

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HOUSE BILL 2480

AN ACT

AMENDING TITLE 3, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 19; PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING SECTION 3-102, ARIZONA REVISED STATUTES; AMENDING SECTIONS 3-3401, 3-3413, 3-3414, 3-3418, 3-3431, 3-3433, 3-3434, 3-3451, 3-3453, 3-3454, 3-3471, 3-3472, 3-3473, 3-3475, 3-3492, 3-3493, 3-3494, 3-3495, 3-3496, 3-3512, 3-3513 AND 3-3515, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING SECTIONS 9-499.18, 28-364, 28-5602, 28-5605 AND 28-5936, ARIZONA REVISED STATUTES; AMENDING TITLE 28, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 30; AMENDING TITLE 28, CHAPTER 30, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; AMENDING SECTION 41-112, ARIZONA REVISED STATUTES; REPEALING SECTIONS 41-2052, 41-2061 AND 41-3021.02, ARIZONA REVISED STATUTES; 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. Title 3, Arizona Revised Statutes, is amended by adding
3 chapter 19, to read:

4 CHAPTER 19
5 WEIGHTS AND MEASURES SERVICES DIVISION
6 ARTICLE 1. GENERAL PROVISIONS
7 ARTICLE 2. STATE ADMINISTRATION OF WEIGHTS AND MEASURES
8 ARTICLE 3. METHOD OF SALE OF COMMODITIES AND SERVICES
9 ARTICLE 4. LICENSING, TESTING AND CERTIFICATION
10 ARTICLE 5. REGULATION
11 ARTICLE 6. MOTOR FUEL
12 ARTICLE 7. GASOLINE VAPOR CONTROL

13 Sec. 2. Transfer and renumber

14 Title 41, chapter 15, Arizona Revised Statutes, is transferred and
15 renumbered for placement in title 3, Arizona Revised Statutes, as added by
16 this act, as chapter 19. Title 41, chapter 15, articles 1, 2, 3, 4, 5, 6 and
17 7, Arizona Revised Statutes, are transferred and renumbered for placement in
18 title 3, chapter 19, Arizona Revised Statutes, as added by this act, as
19 articles 1, 2, 3, 4, 5, 6 and 7, respectively. The following section is
20 transferred and renumbered for placement in title 3, chapter 19, article 1:

21 Former Section New Section
22 41-2051 3-3401

23 The following sections are transferred and renumbered for placement in
24 title 3, chapter 19, article 2:

25 Former Sections New Sections
26 41-2062 3-3411
27 41-2063 3-3412
28 41-2064 3-3413
29 41-2065 3-3414
30 41-2066 3-3415
31 41-2067 3-3416
32 41-2068 3-3417
33 41-2069 3-3418

34 The following sections are transferred and renumbered for placement in
35 title 3, chapter 19, article 3:

36 Former Sections New Sections
37 41-2081 3-3431
38 41-2082 3-3432
39 41-2083 3-3433
40 41-2083.01 3-3434
41 41-2084 3-3435
42 41-2085 3-3436
43 41-2086 3-3437

1 The following sections are transferred and renumbered for placement in
2 title 3, chapter 19, article 4:

| | <u>Former Sections</u> | <u>New Sections</u> |
|---|------------------------|---------------------|
| 3 | | |
| 4 | 41-2091 | 3-3451 |
| 5 | 41-2092 | 3-3452 |
| 6 | 41-2093 | 3-3453 |
| 7 | 41-2094 | 3-3454 |

8 The following sections are transferred and renumbered for placement in
9 title 3, chapter 19, article 5:

| | <u>Former Sections</u> | <u>New Sections</u> |
|----|------------------------|---------------------|
| 10 | | |
| 11 | 41-2111 | 3-3471 |
| 12 | 41-2112 | 3-3472 |
| 13 | 41-2113 | 3-3473 |
| 14 | 41-2114 | 3-3474 |
| 15 | 41-2115 | 3-3475 |
| 16 | 41-2116 | 3-3476 |

17 The following sections are transferred and renumbered for placement in
18 title 3, chapter 19, article 6:

| | <u>Former Sections</u> | <u>New Sections</u> |
|----|------------------------|---------------------|
| 19 | | |
| 20 | 41-2121 | 3-3491 |
| 21 | 41-2122 | 3-3492 |
| 22 | 41-2123 | 3-3493 |
| 23 | 41-2124 | 3-3494 |
| 24 | 41-2124.01 | 3-3495 |
| 25 | 41-2125 | 3-3496 |
| 26 | 41-2126 | 3-3497 |
| 27 | 41-2127 | 3-3498 |
| 28 | 41-2128 | 3-3499 |

29 The following sections are transferred and renumbered for placement in
30 title 3, chapter 19, article 7:

| | <u>Former Sections</u> | <u>New Sections</u> |
|----|------------------------|---------------------|
| 31 | | |
| 32 | 41-2132 | 3-3512 |
| 33 | 41-2133 | 3-3513 |
| 34 | 41-2134 | 3-3514 |
| 35 | 41-2135 | 3-3515 |

36 Section 41-2131, Arizona Revised Statutes, as amended by Laws 2014,
37 chapter 132, section 5, is transferred and renumbered for placement in title
38 3, chapter 19, article 7, Arizona Revised Statutes, as section 3-3511.
39 Section 41-2131, Arizona Revised Statutes, as amended by Laws 2014, chapter
40 132, section 6, is transferred and renumbered for placement in title 3,
41 chapter 19, article 7, Arizona Revised Statutes, as section 3-3511.

42 Sec. 3. Section 3-102, Arizona Revised Statutes, is amended to read:

43 3-102. Department organization

44 A. The Arizona department of agriculture is established consisting of
45 the following divisions:

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

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

7 3. The environmental services division, which is responsible for
8 regulating seed, feed and agricultural chemicals, including pesticides and
9 fertilizers, and for native plant protection.

10 4. THE WEIGHTS AND MEASURES SERVICES DIVISION, WHICH IS RESPONSIBLE
11 FOR THE INSPECTION, TESTING AND LICENSING OF COMMERCIAL WEIGHING AND
12 MEASURING DEVICES.

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

15 1. A state agricultural laboratory.

16 2. An office of agriculture safety.

17 3. An office of inspections.

18 4. An office of commodity development and promotion.

19 C. The department shall have a central administrative service office
20 providing:

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

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

26 Sec. 4. Section 3-3401, Arizona Revised Statutes, as transferred and
27 renumbered, is amended to read:

28 3-3401. Definitions

29 In this chapter, unless the context otherwise requires:

30 1. "ASSOCIATE DIRECTOR" MEANS THE ASSOCIATE DIRECTOR OF THE DIVISION.

31 ~~1-~~ 2. "Biodiesel" means a diesel fuel substitute that is produced
32 from nonpetroleum renewable resources as defined by the United States
33 environmental protection agency and that meets the registration requirements
34 for fuels and fuel additives established by the United States environmental
35 protection agency pursuant to section 211 of the clean air act, as defined in
36 section 49-401.01.

37 ~~2-~~ 3. "Biodiesel blend" means a motor fuel that is ~~comprised~~ COMPOSED
38 of biodiesel and diesel fuel and that is designated by the letter "B",
39 followed by the numeric value of the volume percentage of biodiesel in the
40 blend.

41 ~~3-~~ 4. "Biofuel" means a solid, liquid or gaseous fuel that is derived
42 from biomass and that can be used directly for heating or power or as a motor
43 fuel.

1 ~~4.~~ 5. "Biofuel blend" means a motor fuel that is ~~comprised~~ COMPOSED
2 of a biofuel, that is combined with a petroleum based fuel and that is
3 designated by the volume percentage of biofuel in the blend.

4 ~~5.~~ 6. "Biomass" means biological material, such as plant or animal
5 matter, excluding organic material that has been transformed by geological
6 processes into substances such as coal or petroleum or derivatives thereof,
7 that may be transformed into biofuel.

8 ~~6.~~ 7. "Certification" means the process of determining the accuracy
9 of a commercial device to the standards of this state by a registered service
10 representative or the department.

11 ~~7.~~ 8. "Commercial device" means any weighing, measuring, metering or
12 counting device that is used to determine the direct cost of things sold or
13 offered or exposed for sale, or used to establish a fee for service if the
14 cost is based on weight, measure or count, except that it does not include
15 those devices used for in-house packaging, inventory control or law
16 enforcement purposes.

17 ~~8.~~ 9. "Commodity" means any merchandise, product or substance
18 produced or distributed for sale to or use by others.

19 ~~9.~~ 10. "Correct" as used in connection with weights and measures
20 means conformance to all applicable requirements of this chapter.

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

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

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

27 12. "DIVISION" MEANS THE WEIGHTS AND MEASURES SERVICES DIVISION OF THE
28 DEPARTMENT.

29 13. "E85" means a fuel ethanol gasoline blend that meets the
30 specifications of ASTM D5798.

31 14. "Inspector" means A state ~~officials~~ OFFICIAL of the ~~department of~~
32 ~~weights and measures~~ DIVISION.

33 ~~15. "Limousine" means a motor vehicle providing prearranged ground~~
34 ~~transportation service for an individual passenger, or a group of passengers,~~
35 ~~that is arranged in advance or is operated on a regular route or between~~
36 ~~specified points and includes ground transportation under a contract or~~
37 ~~agreement for services that includes a fixed rate or time and is provided in~~
38 ~~a motor vehicle with a seating capacity not exceeding fifteen passengers,~~
39 ~~including the driver.~~

40 ~~16.~~ 15. "Liquid fuel measuring device" means any meter, pump, tank,
41 gauge or apparatus used for volumetrically determining the quantity of any
42 internal combustion engine fuel, liquefied petroleum gas or low viscosity
43 heating oil.

44 ~~17. "Livery vehicle" means a motor vehicle that:~~

1 ~~(a) Has a seating capacity not exceeding fifteen passengers, including~~
2 ~~the driver.~~

3 ~~(b) Provides passenger services for a fare determined by a flat rate~~
4 ~~or flat hourly rate between geographic zones or within a geographic area.~~

5 ~~(c) Is available for hire on an exclusive or shared ride basis.~~

6 ~~(d) May do any of the following:~~

7 ~~(i) Operate on a regular route or between specified places.~~

8 ~~(ii) Offer prearranged ground transportation service as defined in~~
9 ~~section 28-141.~~

10 ~~(iii) Offer on demand ground transportation service pursuant to a~~
11 ~~contract with a public airport, licensed business entity or organization.~~

12 ~~18.~~ 16. "Misfuel" means the act of dispensing into the fuel tank of a
13 motor vehicle a motor fuel that was not intended to be used in the engine of
14 that motor vehicle.

15 ~~19.~~ 17. "Motor fuel" means a petroleum or a petroleum-based substance
16 that is motor gasoline, aviation gasoline, number one or number two diesel
17 fuel or any grade of oxygenated gasoline typically used in the operation of a
18 motor engine, including biodiesel blends, biofuel blends and the ethanol
19 blend E85 as defined in ASTM D5798.

20 ~~20.~~ 18. "Package" means any commodity enclosed in a container or
21 wrapped in any manner in advance of sale in units suitable for either
22 wholesale or retail trade.

23 ~~21.~~ 19. "Person" means both the plural and the singular, as the case
24 demands, and includes individuals, partnerships, corporations, companies,
25 societies and associations.

26 ~~22.~~ 20. "Public weighmaster" means any person who is engaged in any
27 of the following:

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

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

36 ~~23.~~ 21. "Reference standards" means the physical standards of the
37 state that serve as the legal reference from which all other standards and
38 weights and measures are derived.

39 ~~24.~~ 22. "Registered service agency" means any agency, firm, company
40 or corporation that for hire, award, commission or any other payment of any
41 kind installs, services, repairs or reconditions a commercial device or tests
42 or repairs vapor recovery systems or vapor recovery components and that has
43 been issued a license by the ~~department~~ DIVISION.

44 ~~25.~~ 23. "Registered service representative" means any individual who
45 for hire, award, commission or any other payment of any kind installs,

1 services, repairs or reconditions a commercial device or tests or repairs
2 vapor recovery systems or vapor recovery components and who has been issued a
3 license by the ~~department~~ DIVISION.

4 ~~26.~~ 24. "Retail seller" means a person whose business purpose is to
5 sell, expose or offer for sale or use any package or commodity by weight,
6 measure or count.

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

9 ~~28.~~ 25. "Secondary standards" means the physical standards that are
10 traceable to the reference standards through comparisons, using acceptable
11 laboratory procedures, and that are used in the enforcement of weights and
12 measures laws and rules.

13 ~~29. "Taxi" means a motor vehicle that has a seating capacity not~~
14 ~~exceeding fifteen passengers, including the driver, that is registered as a~~
15 ~~taxi in this state or any other state, that provides passenger services and~~
16 ~~that:~~

17 ~~(a) Does not primarily operate on a regular route or between specified~~
18 ~~places.~~

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

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

25 ~~31.~~ 26. "Weight" as used in connection with any commodity means net
26 weight.

27 ~~32.~~ 27. "Weights" or "measures", or both, means all weights,
28 measures, meters or counters of every kind, instruments and devices for
29 weighing, measuring, metering or counting and any appliance and accessories
30 associated with any or all such instruments and devices.

31 Sec. 5. Section 3-3413, Arizona Revised Statutes, as transferred and
32 renumbered, is amended to read:

33 3-3413. Technical requirements for commercial devices

34 The specifications, tolerances and other technical requirements for
35 commercial devices as adopted by the national conference on weights and
36 measures and published in national institute of standards and technology
37 handbook 44, "specifications, tolerances, and other technical requirements
38 for commercial weighing and measuring devices" shall apply to commercial
39 weighing and measuring devices in the state. The edition of the national
40 institute of standards and technology handbook 44 shall be determined by
41 rule, pursuant to section ~~41-2065~~ 3-3414, subsection A, paragraph 4.

42 Sec. 6. Section 3-3414, Arizona Revised Statutes, as transferred and
43 renumbered, is amended to read:

44 3-3414. Powers and duties; definition

45 A. The ~~department~~ DIVISION shall:

- 1 1. Maintain custody of the state reference standards of weights and
2 measures that are traceable to the United States prototype standards and that
3 are supplied to the states by the federal government or that are otherwise
4 approved as being satisfactory by the national institute of standards and
5 technology.
- 6 2. Keep the state reference standards in a safe and suitable place in
7 the metrology laboratory of the ~~department~~ DIVISION and ensure that they
8 shall not be removed from the laboratory except for repairs or for
9 calibration as may be prescribed by the national institute of standards and
10 technology.
- 11 3. Keep accurate records of all standards and equipment.
- 12 4. Adopt any rules necessary to carry out this chapter and adopt
13 reasonable rules for the enforcement of this chapter. These rules have the
14 force and effect of law and shall be adopted pursuant to TITLE 41, chapter 6
15 ~~of this title~~. In adopting these rules, the ASSOCIATE director shall
16 consider, as far as is practicable, the requirements established by other
17 states and by authority of the United States, except that rules shall not be
18 made in conflict with this chapter.
- 19 5. Publish rules adopted pursuant to this chapter and issue
20 appropriate copies at no cost to all new applicants for licensure and
21 certification. Updated copies of the rules shall be distributed, on request,
22 at no cost to the public.
- 23 6. Investigate complaints made to the ~~department~~ DIVISION concerning
24 violations of this chapter and, on its own initiative, conduct investigations
25 it deems appropriate to develop information relating to prevailing procedures
26 in commercial quantity determination and relating to possible violations of
27 this chapter, and in order to promote the general objective of accuracy in
28 the determination and representation of quantity in commercial transactions.
- 29 7. Establish labeling standards, establish standards of weight,
30 measure or count and establish reasonable standards of fill for any packaged
31 commodity, and may establish standards for open dating information.
- 32 8. Grant, pursuant to this chapter, exemptions from the licensing
33 provisions of this chapter for weighing and measuring instruments, standards
34 or devices when the ownership or use of the instrument or device is limited
35 to federal, state or local government agencies in the performance of official
36 functions. On request, the ~~department~~ DIVISION may conduct inspections of
37 ~~the~~ instruments, standards or devices and shall charge a fee pursuant to
38 section ~~41-2092, subsection B~~ 3-3452.
- 39 9. Delegate to appropriate personnel any of the responsibilities of
40 the ASSOCIATE director for the proper administration of this chapter.
- 41 10. Inspect and test weights and measures kept, offered or exposed for
42 sale.
- 43 11. Inspect and test, to ascertain if they are correct, weights and
44 measures commercially used either:

1 (a) In determining the weight, measure or count of commodities or
2 things sold, or offered or exposed for sale, on the basis of weight, measure
3 or count.

4 (b) In computing the basic charge or payment for services rendered on
5 the basis of weight, measure or count.

6 12. Test, at random, commodities, weights and measures used in public
7 institutions for which monies are appropriated by the legislature. The
8 testing of commodities, weights and measures in public institutions shall
9 include, ~~but not be limited to,~~ items:

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

11 (b) Found to be of short weight, measure or count by other
12 jurisdictions.

13 (c) To be tested as part of a regional or national survey.

14 13. Test, approve for use and affix a seal of approval for use of all
15 weights, measures and commercial devices manufactured in or brought into this
16 state as it finds to be correct and shall reject and mark as rejected
17 weights, measures and devices it finds to be incorrect. Weights, measures
18 and devices that have been rejected may be seized by the ~~department~~ DIVISION
19 if not corrected within the time specified or if used or disposed of in a
20 manner not specifically authorized. The ~~department~~ DIVISION shall condemn
21 and may seize weights, measures and devices that are found to be incorrect
22 and that are not capable of being made correct.

23 14. Sample and test motor fuel that is stored, sold or exposed or
24 offered for sale or that is stored for use by a fleet owner to determine
25 whether the motor fuel meets the standards for motor fuel set forth in
26 section ~~41-2083~~ 3-3433 and article 6 of this chapter and in any rule adopted
27 by the ASSOCIATE director pursuant to this chapter. For the purposes of this
28 paragraph, "fleet owner" has the same meaning prescribed in section ~~41-2121~~
29 3-3491.

30 15. Randomly witness tests on all mandated vapor recovery systems that
31 are installed or operated in this state and if the systems are determined to
32 be in compliance with the law approve those systems for use and reject, mark
33 as rejected and stop the use of those systems determined not to be in
34 compliance with the law.

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

38 17. Publish and distribute to consumers weighing and measuring
39 information.

40 18. Weigh, measure or inspect commodities kept, offered or exposed for
41 sale, sold or in the process of delivery to determine whether they contain
42 the amounts represented and whether they are kept, offered or exposed for
43 sale in accordance with this chapter or rules adopted pursuant to this
44 chapter. In carrying out this section, the ASSOCIATE director shall employ
45 recognized sampling procedures, such as are designated in appropriate

1 national institute of standards and technology handbooks and supplements to
2 those handbooks, except as modified or rejected by rule.

3 19. Allow reasonable variations from the stated quantity of contents
4 only after a commodity has entered intrastate commerce. These variations
5 shall include those caused by loss or gain of moisture during the course of
6 good distribution practice or by unavoidable deviations in good manufacturing
7 practice.

8 20. Prescribe the standards of weight and measure and additional
9 equipment methods of test and inspection to be employed in the enforcement of
10 this chapter. The ASSOCIATE director may prescribe or provide the official
11 test and inspection forms to be used in the enforcement of this chapter.

12 21. Apply to any court of competent jurisdiction for a temporary or
13 permanent injunction restraining any person from violating this chapter.

14 22. Report to the governor on OR BEFORE August 1 OF each year and at
15 such other times as may be required on the work accomplished under this
16 chapter.

17 23. Subject to TITLE 41, chapter 4, article 4 ~~of this title~~, employ
18 such personnel as needed to assist in administering this chapter.

19 24. Ensure that any information that is required to be filed with the
20 department, that relates to the contents of motor fuels that are sold in this
21 state and that is a trade secret as defined in section 49-201 is not
22 disclosed.

23 25. Establish by rule labeling standards for tanks and containers of
24 motor fuels.

25 B. The ASSOCIATE director may provide for the periodic examination and
26 inspection of metering devices, including ~~but not limited to~~ devices ~~utilized~~
27 USED to measure usage of electricity, natural gas or water by a consumer.
28 Examination and inspection authority shall not apply to metering devices
29 owned by federal, state or local government agencies unless requested by the
30 government agency that owns the metering devices.

31 C. The ASSOCIATE director may establish standards for the presentation
32 of cost-per-unit information. ~~Nothing in~~ This subsection ~~shall be construed~~
33 ~~to~~ DOES NOT mandate the use of cost-per-unit information in connection with
34 the sale of any standard packed commodity.

35 D. The ASSOCIATE director, when necessary to carry out this chapter,
36 may adopt and enforce rules relating to quality standards for motor fuel,
37 kerosene, oil, except used oil fuel, and hazardous waste fuel, lubricating
38 oils, lubricants, antifreeze and other liquid or gaseous fuels. The
39 ASSOCIATE director shall adopt rules to ~~assure~~ ENSURE that oxygenated fuels,
40 as described in article 6 of this chapter, THAT ARE stored, used, sold or
41 exposed or offered for use or sale are blended and stored, sold, exposed or
42 offered in such a manner as to ~~assure~~ ENSURE that the oxygenated fuels are
43 properly blended, that they meet the standards set forth in section ~~41-2083~~
44 3-3433 and article 6 of this chapter, and in rules adopted pursuant to this
45 chapter, and that dispensers at which the oxygenated fuels are dispensed are

1 labeled as defined by rule of the ~~department~~ DIVISION in such a manner as to
2 notify persons of the type of oxygenated fuel being dispensed and the maximum
3 percentage of oxygenate by volume contained in the oxygenated fuel. The
4 ASSOCIATE director of the ~~department of weights and measures~~ DIVISION shall
5 consult with the director of the department of environmental quality in
6 adopting rules pursuant to this subsection.

7 E. Testing and inspection conducted pursuant to this chapter shall be
8 done, to the extent practicable, without prior notice, by a random systematic
9 method determined by the ASSOCIATE director or in response to a complaint by
10 the public. The testing and inspection may be done by private persons and
11 firms pursuant to contracts entered into by the ASSOCIATE director in
12 accordance with TITLE 41, chapter 23 ~~of this title~~ or by a registered service
13 agency or registered service representative licensed pursuant to section
14 ~~41-2094~~ 3-3454. The ASSOCIATE director shall establish qualifications of
15 persons and firms for selection for purposes of this subsection. The persons
16 or firms conducting the testing and inspection shall immediately report to
17 the ~~department~~ DIVISION any violations of this chapter and incorrect weights,
18 measures, devices, vapor recovery systems or vapor recovery components for
19 investigation and enforcement by the department. A person or firm that tests
20 or inspects a weight, measure, device, vapor recovery system or vapor
21 recovery component that is rejected shall not correct the defect causing the
22 rejection without the permission of the ~~department~~ DIVISION.

23 F. During the course of an investigation or an enforcement action by
24 the ~~department~~ DIVISION, information regarding the complainant is
25 confidential and is exempt from title 39, chapter 1, unless the complainant
26 authorizes the information to be public.

27 G. For the purposes of the labeling requirements prescribed in this
28 section, "oxygenated fuel" means a motor fuel blend containing 1.5 ~~per cent~~
29 PERCENT or more by weight of oxygen.

30 Sec. 7. Section 3-3418, Arizona Revised Statutes, as transferred and
31 renumbered, is amended to read:

32 3-3418. Disposition of seized property

33 One hundred eighty days after the final disposition of an investigation
34 and any ensuing enforcement action, the ~~department~~ DIVISION may destroy those
35 weights, measures or devices that are seized pursuant to section ~~41-2065~~
36 3-3414 or ~~41-2066~~ 3-3415 or transfer the items to the department of
37 administration for disposition as state surplus property pursuant to the
38 direction of the department of administration, surplus property division.

39 Sec. 8. Section 3-3431, Arizona Revised Statutes, as transferred and
40 renumbered, is amended to read:

41 3-3431. Sale of commodities

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

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

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

8 D. Except as otherwise provided by the ASSOCIATE director, commodities
9 in liquid form shall be sold by liquid measure or by weight, and commodities
10 not in liquid form shall be sold only by weight, by measure or by count, as
11 long as the method of sale provides accurate quantity information.

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

15 1. The name and address of the vendor and purchaser.

16 2. The date delivered.

17 3. The quantity delivered and the quantity ~~upon~~ ON which the price is
18 based, if this differs from the delivered quantity.

19 4. The identity in the most descriptive terms commercially
20 practicable, including any quality representation made in connection with the
21 sale.

22 5. The count of individually wrapped packages, if more than one.

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

27 1. The identity of the commodity in the package, unless the commodity
28 can easily be identified through the wrapper or container.

29 2. The quantity of contents in terms of weight, measure or count.

30 3. The name and place of business of the manufacturer, packer or
31 distributor, in the case of any package kept, offered or exposed for sale or
32 sold in any place other than on the premises where packed.

33 4. The price, except as provided in subsections L and M OF THIS
34 SECTION.

35 G. In addition to the declarations required by subsection F OF THIS
36 SECTION, any package being one of a lot containing random weights of the same
37 commodity and bearing the total selling price of the package shall bear on
38 the outside of the package a plain and conspicuous declaration of the price
39 per single unit of weight.

40 H. If a packaged commodity is advertised in any manner with the retail
41 price stated, there shall be closely and conspicuously associated with the
42 retail price a declaration of quantity as is required by law or rule to
43 appear on the package. If a dual declaration is required, only the
44 declaration that sets forth the quantity in terms of the smaller unit of
45 weight or measure need appear in the advertisement.

1 I. The packager of a short weighted item offered for sale is liable
2 under this chapter.

3 J. If a retail seller engaging in the sale of motor fuel posts the
4 selling price of the fuel on the premises, the seller shall post the selling
5 price only by the price per gallon, except that if the fuel is dispensed by a
6 measure other than whole gallons the seller shall represent the selling price
7 for each unit of such other measure on the individual pump or other
8 dispensing device. If a retail seller engaging in the sale of motor fuel
9 advertises the price of the fuel off the premises, the retail seller shall
10 advertise the price only by the price per gallon.

11 K. The owner or operator of a motor fuel dispensing site shall ensure
12 that a sticker provided by the department of transportation that is three
13 inches by five inches and that depicts the amount of federal and state taxes
14 imposed on one gallon of gasoline is displayed on one side of each motor fuel
15 dispenser. The sticker required by this subsection shall contain white
16 lettering on a black background or black lettering on a white background to
17 ensure a contrasting color to the motor fuel dispenser and shall be placed on
18 the upper sixty ~~per cent~~ PERCENT of the dispenser. The ~~department of weights
19 and measures~~ DIVISION shall use stickers provided by the department of
20 transportation. A template of the sticker shall be placed on the ~~department
21 of weights and measures'~~ DIVISION'S website for use by retailers. During the
22 course of its normal random inspections, the ~~department of weights and
23 measures~~ DIVISION shall apply the stickers with a compliance schedule of four
24 years after July 29, 2010.

25 L. Instead of each package bearing the price as required under
26 subsection F, paragraph 4 OF THIS SECTION, the seller may post the price of
27 the package on the shelf or display at the point of display of the product.

28 M. If the package is offered for sale at a price reduced by a
29 percentage or a fixed amount from a previously offered price, the reduction
30 shall be displayed at the point of display of the package in the manner
31 required by this section.

32 N. On the request of a consumer, a retail seller shall provide:

33 1. A means of recording prices such as grease pencils, felt markers,
34 scanners or other similar instruments for recording the price.

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

37 Sec. 9. Section 3-3433, Arizona Revised Statutes, as transferred and
38 renumbered, is amended to read:

39 3-3433. Standards for motor fuel; exceptions

40 A. Except as provided in section ~~41-2083.01~~ 3-3434 and subsections C,
41 D, E, F, G, K and L of this section, a retail seller or fleet owner shall not
42 store, sell or expose or offer for sale any motor fuel, kerosene, oil or
43 other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of
44 lubricants or other similar products if the product fails to meet the

1 standards specified in this section and in the rules adopted by the ASSOCIATE
2 director.

3 B. A person shall not misrepresent the nature, origination, quality,
4 grade or identity of any product specified in subsection A of this section or
5 represent the nature, origination, quality, grade or identity of such product
6 in any manner calculated or tending to mislead or in any way deceive. This
7 subsection does not prohibit product origination disclaimer labeling on the
8 retail dispenser.

9 C. After consultation with the director of the department of
10 environmental quality, the standards and test methods for motor fuels shall
11 be established by the ASSOCIATE director of the ~~department of weights and~~
12 ~~measures~~ DIVISION by rule.

13 D. Maximum vapor pressure for gasoline that is supplied or sold by any
14 person and that is intended as a final product for the fueling of motor
15 vehicles in a county with a population of one million two hundred thousand or
16 more persons and any portion of a county contained in area A as defined in
17 section 49-541 shall be 9.0 pounds per square inch from and after September
18 30 through March 31 of each year. Fuel used in motor vehicles at a
19 manufacturer's proving ground or a motor vehicle racing event as defined by
20 section ~~41-2121~~ 3-3491 is exempt from this subsection.

21 E. From and after September 30 through March 31 of each year, a person
22 shall not supply or sell gasoline that exceeds the ASTM D4814 class A vapor
23 pressure/distillation class ten volume ~~per cent~~ PERCENT evaporated
24 distillation temperature.

25 F. Maximum vapor pressure for gasoline that is supplied or sold by any
26 person and that is intended as a final product for the fueling of motor
27 vehicles in a county with a population of one million two hundred thousand
28 persons or more and any portion of a county contained in area A as defined in
29 section 49-541 shall be 7.0 pounds per square inch from and after May 31
30 through September 30 of each year. Fuel used in motor vehicles at a
31 manufacturer's proving ground or a motor vehicle racing event as defined by
32 section ~~41-2121~~ 3-3491 is exempt from this subsection.

33 G. Exclusively for the purposes of transportation conformity and only
34 if the administrator of the United States environmental protection agency
35 fails to approve the applicable plan required pursuant to section 49-406,
36 maximum vapor pressure for gasoline that is supplied or sold by any person
37 and that is intended as a final product for the fueling of motor vehicles in
38 area B as defined in section 49-541 shall be ten pounds per square inch from
39 and after September 30 through March 31 of each year. Fuel used in motor
40 vehicles at a manufacturer's proving ground or a motor vehicle racing event
41 as defined by section ~~41-2121~~ 3-3491 is exempt from this subsection.

42 H. Notwithstanding subsections D, F and G of this section, the
43 ASSOCIATE director of the ~~department of weights and measures~~ DIVISION in
44 consultation with the director of the department of environmental quality
45 shall approve alternate fuel control measures that are submitted by

1 manufacturers or suppliers of gasoline and that the ~~directors~~ DIRECTOR AND
2 THE ASSOCIATE DIRECTOR determine will result in either of the following:

3 1. Motor vehicle carbon monoxide emissions that are equal to or less
4 than emissions that result under compliance with subsection D of this section
5 and section ~~41-2123~~ 3-3493. In making this determination, the ASSOCIATE
6 director of the ~~department of weights and measures~~ DIVISION and the director
7 of the department of environmental quality shall compare the emissions of the
8 alternate fuel control measure with the emissions of a fuel with a maximum
9 vapor pressure standard as prescribed by this section and with the minimum
10 oxygen content or percentage by volume of ethanol as prescribed by section
11 ~~41-2123~~ 3-3493.

12 2. Motor vehicle non-methane hydrocarbon emissions that are equal to
13 or less than the emissions that result under compliance with subsection F of
14 this section. In making this determination, the ASSOCIATE director of the
15 ~~department of weights and measures~~ DIVISION and the director of the
16 department of environmental quality shall compare the motor vehicle
17 non-methane hydrocarbon emissions of the alternate fuel control measure with
18 the motor vehicle non-methane hydrocarbon emissions of a fuel that complies
19 with the maximum vapor pressure standard as prescribed by subsection F of
20 this section.

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

31 J. A person shall not sell or offer or expose for sale diesel fuel
32 grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of:

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

35 2. For ultra low sulfur diesel fuel, the amount that conforms with 40
36 Code of Federal Regulations section 80.520(a)(1).

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

40 L. A person shall label dispensers at which biodiesel or biodiesel
41 blends are dispensed in conformance with 16 Code of Federal Regulations part
42 306 and 40 Code of Federal Regulations sections 80.570, 80.571, 80.572,
43 80.573 and 80.574. This section does not preclude a person from labeling a
44 dispenser that dispenses diesel fuel that contains up to five ~~per cent~~

1 PERCENT biodiesel with a label that states "may contain up to five ~~per-cent~~
2 PERCENT biodiesel".

3 M. For biodiesel blends that contain more than five ~~per-cent~~ PERCENT
4 by volume of biodiesel, a person shall prepare product transfer documents in
5 a manner that notifies the transferee of the ~~per-cent~~ PERCENT by volume of
6 biodiesel in the product. For diesel fuel that contains five ~~per-cent~~
7 PERCENT or less by volume of biodiesel, a person shall prepare product
8 transfer documents in a manner that notifies that transferee of any volume
9 ~~per-cent~~ PERCENT of biodiesel intentionally added to or known by the
10 transferor to be in the product.

11 N. The ASSOCIATE director shall adopt rules regarding the
12 establishment and enforcement of all of the following:

13 1. National or federal standards for individual biofuels and biofuel
14 blends.

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

17 3. Registration and reporting requirements for producers, blenders and
18 suppliers of biofuels and biofuel blends.

19 4. Labeling requirements for biofuels and biofuel blends other than
20 biodiesel or biodiesel blends.

21 5. Quality assurance and quality control programs for producers,
22 blenders and suppliers of biofuels and biofuel blends addressing rack, batch
23 or other blending.

24 6. Requirements that the dispensing equipment meet appropriate
25 UL ratings where available and applicable, that the equipment comply with
26 rules adopted by the ~~department~~ DIVISION relating to approval, installation
27 and sale of devices and that the equipment be compatible with the products
28 being dispensed.

29 O. A biofuels or biofuel blends producer, blender, distributor,
30 supplier or retail seller that is in compliance with this section and the
31 rules adopted pursuant to this section is not liable to a consumer for any
32 injuries or property damage related to a consumer who misfuels.

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

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

41 R. If any person transfers custody or title of a diesel fuel or
42 distillate, except if the diesel fuel is dispensed into a motor vehicle or
43 nonroad, locomotive or marine equipment, the transferor shall provide to the
44 transferee product transfer documents that conform with 40 Code of Federal
45 Regulations section 80.590.

1 S. If the transfer of a motor fuel is from a terminal, storage
2 facility, or transmixture facility, the product transfer documents shall contain
3 the information prescribed in subsection R of this section as well as the
4 name and address of the final destination for the shipment, as prescribed by
5 ~~department~~ DIVISION rule, and must accompany the shipment to its final
6 destination.

7 Sec. 10. Section 3-3434, Arizona Revised Statutes, as transferred and
8 renumbered, is amended to read:

9 3-3434. Area C; standards for motor fuel; exceptions

10 A. Except as provided in subsections C and D of this section, after
11 May 31, 2008, a retail seller or fleet owner shall not store, sell or expose
12 or offer for sale in area C as defined in section ~~41-2121~~ 3-3491 any motor
13 fuel, kerosene, oil or other liquid or gaseous fuel or lubricating oil,
14 lubricant, mixtures of lubricants or other similar products if the product
15 fails to meet the standards specified in this section and in the rules
16 adopted by the ASSOCIATE director.

17 B. A person shall not misrepresent the nature, origination, quality,
18 grade or identity of any product specified in subsection A of this section or
19 represent the nature, origination, quality, grade or identity of such product
20 in any manner calculated or tending to mislead or in any way deceive.

21 C. After consultation with the director of the department of
22 environmental quality, the standards and test methods for motor fuels shall
23 be established by the ASSOCIATE director of the ~~department of weights and~~
24 ~~measures~~ DIVISION by rule.

25 D. Maximum vapor pressure for gasoline that is supplied or sold by any
26 person and that is intended as a final product for the fueling of motor
27 vehicles in area C as defined in section ~~41-2121~~ 3-3491 shall be 7.0 pounds
28 per square inch from and after May 31 through September 30 of each year.
29 Fuel used in motor vehicles at a manufacturer's proving ground or a motor
30 vehicle racing event as defined by section ~~41-2121~~ 3-3491 is exempt from this
31 subsection.

32 E. The ASSOCIATE director of the ~~department of weights and measures~~
33 DIVISION in consultation with the director of the department of environmental
34 quality shall approve alternate fuel control measures that are submitted by
35 manufacturers or suppliers of gasoline and that the directors determine will
36 result in motor vehicle non-methane hydrocarbon emissions that are equal to
37 or less than the emissions that result under compliance with subsection D of
38 this section. In making this determination, the ASSOCIATE director of the
39 ~~department of weights and measures~~ DIVISION and the director of the
40 department of environmental quality shall compare the motor vehicle
41 non-methane hydrocarbon emissions of the alternate fuel control measure with
42 the motor vehicle non-methane hydrocarbon emissions of a fuel that complies
43 with the maximum vapor pressure standard as prescribed by subsection D of
44 this section.

1 F. Any alternate fuel control measures that are approved shall not
2 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide
3 or oxides of nitrogen. Alternate fuel control measures approved pursuant to
4 subsection E of this section and this subsection may be used by any
5 manufacturer or supplier of gasoline unless the approval is rescinded more
6 than one hundred eighty days before the first day of a gasoline control
7 period. Manufacturers and suppliers who use an approved alternate fuel
8 control measure shall annually submit a compliance plan to the ASSOCIATE
9 director ~~of the department of weights and measures~~ no later than sixty days
10 before the first day of a gasoline control period.

11 Sec. 11. Section 3-3451, Arizona Revised Statutes, as transferred and
12 renumbered, is amended to read:

13 3-3451. Licensing devices used for commercial purposes;
14 authorization to test devices used for all other
15 purposes; fees; certification; issuance of license;
16 violation; classification

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

19 B. A license shall be obtained annually from the ~~department~~ DIVISION
20 on forms prescribed and furnished by the ~~department~~ DIVISION. The fee
21 prescribed in this chapter shall be submitted with the prescribed form. A
22 license shall be obtained not later than thirty days following the first day
23 of commercial use for original installations. If the ownership of a device
24 that is licensed is transferred, the ownership of the license may be
25 transferred. On transfer of a license, new licensees shall notify the
26 ~~department~~ DIVISION of the licensee's name and address and the location of
27 the device. A license for a device shall be posted at the licensed business
28 location in a manner that provides the ~~department~~ DIVISION access to the
29 license during normal business hours.

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

35 ~~D.~~ C. Any license issued under this chapter applies only to the
36 instrument or device specified in the license, except that the ASSOCIATE
37 director may permit the license to be applicable to a replacement for the
38 original instrument or device.

39 ~~E.~~ D. Noncommercial devices may be tested by the ~~department~~ DIVISION
40 pursuant to this chapter. A weighing device owned by a person who uses it
41 only for the purpose of weighing the person's own livestock or agricultural
42 products and for no commercial purposes is declared to be a noncommercial
43 device, and the owner of the device is exempt from paying any licensing fees
44 collected pursuant to this chapter.

1 ~~F.~~ E. If a commercial livestock scale is used for thirty or more days
2 in a calendar year, the scale is required to be licensed. If a commercial
3 livestock scale is used for fewer than thirty days in a calendar year, the
4 scale is required to be certified. If an owner or operator of a commercial
5 livestock scale requests that the ~~department~~ DIVISION certify the scale, the
6 certification fee shall be comparable to the license fee prescribed in
7 section ~~41-2092~~ 3-3452. If an owner or operator of a noncommercial scale
8 requests that the ~~department~~ DIVISION certify the scale, the certification
9 fee shall be comparable to the license fee prescribed in section ~~41-2092~~
10 3-3452.

11 ~~G.~~ F. At the request of the owner or user of a portable batch plant,
12 the ~~department~~ DIVISION may certify the portable batch plant. If the
13 ~~department~~ DIVISION certifies a portable batch plant, the certification fee
14 shall be comparable to the license fee prescribed in section ~~41-2092~~ 3-3452.

15 ~~H.~~ G. Any portable measuring device that is five gallons or less and
16 that is properly marked by the manufacturer according to standards
17 established by the national institute of standards and technology shall be
18 exempt from the licensing and certification provisions of this chapter.

19 ~~I.~~ H. For the purpose of ascertaining compliance with the licensing
20 provisions of this article, the department of revenue shall provide the
21 ~~department of weights and measures~~ DIVISION with a monthly report of all
22 transaction privilege tax licenses issued in the prior month. The report
23 shall include the business name, type of business and business address of the
24 licensee.

25 ~~J.~~ I. The department of revenue shall annually notify each
26 transaction privilege tax licensee that the licensee is required to register
27 new or existing weighing or measuring devices with the ~~department of weights~~
28 ~~and measures~~ DIVISION.

29 ~~K. The department shall not issue a license for a taxi, livery vehicle~~
30 ~~or limousine, unless the taxi, livery vehicle or limousine meets the~~
31 ~~requirements for both of the following:~~

32 ~~1. Motor vehicle licensing as prescribed by the department of~~
33 ~~transportation.~~

34 ~~2. Motor vehicle insurance as prescribed by section 28-4033.~~

35 ~~L. The department shall revoke a license if the taxi, livery vehicle~~
36 ~~or limousine fails to maintain the requirements for either of the following:~~

37 ~~1. Motor vehicle licensing as prescribed by the department of~~
38 ~~transportation.~~

39 ~~2. Motor vehicle insurance as prescribed by section 28-4033.~~

40 ~~M. A taxi or livery vehicle shall have a license issued under this~~
41 ~~chapter posted on the outside of the rear window as required by the~~
42 ~~department. A limousine shall carry a license issued under this chapter~~
43 ~~inside the vehicle at all times.~~

44 ~~N. A taxi that is licensed by the department and that offers local~~
45 ~~transportation for a fare determined on the basis of the distance traveled or~~

1 ~~prearranged ground transportation service as defined in section 28-141 for a~~
2 ~~predetermined fare is not required to be additionally licensed as a livery~~
3 ~~vehicle.~~

4 ~~0.~~ J. A person or the person's agent who knowingly files with the
5 department any notice, statement or other document required under this
6 section that is false or that contains any material misstatement of fact is
7 guilty of a class 2 misdemeanor.

8 Sec. 12. Section 3-3453, Arizona Revised Statutes, as transferred and
9 renumbered, is amended to read:

10 3-3453. License as public weighmaster or deputy weighmaster
11 required; application; fee; renewal; exemptions

12 A. A person shall not serve as a public weighmaster or deputy
13 weighmaster unless the person is issued a public weighmaster or deputy
14 weighmaster license by the ~~department~~ DIVISION in accordance with practices
15 and procedures to be established by the ASSOCIATE director. An applicant for
16 a public weighmaster or deputy weighmaster license shall:

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

19 2. Have possession of, or have available for use, a scale that is of
20 sufficient capacity and size and that is licensed and certified pursuant to
21 section ~~41-2091~~ 3-3451.

22 3. Demonstrate the necessary experience and training to operate the
23 scale.

24 4. Pass the required examination administered by the ~~department~~
25 DIVISION.

26 B. An application for a public weighmaster or deputy weighmaster
27 license shall be submitted to the ~~department~~ DIVISION on a form prescribed
28 and furnished by the ~~department~~ DIVISION and shall be accompanied by the
29 license fee prescribed in section ~~41-2092~~ 3-3452. The ~~department~~ DIVISION
30 shall issue a public weighmaster or deputy weighmaster license for a period
31 of twelve calendar months. The license expires on the first day of the month
32 and year indicated on the license. A public weighmaster or deputy
33 weighmaster license shall be posted at the licensed scale site in a manner
34 that provides the ~~department~~ DIVISION access to the license during normal
35 business hours.

36 C. If a licensee submits a license renewal application to the
37 ~~department~~ DIVISION before the date of expiration of the current license
38 together with the renewal fee prescribed by the ~~department~~ DIVISION, the
39 existing license shall be valid for thirty days following its expiration
40 date, or until issuance of the renewal license, whichever occurs first.

41 D. Except as otherwise provided in subsection F of this section,
42 certified weighing of any property, livestock or commodity shall be performed
43 only by a public weighmaster or deputy weighmaster. The following persons
44 are not required to obtain licenses as public weighmasters or deputy
45 weighmasters:

1 1. A person weighing property, livestock or a commodity that the
2 person or the person's employer is either buying or selling for the person's
3 or the person's employer's own account.

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

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

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

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

26 Sec. 13. Section 3-3454, Arizona Revised Statutes, as transferred and
27 renumbered, is amended to read:

28 3-3454. License required as registered service agency or
29 registered service representative; qualifications;
30 application; fees; renewal

31 A. A person shall not operate as a registered service agency or as a
32 registered service representative until a license is issued as provided in
33 this section.

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

35 1. Submit application information satisfactory to the ~~department~~
36 DIVISION.

37 2. Comply with section ~~41-2067~~ 3-3416, subsection E or provide
38 evidence that the applicant's vapor recovery test equipment has been
39 certified by the manufacturer of the equipment within one year of the date of
40 the application or as deemed appropriate by the ~~department~~ DIVISION.

41 3. Pay all required fees.

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

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

1 2. Demonstrate to the ~~department~~ DIVISION that the applicant has
2 possession of, or has available for use, weights and testing equipment
3 appropriate in design and adequate in amount.

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

7 4. Pass the required examination administered by the ~~department~~
8 DIVISION.

9 5. Pay all required fees.

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

23 E. If a licensee submits a license renewal application to the
24 ~~department~~ DIVISION before the date of expiration of the current license,
25 together with the prescribed renewal fee, the existing license shall be valid
26 for thirty days following its expiration date, or until issuance of the
27 renewal license, whichever occurs first.

28 F. The ASSOCIATE director shall publish, from time to time as the
29 director deems appropriate, and may supply on request, lists of registered
30 service representatives and registered service agencies.

31 G. Each registered service representative license issued by the
32 ~~department~~ DIVISION shall indicate the type of service approved by the
33 ~~department~~ DIVISION for the licensee.

34 H. A registered service agency shall use forms and related procedures
35 prescribed by the ~~department~~ DIVISION in the performance of its duties. A
36 registered service agency shall keep a legible copy of each form used for at
37 least the time period prescribed by the ~~department~~ DIVISION in its rules.
38 Copies of the forms shall be available during normal business hours for
39 inspection by the ~~department~~ DIVISION.

40 Sec. 14. Section 3-3471, Arizona Revised Statutes, as transferred and
41 renumbered, is amended to read:

42 3-3471. Registered service representative; powers; violation;
43 classification

44 A. When any commercial device specified in this chapter is in
45 commercial use and a valid license for the device has not been procured by

1 the owner, the owner's agent or the operator of the device, the ~~department~~
2 ~~DIVISION~~, after giving notice of the licensing requirements to the owner, the
3 owner's agent or the operator, shall prohibit the further commercial use of
4 the unlicensed device until the proper license has been issued. The
5 ~~department~~ ~~DIVISION~~ may employ and attach to the device such forms, notices
6 or security seals as it considers necessary to prevent the continued
7 unauthorized use of the device.

8 B. A registered service representative may ~~also~~:

9 1. With approval of the ~~department~~ ~~DIVISION~~, remove an official
10 rejection tag placed on a commercial device, vapor recovery system or vapor
11 recovery component.

12 2. Place in service, until such time as an official examination can be
13 made, a commercial device, vapor recovery system or vapor recovery component
14 that has been officially rejected or placed out of service.

15 3. Place in service, until such time as an official examination can be
16 made, a commercial device for which a commercial device application has been
17 completed and submitted to the ~~department~~ ~~DIVISION~~.

18 C. The owner of any business who has not applied for and has not been
19 issued a license for the right to do business, involving the use of a
20 commercial device, by the ~~department~~ ~~DIVISION~~ and who is found selling or
21 offering for sale or delivering or distributing to a consumer is guilty of a
22 class 2 misdemeanor, and the ~~department~~ ~~DIVISION~~ shall confiscate and seize
23 the commercial device or any vehicle tank, or vehicle tank and meter, or any
24 other such measuring device used by the business for the sale, delivery or
25 distribution as evidence.

26 D. The ~~ASSOCIATE~~ director and any other authorized personnel shall not
27 be liable to the owner or any other persons, firms, partnerships,
28 corporations, trusts or agencies for damages, directly or indirectly, caused
29 by or resulting from the seizure.

30 E. If a commercial device licensed pursuant to this chapter is used
31 contrary to any provision of this chapter or any rule adopted pursuant to
32 this chapter, the ~~department~~ ~~DIVISION~~, in addition to any other penalty
33 imposed by this chapter, shall suspend, revoke or refuse to renew the
34 license.

35 Sec. 15. Section 3-3472, Arizona Revised Statutes, as transferred and
36 renumbered, is amended to read:

37 3-3472. Revocation or suspension of licenses; procedure;
38 judicial review

39 A. Except as otherwise provided by this section, any proceeding to
40 revoke or suspend a license issued pursuant to this chapter shall be
41 conducted in accordance with ~~TITLE 41~~, chapter 6, article 10 ~~of this title~~.

42 B. The ~~ASSOCIATE~~ director may initiate proceedings for revocation or
43 suspension of a license issued pursuant to this chapter on the ~~ASSOCIATE~~
44 director's own motion or on a verified complaint for noncompliance with or a
45 violation of this chapter or of any rule adopted pursuant to this chapter.

1 C. If, after having been served with the notice of hearing as provided
2 for in TITLE 41, chapter 6, article 10 ~~of this title~~, the licensee fails to
3 appear at the hearing and defend, the ~~department~~ DIVISION shall proceed to
4 hear evidence against the licensee and shall enter such order as is justified
5 by the evidence, which order shall be final unless the licensee petitions for
6 a review as provided in TITLE 41, chapter 6, article 10 ~~of this title~~.

7 D. At all hearings the attorney general of this state, one of the
8 attorney general's assistants, or a special assistant designated by the
9 attorney general shall appear and represent the ~~department~~ DIVISION.

10 E. Except as provided in section 41-1092.08, subsection H, any final
11 administrative decision made pursuant to this chapter is subject to judicial
12 review pursuant to title 12, chapter 7, article 6.

13 Sec. 16. Section 3-3473, Arizona Revised Statutes, as transferred and
14 renumbered, is amended to read:

15 3-3473. Violation; classification; jurisdiction

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

17 1. Knowingly hinders, interferes with or obstructs in any way the
18 ASSOCIATE director or any of the ASSOCIATE director's agents or inspectors in
19 entering the premises where a commercial device may be kept for inspecting or
20 testing or in the performance of the OFFICIAL DUTIES OF THE ASSOCIATE
21 director's or the ASSOCIATE director's ~~agent's~~ AGENT or ~~inspector's official~~
22 ~~duties~~ INSPECTOR.

23 2. Impersonates in any way the ASSOCIATE director or any one of the
24 ASSOCIATE director's agents or inspectors by the use of the ASSOCIATE
25 director's seal, or a counterfeit of the ASSOCIATE director's seal, or in any
26 other manner.

27 3. Uses, or has in possession for the purpose of using for any
28 commercial purpose, sells, offers or exposes for sale or hire, or has in
29 possession for the purpose of selling or hiring an incorrect weight or
30 measure or any device or instrument used or calculated to falsify any weight
31 or measure.

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

34 5. Takes more than the quantity the person represents of any
35 commodity, thing or service, when, as buyer, the person furnishes the weight
36 or measure by means of which the amount of the commodity, thing or service is
37 determined.

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

39 1. Uses, or has in possession for the purpose of current use for any
40 commercial purpose, a weight or measure that does not bear a seal or mark of
41 approval based on inspection and test as provided in section ~~41-2065~~ 3-3414,
42 subsection A, paragraph 11, unless the weight or measure has been exempted
43 from testing by order of the ~~department~~ DIVISION, or unless the device has
44 been placed in service as provided in this chapter. Any person or persons
45 making use of a commercial device THAT IS subject to this chapter shall

1 report to the ASSOCIATE director or the ASSOCIATE director's representatives,
2 in writing, the number and location of the commercial device and shall
3 promptly report the installation of any new commercial device.

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

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

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

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

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

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

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

24 Sec. 17. Section 3-3475, Arizona Revised Statutes, as transferred and
25 renumbered, is amended to read:

26 3-3475. Civil penalties

27 A. A person who violates this chapter, any rule of the ~~department~~
28 ~~DIVISION~~ or any license requirement is subject to a civil penalty imposed by
29 the ASSOCIATE director. A person who violates this chapter, any rule of the
30 ~~department~~ ~~DIVISION~~ or any license requirement may request a hearing to
31 review a civil penalty imposed under this section. The ~~department~~ ~~DIVISION~~
32 shall conduct the hearing in accordance with TITLE 41, chapter 6, article 10
33 ~~of this title~~. Except as prescribed in subsection B of this section, the
34 civil penalty shall not exceed one thousand dollars for each infraction nor
35 more than ten thousand dollars for any thirty-day period at each business
36 location, for each registered service representative or for each public
37 weighmaster, provided that no person shall be assessed more than fifty
38 thousand dollars per thirty-day period.

39 B. The ASSOCIATE director may double the maximum civil penalty if any
40 of the following applies:

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

44 2. A package is found to exceed the maximum allowable variation for
45 the labeled quantity allowed in national institute of standards and

1 technology handbook 133 or the average error of the lot is twice the sample
2 error limit in favor of the retailer.

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

4 4. A maximum civil penalty has been imposed on a retailer for a price
5 posting or price verification violation and in a reinspection, if conducted
6 within ninety days, the failure rate is ten ~~per-cent~~ PERCENT or more and at
7 least one error is in favor of the retailer.

8 5. A maximum civil penalty has been imposed on a refiner, refinery,
9 registered supplier or transmix processing facility for a violation of motor
10 fuel quality standards or producing a product transfer document that is
11 incorrect, incomplete or produced in any manner tending to mislead or deceive
12 a person.

13 C. The attorney general shall bring actions to recover civil penalties
14 pursuant to this section in the superior court in the county in which the
15 violation occurred or in a county where the agency has its office. All
16 monies derived from civil penalties shall be deposited, pursuant to sections
17 35-146 and 35-147, in the state general fund.

18 Sec. 18. Section 3-3492, Arizona Revised Statutes, as transferred and
19 renumbered, is amended to read:

20 3-3492. Standards for oxygenated fuel; volatility; exceptions

21 A. From and after September 30 through March 31 of each year, in a
22 county with a population of one million two hundred thousand or more persons
23 and in any portion of a county contained in area A, blends of gasoline with
24 ethanol shall not exceed the volatility requirements prescribed by section
25 ~~41-2083~~ 3-3433 and rules adopted by the ASSOCIATE director under that
26 section. ~~From and after September 30, 1999 through March 31, 2000 and~~ From
27 and after September 30 through March 31 of each year ~~thereafter~~, in area B,
28 blends of gasoline with ethanol may exceed the volatility requirements
29 prescribed by section ~~41-2083~~ 3-3433 and rules adopted by the ASSOCIATE
30 director under that section by up to one pound per square inch if the base
31 fuel meets the requirements of ASTM D4814 and the final gasoline-ethanol
32 blend contains at least six ~~per-cent~~ PERCENT ethanol by volume but does not
33 exceed United States environmental protection agency waivers. For any other
34 locations and period of time, blends of gasoline with ethanol shall meet the
35 volatility requirements as determined by ~~department~~ DIVISION rule.

36 B. Notwithstanding subsection D of this section, the ASSOCIATE
37 director of the ~~department of weights and measures~~ DIVISION in consultation
38 with the director of the department of environmental quality shall approve
39 alternate fuel control measures that are submitted by manufacturers or
40 suppliers of gasoline and that the directors determine will result in motor
41 vehicle carbon monoxide emission reductions that will equal or exceed the
42 reductions that result under subsection D of this section. In making those
43 determinations, the ~~directors~~ DIRECTOR AND THE ASSOCIATE DIRECTOR shall
44 compare the alternative measure against the emission reduction that would be
45 obtained from a fuel with the maximum vapor pressure standard prescribed by

1 subsection D of this section and the minimum oxygen standard prescribed by
2 section ~~41-2123~~ 3-3493 or ~~41-2125~~ 3-3496. Alternative fuel control measures
3 approved by the ASSOCIATE director of the ~~department of weights and measures~~
4 DIVISION in consultation with the director of the department of environmental
5 quality may be used by any manufacturer or supplier of gasoline unless the
6 approval is rescinded by the ASSOCIATE director of the ~~department of weights~~
7 ~~and measures~~ DIVISION at least one hundred eighty days before the beginning
8 of any oxygenate period in the future. Manufacturers and suppliers who
9 choose to use an approved alternate fuel control measure shall annually
10 submit a compliance plan to the ASSOCIATE director ~~of the department of~~
11 ~~weights and measures~~ not later than sixty days prior to the start of the
12 oxygenate period.

13 C. From and after September 30 through March 31 of each year, all
14 blends of gasoline with alcohol other than ethanol shall satisfy all of the
15 requirements prescribed by section ~~41-2083~~ 3-3433 and rules adopted by the
16 ASSOCIATE director under that section and the provisions of a waiver issued
17 by the United States environmental protection agency pursuant to 42 United
18 States Code section 7545(f).

19 D. Notwithstanding subsection A of this section, if the director of
20 the department of environmental quality has previously raised the minimum
21 oxygen content to the maximum percentage of oxygen allowed for each oxygenate
22 as provided by section ~~41-2125~~ 3-3496, the designated air quality planning
23 agency for area B has considered, analyzed and reviewed the costs and
24 benefits of all other reasonable and available control measures in lieu of
25 reducing volatility requirements to nine pounds per square inch and the
26 director of the department of environmental quality finds that area B has
27 failed to maintain the carbon monoxide national ambient air quality standards
28 by violating the standard, beginning with the oxygenate period beginning on
29 the following September 30 and for each oxygenate period thereafter in
30 area B, the volatility requirements described by section ~~41-2083~~ 3-3433,
31 subsection G may be reduced to nine pounds per square inch. If a violation
32 of the carbon monoxide national ambient air quality standards is recorded
33 after the volatility requirements have been reduced to nine pounds per square
34 inch, the director of the department of environmental quality shall remove
35 the one pound per square inch waiver for gasoline-ethanol blends.

36 E. ~~Beginning on January 1, 2005,~~ Gasoline that is supplied or sold by
37 any person and that is intended as a final product for the fueling of motor
38 vehicles within this state shall not contain the following:

39 1. Methyl tertiary butyl ether that exceeds 0.3 ~~per cent~~ PERCENT by
40 volume.

41 2. ~~Beginning on January 1, 2006,~~ A total of more than 0.10 ~~per cent~~
42 PERCENT oxygen by weight collectively from all of the following oxygenates:

- 43 (a) Diisopropylether (DIPE).
44 (b) Ethyl tert-butylether (ETBE).
45 (c) Iso-butanol.

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

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

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

16 Sec. 19. Section 3-3493, Arizona Revised Statutes, as transferred and
17 renumbered, is amended to read:

18 3-3493. Area A; sale of gasoline; oxygen content

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

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

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

40 B. Notwithstanding subsection A of this section, the ASSOCIATE
41 director of the ~~department of weights and measures~~ DIVISION in consultation
42 with the director of the department of environmental quality shall approve
43 alternate fuel control measures that are submitted by manufacturers or
44 suppliers of gasoline and that the ~~directors~~ DIRECTOR AND THE ASSOCIATE
45 DIRECTOR determine will result in motor vehicle carbon monoxide emissions

1 that are equal to or less than emissions that result under compliance with
2 subsection A of this section and section ~~41-2083~~ 3-3433. In making this
3 determination, the ASSOCIATE director of the ~~department of weights and~~
4 ~~measures~~ DIVISION and the director of the department of environmental quality
5 shall compare the emissions of the alternate fuel control measure with the
6 emissions of a fuel with a maximum vapor pressure standard as prescribed by
7 section ~~41-2083~~ 3-3433 and with the minimum oxygen content or percentage by
8 volume of ethanol as 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 unless the approval is rescinded more
14 than one hundred eighty days before the first day of a gasoline control
15 period. Manufacturers and suppliers who use an approved alternate fuel
16 control measure shall annually submit a compliance plan to the ASSOCIATE
17 director ~~of the department of weights and measures~~ no later than sixty days
18 before the first day of a gasoline control period.

19 Sec. 20. Section 3-3494, Arizona Revised Statutes, is amended to read:
20 ~~3-3494.~~ Area A; fuel reformulation; rules

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

29 1. A gasoline that meets standards for federal phase II reformulated
30 gasoline, as provided in 40 Code of Federal Regulations section 80.41,
31 paragraphs (e) through (h), in effect on January 1, 1999, except that the
32 minimum oxygen content standard does not apply. The gasoline shall also meet
33 the maximum vapor pressure requirements in section ~~41-2083~~ 3-3433,
34 subsections D and F.

35 2. California phase 2 reformulated gasoline, including alternative
36 formulations allowed by the predictive model, as adopted by the California
37 air resources board pursuant to California Code of Regulations title 13,
38 sections 2261 through 2262.7 and 2265, in effect on January 1, 1997, except
39 that the minimum oxygen content standard does not apply. The gasoline shall
40 also meet the maximum vapor pressure requirements in section ~~41-2083~~ 3-3433,
41 subsections D and F.

42 B. ~~From and after November 1, 2000 through March 31, 2001 and from~~ FOR
43 the period beginning November 1 through March 31 of each ~~subsequent~~
44 gasoline produced and shipped to or within this state and sold or offered for
45 sale for use in motor vehicles in a county with a population of one million

1 two hundred thousand or more persons and any portion of a county contained in
2 area A, subject to an appropriate waiver granted by the administrator of the
3 United States environmental protection agency pursuant to section 211(c)(4)
4 of the clean air act as defined in section 49-401.01, shall comply with
5 standards for California phase 2 reformulated gasoline, including alternative
6 formulations allowed by the predictive model, as adopted by the California
7 air resources board pursuant to California Code of Regulations title 13,
8 sections 2261 through 2262.7 and 2265, in effect on January 1, 1997 and shall
9 meet the maximum vapor pressure requirements in section ~~41-2083~~ 3-3433,
10 subsections D and F. The fuel described in this subsection shall meet the
11 requirements of section ~~41-2123~~ 3-3493, subsection A, paragraph 1.

12 C. ~~From November 1, 2000 through March 31, 2001 and~~ For each winter
13 season of November through March ~~thereafter~~, the ASSOCIATE director of the
14 ~~department of weights and measures~~ DIVISION shall determine the average
15 levels of the constituents in the gasoline sold or offered for sale in area A
16 and shall provide the results of this determination to the director of
17 environmental quality. The director of environmental quality shall analyze
18 the data provided by the ASSOCIATE director of the ~~department of weights and~~
19 ~~measures and~~ DIVISION, no later than July 1, ~~2001 and each July thereafter~~ OF
20 EACH YEAR, shall determine the average daily carbon monoxide reductions
21 resulting from the use of the gasoline specified in subsection B of this
22 section during the preceding winter season. ~~If the average daily carbon~~
23 ~~monoxide reductions resulting from the use of the gasoline specified in~~
24 ~~subsection B of this section during the preceding winter season are less than~~
25 ~~ninety per cent of the goal of thirty two tons per day in 2001, thirty one~~
26 ~~tons per day in 2003, thirty tons per day in 2005, twenty nine tons per day~~
27 ~~in 2007 or twenty eight tons per day in 2009, the director of the department~~
28 ~~of environmental quality shall immediately notify the governor, the president~~
29 ~~of the senate and the speaker of the house of representatives.~~

30 D. Any registered supplier or oxygenate blender, as defined in
31 ~~department~~ DIVISION rules, may petition the ASSOCIATE director to request
32 that all registered suppliers or oxygenate blenders be allowed to comply with
33 any provision of section ~~41-2123~~ 3-3493, subsection A, provided the
34 petitioner can demonstrate that ethanol supply shortages are imminent.

35 E. The petition shall:

36 1. Identify specific supply conditions that will result in a shortage
37 of ethanol.

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

40 3. Demonstrate that the alternative oxygenate blend comes closest to
41 meeting a three and one-half ~~per-cent~~ PERCENT by weight oxygen content at
42 reasonable cost, unless the registered supplier or oxygenate blender is
43 petitioning to use a gasoline-ethanol blend containing less than ten ~~per-cent~~
44 PERCENT by volume of ethanol.

1 4. Specify a time period for compliance with any provision of section
2 ~~41-2123~~ 3-3493, subsection A, not to exceed sixty days.

3 F. The ASSOCIATE director shall either grant or deny the petition in
4 writing within seven days of its receipt. Any decision by the ASSOCIATE
5 director to grant the petition shall be equally applicable to all registered
6 suppliers or oxygenate blenders and shall not be selectively applied to any
7 single registered supplier or oxygenate blender. The petition may be granted
8 only if the ASSOCIATE director verifies that the basis for requesting the
9 petition is factual.

10 G. The ASSOCIATE director may reauthorize a petition if the petitioner
11 can demonstrate that the conditions have continued. The reauthorization of a
12 petition shall not exceed thirty days.

13 H. The ASSOCIATE director of the ~~department of weights and measures~~
14 DIVISION shall consult with the director of the department of environmental
15 quality ~~prior to~~ BEFORE granting, reauthorizing or denying any such petition.

16 I. The director of environmental quality in consultation with the
17 ASSOCIATE director of the ~~department of weights and measures~~ DIVISION shall
18 adopt by rule:

19 1. Requirements to implement subsections A through E of this section.

20 2. Requirements for ~~record-keeping~~ RECORDKEEPING, reporting and
21 analytical methods for fuel providers to demonstrate compliance with
22 subsections A through E of this section.

23 J. This section does not apply to fuel sold for use at a motor vehicle
24 manufacturer proving ground or at a motor vehicle racing event.

25 Sec. 21. Section 3-3495, Arizona Revised Statutes, as transferred and
26 renumbered, is amended to read:

27 3-3495. Area C: fuel reformulation: rules

28 A. ~~From and after May 31, 2008 through September 30, 2008 and during~~
29 ~~the period~~ From and after May 1 through September 30 of each ~~subsequent~~
30 year, all gasoline produced and shipped to or within this state and sold or offered
31 for sale for use in motor vehicles in area C shall comply with either of the
32 following fuel reformulation options:

33 1. A gasoline that meets standards for federal phase II reformulated
34 gasoline, as provided in 40 Code of Federal Regulations section 80.41,
35 paragraphs (e) through (h), in effect on January 1, 1999, except that the
36 minimum oxygen content standard does not apply. The gasoline shall also meet
37 the maximum vapor pressure requirements in section ~~41-2083.01~~ 3-3434,
38 subsection D.

39 2. California phase 2 reformulated gasoline, including alternative
40 formulations allowed by the predictive model, as adopted by the California
41 air resources board pursuant to California Code of Regulations title 13,
42 sections 2261 through 2262.7 and 2265, in effect on January 1, 1997, except
43 that the minimum oxygen content standard does not apply. The gasoline shall
44 also meet the maximum vapor pressure requirements in section ~~41-2083.01~~
45 3-3434, subsection D.

1 B. Any registered supplier, as defined in ~~department~~ DIVISION rules,
2 may petition the ASSOCIATE director to request that all registered suppliers
3 be allowed to supply gasoline in area C that does not meet the standards in
4 subsection A of this section if the petitioner demonstrates that a shortage
5 in the supply of gasoline meeting the standards in subsection A of this
6 section is imminent.

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

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

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

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

14 D. The ASSOCIATE director shall either grant or deny a petition under
15 subsection B of this section in writing within seven days of its receipt.
16 Any decision by the ASSOCIATE director to grant the petition shall be equally
17 applicable to all registered suppliers and shall not be selectively applied
18 to any single registered supplier. The petition may be granted only if the
19 ASSOCIATE director verifies that the basis for requesting the petition is
20 factual.

21 E. The ASSOCIATE director may reauthorize a petition granted under
22 subsection B of this section if the petitioner demonstrates that the
23 conditions identified in the petition have continued. The reauthorization of
24 a petition shall not exceed thirty days.

25 F. The ASSOCIATE director of the ~~department of weights and measures~~
26 DIVISION shall consult with the director of the department of environmental
27 quality before granting, reauthorizing or denying any petition under
28 subsection B of this section.

29 G. The director of the department of environmental quality in
30 consultation with the ASSOCIATE director of the ~~department of weights and~~
31 ~~measures~~ DIVISION shall adopt by rule:

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

33 2. Requirements for ~~record-keeping~~ RECORDKEEPING, reporting and
34 analytical methods for fuel providers to demonstrate compliance with
35 subsection A of this section.

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

38 Sec. 22. Section 3-3496, Arizona Revised Statutes, as transferred and
39 renumbered, is amended to read:

40 3-3496. Area B; sale of gasoline; oxygen content

41 A. From and after September 30 through March 31 of each year, all
42 gasoline that is supplied or sold by any person and that is intended as a
43 final product for the fueling of motor vehicles within area B or that is
44 consumed in a motor vehicle within area B by a fleet owner shall contain not
45 less than 1.8 ~~per-cent~~ PERCENT by weight of oxygen nor more than the maximum

1 percentage of oxygen allowed by the provisions of a waiver issued by the
2 United States environmental protection agency.

3 B. Notwithstanding subsection A of this section, at any time earlier
4 than sixty days before September 30 of each year, the designated air quality
5 planning agency for area B with the concurrence of the director of the
6 department of environmental quality may give notice, pursuant to the
7 applicable plan required under section 49-406 for the Tucson air planning
8 area, to the ASSOCIATE director of the ~~department of weights and measures~~
9 DIVISION that the minimum oxygen content for the ensuing oxygenate seasons
10 will be increased not less than .3 ~~per cent~~ PERCENT by weight of oxygen and
11 not more than the maximum percentage of oxygen allowed for oxygenates by
12 provisions of a waiver issued or other limits established by the United
13 States environmental protection agency. Before making a determination to
14 increase the minimum oxygen content pursuant to this subsection, the
15 designated air quality planning agency for area B shall consider and conduct
16 a cost-benefit analysis on all reasonable carbon monoxide emission reduction
17 measures that could be implemented in lieu of increasing the minimum oxygen
18 content.

19 Sec. 23. Section 3-3512, Arizona Revised Statutes, as transferred and
20 renumbered, is amended to read:

21 3-3512. Stage I vapor recovery systems

22 A. A person shall not offer for sale, sell, install or use a new
23 gasoline stage I vapor recovery system, or any new or rebuilt component parts
24 of the system, unless the system or component part has been certified by the
25 California air resources board as of March 31, 2001 or after that date, or
26 has been approved by a third party accredited to test equipment and
27 recognized by industry and the department, and has not been rejected by the
28 ~~department~~ DIVISION. The ~~department~~ DIVISION shall maintain and keep current
29 a list of stage I vapor recovery systems and component parts that are
30 approved by the ~~department~~ DIVISION. Only those systems that are approved
31 shall be used in this state. All certified vapor recovery components must be
32 clearly identified by a permanent identification affixed by the certified
33 manufacturer or rebuilder.

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

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

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

- 1 2. Provide adequate training and written instructions to the operator
2 of the affected gasoline dispensing site and the gasoline transport vehicle.
- 3 3. Replace, repair or modify any worn or ineffective component or
4 design element to ensure the vapor-tight integrity and efficiency of the
5 stage I vapor recovery systems.
- 6 4. Connect and ensure proper operation of the stage I vapor recovery
7 systems whenever gasoline is being loaded, unloaded or dispensed.
- 8 5. In area A and other geographical areas as provided by subsection G
9 of this section, have the stage I vapor recovery system tested annually by a
10 registered service representative licensed by the ~~department~~ DIVISION.
- 11 D. Before the initial installation or modification of any stage I
12 vapor recovery system, the owner or operator of a gasoline storage tank,
13 gasoline transport vehicle or gasoline dispensing site shall obtain a plan
14 review and approval from the ~~department~~ DIVISION. Application for the plan
15 review and approval shall be on forms prescribed and provided by the
16 ~~department~~ DIVISION.
- 17 E. The ~~department of weights and measures~~ DIVISION in consultation
18 with the department of environmental quality and the state fire marshal shall
19 establish by rule standards for the installation and operation of stage I
20 vapor recovery systems. The ~~department of weights and measures~~ DIVISION
21 shall establish by rule plan review and approval fees. In establishing those
22 rules and standards, the ASSOCIATE director shall consider requirements in
23 other states to ensure that only state-of-the-art technology is used.
- 24 F. Approval of a stage I vapor recovery system by the ~~department~~
25 DIVISION does not relieve the owner or operator of the responsibility to
26 comply with other applicable statutes, codes and rules pertaining to fire
27 prevention, environmental quality and safety matters.
- 28 G. Any county, city or town outside of area A or area B as defined in
29 section 49-541 may require gasoline dispensing sites with a throughput
30 greater than ten thousand gallons per month to install, operate and maintain
31 stage I vapor recovery systems in accordance with this section. Any county,
32 city or town, including cities and towns within area B, also may require
33 annual testing of required stage I vapor recovery systems pursuant to
34 subsection C of this section. For a county, city or town considering the
35 adoption of a resolution to require stage I vapor recovery systems or annual
36 testing within its jurisdiction and on request, the department of
37 environmental quality shall provide technical assistance in evaluating the
38 air quality in that county, city or town and shall provide final review and
39 approval of an adopted resolution.
- 40 H. A county board of supervisors or governing body of a city or town
41 shall submit a resolution approved by the department of environmental quality
42 to the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION
43 requesting the imposition of the requirements for stage I vapor recovery
44 systems within its jurisdiction.

1 I. The ASSOCIATE director shall adopt, by rule, compliance schedules
2 for gasoline dispensing sites located within the jurisdiction requesting
3 stage I vapor recovery system requirements no later than twelve months after
4 receipt of the resolution from the county board of supervisors or governing
5 board of a city or town. All gasoline dispensing sites shall be required to
6 comply with stage I vapor recovery system rules within twenty-four months
7 after the rules have been filed with the secretary of state. Sites with
8 stage I vapor recovery systems already installed must comply with the testing
9 requirements at the time the rules become effective.

10 J. A county board of supervisors or governing body of a city or town
11 that adopts the requirements for stage I vapor recovery systems may repeal
12 those requirements by adopting a resolution to remove the imposition of those
13 requirements within its jurisdiction unless the county, city or town is in an
14 ozone nonattainment area that has since been designated as moderate, serious
15 or severe by the United States environmental protection agency under section
16 107(d) of the clean air act. On receipt of the resolution, the ASSOCIATE
17 director of the ~~department of weights and measures~~ DIVISION shall consult
18 with the director of the department of environmental quality to verify that a
19 county, city or town is outside of an ozone nonattainment area designated as
20 moderate, serious or severe by the United States environmental protection
21 agency under section 107(d) of the clean air act. After consultation with
22 the department of environmental quality, the ASSOCIATE director of the
23 ~~department of weights and measures~~ DIVISION shall revise the rules to repeal
24 the requirements for stage I vapor recovery systems within that jurisdiction
25 as soon as practicable.

26 Sec. 24. Section 3-3513, Arizona Revised Statutes, as transferred and
27 renumbered, is amended to read:

28 3-3513. Compliance schedules

29 Notwithstanding section ~~41-2132~~ 3-3512, subsection I relating to
30 schedules of compliance:

31 1. Gasoline dispensing facilities located in area A or in any other
32 geographical area as provided in section ~~41-2132~~ 3-3512, subsection G for
33 which construction began after the certification of rules adopted pursuant to
34 section ~~41-2132~~ 3-3512 shall be constructed to include stage I vapor recovery
35 systems that meet the minimum standards set forth in this chapter and
36 ~~department~~ DIVISION rules.

37 2. All gasoline dispensing sites located in area A or in any other
38 geographical area as provided in section ~~41-2132~~ 3-3512, subsection G that
39 begin underground storage tank replacement and that apply for a permit
40 pursuant to title 49, chapter 3, article 3 or 5 on or after September 30,
41 1992 shall be in compliance within six months after the effective date of the
42 rules adopted pursuant to section ~~41-2132~~ 3-3512. Compliance with this
43 article is a condition of the permit.

1 Sec. 25. Section 3-3515, Arizona Revised Statutes, as transferred and
2 renumbered, is amended to read:

3 3-3515. Stage II vapor recovery systems

4 A. A person shall not offer for sale, sell, install or use a new
5 gasoline vapor recovery system, or any new or rebuilt component parts of the
6 system, unless the system or component part has been certified by the
7 California air resources board as of March 31, 2001 or after that date, or
8 has been approved by a third party accredited to test equipment and
9 recognized by industry and the ~~department~~ DIVISION, and has not been rejected
10 by the ~~department~~ DIVISION. The ~~department~~ DIVISION shall maintain and keep
11 current a list of stage II vapor recovery systems and component parts that
12 are approved by the ~~department~~ DIVISION. Only those systems that are
13 approved shall be used in this state. All certified vapor recovery
14 components must be clearly identified by a permanent identification affixed
15 by the certified manufacturer or rebuilder.

16 B. In an ozone nonattainment area designated as moderate, serious,
17 severe or extreme by the United States environmental protection agency under
18 section 107(d) of the clean air act or area A, an owner or operator of a
19 gasoline dispensing site shall not transfer or allow the transfer of gasoline
20 into a motor vehicle fuel tank at a gasoline dispensing site unless the
21 gasoline dispensing site is equipped with a stage II vapor recovery system,
22 unless the stage II equipment has been decommissioned in accordance with the
23 procedures established pursuant to subsection H of this section. This
24 subsection does not apply to gasoline dispensing sites with a throughput of
25 less than ten thousand gallons per month, or to a gasoline dispensing site
26 with a throughput of less than fifty thousand gallons per month in the case
27 of an independent small business marketer of gasoline as defined in section
28 324 of the clean air act or to a gasoline dispensing site that is located on
29 a manufacturer's proving ground. This subsection applies to gasoline
30 dispensing sites that are located within area A but outside the Phoenix area
31 Maricopa county ozone nonattainment area as defined in 40 Code of Federal
32 Regulations section 81.303.

33 C. An owner or operator of a gasoline storage tank, gasoline transport
34 vehicle or gasoline dispensing site subject to stage II vapor recovery
35 requirements shall comply with the following:

36 1. Install all necessary stage II vapor recovery systems and make any
37 modifications necessary to comply with the requirements.

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

40 3. Replace, repair or modify any worn or ineffective component or
41 design element to ensure the vapor-tight integrity and efficiency of the
42 stage II vapor recovery systems.

43 4. Connect and ensure proper operation of the stage II vapor recovery
44 systems whenever gasoline is being loaded, unloaded or dispensed.

1 5. Have the stage II vapor recovery system tested annually by a
2 registered service representative licensed by the ~~department~~ DIVISION.

3 D. Before the modification of any stage II vapor recovery system, the
4 owner or operator of a gasoline storage tank, gasoline transport vehicle or
5 gasoline dispensing site shall obtain a plan review and approval from the
6 ~~department~~ DIVISION. The ~~department~~ DIVISION shall prescribe forms for the
7 application for the plan review and approval.

8 E. The operator of each gasoline dispensing site using a stage II
9 vapor recovery system shall conspicuously post operating instructions for the
10 system in the gasoline or oxygenated fuel dispensing area. The instructions
11 shall clearly describe how to fuel vehicles correctly with the vapor recovery
12 nozzles used at the station and shall include a warning that topping off may
13 result in spillage or recirculation of gasoline or oxygenated fuel and is
14 prohibited.

15 F. The ~~department of weights and measures~~ DIVISION in consultation
16 with the department of environmental quality and the state fire marshal shall
17 establish by rule standards for the installation and operation of stage II
18 vapor recovery systems. The ~~department of weights and measures~~ DIVISION
19 shall establish by rule plan review and approval fees. In establishing those
20 rules and standards, the ASSOCIATE director shall consider requirements in
21 other states to ensure that only state-of-the-art technology is used.

22 G. Approval of a stage II vapor recovery system by the ~~department~~
23 DIVISION does not relieve the owner or operator of the responsibility to
24 comply with other applicable statutes, codes and rules pertaining to fire
25 prevention, environmental quality and safety matters.

26 H. The ~~department of weights and measures~~ DIVISION in consultation
27 with the department of environmental quality and the state fire marshal shall
28 establish by rule standards for decommissioning stage II vapor recovery
29 systems on or after October 1, 2016 but not later than September 30, 2018, or
30 such dates as approved by the United States environmental protection agency
31 in the state implementation plan revision for the removal of stage II vapor
32 recovery systems submitted under section 110(l) of the clean air act,
33 whichever is later. The rules must require removal of stage II vapor
34 recovery systems no later than September 30, 2018, or the final removal date
35 approved by the United States environmental protection agency in the state
36 implementation plan revision for the removal of stage II vapor recovery
37 systems submitted under section 110(l) of the clean air act, whichever is
38 later. The ~~department~~ DIVISION shall prescribe forms for the application for
39 the plan review and approval. The ~~department~~ DIVISION shall establish by
40 rule plan review and approval fees.

41 I. All stage II vapor recovery systems and testing must remain in
42 place until such systems are decommissioned pursuant to subsection H of this
43 section.

44 J. The requirements prescribed for stage II vapor recovery systems
45 pursuant to subsections A through E of this section do not apply to a retail

1 station if the construction begins after ~~the effective date of this section~~
2 APRIL 22, 2014.

3 K. The requirements for stage II vapor recovery systems prescribed in
4 subsections A through E of this section do not apply to an owner or operator
5 who has decommissioned stage II vapor recovery equipment in accordance with
6 the standards established by the ~~department~~ DIVISION pursuant to subsection H
7 of this section.

8 Sec. 26. Section 9-499.18, Arizona Revised Statutes, is amended to
9 read:

10 9-499.18. Transportation safety zones; passenger convenience
11 areas; definitions

12 A. A city or town may adopt a resolution or ordinance establishing
13 passenger convenience areas and vehicle-for-hire lanes within a
14 transportation safety zone. The governing body of a city or town may adopt
15 resolutions or ordinances establishing hours of operation and procedures for
16 the use of passenger convenience areas and vehicle-for-hire lanes.

17 B. The governing body of a city or town may establish, by resolution
18 or ordinance, a transportation safety zone, if the governing body finds that
19 a transportation safety zone is necessary to preserve the public health,
20 safety and general welfare. A resolution or ordinance adopted pursuant to
21 this subsection must include a map establishing the boundaries of the zone
22 and traffic safety data used to justify the establishment of the zone. Each
23 transportation safety zone must be no greater than three square miles, and a
24 city or town may not create more than two transportation safety zones within
25 its corporate boundaries. A transportation safety zone may not include any
26 portion of a state highway or state route.

27 C. On establishment of a transportation safety zone, the city or town
28 may place and maintain permanently affixed signs located in a visible manner
29 at the public vehicular access points leading into the zone for the purpose
30 of delineating the boundaries of the zone.

31 D. A city or town with a transportation safety zone may require a
32 vehicle that is self-propelled entirely or partially by pedals operated by
33 the passengers to operate pursuant to public safety and traffic ordinances.

34 E. Except in the event of a public safety emergency, a city or town
35 may not prescribe the order in which a vehicle may load or unload passengers
36 in a transportation safety zone. ~~Nothing in~~ This subsection ~~shall be~~
37 ~~construed to~~ DOES NOT interfere WITH or restrict the ability of a city or
38 town to regulate the flow of traffic or enforce any state law.

39 F. This section does not impose or authorize additional regulation,
40 permitting or licensing requirements beyond those required by this section
41 and title ~~41, chapter 15~~ 28, CHAPTER 30.

42 G. Drivers shall not leave vehicles unattended in a passenger
43 convenience area.

1 H. For the purposes of this section:

2 1. "Passenger cart" means any motorized vehicle, except a bus, that is
3 used to transport passengers on a public roadway in exchange for any form of
4 payment or gratuity and that is not licensed as a livery vehicle, taxi or
5 limousine pursuant to title ~~41, chapter 15~~ 28, CHAPTER 30.

6 2. "Passenger convenience area" means an area designated by a city or
7 town where taxis, passenger carts, livery vehicles or limousines may enter
8 for the purpose of the loading and unloading of passengers.

9 3. "Vehicle-for-hire lane" means a designated traffic lane for use
10 exclusively by vehicles picking up or dropping off passengers in exchange for
11 any form of payment, including a fee, fare, donation or gratuity.

12 Sec. 27. Section 28-364, Arizona Revised Statutes, is amended to read:
13 28-364. Powers of the director

14 A. The director may provide technical transportation planning
15 expertise to local governments when requested, coordinate local government
16 transportation planning with regional and state transportation planning and
17 guide local transportation planning to assure compliance with federal
18 requirements. The planning authority granted by this subsection does not
19 preempt planning responsibilities and decisions of local governments.

20 B. If the governor declares a state of emergency, the director may
21 contract and do all things necessary to provide emergency transportation
22 services for the residents in the affected areas whether the emergency
23 transportation is by street, rail or air.

24 C. On a determination that it is in this state's best interest, the
25 director may authorize payment for necessary relocation costs in advance of
26 work being performed if an existing facility owned by the United States must
27 be relocated or adjusted due to construction, modification or improvement of
28 a state highway. The director shall base each advance payment on an estimate
29 of cost of the proposed relocation or adjustment prepared by the federal
30 government and acceptable to the director and shall base the final
31 compensation on the actual agreed cost.

32 D. The director of the department of transportation in consultation
33 with the director of the department of public safety shall develop procedures
34 to exchange information for any purpose related to sections 28-1324, 28-1325,
35 28-1326, 28-1462 and 28-3318.

36 ~~E. The director of the department of transportation in conjunction
37 with the director of the department of weights and measures shall develop
38 procedures to electronically exchange and record information between the
39 departments for enforcement purposes or any other purpose that the directors
40 deem necessary related to the registration and licensing of taxis, livery
41 vehicles or limousines.~~

42 Sec. 28. Section 28-5602, Arizona Revised Statutes, is amended to
43 read:

44 28-5602. Enforcement

45 The following persons have authority to enforce this article:

1 approved by the director. For the purposes of this paragraph, "cardlock
2 facility" means a use fuel vendor that satisfies all of the following:

3 (a) Is licensed in this state.

4 (b) Sells only to preapproved purchasers of use fuel who have been
5 issued cards, keys or other controlled access to identify the exclusive
6 withdrawal of that particular purchaser.

7 (c) Does not have a representative on the premises to observe the
8 withdrawal of use fuel from the vendor's storage.

9 (d) Measures volumes of fuel dispensed by pump meters or other
10 accurate recording devices.

11 C. A vendor who violates subsection B of this section is subject to a
12 civil penalty of one hundred dollars for each day the violation continues.

13 Sec. 30. Section 28-5936, Arizona Revised Statutes, is amended to
14 read:

15 28-5936. Confidential information; disclosure allowed

16 A. A person may disclose confidential information as follows:

17 1. Confidential information relating to:

18 (a) A taxpayer may be disclosed to the taxpayer, the taxpayer's
19 successor in interest or a designee of the taxpayer who is authorized in
20 writing by the taxpayer.

21 (b) A corporate taxpayer may be disclosed to a principal officer of
22 the corporation.

23 (c) A partnership may be disclosed to a partner of the partnership,
24 excluding disclosure of confidential information of a particular partner
25 unless otherwise authorized.

26 (d) An estate may be disclosed to the personal representative of the
27 estate and to an heir, next of kin or beneficiary under the will of the
28 decedent if the director finds that the heir, next of kin or beneficiary has
29 a material interest that will be affected by the confidential information.

30 (e) A trust may be disclosed to the trustee or trustees, jointly or
31 separately, and to the grantor or any beneficiary of the trust if the
32 director finds that the grantor or beneficiary has a material interest that
33 will be affected by the confidential information.

34 (f) A taxpayer may be disclosed if the taxpayer has waived any rights
35 to confidentiality either in writing or on the record in any administrative
36 or judicial proceeding.

37 2. Confidential information may be disclosed to:

38 (a) An employee of the department whose official duties involve tax
39 administration.

40 (b) The office of the attorney general or the office of a county
41 attorney authorized in writing by the attorney general solely for its use in
42 preparation for, or an investigation that may result in, a proceeding
43 involving tax administration before the director, department or other agency
44 or board of this state or before a grand jury or a state or federal court.

1 (c) Other state tax officials of this state whose official duties
2 require the disclosure for proper tax administration purposes if the
3 information is sought in connection with any investigation or other
4 proceeding conducted by the tax official, except that a disclosure is limited
5 to information of a taxpayer who is being investigated or who is a party to a
6 proceeding conducted by the tax official.

7 (d) The United States internal revenue service or state tax officials
8 of other states pursuant to statute and a written agreement between the
9 director and the internal revenue service or other state, if the internal
10 revenue service or the other state grants substantially similar privileges to
11 the director for the type of information being sought.

12 (e) The auditor general if in connection with an audit of the
13 department subject to the restrictions in section 28-5935, subsection B.

14 (f) Any person to the extent necessary for effective tax
15 administration in connection with the processing, storage, transmission and
16 reproduction of the information and the programming, maintenance, repair,
17 testing and procurement of equipment for purposes of tax administration.

18 3. Confidential information may be disclosed in a state or federal
19 judicial or administrative proceeding pertaining to tax administration if:

20 (a) The taxpayer is a party to the proceeding.

21 (b) The treatment of an item reflected in the information is directly
22 related to the resolution of an issue in the proceeding.

23 (c) The information directly relates to a transactional relationship
24 between a person who is a party to the proceeding and the taxpayer that
25 directly affects the resolution of an issue in the proceeding.

26 4. Identity information may be disclosed for purposes of notifying
27 persons entitled to tax refunds if the director is unable to locate the
28 persons after reasonable effort.

29 5. If necessary to effect collection of a delinquent tax, penalties or
30 interest, the outstanding obligation and information obtained in the
31 collection investigation may be disclosed.

32 6. The director may disclose statistical information gathered from
33 confidential information if the disclosure does not include confidential
34 information attributable to any one taxpayer.

35 7. Confidential information may be disclosed to law enforcement
36 agencies for law enforcement purposes.

37 B. Except as provided in section 28-5935, subsection B, a court may
38 order the director to disclose confidential information pertaining to a party
39 to an action. The court shall make an order only on a showing of good cause
40 and that the party seeking the information has made demand on the taxpayer
41 for the information.

42 C. Except as prescribed in subsection D of this section or except if
43 required to do so by a court, it is unlawful for a person to disclose
44 information acquired by the director or an agent under section 28-5620. This
45 subsection does not mean that the information or evidence is privileged if it

1 is used by this state or an officer of this state in an action for collection
2 of the tax or a prosecution for a violation of article 1 of this chapter.

3 D. The department of transportation shall provide information to the
4 ~~WEIGHTS AND MEASURES SERVICES DIVISION OF THE ARIZONA~~ department of ~~weights~~
5 ~~and measures~~ AGRICULTURE to determine compliance with title ~~41, chapter 15,~~
6 ~~article 7 3, CHAPTER 19, ARTICLE 7.~~ A gasoline dispensing site shall provide
7 the department of transportation with information the director of the
8 department of transportation requests and in the form that the director of
9 the department of transportation determines is necessary for the purposes of
10 this subsection.

11 E. This article does not prevent the director from disclosing to a
12 person any aggregate statistical information gathered from confidential
13 information regarding the distribution of gasoline sales by a distributor in
14 each of the several counties of this state. The director shall provide this
15 gasoline sales distribution information to a person pursuant to section
16 39-121.

17 Sec. 31. Title 28, Arizona Revised Statutes, is amended by adding
18 chapter 30, to read:

19 CHAPTER 30
20 FOR-HIRE TRANSPORTATION
21 ARTICLE 1. GENERAL PROVISIONS

22 28-9501. Definitions

23 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

24 1. "COMMERCIAL DEVICE" MEANS ANY MEASURING DEVICE THAT IS USED TO
25 DETERMINE THE DIRECT COST OF THINGS OR USED TO ESTABLISH A FEE FOR SERVICE IF
26 THE COST IS BASED ON MEASURE.

27 2. "TAXI METER" MEANS A COMMERCIAL DEVICE THAT MEETS THE REQUIREMENTS
28 OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY HANDBOOK 44 AS
29 PRESCRIBED BY SECTION 3-3413.

30 28-9502. Powers and duties

31 A. THE DEPARTMENT SHALL:

32 1. ADOPT ANY RULES NECESSARY TO CARRY OUT THIS CHAPTER AND ADOPT
33 REASONABLE RULES FOR THE ENFORCEMENT OF THIS CHAPTER. THESE RULES HAVE THE
34 FORCE AND EFFECT OF LAW AND SHALL BE ADOPTED PURSUANT TO TITLE 41, CHAPTER 6.
35 IN ADOPTING THESE RULES, THE DIRECTOR SHALL CONSIDER, AS FAR AS IS
36 PRACTICABLE, THE REQUIREMENTS ESTABLISHED BY OTHER STATES AND BY AUTHORITY OF
37 THE UNITED STATES, EXCEPT THAT RULES MAY NOT BE MADE IN CONFLICT WITH THIS
38 CHAPTER.

39 2. INVESTIGATE COMPLAINTS MADE TO THE DEPARTMENT CONCERNING VIOLATIONS
40 OF THIS CHAPTER AND, ON ITS OWN INITIATIVE, CONDUCT INVESTIGATIONS IT DEEMS
41 APPROPRIATE IN ORDER TO DEVELOP INFORMATION RELATING TO PREVAILING PROCEDURES
42 IN COMMERCIAL QUANTITY DETERMINATION AND POSSIBLE VIOLATIONS OF THIS CHAPTER
43 AND TO PROMOTE ACCURACY IN THE DETERMINATION AND REPRESENTATION OF QUANTITY
44 IN COMMERCIAL TRANSACTIONS.

1 3. INSPECT AND TEST TAXI METERS TO DETERMINE WHETHER THE TAXI METERS
2 MEET THE REQUIREMENTS OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
3 HANDBOOK 44 AS PRESCRIBED BY SECTION 3-3413.

4 4. APPLY TO ANY COURT OF COMPETENT JURISDICTION FOR A TEMPORARY OR
5 PERMANENT INJUNCTION RESTRAINING ANY PERSON FROM VIOLATING THIS CHAPTER.

6 5. REPORT TO THE GOVERNOR ON OR BEFORE AUGUST 1 OF EACH YEAR AND AT
7 SUCH OTHER TIMES AS MAY BE REQUIRED ON THE WORK ACCOMPLISHED UNDER THIS
8 CHAPTER.

9 6. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, EMPLOY SUCH PERSONNEL AS
10 NEEDED TO ASSIST IN ADMINISTERING THIS CHAPTER.

11 B. TESTING AND INSPECTION CONDUCTED PURSUANT TO THIS CHAPTER SHALL BE
12 DONE, TO THE EXTENT PRACTICABLE, WITHOUT PRIOR NOTICE, BY A RANDOM SYSTEMATIC
13 METHOD DETERMINED BY THE DIRECTOR OR IN RESPONSE TO A COMPLAINT BY THE
14 PUBLIC.

15 C. DURING THE COURSE OF AN INVESTIGATION OR AN ENFORCEMENT ACTION BY
16 THE DEPARTMENT, 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 28-9503. Licensing of devices used for commercial purposes;
20 fees; posting; violation; classification

21 A. A PERSON MAY NOT USE A COMMERCIAL DEVICE UNLESS THE DEVICE IS
22 LICENSED AS PROVIDED IN THIS CHAPTER.

23 B. A LICENSE SHALL BE OBTAINED ANNUALLY FROM THE DEPARTMENT ON FORMS
24 PRESCRIBED AND FURNISHED BY THE DEPARTMENT. THE FEE, AS DETERMINED BY THE
25 DIRECTOR BY RULE, SHALL BE SUBMITTED WITH THE PRESCRIBED FORM. A LICENSE
26 SHALL BE OBTAINED NOT LATER THAN THIRTY DAYS FOLLOWING THE FIRST DAY OF
27 COMMERCIAL USE FOR ORIGINAL INSTALLATIONS. IF THE OWNERSHIP OF A LICENSED
28 DEVICE IS TRANSFERRED, THE OWNERSHIP OF THE LICENSE MAY BE TRANSFERRED. ON
29 TRANSFER OF A LICENSE, NEW LICENSEES SHALL NOTIFY THE DEPARTMENT OF THE
30 LICENSEE'S NAME AND ADDRESS AND THE LOCATION OF THE DEVICE.

31 C. IF A FARE IS BASED ON TIME OR MILEAGE OR BOTH TIME AND MILEAGE, A
32 TAXI SHALL HAVE A COMMERCIAL DEVICE AND SHALL OBTAIN A LICENSE AS PRESCRIBED
33 BY THE DEPARTMENT, EXCEPT THAT IF THE SERVICE OFFERED BY THE TAXI IS A
34 PREARRANGED GROUND TRANSPORTATION SERVICE AS PRESCRIBED IN SECTION 28-141 FOR
35 A PREDETERMINED FARE, A TAXI IS NOT REQUIRED TO USE A COMMERCIAL DEVICE.

36 D. THE DEPARTMENT MAY NOT ISSUE A LICENSE FOR A TAXI, LIVERY VEHICLE
37 OR LIMOUSINE UNLESS THE TAXI, LIVERY VEHICLE OR LIMOUSINE MEETS THE
38 REQUIREMENTS FOR BOTH OF THE FOLLOWING:

- 39 1. MOTOR VEHICLE LICENSING AS PRESCRIBED BY THE DEPARTMENT.
40 2. MOTOR VEHICLE INSURANCE AS PRESCRIBED BY SECTION 28-4033.

41 E. THE DEPARTMENT SHALL REVOKE A LICENSE IF THE TAXI, LIVERY VEHICLE
42 OR LIMOUSINE FAILS TO MAINTAIN THE REQUIREMENTS FOR EITHER OF THE FOLLOWING:

- 43 1. MOTOR VEHICLE LICENSING AS PRESCRIBED BY THE DEPARTMENT.
44 2. MOTOR VEHICLE INSURANCE AS PRESCRIBED BY SECTION 28-4033.

1 F. A TAXI OR LIVERY VEHICLE SHALL HAVE A LICENSE ISSUED UNDER THIS
2 CHAPTER POSTED ON THE OUTSIDE OF THE REAR WINDOW AS REQUIRED BY THE
3 DEPARTMENT. A LIMOUSINE SHALL CARRY A LICENSE ISSUED UNDER THIS CHAPTER
4 INSIDE THE VEHICLE AT ALL TIMES.

5 G. A TAXI THAT IS LICENSED BY THE DEPARTMENT AND THAT OFFERS LOCAL
6 TRANSPORTATION FOR A FARE DETERMINED ON THE BASIS OF THE DISTANCE TRAVELED OR
7 PREARRANGED GROUND TRANSPORTATION SERVICE AS PRESCRIBED IN SECTION 28-141 FOR
8 A PREDETERMINED FARE IS NOT REQUIRED TO BE ADDITIONALLY LICENSED AS A LIVERY
9 VEHICLE.

10 H. A PERSON OR THE PERSON'S AGENT WHO KNOWINGLY FILES WITH THE
11 DEPARTMENT ANY NOTICE, STATEMENT OR OTHER DOCUMENT REQUIRED UNDER THIS
12 SECTION THAT IS FALSE OR THAT CONTAINS ANY MATERIAL MISSTATEMENT OF FACT IS
13 GUILTY OF A CLASS 2 MISDEMEANOR.

14 28-9504. Fees to general fund

15 THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ALL
16 FEES COLLECTED PURSUANT TO THIS CHAPTER IN THE STATE GENERAL FUND.

17 Sec. 32. Transfer and renumber

18 The following sections are transferred and renumbered for placement in
19 title 28, chapter 30, article 1:

| <u>Former Sections</u> | <u>New Sections</u> |
|------------------------|---------------------|
| 21 41-2095 | 28-9505 |
| 22 41-2096 | 28-9506 |
| 23 41-2097 | 28-9507 |

24 Sec. 33. Title 28, chapter 30, Arizona Revised Statutes, is amended by
25 adding article 2, to read:

26 ARTICLE 2. REGULATION

27 28-9521. Unlawful use of device; authorization to prevent such
28 use; seizure; violation; classification

29 A. WHEN ANY COMMERCIAL DEVICE SPECIFIED IN THIS CHAPTER IS IN
30 COMMERCIAL USE AND A VALID LICENSE FOR THE DEVICE HAS NOT BEEN PROCURED BY
31 THE OWNER, THE OWNER'S AGENT OR THE OPERATOR OF THE DEVICE, THE DEPARTMENT,
32 AFTER GIVING NOTICE OF THE LICENSING REQUIREMENTS TO THE OWNER, THE OWNER'S
33 AGENT OR THE OPERATOR, SHALL PROHIBIT THE FURTHER COMMERCIAL USE OF THE
34 UNLICENSED DEVICE UNTIL THE PROPER LICENSE HAS BEEN ISSUED. THE DEPARTMENT
35 MAY EMPLOY AND ATTACH TO THE DEVICE SUCH FORMS, NOTICES OR SECURITY SEALS AS
36 IT CONSIDERS NECESSARY TO PREVENT THE CONTINUED UNAUTHORIZED USE OF THE
37 DEVICE.

38 B. A REGISTERED SERVICE REPRESENTATIVE MAY ALSO:

39 1. WITH APPROVAL OF THE DEPARTMENT, REMOVE AN OFFICIAL REJECTION TAG
40 PLACED ON A COMMERCIAL DEVICE.

41 2. PLACE IN SERVICE, UNTIL AN OFFICIAL EXAMINATION CAN BE MADE, A
42 COMMERCIAL DEVICE THAT HAS BEEN OFFICIALLY REJECTED OR PLACED OUT OF SERVICE.

43 3. PLACE IN SERVICE, UNTIL AN OFFICIAL EXAMINATION CAN BE MADE, A
44 COMMERCIAL DEVICE FOR WHICH A COMMERCIAL DEVICE APPLICATION HAS BEEN
45 COMPLETED AND SUBMITTED TO THE DEPARTMENT.

1 C. THE OWNER OF ANY BUSINESS WHO HAS NOT APPLIED FOR AND HAS NOT BEEN
2 ISSUED A LICENSE FOR THE RIGHT TO DO BUSINESS INVOLVING THE USE OF A
3 COMMERCIAL DEVICE BY THE DEPARTMENT AND WHO IS FOUND SELLING OR OFFERING FOR
4 SALE OR DELIVERING OR DISTRIBUTING TO A CONSUMER IS GUILTY OF A CLASS 2
5 MISDEMEANOR, AND THE DEPARTMENT SHALL CONFISCATE AND SEIZE THE COMMERCIAL
6 DEVICE OR ANY OTHER SUCH MEASURING DEVICE USED BY THE BUSINESS FOR THE SALE,
7 DELIVERY OR DISTRIBUTION AS EVIDENCE.

8 D. THE DIRECTOR AND ANY OTHER AUTHORIZED PERSONNEL ARE NOT LIABLE TO
9 THE OWNER OR ANY OTHER PERSONS, FIRMS, PARTNERSHIPS, CORPORATIONS, TRUSTS OR
10 AGENCIES FOR DAMAGES, DIRECTLY OR INDIRECTLY, CAUSED BY OR RESULTING FROM THE
11 SEIZURE.

12 E. IF A COMMERCIAL DEVICE LICENSED PURSUANT TO THIS CHAPTER IS USED
13 CONTRARY TO ANY PROVISION OF THIS CHAPTER OR ANY RULE ADOPTED PURSUANT TO
14 THIS CHAPTER, THE DEPARTMENT, IN ADDITION TO ANY OTHER PENALTY IMPOSED BY
15 THIS CHAPTER, SHALL SUSPEND, REVOKE OR REFUSE TO RENEW THE LICENSE.

16 28-9522. Revocation or suspension of licenses; procedure;
17 judicial review

18 A. EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION, ANY PROCEEDING TO
19 REVOKE OR SUSPEND A LICENSE ISSUED PURSUANT TO THIS CHAPTER SHALL BE
20 CONDUCTED IN ACCORDANCE WITH TITLE 41, CHAPTER 6, ARTICLE 10.

21 B. THE DIRECTOR MAY INITIATE PROCEEDINGS FOR REVOCATION OR SUSPENSION
22 OF A LICENSE ISSUED PURSUANT TO THIS CHAPTER ON THE DIRECTOR'S OWN MOTION OR
23 ON A VERIFIED COMPLAINT FOR NONCOMPLIANCE WITH OR A VIOLATION OF THIS CHAPTER
24 OR OF ANY RULE ADOPTED PURSUANT TO THIS CHAPTER.

25 C. IF, AFTER HAVING BEEN SERVED WITH THE NOTICE OF HEARING AS PROVIDED
26 FOR IN TITLE 41, CHAPTER 6, ARTICLE 10, THE LICENSEE FAILS TO APPEAR AT THE
27 HEARING AND DEFEND, THE DEPARTMENT SHALL PROCEED TO HEAR EVIDENCE AGAINST THE
28 LICENSEE AND SHALL ENTER AN ORDER AS JUSTIFIED BY THE EVIDENCE. THE ORDER IS
29 FINAL UNLESS THE LICENSEE PETITIONS FOR A REVIEW AS PROVIDED IN TITLE 41,
30 CHAPTER 6, ARTICLE 10.

31 D. AT ALL HEARINGS, THE ATTORNEY GENERAL OF THIS STATE, AN ASSISTANT
32 ATTORNEY GENERAL OR A SPECIAL ASSISTANT DESIGNATED BY THE ATTORNEY GENERAL
33 SHALL APPEAR AND REPRESENT THE DEPARTMENT.

34 E. EXCEPT AS PROVIDED IN SECTION 41-1092.08, SUBSECTION H, ANY FINAL
35 ADMINISTRATIVE DECISION MADE PURSUANT TO THIS CHAPTER IS SUBJECT TO JUDICIAL
36 REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6.

37 28-9523. 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 DIRECTOR OR ANY OF THE DIRECTOR'S AGENTS OR INSPECTORS IN ENTERING THE
41 PREMISES WHERE A COMMERCIAL DEVICE MAY BE KEPT FOR INSPECTING OR TESTING OR
42 IN THE PERFORMANCE OF THE DIRECTOR'S OR THE DIRECTOR'S AGENT'S OR INSPECTOR'S
43 OFFICIAL DUTIES.

1 2. IMPERSONATES IN ANY WAY THE DIRECTOR OR ANY OF THE DIRECTOR'S
2 AGENTS OR INSPECTORS BY THE USE OF THE DIRECTOR'S SEAL OR A COUNTERFEIT OF
3 THE DIRECTOR'S SEAL OR IN ANY OTHER MANNER.

4 3. USES, OR HAS IN POSSESSION FOR THE PURPOSE OF USING FOR ANY
5 COMMERCIAL PURPOSE, SELLS, OFFERS OR EXPOSES FOR SALE OR HIRE, OR HAS IN
6 POSSESSION FOR THE PURPOSE OF SELLING OR HIRING AN INCORRECT WEIGHT OR
7 MEASURE OR ANY DEVICE OR INSTRUMENT USED OR CALCULATED TO FALSIFY ANY WEIGHT
8 OR MEASURE.

9 4. SELLS, OR OFFERS OR EXPOSES FOR SALE, LESS THAN THE QUANTITY THE
10 PERSON REPRESENTS OF ANY COMMODITY, THING OR SERVICE.

11 5. TAKES MORE THAN THE QUANTITY THE PERSON REPRESENTS OF ANY
12 COMMODITY, THING OR SERVICE, WHEN, AS BUYER, THE PERSON FURNISHES THE WEIGHT
13 OR MEASURE BY MEANS OF WHICH THE AMOUNT OF THE COMMODITY, THING OR SERVICE IS
14 DETERMINED.

15 B. A PERSON IS GUILTY OF A CLASS 2 MISDEMEANOR WHO:

16 1. USES, OR HAS IN POSSESSION FOR THE PURPOSE OF CURRENT USE FOR ANY
17 COMMERCIAL PURPOSE, A WEIGHT OR MEASURE THAT DOES NOT BEAR A SEAL OR MARK OF
18 APPROVAL BASED ON AN INSPECTION AND TEST, UNLESS THE WEIGHT OR MEASURE HAS
19 BEEN EXEMPTED FROM TESTING BY ORDER OF THE DEPARTMENT, OR UNLESS THE DEVICE
20 HAS BEEN PLACED IN SERVICE AS PROVIDED IN THIS CHAPTER. ANY PERSON OR
21 PERSONS MAKING USE OF A COMMERCIAL DEVICE THAT IS SUBJECT TO THIS CHAPTER
22 SHALL REPORT TO THE DIRECTOR OR THE 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 CANNOT BE ACCURATELY READ AND THE
36 WEIGHING, METERING, MEASURING OR COUNTING OPERATION CANNOT BE OBSERVED FROM
37 SOME 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 28-9524. Presumptive evidence of use

2 WHEN A WEIGHT, MEASURE, METER, COUNTER OR COMMERCIAL DEVICE IS IN OR
3 ABOUT ANY PLACE IN WHICH OR FROM WHICH BUYING OR SELLING IS COMMONLY CARRIED
4 ON, THERE SHALL BE A REBUTTABLE PRESUMPTION THAT THE WEIGHT, MEASURE, METER,
5 COUNTER OR COMMERCIAL DEVICE IS REGULARLY USED FOR THE BUSINESS PURPOSE OF
6 THE PLACE.

7 28-9525. Civil penalties

8 A. A PERSON WHO VIOLATES THIS CHAPTER, ANY RULE OF THE DEPARTMENT OR
9 ANY LICENSE REQUIREMENT IS SUBJECT TO A CIVIL PENALTY IMPOSED BY THE
10 DIRECTOR. A PERSON WHO VIOLATES THIS CHAPTER, ANY RULE OF THE DEPARTMENT OR
11 ANY LICENSE REQUIREMENT MAY REQUEST A HEARING TO REVIEW A CIVIL PENALTY
12 IMPOSED UNDER THIS SECTION. THE DEPARTMENT SHALL CONDUCT THE HEARING IN
13 ACCORDANCE WITH TITLE 41, CHAPTER 6, ARTICLE 10. EXCEPT AS PRESCRIBED IN
14 SUBSECTION B OF THIS SECTION, THE CIVIL PENALTY MAY NOT EXCEED ONE THOUSAND
15 DOLLARS FOR EACH INFRACTION OR MORE THAN TEN THOUSAND DOLLARS FOR ANY
16 THIRTY-DAY PERIOD AT EACH BUSINESS LOCATION OR FOR EACH PUBLIC WEIGHMASTER,
17 PROVIDED THAT NO PERSON SHALL BE ASSESSED MORE THAN FIFTY THOUSAND DOLLARS
18 PER THIRTY-DAY PERIOD.

19 B. THE DIRECTOR MAY DOUBLE THE MAXIMUM CIVIL PENALTY IF ANY OF THE
20 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 MAXIMUM CIVIL PENALTY HAS BEEN IMPOSED ON A RETAILER FOR A PRICE
29 POSTING OR PRICE VERIFICATION VIOLATION AND IN A REINSPECTION, IF CONDUCTED
30 WITHIN NINETY DAYS, THE FAILURE RATE IS TEN PERCENT OR MORE AND AT LEAST ONE
31 ERROR IS IN FAVOR OF THE RETAILER.

32 C. THE ATTORNEY GENERAL SHALL BRING ACTIONS TO RECOVER CIVIL PENALTIES
33 PURSUANT TO THIS SECTION IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE
34 VIOLATION OCCURRED OR IN A COUNTY WHERE THE AGENCY HAS ITS OFFICE. ALL
35 MONIES DERIVED FROM CIVIL PENALTIES SHALL BE DEPOSITED, PURSUANT TO SECTIONS
36 35-146 AND 35-147, IN THE STATE GENERAL FUND.

37 28-9526. Delinquent civil penalties and fees

38 IN ADDITION TO ANY OTHER PENALTY, IF A CIVIL PENALTY OR ANY FEE DUE
39 PURSUANT TO THIS CHAPTER HAS NOT BEEN PAID WITHIN THIRTY DAYS AFTER THE DUE
40 DATE, THE CIVIL PENALTY OR FEE IS DELINQUENT AND THE DEPARTMENT MAY REFUSE TO
41 ISSUE A LICENSE OR MAY REVOKE A LICENSE PURSUANT TO THIS CHAPTER UNTIL THE
42 CIVIL PENALTY OR FEE IS PAID IN FULL.

1 Sec. 34. Section 41-112, Arizona Revised Statutes, is amended to read:

2 41-112. Arizona biofuels conversion program: fund; program
3 termination; definitions

4 A. The Arizona biofuels conversion program is established in the
5 governor's ~~energy~~ office OF ENERGY POLICY to encourage the use of biofuels.

6 B. The Arizona biofuels conversion program fund is established
7 consisting of monies received through gifts, grants, donations, other state
8 and United States government funds or private sources.

9 C. The ~~energy~~ office OF ENERGY POLICY shall develop a procedure for
10 awarding grants from the fund to provide for conversion of existing and
11 installation of new storage and dispensing equipment for biofuels as follows:

12 1. For commercial motor fuel dispensing sites, the procedure for
13 awarding grants shall include consideration of traffic patterns, the
14 proximity to other biofuel dispensing sites, fleet involvement, the
15 population of vehicles that uses biofuels and the costs of the project.

16 2. For county, city, town and school district motor fuel dispensing
17 sites, the procedure for awarding grants shall include consideration of the
18 project plan, the expected usage of biofuels per year for each site, the
19 number of vehicles in the fleet capable of using biofuels and the costs of
20 the project.

21 3. For wholesale manufacturing and distribution facility sites, the
22 procedure for awarding grants shall include consideration of the project
23 plan, the type of biofuel to be manufactured or distributed, an assessment of
24 potential customers for the biofuel to be manufactured or distributed, how
25 the project furthers the use of biofuels and the costs of the project.

26 D. The ~~energy~~ office OF ENERGY POLICY shall administer the program and
27 the fund.

28 E. Subject to the availability of monies in the fund, the ~~energy~~
29 office OF ENERGY POLICY shall award grants equal to the lesser of
30 seventy-five thousand dollars or the conversion cost per site to applicants
31 who provide an acceptable project plan that includes a detailed cost schedule
32 and timeline for the completion of the project.

33 F. Monies in the fund:

34 1. Shall be spent only for the purposes prescribed in this section,
35 except that the ~~energy~~ office OF ENERGY POLICY may use up to five ~~per cent~~
36 PERCENT of the monies in the fund each year to administer the program.

37 2. Are continuously appropriated.

38 3. Are exempt from the provisions of section 35-190 relating to
39 lapsing of appropriations.

40 G. The program established by this section ends on July 1, 2015
41 pursuant to section 41-3102.

42 H. For the purposes of this section, "biofuel" and "biomass" have the
43 same meanings prescribed in section ~~41-2051~~ 3-3401.

1 Sec. 35. Heading repeal

2 The chapter heading of title 41, chapter 15, Arizona Revised Statutes,
3 is repealed.

4 Sec. 36. Repeal

5 Sections 41-2052, 41-2061 and 41-3021.02, Arizona Revised Statutes, are
6 repealed.

7 Sec. 37. Succession

8 A. As provided by this act, the department of transportation or the
9 Arizona department of agriculture, as applicable, succeeds to the authority,
10 powers, duties and responsibilities of department of weights and measures.

11 B. This act does not alter the effect of any actions that were taken
12 or impair the valid obligations of the department of weights and measures in
13 existence before the effective date of this act.

14 C. Administrative rules and orders that were adopted by the department
15 of weights and measures continue in effect until superseded by administrative
16 action by the department of transportation or the Arizona department of
17 agriculture, as applicable.

18 D. All administrative matters, contracts and judicial and
19 quasi-judicial actions, whether completed, pending or in process, of the
20 department of weights and measures on the effective date of this act are
21 transferred to and retain the same status with the department of
22 transportation or the Arizona department of agriculture, as applicable.

23 E. All certificates, licenses, registrations, permits and other
24 indicia of qualification and authority that were issued by the department of
25 weights and measures retain their validity for the duration of their terms of
26 validity as provided by law.

27 F. All equipment, records, furnishings and other property, all data
28 and investigative findings and all appropriated monies that remain unexpended
29 and unencumbered on the effective date of this act of the department of
30 weights and measures are transferred to the department of transportation or
31 the Arizona department of agriculture, as applicable. The director of the
32 department of administration shall determine and allocate the transfer,
33 consistent with the provisions of this act. Before the transfer is made
34 pursuant to this subsection, the department of administration shall submit a
35 succession plan on or before March 1, 2016 to the joint legislative budget
36 committee for review.

37 G. All personnel who are under the state personnel system and employed
38 by the department of weights and measures are transferred to comparable
39 positions and pay classifications in the respective administrative units of
40 the department of transportation or the Arizona department of agriculture, as
41 applicable, on effective date of this act.

1 Sec. 38. Exemption from rulemaking

2 For the purposes of this act, the Arizona department of agricultural
3 and the department of transportation are exempt from the rulemaking
4 requirements of title 41, chapter 6, Arizona Revised Statutes, for one year
5 after the effective date of this act.

6 Sec. 39. Conforming legislation

7 The legislative council staff shall prepare proposed legislation
8 conforming the Arizona Revised Statutes to the provisions of this act for
9 consideration in the fifty-third legislature, first regular session.

10 Sec. 40. Effective date

11 This act is effective from and after June 30, 2016.