place of business at or  
22 from which the applicant will conduct the business.

23           4. The make or makes of new motor vehicles, if any, that the applicant  
24 will sell or offer for sale in this state.

25           5. The business hours of the applicant.

26           6. Other information that the director requires.

27           C. Each applicant, and each partner, ~~officer, director or agent~~ or  
28 each stockholder owning twenty per cent or more of a corporation, seeking a  
29 new license shall provide:

30           1. A full set of fingerprints to the department for the purpose of  
31 obtaining a state and federal criminal records check pursuant to section

1 41-1750 and Public Law 92-544. The department of public safety may exchange  
2 this fingerprint data with the federal bureau of investigation.

3 2. A nonrefundable fee to be paid to the department of public safety  
4 for the criminal records check.

5 D. If a licensee adds or changes a partner, ~~officer, director or~~  
6 ~~agent,~~ or a stockholder who owns twenty per cent or more of the corporation,  
7 who was not included in the criminal records check on a prior application,  
8 the licensee shall notify the department within thirty days of the change. At  
9 the time of notification, an application and, if applicable, a full set of  
10 fingerprints and the fee for a criminal records check shall be submitted to  
11 the department. If any individual who is added or changed by the licensee is  
12 found to be ineligible pursuant to section 28-4365, the director, on  
13 completion of the criminal records check, shall advise the licensee and the  
14 individual in writing that the license will be revoked, unless the individual  
15 is removed from the position, and of the grounds for the action.

16 E. The requirement for a criminal records check:

17 1. Does not apply to a manufacturer, importer, factory branch or  
18 distributor or a person who is under eighteen years of age on the date the  
19 application is filed with the department.

20 2. May not apply if the application is for a subsequent license and  
21 the applicant, and each partner, ~~officer, director or agent~~ or each  
22 stockholder owning twenty per cent or more of a corporation, either:

23 (a) Have submitted to a criminal records check during the past five  
24 years.

25 (b) Are currently licensed under this section.

26 Sec. 12. Section 28-4364, Arizona Revised Statutes, is amended to  
27 read:

28 28-4364. Investigations; inspections

29 A. On the filing of the application for a license, the director shall:

30 1. Investigate the matters set forth in the license application.

1           2. Inspect, **PHYSICALLY OR THROUGH AN ALTERNATE METHOD ESTABLISHED BY**  
2 **THE DIRECTOR**, the place from which the applicant proposes to transact  
3 business.

4           3. Investigate other matters as the director deems necessary.

5           B. The director shall select a date and time to conduct the  
6 investigation and inspection as the director determines is reasonable and  
7 necessary.

8           C. The director may approve an application for a provisional dealer's  
9 or automotive recycler's license pending completion of the criminal records  
10 check pursuant to section 28-4361 if the applicant meets all other licensing  
11 requirements of this chapter.

12           D. A provisional motor vehicle dealer's or automotive recycler's  
13 license is valid unless revoked by the director or until the applicant  
14 receives approval or denial of the application for a motor vehicle dealer's  
15 or automotive recycler's license.

16           E. The director may revoke a provisional motor vehicle dealer's or  
17 automotive recycler's license for a violation of this chapter.

18           Sec. 13. Section 28-4405, Arizona Revised Statutes, is amended to  
19 read:

20           28-4405. Display of license; continuation date; late penalty

21           A. A license issued under this chapter:

22           1. Shall be conspicuously displayed in either:

23           (a) The established place of business for which it was obtained.

24           (b) The place of business if the licensee is a broker or a wholesale  
25 vehicle dealer.

26           2. Is not transferable or subject to sale or reassignment.

27           B. The director may issue licenses with staggered continuation dates  
28 to distribute the continuation workload as uniformly as practicable  
29 throughout the twelve months of the calendar year. In order to initiate a  
30 staggered license continuation system, the director may issue a license for  
31 more or less than a twelve month period, but not more than eighteen months,  
32 and may prorate the license fee.

1 D. A MOTOR VEHICLE DEALER LICENSEE SHALL SUBMIT ITS RENEWAL APPLICATION AND  
2 APPLICABLE RENEWAL FEES TO THE DEPARTMENT OF TRANSPORTATION ON OR BEFORE THE  
3 LICENSE CONTINUATION DATE. FOR THE PURPOSES OF RENEWAL, THE LICENSE  
4 CONTINUATION DATE IS AS FOLLOWS:

5 1. IF THE MOTOR VEHICLE DEALER IS ALSO A LICENSED DEALER PURSUANT TO  
6 TITLE 44, CHAPTER 2.1, THE DATE PRESCRIBED BY THE INITIAL LICENSING  
7 DEPARTMENT, EITHER THE DEPARTMENT OF TRANSPORTATION OR THE DEPARTMENT OF  
8 FINANCIAL INSTITUTIONS.

9 2. IF THE MOTOR VEHICLE DEALER IS NOT ALSO A LICENSED DEALER PURSUANT  
10 TO TITLE 44, CHAPTER 2.1, THE DATE PRESCRIBED BY THE DEPARTMENT OF  
11 TRANSPORTATION.

12 ~~E.~~ E. If a licensee fails, neglects or refuses to pay the required  
13 fee for the ensuing year on or before the license continuation date, the fee  
14 is delinquent and a penalty equal to the fee shall be added to the fee and  
15 collected.

16 Sec. 14. Delayed repeal

17 Title 28, chapter 12, Arizona Revised Statutes, is repealed from and  
18 after March 31, 2012.

19 Sec. 15. Section 28-5100, Arizona Revised Statutes, is amended to  
20 read:

21 28-5100. Definitions

22 In this article, unless the context otherwise requires:

23 1. "Authorized third party" means an entity that has executed a  
24 written agreement and is authorized by the department to perform limited or  
25 specific functions but is not authorized by the department to function as an  
26 authorized third party electronic service provider.

27 2. "AUTHORIZED THIRD PARTY ELECTRONIC SERVICE PARTNER" MEANS AN ENTITY  
28 THAT HAS BEEN AWARDED A WRITTEN AGREEMENT WITH THE DEPARTMENT PURSUANT TO A  
29 COMPETITIVE BID PROCESS TO PROVIDE ELECTRONIC TRANSMISSION SERVICES AND THAT  
30 MAY BE AUTHORIZED BY THE DIRECTOR TO DEVELOP AND IMPLEMENT INFORMATION  
31 TECHNOLOGY AND OTHER AUTOMATED SYSTEMS AND TO PROVIDE ANY NECESSARY ONGOING  
32 SUPPORT FOR THESE SYSTEMS.

1           ~~2-~~ 3. "Authorized third party electronic service provider" means an  
2 entity that has executed a written agreement with the department and is  
3 authorized by the department to provide electronic transmission services  
4 between the department, private citizens, other government agencies and  
5 public and private entities in this state or in any other state, territory or  
6 country.

7           Sec. 16. Section 28-5101, Arizona Revised Statutes, is amended to  
8 read:

9           28-5101. Third party authorization

10           A. The director may authorize third parties to perform certain title  
11 and registration, motor carrier licensing and tax reporting, dealer licensing  
12 and driver license functions.

13           B. The director may authorize a person to be a third party electronic  
14 service provider **OR TO BE A THIRD PARTY ELECTRONIC SERVICE PARTNER**. An  
15 authorized third party electronic service provider shall meet all of the  
16 requirements established by the department. ~~relating to security, the~~  
17 ~~minimum number of types of transactions, payment options and multiple service~~  
18 ~~delivery channels. Before authorization by the director pursuant to this~~  
19 ~~subsection, a person shall submit a plan approved by the director for~~  
20 ~~transition of an authorized third party electronic service provider's~~  
21 ~~customer service transactions to the department for the purposes of continued~~  
22 ~~operation by the department. The director may require updates of the plan as~~  
23 ~~deemed necessary by the director.~~ **THE WRITTEN AGREEMENT BETWEEN THE**  
24 **DEPARTMENT AND THE AUTHORIZED THIRD PARTY ELECTRONIC SERVICE PROVIDER MAY BE**  
25 **FOR A LIMITED NUMBER OF SERVICES AND MAY LIMIT THE PERSONS THAT MAY RECEIVE**  
26 **THE SERVICES. AN AUTHORIZED THIRD PARTY ELECTRONIC SERVICE PARTNER SHALL**  
27 **MEET THE REQUIREMENTS ESTABLISHED BY THE DEPARTMENT AND SHALL BE SELECTED**  
28 **THROUGH A COMPETITIVE BID PROCESS.**

29           C. A person shall not engage in any business pursuant to this article  
30 unless the director authorizes the person to engage in the business.

31           D. The director may furnish necessary documents or license plates  
32 subject to this article.

1           E. Except as provided in subsection F of this section, an authorized  
2 third party or an authorized third party electronic service provider shall  
3 submit to the department all statutorily prescribed fees and taxes it  
4 collects. In addition to the statutorily prescribed fees and taxes, an  
5 authorized third party or an authorized third party electronic service  
6 provider may collect and retain a reasonable and commensurate fee for its  
7 services.

8           F. In addition to payment pursuant to section 28-374, the department  
9 shall reimburse the authorized third party or third party electronic service  
10 provider as follows:

11           1. One dollar of each initial, renewal, replacement or duplicate  
12 registration fee for a vehicle or an aircraft.

13           2. One dollar of each initial, duplicate or transfer title fee for a  
14 vehicle or an aircraft.

15           3. An amount equal to two per cent of each vehicle license tax payment  
16 or aircraft license tax payment the authorized third party collects and  
17 submits to the department or four dollars for each registration year or part  
18 of a registration year, whichever is more. The reimbursement amount shall  
19 not exceed the amount of vehicle license tax or aircraft license tax  
20 collected.

21           4. Four dollars for each initial, renewal, replacement or duplicate  
22 application that the third party processes and that relates to driver  
23 licenses, nonoperating identification licenses or permits. An authorized  
24 third party may add the cost for expedited processing of renewal, replacement  
25 or duplicate applications if requested by the applicant.

26           5. An amount equal to two per cent of each overweight or excess size  
27 vehicle registration or permit fee the third party collects and submits to  
28 the department or one dollar for each overweight or excess size vehicle  
29 registration or permit processed, whichever is more.

30           6. One dollar for each motor vehicle or special motor vehicle record,  
31 excluding motor vehicle records released to commercial recipients, including  
32 insurers and their authorized agents.

1           7. Five dollars or one-fourth of one per cent of the fuel taxes  
2 reported, whichever is greater, for each fuel tax report filed  
3 electronically. In fiscal years 2008-2009 through 2012-2013, the maximum  
4 annual amount retained each year shall not exceed one million five hundred  
5 thousand dollars. Beginning in fiscal year 2013-2014, the maximum annual  
6 amount retained each year shall not exceed four hundred eighty thousand  
7 dollars.

8           8. One dollar for each fuel tax permit.

9           9. One dollar for each nonsufficient funds or dishonored check  
10 payment.

11           10. One dollar for each abandoned vehicle report processed, except for  
12 applications for crushed vehicles.

13           11. One dollar for each abandoned vehicle payment.

14           12. Two dollars for each initial special or personalized license plate  
15 application.

16           13. One dollar for each initial, renewal or replacement vehicle dealer  
17 license plate.

18           14. Five dollars for each application for an initial vehicle dealer  
19 license or continuation of a vehicle dealer license.

20           15. One dollar of each twelve dollar fee paid pursuant to section  
21 28-2356.

22           16. One dollar for each traffic survival school application and one  
23 dollar for each certificate of completion processed.

24           17. One dollar for each replacement license plate or tab.

25           G. FOR AUTHORIZED THIRD PARTY ELECTRONIC SERVICE PARTNERS, THE AMOUNT  
26 OF COMPENSATION AND THE AMOUNT OF REIMBURSEMENTS FOR TRANSACTIONS SHALL BE  
27 NEGOTIATED BY THE DEPARTMENT AND THE AUTHORIZED THIRD PARTY ELECTRONIC  
28 SERVICE PARTNER AND SHALL BE SET FORTH IN THE WRITTEN AGREEMENT AUTHORIZING  
29 THE THIRD PARTY ELECTRONIC SERVICE PARTNER. IF REIMBURSEMENT IS MADE FOR  
30 INDIVIDUAL TRANSACTIONS, THE REIMBURSEMENTS SHALL NOT EXCEED THE AMOUNTS  
31 SPECIFIED IN SUBSECTIONS F, H AND I OF THIS SECTION. OTHER FORMS OF  
32 COMPENSATION OR REIMBURSEMENTS FOR SERVICES MAY BE SPECIFIED IN THE WRITTEN



1           B. The director may deny an application for authorization or  
2 certification, or both, if any individual included in the application has  
3 either:

4           1. Made a misrepresentation or misstatement in the application to  
5 conceal a matter that would cause the application to be denied.

6           2. Been convicted of fraud or an auto related felony in any state,  
7 territory or possession of the United States or any foreign country within  
8 the ten years immediately preceding the date the criminal records check is  
9 complete.

10          3. Been convicted of a felony, other than a felony described in  
11 paragraph 2 of this subsection, in a state, territory or possession of the  
12 United States or a foreign country within the five years immediately  
13 preceding the date the criminal records check is complete.

14          4. Violated a rule or policy of the department.

15          5. Been involved in any activity that the director determines to be  
16 inappropriate in relation to the authority granted.

17          C. The director may approve an application for provisional  
18 authorization or certification, or both, pending completion of the criminal  
19 records check if the applicant meets all other requirements of this article.  
20 The director may revoke a provisional authorization or certification, or  
21 both, for a violation of this title. A provisional authorization or  
22 certification, or both, is valid unless revoked by the director or until the  
23 applicant receives approval or denial of the application for authorization or  
24 certification, or both.

25          D. Within twenty days of completion of the criminal records check, the  
26 director shall approve or deny the application. If the application is  
27 denied, the director shall advise the applicant in writing of the denial and  
28 the grounds for denial. The department or its employees are not liable for  
29 any costs incurred by an applicant seeking authorization or certification, or  
30 both, under this article.

1           E. Within thirty days after receipt of the notice of denial, the  
2 applicant may petition the director in writing for a hearing on the  
3 application pursuant to section 28-5107.

4           F. If the authorized third party adds a partner, ~~officer, director or~~  
5 ~~agent~~, or a stockholder who owns twenty per cent or more of the corporation,  
6 who was not included in the criminal records check on a prior application,  
7 the authorized third party shall notify the department within thirty days of  
8 the change.

9           G. At the time of notification pursuant to subsection F of this  
10 section, the third party shall submit to the department of transportation an  
11 application and, if applicable, a full set of fingerprints and the fee to be  
12 paid to the department of public safety for a criminal records check. On  
13 completion of the investigation if the individual added or changed by the  
14 authorized third party is found to be ineligible pursuant to subsection B of  
15 this section, the director of the department of transportation shall advise  
16 the authorized third party and the individual in writing of the grounds for  
17 the action and that the authorization will be revoked unless the individual  
18 is removed from the position.

19           H. The requirement for a criminal records check does not apply to an  
20 applicant who is seeking third party authorization and who is:

- 21           1. A department, agency or political subdivision of this state.
- 22           2. An Arizona court.
- 23           3. An Arizona law enforcement agency or department.
- 24           4. A financial institution or enterprise under the jurisdiction of the  
25 department of financial institutions or a federal monetary authority.
- 26           5. The federal government or any of its agencies.
- 27           6. A motor vehicle dealer that is licensed and bonded by the  
28 department of transportation or a state organization of licensed and bonded  
29 motor vehicle dealers.
- 30           7. A manufacturer, importer, factory branch or distributor licensed by  
31 the department of transportation.
- 32           8. An insurer under the jurisdiction of the department of insurance.

- 1           9. An owner or registrant of a fleet of one hundred or more vehicles.
- 2           10. A public utility.
- 3           11. A tribal government.

4           ~~12. A title service company that is bonded by the department of~~  
5 ~~transportation.~~

6           ~~13.~~ 12. An employer or association that has at least five hundred  
7 employees or members.

8           Sec. 18. Section 28-5201, Arizona Revised Statutes, as amended by Laws  
9 2008, chapter 147, section 3, is amended to read:

10           28-5201. Definitions

11           In this chapter, unless the context otherwise requires:

12           1. "Commercial motor vehicle" means a motor vehicle or combination of  
13 motor vehicles that is designed, used or maintained to transport passengers  
14 or property in the furtherance of a commercial enterprise on a highway in  
15 this state, that is not exempt from the gross weight fees as prescribed in  
16 section 28-5432, subsection B and that includes any of the following:

17           ~~(a) A combination of vehicles that has a combined gross vehicle weight~~  
18 ~~rating of twenty-six thousand one or more pounds inclusive of a towed unit~~  
19 ~~with a gross vehicle weight rating of more than ten thousand pounds.~~

20           ~~(b) A single vehicle that has a gross vehicle weight rating of~~  
21 ~~twenty-six thousand one or more pounds.~~

22           ~~(c)~~ (a) A single vehicle or combination of vehicles that has a gross  
23 vehicle weight rating of eighteen thousand one or more pounds and that is  
24 used for the purposes of intrastate commerce.

25           ~~(d)~~ (b) A single vehicle or combination of vehicles that has a gross  
26 vehicle weight rating of ten thousand one or more pounds and that is used for  
27 the purposes of interstate commerce.

28           ~~(e)~~ (c) A school bus.

29           ~~(f)~~ (d) A bus.

30           ~~(g)~~ (e) A vehicle that transports passengers for hire and that has a  
31 design capacity for eight or more persons.

1           ~~(h)~~ (f) A vehicle that is used in the transportation of materials  
2 found to be hazardous for the purposes of the hazardous materials  
3 transportation AUTHORIZATION act OF 1994 (49 United States Code sections 5101  
4 through ~~5127~~ 5128) and that is required to be placarded under 49 Code of  
5 Federal Regulations section 172.504, as adopted by the department pursuant to  
6 this chapter.

7           2. "Declared gross weight" has the same meaning prescribed in section  
8 28-5431. If a declaration has not been made, declared gross weight means  
9 gross weight.

10          3. "Gross weight" has the same meaning prescribed in section 28-5431.

11          4. "Hazardous material" means a substance that has been determined by  
12 the United States department of transportation under 49 Code of Federal  
13 Regulations to be capable of posing an unreasonable risk to health, safety  
14 and property if transported in commerce.

15          5. "Hazardous substance" means a material and its mixtures or  
16 solutions that has been determined by the United States department of  
17 transportation under 49 Code of Federal Regulations to be capable of posing  
18 an unreasonable risk to health, safety and property if transported in  
19 commerce.

20          6. "Hazardous waste" means a material that is subject to the hazardous  
21 waste manifest requirements of the department of environmental quality or the  
22 United States environmental protection agency.

23          7. "Manufacturer" means a person who transports or causes to be  
24 transported or shipped by a motor vehicle a material that is represented,  
25 marked, certified or sold by a person for transportation in commerce.

26          8. "Motor carrier" means a person who operates or causes to be  
27 operated a commercial motor vehicle on a public highway.

28          9. "MOTOR VEHICLE" MEANS ANY VEHICLE, MACHINE, TRACTOR, TRAILER OR  
29 SEMITRAILER THAT IS PROPELLED OR DRAWN BY MECHANICAL POWER AND THAT IS USED  
30 ON A PUBLIC HIGHWAY IN THE TRANSPORTATION OF PASSENGERS OR PROPERTY IN THE  
31 FURTHERANCE OF A COMMERCIAL ENTERPRISE.



1 are exempted from compliance with 49 Code of Federal Regulations parts 391  
2 and 395, except that 49 Code of Federal Regulations part 391, subparts A and  
3 E apply unless it is the practice of the telecommunications corporation  
4 engaged in rendering public utility service or the railroad to assign regular  
5 drivers, qualified in accordance with 49 Code of Federal Regulations parts  
6 390 through 397, to motor vehicles weighing more than ~~either ten thousand~~  
7 ~~pounds unladen weight or twenty~~ EIGHTEEN thousand pounds gross vehicle weight  
8 rating, and if such driver becomes unavailable or unable to operate the motor  
9 vehicle on a given occasion due to an unavoidable or unforeseen circumstance  
10 against which provisions could not be reasonably made, compliance with 49  
11 Code of Federal Regulations parts 391 and 395 is not required.

12 B. A person who is an employee of a public service corporation, a  
13 political subdivision of this state that is engaged in rendering public  
14 utility service or a railroad is exempt from any hours of service  
15 requirements at any time when relief assistance is needed to supplement state  
16 or local efforts and capabilities to save lives, protect against substantial  
17 loss of property, protect the public health and safety or lessen or avert the  
18 consequence of a catastrophe. If an emergency respondent independently  
19 identifies an occasion or instance that jeopardizes life or property or that  
20 endangers public health and safety, an emergency situation exists, and the  
21 respondent is exempt from any hours of service requirements if the respondent  
22 contacts with due diligence and coordinates with state or local officials.

23 C. The following intrastate drivers may begin to calculate hours of  
24 service requirements at any point at which the driver goes on duty after the  
25 driver has been off duty for twenty-four or more consecutive hours:

26 1. Drivers who are primarily involved in the transportation of  
27 groundwater drilling rigs.

28 2. Drivers used primarily in the transportation of construction  
29 materials and equipment en route to or from an active construction site that  
30 is within a seventy-five air mile radius of the driver's normal work  
31 reporting location and is at a stage between initial mobilization of  
32 equipment and materials to the site and final completion of the construction

1 project. This paragraph does not apply to drivers transporting hazardous  
2 materials in a quantity that requires placarding.

3 3. Drivers of public utility service vehicles that are operated  
4 primarily within the service area of the public utility's subscribers, that  
5 are used in furtherance of repairing, maintaining or operating any physical  
6 facilities necessary for the delivery of public utility services and that are  
7 engaged in any activity necessarily related to the ultimate delivery of  
8 public utility services to the consumer, including travel to, from, on or  
9 between activity sites. The public utility is not required to be the owner  
10 of the vehicle.

11 D. For the purposes of this section:

12 1. "Public service corporation" means a public service corporation as  
13 defined in article XV, section 2, Constitution of Arizona.

14 2. "Railroad" means a railway or railroad that is regulated as a  
15 common carrier under article XV, section 10, Constitution of Arizona, and  
16 that is subject to title 40, chapter 4, article 3.

17 3. "Telecommunications corporation" means an entity as defined in  
18 section 40-201 that is subject to regulation by the corporation commission.

19 Sec. 21. Section 28-5925, Arizona Revised Statutes, is amended to  
20 read:

21 28-5925. Payment; distribution

22 A. The supplier, as shown in the records of the terminal operator, who  
23 removes the taxable gallons shall precollect and remit on behalf of consumers  
24 and users to the department the taxes that are imposed by sections ~~28-5605~~  
25 ~~28-5606~~ and 28-8344 and that are measured by the invoiced gallons of motor  
26 fuel removed by a licensed supplier from a terminal or refinery in this state  
27 other than a bulk transfer.

28 B. The supplier and each reseller shall list the amount of tax as a  
29 separate line item on all invoices or billings or as a separate billing. **A**  
30 **PERSON WHO IMPOSES AN ADDED CHARGE TO COVER THE TAX LEVIED BY THIS ARTICLE OR**  
31 **A CHARGE THAT IS IDENTIFIED AS BEING IMPOSED TO COVER A TAX SHALL NOT REMIT**  
32 **LESS THAN THE AMOUNT COLLECTED TO THE DEPARTMENT.**

1           C. The motor fuel tax that is accrued in any calendar month shall be  
2 paid on or before the twenty-seventh day of the next succeeding calendar  
3 month to the director.

4           D. A supplier shall remit any late taxes remitted to the supplier by  
5 an eligible purchaser and shall notify the department in a timely manner of  
6 any late remittances if that supplier has previously given notice to the  
7 department of an uncollectible tax amount pursuant to section 28-5639,  
8 subsection B.

9           E. On payment, the director shall promptly:

10           1. Distribute the amount of money collected as a tax on sales of motor  
11 vehicle fuel used in propelling watercraft pursuant to section 28-5926  
12 beginning with the month following the conclusion of the survey conducted  
13 pursuant to section 28-5926.

14           2. Deposit, pursuant to sections 35-146 and 35-147, all remaining  
15 monies in the Arizona highway user revenue fund or the state aviation fund as  
16 determined from the reports filed pursuant to section 28-5618.

17           F. The director shall deduct all exemptions and refunds before  
18 depositing the monies.

19           Sec. 22. Section 28-6991, Arizona Revised Statutes, is amended to  
20 read:

21           28-6991. State highway fund; sources

22           A state highway fund is established that consists of:

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

25           2. Monies appropriated by the legislature.

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

30           4. Monies received from counties under cooperative agreements,  
31 including proceeds from bond issues. The state treasurer shall deposit these  
32 monies to the credit of the fund in a special account on delivery to the

1        treasurer of a concise written agreement between the department and the  
2        county stating the purposes for which the monies are surrendered by the  
3        county, and these monies shall be spent only as stated in the agreement.

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

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

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

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

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

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

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

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

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

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

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

3 (d) The air quality compliance fee collected pursuant to section  
4 49-542.

5 (e) The special plate administration fees collected pursuant to  
6 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through  
7 28-2436 and 28-2514.

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

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

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

12 15. Dealer and registration monies collected pursuant to section  
13 28-4304.

14 16. Abandoned vehicle administration monies deposited pursuant to  
15 section 28-4804.

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

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

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

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

21 21. Monies deposited pursuant to section 28-7059.

22 22. MONIES DEPOSITED PURSUANT TO SECTION 28-1105.

23 Sec. 23. Section 28-7311, Arizona Revised Statutes, is amended to  
24 read:

25 28-7311. ~~Logo~~ Urban and rural logo sign programs; rules;  
26 definitions

27 A. The department may establish a ~~an~~ AN URBAN AND A RURAL logo sign  
28 program. Notwithstanding sections 28-648, 28-7048 and 28-7053, as part of  
29 the program the department may contract with a third party to install and  
30 maintain specific services information signs, known as logo signs, on ~~certain~~  
31 ~~portions of the completed~~ ANY CLASS OF STATE HIGHWAY OR interstate highway

1 system in this state. IF THE DEPARTMENT CONTRACTS WITH A THIRD PARTY, the  
2 third party shall agree in the contract to:

3 1. Furnish, install, maintain and replace signs for the benefit of  
4 business advertisers who provide gas, food, lodging, twenty-four hour  
5 pharmacy service, attraction and camping facilities for the general public.

6 2. Lease advertising space on the signs to operators of the facilities  
7 prescribed in paragraph 1 of this subsection.

8 ~~B. In addition to the program established in subsection A of this~~  
9 ~~section, the department may establish a rural logo sign program.~~  
10 Notwithstanding sections 28-648, 28-7048 and 28-7053, as part of ~~this~~ THE  
11 RURAL LOGO SIGN program the department may contract with a third party to  
12 install and maintain specific services information signs, known as logo  
13 signs, on any class of state highway, ~~other than a segment of the~~ OR  
14 interstate highway system, located outside of an urbanized area ~~with a~~  
15 ~~population of one hundred thousand or more persons~~ OF THIS STATE. IF THE  
16 DEPARTMENT CONTRACTS WITH A THIRD PARTY, the third party shall agree in the  
17 contract to:

18 1. Furnish, install, maintain and replace signs for the benefit of  
19 business advertisers that provide gas, food, lodging, twenty-four hour  
20 pharmacy service, attraction and camping facilities for the general public.

21 2. Lease advertising space on the signs to operators of the facilities  
22 prescribed in paragraph 1 of this subsection.

23 C. The department shall adopt rules to implement and operate the logo  
24 sign programs. Costs incurred under the programs established by this section  
25 shall be paid under agreements negotiated between the DEPARTMENT OR third  
26 party and the business advertisers.

27 D. The department may enter into a revenue sharing agreement with the  
28 third party. The department shall deposit, pursuant to sections 35-146 and  
29 35-147, ~~all monies received from the revenue sharing agreement~~ REVENUES  
30 GENERATED, LESS PROGRAM OPERATING COSTS, in the state highway fund  
31 established by section 28-6991.

32 E. For the purposes of this section:

1           1. "Population" means the population determined in the most recent  
2 United States decennial census or in the most recent special census as  
3 provided in section 28-6532.

4           2. "Urbanized area" means an urbanized area as defined in the  
5 decennial census by the United States bureau of the census.

6           Sec. 24. Section 28-7701, Arizona Revised Statutes, is amended to  
7 read:

8           28-7701. Definitions

9           In this chapter, unless the context otherwise requires:

10          1. "Concession" means any lease, ground lease, franchise, easement,  
11 permit or other binding agreement transferring rights for the use or control,  
12 in whole or in part, of an eligible facility by the department or other unit  
13 of government to a private partner in accordance with this chapter.

14          2. "Eligible facility" means any facility, **WHETHER REAL OR PERSONAL**  
15 **PROPERTY**, developed or operated after ~~the effective date of this chapter~~  
16 **SEPTEMBER 30, 2009** in accordance with this chapter, including any **EXISTING**,  
17 enhanced, upgraded or new facility **THAT IS ANY OF THE FOLLOWING:**

18           (a) Used or useful for the safe transport of people or goods via one  
19 or more modes of transport, whether involving highways, **BRIDGES, TUNNELS,**  
20 railways, monorails, transit, bus systems, guided rapid transit, fixed  
21 guideways, ferries, boats, vessels, **AIRPORTS**, intermodal or multimodal  
22 systems or any other mode of transport. ~~,as well as facilities~~

23           (b) **USED BY OR USEFUL TO THE DEPARTMENT, INCLUDING VEHICLE**  
24 **REGISTRATION AND DRIVER LICENSING FACILITIES, OPERATING SYSTEMS AND**  
25 **INFORMATION SYSTEMS.**

26           (c) **RELATED OR ANCILLARY TO, OR USED OR USEFUL TO PROVIDE, OPERATE,**  
27 **MAINTAIN OR GENERATE REVENUE FOR A FACILITY UNDER SUBDIVISION (a) OR (b),**  
28 **INCLUDING ADMINISTRATIVE BUILDINGS AND OTHER BUILDINGS,** structures, parking,  
29 **REST AREAS, MAINTENANCE YARDS,** rail yards, **PORTS OF ENTRY** or storage  
30 facilities, vehicles, rolling stock, **ENERGY SYSTEMS** or other related  
31 equipment, items or property.

1           3. "Private partner" means a person, entity or organization that is  
2 not the federal government, this state, a political subdivision of this state  
3 or a unit of government.

4           4. "Unit of government" means any agency, office or department of this  
5 state, city, county, district, commission, authority, entity, port or other  
6 public corporation organized and existing under statutory law or under a  
7 voter approved charter or initiative, and any intergovernmental entity.

8           Sec. 25. Section 28-7705, Arizona Revised Statutes, is amended to  
9 read:

10           28-7705. Public-private partnership agreements

11           A. In any public-private partnership or other agreement for any  
12 eligible facility under this chapter, the department may include provisions  
13 that:

14           1. Authorize the DEPARTMENT OR THE private partner to collect user  
15 fees, tolls, fares, RENTS, ADVERTISING AND SPONSORSHIP FEES, SERVICE FEES or  
16 similar charges, including provisions that:

17           (a) Specify technology to be used in the facility.

18           (b) Establish circumstances under which the department may receive ALL  
19 OR a share of revenues from such charges.

20           (c) Govern enforcement of tolls, including provisions for use of  
21 cameras or other mechanisms to ensure that users have paid tolls that are due  
22 and provisions that allow the private partner access to relevant databases  
23 for enforcement purposes. Misuse of the data contained in the databases,  
24 including negligence in securing the data properly, shall result in a civil  
25 penalty of ten thousand dollars for each violation. Civil penalties  
26 collected pursuant to this subdivision shall be deposited in the state  
27 general fund.

28           (d) AUTHORIZE THE DEPARTMENT TO CONTINUE OR CEASE COLLECTION OF USER  
29 FEES, TOLLS, FARES OR SIMILAR CHARGES AFTER THE END OF THE TERM OF THE  
30 AGREEMENT.

31           2. Allow for payments to be made by this state to the private partner,  
32 including availability payments or performance based payments.

1           3. Allow the department to accept payments of monies and share  
2 revenues with the private partner.

3           4. Address how the partners will share management of the risks of the  
4 project.

5           5. Specify how the partners will share the costs of development of the  
6 project.

7           6. Allocate financial responsibility for cost overruns.

8           7. Establish the damages to be assessed for nonperformance.

9           8. Establish performance criteria or incentives, or both.

10          9. Address the acquisition of rights-of-way and other property  
11 interests that may be required, including provisions that address the  
12 exercise of eminent domain as provided in section 28-7709. This state shall  
13 not relinquish its power of eminent domain authority to the private partner.

14          10. Establish record keeping, accounting and auditing standards to be  
15 used for the project.

16          11. For a project that reverts to public ownership, address  
17 responsibility for reconstruction or renovations that are required in order  
18 for a facility to meet all applicable government standards on reversion of  
19 the facility to this state.

20          12. Provide for patrolling and law enforcement on public facilities.

21          13. Identify any department specifications that must be satisfied,  
22 including provisions allowing the private partner to request and receive  
23 authorization to deviate from the specifications on making a showing  
24 satisfactory to the department.

25          14. Require a private partner to provide performance and payment bonds,  
26 parent company guarantees, letters of credit or other acceptable ~~form~~ FORMS  
27 of security or a combination of any of these, the penal sum or amount of  
28 which may be less than one hundred per cent of the value of the contract  
29 involved based on the department's determination, made on a  
30 facility-by-facility basis, of what is required to adequately protect this  
31 state.

1           15. Authorize the private partner in any concession agreement to  
2 collect user fees, tolls, fares, RENTS, ADVERTISING AND SPONSORSHIP FEES,  
3 SERVICE FEES or similar charges to cover its costs and provide for a  
4 reasonable rate of return on the private partner's investment, including  
5 provisions such as the following:

6           (a) The charges may be collected directly by the private partner or by  
7 a third party engaged for that purpose.

8           (b) A formula for the adjustment of user fees, tolls, fares, RENTS,  
9 ADVERTISING AND SPONSORSHIP FEES, SERVICE FEES or similar charges during the  
10 term of the agreement.

11           (c) For an agreement that does not include a formula described in  
12 subdivision (b) of this paragraph, provisions regulating the private  
13 partner's return on investment.

14           (d) A variety of traffic management strategies, including:

15           (i) General purpose toll lanes.

16           (ii) High occupancy vehicle lanes where single or low occupancy  
17 vehicles may use higher occupancy vehicle lanes by paying a toll.

18           (iii) Lanes or facilities in which the tolls may vary during the  
19 course of the day or week or according to levels of congestion anticipated or  
20 experienced.

21           (iv) Combinations of, or variations on, items (i), (ii) and (iii), or  
22 other strategies the department determines are appropriate on a  
23 facility-by-facility basis.

24           16. Specify remedies available and dispute resolution procedures,  
25 including the right of the private partner to institute legal proceedings to  
26 obtain an enforceable judgment or award against the department in the event  
27 of a default by the department and procedures for use of dispute review  
28 boards, mediation, facilitated negotiation, arbitration and other alternative  
29 dispute resolution procedures.

30           17. ALLOW THE DEPARTMENT TO ACQUIRE REAL PROPERTY THAT IS NEEDED FOR  
31 AND RELATED TO ELIGIBLE FACILITIES, INCLUDING ACQUISITION BY EXCHANGE FOR

1 OTHER REAL PROPERTY THAT IS OWNED BY THE DEPARTMENT. AN ACQUISITION PURSUANT  
2 TO THIS PARAGRAPH IS EXEMPT FROM CHAPTER 20, ARTICLES 6 AND 8 OF THIS TITLE.

3 B. Notwithstanding any other law, the department may enter into  
4 agreements, whether a concession agreement or other form of agreement, with  
5 any private partner that includes provisions described in subsection A of  
6 this section. Agreements may be for a term not to exceed fifty years but may  
7 be extended for additional terms.

8 C. The department may approve any request from another unit of  
9 government to develop an eligible facility in a manner similar to that used  
10 by the department under this chapter.

11 D. Notwithstanding any other law, agreements under this chapter that  
12 are properly developed, operated or held by a private partner under a  
13 concession agreement pursuant to this chapter are exempt from all state and  
14 local ad valorem and property taxes that otherwise might be applicable.

15 E. A person who pays a toll to operate a motor vehicle on a roadway  
16 project that is constructed or operated pursuant to this article is entitled  
17 to and may apply for a refund or credit from the state for motor vehicle fuel  
18 license taxes, use fuel taxes or motor carrier fees paid while operating the  
19 motor vehicle on the roadway project. The director shall establish by rule  
20 the procedures for granting refunds and credits.

21 F. The agreement shall contain a provision by which the private  
22 partner expressly agrees that it is to be barred from seeking injunctive or  
23 other equitable relief to delay, prevent or otherwise hinder the department  
24 from developing or constructing any facility that was planned as of the time  
25 the public-private partnership agreement was executed and that would or might  
26 impact the revenue that the private partner would or might derive from the  
27 facility developed under the agreement, except that the agreement may provide  
28 for reasonable compensation to the private partner for the adverse effect on  
29 toll revenues or other user fee revenues resulting from development and  
30 construction of an unplanned revenue impacting facility.

31 G. The agreement shall contain a provision that prohibits photo  
32 traffic enforcement of chapter 3, article 6 of this title on toll lanes.

1           H. Any foreign private entity that enters into an agreement with the  
2 department pursuant to this section must provide satisfactory evidence to the  
3 board that the foreign entity is in compliance with the requirements of title  
4 10, chapter 38.

5           I. The agreement shall contain a provision that all public-private  
6 partnerships are subject to chapter 20, article 3 of this title.

7           Sec. 26. Section 28-7706, Arizona Revised Statutes, is amended to  
8 read:

9           28-7706. Funding and financing

10          A. Any lawful source of funding may be used for the development or  
11 operation of an eligible facility under this chapter, including:

12           1. The proceeds of grant anticipation revenue bonds authorized by 23  
13 United States Code section 122 or any other applicable federal or state law.

14           2. Grants, loans, loan guarantees, lines of credit, revolving lines of  
15 credit or other arrangements available under the transportation  
16 infrastructure finance and innovation act of 1998 (P.L. 105-178; 112 Stat.  
17 241; 23 United States Code sections 601 through 610) or any other federal or  
18 state law.

19           3. Federal, state or local revenues.

20           4. User fees, tolls, fares, charges, lease proceeds, rents,  
21 availability payments, gross or net receipts from sales, proceeds from the  
22 sale of development rights, franchise fees, permit fees, **RENTS, ADVERTISING  
23 AND SPONSORSHIP FEES, SERVICE FEES** or any other lawful form of consideration.

24           5. Private activity bonds as described by 26 United States Code  
25 section 141 and other forms of private capital.

26           6. Other forms of public and private capital that are available.

27          B. As security for the payment of financing described in this section,  
28 the revenues from the project may be pledged, but no pledge of revenues  
29 constitutes in any manner or to any extent a general obligation of this  
30 state. Any financing may be structured on a senior, parity or subordinate  
31 basis to any other financing.

1 C. The department may issue toll revenue bonds or notes to provide  
2 monies for any project under this chapter.

3 D. The department may accept from the United States or any of its  
4 agencies monies that are available to this state or to any other unit of  
5 government for carrying out the purposes of this chapter, whether the monies  
6 are made available by grant, loan or other financing arrangement. The  
7 department may enter into agreements and other arrangements with the United  
8 States or any of its agencies as may be necessary, proper and convenient for  
9 carrying out this chapter.

10 E. The department may accept from any source any grant, donation, gift  
11 or other form of conveyance of land, money, other real or personal property  
12 or other valuable thing made to this state, the department or a local  
13 government for carrying out this chapter.

14 F. Any eligible facility may be funded in whole or in part by  
15 contribution of any monies or property made by any private entity or public  
16 sector partner that is a party to any agreement entered into under this  
17 chapter.

18 G. Notwithstanding any other law, federal, state and local monies may  
19 be combined with any private sector monies for any project purposes.

20 H. Revenue bonds issued pursuant to this section are not general  
21 obligations of this state and are not secured by or payable from any monies  
22 or assets of this state other than the monies and revenues specifically  
23 pledged to the repayment of the revenue bonds.

24 Sec. 27. Section 32-2352, Arizona Revised Statutes, is amended to  
25 read:

26 32-2352. Enforcement; contract with private entity

27 A. The director, subject to title 41, chapter 6, shall adopt such  
28 rules concerning the administration and enforcement of this chapter as are  
29 necessary to carry out the intent of this chapter and to protect the public.  
30 The director or the director's authorized representative shall inspect the  
31 school facilities and equipment used by applicants and licensees under this  
32 chapter and examine applicants for instructor's licenses.

1 B. The director shall administer and enforce this chapter.

2 C. The director may contract with a private entity to conduct  
3 inspections pursuant to this section and to administer any rules adopted  
4 pursuant to this section that relate to the licensure and administration of  
5 ~~traffic survival schools~~ PROFESSIONAL DRIVER TRAINING SCHOOLS pursuant to  
6 this chapter. The term of any contract entered into pursuant to this  
7 subsection shall not exceed five years with a right to renew for an  
8 additional five years. The private entity that contracts with the director  
9 pursuant to this subsection:

10 1. Shall not provide ~~traffic survival school~~ PROFESSIONAL DRIVER  
11 TRAINING SCHOOL courses.

12 2. May charge a fee to each person who enrolls in ~~traffic survival~~  
13 ~~school~~ A PROFESSIONAL DRIVER TRAINING SCHOOL.

14 Sec. 28. Section 32-2371, Arizona Revised Statutes, is amended to  
15 read:

16 32-2371. License for schools; requirements; fingerprint  
17 clearance card

18 A. No professional driver training school shall be established nor  
19 shall any such existing school be continued on or after March 13, 1968 unless  
20 such school applies for and obtains from the director a license in the manner  
21 and form prescribed by the director.

22 B. Rules adopted by the director shall state the requirements for a  
23 school license, including requirements concerning location, equipment,  
24 courses of instruction, instructors, previous records of the school and  
25 instructors, schedule of fees and charges, character and reputation of the  
26 operators and instructors, insurance in such sum and with such provisions as  
27 the director deems necessary to protect adequately the interests of the  
28 public, and such other matters as the director may prescribe for the  
29 protection of the public.

30 C. AN APPLICANT, AND EACH PARTNER OR EACH STOCKHOLDER OWNING TWENTY  
31 PER CENT OR MORE OF A CORPORATION, SEEKING LICENSURE PURSUANT TO THIS CHAPTER  
32 SHALL PROVIDE THE DEPARTMENT OR A CONTRACTED PRIVATE ENTITY OF THE DEPARTMENT

1 PURSUANT TO SECTION 32-2352 WITH A VALID FINGERPRINT CLEARANCE CARD ISSUED  
2 PURSUANT TO SECTION 41-1758.03.

3 Sec. 29. Section 41-619.51, Arizona Revised Statutes, is amended to  
4 read:

5 41-619.51. Definitions

6 In this article, unless the context otherwise requires:

7 1. "Agency" means the supreme court, the department of economic  
8 security, the department of education, the department of health services, the  
9 department of juvenile corrections, the department of emergency and military  
10 affairs, THE DEPARTMENT OF TRANSPORTATION, the state real estate department  
11 or the board of examiners of nursing care institution administrators and  
12 assisted living facility managers.

13 2. "Board" means the board of fingerprinting.

14 3. "Expedited review" means an examination, in accordance with board  
15 rule, of the documents an applicant submits by the board or its hearing  
16 officer without the applicant being present.

17 4. "Good cause exception" means the issuance of a fingerprint  
18 clearance card to an employee pursuant to section 41-619.55.

19 5. "Person" means a person who is required to be fingerprinted  
20 pursuant to this article and any of the following:

- 21 (a) Section 8-105.
- 22 (b) Section 8-322.
- 23 (c) Section 8-509.
- 24 (d) Section 8-802.
- 25 (e) Section 15-183.
- 26 (f) Section 15-534.
- 27 (g) Section 15-1330.
- 28 (h) Section 15-1881.
- 29 (i) Section 26-103.
- 30 (j) SECTION 32-2371.
- 31 ~~(j)~~ (k) Section 32-2108.01.
- 32 ~~(k)~~ (l) Section 32-2123.

- 1           ~~(l)~~ (m) Section 36-411.
- 2           ~~(m)~~ (n) Section 36-425.03.
- 3           ~~(n)~~ (o) Section 36-446.04.
- 4           ~~(o)~~ (p) Section 36-594.01.
- 5           ~~(p)~~ (q) Section 36-594.02.
- 6           ~~(q)~~ (r) Section 36-882.
- 7           ~~(r)~~ (s) Section 36-883.02.
- 8           ~~(s)~~ (t) Section 36-897.01.
- 9           ~~(t)~~ (u) Section 36-897.03.
- 10          ~~(u)~~ (v) Section 36-3008.
- 11          ~~(v)~~ (w) Section 41-619.53.
- 12          ~~(w)~~ (x) Section 41-1964.
- 13          ~~(x)~~ (y) Section 41-1967.01.
- 14          ~~(y)~~ (z) Section 41-1968.
- 15          ~~(z)~~ (aa) Section 41-1969.
- 16          ~~(aa)~~ (bb) Section 41-2814.
- 17          ~~(bb)~~ (cc) Section 46-141, subsection A.
- 18          ~~(cc)~~ (dd) Section 46-321.

19           Sec. 30. Section 41-1758, Arizona Revised Statutes, is amended to  
20 read:

21           41-1758. Definitions

22           In this article, unless the context otherwise requires:

23           1. "Agency" means the supreme court, the department of economic  
24 security, the department of education, the department of health services, the  
25 department of juvenile corrections, the department of emergency and military  
26 affairs, **THE DEPARTMENT OF TRANSPORTATION**, the state real estate department,  
27 the board of fingerprinting or the board of examiners of nursing care  
28 institution administrators and assisted living facility managers.

29           2. "Division" means the fingerprinting division in the department of  
30 public safety.

31           3. "Good cause exception" means the issuance of a valid fingerprint  
32 clearance card to an employee pursuant to section 41-619.55.

1           4. "Person" means a person who is required to be fingerprinted  
2 pursuant to any of the following:

- 3           (a) Section 8-105.
- 4           (b) Section 8-322.
- 5           (c) Section 8-509.
- 6           (d) Section 8-802.
- 7           (e) Section 15-183.
- 8           (f) Section 15-503.
- 9           (g) Section 15-512.
- 10          (h) Section 15-534.
- 11          (i) Section 15-1330.
- 12          (j) Section 15-1881.
- 13          (k) Section 26-103.
- 14          (l) Section 32-2108.01.
- 15          (m) Section 32-2123.
- 16          (n) SECTION 32-2371.
- 17          ~~(n)~~ (o) Section 36-411.
- 18          ~~(o)~~ (p) Section 36-425.03.
- 19          ~~(p)~~ (q) Section 36-446.04.
- 20          ~~(q)~~ (r) Section 36-594.01.
- 21          ~~(r)~~ (s) Section 36-594.02.
- 22          ~~(s)~~ (t) Section 36-882.
- 23          ~~(t)~~ (u) Section 36-883.02.
- 24          ~~(u)~~ (v) Section 36-897.01.
- 25          ~~(v)~~ (w) Section 36-897.03.
- 26          ~~(w)~~ (x) Section 36-3008.
- 27          ~~(x)~~ (y) Section 41-619.52.
- 28          ~~(y)~~ (z) Section 41-619.53.
- 29          ~~(z)~~ (aa) Section 41-1964.
- 30          ~~(aa)~~ (bb) Section 41-1967.01.
- 31          ~~(bb)~~ (cc) Section 41-1968.
- 32          ~~(cc)~~ (dd) Section 41-1969.

1           ~~(dd)~~ (ee) Section 41-2814.

2           ~~(ee)~~ (ff) Section 46-141, subsection A.

3           ~~(ff)~~ (gg) Section 46-321.

4           5. "Vulnerable adult" has the same meaning prescribed in section  
5 13-3623.

6           Sec. 31. Section 41-1758.01, Arizona Revised Statutes, is amended to  
7 read:

8           41-1758.01. Fingerprinting division; duties

9           The fingerprinting division is established in the department of public  
10 safety and shall:

11           1. Conduct fingerprint background checks for persons and applicants  
12 who are seeking licenses from state agencies, employment with licensees,  
13 contract providers and state agencies or employment or educational  
14 opportunities with agencies that require fingerprint background checks  
15 pursuant to sections 8-105, 8-322, 8-509, 8-802, 15-183, 15-503, 15-512,  
16 15-534, 15-1330, 15-1881, 26-103, 32-2108.01, 32-2123, [32-2371](#), 36-411,  
17 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01,  
18 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968,  
19 41-1969 and 41-2814, section 46-141, subsection A and section 46-321.

20           2. Issue valid fingerprint clearance cards. On issuance, a valid  
21 fingerprint clearance card becomes the personal property of the cardholder  
22 and the cardholder shall retain possession of the valid fingerprint clearance  
23 card.

24           3. On submission of an application for a valid fingerprint clearance  
25 card, collect the fees established by the board of fingerprinting pursuant to  
26 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the  
27 monies collected in the board of fingerprinting fund.

28           4. Inform in writing each person who submits fingerprints for a  
29 fingerprint background check of the person's right to petition the board of  
30 fingerprinting for a good cause exception pursuant to sections 41-1758.03 and  
31 41-1758.07.

32           5. Administer and enforce this article.

1           Sec. 32. Section 44-282, Arizona Revised Statutes, is amended to read:

2           44-282. Licensing of sales finance companies and dealers  
3                                   required; penalty

4           A. No person shall engage in the business of a sales finance company  
5           in this state without a license therefor as provided in this article. No  
6           dealer shall engage in business in this state without a license issued by the  
7           administrator. No dealer shall sell or transfer any contract to a person in  
8           Arizona not licensed under the terms of this chapter.

9           B. The application for a license shall be in writing, under oath and  
10          in the form prescribed by the administrator. The application shall contain  
11          the name of the applicant, the date of incorporation if incorporated, the  
12          address where the business is or is to be conducted and similar information  
13          as to any branch office of the applicant, the name and resident address of  
14          the owners or partners or, if a corporation or association, of the directors,  
15          trustees and principal officers, and such other pertinent information the  
16          administrator may require.

17          C. The license fee for a sales finance company ~~for each fiscal year or~~  
18          ~~part thereof~~ is the fee prescribed in section 6-126. The license fee for  
19          each dealer is the fee prescribed in section 6-126 ~~for each fiscal year or~~  
20          ~~part thereof. The fiscal year shall be July 1 through June 30. License fees~~  
21          ~~shall be due and payable on or before each July 1.~~

22          D. TO COINCIDE WITH THE LICENSING OF MOTOR VEHICLE DEALERS PURSUANT TO  
23          TITLE 28, CHAPTER 10, THE ADMINISTRATOR MAY ISSUE A SALES FINANCE COMPANY  
24          LICENSE OR A DEALER LICENSE, OR BOTH, PURSUANT TO THIS ARTICLE WITH STAGGERED  
25          CONTINUATION DATES TO DISTRIBUTE THE CONTINUATION WORKLOAD AS UNIFORMLY AS  
26          PRACTICABLE THROUGHOUT THE TWELVE MONTHS OF THE CALENDAR YEAR. IN ORDER TO  
27          INITIATE A STAGGERED LICENSE CONTINUATION SYSTEM, THE ADMINISTRATOR MAY ISSUE  
28          A LICENSE FOR MORE OR LESS THAN A TWELVE MONTH PERIOD, BUT NOT MORE THAN  
29          EIGHTEEN MONTHS, AND MAY PRORATE THE LICENSE FEE.

30          E. A LICENSEE SHALL SUBMIT ITS RENEWAL APPLICATION AND APPLICABLE  
31          RENEWAL FEES TO THE DEPARTMENT OF FINANCIAL INSTITUTIONS ON OR BEFORE THE

1 LICENSE CONTINUATION DATE. FOR THE PURPOSES OF RENEWAL, THE LICENSE  
2 CONTINUATION DATE IS AS FOLLOWS:

3 1. IF THE LICENSEE IS ALSO A LICENSED MOTOR VEHICLE DEALER PURSUANT TO  
4 TITLE 28, CHAPTER 10, THE DATE PRESCRIBED BY THE INITIAL LICENSING  
5 DEPARTMENT, EITHER THE DEPARTMENT OF TRANSPORTATION OR THE DEPARTMENT OF  
6 FINANCIAL INSTITUTIONS.

7 2. IF THE LICENSEE IS NOT ALSO A LICENSED MOTOR VEHICLE DEALER  
8 PURSUANT TO TITLE 28, CHAPTER 10, THE DATE PRESCRIBED BY THE DEPARTMENT OF  
9 FINANCIAL INSTITUTIONS.

10 F. A penalty of twenty-five dollars per day shall be assessed against  
11 any licensee for each day after ~~July 1~~ THE LICENSE CONTINUATION DATE that ~~his~~  
12 THE LICENSEE'S renewal application and fee are not received by the department  
13 OF FINANCIAL INSTITUTIONS. Licenses not renewed ~~by September 15 are~~  
14 ~~automatically cancelled~~ WITHIN THIRTY DAYS AFTER THEIR LICENSE CONTINUATION  
15 DATE EXPIRE.

16 ~~D.~~ G. A license shall be obtained for each separate place of business  
17 at or from which a licensee transacts business. Each license shall specify  
18 the location of the office or branch and must be conspicuously displayed  
19 there. In case such location is changed, the administrator shall endorse the  
20 change of location on the license on the payment of the fee prescribed in  
21 section 6-126, subsection A, paragraph ~~26~~ 25.

22 ~~E.~~ H. ~~Upon~~ ON the filing of the application and the payment of the  
23 required fee the administrator shall issue a license to the applicant to  
24 engage in the business of a sales finance company or dealer under and in  
25 accordance with ~~the provisions of~~ this article. All licenses issued under  
26 this article shall remain in full force and effect until surrendered,  
27 revoked, suspended or canceled by failure to renew under ~~the provisions of~~  
28 this article. No licensee shall transact any business provided for by this  
29 article under any other name.

30 ~~F.~~ I. A license is not transferable or assignable and control of a  
31 licensee may not be acquired through a stock purchase or any other device  
32 without the prior written consent of the administrator. Written consent

1 shall not be given if the administrator finds that any of the grounds for  
2 denial, revocation or suspension of a license as set forth in section 44-283  
3 are applicable to the acquiring person. For the purposes of this subsection,  
4 "control" means the power to vote more than twenty per cent of the  
5 outstanding voting shares of a licensed corporation, partnership, association  
6 or trust.

7 ~~G.~~ J. A person doing business under the laws of this state or the  
8 United States as a bank, savings bank, savings and loan association or credit  
9 union is exempt from the licensing requirements of this section but shall  
10 comply with all other requirements of this chapter, except that affiliates of  
11 banks, savings banks, savings and loan associations or credit unions shall  
12 comply with this section. For the purposes of this subsection, "affiliate"  
13 means an entity ~~which~~ that directly or indirectly, through one or more  
14 intermediaries, controls, is controlled by or is under common control with  
15 the entity specified.

16 Sec. 33. Effective date

17 Section 32-2352, Arizona Revised Statutes, as amended by this act, is  
18 effective from and after March 31, 2012."

19 Amend title to conform

02/15/2011

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