

REFERENCE TITLE: **transportation revisions**

State of Arizona  
Senate  
Fifty-third Legislature  
Second Regular Session  
2018

## **SB 1200**

Introduced by  
Senators Worsley: Bowie, Fann, Pratt

### AN ACT

AMENDING SECTIONS 28-305 AND 28-363, ARIZONA REVISED STATUTES; REPEALING TITLE 28, CHAPTER 2, ARTICLE 6, ARIZONA REVISED STATUTES; AMENDING SECTIONS 28-755, 28-871, 28-960, 28-961 AND 28-1385, ARIZONA REVISED STATUTES; REPEALING TITLE 28, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES; AMENDING SECTIONS 28-2059, 28-2261 AND 28-2293, ARIZONA REVISED STATUTES; AMENDING SECTION 28-2294, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 1996, CHAPTER 76, SECTION 93; AMENDING SECTION 28-2294, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1996, CHAPTER 76, SECTION 94; AMENDING SECTIONS 28-2295, 28-2356 AND 28-2513, ARIZONA REVISED STATUTES; REPEALING SECTIONS 28-3051 AND 28-3052, ARIZONA REVISED STATUTES; AMENDING SECTIONS 28-3153, 28-3158, 28-3166 AND 28-3171, ARIZONA REVISED STATUTES; REPEALING SECTION 28-3172, ARIZONA REVISED STATUTES; AMENDING SECTION 28-4145, ARIZONA REVISED STATUTES; REPEALING SECTION 28-4543, ARIZONA REVISED STATUTES; AMENDING SECTIONS 28-5615, 28-5639, 28-5648, 28-5703, 28-5721, 28-5724, 28-5952, 28-6922, 28-7009, 28-7058, 28-7059 AND 28-8242, ARIZONA REVISED STATUTES; REPEALING TITLE 41, CHAPTER 3, ARTICLE 1.3, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-835.01 AND 41-835.03, ARIZONA REVISED STATUTES; RELATING TO TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-305, Arizona Revised Statutes, is amended to  
3 read:

4 28-305. Powers and duties of the board; rules

5 The board may prescribe rules for the effective administration of  
6 its powers, duties and responsibilities, including rules relating to:

- 7 1. Priority programs.
- 8 2. Establishing, altering or vacating highways.
- 9 3. Construction contracts.
- 10 4. Revenue bonds.
- 11 5. Local government airport grants.
- 12 ~~6. Designating or establishing scenic or historic highways.~~
- 13 ~~7.~~ 6. Prohibiting bid rigging.

14 Sec. 2. Section 28-363, Arizona Revised Statutes, is amended to  
15 read:

16 28-363. Duties of the director; administration

17 A. The director shall:

- 18 1. Supervise and administer the overall activities of the  
19 department and its divisions and employees.
- 20 2. Appoint assistant directors for each of the divisions.
- 21 3. Provide for the assembly and distribution of information to the  
22 public concerning department activities.
- 23 4. Delegate functions, duties or powers as the director deems  
24 necessary to carry out the efficient operation of the department.
- 25 5. Exercise complete and exclusive operational control and  
26 jurisdiction over the use of state highways and routes.
- 27 6. Coordinate the design, right-of-way purchase and construction of  
28 controlled access highways that are either state routes or state highways  
29 and related grade separations of controlled access highways.
- 30 7. Coordinate the design, right-of-way purchase, construction,  
31 standard and reduced clearance grade separation, extension and widening of  
32 arterial streets and highways under chapters 17 and 18 of this title.
- 33 8. Assist regional transportation planning agencies, councils of  
34 government, tribal governments, counties, cities and towns in the  
35 development of their regional and local transportation plans to ensure  
36 that the streets, highways and other regionally significant modes of  
37 transportation within each county form an integrated and efficient  
38 regional system.

39 ~~9. On or before December 1, present an annual report to the speaker  
40 of the house of representatives and the president of the senate  
41 documenting the expenditures of monies under chapters 17 and 18 of this  
42 title during the previous fiscal year relating to the design, right-of-way  
43 purchase or construction of controlled access highways that are accepted  
44 in the state highway system as state routes or state highways or related~~

1 ~~grade separations of controlled access highways that are included in the~~  
2 ~~regional transportation plans of the counties.~~

3 ~~10.~~ 9. Designate the necessary agencies for enforcing the  
4 provisions of the laws the director administers or enforces.

5 ~~11.~~ 10. Exercise other duties or powers as the director deems  
6 necessary to carry out the efficient operation of the department.

7 ~~12.~~ 11. Cooperate with the Arizona-Mexico commission in the  
8 governor's office and with researchers at universities in this state to  
9 collect data and conduct projects in the United States and Mexico on  
10 issues that are within the scope of the department's duties and that  
11 relate to quality of life, trade and economic development in this state in  
12 a manner that will help the Arizona-Mexico commission to assess and  
13 enhance the economic competitiveness of this state and of the  
14 Arizona-Mexico region.

15 ~~13.~~ 12. Develop a plan to increase use of bypass routes by vehicles  
16 on days of poor visibility in the Phoenix metropolitan area.

17 B. The assistant directors appointed pursuant to subsection A of  
18 this section are subject to title 41, chapter 4, article 4.

19 C. The director shall not spend any monies, adopt any rules or  
20 implement any policies or programs to convert signs to the metric system  
21 or to require the use of the metric system with respect to designing or  
22 preparing plans, specifications, estimates or other documents for any  
23 highway project before the conversion or use is required by federal law,  
24 except that the director may:

25 1. Spend monies and require the use of the metric system with  
26 respect to designing or preparing plans, specifications, estimates or  
27 other documents for a highway project that is awarded before October 1,  
28 1997 and that is exclusively metric from its inception.

29 2. Prepare for conversion to and use of the metric system not more  
30 than six months before the conversion or use is required by federal law.

31 Sec. 3. Repeal

32 Title 28, chapter 2, article 6, Arizona Revised Statutes, is  
33 repealed.

34 Sec. 4. Section 28-755, Arizona Revised Statutes, is amended to  
35 read:

36 28-755. Hand or arm signals or mechanical signal

37 A person shall give a stop or turn signal if required by this  
38 article by means of the hand and arm or by a signal lamp or lamps or  
39 mechanical signal ~~device of a type approved by the department~~. If a  
40 vehicle is constructed or loaded so that a hand and arm signal would not  
41 be visible both to the front and rear of the vehicle, the signals must be  
42 given by a lamp or lamps or signal device.

1           Sec. 5. Section 28-871, Arizona Revised Statutes, is amended to  
2 read:

3           28-871. Stopping, standing or parking outside business or  
4                                   residence district

5           A. On a highway outside of a business or residence district, a  
6 person shall not stop, park or leave standing a vehicle, whether attended  
7 or unattended, on the paved or main traveled part of the highway if it is  
8 practicable to stop, park or leave the vehicle off that part of the  
9 highway. If a person stops, parks or leaves standing a vehicle, the  
10 person shall leave an unobstructed width of the highway opposite the  
11 standing vehicle for the free passage of other vehicles and a clear view  
12 of the standing vehicle shall be available from a distance of two hundred  
13 feet in each direction on the highway.

14           B. This section does not apply to:

15           1. The driver of a vehicle that is disabled while on the paved or  
16 main traveled portion of a highway in a manner and to an extent that it is  
17 impossible to avoid stopping and temporarily leaving the disabled vehicle  
18 in that position.

19           2. A vehicle or the driver of a vehicle engaged in the official  
20 delivery of the United States mail that stops on the right-hand side of  
21 the highway for the purpose of picking up or delivering mail if the  
22 following conditions are met:

23           (a) A clear view of the vehicle is available from a distance of  
24 three hundred feet in each direction on the highway or a flashing amber  
25 light at least four inches in diameter with the letters "stop" printed on  
26 the light is attached to the rear of the vehicle.

27           (b) The vehicle has a uniform sign that:

28           (i) Is at least fourteen inches in diameter.

29           ~~(ii) Is approved by the department.~~

30           ~~(iii)~~ (ii) Has the words "U.S. mail" printed on the sign.

31           ~~(iv)~~ (iii) Is attached to the rear of the vehicle.

32           Sec. 6. Section 28-960, Arizona Revised Statutes, is amended to  
33 read:

34           28-960. Flares; warning devices; requirements

35           A. Except as provided in subsection B **OF THIS SECTION**, a person  
36 shall not operate a motor truck, passenger bus or truck tractor on a  
37 highway outside the corporate limits of a city or town from a half hour  
38 after sunset to a half hour before sunrise unless the following equipment  
39 is carried in the vehicle:

40           1. At least three flares or three red electric lanterns that comply  
41 with the following:

42           (a) Each flare or lantern is capable of being seen and  
43 distinguished at a distance of five hundred feet under normal atmospheric  
44 conditions at nighttime.

1 (b) Each flare or liquid-burning pot torch is capable of burning  
2 for at least twelve hours in five miles per hour wind velocity and capable  
3 of burning in any air velocity from zero to forty miles per hour.

4 (c) Each flare is substantially constructed to withstand reasonable  
5 shocks without leaking.

6 (d) Each flare is carried in the vehicle in a metal rack or box.

7 (e) Each red electric lantern is capable of operating continuously  
8 for at least twelve hours and is substantially constructed to withstand  
9 reasonable shock without breakage.

10 2. At least three red-burning fusees, unless red electric lanterns  
11 are carried, that are:

12 (a) Made in accordance with specifications of the bureau of  
13 explosives, 30 Vesey Street, New York City and so marked.

14 (b) Capable of burning at least fifteen minutes.

15 3. At least two red cloth flags that are at least twelve inches  
16 square and have standards to support the flags.

17 B. At the time and under the conditions stated in subsection A **OF**  
18 **THIS SECTION** a person shall not operate a motor vehicle used in  
19 transporting flammable liquids in bulk or transporting compressed  
20 flammable gases, unless three red electric lanterns meeting the  
21 requirements stated in subsection A **OF THIS SECTION** are carried in the  
22 vehicle. A flare, fusee or signal produced by a flame shall not be  
23 carried in a vehicle described in this subsection.

24 C. A person is in compliance with this section if the person  
25 operates a motor vehicle described in this section and carries in the  
26 vehicle three portable reflector units ~~on standards and of a type approved~~  
27 ~~by the department. The department shall not approve a portable reflector~~  
28 ~~unit unless it is~~ **THAT ARE** designed and constructed to meet the  
29 requirements of 49 Code of Federal Regulations section 571.125.

30 Sec. 7. Section 28-961, Arizona Revised Statutes, is amended to  
31 read:

32 28-961. Display of warning devices; disabled vehicle

33 A. Except as provided in subsection B of this section, if a motor  
34 truck, passenger bus, truck tractor, trailer, semitrailer or pole trailer  
35 is disabled on the traveled portion of a highway or the shoulder of a  
36 highway outside of a city or town at a time when lighted lamps are  
37 required on vehicles, the driver of the vehicle shall display the  
38 following warning devices on the highway during the time the vehicle is  
39 disabled on the highway:

40 1. A lighted fusee immediately placed on the roadway at the traffic  
41 side of the motor vehicle unless electric lanterns are displayed.

42 2. Within the burning period of the fusee and as promptly as  
43 possible, three lighted flares or pot torches or three electric lanterns  
44 placed on the roadway as follows:

1 (a) One at a distance of approximately one hundred feet in advance  
2 of the vehicle and one at a distance of approximately one hundred feet to  
3 the rear of the vehicle, each in the center of the lane of traffic  
4 occupied by the disabled vehicle.

5 (b) One at the traffic side of the vehicle approximately ten feet  
6 rearward or forward of the vehicle.

7 B. If a vehicle that is used in transporting flammable liquids in  
8 bulk or compressed flammable gases is disabled on a highway at a time or  
9 place provided in subsection A of this section, the driver of the vehicle  
10 shall display on the roadway the following lighted warning devices:

11 1. One red electric lantern immediately placed on the roadway at  
12 the traffic side of the vehicle.

13 2. Two other red electric lanterns placed to the front and rear of  
14 the vehicle in the same manner prescribed for flares in subsection A of  
15 this section.

16 C. If a vehicle of a type provided in subsection B of this section  
17 is disabled, the use of flares, fusees or any signal produced by flame as  
18 warning signals is prohibited.

19 D. If a vehicle referred to in this section is disabled on the  
20 traveled portion of a highway or the shoulder of a highway outside of a  
21 city or town at a time when the display of fusees, flares or electric  
22 lanterns is not required, the driver of the vehicle shall display two red  
23 flags on the roadway in the lane of traffic occupied by the disabled  
24 vehicle, one at a distance of approximately one hundred feet in advance of  
25 the vehicle and one at a distance of approximately one hundred feet to the  
26 rear of the vehicle.

27 E. A person is in compliance with this section if three portable  
28 reflector units ~~on standards and approved by the department~~ are both:

29 1. Displayed at the times and under the conditions provided in this  
30 section either during the daytime or at nighttime.

31 2. Placed on the roadway in the locations prescribed by this  
32 section for the placing of electric lanterns and lighted flares.

33 F. The flares, fusees, lanterns and flags required in this section  
34 shall conform with the requirements of section 28-960 applicable to the  
35 flares, fusees, lanterns and flags.

36 Sec. 8. Section 28-1385, Arizona Revised Statutes, is amended to  
37 read:

38 28-1385. Administrative license suspension for driving under  
39 the influence or for homicide or assault involving  
40 a motor vehicle; report; hearing; summary review;  
41 ignition interlock device requirement

42 A. A law enforcement officer shall forward to the department a  
43 certified report as prescribed in subsection B of this section, subject to  
44 the penalty for perjury prescribed by section 28-1561, if both of the  
45 following occur:

1           1. The officer arrests a person for a violation of section 4-244,  
2 paragraph 34, section 28-1381, section 28-1382 or section 28-1383 or for a  
3 violation of title 13, chapter 11 or section 13-1201 or 13-1204 involving  
4 a motor vehicle.

5           2. The person submits to a blood or breath alcohol test permitted  
6 by section 28-1321 or any other law or a sample of blood is obtained  
7 pursuant to section 28-1388 and the results are either not available or  
8 the results indicate any of the following:

9           (a) 0.08 or more alcohol concentration in the person's blood or  
10 breath.

11           (b) 0.04 or more alcohol concentration in the person's blood or  
12 breath if the person was driving or in actual physical control of a  
13 commercial motor vehicle.

14           (c) Any drug defined in section 13-3401 or its metabolite is in the  
15 person's body except if the person possesses a valid prescription for the  
16 drug.

17           B. The officer shall make the certified report required by  
18 subsection A of this section on forms supplied or approved by the  
19 department. The report shall state information that is relevant to the  
20 enforcement action, including:

21           1. Information that adequately identifies the arrested person.

22           2. A statement of the officer's grounds for belief that the person  
23 was driving or in actual physical control of a motor vehicle in violation  
24 of section 4-244, paragraph 34, section 28-1381, section 28-1382 or  
25 section 28-1383 or committed a violation of title 13, chapter 11 or  
26 section 13-1201 or 13-1204 involving a motor vehicle.

27           3. A statement that the person was arrested for a violation of  
28 section 4-244, paragraph 34, section 28-1381, section 28-1382 or section  
29 28-1383 or for a violation of title 13, chapter 11 or section 13-1201 or  
30 13-1204 involving a motor vehicle.

31           4. A report of the results of the blood or breath alcohol test that  
32 was administered, if the results are available.

33           C. The officer shall also serve an order of suspension on the  
34 person on behalf of the department. The order of suspension:

35           1. Is effective fifteen days after the date it is served.

36           2. Shall require the immediate surrender of any license or permit  
37 to drive that is issued by this state and that is in the possession or  
38 control of the person.

39           3. Shall contain information concerning the right to a summary  
40 review and hearing, including information concerning the hearing as  
41 required by section 28-1321, subsections G and H.

42           4. Shall be accompanied by printed forms that are ready to mail to  
43 the department, that the person may fill out and sign to indicate the  
44 person's desire for a hearing and that advise the person that the person  
45 may alternatively submit an online request for a hearing.

1           5. Shall be entered on the department's records on receipt of the  
2 report by the officer and a copy of the order of suspension.

3           6. Shall inform the person that the person's driving privilege,  
4 license, permit, right to apply for a license or permit or nonresident  
5 operating privilege may be issued or reinstated following the period of  
6 suspension only if the person completes alcohol or other drug screening.

7           7. Shall contain information on alcohol or other drug education and  
8 treatment programs that are provided by a facility approved by the  
9 department of health services.

10          D. If the blood test result is unavailable at the time the test is  
11 administered, the result shall be forwarded to the department before the  
12 hearing held pursuant to this section in a form prescribed by the  
13 director.

14          E. If the license or permit is not surrendered pursuant to  
15 subsection C of this section, the officer shall state the reason for the  
16 nonsurrender. If a valid license or permit is surrendered, the officer  
17 shall issue a temporary driving permit that is valid for fifteen days.  
18 The officer shall forward a copy of the completed order of suspension, a  
19 copy of any completed temporary permit and any driver license or permit  
20 taken into possession under this section to the department within five  
21 days after the issuance of the order of suspension along with the report.

22          F. The department shall suspend the affected person's license or  
23 permit to drive or right to apply for a license or permit or any  
24 nonresident operating privilege for not less than ninety consecutive days  
25 from that date. If the person is otherwise qualified, the department may  
26 reinstate the person's driving privilege, license, permit, right to apply  
27 for a license or permit or nonresident operating privilege following the  
28 period of suspension only if the violator completes alcohol or other drug  
29 screening.

30          G. Notwithstanding subsections A through F of this section, the  
31 department shall suspend the driving privileges of the person described in  
32 subsection A of this section for not less than thirty consecutive days and  
33 shall restrict the driving privileges of the person for not less than  
34 sixty consecutive additional days to travel between the person's place of  
35 employment and residence and during specified periods of time while at  
36 employment, to travel between the person's place of residence and the  
37 person's secondary or postsecondary school, according to the person's  
38 employment or educational schedule, to travel between the person's place  
39 of residence and the office of the person's probation officer for  
40 scheduled appointments or to travel between the person's place of  
41 residence and a screening, education or treatment facility for scheduled  
42 appointments if the person:

43           1. Did not cause death or serious physical injury as defined in  
44 section 13-105 to another person during the course of conduct out of which  
45 the current action arose.



1           2. Has not been convicted of a violation of section 4-244,  
2 paragraph 34, section 28-1381, section 28-1382 or section 28-1383 within  
3 eighty-four months of the date of commission of the acts out of which the  
4 current action arose. The dates of commission of the acts are the  
5 determining factor in applying the eighty-four month provision.

6           3. Has not had the person's privilege to drive suspended pursuant  
7 to this section or section 28-1321 within eighty-four months of the date  
8 of commission of the acts out of which the current action arose.

9           4. Provides satisfactory evidence to the department of the person's  
10 completion of alcohol or other drug screening that is ordered by the  
11 department. If the person does not complete alcohol or other drug  
12 screening, the department may impose a ninety day suspension pursuant to  
13 this section.

14           H. If the officer does not serve an order of suspension pursuant to  
15 subsection C of this section and if the department does not receive the  
16 report of the results of the blood or breath alcohol test pursuant to  
17 subsection B, paragraph 4 of this section, but subsequently receives the  
18 results and the results indicate 0.08 or more alcohol concentration in the  
19 person's blood or breath, a blood or breath alcohol concentration of 0.04  
20 or more and the person was driving or in actual physical control of a  
21 commercial motor vehicle or any drug defined in section 13-3401 or its  
22 metabolite in the person's body and the person does not possess a valid  
23 prescription for the drug, the department shall notify the person named in  
24 the report in writing sent by mail that fifteen days after the date of  
25 issuance of the notice the department will suspend the person's license or  
26 permit, driving privilege or nonresident driving privilege. The notice  
27 shall also state that the department will provide an opportunity for a  
28 hearing and administrative review if the person requests a hearing or  
29 review in writing and the request is received by the department within  
30 fifteen days after the notice is sent.

31           I. A timely request for a hearing stays the suspension until a  
32 hearing is held, except that the department shall not return any  
33 surrendered license or permit to the person but may issue temporary  
34 permits to drive that expire no later than when the department has made  
35 its final decision. If the person is a resident without a license or  
36 permit or has an expired license or permit, the department may allow the  
37 person to apply for a restricted license or permit. If the department  
38 determines the person is otherwise entitled to the restricted license or  
39 permit, the department shall issue, but retain, the license or permit,  
40 subject to this section. All hearings requested under this section shall  
41 be conducted in the same manner and under the same conditions as provided  
42 in section 28-3306.

1 J. For the purposes of this section, the scope of the hearing shall  
2 include only the following issues:

3 1. Whether the officer had reasonable grounds to believe the person  
4 was driving or was in actual physical control of a motor vehicle while  
5 under the influence of intoxicating liquor or drugs.

6 2. Whether the person was placed under arrest for a violation of  
7 section 4-244, paragraph 34, section 28-1381, section 28-1382 or section  
8 28-1383 or for a violation of title 13, chapter 11 or section 13-1201 or  
9 13-1204 involving a motor vehicle.

10 3. Whether a test was taken, the results of which indicated any of  
11 the following:

12 (a) An alcohol concentration in the person's blood or breath at the  
13 time the test was administered of either:

14 (i) 0.08 or more.

15 (ii) 0.04 or more if the person was driving or in actual physical  
16 control of a commercial motor vehicle.

17 (b) Any drug defined in section 13-3401 or its metabolite in the  
18 person's body except if the person possesses a valid prescription for the  
19 drug.

20 4. Whether the testing method used was valid and reliable.

21 5. Whether the test results were accurately evaluated.

22 K. The results of the blood or breath alcohol test shall be  
23 admitted on establishing the requirements in section 28-1323 or 28-1326.

24 L. If the department determines at the hearing to suspend the  
25 affected person's privilege to operate a motor vehicle, the suspension  
26 provided in this section is effective fifteen days after giving written  
27 notice of the suspension, except that the department may issue or extend a  
28 temporary license that expires on the effective date of the suspension.  
29 If the person is a resident without a license or permit or has an expired  
30 license or permit to operate a motor vehicle in this state, the department  
31 shall deny the issuance of a license or permit to the person for not less  
32 than ninety consecutive days. The department may reinstate the person's  
33 driving privilege, license, permit, right to apply for a license or permit  
34 or nonresident operating privilege following the period of suspension only  
35 if the violator completes alcohol or other drug screening.

36 M. A person may apply for a summary review of an order issued  
37 pursuant to this section instead of a hearing at any time before the  
38 effective date of the order. **A TIMELY REQUEST FOR SUMMARY REVIEW STAYS**  
39 **THE SUSPENSION UNTIL A DECISION IS ISSUED.** The person shall submit the  
40 application in writing to any department driver license examining office  
41 together with any written explanation as to why the department should not  
42 suspend the driving privilege. ~~The agent of the department receiving the~~  
43 ~~notice shall issue to the person an additional driving permit that expires~~  
44 ~~twenty days from the date the request is received.~~ The department shall  
45 review all reports submitted by the officer and any written explanation

1 submitted by the person and shall determine if the order of suspension  
2 should be sustained or cancelled. The department shall not hold a  
3 hearing, and the review is not subject to title 41, chapter 6. The  
4 department shall notify the person of its decision ~~before the temporary~~  
5 ~~driving permit expires.~~

6 N. If the suspension or determination that there should be a denial  
7 of issuance is not sustained after a hearing or review, the ruling is not  
8 admissible in and does not have any effect on any civil or criminal court  
9 proceeding.

10 O. If it has been determined under the procedures of this section  
11 that a nonresident's privilege to operate a motor vehicle in this state  
12 has been suspended, the department shall give information either in  
13 writing or by electronic means of the action taken to the motor vehicle  
14 administrator of the state of the person's residence and of any state in  
15 which the person has a license.

16 Sec. 9. Repeal

17 Title 28, chapter 6, article 2, Arizona Revised Statutes, is  
18 repealed.

19 Sec. 10. Section 28-2059, Arizona Revised Statutes, is amended to  
20 read:

21 28-2059. Obtaining a certificate of title; refusal; revocation

22 A. If satisfactory proof of ownership is furnished to the director,  
23 the director may issue a certificate of title for a motor vehicle, trailer  
24 or semitrailer whether or not a certificate of title has ever been issued  
25 for that motor vehicle, trailer or semitrailer.

26 B. If the director determines that an applicant for a certificate  
27 of title to a motor vehicle, trailer or semitrailer is not entitled to a  
28 certificate of title, the director may refuse to issue a certificate of  
29 title or to register the vehicle. ~~After notice and a hearing,~~ The  
30 director may revoke a registration already acquired or an outstanding  
31 certificate of title. The director shall serve ~~the~~ A NOTICE OF REFUSAL TO  
32 ISSUE A CERTIFICATE OF TITLE OR VEHICLE REGISTRATION OR A NOTICE OF  
33 REVOCATION OF A CERTIFICATE OF TITLE OR REGISTRATION in person or by first  
34 class mail. Within fifteen days after the date the notice is ~~delivered or~~  
35 mailed OR SERVED, ~~the applicant~~ A PERSON WHO IS AGGRIEVED BY THE REFUSAL  
36 OR REVOCATION may request a hearing.

37 Sec. 11. Section 28-2261, Arizona Revised Statutes, is amended to  
38 read:

39 28-2261. Alternative proportional registration agreements;  
40 authority

41 A. In lieu of the registration required by section 28-2153, in lieu  
42 of international proportional registration pursuant to article 7 of this  
43 chapter and notwithstanding section 28-2321, the director may provide for  
44 the apportionment of registration and other fees for resident or  
45 nonresident fleets of apportionable commercial vehicles that are engaged

1 in interstate and intrastate commerce between this state and another state  
2 or states in which fleets operate in accordance with a proportional  
3 registration agreement pursuant to this article.

4 B. The director may enter into proportional registration agreements  
5 with another state or states providing that residents of the other state  
6 or states who operate a commercial vehicle may allocate and apportion the  
7 registration and other fees and taxes for the commercial vehicle  
8 prescribed in sections 28-2003, 28-5433, 28-5471 and 28-5801 pursuant to a  
9 formula agreed on by the director and the other state or states.

10 C. The director may enter into an agreement pursuant to this  
11 article if residents of this state are granted the same allocation and  
12 apportionment privileges for commercial motor vehicles registered in the  
13 other state or states. An agreement, arrangement, declaration or  
14 amendment entered into pursuant to this article shall be in writing and is  
15 not effective until filed with the department.

16 ~~D. The director shall adopt rules necessary to administer and~~  
17 ~~enforce this article.~~

18 Sec. 12. Section 28-2293, Arizona Revised Statutes, is amended to  
19 read:

20 28-2293. Application

21 A. A nonresident daily commuter may apply for ~~external vehicle~~  
22 ~~identification indicia~~ and an identification card by filing an application  
23 with the department.

24 B. The department shall prescribe a form to be completed by the  
25 applicant that includes all of the following information:

26 1. The vehicle license plate number and the vehicle identification  
27 number of the motor vehicle ~~that will display the nonresident daily~~  
28 ~~commuter indicia.~~

29 2. The name of the registered owner of the motor vehicle ~~that will~~  
30 ~~display the indicia.~~

31 3. A statement that the applicant is a nonresident daily commuter.

32 4. A statement that the ~~indicia will be displayed on a qualified~~  
33 **NONRESIDENT DAILY COMMUTER WILL ALWAYS CARRY THE NONRESIDENT**  
34 **IDENTIFICATION CARD IN THE motor vehicle FOR WHICH THE CARD IS ASSIGNED**  
35 **AND WILL PRESENT THE CARD TO ANY PEACE OFFICER OF THIS STATE ON DEMAND** as  
36 prescribed by section 28-2295.

37 5. A statement that the place of employment of the nonresident  
38 daily commuter is within the corridor prescribed by section 28-2294.

39 Sec. 13. Section 28-2294, Arizona Revised Statutes, as added by  
40 Laws 1996, chapter 76, section 93, is amended to read:

41 28-2294. Nonresident daily commuter; identification card; fee

42 A. On application and completion of the form prescribed by section  
43 28-2293, the department shall provide a nonresident daily commuter with  
44 ~~external vehicle identification indicia and a corresponding~~ **AN**  
45 identification card that ~~are~~ **IS** valid for two years.

1 B. A motor vehicle is exempt from registration by this state if the  
2 following conditions are met:

3 1. The motor vehicle is operated ~~with the indicia provided~~ pursuant  
4 to subsection A of this section and otherwise in accordance with this  
5 article.

6 2. The motor vehicle is a passenger vehicle or an unladen truck.

7 3. The motor vehicle is licensed in a contiguous state and is used  
8 to commute into this state to a destination within a corridor in this  
9 state that parallels the border between this state and the contiguous  
10 state and that extends not more than thirty-five air miles into this state  
11 from the border at any point.

12 C. The privilege accorded by subsection A of this section is  
13 revoked if the motor vehicle is operated for commuter purposes beyond the  
14 thirty-five mile corridor.

15 D. The department may charge a fee of not more than eight dollars  
16 for each motor vehicle exempt from registration pursuant to this section,  
17 as necessary, to recover the costs of administering this article.

18 Sec. 14. Section 28-2294, Arizona Revised Statutes, as amended by  
19 Laws 1996, chapter 76, section 94, is amended to read:

20 ~~28-2294.~~ Nonresident daily commuter; identification card; fee

21 A. On application and completion of the form prescribed by section  
22 28-2293, the department shall provide a nonresident daily commuter with  
23 ~~external vehicle identification indicia and a corresponding AN~~  
24 identification card that ~~are~~ IS valid for two years.

25 B. A motor vehicle is exempt from registration by this state if the  
26 following conditions are met:

27 1. The motor vehicle is operated ~~with the indicia provided~~ pursuant  
28 to subsection A of this section and otherwise in accordance with this  
29 article.

30 2. The motor vehicle is a passenger vehicle or an unladen truck.

31 3. The motor vehicle is licensed in a contiguous state and is used  
32 to commute into this state to a destination within a corridor in this  
33 state that parallels the border between this state and the contiguous  
34 state and that extends not more than seventy air miles into this state  
35 from the border at any point.

36 C. The privilege accorded by subsection A of this section is  
37 revoked if the motor vehicle is operated for commuter purposes beyond the  
38 air mileage limitation provided in subsection B of this section.

39 D. The department may charge a fee of not more than eight dollars  
40 for each motor vehicle exempt from registration pursuant to this section,  
41 as necessary, to recover the costs of administering this article.

1           Sec. 15. Section 28-2295, Arizona Revised Statutes, is amended to  
2 read:

3           28-2295. Identification card

4           ~~A. A nonresident daily commuter shall display nonresident daily~~  
5 ~~commuter indicia in a location on the motor vehicle that is clearly~~  
6 ~~visible and adjacent to the rear license plate.~~

7           ~~B.~~ A nonresident daily commuter shall carry the corresponding  
8 nonresident daily commuter identification card at all times in the motor  
9 vehicle for which the card is assigned and shall present the card to any  
10 peace officer of this state on demand.

11          Sec. 16. Section 28-2356, Arizona Revised Statutes, is amended to  
12 read:

13          28-2356. Transfer of license plates to another vehicle;  
14 credit; refund

15          A. Except as otherwise provided in this chapter, the owner of a  
16 vehicle for which the department provided license plates pursuant to  
17 section 28-2351 shall retain those license plates when the owner transfers  
18 the vehicle to another person.

19          B. The owner may apply for a refund or a credit of the unexpired  
20 portion of the fees and taxes as prescribed in this section if both of the  
21 following apply:

22           1. The owner makes proper application to the director or to an  
23 authorized third party ~~pursuant to chapter 13 of this title.~~

24           2. The owner agrees to allow the department to deduct a twelve  
25 dollar processing fee from the amount of the refund or credit.

26          C. If the owner applies for a credit as prescribed in this section,  
27 the department may assign the license plates retained pursuant to  
28 subsection A of this section to another vehicle that belongs to the owner  
29 if all of the following apply:

30           1. The other vehicle is of the same vehicle type.

31           2. The owner is applying the available credit for the fees and  
32 taxes to one other vehicle the owner owns or acquires.

33           3. If the available credit exceeds the amount required to pay the  
34 fees and taxes, the department ~~shall issue~~ **ISSUES** a refund for the  
35 remaining amount of credit as prescribed in this section. The department  
36 shall not charge an additional twelve dollar fee pursuant to subsection B  
37 of this section for issuing a refund under this paragraph.

38           4. If the vehicle license tax, gross weight fees, commercial  
39 registration fees, special plate fees and motor carrier fees are more than  
40 the similar fees and taxes required to register the vehicle to which the  
41 license plates were previously assigned, the owner pays any additional  
42 fees and taxes required after subtracting any credit allowed under this  
43 section.

1 D. If the other vehicle is not of the same vehicle type as the  
2 vehicle for which the license plates were provided by the department  
3 pursuant to section 28-2351, the owner shall either surrender the license  
4 plates to the department or an authorized third party or submit an  
5 affidavit of license plate destruction as prescribed by the director. On  
6 surrender of the license plates or submission of an affidavit of license  
7 plate destruction, the department shall provide new license plates of the  
8 proper vehicle type to the owner and credit the owner with an amount equal  
9 to the unexpended portion of the fees and taxes originally paid by the  
10 owner for registration and license plates toward fees and taxes charged  
11 for the registration and license plates of the appropriate new vehicle  
12 type.

13 E. The owner of a registered vehicle who transfers license plates  
14 to another vehicle or who claims a refund pursuant to this section is  
15 entitled to a credit or a refund for the unexpired portion of the fees and  
16 taxes paid as required by law in accordance with the following conditions:

17 1. The fees and taxes are prorated on a monthly basis beginning on  
18 the first day of the registration month following the date of acquisition  
19 of the vehicle.

20 2. The credit or refund shall be an amount computed as follows:

21 (a) If the vehicle is registered on an annual basis, one-twelfth  
22 for each full month of the registration period not yet expired.

23 (b) If the vehicle is registered on a biennial basis pursuant to  
24 section 28-2159, one-twenty-fourth for each full month of the registration  
25 period not yet expired.

26 (c) If the vehicle is permanently registered, one-twenty-fourth for  
27 each full month after acquisition of the vehicle to the twenty-fourth  
28 month after the date of initial permanent registration of the vehicle.

29 F. If the owner of a registered vehicle transfers the vehicle to  
30 another person but does not transfer the license plates to another  
31 vehicle, surrender the license plates to the department or an authorized  
32 third party or submit an affidavit of license plate destruction within  
33 thirty days of the transfer as required by section 28-2058, the unexpired  
34 portion of the fees and taxes shall ~~decrement~~ DECREASE pursuant to  
35 subsection ~~D~~ E of this section until the owner either surrenders the  
36 license plates to the department or an authorized third party or submits  
37 an affidavit of license plate destruction.

38 G. Except as provided in subsection C of this section, an owner of  
39 a registered vehicle who transfers the vehicle to another person and  
40 either surrenders the license plates to the department or an authorized  
41 third party or submits an affidavit of license plate destruction may apply  
42 to the department for a refund of the unexpired portion of the fees and  
43 taxes paid if the owner does not claim a credit pursuant to this section  
44 and the refundable amount calculated pursuant to subsection D of this  
45 section exceeds the twelve dollar fee prescribed in subsection B of this

1 section. If the department determines that the owner is entitled to a  
2 refund, the department shall send the refund by first class mail to the  
3 address provided by the owner claiming the refund or, if no address is  
4 provided, to the latest address listed on the department's records for the  
5 owner claiming the refund.

6 H. An owner who transfers license plates to another vehicle  
7 pursuant to this section is subject to the same penalties for the use of  
8 the license plates on another vehicle or for improper use of the license  
9 plates as the owner would have been subject to for use of the license  
10 plates on the vehicle to which the plates were previously assigned.

11 I. The owner of a vehicle registered in this state is not entitled  
12 to a credit or a refund pursuant to this section if the vehicle is  
13 registered in another state unless the owner is applying the credit  
14 pursuant to this section to another vehicle the owner owns or acquires for  
15 registration in this state.

16 ~~J. The director shall adopt rules necessary to administer this~~  
17 ~~section.~~

18 Sec. 17. Section 28-2513, Arizona Revised Statutes, is amended to  
19 read:

20 28-2513. Mopeds

21 Notwithstanding any other provision of this title:

22 1. A certificate of title is not required for a moped that is  
23 registered pursuant to this chapter.

24 2. A number permanently affixed to the frame of the moped  
25 identifies the moped for registration purposes.

26 ~~3. The director shall adopt necessary rules to provide for any tag,~~  
27 ~~decal, plate or other device in lieu of a license plate otherwise required~~  
28 ~~pursuant to this chapter to be attached to a moped to indicate that the~~  
29 ~~moped is properly registered.~~

30 ~~4.~~ 3. The license tax imposed by article IX, section 11,  
31 Constitution of Arizona, is four dollars fifty cents for each moped  
32 registered each year.

33 ~~5.~~ 4. A moped is exempt from the provisions of section 28-964  
34 relating to required equipment on motorcycles and ~~motor-driven~~ MOTOR  
35 DRIVEN cycles and from the provisions of title 49, chapter 3, article 5  
36 relating to vehicle emissions inspections.

37 ~~6.~~ 5. The motor vehicle fee for registration or reregistration of  
38 a moped is five dollars. All other fees applicable to motor vehicles also  
39 apply to a moped.

40 ~~7.~~ 6. Any class of driver license is valid for operating a moped.

41 ~~8.~~ 7. A moped is restricted from rights-of-way designated for  
42 exclusive use by bicycles.



1           Sec. 18. Repeal  
2           Sections 28-3051 and 28-3052, Arizona Revised Statutes, are  
3 repealed.

4           Sec. 19. Section 28-3153, Arizona Revised Statutes, is amended to  
5 read:

6           28-3153. Driver license issuance; prohibitions

7           A. The department shall not issue the following:

8           1. A driver license to a person who is under eighteen years of age,  
9 except that the department may issue:

10           (a) A restricted instruction permit for a class D or G license to a  
11 person who is at least fifteen years of age.

12           (b) An instruction permit for a class D, G or M license as provided  
13 by this chapter to a person who is at least fifteen years and six months  
14 of age.

15           (c) A class G or M license as provided by this chapter to a person  
16 who is at least sixteen years of age.

17           2. A class D, G or M license or instruction permit to a person who  
18 is under eighteen years of age and who has been tried in adult court and  
19 convicted of a second or subsequent violation of criminal damage to  
20 property pursuant to section 13-1602, subsection A, paragraph 1 or  
21 convicted of a felony offense in the commission of which a motor vehicle  
22 is used, including theft of a motor vehicle pursuant to section 13-1802,  
23 unlawful use of means of transportation pursuant to section 13-1803 or  
24 theft of means of transportation pursuant to section 13-1814, or who has  
25 been adjudicated delinquent for a second or subsequent act that would  
26 constitute criminal damage to property pursuant to section 13-1602,  
27 subsection A, paragraph 1 or adjudicated delinquent for an act that would  
28 constitute a felony offense in the commission of which a motor vehicle is  
29 used, including theft of a motor vehicle pursuant to section 13-1802,  
30 unlawful use of means of transportation pursuant to section 13-1803 or  
31 theft of means of transportation pursuant to section 13-1814, if committed  
32 by an adult.

33           3. A class A, B or C license to a person who is under twenty-one  
34 years of age, except that the department may issue a class A, B or C  
35 license that is restricted to only intrastate driving to a person who is  
36 at least eighteen years of age.

37           4. A license to a person whose license or driving privilege has  
38 been suspended, during the suspension period.

39           5. Except as provided in section 28-3315, a license to a person  
40 whose license or driving privilege has been revoked.

41           6. A class A, B or C license to a person who has been disqualified  
42 from obtaining a commercial driver license.

43           7. A license to a person who on application notifies the department  
44 that the person is an alcoholic as defined in section 36-2021 or a drug  
45 dependent person as defined in section 36-2501, unless the person

1 ~~successfully completes the medical screening process pursuant to section~~  
2 ~~28-3052 or~~ submits a medical examination report that includes a current  
3 evaluation from a substance abuse counselor indicating that, in the  
4 opinion of the counselor, the condition does not affect or impair the  
5 person's ability to safely operate a motor vehicle.

6 8. A license to a person who has been adjudged to be incapacitated  
7 pursuant to section 14-5304 and who at the time of application has not  
8 obtained either a court order that allows the person to drive or a  
9 termination of incapacity as provided by law.

10 9. A license to a person who is required by this chapter to take an  
11 examination unless the person successfully passes the examination.

12 10. A license to a person who is required under the motor vehicle  
13 financial responsibility laws of this state to deposit proof of financial  
14 responsibility and who has not deposited the proof.

15 11. A license to a person if the department has good cause to  
16 believe that the operation of a motor vehicle on the highways by the  
17 person would threaten the public safety or welfare.

18 12. A license to a person whose driver license has been ordered to  
19 be suspended for failure to pay child support, except that a noncommercial  
20 restricted license may be issued pursuant to section 25-518.

21 13. A class A, B or C license to a person whose license or driving  
22 privilege has been canceled until the cause for the cancellation has been  
23 removed.

24 14. A class A, B or C license or instruction permit to a person  
25 whose state of domicile is not this state.

26 15. A class A, B or C license to a person who fails to demonstrate  
27 proficiency in the English language as determined by the department.

28 B. The department shall not issue a driver license to or renew the  
29 driver license of the following persons:

30 1. A person about whom the court notifies the department that the  
31 person violated the person's written promise to appear in court when  
32 charged with a violation of the motor vehicle laws of this state until the  
33 department receives notification in a manner approved by the department  
34 that the person appeared either voluntarily or involuntarily or that the  
35 case has been adjudicated, that the case is being appealed or that the  
36 case has otherwise been disposed of as provided by law.

37 2. If notified pursuant to section 28-1601, a person who fails to  
38 pay a civil penalty as provided in section 28-1601, except for a parking  
39 violation, until the department receives notification in a manner approved  
40 by the department that the person paid the civil penalty, that the case is  
41 being appealed or that the case has otherwise been disposed of as provided  
42 by law.

43 C. The magistrate or the clerk of the court shall provide the  
44 notification to the department prescribed by subsection B of this section.

1 D. Notwithstanding any other law, the department shall not issue to  
2 or renew a driver license or nonoperating identification license for a  
3 person who does not submit proof satisfactory to the department that the  
4 applicant's presence in the United States is authorized under federal law.  
5 For an application for a driver license or a nonoperating identification  
6 license, the department shall not accept as a primary source of  
7 identification a driver license issued by a state if the state does not  
8 require that a driver licensed in that state be lawfully present in the  
9 United States under federal law. The director shall adopt rules necessary  
10 to carry out the purposes of this subsection. The rules shall include  
11 procedures for:

12 1. Verification that the applicant's presence in the United States  
13 is authorized under federal law.

14 2. Issuance of a temporary driver permit pursuant to section  
15 28-3157 pending verification of the applicant's status in the United  
16 States.

17 Sec. 20. Section 28-3158, Arizona Revised Statutes, is amended to  
18 read:

19 28-3158. Driver license or instruction permit application

20 A. A person who applies for an instruction permit or for a driver  
21 license shall use a form furnished by the department.

22 B. An applicant shall pay the fee prescribed by section 28-3002 for  
23 a driver license or for an instruction permit issued under section  
24 28-3154, 28-3155, 28-3156 or 28-3225. **FOR A CLASS A, B OR C LICENSE**  
25 **APPLICATION**, payment of the fee required by this section entitles the  
26 applicant to not more than three attempts to pass the written examination  
27 or road test within twelve months from the date of the application. The  
28 department shall refund an application fee pursuant to section 28-373.

29 C. An applicant for an instruction permit or a driver license shall  
30 give the department satisfactory proof of the applicant's full legal name,  
31 date of birth, sex and **DOMICILE** residence address **IN THIS STATE** and that  
32 the applicant's presence in the United States is authorized under federal  
33 law.

34 D. The application for an instruction permit or a driver license  
35 shall state the following:

36 1. A brief description of the applicant and any other identifying  
37 information required by the department.

38 2. Whether the applicant has been licensed, and if so, the type of  
39 license issued, when the license was issued and what state or country  
40 issued the license.

41 ~~3. Whether the license was suspended or revoked or whether an~~  
42 ~~application was ever refused, and if so, the date of and reason for the~~  
43 ~~suspension, revocation or refusal.~~

44 ~~4.~~ 3. If the applicant was never licensed, the applicant's last  
45 previous state or country of residence.

1           ~~5.~~ 4. The social security number of the applicant.

2           E. The department shall:

3           1. Verify that a social security number provided by an applicant is  
4 a valid number assigned to that applicant.

5           2. Retain the social security number in its records.

6           F. The social security number provided to the department pursuant  
7 to subsection D of this section for an applicant's driver license or  
8 instruction permit shall not appear on an applicant's driver license or  
9 instruction permit unless the applicant requests that the social security  
10 number appear on the applicant's driver license or instruction permit as  
11 the driver license or instruction permit number. Except as provided in  
12 sections 28-455 and 41-1954, the department shall not release the social  
13 security number to any person unless the applicant requests that the  
14 social security number appear on the applicant's driver license or  
15 instruction permit as the driver license or instruction permit number.  
16 The provisions of this subsection shall be included in each application.

17           G. The department may adopt and implement procedures to deny a  
18 driver license or instruction permit to a person who has been deported.  
19 The department may adopt and implement procedures to reinstate a person's  
20 privilege to apply for a driver license or permit if the person's legal  
21 presence status is restored.

22           H. On request of an applicant, the department shall allow the  
23 applicant to provide on the license or permit a post office box address  
24 that is regularly used by the applicant.

25           I. The department may request an applicant who appears in person  
26 for a license, a duplicate license or reinstatement of a driving privilege  
27 to complete satisfactorily the vision screening prescribed by the  
28 department.

29           J. If a driver license applicant submits satisfactory proof to the  
30 department that the applicant is a veteran, on request of the applicant,  
31 the department shall allow a distinguishing mark to appear on the license  
32 that identifies the person as a veteran.

33           Sec. 21. Section 28-3166, Arizona Revised Statutes, is amended to  
34 read:

35           28-3166. Driver license content and application; marked  
36                                   licenses; emancipated minors

37           A. The department shall issue a driver license to a qualified  
38 applicant. The driver license shall contain a distinguishing number  
39 assigned to the licensee, the license class, any endorsements, the  
40 licensee's full name, date of birth and residence address, a brief  
41 description of the licensee and either a facsimile of the signature of the  
42 licensee or a space on which the licensee is required to write the  
43 licensee's usual signature with pen and ink. A driver license is not  
44 valid until it is signed by the licensee. On request of an applicant:

1           1. The department shall allow the applicant to provide on the  
2 driver license a post office box address that is regularly used by the  
3 applicant and that is located in the county in which the applicant  
4 resides.

5           2. If the applicant submits satisfactory proof to the department  
6 that the applicant is a veteran, the department shall allow a  
7 distinguishing mark to appear on the license that identifies the person as  
8 a veteran.

9           B. An application for a driver license and the driver license  
10 issued shall contain the photo image of the applicant or licensee. The  
11 department shall use a process in the issuance of driver licenses that  
12 prohibits as nearly as possible the ability to alter or reproduce the  
13 license or that prohibits the ability to superimpose a photo image on the  
14 license without ready detection. The department shall process driver  
15 licenses and photo images in color. ~~This subsection does not apply to a  
16 driver license that is renewed by mail pursuant to section 28-3172.~~

17           C. An applicant who is **AT LEAST** sixteen ~~or older~~ but under  
18 twenty-four years of age shall provide the department with satisfactory  
19 proof of the applicant's legal name and date of birth.

20           D. If a person is qualified for a driver license and is under the  
21 legal drinking age, the department shall issue a license that is marked by  
22 color, code or design to immediately distinguish it from a license issued  
23 to a person of legal drinking age. The department shall indicate on the  
24 driver license issued pursuant to this subsection the year in which the  
25 person will attain the legal drinking age.

26           E. The department shall mark a special ignition interlock  
27 restricted driver license issued pursuant to chapter 4, article 3.1 of  
28 this title by color, code or design to immediately distinguish it from  
29 other licenses issued by the department.

30           F. If a person is qualified for a driver license but is subject to  
31 the certified ignition interlock device limitations prescribed in section  
32 28-1381, 28-1382, 28-1383 or 28-3319, the department shall issue a license  
33 that is marked by color, code or design to immediately distinguish it from  
34 other licenses issued by the department.

35           G. The department shall not include information in the magnetic  
36 stripe and bar code of a driver license other than information that the  
37 department is authorized to obtain and place on a driver license pursuant  
38 to this article.

39           H. If a minor has been emancipated pursuant to title 12, chapter  
40 15, on application and proof of emancipation, the department shall issue a  
41 driver license that contains the words "emancipated minor".



1           3. Medical requirements applicable to all license applicants,  
2 except that the applicant is not required to obtain an eyesight  
3 examination.

4           Sec. 23. Repeal

5           Section 28-3172, Arizona Revised Statutes, is repealed.

6           Sec. 24. Section 28-4145, Arizona Revised Statutes, is amended to  
7 read:

8           28-4145. Restricted license and registration

9           A. A person whose driver license, registration and license plate  
10 have been suspended pursuant to section 28-4143 or 28-4144 may apply to  
11 the department for a restricted license and registration. The license and  
12 registration are restricted to travel during the course of employment or  
13 between the person's place of employment and residence and their use is  
14 limited to specified periods of the day or night according to the person's  
15 employment schedule. ~~The director shall prescribe by rule the criteria~~  
16 ~~necessary for issuing a restricted license and registration.~~ The  
17 department shall not grant an application for a restricted license and  
18 registration until the person meets the requirements of section 28-4144,  
19 subsection C.

20           B. Notwithstanding section 28-4141, a person whose driver license,  
21 vehicle registration and license plate have been suspended on imposition  
22 of a civil penalty for a violation of this article or have been suspended  
23 by the department may apply to the department for a restricted license and  
24 registration. The license and registration are restricted to travel  
25 during the course of employment, between the person's place of employment  
26 and residence or between the person's place of residence and school, and  
27 are limited in use to specified periods of the day or night according to  
28 the requirements of the person's employment or school schedule. The  
29 department shall not grant the application for a restricted license and  
30 registration until the applicant files and maintains proof of financial  
31 responsibility with the department.

32           Sec. 25. Repeal

33           Section 28-4543, Arizona Revised Statutes, is repealed.

34           Sec. 26. Section 28-5615, Arizona Revised Statutes, is amended to  
35 read:

36           28-5615. Presumption of use

37           A. For the proper administration of this article and to prevent  
38 evasion of the use fuel tax, it is presumed, until the contrary is  
39 established by competent proof under rules and procedures the director  
40 adopts, that all use fuel received into any receptacle on a motor vehicle  
41 from which fuel is supplied to propel the vehicle is consumed in  
42 propelling the vehicle on the highways in this state.

43           B. If a vendor's dealings in use fuel primarily involve delivery of  
44 use fuel into the fuel tanks of motor vehicles it is presumed, until the  
45 contrary is established by competent proof under ~~rules and~~ procedures the

1 director adopts, that the vendor's total use fuel acquisitions have been  
2 delivered into the fuel tanks of motor vehicles for the propulsion of the  
3 vehicles on the public highways.

4 Sec. 27. Section 28-5639, Arizona Revised Statutes, is amended to  
5 read:

6 28-5639. Uncollectible tax credit

7 A. In computing the amount of motor fuel tax due, the supplier is  
8 entitled to a credit against the tax payable in the amount of tax paid by  
9 the supplier that has become uncollectible from an eligible purchaser.

10 B. The supplier shall provide notice to the department of a failure  
11 to collect the tax within thirty days after the earliest date on which the  
12 supplier was entitled to collect the tax from the eligible purchaser under  
13 section 28-5637.

14 ~~C. The department shall adopt rules establishing the evidence a  
15 supplier must provide to receive the credit.~~

16 ~~D.~~ C. The credit shall be claimed on the first return after the  
17 expiration of the thirty day period if the payment remains unpaid as of  
18 the filing date of that return or the credit is disallowed.

19 ~~E.~~ D. The claim for credit shall identify the defaulting eligible  
20 purchaser and any tax liability that remains unpaid.

21 ~~F.~~ E. If an eligible purchaser fails to make a timely payment of  
22 the amount of tax due, the credit of the supplier is limited to the amount  
23 due from the purchaser, plus any tax that accrues from that purchaser for  
24 a period of thirty days after the date of failure to pay.

25 ~~G.~~ F. An additional credit shall not be allowed to a supplier  
26 under this section until the department authorizes the purchaser under  
27 section 28-5638 to make a new election.

28 Sec. 28. Section 28-5648, Arizona Revised Statutes, is amended to  
29 read:

30 28-5648. Inspection of fuel and shipping papers

31 A. The department, or its appointees, including federal government  
32 employees or persons operating under contract with this state, on  
33 presenting appropriate credentials may conduct inspections and remove  
34 samples of fuel to determine coloration of diesel fuel, or to identify  
35 shipping paper violations at any place where taxable fuel is or may be  
36 produced, stored or loaded into transport vehicles. Inspections shall be  
37 performed in a reasonable manner consistent with the circumstances, but in  
38 no event is prior notice required. Inspectors may physically inspect,  
39 examine or otherwise search any tank, reservoir or other container that  
40 can or might be used for the production, storage or transportation of  
41 fuel. Inspection may be made of any equipment used for, or in connection  
42 with, the production, storage or transportation of fuel. Inspectors may  
43 demand that shipping papers, documents and records required to be kept by  
44 a person transporting fuel be produced for immediate inspection. The  
45 places that may be inspected pursuant to this section include:



- 1 1. A terminal.
- 2 2. A fuel storage facility that is not a terminal.
- 3 3. A retail fuel facility.
- 4 4. Highway rest stops.
- 5 5. A designated inspection site. For THE purposes of this
- 6 paragraph, "designated inspection site" means any state highway or
- 7 waterway inspection station, weigh station, agricultural inspection
- 8 station, mobile station or other location designated by the department
- 9 that is either fixed or mobile.

10 B. Inspectors may reasonably detain any person or equipment

11 transporting fuel in or through this state for the purpose of determining

12 whether the person is operating in compliance with this article ~~and any~~

13 ~~rules adopted pursuant to this article~~. Inspectors may detain a person or

14 equipment only for such time as is necessary to determine whether the

15 person is in compliance.

16 Sec. 29. Section 28-5703, Arizona Revised Statutes, is amended to

17 read:

18 28-5703. Cooperative agreements; definitions

19 A. To comply with the intermodal surface transportation efficiency

20 act of 1991, the director may enter into a cooperative agreement with

21 other jurisdictions for the administration of motor fuel taxes imposed by

22 article 1 of this chapter or section 28-8344. An agreement is not

23 effective until signed by the director and filed with the department.

24 B. The agreement shall include:

25 1. The base jurisdiction concept. This concept allows a licensee

26 to report and pay motor fuel use taxes to a base jurisdiction for

27 distribution to other member jurisdictions in which the licensee traveled

28 and incurred motor fuel use tax liability.

29 2. Retention of each jurisdiction's sovereign authority to

30 determine tax rates and exemptions and exercise other substantive tax

31 authority.

32 3. A uniform definition of the vehicles to which the agreement

33 applies.

34 C. The agreement may provide for:

35 1. Determining the base jurisdiction for users.

36 2. Users records requirements.

37 3. Audit procedures.

38 4. Exchange of information.

39 5. Persons eligible for tax licensing.

40 6. Defining qualified motor vehicles.

41 7. Determining if bonding is required.

42 8. Specifying reporting requirements and periods, including

43 defining uniform penalty and interest rates for late reporting.

44 9. Determining methods for collecting and forwarding motor fuel

45 taxes and penalties to another jurisdiction.

1           10. Other provisions to facilitate the administration of the  
2 agreement.

3           11. Each jurisdiction to audit the records of persons based in the  
4 jurisdiction to determine if the motor fuel taxes due each jurisdiction  
5 are properly reported and paid.

6           D. Each jurisdiction shall forward the findings of the audits  
7 performed on persons based in the jurisdiction to each jurisdiction in  
8 which the person has taxable use of motor fuels. As required by the  
9 agreement, the director may forward to officers of another member  
10 jurisdiction any information in the director's possession relative to the  
11 manufacture, receipt, sale, use, transportation or shipment of motor fuels  
12 by any person. The director may disclose to officers of another member  
13 jurisdiction the location of offices, motor vehicles and other real and  
14 personal property of users of motor fuels.

15           E. Member jurisdictions may enforce this chapter against persons  
16 who are not based in this state and who have taxable use of motor fuel in  
17 this state.

18           F. An agreement entered into under this section does not preclude  
19 the director or the director's appointed representatives from auditing the  
20 records of a person covered by this article and article 1 of this chapter.

21           G. The legal remedies for a person served with an order or  
22 assessment under this section are as prescribed in article 5 of this  
23 chapter.

24           ~~H. If the director enters into an agreement under this section, the~~  
25 ~~director may adopt rules the director deems necessary to implement the~~  
26 ~~agreement.~~

27           ~~H.~~ H. For the purposes of this section:

28           1. "Jurisdiction" means a state of the United States, the District  
29 of Columbia or a province or territory of the Dominion of Canada.

30           2. "Motor fuels" includes motor vehicle fuel, aviation fuel and use  
31 fuel.

32           3. "Qualified motor vehicle" means a use class motor vehicle.

33           Sec. 30. Section 28-5721, Arizona Revised Statutes, is amended to  
34 read:

35           28-5721. Additional assessment

36           A. If the director is not satisfied with a report filed or the  
37 amount of use fuel tax paid by a licensee, the director may make an  
38 additional assessment of use fuel taxes due from the licensee based on any  
39 information available to the director.

40           ~~B. A penalty of twenty-five per cent of the additional use fuel tax~~  
41 ~~assessed shall be added to the tax with interest at the rate of one per~~  
42 ~~cent per month or portion of a month on the unpaid tax from the~~  
43 ~~twenty-seventh day after the end of the month for which the additional~~  
44 ~~assessment is made until paid.~~

1 ~~C.~~ B. The director shall give written notice to the licensee of  
2 the additional assessment served personally or by mail addressed to the  
3 licensee at the licensee's address of record in the office of the  
4 director.

5 Sec. 31. Section 28-5724, Arizona Revised Statutes, is amended to  
6 read:

7 28-5724. Failure to file report; assessment; license  
8 revocation or suspension

9 A. If a person fails, neglects or refuses to make a report required  
10 by this article, the director shall ~~1.~~

11 ~~1.~~ make an estimate for the month for which the licensee failed to  
12 make the report based on any information available to the director.

13 ~~2. On the basis of the estimate, assess the use fuel tax due from~~  
14 ~~the person and add to the amount determined a penalty equal to twenty-five~~  
15 ~~per cent of the use fuel tax due.~~

16 ~~B. The assessment bears interest at the rate of one per cent per~~  
17 ~~month or portion of a month from the twenty-seventh day after the end of~~  
18 ~~the month for which the assessment is made until paid.~~

19 ~~C.~~ B. The director shall give the person written notice of the  
20 assessment served personally or by mail addressed to the person at the  
21 person's address of record in the office of the director.

22 ~~D.~~ C. If a person fails, neglects or refuses to make a report  
23 required by this article with full payment of the tax due, the director  
24 may revoke or suspend the person's license.

25 Sec. 32. Section 28-5952, Arizona Revised Statutes, is amended to  
26 read:

27 28-5952. Levy release; property return

28 A. ~~Pursuant to rules,~~ The director may release the levy on all or  
29 part of the property or rights to property levied on if the director  
30 determines the release will facilitate the collection of the liability.  
31 The release does not prevent a subsequent levy.

32 B. If the director determines that property has been wrongfully  
33 levied on, the director may return:

- 34 1. The specific property levied on.
- 35 2. An amount of money equal to the amount of money levied on.
- 36 3. An amount of money equal to the amount of money received by this  
37 state from a sale of the property.

38 C. Property may be returned at any time. An amount equal to the  
39 amount of money levied on or received from the sale may be returned at any  
40 time before the expiration of nine months from the date of the levy.

1           Sec. 33. Section 28-6922, Arizona Revised Statutes, is amended to  
2 read:

3           28-6922. Director; powers and duties

4           A. The director of the department of transportation or the  
5 director's authorized and bonded agent shall administer all highway and  
6 maintenance work and has the following powers and duties:

7           1. Direct the preparation of all plans and specifications for work  
8 on state highways or state routes.

9           2. Advertise for competitive bids for work on state highways or  
10 state routes and, on authorization of the transportation board, award and  
11 enter into contracts for the work.

12           3. Direct the supervision of all construction work on state  
13 highways and state routes and is in charge of maintenance and upkeep of  
14 these highways and routes.

15           4. Approve payment for work done by the state on or in connection  
16 with state highways or state routes, except that the director of the  
17 department of administration shall not allow a claim for work without the  
18 approval of the director of the department of transportation or the  
19 director's authorized and bonded agent.

20           5. Negotiate and award contracts to private consulting engineers or  
21 consulting engineering firms if deemed in the public interest by the  
22 director and the transportation board for the performance of engineering  
23 work that is required to formulate and complete highway construction  
24 contracts.

25           B. The director shall:

26           1. Direct the organization of the division.

27           2. Appoint, suspend, discharge and fix the duties of employees.

28           ~~3. Adopt rules for the conduct of employees.~~

29           ~~4.~~ 3. Make monthly reports to the transportation board of all  
30 expenditures of the division, of the work accomplished and other  
31 applicable information.

32           ~~5.~~ 4. On request of the transportation board, assign clerks or  
33 other employees to the board.

34           ~~6.~~ 5. Prescribe procedures for the use of division personnel,  
35 facilities, equipment, supplies and other resources in assisting search or  
36 rescue operations.

37           ~~7.~~ 6. Exercise other powers necessary to carry out the work of the  
38 division and perform other duties prescribed by law for the division.

39           Sec. 34. Section 28-7009, Arizona Revised Statutes, is amended to  
40 read:

41           28-7009. Statewide transportation acceleration needs account;  
42 establishment; definition

43           A. The statewide transportation acceleration needs account is  
44 established as a separate account in the state highway fund. The account  
45 consists of all of the following, except that the source of monies in the

1 fund shall not be a consent agreement or any type of negotiated settlement  
2 by any state or local agency or any donation made in place of a consent  
3 agreement or any type of settlement:

4 1. Monies appropriated by the legislature.

5 2. Monies designated for deposit in the account by the  
6 transportation board, a state agency or a political subdivision.

7 3. Monies received from the United States government for the  
8 purpose of accelerating transportation projects.

9 4. Monies received from political subdivisions, Indian tribes or  
10 this state or its agencies for the purpose of accelerating transportation  
11 projects.

12 5. Interest and other income received from investing monies in the  
13 account.

14 6. Gifts, grants, donations or other amounts received from any  
15 public or private source for deposit in the account for the purpose of  
16 accelerating transportation projects.

17 B. On notice from the transportation board, the state treasurer  
18 shall invest and divest monies in the statewide transportation  
19 acceleration needs account as provided by section 35-313, and monies  
20 earned from investment shall be credited to the account.

21 C. The transportation board may establish any subaccount in the  
22 statewide transportation acceleration needs account that the board  
23 determines is necessary or appropriate to carry out the purposes of this  
24 section.

25 D. If a governmental entity or a private person deposits monies in  
26 the statewide transportation acceleration needs account for acceleration  
27 of a specific project and the appropriate regional planning agency or  
28 council of governments in cooperation with the transportation board  
29 approves the project, the board shall designate the monies deposited by  
30 the governmental entity or private person solely for the project for which  
31 the monies are deposited.

32 E. Notwithstanding section 28-6993, and any other agreements  
33 entered into by the department of transportation for the distribution and  
34 expenditure of monies from the state highway fund, the transportation  
35 board shall not approve any expenditures from the statewide transportation  
36 acceleration needs account unless the expenditure is made in accordance  
37 with this section and is for the construction or reconstruction of  
38 freeways, state highways, bridges and interchanges that are contained in  
39 the regional transportation plan of a county or the department's  
40 long-range statewide transportation plan pursuant to section 28-506. For  
41 the purposes of this subsection, a regional transportation plan is a  
42 twenty year comprehensive, performance based, multimodal and coordinated  
43 regional transportation plan that is approved for the county as provided  
44 by law and as amended or otherwise modified.

1 F. Monies in the statewide transportation acceleration needs  
2 account shall be used only to pay for the following costs of a  
3 transportation project approved pursuant to this section:

4 1. Except as provided in sections 28-7010 and 28-7011:

5 (a) Materials and labor.

6 (b) Acquisition of rights-of-way for highway needs.

7 (c) Design and other engineering services that are within the scope  
8 of engineering practice as provided in title 32, chapter 1.

9 (d) Other directly related costs approved by the transportation  
10 board.

11 2. Beginning in fiscal year 2006-2007, interest costs resulting  
12 from bonds, loans, notes or other obligations issued or incurred or  
13 advances made by or on behalf of a city, town or county.

14 G. Monies in the statewide transportation acceleration needs  
15 account that are appropriated by the legislature and any interest earnings  
16 shall be allocated as follows:

17 1. For a county with a population of at least one million two  
18 hundred thousand persons for the area included in the regional planning  
19 agency's transportation improvement plan, sixty ~~per cent~~ PERCENT.

20 2. For a county with a population of more than five hundred  
21 thousand persons but less than one million two hundred thousand persons  
22 for the area included in the regional planning agency's transportation  
23 improvement plan, sixteen ~~per cent~~ PERCENT.

24 3. For all other counties, twenty-four ~~per cent~~ PERCENT.

25 H. The regional planning agency in a county designated as a  
26 transportation management area shall establish a process for the review  
27 and approval of transportation projects eligible to receive monies from  
28 the statewide transportation acceleration needs account. As part of its  
29 request to the transportation board for monies, the regional planning  
30 agency shall ensure and submit evidence satisfactory to the board that any  
31 project costs not eligible for monies from the statewide transportation  
32 acceleration needs account are available and dedicated to the project. In  
33 all other counties, the department, in cooperation with the metropolitan  
34 planning organization or the council of governments that has the authority  
35 to approve transportation projects for the county, shall develop requests  
36 for expenditure of monies from the statewide transportation acceleration  
37 needs account. As part of the request to the transportation board for  
38 monies, the metropolitan planning organization or the council of  
39 governments for the department shall submit evidence satisfactory to the  
40 board that any project costs not eligible for monies from the statewide  
41 transportation acceleration needs account are available and dedicated to  
42 the project.

43 I. On receipt of a request for monies from the statewide  
44 transportation acceleration needs account, the transportation board shall  
45 place the request on the agenda for the next regular business meeting of

1 the board. The board shall review the request and, in cooperation with  
2 the regional planning agency, the metropolitan planning organization or  
3 the council of governments, approve the request or further modify the  
4 request before approval.

5 J. The transportation board shall not approve the release of any  
6 monies from the statewide transportation acceleration needs account for a  
7 transportation project unless the board verifies that all costs related to  
8 construction of the project are covered.

9 K. A city, town or county may use monies that are in the statewide  
10 transportation acceleration needs account or any subaccount of the  
11 statewide transportation acceleration needs account, including monies that  
12 were previously approved by the board for a project and that were not  
13 specifically designated for interest costs for that project, for interest  
14 costs only if all of the following occur:

15 1. The regional planning agency in a county designated as a  
16 transportation management area recommends that the monies be spent for  
17 interest costs.

18 2. The board approves the regional planning agency's recommendation  
19 described in paragraph 1 of this subsection.

20 3. The city, town or county complies with this section.

21 ~~L. Monies in the statewide transportation acceleration needs~~  
22 ~~account shall be used to supplement, not supplant, funding that would~~  
23 ~~otherwise be made available for projects.~~

24 ~~M.~~ L. A regional planning agency that receives monies from the  
25 statewide transportation acceleration needs account shall report on or  
26 before December 15 of each year to the senate and house of representatives  
27 transportation committees on approved projects and amounts expended for  
28 those projects.

29 ~~N.~~ M. For the purposes of this section, "project" means the  
30 construction or reconstruction of a specific portion of a freeway or state  
31 highway or a bridge or interchange or a portion of a bridge or interchange  
32 that is constructed at a single location.

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

35 28-7058. Privatization of rest areas; state certified rest  
36 area program; program termination; definitions

37 A. The department may:

38 1. Privatize any rest area constructed on or adjacent to state  
39 highways in this state on or after September 26, 2008. Any agreement  
40 between the department and a person for privatization under this section  
41 shall include a provision that:

42 (a) Prohibits the person from charging any fees for the use of a  
43 lavatory.

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

3 2. Establish a state certified rest area program that meets the  
4 requirements established by the federal highway administration pursuant to  
5 Public Law 109-59, section 1310.

6 3. Contract with a third party or other government entity to  
7 certify and recertify rest areas for the state certified rest area  
8 program.

9 ~~B. The department shall adopt rules to implement and operate the  
10 state certified rest area program.~~

11 ~~C.~~ B. The state certified rest area program established pursuant  
12 to this section ends on July 1, 2019 pursuant to section 41-3102.

13 ~~D.~~ C. For the purposes of this section:

14 1. "Population" means the population determined in the most recent  
15 United States decennial census or in the most recent special census as  
16 provided in section 28-6532.

17 2. "State certified rest area" means a privately owned facility  
18 that is both of the following:

19 (a) Certified by this state or a third party to meet the  
20 requirements established by the federal highway administration pursuant to  
21 Public Law 109-59, section 1310 and at a minimum offers all of the  
22 following:

23 (i) Fuel and food to the public.

24 (ii) Twenty-four hour access to restrooms.

25 (iii) Parking for automobiles and heavy trucks.

26 (b) Located outside of the public right-of-way and outside of an  
27 urbanized area with a population of one hundred thousand or more persons.

28 3. "Urbanized area" means an urbanized area as defined in the  
29 decennial census by the United States bureau of the census.

30 Sec. 36. Section 28-7059, Arizona Revised Statutes, is amended to  
31 read:

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

34 A. The department may establish a rest area sponsorship sign  
35 program. Notwithstanding sections 28-648, 28-7048 and 28-7053, the  
36 department may contract with a third party to install, maintain and  
37 replace rest area sponsorship signs at rest areas located in the public  
38 right-of-way of the interstate or state highway system. The third party  
39 shall agree in the contract to lease sponsor recognition space and to  
40 furnish, install, maintain and replace signs for the benefit of business  
41 or organizational sponsors.

42 ~~B. The department shall adopt rules to implement and operate the~~  
43 ~~rest area sponsorship sign program.~~ Costs incurred under the program  
44 shall be paid under agreements negotiated between the third party and the  
45 business or organizational sponsors.



1 C. The department may enter into a revenue sharing agreement with  
2 the third party. The department shall deposit, pursuant to sections  
3 35-146 and 35-147, all monies received from the revenue sharing agreement  
4 in a subaccount of the state highway fund for the purpose of rest area  
5 maintenance, operations and repairs.

6 D. The rest area sponsorship sign program established pursuant to  
7 this section ends on July 1, 2019 pursuant to section 41-3102.

8 Sec. 37. Section 28-8242, Arizona Revised Statutes, is amended to  
9 read:

10 28-8242. Powers and duties

11 A. The department:

12 1. Shall cooperate with all state, local and federal organizations  
13 to encourage and advance the safe and orderly development of aviation in  
14 this state.

15 2. May:

16 (a) Assemble and distribute to the public information relating to  
17 aviation, landing fields, navigational aids and other matters pertaining  
18 to aviation.

19 (b) Accept, in the name of this state, federal monies made  
20 available for the advancement of aviation.

21 (c) Represent this state on issues of routing structures and rate  
22 schedules concerning commercial airline traffic.

23 (d) Accept and receive federal and other public or private monies  
24 for the acquisition, construction, enlargement, improvement, maintenance,  
25 equipment or operation of airports and other air navigation facilities and  
26 sites for air navigation facilities or for any other purpose authorized by  
27 this section. The department shall deposit, pursuant to sections 35-146  
28 and 35-147, these monies in the state aviation fund.

29 (e) Facilitate the development of a regional airport.

30 (f) Loan monies from the state aviation fund to an airport  
31 authority that enters into an agreement with the United States for an  
32 airport development project if the airport authority designates in its  
33 agreement with the United States that payment of federal participating  
34 monies shall be made to the department acting as the agent of the airport  
35 authority and enters into an agreement with the department appointing the  
36 department as agent of the airport authority to receive all federal  
37 participating monies. The department shall deposit, pursuant to sections  
38 35-146 and 35-147, all monies received pursuant to this subdivision in the  
39 state aviation fund. For the purposes of this subdivision, "airport  
40 authority" means the governing body of a public airport operating pursuant  
41 to sections 28-8423 and 28-8424 or a joint powers airport authority.

42 B. Notwithstanding section 38-623, the director may authorize  
43 personnel of the department to use rental aircraft in the performance of  
44 their duties at the prevailing hourly rate. The rental fee is a charge  
45 against monies appropriated for in-state and out-of-state travel.

~~C. The director shall adopt rules as necessary to administer this article and articles 1, 3, 4 and 5 of this chapter and to promote public safety and the best interests of aviation in this state. The rules shall not supersede or conflict with rules of the United States government agencies having jurisdiction over aviation activities in this state.~~

~~D.~~ C. The director shall:

1. Contract for the operation of state owned airports.

2. In conjunction with local authorities, plan, build and develop airports, airport terminals and other related navigational facilities.

3. Operate and maintain the Grand Canyon national park airport located in the Kaibab national forest, Coconino county.

4. Provide on the department's website information on resources for operating a model aircraft, including safety guidelines established by a nationwide aeronautics community-based organization.

5. Provide on the department's website pictures that show examples of critical facilities, as defined in section 13-3729, to provide unmanned aircraft operators with information on what is considered a critical facility. A picture or any written description on the website may not identify the owner or operator of the critical facility or the location of the critical facility.

Sec. 38. Repeal

Title 41, chapter 3, article 1.3, Arizona Revised Statutes, is repealed.

Sec. 39. Section 41-835.01, Arizona Revised Statutes, is amended to read:

41-835.01. Definitions

In this article, unless the context otherwise requires:

1. "Board" means the state board on geographic and historic names.

2. "Geographic features" means mountains, canyons, gulches, streams, streambeds or channels whether flowing or dry, natural bridges, natural lakes, natural monuments, mesas, deserts, forests, springs, water holes, cliffs, chasms and other similar natural objects, places or things.

3. "HISTORIC ROAD" MEANS A HIGHWAY, STREET, ROAD OR ROUTE THAT IS OF HISTORICAL OR CULTURAL SIGNIFICANCE IN THE SETTLEMENT AND DEVELOPMENT OF THIS STATE AND THAT IS ESTABLISHED OR DESIGNATED AS A HISTORIC ROAD BY THE BOARD.

4. "PARKWAY" MEANS AN AREA ALONG EITHER OR BOTH SIDES OF A HIGHWAY, STREET, ROAD OR ROUTE THAT IS ACQUIRED IN FEE OR BY EASEMENT BY THE GOVERNMENTAL BODY HAVING JURISDICTION OVER THE HIGHWAY, STREET, ROAD OR ROUTE FOR THE PROTECTION OF GEOGRAPHIC, NATURAL FLORA OR SCENIC VALUES AND THAT IS ESTABLISHED OR DESIGNATED AS A PARKWAY BY THE BOARD.

~~5.~~ 5. "Places of historical significance" or "historic place" means objects, places or things that are associated with or named after people, places or events of historical significance, including HISTORIC ROADS, SCENIC ROADS, PARKWAYS, artificial bridges, dams, artificial lakes,

1 parks, mining districts, artificial monuments, roads, trails or other  
2 similar artificial objects, places or things.

3 6. "SCENIC ROAD" MEANS A HIGHWAY, STREET, ROAD OR ROUTE THROUGH A  
4 SCENIC AREA THAT IS ESTABLISHED OR DESIGNATED AS A SCENIC ROAD BY THE  
5 BOARD.

6 Sec. 40. Section 41-835.03, Arizona Revised Statutes, is amended to  
7 read:

8 41-835.03. Powers and duties

9 A. The board shall:

10 1. Receive and evaluate all proposals for changes in or additions  
11 to names of geographic features and places of historical significance in  
12 this state and after this evaluation designate the most appropriate and  
13 acceptable names and spelling of these names for use in maps and other  
14 official governmental documents.

15 2. Receive and evaluate all proposals for naming geographic  
16 features in this state for which no generally accepted name is or has been  
17 in use and after this evaluation designate a name for use in maps and  
18 other official governmental documents.

19 3. Cooperate with political subdivisions of this state to eliminate  
20 the duplication of the names of geographic features that are not of  
21 historical significance.

22 4. Assist and cooperate with the United States board of geographic  
23 names in matters relating to names of geographic features and places in  
24 this state.

25 5. Maintain a list of advisers who have expertise in this state's  
26 history, geography or culture and consult with those advisers in  
27 evaluating proposals.

28 6. Designate one or more members to act as the state representative  
29 to the western states geographic names council.

30 7. RECEIVE AND EVALUATE ALL PROPOSALS TO ESTABLISH OR DESIGNATE A  
31 HIGHWAY OR AREA AS A PARKWAY, HISTORIC ROAD OR SCENIC ROAD THAT IS OF  
32 GEOGRAPHIC OR HISTORICAL SIGNIFICANCE IN THIS STATE AND AFTER THIS  
33 EVALUATION DESIGNATE THE MOST APPROPRIATE AND ACCEPTABLE NAMES AND  
34 SPELLING OF THESE NAMES FOR USE IN MAPS AND OTHER OFFICIAL GOVERNMENTAL  
35 DOCUMENTS. IF THE PARKWAY, HISTORIC ROAD OR SCENIC ROAD TO BE ESTABLISHED  
36 OR DESIGNATED IS NOT A STATE HIGHWAY OR ROUTE, THE ESTABLISHMENT OR  
37 DESIGNATION IS NOT EFFECTIVE UNLESS THE STATE BOARD ON GEOGRAPHIC AND  
38 HISTORIC NAMES OR GOVERNMENTAL BODY HAVING JURISDICTION OVER THE PARKWAY,  
39 HISTORIC ROAD OR SCENIC ROAD AGREES TO THE ESTABLISHMENT OR DESIGNATION.  
40 THE STATE BOARD ON GEOGRAPHIC AND HISTORIC NAMES SHALL NOTIFY THE DIRECTOR  
41 OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TRANSPORTATION BOARD  
42 WHEN A PARKWAY, HISTORIC ROAD OR SCENIC ROAD IS GIVEN A HISTORIC  
43 DESIGNATION PURSUANT TO THIS SECTION.

1 B. The board may:

2 1. Adopt rules for the orderly conduct of business.

3 2. Initiate proposals for changes in or additions to geographic or  
4 historic names in this state. Any proposal initiated by the board shall  
5 be evaluated in accordance with the procedures prescribed under section  
6 41-835.04.

7 C. Notwithstanding any other law, the board shall not:

8 1. Change street and road names for the purpose of uniformity.

9 ~~2. Name scenic or historical highways.~~

10 ~~3.~~ 2. Designate a name for a geographic feature that commemorates  
11 any person until that person has been deceased at least five years.

12 Sec. 41. Conditional enactment

13 Section 28-2294, Arizona Revised Statutes, as amended by Laws 1996,  
14 chapter 76, section 94 and this act, becomes effective on the date  
15 prescribed by Laws 1996, chapter 76, section 310 but only on the  
16 occurrence of the condition prescribed by Laws 1996, chapter 76,  
17 section 310.