

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

CHAPTER 260

SENATE BILL 1200

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 SECTIONS 28-3172 AND 28-3477, 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, 28-7058 AND 28-7059, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 21, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-7618; AMENDING TITLE 28, CHAPTER 22, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-7711; AMENDING SECTION 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~~

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

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

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

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

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

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

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

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

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

Sec. 3. Repeal

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

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

28-755. Hand or arm signals or mechanical signal

A person shall give a stop or turn signal if required by this article by means of the hand and arm or by a signal lamp or lamps or mechanical signal ~~device of a type approved by the department~~. If a vehicle is constructed or loaded so that a hand and arm signal would not be visible both to the front and rear of the vehicle, the signals must be 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 Sec. 22. Section 28-3171, Arizona Revised Statutes, is amended to
2 read:

3 28-3171. Driver license expiration and renewal; exception;
4 extension

5 A. Except as provided in subsection B, D or E of this section and
6 unless medical restrictions require a shorter expiration period, a driver
7 license:

8 1. Is valid until the applicant's sixty-fifth birthday.

9 2. Is renewable for successive periods of five years after the
10 applicant's sixty-fifth birthday.

11 3. Expires on the applicant's birthday if the license was issued
12 pursuant to subsection B of this section.

13 B. Notwithstanding subsection A of this section:

14 1. The department shall issue to an applicant a driver license that
15 is valid for not more than five years and six months if the applicant
16 applies within six months of the applicant's next birthday and if the
17 applicant is sixty-four years of age or older, unless medical restrictions
18 require a shorter expiration period.

19 2. On presentation of satisfactory proof of qualification, the
20 director may issue a class D, G or M license or permit for a period of up
21 to five years to:

22 (a) A person who is an out-of-state student or who is the spouse of
23 an out-of-state student. For the purposes of this subdivision,
24 "out-of-state student" has the same meaning prescribed in section 28-2001.

25 (b) An immediate family member of any active duty military
26 personnel temporarily stationed in this state.

27 (c) Any other person for whom the director determines other
28 circumstances justify the issuance.

29 C. An applicant shall apply for renewal of a driver license before
30 the expiration of a current license. The department may require an
31 examination of a renewal applicant for a class D, G or M license as
32 required of an original applicant.

33 D. A veteran, as defined in section 41-601, whose driver license
34 expires is not required to renew the veteran's driver license for six
35 months from the date of the veteran's discharge from military service.

36 E. The department may extend the expiration date of a class D or M
37 license ~~by mail~~ for a resident if the applicant is not in this state at
38 the time the license expires and will not be in this state for at least
39 thirty consecutive days after the expiration of the driver license. On
40 payment by the applicant of the fee prescribed in section 28-3002, the
41 department shall issue a certificate of extension that is valid only if
42 accompanied by the applicant's previous license. An applicant for
43 extension of a license ~~by mail~~ shall comply with the following:

44 1. The application requirements of section 28-3158.

45 2. The licensing requirements of section 28-3153.

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 Sections 28-3172 and 28-3477, Arizona Revised Statutes, are
6 repealed.

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

9 28-4145. Restricted license and registration

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

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

33 Sec. 25. Repeal

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

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

37 28-5615. Presumption of use

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

1 B. If a vendor's dealings in use fuel primarily involve delivery of
2 use fuel into the fuel tanks of motor vehicles it is presumed, until the
3 contrary is established by competent proof under ~~rules and~~ procedures the
4 director adopts, that the vendor's total use fuel acquisitions have been
5 delivered into the fuel tanks of motor vehicles for the propulsion of the
6 vehicles on the public highways.

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

9 28-5639. Uncollectible tax credit

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

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

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

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

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

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

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

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

33 28-5648. Inspection of fuel and shipping papers

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

1 demand that shipping papers, documents and records required to be kept by
2 a person transporting fuel be produced for immediate inspection. The
3 places that may be inspected pursuant to this section include:

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

13 B. Inspectors may reasonably detain any person or equipment
14 transporting fuel in or through this state for the purpose of determining
15 whether the person is operating in compliance with this article ~~and any~~
16 ~~rules adopted pursuant to this article~~. Inspectors may detain a person or
17 equipment only for such time as is necessary to determine whether the
18 person is in compliance.

19 Sec. 29. Section 28-5703, Arizona Revised Statutes, is amended to
20 read:

21 28-5703. Cooperative agreements; definitions

22 A. To comply with the intermodal surface transportation efficiency
23 act of 1991, the director may enter into a cooperative agreement with
24 other jurisdictions for the administration of motor fuel taxes imposed by
25 article 1 of this chapter or section 28-8344. An agreement is not
26 effective until signed by the director and filed with the department.

27 B. The agreement shall include:

28 1. The base jurisdiction concept. This concept allows a licensee
29 to report and pay motor fuel use taxes to a base jurisdiction for
30 distribution to other member jurisdictions in which the licensee traveled
31 and incurred motor fuel use tax liability.

32 2. Retention of each jurisdiction's sovereign authority to
33 determine tax rates and exemptions and exercise other substantive tax
34 authority.

35 3. A uniform definition of the vehicles to which the agreement
36 applies.

37 C. The agreement may provide for:

- 38 1. Determining the base jurisdiction for users.
- 39 2. Users records requirements.
- 40 3. Audit procedures.
- 41 4. Exchange of information.
- 42 5. Persons eligible for tax licensing.
- 43 6. Defining qualified motor vehicles.
- 44 7. Determining if bonding is required.

1 8. Specifying reporting requirements and periods, including
2 defining uniform penalty and interest rates for late reporting.

3 9. Determining methods for collecting and forwarding motor fuel
4 taxes and penalties to another jurisdiction.

5 10. Other provisions to facilitate the administration of the
6 agreement.

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

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

19 E. Member jurisdictions may enforce this chapter against persons
20 who are not based in this state and who have taxable use of motor fuel in
21 this state.

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

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

28 ~~H. If the director enters into an agreement under this section, the~~
29 ~~director may adopt rules the director deems necessary to implement the~~
30 ~~agreement.~~

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

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

34 2. "Motor fuels" includes motor vehicle fuel, aviation fuel and use
35 fuel.

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

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

39 28-5721. Additional assessment

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

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

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

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

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

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

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

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

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

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

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

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

28-5952. Levy release; property return

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

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

1. The specific property levied on.

2. An amount of money equal to the amount of money levied on.

3. An amount of money equal to the amount of money received by this state from a sale of the property.

C. Property may be returned at any time. An amount equal to the amount of money levied on or received from the sale may be returned at any 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 28-7058, Arizona Revised Statutes, is amended to
40 read:

41 28-7058. Privatization of rest areas; state certified rest
42 area program; program termination; definitions

43 A. The department may:

44 1. Privatize any rest area constructed on or adjacent to state
45 highways in this state on or after September 26, 2008. Any agreement

1 between the department and a person for privatization under this section
2 shall include a provision that:

3 (a) Prohibits the person from charging any fees for the use of a
4 lavatory.

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

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

10 3. Contract with a third party or other government entity to
11 certify and recertify rest areas for the state certified rest area
12 program.

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

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

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

18 1. "Population" means the population determined in the most recent
19 United States decennial census or in the most recent special census as
20 provided in section 28-6532.

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

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

27 (i) Fuel and food to the public.

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

29 (iii) Parking for automobiles and heavy trucks.

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

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

34 Sec. 35. Section 28-7059, Arizona Revised Statutes, is amended to
35 read:

36 28-7059. Rest area sponsorship sign program; revenue sharing
37 agreement; program termination

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

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

5 C. The department may enter into a revenue sharing agreement with
6 the third party. The department shall deposit, pursuant to sections
7 35-146 and 35-147, all monies received from the revenue sharing agreement
8 in a subaccount of the state highway fund for the purpose of rest area
9 maintenance, operations and repairs.

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

12 Sec. 36. Title 28, chapter 21, article 3, Arizona Revised Statutes,
13 is amended by adding section 28-7618, to read:

14 28-7618. Attorney general note certification

15 A. THE BOARD MAY SUBMIT TO THE ATTORNEY GENERAL ANY NOTES TO BE
16 ISSUED UNDER THIS ARTICLE AFTER ALL PROCEEDINGS FOR THE AUTHORIZATION OF
17 THE NOTES HAVE BEEN TAKEN. ON THE SUBMISSION OF THE PROCEEDINGS TO THE
18 ATTORNEY GENERAL, THE ATTORNEY GENERAL SHALL INVESTIGATE AND DETERMINE THE
19 VALIDITY OF THE NOTES AND THE REGULARITY OF ALL PROCEEDINGS IN CONNECTION
20 WITH THE ISSUANCE.

21 B. IF THE PROCEEDINGS COMPLY WITH THIS ARTICLE AND THE ATTORNEY
22 GENERAL DETERMINES THAT THE NOTES WHEN DELIVERED AND PAID FOR WILL
23 CONSTITUTE BINDING AND LEGAL OBLIGATIONS OF THE BOARD THAT ARE ENFORCEABLE
24 ACCORDING TO THE TERMS OF THE NOTES, THE ATTORNEY GENERAL SHALL CERTIFY IN
25 SUBSTANCE ON THE BACK OF EACH OF THE NOTES THAT EACH NOTE IS ISSUED IN
26 ACCORDANCE WITH THE CONSTITUTION AND LAWS OF THIS STATE.

27 Sec. 37. Title 28, chapter 22, article 1, Arizona Revised Statutes,
28 is amended by adding section 28-7711, to read:

29 28-7711. Attorney general public-private partnership
30 agreement certification

31 A. THE DEPARTMENT MAY SUBMIT TO THE ATTORNEY GENERAL ANY AGREEMENT
32 ENTERED INTO UNDER THIS ARTICLE. ON THE SUBMISSION OF THE AGREEMENT TO THE
33 ATTORNEY GENERAL, THE ATTORNEY GENERAL SHALL INVESTIGATE AND DETERMINE THE
34 VALIDITY OF THE AGREEMENT.

35 B. IF THE AGREEMENT COMPLIES WITH THIS ARTICLE AND THE ATTORNEY
36 GENERAL DETERMINES THAT THE AGREEMENT WILL CONSTITUTE A BINDING AND LEGAL
37 OBLIGATION OF THE DEPARTMENT THAT IS ENFORCEABLE ACCORDING TO THE TERMS OF
38 THE AGREEMENT, THE ATTORNEY GENERAL SHALL CERTIFY IN SUBSTANCE THAT THE
39 AGREEMENT HAS BEEN ENTERED INTO IN ACCORDANCE WITH THE CONSTITUTION AND
40 LAWS OF THIS STATE.

41 Sec. 38. Section 28-8242, Arizona Revised Statutes, is amended to
42 read:

43 28-8242. Powers and duties

44 A. The department:

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

4 2. May:

5 (a) Assemble and distribute to the public information relating to
6 aviation, landing fields, navigational aids and other matters pertaining
7 to aviation.

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

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

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

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

19 (f) Loan monies from the state aviation fund to an airport
20 authority that enters into an agreement with the United States for an
21 airport development project if the airport authority designates in its
22 agreement with the United States that payment of federal participating
23 monies shall be made to the department acting as the agent of the airport
24 authority and enters into an agreement with the department appointing the
25 department as agent of the airport authority to receive all federal
26 participating monies. The department shall deposit, pursuant to sections
27 35-146 and 35-147, all monies received pursuant to this subdivision in the
28 state aviation fund. For the purposes of this subdivision, "airport
29 authority" means the governing body of a public airport operating pursuant
30 to sections 28-8423 and 28-8424 or a joint powers airport authority.

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

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

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

41 1. Contract for the operation of state owned airports.

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

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

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

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

10 Sec. 39. Delayed repeal

11 Title 41, chapter 3, article 1.3, Arizona Revised Statutes, is
12 repealed from and after June 30, 2019.

13 Sec. 40. Section 41-835.01, Arizona Revised Statutes, is amended to
14 read:

15 41-835.01. Definitions

16 In this article, unless the context otherwise requires:

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

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

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

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

31 ~~5.~~ 5. "Places of historical significance" or "historic place"
32 means objects, places or things that are associated with or named after
33 people, places or events of historical significance, including HISTORIC
34 ROADS, SCENIC ROADS, PARKWAYS, artificial bridges, dams, artificial lakes,
35 parks, mining districts, artificial monuments, roads, trails or other
36 similar artificial objects, places or things.

37 6. "SCENIC ROAD" MEANS A HIGHWAY, STREET, ROAD OR ROUTE THROUGH A
38 SCENIC AREA THAT IS ESTABLISHED OR DESIGNATED AS A SCENIC ROAD BY THE
39 BOARD.

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

42 41-835.03. Powers and duties

43 A. The board shall:

44 1. Receive and evaluate all proposals for changes in or additions
45 to names of geographic features and places of historical significance in

1 this state and after this evaluation designate the most appropriate and
2 acceptable names and spelling of these names for use in maps and other
3 official governmental documents.

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

8 3. Cooperate with political subdivisions of this state to eliminate
9 the duplication of the names of geographic features that are not of
10 historical significance.

11 4. Assist and cooperate with the United States board of geographic
12 names in matters relating to names of geographic features and places in
13 this state.

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

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

19 7. RECEIVE AND EVALUATE ALL PROPOSALS TO ESTABLISH OR DESIGNATE A
20 HIGHWAY OR AREA AS A PARKWAY, HISTORIC ROAD OR SCENIC ROAD THAT IS OF
21 GEOGRAPHIC OR HISTORICAL SIGNIFICANCE IN THIS STATE AND AFTER THIS
22 EVALUATION DESIGNATE THE MOST APPROPRIATE AND ACCEPTABLE NAMES AND
23 SPELLING OF THESE NAMES FOR USE IN MAPS AND OTHER OFFICIAL GOVERNMENTAL
24 DOCUMENTS. IF THE PARKWAY, HISTORIC ROAD OR SCENIC ROAD TO BE ESTABLISHED
25 OR DESIGNATED IS NOT A STATE HIGHWAY OR ROUTE, THE ESTABLISHMENT OR
26 DESIGNATION IS NOT EFFECTIVE UNLESS THE STATE BOARD ON GEOGRAPHIC AND
27 HISTORIC NAMES OR GOVERNMENTAL BODY HAVING JURISDICTION OVER THE PARKWAY,
28 HISTORIC ROAD OR SCENIC ROAD AGREES TO THE ESTABLISHMENT OR DESIGNATION.
29 THE STATE BOARD ON GEOGRAPHIC AND HISTORIC NAMES SHALL NOTIFY THE DIRECTOR
30 OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TRANSPORTATION BOARD
31 WHEN A PARKWAY, HISTORIC ROAD OR SCENIC ROAD IS GIVEN A HISTORIC
32 DESIGNATION PURSUANT TO THIS SECTION.

33 B. The board may:

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

35 2. Initiate proposals for changes in or additions to geographic or
36 historic names in this state. Any proposal initiated by the board shall
37 be evaluated in accordance with the procedures prescribed under section
38 41-835.04.

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

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

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

42 ~~3.~~ 2. Designate a name for a geographic feature that commemorates
43 any person until that person has been deceased at least five years.

1 Sec. 42. Effective date
2 Sections 41-835.01 and 41-835.03, Arizona Revised Statutes, as
3 amended by this act, are effective from and after June 30, 2019.
4 Sec. 43. Conditional enactment
5 Section 28-2294, Arizona Revised Statutes, as amended by Laws 1996,
6 chapter 76, section 94 and this act, becomes effective on the date
7 prescribed by Laws 1996, chapter 76, section 310 but only on the
8 occurrence of the condition prescribed by Laws 1996, chapter 76,
9 section 310.

APPROVED BY THE GOVERNOR APRIL 23, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2018.