

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SENATE BILL 1320

AN ACT

AMENDING TITLE 28, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-337; AMENDING SECTIONS 28-372, 28-601, 28-641, 28-642, 28-737, 28-876, 28-924, 28-925, 28-2351, 28-2403, 28-2405 AND 28-2416, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2416.01; AMENDING SECTIONS 28-2511, 28-3312, 28-3392, 28-4541, 28-5001, 28-5241, 28-5736, 28-6991 AND 28-7058, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 20, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-7059; RELATING TO THE DEPARTMENT OF TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 28, chapter 2, article 2, Arizona Revised Statutes,
3 is amended by adding section 28-337, to read:

4 28-337. High occupancy vehicle lane; lane degradation; priority
5 use

6 A. IN ACCORDANCE WITH 23 UNITED STATES CODE SECTION 166, THE
7 DEPARTMENT SHALL DEVELOP PROCEDURES TO MONITOR THE IMPACT THAT SINGLE
8 OCCUPANCY VEHICLES AUTHORIZED UNDER SECTIONS 28-2416 AND 28-2416.01 HAVE ON
9 THE OPERATION OF THE HIGH OCCUPANCY VEHICLE LANES.

10 B. IF A HIGH OCCUPANCY VEHICLE LANE BECOMES DEGRADED DUE TO THE
11 AUTHORIZATION OF SINGLE OCCUPANCY VEHICLES AUTHORIZED UNDER SECTIONS 28-2416
12 AND 28-2416.01, USE OF THE LANE IS RESTRICTED TO THE FOLLOWING VEHICLES IN
13 THE FOLLOWING PRIORITY:

14 1. PASSENGER VEHICLES WITH TWO OR MORE OCCUPANTS, INCLUDING THE
15 DRIVER.

16 2. PUBLIC TRANSIT BUSES.

17 3. BUSES WITH TWO OR MORE OCCUPANTS, INCLUDING THE DRIVER.

18 4. MOTORCYCLES.

19 5. ALTERNATIVE FUEL VEHICLES.

20 6. LOW EMISSION AND ENERGY EFFICIENT VEHICLES.

21 C. THE DEPARTMENT SHALL LIMIT USE TO VEHICLES IN THE PRIORITY ORDER
22 PRESCRIBED IN SUBSECTION B OF THIS SECTION AND SHALL MAINTAIN THOSE
23 RESTRICTIONS WHILE THE LANE OR PORTION OF THE LANE REMAINS DEGRADED.

24 D. FOR THE PURPOSES OF THIS SECTION, A HIGH OCCUPANCY VEHICLE LANE IS
25 DEGRADED IF VEHICLES OPERATING ON THE FACILITY, OR PORTIONS OF THE FACILITY,
26 ARE FAILING TO MAINTAIN A SPEED OF FORTY-FIVE MILES PER HOUR OR GREATER
27 NINETY PER CENT OF THE TIME OVER A CONSECUTIVE ONE HUNDRED EIGHTY DAY PERIOD
28 DURING MORNING AND EVENING WEEKDAY PEAK HOUR PERIODS.

29 Sec. 2. Section 28-372, Arizona Revised Statutes, is amended to read:

30 28-372. Returned checks; dishonored electronic payments; fees

31 A. The director may assess:

32 1. The fee specified in section 44-6852 for a check, draft or order
33 that has been dishonored because of insufficient monies, payments stopped or
34 closed accounts.

35 2. Collection costs.

36 3. A FEE TO BE DETERMINED BY THE DIRECTOR FOR EACH ELECTRONIC PAYMENT
37 THAT HAS BEEN DISHONORED BECAUSE OF INSUFFICIENT MONIES, PAYMENTS STOPPED OR
38 CLOSED ACCOUNTS.

39 B. The director shall deposit, pursuant to sections 35-146 and 35-147,
40 service fees for dishonored checks, drafts, ~~or~~ orders OR ELECTRONIC PAYMENTS
41 that were submitted for titling and registering vehicles in the state highway
42 fund established by section 28-6991. The director shall deposit, pursuant to
43 sections 35-146 and 35-147, all other service fees collected under subsection
44 A of this section in the highway user revenue fund.

1 Sec. 3. Section 28-601, Arizona Revised Statutes, is amended to read:

2 28-601. Definitions

3 In this chapter, unless the context otherwise requires:

4 1. "Commercial motor vehicle" means a motor vehicle or combination of
5 vehicles that is designed, used or maintained to transport passengers or
6 property in the furtherance of a commercial enterprise, that is a commercial
7 motor vehicle as defined in section 28-5201 and that is not exempt from gross
8 weight fees as prescribed in section 28-5432, subsection B.

9 2. "Controlled access highway" means a highway, street or roadway to
10 or from which owners or occupants of abutting lands and other persons have no
11 legal right of access except at such points only and in the manner determined
12 by the public authority that has jurisdiction over the highway, street or
13 roadway.

14 3. "Crosswalk" means:

15 (a) That part of a roadway at an intersection included within the
16 prolongations or connections of the lateral lines of the sidewalks on
17 opposite sides of the highway measured from the curbs or, in absence of
18 curbs, from the edges of the traversable roadway.

19 (b) Any portion of a roadway at an intersection or elsewhere that is
20 distinctly indicated for pedestrian crossing by lines or other markings on
21 the surface.

22 4. "Escort vehicle" means a vehicle that is required pursuant to rules
23 adopted by the department to escort motor vehicles or combinations of
24 vehicles that require issuance of a permit pursuant to article 18 or 19 of
25 this chapter for operation on the highways of this state.

26 5. "Explosives" means any chemical compound, mixture or device that is
27 commonly used or intended for the purpose of producing an explosion and that
28 is defined in 49 Code of Federal Regulations part 173.

29 6. "Flammable liquid" means any liquid that has a flash point of less
30 than one hundred degrees Fahrenheit and that is defined in 49 Code of Federal
31 Regulations section 173.120.

32 7. "Gross weight" means the weight of a vehicle without a load plus
33 the weight of any load on the vehicle.

34 8. "Intersection" means the area embraced within the prolongation or
35 connection of the lateral curb lines, or if none, the lateral boundary lines
36 of the roadways of two highways that join one another at, or approximately
37 at, right angles, or the area within which vehicles traveling on different
38 highways joining at any other angle may come in conflict. If a highway
39 includes two roadways thirty or more feet apart, each crossing of each
40 roadway of the divided highway by an intersecting highway is a separate
41 intersection. If the intersecting highway also includes two roadways thirty
42 or more feet apart, each crossing of two roadways of the highways is a
43 separate intersection.

1 9. "License" means any license, temporary instruction permit or
2 temporary license issued under the laws of this state or any other state that
3 pertain to the licensing of persons to operate motor vehicles.

4 10. "LOW EMISSION AND ENERGY EFFICIENT VEHICLE" MEANS A VEHICLE THAT
5 HAS BEEN CERTIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
6 ADMINISTRATOR IN ACCORDANCE WITH 23 UNITED STATES CODE SECTION 166 OR THAT IS
7 PART OF A FEDERALLY APPROVED PILOT PROGRAM.

8 ~~10.~~ 11. "Motorized wheelchair" means any self-propelled wheelchair
9 that is used by a person for mobility.

10 ~~11.~~ 12. "Official traffic control device" means any sign, signal,
11 marking or device that is not inconsistent with this chapter and that is
12 placed or erected by authority of a public body or official having
13 jurisdiction for the purpose of regulating, warning or guiding traffic.

14 ~~12.~~ 13. "Park", if prohibited, means the standing of a vehicle,
15 whether occupied or not, otherwise than temporarily for the purpose of and
16 while actually engaged in loading or unloading.

17 ~~13.~~ 14. "Photo enforcement system" means a device substantially
18 consisting of a radar unit or sensor linked to a camera or other recording
19 device that produces one or more photographs, microphotographs, videotapes or
20 digital or other recorded images of a vehicle's license plate for the purpose
21 of identifying violators of articles 3 and 6 of this chapter.

22 ~~14.~~ 15. "Pneumatic tire" means a tire in which compressed air is
23 designed to support the load.

24 ~~15.~~ 16. "Pole trailer" means a vehicle that is all of the following:

25 (a) Without motive power.

26 (b) Designed to be drawn by another vehicle and attached to the towing
27 vehicle by means of a reach or pole or by being boomed or otherwise secured
28 to the towing vehicle.

29 (c) Used ordinarily for transporting long or irregularly shaped loads
30 such as poles, pipes or structural members capable generally of sustaining
31 themselves as beams between the supporting connections.

32 ~~16.~~ 17. "Police officer" means an officer authorized to direct or
33 regulate traffic or make arrests for violations of traffic rules or other
34 offenses.

35 ~~17.~~ 18. "Private road or driveway" means a way or place that is in
36 private ownership and that is used for vehicular travel by the owner and
37 those persons who have express or implied permission from the owner but not
38 by other persons.

39 ~~18.~~ 19. "Railroad" means a carrier of persons or property on cars
40 operated on stationary rails.

41 ~~19.~~ 20. "Railroad sign or signal" means a sign, signal or device
42 erected by authority of a public body or official or by a railroad and
43 intended to give notice of the presence of railroad tracks or the approach of
44 a railroad train.

~~20.~~ 21. "Railroad train" means a steam engine or any electric or other motor that is with or without cars coupled to the steam engine or electric or other motor and that is operated on rails.

~~21.~~ 22. "Roadway" means that portion of a highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, roadway refers to any such roadway separately but not to all such roadways collectively.

~~22.~~ 23. "Safety zone" means the area or space that is both:

(a) Officially set apart within a roadway for the exclusive use of pedestrians.

(b) Protected or either marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

~~23.~~ 24. "Sidewalk" means that portion of a street that is between the curb lines or the lateral lines of a roadway and the adjacent property lines and that is intended for the use of pedestrians.

~~24. "Solid tire" means a tire that both:~~

~~(a) Is made of rubber or other resilient material.~~

~~(b) Does not depend on compressed air for the support of the load.~~

25. "Stop", if required, means complete cessation from movement.

26. "Stop, stopping or standing", if prohibited, means any stopping or standing of an occupied or unoccupied vehicle, except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic control sign or signal.

27. "Through highway" means a highway or portion of a highway at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing and when stop signs are erected as provided in this chapter.

28. "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using a highway for purposes of travel.

29. "Traffic control signal" means a device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

30. "Truck" means a motor vehicle that is designed, used or maintained primarily for the transportation of property.

Sec. 4. Section 28-641, Arizona Revised Statutes, is amended to read:

28-641. Traffic control device manual and specifications

The director shall adopt a manual and specifications for a uniform system of traffic control devices for use on highways in this state. ~~Except as provided in section 28-2416,~~ The uniform system shall correlate with and as far as possible conform to the system set forth in the most recent edition of the manual on uniform traffic control devices for streets and highways prepared by the national joint committee on uniform traffic control devices.

1 Sec. 5. Section 28-642, Arizona Revised Statutes, is amended to read:
2 28-642. Traffic control signs on state highways; rules

3 A. The director shall place and maintain traffic control devices that
4 conform to the manual and specifications prescribed in section 28-641 ~~and to~~
5 ~~the requirements prescribed in section 28-2416~~ on all state highways as the
6 director deems necessary to indicate and to carry out this chapter or to
7 regulate, warn or guide traffic.

8 B. A local authority shall not place or maintain a traffic control
9 device on a highway under the jurisdiction of the director except by the
10 director's permission.

11 C. In cooperation with local authorities, the director shall
12 synchronize traffic control signals on a state highway that has a traffic
13 flow exceeding fifteen thousand motor vehicles per day in a vehicle emissions
14 control area as defined in section 49-541.

15 D. The director shall adopt rules pursuant to title 41, chapter 6 to
16 establish criteria for the installation and maintenance of directional signs
17 for universities prescribed in section 15-1601, for community colleges as
18 defined in section 15-1401 and for the campus of a regionally accredited
19 college or university.

20 Sec. 6. Section 28-737, Arizona Revised Statutes, is amended to read:
21 28-737. High occupancy vehicle lanes; civil penalty; definition

22 A. Except as provided in ~~section~~ SECTIONS 28-2416 AND 28-2416.01 and
23 subsections B, C, ~~AND~~ D ~~and E~~ of this section, a person shall not drive a
24 vehicle carrying fewer than two persons, including the driver, in a high
25 occupancy vehicle lane at any time the use of the high occupancy vehicle lane
26 is restricted to vehicles carrying two or more persons, including the driver.

27 ~~B. If the department receives approval from the federal government~~
28 ~~allowing the use of high occupancy vehicle lanes by hybrid vehicles, a person~~
29 ~~may drive a hybrid vehicle with alternative fuel vehicle special plates, or~~
30 ~~an alternative fuel vehicle sticker, and a hybrid vehicle sticker issued~~
31 ~~pursuant to section 28-2416 in high occupancy vehicle lanes at any time,~~
32 ~~regardless of occupancy level, without penalty.~~

33 ~~C.~~ B. During the performance of a tow truck operator's duties, a tow
34 truck operator may drive a tow truck in a high occupancy vehicle lane,
35 regardless of occupancy level, without penalty.

36 ~~D.~~ C. A person may drive a motorcycle in a high occupancy vehicle
37 lane at any time regardless of the number of passengers, without penalty.

38 ~~E.~~ D. A person may drive a public transportation vehicle in a high
39 occupancy vehicle lane at any time regardless of the number of passengers,
40 without penalty.

41 ~~F.~~ E. A person who violates subsection A of this section is subject
42 to a civil penalty of two hundred dollars.

43 ~~G.~~ F. Notwithstanding section 28-1554, one hundred dollars of each
44 civil penalty collected pursuant to subsection ~~F~~ E of this section shall be
45 deposited in the state general fund.

1 ~~H.~~ G. For the purposes of this section, ~~±~~
2 ~~1. "Hybrid vehicle" means a factory manufactured vehicle that~~
3 ~~satisfies all of the following:~~
4 ~~(a) Combines two or more power train technologies to produce a vehicle~~
5 ~~with significantly lower fuel consumption than the average of its class.~~
6 ~~(b) Exhibits the storage of kinetic energy by use of regenerative~~
7 ~~braking and batteries or capacitors, and the stored energy is used to assist~~
8 ~~or provide full acceleration of the vehicle.~~
9 ~~(c) Allows a portion of the energy to be supplied from an internal~~
10 ~~combustion engine or fuel cell for vehicle acceleration and to store~~
11 ~~electrical energy on board.~~
12 ~~(d) Obtains all energy required to operate from storage fuel tanks~~
13 ~~placed on board the vehicle.~~
14 ~~(e) Has been approved by the United States environmental protection~~
15 ~~agency as meeting, at a minimum, the United States environmental protection~~
16 ~~agency ultralow emission vehicle standard pursuant to 40 Code of Federal~~
17 ~~Regulations section 88.104-94.~~
18 2. "public transportation vehicle" means any vehicle that provides a
19 public entity's public transportation service and either:
20 ~~(a)~~ 1. Is owned or operated by the public entity.
21 ~~(b)~~ 2. Is operated under a contract with the public entity.
22 Sec. 7. Section 28-876, Arizona Revised Statutes, is amended to read:
23 28-876. Parking spaces for electric vehicles; civil penalty
24 A. A person shall not stop, stand or park a motor vehicle within any
25 parking space specially designated for parking and fueling motor vehicles
26 fueled EXCLUSIVELY by electricity unless the motor vehicle is powered by
27 electricity and has been issued an alternative fuel vehicle special plate or
28 sticker pursuant to section 28-2416.
29 B. If a law enforcement officer finds a motor vehicle in violation of
30 this section, the law enforcement officer shall issue a complaint to the
31 operator or other person in charge of the motor vehicle or, if an operator or
32 other person is not present, to the registered owner of the motor vehicle for
33 a civil traffic violation.
34 C. A person who is found responsible for a violation of this section
35 is subject to a civil penalty of at least three hundred fifty dollars.
36 Notwithstanding section 28-1554, the civil penalties collected pursuant to
37 this subsection shall be deposited in the state general fund.
38 Sec. 8. Section 28-924, Arizona Revised Statutes, is amended to read:
39 28-924. Motor vehicle head lamps
40 A. A motor vehicle other than a motorcycle, an all-terrain vehicle or
41 a motor driven cycle shall be equipped with at least two head lamps with at
42 least one on each side of the front of the motor vehicle. The head lamps
43 shall comply with the requirements and limitations of this article.

1 B. A motorcycle, an all-terrain vehicle and a motor driven cycle shall
2 be equipped with at least one and not more than two head lamps that comply
3 with the requirements and limitations of this article.

4 C. A head lamp on a motor vehicle, including a motorcycle, an
5 all-terrain vehicle and a motor driven cycle, shall be located at a height of
6 not more than fifty-four inches nor less than ~~twenty-four~~ TWENTY-TWO inches
7 to be measured as provided in section 28-923, subsection B.

8 Sec. 9. Section 28-925, Arizona Revised Statutes, is amended to read:
9 28-925. Tail lamps

10 A. A motor vehicle, trailer, semitrailer and pole trailer and any
11 other vehicle that is being drawn at the end of a train of vehicles shall be
12 equipped with at least one tail lamp mounted on the rear. When lighted as
13 required by this article, the tail lamp shall emit a red light plainly
14 visible from a distance of five hundred feet to the rear, except that in the
15 case of a train of vehicles, only the tail lamp on the rearmost vehicle need
16 actually be seen from the distance specified.

17 B. A tail lamp on a vehicle shall be located at a height of not more
18 than ~~sixty~~ SEVENTY-TWO inches nor less than fifteen inches to be measured as
19 provided in section 28-923, subsection B.

20 C. Either a tail lamp or a separate lamp shall be constructed and
21 placed in a manner that illuminates with a white light the rear license plate
22 and renders it clearly legible from a distance of fifty feet to the rear. A
23 tail lamp or tail lamps together with any separate lamp for illuminating the
24 rear license plate shall be wired to provide that the tail lamp or lamps are
25 lighted whenever the head lamps or auxiliary driving lamps are lighted.

26 Sec. 10. Section 28-2351, Arizona Revised Statutes, is amended to
27 read:

28 28-2351. License plate provided; design

29 A. The department shall provide to every owner one license plate for
30 each vehicle registered. At the request of the owner and on payment of any
31 required fee, the department shall provide either one or two license plates
32 for a vehicle for which a special plate is requested pursuant to this
33 chapter, except that the department shall provide one license plate if the
34 special plate is issued pursuant to section 28-2404, 28-2409, ~~or~~ 28-2416 OR
35 28-2416.01.

36 B. The license plate shall display the number assigned to the vehicle
37 and to the owner of the vehicle and the name of this state, which may be
38 abbreviated. The director shall coat the license plate with a reflective
39 material that is consistent with the determination of the license plate
40 commission established by section 28-2405 regarding the color and design of
41 license plates and special plates as prescribed by section 28-2405. The
42 director shall design the license plate and the letters and numerals on the
43 license plate to be of sufficient size to be plainly readable during daylight
44 from a distance of one hundred feet. In addition to the standard license
45 plate issued for a trailer before August 12, 2005, the director shall issue a

1 license plate for trailers that has a design that is similar to the standard
2 size license plate for trailers but that is the same size as the license
3 plate for motorcycles. The trailer owner shall notify the department which
4 size license plate the owner wants for the trailer.

5 C. Notwithstanding any other law, the department shall not contract
6 with a nongovernmental entity to purchase or secure reflective material for
7 the plates issued by the department unless the department has made a
8 reasonable effort to secure qualified bids or proposals from as many
9 individual responsible respondents as possible.

10 D. The license plate commission established by section 28-2405 shall
11 determine the color and design of the license plate. All other plates issued
12 by the department, except the plates issued pursuant to sections 28-2412,
13 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through 28-2432, 28-2452,
14 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, shall be the
15 same color as and similar in design to the license plate as determined by the
16 commission.

17 E. A passenger motor vehicle rented without a driver shall receive the
18 same type of license plate as issued for a private passenger motor vehicle.

19 Sec. 11. Section 28-2403, Arizona Revised Statutes, is amended to
20 read:

21 28-2403. Special plates; transfers; violation; classification

22 A. Except as otherwise provided in this article, the department shall
23 issue or renew special plates in lieu of the regular license plates pursuant
24 to the following conditions and procedures and only if the requirements
25 prescribed by this article for the requested special plates are met:

26 1. Except as provided in ~~section~~ SECTIONS 28-2416 AND 28-2416.01, a
27 person who is the registered owner of a vehicle registered with the
28 department or who applies for an original or renewal registration of a
29 vehicle may submit to the department a completed application form as
30 prescribed by the department with the fee prescribed by section 28-2402 for
31 special plates in addition to the registration fee prescribed by section
32 28-2003.

33 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
34 28-2414, 28-2416, 28-2416.01, 28-2417 through 28-2432, 28-2452, 28-2453,
35 28-2454 and 28-2455 and article 14 of this chapter, the special plates shall
36 be the same color as and similar to the design of the regular license plates
37 that is determined by the license plate commission pursuant to section
38 28-2351.

39 3. Except as provided in section 28-2416, the department shall issue
40 special plates only to the owner or lessee of a vehicle that is currently
41 registered, including any vehicle that has a declared gross weight, as
42 defined in section 28-5431, of twenty-six thousand pounds or less.

43 4. Except as provided in ~~section~~ SECTIONS 28-2416 AND 28-2416.01, the
44 department shall charge the fee prescribed by section 28-2402 for each annual

1 renewal of special plates in addition to the registration fee prescribed by
2 section 28-2003.

3 B. Except as provided in ~~section~~ **SECTIONS** 28-2416 **AND 28-2416.01**, on
4 notification to the department and on payment of the transfer fee prescribed
5 by section 28-2402, a person who is issued special plates may transfer the
6 special plates to another vehicle the person owns or leases. Persons who are
7 issued special plates for hearing impaired persons pursuant to section
8 28-2408 and international symbol of access special plates pursuant to section
9 28-2409 are exempt from the transfer fee. If a person who is issued special
10 plates sells, trades or otherwise releases ownership of the vehicle on which
11 the plates have been displayed, the person shall immediately report the
12 transfer of the plates to the department or the person shall surrender the
13 plates to the department as prescribed by the director. It is unlawful for a
14 person to whom the plates have been issued to knowingly permit them to be
15 displayed on a vehicle except the vehicle authorized by the department.

16 C. The special plates shall be affixed to the vehicle for which
17 registration is sought in lieu of the regular license plates.

18 D. A person is guilty of a class 3 misdemeanor who:

19 1. Violates subsection B of this section.

20 2. Fraudulently gives false or fictitious information in the
21 application for or renewal of special plates or placards issued pursuant to
22 this article.

23 3. Conceals a material fact or otherwise commits fraud in the
24 application for or renewal of special plates or placards issued pursuant to
25 this article.

26 Sec. 12. Section 28-2405, Arizona Revised Statutes, is amended to
27 read:

28 **28-2405. License plate commission**

29 A. A license plate commission is established. The commission is
30 composed of the following members:

31 1. Two public members who are appointed by the director of the
32 department of transportation.

33 2. A person who is appointed by the governor from the governor's
34 office of highway safety and who serves at the pleasure of the governor.

35 3. The director of the department of public safety or the director's
36 designee.

37 4. The director of the department of transportation or the director's
38 designee.

39 5. The director of the office of tourism or the director's designee.

40 6. The director of the state department of corrections or the
41 director's designee.

42 B. The director of the department of transportation or the director's
43 designee shall serve as chairman of the commission. The chairman shall
44 preside at commission meetings and coordinate the activities of the
45 commission and staff implementation of commission actions.

1 C. All official actions of the commission shall be decided by a
2 majority vote of commission members.

3 D. The commission shall determine the following:

4 1. The color and design of license plates.

5 2. The color of special plates to be the same as and the design of
6 special plates to be similar to the license plates, except for special plates
7 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416, 28-2416.01,
8 28-2417 through 28-2432, 28-2452, 28-2453, 28-2454 and 28-2455 and article
9 14 of this chapter.

10 3. Whether to authorize special organization plates pursuant to
11 section 28-2404.

12 4. The indicia for special organization plates issued pursuant to
13 section 28-2404.

14 E. The department shall provide the commission with staff and
15 technical assistance as necessary to perform its functions.

16 F. Commission members are not eligible to receive compensation, but
17 the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of
18 this section are eligible for reimbursement of expenses pursuant to title 38,
19 chapter 4, article 2.

20 Sec. 13. Section 28-2416, Arizona Revised Statutes, is amended to
21 read:

22 28-2416. Alternative fuel vehicle special plates; stickers; use
23 of high occupancy vehicle lanes; definition

24 A. ~~Beginning on April 1, 1997,~~ A person who owns a motor vehicle that
25 has either been converted or manufactured to use an alternative fuel AS THE
26 VEHICLE'S EXCLUSIVE FUEL SOURCE AND THAT IS INCAPABLE OF OPERATING ON ANY
27 OTHER TYPE OF FUEL and the alternative fuel was subject to the use fuel tax
28 imposed pursuant to chapter 16 of this title before April 1, 1997 shall apply
29 for alternative fuel vehicle special plates pursuant to this section.

30 ~~B. A person who owns a motor vehicle that is a hybrid vehicle may~~
31 ~~apply for alternative fuel vehicle special plates pursuant to this~~
32 ~~section. The department shall issue alternative fuel vehicle special plates,~~
33 ~~or an alternative fuel vehicle sticker as provided in subsection E of this~~
34 ~~section, and a hybrid vehicle sticker to a person who satisfies the~~
35 ~~requirements prescribed in subsection C of this section. The hybrid vehicle~~
36 ~~sticker shall be designed by the department and shall be placed on the motor~~
37 ~~vehicle as prescribed by the department.~~

38 ~~C.~~ B. The department shall issue alternative fuel vehicle special
39 plates, or an alternative fuel vehicle sticker as provided in subsection ~~E~~ D
40 of this section, to a person who satisfies all of the following:

41 1. Owns a motor vehicle that is EXCLUSIVELY powered by an alternative
42 fuel ~~or that is a hybrid vehicle~~ AND THAT IS INCAPABLE OF OPERATING ON ANY
43 OTHER TYPE OF FUEL.

1 2. Provides proof as follows:

2 (a) For an original equipment manufactured alternative fuel vehicle ~~or~~
3 ~~hybrid vehicle~~, the dealer who sells the motor vehicle shall provide to the
4 department of transportation and the owner of the motor vehicle a certificate
5 indicating:

6 (i) That the motor vehicle is EXCLUSIVELY powered by an alternative
7 fuel ~~or is a hybrid vehicle~~ AND IS INCAPABLE OF OPERATING ON ANY OTHER TYPE
8 OF FUEL.

9 (ii) The emission classification of the motor vehicle as low,
10 inherently low, ultralow or zero.

11 (b) For a converted motor vehicle or a motor vehicle that is assembled
12 by the owner, the department of environmental quality or an agent of the
13 department of environmental quality shall provide a certificate to the
14 department of transportation and the owner of the motor vehicle indicating
15 that the motor vehicle is EXCLUSIVELY powered by an alternative fuel ~~or is a~~
16 ~~hybrid vehicle~~ AND IS INCAPABLE OF OPERATING ON ANY OTHER TYPE OF FUEL.

17 3. Pays an eight dollar special plate ~~administrative~~ ADMINISTRATION
18 fee, except that vehicles that are registered pursuant to section 28-2511 are
19 exempt from that fee. The department shall deposit, pursuant to sections
20 35-146 and 35-147, all special plate ~~administrative~~ ADMINISTRATION fees in
21 the state highway fund established by section 28-6991.

22 ~~D.~~ C. The color and design of the alternative fuel vehicle special
23 plates are subject to the approval of the department of commerce energy
24 office. The director may allow a request for alternative fuel vehicle
25 special plates to be combined with a request for personalized special plates.
26 If the director allows such a combination, the request shall be in a form
27 prescribed by the director and is subject to the fees for the personalized
28 special plates in addition to the fees required for alternative fuel vehicle
29 special plates. Alternative fuel vehicle special plates are not
30 transferable, except that if the director allows alternative fuel vehicle
31 special plates to be personalized a person who is issued personalized
32 alternative fuel vehicle special plates may transfer those plates to another
33 alternative fuel vehicle for which the person is the registered owner or
34 lessee.

35 ~~E.~~ D. If a motor vehicle qualifies pursuant to this section and any
36 other special plates are issued pursuant to article 7, 8 or 13 of this
37 chapter or section 28-2514 for the motor vehicle, the department may issue an
38 alternative fuel vehicle sticker to the person who owns the motor vehicle.
39 The alternative fuel vehicle sticker shall be diamond-shaped, shall indicate
40 the type of alternative fuel used by the vehicle and shall be placed on the
41 motor vehicle as prescribed by the department.

42 ~~F.~~ E. Except as provided in section ~~28-737, subsection B~~ 28-337, a
43 person may drive a motor vehicle with alternative fuel vehicle special plates
44 or an alternative fuel vehicle sticker in high occupancy vehicle lanes at any
45 time, regardless of occupancy level, without penalty.

1 ~~G.~~ F. A person shall not drive a motor vehicle in a high occupancy
2 vehicle lane with an alternative fuel vehicle sticker if the motor vehicle is
3 not an alternative fuel vehicle ~~or a hybrid vehicle~~ for which an alternative
4 fuel vehicle sticker ~~and a hybrid vehicle sticker have~~ HAS been issued
5 pursuant to this section. A person who violates this subsection is subject
6 to a civil penalty of three hundred fifty dollars. Notwithstanding section
7 28-1554, the civil penalty collected pursuant to this subsection shall be
8 deposited in the state general fund.

9 ~~H. The department shall mark high occupancy vehicle lane signs to~~
10 ~~indicate that those lanes may be used by alternative fuel vehicles regardless~~
11 ~~of the number of occupants. The design of the sign shall be the same as the~~
12 ~~design of the alternative fuel vehicle special plate, and the sign shall be~~
13 ~~at least as large as the high occupancy vehicle lane sign. These high~~
14 ~~occupancy vehicle lane signs are official traffic control devices. On~~
15 ~~highway exit signs the department shall also indicate access to alternative~~
16 ~~fuel vehicle fueling stations that are open to the public.~~

17 G. FOR THE PURPOSES OF SECTION 28-337, THE DEPARTMENT SHALL:

18 1. LIMIT OR SUSPEND THE ISSUANCE OF ALTERNATIVE FUEL VEHICLE SPECIAL
19 PLATES.

20 2. REMOVE THE PRIVILEGE OF OPERATING IN THE HIGH OCCUPANCY VEHICLE
21 LANE WITH A SINGLE OCCUPANT, INCLUDING THE DRIVER.

22 ~~I.~~ H. If the department publishes maps of the state highway system
23 that are distributed to the general public, the department shall indicate on
24 those maps the approximate location of alternative fuel delivery facilities
25 that are open to the public.

26 ~~J.~~ I. For the purposes of this section, ~~+~~

27 ~~I.~~ "alternative fuel" has the same meaning prescribed in section
28 1-215.

29 ~~2. "Hybrid vehicle" has the same meaning prescribed in section 28-737.~~

30 Sec. 14. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
31 amended by adding section 28-2416.01, to read:

32 28-2416.01. Low emission and energy efficient vehicle special
33 plates; use of high occupancy vehicle lanes;
34 civil penalty

35 A. EXCEPT AS PROVIDED IN SECTION 28-337 AND IF THE DEPARTMENT RECEIVES
36 APPROVAL FROM THE FEDERAL GOVERNMENT AS PRESCRIBED IN SUBSECTION D OF THIS
37 SECTION, A PERSON WHO OWNS A MOTOR VEHICLE THAT IS A LOW EMISSION AND ENERGY
38 EFFICIENT VEHICLE AS DEFINED IN SECTION 28-601 MAY APPLY FOR A LOW EMISSION
39 AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE PURSUANT TO THIS SECTION. THE LOW
40 EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE SHALL BE DESIGNED BY THE
41 DIRECTOR.

42 B. A PERSON WHO APPLIES FOR A LOW EMISSION AND ENERGY EFFICIENT
43 VEHICLE SPECIAL PLATE SHALL PAY AN EIGHT DOLLAR PLATE ADMINISTRATION FEE,
44 EXCEPT THAT VEHICLES THAT ARE REGISTERED PURSUANT TO SECTION 28-2511 ARE
45 EXEMPT FROM THAT FEE. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS

1 35-146 AND 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY
2 FUND ESTABLISHED BY SECTION 28-6991.

3 C. THE DIRECTOR MAY ALLOW A REQUEST FOR A LOW EMISSION AND ENERGY
4 EFFICIENT VEHICLE SPECIAL PLATE TO BE COMBINED WITH A REQUEST FOR
5 PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE
6 REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE
7 FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR
8 LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATES. LOW EMISSION AND
9 ENERGY EFFICIENT VEHICLE SPECIAL PLATES MAY BE TRANSFERRED TO ANOTHER LOW
10 EMISSION AND ENERGY EFFICIENT VEHICLE FOR WHICH THE PERSON IS THE REGISTERED
11 OWNER OR LESSEE.

12 D. EXCEPT AS PROVIDED IN SECTION 28-337 AND IF THE DEPARTMENT RECEIVES
13 APPROVAL FROM THE FEDERAL GOVERNMENT ALLOWING THE USE OF HIGH OCCUPANCY
14 VEHICLE LANES BY LOW EMISSION AND ENERGY EFFICIENT VEHICLES, AS DEFINED IN
15 SECTION 28-601, THAT ACHIEVE NOT LESS THAN A FIFTY PER CENT INCREASE IN CITY
16 FUEL ECONOMY OR NOT LESS THAN A TWENTY-FIVE PER CENT INCREASE IN COMBINED
17 CITY-HIGHWAY FUEL ECONOMY IN ACCORDANCE WITH 23 UNITED STATES CODE SECTION
18 166, A PERSON MAY DRIVE A MOTOR VEHICLE WITH A LOW EMISSION AND ENERGY
19 EFFICIENT VEHICLE SPECIAL PLATE IN HIGH OCCUPANCY VEHICLE LANES AT ANY TIME,
20 REGARDLESS OF OCCUPANCY LEVEL, WITHOUT PENALTY.

21 E. A PERSON SHALL NOT DRIVE A MOTOR VEHICLE IN A HIGH OCCUPANCY
22 VEHICLE LANE WITH A LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE
23 IF THE MOTOR VEHICLE IS NOT A LOW EMISSION AND ENERGY EFFICIENT VEHICLE FOR
24 WHICH A LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE HAS BEEN
25 ISSUED PURSUANT TO THIS SECTION. A PERSON WHO VIOLATES THIS SUBSECTION IS
26 SUBJECT TO A CIVIL PENALTY OF THREE HUNDRED FIFTY DOLLARS. NOTWITHSTANDING
27 SECTION 28-1554, THE CIVIL PENALTY COLLECTED PURSUANT TO THIS SUBSECTION
28 SHALL BE DEPOSITED IN THE STATE GENERAL FUND.

29 F. FOR THE PURPOSES OF SECTION 28-337, THE DEPARTMENT SHALL:

30 1. LIMIT OR SUSPEND THE ISSUANCE OF LOW EMISSION AND ENERGY EFFICIENT
31 VEHICLE SPECIAL PLATES.

32 2. REMOVE THE PRIVILEGE OF OPERATING IN THE HIGH OCCUPANCY VEHICLE
33 LANE WITH A SINGLE OCCUPANT, INCLUDING THE DRIVER.

34 Sec. 15. Section 28-2511, Arizona Revised Statutes, is amended to
35 read:

36 28-2511. Official vehicles; registration exemption; definitions

37 A. A registration fee is not required for a vehicle owned by a foreign
38 government, by a consul or any other official representative of a foreign
39 government, by the United States, by a state or political subdivision of a
40 state, by an Indian tribal government, by a provider of ambulance, fire
41 fighting or rescue services that is used solely for the purpose of providing
42 emergency services or by a nonprofit organization that presents to the
43 department a form approved by the director of the division of emergency
44 management pursuant to section 26-318. The person who has custody of these
45 vehicles shall register them as required by this chapter and shall display

1 official license plates that bear distinguishing marks. The department shall
2 furnish the license plates free of charge. The department may issue regular
3 license plates without any distinguishing marks for vehicles that are exempt
4 from title 38, chapter 3, article 10 pursuant to section 38-538.03,
5 subsection B.

6 B. The director may issue license plates for vehicles owned by and
7 used in the line of duty by law enforcement agencies in other states and the
8 federal government without being registered as required by this chapter.

9 C. The director may enter into agreements or arrangements subject to
10 the approval of the attorney general of this state with the federal
11 government and with motor vehicle departments in other states to provide for
12 a reciprocal exchange of license plates for use on vehicles owned or operated
13 by law enforcement agencies for investigating actual or suspected violations
14 of law. License plates of other states obtained pursuant to this subsection
15 may be used on exempt vehicles of law enforcement agencies of this state or a
16 political subdivision of this state.

17 D. The director shall maintain a record of the license plates issued
18 pursuant to subsections B and C of this section. The director shall also
19 keep a record of the license plates received pursuant to subsection C of this
20 section, the regular license plates issued pursuant to subsection A of this
21 section and the vehicles to which the plates are attached. These records are
22 not open to public inspection except on demand of the attorney general.

23 E. ~~EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,~~ any vehicle that
24 is registered pursuant to this section and that is ~~EXCLUSIVELY~~ powered by an
25 alternative fuel shall display an alternative fuel vehicle special plate
26 issued pursuant to section 28-2416. ~~, except that~~ EXCEPT AS OTHERWISE
27 PROVIDED IN THIS SUBSECTION, ANY VEHICLE THAT IS REGISTERED PURSUANT TO THIS
28 SECTION AND THAT IS A LOW EMISSION AND ENERGY EFFICIENT VEHICLE AS DEFINED IN
29 SECTION 28-601 SHALL DISPLAY A LOW EMISSION AND ENERGY EFFICIENT VEHICLE
30 SPECIAL PLATE ISSUED PURSUANT TO SECTION 28-2416.01. The department may
31 issue regular license plates without any alternative fuel OR LOW EMISSION AND
32 ENERGY EFFICIENT distinguishing marks or regular alternative fuel vehicle
33 special plates OR LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATES
34 for vehicles that are exempt from title 38, chapter 3, article 10 pursuant to
35 section 38-538.03, subsection B. This subsection applies to all existing
36 vehicles that are registered pursuant to this section and all newly-acquired
37 vehicles that are registered pursuant to this section.

38 F. For the purposes of this section:

39 1. "Alternative fuel" has the same meaning prescribed in section
40 1-215.

41 2. "Ambulance" means a vehicle for which a certificate of registration
42 has been issued pursuant to section 36-2212.

1 Sec. 16. Section 28-3312, Arizona Revised Statutes, is amended to
2 read:

3 28-3312. Mandatory disqualification of commercial driver
4 licenses: definition

5 A. The department shall disqualify a person required to have a
6 commercial driver license or a commercial driver license holder from driving
7 a commercial motor vehicle as follows:

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

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

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

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

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

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

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

20 (v) Driving a commercial motor vehicle while, as a result of prior
21 violations of this title committed while operating a commercial motor
22 vehicle, the person's commercial driver license is revoked, suspended or
23 canceled or the person is disqualified from operating a commercial motor
24 vehicle.

25 (vi) Causing a fatality through the negligent operation of a
26 commercial motor vehicle, including a conviction of manslaughter, homicide or
27 negligent homicide resulting from operation of a motor vehicle.

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

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

39 4. Permanently if the person is convicted of using any motor vehicle
40 in the commission of a felony involving the manufacture, distribution or
41 dispensing of a controlled substance or possession with intent to
42 manufacture, distribute or dispense a controlled substance.

43 5. For at least sixty consecutive days, if the person is convicted of
44 two serious traffic violations committed in a motor vehicle arising from

1 separate incidents occurring within a three year period from the date of the
2 violation.

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

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

13 1. For a period of ~~ninety~~ ONE HUNDRED EIGHTY days if the person is
14 found responsible for a first violation of an out-of-service order.

15 2. For a period of ~~one-year~~ TWO YEARS if the person is found
16 responsible for a second violation of any out-of-service order during any ten
17 year period arising from separate incidents.

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

21 C. A person required to have a commercial driver license or a
22 commercial driver license holder who is found responsible for violating an
23 out-of-service order pursuant to section 28-5241 while transporting hazardous
24 materials or while operating a commercial motor vehicle designed or used to
25 transport sixteen or more passengers, including the driver, is disqualified
26 from driving a commercial motor vehicle as follows:

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

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

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

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

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

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

43 E. If a federal agency determines that a commercial motor vehicle
44 licensee is driving in a manner that constitutes an imminent hazard, the
45 department, on receipt of notification by the federal government, shall

1 disqualify the driver for a period not to exceed one year. The
2 disqualification shall run concurrently with any other disqualification
3 imposed on the driver. For the purposes of this subsection, "imminent
4 hazard" means the existence of a condition that presents a substantial
5 likelihood that death, serious illness, severe personal injury or a
6 substantial endangerment to health, property or the environment may occur
7 before the reasonably foreseeable completion date of a formal proceeding to
8 decrease the risk of death, illness, injury or endangerment.

9 F. The department shall keep records of findings of responsibility for
10 a civil traffic violation and of conviction of any moving criminal traffic
11 violation for a commercial driver licensee for violations in any type of
12 motor vehicle and for a person required to have a commercial driver license
13 if the violations arise from the operation of a commercial motor vehicle.
14 The department shall make the records available to other states, the United
15 States secretary of transportation, the driver and any motor carrier or
16 prospective motor carrier or the motor carrier's designated agent within ten
17 days after receiving ~~notice~~ A REPORT of a conviction OR FINDING OF
18 RESPONSIBILITY in this state or receipt of a ~~notice~~ REPORT of a conviction OR
19 FINDING OF RESPONSIBILITY or disqualification received from another state.

20 G. Disqualification for a serious traffic violation committed by a
21 commercial driver license holder while operating a noncommercial motor
22 vehicle applies only if the conviction results in the revocation,
23 cancellation or suspension of the person's commercial driver license or
24 noncommercial driver license.

25 H. The department may adopt rules establishing guidelines and
26 conditions under which the department may reduce a disqualification for life
27 pursuant to subsection A, paragraph 3 of this section to a disqualification
28 of at least ten years. If a person's disqualification is reduced pursuant to
29 rules adopted pursuant to this subsection and the person is subsequently
30 convicted of a violation described in subsection A, paragraph 1 of this
31 section, the person is permanently disqualified from driving a commercial
32 vehicle and is not eligible to apply for a reduction of the disqualification
33 pursuant to rules adopted pursuant to this subsection.

34 I. Except as provided in subsection E of this section, the beginning
35 date of the disqualification shall be the date the department receives the
36 report of conviction or finding of responsibility.

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

- 39 1. Excessive speeding involving a single offense for a speed of
40 fifteen miles per hour or more above the posted speed limit.
- 41 2. Reckless driving as provided by section 28-693.
- 42 3. Aggressive driving as provided by section 28-695.
- 43 4. Racing as defined in section 28-708.

1 5. Improper or erratic traffic lane changes as provided by section
2 28-729.

3 6. Following the vehicle ahead too closely as provided by section
4 28-730.

5 7. A violation of this title that is connected with a fatal traffic
6 accident.

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

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

11 10. Driving a commercial motor vehicle without having a valid
12 endorsement for the type of commercial motor vehicle or motor vehicle
13 combination being operated.

14 Sec. 17. Section 28-3392, Arizona Revised Statutes, is amended to
15 read:

16 28-3392. Defensive driving school; eligibility

17 A. A court:

18 1. Shall allow an individual who is issued a citation for a civil
19 traffic moving violation pursuant to chapter 3, articles 2, 3, 4 and 6
20 through 15 of this title or a local civil traffic ordinance relating to the
21 same subject matter to attend a defensive driving school for the purposes
22 provided in this article.

23 2. Except as prescribed in subsection C of this section, may allow an
24 individual who is issued a citation for a violation of section 28-701.02 to
25 attend a defensive driving school.

26 B. A person who attends a defensive driving school pursuant to this
27 article is not eligible to attend a defensive driving school again within
28 twenty-four months from the day of the last violation for which the person
29 was authorized by this article to attend a defensive driving school.

30 C. Notwithstanding subsection A of this section:

31 1. An individual who commits a civil or criminal traffic violation
32 resulting in death or serious physical injury is not eligible to attend a
33 defensive driving school, except that the court may order the individual to
34 attend a defensive driving school in addition to another sentence imposed by
35 the court on an adjudication or admission of the traffic violation.

36 2. If a commercial driver license holder **OR A DRIVER OF A COMMERCIAL**
37 **MOTOR VEHICLE THAT REQUIRES A COMMERCIAL DRIVER LICENSE** is found guilty or
38 responsible for a moving violation, the court may require the violator to
39 attend defensive driving school as an element of sentence, but may not
40 dismiss the conviction or finding of responsibility and shall report the
41 conviction or finding of responsibility to the department as prescribed in
42 section 28-1559. A commercial driver license holder **OR A DRIVER OF A**
43 **COMMERCIAL MOTOR VEHICLE THAT REQUIRES A COMMERCIAL DRIVER LICENSE** is not
44 eligible for the defensive driving diversion program.

1 Sec. 18. Section 28-4541, Arizona Revised Statutes, is amended to
2 read:

3 28-4541. Continuation date; delinquent fee due from
4 manufacturer; penalty

5 A. IN ORDER TO DISTRIBUTE THE CONTINUATION WORKLOAD AS UNIFORMLY AS
6 PRACTICABLE THROUGHOUT THE TWELVE MONTHS OF THE CALENDAR YEAR, THE DIRECTOR
7 MAY PROVIDE FOR STAGGERED CONTINUATION DATES FOR THE RIGHT TO USE A
8 MANUFACTURER LICENSE PLATE. IN ORDER TO INITIATE A STAGGERED CONTINUATION
9 SYSTEM, THE DIRECTOR MAY INITIALLY PROVIDE OR CONTINUE THE RIGHT FOR MORE OR
10 LESS THAN A TWELVE MONTH PERIOD, BUT NOT MORE THAN EIGHTEEN MONTHS, AND MAY
11 PRORATE THE FEES.

12 B. If a manufacturer fails, neglects or refuses to file an application
13 for renewal and pay the required fee for the ensuing year on or before
14 midnight ~~of December 1 of each year~~ ON THE CONTINUATION DATE, the fee is
15 delinquent, and the department shall charge and collect a penalty equal to
16 the fee if the manufacturer files an application for renewal after ~~December 1~~
17 THE CONTINUATION DATE.

18 Sec. 19. Section 28-5001, Arizona Revised Statutes, is amended to
19 read:

20 28-5001. Definition of title service company

21 In this chapter, unless the context otherwise requires, "title service
22 company" means a person, other than a licensed motor vehicle dealer, who for
23 a fee issues temporary registration plates or prepares ~~and~~ OR submits to the
24 director applications for registration of, and certificates of title to,
25 motor vehicles AND MAY PREPARE OR SUBMIT TO THE DIRECTOR FUEL TAX REPORTS ON
26 BEHALF OF LICENSED MOTOR CARRIERS.

27 Sec. 20. Section 28-5241, Arizona Revised Statutes, is amended to
28 read:

29 28-5241. Out-of-service orders; violation; civil penalty;
30 definition

31 A. A motor carrier shall not require or permit a driver:

32 1. To operate a commercial motor vehicle that is subject to an
33 out-of-service order until all repairs required by the out-of-service order
34 have been satisfactorily completed.

35 2. Who is subject to an out-of-service order to operate a commercial
36 motor vehicle until the reason for the out-of-service order has been
37 remedied.

38 B. A driver:

39 1. Shall not operate a commercial motor vehicle that is subject to an
40 out-of-service order until all repairs required by the out-of-service order
41 have been satisfactorily completed.

1 2. Who is subject to an out-of-service order shall not operate a
2 commercial motor vehicle until the reason for the out-of-service order has
3 been remedied.

4 C. Notwithstanding section 28-5240, a violation of this section is a
5 civil traffic violation.

6 D. The court shall impose:

7 1. ~~ON A DRIVER WHO VIOLATES OR FAILS TO COMPLY WITH AN OUT-OF-SERVICE~~
8 ~~ORDER~~ a civil penalty of:

9 (a) At least ~~one~~ TWO thousand ~~one~~ FIVE hundred dollars ~~and not more~~
10 ~~than two thousand seven hundred fifty dollars on a driver who violates or~~
11 ~~fails to comply with an out-of-service order~~ FOR AN INITIAL VIOLATION OR
12 FAILURE.

13 (b) FIVE THOUSAND DOLLARS FOR A SUBSEQUENT VIOLATION OR FAILURE.

14 2. A civil penalty of at least two thousand seven hundred fifty
15 dollars and not more than ~~eleven~~ TWENTY-FIVE thousand dollars on a motor
16 carrier who violates an out-of-service order or who requires or permits a
17 driver to violate or fail to comply with an out-of-service order.

18 E. In addition to other penalties prescribed by this chapter, if a
19 motor carrier or driver is found responsible for a violation of this section,
20 the motor carrier or driver is subject to disqualification pursuant to
21 section 28-3312.

22 F. For the purposes of this section, "out-of-service order" means a
23 declaration by a specialty officer of the department or a law enforcement
24 officer authorized pursuant to section 28-5204 that a driver, motor vehicle
25 or motor carrier is out of service pursuant to this chapter.

26 Sec. 21. Section 28-5736, Arizona Revised Statutes, is amended to
27 read:

28 28-5736. Bond requirement

29 A. The director may require ~~a surety bond if~~ an interstate user ~~does~~
30 ~~not file tax reports or remit taxes or if the director determines that the~~
31 ~~interests of this state or of member jurisdictions of the international fuel~~
32 ~~tax agreement are in jeopardy~~ OR APPLICANT TO POST A SURETY OR CASH BOND IF
33 ONE OR MORE OF THE FOLLOWING APPLY:

34 1. THE INTERSTATE USER FAILS TO FILE TAX REPORTS TIMELY OR TO REMIT
35 TAXES TIMELY.

36 2. THE DIRECTOR DETERMINES THAT THE INTERESTS OF THIS STATE OR MEMBER
37 JURISDICTIONS ARE IN JEOPARDY.

38 3. THE APPLICANT IS NOT BASED IN A JURISDICTION THAT IS A MEMBER OF
39 THE INTERNATIONAL FUEL TAX AGREEMENT.

40 4. THE APPLICANT DOES NOT HAVE A GOOD STANDING STATUS FROM ANOTHER
41 MEMBER JURISDICTION AS A RESULT OF A PREVIOUS LICENSE.

42 5. THE APPLICANT DOES NOT HAVE HISTORY AS A MOTOR CARRIER IN THIS
43 STATE OR ANY OTHER MEMBER JURISDICTION.

1 B. If required, the surety OR CASH bond:

2 1. Shall indicate that the interstate user is the principal obligor
3 and the state is the obligee.

4 2. Shall be conditioned on the interstate user faithfully complying
5 with this article and the prompt filing of true reports and payment by the
6 interstate user of all use fuel taxes and fees due or accrued under this
7 article, together with all penalties and interest on the taxes and fees.

8 3. Shall ~~not be more than two times the quarterly tax liability of the~~
9 ~~interstate user as determined by the director~~ BE IN AN AMOUNT THAT IS
10 PRESCRIBED BY THE DIRECTOR AND THAT DOES NOT EXCEED ONE HUNDRED THOUSAND
11 DOLLARS.

12 Sec. 22. Section 28-6991, Arizona Revised Statutes, is amended to
13 read:

14 28-6991. State highway fund; sources

15 A state highway fund is established that consists of:

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

18 2. Monies appropriated by the legislature.

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

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

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

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

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

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

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

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

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

9 12. Except as provided in section 28-5101, the following monies:

10 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
11 subsection B, paragraph 2, subdivision (e).

12 (b) One dollar of each registration fee and one dollar of each title
13 fee collected pursuant to section 28-2003.

14 (c) Two dollars of each late registration penalty collected by the
15 director pursuant to section 28-2162.

16 (d) The air quality compliance fee collected pursuant to section
17 49-542.

18 (e) The special plate administration fees collected pursuant to
19 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 THROUGH
20 28-2432 and 28-2514.

21 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
22 if the director is the registering officer.

23 13. Monies deposited pursuant to chapter 5, article 5 of this title.

24 14. Donations received pursuant to section 28-2269.

25 15. Dealer and registration monies collected pursuant to section
26 28-4304.

27 16. Abandoned vehicle administration monies deposited pursuant to
28 section 28-4804.

29 17. Monies deposited pursuant to section 28-710, subsection D,
30 paragraph 2.

31 18. Monies deposited pursuant to section 28-2065.

32 19. Donations deposited pursuant to section 28-2430.

33 20. Monies deposited pursuant to section 28-7311.

34 21. MONIES DEPOSITED PURSUANT TO SECTION 28-7059.

35 Sec. 23. Section 28-7058, Arizona Revised Statutes, is amended to
36 read:

37 28-7058. Privatization of rest areas; state certified rest area
38 program; rules; program termination; definitions

39 A. The department may:

40 1. Privatize any rest area constructed on or adjacent to state
41 highways in this state on or after ~~the effective date of this section~~
42 SEPTEMBER 26, 2008. Any agreement between the department and a person for
43 privatization under this section shall include a provision that:

1 ~~1.~~ (a) Prohibits the person from charging any fees for the use of a
2 lavatory.

3 ~~2.~~ (b) Requires the person to provide an adequate outdoor picnic area
4 to be available to the public at no charge.

5 2. ESTABLISH A STATE CERTIFIED REST AREA PROGRAM THAT MEETS THE
6 REQUIREMENTS ESTABLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION PURSUANT TO
7 PUBLIC LAW 109-59, SECTION 1310.

8 3. CONTRACT WITH A THIRD PARTY OR OTHER GOVERNMENT ENTITY TO CERTIFY
9 AND RECERTIFY REST AREAS FOR THE STATE CERTIFIED REST AREA PROGRAM.

10 B. THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT AND OPERATE THE STATE
11 CERTIFIED REST AREA PROGRAM.

12 C. THE STATE CERTIFIED REST AREA PROGRAM ESTABLISHED PURSUANT TO THIS
13 SECTION ENDS ON JULY 1, 2019 PURSUANT TO SECTION 41-3102.

14 D. FOR THE PURPOSES OF THIS SECTION:

15 1. "POPULATION" MEANS THE POPULATION DETERMINED IN THE MOST RECENT
16 UNITED STATES DECENNIAL CENSUS OR IN THE MOST RECENT SPECIAL CENSUS AS
17 PROVIDED IN SECTION 28-6532.

18 2. "STATE CERTIFIED REST AREA" MEANS A PRIVATELY OWNED FACILITY THAT
19 IS BOTH OF THE FOLLOWING:

20 (a) CERTIFIED BY THIS STATE OR A THIRD PARTY TO MEET THE REQUIREMENTS
21 ESTABLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION PURSUANT TO PUBLIC LAW
22 109-59, SECTION 1310 AND AT A MINIMUM OFFERS ALL OF THE FOLLOWING:

23 (i) FUEL AND FOOD TO THE PUBLIC.

24 (ii) TWENTY-FOUR HOUR ACCESS TO RESTROOMS.

25 (iii) PARKING FOR AUTOMOBILES AND HEAVY TRUCKS.

26 (b) LOCATED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY AND OUTSIDE OF AN
27 URBANIZED AREA WITH A POPULATION OF ONE HUNDRED THOUSAND OR MORE PERSONS.

28 3. "URBANIZED AREA" MEANS AN URBANIZED AREA AS DEFINED IN THE
29 DECENNIAL CENSUS BY THE UNITED STATES BUREAU OF THE CENSUS.

30 Sec. 24. Title 28, chapter 20, article 5, Arizona Revised Statutes, is
31 amended by adding section 28-7059, to read:

32 28-7059. Rest area sponsorship sign program; rules; revenue
33 sharing agreement; program termination

34 A. THE DEPARTMENT MAY ESTABLISH A REST AREA SPONSORSHIP SIGN PROGRAM.
35 NOTWITHSTANDING SECTIONS 28-648, 28-7048 AND 28-7053, THE DEPARTMENT MAY
36 CONTRACT WITH A THIRD PARTY TO INSTALL, MAINTAIN AND REPLACE REST AREA
37 SPONSORSHIP SIGNS AT REST AREAS LOCATED IN THE PUBLIC RIGHT-OF-WAY OF THE
38 INTERSTATE OR STATE HIGHWAY SYSTEM. THE THIRD PARTY SHALL AGREE IN THE
39 CONTRACT TO LEASE SPONSOR RECOGNITION SPACE AND TO FURNISH, INSTALL, MAINTAIN
40 AND REPLACE SIGNS FOR THE BENEFIT OF BUSINESS OR ORGANIZATIONAL SPONSORS.

41 B. THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT AND OPERATE THE REST
42 AREA SPONSORSHIP SIGN PROGRAM. COSTS INCURRED UNDER THE PROGRAM SHALL BE
43 PAID UNDER AGREEMENTS NEGOTIATED BETWEEN THE THIRD PARTY AND THE BUSINESS OR
44 ORGANIZATIONAL SPONSORS.

1 C. THE DEPARTMENT MAY ENTER INTO A REVENUE SHARING AGREEMENT WITH THE
2 THIRD PARTY. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
3 35-147, ALL MONIES RECEIVED FROM THE REVENUE SHARING AGREEMENT IN A
4 SUBACCOUNT OF THE STATE HIGHWAY FUND FOR THE PURPOSE OF REST AREA
5 MAINTENANCE, OPERATIONS AND REPAIRS.
6 D. THE REST AREA SPONSORSHIP SIGN PROGRAM ESTABLISHED PURSUANT TO THIS
7 SECTION ENDS ON JULY 1, 2019 PURSUANT TO SECTION 41-3102.