

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

CHAPTER 244
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.

44 ~~4-~~ 5. "Biofuel blend" means a motor fuel that is ~~comprised~~ COMPOSED
45 of a biofuel, that is combined with a petroleum based fuel and that is
46 designated by the volume percentage of biofuel in the blend.

1 ~~5.~~ 6. "Biomass" means biological material, such as plant or animal
2 matter, excluding organic material that has been transformed by geological
3 processes into substances such as coal or petroleum or derivatives thereof,
4 that may be transformed into biofuel.

5 ~~6.~~ 7. "Certification" means the process of determining the accuracy
6 of a commercial device to the standards of this state by a registered service
7 representative or the department.

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

14 ~~8.~~ 9. "Commodity" means any merchandise, product or substance
15 produced or distributed for sale to or use by others.

16 ~~9.~~ 10. "Correct" as used in connection with weights and measures
17 means conformance to all applicable requirements of this chapter.

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

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

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

24 12. "DIVISION" MEANS THE WEIGHTS AND MEASURES SERVICES DIVISION OF THE
25 DEPARTMENT.

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

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

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

37 ~~16.~~ 15. "Liquid fuel measuring device" means any meter, pump, tank,
38 gauge or apparatus used for volumetrically determining the quantity of any
39 internal combustion engine fuel, liquefied petroleum gas or low viscosity
40 heating oil.

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

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

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

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

1 ~~(d) May do any of the following:~~
2 ~~(i) Operate on a regular route or between specified places.~~
3 ~~(ii) Offer prearranged ground transportation service as defined in~~
4 ~~section 28-141.~~
5 ~~(iii) Offer on demand ground transportation service pursuant to a~~
6 ~~contract with a public airport, licensed business entity or organization.~~
7 ~~18.~~ 16. "Misfuel" means the act of dispensing into the fuel tank of a
8 motor vehicle a motor fuel that was not intended to be used in the engine of
9 that motor vehicle.
10 ~~19.~~ 17. "Motor fuel" means a petroleum or a petroleum-based substance
11 that is motor gasoline, aviation gasoline, number one or number two diesel
12 fuel or any grade of oxygenated gasoline typically used in the operation of a
13 motor engine, including biodiesel blends, biofuel blends and the ethanol
14 blend E85 as defined in ASTM D5798.
15 ~~20.~~ 18. "Package" means any commodity enclosed in a container or
16 wrapped in any manner in advance of sale in units suitable for either
17 wholesale or retail trade.
18 ~~21.~~ 19. "Person" means both the plural and the singular, as the case
19 demands, and includes individuals, partnerships, corporations, companies,
20 societies and associations.
21 ~~22.~~ 20. "Public weighmaster" means any person who is engaged in any
22 of the following:
23 (a) The business of weighing any object or thing for the public
24 generally for hire or for internal use and issuing for that weighing a weight
25 certificate intended to be accepted as an accurate weight upon which a
26 purchase or sale is to be based or on which a service fee is to be charged.
27 (b) The business of weighing for hire motor vehicles, trailers or
28 semitrailers and issuing weight certificates intended to be accepted as an
29 accurate weight for the purpose of determining the amount of any tax, fee or
30 other assessment on the vehicles.
31 ~~23.~~ 21. "Reference standards" means the physical standards of the
32 state that serve as the legal reference from which all other standards and
33 weights and measures are derived.
34 ~~24.~~ 22. "Registered service agency" means any agency, firm, company
35 or corporation that for hire, award, commission or any other payment of any
36 kind installs, services, repairs or reconditions a commercial device or tests
37 or repairs vapor recovery systems or vapor recovery components and that has
38 been issued a license by the ~~department~~ DIVISION.
39 ~~25.~~ 23. "Registered service representative" means any individual who
40 for hire, award, commission or any other payment of any kind installs,
41 services, repairs or reconditions a commercial device or tests or repairs
42 vapor recovery systems or vapor recovery components and who has been issued a
43 license by the ~~department~~ DIVISION.
44 ~~26.~~ 24. "Retail seller" means a person whose business purpose is to
45 sell, expose or offer for sale or use any package or commodity by weight,
46 measure or count.

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

3 ~~28.~~ 25. "Secondary standards" means the physical standards that are
4 traceable to the reference standards through comparisons, using acceptable
5 laboratory procedures, and that are used in the enforcement of weights and
6 measures laws and rules.

7 ~~29. "Taxi" means a motor vehicle that has a seating capacity not~~
8 ~~exceeding fifteen passengers, including the driver, that is registered as a~~
9 ~~taxi in this state or any other state, that provides passenger services and~~
10 ~~that.~~

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

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

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

19 ~~31.~~ 26. "Weight" as used in connection with any commodity means net
20 weight.

21 ~~32.~~ 27. "Weights" or "measures", or both, means all weights,
22 measures, meters or counters of every kind, instruments and devices for
23 weighing, measuring, metering or counting and any appliance and accessories
24 associated with any or all such instruments and devices.

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

27 3-3413. Technical requirements for commercial devices

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

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

38 3-3414. Powers and duties; definition

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

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

45 2. Keep the state reference standards in a safe and suitable place in
46 the metrology laboratory of the ~~department~~ DIVISION and ensure that they

1 shall not be removed from the laboratory except for repairs or for
2 calibration as may be prescribed by the national institute of standards and
3 technology.

4 3. Keep accurate records of all standards and equipment.

5 4. Adopt any rules necessary to carry out this chapter and adopt
6 reasonable rules for the enforcement of this chapter. These rules have the
7 force and effect of law and shall be adopted pursuant to TITLE 41, chapter 6
8 ~~of this title~~. In adopting these rules, the ASSOCIATE director shall
9 consider, as far as is practicable, the requirements established by other
10 states and by authority of the United States, except that rules shall not be
11 made in conflict with this chapter.

12 5. Publish rules adopted pursuant to this chapter and issue
13 appropriate copies at no cost to all new applicants for licensure and
14 certification. Updated copies of the rules shall be distributed, on request,
15 at no cost to the public.

16 6. Investigate complaints made to the ~~department~~ DIVISION concerning
17 violations of this chapter and, on its own initiative, conduct investigations
18 it deems appropriate to develop information relating to prevailing procedures
19 in commercial quantity determination and relating to possible violations of
20 this chapter, and in order to promote the general objective of accuracy in
21 the determination and representation of quantity in commercial transactions.

22 7. Establish labeling standards, establish standards of weight,
23 measure or count and establish reasonable standards of fill for any packaged
24 commodity, and may establish standards for open dating information.

25 8. Grant, pursuant to this chapter, exemptions from the licensing
26 provisions of this chapter for weighing and measuring instruments, standards
27 or devices when the ownership or use of the instrument or device is limited
28 to federal, state or local government agencies in the performance of official
29 functions. On request, the ~~department~~ DIVISION may conduct inspections of
30 ~~the~~ instruments, standards or devices and shall charge a fee pursuant to
31 section ~~41-2092, subsection B~~ 3-3452.

32 9. Delegate to appropriate personnel any of the responsibilities of
33 the ASSOCIATE director for the proper administration of this chapter.

34 10. Inspect and test weights and measures kept, offered or exposed for
35 sale.

36 11. Inspect and test, to ascertain if they are correct, weights and
37 measures commercially used either:

38 (a) In determining the weight, measure or count of commodities or
39 things sold, or offered or exposed for sale, on the basis of weight, measure
40 or count.

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

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

- 1 (a) That have historically been of short weight, measure or count.
2 (b) Found to be of short weight, measure or count by other
3 jurisdictions.
4 (c) To be tested as part of a regional or national survey.
- 5 13. Test, approve for use and affix a seal of approval for use of all
6 weights, measures and commercial devices manufactured in or brought into this
7 state as it finds to be correct and shall reject and mark as rejected
8 weights, measures and devices it finds to be incorrect. Weights, measures
9 and devices that have been rejected may be seized by the ~~department~~ DIVISION
10 if not corrected within the time specified or if used or disposed of in a
11 manner not specifically authorized. The ~~department~~ DIVISION shall condemn
12 and may seize weights, measures and devices that are found to be incorrect
13 and that are not capable of being made correct.
- 14 14. Sample and test motor fuel that is stored, sold or exposed or
15 offered for sale or that is stored for use by a fleet owner to determine
16 whether the motor fuel meets the standards for motor fuel set forth in
17 section ~~41-2083~~ 3-3433 and article 6 of this chapter and in any rule adopted
18 by the ASSOCIATE director pursuant to this chapter. For the purposes of this
19 paragraph, "fleet owner" has the same meaning prescribed in section ~~41-2121~~
20 3-3491.
- 21 15. Randomly witness tests on all mandated vapor recovery systems that
22 are installed or operated in this state and if the systems are determined to
23 be in compliance with the law approve those systems for use and reject, mark
24 as rejected and stop the use of those systems determined not to be in
25 compliance with the law.
- 26 16. Inspect facilities at which motor fuel is stored, sold or exposed
27 or offered for sale to determine whether dispensing devices are properly
28 labeled.
- 29 17. Publish and distribute to consumers weighing and measuring
30 information.
- 31 18. Weigh, measure or inspect commodities kept, offered or exposed for
32 sale, sold or in the process of delivery to determine whether they contain
33 the amounts represented and whether they are kept, offered or exposed for
34 sale in accordance with this chapter or rules adopted pursuant to this
35 chapter. In carrying out this section, the ASSOCIATE director shall employ
36 recognized sampling procedures, such as are designated in appropriate
37 national institute of standards and technology handbooks and supplements to
38 those handbooks, except as modified or rejected by rule.
- 39 19. Allow reasonable variations from the stated quantity of contents
40 only after a commodity has entered intrastate commerce. These variations
41 shall include those caused by loss or gain of moisture during the course of
42 good distribution practice or by unavoidable deviations in good manufacturing
43 practice.
- 44 20. Prescribe the standards of weight and measure and additional
45 equipment methods of test and inspection to be employed in the enforcement of

1 this chapter. The ASSOCIATE director may prescribe or provide the official
2 test and inspection forms to be used in the enforcement of this chapter.

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

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

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

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

14 25. Establish by rule labeling standards for tanks and containers of
15 motor fuels.

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

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

26 D. The ASSOCIATE director, when necessary to carry out this chapter,
27 may adopt and enforce rules relating to quality standards for motor fuel,
28 kerosene, oil, except used oil fuel, and hazardous waste fuel, lubricating
29 oils, lubricants, antifreeze and other liquid or gaseous fuels. The
30 ASSOCIATE director shall adopt rules to ~~assure~~ ENSURE that oxygenated fuels,
31 as described in article 6 of this chapter, THAT ARE stored, used, sold or
32 exposed or offered for use or sale are blended and stored, sold, exposed or
33 offered in such a manner as to ~~assure~~ ENSURE that the oxygenated fuels are
34 properly blended, that they meet the standards set forth in section ~~41-2083~~
35 ~~3-3433~~ and article 6 of this chapter, and in rules adopted pursuant to this
36 chapter, and that dispensers at which the oxygenated fuels are dispensed are
37 labeled as defined by rule of the ~~department~~ DIVISION in such a manner as to
38 notify persons of the type of oxygenated fuel being dispensed and the maximum
39 percentage of oxygenate by volume contained in the oxygenated fuel. The
40 ASSOCIATE director of the ~~department of weights and measures~~ DIVISION shall
41 consult with the director of the department of environmental quality in
42 adopting rules pursuant to this subsection.

43 E. Testing and inspection conducted pursuant to this chapter shall be
44 done, to the extent practicable, without prior notice, by a random systematic
45 method determined by the ASSOCIATE director or in response to a complaint by
46 the public. The testing and inspection may be done by private persons and

1 firms pursuant to contracts entered into by the ASSOCIATE director in
2 accordance with TITLE 41, chapter 23 ~~of this title~~ or by a registered service
3 agency or registered service representative licensed pursuant to section
4 ~~41-2094~~ 3-3454. The ASSOCIATE director shall establish qualifications of
5 persons and firms for selection for purposes of this subsection. The persons
6 or firms conducting the testing and inspection shall immediately report to
7 the ~~department~~ DIVISION any violations of this chapter and incorrect weights,
8 measures, devices, vapor recovery systems or vapor recovery components for
9 investigation and enforcement by the department. A person or firm that tests
10 or inspects a weight, measure, device, vapor recovery system or vapor
11 recovery component that is rejected shall not correct the defect causing the
12 rejection without the permission of the ~~department~~ DIVISION.

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

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

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

22 3-3418. Disposition of seized property

23 One hundred eighty days after the final disposition of an investigation
24 and any ensuing enforcement action, the ~~department~~ DIVISION may destroy those
25 weights, measures or devices that are seized pursuant to section ~~41-2065~~
26 ~~3-3414~~ or ~~41-2066~~ 3-3415 or transfer the items to the department of
27 administration for disposition as state surplus property pursuant to the
28 direction of the department of administration, surplus property division.

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

31 3-3431. Sale of commodities

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

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

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

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

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

- 4 1. The name and address of the vendor and purchaser.
- 5 2. The date delivered.
- 6 3. The quantity delivered and the quantity ~~upon~~ ON which the price is
7 based, if this differs from the delivered quantity.
- 8 4. The identity in the most descriptive terms commercially
9 practicable, including any quality representation made in connection with the
10 sale.
- 11 5. The count of individually wrapped packages, if more than one.

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

- 16 1. The identity of the commodity in the package, unless the commodity
17 can easily be identified through the wrapper or container.
- 18 2. The quantity of contents in terms of weight, measure or count.
- 19 3. The name and place of business of the manufacturer, packer or
20 distributor, in the case of any package kept, offered or exposed for sale or
21 sold in any place other than on the premises where packed.
- 22 4. The price, except as provided in subsections L and M OF THIS

23 SECTION.

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

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

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

37 J. If a retail seller engaging in the sale of motor fuel posts the
38 selling price of the fuel on the premises, the seller shall post the selling
39 price only by the price per gallon, except that if the fuel is dispensed by a
40 measure other than whole gallons the seller shall represent the selling price
41 for each unit of such other measure on the individual pump or other
42 dispensing device. If a retail seller engaging in the sale of motor fuel
43 advertises the price of the fuel off the premises, the retail seller shall
44 advertise the price only by the price per gallon.

45 K. The owner or operator of a motor fuel dispensing site shall ensure
46 that a sticker provided by the department of transportation that is three

1 inches by five inches and that depicts the amount of federal and state taxes
2 imposed on one gallon of gasoline is displayed on one side of each motor fuel
3 dispenser. The sticker required by this subsection shall contain white
4 lettering on a black background or black lettering on a white background to
5 ensure a contrasting color to the motor fuel dispenser and shall be placed on
6 the upper sixty ~~per cent~~ PERCENT of the dispenser. The ~~department of weights
7 and measures~~ DIVISION shall use stickers provided by the department of
8 transportation. A template of the sticker shall be placed on the ~~department
9 of weights and measures'~~ DIVISION'S website for use by retailers. During the
10 course of its normal random inspections, the ~~department of weights and
11 measures~~ DIVISION shall apply the stickers with a compliance schedule of four
12 years after July 29, 2010.

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

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

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

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

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

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

27 3-3433. Standards for motor fuel: exceptions

28 A. Except as provided in section ~~41-2083.01~~ 3-3434 and subsections C,
29 D, E, F, G, K and L of this section, a retail seller or fleet owner shall not
30 store, sell or expose or offer for sale any motor fuel, kerosene, oil or
31 other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of
32 lubricants or other similar products if the product fails to meet the
33 standards specified in this section and in the rules adopted by the ASSOCIATE
34 director.

35 B. A person shall not misrepresent the nature, origination, quality,
36 grade or identity of any product specified in subsection A of this section or
37 represent the nature, origination, quality, grade or identity of such product
38 in any manner calculated or tending to mislead or in any way deceive. This
39 subsection does not prohibit product origination disclaimer labeling on the
40 retail dispenser.

41 C. After consultation with the director of the department of
42 environmental quality, the standards and test methods for motor fuels shall
43 be established by the ASSOCIATE director of the ~~department of weights and
44 measures~~ DIVISION by rule.

45 D. Maximum vapor pressure for gasoline that is supplied or sold by any
46 person and that is intended as a final product for the fueling of motor

1 vehicles in a county with a population of one million two hundred thousand or
2 more persons and any portion of a county contained in area A as defined in
3 section 49-541 shall be 9.0 pounds per square inch from and after September
4 30 through March 31 of each year. Fuel used in motor vehicles at a
5 manufacturer's proving ground or a motor vehicle racing event as defined by
6 section ~~41-2121~~ 3-3491 is exempt from this subsection.

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

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

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

28 H. Notwithstanding subsections D, F and G of this section, the
29 ASSOCIATE director of the ~~department of weights and measures~~ DIVISION in
30 consultation with the director of the department of environmental quality
31 shall approve alternate fuel control measures that are submitted by
32 manufacturers or suppliers of gasoline and that the ~~directors~~ DIRECTOR AND
33 THE ASSOCIATE DIRECTOR determine will result in either of the following:

34 1. Motor vehicle carbon monoxide emissions that are equal to or less
35 than emissions that result under compliance with subsection D of this section
36 and section ~~41-2123~~ 3-3493. In making this determination, the ASSOCIATE
37 director of the ~~department of weights and measures~~ DIVISION and the director
38 of the department of environmental quality shall compare the emissions of the
39 alternate fuel control measure with the emissions of a fuel with a maximum
40 vapor pressure standard as prescribed by this section and with the minimum
41 oxygen content or percentage by volume of ethanol as prescribed by section
42 ~~41-2123~~ 3-3493.

43 2. Motor vehicle non-methane hydrocarbon emissions that are equal to
44 or less than the emissions that result under compliance with subsection F of
45 this section. In making this determination, the ASSOCIATE director of the
46 ~~department of weights and measures~~ DIVISION and the director of the

1 department of environmental quality shall compare the motor vehicle
2 non-methane hydrocarbon emissions of the alternate fuel control measure with
3 the motor vehicle non-methane hydrocarbon emissions of a fuel that complies
4 with the maximum vapor pressure standard as prescribed by subsection F of
5 this section.

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

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

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

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

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

25 L. A person shall label dispensers at which biodiesel or biodiesel
26 blends are dispensed in conformance with 16 Code of Federal Regulations part
27 306 and 40 Code of Federal Regulations sections 80.570, 80.571, 80.572,
28 80.573 and 80.574. This section does not preclude a person from labeling a
29 dispenser that dispenses diesel fuel that contains up to five ~~per cent~~
30 PERCENT biodiesel with a label that states "may contain up to five ~~per cent~~
31 PERCENT biodiesel".

32 M. For biodiesel blends that contain more than five ~~per cent~~ PERCENT
33 by volume of biodiesel, a person shall prepare product transfer documents in
34 a manner that notifies the transferee of the ~~per cent~~ PERCENT by volume of
35 biodiesel in the product. For diesel fuel that contains five ~~per cent~~
36 PERCENT or less by volume of biodiesel, a person shall prepare product
37 transfer documents in a manner that notifies that transferee of any volume
38 ~~per cent~~ PERCENT of biodiesel intentionally added to or known by the
39 transferor to be in the product.

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

42 1. National or federal standards for individual biofuels and biofuel
43 blends.

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

1 3. Registration and reporting requirements for producers, blenders and
2 suppliers of biofuels and biofuel blends.

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

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

8 6. Requirements that the dispensing equipment meet appropriate
9 UL ratings where available and applicable, that the equipment comply with
10 rules adopted by the ~~department~~ DIVISION relating to approval, installation
11 and sale of devices and that the equipment be compatible with the products
12 being dispensed.

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

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

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

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

30 S. If the transfer of a motor fuel is from a terminal, storage
31 facility, or transmix facility, the product transfer documents shall contain
32 the information prescribed in subsection R of this section as well as the
33 name and address of the final destination for the shipment, as prescribed by
34 ~~department~~ DIVISION rule, and must accompany the shipment to its final
35 destination.

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

38 3-3434. Area C; standards for motor fuel; exceptions

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

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

5 C. After consultation with the director of the department of
6 environmental quality, the standards and test methods for motor fuels shall
7 be established by the ASSOCIATE director of the ~~department of weights and~~
8 ~~measures~~ DIVISION by rule.

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

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

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

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

41 3-3451. Licensing devices used for commercial purposes;
42 authorization to test devices used for all other
43 purposes; fees; certification; issuance of license;
44 violation; classification

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

1 B. A license shall be obtained annually from the ~~department~~ DIVISION
2 on forms prescribed and furnished by the ~~department~~ DIVISION. The fee
3 prescribed in this chapter shall be submitted with the prescribed form. A
4 license shall be obtained not later than thirty days following the first day
5 of commercial use for original installations. If the ownership of a device
6 that is licensed is transferred, the ownership of the license may be
7 transferred. On transfer of a license, new licensees shall notify the
8 ~~department~~ DIVISION of the licensee's name and address and the location of
9 the device. A license for a device shall be posted at the licensed business
10 location in a manner that provides the ~~department~~ DIVISION access to the
11 license during normal business hours.

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

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

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

27 ~~F.~~ E. If a commercial livestock scale is used for thirty or more days
28 in a calendar year, the scale is required to be licensed. If a commercial
29 livestock scale is used for fewer than thirty days in a calendar year, the
30 scale is required to be certified. If an owner or operator of a commercial
31 livestock scale requests that the ~~department~~ DIVISION certify the scale, the
32 certification fee shall be comparable to the license fee prescribed in
33 section ~~41-2092~~ 3-3452. If an owner or operator of a noncommercial scale
34 requests that the ~~department~~ DIVISION certify the scale, the certification
35 fee shall be comparable to the license fee prescribed in section ~~41-2092~~
36 3-3452.

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

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

45 ~~I.~~ H. For the purpose of ascertaining compliance with the licensing
46 provisions of this article, the department of revenue shall provide the

1 ~~department of weights and measures~~ DIVISION with a monthly report of all
2 transaction privilege tax licenses issued in the prior month. The report
3 shall include the business name, type of business and business address of the
4 licensee.

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

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

12 ~~1. Motor vehicle licensing as prescribed by the department of~~
13 ~~transportation.~~

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

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

17 ~~1. Motor vehicle licensing as prescribed by the department of~~
18 ~~transportation.~~

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

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

24 ~~N. A taxi that is licensed by the department and that offers local~~
25 ~~transportation for a fare determined on the basis of the distance traveled or~~
26 ~~prearranged ground transportation service as defined in section 28-141 for a~~
27 ~~predetermined fare is not required to be additionally licensed as a livery~~
28 ~~vehicle.~~

29 ~~O.~~ J. A person or the person's agent who knowingly files with the
30 department any notice, statement or other document required under this
31 section that is false or that contains any material misstatement of fact is
32 guilty of a class 2 misdemeanor.

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

35 3-3453. License as public weighmaster or deputy weighmaster
36 required; application; fee; renewal; exemptions

37 A. A person shall not serve as a public weighmaster or deputy
38 weighmaster unless the person is issued a public weighmaster or deputy
39 weighmaster license by the ~~department~~ DIVISION in accordance with practices
40 and procedures to be established by the ASSOCIATE director. An applicant for
41 a public weighmaster or deputy weighmaster license shall:

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

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

1 3. Demonstrate the necessary experience and training to operate the
2 scale.

3 4. Pass the required examination administered by the ~~department~~
4 ~~DIVISION~~.

5 B. An application for a public weighmaster or deputy weighmaster
6 license shall be submitted to the ~~department~~ ~~DIVISION~~ on a form prescribed
7 and furnished by the ~~department~~ ~~DIVISION~~ and shall be accompanied by the
8 license fee prescribed in section ~~41-2092~~ 3-3452. The ~~department~~ ~~DIVISION~~
9 shall issue a public weighmaster or deputy weighmaster license for a period
10 of twelve calendar months. The license expires on the first day of the month
11 and year indicated on the license. A public weighmaster or deputy
12 weighmaster license shall be posted at the licensed scale site in a manner
13 that provides the ~~department~~ ~~DIVISION~~ access to the license during normal
14 business hours.

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

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

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

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

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

34 F. On request and without charge, the ~~department~~ ~~DIVISION~~ may issue a
35 limited weighmaster license to any qualified officer or employee of a city, a
36 county or the state authorizing the officer or employee to act as a public
37 weighmaster only within the scope of the officer's or employee's official
38 employment and duties in enforcing local ordinances substantially complying
39 with the requirements of this chapter. While performing the duties of a
40 limited weighmaster, a limited weighmaster shall have the limited
41 weighmaster's license in the limited weighmaster's possession.

42 G. The ~~department~~ ~~DIVISION~~ shall approve all forms, certificates,
43 seals and other documents together with practices, procedures and equipment
44 used by public weighmasters or deputy weighmasters in the performance of
45 their duties. A public weighmaster or deputy weighmaster shall keep for such
46 period as the ~~department~~ ~~DIVISION~~ by rule may require a legible copy of each

1 weight certificate the public weighmaster or deputy weighmaster issues.
2 Copies of weight certificates shall be available at all reasonable times for
3 inspection by the ~~department~~ DIVISION.

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

6 3-3454. License required as registered service agency or
7 registered service representative; qualifications;
8 application; fees; renewal

9 A. A person shall not operate as a registered service agency or as a
10 registered service representative until a license is issued as provided in
11 this section.

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

13 1. Submit application information satisfactory to the ~~department~~
14 DIVISION.

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

19 3. Pay all required fees.

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

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

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

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

29 4. Pass the required examination administered by the ~~department~~
30 DIVISION.

31 5. Pay all required fees.

32 D. An application for a registered service agency or registered
33 service representative license shall be submitted by the applicant to the
34 ~~department~~ DIVISION on a form prescribed and furnished by the ~~department~~
35 DIVISION. The ~~department~~ DIVISION shall issue a registered service agency or
36 registered service representative license for a period of twelve calendar
37 months. The license expires on the first day of the month and year indicated
38 on the license. Each license shall contain, among other information, a
39 license number. A registered service agency license shall be posted at the
40 licensed business location in a manner that provides the ~~department~~ DIVISION
41 access to the license during normal business hours. While performing the
42 duties of a registered service representative, a registered service
43 representative shall have a registered service representative's license in
44 the registered service representative's possession.

45 E. If a licensee submits a license renewal application to the
46 ~~department~~ DIVISION before the date of expiration of the current license,

1 together with the prescribed renewal fee, the existing license shall be valid
2 for thirty days following its expiration date, or until issuance of the
3 renewal license, whichever occurs first.

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

7 G. Each registered service representative license issued by the
8 ~~department~~ DIVISION shall indicate the type of service approved by the
9 ~~department~~ DIVISION for the licensee.

10 H. A registered service agency shall use forms and related procedures
11 prescribed by the ~~department~~ DIVISION in the performance of its duties. A
12 registered service agency shall keep a legible copy of each form used for at
13 least the time period prescribed by the ~~department~~ DIVISION in its rules.
14 Copies of the forms shall be available during normal business hours for
15 inspection by the ~~department~~ DIVISION.

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

18 3-3471. Registered service representative; powers; violation;
19 classification

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

29 B. A registered service representative may also:

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

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

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

39 C. The owner of any business who has not applied for and has not been
40 issued a license for the right to do business, involving the use of a
41 commercial device, by the ~~department~~ DIVISION and who is found selling or
42 offering for sale or delivering or distributing to a consumer is guilty of a
43 class 2 misdemeanor, and the ~~department~~ DIVISION shall confiscate and seize
44 the commercial device or any vehicle tank, or vehicle tank and meter, or any
45 other such measuring device used by the business for the sale, delivery or
46 distribution as evidence.

1 D. The ASSOCIATE director and any other authorized personnel shall not
2 be liable to the owner or any other persons, firms, partnerships,
3 corporations, trusts or agencies for damages, directly or indirectly, caused
4 by or resulting from the seizure.

5 E. If a commercial device licensed pursuant to this chapter is used
6 contrary to any provision of this chapter or any rule adopted pursuant to
7 this chapter, the ~~department~~ DIVISION, in addition to any other penalty
8 imposed by this chapter, shall suspend, revoke or refuse to renew the
9 license.

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

12 3-3472. Revocation or suspension of licenses; procedure;
13 judicial review

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

17 B. The ASSOCIATE director may initiate proceedings for revocation or
18 suspension of a license issued pursuant to this chapter on the ASSOCIATE
19 director's own motion or on a verified complaint for noncompliance with or a
20 violation of this chapter or of any rule adopted pursuant to this chapter.

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

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

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

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

35 3-3473. Violation; classification; jurisdiction

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

37 1. Knowingly hinders, interferes with or obstructs in any way the
38 ASSOCIATE director or any of the ASSOCIATE director's agents or inspectors in
39 entering the premises where a commercial device may be kept for inspecting or
40 testing or in the performance of the OFFICIAL DUTIES OF THE ASSOCIATE
41 director's or the ASSOCIATE director's ~~agent's~~ AGENT or ~~inspector's official~~
42 ~~duties~~ INSPECTOR.

43 2. Impersonates in any way the ASSOCIATE director or any one of the
44 ASSOCIATE director's agents or inspectors by the use of the ASSOCIATE
45 director's seal, or a counterfeit of the ASSOCIATE director's seal, or in any
46 other manner.

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

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

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

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

13 1. Uses, or has in possession for the purpose of current use for any
14 commercial purpose, a weight or measure that does not bear a seal or mark of
15 approval based on inspection and test as provided in section ~~41-2065~~ 3-3414,
16 subsection A, paragraph 11, unless the weight or measure has been exempted
17 from testing by order of the ~~department~~ DIVISION, or unless the device has
18 been placed in service as provided in this chapter. Any person or persons
19 making use of a commercial device THAT IS subject to this chapter shall
20 report to the ASSOCIATE director or the ASSOCIATE director's representatives,
21 in writing, the number and location of the commercial device and shall
22 promptly report the installation of any new commercial device.

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

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

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

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

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

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

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

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

45 3-3475. Civil penalties

1 A. A person who violates this chapter, any rule of the ~~department~~
2 ~~DIVISION~~ or any license requirement is subject to a civil penalty imposed by
3 the ASSOCIATE director. A person who violates this chapter, any rule of the
4 ~~department~~ ~~DIVISION~~ or any license requirement may request a hearing to
5 review a civil penalty imposed under this section. The ~~department~~ ~~DIVISION~~
6 shall conduct the hearing in accordance with TITLE 41, chapter 6, article 10
7 ~~of this title~~. Except as prescribed in subsection B of this section, the
8 civil penalty shall not exceed one thousand dollars for each infraction nor
9 more than ten thousand dollars for any thirty-day period at each business
10 location, for each registered service representative or for each public
11 weighmaster, provided that no person shall be assessed more than fifty
12 thousand dollars per thirty-day period.

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

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

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

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

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

27 5. A maximum civil penalty has been imposed on a refiner, refinery,
28 registered supplier or transmixture processing facility for a violation of motor
29 fuel quality standards or producing a product transfer document that is
30 incorrect, incomplete or produced in any manner tending to mislead or deceive
31 a person.

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

39 3-3492. Standards for oxygenated fuel; volatility; exceptions

40 A. From and after September 30 through March 31 of each year, in a
41 county with a population of one million two hundred thousand or more persons
42 and in any portion of a county contained in area A, blends of gasoline with
43 ethanol shall not exceed the volatility requirements prescribed by section
44 ~~41-2083~~ 3-3433 and rules adopted by the ASSOCIATE director under that
45 section. ~~From and after September 30, 1999 through March 31, 2000 and~~ From
46 and after September 30 through March 31 of each year ~~thereafter~~, in area B,

1 blends of gasoline with ethanol may exceed the volatility requirements
2 prescribed by section ~~41-2083~~ 3-3433 and rules adopted by the ASSOCIATE
3 director under that section by up to one pound per square inch if the base
4 fuel meets the requirements of ASTM D4814 and the final gasoline-ethanol
5 blend contains at least six ~~per-cent~~ PERCENT ethanol by volume but does not
6 exceed United States environmental protection agency waivers. For any other
7 locations and period of time, blends of gasoline with ethanol shall meet the
8 volatility requirements as determined by ~~department~~ DIVISION rule.

9 B. Notwithstanding subsection D of this section, the ASSOCIATE
10 director of the ~~department of weights and measures~~ DIVISION in consultation
11 with the director of the department of environmental quality shall approve
12 alternate fuel control measures that are submitted by manufacturers or
13 suppliers of gasoline and that the directors determine will result in motor
14 vehicle carbon monoxide emission reductions that will equal or exceed the
15 reductions that result under subsection D of this section. In making those
16 determinations, the ~~directors~~ DIRECTOR AND THE ASSOCIATE DIRECTOR shall
17 compare the alternative measure against the emission reduction that would be
18 obtained from a fuel with the maximum vapor pressure standard prescribed by
19 subsection D of this section and the minimum oxygen standard prescribed by
20 section ~~41-2123~~ 3-3493 or ~~41-2125~~ 3-3496. Alternative fuel control measures
21 approved by the ASSOCIATE director of the ~~department of weights and measures~~
22 DIVISION in consultation with the director of the department of environmental
23 quality may be used by any manufacturer or supplier of gasoline unless the
24 approval is rescinded by the ASSOCIATE director of the ~~department of weights~~
25 ~~and measures~~ DIVISION at least one hundred eighty days before the beginning
26 of any oxygenate period in the future. Manufacturers and suppliers who
27 choose to use an approved alternate fuel control measure shall annually
28 submit a compliance plan to the ASSOCIATE director ~~of the department of~~
29 ~~weights and measures~~ not later than sixty days prior to the start of the
30 oxygenate period.

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

37 D. Notwithstanding subsection A of this section, if the director of
38 the department of environmental quality has previously raised the minimum
39 oxygen content to the maximum percentage of oxygen allowed for each oxygenate
40 as provided by section ~~41-2125~~ 3-3496, the designated air quality planning
41 agency for area B has considered, analyzed and reviewed the costs and
42 benefits of all other reasonable and available control measures in lieu of
43 reducing volatility requirements to nine pounds per square inch and the
44 director of the department of environmental quality finds that area B has
45 failed to maintain the carbon monoxide national ambient air quality standards
46 by violating the standard, beginning with the oxygenate period beginning on

1 the following September 30 and for each oxygenate period thereafter in
2 area B, the volatility requirements described by section ~~41-2083~~ 3-3433,
3 subsection G may be reduced to nine pounds per square inch. If a violation
4 of the carbon monoxide national ambient air quality standards is recorded
5 after the volatility requirements have been reduced to nine pounds per square
6 inch, the director of the department of environmental quality shall remove
7 the one pound per square inch waiver for gasoline-ethanol blends.

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

11 1. Methyl tertiary butyl ether that exceeds 0.3 ~~per-cent~~ PERCENT by
12 volume.

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

- 15 (a) Diisopropylether (DIPE).
- 16 (b) Ethyl tert-butylether (ETBE).
- 17 (c) Iso-butanol.
- 18 (d) Isopropanol.
- 19 (e) Methanol.
- 20 (f) N-butanol.
- 21 (g) N-propanol.
- 22 (h) Sec-butanol.
- 23 (i) Tert-amylmethylether (TAME).
- 24 (j) Tert-butanol.
- 25 (k) Tert-pentanol (tert-amylalcohol).

26 F. Subsection E of this section does not prohibit the transshipment
27 through this state, including storage incident to that transshipment, of
28 gasoline that contains the oxygenates prescribed by subsection E of this
29 section if both of the following apply:

- 30 1. The gasoline is used or disposed outside this state.
- 31 2. The gasoline is segregated from gasoline that is intended for use
32 inside this state.

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

35 3-3493. Area A; sale of gasoline; oxygen content

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

37 1. All gasoline that is supplied or sold by any person and that is
38 intended as a final product for the fueling of motor vehicles within a county
39 with a population of one million two hundred thousand or more persons and any
40 portion of a county contained in area A or that is consumed in a motor
41 vehicle in a county with a population of one million two hundred thousand or
42 more persons and any portion of a county contained in area A by a fleet owner
43 shall, for a gasoline-ethanol blend, contain not less than ten ~~per-cent~~
44 PERCENT by volume of ethanol nor more than the maximum percentage of oxygen
45 allowed by provisions of a waiver issued or other limits established by the
46 United States environmental protection agency.

1 2. All gasoline that is supplied or sold by any person and that is
2 intended as a final product for the fueling of motor vehicles within a county
3 with a population of one million two hundred thousand or more persons and any
4 portion of a county contained in area A or that is consumed in a motor
5 vehicle within a county with a population of one million two hundred thousand
6 or more persons and any portion of a county contained in area A by a fleet
7 owner shall, for a blend other than a gasoline-ethanol blend, contain not
8 less than 2.7 ~~per cent~~ PERCENT by weight of oxygen nor more than the maximum
9 percentage of oxygen allowed by provisions of a waiver issued or other limits
10 established by the United States environmental protection agency.

11 B. Notwithstanding subsection A of this section, the ASSOCIATE
12 director of the ~~department of weights and measures~~ DIVISION in consultation
13 with the director of the department of environmental quality shall approve
14 alternate fuel control measures that are submitted by manufacturers or
15 suppliers of gasoline and that the ~~directors~~ DIRECTOR AND THE ASSOCIATE
16 DIRECTOR determine will result in motor vehicle carbon monoxide emissions
17 that are equal to or less than emissions that result under compliance with
18 subsection A of this section and section ~~41-2083~~ 3-3433. In making this
19 determination, the ASSOCIATE director of the ~~department of weights and~~
20 ~~measures~~ DIVISION and the director of the department of environmental quality
21 shall compare the emissions of the alternate fuel control measure with the
22 emissions of a fuel with a maximum vapor pressure standard as prescribed by
23 section ~~41-2083~~ 3-3433 and with the minimum oxygen content or percentage by
24 volume of ethanol as prescribed by this section.

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

35 Sec. 20. Section 3-3494, Arizona Revised Statutes, is amended to read:
36 3-3494. Area A; fuel reformulation; rules

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

45 1. A gasoline that meets standards for federal phase II reformulated
46 gasoline, as provided in 40 Code of Federal Regulations section 80.41,

1 paragraphs (e) through (h), in effect on January 1, 1999, except that the
2 minimum oxygen content standard does not apply. The gasoline shall also meet
3 the maximum vapor pressure requirements in section ~~41-2083~~ 3-3433,
4 subsections D and F.

5 2. 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, except
9 that the minimum oxygen content standard does not apply. The gasoline shall
10 also meet the maximum vapor pressure requirements in section ~~41-2083~~ 3-3433,
11 subsections D and F.

12 B. ~~From and after November 1, 2000 through March 31, 2001 and from~~ FOR
13 the period beginning November 1 through March 31 of each ~~subsequent~~
14 gasoline produced and shipped to or within this state and sold or offered for
15 sale for use in motor vehicles in a county with a population of one million
16 two hundred thousand or more persons and any portion of a county contained in
17 area A, subject to an appropriate waiver granted by the administrator of the
18 United States environmental protection agency pursuant to section 211(c)(4)
19 of the clean air act as defined in section 49-401.01, shall comply with
20 standards for California phase 2 reformulated gasoline, including alternative
21 formulations allowed by the predictive model, as adopted by the California
22 air resources board pursuant to California Code of Regulations title 13,
23 sections 2261 through 2262.7 and 2265, in effect on January 1, 1997 and shall
24 meet the maximum vapor pressure requirements in section ~~41-2083~~ 3-3433,
25 subsections D and F. The fuel described in this subsection shall meet the
26 requirements of section ~~41-2123~~ 3-3493, subsection A, paragraph 1.

27 C. ~~From November 1, 2000 through March 31, 2001 and~~ For each winter
28 season of November through March ~~thereafter~~, the ASSOCIATE director of the
29 ~~department of weights and measures~~ DIVISION shall determine the average
30 levels of the constituents in the gasoline sold or offered for sale in area A
31 and shall provide the results of this determination to the director of
32 environmental quality. The director of environmental quality shall analyze
33 the data provided by the ASSOCIATE director of the ~~department of weights and~~
34 ~~measures and~~ DIVISION, no later than July 1, ~~2001 and each July thereafter~~ OF
35 EACH YEAR, shall determine the average daily carbon monoxide reductions
36 resulting from the use of the gasoline specified in subsection B of this
37 section during the preceding winter season. ~~If the average daily carbon~~
38 ~~monoxide reductions resulting from the use of the gasoline specified in~~
39 ~~subsection B of this section during the preceding winter season are less than~~
40 ~~ninety per cent of the goal of thirty-two tons per day in 2001, thirty-one~~
41 ~~tons per day in 2003, thirty tons per day in 2005, twenty-nine tons per day~~
42 ~~in 2007 or twenty-eight tons per day in 2009, the director of the department~~
43 ~~of environmental quality shall immediately notify the governor, the president~~
44 ~~of the senate and the speaker of the house of representatives.~~

45 D. Any registered supplier or oxygenate blender, as defined in
46 ~~department~~ DIVISION rules, may petition the ASSOCIATE director to request

1 that all registered suppliers or oxygenate blenders be allowed to comply with
2 any provision of section ~~41-2123~~ 3-3493, subsection A, provided the
3 petitioner can demonstrate that ethanol supply shortages are imminent.

4 E. The petition shall:

5 1. Identify specific supply conditions that will result in a shortage
6 of ethanol.

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

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

14 4. Specify a time period for compliance with any provision of section
15 ~~41-2123~~ 3-3493, subsection A, not to exceed sixty days.

16 F. The ASSOCIATE director shall either grant or deny the petition in
17 writing within seven days of its receipt. Any decision by the ASSOCIATE
18 director to grant the petition shall be equally applicable to all registered
19 suppliers or oxygenate blenders and shall not be selectively applied to any
20 single registered supplier or oxygenate blender. The petition may be granted
21 only if the ASSOCIATE director verifies that the basis for requesting the
22 petition is factual.

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

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

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

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

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

36 J. 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. 21. Section 3-3495, Arizona Revised Statutes, as transferred and
39 renumbered, is amended to read:

40 3-3495. Area C; fuel reformulation; rules

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

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

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

14 B. Any registered supplier, as defined in ~~department~~ DIVISION rules,
15 may petition the ASSOCIATE director to request that all registered suppliers
16 be allowed to supply gasoline in area C that does not meet the standards in
17 subsection A of this section if the petitioner demonstrates that a shortage
18 in the supply of gasoline meeting the standards in subsection A of this
19 section is imminent.

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

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

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

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

27 D. The ASSOCIATE director shall either grant or deny a petition under
28 subsection B of this section in writing within seven days of its receipt.
29 Any decision by the ASSOCIATE director to grant the petition shall be equally
30 applicable to all registered suppliers and shall not be selectively applied
31 to any single registered supplier. The petition may be granted only if the
32 ASSOCIATE director verifies that the basis for requesting the petition is
33 factual.

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

38 F. The ASSOCIATE director of the ~~department of weights and measures~~
39 DIVISION shall consult with the director of the department of environmental
40 quality before granting, reauthorizing or denying any petition under
41 subsection B of this section.

42 G. The director of the department of environmental quality in
43 consultation with the ASSOCIATE director of the ~~department of weights and~~
44 ~~measures~~ DIVISION shall adopt by rule:

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

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

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

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

8 3-3496. Area B; sale of gasoline; oxygen content

9 A. From and after September 30 through March 31 of each year, all
10 gasoline that is supplied or sold by any person and that is intended as a
11 final product for the fueling of motor vehicles within area B or that is
12 consumed in a motor vehicle within area B by a fleet owner shall contain not
13 less than 1.8 ~~per-cent~~ PERCENT by weight of oxygen nor more than the maximum
14 percentage of oxygen allowed by the provisions of a waiver issued by the
15 United States environmental protection agency.

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

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

34 3-3512. Stage I vapor recovery systems

35 A. A person shall not offer for sale, sell, install or use a new
36 gasoline stage I vapor recovery system, or any new or rebuilt component parts
37 of the system, unless the system or component part has been certified by the
38 California air resources board as of March 31, 2001 or after that date, or
39 has been approved by a third party accredited to test equipment and
40 recognized by industry and the department, and has not been rejected by the
41 ~~department~~ DIVISION. The ~~department~~ DIVISION shall maintain and keep current
42 a list of stage I vapor recovery systems and component parts that are
43 approved by the ~~department~~ DIVISION. Only those systems that are approved
44 shall be used in this state. All certified vapor recovery components must be
45 clearly identified by a permanent identification affixed by the certified
46 manufacturer or rebuilder.

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

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

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

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

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

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

19 5. In area A and other geographical areas as provided by subsection G
20 of this section, have the stage I vapor recovery system tested annually by a
21 registered service representative licensed by the ~~department~~ DIVISION.

22 D. Before the initial installation or modification of any stage I
23 vapor recovery system, the owner or operator of a gasoline storage tank,
24 gasoline transport vehicle or gasoline dispensing site shall obtain a plan
25 review and approval from the ~~department~~ DIVISION. Application for the plan
26 review and approval shall be on forms prescribed and provided by the
27 ~~department~~ DIVISION.

28 E. The ~~department of weights and measures~~ DIVISION in consultation
29 with the department of environmental quality and the state fire marshal shall
30 establish by rule standards for the installation and operation of stage I
31 vapor recovery systems. The ~~department of weights and measures~~ DIVISION
32 shall establish by rule plan review and approval fees. In establishing those
33 rules and standards, the ASSOCIATE director shall consider requirements in
34 other states to ensure that only state-of-the-art technology is used.

35 F. Approval of a stage I vapor recovery system by the ~~department~~
36 DIVISION does not relieve the owner or operator of the responsibility to
37 comply with other applicable statutes, codes and rules pertaining to fire
38 prevention, environmental quality and safety matters.

39 G. Any county, city or town outside of area A or area B as defined in
40 section 49-541 may require gasoline dispensing sites with a throughput
41 greater than ten thousand gallons per month to install, operate and maintain
42 stage I vapor recovery systems in accordance with this section. Any county,
43 city or town, including cities and towns within area B, also may require
44 annual testing of required stage I vapor recovery systems pursuant to
45 subsection C of this section. For a county, city or town considering the
46 adoption of a resolution to require stage I vapor recovery systems or annual

1 testing within its jurisdiction and on request, the department of
2 environmental quality shall provide technical assistance in evaluating the
3 air quality in that county, city or town and shall provide final review and
4 approval of an adopted resolution.

5 H. A county board of supervisors or governing body of a city or town
6 shall submit a resolution approved by the department of environmental quality
7 to the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION
8 requesting the imposition of the requirements for stage I vapor recovery
9 systems within its jurisdiction.

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

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

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

37 3-3513. Compliance schedules

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

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

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

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

10 3-3515. Stage II vapor recovery systems

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

23 B. In an ozone nonattainment area designated as moderate, serious,
24 severe or extreme by the United States environmental protection agency under
25 section 107(d) of the clean air act or area A, an owner or operator of a
26 gasoline dispensing site shall not transfer or allow the transfer of gasoline
27 into a motor vehicle fuel tank at a gasoline dispensing site unless the
28 gasoline dispensing site is equipped with a stage II vapor recovery system,
29 unless the stage II equipment has been decommissioned in accordance with the
30 procedures established pursuant to subsection H of this section. This
31 subsection does not apply to gasoline dispensing sites with a throughput of
32 less than ten thousand gallons per month, or to a gasoline dispensing site
33 with a throughput of less than fifty thousand gallons per month in the case
34 of an independent small business marketer of gasoline as defined in section
35 324 of the clean air act or to a gasoline dispensing site that is located on
36 a manufacturer's proving ground. This subsection applies to gasoline
37 dispensing sites that are located within area A but outside the Phoenix area
38 Maricopa county ozone nonattainment area as defined in 40 Code of Federal
39 Regulations section 81.303.

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

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

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

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

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

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

8 D. Before the modification of any stage II vapor recovery system, the
9 owner or operator of a gasoline storage tank, gasoline transport vehicle or
10 gasoline dispensing site shall obtain a plan review and approval from the
11 ~~department~~ DIVISION. The ~~department~~ DIVISION shall prescribe forms for the
12 application for the plan review and approval.

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

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

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

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

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

4 J. The requirements prescribed for stage II vapor recovery systems
5 pursuant to subsections A through E of this section do not apply to a retail
6 station if the construction begins after ~~the effective date of this section~~
7 **APRIL 22, 2014**.

8 K. The requirements for stage II vapor recovery systems prescribed in
9 subsections A through E of this section do not apply to an owner or operator
10 who has decommissioned stage II vapor recovery equipment in accordance with
11 the standards established by the ~~department~~ **DIVISION** pursuant to subsection H
12 of this section.

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

15 **9-499.18. Transportation safety zones; passenger convenience**
16 **areas; definitions**

17 A. A city or town may adopt a resolution or ordinance establishing
18 passenger convenience areas and vehicle-for-hire lanes within a
19 transportation safety zone. The governing body of a city or town may adopt
20 resolutions or ordinances establishing hours of operation and procedures for
21 the use of passenger convenience areas and vehicle-for-hire lanes.

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

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

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

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

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

1 G. Drivers shall not leave vehicles unattended in a passenger
2 convenience area.

3 H. For the purposes of this section:

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

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

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

14 Sec. 27. Section 28-364, Arizona Revised Statutes, is amended to read:
15 28-364. Powers of the director

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

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

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

34 D. The director of the department of transportation in consultation
35 with the director of the department of public safety shall develop procedures
36 to exchange information for any purpose related to sections 28-1324, 28-1325,
37 28-1326, 28-1462 and 28-3318.

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

44 Sec. 28. Section 28-5602, Arizona Revised Statutes, is amended to
45 read:

46 28-5602. Enforcement

1 The following persons have authority to enforce this article:

2 1. The director of the department of transportation and the director's
3 duly appointed agents.

4 2. The ASSOCIATE director of ~~the department of weights and measures~~
5 THE WEIGHTS AND MEASURES SERVICES DIVISION OF THE ARIZONA DEPARTMENT OF
6 AGRICULTURE and the ASSOCIATE director's duly appointed agents.

7 3. The department of public safety and its officers.

8 Sec. 29. Section 28-5605, Arizona Revised Statutes, is amended to
9 read:

10 28-5605. Use fuel tax collection; fuel dispenser labels; civil
11 penalty

12 A. A vendor shall not collect more than the use fuel tax imposed
13 pursuant to section 28-5606, subsection B, paragraph 1 from a person who
14 purchases use fuel for use in the propulsion of a light class motor vehicle
15 on a highway in this state or for use in the propulsion of a use class motor
16 vehicle that is exempt pursuant to section 28-5432 from the weight fee
17 prescribed in section 28-5433 on a highway in this state.

18 B. Subject to the following, vendors shall label use fuel dispensers
19 pursuant to standards established by the WEIGHTS AND MEASURES SERVICES
20 DIVISION OF THE ARIZONA department of ~~weights and measures~~ AGRICULTURE:

21 1. Labels on use fuel dispensers shall notify the purchaser of the
22 state use fuel tax rate. The department of transportation shall provide the
23 use fuel dispenser labels to vendors.

24 2. If the vendor only sells use fuel to light class motor vehicles or
25 use class motor vehicles that are exempt pursuant to section 28-5432 from the
26 weight fee prescribed in section 28-5433, or both, the vendor shall post that
27 limitation and include the tax rate prescribed in section 28-5606, subsection
28 B, paragraph 1.

29 3. If light class motor vehicles and use class motor vehicles are
30 allowed to fuel at the same use fuel dispenser, the vendor shall include the
31 tax rate prescribed in section 28-5606, subsection B, paragraph 2 and post a
32 notice that the tax rate for light class motor vehicles and use class motor
33 vehicles that are exempt pursuant to section 28-5432 from the weight fee
34 prescribed in section 28-5433 is the tax rate prescribed in section 28-5606,
35 subsection B, paragraph 1.

36 4. If the vendor prohibits light class motor vehicles or use class
37 motor vehicles from dispensing fuel from a specific fuel dispenser, the
38 vendor shall post that prohibition.

39 5. In addition to posting a sign on a use fuel dispenser that
40 indicates that the price of the use fuel dispensed from that dispenser
41 includes the applicable federal and state taxes, a vendor that dispenses use
42 fuel from a cardlock facility shall require the purchaser of use fuel for
43 light class motor vehicles or use class motor vehicles that are exempt
44 pursuant to section 28-5432 from the weight fee prescribed in section
45 28-5433, or both, to complete a declaration of status in a form and a manner

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.

45 (c) Other state tax officials of this state whose official duties
46 require the disclosure for proper tax administration purposes if the

1 information is sought in connection with any investigation or other
2 proceeding conducted by the tax official, except that a disclosure is limited
3 to information of a taxpayer who is being investigated or who is a party to a
4 proceeding conducted by the tax official.

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

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

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

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

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

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

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

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

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

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

33 7. Confidential information may be disclosed to law enforcement
34 agencies for law enforcement purposes.

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

40 C. Except as prescribed in subsection D of this section or except if
41 required to do so by a court, it is unlawful for a person to disclose
42 information acquired by the director or an agent under section 28-5620. This
43 subsection does not mean that the information or evidence is privileged if it
44 is used by this state or an officer of this state in an action for collection
45 of the tax or a prosecution for a violation of article 1 of this chapter.

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

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

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

17 CHAPTER 30
18 FOR-HIRE TRANSPORTATION
19 ARTICLE 1. GENERAL PROVISIONS

20 28-9501. Definitions

21 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

28 28-9502. Powers and duties

29 A. THE DEPARTMENT SHALL:

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

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

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

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

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

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

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

12 C. DURING THE COURSE OF AN INVESTIGATION OR AN ENFORCEMENT ACTION BY
13 THE DEPARTMENT, INFORMATION REGARDING THE COMPLAINANT IS CONFIDENTIAL AND IS
14 EXEMPT FROM TITLE 39, CHAPTER 1 UNLESS THE COMPLAINANT AUTHORIZES THE
15 INFORMATION TO BE PUBLIC.

16 28-9503. Licensing of devices used for commercial purposes;
17 fees; posting; violation; classification

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

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

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

33 D. THE DEPARTMENT MAY NOT ISSUE A LICENSE FOR A TAXI, LIVERY VEHICLE
34 OR LIMOUSINE UNLESS THE TAXI, LIVERY VEHICLE OR LIMOUSINE MEETS THE
35 REQUIREMENTS FOR BOTH OF THE FOLLOWING:

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

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

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

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

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

42 F. A TAXI OR LIVERY VEHICLE SHALL HAVE A LICENSE ISSUED UNDER THIS
43 CHAPTER POSTED ON THE OUTSIDE OF THE REAR WINDOW AS REQUIRED BY THE
44 DEPARTMENT. A LIMOUSINE SHALL CARRY A LICENSE ISSUED UNDER THIS CHAPTER
45 INSIDE THE VEHICLE AT ALL TIMES.

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

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

10 28-9504. Fees to general fund

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

13 Sec. 32. Transfer and renumber

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

<u>Former Sections</u>	<u>New Sections</u>
17 41-2095	28-9505
18 41-2096	28-9506
19 41-2097	28-9507

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

22 ARTICLE 2. REGULATION

23 28-9521. Unlawful use of device; authorization to prevent such
24 use; seizure; violation; classification

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

34 B. A REGISTERED SERVICE REPRESENTATIVE MAY ALSO:

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

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

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

42 C. THE OWNER OF ANY BUSINESS WHO HAS NOT APPLIED FOR AND HAS NOT BEEN
43 ISSUED A LICENSE FOR THE RIGHT TO DO BUSINESS INVOLVING THE USE OF A
44 COMMERCIAL DEVICE BY THE DEPARTMENT AND WHO IS FOUND SELLING OR OFFERING FOR
45 SALE OR DELIVERING OR DISTRIBUTING TO A CONSUMER IS GUILTY OF A CLASS 2
46 MISDEMEANOR, AND THE DEPARTMENT SHALL CONFISCATE AND SEIZE THE COMMERCIAL

1 DEVICE OR ANY OTHER SUCH MEASURING DEVICE USED BY THE BUSINESS FOR THE SALE,
2 DELIVERY OR DISTRIBUTION AS EVIDENCE.

3 D. THE DIRECTOR AND ANY OTHER AUTHORIZED PERSONNEL ARE NOT LIABLE TO
4 THE OWNER OR ANY OTHER PERSONS, FIRMS, PARTNERSHIPS, CORPORATIONS, TRUSTS OR
5 AGENCIES FOR DAMAGES, DIRECTLY OR INDIRECTLY, CAUSED BY OR RESULTING FROM THE
6 SEIZURE.

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

11 28-9522. Revocation or suspension of licenses; procedure;
12 judicial review

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

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

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

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

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

32 28-9523. Violations; classification; jurisdiction

33 A. A PERSON IS GUILTY OF A CLASS 1 MISDEMEANOR WHO:

34 1. KNOWINGLY HINDERS, INTERFERES WITH OR OBSTRUCTS IN ANY WAY THE
35 DIRECTOR OR ANY OF THE DIRECTOR'S AGENTS OR INSPECTORS IN ENTERING THE
36 PREMISES WHERE A COMMERCIAL DEVICE MAY BE KEPT FOR INSPECTING OR TESTING OR
37 IN THE PERFORMANCE OF THE DIRECTOR'S OR THE DIRECTOR'S AGENT'S OR INSPECTOR'S
38 OFFICIAL DUTIES.

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

42 3. USES, OR HAS IN POSSESSION FOR THE PURPOSE OF USING FOR ANY
43 COMMERCIAL PURPOSE, SELLS, OFFERS OR EXPOSES FOR SALE OR HIRE, OR HAS IN
44 POSSESSION FOR THE PURPOSE OF SELLING OR HIRING AN INCORRECT WEIGHT OR
45 MEASURE OR ANY DEVICE OR INSTRUMENT USED OR CALCULATED TO FALSIFY ANY WEIGHT
46 OR MEASURE.

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

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

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

8 1. USES, OR HAS IN POSSESSION FOR THE PURPOSE OF CURRENT USE FOR ANY
9 COMMERCIAL PURPOSE, A WEIGHT OR MEASURE THAT DOES NOT BEAR A SEAL OR MARK OF
10 APPROVAL BASED ON AN INSPECTION AND TEST, UNLESS THE WEIGHT OR MEASURE HAS
11 BEEN EXEMPTED FROM TESTING BY ORDER OF THE DEPARTMENT, OR UNLESS THE DEVICE
12 HAS BEEN PLACED IN SERVICE AS PROVIDED IN THIS CHAPTER. ANY PERSON OR
13 PERSONS MAKING USE OF A COMMERCIAL DEVICE THAT IS SUBJECT TO THIS CHAPTER
14 SHALL REPORT TO THE DIRECTOR OR THE DIRECTOR'S REPRESENTATIVES, IN WRITING,
15 THE NUMBER AND LOCATION OF THE COMMERCIAL DEVICE AND SHALL PROMPTLY REPORT
16 THE INSTALLATION OF ANY NEW COMMERCIAL DEVICE.

17 2. DISPOSES OF ANY REJECTED OR CONDEMNED WEIGHT OR MEASURE IN A MANNER
18 CONTRARY TO LAW OR RULE.

19 3. REMOVES FROM ANY WEIGHT OR MEASURE, CONTRARY TO LAW OR RULE, ANY
20 TAG, SEAL OR MARK PLACED ON THE WEIGHT OR MEASURE BY THE APPROPRIATE
21 AUTHORITY PURSUANT TO THIS CHAPTER.

22 4. KEEPS FOR THE PURPOSE OF SELLING, ADVERTISING OR OFFERING OR
23 EXPOSING FOR SALE OR SELLS ANY COMMODITY, THING OR SERVICE IN A CONDITION OR
24 MANNER CONTRARY TO LAW OR RULE.

25 5. USES IN RETAIL TRADE, EXCEPT IN THE PREPARATION OF PACKAGES PUT UP
26 IN ADVANCE OF SALE AND OF MEDICAL PRESCRIPTIONS, A WEIGHT OR MEASURE THAT IS
27 SO POSITIONED THAT ITS INDICATIONS CANNOT BE ACCURATELY READ AND THE
28 WEIGHING, METERING, MEASURING OR COUNTING OPERATION CANNOT BE OBSERVED FROM
29 SOME POSITION THAT MAY REASONABLY BE ASSUMED BY A CUSTOMER.

30 6. VIOLATES THIS CHAPTER OR RULES ADOPTED UNDER THIS CHAPTER. A
31 CONTINUING VIOLATION MAY BE DEEMED TO BE A SEPARATE VIOLATION EACH DAY DURING
32 WHICH THE VIOLATION IS COMMITTED FOR THE PURPOSE OF IMPOSING A FINE.

33 C. THE PROVISIONS OF THIS SECTION ARE IN ADDITION TO AND NOT IN
34 LIMITATION OF ANY OTHER PROVISION OF LAW.

35 D. THE ATTORNEY GENERAL AND THE COUNTY ATTORNEY SHALL HAVE CONCURRENT
36 JURISDICTION TO PROSECUTE VIOLATIONS OF THIS CHAPTER.

37 28-9524. Presumptive evidence of use

38 WHEN A WEIGHT, MEASURE, METER, COUNTER OR COMMERCIAL DEVICE IS IN OR
39 ABOUT ANY PLACE IN WHICH OR FROM WHICH BUYING OR SELLING IS COMMONLY CARRIED
40 ON, THERE SHALL BE A REBUTTABLE PRESUMPTION THAT THE WEIGHT, MEASURE, METER,
41 COUNTER OR COMMERCIAL DEVICE IS REGULARLY USED FOR THE BUSINESS PURPOSE OF
42 THE PLACE.

43 28-9525. Civil penalties

44 A. A PERSON WHO VIOLATES THIS CHAPTER, ANY RULE OF THE DEPARTMENT OR
45 ANY LICENSE REQUIREMENT IS SUBJECT TO A CIVIL PENALTY IMPOSED BY THE
46 DIRECTOR. A PERSON WHO VIOLATES THIS CHAPTER, ANY RULE OF THE DEPARTMENT OR

1 ANY LICENSE REQUIREMENT MAY REQUEST A HEARING TO REVIEW A CIVIL PENALTY
2 IMPOSED UNDER THIS SECTION. THE DEPARTMENT SHALL CONDUCT THE HEARING IN
3 ACCORDANCE WITH TITLE 41, CHAPTER 6, ARTICLE 10. EXCEPT AS PRESCRIBED IN
4 SUBSECTION B OF THIS SECTION, THE CIVIL PENALTY MAY NOT EXCEED ONE THOUSAND
5 DOLLARS FOR EACH INFRACTION OR MORE THAN TEN THOUSAND DOLLARS FOR ANY
6 THIRTY-DAY PERIOD AT EACH BUSINESS LOCATION OR FOR EACH PUBLIC WEIGHMASTER,
7 PROVIDED THAT NO PERSON SHALL BE ASSESSED MORE THAN FIFTY THOUSAND DOLLARS
8 PER THIRTY-DAY PERIOD.

9 B. THE DIRECTOR MAY DOUBLE THE MAXIMUM CIVIL PENALTY IF ANY OF THE
10 FOLLOWING APPLIES:

11 1. A COMMERCIAL DEVICE IS FOUND TO BE IN VIOLATION WITH RESULTS THAT
12 FAVOR THE RETAILER AT MORE THAN TWICE THE ALLOWABLE TOLERANCE AS STATED IN
13 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY HANDBOOK 44.

14 2. A PACKAGE IS FOUND TO EXCEED THE MAXIMUM ALLOWABLE VARIATION FOR
15 THE LABELED QUANTITY ALLOWED IN NATIONAL INSTITUTE OF STANDARDS AND
16 TECHNOLOGY HANDBOOK 133 OR THE AVERAGE ERROR OF THE LOT IS TWICE THE SAMPLE
17 ERROR LIMIT IN FAVOR OF THE RETAILER.

18 3. A MAXIMUM CIVIL PENALTY HAS BEEN IMPOSED ON A RETAILER FOR A PRICE
19 POSTING OR PRICE VERIFICATION VIOLATION AND IN A REINSPECTION, IF CONDUCTED
20 WITHIN NINETY DAYS, THE FAILURE RATE IS TEN PERCENT OR MORE AND AT LEAST ONE
21 ERROR IS IN FAVOR OF THE RETAILER.

22 C. THE ATTORNEY GENERAL SHALL BRING ACTIONS TO RECOVER CIVIL PENALTIES
23 PURSUANT TO THIS SECTION IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE
24 VIOLATION OCCURRED OR IN A COUNTY WHERE THE AGENCY HAS ITS OFFICE. ALL
25 MONIES DERIVED FROM CIVIL PENALTIES SHALL BE DEPOSITED, PURSUANT TO SECTIONS
26 35-146 AND 35-147, IN THE STATE GENERAL FUND.

27 28-9526. Delinquent civil penalties and fees

28 IN ADDITION TO ANY OTHER PENALTY, IF A CIVIL PENALTY OR ANY FEE DUE
29 PURSUANT TO THIS CHAPTER HAS NOT BEEN PAID WITHIN THIRTY DAYS AFTER THE DUE
30 DATE, THE CIVIL PENALTY OR FEE IS DELINQUENT AND THE DEPARTMENT MAY REFUSE TO
31 ISSUE A LICENSE OR MAY REVOKE A LICENSE PURSUANT TO THIS CHAPTER UNTIL THE
32 CIVIL PENALTY OR FEE IS PAID IN FULL.

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

34 41-112. Arizona biofuels conversion program; fund; program
35 termination; definitions

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

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

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

44 1. For commercial motor fuel dispensing sites, the procedure for
45 awarding grants shall include consideration of traffic patterns, the

1 proximity to other biofuel dispensing sites, fleet involvement, the
2 population of vehicles that uses biofuels and the costs of the project.

3 2. For county, city, town and school district motor fuel dispensing
4 sites, the procedure for awarding grants shall include consideration of the
5 project plan, the expected usage of biofuels per year for each site, the
6 number of vehicles in the fleet capable of using biofuels and the costs of
7 the project.

8 3. For wholesale manufacturing and distribution facility sites, the
9 procedure for awarding grants shall include consideration of the project
10 plan, the type of biofuel to be manufactured or distributed, an assessment of
11 potential customers for the biofuel to be manufactured or distributed, how
12 the project furthers the use of biofuels and the costs of the project.

13 D. The ~~energy~~ office OF ENERGY POLICY shall administer the program and
14 the fund.

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

20 F. Monies in the fund:

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

24 2. Are continuously appropriated.

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

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

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

31 Sec. 35. Heading repeal

32 The chapter heading of title 41, chapter 15, Arizona Revised Statutes,
33 is repealed.

34 Sec. 36. Repeal

35 Sections ~~41-2052, 41-2061 and 41-3021.02~~, Arizona Revised Statutes, are
36 repealed.

37 Sec. 37. Succession

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

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

44 C. Administrative rules and orders that were adopted by the department
45 of weights and measures continue in effect until superseded by administrative

1 action by the department of transportation or the Arizona department of
2 agriculture, as applicable.

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

8 E. All certificates, licenses, registrations, permits and other
9 indicia of qualification and authority that were issued by the department of
10 weights and measures retain their validity for the duration of their terms of
11 validity as provided by law.

12 F. All equipment, records, furnishings and other property, all data
13 and investigative findings and all appropriated monies that remain unexpended
14 and unencumbered on the effective date of this act of the department of
15 weights and measures are transferred to the department of transportation or
16 the Arizona department of agriculture, as applicable. The director of the
17 department of administration shall determine and allocate the transfer,
18 consistent with the provisions of this act. Before the transfer is made
19 pursuant to this subsection, the department of administration shall submit a
20 succession plan on or before March 1, 2016 to the joint legislative budget
21 committee for review.

22 G. All personnel who are under the state personnel system and employed
23 by the department of weights and measures are transferred to comparable
24 positions and pay classifications in the respective administrative units of
25 the department of transportation or the Arizona department of agriculture, as
26 applicable, on effective date of this act.

27 Sec. 38. Exemption from rulemaking

28 For the purposes of this act, the Arizona department of agricultural
29 and the department of transportation are exempt from the rulemaking
30 requirements of title 41, chapter 6, Arizona Revised Statutes, for one year
31 after the effective date of this act.

32 Sec. 39. Conforming legislation

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

36 Sec. 40. Effective date

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

APPROVED BY THE GOVERNOR APRIL 9, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2015.