

REFERENCE TITLE: process servers; privileges; records; assault

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HB 2341

Introduced by
Representatives Jones, Pancrazi: Judd, Urie, Vogt

AN ACT

AMENDING SECTIONS 11-445, 11-483, 11-484, 13-1204, 16-153, 28-454 AND 28-455,
ARIZONA REVISED STATUTES; RELATING TO PROCESS SERVERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 11-445, Arizona Revised Statutes, is amended to
3 read:
4 11-445. Fees chargeable in civil actions by sheriffs,
5 constables and private process servers; authority of
6 private process servers; background investigation;
7 constables' logs
8 A. The sheriff shall receive the following fees in civil actions:
9 1. For serving each true copy of the original summons in a civil suit,
10 sixteen dollars, except that the sheriff shall not charge a fee for service
11 of any document pursuant to section 13-3602 or any injunction against
12 harassment pursuant to section 12-1809 if the court indicates the injunction
13 arises out of a dating relationship.
14 2. For summoning each witness, sixteen dollars.
15 3. For levying and returning each writ of attachment or claim and
16 delivery, forty-eight dollars.
17 4. For taking and approving each bond and returning it to the proper
18 court when necessary, twelve dollars.
19 5. For endorsing the forfeiture of any bond required to be endorsed by
20 him, twelve dollars.
21 6. For levying each execution, twenty-four dollars.
22 7. For returning each execution, sixteen dollars.
23 8. For executing and returning each writ of possession or restitution,
24 forty-eight dollars plus a rate of forty dollars per hour per deputy or
25 constable for the actual time spent in excess of three hours.
26 9. For posting the advertisement for sale under execution, or any
27 order of sale, twelve dollars.
28 10. For posting or serving any notice, process, writ, order, pleading
29 or paper required or permitted by law, not otherwise provided for, sixteen
30 dollars except that posting for a writ of restitution shall not exceed ten
31 dollars.
32 11. For executing a deed to each purchaser of real property under
33 execution or order of sale, twenty-four dollars.
34 12. For executing a bill of sale to each purchaser of real and personal
35 property under an execution or order of sale, when demanded by the purchaser,
36 sixteen dollars.
37 13. For services in designating a homestead or other exempt property,
38 twelve dollars.
39 14. For receiving and paying money on redemption and issuing a
40 certificate of redemption, twenty-four dollars.
41 15. For serving and returning each writ of garnishment and related
42 papers, forty dollars.
43 16. For the preparation, including notarization, of each affidavit of
44 service or other document pertaining to service, eight dollars.

1 17. For every writ served on behalf of a justice of the peace, a fee
2 established by the board of supervisors not to exceed five dollars per writ.
3 Monies collected from the writ fees shall be deposited in the constable
4 ethics standards and training fund established by section 22-138.

5 B. The sheriff shall also collect the appropriate recording fees if
6 applicable and other appropriate disbursements.

7 C. The sheriff may charge:

8 1. Fifty-six dollars plus disbursements for any skip tracing services
9 performed.

10 2. A reasonable fee for executing a civil arrest warrant ordered
11 pursuant to court rule by a judge or justice of the peace. The fee shall
12 only be charged to the party requesting the issuance of the civil arrest
13 warrant.

14 3. A reasonable fee for storing personal property levied on pursuant
15 to title 12, chapter 9.

16 D. For traveling to serve or on each attempt to serve civil process,
17 writs, orders, pleadings or papers, the sheriff shall receive two dollars
18 forty cents for each mile actually and necessarily traveled but, in any
19 event, not to exceed two hundred miles, nor to be less than sixteen dollars.
20 Mileage shall be charged one way only. For service made or attempted at the
21 same time and place, regardless of the number of parties or the number of
22 papers so served or attempted, only one charge for travel fees shall be made
23 for such service or attempted service.

24 E. For collecting money on an execution when it is made by sale, the
25 sheriff and the constable shall receive eight dollars for each one hundred
26 dollars or major portion thereof not to exceed a total of two thousand
27 dollars, but when money is collected by the sheriff without a sale, only
28 one-half of such fee shall be allowed. When satisfaction or partial
29 satisfaction of a judgment is received by the judgment creditor after the
30 sheriff or constable has received an execution on the judgment, the
31 commission is due the sheriff or constable and is established by an affidavit
32 of the judgment creditor filed with the officer. If the affidavit is not
33 lodged with the officer within thirty days of the request, the commission
34 shall be based on the total amount of judgment due as billed by the officer
35 and may be collected as any other debt by that officer.

36 F. The sheriff shall be allowed for all process issued from the
37 supreme court and served by the sheriff the same fees as are allowed the
38 sheriff for similar services on process issued from the superior court.

39 G. The constable shall receive the same fees as the sheriff for
40 performing the same services in civil actions, except that mileage shall be
41 computed from the office of the justice of the peace originating the civil
42 action to the place of service.

43 H. Notwithstanding subsection G of this section, in a county with a
44 population of more than three million persons, if an office of a justice of
45 the peace is located outside of the precinct boundaries, the mileage for a

1 constable shall be calculated pursuant to subsection D of this section,
2 except that the distance between the precinct boundaries and the office of
3 the justice of the peace, as determined by the county and certified by the
4 board of supervisors of that county, shall be subtracted from the mileage
5 calculation. This certified mileage calculation shall be transmitted to the
6 justice courts and the clerks of those courts shall calculate the mileage
7 between the office of the justice of the peace and the location where the
8 civil process, writ, order, pleading or paper was served and reduce the
9 mileage used to calculate the mileage fee according to the certified mileage
10 calculation for that respective jurisdiction.

11 I. Private process servers duly appointed or registered pursuant to
12 rules established by the supreme court may serve all process, writs, orders,
13 pleadings or papers required or permitted by law to be served before, during
14 or independently of a court action, including all such as are required or
15 permitted to be served by a sheriff or constable, except writs or orders
16 requiring the service officer to sell, deliver or take into the officer's
17 custody persons or property, or as may otherwise be limited by rule
18 established by the supreme court. A private process server is an officer of
19 the court. As a condition of registration, the supreme court shall require
20 each private process server applicant to furnish a full set of fingerprints
21 to enable a criminal background investigation to be conducted to determine
22 the suitability of the applicant. The completed applicant fingerprint card
23 shall be submitted with the fee prescribed in section 41-1750 to the
24 department of public safety. The applicant shall bear the cost of obtaining
25 the applicant's criminal history record information. The cost shall not
26 exceed the actual cost of obtaining the applicant's criminal history record
27 information. Applicant criminal history records checks shall be conducted
28 pursuant to section 41-1750 and Public Law 92-544. The department of public
29 safety is authorized to exchange the submitted applicant fingerprint card
30 information with the federal bureau of investigation for a federal criminal
31 records check. A private process server may charge such fees for services as
32 may be agreed on between the process server and the party engaging the
33 process server. **IN THE PERFORMANCE OF ATTEMPTING TO SERVE OR WHILE SERVING
34 PROCESS, A DULY APPOINTED OR REGISTERED PROCESS SERVER IS AUTHORIZED AND
35 PRIVILEGED TO ENTER AND REMAIN LAWFULLY:**

- 36 1. ON REAL PROPERTY.
37 2. UNANNOUNCED IN A PLANNED COMMUNITY OR CONDOMINIUM ASSOCIATION THAT
38 IS GUARDED OR GATED.

39 J. Constables shall maintain a log of work related activities
40 including a listing of all processes served and the number of processes
41 attempted to be served by case number, the names of the plaintiffs and
42 defendants, the names and addresses of the persons to be served except as
43 otherwise precluded by law, the date of process and the daily mileage.

44 K. The log maintained in subsection J of this section is a public
45 record and shall be made available by the constable at the constable's office

1 during regular office hours. Copies of the log shall be filed monthly with
2 the clerk of the justice court and with the clerk of the board of
3 supervisors.

4 Sec. 2. Section 11-483, Arizona Revised Statutes, is amended to read:
5 11-483. Records maintained by county recorder; confidentiality;
6 definitions

7 A. Notwithstanding any other provision of this article, in any county
8 an eligible person may request that the general public be prohibited from
9 accessing the unique identifier and the recording date contained in indexes
10 of recorded instruments maintained by the county recorder and may request the
11 county recorder to prohibit access to that person's residential address and
12 telephone number contained in instruments or writings recorded by the county
13 recorder.

14 B. An eligible person may request this action by filing an affidavit
15 that states all of the following on an application form developed by the
16 administrative office of the courts in agreement with an association of
17 counties, an organization of peace officers and the motor vehicle division of
18 the department of transportation:

19 1. The person's full legal name and residential address.

20 2. The full legal description and parcel number of the person's
21 property.

22 3. The position the person currently holds and a description of the
23 person's duties, except that an eligible person who is protected under an
24 order of protection or injunction against harassment shall instead attach a
25 copy of the order of protection or injunction against harassment.

26 4. The reasons the person reasonably believes that the person's life
27 or safety or that of another person is in danger and that restricting access
28 pursuant to this section will serve to reduce the danger.

29 5. The document locator number and recording date of each instrument
30 for which the person requests access restriction pursuant to this section.

31 6. A copy of pages from each instrument that includes the document
32 locator number and the person's full legal name and residential address or
33 full legal name and telephone number.

34 C. If an eligible person is also requesting pursuant to section 11-484
35 that the general public be prohibited from accessing records maintained by
36 the county assessor and county treasurer, the eligible person may combine the
37 request pursuant to subsection B of this section with the request pursuant to
38 section 11-484 by filing one affidavit. The affidavit and subsequent action
39 by the appropriate authorities shall meet all of the requirements of this
40 section and section 11-484.

41 D. The affidavit shall be filed with the presiding judge of the
42 superior court in the county in which the affiant resides. To prevent a
43 multiplicity of filings, an eligible person who is a peace officer, public
44 defender, prosecutor, code enforcement officer, corrections or detention
45 officer, corrections support staff member or law enforcement support staff

1 member shall deliver the affidavit to the peace officer's commanding officer,
2 or to the head of the prosecuting, public defender, code enforcement, law
3 enforcement, corrections or detention agency, as applicable, or that person's
4 designee, who shall file the affidavits at one time. In the absence of an
5 affidavit that contains a request for immediate action and that is supported
6 by facts justifying an earlier presentation, the commanding officer, or the
7 head of the prosecuting, public defender, code enforcement, law enforcement,
8 corrections or detention agency, as applicable, or that person's designee,
9 shall not file affidavits more often than quarterly.

10 E. On receipt of an affidavit or affidavits, the presiding judge of
11 the superior court shall file with the clerk of the superior court a petition
12 on behalf of all requesting affiants. Each affidavit presented shall be
13 attached to the petition. In the absence of an affidavit that contains a
14 request for immediate action and that is supported by facts justifying an
15 earlier consideration, the presiding judge may accumulate affidavits and file
16 a petition at the end of each quarter.

17 F. The presiding judge of the superior court shall review the petition
18 and each attached affidavit to determine whether the action requested by each
19 affiant should be granted. If the presiding judge of the superior court
20 concludes that the action requested by the affiant will reduce a danger to
21 the life or safety of the affiant or another person, the presiding judge of
22 the superior court shall order that the county recorder prohibit access for
23 five years to the affiant's residential address and telephone number
24 contained in instruments or writings recorded by the county recorder and made
25 available on the internet. If the presiding judge of the superior court
26 concludes that the affiant or another person is in actual danger of physical
27 harm from a person or persons with whom the affiant has had official dealings
28 and that action pursuant to this section will reduce a danger to the life or
29 safety of the affiant or another person, the presiding judge of the superior
30 court shall order that the general public be prohibited for five years from
31 accessing the unique identifier and the recording date contained in indexes
32 of recorded instruments maintained by the county recorder and identified
33 pursuant to subsection B of this section.

34 G. On motion to the court, if the presiding judge of the superior
35 court concludes that an instrument or writing recorded by the county recorder
36 has been redacted or sealed in error, that the original affiant no longer
37 lives at the address listed in the original affidavit, that the cause for the
38 original affidavit no longer exists or that temporary access to the
39 instrument or writing is needed, the presiding judge may temporarily stay or
40 permanently vacate all or part of the court order prohibiting public access
41 to the recorded instrument or writing.

42 H. On entry of the court order, the clerk of the superior court shall
43 file the court order and a copy of the affidavit required by subsection B of
44 this section with the county recorder. No more than ten days after the date
45 on which the county recorder receives the court order, the county recorder

1 shall restrict access to the information as required by subsection F of this
2 section.

3 I. If the court denies an affiant's request pursuant to this section,
4 the affiant may request a court hearing. The hearing shall be conducted by
5 the court in the county where the petition was filed.

6 J. The county recorder shall remove the restrictions on all records
7 restricted pursuant to this section by January 5 in the year after the court
8 order expires. The county recorder shall send by mail one notification to
9 either the **CERTIFIED PROCESS SERVER**, peace officer, public defender,
10 prosecutor, code enforcement officer, corrections or detention officer,
11 corrections support staff member or law enforcement support staff member or
12 the employing agency of a peace officer, public defender, prosecutor, code
13 enforcement officer, corrections or detention officer, corrections support
14 staff member or law enforcement support staff member who was granted an order
15 pursuant to this section of the order's expiration date at least six months
16 before the expiration date. If the notice is sent to the employing agency,
17 the employing agency shall immediately notify the person who was granted the
18 order of the upcoming expiration date. The county recorder may coordinate
19 with the county assessor and county treasurer to prevent multiple notices
20 from being sent to the same person.

21 K. To include subsequent recordings in the court order, the eligible
22 person shall present to the county recorder at the time of recordation a
23 certified copy of the court order or shall provide to the county recorder the
24 recording number of the court order. The county recorder shall ensure that
25 public access shall be restricted pursuant to subsection A of this section.

26 L. This section shall not be interpreted to restrict access to public
27 records for the purposes of perfecting a lien pursuant to title 12, chapter
28 9, article 2.

29 M. This section does not prohibit access to the records of the county
30 recorder by parties to the instrument, a law enforcement officer performing
31 the officer's official duties pursuant to subsection N of this section, a
32 title insurer, a title insurance agent or an escrow agent licensed by the
33 department of insurance or the department of financial institutions.

34 N. A law enforcement officer is deemed to be performing the officer's
35 official duties if the officer provides a subpoena, court order or search
36 warrant for the records.

37 O. For the purposes of this section:

38 1. **"CERTIFIED PROCESS SERVER" MEANS ANY OFFICER OF THE COURT WHO IS**
39 **CERTIFIED TO PERFORM SERVICE OF PROCESS.**

40 ~~1.~~ 2. "Code enforcement officer" means a person who is employed by a
41 state or local government and whose duties include performing field
42 inspections of buildings, structures or property to ensure compliance with
43 and enforce national, state and local laws, ordinances and codes.

44 ~~2.~~ 3. "Commissioner" means a commissioner of the superior court.

1 ~~3-~~ 4. "Corrections support staff member" means an adult or juvenile
2 corrections employee who has direct contact with inmates.

3 ~~4-~~ 5. "Eligible person" means a **CERTIFIED PROCESS SERVER**, peace
4 officer, justice, judge, commissioner, public defender, prosecutor, code
5 enforcement officer, adult or juvenile corrections officer, corrections
6 support staff member, probation officer, member of the board of executive
7 clemency, law enforcement support staff member, national guard member who is
8 acting in support of a law enforcement agency, person who is protected under
9 an order of protection or injunction against harassment or firefighter who is
10 assigned to the Arizona counterterrorism center in the department of public
11 safety.

12 ~~5-~~ 6. "Indexes" means only those indexes that are maintained by and
13 located in the office of the county recorder, that are accessed
14 electronically and that contain information beginning from and after January
15 1, 1987.

16 ~~6-~~ 7. "Judge" means a judge of the United States district court, the
17 United States court of appeals, the United States magistrate court, the
18 United States bankruptcy court, the Arizona court of appeals, the superior
19 court or a municipal court.

20 ~~7-~~ 8. "Justice" means a justice of the United States or Arizona
21 supreme court or a justice of the peace.

22 ~~8-~~ 9. "Law enforcement support staff member" means a person who
23 serves in the role of an investigator or prosecutorial assistant in an agency
24 that investigates or prosecutes crimes, who is integral to the investigation
25 or prosecution of crimes and whose name or identity will be revealed in the
26 course of public proceedings.

27 ~~9-~~ 10. "Peace officer" means any person vested by law, or formerly
28 vested by law, with a duty to maintain public order and make arrests.

29 ~~10-~~ 11. "Prosecutor" means a county attorney, a municipal prosecutor,
30 the attorney general or a United States attorney and includes an assistant or
31 deputy United States attorney, county attorney, municipal prosecutor or
32 attorney general.

33 ~~11-~~ 12. "Public defender" means a federal public defender, county
34 public defender, county legal defender or county contract indigent defense
35 counsel and includes an assistant or deputy federal public defender, county
36 public defender or county legal defender.

37 Sec. 3. Section 11-484, Arizona Revised Statutes, is amended to read:
38 11-484. Records maintained by county assessor and county
39 treasurer; redaction; definitions

40 A. Notwithstanding any other provision of this article, in any county
41 an eligible person may request that the general public be prohibited from
42 accessing that person's residential address and telephone number that are
43 contained in instruments, writings and information maintained by the county
44 assessor and the county treasurer.

1 B. An eligible person may request this action by filing an affidavit
2 that states all of the following on an application form developed by the
3 administrative office of the courts in agreement with an association of
4 counties, an organization of peace officers and the motor vehicle division of
5 the department of transportation:

6 1. The person's full legal name and residential address.

7 2. The full legal description and parcel number of the person's
8 property.

9 3. The position the person currently holds and a description of the
10 person's duties, except that an eligible person who is protected under an
11 order of protection or injunction against harassment shall attach a copy of
12 the order of protection or injunction against harassment.

13 4. The reasons the person reasonably believes that the person's life
14 or safety or that of another person is in danger and that redacting the
15 residential address and telephone number will serve to reduce the danger.

16 C. If an eligible person is also requesting pursuant to section 11-483
17 that the general public be prohibited from accessing records maintained by
18 the county recorder, the eligible person may combine the request pursuant to
19 subsection B of this section with the request pursuant to section 11-483 by
20 filing one affidavit. The affidavit and subsequent action by the appropriate
21 authorities shall meet all of the requirements of this section and section
22 11-483.

23 D. The affidavit shall be filed with the presiding judge of the
24 superior court in the county in which the affiant resides. To prevent a
25 multiplicity of filings, an eligible person who is a peace officer, public
26 defender, prosecutor, code enforcement officer, corrections or detention
27 officer, corrections support staff member or law enforcement support staff
28 member shall deliver the affidavit to the peace officer's commanding officer,
29 or to the head of the prosecuting, public defender, code enforcement, law
30 enforcement, corrections or detention agency, as applicable, or that person's
31 designee, who shall file the affidavits at one time. In the absence of an
32 affidavit that contains a request for immediate action and that is supported
33 by facts justifying an earlier presentation, the commanding officer, or the
34 head of the prosecuting, public defender, code enforcement, law enforcement,
35 corrections or detention agency, as applicable, or that person's designee,
36 shall not file affidavits more often than quarterly.

37 E. On receipt of an affidavit or affidavits, the presiding judge of
38 the superior court shall file with the clerk of the superior court a petition
39 on behalf of all requesting affiants. Each affidavit presented shall be
40 attached to the petition. In the absence of an affidavit that contains a
41 request for immediate action and that is supported by facts justifying an
42 earlier consideration, the presiding judge may accumulate affidavits and file
43 a petition at the end of each quarter.

44 F. The presiding judge of the superior court shall review the petition
45 and each attached affidavit to determine whether the action requested by each

1 affiant should be granted. If the presiding judge of the superior court
2 concludes that the action requested by the affiant will reduce a danger to
3 the life or safety of the affiant or another person, the presiding judge of
4 the superior court shall order the redaction of the affiant's residential
5 address and telephone number that are contained in instruments, writings and
6 information maintained by the county assessor and the county treasurer. The
7 redaction shall be in effect for five years.

8 G. On motion to the court, if the presiding judge of the superior
9 court concludes that an instrument or writing maintained by the county
10 assessor or the county treasurer has been redacted or sealed in error, that
11 the original affiant no longer lives at the address listed in the original
12 affidavit, that the cause for the original affidavit no longer exists or that
13 temporary access to the instrument or writing is needed, the presiding judge
14 may temporarily stay or permanently vacate all or part of the court order
15 prohibiting public access to the instrument or writing.

16 H. On entry of the court order, the clerk of the superior court shall
17 file the court order and a copy of the affidavit required by subsection B of
18 this section with the county assessor and the county treasurer. No more than
19 ten days after the date on which the county assessor and the county treasurer
20 receive the court order, the county assessor and the county treasurer shall
21 restrict access to the information as required by subsection F of this
22 section.

23 I. If the court denies an affiant's request pursuant to this section,
24 the affiant may request a court hearing. The hearing shall be conducted by
25 the court in the county where the petition was filed.

26 J. The county assessor and the county treasurer shall remove the
27 restrictions on all records that are redacted pursuant to this section by
28 January 5 in the year after the court order expires. The county assessor or
29 the county treasurer shall send by mail one notification to either the
30 **CERTIFIED PROCESS SERVER**, peace officer, public defender, prosecutor, code
31 enforcement officer, corrections or detention officer, corrections support
32 staff member or law enforcement support staff member or the employing agency
33 of a peace officer, public defender, prosecutor, code enforcement officer,
34 corrections or detention officer, corrections support staff member or law
35 enforcement support staff member who was granted an order pursuant to this
36 section of the order's expiration date at least six months before the
37 expiration date. If the notice is sent to the employing agency, the
38 employing agency shall immediately notify the person who was granted the
39 order of the upcoming expiration date. The county assessor or county
40 treasurer may coordinate with the county recorder to prevent multiple notices
41 from being sent to the same person.

42 K. For the purposes of this section:

43 1. **"CERTIFIED PROCESS SERVER" MEANS ANY OFFICER OF THE COURT WHO IS**
44 **CERTIFIED TO PERFORM SERVICE OF PROCESS.**

1 ~~1-~~ 2. "Code enforcement officer" means a person who is employed by a
2 state or local government and whose duties include performing field
3 inspections of buildings, structures or property to ensure compliance with
4 and enforce national, state and local laws, ordinances and codes.

5 ~~2-~~ 3. "Commissioner" means a commissioner of the superior court.

6 ~~3-~~ 4. "Corrections support staff member" means an adult or juvenile
7 corrections employee who has direct contact with inmates.

8 ~~4-~~ 5. "Eligible person" means a **CERTIFIED PROCESS SERVER**, peace
9 officer, justice, judge, commissioner, public defender, prosecutor, code
10 enforcement officer, adult or juvenile corrections officer, corrections
11 support staff member, probation officer, member of the board of executive
12 clemency, law enforcement support staff member, national guard member who is
13 acting in support of a law enforcement agency, person who is protected under
14 an order of protection or injunction against harassment or firefighter who is
15 assigned to the Arizona counterterrorism center in the department of public
16 safety.

17 ~~5-~~ 6. "Judge" means a judge of the United States district court, the
18 United States court of appeals, the United States magistrate court, the
19 United States bankruptcy court, the Arizona court of appeals, the superior
20 court or a municipal court.

21 ~~6-~~ 7. "Justice" means a justice of the United States or Arizona
22 supreme court or a justice of the peace.

23 ~~7-~~ 8. "Law enforcement support staff member" means a person who
24 serves in the role of an investigator or prosecutorial assistant in an agency
25 that investigates or prosecutes crimes, who is integral to the investigation
26 or prosecution of crimes and whose name or identity will be revealed in the
27 course of public proceedings.

28 ~~8-~~ 9. "Peace officer" means any person vested by law, or formerly
29 vested by law, with a duty to maintain public order and make arrests.

30 ~~9-~~ 10. "Prosecutor" means a county attorney, a municipal prosecutor,
31 the attorney general or a United States attorney and includes an assistant or
32 deputy United States attorney, county attorney, municipal prosecutor or
33 attorney general.

34 ~~10-~~ 11. "Public defender" means a federal public defender, county
35 public defender, county legal defender or county contract indigent defense
36 counsel and includes an assistant or deputy federal public defender, county
37 public defender or county legal defender.

38 Sec. 4. Section 13-1204, Arizona Revised Statutes, is amended to read:
39 **13-1204. Aggravated assault; classification; definition**

40 A. A person commits aggravated assault if the person commits assault
41 as prescribed by section 13-1203 under any of the following circumstances:

- 42 1. If the person causes serious physical injury to another.
43 2. If the person uses a deadly weapon or dangerous instrument.

1 3. If the person commits the assault by any means of force that causes
2 temporary but substantial disfigurement, temporary but substantial loss or
3 impairment of any body organ or part or a fracture of any body part.

4 4. If the person commits the assault while the victim is bound or
5 otherwise physically restrained or while the victim's capacity to resist is
6 substantially impaired.

7 5. If the person commits the assault after entering the private home
8 of another with the intent to commit the assault.

9 6. If the person is eighteen years of age or older and commits the
10 assault on a minor under fifteen years of age.

11 7. If the person commits assault as prescribed by section 13-1203,
12 subsection A, paragraph 1 or 3 and the person is in violation of an order of
13 protection issued against the person pursuant to section 13-3602 or 13-3624.

14 8. If the person commits the assault knowing or having reason to know
15 that the victim is any of the following:

16 (a) A peace officer, or a person summoned and directed by the officer
17 while engaged in the execution of any official duties.

18 (b) A constable, or a person summoned and directed by the constable
19 while engaged in the execution of any official duties.

20 (c) A firefighter, fire investigator, fire inspector, emergency
21 medical technician or paramedic engaged in the execution of any official
22 duties, or a person summoned and directed by such individual while engaged in
23 the execution of any official duties.

24 (d) A teacher or other person employed by any school and the teacher
25 or other employee is on the grounds of a school or grounds adjacent to the
26 school or is in any part of a building or vehicle used for school purposes,
27 any teacher or school nurse visiting a private home in the course of the
28 teacher's or nurse's professional duties or any teacher engaged in any
29 authorized and organized classroom activity held on other than school
30 grounds.

31 (e) A health care practitioner who is certified or licensed pursuant
32 to title 32, chapter 13, 15, 17 or 25, or a person summoned and directed by
33 the licensed health care practitioner while engaged in the person's
34 professional duties. This subdivision does not apply if the person who
35 commits the assault is seriously mentally ill, as defined in section 36-550,
36 or is afflicted with alzheimer's disease or related dementia.

37 (f) A prosecutor.

38 (g) A code enforcement officer as defined in section 39-123.

39 (h) A state or municipal park ranger.

40 (i) A public defender.

41 (j) A CERTIFIED PROCESS SERVER WHILE ENGAGED IN THE PERFORMANCE OF
42 ATTEMPTING TO SERVE OR WHILE SERVING PROCESS.

43 9. If the person knowingly takes or attempts to exercise control over
44 any of the following:

1 (a) A peace officer's or other officer's firearm and the person knows
2 or has reason to know that the victim is a peace officer or other officer
3 employed by one of the agencies listed in paragraph 10, subdivision (a), item
4 (i), (ii), (iii), (iv) or (v) of this subsection and is engaged in the
5 execution of any official duties.

6 (b) Any weapon other than a firearm that is being used by a peace
7 officer or other officer or that the officer is attempting to use, and the
8 person knows or has reason to know that the victim is a peace officer or
9 other officer employed by one of the agencies listed in paragraph 10,
10 subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection and is
11 engaged in the execution of any official duties.

12 (c) Any implement that is being used by a peace officer or other
13 officer or that the officer is attempting to use, and the person knows or has
14 reason to know that the victim is a peace officer or other officer employed
15 by one of the agencies listed in paragraph 10, subdivision (a), item (i),
16 (ii), (iii), (iv) or (v) of this subsection and is engaged in the execution
17 of any official duties. For the purposes of this subdivision, "implement"
18 means an object that is designed for or that is capable of restraining or
19 injuring an individual. Implement does not include handcuffs.

20 10. If the person meets both of the following conditions:

21 (a) Is imprisoned or otherwise subject to the custody of any of the
22 following:

23 (i) The state department of corrections.

24 (ii) The department of juvenile corrections.

25 (iii) A law enforcement agency.

26 (iv) A county or city jail or an adult or juvenile detention facility
27 of a city or county.

28 (v) Any other entity that is contracting with the state department of
29 corrections, the department of juvenile corrections, a law enforcement
30 agency, another state, any private correctional facility, a county, a city or
31 the federal bureau of prisons or other federal agency that has responsibility
32 for sentenced or unsentenced prisoners.

33 (b) Commits an assault knowing or having reason to know that the
34 victim is acting in an official capacity as an employee of any of the
35 entities listed in subdivision (a) of this paragraph.

36 B. A person commits aggravated assault if the person commits assault
37 by either intentionally, knowingly or recklessly causing any physical injury
38 to another person, intentionally placing another person in reasonable
39 apprehension of imminent physical injury or knowingly touching another person
40 with the intent to injure the person, and both of the following occur:

41 1. The person intentionally or knowingly impedes the normal breathing
42 or circulation of blood of another person by applying pressure to the throat
43 or neck or by obstructing the nose and mouth either manually or through the
44 use of an instrument.

1 2. Any of the circumstances exists that are set forth in section
2 13-3601, subsection A, paragraph 1, 2, 3, 4, 5 or 6.

3 C. A person who is convicted of intentionally or knowingly committing
4 aggravated assault on a peace officer while the officer is engaged in the
5 execution of any official duties pursuant to subsection A, paragraph 1 or 2
6 of this section shall be sentenced to imprisonment for not less than the
7 presumptive sentence authorized under chapter 7 of this title and is not
8 eligible for suspension of sentence, commutation or release on any basis
9 until the sentence imposed is served.

10 D. Except pursuant to subsections E and F of this section, aggravated
11 assault pursuant to subsection A, paragraph 1 or 2 or paragraph 9,
12 subdivision (a) of this section is a class 3 felony except if the victim is
13 under fifteen years of age in which case it is a class 2 felony punishable
14 pursuant to section 13-705. Aggravated assault pursuant to subsection A,
15 paragraph 3 or subsection B of this section is a class 4 felony. Aggravated
16 assault pursuant to subsection A, paragraph 9, subdivision (b) or paragraph
17 10 of this section is a class 5 felony. Aggravated assault pursuant to
18 subsection A, paragraph 4, 5, 6, 7 or 8 or paragraph 9, subdivision (c) of
19 this section is a class 6 felony.

20 E. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of
21 this section committed on a peace officer while the officer is engaged in the
22 execution of any official duties is a class 2 felony. Aggravated assault
23 pursuant to subsection A, paragraph 3 of this section committed on a peace
24 officer while the officer is engaged in the execution of any official duties
25 is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph
26 8, subdivision (a) of this section committed on a peace officer while the
27 officer is engaged in the execution of any official duties is a class 5
28 felony unless the assault results in any physical injury to the peace officer
29 while the officer is engaged in the execution of any official duties, in
30 which case it is a class 4 felony.

31 F. Aggravated assault pursuant to:

32 1. Subsection A, paragraph 1 or 2 of this section is a class 2 felony
33 if committed on a prosecutor.

34 2. Subsection A, paragraph 3 of this section is a class 3 felony if
35 committed on a prosecutor.

36 3. Subsection A, paragraph 8, subdivision (f) of this section is a
37 class 5 felony if the assault results in physical injury to a prosecutor.

38 G. For the purposes of this section, ~~—~~:

39 1. "CERTIFIED PROCESS SERVER" MEANS ANY OFFICER OF THE SUPERIOR COURT
40 WHO IS CERTIFIED TO SERVE PROCESS.

41 2. "Prosecutor" means a county attorney, a municipal prosecutor or the
42 attorney general and includes an assistant or deputy county attorney,
43 municipal prosecutor or attorney general.

1 Sec. 5. Section 16-153, Arizona Revised Statutes, is amended to read:
2 16-153. Voter registration; confidentiality; definitions

3 A. Eligible persons, and any other registered voter who resides at the
4 same residence address as the eligible person, may request that the general
5 public be prohibited from accessing the residential address, telephone number
6 and voting precinct number contained in their voter registration record.

7 B. Eligible persons may request this action by filing an affidavit
8 that states all of the following on an application form developed by the
9 administrative office of the courts in agreement with an association of
10 counties and an organization of peace officers:

11 1. The person's full legal name, residential address and date of
12 birth.

13 2. The position the person currently holds and a description of the
14 person's duties, except that an eligible person who is protected under an
15 order of protection or injunction against harassment shall instead attach a
16 copy of the order of protection or injunction against harassment.

17 3. The reasons for reasonably believing that the person's life or
18 safety or that of another person is in danger and that sealing the
19 residential address, telephone number and voting precinct number of the
20 person's voting record will serve to reduce the danger.

21 C. The affidavit shall be filed with the presiding judge of the
22 superior court in the county in which the affiant resides. To prevent a
23 multiplicity of filings, an eligible person who is a peace officer,
24 prosecutor, public defender, code enforcement officer, corrections or
25 detention officer, corrections support staff member or law enforcement
26 support staff member shall deliver the affidavit to the peace officer's
27 commanding officer, or to the head of the prosecuting, public defender, code
28 enforcement, law enforcement, corrections or detention agency, as applicable,
29 or that person's designee, who shall file the affidavits at one time. In the
30 absence of an affidavit that contains a request for immediate action and is
31 supported by facts justifying an earlier presentation, the commanding
32 officer, or the head of the prosecuting, public defender, code enforcement,
33 law enforcement, corrections or detention agency, as applicable, or that
34 person's designee, shall not file affidavits more often than quarterly.

35 D. Upon receipt of an affidavit or affidavits, the presiding judge of
36 the superior court shall file with the clerk of the superior court a petition
37 on behalf of all requesting affiants. The petition shall have attached each
38 affidavit presented. In the absence of an affidavit that contains a request
39 for immediate action and that is supported by facts justifying an earlier
40 consideration, the presiding judge may accumulate affidavits and file a
41 petition at the end of each quarter.

42 E. The presiding judge of the superior court shall review the petition
43 and each attached affidavit to determine whether the action requested by each
44 affiant should be granted. The presiding judge of the superior court shall
45 order the sealing for five years of the information contained in the voter

1 record of the affiant and, on request, any other registered voter who resides
2 at the same residence address if the presiding judge concludes that this
3 action will reduce a danger to the life or safety of the affiant.

4 F. The recorder shall remove the restrictions on all voter records
5 submitted pursuant to subsection E of this section by January 5 in the year
6 after the court order expires. The county recorder shall send by mail one
7 notification to either the **CERTIFIED PROCESS SERVER**, peace officer, public
8 defender, prosecutor, code enforcement officer, corrections or detention
9 officer, corrections support staff member or law enforcement support staff
10 member or the employing agency of a peace officer, public defender,
11 prosecutor, code enforcement officer, corrections or detention officer,
12 corrections support staff member or law enforcement support staff member who
13 was granted an order pursuant to this section of the order's expiration date
14 at least six months before the expiration date. If the notice is sent to the
15 employing agency, the employing agency shall immediately notify the person
16 who was granted the order of the upcoming expiration date. The county
17 recorder may coordinate with the county assessor and county treasurer to
18 prevent multiple notices from being sent to the same person.

19 G. Upon entry of the court order, the clerk of the superior court
20 shall file the court order with the county recorder. Upon receipt of the
21 court order the county recorder shall seal the voter registration of the
22 persons listed in the court order no later than one hundred twenty days from
23 the date of receipt of the court order. To include a subsequent voter
24 registration in the court order, a person listed in the court order shall
25 present to the county recorder at the time of registration a certified copy
26 of the court order or shall provide the county recorder the recording number
27 of the court order. The information in the registration shall not be
28 disclosed and is not a public record.

29 H. If the court denies an affiant's requested sealing of the voter
30 registration record, the affiant may request a court hearing. The hearing
31 shall be conducted by the court where the petition was filed.

32 I. On motion to the court, if the presiding judge of the superior
33 court concludes that a voter registration record has been sealed in error or
34 that the cause for the original affidavit no longer exists, the presiding
35 judge may vacate the court order prohibiting public access to the voter
36 registration record.

37 J. Upon request by a person who is protected under an order of
38 protection or injunction against harassment and presentation of an order of
39 protection issued pursuant to section 13-3602, an injunction against
40 harassment issued pursuant to section 12-1809 or an order of protection or
41 injunction against harassment issued by a court in another state, the county
42 recorder shall seal the voter registration record of the person who is
43 protected and, on request, any other registered voter who resides at the
44 residence address of the protected person. The record shall be sealed no
45 later than one hundred twenty days from the date of receipt of the court

1 order. The information in the registration shall not be disclosed and is not
2 a public record.

3 K. For the purposes of this section:

4 1. "CERTIFIED PROCESS SERVER" MEANS ANY OFFICER OF THE COURT WHO IS
5 CERTIFIED TO PERFORM SERVICE OF PROCESS.

6 ~~1-~~ 2. "Code enforcement officer" means a person who is employed by a
7 state or local government and whose duties include performing field
8 inspections of buildings, structures or property to ensure compliance with
9 and enforce national, state and local laws, ordinances and codes.

10 ~~2-~~ 3. "Commissioner" means a commissioner of the superior court.

11 ~~3-~~ 4. "Corrections support staff member" means an adult or juvenile
12 corrections employee who has direct contact with inmates.

13 ~~4-~~ 5. "Eligible person" means a CERTIFIED PROCESS SERVER, peace
14 officer, border patrol agent, justice, judge, commissioner, public defender,
15 prosecutor, code enforcement officer, adult or juvenile corrections officer,
16 corrections support staff member, probation officer, member of the board of
17 executive clemency, law enforcement support staff member, national guard
18 member who is acting in support of a law enforcement agency, person who is
19 protected under an order of protection or injunction against harassment or
20 firefighter who is assigned to the Arizona counterterrorism center in the
21 department of public safety.

22 ~~5-~~ 6. "Judge" means a judge of the United States district court, the
23 United States court of appeals, the United States magistrate court, the
24 United States bankruptcy court, the Arizona court of appeals, the superior
25 court or a municipal court.

26 ~~6-~~ 7. "Justice" means a justice of the United States or Arizona
27 supreme court or a justice of the peace.

28 ~~7-~~ 8. "Law enforcement support staff member" means a person who
29 serves in the role of an investigator or prosecutorial assistant in an agency
30 that investigates or prosecutes crimes, who is integral to the investigation
31 or prosecution of crimes and whose name or identity will be revealed in the
32 course of public proceedings.

33 ~~8-~~ 9. "Prosecutor" means a United States attorney, a county attorney,
34 a municipal prosecutor or the attorney general and includes an assistant or
35 deputy United States attorney, county attorney, municipal prosecutor or
36 attorney general.

37 ~~9-~~ 10. "Public defender" means a federal public defender, county
38 public defender, county legal defender or county contract indigent defense
39 counsel and includes an assistant or deputy federal public defender, county
40 public defender or county legal defender.

41 Sec. 6. Section 28-454, Arizona Revised Statutes, is amended to read:

42 ~~28-454.~~ Records maintained by department of transportation;
43 redaction; definitions

44 A. Notwithstanding sections 28-447 and 28-455, an eligible person may
45 request that persons be prohibited from accessing the person's residential

1 address and telephone number contained in any record maintained by the
2 department.

3 B. An eligible person may request this action by filing an affidavit
4 that states all of the following on an application form developed by the
5 administrative office of the courts in agreement with an association of
6 counties, an organization of peace officers and the department:

7 1. The person's full legal name and residential address.

8 2. The position the person currently holds and a description of the
9 person's duties, except that an eligible person who is protected under an
10 order of protection or injunction against harassment shall attach a copy of
11 the order of protection or injunction against harassment.

12 3. The reasons the person reasonably believes that the person's life
13 or safety or that of another person is in danger and that redacting the
14 residential address and telephone number from the department's public records
15 will serve to reduce the danger.

16 C. The affidavit shall be filed with the presiding judge of the
17 superior court in the county in which the affiant resides. To prevent a
18 multiplicity of filings, an eligible person who is a peace officer,
19 prosecutor, code enforcement officer, corrections or detention officer,
20 corrections support staff member or law enforcement support staff member
21 shall deliver the affidavit to the peace officer's commanding officer, or to
22 the head of the prosecuting, code enforcement, law enforcement, corrections
23 or detention agency, as applicable, or that person's designee, who shall file
24 the affidavits at one time. In the absence of an affidavit that contains a
25 request for immediate action and that is supported by facts justifying an
26 earlier presentation, the commanding officer, or the head of the prosecuting,
27 code enforcement, law enforcement, corrections or detention agency, as
28 applicable, or that person's designee, shall not file affidavits more often
29 than quarterly.

30 D. On receipt of an affidavit or affidavits, the presiding judge of
31 the superior court shall cause to be filed with the clerk of the superior
32 court a petition on behalf of all requesting affiants. Each affidavit
33 presented shall be attached to the petition. In the absence of an affidavit
34 that contains a request for immediate action and that is supported by facts
35 justifying an earlier consideration, the presiding judge may accumulate
36 affidavits and file a petition at the end of each quarter.

37 E. The presiding judge of the superior court shall review the petition
38 and each attached affidavit to determine whether the action requested by each
39 affiant should be granted. The presiding judge of the superior court shall
40 order the redaction of the residence address and telephone number from the
41 public records maintained by the department if the judge concludes that this
42 action will reduce a danger to the life or safety of the affiant or another
43 person.

44 F. On entry of the court order, the clerk of the superior court shall
45 file the court order with the department. No more than one hundred fifty

1 days after the date the department receives the court order, the department
2 shall redact the residence addresses and telephone numbers of the affiants
3 listed in the court order from the public records of the department. The
4 residence addresses and telephone numbers shall not be disclosed and are not
5 part of a public record.

6 G. If the court denies an affiant's request pursuant to this section,
7 the affiant may request a court hearing. The hearing shall be conducted by
8 the court in the county where the petition was filed.

9 H. On motion to the court, if the presiding judge of the superior
10 court concludes that a residential address or telephone number has been
11 sealed in error or that the cause for the original affidavit no longer
12 exists, the presiding judge may vacate the court order prohibiting public
13 access to the residential address or telephone number.

14 I. Notwithstanding sections 28-447 and 28-455, the department shall
15 not release a photograph of a peace officer if the peace officer has made a
16 request as prescribed in this section that persons be prohibited from
17 accessing the peace officer's residential address and telephone number in any
18 record maintained by the department.

19 J. This section does not prohibit the use of a peace officer's
20 photograph that is either:

21 1. Used by a law enforcement agency to assist a person who has a
22 complaint against an officer to identify the officer.

23 2. Obtained from a source other than the department.

24 K. For the purposes of this section:

25 1. "CERTIFIED PROCESS SERVER" MEANS ANY OFFICER OF THE SUPERIOR COURT
26 WHO IS CERTIFIED TO SERVE PROCESS.

27 ~~1-~~ 2. "Code enforcement officer" means a person who is employed by a
28 state or local government and whose duties include performing field
29 inspections of buildings, structures or property to ensure compliance with
30 and enforce national, state and local laws, ordinances and codes.

31 ~~2-~~ 3. "Corrections support staff member" means an adult or juvenile
32 corrections employee who has direct contact with inmates.

33 ~~3-~~ 4. "Eligible person" means a CERTIFIED PROCESS SERVER, peace
34 officer, justice, judge, commissioner, public defender, prosecutor, code
35 enforcement officer, adult or juvenile corrections officer, corrections
36 support staff member, probation officer, member of the board of executive
37 clemency, law enforcement support staff member, national guard member who is
38 acting in support of a law enforcement agency, person who is protected under
39 an order of protection or injunction against harassment or firefighter who is
40 assigned to the Arizona counterterrorism center in the department of public
41 safety.

42 ~~4-~~ 5. "Law enforcement support staff member" means a person who
43 serves in the role of an investigator or prosecutorial assistant in an agency
44 that investigates or prosecutes crimes, who is integral to the investigation

1 or prosecution of crimes and whose name or identity will be revealed in the
2 course of public proceedings.

3 ~~5-~~ 6. "Prosecutor" means a county attorney, a municipal prosecutor or
4 the attorney general and includes an assistant or deputy county attorney,
5 municipal prosecutor or attorney general.

6 Sec. 7. Section 28-455, Arizona Revised Statutes, is amended to read:
7 28-455. Release of personal information; fees

8 A. In accordance with section 28-458 and the driver's privacy
9 protection act of 1994 (18 United States Code sections 2721 through 2725) and
10 notwithstanding section 28-447, the department shall not knowingly disclose
11 or otherwise make available to any person:

12 1. Personal information obtained by the department in connection with
13 a motor vehicle record except as otherwise provided in this section.

14 2. Highly restricted personal information obtained by the department
15 in connection with a motor vehicle record without the express consent of the
16 person to whom the information applies except for uses allowed in subsection
17 C, paragraphs 1, 4, 6 and 9 of this section. This paragraph does not affect
18 the use of organ donation information on an individual's driver license or
19 affect the administration of organ donation in this state.

20 B. The department shall disclose personal information for use in
21 connection with the following matters:

22 1. Motor vehicle or driver safety and theft.

23 2. Motor vehicle emissions.

24 3. Motor vehicle product alterations, recalls or advisories.

25 4. Performance monitoring of motor vehicles and dealers by motor
26 vehicle manufacturers.

27 5. Removal of nonowner records from the original owner records of
28 motor vehicle manufacturers to carry out the purposes of titles I and IV of
29 the anti car theft act of 1992 (18 United States Code sections 2311 through
30 2322), the automobile information disclosure act (15 United States Code
31 sections 1231, 1232 and 1233), the clean air act of 1963 (42 United States
32 Code sections 7401 through ~~7671~~ 7671q) and 49 United States Code chapters
33 301, 305 and 321 through 331.

34 C. Subject to subsection A of this section, the department may
35 disclose personal information as follows:

36 1. For use by any government agency, including any court or law
37 enforcement agency, in carrying out its functions or any private person or
38 entity acting on behalf of a government agency in carrying out its functions.

39 2. For use in connection with matters of:

40 (a) Performance monitoring of motor vehicles, motor vehicle parts and
41 dealers.

42 (b) Motor vehicle market research activities, including survey
43 research.

44 (c) Removal of nonowner records from the original owner records of
45 motor vehicle manufacturers.

- 1 3. For use in the normal course of business by a legitimate business
2 or its agents, employees or contractors, but only:
- 3 (a) To verify the accuracy of personal information submitted by the
4 individual to the business or its agents, employees or contractors.
- 5 (b) If the information submitted is not correct or is no longer
6 correct, to obtain the correct information for the purpose of preventing
7 fraud by, pursuing legal remedies against or recovering on a debt or security
8 interest against the individual.
- 9 4. For use by an attorney licensed to practice law, **A CERTIFIED**
10 **PROCESS SERVER** or by a licensed private investigator in connection with any
11 civil, criminal, administrative or arbitration proceeding in any court or
12 government agency or before any self-regulatory body, including the service
13 of process, investigation in anticipation of litigation and the execution or
14 enforcement of judgments and orders, or pursuant to a court order.
- 15 5. For use in research activities and for use in producing statistical
16 reports if the personal information is not published, redisclosed or used to
17 contact individuals.
- 18 6. For use by any insurer that writes automobile liability or motor
19 vehicle liability policies and that is under the jurisdiction of the
20 department of insurance or insurance support organization or by a
21 self-insured entity or its agents, employees or contractors in connection
22 with claims investigation activities, antifraud activities, rating or
23 underwriting.
- 24 7. For use in providing notice to the owners of towed or impounded
25 vehicles.
- 26 8. For use by any licensed private investigative agency or licensed
27 security service for any purpose allowed under this section.
- 28 9. For use by an employer or its agent or insurer to obtain or verify
29 information relating to a holder of a commercial driver license that is
30 required under ~~the commercial motor vehicle safety act of 1986~~ (49 United
31 States Code sections 31301 through 31317).
- 32 10. For use in connection with the operation of private toll
33 transportation facilities.
- 34 11. For any other use in response to requests for individual motor
35 vehicle records if the state has obtained the express consent of the person
36 to whom the personal information pertains.
- 37 12. For bulk distribution for surveys, marketing or solicitations if
38 the department has obtained the express consent of the person to whom the
39 personal information pertains.
- 40 13. For use by any requester if the requester demonstrates it has
41 obtained the written consent of the individual to whom the information
42 pertains.
- 43 14. For any other use that is specifically authorized by law and that
44 is related to the operation of a motor vehicle or public safety, including
45 the following:

1 (a) Use by a financial institution or enterprise under the
2 jurisdiction of the department of financial institutions or a federal
3 monetary authority.

4 (b) Use by a motor vehicle dealer who is licensed and bonded by the
5 department or a state organization of licensed and bonded motor vehicle
6 dealers.

7 (c) Use by a person who is involved in an accident or the owner of a
8 vehicle involved in an accident if the person who requests the information
9 submits proof to the department of involvement in the accident.

10 (d) Use by a person applying for a bonded title if all of the
11 following conditions exist:

12 (i) The requester verifies to the satisfaction of the director that
13 the vehicle on which the requester is requesting the record is in the
14 requester's possession.

15 (ii) The record is requested in order for the requester to notify the
16 registered owner of the requester's intent to apply to the department for a
17 bonded title.

18 (iii) The requester provides a verification of a vehicle inspection
19 that was performed by an authorized department employee or agent.

20 (e) Use by an operator of a self-service storage facility who alleges
21 both of the following:

22 (i) That the vehicle on which the operator is requesting the record is
23 in the operator's possession.

24 (ii) That the record is requested to allow the operator to notify the
25 registered owner and any lienholders of record of the operator's intent to
26 foreclose its lien and to sell the vehicle.

27 (f) For any other use as determined by the director and established by
28 rule.

29 D. The department may establish and carry out procedures under which
30 the department, on receiving a request for personal information that does not
31 fall within one of the exceptions prescribed in subsection B or C of this
32 section, may mail a copy of the request to the individual about whom the
33 information was requested. The mailing shall inform the individual of the
34 request and contain a statement that the information will not be released
35 unless the individual waives the individual's right to privacy under this
36 section.

37 E. In addition to the permissible uses prescribed in subsection C of
38 this section, the department may disclose its motor vehicle records
39 information, including personal information, as a bulk record only under any
40 of the following conditions:

41 1. If the director determines either of the following:

42 (a) The sale or release of the record is necessary for the public
43 health or safety.

44 (b) The use is for general research or general statistical purposes
45 that do not provide specific factors from a record.

1 2. For surveys, marketing or solicitations if the department has
2 obtained the express consent of the person to whom the personal information
3 pertains.

4 3. For the release of motor vehicle title and motor vehicle
5 registration information, vehicle identification numbers, title brands,
6 odometer readings and brands and title lien information to a requester if the
7 requester is in the business of preparing vehicle history reports and the
8 information is used to develop a vehicle history report.

9 F. The director shall provide in a clear and conspicuous manner on
10 forms for the issuance or renewal of driver licenses, nonoperating
11 identification licenses and title and registration, ~~the opportunity for~~
12 express consent so that each person who is the subject of a record of the
13 department may opt in, for any purpose as prescribed by the director.
14 Express consent shall be conveyed in a form prescribed by the director and
15 shall include at least the following:

16 1. Clear and conspicuous notice informing the person who is giving
17 express consent that by giving express consent, the person is allowing the
18 department to disclose information contained in the person's motor vehicle
19 record to any person requesting information for any purpose.

20 2. A written signature or an electronic signature.

21 3. An explanation of the difference between a one-time authorization
22 and general consent or opt in.

23 G. Subject to the requirements of subsection F of this section,
24 express consent may be conveyed as either of the following:

25 1. A one-time authorization submitted by a requester on a consent to
26 release form or by other written format as prescribed by the director.

27 2. General consent or opt in on certain department forms.

28 H. Driver histories shall not be disclosed under subsection E of this
29 section.

30 I. Except as provided in subsection J of this section and section
31 28-446, subsection B, records provided pursuant to subsections B and C of
32 this section are subject to the fees prescribed in section 28-446,
33 subsections A and C.

34 J. For records searched and provided for the purposes described in
35 subsection E of this section, the director:

36 1. Shall charge a search fee that is a minimum of six hundred dollars
37 per million records searched.

38 2. Shall charge a records fee that is a minimum of thirty dollars per
39 thousand records provided.

40 3. May prorate the charge for fractional quantities that are searched
41 or provided.

42 4. May charge only the search fee if the request is in accordance with
43 subsection E, paragraph 2 of this section.

1 K. Records requests that require a database search for specific
2 criteria within a record are subject to a search fee. In addition to this
3 search fee, each motor vehicle record provided to a records requester as a
4 result of a criteria search incurs record fees in accordance with subsection
5 I of this section.