

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1274

Introduced by
Senator Worsley; Representative Coleman

AN ACT

AMENDING SECTIONS 28-2053, 28-2060, 28-2239, 28-2267, 28-3312, 28-6351, 28-6357 AND 41-2501, ARIZONA REVISED STATUTES; RELATING TO TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-2053, Arizona Revised Statutes, is amended to
3 read:

4 28-2053. Certificate of title without registration

5 The department may issue a vehicle certificate of title without
6 registration for any of the following reasons:

7 1. The applicant for a certificate of title is a nonresident whose
8 vehicle is not subject to vehicle registration in this state.

9 2. The owner will register the vehicle under article 7 or 8 of this
10 chapter.

11 3. The applicant certifies that the vehicle was acquired for purposes
12 other than highway use.

13 4. The vehicle was acquired by operation of law.

14 5. The vehicle is an off-road recreational motor vehicle required to
15 be titled pursuant to section 28-2061.

16 6. THE VEHICLE IS A TRAILER OR SEMITRAILER THAT WILL BE USED IN
17 INTERSTATE COMMERCE AND THAT IS REGISTERED IN ANOTHER STATE.

18 Sec 2. Section 28-2060, Arizona Revised Statutes, is amended to read:

19 28-2060. Transfer of ownership by operation of law

20 A. Except as provided in subsection F of this section, when the title
21 or interest of an owner of a registered vehicle passes to another other than
22 by voluntary transfer, the transferee shall obtain a transfer of registration
23 within thirty days after the passing of the title or interest.

24 B. Within thirty days after passing of the title or interest of an
25 owner of a registered or unregistered vehicle, the transferee of the vehicle
26 shall obtain a new certificate of title on proper application and
27 presentation of the last certificate of title, if available, and such
28 instruments or documents of authority or certified copies of the instruments
29 or documents that are sufficient or required by law to evidence or effect a
30 transfer of title or interest in or to chattels that pass to another other
31 than by voluntary transfer.

32 C. If a motor vehicle has been forfeited to the federal government and
33 is sold at public auction pursuant to federal law, the purchaser at the sale
34 takes title free of any liens or encumbrances if federal law so provides. If
35 a motor vehicle has been forfeited to any local or state government entity,
36 agency or political subdivision or to any federal law enforcement agency
37 after the disposition of all claims under the laws of this state, the order
38 of the court forfeiting the vehicle shall transfer good and sufficient title
39 to the transferee and to any subsequent purchaser or transferee. The
40 purchaser or transferee shall register the motor vehicle within thirty days
41 after the sale or transfer, and the department shall issue a certificate of
42 title to the purchaser or transferee on presentation of the evidence of title
43 without any reference to liens or encumbrances.

44 D. The transferee of a vehicle required to be titled and registered
45 under section 28-2153 or a mobile home required to be titled under section

1 28-2063 may obtain a transfer of registration to the transferee and a new
2 certificate of title if both of the following occur:

3 1. The title or interest of the owner of the vehicle passes to another
4 either:

5 (a) Through notice and sale under the conditions contained in any
6 security agreement, chattel mortgage, conditional sale or other evidence of
7 lien or under the authority given by statute in cases arising under sections
8 33-1021 and 33-1022 or under section 33-1704.

9 (b) For a mobile home the lien on which is also a lien on real
10 property, through a contract for conveyance of real property, deed of trust
11 or mortgage.

12 2. Satisfactory evidence is presented to the director that the sale of
13 the vehicle was fairly and lawfully conducted in conformity with all
14 requirements of law after due notice to the former owner. In cases arising
15 under section 33-1704, a declaration that is signed by both the seller and
16 the buyer and that sets forth compliance with section 33-1704 constitutes
17 satisfactory evidence, and the director may rely on that declaration.

18 E. Any administrator, executor, trustee or other representative of the
19 owner, a peace officer or a person repossessing a vehicle under the terms of
20 any conditional sales contract, lease, chattel mortgage or other security
21 agreement or a purchaser at a sale foreclosing a lien, or the assignee or
22 legal representative of any such person, may operate a vehicle from the place
23 of repossession or place where it was formerly kept to a garage or place of
24 storage in the county or state where the contract was recorded or where the
25 person repossessing the vehicle resides or to any other garage or place of
26 storage that is not more than seventy-five miles from the place of
27 repossession or place where the vehicle was formerly kept by the owner if
28 either of the following conditions exists:

29 1. The license plates assigned to the vehicle are displayed on the
30 vehicle.

31 2. If license plates are not displayed, a written permit has been
32 obtained from the department or the local authorities having jurisdiction
33 over the highways and a placard that bears the name and address of the person
34 authorizing the movement and that is legible from a distance of one hundred
35 feet during daylight is displayed in plain sight on the vehicle.

36 F. If ownership of a motor vehicle titled in this state or another
37 state reverts through operation of state law to a lienholder of record
38 through repossession pursuant to the terms of a security agreement or through
39 another similar instrument that is valid in such state, an affidavit by the
40 lienholder of record stating that the vehicle was repossessed on default of
41 the terms stated in the security agreement or similar instrument is proof of
42 ownership, right of possession and right of transfer. **IF THE LIENHOLDER OF
43 RECORD IS A FINANCIAL INSTITUTION AS DEFINED IN SECTION 28-4301, THE
44 LIENHOLDER OF RECORD SHALL ELECTRONICALLY SUBMIT THE REPOSSESSION AFFIDAVIT
45 TO THE DEPARTMENT.** The director shall prescribe the form and content of the

1 affidavit. This state and its agencies, employees and agents are not liable
2 for relying in good faith on the content of the affidavit.

3 Sec. 3. Section 28-2239, Arizona Revised Statutes, is amended to read:
4 28-2239. Temporary proportional registrations; fee

5 A. The department may sell temporary proportional registrations to
6 motor carriers that are registering under this article. Motor carriers may
7 use temporary proportional registrations for vehicles that are added to an
8 existing fleet or in lieu of lost registrations pending receipt of permanent
9 or replacement registrations.

10 B. The cost of a temporary proportional registration is one dollar,
11 and the registration is valid for ~~ninety~~ SIXTY days.

12 Sec. 4. Section 28-2267, Arizona Revised Statutes, is amended to read:
13 28-2267. Temporary registrations; fee

14 A. The department may sell temporary registrations to motor carriers
15 with existing fleets that are registered under this article. Temporary
16 registrations may be used for vehicles that are added to an existing fleet or
17 in lieu of lost registrations pending the receipt of permanent or replacement
18 registrations.

19 B. The temporary registration fee is one dollar. The temporary
20 registration is valid for ~~ninety~~ SIXTY days.

21 Sec. 5. Section 28-3312, Arizona Revised Statutes, is amended to read:
22 28-3312. Mandatory disqualification of commercial driver

23 licenses; definition

24 A. The department shall disqualify a person required to have a
25 commercial driver license or a commercial driver license holder from driving
26 a commercial motor vehicle as follows:

27 1. Except as provided in subsection E of this section and except as
28 otherwise provided in this subsection, for at least one year if a person:

29 (a) Refuses a test in violation of section 28-1321.

30 (b) Is convicted of a first violation of any of the following:

31 (i) Driving a commercial motor vehicle under the influence of
32 intoxicating liquor or a controlled substance or while having an alcohol
33 concentration of 0.04 or more.

34 (ii) Leaving the scene of an accident involving a motor vehicle driven
35 by the person.

36 (iii) Using a motor vehicle in the commission of a felony.

37 (iv) A violation of chapter 4, article 3 of this title while operating
38 a noncommercial motor vehicle.

39 (v) Driving a commercial motor vehicle while, as a result of prior
40 violations of this title committed while operating a commercial motor
41 vehicle, the person's commercial driver license is revoked, suspended or
42 canceled or the person is disqualified from operating a commercial motor
43 vehicle.

1 (vi) Causing a fatality through the negligent operation of a
2 commercial motor vehicle, including a conviction of manslaughter, homicide or
3 negligent homicide resulting from operation of a motor vehicle.

4 2. For at least three years, if the person is convicted of any of the
5 violations prescribed in paragraph 1 of this subsection and the violation
6 occurred while the person was transporting a hazardous material in the
7 quantity and under the circumstances that require placarding of the transport
8 vehicle under the department's safety rules pursuant to chapter 14 of this
9 title.

10 3. For the life of the person, if the person is convicted of two or
11 more violations of any of the offenses prescribed in paragraph 1 of this
12 subsection or of any combination of those offenses arising from two or more
13 separate incidents. The department shall consider only offenses committed
14 from and after December 31, 1989 in applying this paragraph.

15 4. Permanently if the person is convicted of using any motor vehicle
16 in the commission of a felony involving the manufacture, distribution or
17 dispensing of a controlled substance or possession with intent to
18 manufacture, distribute or dispense a controlled substance.

19 5. For at least sixty consecutive days, if the person is convicted of
20 two serious traffic violations committed in a motor vehicle arising from
21 separate incidents occurring within a three year period from the date of the
22 violation.

23 6. For at least one hundred twenty days served in addition to any
24 other disqualification, if the person is convicted of a third or subsequent
25 serious traffic violation committed in a motor vehicle arising from separate
26 incidents occurring within a three-year period from the date of the
27 violation.

28 B. Except as provided in subsection C of this section, a person
29 required to have a commercial driver license or a commercial driver license
30 holder who is found responsible for violating an out-of-service order
31 pursuant to section 28-5241 is disqualified from driving a commercial motor
32 vehicle as follows:

33 1. For a period of one hundred eighty days if the person is found
34 responsible for a first violation of an out-of-service order.

35 2. For a period of two years if the person is found responsible for a
36 second violation of any out-of-service order during any ten-year period
37 arising from separate incidents.

38 3. For a period of three years if the person is found responsible for
39 a third or subsequent violation of any out-of-service order during any
40 ten-year period arising from separate incidents.

41 C. A person required to have a commercial driver license or a
42 commercial driver license holder who is found responsible for violating an
43 out-of-service order pursuant to section 28-5241 while transporting hazardous
44 materials or while operating a commercial motor vehicle designed or used to

1 transport sixteen or more passengers, including the driver, is disqualified
2 from driving a commercial motor vehicle as follows:

3 1. For a period of one hundred eighty days if the person is found
4 responsible for a first violation of an out-of-service order.

5 2. For a period of three years if the person is found responsible for
6 a second or subsequent violation of any out-of-service order during any
7 ten-year period arising from separate incidents.

8 D. A person required to have a commercial driver license or a
9 commercial driver license holder who is convicted of or found responsible for
10 violating any federal, state or local railroad grade crossing law, ordinance
11 or regulation is disqualified from driving a commercial motor vehicle as
12 follows:

13 1. For a period of sixty days if a person is convicted of or found
14 responsible for a first violation.

15 2. For a period of one hundred twenty days if a person is convicted of
16 or found responsible for a second violation during any three-year period.

17 3. For a period of one year if a person is convicted of or found
18 responsible for a third or subsequent violation during any three-year period.

19 E. If a federal agency determines that a commercial motor vehicle
20 licensee is driving in a manner that constitutes an imminent hazard, the
21 department, on receipt of notification by the federal government, shall
22 disqualify the driver for a period not to exceed one year. The
23 disqualification shall run concurrently with any other disqualification
24 imposed on the driver. For the purposes of this subsection, "imminent
25 hazard" means the existence of a condition that presents a substantial
26 likelihood that death, serious illness, severe personal injury or a
27 substantial endangerment to health, property or the environment may occur
28 before the reasonably foreseeable completion date of a formal proceeding to
29 decrease the risk of death, illness, injury or endangerment.

30 F. The department shall keep records of findings of responsibility for
31 a civil traffic violation and of conviction of any moving criminal traffic
32 violation for a commercial driver licensee for violations in any type of
33 motor vehicle and for a person required to have a commercial driver license
34 if the violations arise from the operation of a commercial motor vehicle.
35 The department shall make the records available to other states, the United
36 States secretary of transportation, the driver and any motor carrier or
37 prospective motor carrier or the motor carrier's designated agent within ten
38 days after receiving a report of a conviction or finding of responsibility in
39 this state or receipt of a report of a conviction or finding of
40 responsibility or disqualification received from another state.

41 G. Disqualification for a serious traffic violation committed by a
42 commercial driver license holder while operating a noncommercial motor
43 vehicle applies only if the conviction results in the revocation,
44 cancellation or suspension of the person's commercial driver license or
45 noncommercial driver license.

1 H. The department may adopt rules establishing guidelines and
2 conditions under which the department may reduce a disqualification for life
3 pursuant to subsection A, paragraph 3 of this section to a disqualification
4 of at least ten years. If a person's disqualification is reduced pursuant to
5 rules adopted pursuant to this subsection and the person is subsequently
6 convicted of a violation described in subsection A, paragraph 1 of this
7 section, the person is permanently disqualified from driving a commercial
8 vehicle and is not eligible to apply for a reduction of the disqualification
9 pursuant to rules adopted pursuant to this subsection.

10 I. Except as provided in subsection E of this section, the beginning
11 date of the disqualification shall be **TEN DAYS AFTER** the date the department
12 receives the report of conviction or finding of responsibility.

13 J. For the purposes of this section, "serious traffic violation" means
14 a conviction or finding of responsibility for any of the following:

15 1. Excessive speeding involving a single offense for a speed of
16 fifteen miles per hour or more above the posted speed limit.

17 2. Reckless driving as provided by section 28-693.

18 3. Aggressive driving as provided by section 28-695.

19 4. Racing as defined in section 28-708.

20 5. Improper or erratic traffic lane changes as provided by section
21 28-729.

22 6. Following the vehicle ahead too closely as provided by section
23 28-730.

24 7. A violation of this title that is connected with a fatal traffic
25 accident.

26 8. Driving a commercial motor vehicle if the person has not been
27 issued a valid commercial driver license pursuant to this chapter.

28 9. Driving a commercial motor vehicle without a commercial driver
29 license in the person's possession.

30 10. Driving a commercial motor vehicle without having a valid
31 endorsement for the type of commercial motor vehicle or motor vehicle
32 combination being operated.

33 Sec. 6. Section 28-6351, Arizona Revised Statutes, is amended to read:

34 **28-6351. Definitions**

35 In this article, unless the context otherwise requires:

36 1. "Controlled access highway" has the same meaning prescribed in
37 section 28-601.

38 2. "Enhancement" means an addition that exceeds generally accepted
39 engineering or design standards for the specific type of facility.

40 3. **"REGIONAL PLANNING AGENCY" MEANS THE REGIONAL PLANNING AGENCY THAT**
41 **HAS OVERSIGHT RESPONSIBILITIES OF REGIONAL TRANSPORTATION PURSUANT TO THIS**
42 **CHAPTER IN A COUNTY WITH A POPULATION OF ONE MILLION TWO HUNDRED THOUSAND OR**
43 **MORE PERSONS AND THAT HAS LEVIED A TRANSPORTATION EXCISE TAX PURSUANT TO**
44 **SECTION 42-6105.**

1 ~~3-~~ 4. "Regional transportation plan" means the twenty year
2 comprehensive, performance based, multimodal and coordinated regional
3 transportation plan approved for the county pursuant to section 28-6308, as
4 amended or otherwise modified.

5 Sec. 7. Section 28-6357, Arizona Revised Statutes, is amended to read:
6 28-6357. Special assistant for the regional transportation plan

7 A. ~~The director~~ A REGIONAL PLANNING AGENCY shall appoint a special
8 assistant for the regional transportation plan to provide coordination among
9 the department of transportation, the regional planning agency and the local
10 entities that are members of the regional planning agency on the regional
11 transportation plan.

12 B. The duties of the special assistant for the regional transportation
13 plan include:

14 1. Life cycle management for the funding and programming of the
15 regional transportation plan, including ombudsman services and oversight of
16 gathering, analyzing, reporting, forecasting, coordinating, monitoring and
17 executing information and programs related to the regional transportation
18 plan.

19 2. Administrative support for the activities of the citizens
20 transportation oversight committee established pursuant to section 28-6356.
21 The special assistant is eligible to receive reimbursement for expenses
22 incurred by providing administrative support for the activities of the
23 citizens transportation oversight committee from monies distributed from the
24 highway user revenue fund pursuant to section 28-6538, subsection B,
25 paragraph 1.

26 3. Preparation and dissemination of reports on the status and the
27 progress of the regional transportation plan to the citizens transportation
28 oversight committee, the governor, the speaker of the house of
29 representatives, the president of the senate, the regional planning agency
30 and other interested governmental agencies and citizens.

31 4. Coordination of public hearings of the citizens oversight committee
32 on the regional transportation plan.

33 C. The special assistant for the regional transportation plan is
34 eligible to receive compensation pursuant to section 38-611. Notwithstanding
35 the limitations imposed in section 28-6305, the compensation of the special
36 assistant shall be paid from the regional area road fund.

37 Sec. 8. Section 41-2501, Arizona Revised Statutes, is amended to read:
38 41-2501. Applicability

39 A. This chapter applies only to procurements initiated after
40 January 1, 1985 unless the parties agree to its application to procurements
41 initiated before that date.

42 B. This chapter applies to every expenditure of public monies,
43 including federal assistance monies except as otherwise specified in section
44 41-2637, by this state, acting through a state governmental unit as defined
45 in this chapter, under any contract, except that this chapter does not apply

1 to either grants as defined in this chapter, or contracts between this state
2 and its political subdivisions or other governments, except as provided in
3 chapter 24 of this title and in article 10 of this chapter. This chapter
4 also applies to the disposal of state materials. This chapter and rules
5 adopted under this chapter do not prevent any state governmental unit or
6 political subdivision from complying with the terms of any grant, gift,
7 bequest or cooperative agreement.

8 C. All political subdivisions and other local public agencies of this
9 state may adopt all or any part of this chapter and the rules adopted
10 pursuant to this chapter.

11 D. Notwithstanding any other law, sections 41-2517 and 41-2546 apply
12 to any agency as defined in section 41-1001, including the office of the
13 governor.

14 E. The Arizona board of regents and the legislative and judicial
15 branches of state government are not subject to this chapter except as
16 prescribed in subsection F of this section.

17 F. The Arizona board of regents and the judicial branch shall adopt
18 rules prescribing procurement policies and procedures for themselves and
19 institutions under their jurisdiction. The rules must be substantially
20 equivalent to the policies and procedures prescribed in this chapter.

21 G. The Arizona state lottery commission is exempt from this chapter
22 for procurement relating to the design and operation of the lottery or
23 purchase of lottery equipment, tickets and related materials. The executive
24 director of the Arizona state lottery commission shall adopt rules
25 substantially equivalent to the policies and procedures in this chapter for
26 procurement relating to the design and operation of the lottery or purchase
27 of lottery equipment, tickets or related materials. All other procurement
28 shall be as prescribed by this chapter.

29 H. The Arizona health care cost containment system administration is
30 exempt from this chapter for provider contracts pursuant to section 36-2904,
31 subsection A and contracts for goods and services, including program
32 contractor contracts pursuant to title 36, chapter 29, articles 2 and 3. All
33 other procurement, including contracts for the statewide administrator of the
34 program pursuant to section 36-2903, subsection B, shall be as prescribed by
35 this chapter.

36 I. Arizona industries for the blind is exempt from this chapter for
37 purchases of finished goods from members of national industries for the blind
38 and for purchases of raw materials for use in the manufacture of products for
39 sale pursuant to section 41-1972. All other procurement shall be as
40 prescribed by this chapter.

41 J. Arizona correctional industries is exempt from this chapter for
42 purchases of raw materials, components and supplies that are used in the
43 manufacture or production of goods or services for sale entered into pursuant
44 to section 41-1622. All other procurement shall be as prescribed by this
45 chapter.

1 K. The state transportation board and the director of the department
2 of transportation are exempt from this chapter other than ~~section~~ SECTIONS
3 41-2517 AND 41-2586 AND ARE SUBJECT TO TITLE 28, CHAPTER 20 AND 49 CODE OF
4 FEDERAL REGULATIONS SECTION 18.36 for the procurement of ~~construction or~~
5 ~~reconstruction, including engineering services, of transportation facilities~~
6 ~~or highway facilities and any other services that are directly related to~~
7 ~~land titles, appraisals, real property acquisition, relocation, property~~
8 ~~management or building facility design and construction for highway~~
9 ~~development and that are required pursuant to title 28, chapter 20. THE~~
10 FOLLOWING:

11 1. ALL ITEMS OF CONSTRUCTION, RECONSTRUCTION, REHABILITATION,
12 PRESERVATION OR IMPROVEMENT UNDERTAKEN ON HIGHWAY INFRASTRUCTURE.

13 2. ENGINEERING SERVICES AND ANY OTHER WORK OR ACTIVITY TO CARRY OUT
14 ENGINEERING SERVICES RELATED TO HIGHWAY INFRASTRUCTURE.

15 3. RIGHT-OF-WAY SERVICES RELATED TO LAND TITLES, APPRAISALS, REAL
16 PROPERTY ACQUISITIONS, RELOCATION SERVICES, PROPERTY MANAGEMENT AND FACILITY
17 DESIGN.

18 4. ANY OTHER CONSTRUCTION, RECONSTRUCTION, REHABILITATION,
19 PRESERVATION OR IMPROVEMENT WORK OR ACTIVITY THAT IS REQUIRED PURSUANT TO
20 TITLE 28, CHAPTER 20.

21 L. The Arizona highways magazine is exempt from this chapter for
22 contracts for the production, promotion, distribution and sale of the
23 magazine and related products and for contracts for sole source creative
24 works entered into pursuant to section 28-7314, subsection A, paragraph 5.
25 All other procurement shall be as prescribed by this chapter.

26 M. The secretary of state is exempt from this chapter for contracts
27 entered into pursuant to section 41-1012 to publish and sell the
28 administrative code. All other procurement shall be as prescribed by this
29 chapter.

30 N. This chapter is not applicable to contracts for professional
31 witnesses if the purpose of such contracts is to provide for professional
32 services or testimony relating to an existing or probable judicial proceeding
33 in which this state is or may become a party or to contract for special
34 investigative services for law enforcement purposes.

35 O. The head of any state governmental unit, in relation to any
36 contract exempted by this section from this chapter, has the same authority
37 to adopt rules, procedures or policies as is delegated to the director
38 pursuant to this chapter.

39 P. Agreements negotiated by legal counsel representing this state in
40 settlement of litigation or threatened litigation are exempt from this
41 chapter.

42 Q. This chapter is not applicable to contracts entered into by the
43 department of economic security:

44 1. With a provider licensed or certified by an agency of this state to
45 provide child day care services.

1 2. With area agencies on aging created pursuant to the older Americans
2 act of 1965 (P.L. 89-73; 79 Stat. 218; 42 United States Code sections 3001
3 through 3058ff).

4 3. For services pursuant to title 36, chapter 29, article 2.

5 4. With an eligible entity as defined by Public Law 105-285, section
6 ~~673(1)(a)(i)~~ 673(1)(A)(i), as amended, for designated community services
7 block grant program monies and any other monies given to the eligible entity
8 that accomplishes the purpose of Public Law 105-285, section 672.

9 R. The department of health services may not require that persons with
10 whom it contracts follow this chapter for the purposes of subcontracts
11 entered into for the provision of the following:

12 1. Mental health services pursuant to section 36-189, subsection B.

13 2. Services for the seriously mentally ill pursuant to title 36,
14 chapter 5, article 10.

15 3. Drug and alcohol services pursuant to section 36-141.

16 4. Domestic violence services pursuant to title 36, chapter 30,
17 article 1.

18 S. The department of health services is exempt from this chapter for
19 contracts for services of physicians at the Arizona state hospital.

20 T. Contracts for goods and services approved by the board of trustees
21 of the public safety personnel retirement system are exempt from this
22 chapter.

23 U. The Arizona department of agriculture is exempt from this chapter
24 with respect to contracts for private labor and equipment to effect cotton or
25 cotton stubble plow-up pursuant to rules adopted under title 3, chapter 2,
26 article 1.

27 V. The Arizona state parks board is exempt from this chapter for
28 purchases of guest supplies and items for resale such as food, linens, gift
29 items, sundries, furniture, china, glassware and utensils for the facilities
30 located in the Tonto natural bridge state park.

31 W. The Arizona state parks board is exempt from this chapter for the
32 purchase, production, promotion, distribution and sale of publications,
33 souvenirs and sundry items obtained and produced for resale.

34 X. The Arizona state schools for the deaf and the blind are exempt
35 from this chapter for the purchase of textbooks and when purchasing products
36 through a cooperative that is organized and operates in accordance with state
37 law if such products are not available on a statewide contract and are
38 related to the operation of the schools or are products for which special
39 discounts are offered for educational institutions.

40 Y. Expenditures of monies in the morale, welfare and recreational fund
41 established by section 26-153 are exempt from this chapter.

42 Z. Notwithstanding section 41-2534, the director of the state
43 department of corrections may contract with local medical providers in
44 counties with a population of less than four hundred thousand persons for the
45 following purposes:

1 1. To acquire hospital and professional medical services for inmates
2 who are incarcerated in state department of corrections facilities that are
3 located in those counties.

4 2. To ensure the availability of emergency medical services to inmates
5 in all counties by contracting with the closest medical facility that offers
6 emergency treatment and stabilization.

7 AA. The department of environmental quality is exempt from this
8 chapter for contracting for procurements relating to the water quality
9 assurance revolving fund program established pursuant to title 49, chapter 2,
10 article 5. The department shall engage in a source selection process that is
11 similar to the procedures prescribed by this chapter. The department may
12 contract for remedial actions with a single selection process. The exclusive
13 remedy for disputes or claims relating to contracting pursuant to this
14 subsection is as prescribed by article 9 of this chapter and the rules
15 adopted pursuant to that article. All other procurement by the department
16 shall be as prescribed by this chapter.

17 BB. The motor vehicle division of the department of transportation is
18 exempt from this chapter for third-party authorizations pursuant to title 28,
19 chapter 13, only if all of the following conditions exist:

20 1. The division does not pay any public monies to an authorized third
21 party.

22 2. Exclusivity is not granted to an authorized third party.

23 3. The director has complied with the requirements prescribed in title
24 28, chapter 13 in selecting an authorized third party.

25 CC. This section does not exempt third-party authorizations pursuant
26 to title 28, chapter 13 from any other applicable law.

27 DD. The state forester is exempt from this chapter for purchases and
28 contracts relating to wildland fire suppression and pre-positioning equipment
29 resources and for other activities related to combating wildland fires and
30 other unplanned risk activities, including fire, flood, earthquake, wind and
31 hazardous material responses. All other procurement by the state forester
32 shall be as prescribed by this chapter.

33 EE. The cotton research and protection council is exempt from this
34 chapter for procurements.

35 FF. Expenditures of monies in the Arizona agricultural protection fund
36 established by section 3-3304 are exempt from this chapter.

37 GG. The Arizona commerce authority is exempt from this chapter, except
38 article 10 for the purpose of cooperative purchases. The authority shall
39 adopt policies, procedures and practices, in consultation with the department
40 of administration, that are similar to and based on the policies and
41 procedures prescribed by this chapter for the purpose of increased public
42 confidence, fair and equitable treatment of all persons engaged in the
43 process and fostering broad competition while accomplishing flexibility to
44 achieve the authority's statutory requirements. The authority shall make its

1 policies, procedures and practices available to the public. The authority
2 may exempt specific expenditures from the policies, procedures and practices.
3 HH. The Arizona exposition and state fair board is exempt from this
4 chapter for contracts for professional entertainment.
5 II. This chapter does not apply to the purchase of water, gas or
6 electric utilities.
7 JJ. This chapter does not apply to professional certifications,
8 professional memberships and conference registrations.
9 KK. The department of gaming is exempt from this chapter for problem
10 gambling treatment services contracts with licensed behavioral health
11 professionals.
12 LL. This chapter does not apply to contracts for credit reporting
13 services.
14 MM. This chapter does not apply to contracts entered into by the
15 department of child safety:
16 1. With a provider of family foster care pursuant to section 8-503 or
17 36-554.
18 2. With an eligible entity as defined by Public Law 105-285, section
19 673(1)(A)(i), as amended, for designated community services block grant
20 program monies and any other monies given to the eligible entity that
21 accomplishes the purpose of Public Law 105-285, section 672.