

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1270

AN ACT

AMENDING TITLE 28, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-376; AMENDING SECTIONS 28-853, 28-938, 28-948 AND 28-949, ARIZONA REVISED STATUTES; REPEALING SECTIONS 28-950 AND 28-951, ARIZONA REVISED STATUTES; AMENDING SECTIONS 28-959, 28-1105, 28-1593, 28-3001, 28-3006, 28-3481, 28-4361, 28-4364 AND 28-4405, ARIZONA REVISED STATUTES; PROVIDING FOR DELAYED REPEAL OF TITLE 28, CHAPTER 12, ARIZONA REVISED STATUTES; AMENDING SECTIONS 28-5100, 28-5101 AND 28-5105, ARIZONA REVISED STATUTES; AMENDING SECTION 28-5201, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 147, SECTION 3; REPEALING SECTION 28-5201, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 142, SECTION 9; REPEALING SECTION 28-5204, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 142, SECTION 10; AMENDING SECTIONS 28-5234, 28-5925, 28-6991, 28-7311, 28-7701, 28-7705, 28-7706, 32-2352, 32-2371, 41-619.51, 41-1758, 41-1758.01 AND 44-282, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA DEPARTMENT OF TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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.

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

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

32 28-853. Railroad grade crossing; stop required of certain
33 vehicles; other requirements

34 A. Except as otherwise provided in this article, before crossing at
35 grade any track or tracks of a railroad, the driver of a motor vehicle
36 carrying passengers for hire, of any school bus carrying any school child or
37 of any vehicle carrying or returning after delivery of explosive substances
38 or flammable liquids as a cargo or part of a cargo shall stop the vehicle
39 within fifty feet but not less than fifteen feet from the nearest rail of the
40 railroad, while stopped listen and look in both directions along the track
41 for an approaching train and for signals indicating the approach of a train
42 and not proceed until the driver can do so safely. After stopping as
43 required by this section and on proceeding when it is safe to do so, the
44 driver of the vehicle shall cross only in a gear of the vehicle for which

1 there is no need to change gears while traversing the crossing and shall not
2 shift gears while crossing the track or tracks.

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

4 1. A crossing where a police officer or a traffic control signal
5 directs traffic to proceed.

6 2. A street railway grade crossing within a business or residence
7 district.

8 B. A DRIVER OF A COMMERCIAL MOTOR VEHICLE SHALL NOT ENTER A RAILROAD
9 OR RAIL TRANSIT CROSSING UNLESS THERE IS SUFFICIENT SPACE ON THE OTHER SIDE
10 OF THE RAILROAD OR RAIL TRANSIT CROSSING TO ACCOMMODATE THE VEHICLE BEING
11 DRIVEN.

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

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

17 28-938. Spot and auxiliary lamps

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

19 1. Not more than one spot lamp that when lighted is aimed and used on
20 approaching another vehicle only so that no part of the high intensity
21 portion of the beam is directed to the left of the prolongation of the
22 extreme left side of the vehicle nor more than one hundred feet ahead of the
23 vehicle.

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

31 3. Not more than two auxiliary passing lamps that are mounted on the
32 front at a height of not less than twenty-four inches and not more than
33 forty-two inches above the level surface on which the vehicle stands and that
34 meet the requirements and limitations provided in sections 28-921 through
35 ~~28-951~~ 28-949.

36 4. Not more than two auxiliary driving lamps that are mounted on the
37 front at a height of not less than sixteen inches nor more than forty-two
38 inches above the level surface on which the vehicle stands and that meet the
39 requirements and limitations provided in sections 28-921 through ~~28-951~~
40 28-949.

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

42 28-948. Snow removal equipment lamps

43 ~~A. The director shall adopt standards and specifications applicable to~~
44 ~~head lamps, clearance lamps, identification and other lamps on snow removal~~
45 ~~equipment when operated on the highways of this state in lieu of the lamps~~

1 ~~otherwise required on motor vehicles by this article. The standards and~~
2 ~~specifications:~~

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

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

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

11 Sec. 5. Section 28-949, Arizona Revised Statutes, is amended to read:
12 28-949. Selling or using lamps

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

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

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

30 Sec. 6. Repeal

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

32 Sec. 7. Section 28-959, Arizona Revised Statutes, is amended to read:
33 28-959. Safety glass required; applicability; denial or

34 suspension of registration; definition

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

39 B. This section applies to passenger motor vehicles, other than golf
40 carts, including passenger buses and school buses. For trucks, including
41 truck tractors, the requirements of this section for safety glass apply to
42 all glass used in doors, windows and windshields in the drivers' compartments
43 of the vehicles.

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

4 ~~D.~~ C. The director shall not register a new motor vehicle unless it
5 is equipped with an approved type of safety glass. The director shall
6 suspend the registration of any motor vehicle that is subject to this section
7 and that the director finds is not equipped with an approved type of safety
8 glass. The suspension shall continue until the motor vehicle is made to
9 conform to the requirements of this section.

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

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

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

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

20 28-1105. Special permit fees

21 A. Except as otherwise provided by law, the following fees are
22 required:

23 1. Fifteen dollars for each special permit issued pursuant to section
24 28-1103 for excess size, except that a thirty dollar fee is required for each
25 thirty day permit and a three hundred sixty dollar fee is required for each
26 annual permit.

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

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

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

40 B. A fee is not required for a permit issued pursuant to section
41 28-1103 for the movement of vehicles or combinations of vehicles owned by the
42 United States government, this state or a county, city or town.

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

5 D. If a special permit is required by more than one local authority to
6 move a vehicle or combination of vehicles and if the permit is not required
7 by the director, the applicant shall pay a permit fee only to the local
8 authority that has jurisdiction of the streets and highways where the
9 movements of the vehicle or combination of vehicles originate.

10 Sec. 9. Section 28-1593, Arizona Revised Statutes, is amended to read:

11 28-1593. Service of uniform traffic ticket and complaint

12 A. Except as provided in section 28-1602 AND AS OTHERWISE PROVIDED IN
13 THIS SUBSECTION, a traffic complaint may be served by delivering a copy of
14 the uniform traffic ticket and complaint to the person charged with the
15 violation or by any means authorized by the rules of civil procedure. IF THE
16 PERSON CHARGED WITH THE VIOLATION IS UNDER THE AGE OF EIGHTEEN AND THE
17 VIOLATION IS A RESULT OF A PHOTO ENFORCEMENT SYSTEM AS DEFINED BY SECTION
18 28-601, INCLUDING A STATE PHOTO ENFORCEMENT SYSTEM ESTABLISHED PURSUANT TO
19 SECTION 41-1722, SERVICE MUST BE MADE TO THE PERSON'S PARENT OR GUARDIAN OR
20 TO AN INDIVIDUAL OVER THE AGE OF EIGHTEEN AT THE PERSON'S HOUSEHOLD OR
21 RESIDING THEREIN. At the discretion of the issuing authority, a complaint
22 for a violation issued after an investigation in conjunction with a traffic
23 accident may be sent by certified mail, return receipt requested and
24 delivered to addressee only, to the address provided by the person charged
25 with the violation. Service of the complaint is complete on filing the
26 receipt in the court having jurisdiction of the violation.

27 B. Except as provided in section 28-1602, subsection A, the original
28 complaint shall be filed in a court having jurisdiction of the violation
29 within ten court days of the time the complaint was issued. A peace officer,
30 or duly authorized agent or someone paid to act on behalf of a traffic
31 enforcement agency, may issue the traffic complaint.

32 C. If a person fails to respond to a notice of violation or contests
33 responsibility, a uniform traffic ticket and complaint shall be served and
34 filed as otherwise provided in this section, except that the complaint
35 resulting from the state photo enforcement system as defined in section
36 28-1602 shall not be filed in court before the person is personally served
37 with the complaint.

38 D. The supreme court shall establish rules governing the issuance,
39 service and processing of the notice of violation, including rules allowing a
40 person to admit responsibility before a uniform traffic ticket and complaint
41 is filed in court.

1 Sec. 10. Section 28-3001, Arizona Revised Statutes, is amended to
2 read:

3 28-3001. Definitions

4 In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

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

28 4. "Conviction" has the same meaning prescribed in section 28-101 and
29 also means a final conviction or judgment, including an order of a juvenile
30 court finding that a juvenile has violated a provision of this title or has
31 committed a delinquent act that if committed by an adult constitutes any of
32 the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

16 11. "License class" means, for the purpose of determining the
17 appropriate class of driver license required for the type of motor vehicle or
18 vehicle combination a driver intends to operate or is operating, the class of
19 driver license prescribed in section 28-3101.

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

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

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

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

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

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

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

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

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

1 Sec. 11. Section 28-3006, Arizona Revised Statutes, is amended to
2 read:

3 28-3006. Driver license and nonoperating identification license
4 applications; organ donation preference;
5 reimbursement; definition

6 A. The director shall establish procedures:

7 1. To allow a person applying for a driver license, permit or
8 nonoperating identification license pursuant to this chapter to indicate
9 during the application process the person's preference to be an organ OR
10 TISSUE donor. An indication that the applicant wishes to be an organ OR
11 TISSUE donor is considered to be a document of gift.

12 2. For the release of information contained in the driving record of a
13 person who executes a document of gift that indicates a preference to be an
14 organ OR TISSUE donor if the release is for the purpose of being registered
15 in the donor registry maintained pursuant to section 36-858.

16 B. IN CONSULTATION WITH AN ORGAN PROCUREMENT ORGANIZATION OF THIS
17 STATE, THE DIRECTOR MAY PRESCRIBE THE FORM AND CONTENT OF AN INDICIA TO BE
18 PLACED ON A DRIVER LICENSE, PERMIT OR NONOPERATING IDENTIFICATION LICENSE
19 ISSUED BY THE DEPARTMENT INDICATING THE PERSON'S WISHES TO BE AN ORGAN OR
20 TISSUE DONOR.

21 ~~B.~~ C. The department shall not implement this section unless the
22 organ procurement organization that is located in this state and that meets
23 the requirements of section 371 of the public health service act (58 Stat.
24 682; 42 United States Code section 273) provides adequate funding to the
25 department to cover the costs the department will incur in implementing this
26 section.

27 ~~C.~~ D. For the purposes of this section, "document of gift" has the
28 same meaning prescribed in section 36-841.

29 Sec. 12. Section 28-3481, Arizona Revised Statutes, is amended to
30 read:

31 28-3481. Commercial motor vehicle drivers; violations;
32 classification

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

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

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

41 Sec. 13. Section 28-4361, Arizona Revised Statutes, is amended to
42 read:

43 28-4361. License application; criminal records check

44 A. A person shall apply for a license to the director in writing on
45 forms prescribed by the director. The person shall include with the

1 application all documents and bonds required and the annual license fees
2 prescribed by section 28-4302.

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

4 1. The name and residence of either:

5 (a) The applicant.

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

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

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

11 3. The established place of business or the place of business at or
12 from which the applicant will conduct the business.

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

15 5. The business hours of the applicant.

16 6. Other information that the director requires.

17 C. Each applicant WHO OWNS TWENTY PER CENT OR MORE OF AN ENTITY, and
18 each partner, ~~officer, director or agent~~ or each stockholder owning WHO OWNS
19 twenty per cent or more of ~~a corporation~~ AN ENTITY, seeking AND WHO SEEKS a
20 new license shall provide:

21 1. A full set of fingerprints to the department for the purpose of
22 obtaining a state and federal criminal records check pursuant to section
23 41-1750 and Public Law 92-544. The department of public safety may exchange
24 this fingerprint data with the federal bureau of investigation.

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

27 D. If a licensee adds or changes a partner, ~~officer, director or~~
28 ~~agent,~~ or a stockholder who owns twenty per cent or more of the ~~corporation~~
29 ENTITY AND, who was not included in the criminal records check on a prior
30 application, the licensee shall notify the department within thirty days of
31 the change. At the time of notification, an application and, if applicable, a
32 full set of fingerprints and the fee for a criminal records check shall be
33 submitted to the department. If any individual who is added or changed by
34 the licensee is found to be ineligible pursuant to section 28-4365, the
35 director, on completion of the criminal records check, shall advise the
36 licensee and the individual in writing that the license will be revoked,
37 unless the individual is removed from the position, and of the grounds for
38 the action.

39 E. The requirement for a criminal records check:

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

1 2. May not apply if the application is for a subsequent license and
2 ~~the~~ EACH applicant WHO OWNS TWENTY PER CENT OR MORE OF AN ENTITY, and each
3 partner, ~~officer, director or agent~~ or each stockholder owning WHO OWNS
4 twenty per cent or more of ~~a corporation~~ AN ENTITY, either:

5 (a) Have submitted to a criminal records check during the past five
6 years.

7 (b) Are currently licensed under this section.

8 Sec. 14. Section 28-4364, Arizona Revised Statutes, is amended to
9 read:

10 28-4364. Investigations; inspections

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

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

13 2. Inspect, PHYSICALLY OR THROUGH AN ALTERNATE METHOD ESTABLISHED BY
14 THE DIRECTOR, the place from which the applicant proposes to transact
15 business.

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

17 B. The director shall select a date and time to conduct the
18 investigation and inspection as the director determines is reasonable and
19 necessary.

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

24 D. A provisional motor vehicle dealer's or automotive recycler's
25 license is valid unless revoked by the director or until the applicant
26 receives approval or denial of the application for a motor vehicle dealer's
27 or automotive recycler's license.

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

30 Sec. 15. Section 28-4405, Arizona Revised Statutes, is amended to
31 read:

32 28-4405. Display of license; continuation date; late penalty

33 A. A license issued under this chapter:

34 1. Shall be conspicuously displayed in either:

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

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

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

39 B. The director may issue licenses with staggered continuation dates
40 to distribute the continuation workload as uniformly as practicable
41 throughout the twelve months of the calendar year. In order to initiate a
42 staggered license continuation system, the director may issue a license for
43 more or less than a twelve month period, but not more than eighteen months,
44 and may prorate the license fee.

1 C. A MOTOR VEHICLE DEALER LICENSEE SHALL SUBMIT ITS RENEWAL
2 APPLICATION AND APPLICABLE RENEWAL FEES TO THE DEPARTMENT OF TRANSPORTATION
3 ON OR BEFORE THE LICENSE CONTINUATION DATE. FOR THE PURPOSES OF RENEWAL, THE
4 LICENSE 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 ~~C.~~ D. 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. 16. Delayed repeal
17 Title 28, chapter 12, Arizona Revised Statutes, is repealed from and
18 after March 31, 2012.

19 Sec. 17. 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.

33 ~~2.~~ 3. "Authorized third party electronic service provider" means an
34 entity that has executed a written agreement with the department and is
35 authorized by the department to provide electronic transmission services
36 between the department, private citizens, other government agencies and
37 public and private entities in this state or in any other state, territory or
38 country.

39 Sec. 18. Section 28-5101, Arizona Revised Statutes, is amended to
40 read:

41 28-5101. Third party authorization

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

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

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

19 D. The director may furnish necessary documents or license plates
20 subject to this article.

21 E. Except as provided in subsection F of this section, an authorized
22 third party or an authorized third party electronic service provider shall
23 submit to the department all statutorily prescribed fees and taxes it
24 collects. In addition to the statutorily prescribed fees and taxes, an
25 authorized third party or an authorized third party electronic service
26 provider may collect and retain a reasonable and commensurate fee for its
27 services.

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

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

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

35 3. An amount equal to two per cent of each vehicle license tax payment
36 or aircraft license tax payment the authorized third party collects and
37 submits to the department or four dollars for each registration year or part
38 of a registration year, whichever is more. The reimbursement amount shall
39 not exceed the amount of vehicle license tax or aircraft license tax
40 collected.

41 4. Four dollars for each initial, renewal, replacement or duplicate
42 application that the third party processes and that relates to driver
43 licenses, nonoperating identification licenses or permits. An authorized
44 third party may add the cost for expedited processing of renewal, replacement
45 or duplicate applications if requested by the applicant.

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

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

8 7. Five dollars or one-fourth of one per cent of the fuel taxes
9 reported, whichever is greater, for each fuel tax report filed
10 electronically. In fiscal years 2008-2009 through 2012-2013, the maximum
11 annual amount retained each year shall not exceed one million five hundred
12 thousand dollars. Beginning in fiscal year 2013-2014, the maximum annual
13 amount retained each year shall not exceed four hundred eighty thousand
14 dollars.

15 8. One dollar for each fuel tax permit.

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

18 10. One dollar for each abandoned vehicle report processed, except for
19 applications for crushed vehicles.

20 11. One dollar for each abandoned vehicle payment.

21 12. Two dollars for each initial special or personalized license plate
22 application.

23 13. One dollar for each initial, renewal or replacement vehicle dealer
24 license plate.

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

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

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

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

32 G. FOR AUTHORIZED THIRD PARTY ELECTRONIC SERVICE PARTNERS, THE AMOUNT
33 OF COMPENSATION AND THE AMOUNT OF REIMBURSEMENTS FOR TRANSACTIONS SHALL BE
34 NEGOTIATED BY THE DEPARTMENT AND THE AUTHORIZED THIRD PARTY ELECTRONIC
35 SERVICE PARTNER AND SHALL BE SET FORTH IN THE WRITTEN AGREEMENT AUTHORIZING
36 THE THIRD PARTY ELECTRONIC SERVICE PARTNER. IF REIMBURSEMENT IS MADE FOR
37 INDIVIDUAL TRANSACTIONS, THE REIMBURSEMENTS SHALL NOT EXCEED THE AMOUNTS
38 SPECIFIED IN SUBSECTIONS F, H AND I OF THIS SECTION. OTHER FORMS OF
39 COMPENSATION OR REIMBURSEMENTS FOR SERVICES MAY BE SPECIFIED IN THE WRITTEN
40 AGREEMENT. COMPENSATION AND REIMBURSEMENTS PROVIDED FOR BY THE WRITTEN
41 AGREEMENT MAY INCLUDE THE DEVELOPMENT AND IMPLEMENTATION OF INFORMATION
42 TECHNOLOGY AND OTHER AUTOMATED SYSTEMS AND ANY NECESSARY SUPPORT FOR THESE
43 SYSTEMS.

1 C. The director may approve an application for provisional
2 authorization or certification, or both, pending completion of the criminal
3 records check if the applicant meets all other requirements of this article.
4 The director may revoke a provisional authorization or certification, or
5 both, for a violation of this title. A provisional authorization or
6 certification, or both, is valid unless revoked by the director or until the
7 applicant receives approval or denial of the application for authorization or
8 certification, or both.

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

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

18 F. If the authorized third party adds a partner, ~~officer, director or~~
19 ~~agent,~~ or a stockholder who owns twenty per cent or more of the ~~corporation,~~
20 ENTITY AND who was not included in the criminal records check on a prior
21 application, the authorized third party shall notify the department within
22 thirty days of the change.

23 G. At the time of notification pursuant to subsection F of this
24 section, the third party shall submit to the department of transportation an
25 application and, if applicable, a full set of fingerprints and the fee to be
26 paid to the department of public safety for a criminal records check. On
27 completion of the investigation if the individual added or changed by the
28 authorized third party is found to be ineligible pursuant to subsection B of
29 this section, the director of the department of transportation shall advise
30 the authorized third party and the individual in writing of the grounds for
31 the action and that the authorization will be revoked unless the individual
32 is removed from the position.

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

- 35 1. A department, agency or political subdivision of this state.
- 36 2. An Arizona court.
- 37 3. An Arizona law enforcement agency or department.
- 38 4. A financial institution or enterprise under the jurisdiction of the
39 department of financial institutions or a federal monetary authority.
- 40 5. The federal government or any of its agencies.
- 41 6. A motor vehicle dealer that is licensed and bonded by the
42 department of transportation or a state organization of licensed and bonded
43 motor vehicle dealers.
- 44 7. A manufacturer, importer, factory branch or distributor licensed by
45 the department of transportation.

- 1 8. An insurer under the jurisdiction of the department of insurance.
- 2 9. An owner or registrant of a fleet of one hundred or more vehicles.
- 3 10. A public utility.
- 4 11. A tribal government.

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

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

9 Sec. 20. Section 28-5201, Arizona Revised Statutes, as amended by Laws
10 2008, chapter 147, section 3, is amended to read:

11 28-5201. Definitions

12 In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

30 ~~(f)~~ (d) A bus.

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

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

39 2. "Declared gross weight" has the same meaning prescribed in section
40 28-5431. If a declaration has not been made, declared gross weight means
41 gross weight.

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

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

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

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

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

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

18 9. "MOTOR VEHICLE" MEANS ANY VEHICLE, MACHINE, TRUCK, TRACTOR, TRAILER
19 OR SEMITRAILER THAT IS PROPELLED OR DRAWN BY MECHANICAL POWER AND THAT IS
20 USED ON A PUBLIC HIGHWAY IN THE TRANSPORTATION OF PASSENGERS OR PROPERTY IN
21 THE FURTHERANCE OF A COMMERCIAL ENTERPRISE.

22 ~~9.~~ 10. "Person" means a public or private corporation, company,
23 partnership, firm, association or society of persons, the federal government
24 and its departments or agencies, this state or any of its agencies,
25 departments, political subdivisions, counties, towns or municipal
26 corporations or a natural person.

27 ~~10.~~ 11. "Public highway" means a public street, alley, road, highway
28 or thoroughfare of any kind in this state that is used by the public or that
29 is open to the use of the public as a matter of right, for the purpose of
30 vehicular travel.

31 ~~11.~~ 12. "Shipper" means a person who offers a material for motor
32 vehicle transportation in commerce.

33 ~~12.~~ 13. "Transportation" means a movement of person or property by a
34 motor vehicle and any loading, unloading or storage incidental to the
35 movement.

36 ~~13.~~ 14. "Vehicle combination" has the same meaning prescribed in
37 section 28-5431.

38 Sec. 21. Repeal

39 A. Section 28-5201, Arizona Revised Statutes, as amended by Laws 2008,
40 chapter 142, section 9, is repealed.

41 B. Section 28-5204, Arizona Revised Statutes, as amended by Laws 2008,
42 chapter 142, section 10, is repealed.

1 Sec. 22. Section 28-5234, Arizona Revised Statutes, is amended to
2 read:

3 28-5234. Exemption from rules on drivers' qualification and
4 hours of service; definitions

5 A. If the department adopts 49 Code of Federal Regulations parts 390
6 through 397 as a rule, a telecommunications corporation engaged in rendering
7 public utility service or a railroad and its employees whose work necessarily
8 involves the operation of a motor vehicle weighing more than ~~either ten~~
9 ~~thousand pounds unladen weight or twenty~~ EIGHTEEN thousand pounds ~~declared~~
10 gross vehicle weight rating but which operation is only incidental to the
11 performance of their principal nondriving duties and purpose of employment
12 are exempted from compliance with 49 Code of Federal Regulations parts 391
13 and 395, except that 49 Code of Federal Regulations part 391, subparts A and
14 E apply unless it is the practice of the telecommunications corporation
15 engaged in rendering public utility service or the railroad to assign regular
16 drivers, qualified in accordance with 49 Code of Federal Regulations parts
17 390 through 397, to motor vehicles weighing more than ~~either ten thousand~~
18 ~~pounds unladen weight or twenty~~ EIGHTEEN thousand pounds gross vehicle weight
19 rating, and if such driver becomes unavailable or unable to operate the motor
20 vehicle on a given occasion due to an unavoidable or unforeseen circumstance
21 against which provisions could not be reasonably made, compliance with 49
22 Code of Federal Regulations parts 391 and 395 is not required.

23 B. A person who is an employee of a public service corporation, a
24 political subdivision of this state that is engaged in rendering public
25 utility service or a railroad is exempt from any hours of service
26 requirements at any time when relief assistance is needed to supplement state
27 or local efforts and capabilities to save lives, protect against substantial
28 loss of property, protect the public health and safety or lessen or avert the
29 consequence of a catastrophe. If an emergency respondent independently
30 identifies an occasion or instance that jeopardizes life or property or that
31 endangers public health and safety, an emergency situation exists, and the
32 respondent is exempt from any hours of service requirements if the respondent
33 contacts with due diligence and coordinates with state or local officials.

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

37 1. Drivers who are primarily involved in the transportation of
38 groundwater drilling rigs.

39 2. Drivers used primarily in the transportation of construction
40 materials and equipment en route to or from an active construction site that
41 is within a seventy-five air mile radius of the driver's normal work
42 reporting location and is at a stage between initial mobilization of
43 equipment and materials to the site and final completion of the construction
44 project. This paragraph does not apply to drivers transporting hazardous
45 materials in a quantity that requires placarding.

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

9 D. For the purposes of this section:

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

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

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

17 Sec. 23. Section 28-5925, Arizona Revised Statutes, is amended to
18 read:

19 28-5925. Payment; distribution

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

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

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

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

39 E. On payment, the director shall promptly:

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

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

4 F. The director shall deduct all exemptions and refunds before
5 depositing the monies.

6 Sec. 24. Section 28-6991, Arizona Revised Statutes, is amended to
7 read:

8 28-6991. State highway fund; sources

9 A state highway fund is established that consists of:

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

12 2. Monies appropriated by the legislature.

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

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

23 5. Monies received from the United States under an act of Congress to
24 provide aid for the construction of rural post roads, but monies received on
25 projects for which the monies necessary to be provided by this state are
26 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
27 shall be allotted by the department and deposited by the state treasurer in
28 the special account within the fund established for each project. On
29 completion of the project, on the satisfaction and discharge in full of all
30 obligations of any kind created and on request of the department, the
31 treasurer shall transfer the unexpended balance in the special account for
32 the project into the state highway fund, and the unexpended balance and any
33 further federal aid thereafter received on account of the project may be
34 spent under the general provisions of this title.

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

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

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

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

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

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

- 1 12. Except as provided in section 28-5101, the following monies:
2 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
3 subsection B, paragraph 2, subdivision (e).
4 (b) One dollar of each registration fee and one dollar of each title
5 fee collected pursuant to section 28-2003.
6 (c) Two dollars of each late registration penalty collected by the
7 director pursuant to section 28-2162.
8 (d) The air quality compliance fee collected pursuant to section
9 49-542.
10 (e) The special plate administration fees collected pursuant to
11 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through
12 28-2436 and 28-2514.
13 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
14 if the director is the registering officer.
- 15 13. Monies deposited pursuant to chapter 5, article 5 of this title.
16 14. Donations received pursuant to section 28-2269.
17 15. Dealer and registration monies collected pursuant to section
18 28-4304.
19 16. Abandoned vehicle administration monies deposited pursuant to
20 section 28-4804.
21 17. Monies deposited pursuant to section 28-710, subsection D,
22 paragraph 2.
23 18. Monies deposited pursuant to section 28-2065.
24 19. Donations deposited pursuant to section 28-2430.
25 20. Monies deposited pursuant to section 28-7311.
26 21. Monies deposited pursuant to section 28-7059.
27 22. **MONIES DEPOSITED PURSUANT TO SECTION 28-1105.**
- 28 Sec. 25. Section 28-7311, Arizona Revised Statutes, is amended to
29 read:
30 28-7311. Urban and rural logo sign programs; rules; definitions
31 A. The department may establish ~~a~~ **AN URBAN AND A RURAL** logo sign
32 program. Notwithstanding sections 28-648, 28-7048 and 28-7053, as part of
33 the program the department may contract with a third party to install and
34 maintain specific services information signs, known as logo signs, on ~~certain~~
35 ~~portions of the completed~~ **ANY CLASS OF STATE HIGHWAY OR** interstate highway
36 system in this state. **IF THE DEPARTMENT CONTRACTS WITH A THIRD PARTY**, the
37 third party shall agree in the contract to:
38 1. Furnish, install, maintain and replace signs for the benefit of
39 business advertisers who provide gas, food, lodging, twenty-four hour
40 pharmacy service, attraction and camping facilities for the general public.
41 2. Lease advertising space on the signs to operators of the facilities
42 prescribed in paragraph 1 of this subsection.
43 B. ~~In addition to the program established in subsection A of this~~
44 ~~section, the department may establish a rural logo sign program.~~
45 Notwithstanding sections 28-648, 28-7048 and 28-7053, as part of ~~this~~ **THE**

1 RURAL LOGO SIGN program the department may contract with a third party to
2 install and maintain specific services information signs, known as logo
3 signs, on any class of state highway, ~~other than a segment of the~~ OR
4 interstate highway system, located outside of an urbanized area WITH A
5 POPULATION OF ONE HUNDRED THOUSAND OR MORE PERSONS OF THIS STATE. IF THE
6 DEPARTMENT CONTRACTS WITH A THIRD PARTY, the third party shall agree in the
7 contract to:

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

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

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

17 D. The department may enter into a revenue sharing agreement with the
18 third party. The department shall deposit, pursuant to sections 35-146 and
19 35-147, ~~all monies received from the revenue sharing agreement~~ REVENUES
20 GENERATED, LESS PROGRAM OPERATING COSTS, in the state highway fund
21 established by section 28-6991.

22 E. For the purposes of this section:

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

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

28 Sec. 26. Section 28-7701, Arizona Revised Statutes, is amended to
29 read:

30 28-7701. Definitions

31 In this chapter, unless the context otherwise requires:

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

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

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

1 (b) USED BY OR USEFUL TO THE DEPARTMENT, INCLUDING VEHICLE
2 REGISTRATION AND DRIVER LICENSING FACILITIES, OPERATING SYSTEMS AND
3 INFORMATION SYSTEMS.

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

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

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

17 Sec. 27. Section 28-7705, Arizona Revised Statutes, is amended to
18 read:

19 28-7705. Public-private partnership agreements

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

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

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

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

29 (c) Govern enforcement of tolls, including provisions for use of
30 cameras or other mechanisms to ensure that users have paid tolls that are due
31 and provisions that allow the private partner access to relevant databases
32 for enforcement purposes. Misuse of the data contained in the databases,
33 including negligence in securing the data properly, shall result in a civil
34 penalty of ten thousand dollars for each violation. Civil penalties
35 collected pursuant to this subdivision shall be deposited in the state
36 general fund.

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

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

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

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

- 1 5. Specify how the partners will share the costs of development of the
2 project.
- 3 6. Allocate financial responsibility for cost overruns.
- 4 7. Establish the damages to be assessed for nonperformance.
- 5 8. Establish performance criteria or incentives, or both.
- 6 9. Address the acquisition of rights-of-way and other property
7 interests that may be required, including provisions that address the
8 exercise of eminent domain as provided in section 28-7709. This state shall
9 not relinquish its power of eminent domain authority to the private partner.
- 10 10. Establish record keeping, accounting and auditing standards to be
11 used for the project.
- 12 11. For a project that reverts to public ownership, address
13 responsibility for reconstruction or renovations that are required in order
14 for a facility to meet all applicable government standards on reversion of
15 the facility to this state.
- 16 12. Provide for patrolling and law enforcement on public facilities.
- 17 13. Identify any department specifications that must be satisfied,
18 including provisions allowing the private partner to request and receive
19 authorization to deviate from the specifications on making a showing
20 satisfactory to the department.
- 21 14. Require a private partner to provide performance and payment bonds,
22 parent company guarantees, letters of credit or other acceptable ~~form~~ FORMS
23 of security or a combination of any of these, the penal sum or amount of
24 which may be less than one hundred per cent of the value of the contract
25 involved based on the department's determination, made on a
26 facility-by-facility basis, of what is required to adequately protect this
27 state.
- 28 15. Authorize the private partner in any concession agreement to
29 collect user fees, tolls, fares, RENTS, ADVERTISING AND SPONSORSHIP FEES,
30 SERVICE FEES or similar charges to cover its costs and provide for a
31 reasonable rate of return on the private partner's investment, including
32 provisions such as the following:
 - 33 (a) The charges may be collected directly by the private partner or by
34 a third party engaged for that purpose.
 - 35 (b) A formula for the adjustment of user fees, tolls, fares, RENTS,
36 ADVERTISING AND SPONSORSHIP FEES, SERVICE FEES or similar charges during the
37 term of the agreement.
 - 38 (c) For an agreement that does not include a formula described in
39 subdivision (b) of this paragraph, provisions regulating the private
40 partner's return on investment.
 - 41 (d) A variety of traffic management strategies, including:
 - 42 (i) General purpose toll lanes.
 - 43 (ii) High occupancy vehicle lanes where single or low occupancy
44 vehicles may use higher occupancy vehicle lanes by paying a toll.

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

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

7 16. Specify remedies available and dispute resolution procedures,
8 including the right of the private partner to institute legal proceedings to
9 obtain an enforceable judgment or award against the department in the event
10 of a default by the department and procedures for use of dispute review
11 boards, mediation, facilitated negotiation, arbitration and other alternative
12 dispute resolution procedures.

13 17. ALLOW THE DEPARTMENT TO ACQUIRE REAL PROPERTY THAT IS NEEDED FOR
14 AND RELATED TO ELIGIBLE FACILITIES, INCLUDING ACQUISITION BY EXCHANGE FOR
15 OTHER REAL PROPERTY THAT IS OWNED BY THE DEPARTMENT. AN ACQUISITION PURSUANT
16 TO THIS PARAGRAPH IS EXEMPT FROM CHAPTER 20, ARTICLES 6 AND 8 OF THIS TITLE.

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

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

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

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

35 F. The agreement shall contain a provision by which the private
36 partner expressly agrees that it is to be barred from seeking injunctive or
37 other equitable relief to delay, prevent or otherwise hinder the department
38 from developing or constructing any facility that was planned as of the time
39 the public-private partnership agreement was executed and that would or might
40 impact the revenue that the private partner would or might derive from the
41 facility developed under the agreement, except that the agreement may provide
42 for reasonable compensation to the private partner for the adverse effect on
43 toll revenues or other user fee revenues resulting from development and
44 construction of an unplanned revenue impacting facility.

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

3 H. Any foreign private entity that enters into an agreement with the
4 department pursuant to this section must provide satisfactory evidence to the
5 board that the foreign entity is in compliance with the requirements of title
6 10, chapter 38.

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

9 Sec. 28. Section 28-7706, Arizona Revised Statutes, is amended to
10 read:

11 28-7706. Funding and financing

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

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

16 2. Grants, loans, loan guarantees, lines of credit, revolving lines of
17 credit or other arrangements available under the transportation
18 infrastructure finance and innovation act of 1998 (P.L. 105-178; 112 Stat.
19 241; 23 United States Code sections 601 through 610) or any other federal or
20 state law.

21 3. Federal, state or local revenues.

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

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

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

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

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

36 D. The department may accept from the United States or any of its
37 agencies monies that are available to this state or to any other unit of
38 government for carrying out the purposes of this chapter, whether the monies
39 are made available by grant, loan or other financing arrangement. The
40 department may enter into agreements and other arrangements with the United
41 States or any of its agencies as may be necessary, proper and convenient for
42 carrying out this chapter.

43 E. The department may accept from any source any grant, donation, gift
44 or other form of conveyance of land, money, other real or personal property

1 or other valuable thing made to this state, the department or a local
2 government for carrying out this chapter.

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

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

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

13 Sec. 29. Section 32-2352, Arizona Revised Statutes, is amended to
14 read:

15 32-2352. Enforcement; contract with private entity

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

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

23 C. The director may contract with a private entity to conduct
24 inspections pursuant to this section and to administer any rules adopted
25 pursuant to this section that relate to the licensure and administration of
26 ~~traffic survival schools~~ PROFESSIONAL DRIVER TRAINING SCHOOLS pursuant to
27 this chapter. The term of any contract entered into pursuant to this
28 subsection shall not exceed five years with a right to renew for an
29 additional five years. The private entity that contracts with the director
30 pursuant to this subsection:

31 1. Shall not provide ~~traffic survival school~~ PROFESSIONAL DRIVER
32 TRAINING SCHOOL courses.

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

35 Sec. 30. Section 32-2371, Arizona Revised Statutes, is amended to
36 read:

37 32-2371. License for schools; requirements; fingerprint
38 clearance card

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

43 B. Rules adopted by the director shall state the requirements for a
44 school license, including requirements concerning location, equipment,
45 courses of instruction, instructors, previous records of the school and

1 instructors, schedule of fees and charges, character and reputation of the
2 operators and instructors, insurance in such sum and with such provisions as
3 the director deems necessary to protect adequately the interests of the
4 public, and such other matters as the director may prescribe for the
5 protection of the public.

6 C. AN APPLICANT, AND EACH PARTNER OR EACH STOCKHOLDER OWNING TWENTY
7 PER CENT OR MORE OF A CORPORATION, SEEKING LICENSURE PURSUANT TO THIS CHAPTER
8 SHALL PROVIDE THE DEPARTMENT OR A CONTRACTED PRIVATE ENTITY OF THE DEPARTMENT
9 PURSUANT TO SECTION 32-2352 WITH A VALID FINGERPRINT CLEARANCE CARD ISSUED
10 PURSUANT TO SECTION 41-1758.03.

11 Sec. 31. Section 41-619.51, Arizona Revised Statutes, is amended to
12 read:

13 41-619.51. Definitions

14 In this article, unless the context otherwise requires:

15 1. "Agency" means the supreme court, the department of economic
16 security, the department of education, the department of health services, the
17 department of juvenile corrections, the department of emergency and military
18 affairs, THE DEPARTMENT OF TRANSPORTATION, the state real estate department
19 or the board of examiners of nursing care institution administrators and
20 assisted living facility managers.

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

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

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

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

- 29 (a) Section 8-105.
- 30 (b) Section 8-322.
- 31 (c) Section 8-509.
- 32 (d) Section 8-802.
- 33 (e) Section 15-183.
- 34 (f) Section 15-534.
- 35 (g) Section 15-1330.
- 36 (h) Section 15-1881.
- 37 (i) Section 26-103.
- 38 (j) SECTION 32-2371.
- 39 ~~(j)~~ (k) Section 32-2108.01.
- 40 ~~(k)~~ (l) Section 32-2123.
- 41 ~~(l)~~ (m) Section 36-411.
- 42 ~~(m)~~ (n) Section 36-425.03.
- 43 ~~(n)~~ (o) Section 36-446.04.
- 44 ~~(o)~~ (p) Section 36-594.01.
- 45 ~~(p)~~ (q) Section 36-594.02.

1 ~~(q)~~ (r) Section 36-882.
2 ~~(r)~~ (s) Section 36-883.02.
3 ~~(s)~~ (t) Section 36-897.01.
4 ~~(t)~~ (u) Section 36-897.03.
5 ~~(u)~~ (v) Section 36-3008.
6 ~~(v)~~ (w) Section 41-619.53.
7 ~~(w)~~ (x) Section 41-1964.
8 ~~(x)~~ (y) Section 41-1967.01.
9 ~~(y)~~ (z) Section 41-1968.
10 ~~(z)~~ (aa) Section 41-1969.
11 ~~(aa)~~ (bb) Section 41-2814.
12 ~~(bb)~~ (cc) Section 46-141, subsection A.
13 ~~(cc)~~ (dd) Section 46-321.
14 Sec. 32. Section 41-1758, Arizona Revised Statutes, is amended to
15 read:
16 41-1758. Definitions
17 In this article, unless the context otherwise requires:
18 1. "Agency" means the supreme court, the department of economic
19 security, the department of education, the department of health services, the
20 department of juvenile corrections, the department of emergency and military
21 affairs, THE DEPARTMENT OF TRANSPORTATION, the state real estate department,
22 the board of fingerprinting or the board of examiners of nursing care
23 institution administrators and assisted living facility managers.
24 2. "Division" means the fingerprinting division in the department of
25 public safety.
26 3. "Good cause exception" means the issuance of a valid fingerprint
27 clearance card to an employee pursuant to section 41-619.55.
28 4. "Person" means a person who is required to be fingerprinted
29 pursuant to any of the following:
30 (a) Section 8-105.
31 (b) Section 8-322.
32 (c) Section 8-509.
33 (d) Section 8-802.
34 (e) Section 15-183.
35 (f) Section 15-503.
36 (g) Section 15-512.
37 (h) Section 15-534.
38 (i) Section 15-1330.
39 (j) Section 15-1881.
40 (k) Section 26-103.
41 (l) Section 32-2108.01.
42 (m) Section 32-2123.
43 (n) SECTION 32-2371.
44 ~~(n)~~ (o) Section 36-411.
45 ~~(o)~~ (p) Section 36-425.03.

1 ~~(p)~~ (q) Section 36-446.04.
2 ~~(q)~~ (r) Section 36-594.01.
3 ~~(r)~~ (s) Section 36-594.02.
4 ~~(s)~~ (t) Section 36-882.
5 ~~(t)~~ (u) Section 36-883.02.
6 ~~(u)~~ (v) Section 36-897.01.
7 ~~(v)~~ (w) Section 36-897.03.
8 ~~(w)~~ (x) Section 36-3008.
9 ~~(x)~~ (y) Section 41-619.52.
10 ~~(y)~~ (z) Section 41-619.53.
11 ~~(z)~~ (aa) Section 41-1964.
12 ~~(aa)~~ (bb) Section 41-1967.01.
13 ~~(bb)~~ (cc) Section 41-1968.
14 ~~(cc)~~ (dd) Section 41-1969.
15 ~~(dd)~~ (ee) Section 41-2814.
16 ~~(ee)~~ (ff) Section 46-141, subsection A.
17 ~~(ff)~~ (gg) Section 46-321.
18 5. "Vulnerable adult" has the same meaning prescribed in section
19 13-3623.
20 Sec. 33. Section 41-1758.01, Arizona Revised Statutes, is amended to
21 read:
22 41-1758.01. Fingerprinting division; duties
23 The fingerprinting division is established in the department of public
24 safety and shall:
25 1. Conduct fingerprint background checks for persons and applicants
26 who are seeking licenses from state agencies, employment with licensees,
27 contract providers and state agencies or employment or educational
28 opportunities with agencies that require fingerprint background checks
29 pursuant to sections 8-105, 8-322, 8-509, 8-802, 15-183, 15-503, 15-512,
30 15-534, 15-1330, 15-1881, 26-103, 32-2108.01, 32-2123, 32-2371, 36-411,
31 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01,
32 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968,
33 41-1969 and 41-2814, section 46-141, subsection A and section 46-321.
34 2. Issue valid fingerprint clearance cards. On issuance, a valid
35 fingerprint clearance card becomes the personal property of the cardholder
36 and the cardholder shall retain possession of the valid fingerprint clearance
37 card.
38 3. On submission of an application for a valid fingerprint clearance
39 card, collect the fees established by the board of fingerprinting pursuant to
40 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
41 monies collected in the board of fingerprinting fund.
42 4. Inform in writing each person who submits fingerprints for a
43 fingerprint background check of the person's right to petition the board of
44 fingerprinting for a good cause exception pursuant to sections 41-1758.03 and
45 41-1758.07.

1 5. Administer and enforce this article.

2 Sec. 34. Section 44-282, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

31 E. A LICENSEE SHALL SUBMIT ITS RENEWAL APPLICATION AND APPLICABLE
32 RENEWAL FEES TO THE DEPARTMENT OF FINANCIAL INSTITUTIONS ON OR BEFORE THE
33 LICENSE CONTINUATION DATE. FOR THE PURPOSES OF RENEWAL, THE LICENSE
34 CONTINUATION DATE IS AS FOLLOWS:

35 1. IF THE LICENSEE IS ALSO A LICENSED MOTOR VEHICLE DEALER PURSUANT TO
36 TITLE 28, CHAPTER 10, THE DATE PRESCRIBED BY THE INITIAL LICENSING
37 DEPARTMENT, EITHER THE DEPARTMENT OF TRANSPORTATION OR THE DEPARTMENT OF
38 FINANCIAL INSTITUTIONS.

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

42 F. A penalty of twenty-five dollars per day shall be assessed against
43 any licensee for each day after ~~July 1~~ THE LICENSE CONTINUATION DATE that ~~his~~
44 THE LICENSEE'S renewal application and fee are not received by the department
45 OF FINANCIAL INSTITUTIONS. Licenses not renewed ~~by September 15 are~~

1 ~~automatically cancelled~~ WITHIN THIRTY DAYS AFTER THEIR LICENSE CONTINUATION
2 DATE EXPIRE.

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

9 ~~E.~~ H. ~~Upon~~ ON the filing of the application and the payment of the
10 required fee the administrator shall issue a license to the applicant to
11 engage in the business of a sales finance company or dealer under and in
12 accordance with ~~the provisions of~~ this article. All licenses issued under
13 this article shall remain in full force and effect until surrendered,
14 revoked, suspended or canceled by failure to renew under ~~the provisions of~~
15 this article. No licensee shall transact any business provided for by this
16 article under any other name.

17 ~~F.~~ I. A license is not transferable or assignable and control of a
18 licensee may not be acquired through a stock purchase or any other device
19 without the prior written consent of the administrator. Written consent
20 shall not be given if the administrator finds that any of the grounds for
21 denial, revocation or suspension of a license as set forth in section 44-283
22 are applicable to the acquiring person. For the purposes of this subsection,
23 "control" means the power to vote more than twenty per cent of the
24 outstanding voting shares of a licensed corporation, partnership, association
25 or trust.

26 ~~G.~~ J. A person doing business under the laws of this state or the
27 United States as a bank, savings bank, savings and loan association or credit
28 union is exempt from the licensing requirements of this section but shall
29 comply with all other requirements of this chapter, except that affiliates of
30 banks, savings banks, savings and loan associations or credit unions shall
31 comply with this section. For the purposes of this subsection, "affiliate"
32 means an entity ~~which~~ that directly or indirectly, through one or more
33 intermediaries, controls, is controlled by or is under common control with
34 the entity specified.

35 Sec. 35. Current third party electronic service agreement

36 Notwithstanding section 28-5101, Arizona Revised Statutes, as amended
37 by this act, any agreement or authorization between the department of
38 transportation and a third party electronic service provider or partner
39 pursuant to title 28, chapter 13, article 1, Arizona Revised Statutes, that
40 is in effect on the effective date of this act continues in effect according
41 to its terms.

42 Sec. 36. Effective date

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