

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

HOUSE BILL 2171

AN ACT

AMENDING SECTION 3-102, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 244, SECTION 3; AMENDING SECTIONS 3-105, 3-615, 3-3401, 3-3412, 3-3414, 3-3415, 3-3416 AND 3-3417, ARIZONA REVISED STATUTES; AMENDING TITLE 3, CHAPTER 19, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 3-3419; AMENDING SECTIONS 3-3431, 3-3433, 3-3434, 3-3436, 3-3437, 3-3451, 3-3452, 3-3453, 3-3454, 3-3473, 3-3475 AND 3-3476, ARIZONA REVISED STATUTES; REPEALING SECTION 3-3491, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 244, SECTION 2; PROVIDING FOR RENUMBERING; AMENDING SECTIONS 3-3491, 3-3492, 3-3493, 3-3494 AND 3-3498, ARIZONA REVISED STATUTES, AS RENUMBERED BY THIS ACT; AMENDING SECTIONS 3-3512 AND 3-3514, ARIZONA REVISED STATUTES; AMENDING SECTION 9-499.18, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 244, SECTION 26; AMENDING SECTIONS 28-101, 28-141, 28-9501, 28-9502, 28-9503, 28-9506, 28-9507, 28-9521, 28-9522, 28-9523, 28-9524, 28-9525, 28-9526, 28-9552 AND 41-1092.02, ARIZONA REVISED STATUTES; AMENDING LAWS 2014, CHAPTER 132, SECTION 11; RELATING TO WEIGHTS AND MEASURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 3-102, Arizona Revised Statutes, as amended by Laws
3 2015, chapter 244, section 3, is amended to read:
4 3-102. Department organization
5 A. The Arizona department of agriculture is established consisting of
6 the following divisions:
7 1. The animal services division, which is responsible for milk, dairy,
8 livestock and aquaculture regulation, the state veterinarian, meat, poultry
9 and egg inspection and performing the administrative functions authorized or
10 contracted pursuant to law for the Arizona beef council.
11 2. The plant services division, which is responsible for the fruit and
12 vegetable standardization program and entomological services.
13 3. The environmental services division, which is responsible for
14 regulating seed, feed and agricultural chemicals, including pesticides and
15 fertilizers, and for native plant protection.
16 4. The weights and measures services division, which is responsible
17 for the inspection, testing and licensing of commercial weighing, ~~and~~
18 measuring AND COUNTING devices.
19 B. The following are established in addition to and separate from the
20 divisions of the department:
21 1. A state agricultural laboratory.
22 2. An office of agriculture safety.
23 3. An office of inspections.
24 4. An office of commodity development and promotion.
25 C. The department shall have a central administrative service office
26 providing:
27 1. Data processing, accounting and budgeting, records management,
28 publications, property control and personnel services and training.
29 2. A program to cross-train appropriate personnel to enable them to
30 perform similar functions or comparable work for different administrative
31 units in the department.
32 Sec. 2. Section 3-105, Arizona Revised Statutes, is amended to read:
33 3-105. Division councils
34 A. The director may appoint a division council within any division of
35 the department, and shall appoint an animal services division council AND A
36 WEIGHTS AND MEASURES SERVICES DIVISION COUNCIL, consisting of representatives
37 of the various industries and commodities regulated by ~~that division~~ THOSE
38 DIVISIONS. Any such organization may request representation on the
39 RESPECTIVE division council, but the actual appointments to the division
40 council are at the discretion of the director.
41 B. Members shall serve two-year terms of office ~~which~~ THAT are
42 staggered among the members. Members of division councils serve without
43 compensation but are eligible for reimbursement for travel and other expenses
44 as provided by law. Each division council shall select a chairman and
45 vice-chairman from among its members. Division councils are public bodies

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

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

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

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

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

31 In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 3-3412. Physical standards

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

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

38 3-3414. Powers and duties; definition

39 A. The division shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 3-3431. Sale of commodities

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

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

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

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

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

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

35 2. The date delivered.

36 3. The quantity delivered and the quantity on which the price is
37 based, if this differs from the delivered quantity.

38 4. The identity in the most descriptive terms commercially
39 practicable, including any quality representation made in connection with the
40 sale.

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

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

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

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

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

11 ~~N.~~ O. On the request of a consumer, a retail seller shall provide:

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

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

16 Sec. 12. Section 3-3433, Arizona Revised Statutes, is amended to read:

17 3-3433. Standards for motor fuel; exceptions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 F. This section does not apply to either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 Sec. 17. Section 3-3452, Arizona Revised Statutes, is amended to read:
16 3-3452. Licensing fees; proration; cancellation for nonpayment

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

19 Schedules of Fees

20	1. Weighing devices:		
21	0 - 500 pounds capacity (or metric equivalent)		\$ 12.00
22	501 - 2,000 pounds capacity		18.00
23	2,001 - 7,500 pounds capacity		36.00
24	7,501 - 20,000 pounds capacity		80.00
25	20,001 - 60,000 pounds capacity		120.00
26	60,001 pounds capacity and over		180.00
27	2. Liquid metering devices (meters) other than		
28	for liquid petroleum gas and utility meters:		
29	maximum 12 gallons per minute and under		12.00
30	maximum 13 - 150 gallons per minute		36.00
31	maximum 151 - 500 gallons per minute		90.00
32	maximum 501 - 1,000 gallons per minute		138.00
33	maximum 1,001 gallons per minute and over		168.00
34	3. Motor fuel devices (dispensers) other than		
35	for liquid petroleum gas (not including		
36	satellite hoses or nozzles):		
37		Standard Vapor Recovery Test	
38	each meter	15.00	30.00
39	each blending valve	15.00	30.00
40	high volume (over 19 gallons per minute)		
41	diesel per hose and nozzle		15.00
42	keylock, limited access, with accumulators,		
43	per hose and nozzle		22.50
44	remote indicator and control unit (no hoses		
45	or nozzles) (accessory only)		22.50

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 1. Submit application information satisfactory to the division.

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

37 3. Pay all required fees.

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

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

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

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

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

5 5. Pay all required fees.

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

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

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

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

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

36 Sec. 20. Section 3-3473, Arizona Revised Statutes, is amended to read:

37 3-3473. Violations; classification; jurisdiction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 Sec. 23. Repeal

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

11 Sec. 24. Renumber

12 The following sections are renumbered:

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

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

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

24 A. From and after September 30 through March 31 of each year, in a
25 county with a population of one million two hundred thousand or more persons
26 and in any portion of a county contained in area A, blends of gasoline with
27 ethanol shall not exceed the volatility requirements prescribed by section
28 3-3433 and rules adopted by the associate director under that section. From
29 and after September 30 through March 31 of each year, in area B, blends of
30 gasoline with ethanol may exceed the volatility requirements prescribed by
31 section 3-3433 and rules adopted by the associate director under that section
32 by up to one pound per square inch if the base fuel meets the requirements of
33 ASTM D4814 and the final gasoline-ethanol blend contains at least six percent
34 ethanol by volume but does not exceed United States environmental protection
35 agency waivers. For any other locations and period of time, blends of
36 gasoline with ethanol shall meet the volatility requirements as determined by
37 division rule.
38

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 3-3498. Inspections

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

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

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

39 3-3512. Stage I vapor recovery systems

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 The ASSOCIATE director shall adopt rules to:

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

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

1 Sec. 32. Section 9-499.18, Arizona Revised Statutes, as amended by
2 Laws 2015, chapter 244, section 26, is amended to read:

3 9-499.18. Transportation safety zones; passenger convenience
4 areas; definitions

5 A. A city or town may adopt a resolution or ordinance establishing
6 passenger convenience areas and ~~vehicle-for-hire~~ VEHICLE FOR HIRE lanes
7 within a transportation safety zone. The governing body of a city or town
8 may adopt resolutions or ordinances establishing hours of operation and
9 procedures for the use of passenger convenience areas and ~~vehicle-for-hire~~
10 VEHICLE FOR HIRE lanes.

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

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

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

28 E. Except in the event of a public safety emergency, a city or town
29 may not prescribe the order in which a vehicle may load or unload passengers
30 in a transportation safety zone. This subsection does not interfere with or
31 restrict the ability of a city or town to regulate the flow of traffic or
32 enforce any state law.

33 F. This section does not impose or authorize additional regulation,
34 permitting or licensing requirements beyond those required by this section
35 and title 28, chapter 30.

36 G. Drivers shall not leave vehicles unattended in a passenger
37 convenience area.

38 H. For the purposes of this section:

39 1. "Passenger cart" means any motorized vehicle, except a bus, that is
40 used to transport passengers on a public roadway in exchange for any form of
41 payment or gratuity and that is not ~~licensed as a livery vehicle, taxi or~~
42 ~~limousine pursuant to title 28, chapter 30~~ A VEHICLE FOR HIRE AS DEFINED IN
43 SECTION 28-9501.

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

4 3. "~~Vehicle for hire~~ VEHICLE FOR HIRE lane" means a designated traffic
5 lane for use exclusively by vehicles picking up or dropping off passengers in
6 exchange for any form of payment, including a fee, fare, donation or
7 gratuity.

8 Sec. 33. Section 28-101, Arizona Revised Statutes, is amended to read:
9 28-101. Definitions

10 In this title, unless the context otherwise requires:

11 1. "Alcohol" means any substance containing any form of alcohol,
12 including ethanol, methanol, propynol and isopropynol.

13 2. "Alcohol concentration" if expressed as a percentage means either:

14 (a) The number of grams of alcohol per one hundred milliliters of
15 blood.

16 (b) The number of grams of alcohol per two hundred ten liters of
17 breath.

18 3. "All-terrain vehicle" means either of the following:

19 (a) A motor vehicle that satisfies all of the following:

20 (i) Is designed primarily for recreational nonhighway all-terrain
21 travel.

22 (ii) Is fifty or fewer inches in width.

23 (iii) Has an unladen weight of one thousand two hundred pounds or
24 less.

25 (iv) Travels on three or more nonhighway tires.

26 (v) Is operated on a public highway.

27 (b) A recreational off-highway vehicle that satisfies all of the
28 following:

29 (i) Is designed primarily for recreational nonhighway all-terrain
30 travel.

31 (ii) Is sixty-five or fewer inches in width.

32 (iii) Has an unladen weight of one thousand eight hundred pounds or
33 less.

34 (iv) Travels on four or more nonhighway tires.

35 4. "Authorized emergency vehicle" means any of the following:

36 (a) A fire department vehicle.

37 (b) A police vehicle.

38 (c) An ambulance or emergency vehicle of a municipal department or
39 public service corporation that is designated or authorized by the department
40 or a local authority.

41 (d) Any other ambulance, fire truck or rescue vehicle that is
42 authorized by the department in its sole discretion and that meets liability
43 insurance requirements prescribed by the department.

44 5. "Autocycle" means a three-wheeled motorcycle on which the driver
45 and passengers ride in a completely enclosed seating area that is equipped

1 with a roll cage, safety belts for each occupant and antilock brakes and that
2 is designed to be controlled with a steering wheel and pedals.

3 6. "Aviation fuel" means all flammable liquids composed of a mixture
4 of selected hydrocarbons expressly manufactured and blended for the purpose
5 of effectively and efficiently operating an internal combustion engine for
6 use in an aircraft but does not include fuel for jet or turbine powered
7 aircraft.

8 7. "Bicycle" means a device, including a racing wheelchair, that is
9 propelled by human power and on which a person may ride and that has either:

10 (a) Two tandem wheels, either of which is more than sixteen inches in
11 diameter.

12 (b) Three wheels in contact with the ground, any of which is more than
13 sixteen inches in diameter.

14 8. "Board" means the transportation board.

15 9. "Bus" means a motor vehicle designed for carrying sixteen or more
16 passengers, including the driver.

17 10. "Business district" means the territory contiguous to and
18 including a highway if there are buildings in use for business or industrial
19 purposes within any six hundred feet along the highway, including hotels,
20 banks or office buildings, railroad stations and public buildings that occupy
21 at least three hundred feet of frontage on one side or three hundred feet
22 collectively on both sides of the highway.

23 11. "Combination of vehicles" means a truck or truck tractor and
24 semitrailer and any trailer that it tows but does not include a forklift
25 designed for the purpose of loading or unloading the truck, trailer or
26 semitrailer.

27 12. "Controlled substance" means a substance so classified under
28 section 102(6) of the controlled substances act (21 United States Code
29 section 802(6)) and includes all substances listed in schedules I through V
30 of 21 Code of Federal Regulations part 1308.

31 13. "Conviction" means:

32 (a) An unvacated adjudication of guilt or a determination that a
33 person violated or failed to comply with the law in a court of original
34 jurisdiction or by an authorized administrative tribunal.

35 (b) An unvacated forfeiture of bail or collateral deposited to secure
36 the person's appearance in court.

37 (c) A plea of guilty or no contest accepted by the court.

38 (d) The payment of a fine or court costs.

39 14. "County highway" means a public road that is constructed and
40 maintained by a county.

41 15. "Dealer" means a person who is engaged in the business of buying,
42 selling or exchanging motor vehicles, trailers or semitrailers and who has an
43 established place of business.

44 16. "Department" means the department of transportation acting
45 directly or through its duly authorized officers and agents.

- 1 17. "Digital network or software application" has the same meaning
2 prescribed in section 28-9551.
- 3 18. "Director" means the director of the department of transportation.
- 4 19. "Drive" means to operate or be in actual physical control of a
5 motor vehicle.
- 6 20. "Driver" means a person who drives or is in actual physical
7 control of a vehicle.
- 8 21. "Driver license" means a license that is issued by a state to an
9 individual and that authorizes the individual to drive a motor vehicle.
- 10 22. "Electric personal assistive mobility device" means a
11 self-balancing two nontandem wheeled device with an electric propulsion
12 system that limits the maximum speed of the device to fifteen miles per hour
13 or less and that is designed to transport only one person.
- 14 23. "Farm" means any lands primarily used for agriculture production.
- 15 24. "Farm tractor" means a motor vehicle designed and used primarily
16 as a farm implement for drawing implements of husbandry.
- 17 25. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
18 that is brought into this state other than in the ordinary course of business
19 by or through a manufacturer or dealer and that has not been registered in
20 this state.
- 21 26. "Golf cart" means a motor vehicle that has not less than three
22 wheels in contact with the ground, that has an unladen weight of less than
23 one thousand eight hundred pounds, that is designed to be and is operated at
24 not more than twenty-five miles per hour and that is designed to carry not
25 more than four persons including the driver.
- 26 27. "Hazardous material" means a material, and its mixtures or
27 solutions, that the United States department of transportation determines
28 under 49 Code of Federal Regulations is, or any quantity of a material listed
29 as a select agent or toxin under 42 Code of Federal Regulations part 73 that
30 is, capable of posing an unreasonable risk to health, safety and property if
31 transported in commerce and that is required to be placarded or marked as
32 required by the department's safety rules prescribed pursuant to chapter 14
33 of this title.
- 34 28. "Implement of husbandry" means a vehicle designed primarily for
35 agricultural purposes and used exclusively in the conduct of agricultural
36 operations, including an implement or vehicle whether self-propelled or
37 otherwise that meets both of the following conditions:
- 38 (a) Is used solely for agricultural purposes including the preparation
39 or harvesting of cotton, alfalfa, grains and other farm crops.
- 40 (b) Is only incidentally operated or moved on a highway whether as a
41 trailer or self-propelled unit. For the purposes of this subdivision,
42 "incidentally operated or moved on a highway" means travel between a farm and
43 another part of the same farm, from one farm to another farm or between a
44 farm and a place of repair, supply or storage.

1 29. "Limousine" means a motor vehicle providing prearranged ground
2 transportation service for an individual passenger, or a group of passengers,
3 that is arranged in advance or is operated on a regular route or between
4 specified points and includes ground transportation under a contract or
5 agreement for services that includes a fixed rate or time and is provided in
6 a motor vehicle with a seating capacity not exceeding fifteen passengers
7 including the driver.

8 30. "Livery vehicle" means a motor vehicle that:

9 (a) Has a seating capacity not exceeding fifteen passengers including
10 the driver.

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

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

14 (d) May do any of the following:

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

16 (ii) Offer prearranged ground transportation service as defined in
17 section 28-141.

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

20 31. "Local authority" means any county, municipal or other local board
21 or body exercising jurisdiction over highways under the constitution and laws
22 of this state.

23 32. "Manufacturer" means a person engaged in the business of
24 manufacturing motor vehicles, trailers or semitrailers.

25 33. "Moped" means a bicycle that is equipped with a helper motor if
26 the vehicle has a maximum piston displacement of fifty cubic centimeters or
27 less, a brake horsepower of one and one-half or less and a maximum speed of
28 twenty-five miles per hour or less on a flat surface with less than a one
29 percent grade.

30 34. "Motor driven cycle" means a motorcycle, including every motor
31 scooter, with a motor that produces not more than five horsepower.

32 35. "Motor vehicle":

33 (a) Means either:

34 (i) A self-propelled vehicle.

35 (ii) For the purposes of the laws relating to the imposition of a tax
36 on motor vehicle fuel, a vehicle that is operated on the highways of this
37 state and that is propelled by the use of motor vehicle fuel.

38 (b) Does not include a motorized wheelchair, an electric personal
39 assistive mobility device or a motorized skateboard. For the purposes of
40 this subdivision:

41 (i) "Motorized skateboard" means a self-propelled device that has a
42 motor, a deck on which a person may ride and at least two tandem wheels in
43 contact with the ground.

44 (ii) "Motorized wheelchair" means a self-propelled wheelchair that is
45 used by a person for mobility.

1 36. "Motor vehicle fuel" includes all products that are commonly or
2 commercially known or sold as gasoline, including casinghead gasoline,
3 natural gasoline and all flammable liquids, and that are composed of a
4 mixture of selected hydrocarbons expressly manufactured and blended for the
5 purpose of effectively and efficiently operating internal combustion engines.
6 Motor vehicle fuel does not include inflammable liquids that are specifically
7 manufactured for racing motor vehicles and that are distributed for and used
8 by racing motor vehicles at a racetrack, use fuel as defined in section
9 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the
10 mixture created at the interface of two different substances being
11 transported through a pipeline, commonly known as transmix.

12 37. "Motorcycle" means a motor vehicle that has a seat or saddle for
13 the use of the rider and that is designed to travel on not more than three
14 wheels in contact with the ground but excludes a tractor and a moped.

15 38. "Motorized quadricycle" means a self-propelled motor vehicle to
16 which all of the following apply:

17 (a) The vehicle is self-propelled by an emission-free electric motor
18 and may include pedals operated by the passengers.

19 (b) The vehicle has at least four wheels in contact with the ground.

20 (c) The vehicle seats at least eight passengers, including the driver.

21 (d) The vehicle is operable on a flat surface using solely the
22 electric motor without assistance from the pedals or passengers.

23 (e) The vehicle is a commercial motor vehicle as defined in section
24 28-5201.

25 (f) The vehicle is ~~licensed by the department of weights and measures~~
26 ~~to operate as~~ a limousine OPERATING UNDER A VEHICLE FOR HIRE COMPANY PERMIT
27 ISSUED pursuant to section 28-9503.

28 (g) The vehicle is manufactured by a motor vehicle manufacturer that
29 is licensed pursuant to chapter 10 of this title.

30 (h) The vehicle complies with the definition and standards for
31 low-speed vehicles set forth in federal motor vehicle safety standard 500 and
32 49 Code of Federal Regulations ~~section~~ SECTIONS 571.3(b) and 571.500,
33 respectively.

34 39. "Neighborhood electric vehicle" means a self-propelled
35 electrically powered motor vehicle to which all of the following apply:

36 (a) The vehicle is emission free.

37 (b) The vehicle has at least four wheels in contact with the ground.

38 (c) The vehicle complies with the definition and standards for low
39 speed vehicles set forth in federal motor vehicle safety standard 500 and 49
40 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.

41 40. "Nonresident" means a person who is not a resident of this state
42 as defined in section 28-2001.

43 41. "Off-road recreational motor vehicle" means a motor vehicle that
44 is designed primarily for recreational nonhighway all-terrain travel and that
45 is not operated on a public highway. Off-road recreational motor vehicle

1 does not mean a motor vehicle used for construction, building trade, mining
2 or agricultural purposes.

3 42. "Operator" means a person who drives a motor vehicle on a highway,
4 who is in actual physical control of a motor vehicle on a highway or who is
5 exercising control over or steering a vehicle being towed by a motor vehicle.

6 43. "Owner" means:

7 (a) A person who holds the legal title of a vehicle.

8 (b) If a vehicle is the subject of an agreement for the conditional
9 sale or lease with the right of purchase on performance of the conditions
10 stated in the agreement and with an immediate right of possession vested in
11 the conditional vendee or lessee, the conditional vendee or lessee.

12 (c) If a mortgagor of a vehicle is entitled to possession of the
13 vehicle, the mortgagor.

14 44. "Pedestrian" means any person afoot. A person who uses an
15 electric personal assistive mobility device or a manual or motorized
16 wheelchair is considered a pedestrian unless the manual wheelchair qualifies
17 as a bicycle. For the purposes of this paragraph, "motorized wheelchair"
18 means a self-propelled wheelchair that is used by a person for mobility.

19 45. "Power sweeper" means an implement, with or without motive power,
20 that is only incidentally operated or moved on a street or highway and that
21 is designed for the removal of debris, dirt, gravel, litter or sand whether
22 by broom, vacuum or regenerative air system from asphaltic concrete or cement
23 concrete surfaces, including parking lots, highways, streets and warehouses,
24 and a vehicle on which the implement is permanently mounted.

25 46. "Public transit" means the transportation of passengers on
26 scheduled routes by means of a conveyance on an individual passenger
27 fare-paying basis excluding transportation by a sightseeing bus, school bus
28 or taxi or a vehicle not operated on a scheduled route basis.

29 47. "Reconstructed vehicle" means a vehicle that has been assembled or
30 constructed largely by means of essential parts, new or used, derived from
31 vehicles or makes of vehicles of various names, models and types or that, if
32 originally otherwise constructed, has been materially altered by the removal
33 of essential parts or by the addition or substitution of essential parts, new
34 or used, derived from other vehicles or makes of vehicles. For the purposes
35 of this paragraph, "essential parts" means integral and body parts, the
36 removal, alteration or substitution of which will tend to conceal the
37 identity or substantially alter the appearance of the vehicle.

38 48. "Residence district" means the territory contiguous to and
39 including a highway not comprising a business district if the property on the
40 highway for a distance of three hundred feet or more is in the main improved
41 with residences or residences and buildings in use for business.

42 49. "Right-of-way" when used within the context of the regulation of
43 the movement of traffic on a highway means the privilege of the immediate use
44 of the highway. Right-of-way when used within the context of the real
45 property on which transportation facilities and appurtenances to the

1 facilities are constructed or maintained means the lands or interest in lands
2 within the right-of-way boundaries.

3 50. "School bus" means a motor vehicle that is designed for carrying
4 more than ten passengers and that is either:

5 (a) Owned by any public or governmental agency or other institution
6 and operated for the transportation of children to or from home or school on
7 a regularly scheduled basis.

8 (b) Privately owned and operated for compensation for the
9 transportation of children to or from home or school on a regularly scheduled
10 basis.

11 51. "Semitrailer" means a vehicle that is with or without motive
12 power, other than a pole trailer, that is designed for carrying persons or
13 property and for being drawn by a motor vehicle and that is constructed so
14 that some part of its weight and that of its load rests on or is carried by
15 another vehicle. For the purposes of this paragraph, "pole trailer" has the
16 same meaning prescribed in section 28-601.

17 52. "State" means a state of the United States and the District of
18 Columbia.

19 53. "State highway" means a state route or portion of a state route
20 that is accepted and designated by the board as a state highway and that is
21 maintained by the state.

22 54. "State route" means a right-of-way whether actually used as a
23 highway or not that is designated by the board as a location for the
24 construction of a state highway.

25 55. "Street" or "highway" means the entire width between the boundary
26 lines of every way if a part of the way is open to the use of the public for
27 purposes of vehicular travel.

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

32 (a) Does not primarily operate on a regular route or between specified
33 places.

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

37 57. "Traffic survival school" means a school that offers educational
38 sessions to drivers who are required to attend and successfully complete
39 educational sessions pursuant to this title that are designed to improve the
40 safety and habits of drivers and that are approved by the department.

41 58. "Trailer" means a vehicle that is with or without motive power,
42 other than a pole trailer, that is designed for carrying persons or property
43 and for being drawn by a motor vehicle and that is constructed so that no
44 part of its weight rests on the towing vehicle. A semitrailer equipped with
45 an auxiliary front axle commonly known as a dolly is deemed to be a trailer.

1 For the purposes of this paragraph, "pole trailer" has the same meaning
2 prescribed in section 28-601.

3 59. "Transportation network company" has the same meaning prescribed
4 in section 28-9551.

5 60. "Transportation network company vehicle" has the same meaning
6 prescribed in section 28-9551.

7 61. "Transportation network service" has the same meaning prescribed
8 in section 28-9551.

9 62. "Truck" means a motor vehicle designed or used primarily for the
10 carrying of property other than the effects of the driver or passengers and
11 includes a motor vehicle to which has been added a box, a platform or other
12 equipment for such carrying.

13 63. "Truck tractor" means a motor vehicle that is designed and used
14 primarily for drawing other vehicles and that is not constructed to carry a
15 load other than a part of the weight of the vehicle and load drawn.

16 64. "Vehicle" means a device in, on or by which a person or property
17 is or may be transported or drawn on a public highway, excluding devices
18 moved by human power or used exclusively on stationary rails or tracks.

19 65. "Vehicle transporter" means either:

20 (a) A truck tractor capable of carrying a load and drawing a
21 semitrailer.

22 (b) A truck tractor with a stinger-steered fifth wheel capable of
23 carrying a load and drawing a semitrailer or a truck tractor with a dolly
24 mounted fifth wheel that is securely fastened to the truck tractor at two or
25 more points and that is capable of carrying a load and drawing a semitrailer.

26 Sec. 34. Section 28-141, Arizona Revised Statutes, is amended to read:
27 28-141. Prearranged ground transportation; applicability;
28 definitions

29 A. The department shall not require a ~~license~~ PERMIT or impose a fee
30 on a motor vehicle providing prearranged ground transportation service if the
31 motor carrier providing the service does all of the following:

32 1. Meets all applicable registration requirements for the interstate
33 transportation of passengers under the ICC termination act of 1995 (P.L.
34 104-88; 109 Stat. 879; 49 United States Code sections 13901 through 13908).

35 2. Meets all applicable vehicle and intrastate passenger licensing
36 requirements of the state in which the vehicle is domiciled or registered to
37 do business.

38 3. Provides the service pursuant to a contract for either of the
39 following:

40 (a) Transportation from this state, including intermediate stops, to a
41 destination in another state.

42 (b) Transportation from this state, including intermediate stops in
43 another state, to a destination in this state.

44 B. For the purposes of this section:

1 1. "Intermediate stop" means a pause in the transportation in order
2 for one or more passengers to engage in personal or business activity, but
3 only if the driver providing the transportation to the passenger does not,
4 before resuming the transportation of the passenger or at least one of the
5 passengers, provide transportation to any other person not included among the
6 passengers being transported when the pause began.

7 2. "Prearranged ground transportation service" means transportation
8 for a passenger or a group of passengers that is arranged in advance or that
9 is operated on a regular route or between specified points.

10 Sec. 35. Section 28-9501, Arizona Revised Statutes, is amended to
11 read:

12 28-9501. Definitions

13 In this chapter, unless the context otherwise requires:

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

17 ~~2.~~ 1. "Taxi meter" means a ~~commercial~~ device that ~~meets the~~
18 ~~requirements of the national institute of standards and technology handbook~~
19 ~~44 as prescribed by section 3-3413~~ AUTOMATICALLY CALCULATES AT A
20 PREDETERMINED RATE THE CHARGE FOR THE HIRE OF A VEHICLE AND THAT INDICATES
21 THE CHARGE.

22 2. "VEHICLE FOR HIRE" MEANS A TAXI, LIVERY VEHICLE OR LIMOUSINE.

23 3. "VEHICLE FOR HIRE COMPANY" MEANS A COMPANY THAT OFFERS LOCAL
24 TRANSPORTATION THROUGH USE OF A TAXI, LIVERY VEHICLE OR LIMOUSINE OR A
25 COMBINATION OF TAXIS, LIVERY VEHICLES OR LIMOUSINES.

26 Sec. 36. Section 28-9502, Arizona Revised Statutes, is amended to
27 read:

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 B. THE DEPARTMENT MAY:

38 ~~2-~~ 1. Investigate complaints made to the department concerning
39 violations of this chapter and, on its own initiative, conduct investigations
40 it deems appropriate in order to develop information relating to prevailing
41 procedures in ~~commercial quantity~~ TAXI METER RATE determination and possible
42 violations of this chapter and to promote accuracy in the determination and
43 representation of quantity in ~~commercial transactions~~ TAXI METER RATES.

44 ~~3-~~ 2. Inspect and test taxi meters BY A RANDOM SYSTEMATIC METHOD
45 DETERMINED BY THE DIRECTOR OR IN RESPONSE TO A COMPLAINT BY THE PUBLIC to

1 determine whether the taxi meters meet the requirements ~~of the national~~
2 ~~institute of standards and technology handbook 44~~ as prescribed by ~~section~~
3 ~~3-3413~~ THE DEPARTMENT BY RULE.

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

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

9 ~~6.~~ 4. Subject to title 41, chapter 4, article 4, employ such
10 personnel as needed to assist in administering this chapter.

11 ~~B. Testing and inspection conducted pursuant to this chapter shall be~~
12 ~~done, to the extent practicable, without prior notice, by a random systematic~~
13 ~~method determined by the director or in response to a complaint by the~~
14 ~~public.~~

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

19 Sec. 37. Section 28-9503, Arizona Revised Statutes, is amended to
20 read:

21 28-9503. Vehicle for hire company permits; fees; violation;
22 classification

23 ~~A. A person may not use a commercial device unless the device is~~
24 ~~licensed as provided in this chapter.~~

25 ~~B. A license shall be obtained annually from the department on forms~~
26 ~~prescribed and furnished by the department. The fee, as determined by the~~
27 ~~director by rule, shall be submitted with the prescribed form. A license~~
28 ~~shall be obtained not later than thirty days following the first day of~~
29 ~~commercial use for original installations. If the ownership of a licensed~~
30 ~~device is transferred, the ownership of the license may be transferred. On~~
31 ~~transfer of a license, new licensees shall notify the department of the~~
32 ~~licensee's name and address and the location of the device.~~

33 A. A VEHICLE FOR HIRE COMPANY MAY NOT OPERATE IN THIS STATE UNLESS THE
34 VEHICLE FOR HIRE COMPANY IS ISSUED A PERMIT BY THE DEPARTMENT. THE VEHICLE
35 FOR HIRE COMPANY MAY APPLY TO THE DEPARTMENT ON FORMS PRESCRIBED BY THE
36 DEPARTMENT. THE PERMIT IS VALID FOR THREE YEARS. THE DEPARTMENT SHALL
37 CHARGE AND COLLECT AN APPLICATION FEE OF TWENTY-FOUR DOLLARS PER VEHICLE THAT
38 IS USED AS A TAXI BY THE VEHICLE FOR HIRE COMPANY AT THE TIME OF APPLICATION,
39 NOT TO EXCEED A TOTAL OF ONE THOUSAND DOLLARS PER APPLICANT.

40 B. THE DEPARTMENT SHALL ISSUE A PERMIT TO AN APPLICANT THAT MEETS THE
41 REQUIREMENTS OF THIS ARTICLE.

42 C. A VEHICLE FOR HIRE COMPANY SHALL MAINTAIN AN AGENT FOR SERVICE OF
43 PROCESS IN THIS STATE.

44 ~~C.~~ D. If a fare is based on time or mileage or both time and mileage,
45 a taxi shall have a ~~commercial device and shall obtain a license as~~

1 ~~prescribed by the department~~ TAXI METER, except that if the service offered
2 by the taxi is a prearranged ground transportation service as prescribed in
3 section 28-141 for a predetermined fare, ~~a~~ THE taxi is not required to use a
4 ~~commercial device~~ TAXI METER.

5 ~~D. The department may not issue a license for a taxi, livery vehicle~~
6 ~~or limousine unless the taxi, livery vehicle or limousine meets the~~
7 ~~requirements for both of the following:~~

8 ~~1. Motor vehicle licensing as prescribed by the department.~~

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

10 E. The department shall revoke a ~~license~~ PERMIT if the ~~taxi, livery~~
11 ~~vehicle or limousine~~ VEHICLE FOR HIRE COMPANY fails to maintain the
12 requirements for either of the following:

13 1. Motor vehicle licensing as prescribed by the department.

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

15 F. A ~~taxi or livery~~ vehicle FOR HIRE shall have a ~~license~~ COPY OF THE
16 PERMIT issued TO THE VEHICLE FOR HIRE COMPANY under this chapter ~~posted on~~
17 ~~the outside of the rear window as required by the department. A limousine~~
18 ~~shall carry a license issued under this chapter~~ inside the vehicle at all
19 times.

20 G. A taxi that is ~~licensed~~ ISSUED A PERMIT by the department and that
21 offers local transportation for a fare determined on the basis of the
22 distance traveled or prearranged ground transportation service as prescribed
23 in section 28-141 for a predetermined fare is not required to ~~be additionally~~
24 ~~licensed~~ HAVE AN ADDITIONAL PERMIT as a livery vehicle.

25 H. A person or the person's agent who knowingly files with the
26 department any notice, statement or other document required under this
27 section that is false or that contains any material misstatement of fact is
28 guilty of a class 2 misdemeanor.

29 Sec. 38. Section 28-9506, Arizona Revised Statutes, is amended to
30 read:

31 28-9506. Taxi and livery vehicle signage

32 A. A taxi or livery vehicle shall display ~~interior signage that~~
33 ~~contains~~ ALL OF THE FOLLOWING INFORMATION EITHER ON AN INTERIOR SIGN THAT IS
34 READILY VISIBLE AND THAT IS EITHER IN A PRINT OR AN ELECTRONIC FORMAT OR ON A
35 DIGITAL NETWORK OR SOFTWARE APPLICATION:

36 1. The ~~licensee's~~ PERMITTEE'S business name and address. ~~and that is~~
37 ~~all of the following:~~

38 ~~1. Permanent.~~

39 ~~2. In letters at least one-half inch in height.~~

40 ~~3. Readily visible.~~

41 ~~4. 2. Accurately representative~~ AN ACCURATE REPRESENTATION of all
42 fares and the fare computation method.

43 ~~B. 3. A taxi or livery vehicle shall display interior signage that~~
44 ~~contains~~ The driver's name ~~and is readily visible to passengers.~~

1 ~~C.~~ B. AT A MINIMUM, a taxi is required to display READILY VISIBLE
2 exterior ~~signage~~ TRADE DRESS AS DEFINED IN SECTION 28-9551 that contains the
3 ~~licensee's business name and telephone number, that contains the~~ word "taxi"
4 or "cab". ~~and that is all of the following:~~

- 5 ~~1. Permanent.~~
- 6 ~~2. In letters at least three inches in height.~~
- 7 ~~3. Readily visible and a minimum of one inch in height for fare~~
8 ~~information.~~
- 9 ~~4. Accurately representative of all fares and the fare computation~~
10 ~~method.~~

11 Sec. 39. Section 28-9507, Arizona Revised Statutes, is amended to
12 read:

13 28-9507. Vehicles for hire; criminal background checks; vehicle
14 safety records; zero-tolerance policy; drug and
15 alcohol use by driver; passenger complaints

16 A. ~~An owner of a livery vehicle, taxi or limousine licensed through A~~
17 VEHICLE FOR HIRE COMPANY THAT IS ISSUED A PERMIT BY the department shall have
18 available for inspection at all times by the department written evidence of a
19 criminal background check conducted for any driver operating a ~~livery~~
20 ~~vehicle, taxi or limousine~~ VEHICLE FOR HIRE for the ~~owner~~ VEHICLE FOR HIRE
21 COMPANY, whether as an employee or lessee. The criminal background check
22 shall be completed before the driver is engaged as an employee or lessee.

23 B. ~~An owner of a livery vehicle, taxi or limousine licensed through A~~
24 VEHICLE FOR HIRE COMPANY THAT IS ISSUED A PERMIT BY the department shall
25 require that all of the ~~owner's taxis, livery vehicles or limousines~~
26 COMPANY'S VEHICLES FOR HIRE THAT ARE used to provide passenger transportation
27 meet state vehicle safety and emissions standards for private vehicles and
28 shall require the ~~taxis, livery vehicles or limousines~~ VEHICLES FOR HIRE to
29 have, at a minimum, an annual brake and tire inspection that is performed by
30 a qualified party. The ~~owner~~ VEHICLE FOR HIRE COMPANY shall maintain vehicle
31 safety and emissions inspection records for at least two years and make the
32 records available to the department on request.

33 C. ~~An owner of a taxi, livery vehicle or limousine~~ A VEHICLE FOR HIRE
34 COMPANY shall implement a zero-tolerance policy on the use of drugs and
35 alcohol while a ~~taxi, livery vehicle or limousine~~ VEHICLE FOR HIRE driver is
36 providing passenger transportation or is available to provide passenger
37 transportation. The ~~owner of a taxi, livery vehicle or limousine~~ VEHICLE FOR
38 HIRE COMPANY shall provide notice of this policy on its website or in the
39 ~~taxi, livery vehicle or limousine~~ VEHICLE FOR HIRE, including procedures to
40 file a complaint about a driver with whom a passenger was matched and who the
41 passenger reasonably suspects was under the influence of drugs or alcohol
42 during the course of the passenger transportation.

43 D. On receipt of a passenger complaint alleging a violation of the
44 zero-tolerance policy, the ~~owner of the taxi, livery vehicle or limousine~~
45 VEHICLE FOR HIRE COMPANY shall do both of the following:

1 1. Immediately suspend the ~~taxi, livery vehicle or limousine~~ VEHICLE
2 FOR HIRE driver's access to the ~~owner's taxi, livery vehicle or limousine~~
3 COMPANY'S VEHICLE FOR HIRE.

4 2. Conduct an investigation into the filed complaint. The suspension
5 shall last the duration of the investigation.

6 E. If the ~~taxi, livery vehicle or limousine owner's~~ VEHICLE FOR HIRE
7 COMPANY'S investigation confirms that the driver has violated the policy
8 required by subsection C of this section, the ~~owner~~ VEHICLE FOR HIRE COMPANY
9 shall permanently prohibit the driver's access to the ~~owner's taxi, livery~~
10 ~~vehicle or limousine~~ COMPANY'S VEHICLES FOR HIRE. The ~~owner of a taxi,~~
11 ~~livery vehicle or limousine~~ VEHICLE FOR HIRE COMPANY shall maintain
12 enforcement records for at least two years after the date a passenger
13 complaint is received by the ~~owner~~ COMPANY and make the records available to
14 the department on request.

15 Sec. 40. Section 28-9521, Arizona Revised Statutes, is amended to
16 read:

17 28-9521. Unlawful use of vehicle for hire; violation;
18 classification

19 A. When any ~~commercial device~~ VEHICLE FOR HIRE specified in this
20 chapter is in commercial use and a valid ~~license for the device~~ PERMIT has
21 not been procured by the ~~owner, the owner's agent or the operator of the~~
22 ~~device~~ VEHICLE FOR HIRE COMPANY, the department, after giving notice of the
23 ~~licensing~~ PERMIT requirements to the ~~owner, the owner's agent or the operator~~
24 VEHICLE FOR HIRE COMPANY, shall prohibit the further commercial use of the
25 ~~unlicensed device~~ VEHICLE until the proper ~~license~~ PERMIT has been
26 issued. ~~The department may employ and attach to the device such forms,~~
27 ~~notices 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, remove an official rejection tag~~
31 ~~placed on a commercial device.~~

32 ~~2. Place in service, until an official examination can be made, a~~
33 ~~commercial device that has been officially rejected or placed out of service.~~

34 ~~3. Place in service, until an official examination can be made, a~~
35 ~~commercial device for which a commercial device application has been~~
36 ~~completed and submitted to the department.~~

37 ~~C.~~ B. The owner of any business who has not applied for and has not
38 been issued a ~~license~~ PERMIT BY THE DEPARTMENT for the right to do business
39 involving the use of a ~~commercial device by the department~~ VEHICLE FOR HIRE
40 and who is found ~~selling or offering for sale or delivering or distributing~~
41 OFFERING VEHICLE FOR HIRE SERVICES to a consumer is guilty of a class 2
42 misdemeanor. ~~, and the department shall confiscate and seize the commercial~~
43 ~~device or any other such measuring device used by the business for the sale,~~
44 ~~delivery or distribution as evidence.~~

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

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

10 Sec. 41. Section 28-9522, Arizona Revised Statutes, is amended to
11 read:

12 28-9522. Revocation or suspension of permits; procedure;
13 judicial review

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

17 B. The director may initiate proceedings for revocation or suspension
18 of a license PERMIT issued pursuant to this chapter on the director's own
19 motion or on a verified complaint for noncompliance with or a violation of
20 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, the licensee PERMITTEE fails to
23 appear at the hearing and defend, the department shall proceed to hear
24 evidence against the licensee PERMITTEE and shall enter an order as justified
25 by the evidence. The order is final unless the licensee PERMITTEE petitions
26 for a review as provided in title 41, chapter 6, article 10.

27 D. At all hearings, the attorney general of this state, an assistant
28 attorney general or a special assistant designated by the attorney general
29 shall appear and represent the department.

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. 42. Section 28-9523, Arizona Revised Statutes, is amended to
34 read:

35 28-9523. Violations; 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 director or any of the director's agents or inspectors in entering the
39 premises where a commercial device TAXI METER may be kept for inspecting or
40 testing or in the performance of the director's OFFICIAL DUTIES OF THE
41 DIRECTOR or the director's agent's AGENTS or ~~inspector's official duties~~
42 ~~INSPECTORS.~~

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

1 3. Uses, or has in possession for the purpose of using for ~~any~~ A
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~~ TAXI METER used or calculated to falsify
5 ~~any weight or measure~~ THE ACCURACY OF THE TAXI METER.

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 an inspection and test, unless the weight or measure has~~
16 ~~been exempted from testing by order of the department, or unless the device~~
17 ~~has been placed in service as provided in this chapter. Any person or~~
18 ~~persons making use of a commercial device that is subject to this chapter~~
19 ~~shall report to the director or the director's representatives, in writing,~~
20 ~~the number and location of the commercial device and shall promptly report~~
21 ~~the installation of any new commercial device.~~

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

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

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

30 ~~5. 1. Uses in retail trade, except in the preparation of packages put~~
31 ~~up in advance of sale and of medical prescriptions, a weight or measure A~~
32 TAXI METER that is so positioned that its indications cannot be accurately
33 read and the ~~weighing, metering, measuring or counting~~ operation cannot be
34 observed from some position that may reasonably be assumed by a customer.

35 ~~6. 2. Violates this chapter or rules adopted under this chapter. A~~
36 ~~continuing violation may be deemed to be a separate violation each day during~~
37 ~~which the violation is committed for the purpose of imposing a fine.~~

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

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

1 Sec. 43. Section 28-9524, Arizona Revised Statutes, is amended to
2 read:

3 28-9524. Presumptive evidence of use

4 When a ~~weight, measure, meter, counter or commercial device~~ TAXI METER
5 is in or about any place in which or from which ~~buying or selling~~ A VEHICLE
6 FOR HIRE TRANSACTION is commonly carried on, there ~~shall be~~ IS a rebuttable
7 presumption that the ~~weight, measure, meter, counter or commercial device~~
8 TAXI METER is regularly used for the business purpose of the place.

9 Sec. 44. Section 28-9525, Arizona Revised Statutes, is amended to
10 read:

11 28-9525. Civil penalties

12 A. A person who violates this chapter, any rule of the department or
13 any ~~license~~ PERMIT requirement is subject to a civil penalty imposed by the
14 director. A person who violates this chapter, any rule of the department or
15 any ~~license~~ PERMIT requirement may request a hearing to review a civil
16 penalty imposed under this section. The department shall conduct the hearing
17 in accordance with title 41, chapter 6, article 10. ~~Except as prescribed in~~
18 ~~subsection B of this section,~~ The civil penalty may not exceed one thousand
19 dollars for each infraction ~~or more than ten thousand dollars for any~~
20 ~~thirty-day period~~ at each business location. ~~or for each public weighmaster,~~
21 ~~provided that no person shall be assessed more than fifty thousand dollars~~
22 ~~per thirty-day period.~~

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

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

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

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

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

41 Sec. 45. Section 28-9526, Arizona Revised Statutes, is amended to
42 read:

43 28-9526. Delinquent civil penalties and fees

44 In addition to any other penalty, if a civil penalty or any fee due
45 pursuant to this chapter has not been paid within thirty days after the due

1 date, the civil penalty or fee is delinquent and the department may refuse to
2 issue a ~~license~~ PERMIT or may revoke a ~~license~~ PERMIT pursuant to this
3 chapter until the civil penalty or fee is paid in full.

4 Sec. 46. Section 28-9552, Arizona Revised Statutes, is amended to
5 read:

6 28-9552. Transportation network companies; permit; fee; agent;
7 trade dress

8 A. A person may not act as a transportation network company driver in
9 this state unless the transportation network company has been issued a permit
10 by the department. The ~~person~~ TRANSPORTATION NETWORK COMPANY may apply to
11 the department on forms prescribed by the department. The department shall
12 charge and collect an application fee as determined by the director.

13 B. The department shall issue a permit to an applicant that meets the
14 requirements of this article.

15 C. A transportation network company shall maintain an agent for
16 service of process in this state.

17 D. A transportation network company vehicle shall display trade dress
18 while being used to provide transportation network services. The trade dress
19 shall identify the transportation network company vehicle with a particular
20 transportation network company. The transportation network company shall
21 file an illustration of the trade dress with the department.

22 E. A transportation network company shall be regulated pursuant to
23 this article and not as a ~~taxi, livery vehicle or limousine service~~ VEHICLE
24 FOR HIRE.

25 Sec. 47. Section 41-1092.02, Arizona Revised Statutes, is amended to
26 read:

27 41-1092.02. Appealable agency actions; application of
28 procedural rules; exemption from article

29 A. This article applies to all contested cases as defined in section
30 41-1001 and all appealable agency actions, except contested cases with or
31 appealable agency actions of:

- 32 1. The state department of corrections.
- 33 2. The board of executive clemency.
- 34 3. The industrial commission of Arizona.
- 35 4. The Arizona corporation commission.
- 36 5. The Arizona board of regents and institutions under its
37 jurisdiction.
- 38 6. The state personnel board.
- 39 7. The department of juvenile corrections.
- 40 8. The department of transportation, EXCEPT AS PROVIDED IN TITLE 28,
41 CHAPTER 30, ARTICLE 2.
- 42 9. The department of economic security except as provided in section
43 46-458.
- 44 10. The department of revenue regarding:
45 (a) Income tax or withholding tax.

1 (b) Any tax issue related to information associated with the reporting
2 of income tax or withholding tax unless the taxpayer requests in writing that
3 this article apply and waives confidentiality under title 42, chapter 2,
4 article 1.

5 11. The board of tax appeals.

6 12. The state board of equalization.

7 13. The state board of education, but only in connection with
8 contested cases and appealable agency actions related to applications for
9 issuance or renewal of a certificate and discipline of certificate holders
10 pursuant to sections 15-203, 15-534, 15-534.01, 15-535, 15-545 and 15-550.

11 14. The board of fingerprinting.

12 15. The department of child safety except as provided in sections
13 8-506.01 and 8-811.

14 B. Unless waived by all parties, an administrative law judge shall
15 conduct all hearings under this article, and the procedural rules set forth
16 in this article and rules made by the director apply.

17 C. Except as provided in subsection A of this section:

18 1. A contested case heard by the office of administrative hearings
19 regarding taxes administered under title 42 shall be subject to ~~the~~
20 ~~provisions under~~ section 42-1251.

21 2. A final decision of the office of administrative hearings regarding
22 taxes administered under title 42 may be appealed by either party to the
23 director of the department of revenue, or a taxpayer may file and appeal
24 directly to the board of tax appeals pursuant to section 42-1253.

25 D. Except as provided in subsections A, B, E, F and G of this section
26 and notwithstanding any other administrative proceeding or judicial review
27 process established in statute or administrative rule, this article applies
28 to all appealable agency actions and to all contested cases.

29 E. Except for a contested case or an appealable agency action
30 regarding unclaimed property, sections 41-1092.03, 41-1092.08 and 41-1092.09
31 do not apply to the department of revenue.

32 F. The board of appeals established by section 37-213 is exempt from:

33 1. The time frames for hearings and decisions provided in section
34 41-1092.05, subsection A, section 41-1092.08 and section 41-1092.09.

35 2. The requirement in section 41-1092.06, subsection A to hold an
36 informal settlement conference at the appellant's request if the sole subject
37 of an appeal pursuant to section 37-215 is the estimate of value reported in
38 an appraisal of lands or improvements.

39 G. Auction protest procedures pursuant to title 37, chapter 2, article
40 4.1 are exempt from this article.

41 Sec. 48. Laws 2014, chapter 132, section 11 is amended to read:

42 Sec. 11. Delayed repeal

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

1 Sec. 49. Exemption from rulemaking

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

6 Sec. 50. Effective date; retroactivity

7 This act is effective and applies retroactively to from and after
8 June 30, 2016.