1 Strike everything after the enacting clause and insert:

   "Section 1. Section 1-215, Arizona Revised Statutes, is amended to read:

   1-215. Definitions
   In the statutes and laws of this state, unless the context otherwise requires:
   1. "Action" includes any matter or proceeding in a court, civil or criminal.
   2. "Adopted rule" means a final rule as defined in section 41-1001.
   3. "Adult" means a person who has attained eighteen years of age.
   4. "Alternative fuel" means:
      (a) Electricity.
      (b) Solar energy.
      (c) Liquefied petroleum gas, natural gas, hydrogen or a blend of hydrogen with liquefied petroleum or natural gas that complies with any of the following:
         (i) Is used in an engine that is certified to meet at a minimum the United States environmental protection agency low emission vehicle standard pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.
         (ii) Is used in an engine that is certified by the engine modifier to meet the addendum to memorandum 1-A of the United States environmental protection agency as printed in the federal register, volume 62, number 207, October 27, 1997, pages 55635 through 55637."
(iii) Is used in an engine that is the subject of a waiver for that specific engine application from the United States environmental protection agency's memorandum 1-A addendum requirements and that waiver is documented to the reasonable satisfaction of the director of the department of environmental quality.

(d) Only for vehicles that use alcohol fuels before August 21, 1998, alcohol fuels that contain not less than eighty-five percent alcohol by volume.

(e) A combination of at least seventy percent alternative fuel and no more than thirty percent petroleum based fuel that operates in an engine that meets the United States environmental protection agency low emission vehicle standard pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94 and that is certified by the engine manufacturer to consume at least seventy percent alternative fuel during normal vehicle operations.

5. "Bribe" means anything of value or advantage, present or prospective, asked, offered, given, accepted or promised with a corrupt intent to influence, unlawfully, the person to whom it is given in that person's action, vote or opinion, in any public or official capacity.

6. "Child" or "children" as used in reference to age of persons means persons under eighteen years of age.

7. "Clean burning fuel" means:

(a) An emulsion of water-phased hydrocarbon fuel that contains not less than twenty percent water by volume and that complies with any of the following:

(i) Is used in an engine that is certified to meet at a minimum the United States environmental protection agency low emission vehicle standard pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

(ii) Is used in an engine that is certified by the engine modifier to meet the addendum to memorandum 1-A of the United States environmental protection agency as printed in the federal register, volume 62, number 207, October 27, 1997, pages 55635 through 55637.
(iii) Is used in an engine that is the subject of a waiver for that specific engine application from the United States environmental protection agency's memorandum 1-A addendum requirements and that waiver is documented to the reasonable satisfaction of the director of the department of environmental quality.

(b) A diesel fuel substitute that is produced from nonpetroleum renewable resources if the qualifying volume of the nonpetroleum renewable resources meets the standards for California diesel fuel as adopted by the California air resources board pursuant to 13 California Code of Regulations sections 2281 and 2282 in effect on January 1, 2000, the diesel fuel substitute meets the registration requirement for fuels and additives established by the United States environmental protection agency pursuant to section 211 of the clean air act as defined in section 49-401.01 and the use of the diesel fuel substitute complies with the requirements listed in 10 Code of Federal Regulations part 490, as printed in the federal register, volume 64, number 96, May 19, 1999.

(c) A diesel fuel that complies with all of the following:

(i) Contains a maximum of fifteen parts per million by weight of sulfur.

(ii) Meets ASTM D975.

(iii) Meets the registration requirements for fuels and additives established by the United States environmental protection agency pursuant to section 211 of the clean air act as defined in section 49-401.01.

(iv) Is used in an engine that is equipped or has been retrofitted with a device that has been certified by the California air resources board diesel emission control strategy verification procedure, the United States environmental protection agency voluntary diesel retrofit program or the United States environmental protection agency verification protocol for retrofit catalyst, particulate filter and engine modification control technologies for highway and nonroad use diesel engines.

(d) A blend of unleaded gasoline that contains at minimum eighty-five per cent ethanol by volume or eighty-five per cent methanol by volume.

(d) ETHANOL FLEX FUEL AS DEFINED IN SECTION 41-2051.
(e) Neat methanol.
(f) Neat ethanol.

8. "Corruptly" means a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of the act or omission referred to, or to some other person.

9. "Daytime" means the period between sunrise and sunset.

10. "Depose" includes every manner of written statement under oath or affirmation.

11. "Federal poverty guidelines" means the poverty guidelines as updated annually in the federal register by the United States department of health and human services.

12. "Grantee" includes every person to whom an estate or interest in real property passes, in or by a deed.

13. "Grantor" includes every person from or by whom an estate or interest in real property passes, in or by a deed.

14. "Includes" or "including" means not limited to and is not a term of exclusion.

15. "Inhabitant" means a resident of a city, town, village, district, county or precinct.

16. "Issue" as used in connection with descent of estates includes all lawful, lineal descendants of the ancestor.

17. "Knowingly":
   (a) MEANS only a knowledge that the facts exist that bring the act or omission within the provisions of the statute using such word.
   (b) Does not require any knowledge of the unlawfulness of the act or omission.

18. "Magistrate" means an officer having power to issue a warrant for the arrest of a person charged with a public offense and includes the chief justice and justices of the supreme court, judges of the superior court, justices of the peace and police magistrates in cities and towns.

19. "Majority" or "age of majority" as used in reference to age of persons means the age of eighteen years or more.
20. "Malice" and "maliciously" mean a wish to vex, annoy or injure another person, or an intent to do a wrongful act, established either by proof or presumption of law.

21. "Minor" means a person under the age of eighteen years.

22. "Minor children" means persons under the age of eighteen years.

23. "Month" means a calendar month unless otherwise expressed.

24. "Neglect", "negligence", "negligent" and "negligently" import a want of such attention to the nature or probable consequence of the act or omission as a prudent man ordinarily bestows in acting in his own concerns.

25. "Nighttime" means the period between sunset and sunrise.

26. "Oath" includes an affirmation or declaration.

27. "Peace officers" means sheriffs of counties, constables, marshals, policemen of cities and towns, commissioned personnel of the department of public safety, personnel who are employed by the state department of corrections and the department of juvenile corrections and who have received a certificate from the Arizona peace officer standards and training board, peace officers who are appointed by a multicounty water conservation district and who have received a certificate from the Arizona peace officer standards and training board, police officers who are appointed by community college district governing boards and who have received a certificate from the Arizona peace officer standards and training board, police officers who are appointed by the Arizona board of regents and who have received a certificate from the Arizona peace officer standards and training board, police officers who are appointed by the governing body of a public airport pursuant to section 28-8426 and who have received a certificate from the Arizona peace officer standards and training board and special agents from the office of the attorney general, or of a county attorney, and who have received a certificate from the Arizona peace officer standards and training board.

28. "Person" includes a corporation, company, partnership, firm, association or society, as well as a natural person. When the word "person" is used to designate the party whose property may be the subject of a criminal or public offense, the term includes the United States, this state, or any territory, state or country, or any political subdivision of this
state that may lawfully own any property, or a public or private corporation,
or partnership or association. When the word "person" is used to designate
the violator or offender of any law, it includes corporation, partnership or
any association of persons.

29. "Personal property" includes money, goods, chattels, dogs, things
in action and evidences of debt.

30. "Population" means the population according to the most recent
United States decennial census.

31. "Process" means a citation, writ or summons issued in the course of
judicial proceedings.

32. "Property" includes both real and personal property.

33. "Real property" is coextensive with lands, tenements and
hereditaments.

34. "Registered mail" includes certified mail.

35. "Seal" as used in reference to a paper issuing from a court or
public office to which the seal of such court or office is required to be
affixed means an impression of the seal on that paper, an impression of the
seal affixed to that paper by a wafer or wax, a stamped seal, a printed seal,
a screened seal or a computer-generated seal.

36. "Signature" or "subscription" includes a mark, if a person cannot
write, with the person's name written near it and witnessed by a person who
writes the person's own name as witness.

37. "State", as applied to the different parts of the United States,
includes the District of Columbia, this state and the territories.

38. "Testify" includes every manner of oral statement under oath or
affirmation.

39. "United States" includes the District of Columbia and the
territories.

40. "Vessel", as used in reference to shipping, includes ships of all
kinds, steamboats, steamships, barges, canal boats and every structure
adapted to navigation from place to place for the transportation of persons
or property.
41. "Wilfully" means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or believes that the person's conduct is of that nature or that the circumstance exists.

42. "Will" includes codicils.

43. "Workers' compensation" means workmen's compensation as used in article XVIII, section 8, Constitution of Arizona.

44. "Writ" means an order or precept in writing issued in the name of the state or by a court or judicial officer.

45. "Writing" includes printing.

Sec. 2. Section 41-2051, Arizona Revised Statutes, is amended to read:

41-2051. Definitions

In this chapter, unless the context otherwise requires:

1. "Biodiesel" means a diesel fuel substitute that is produced from nonpetroleum renewable resources as defined by the United States environmental protection agency and that meets the registration requirements for fuels and fuel additives established by the United States environmental protection agency pursuant to section 211 of the clean air act, as defined in section 49-401.01.

2. "Biodiesel blend" means a motor fuel that is comprised of biodiesel and diesel fuel and that is designated by the letter "B", followed by the numeric value of the volume percentage of biodiesel in the blend.

3. "Biofuel" means a solid, liquid or gaseous fuel that is derived from biomass and that can be used directly for heating or power or as a blend component in motor fuel.

4. "Biofuel blend" means a motor fuel that is comprised of a biofuel, that is combined with a petroleum based fuel and that is designated by the volume percentage of biofuel in the blend.

5. "Biomass" means biological material, such as plant or animal matter, excluding organic material that has been transformed by geological processes into substances such as coal or petroleum or derivatives thereof, that may be transformed into biofuel.
6. "Certification" means the process of determining the accuracy of a commercial device to the standards of this state by a registered service representative or the department.

7. "Commercial device" means any weighing, measuring, metering or counting device that is used to determine the direct cost of things sold or offered or exposed for sale, or used to establish a fee for service if the cost is based on weight, measure or count, except that it does not include those devices used for in-house packaging, inventory control or law enforcement purposes.

8. "Commodity" means any merchandise, product or substance produced or distributed for sale to or use by others.

9. "Correct" as used in connection with weights and measures means conformance to all applicable requirements of this chapter.

10. "Department" means the department of weights and measures.

11. "Diesel fuel" means a refined middle distillate that is used as a fuel in a compression-ignition internal combustion engine and that meets the specifications of ASTM D975.

12. "Director" means the director of the department of weights and measures.

13. "E85 ETHANOL FLEX FUEL" means a fuel ethanol gasoline blend that meets the specifications of ASTM D5798 STANDARD SPECIFICATION FOR ETHANOL FUEL BLENDS FOR FLEXIBLE-FUEL AUTOMOTIVE SPARK-IGNITION ENGINES.

14. "Inspector" means state officials of the department of weights and measures.

15. "Limousine" means a motor vehicle providing prearranged ground transportation service for an individual passenger, or a group of passengers, that is arranged in advance or is operated on a regular route or between specified points and includes ground transportation under a contract or agreement for services that includes a fixed rate or time and is provided in a motor vehicle with a seating capacity not exceeding fifteen passengers, including the driver.
16. “Liquid fuel measuring device” means any meter, pump, tank, gauge or apparatus used for volumetrically determining the quantity of any internal combustion engine fuel, liquefied petroleum gas or low-viscosity heating oil.

17. “Livery vehicle” means a motor vehicle that:
   (a) Has a seating capacity not exceeding fifteen passengers, including the driver.
   (b) Provides passenger services for a fare determined by a flat rate or flat hourly rate between geographic zones or within a geographic area.
   (c) Is available for hire on an exclusive or shared-ride basis.
   (d) May do any of the following:
       (i) Operate on a regular route or between specified places.
       (ii) Offer prearranged ground transportation service as defined in section 28-141.
       (iii) Offer on demand ground transportation service pursuant to a contract with a public airport, licensed business entity or organization.

18. “Misfuel” means the act of dispensing into the fuel tank of a motor vehicle a motor fuel that was not intended to be used in the engine of that motor vehicle.

19. “Motor fuel” means a petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, number one or number two diesel fuel or any grade of oxygenated gasoline typically used in the operation of a motor engine, including biodiesel blends, biofuel blends and the ethanol blend E85 as defined in ASTM D5798 ETHANOL FLEX FUELS.

20. “Package” means any commodity enclosed in a container or wrapped in any manner in advance of sale in units suitable for either wholesale or retail trade.

21. “Person” means both the plural and the singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies and associations.

22. “Public weighmaster” means any person who is engaged in any of the following:
   (a) The business of weighing any object or thing for the public generally for hire or for internal use and issuing for that weighing a weight
certificate intended to be accepted as an accurate weight upon which a purchase or sale is to be based or on which a service fee is to be charged.

(b) The business of weighing for hire motor vehicles, trailers or semitrailers and issuing weight certificates intended to be accepted as an accurate weight for the purpose of determining the amount of any tax, fee or other assessment on the vehicles.

23. "Reference standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.

24. "Registered service agency" means any agency, firm, company or corporation that for hire, award, commission or any other payment of any kind installs, services, repairs or reconditions a commercial device or tests or repairs vapor recovery systems or vapor recovery components and that has been issued a license by the department.

25. "Registered service representative" means any individual who for hire, award, commission or any other payment of any kind installs, services, repairs or reconditions a commercial device or tests or repairs vapor recovery systems or vapor recovery components and who has been issued a license by the department.

26. "Retail seller" means a person whose business purpose is to sell, expose or offer for sale or use any package or commodity by weight, measure or count.

27. "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.

28. "Secondary standards" means the physical standards that are traceable to the reference standards through comparisons, using acceptable laboratory procedures, and that are used in the enforcement of weights and measures laws and rules.

29. "Taxi" means a motor vehicle that has a seating capacity not exceeding fifteen passengers, including the driver, that is registered as a taxi in this state or any other state, that provides passenger services and that:
(a) Does not primarily operate on a regular route or between specified places.

(b) Offers local transportation for a fare determined on the basis of the distance traveled or prearranged ground transportation service as defined in section 28-141 for a predetermined fare.

30. "Taxi meter" means a commercial device that meets the requirements of the national institute of standards and technology handbook 44 as prescribed by section 41-2064.

31. "Weight" as used in connection with any commodity means net weight.

32. "Weights" or "measures", or both, means all weights, measures, meters or counters of every kind, instruments and devices for weighing, measuring, metering or counting and any appliance and accessories associated with any or all such instruments and devices.

Sec. 3. Title 44, chapter 9, Arizona Revised Statutes, is amended by adding article 4.1, to read:

ARTICLE 4.1. MOTOR VEHICLE FUEL REQUIREMENTS

44-1255. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ETHANOL FLEX FUEL" MEANS A FUEL ETHANOL GASOLINE BLEND THAT MEETS THE SPECIFICATIONS OF ASTM D5798 STANDARD SPECIFICATION FOR ETHANOL FUEL BLENDS FOR FLEXIBLE-FUEL AUTOMOTIVE SPARK-IGNITION ENGINES.

2. "FLEXIBLE FUEL VEHICLE" MEANS A VEHICLE THAT IS FLEX FUEL READY WITH A FUEL INJECTION SYSTEM THAT IS BOTH:

(a) ALREADY PROGRAMMED TO OPERATE ON GASOLINE AND E10 AND E15 BLENDS AND THAT IS WARRANTED BY ITS MANUFACTURER.

(b) PROGRAMMED OR HAS A READILY AVAILABLE UPDATED FUEL INJECTION SOFTWARE PROGRAM TO PERMIT THE VEHICLE TO OPERATE ON GASOLINE AND ETHANOL FLEX FUEL AND M85 BLENDS AND THAT IS WARRANTED BY ITS MANUFACTURER.


44-1256. Fuel requirements for vehicles

A. NOTWITHSTANDING ANY OTHER LAW, IF A MOTOR VEHICLE MANUFACTURER SELLS A VEHICLE THAT IS EQUIPPED WITH AN ENGINE THAT OPERATES IN ANY MANNER
ON GASOLINE OR GASOLINE BLENDS AND THAT IS MANUFACTURED FOR THE MODEL YEAR 2016 OR FOR A SUBSEQUENT MODEL YEAR TO A NONGOVERNMENTAL CONSUMER IN THIS STATE, THE VEHICLE MUST BE A FLEXIBLE FUEL VEHICLE.

B. NOTWITHSTANDING ANY OTHER LAW, A MOTOR VEHICLE MANUFACTURER MUST MAKE AVAILABLE TO ITS DEALERSHIPS AS A CONSUMER OPTION A FLEXIBLE FUEL VEHICLE PROGRAMMING OPTION THAT UNLOCKS OR ACTIVATES AN EXISTING FLEX FUEL READY PROGRAM OR THAT PROVIDES A FLEX FUEL READY UPGRADE AND THAT IS SUBJECT TO A REASONABLE CHARGE BY THE DEALERSHIP IF ALL OF THE FOLLOWING APPLY:

2. THE VEHICLE IS SOLD THROUGH A DEALERSHIP IN THIS STATE TO A NONGOVERNMENTAL CONSUMER.
3. THE VEHICLE IS EQUIPPED WITH AN ENGINE THAT CAN OPERATE IN ANY MANNER ON GASOLINE OR GASOLINE BLENDS.

Sec. 4. Legislative findings and intent

It is the intent of the legislature to provide a technical solution to an otherwise overlooked disparity in the treatment given to governmental vehicles over nongovernmental passenger vehicles that will result in greater consumer fuel options, a reduction in vehicle pollution, additional opportunities for small business development and an increase in critical infrastructure and public safety protection and that will not impose mandates on consumers or existing small business refueling stations."

Amend title to conform