

REFERENCE TITLE: **weights and measures; omnibus**

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# **HB 2171**

Introduced by  
Representative Petersen

## **AN ACT**

AMENDING SECTION 3-102, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 244, SECTION 3; AMENDING SECTIONS 3-105, 3-615, 3-3401, 3-3412, 3-3414, 3-3415, 3-3416 AND 3-3417, ARIZONA REVISED STATUTES; AMENDING TITLE 3, CHAPTER 19, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 3-3419; AMENDING SECTIONS 3-3431, 3-3433, 3-3434, 3-3436, 3-3437, 3-3451, 3-3452, 3-3453, 3-3454, 3-3473, 3-3475 AND 3-3476, ARIZONA REVISED STATUTES; REPEALING SECTION 3-3491, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 244, SECTION 2; PROVIDING FOR RENUMBERING; AMENDING SECTIONS 3-3491, 3-3492, 3-3493, 3-3494 AND 3-3498, ARIZONA REVISED STATUTES, AS RENUMBERED BY THIS ACT; AMENDING SECTIONS 3-3512, 3-3514, 28-9501, 28-9502, 28-9503, 28-9521, 28-9523, 28-9524, 28-9525 AND 41-1092.02, ARIZONA REVISED STATUTES; AMENDING LAWS 2014, CHAPTER 132, SECTION 11; RELATING TO WEIGHTS AND MEASURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 3-102, Arizona Revised Statutes, as amended by Laws  
3 2015, chapter 244, section 3, is amended to read:

4 3-102. Department organization

5 A. The Arizona department of agriculture is established consisting of  
6 the following divisions:

7 1. The animal services division, which is responsible for milk, dairy,  
8 livestock and aquaculture regulation, the state veterinarian, meat, poultry  
9 and egg inspection and performing the administrative functions authorized or  
10 contracted pursuant to law for the Arizona beef council.

11 2. The plant services division, which is responsible for the fruit and  
12 vegetable standardization program and entomological services.

13 3. The environmental services division, which is responsible for  
14 regulating seed, feed and agricultural chemicals, including pesticides and  
15 fertilizers, and for native plant protection.

16 4. The weights and measures services division, which is responsible  
17 for the inspection, testing and licensing of commercial weighing, ~~and~~  
18 measuring **AND COUNTING** devices.

19 B. The following are established in addition to and separate from the  
20 divisions of the department:

21 1. A state agricultural laboratory.

22 2. An office of agriculture safety.

23 3. An office of inspections.

24 4. An office of commodity development and promotion.

25 C. The department shall have a central administrative service office  
26 providing:

27 1. Data processing, accounting and budgeting, records management,  
28 publications, property control and personnel services and training.

29 2. A program to cross-train appropriate personnel to enable them to  
30 perform similar functions or comparable work for different administrative  
31 units in the department.

32 Sec. 2. Section 3-105, Arizona Revised Statutes, is amended to read:

33 3-105. Division councils

34 A. The director may appoint a division council within any division of  
35 the department, and shall appoint an animal services division council **AND A**  
36 **WEIGHTS AND MEASURES SERVICES DIVISION COUNCIL**, consisting of representatives  
37 of the various industries and commodities regulated by ~~that division~~ **THOSE**  
38 **DIVISIONS**. Any such organization may request representation on the  
39 **RESPECTIVE** division council, but the actual appointments to the division  
40 council are at the discretion of the director.

41 B. Members shall serve two-year terms of office ~~which~~ **THAT** are  
42 staggered among the members. Members of division councils serve without  
43 compensation but are eligible for reimbursement for travel and other expenses  
44 as provided by law. Each division council shall select a chairman and  
45 vice-chairman from among its members. Division councils are public bodies

1 for purposes of title 38, chapter 3, article 3.1. ~~The~~ EACH division council  
2 shall assist and make recommendations to the associate director of the  
3 division regarding the administration and implementation of the various  
4 programs within the division. The associate director shall make a written  
5 response to the division council within fifteen days to each formal  
6 recommendation made by the council.

7 Sec. 3. Section 3-615, Arizona Revised Statutes, is amended to read:  
8 3-615. Milk holding tanks; structural requirements; measuring  
9 device

10 A. A milk holding tank shall be so designed, constructed and installed  
11 as to withstand ordinary usage and permit accurate measurement of the fluid  
12 contents thereof, and shall be so maintained by the owner. The tanks shall  
13 be so designed, constructed, installed and maintained that complete delivery  
14 of the contents may be made through delivery faucets or valves. Each tank  
15 shall be plainly marked by die stamping in letters or numerals ~~THAT ARE~~ not  
16 less than one-fourth inch in height showing the approved calibrated capacity  
17 to the nearest gallon, and shall be equipped with a means by which the  
18 calibration level may be readily determined. The shell, bulkheads and  
19 supporting framework shall be so constructed that they will not become  
20 distorted under any condition of liquid lading, and means shall be provided  
21 for the sealing of adjustable parts in such ~~A~~ manner as to prevent the  
22 removal or changing of position without destroying or mutilating the seal.  
23 Each milk holding tank shall be equipped with a measuring device approved by  
24 the state inspector of ~~THE~~ weights and measures ~~SERVICES DIVISION OF THE~~  
25 ~~DEPARTMENT~~.

26 B. It shall be unlawful to alter or tamper with a milk holding tank or  
27 any part thereof in such a way as to give an inaccurate measurement of the  
28 fluid contents thereof.

29 Sec. 4. Section 3-3401, Arizona Revised Statutes, is amended to read:  
30 3-3401. Definitions

31 In this chapter, unless the context otherwise requires:

32 1. "AREA A" HAS THE SAME MEANING PRESCRIBED IN SECTION 49-541.

33 2. "AREA B" HAS THE SAME MEANING PRESCRIBED IN SECTION 49-541.

34 3. "AREA C" MEANS THAT PORTION OF PINAL COUNTY LYING WEST OF RANGE 11  
35 EAST, EXCLUDING THAT PORTION OF THE COUNTY LYING WITHIN AREA A AS DEFINED IN  
36 SECTION 49-541 AND THAT PORTION OF THE COUNTY WITHIN THE JURISDICTION OF ANY  
37 INDIAN TRIBE, BAND, GROUP OR COMMUNITY THAT IS RECOGNIZED BY THE UNITED  
38 STATES SECRETARY OF THE INTERIOR AND THAT EXERCISES GOVERNMENTAL AUTHORITY  
39 WITHIN THE LIMITS OF ANY INDIAN RESERVATION UNDER THE JURISDICTION OF THE  
40 UNITED STATES GOVERNMENT, NOTWITHSTANDING THE ISSUANCE OF ANY PATENT AND  
41 INCLUDING RIGHTS-OF-WAY RUNNING THROUGH THE RESERVATION.

42 ~~1-~~ 4. "Associate director" means the associate director of the  
43 division.

44 ~~2-~~ 5. "Biodiesel" means a ~~diesel fuel substitute that is produced~~  
45 ~~from nonpetroleum renewable resources as defined by the United States~~

1 ~~environmental protection agency and that meets the registration requirements~~  
2 ~~for fuels and fuel additives established by the United States environmental~~  
3 ~~protection agency pursuant to section 211 of the clean air act, as defined in~~  
4 ~~section 49-401.01~~ MONO-ALKYL ESTER THAT MEETS ASTM D6751.

5 ~~3-~~ 6. "Biodiesel blend" means a motor fuel that is composed of  
6 biodiesel and diesel fuel and that is designated by the letter "B", followed  
7 by the numeric value of the volume percentage of biodiesel in the blend.

8 ~~4-~~ 7. "Biofuel" means a solid, liquid or gaseous fuel that is derived  
9 from biomass and that can be used directly for heating or power or as a BLEND  
10 COMPONENT IN motor fuel.

11 ~~5-~~ 8. "Biofuel blend" means a motor fuel that is composed of a  
12 biofuel, that is combined with a ~~petroleum-based~~ PETROLEUM-BASED fuel and  
13 that is designated by the volume percentage of biofuel in the blend.

14 ~~6-~~ 9. "Biomass" means biological material, such as plant or animal  
15 matter, excluding organic material that has been transformed by geological  
16 processes into substances such as coal or petroleum or derivatives thereof,  
17 that may be transformed into biofuel.

18 10. "BIOMASS-BASED DIESEL" MEANS A DIESEL FUEL SUBSTITUTE PRODUCED  
19 FROM NONPETROLEUM RENEWABLE RESOURCES THAT MEETS THE REGISTRATION  
20 REQUIREMENTS FOR FUELS AND FUEL ADDITIVES ESTABLISHED BY THE UNITED STATES  
21 ENVIRONMENTAL PROTECTION AGENCY UNDER 42 UNITED STATES CODE 7545 AND INCLUDES  
22 FUEL DERIVED FROM ANIMAL WASTES, INCLUDING POULTRY WASTES AND OTHER WASTE  
23 MATERIALS, MUNICIPAL SOLID WASTE AND SLUDGE AND OIL DERIVED FROM WASTEWATER  
24 AND THE TREATMENT OF WASTEWATER. BIOMASS-BASED DIESEL DOES NOT INCLUDE  
25 BIODIESEL.

26 11. BIOMASS-BASED DIESEL BLEND" MEANS A BLEND OF PETROLEUM-BASED  
27 DIESEL FUEL WITH BIOMASS-BASED DIESEL.

28 ~~7-~~ 12. "Certification" means the process of determining the accuracy  
29 of a commercial device to the standards of this state by a registered service  
30 representative or the ~~department~~ DIVISION.

31 ~~8-~~ 13. "Commercial device" means any weighing, measuring, metering or  
32 counting device that is used to determine the direct cost of things sold or  
33 offered or exposed for sale, or used to establish a fee for service if the  
34 cost is based on weight, measure or count, except that it does not include  
35 those devices used for in-house packaging, inventory control or law  
36 enforcement purposes.

37 ~~9-~~ 14. "Commodity" means any merchandise, product or substance  
38 produced or distributed for sale to or use by others.

39 ~~10-~~ 15. "Correct" as used in connection with weights and measures  
40 means conformance to all applicable requirements of this chapter.

41 ~~11-~~ 16. "Diesel fuel" means a refined middle distillate that is used  
42 as a fuel in a compression-ignition internal combustion engine and that meets  
43 the specifications of ASTM D975.

44 ~~12-~~ 17. "Division" means the weights and measures services division  
45 of the department.

1           ~~13-~~ 18. ~~"E85"~~ "ETHANOL FLEX FUEL" means a fuel ethanol gasoline blend  
2 that meets the specifications of ASTM D5798 STANDARD SPECIFICATION FOR  
3 ETHANOL FUEL BLENDS FOR FLEXIBLE-FUEL AUTOMOTIVE SPARK-IGNITION ENGINES.

4           19. "FLEET OWNER" MEANS A REGISTERED OWNER OR LESSEE OF AT LEAST  
5 TWENTY-FIVE VEHICLES.

6           20. "GASOLINE" MEANS A VOLATILE, HIGHLY FLAMMABLE LIQUID MIXTURE OF  
7 HYDROCARBONS THAT DOES NOT CONTAIN MORE THAN FIVE ONE-HUNDREDTHS GRAMS OF  
8 LEAD FOR EACH UNITED STATES GALLON, THAT IS PRODUCED, REFINED, MANUFACTURED,  
9 BLENDED, DISTILLED OR COMPOUNDED FROM PETROLEUM, NATURAL GAS, OIL, SHALE OILS  
10 OR COAL AND OTHER FLAMMABLE LIQUIDS FREE FROM UNDISSOLVED WATER, SEDIMENT OR  
11 SUSPENDED MATTER, WITH OR WITHOUT ADDITIVES, AND THAT IS COMMONLY USED AS A  
12 FUEL FOR SPARK-IGNITION INTERNAL COMBUSTION ENGINES. GASOLINE DOES NOT  
13 INCLUDE DIESEL FUEL OR ETHANOL FLEX FUEL.

14           21. "GASOLINE PROVIDER" MEANS ANY MANUFACTURER OF GASOLINE OR ANY  
15 PERSON WHO IMPORTS GASOLINE INTO A VEHICLE EMISSIONS CONTROL AREA BY MEANS OF  
16 A PIPELINE OR IN TRUCKLOAD QUANTITIES FOR THE PERSON'S OWN USE WITHIN THE  
17 VEHICLE EMISSIONS CONTROL AREA OR ANY PERSON WHO SELLS GASOLINE INTENDED FOR  
18 ULTIMATE CONSUMPTION WITHIN A VEHICLE EMISSIONS CONTROL AREA. GASOLINE  
19 PROVIDER DOES NOT MEAN A PERSON WITH RESPECT TO A GASOLINE SUPPLIED OR SOLD  
20 BY THE PERSON TO ANOTHER PERSON FOR RESALE TO A RETAILER WITHIN A VEHICLE  
21 EMISSIONS CONTROL AREA OR TO A FLEET OWNER FOR CONSUMPTION WITHIN A VEHICLE  
22 EMISSIONS CONTROL AREA.

23           ~~14-~~ 22. "Inspector" means a state official of the division.

24           ~~15-~~ 23. "Liquid ~~fuel~~ measuring device" means any meter, pump, tank,  
25 gauge or apparatus used for volumetrically determining the quantity of any  
26 internal combustion engine fuel, liquefied petroleum gas or low viscosity  
27 heating oil.

28           24. "MANUFACTURER'S PROVING GROUND" MEANS A FACILITY WHOSE SOLE  
29 PURPOSE IS TO DEVELOP COMPLETE ADVANCED VEHICLES FOR AN AUTOMOTIVE  
30 MANUFACTURER.

31           ~~16-~~ 25. "Misfuel" means the act of dispensing into the fuel tank of a  
32 motor vehicle a motor fuel that was not intended to be used in the engine of  
33 that motor vehicle.

34           ~~17-~~ 26. "Motor fuel" means a petroleum or a petroleum-based substance  
35 that is motor gasoline, aviation gasoline, number one or number two diesel  
36 fuel or any grade of oxygenated gasoline typically used in the operation of a  
37 motor engine, including biodiesel blends, biofuel blends and ~~the ethanol~~  
38 ~~blend E85 as defined in ASTM D5798~~ ETHANOL FLEX FUELS.

39           27. "MOTOR VEHICLE RACING EVENT" MEANS A RACE THAT USES UNLICENSED  
40 VEHICLES DESIGNED AND MANUFACTURED SPECIFICALLY FOR RACING PURPOSES AND THAT  
41 IS CONDUCTED ON A PUBLIC OR PRIVATE RACECOURSE FOR THE ENTERTAINMENT OF THE  
42 GENERAL PUBLIC. MOTOR VEHICLE RACING EVENT INCLUDES PRACTICE, QUALIFYING AND  
43 DEMONSTRATION LAPS CONDUCTED AS PART OF THE ACTIVITIES RELATED TO A MOTOR  
44 VEHICLE RACE.

1           28. "OXYGENATE" MEANS ANY OXYGEN-CONTAINING ASHLESS, ORGANIC COMPOUND,  
2 INCLUDING ALIPHATIC ALCOHOLS AND ALIPHATIC ETHERS, THAT MAY BE USED AS A FUEL  
3 OR AS A GASOLINE BLENDING COMPONENT AND THAT IS APPROVED AS A BLENDING AGENT  
4 UNDER THE PROVISIONS OF A WAIVER ISSUED BY THE UNITED STATES ENVIRONMENTAL  
5 PROTECTION AGENCY PURSUANT TO 42 UNITED STATES CODE SECTION 7545(f).

6           29. "OXYGENATED FUEL" MEANS AN UNLEADED MOTOR FUEL BLEND THAT CONSISTS  
7 PRIMARILY OF GASOLINE AND AT LEAST ONE AND ONE-HALF PERCENT BY WEIGHT OF ONE  
8 OR MORE OXYGENATES AND THAT HAS BEEN BLENDED CONSISTENT WITH THE PROVISIONS  
9 OF A WAIVER ISSUED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
10 PURSUANT TO 42 UNITED STATES CODE SECTION 7545(f).

11           ~~18.~~ 30. "Package" means any commodity enclosed in a container or  
12 wrapped in any manner in advance of sale in units suitable for either  
13 wholesale or retail trade.

14           ~~19.~~ 31. "Person" means both the plural and the singular, as the case  
15 demands, and includes individuals, partnerships, corporations, companies,  
16 societies and associations.

17           32. "PRODUCT TRANSFER DOCUMENT" MEANS ANY BILL OF LADING, LOADING  
18 TICKET, MANIFEST, DELIVERY RECEIPT, INVOICE OR OTHER DOCUMENTATION USED ON  
19 ANY OCCASION WHEN A PERSON TRANSFERS CUSTODY OR TITLE OF MOTOR FUEL OTHER  
20 THAN WHEN MOTOR FUEL IS SOLD OR DISPENSED AT A SERVICE STATION OR FLEET  
21 VEHICLE FUELING FACILITY.

22           ~~20.~~ 33. "Public weighmaster" means any person who is engaged in any  
23 of the following:

24           (a) The business of weighing any object or thing for the public  
25 generally for hire or for internal use and issuing for that weighing a weight  
26 certificate intended to be accepted as an accurate weight ~~upon~~ ON which a  
27 purchase or sale is to be based or on which a service fee is to be charged.

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

32           ~~21.~~ 34. "Reference standards" means the physical standards of the  
33 state that serve as the legal reference from which all other standards and  
34 weights and measures are derived.

35           ~~22.~~ 35. "Registered service agency" means any agency, firm, company  
36 or corporation that for hire, award, commission or any other payment of any  
37 kind installs, services, repairs or reconditions a commercial device or tests  
38 or repairs vapor recovery systems or vapor recovery components and that has  
39 been issued a license by the division.

40           ~~23.~~ 36. "Registered service representative" means any individual who  
41 for hire, award, commission or any other payment of any kind installs,  
42 services, repairs or reconditions a commercial device or tests or repairs  
43 vapor recovery systems or vapor recovery components and who has been issued a  
44 license by the division.

1           ~~24.~~ 37. "Retail seller" means a person whose business purpose is to  
2 sell, expose or offer for sale or use any package or commodity by weight,  
3 measure or count.

4           ~~25.~~ 38. "Secondary standards" means the physical standards that are  
5 traceable to the reference standards through comparisons, using acceptable  
6 laboratory procedures, and that are used in the enforcement of weights and  
7 measures laws and rules.

8           39. "SUPPLIER" MEANS ANY PERSON THAT IMPORTS GASOLINE INTO A VEHICLE  
9 EMISSIONS CONTROL AREA BY MEANS OF A PIPELINE OR IN TRUCKLOAD QUANTITIES FOR  
10 THE PERSON'S OWN USE WITHIN THE VEHICLE EMISSIONS CONTROL AREA OR ANY PERSON  
11 THAT SELLS GASOLINE INTENDED FOR ULTIMATE CONSUMPTION WITHIN A VEHICLE  
12 EMISSIONS CONTROL AREA, EXCEPT THAT SUPPLIER DOES NOT MEAN A PERSON WITH  
13 RESPECT TO GASOLINE SUPPLIED OR SOLD BY THE PERSON TO ANOTHER FOR RESALE TO A  
14 RETAILER WITHIN A VEHICLE EMISSIONS CONTROL AREA OR TO A FLEET OWNER FOR  
15 CONSUMPTION WITHIN A VEHICLE EMISSIONS CONTROL AREA.

16           40. "VEHICLE EMISSIONS CONTROL AREA" MEANS A COUNTY WITH A POPULATION  
17 OF ONE MILLION TWO HUNDRED THOUSAND OR MORE PERSONS AND ANY PORTION OF A  
18 COUNTY CONTAINED IN AREA A, OR ANY PORTION OF AREA B OR C, EXCEPT THAT SUCH  
19 AN AREA DOES NOT INCLUDE A MANUFACTURER'S PROVING GROUND THAT IS LOCATED IN  
20 THE VEHICLE EMISSIONS CONTROL AREA.

21           ~~26.~~ 41. "Weight" as used in connection with any commodity means net  
22 weight.

23           ~~27.~~ 42. "Weights" or "measures", or both, means all weights,  
24 measures, meters or counters of every kind, instruments and devices for  
25 weighing, measuring, metering or counting and any appliance and accessories  
26 associated with any or all such instruments and devices.

27           Sec. 5. Section 3-3412, Arizona Revised Statutes, is amended to read:

28           3-3412. Physical standards

29           Weights and measures that are traceable to the United States prototype  
30 standards supplied by the federal government, or approved as being  
31 satisfactory by the national institute of standards and technology, shall be  
32 the state reference standards of weights and measures, ~~and~~ and shall be  
33 maintained in such calibration as prescribed by the national institute of  
34 standards and technology. All secondary standards may be prescribed by the  
35 ASSOCIATE director and shall be verified ~~upon their~~ ON initial receipt and as  
36 often thereafter as deemed necessary by the ASSOCIATE director.

37           Sec. 6. Section 3-3414, Arizona Revised Statutes, is amended to read:

38           3-3414. Powers and duties; definition

39           A. The division shall:

40           1. Maintain custody of the state reference standards of weights and  
41 measures that are traceable to the United States prototype standards and that  
42 are supplied to the states by the federal government or that are otherwise  
43 approved as being satisfactory by the national institute of standards and  
44 technology.

- 1           2. Keep the state reference standards in a safe and suitable place in  
2 the metrology laboratory of the division and ensure that they ~~shall~~ ARE not  
3 ~~be~~ removed from the laboratory except for repairs or for calibration as may  
4 be prescribed by the national institute of standards and technology.
- 5           3. Keep accurate records of all standards and equipment.
- 6           4. Adopt any rules necessary to carry out this chapter and adopt  
7 reasonable rules for the enforcement of this chapter. These rules have the  
8 force and effect of law and shall be adopted pursuant to title 41, chapter 6.  
9 In adopting these rules, the associate director shall consider, as far as is  
10 practicable, the requirements established by other states and by authority of  
11 the United States, except that rules shall not be made in conflict with this  
12 chapter.
- 13           5. Publish rules adopted pursuant to this chapter and issue  
14 appropriate copies at no cost to all new applicants for licensure and  
15 certification. Updated copies of the rules shall be distributed, on request,  
16 at no cost to the public.
- 17           6. Investigate complaints made to the division concerning violations  
18 of this chapter and, on its own initiative, conduct investigations it deems  
19 appropriate to develop information relating to prevailing procedures in  
20 commercial quantity determination and relating to possible violations of this  
21 chapter, ~~and~~ in order to EDUCATE THE PUBLIC AND REGULATED PERSONS TO  
22 ENCOURAGE AND promote the general objective of accuracy in the determination  
23 and representation of quantity in commercial transactions.
- 24           7. Establish labeling standards, establish standards of weight,  
25 measure or count and establish reasonable standards of fill for any packaged  
26 commodity, and may establish standards for open dating information.
- 27           8. Grant, pursuant to this chapter, exemptions from the licensing  
28 provisions of this chapter for weighing and measuring instruments, standards  
29 or devices when the ownership or use of the instrument or device is limited  
30 to federal, state or local government agencies in the performance of official  
31 functions. On request, the division may conduct inspections of instruments,  
32 standards or devices and shall charge a fee pursuant to section 3-3452.
- 33           9. Delegate to appropriate personnel any of the responsibilities of  
34 the associate director for the proper administration of this chapter.
- 35           10. Inspect and test weights and measures THAT ARE kept, offered or  
36 exposed for sale.
- 37           11. Inspect and test, to ascertain if they are correct, weights and  
38 measures commercially used either:
- 39           (a) In determining the weight, measure or count of commodities or  
40 things sold, or offered or exposed for sale, on the basis of weight, measure  
41 or count.
- 42           (b) In computing the basic charge or payment for services rendered on  
43 the basis of weight, measure or count.
- 44           12. Test, at random, commodities, weights and measures used in public  
45 institutions for which monies are appropriated by the legislature. The



1 testing of commodities, weights and measures in public institutions ~~shall~~  
2 ~~include~~ INCLUDES items:

3 (a) That have historically been of short weight, measure or count.

4 (b) THAT HAVE BEEN found to be of short weight, measure or count by  
5 other jurisdictions.

6 (c) THAT ARE to be tested as part of a regional or national survey.

7 13. Test, approve for use and affix a seal of approval for use ~~of~~ ON  
8 all weights, measures and commercial devices manufactured in or brought into  
9 this state as it finds to be correct and shall reject and mark as rejected  
10 weights, measures and devices it finds to be incorrect. Weights, measures  
11 and devices that have been rejected may be seized by the division if not  
12 corrected within the time specified or if used or disposed of in a manner not  
13 specifically authorized. The division shall condemn and may seize weights,  
14 measures and devices that are found to be incorrect and that are not capable  
15 of being made correct.

16 14. Sample and test motor fuel that is stored, sold or exposed or  
17 offered for sale or that is stored for use by a fleet owner to determine  
18 whether the motor fuel meets the standards for motor fuel set forth in  
19 section 3-3433 and article 6 of this chapter and in any rule adopted by the  
20 associate director pursuant to this chapter. ~~For the purposes of this~~  
21 ~~paragraph, "fleet owner" has the same meaning prescribed in section 3-3491.~~

22 15. Randomly witness tests on all mandated vapor recovery systems that  
23 are installed or operated in this state and, if the systems are determined to  
24 be in compliance with the law, approve those systems for use and reject, mark  
25 as rejected and stop the use of those systems THAT ARE determined not to be  
26 in compliance with the law.

27 16. Inspect facilities at which motor fuel is stored, sold or exposed  
28 or offered for sale to determine whether dispensing devices are properly  
29 labeled.

30 17. Publish and distribute to consumers AND REGULATED PERSONS weighing  
31 and measuring information.

32 18. Weigh, measure or inspect commodities THAT ARE kept, offered or  
33 exposed for sale, sold or in the process of delivery to determine whether  
34 they contain the amounts represented and whether they are kept, offered or  
35 exposed for sale in accordance with this chapter or rules adopted pursuant to  
36 this chapter. In carrying out this section, the associate director shall  
37 employ recognized sampling procedures, such as are designated in appropriate  
38 national institute of standards and technology handbooks and supplements to  
39 those handbooks, except as modified or rejected by rule.

40 19. Allow reasonable variations from the stated quantity of contents  
41 only after a commodity has entered intrastate commerce. These variations  
42 shall include those caused by loss or gain of moisture during the course of  
43 good distribution practice or by unavoidable deviations in good manufacturing  
44 practice.

- 1           20. Prescribe the standards of weight and measure and additional  
2 equipment methods of test and inspection to be employed in the enforcement of  
3 this chapter. The associate director may prescribe or provide the official  
4 test and inspection forms to be used in the enforcement of this chapter.
- 5           21. Apply to any court of competent jurisdiction for a temporary or  
6 permanent injunction restraining any person from violating this chapter.
- 7           22. Report to the governor on or before August 1 of each year and at  
8 such other times as may be required on the work accomplished under this  
9 chapter.
- 10          23. Subject to title 41, chapter 4, article 4, employ such personnel  
11 as needed to assist in administering this chapter.
- 12          24. Ensure that any information that is required to be filed with the  
13 ~~department~~ DIVISION, that relates to the contents of motor fuels that are  
14 sold in this state and that is a trade secret as defined in section 49-201 is  
15 not disclosed.
- 16          25. Establish by rule labeling standards for tanks and containers of  
17 motor fuels.
- 18           B. The associate director may provide for the periodic examination and  
19 inspection of metering devices, including devices used to measure usage of  
20 electricity, natural gas or water by a consumer. Examination and inspection  
21 authority shall not apply to metering devices owned by federal, state or  
22 local government agencies unless requested by the government agency that owns  
23 the metering devices.
- 24           C. The associate director may establish standards for the presentation  
25 of cost-per-unit information. This subsection does not mandate the use of  
26 cost-per-unit information in connection with the sale of any standard packed  
27 commodity.
- 28           D. The associate director, when necessary to carry out this chapter,  
29 may adopt and enforce rules relating to quality standards for motor fuel,  
30 kerosene, oil, except used oil fuel, and hazardous waste fuel, lubricating  
31 oils, lubricants, antifreeze and other liquid or gaseous fuels. The  
32 associate director shall adopt rules to ensure that oxygenated fuels, as  
33 described in article 6 of this chapter, that are stored, used, sold or  
34 exposed or offered for use or sale are blended and stored, sold, exposed or  
35 offered in such a manner as to ensure that the oxygenated fuels are properly  
36 blended, that they meet the standards set forth in section 3-3433 and  
37 article 6 of this chapter, and in rules adopted pursuant to this chapter, and  
38 that dispensers at which the oxygenated fuels are dispensed are labeled as  
39 defined by rule of the division in such a manner as to notify persons of the  
40 type of oxygenated fuel being dispensed and the maximum percentage of  
41 oxygenate by volume contained in the oxygenated fuel. The associate director  
42 of the division shall consult with the director of the department of  
43 environmental quality in adopting rules pursuant to this subsection.
- 44           E. Testing and inspection conducted pursuant to this chapter shall be  
45 done, to the extent practicable, without prior notice, by a random systematic

1 method determined by the associate director or in response to a complaint by  
2 the public. The testing and inspection may be done by private persons and  
3 firms pursuant to contracts entered into by the associate director in  
4 accordance with title 41, chapter 23 or by a registered service agency or  
5 registered service representative licensed pursuant to section 3-3454. The  
6 associate director shall establish qualifications of persons and firms for  
7 selection for purposes of this subsection. The persons or firms conducting  
8 the testing and inspection shall immediately report to the division any  
9 violations of this chapter and incorrect weights, measures, devices, vapor  
10 recovery systems or vapor recovery components for investigation and  
11 enforcement by the ~~department~~ DIVISION. A person or firm that tests or  
12 inspects a weight, measure, device, vapor recovery system or vapor recovery  
13 component that is rejected shall not correct the defect causing the rejection  
14 without the permission of the division.

15 F. During the course of an investigation or an enforcement action by  
16 the division, information regarding the complainant is confidential and is  
17 exempt from title 39, chapter 1, unless the complainant authorizes the  
18 information to be public.

19 G. For the purposes of the labeling requirements prescribed in this  
20 section, "oxygenated fuel" means a motor fuel blend containing 1.5 percent or  
21 more by weight of oxygen.

22 Sec. 7. Section 3-3415, Arizona Revised Statutes, is amended to read:  
23 3-3415. Enforcement powers of the associate director, agents  
24 and inspectors

25 A. When necessary for the enforcement of this chapter and rules  
26 adopted pursuant to this chapter, the ASSOCIATE director or the ASSOCIATE  
27 director's agents and inspectors shall:

28 1. Enter any commercial, nonprofit business or governmental premises  
29 during normal operating hours, except that if the premises are not open to  
30 the public, the ASSOCIATE director or the ASSOCIATE director's agents and  
31 inspectors shall first present their credentials.

32 2. Issue stop-use, hold and removal orders with respect to any weights  
33 and measures commercially used, stop-sale, hold and removal orders with  
34 respect to any commodities, bulk commodities or motor fuel kept, offered or  
35 exposed for sale, stop-use and hold orders with respect to a vapor recovery  
36 system or parts of a vapor recovery system and stop-use, stop-sale, hold and  
37 removal orders with respect to any motor fuel found to be in violation of  
38 this chapter or rules adopted pursuant to this chapter.

39 3. Seize for use as evidence, without formal warrant, any incorrect or  
40 unapproved weight, measure, package or commodity found to be used, retained,  
41 offered or exposed for sale or sold in violation of this chapter or rules  
42 adopted pursuant to this chapter.

43 4. Stop any commercial vehicle ~~upon~~ ON reasonable cause to believe  
44 that the vehicle contains evidence of a violation of this chapter and, after  
45 presentment of the ~~director's~~ CREDENTIALS OF THE ASSOCIATE DIRECTOR or the

1 ASSOCIATE director's ~~agent's~~ AGENTS or ~~inspector's credentials~~ INSPECTORS,  
2 inspect the contents, require that the person in charge of the vehicle  
3 produce any documents in the person's possession concerning the contents and  
4 require the person to proceed with the vehicle to some specified place for  
5 inspection.

6 B. With respect to the enforcement of this chapter, the ASSOCIATE  
7 director or the ASSOCIATE director's agents or inspectors may issue A WARNING  
8 REQUIRING CORRECTIVE ACTION OR a citation to any violators of this chapter in  
9 accordance with ~~the provisions of~~ section 13-3903.

10 C. The ASSOCIATE director or the ASSOCIATE director's agents or  
11 inspectors may apply for a special inspection warrant for inspection of real  
12 or personal property for the purpose of enforcement of this chapter. The  
13 special inspection warrant shall be issued as provided in section 49-433.

14 Sec. 8. Section 3-3416, Arizona Revised Statutes, is amended to read:  
15 3-3416. State metrology laboratory; operation; standards;  
16 testing

17 A. The ASSOCIATE director shall establish and operate within the  
18 ~~department~~ DIVISION the state metrology laboratory.

19 B. A commercial device shall not be approved for use in the state  
20 unless the design and construction comply with national institute of  
21 standards and technology requirements.

22 C. All commercial devices approved and certified shall meet the  
23 tolerance, design and construction requirements prescribed by the national  
24 institute of standards and technology.

25 D. All commercial devices THAT ARE determined unfit for approval shall  
26 be rejected without testing.

27 E. All weights, weight sets, measures, meters, counters or other  
28 devices THAT ARE used by registered service representatives shall show an  
29 indication of the approval date and jurisdiction issuing the approval.

30 F. All persons who install, service or repair commercial devices in  
31 this state shall submit the test equipment used to the ~~department's~~  
32 DIVISION'S metrology laboratory for approval at least annually. A  
33 certificate of approval that specifically identifies the test equipment and  
34 that is issued by another state laboratory may be accepted in lieu of  
35 submitting equipment if the other state laboratory is certified by the  
36 national institute of standards and technology.

37 G. All weights, measures, meters, counters or other devices shall be  
38 tested in the order they are scheduled in the laboratory unless arrangements  
39 for testing have been made in advance.

40 H. Work THAT IS completed in the metrology laboratory shall be paid  
41 for pursuant to the fees prescribed in the rules of the ~~department~~ DIVISION.

42 Sec. 9. Section 3-3417, Arizona Revised Statutes, is amended to read:  
43 3-3417. Fees to state general fund

44 The ASSOCIATE director shall deposit, pursuant to sections 35-146 and  
45 35-147, all fees collected in the state general fund.

1           Sec. 10. Title 3, chapter 19, article 2, Arizona Revised Statutes, is  
2 amended by adding section 3-3419, to read:

3           3-3419. Consultation and training program: inspection training  
4   program

5           THE ASSOCIATE DIRECTOR MAY DEVELOP AND IMPLEMENT THE FOLLOWING TRAINING  
6 PROGRAMS:

7           1. A CONSULTATION AND TRAINING PROGRAM FOR ENTITIES REGULATED UNDER  
8 THIS CHAPTER THAT USES ON-SITE VISITS, TRAINING AND EDUCATIONAL MATERIALS,  
9 AND INFORMATIONAL PRESENTATIONS TO PROVIDE TRAINING AND ADVICE ON  
10 INTERPRETING, APPLYING AND COMPLYING, INCLUDING ALTERNATIVE METHODS OF  
11 COMPLYING, WITH THE STATUTES, RULES, REGULATIONS, STANDARDS OR OTHER MATTERS  
12 RELATING TO COMPLIANCE WITH THIS CHAPTER.

13           2. AN INSPECTION TRAINING PROGRAM FOR DIVISION INSPECTORS AND  
14 EMPLOYEES TO ENSURE THAT ALL INSPECTIONS AND TESTS PROVIDED FOR IN THIS  
15 CHAPTER ARE CONDUCTED IN A CONSISTENT MANNER TO THE EXTENT PRACTICABLE.

16           Sec. 11. Section 3-3431, Arizona Revised Statutes, is amended to read:

17           3-3431. Sale of commodities

18           A. A person shall not sell or offer or expose for sale less than the  
19 quantity the person represents.

20           B. As a buyer, a person shall not take any more than the quantity the  
21 person represents when the person furnishes the weight or measure by means of  
22 which the quantity is determined.

23           C. A person shall not misrepresent the price of any commodity or  
24 service sold or offered, exposed or advertised for sale by weight, measure or  
25 count or represent the price in any manner calculated or tending to mislead  
26 or in any way deceive a person.

27           D. Except as otherwise provided by the associate director, commodities  
28 in liquid form shall be sold by liquid measure or by weight, and commodities  
29 not in liquid form shall be sold only by weight, by measure or by count, as  
30 long as the method of sale provides accurate quantity information.

31           E. If the quantity is determined by the seller, bulk sales shall be  
32 accompanied by a delivery ticket containing the following information unless  
33 exempted by rule:

- 34           1. The name and address of the vendor and purchaser.
- 35           2. The date delivered.
- 36           3. The quantity delivered and the quantity on which the price is  
37 based, if this differs from the delivered quantity.
- 38           4. The identity in the most descriptive terms commercially  
39 practicable, including any quality representation made in connection with the  
40 sale.
- 41           5. The count of individually wrapped packages, if more than one.

42           F. Except as otherwise provided in this chapter or by rules adopted  
43 pursuant to this chapter, any package kept for the purpose of sale or offered  
44 or exposed for sale shall bear on the outside of the package a definite,  
45 plain and conspicuous declaration of:

- 1           1. The identity of the commodity in the package, unless the commodity  
2 can easily be identified through the wrapper or container.
- 3           2. The quantity of contents in terms of weight, measure or count.
- 4           3. The name and place of business of the manufacturer, packer or  
5 distributor, in the case of any package kept, offered or exposed for sale or  
6 sold in any place other than on the premises where packed.
- 7           4. The price, except as provided in subsections L, ~~and~~ M AND N of this  
8 section.
- 9           G. In addition to the declarations required by subsection F of this  
10 section, any package being one of a lot containing random weights of the same  
11 commodity and bearing the total selling price of the package shall bear on  
12 the outside of the package a plain and conspicuous declaration of the price  
13 per single unit of weight.
- 14           H. If a packaged commodity is advertised in any manner with the retail  
15 price stated, there shall be closely and conspicuously associated with the  
16 retail price a declaration of quantity as is required by law or rule to  
17 appear on the package. If a dual declaration is required, only the  
18 declaration that sets forth the quantity in terms of the smaller unit of  
19 weight or measure need appear in the advertisement.
- 20           I. The packager of a short weighted item offered for sale is liable  
21 under this chapter.
- 22           J. If a retail seller engaging in the sale of motor fuel posts the  
23 selling price of the fuel on the premises, the seller shall post the selling  
24 price only by the price per gallon, except that if the fuel is dispensed by a  
25 measure other than whole gallons the seller shall represent the selling price  
26 for each unit of such other measure on the individual pump or other  
27 dispensing device. If a retail seller engaging in the sale of motor fuel  
28 advertises the price of the fuel off the premises, the retail seller shall  
29 advertise the price only by the price per gallon.
- 30           K. The owner or operator of a motor fuel dispensing site shall ensure  
31 that a sticker provided by the department of transportation that is three  
32 inches by five inches and that depicts the amount of federal and state taxes  
33 imposed on one gallon of gasoline is displayed on one side of each motor fuel  
34 dispenser. The sticker required by this subsection shall contain white  
35 lettering on a black background or black lettering on a white background to  
36 ensure a contrasting color to the motor fuel dispenser and shall be placed on  
37 the upper sixty percent of the dispenser. The division shall use stickers  
38 provided by the department of transportation. A template of the sticker  
39 shall be placed on the division's website for use by retailers. ~~During the~~  
40 ~~course of its normal random inspections, the division shall apply the~~  
41 ~~stickers with a compliance schedule of four years after July 29, 2010.~~
- 42           L. Instead of each package bearing the price as required under  
43 subsection F, paragraph 4 of this section, the seller may post the price of  
44 the package on the shelf or MAY display THE PRICE at OR NEAR the point of  
45 display of the product.

1 M. INSTEAD OF EACH PACKAGE BEARING THE PRICE AS REQUIRED UNDER  
2 SUBSECTION F, PARAGRAPH 4 OF THIS SECTION, IF THE PACKAGE IS AVAILABLE FOR  
3 SALE ONLY WITH THE ASSISTANCE OF A SALESPERSON, THE SELLER MAY DISPLAY THE  
4 PACKAGE AT A SERVICE COUNTER STAFFED BY THE SALESPERSON.

5 ~~M.~~ N. INSTEAD OF EACH PACKAGE BEARING THE PRICE AS REQUIRED UNDER  
6 SUBSECTION F, PARAGRAPH 4 OF THIS SECTION, if the package is offered for sale  
7 at a price reduced by a percentage or a fixed amount from a previously  
8 offered price OR AT A REDUCED PRICE FOR THE PURCHASE OF MULTIPLE ITEMS, the  
9 reduction shall be displayed at the point of display of the package OR NEAR  
10 THE POINT OF DISPLAY OF THE PACKAGE in the manner required by this section.

11 ~~N.~~ O. On the request of a consumer, a retail seller shall provide:  
12 1. A means of recording prices such as grease pencils, felt markers,  
13 scanners or other similar instruments for recording the price.

14 2. A written statement of the retail seller's policies regarding  
15 errors in pricing.

16 Sec. 12. Section 3-3433, Arizona Revised Statutes, is amended to read:  
17 3-3433. Standards for motor fuel; exceptions

18 A. Except as provided in section 3-3434 and subsections C, D, E, F,  
19 ~~G, AND K and L~~ of this section, a retail seller or fleet owner shall not  
20 store, sell or expose or offer for sale any motor fuel, kerosene, oil or  
21 other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of  
22 lubricants or other similar products if the product fails to meet the  
23 standards specified in this section and in the rules adopted by the associate  
24 director.

25 B. A person shall not misrepresent the nature, origination, quality,  
26 grade or identity of any product specified in subsection A of this section or  
27 represent the nature, origination, quality, grade or identity of such product  
28 in any manner calculated or tending to mislead or in any way deceive. This  
29 subsection does not prohibit product origination disclaimer labeling on the  
30 retail dispenser.

31 C. After consultation with the director of the department of  
32 environmental quality, the standards and test methods for motor fuels shall  
33 be established by the associate director of the division by rule.

34 D. Maximum vapor pressure for gasoline that is supplied or sold by any  
35 person and that is intended as a final product for the fueling of motor  
36 vehicles in a county with a population of one million two hundred thousand or  
37 more persons and any portion of a county contained in area A ~~as defined in~~  
38 ~~section 49-541~~ shall be 9.0 pounds per square inch from and after September  
39 30 through March 31 of each year. Fuel used in motor vehicles at a  
40 manufacturer's proving ground or a motor vehicle racing event ~~as defined by~~  
41 ~~section 3-3491~~ is exempt from this subsection.

42 E. From and after September 30 through March 31 of each year, a person  
43 shall not supply or sell gasoline that exceeds the ASTM D4814 class A vapor  
44 pressure/distillation class ten volume percent evaporated distillation  
45 temperature.

1 F. Maximum vapor pressure for gasoline that is supplied or sold by any  
 2 person and that is intended as a final product for the fueling of motor  
 3 vehicles in a county with a population of one million two hundred thousand  
 4 persons or more and any portion of a county contained in area A ~~as defined in~~  
 5 ~~section 49-541~~ shall be 7.0 pounds per square inch from and after May 31  
 6 through September 30 of each year. Fuel used in motor vehicles at a  
 7 manufacturer's proving ground or a motor vehicle racing event ~~as defined by~~  
 8 ~~section 3-3491~~ is exempt from this subsection.

9 G. Exclusively for the purposes of transportation conformity and only  
 10 if the administrator of the United States environmental protection agency  
 11 fails to approve the applicable plan required pursuant to section 49-406,  
 12 maximum vapor pressure for gasoline that is supplied or sold by any person  
 13 and that is intended as a final product for the fueling of motor vehicles in  
 14 area B ~~as defined in section 49-541~~ shall be ten pounds per square inch from  
 15 and after September 30 through March 31 of each year. Fuel used in motor  
 16 vehicles at a manufacturer's proving ground or a motor vehicle racing event  
 17 ~~as defined by section 3-3491~~ is exempt from this subsection.

18 H. Notwithstanding subsections D, F and G of this section, the  
 19 associate director of the division in consultation with the director of the  
 20 department of environmental quality shall approve alternate fuel control  
 21 measures that are submitted by ~~manufacturers or suppliers of~~ gasoline  
 22 PROVIDERS and that the director and the associate director determine will  
 23 result in either of the following:

24 1. Motor vehicle carbon monoxide emissions that are equal to or less  
 25 than emissions that result under compliance with subsection D of this section  
 26 and section ~~3-3493~~ 3-3492. In making this determination, the associate  
 27 director of the division and the director of the department of environmental  
 28 quality shall compare the emissions of the alternate fuel control measure  
 29 with the emissions of a fuel with a maximum vapor pressure standard as  
 30 prescribed by this section and with the minimum oxygen content or percentage  
 31 by volume of ethanol as prescribed by section ~~3-3493~~ 3-3492.

32 2. Motor vehicle non-methane hydrocarbon emissions that are equal to  
 33 or less than the emissions that result under compliance with subsection F of  
 34 this section. In making this determination, the associate director of the  
 35 division and the director of the department of environmental quality shall  
 36 compare the motor vehicle non-methane hydrocarbon emissions of the alternate  
 37 fuel control measure with the motor vehicle non-methane hydrocarbon emissions  
 38 of a fuel that complies with the maximum vapor pressure standard as  
 39 prescribed by subsection F of this section.

40 I. Any alternate fuel control measures that are approved shall not  
 41 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide  
 42 or oxides of nitrogen. Alternate fuel control measures approved pursuant to  
 43 subsection H of this section and this subsection may be used by any  
 44 ~~manufacturer or supplier of~~ gasoline PROVIDER unless the approval is  
 45 rescinded more than one hundred eighty days before the first day of a



1 gasoline control period. ~~Manufacturers and suppliers who~~ GASOLINE PROVIDERS  
2 THAT use an approved alternate fuel control measure shall annually submit a  
3 compliance plan to the associate director no later than sixty days before the  
4 first day of a gasoline control period.

5 J. A person shall not sell or offer or expose for sale diesel fuel  
6 grade 1, 2 or 4 as defined in ASTM D975, BIODIESEL, BIODIESEL BLENDS OR  
7 BIOMASS-BASED DIESEL OR BIOMASS-BASED DIESEL BLENDS that ~~contains~~ CONTAIN  
8 sulfur in excess of ~~:-~~

9 ~~1. For low sulfur diesel fuel, five hundred parts per million by~~  
10 ~~weight for use in area A as defined in section 49-541.~~

11 ~~2. For ultra low sulfur diesel fuel, the amount that conforms with 40~~  
12 ~~Code of Federal Regulations section 80.520(a)(1) FIFTEEN PARTS PER MILLION.~~  
13 LOCOMOTIVE AND MARINE DIESEL FUEL IS EXEMPT FROM THIS REQUIREMENT IF THE FUEL  
14 MEETS THE REQUIREMENTS OF 40 CODE OF FEDERAL REGULATIONS SECTION 80.513(g)  
15 AND (h).

16 ~~K. A person shall not sell or offer or expose for sale diesel fuel,~~  
17 ~~biodiesel or biodiesel blends that contain sulfur in excess of five hundred~~  
18 ~~parts per million for use in area A as defined in section 49-541.~~

19 ~~L.~~ K. A person shall label dispensers at which biodiesel, ~~or~~  
20 biodiesel blends, BIOMASS-BASED DIESEL OR BIOMASS-BASED DIESEL BLENDS are  
21 dispensed in conformance with 16 Code of Federal Regulations part 306 ~~and 40~~  
22 ~~Code of Federal Regulations sections 80.570, 80.571, 80.572, 80.573 and~~  
23 ~~80.574.~~ This section does not preclude a person from labeling a dispenser  
24 that dispenses diesel fuel that contains up to five percent biodiesel OR  
25 BIOMASS-BASED DIESEL with a label that states "may contain up to five percent  
26 biodiesel" OR "MAY CONTAIN UP TO FIVE PERCENT BIOMASS-BASED DIESEL".

27 ~~M.~~ L. For biodiesel blends that contain more than five percent by  
28 volume of biodiesel, a person shall prepare product transfer documents in a  
29 manner that notifies the transferee of the percent by volume of biodiesel in  
30 the product. ~~For diesel fuel that contains five percent or less by volume of~~  
31 ~~biodiesel, a person shall prepare product transfer documents in a manner that~~  
32 ~~notifies that transferee of any volume percent of biodiesel intentionally~~  
33 ~~added to or known by the transferor to be in the product.~~

34 ~~N.~~ M. The associate director shall adopt rules regarding the  
35 establishment and enforcement of all of the following:

36 1. National or federal standards for individual biofuels and biofuel  
37 blends.

38 2. United States environmental protection agency and ASTM test methods  
39 for individual biofuels and biofuel blends.

40 3. Registration and reporting requirements for producers, blenders and  
41 suppliers of biofuels and biofuel blends.

42 4. Labeling requirements for biofuels and biofuel blends other than  
43 biodiesel or biodiesel blends.

1           5. Quality assurance and quality control programs for producers,  
2 blenders and suppliers of biofuels and biofuel blends addressing rack, batch  
3 or other blending.

4           6. Requirements that the dispensing equipment meet appropriate  
5 UL ratings where available and applicable, that the equipment comply with  
6 rules adopted by the division relating to approval, installation and sale of  
7 devices and that the equipment be compatible with the products being  
8 dispensed.

9           ~~0.~~ N. A biofuels or biofuel blends producer, blender, distributor,  
10 supplier or retail seller that is in compliance with this section and the  
11 rules adopted pursuant to this section is not liable to a consumer for any  
12 injuries or property damage related to a consumer who misfuels.

13           ~~P. A person shall label each dispenser at which ultra low sulfur  
14 diesel fuel is dispensed in a manner that conforms with 40 Code of Federal  
15 Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the  
16 customer of the sulfur content of the diesel fuel being dispensed.~~

17           ~~Q. A person shall label each dispenser at which low sulfur diesel fuel  
18 is dispensed in a manner that conforms with 40 Code of Federal Regulations  
19 sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of  
20 the sulfur content of the diesel fuel being dispensed.~~

21           ~~R.~~ O. If any person transfers custody or title of a diesel fuel or  
22 distillate, BIODIESEL, A BIODIESEL BLEND, BIOMASS-BASED DIESEL OR A  
23 BIOMASS-BASED DIESEL BLEND, except if the diesel fuel is dispensed into a  
24 motor vehicle or nonroad, locomotive or marine equipment, the transferor  
25 shall provide to the transferee product transfer documents that conform with  
26 40 Code of Federal Regulations section 80.590.

27           ~~S.~~ P. If the transfer of a motor fuel is from a terminal, storage  
28 facility, or transmix facility, the product transfer documents shall contain  
29 the information prescribed in subsection ~~R~~ O of this section. ~~as well as IN~~  
30 ~~ADDITION, THE FUEL TRANSPORTER SHALL ENSURE THAT~~ the name and address of the  
31 final destination for the shipment, as prescribed by division rule, ~~ARE~~  
32 ~~INCLUDED and must THAT THE PRODUCT TRANSFER DOCUMENTS~~ accompany the shipment  
33 to its final destination.

34           Sec. 13. Section 3-3434, Arizona Revised Statutes, is amended to read:

35           ~~3-3434.~~ Area C; standards for motor fuel; exceptions

36           A. Except as provided in subsections C and D of this section, after  
37 May 31, 2008, a retail seller or fleet owner shall not store, sell or expose  
38 or offer for sale in area C ~~as defined in section 3-3491~~ any motor fuel,  
39 kerosene, oil or other liquid or gaseous fuel or lubricating oil, lubricant,  
40 mixtures of lubricants or other similar products if the product fails to meet  
41 the standards specified in this section and in the rules adopted by the  
42 associate director.

43           B. A person shall not misrepresent the nature, origination, quality,  
44 grade or identity of any product specified in subsection A of this section or

1 represent the nature, origination, quality, grade or identity of such product  
2 in any manner calculated or tending to mislead or in any way deceive.

3 C. After consultation with the director of the department of  
4 environmental quality, the standards and test methods for motor fuels shall  
5 be established by the associate director of the division by rule.

6 D. Maximum vapor pressure for gasoline that is supplied or sold by any  
7 person and that is intended as a final product for the fueling of motor  
8 vehicles in area C ~~as defined in section 3-3491~~ shall be 7.0 pounds per  
9 square inch from and after May 31 through September 30 of each year. Fuel  
10 used in motor vehicles at a manufacturer's proving ground or a motor vehicle  
11 racing event ~~as defined by section 3-3491~~ is exempt from this subsection.

12 E. The associate director of the division in consultation with the  
13 director of the department of environmental quality shall approve alternate  
14 fuel control measures that are submitted by ~~manufacturers or suppliers of~~  
15 gasoline PROVIDERS and that the ~~directors~~ DIRECTOR AND ASSOCIATE DIRECTOR  
16 determine will result in motor vehicle non-methane hydrocarbon emissions that  
17 are equal to or less than the emissions that result under compliance with  
18 subsection D of this section. In making this determination, the associate  
19 director of the division and the director of the department of environmental  
20 quality shall compare the motor vehicle non-methane hydrocarbon emissions of  
21 the alternate fuel control measure with the motor vehicle non-methane  
22 hydrocarbon emissions of a fuel that complies with the maximum vapor pressure  
23 standard as prescribed by subsection D of this section.

24 F. Any alternate fuel control measures that are approved shall not  
25 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide  
26 or oxides of nitrogen. Alternate fuel control measures approved pursuant to  
27 subsection E of this section and this subsection may be used by any  
28 ~~manufacturer or supplier of~~ PROVIDER unless the approval is  
29 rescinded more than one hundred eighty days before the first day of a  
30 gasoline control period. ~~Manufacturers and suppliers who~~ GASOLINE PROVIDERS  
31 THAT use an approved alternate fuel control measure shall annually submit a  
32 compliance plan to the associate director no later than sixty days before the  
33 first day of a gasoline control period.

34 Sec. 14. Section 3-3436, Arizona Revised Statutes, is amended to read:

35 3-3436. Dispensing motor fuel; hold-open latches; definition

36 A. A retail seller may equip all nozzles from which motor fuel is  
37 dispensed with an operating hold-open latch.

38 B. FROM AND AFTER SEPTEMBER 30, 2018, ALL RETAIL DIESEL FUEL  
39 DISPENSERS SHALL BE EQUIPPED WITH NOZZLES THAT HAVE GREEN GRIP GUARDS AND ALL  
40 RETAIL ETHANOL FLEX FUELS SHALL BE EQUIPPED WITH YELLOW GRIP GUARDS. OTHER  
41 PRODUCT NOZZLES MAY NOT HAVE GREEN OR YELLOW GRIP GUARDS.

42 ~~B.~~ C. For the purposes of this section, "hold-open latch" means a  
43 device that is an integral part of the automatic nozzle and that is  
44 specifically manufactured to dispense motor fuel without requiring the  
45 consumer's physical contact with the automatic nozzle.

1           Sec. 15. Section 3-3437, Arizona Revised Statutes, is amended to read:  
2           3-3437. Aversive or bittering agent in engine coolant and  
3           antifreeze; liability limitation; exceptions;  
4           violation; classification

5           A. Engine coolant or antifreeze THAT IS sold in this state on or after  
6           January 1, 2008, that is manufactured on or after September 1, 2007 and that  
7           contains more than ten ~~per cent~~ PERCENT ethylene glycol shall include  
8           denatonium benzoate at a minimum of thirty parts per million and a maximum of  
9           fifty parts per million as an aversive or bittering agent in the product to  
10          render it unpalatable. A manufacturer or packager of engine coolant or  
11          antifreeze THAT IS subject to this section shall maintain a record of the  
12          trade name, scientific name and active ingredients of the aversive or  
13          bittering agent used pursuant to this section. A manufacturer or packager of  
14          engine coolant or antifreeze shall furnish information and documentation  
15          maintained pursuant to this section to a member of the public on request.

16          B. This section applies only to manufacturers, packagers,  
17          distributors, recyclers or sellers of engine coolant or antifreeze. For THE  
18          purposes of this section, selling does not include the installation of engine  
19          coolant or antifreeze for compensation.

20          C. A manufacturer, packager, distributor, recycler or seller of engine  
21          coolant or antifreeze that is required to contain an aversive or bittering  
22          agent pursuant to this section is not liable to any person for personal  
23          injury, death, property damage, damage to the environment or natural  
24          resources or economic loss that results from the inclusion of denatonium  
25          benzoate in engine coolant or antifreeze.

26          D. The limitation on liability provided in subsection C OF THIS  
27          SECTION applies only if denatonium benzoate is included in engine coolant or  
28          antifreeze in the concentrations required by this section. The limitation on  
29          liability provided in subsection C OF THIS SECTION does not apply to a  
30          particular liability to the extent that the cause of that liability is  
31          unrelated to the inclusion of denatonium benzoate in engine coolant or  
32          antifreeze.

33          E. A political subdivision of this state shall not establish or  
34          continue in effect a prohibition, limitation, standard or other requirement  
35          relating to the inclusion of an aversive or bittering agent in engine coolant  
36          or antifreeze, with respect to retail containers containing less than  
37          fifty-five gallons of engine coolant or antifreeze, that is different from,  
38          or in addition to, this section.

39          F. This section does not apply to either:

40                1. The sale of a motor vehicle that contains engine coolant or  
41                antifreeze.

42                2. Wholesale containers of engine coolant or antifreeze containing  
43                fifty-five gallons or more of engine coolant or antifreeze.

44          G. The ~~department~~ DIVISION may inspect, investigate, analyze and take  
45          appropriate actions to administer and enforce this section.

1 H. A person who violates this section is guilty of a class 3  
2 misdemeanor.

3 Sec. 16. Section 3-3451, Arizona Revised Statutes, is amended to read:

4 3-3451. Licensing devices used for commercial purposes;  
5 authorization to test devices used for all other  
6 purposes; fees; certification; issuance of license;  
7 violation; classification

8 A. A person shall not use a commercial device unless the device is  
9 licensed or certified as provided in this chapter.

10 B. A license shall be obtained annually from the division on forms  
11 prescribed and furnished by the division. The fee prescribed in this chapter  
12 shall be submitted with the prescribed form. A license shall be obtained not  
13 later than thirty days following the first day of commercial use for original  
14 installations. If the ownership of a device that is licensed is transferred,  
15 the ownership of the license may be transferred. On transfer of a license,  
16 new licensees shall notify the division of the licensee's name and address  
17 and the location of the device. A license for a device shall be posted at  
18 the licensed business location in a manner that provides the division WITH  
19 access to the license during normal business hours.

20 C. Any license issued under this chapter applies only to the  
21 instrument or device specified in the license, except that the associate  
22 director may permit the license to be applicable to a replacement for the  
23 original instrument or device.

24 D. Noncommercial devices may be tested by the division pursuant to  
25 this chapter. A weighing device owned by a person who uses it only for the  
26 purpose of weighing the person's own livestock or agricultural products and  
27 for no commercial purposes is declared to be a noncommercial device, and the  
28 owner of the device is exempt from paying any licensing fees collected  
29 pursuant to this chapter.

30 E. If a commercial livestock scale is used for thirty or more days in  
31 a calendar year, the scale is required to be licensed. If a commercial  
32 livestock scale is used for fewer than thirty days in a calendar year, the  
33 scale is required to be certified. If an owner or operator of a commercial  
34 livestock scale requests that the division certify the scale, the  
35 certification fee shall be comparable to the license fee prescribed in  
36 section 3-3452. If an owner or operator of a noncommercial scale requests  
37 that the division certify the scale, the certification fee shall be  
38 comparable to the license fee prescribed in section 3-3452.

39 F. At the request of the owner or user of a portable batch plant, the  
40 division may certify the portable batch plant. If the division certifies a  
41 portable batch plant, the certification fee shall be comparable to the  
42 license fee prescribed in section 3-3452.

43 G. Any portable measuring device that is five gallons or less and that  
44 is properly marked by the manufacturer according to standards established by

1 the national institute of standards and technology ~~shall be~~ IS exempt from  
2 the licensing and certification provisions of this chapter.

3 H. For the purpose of ascertaining compliance with the licensing  
4 provisions of this article, the department of revenue shall provide the  
5 division with a monthly report of all transaction privilege tax licenses  
6 issued in the prior month. The report shall include the business name, type  
7 of business and business address of the licensee.

8 I. The department of revenue shall annually notify each transaction  
9 privilege tax licensee that the licensee is required to register new or  
10 existing weighing or measuring devices with the division.

11 J. A person or the person's agent who knowingly files with the  
12 ~~department~~ DIVISION any notice, statement or other document required under  
13 this section that is false or that contains any material misstatement of fact  
14 is guilty of a class 2 misdemeanor.

15 Sec. 17. Section 3-3452, Arizona Revised Statutes, is amended to read:

16 3-3452. Licensing fees; proration; cancellation for nonpayment

17 A. The following fees shall be paid to the ~~department~~ DIVISION as  
18 license fees for devices used for commercial purposes:

19 Schedules of Fees

20 1. Weighing devices:

21	0 - 500 pounds capacity (or metric equivalent)	\$ 12.00
22	501 - 2,000 pounds capacity	18.00
23	2,001 - 7,500 pounds capacity	36.00
24	7,501 - 20,000 pounds capacity	80.00
25	20,001 - 60,000 pounds capacity	120.00
26	60,001 pounds capacity and over	180.00

27 2. Liquid metering devices (meters) other than  
28 for liquid petroleum gas and utility meters:

29	maximum 12 gallons per minute and under	12.00
30	maximum 13 - 150 gallons per minute	36.00
31	maximum 151 - 500 gallons per minute	90.00
32	maximum 501 - 1,000 gallons per minute	138.00
33	maximum 1,001 gallons per minute and over	168.00

34 3. Motor fuel devices (dispensers) other than  
35 for liquid petroleum gas (not including  
36 satellite hoses or nozzles):

37		Standard	Vapor Recovery Test
38	each meter	15.00	30.00
39	each blending valve	15.00	30.00
40	high volume (over 19 gallons per minute)		
41	diesel per hose and nozzle		15.00
42	keylock, limited access, with accumulators,		
43	per hose and nozzle		22.50
44	remote indicator and control unit (no hoses		
45	or nozzles) (accessory only)		22.50

1	4. Liquid measuring devices for liquid petroleum	
2	gas (meters):	
3	small bottle fill measuring devices	24.00
4	motor fuel measuring devices, uncompensated	24.00
5	motor fuel measuring devices, temperature	
6	compensating, including compressed natural	
7	gas filling devices	48.00
8	motor fuel measuring devices, keylocks	48.00
9	3/4" and 1" meters, uncompensated	48.00
10	1 1/4", 1 1/2" and 1 3/4" meters, uncompensated	72.00
11	2" meters and larger, uncompensated	72.00
12	3/4" and 1" meters, temperature compensating	54.00
13	1 1/4", 1 1/2" and 1 3/4" meters, temperature	
14	compensating	90.00
15	2" meters and larger, temperature compensating	96.00
16	5. Linear measuring devices:	
17	all linear measuring mechanical devices	24.00
18	6. Time measuring devices:	
19	all time measuring mechanical, electrical and	
20	electronic devices	24.00
21	7. Counting devices:	
22	all mechanical and electronic counting devices	12.00
23	B. Testing, inspection, certification and calibration fees shall be	
24	paid pursuant to the fee schedule set forth in subsection A of this section	
25	or the rules of the <del>department</del> DIVISION. The <del>department</del> DIVISION shall waive	
26	license fees for customer parking time measuring meters owned by	
27	municipalities.	
28	C. Issuance or renewal of license as:	
29	1. Public weighmaster	48.00
30	2. Registered service agency	24.00
31	3. Registered service representative	4.80
32	D. The fees set forth in this section are the maximum amounts that may	
33	be charged, but the ASSOCIATE director, at the ASSOCIATE director's	
34	discretion, may reduce the fees to any amount the ASSOCIATE director deems	
35	necessary.	
36	E. The ASSOCIATE director may prorate the fees set forth in this	
37	section for <del>partial-year</del> PARTIAL-YEAR application.	
38	F. If a person fails to pay a license, permit or certification fee on	
39	or before the date the fee is due, the <del>department</del> DIVISION shall impose a	
40	penalty equal to twenty <del>per-cent</del> PERCENT of the fee. For each thirty-day	
41	period after the date the fee is due, the <del>department</del> DIVISION shall impose an	
42	additional penalty equal to twenty <del>per-cent</del> PERCENT of the fee. If a person	
43	fails to pay a license, permit or certification fee and all related penalties	
44	for ninety days after the fee is due, the <del>department</del> DIVISION shall cancel	
45	the license, permit or certification.	

1           Sec. 18. Section 3-3453, Arizona Revised Statutes, is amended to read:  
2           3-3453. License as public weighmaster or deputy weighmaster  
3                     required; application; fee; renewal; training;  
4                     exemptions

5           A. A person shall not serve as a public weighmaster or deputy  
6 weighmaster unless the person is issued a public weighmaster or deputy  
7 weighmaster license by the division in accordance with practices and  
8 procedures to be established by the associate director. An applicant for a  
9 public weighmaster or deputy weighmaster license shall:

10           1. Demonstrate a thorough knowledge of all appropriate weights and  
11 measures laws, rules and policies.

12           2. Have possession of, or have available for use, a scale that is of  
13 sufficient capacity and size and that is licensed and certified pursuant to  
14 section 3-3451.

15           3. Demonstrate the necessary experience and training to operate the  
16 scale.

17           4. Pass the required examination administered by the division. **THE**  
18 **ASSOCIATE DIRECTOR MAY WAIVE THE EXAMINATION REQUIRED BY THIS PARAGRAPH.**

19           B. An application for a public weighmaster or deputy weighmaster  
20 license shall be submitted to the division on a form prescribed and furnished  
21 by the division and shall be accompanied by the license fee prescribed in  
22 section 3-3452. The division shall issue a public weighmaster or deputy  
23 weighmaster license for a period of twelve calendar months. The license  
24 expires on the first day of the month and year indicated on the license. A  
25 public weighmaster or deputy weighmaster license shall be posted at the  
26 licensed scale site in a manner that provides the division access to the  
27 license during normal business hours.

28           C. If a licensee submits a license renewal application to the division  
29 before the date of expiration of the current license together with the  
30 renewal fee prescribed by the division, the existing license shall be valid  
31 for thirty days following its expiration date, or until issuance of the  
32 renewal license, whichever occurs first.

33           **D. A PUBLIC WEIGHMASTER SHALL PROVIDE THE NECESSARY TRAINING FOR ANY**  
34 **DEPUTY WEIGHMASTER USING THE PUBLIC WEIGHMASTER'S SEAL TO CERTIFY WEIGH**  
35 **TICKETS.**

36           ~~D.~~ **E.** Except as otherwise provided in subsection ~~F~~ **G** of this  
37 section, **THE** certified weighing of any property, livestock or commodity shall  
38 be performed only by a public weighmaster or deputy weighmaster. The  
39 following persons are not required to obtain licenses as public weighmasters  
40 or deputy weighmasters:

41           1. A person weighing property, livestock or a commodity that the  
42 person or the person's employer is either buying or selling for the ~~person's~~  
43 **OWN ACCOUNT OF THE PERSON** or the person's ~~employer's own account~~ **EMPLOYER.**



1           2. A person weighing property, livestock or a commodity in conjunction  
2 with or on behalf of a publicly sponsored or nonprofit organization sponsored  
3 exposition, fair or show event.

4           ~~F.~~ F. The official weighing of vehicles or conveyances by any  
5 employee of a city, county or state agency for weight-control regulatory  
6 purposes on public highways, roads or streets does not constitute public  
7 weighing.

8           ~~F.~~ G. On request and without charge, the division may issue a limited  
9 weighmaster license to any qualified officer or employee of a city, a county  
10 or the state authorizing the officer or employee to act as a public  
11 weighmaster only within the scope of the officer's or employee's official  
12 employment and duties in enforcing local ordinances substantially complying  
13 with the requirements of this chapter. While performing the duties of a  
14 limited weighmaster, a limited weighmaster shall have the limited  
15 weighmaster's license in the limited weighmaster's possession.

16           ~~G.~~ H. The division shall approve all forms, certificates, seals and  
17 other documents together with practices, procedures and equipment used by  
18 public weighmasters or deputy weighmasters in the performance of their  
19 duties. A public weighmaster or deputy weighmaster shall keep for such A  
20 period as the division by rule may require a legible copy of each weight  
21 certificate the public weighmaster or deputy weighmaster issues. Copies of  
22 weight certificates shall be available at all reasonable times for inspection  
23 by the division.

24           Sec. 19. Section 3-3454, Arizona Revised Statutes, is amended to read:

25           3-3454. License required as registered service agency or  
26                                   registered service representative; qualifications;  
27                                   application; fees; renewal

28           A. A person shall not operate as a registered service agency or as a  
29 registered service representative until a license is issued as provided in  
30 this section.

31           B. An applicant for a registered service agency license shall:

32           1. Submit application information satisfactory to the division.

33           2. Comply with section 3-3416, subsection E or provide evidence that  
34 the applicant's vapor recovery test equipment has been certified by the  
35 manufacturer of the equipment within one year of the date of the application  
36 or as deemed appropriate by the division.

37           3. Pay all required fees.

38           C. An applicant for a registered service representative license shall:

39           1. Demonstrate a thorough working knowledge of all appropriate weights  
40 and measures laws, orders and rules.

41           2. Demonstrate to the division that the applicant has possession of,  
42 or has available for use, weights and testing equipment appropriate in design  
43 and adequate in amount.

1           3. Demonstrate the necessary knowledge, training and experience  
2 regarding appropriate standards and testing equipment to service commercial  
3 devices, vapor recovery systems or vapor recovery components.

4           4. Pass the required examination administered by the division.

5           5. Pay all required fees.

6           D. An application for a registered service agency or registered  
7 service representative license shall be submitted by the applicant to the  
8 division on a form prescribed and furnished by the division. The division  
9 shall issue a registered service agency or registered service representative  
10 license for a period of twelve calendar months. The license expires on the  
11 first day of the month and year indicated on the license. Each license shall  
12 contain, among other information, a license number. A registered service  
13 agency license shall be posted at the licensed business location in a manner  
14 that provides the division WITH access to the license during normal business  
15 hours. While performing the duties of a registered service representative, a  
16 registered service representative shall have ~~a~~ THE registered service  
17 representative's license in the registered service representative's  
18 possession.

19           E. If a licensee submits a license renewal application to the division  
20 before the date of expiration of the current license, together with the  
21 prescribed renewal fee, the existing license ~~shall be~~ IS valid for thirty  
22 days following its expiration date, ~~or~~ until issuance of the renewal  
23 license, whichever occurs first.

24           F. The associate director shall publish, from time to time as the  
25 ASSOCIATE director deems appropriate, and may supply on request, ~~lists of~~  
26 registered service representatives and registered service agencies.

27           G. Each registered service representative license issued by the  
28 division shall indicate the type of service approved by the division for the  
29 licensee.

30           H. A registered service agency shall use forms and related procedures  
31 prescribed by the division in the performance of its duties. A registered  
32 service agency shall keep a legible copy of each form used for at least the  
33 time period prescribed by the division in its rules. Copies of the forms  
34 shall be available during normal business hours for inspection by the  
35 division.

36           Sec. 20. Section 3-3473, Arizona Revised Statutes, is amended to read:  
37 3-3473. Violations; classification; jurisdiction

38           A. A person is guilty of a class 1 misdemeanor who:

39           1. Knowingly hinders, interferes with or obstructs in any way the  
40 associate director or any of the associate director's agents or inspectors in  
41 entering the premises where a commercial device may be kept for inspecting or  
42 testing or in the performance of the official duties of the associate  
43 ~~director's~~ DIRECTOR or the associate director's agent or inspector.

44           2. Impersonates in any way the associate director or any one of the  
45 associate director's agents or inspectors by the use of the associate

1 director's seal, ~~OR BADGE~~ or a counterfeit of the associate director's seal  
2 ~~OR BADGE~~, or in any other manner.

3 3. Uses, or ~~has in possession~~ POSSESSES for the purpose of using for  
4 any commercial purpose, sells, offers or exposes for sale or hire, or ~~has in~~  
5 ~~possession~~ POSSESSES for the purpose of selling or hiring an incorrect weight  
6 or measure or any device or instrument used or calculated to falsify any  
7 weight or measure.

8 4. Sells, or offers or exposes for sale, less than the quantity the  
9 person represents of any commodity, thing or service.

10 5. Takes more than the quantity the person represents of any  
11 commodity, thing or service, when, as buyer, the person furnishes the weight  
12 or measure by means of which the amount of the commodity, thing or service is  
13 determined.

14 B. A person is guilty of a class 2 misdemeanor who:

15 1. Uses, or ~~has in possession~~ POSSESSES for the purpose of current use  
16 for any commercial purpose, a weight or measure that does not bear a seal or  
17 mark of approval based on inspection and test as provided in section 3-3414,  
18 subsection A, paragraph 11, unless the weight or measure has been exempted  
19 from testing by order of the division, or unless the device has been placed  
20 in service as provided in this chapter. Any person or persons making use of  
21 a commercial device that is subject to this chapter shall report to the  
22 associate director or the associate director's representatives, in writing,  
23 the number and location of the commercial device and shall promptly report  
24 the installation of any new commercial device.

25 2. Disposes of any rejected or condemned weight or measure in a manner  
26 contrary to law or rule.

27 3. Removes from any weight or measure, contrary to law or rule, any  
28 tag, seal or mark placed on the weight or measure by the appropriate  
29 authority pursuant to this chapter.

30 4. Keeps for the purpose of selling, advertising or offering or  
31 exposing for sale or sells any commodity, thing or service in a condition or  
32 manner contrary to law or rule.

33 5. Uses in retail trade, except in the preparation of packages put up  
34 in advance of sale and of medical prescriptions, a weight or measure that is  
35 so positioned that its indications may not be accurately read and the  
36 weighing, metering, measuring or counting operation observed from some  
37 position that may reasonably be assumed by a customer.

38 6. Violates this chapter or rules adopted under this chapter. A  
39 continuing violation may be deemed to be a separate violation each day during  
40 which the violation is committed for the purpose of imposing a fine.

41 C. The provisions of this section are in addition to and not in  
42 limitation of any other provision of law.

43 D. The attorney general and the county attorney shall have concurrent  
44 jurisdiction to prosecute violations of this chapter.

1           Sec. 21. Section 3-3475, Arizona Revised Statutes, is amended to read:  
2           3-3475. Civil penalties; hearing

3           A. A person who violates this chapter, any rule of the division or any  
4 license requirement is subject to a civil penalty imposed by the associate  
5 director.

6           B. A person who violates this chapter, any rule of the division or any  
7 license requirement may request ~~a~~ AN INFORMAL OR FORMAL hearing to review a  
8 civil penalty imposed under this section. IF THE PERSON REQUESTS AN INFORMAL  
9 HEARING, THE DIVISION MAY CONDUCT THE INFORMAL HEARING, IN PERSON OR  
10 TELEPHONICALLY, TO RESOLVE A WARNING OR CITATION. IF THE PERSON REQUESTS A  
11 FORMAL HEARING OR THE WARNING OR CITATION IS NOT RESOLVED IN THE INFORMAL  
12 HEARING, the division shall conduct ~~the~~ A FORMAL hearing in accordance with  
13 title 41, chapter 6, article 10. Except as prescribed in subsection ~~B~~ C of  
14 this section, the civil penalty shall not exceed one thousand dollars for  
15 each infraction nor more than ten thousand dollars for any thirty-day period  
16 at each business location, for each registered service representative or for  
17 each public weighmaster, provided that no person shall be assessed more than  
18 fifty thousand dollars per thirty-day period.

19           ~~B~~ C. The associate director may double the maximum civil penalty if  
20 any of the following applies:

21           1. A commercial device is found to be in violation with results that  
22 favor the retailer at more than twice the allowable tolerance as stated in  
23 national institute of standards and technology handbook 44.

24           2. A package is found to exceed the maximum allowable variation for  
25 the labeled quantity allowed in national institute of standards and  
26 technology handbook 133 or the average error of the lot is twice the sample  
27 error limit in favor of the retailer.

28           3. A vapor recovery system reinspection fails the required tests.

29           4. A maximum civil penalty has been imposed on a retailer for a price  
30 posting or price verification violation and in a reinspection, if conducted  
31 within ninety days, the failure rate is ten percent or more and at least one  
32 error is in favor of the retailer.

33           5. A maximum civil penalty has been imposed on a refiner, refinery,  
34 PIPELINE, TERMINAL, FUEL TRANSPORTER, registered supplier or transmix  
35 processing facility for a violation of motor fuel quality standards or  
36 producing a product transfer document that is incorrect, incomplete or  
37 produced in any manner tending to mislead or deceive a person.

38           ~~C~~ D. The attorney general shall bring actions to recover civil  
39 penalties pursuant to this section in the superior court in the county in  
40 which the violation occurred or in a county where the agency has its office.  
41 All monies derived from civil penalties shall be deposited, pursuant to  
42 sections 35-146 and 35-147, in the state general fund.

1           Sec. 22. Section 3-3476, Arizona Revised Statutes, is amended to read:  
2           3-3476. Delinquent civil penalties and fees

3           In addition to any other penalty, if a civil penalty or any fee due  
4 pursuant to this chapter has not been paid thirty days after the due date,  
5 the civil penalty or fee is delinquent and the ~~department~~ DIVISION may refuse  
6 to issue a license or may revoke a license pursuant to this chapter until the  
7 civil penalty or fee is paid in full.

8           Sec. 23. Repeal

9           Section 3-3491, Arizona Revised Statutes, as amended by Laws 2015,  
10 chapter 244, section 2, is repealed.

11          Sec. 24. Renumber

12          The following sections are renumbered:

<u>Former Sections</u>	<u>New Sections</u>
13          3-3492 .....	3-3491
14          3-3493 .....	3-3492
15          3-3494 .....	3-3493
16          3-3495 .....	3-3494
17          3-3496 .....	3-3495
18          3-3497 .....	3-3496
19          3-3498 .....	3-3497
20          3-3499 .....	3-3498

21          Sec. 25. Section 3-3491, Arizona Revised Statutes, as renumbered, is  
22 amended to read:

23          3-3491. Standards for oxygenated fuel; volatility; exceptions

24          A. From and after September 30 through March 31 of each year, in a  
25 county with a population of one million two hundred thousand or more persons  
26 and in any portion of a county contained in area A, blends of gasoline with  
27 ethanol shall not exceed the volatility requirements prescribed by section  
28 3-3433 and rules adopted by the associate director under that section. From  
29 and after September 30 through March 31 of each year, in area B, blends of  
30 gasoline with ethanol may exceed the volatility requirements prescribed by  
31 section 3-3433 and rules adopted by the associate director under that section  
32 by up to one pound per square inch if the base fuel meets the requirements of  
33 ASTM D4814 and the final gasoline-ethanol blend contains at least six percent  
34 ethanol by volume but does not exceed United States environmental protection  
35 agency waivers. For any other locations and period of time, blends of  
36 gasoline with ethanol shall meet the volatility requirements as determined by  
37 division rule.

38          B. Notwithstanding subsection D of this section, the associate  
39 director of the division in consultation with the director of the department  
40 of environmental quality shall approve alternate fuel control measures that  
41 are submitted by ~~manufacturers or suppliers of~~ gasoline PROVIDERS and that  
42 the ~~directors~~ DIRECTOR AND THE ASSOCIATE DIRECTOR determine will result in  
43 motor vehicle carbon monoxide emission reductions that will equal or exceed  
44 the reductions that result under subsection D of this section. In making  
45

1 those determinations, the director OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
2 and the associate director shall compare the alternative measure against the  
3 emission reduction that would be obtained from a fuel with the maximum vapor  
4 pressure standard prescribed by subsection D of this section and the minimum  
5 oxygen standard prescribed by section ~~3-3493~~ 3-3492 or ~~3-3496~~ 3-3495.  
6 Alternative fuel control measures approved by the associate director of the  
7 division in consultation with the director of the department of environmental  
8 quality may be used by any ~~manufacturer or supplier of~~ gasoline PROVIDER  
9 unless the approval is rescinded by the associate director of the division at  
10 least one hundred eighty days before the beginning of any oxygenate period in  
11 the future. ~~Manufacturers and suppliers who~~ GASOLINE PROVIDERS THAT choose  
12 to use an approved alternate fuel control measure shall annually submit a  
13 compliance plan to the associate director not later than sixty days ~~prior to~~  
14 BEFORE the start of the oxygenate period.

15 C. From and after September 30 through March 31 of each year, all  
16 blends of gasoline with alcohol other than ethanol shall satisfy all of the  
17 requirements prescribed by section 3-3433 and rules adopted by the associate  
18 director under that section and the provisions of a waiver issued by the  
19 United States environmental protection agency pursuant to 42 United States  
20 Code section 7545(f).

21 D. Notwithstanding subsection A of this section, if the director of  
22 the department of environmental quality has previously raised the minimum  
23 oxygen content to the maximum percentage of oxygen allowed for each oxygenate  
24 as provided by section ~~3-3496~~ 3-3495, the designated air quality planning  
25 agency for area B has considered, analyzed and reviewed the costs and  
26 benefits of all other reasonable and available control measures in lieu of  
27 reducing volatility requirements to nine pounds per square inch and the  
28 director of the department of environmental quality finds that area B has  
29 failed to maintain the carbon monoxide national ambient air quality standards  
30 by violating the standard, beginning with the oxygenate period beginning on  
31 the following September 30 and for each oxygenate period thereafter in  
32 area B, the volatility requirements described by section 3-3433, subsection G  
33 may be reduced to nine pounds per square inch. If a violation of the carbon  
34 monoxide national ambient air quality standards is recorded after the  
35 volatility requirements have been reduced to nine pounds per square inch, the  
36 director of the department of environmental quality shall remove the one  
37 pound per square inch waiver for gasoline-ethanol blends.

38 E. Gasoline that is supplied or sold by any person and that is  
39 intended as a final product for the fueling of motor vehicles within this  
40 state shall not contain the following:

- 41 1. Methyl tertiary butyl ether that exceeds 0.3 percent by volume.
- 42 2. A total of more than 0.10 percent oxygen by weight collectively  
43 from all of the following oxygenates:
  - 44 (a) Diisopropylether (DIPE).
  - 45 (b) Ethyl tert-butylether (ETBE).

- 1 (c) Iso-butanol.
- 2 (d) Isopropanol.
- 3 (e) Methanol.
- 4 (f) N-butanol.
- 5 (g) N-propanol.
- 6 (h) Sec-butanol.
- 7 (i) Tert-amylmethylether (TAME).
- 8 (j) Tert-butanol.
- 9 (k) Tert-pentanol (tert-amylalcohol).

10 F. Subsection E of this section does not prohibit the transshipment  
11 through this state, including storage incident to that transshipment, of  
12 gasoline that contains the oxygenates prescribed by subsection E of this  
13 section if both of the following apply:

- 14 1. The gasoline is used or disposed outside this state.
- 15 2. The gasoline is segregated from gasoline that is intended for use  
16 inside this state.

17 Sec. 26. Section 3-3492, Arizona Revised Statutes, as renumbered, is  
18 amended to read:

19 3-3492. Area A; sale of gasoline; oxygen content

20 A. From and after November 1 through March 31 of each year:

21 1. All gasoline that is supplied or sold by any person and that is  
22 intended as a final product for the fueling of motor vehicles within a county  
23 with a population of one million two hundred thousand or more persons and any  
24 portion of a county contained in area A or that is consumed in a motor  
25 vehicle in a county with a population of one million two hundred thousand or  
26 more persons and any portion of a county contained in area A by a fleet owner  
27 shall, for a gasoline-ethanol blend, contain not less than ten percent by  
28 volume of ethanol nor more than the maximum percentage of oxygen allowed by  
29 provisions of a waiver issued or other limits established by the United  
30 States environmental protection agency.

31 2. All gasoline that is supplied or sold by any person and that is  
32 intended as a final product for the fueling of motor vehicles within a county  
33 with a population of one million two hundred thousand or more persons and any  
34 portion of a county contained in area A or that is consumed in a motor  
35 vehicle within a county with a population of one million two hundred thousand  
36 or more persons and any portion of a county contained in area A by a fleet  
37 owner shall, for a blend other than a gasoline-ethanol blend, contain not  
38 less than 2.7 percent by weight of oxygen nor more than the maximum  
39 percentage of oxygen allowed by provisions of a waiver issued or other limits  
40 established by the United States environmental protection agency.

41 B. Notwithstanding subsection A of this section, the associate  
42 director of the division in consultation with the director of the department  
43 of environmental quality shall approve alternate fuel control measures that  
44 are submitted by ~~manufacturers or suppliers of~~ gasoline PROVIDERS and that  
45 the director and the associate director determine will result in motor

1 vehicle carbon monoxide emissions that are equal to or less than emissions  
2 that result under compliance with subsection A of this section and section  
3 3-3433. In making this determination, the associate director of the division  
4 and the director of the department of environmental quality shall compare the  
5 emissions of the alternate fuel control measure with the emissions of a fuel  
6 with a maximum vapor pressure standard as prescribed by section 3-3433 and  
7 with the minimum oxygen content or percentage by volume of ethanol as  
8 prescribed by this section.

9 C. Any alternate fuel control measures that are approved shall not  
10 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide  
11 or oxides of nitrogen. Alternate fuel control measures approved pursuant to  
12 subsection B of this section and this subsection may be used by any  
13 ~~manufacturer or supplier of~~ gasoline PROVIDER unless the approval is  
14 rescinded more than one hundred eighty days before the first day of a  
15 gasoline control period. ~~Manufacturers and suppliers who~~ GASOLINE PROVIDERS  
16 THAT use an approved alternate fuel control measure shall annually submit a  
17 compliance plan to the associate director no later than sixty days before the  
18 first day of a gasoline control period.

19 Sec. 27. Section 3-3493, Arizona Revised Statutes, as renumbered, is  
20 amended to read:

21 3-3493. Area A; fuel reformulation; rules

22 A. ~~From and after May 1, 1999,~~ All gasoline produced and shipped to or  
23 within this state and sold or offered for sale for use in motor vehicles in a  
24 county with a population of one million two hundred thousand or more persons  
25 and any portion of a county contained in area A, subject to an appropriate  
26 waiver granted by the administrator of the United States environmental  
27 protection agency pursuant to section 211(c)(4) of the clean air act as  
28 defined in section 49-401.01, shall comply with either of the following fuel  
29 reformulation options:

30 1. A gasoline that meets standards for federal phase II reformulated  
31 gasoline, as provided in 40 Code of Federal Regulations section 80.41,  
32 paragraphs (e) through (h), in effect on January 1, 1999, except that the  
33 minimum oxygen content standard does not apply. The gasoline shall also meet  
34 the maximum vapor pressure requirements in section 3-3433, subsections D  
35 and F.

36 2. California phase 2 reformulated gasoline, including alternative  
37 formulations allowed by the predictive model, as adopted by the California  
38 air resources board pursuant to California Code of Regulations title 13,  
39 sections 2261 through 2262.7 and 2265, in effect on January 1, 1997, except  
40 that the minimum oxygen content standard does not apply. The gasoline shall  
41 also meet the maximum vapor pressure requirements in section 3-3433,  
42 subsections D and F.

43 B. For the period beginning November 1 through March 31 of each year,  
44 all gasoline produced and shipped to or within this state and sold or offered  
45 for sale for use in motor vehicles in a county with a population of one



1 million two hundred thousand or more persons and any portion of a county  
2 contained in area A, subject to an appropriate waiver granted by the  
3 administrator of the United States environmental protection agency pursuant  
4 to section 211(c)(4) of the clean air act as defined in section 49-401.01,  
5 shall comply with standards for California phase 2 reformulated gasoline,  
6 including alternative formulations allowed by the predictive model, as  
7 adopted by the California air resources board pursuant to California Code of  
8 Regulations title 13, sections 2261 through 2262.7 and 2265, in effect on  
9 January 1, 1997 and shall meet the maximum vapor pressure requirements in  
10 section 3-3433, subsections D and F. The fuel described in this subsection  
11 shall meet the requirements of section ~~3-3493~~ 3-3492, subsection A,  
12 paragraph 1.

13 ~~C. For each winter season of November through March, the associate~~  
14 ~~director of the division shall determine the average levels of the~~  
15 ~~constituents in the gasoline sold or offered for sale in area A and shall~~  
16 ~~provide the results of this determination to the director of environmental~~  
17 ~~quality. The director of environmental quality shall analyze the data~~  
18 ~~provided by the associate director of the division, no later than July 1 of~~  
19 ~~each year, shall determine the average daily carbon monoxide reductions~~  
20 ~~resulting from the use of the gasoline specified in subsection B of this~~  
21 ~~section during the preceding winter season.~~

22 ~~D.~~ C. Any registered supplier or oxygenate blender, as defined in  
23 division rules, may petition the associate director to request that all  
24 registered suppliers or oxygenate blenders be allowed to comply with ~~any~~  
25 ~~provision of~~ STANDARDS OTHER THAN THE STANDARDS PRESCRIBED BY section ~~3-3493~~  
26 3-3492, subsection A, ~~provided IF~~ the petitioner can demonstrate that ethanol  
27 supply shortages are imminent.

28 ~~E.~~ D. The petition shall:

29 1. Identify specific supply conditions that will result in a shortage  
30 of ethanol.

31 2. Identify which oxygenate or oxygenates and the concentration that  
32 will be blended into gasoline for sale or use in area A.

33 3. Demonstrate that the alternative oxygenate blend comes closest to  
34 meeting a three and one-half percent by weight oxygen content at reasonable  
35 cost, unless the registered supplier or oxygenate blender is petitioning to  
36 use a gasoline-ethanol blend containing less than ten percent by volume of  
37 ethanol.

38 4. Specify a time period for compliance with any provision of section  
39 ~~3-3493~~ 3-3492, subsection A, not to exceed sixty days.

40 ~~F.~~ E. The associate director shall either grant or deny the petition  
41 in writing within seven days of its receipt. Any decision by the associate  
42 director to grant the petition shall be equally applicable to all registered  
43 suppliers or oxygenate blenders and shall not be selectively applied to any  
44 single registered supplier or oxygenate blender. The petition may be granted

1 only if the associate director verifies that the basis for requesting the  
2 petition is factual.

3 ~~F.~~ F. The associate director may reauthorize a petition if the  
4 petitioner can demonstrate that the conditions have continued. The  
5 reauthorization of a petition shall not exceed thirty days.

6 ~~H.~~ G. The associate director of the division shall consult with the  
7 director of the department of environmental quality before granting,  
8 reauthorizing or denying any such petition.

9 ~~I.~~ H. The director of environmental quality in consultation with the  
10 associate director of the division shall adopt by rule:

11 1. Requirements to implement subsections A ~~through E~~, B, C AND D of  
12 this section.

13 2. Requirements for recordkeeping, reporting and analytical methods  
14 for fuel providers to demonstrate compliance with subsections A ~~through E~~, B,  
15 C AND D of this section.

16 ~~J.~~ I. This section does not apply to fuel sold for use at a motor  
17 vehicle manufacturer proving ground or at a motor vehicle racing event.

18 Sec. 28. Section 3-3494, Arizona Revised Statutes, as renumbered, is  
19 amended to read:

20 3-3494. Area C; fuel reformulation; rules

21 A. From and after May ~~1~~ 31 through September 30 of each year, all  
22 gasoline produced and shipped to or within this state and sold or offered for  
23 sale for use in motor vehicles in area C shall comply with either of the  
24 following fuel reformulation options:

25 1. A gasoline that meets standards for federal phase II reformulated  
26 gasoline, as provided in 40 Code of Federal Regulations section 80.41,  
27 paragraphs (e) through (h), in effect on January 1, 1999, except that the  
28 minimum oxygen content standard does not apply. The gasoline shall also meet  
29 the maximum vapor pressure requirements in section 3-3434, subsection D.

30 2. California phase 2 reformulated gasoline, including alternative  
31 formulations allowed by the predictive model, as adopted by the California  
32 air resources board pursuant to California Code of Regulations title 13,  
33 sections 2261 through 2262.7 and 2265, in effect on January 1, 1997, except  
34 that the minimum oxygen content standard does not apply. The gasoline shall  
35 also meet the maximum vapor pressure requirements in section 3-3434,  
36 subsection D.

37 B. Any registered supplier OR OXYGENATE BLENDER, as defined in  
38 division rules, may petition the associate director to request that all  
39 registered suppliers OR OXYGENATE BLENDERS be allowed to supply gasoline in  
40 area C that does not meet the standards in subsection A of this section if  
41 the petitioner demonstrates that a shortage in the supply of gasoline meeting  
42 the standards in subsection A of this section is imminent.

43 C. A petition under subsection B of this section shall:

44 1. Identify specific supply conditions that will result in a shortage  
45 of gasoline meeting the standards in subsection A of this section.

1           2. Identify the formulation of gasoline that will be sold in area C in  
2 lieu of gasoline meeting the standards in subsection A of this section.

3           3. Specify a time period for compliance with the standards of  
4 subsection A of this section not to exceed sixty days.

5           D. The associate director shall either grant or deny a petition under  
6 subsection B of this section in writing within seven days of its receipt.  
7 Any decision by the associate director to grant the petition shall be equally  
8 applicable to all registered suppliers **OR OXYGENATE BLENDERS** and shall not be  
9 selectively applied to any single registered supplier **OR OXYGENATE BLENDER**.  
10 The petition may be granted only if the associate director verifies that the  
11 basis for requesting the petition is factual.

12           E. The associate director may reauthorize a petition granted under  
13 subsection B of this section if the petitioner demonstrates that the  
14 conditions identified in the petition have continued. The reauthorization of  
15 a petition shall not exceed thirty days.

16           F. The associate director of the division shall consult with the  
17 director of the department of environmental quality before granting,  
18 reauthorizing or denying any petition under subsection B of this section.

19           G. The **ASSOCIATE DIRECTOR, IN CONSULTATION WITH THE** director of the  
20 department of environmental quality, ~~in consultation with the associate~~  
21 ~~director of the division~~ shall adopt by rule:

22           1. Requirements to implement subsections A, B and C of this section.

23           2. Requirements for recordkeeping, reporting and analytical methods  
24 for fuel providers to demonstrate compliance with subsection A of this  
25 section.

26           H. This section does not apply to fuel sold for use at a motor vehicle  
27 manufacturer proving ground or at a motor vehicle racing event.

28           Sec. 29. Section 3-3498, Arizona Revised Statutes, as renumbered, is  
29 amended to read:

30           3-3498. Inspections

31           A. On request, an interstate pipeline terminal or a motor fuel storage  
32 or dispensing site shall provide a product transfer document to the  
33 ~~department~~ **DIVISION**. Product transfer documents may be stored off site as  
34 provided by ~~department~~ **DIVISION** rule.

35           B. On request, a motor fuel storage or dispensing site shall provide  
36 access to motor fuel dispensing cabinets to the ~~department~~ **DIVISION** for  
37 inspection of fuel dispensing meters and blending valves.

38           Sec. 30. Section 3-3512, Arizona Revised Statutes, is amended to read:

39           3-3512. Stage I vapor recovery systems

40           A. A person shall not offer for sale, sell, install or use a new  
41 gasoline stage I vapor recovery system, or any new or rebuilt component parts  
42 of the system, unless the system or component part has been certified by the  
43 California air resources board as of March 31, 2001 or after that date, or  
44 has been approved by a third party accredited to test equipment and  
45 recognized by industry and the ~~department~~ **DIVISION**, and has not been rejected

1 by the division. The division shall maintain and keep current a list of  
2 stage I vapor recovery systems and component parts that are approved by the  
3 division. Only those systems that are approved shall be used in this state.  
4 All certified vapor recovery components must be clearly identified by a  
5 permanent identification affixed by the certified manufacturer or rebuilder.

6 B. For gasoline dispensing sites with a throughput of over ten  
7 thousand gallons per month in area A or area B ~~as defined in section 49-541~~,  
8 a person shall not transfer or allow the transfer of gasoline into storage  
9 tanks at gasoline dispensing sites unless the storage tank is equipped with a  
10 stage I vapor recovery system consisting of a vapor-tight return line from  
11 the storage tank or its vent to the gasoline transport vehicle.

12 C. An owner or operator of a gasoline storage tank, gasoline transport  
13 vehicle or gasoline dispensing site subject to stage I vapor recovery  
14 requirements shall comply with the following:

15 1. Install all necessary stage I vapor recovery systems and make any  
16 modifications necessary to comply with the requirements.

17 2. Provide adequate training and written instructions to the operator  
18 of the affected gasoline dispensing site and the gasoline transport vehicle.

19 3. Replace, repair or modify any worn or ineffective component or  
20 design element to ensure the vapor-tight integrity and efficiency of the  
21 stage I vapor recovery systems.

22 4. Connect and ensure proper operation of the stage I vapor recovery  
23 systems whenever gasoline is being loaded, unloaded or dispensed.

24 5. In area A and other geographical areas as provided by subsection G  
25 of this section, have the stage I vapor recovery system tested annually by a  
26 registered service representative licensed by the division.

27 D. Before the initial installation or modification of any stage I  
28 vapor recovery system, the owner or operator of a gasoline storage tank,  
29 gasoline transport vehicle or gasoline dispensing site shall obtain a plan  
30 review and approval from the division. Application for the plan review and  
31 approval shall be on forms prescribed and provided by the division.

32 E. The division in consultation with the department of environmental  
33 quality and the state fire marshal shall establish by rule standards for the  
34 installation and operation of stage I vapor recovery systems. The division  
35 shall establish by rule plan review and approval fees. In establishing those  
36 rules and standards, the associate director shall consider requirements in  
37 other states to ensure that only state-of-the-art technology is used.

38 F. Approval of a stage I vapor recovery system by the division does  
39 not relieve the owner or operator of the responsibility to comply with other  
40 applicable statutes, codes and rules pertaining to fire prevention,  
41 environmental quality and safety matters.

42 G. Any county, city or town outside of area A or area B ~~as defined in~~  
43 ~~section 49-541~~ may require gasoline dispensing sites with a throughput  
44 greater than ten thousand gallons per month to install, operate and maintain  
45 stage I vapor recovery systems in accordance with this section. Any county,

1 city or town, including cities and towns within area B, also may require  
2 annual testing of required stage I vapor recovery systems pursuant to  
3 subsection C of this section. For a county, city or town considering the  
4 adoption of a resolution to require stage I vapor recovery systems or annual  
5 testing within its jurisdiction and on request, the department of  
6 environmental quality shall provide technical assistance in evaluating the  
7 air quality in that county, city or town and shall provide final review and  
8 approval of an adopted resolution.

9 H. A county board of supervisors or governing body of a city or town  
10 shall submit a resolution approved by the department of environmental quality  
11 to the associate director of the division requesting the imposition of the  
12 requirements for stage I vapor recovery systems within its jurisdiction.

13 I. The associate director shall adopt, by rule, compliance schedules  
14 for gasoline dispensing sites located within the jurisdiction requesting  
15 stage I vapor recovery system requirements no later than twelve months after  
16 receipt of the resolution from the county board of supervisors or governing  
17 board of a city or town. All gasoline dispensing sites shall be required to  
18 comply with stage I vapor recovery system rules within twenty-four months  
19 after the rules have been filed with the secretary of state. Sites with  
20 stage I vapor recovery systems already installed must comply with the testing  
21 requirements at the time the rules become effective.

22 J. A county board of supervisors or governing body of a city or town  
23 that adopts the requirements for stage I vapor recovery systems may repeal  
24 those requirements by adopting a resolution to remove the imposition of those  
25 requirements within its jurisdiction unless the county, city or town is in an  
26 ozone nonattainment area that has since been designated as moderate, serious  
27 or severe by the United States environmental protection agency under section  
28 107(d) of the clean air act. On receipt of the resolution, the associate  
29 director of the division shall consult with the director of the department of  
30 environmental quality to verify that a county, city or town is outside of an  
31 ozone nonattainment area designated as moderate, serious or severe by the  
32 United States environmental protection agency under section 107(d) of the  
33 clean air act. After consultation with the department of environmental  
34 quality, the associate director of the division shall revise the rules to  
35 repeal the requirements for stage I vapor recovery systems within that  
36 jurisdiction as soon as practicable.

37 Sec. 31. Section 3-3514, Arizona Revised Statutes, is amended to read:  
38 3-3514. Stage I rule effectiveness; enhanced enforcement

39 The ASSOCIATE director shall adopt rules to:

40 1. Enhance enforcement of the ~~department's~~ DIVISION'S stage I vapor  
41 recovery program. The enforcement shall be enhanced through programs that  
42 may include increased frequency of or targeting of inspections, increased  
43 sampling frequency, use of portable analyzers or any other technique.

44 2. Establish standards and fees for required inspections of vapor  
45 recovery systems.

1           Sec. 32. Section 28-9501, Arizona Revised Statutes, is amended to  
2 read:

3           28-9501. Definitions

4           In this chapter, unless the context otherwise requires:

5           ~~1. "Commercial device" means any measuring device that is used to~~  
6 ~~determine the direct cost of things or used to establish a fee for service if~~  
7 ~~the cost is based on measure.~~

8           1. "REGISTERED SERVICE AGENCY" MEANS ANY AGENCY, FIRM, COMPANY OR  
9 CORPORATION THAT FOR HIRE, AWARD, COMMISSION OR ANY OTHER PAYMENT OF ANY KIND  
10 INSTALLS, SERVICES, REPAIRS OR RECONDITIONS A TAXI METER AND THAT IS LICENSED  
11 PURSUANT TO SECTION 3-3454.

12           2. "REGISTERED SERVICE REPRESENTATIVE" MEANS ANY INDIVIDUAL WHO FOR  
13 HIRE, AWARD, COMMISSION OR ANY OTHER PAYMENT OF ANY KIND INSTALLS, SERVICES,  
14 REPAIRS OR RECONDITIONS A TAXI METER AND WHO IS LICENSED PURSUANT TO SECTION  
15 3-3454.

16           ~~2-~~ 3. "Taxi meter" means a ~~commercial~~ device that ~~meets the~~  
17 ~~requirements of the national institute of standards and technology handbook~~  
18 ~~44 as prescribed by section 3-3413~~ AUTOMATICALLY CALCULATES, AT A  
19 PREDETERMINED RATE OR RATES, AND INDICATES THE CHARGE FOR HIRE OF A VEHICLE.

20           Sec. 33. Section 28-9502, Arizona Revised Statutes, is amended to  
21 read:

22           28-9502. Powers and duties

23           A. The department shall:

24           1. Adopt any rules necessary to carry out this chapter and adopt  
25 reasonable rules for the enforcement of this chapter. These rules have the  
26 force and effect of law and shall be adopted pursuant to title 41, chapter 6.  
27 ~~In adopting these rules, the director shall consider, as far as is~~  
28 ~~practicable, the requirements established by other states and by authority of~~  
29 ~~the United States, except that rules may not be made in conflict with this~~  
30 ~~chapter.~~

31           2. Investigate complaints made to the department concerning violations  
32 of this chapter and, on its own initiative, conduct investigations it deems  
33 appropriate in order to develop information relating to prevailing procedures  
34 in ~~commercial quantity~~ TAXI METER RATE determination and possible violations  
35 of this chapter and to promote accuracy in the determination and  
36 representation of quantity in ~~commercial transactions~~ TAXI METER RATES.

37           3. Inspect and test taxi meters to determine whether the taxi meters  
38 meet the requirements of the national institute of standards and technology  
39 handbook 44 as prescribed by ~~section 3-3413~~ THE DEPARTMENT IN RULE.

40           4. Apply to any court of competent jurisdiction for a temporary or  
41 permanent injunction restraining any person from violating this chapter.

42           ~~5. Report to the governor on or before August 1 of each year and at~~  
43 ~~such other times as may be required on the work accomplished under this~~  
44 ~~chapter.~~

1           ~~6-~~ 5. Subject to title 41, chapter 4, article 4, employ such  
2 personnel as needed to assist in administering this chapter.

3           B. Testing and inspection conducted pursuant to this chapter shall be  
4 done, to the extent practicable, without prior notice, by a random systematic  
5 method determined by the director or in response to a complaint by the  
6 public.

7           C. During the course of an investigation or an enforcement action by  
8 the department, information regarding the complainant is confidential and is  
9 exempt from title 39, chapter 1 unless the complainant authorizes the  
10 information to be public.

11           Sec. 34. Section 28-9503, Arizona Revised Statutes, is amended to  
12 read:

13           28-9503. Licensing of taxi meters; fees; posting; violation;  
14 classification

15           A. A person may not use a ~~commercial-device~~ TAXI METER unless the  
16 ~~device~~ TAXI METER is licensed as provided in this chapter.

17           B. A license shall be obtained annually from the department on forms  
18 prescribed and furnished by the department. The fee, as determined by the  
19 director by rule, shall be submitted with the prescribed form. A license  
20 shall be obtained not later than thirty days ~~following~~ AFTER the first day of  
21 commercial use for original installations. If the ownership of a licensed  
22 ~~device~~ TAXI METER is transferred, the ownership of the license may be  
23 transferred. On transfer of a license, new licensees shall notify the  
24 department of the licensee's name and address and the location of the ~~device~~  
25 TAXI METER.

26           C. If a fare is based on time or mileage or both time and mileage, a  
27 taxi shall have a ~~commercial-device~~ TAXI METER and shall obtain a license as  
28 prescribed by the department, except that if the service offered by the taxi  
29 is a prearranged ground transportation service as prescribed in section  
30 28-141 for a predetermined fare, a taxi is not required to use a ~~commercial~~  
31 ~~device~~ TAXI METER.

32           D. The department may not issue a license for a taxi, ~~livery vehicle~~  
33 ~~or limousine~~ unless the taxi, ~~livery vehicle or limousine~~ meets the  
34 ~~requirements for both~~ DOES ALL of the following:

35           1. MEETS THE REQUIREMENTS FOR motor vehicle licensing as prescribed by  
36 the department.

37           2. MEETS THE REQUIREMENTS motor vehicle insurance as prescribed by  
38 section 28-4033.

39           3. OBTAINS AN IN-SERVICE REPORT FROM A REGISTERED SERVICE AGENCY OR  
40 REGISTERED SERVICE REPRESENTATIVE.

41           E. THE DEPARTMENT MAY NOT ISSUE A LICENSE FOR A LIVERY VEHICLE OR  
42 LIMOUSINE UNLESS THE LIVERY VEHICLE OR LIMOUSINE MEETS THE REQUIREMENTS FOR  
43 BOTH OF THE FOLLOWING:

44           1. MOTOR VEHICLE LICENSING AS PRESCRIBED BY THE DEPARTMENT.

45           2. MOTOR VEHICLE INSURANCE AS PRESCRIBED BY SECTION 28-4033.

1 ~~E.~~ F. The department shall revoke a license if the taxi, livery  
2 vehicle or limousine fails to maintain the requirements for either of the  
3 following:

- 4 1. Motor vehicle licensing as prescribed by the department.
- 5 2. Motor vehicle insurance as prescribed by section 28-4033.

6 ~~F.~~ G. A taxi or livery vehicle shall have a license issued under this  
7 chapter posted on the outside of the rear window as required by the  
8 department. A limousine shall carry a license issued under this chapter  
9 inside the vehicle at all times.

10 ~~G.~~ H. A taxi that is licensed by the department and that offers local  
11 transportation for a fare determined on the basis of the distance traveled or  
12 prearranged ground transportation service as prescribed in section 28-141 for  
13 a predetermined fare is not required to be additionally licensed as a livery  
14 vehicle.

15 ~~H.~~ I. A person or the person's agent who knowingly files with the  
16 department any notice, statement or other document required under this  
17 section that is false or that contains any material misstatement of fact is  
18 guilty of a class 2 misdemeanor.

19 Sec. 35. Section 28-9521, Arizona Revised Statutes, is amended to  
20 read:

21 28-9521. Unlawful use of taxi meter; authorization to prevent  
22 such use; seizure; violation; classification

23 A. When any ~~commercial device~~ TAXI METER specified in this chapter is  
24 in commercial use and a valid license for the ~~device~~ TAXI METER has not been  
25 procured by the owner, the owner's agent or the operator of the ~~device~~ TAXI  
26 METER, the department, after giving notice of the licensing requirements to  
27 the owner, the owner's agent or the operator, shall prohibit the further  
28 commercial use of the unlicensed ~~device~~ TAXI METER until the proper license  
29 has been issued. The department may employ and attach to the ~~device~~ TAXI  
30 METER such forms, notices or security seals as it considers necessary to  
31 prevent the continued unauthorized use of the ~~device~~ TAXI METER.

32 B. A registered service AGENCY OR REGISTERED SERVICE representative  
33 may also:

34 1. With approval of the department, remove an official rejection tag  
35 placed on a ~~commercial device~~ TAXI METER.

36 2. Place in service, until an official examination can be made, a  
37 ~~commercial device~~ TAXI METER that has been officially rejected or placed out  
38 of service.

39 3. Place in service, until an official examination can be made, a  
40 ~~commercial device~~ TAXI METER for which a ~~commercial device~~ TAXI METER  
41 application has been completed and submitted to the department.

42 4. PLACE OUT OF SERVICE A TAXI METER THAT DOES NOT MEET THE STANDARDS  
43 TO BE PLACED IN SERVICE.



1 C. A REGISTERED SERVICE AGENCY OR REGISTERED SERVICE REPRESENTATIVE  
2 SHALL NOTIFY THE DEPARTMENT WITHIN SEVENTY-TWO HOURS AFTER ANY ACTION TAKEN  
3 PURSUANT TO SUBSECTION B OF THIS SECTION.

4 ~~C.~~ D. The owner of any business who has not applied for and has not  
5 been issued a license for the right to do business involving the use of a  
6 ~~commercial-device~~ TAXI METER by the department and who is found selling or  
7 offering for sale or delivering or distributing to a consumer is guilty of a  
8 class 2 misdemeanor, and the department shall confiscate and seize the  
9 ~~commercial-device~~ TAXI METER or any other such ~~measuring-device~~ METER used by  
10 the business ~~for the sale, delivery or distribution~~ as evidence.

11 ~~D.~~ E. The director and any other authorized personnel are not liable  
12 to the owner or any other persons, firms, partnerships, corporations, trusts  
13 or agencies for damages, directly or indirectly, caused by or resulting from  
14 the seizure.

15 ~~E.~~ F. If a ~~commercial-device~~ TAXI METER licensed pursuant to this  
16 chapter is used contrary to any provision of this chapter or any rule adopted  
17 pursuant to this chapter, the department, in addition to any other penalty  
18 imposed by this chapter, shall suspend, revoke or refuse to renew the  
19 license.

20 Sec. 36. Section 28-9523, Arizona Revised Statutes, is amended to  
21 read:

22 28-9523. Violations; classification; jurisdiction

23 A. A person is guilty of a class 1 misdemeanor who:

24 1. Knowingly hinders, interferes with or obstructs in any way the  
25 director or any of the director's agents or inspectors in entering the  
26 premises where a ~~commercial-device~~ TAXI METER may be kept for inspecting or  
27 testing or in the performance of the ~~director's~~ OFFICIAL DUTIES OF THE  
28 DIRECTOR or the director's ~~agent's~~ AGENTS or ~~inspector's official duties~~  
29 INSPECTORS.

30 2. Impersonates in any way the director or any of the director's  
31 agents or inspectors by the use of the director's seal or a counterfeit of  
32 the director's seal or in any other manner.

33 3. Uses, or has in possession for the purpose of using for ~~any~~ A  
34 commercial purpose, ~~sells,~~ offers or exposes for ~~sale or~~ hire, or has in  
35 possession for the purpose of ~~selling or~~ hiring an incorrect ~~weight or~~  
36 ~~measure or any device or instrument~~ TAXI METER used or calculated to falsify  
37 ~~any weight or measure~~ THE ACCURACY OF THE TAXI METER.

38 ~~4. Sells, or offers or exposes for sale, less than the quantity the~~  
39 ~~person represents of any commodity, thing or service.~~

40 ~~5. Takes more than the quantity the person represents of any~~  
41 ~~commodity, thing or service, when, as buyer, the person furnishes the weight~~  
42 ~~or measure by means of which the amount of the commodity, thing or service is~~  
43 ~~determined.~~

1           B. A person is guilty of a class 2 misdemeanor who:  
2           1. Uses, or has in possession for the purpose of current use for any  
3 commercial purpose, a ~~weight or measure~~ TAXI METER that does not bear a seal  
4 or mark of approval based on an inspection and test, unless the ~~weight or~~  
5 ~~measure~~ TAXI METER has been exempted from testing by order of the department,  
6 or unless the ~~device~~ TAXI METER has been placed in service as provided in  
7 this chapter. Any person or persons making use of a ~~commercial device~~ TAXI  
8 METER that is subject to this chapter shall report to the director or the  
9 director's representatives, in writing, the number and location of the  
10 ~~commercial device~~ TAXI METER and shall promptly report the installation of  
11 any new ~~commercial device~~ TAXI METER.  
12           2. Disposes of any rejected or condemned ~~weight or measure~~ TAXI METER  
13 in a manner contrary to law or rule.  
14           3. Removes from any ~~weight or measure~~ TAXI METER, contrary to law or  
15 rule, any tag, seal or mark placed on the ~~weight or measure~~ TAXI METER by the  
16 appropriate authority pursuant to this chapter.  
17           4. Keeps for the purpose of selling, advertising or offering or  
18 exposing for sale or sells any ~~commodity, thing or~~ service in a condition or  
19 manner contrary to law or rule.  
20           5. Uses ~~in retail trade, except in the preparation of packages put up~~  
21 ~~in advance of sale and of medical prescriptions, a weight or measure~~ A TAXI  
22 METER that is so positioned that its indications cannot be accurately read  
23 and the ~~weighing, metering, measuring or counting~~ operation cannot be  
24 observed from some position that may reasonably be assumed by a customer.  
25           6. Violates this chapter or rules adopted under this chapter. A  
26 continuing violation may be deemed to be a separate violation each day during  
27 which the violation is committed for the purpose of imposing a fine.  
28           C. The provisions of this section are in addition to and not in  
29 limitation of any other provision of law.  
30           D. The attorney general and the county attorney shall have concurrent  
31 jurisdiction to prosecute violations of this chapter.  
32           Sec. 37. Section 28-9524, Arizona Revised Statutes, is amended to  
33 read:  
34           28-9524. Presumptive evidence of use  
35           When a ~~weight, measure, meter, counter or commercial device~~ TAXI METER  
36 is in or about any place in which or from which ~~buying or selling~~ A VEHICLE  
37 HIRE TRANSACTION is commonly carried on, there ~~shall be~~ IS a rebuttable  
38 presumption that the ~~weight, measure, meter, counter or commercial device~~  
39 TAXI METER is regularly used for the business purpose of the place.  
40           Sec. 38. Section 28-9525, Arizona Revised Statutes, is amended to  
41 read:  
42           28-9525. Civil penalties  
43           A. A person who violates this chapter, any rule of the department or  
44 any license requirement is subject to a civil penalty imposed by the  
45 director. A person who violates this chapter, any rule of the department or

1 any license requirement may request a hearing to review a civil penalty  
2 imposed under this section. The department shall conduct the hearing in  
3 accordance with title 41, chapter 6, article 10. Except as prescribed in  
4 subsection B of this section, the civil penalty may not exceed one thousand  
5 dollars for each infraction or more than ten thousand dollars for any  
6 thirty-day period at each business location ~~or for each public weighmaster,~~  
7 provided that no person shall be assessed more than fifty thousand dollars  
8 per thirty-day period.

9 B. The director may double the maximum civil penalty if ~~any of the~~  
10 ~~following applies:~~

11 ~~1. A commercial device~~ A TAXI METER is found to be in violation with  
12 results that favor the ~~retailer~~ LICENSEE at more than twice the allowable  
13 tolerance as stated in national institute of standards and technology  
14 handbook 44.

15 ~~2. A package is found to exceed the maximum allowable variation for~~  
16 ~~the labeled quantity allowed in national institute of standards and~~  
17 ~~technology handbook 133 or the average error of the lot is twice the sample~~  
18 ~~error limit in favor of the retailer.~~

19 ~~3. A maximum civil penalty has been imposed on a retailer for a price~~  
20 ~~posting or price verification violation and in a reinspection, if conducted~~  
21 ~~within ninety days, the failure rate is ten percent or more and at least one~~  
22 ~~error is in favor of the retailer.~~

23 C. The attorney general shall bring actions to recover civil penalties  
24 pursuant to this section in the superior court in the county in which the  
25 violation occurred or in a county where the agency has its office. All  
26 monies derived from civil penalties shall be deposited, pursuant to sections  
27 35-146 and 35-147, in the state general fund.

28 Sec. 39. Section 41-1092.02, Arizona Revised Statutes, is amended to  
29 read:

30 41-1092.02. Appealable agency actions: application of  
31 procedural rules; exemption from article

32 A. This article applies to all contested cases as defined in section  
33 41-1001 and all appealable agency actions, except contested cases with or  
34 appealable agency actions of:

- 35 1. The state department of corrections.
- 36 2. The board of executive clemency.
- 37 3. The industrial commission of Arizona.
- 38 4. The Arizona corporation commission.
- 39 5. The Arizona board of regents and institutions under its  
40 jurisdiction.
- 41 6. The state personnel board.
- 42 7. The department of juvenile corrections.
- 43 8. The department of transportation, EXCEPT AS PROVIDED IN TITLE 28,  
44 CHAPTER 30, ARTICLE 2.

- 1           9. The department of economic security except as provided in section  
2 46-458.
- 3           10. The department of revenue regarding:
- 4           (a) Income tax or withholding tax.
- 5           (b) Any tax issue related to information associated with the reporting  
6 of income tax or withholding tax unless the taxpayer requests in writing that  
7 this article apply and waives confidentiality under title 42, chapter 2,  
8 article 1.
- 9           11. The board of tax appeals.
- 10           12. The state board of equalization.
- 11           13. The state board of education, but only in connection with  
12 contested cases and appealable agency actions related to applications for  
13 issuance or renewal of a certificate and discipline of certificate holders  
14 pursuant to sections 15-203, 15-534, 15-534.01, 15-535, 15-545 and 15-550.
- 15           14. The board of fingerprinting.
- 16           15. The department of child safety except as provided in sections  
17 8-506.01 and 8-811.
- 18           B. Unless waived by all parties, an administrative law judge shall  
19 conduct all hearings under this article, and the procedural rules set forth  
20 in this article and rules made by the director apply.
- 21           C. Except as provided in subsection A of this section:
- 22           1. A contested case heard by the office of administrative hearings  
23 regarding taxes administered under title 42 shall be subject to ~~the~~  
24 ~~provisions under~~ section 42-1251.
- 25           2. A final decision of the office of administrative hearings regarding  
26 taxes administered under title 42 may be appealed by either party to the  
27 director of the department of revenue, or a taxpayer may file and appeal  
28 directly to the board of tax appeals pursuant to section 42-1253.
- 29           D. Except as provided in subsections A, B, E, F and G of this section  
30 and notwithstanding any other administrative proceeding or judicial review  
31 process established in statute or administrative rule, this article applies  
32 to all appealable agency actions and to all contested cases.
- 33           E. Except for a contested case or an appealable agency action  
34 regarding unclaimed property, sections 41-1092.03, 41-1092.08 and 41-1092.09  
35 do not apply to the department of revenue.
- 36           F. The board of appeals established by section 37-213 is exempt from:
- 37           1. The time frames for hearings and decisions provided in section  
38 41-1092.05, subsection A, section 41-1092.08 and section 41-1092.09.
- 39           2. The requirement in section 41-1092.06, subsection A to hold an  
40 informal settlement conference at the appellant's request if the sole subject  
41 of an appeal pursuant to section 37-215 is the estimate of value reported in  
42 an appraisal of lands or improvements.
- 43           G. Auction protest procedures pursuant to title 37, chapter 2, article  
44 4.1 are exempt from this article.

1           Sec. 40. Laws 2014, chapter 132, section 11 is amended to read:

2           Sec. 11. Delayed repeal

3           Section ~~41-2135~~ 3-3515, Arizona Revised Statutes, ~~as added by this act,~~  
4 is repealed from and after September 30, 2018.

5           Sec. 41. Exemption from rulemaking

6           For the purposes of this act and Laws 2015, chapter 244, the Arizona  
7 department of agriculture and the department of transportation are exempt  
8 from the rulemaking requirements of title 41, chapter 6, Arizona Revised  
9 Statutes, for one year after the effective date of this act.

10          Sec. 42. Effective date; retroactivity

11          This act is effective and applies retroactively to from and after  
12 June 30, 2016.