

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SENATE BILL 1353

AN ACT

AMENDING SECTIONS 28-364, 28-365, 28-413, 28-455, 28-456, 28-1150, 28-2055, 28-2091, 28-2095, 28-2098, 28-3225, 28-3312, 28-4805, 28-7143, 28-7314, 28-7315, 28-8325 AND 32-2351, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-364, Arizona Revised Statutes, is amended to
3 read:

4 28-364. Powers of the director

5 A. The director may provide technical transportation planning
6 expertise to local governments when requested, coordinate local government
7 transportation planning with regional and state transportation planning
8 and guide local transportation planning to ~~assure~~ ENSURE compliance with
9 federal requirements. The planning authority granted by this subsection
10 does not preempt planning responsibilities and decisions of local
11 governments.

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

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

24 D. The director of the department of transportation in consultation
25 with the director of the department of public safety shall develop
26 procedures to exchange information for any purpose related to sections
27 28-1324, 28-1325, 28-1326, 28-1462 and 28-3318.

28 E. The director may establish a system or process that does all of
29 the following:

30 1. Allows for mailing notices of service or other legal documents
31 or records of the department electronically or digitally to a person who
32 consents to receiving these notices, documents or records through a secure
33 electronic or digital system.

34 2. Enables a person to establish a financial account in the
35 department's database. The account shall be accessible by the person or
36 the person's authorized representative to review statements of all
37 transactions associated with the person's account and to make prepayments
38 or payments for authorized transactions with the department.
39 Notwithstanding any other law, monies in financial accounts established
40 pursuant to this section that remain unexpended for a period of five years
41 or more revert to the Arizona highway user revenue fund and shall be
42 distributed pursuant to section 28-6538.

43 3. Allows a person to comply with the photograph update and proof
44 of vision test requirements prescribed by section 28-3173 through
45 electronic or digital means that meet the department's standards.

1 4. ENABLES THE DEPARTMENT TO ACCEPT CERTIFICATE OF TITLE BRANDS
2 FROM OTHER STATES OR JURISDICTIONS AND TO RECORD THESE BRANDS ON THE
3 APPROPRIATE VEHICLE RECORDS.

4 F. The director, in consultation with the Arizona medical board or
5 the state board of optometry, may do all of the following:

6 1. Establish medical and vision standards for driver license
7 applicants and examinations.

8 2. Establish courses of training, training facilities and
9 qualifications and methods of training for driver license examining
10 personnel.

11 3. Establish procedures for the certification of driver license
12 examining personnel and driver license instructors personnel.

13 4. Direct research in the field of licensing drivers. The director
14 may accept public or private grants for the research.

15 5. Conduct research in the field of examination or reexamination of
16 licensing individual drivers with medical or vision problems.

17 6. Set minimum vision standards for the operation of a motor
18 vehicle in this state.

19 G. The director may implement electronic or digital versions of
20 driver licenses, nonoperating identification licenses, vehicle
21 registration cards, license plates or ~~any~~ other official ~~record~~ RECORDS of
22 the department.

23 Sec. 2. Section 28-365, Arizona Revised Statutes, is amended to
24 read:

25 28-365. Disposition of fees

26 Except as otherwise provided by statute, the director shall
27 immediately deposit, pursuant to sections 35-146 and 35-147, fees
28 collected under this ~~chapter~~ TITLE in the Arizona highway user revenue
29 fund.

30 Sec. 3. Section 28-413, Arizona Revised Statutes, is amended to
31 read:

32 28-413. Reciprocal driver license agreement: foreign
33 countries

34 A. The department may waive the requirements for a written
35 examination and the driving examination required pursuant to section
36 28-3164 for an operator of a motor vehicle ~~holding~~ WHO HOLDS a valid
37 driver license issued by a foreign country in which the operator
38 previously resided and who applies for an initial driver license in this
39 state as an original applicant, if all of the following conditions are
40 met:

41 1. The director determines that the standards of the foreign
42 country for licensing operators of motor vehicles are substantially
43 similar to those of this state.

44 2. The foreign country extends the same reciprocal driver license
45 application privileges to persons licensed in this state.

1 3. The director and the foreign country have exchanged letters or
2 other documentation to confirm the reciprocal extension of privileges to
3 operate motor vehicles.

4 4. The original applicant under this section complies with the
5 mandatory motor vehicle insurance provisions of chapter 9, articles 1 and
6 4 of this title.

7 B. A person who holds a valid driver license that meets the
8 requirements of subsection A, ~~OF THIS SECTION~~ may apply to the department
9 for a class D, G or M license. The person applying for the original
10 license shall ~~surrender~~ PRESENT the foreign country driver license to the
11 department ~~upon~~ ON successful application.

12 C. The department shall publish on its public ~~internet site~~ WEBSITE
13 a current list of foreign countries for which reciprocal operating
14 privileges have been extended and withdrawn.

15 D. This section ~~shall~~ DOES not apply to commercial driver
16 licensing.

17 ~~E. The director may adopt rules to implement this section.~~

18 Sec. 4. Section 28-455, Arizona Revised Statutes, is amended to
19 read:

20 28-455. Release of personal information; fees

21 A. In accordance with section 28-458 and the driver's privacy
22 protection act of 1994 (18 United States Code sections 2721 through 2725)
23 and notwithstanding section 28-447, the department shall not knowingly
24 disclose or otherwise make available to any person:

25 1. Personal information obtained by the department in connection
26 with a motor vehicle record except as otherwise provided in this section.

27 2. Highly restricted personal information obtained by the
28 department in connection with a motor vehicle record without the express
29 consent of the person to whom the information applies except for uses
30 allowed in subsection C, paragraphs 1, 4, 6 and 9 of this section. This
31 paragraph does not affect the use of organ donation information on an
32 individual's driver license or affect the administration of organ donation
33 in this state.

34 B. The department shall disclose personal information for use in
35 connection with the following matters:

36 1. Motor vehicle or driver safety and theft.

37 2. Motor vehicle emissions.

38 3. Motor vehicle product alterations, recalls or advisories.

39 4. Performance monitoring of motor vehicles and dealers by motor
40 vehicle manufacturers.

41 5. Removal of nonowner records from the original owner records of
42 motor vehicle manufacturers to carry out the purposes of titles I and IV
43 of the anti car theft act of 1992 (18 United States Code sections 2311
44 through 2322), the automobile information disclosure act (15 United States
45 Code sections 1231, 1232 and 1233), the clean air act of 1963 (42 United

1 States Code sections 7401 through 7671q) and 49 United States Code
2 chapters 301, 305 and 321 through 331.

3 C. Subject to subsection A of this section, the department may
4 disclose personal information as follows:

5 1. For use by any government agency, including any court or law
6 enforcement agency, in carrying out its functions or any private person or
7 entity acting on behalf of a government agency in carrying out its
8 functions.

9 2. For use in connection with matters of:

10 (a) Performance monitoring of motor vehicles, motor vehicle parts
11 and dealers.

12 (b) Motor vehicle market research activities, including survey
13 research.

14 (c) Removal of nonowner records from the original owner records of
15 motor vehicle manufacturers.

16 3. For use in the normal course of business by a legitimate
17 business or its agents, employees or contractors, but only:

18 (a) To verify the accuracy of personal information submitted by the
19 individual to the business or its agents, employees or contractors.

20 (b) If the information submitted is not correct or is no longer
21 correct, to obtain the correct information for the purpose of preventing
22 fraud by, pursuing legal remedies against or recovering on a debt or
23 security interest against the individual.

24 4. For use by an attorney licensed to practice law or by a licensed
25 private investigator in connection with any civil, criminal,
26 administrative or arbitration proceeding in any court or government agency
27 or before any self-regulatory body, including the service of process,
28 investigation in anticipation of litigation and the execution or
29 enforcement of judgments and orders, or pursuant to a court order.

30 5. For use in research activities and for use in producing
31 statistical reports if the personal information is not published,
32 redisclosed or used to contact individuals.

33 6. For use by any insurer that writes automobile liability or motor
34 vehicle liability policies and that is under the jurisdiction of the
35 department of insurance and financial institutions or insurance support
36 organization or by a self-insured entity or its agents, employees or
37 contractors in connection with claims investigation activities, antifraud
38 activities, rating or underwriting.

39 7. For use in providing notice to the owners of towed or impounded
40 vehicles.

41 8. For use by any licensed private investigative agency or licensed
42 security service for any purpose allowed under this section.

43 9. For use by an employer or its agent or insurer to obtain or
44 verify information relating to a holder of a commercial driver license
45 that is required under 49 United States Code sections 31301 through 31317.

1 10. For use by a toll operator as defined in section 28-7751 in
2 connection with the operation of a toll facility or the enforcement of
3 tolls, administrative charges and penalties as defined in section 28-7751.

4 11. For any other use in response to requests for individual motor
5 vehicle records if the state has obtained the express consent of the
6 person to whom the personal information pertains.

7 ~~12. For bulk distribution for surveys, marketing or solicitations~~
8 ~~if the department has obtained the express consent of the person to whom~~
9 ~~the personal information pertains.~~

10 ~~13.~~ 12. For use by any requester if the requester demonstrates it
11 has obtained the written consent of the individual to whom the information
12 pertains.

13 ~~14.~~ 13. For any other use that is specifically authorized by law
14 and that is related to the operation of a motor vehicle or public safety,
15 including the following:

16 (a) Use by a financial institution or enterprise under the
17 jurisdiction of the department of insurance and financial institutions or
18 a federal monetary authority.

19 (b) Use by a motor vehicle dealer who is licensed and bonded by the
20 department or a state organization of licensed and bonded motor vehicle
21 dealers.

22 (c) Use by a person who is involved in an accident or the owner of
23 a vehicle involved in an accident if the person who requests the
24 information submits proof to the department of involvement in the
25 accident.

26 (d) Use by a person applying for a bonded title if all of the
27 following conditions exist:

28 (i) The requester verifies to the satisfaction of the director that
29 the vehicle on which the requester is requesting the record is in the
30 requester's possession.

31 (ii) The record is requested in order for the requester to notify
32 the registered owner of the requester's intent to apply to the department
33 for a bonded title.

34 (iii) The requester provides a verification of a vehicle inspection
35 that was performed by an authorized department employee or agent.

36 (e) Use by an operator of a self-service storage facility who
37 alleges both of the following:

38 (i) That the vehicle on which the operator is requesting the record
39 is in the operator's possession.

40 (ii) That the record is requested to allow the operator to notify
41 the registered owner and any lienholders of record of the operator's
42 intent to foreclose its lien and to sell the vehicle.

43 (f) For any other use as determined by the director and established
44 by rule.

1 D. The department may establish and carry out procedures under
2 which the department, on receiving a request for personal information that
3 does not fall within one of the exceptions prescribed in subsection B or C
4 of this section, may mail a copy of the request to the individual about
5 whom the information was requested. The mailing shall inform the
6 individual of the request and contain a statement that the information
7 will not be released unless the individual waives the individual's right
8 to privacy under this section.

9 E. In addition to the permissible uses prescribed in subsection C
10 of this section, the department may disclose its motor vehicle records
11 information, including personal information, as a bulk record only under
12 any of the following conditions:

13 1. If the director determines either of the following:

14 (a) The sale or release of the record is necessary for the public
15 health or safety.

16 (b) The use is for general research or general statistical purposes
17 that do not provide specific factors from a record.

18 ~~2. For surveys, marketing or solicitations if the department has~~
19 ~~obtained the express consent of the person to whom the personal~~
20 ~~information pertains.~~

21 ~~3.~~ 2. For the release of motor vehicle title and motor vehicle
22 registration information, vehicle identification numbers, title brands,
23 odometer readings and brands and title lien information to a requester if
24 the requester is in the business of preparing vehicle history reports and
25 the information is used to develop a vehicle history report.

26 ~~F. The director shall provide in a clear and conspicuous manner on~~
27 ~~forms for the issuance or renewal of driver licenses, nonoperating~~
28 ~~identification licenses and title and registration the opportunity for~~
29 ~~express consent so that each person who is the subject of a record of the~~
30 ~~department may opt in, for any purpose as prescribed by the director.~~
31 ~~Express consent shall be conveyed in a form prescribed by the director and~~
32 ~~shall include at least the following:~~

33 ~~1. Clear and conspicuous notice informing the person who is giving~~
34 ~~express consent that by giving express consent the person is allowing the~~
35 ~~department to disclose information contained in the person's motor vehicle~~
36 ~~record to any person requesting information for any purpose.~~

37 ~~2. A written signature or an electronic signature.~~

38 ~~3. An explanation of the difference between a one-time~~
39 ~~authorization and general consent or opt in.~~

40 ~~G. Subject to the requirements of subsection F of this section,~~
41 ~~express consent may be conveyed as either of the following:~~

42 ~~1. A one-time authorization submitted by a requester on a consent~~
43 ~~to release form or by other written format as prescribed by the director.~~

44 ~~2. General consent or opt in on certain department forms.~~

1 F. THE DEPARTMENT SHALL NOT SELL RECORDS WITH PERSONAL IDENTIFYING
2 INFORMATION FOR A COMMERCIAL PURPOSE EXCEPT TO A PERSON AUTHORIZED TO
3 RECEIVE THE RECORDS UNDER THE PERMISSIBLE USE PROVISIONS OF THIS SECTION
4 AND THE DRIVER'S PRIVACY PROTECTION ACT OF 1994 (18 UNITED STATES CODE
5 SECTIONS 2721 THROUGH 2725).

6 ~~H.~~ G. Driver histories shall not be disclosed under subsection E
7 of this section.

8 ~~I.~~ H. Except as provided in subsection ~~J.~~ I of this section and
9 section 28-446, subsection B, records provided pursuant to subsections B
10 and C of this section are subject to the fees prescribed in section
11 28-446, subsections A and C.

12 ~~J.~~ I. For records searched and provided for the purposes described
13 in subsection E of this section, the director:

14 1. Shall charge a search fee that is a minimum of \$600 per million
15 records searched.

16 2. Shall charge a records fee that is a minimum of \$30 per thousand
17 records provided.

18 3. May prorate the charge for fractional quantities that are
19 searched or provided.

20 ~~4. May charge only the search fee if the request is in accordance~~
21 ~~with subsection E, paragraph 2 of this section.~~

22 ~~K.~~ J. Records requests that require a database search for specific
23 criteria within a record are subject to a search fee. In addition to this
24 search fee, each motor vehicle record provided to a records requester as a
25 result of a criteria search incurs record fees in accordance with
26 subsection ~~I.~~ H of this section.

27 Sec. 5. Section 28-456, Arizona Revised Statutes, is amended to
28 read:

29 28-456. Subsequent sale or disclosure of record information
30 by authorized recipient

31 A. Except as provided in ~~subsections~~ SUBSECTION B ~~and C~~ of this
32 section, an authorized recipient of personal information may resell or
33 redisclose the information only for a use permitted under section 28-455,
34 subsection B or C.

35 B. An authorized recipient under section 28-455, subsection C,
36 paragraph 11 may resell or redisclose personal information for any lawful
37 purpose.

38 ~~C. An authorized recipient under section 28-455, subsection C,~~
39 ~~paragraph 12 may resell or redisclose personal information pursuant to~~
40 ~~section 28-455, subsection C, paragraph 12.~~

41 ~~D.~~ C. Any authorized recipient, except a recipient under section
42 28-455, subsection C, paragraph 11, that resells or rediscloses personal
43 information covered by this section shall keep for a period of five years
44 records identifying each person or entity that receives information and

1 the permitted purpose for which the information will be used and shall
2 make the records available to the department on request.

3 Sec. 6. Section 28-1150, Arizona Revised Statutes, is amended to
4 read:

5 28-1150. Overdimensional permit council

6 A. An overdimensional permit council is established consisting of
7 the following nine members who are appointed by the governor:

8 1. One member representing the department of public safety.

9 2. One member representing the department of transportation.

10 3. Four members representing motor carriers.

11 4. One member from a city or town with a population of more than
12 one hundred thousand persons.

13 5. One member from a city or town with a population of one hundred
14 thousand persons or less.

15 6. One member representing the governor's office of community and
16 highway safety.

17 B. The members serve staggered three year terms.

18 C. The overdimensional permit council shall:

19 1. Meet at least annually.

20 2. Select from its members a person to serve as chairperson.

21 3. Advise and assist the department of transportation in developing
22 rules required to administer this article and article 18 of this chapter.

23 4. Advise and consult with the motor carrier industry, department
24 of transportation and state and local law enforcement agencies concerning
25 matters relating to overdimensional permits.

26 ~~5. Establish a mailing list that includes any party expressing an
27 interest in the council's activities. The council shall provide the list
28 to the department of transportation, and the department of transportation
29 shall send notice by first class mail to each person on the list at least
30 fifteen days before the date on which each meeting of the council is to be
31 held.~~

32 ~~6.~~ 5. Review each proposed ordinance that a local authority
33 submits pursuant to section 28-1103, subsection G to determine if the
34 proposed ordinance is substantially identical, uniform and consistent with
35 the rules adopted by the department for oversized or overweight vehicles
36 pursuant to section 28-1103, subsection F.

37 D. Members of the overdimensional permit council are not eligible
38 to receive compensation or reimbursement for expenses.

39 E. The overdimensional permit council is subject to title 38,
40 chapter 3, article 3.1.

41 F. THE DEPARTMENT SHALL PROVIDE FOR ELECTRONIC NOTIFICATION OF
42 OVERDIMENSIONAL PERMIT COUNCIL MEETINGS TO INTERESTED PARTIES.

1 Sec. 7. Section 28-2055, Arizona Revised Statutes, is amended to
2 read:

3 28-2055. Certificate of title; content requirements; transfer
4 on death provision

5 A. The department or an authorized third party shall do both of the
6 following:

7 1. Create the certificate of title with space for notation of liens
8 and encumbrances on the vehicle at the time of transfer.

9 2. Provide forms for assignment of title or interest and warranty
10 by the owner that ~~contains~~ INCLUDE the odometer mileage disclosure
11 statement pursuant to section 28-2058.

12 B. At the request of the owner ~~and on payment of a fee prescribed~~
13 ~~by the department by rule~~, the certificate of title may contain, by
14 attachment, a transfer on death provision where the owner may designate a
15 beneficiary of the vehicle.

16 C. If a motor vehicle, trailer or semitrailer has been registered
17 in any other state or country, the department shall retain in its records
18 the name of the state or country in which the prior registration took
19 place.

20 Sec. 8. Section 28-2091, Arizona Revised Statutes, is amended to
21 read:

22 28-2091. Salvage certificate of title; stolen vehicle
23 certificate of title; nonrepairable vehicle
24 certificate of title; recovered vehicles;
25 violation; classification; definitions

26 A. If a vehicle that is subject to the issuance of a certificate of
27 title or registration pursuant to this chapter becomes a salvage vehicle,
28 stolen vehicle or nonrepairable vehicle and is acquired by an insurance
29 company as a result of a total loss insurance settlement, the insurance
30 company or its authorized agent shall submit an application, as determined
31 by the insurance company or its authorized agent, to the department within
32 thirty days after the certificate of title is properly assigned by the
33 owner to the insurance company, with all liens released, on a form
34 prescribed by the department for either a salvage certificate of title,
35 stolen vehicle certificate of title or nonrepairable vehicle certificate
36 of title. The selected certificate of title shall include the following:

- 37 1. A properly endorsed certificate of title.
38 2. A lien satisfaction, if applicable.
39 3. The appropriate fees.

40 B. Within thirty days after oral or written acceptance by the owner
41 of an offer in settlement of total loss, if an insurance company or its
42 authorized agent is unable to obtain the documents prescribed by
43 subsection A, paragraphs 1 and 2 of this section, the insurance company or
44 its agent, on a form provided by the department, may submit an application
45 to the department for a salvage certificate of title, stolen vehicle

1 certificate of title or nonrepairable vehicle certificate of title. The
2 application shall include evidence that the insurance company or its agent
3 has made two or more written attempts to obtain the documents prescribed
4 by subsection A, paragraphs 1 and 2 of this section. The application
5 shall include the appropriate fees prescribed by subsection A, paragraph 3
6 of this section. The insurance company shall indemnify and hold harmless
7 the department for any claims resulting from the issuance of a salvage
8 certificate of title, stolen vehicle certificate of title or nonrepairable
9 vehicle certificate of title pursuant to this subsection.

10 C. Except for vehicles registered pursuant to section 28-2482,
11 28-2483 or 28-2484, if the owner retains possession of a salvage vehicle
12 or nonrepairable vehicle, the owner shall comply with this section before
13 receiving a total loss settlement from the insurance company or otherwise
14 disposing of the vehicle.

15 D. Any other owner of a vehicle that is a salvage vehicle or
16 nonrepairable vehicle shall apply for a salvage certificate of title or
17 nonrepairable vehicle certificate of title pursuant to this section.

18 E. On receipt of a proper application, the department shall issue a
19 salvage certificate of title, stolen vehicle certificate of title or
20 nonrepairable vehicle certificate of title for the vehicle.

21 F. If the department issues a nonrepairable vehicle certificate of
22 title for a vehicle, the registration of the vehicle is cancelled. The
23 front of a nonrepairable vehicle certificate of title shall be branded
24 with the word "nonrepairable". The ownership of a vehicle for which a
25 nonrepairable vehicle certificate of title has been issued shall not be
26 reassigned more than two times on that certificate of title or a title
27 transfer form. If a nonrepairable vehicle certificate of title is issued
28 for a vehicle, the department shall not perform any title transfers or
29 issue any further paper certificate of title for that vehicle.

30 G. An owner of a vehicle that is not a salvage vehicle who sells
31 the vehicle as scrap or for purposes of dismantling or destroying shall
32 assign the certificate of title or a title transfer form to the purchaser,
33 and the purchaser shall comply with section 28-2094.

34 H. On sale of the vehicle, an owner of a salvage vehicle for which
35 a salvage certificate of title has been obtained or an owner of a
36 nonrepairable vehicle for which a nonrepairable vehicle certificate of
37 title has been obtained shall assign and deliver the salvage certificate
38 of title or nonrepairable vehicle certificate of title or a title transfer
39 form to the purchaser and shall notify the department of the name and
40 address of the purchaser.

41 I. Except as provided in subsection L of this section, the
42 department shall issue a certificate of title to a vehicle that has been
43 issued a salvage certificate of title or stolen vehicle certificate of
44 title as a result of a total loss settlement by reason of theft if the
45 vehicle is recovered and was not wrecked or stripped of essential parts

1 and the insurance company or its authorized agent submits an affidavit to
2 the department in a form prescribed by the department stating either of
3 the following:

4 1. The vehicle is a recovered theft and both of the following:

5 (a) The vehicle was not wrecked or stripped of essential parts.

6 (b) To the insurance company's or its authorized agent's actual
7 knowledge, no air bag or component part necessary to the proper function
8 of the air bag system deployed in the vehicle or was removed from the
9 vehicle.

10 2. The vehicle is a recovered theft and, to the insurance company's
11 or its authorized agent's actual knowledge, an air bag or an air bag
12 module deployed in the vehicle or was removed from the vehicle. The
13 insurance company or its authorized agent shall list the location in the
14 vehicle of each deployment or removal of an air bag or an air bag module.

15 J. On receipt of an affidavit submitted pursuant to subsection I,
16 paragraph 2 of this section, the department shall mark its records to
17 indicate the deployment or removal of the air bag or air bag module from
18 the vehicle and the location of each deployment or removal.

19 K. The insurance company or its authorized agent shall give the
20 purchaser of a vehicle that is a recovered theft, as described in
21 subsection I of this section, a copy of the affidavit submitted pursuant
22 to subsection I of this section.

23 L. If the vehicle is a recovered theft and components of the
24 vehicle's air bag system, other than the air bag or the air bag module
25 described in subsection I, paragraph 2 of this section, or other parts of
26 the vehicle were removed compromising the functional integrity of the air
27 bag system or the structural integrity of the vehicle, the insurance
28 company or its authorized agent shall submit an affidavit to the
29 department in a form prescribed by the department stating that the vehicle
30 is a recovered theft and that components of the vehicle's air bag system,
31 other than the air bag or the air bag module described in subsection I,
32 paragraph 2 of this section, or other parts of the vehicle were removed
33 compromising the functional integrity of the air bag system or the
34 structural integrity of the vehicle. The department shall not issue a
35 certificate of title to the vehicle but may issue a restored salvage
36 certificate of title pursuant to section 28-2095 if all of the following
37 apply:

38 1. The vehicle is repairable.

39 2. The department successfully completes a level three inspection
40 as prescribed in section 28-2011.

41 3. The vehicle meets other requirements the director prescribes.

42 M. Except as provided in subsection N of this section, any person
43 who sells a vehicle that is issued a certificate of title pursuant to
44 subsection I of this section and who has actual knowledge that an air bag,
45 an air bag module or components of the vehicle's air bag system

1 compromising the functional integrity of the air bag system deployed or
2 were removed from the vehicle shall not fail to disclose the deployment or
3 removal to the buyer before completion of the sale with the intention of
4 concealing the deployment or removal. A person who violates this
5 subsection is guilty of a class 1 misdemeanor.

6 N. Subsection M of this section does not apply to either of the
7 following:

8 1. An insurance company or its authorized agent who issues an
9 affidavit pursuant to subsection I of this section unless the insurance
10 company or its authorized agent intentionally fails to disclose the
11 deployment or removal of an air bag, an air bag module or components of
12 the vehicle's air bag system that compromise the functional integrity of
13 the air bag system.

14 2. A person who owns a vehicle that is issued a certificate of
15 title pursuant to subsection I of this section if the person repairs or
16 replaces the air bag or air bag module in the vehicle.

17 0. Any person who sells a vehicle for which a salvage certificate
18 of title has been issued and who knows a salvage certificate of title has
19 been issued for the vehicle shall disclose **IN WRITING OR BY ELECTRONIC**
20 **MEANS** to the buyer before completion of the sale that the vehicle is a
21 salvage vehicle.

22 P. If a vehicle that has a certificate of title as a salvage
23 vehicle is to be scrapped, dismantled or destroyed, the owner or purchaser
24 shall comply with section 28-2094.

25 Q. The provisions of this chapter that refer to certificates of
26 title apply to salvage certificates of title, stolen vehicle certificates
27 of title and nonrepairable vehicle certificates of title issued pursuant
28 to this section unless they conflict with this section.

29 R. If a component part of a vehicle on which the vehicle
30 identification number is affixed is to be replaced and if the vehicle is
31 being repaired by a person other than its owner, the person shall notify
32 the owner in writing and in the manner prescribed by the department that
33 the part has been replaced, and the owner shall comply with section
34 28-2165. This subsection does not apply if the department has not issued
35 a salvage certificate of title or a nonrepairable certificate of title and
36 if the vehicle manufacturer or the manufacturer's authorized agent meets
37 all of the following conditions:

38 1. The frame is the component part replaced.

39 2. The frame replacement is performed by the vehicle manufacturer
40 or the manufacturer's authorized agent.

41 3. If the original frame contained a vehicle identification number
42 or serial number, the original vehicle identification number or serial
43 number, in a similar size and style, is restamped in the replacement frame
44 by the manufacturer or the manufacturer's authorized agent.

1 4. Any existing manufacturer warranties remaining on the vehicle
2 are not voided.

3 5. The manufacturer or the manufacturer's authorized agent
4 obliterates all vehicle identification numbers or serial numbers contained
5 on the original frame.

6 S. Except as otherwise provided, a person who violates this section
7 is guilty of a class 2 misdemeanor.

8 T. For the purposes of this section:

9 1. "Essential parts" means integral and body parts, the removal,
10 alteration or substitution of which will tend to conceal the identity or
11 substantially alter the appearance of the vehicle.

12 2. "Nonrepairable vehicle" means a vehicle of a type that is
13 otherwise subject to the issuance of a certificate of title and
14 registration pursuant to this chapter and that either:

15 (a) Has no resale value except as a source of parts or scrap metal
16 and the owner or insurer designates the vehicle solely as a source of
17 parts or scrap metal.

18 (b) Is a completely stripped vehicle that is recovered from theft
19 and that is missing the engine or motor, the transmission, all of the
20 bolt-on sheet metal body panels, all of the doors and hatches,
21 substantially all of the interior components and substantially all of the
22 grill and light assemblies or that the owner designates has little or no
23 resale value except its worth as a source of scrap metal or as a source of
24 a vehicle identification number that could be used illegally.

25 (c) Is a completely burned vehicle that has been burned to the
26 extent that there are no usable or repairable body or interior components,
27 tires and wheels, engine or motor or transmission and that the owner
28 irreversibly designates as having little or no resale value except as a
29 source of scrap metal or as a source of a vehicle identification number
30 that could be used illegally.

31 3. "Salvage vehicle" means a vehicle, other than a nonrepairable
32 vehicle, of a type that is subject to the issuance of a certificate of
33 title and registration pursuant to this chapter and that has been stolen,
34 wrecked, destroyed, flood or water damaged or otherwise damaged to the
35 extent that the owner, leasing company, financial institution or insurance
36 company considers it uneconomical to repair the vehicle.

37 4. "Stolen vehicle certificate of title" means a vehicle ownership
38 document issued to the owner of a vehicle that has been stolen and not
39 recovered.

40 Sec. 9. Section 28-2095, Arizona Revised Statutes, is amended to
41 read:

42 28-2095. Restored salvage certificate of title; inspections;
43 definitions

44 A. If a salvage vehicle as defined in section 28-2091 is rebuilt or
45 restored to operation, the owner of the motor vehicle shall not transfer

1 the motor vehicle until a restored salvage certificate of title has been
2 issued pursuant to this section.

3 B. On application for a restored salvage certificate of title, the
4 department shall conduct a level two or level three inspection of the
5 vehicle that is the subject of the application to determine its proper
6 identity pursuant to section 28-2011. The inspection may include a review
7 of bills of sale and invoices for component parts used in the
8 reconstruction process. If the department is unable to conduct a level
9 three inspection for a restored salvage certificate of title within twenty
10 days after a request is made, the department shall conduct an inspection
11 of the vehicle within forty-eight hours after the twenty day period.

12 C. The seller or agent of a seller of a salvage vehicle as defined
13 in section 28-2091 shall inform the purchaser of a salvage vehicle that
14 ownership documentation for certain replacement parts used in the repair
15 of the salvage vehicle is required in connection with the inspection
16 prescribed by this section.

17 D. A person who possesses a salvage vehicle as defined in section
18 28-2091 and who submits it for inspection as prescribed by this section
19 shall submit to the department paperwork that is satisfactory to the
20 director. Satisfactory paperwork may include copies of invoices, notarized
21 bills of sale or other acceptable proof of ownership for component parts.

22 E. If proper ownership documentation for a component part is not
23 submitted as required by this section, the department may seize the
24 component part.

25 F. If the department finds a stolen component part in a vehicle
26 while conducting an inspection provided for under this section, the
27 department shall seize the component part pursuant to section 28-4594.

28 G. The department shall deposit, pursuant to sections 35-146 and
29 35-147, any proceeds resulting from the seizure and forfeiture of a
30 component part pursuant to subsection E or F of this section in the
31 vehicle inspection and certificate of title enforcement fund established
32 by section 28-2012.

33 H. Any person who sells a vehicle for which a restored salvage
34 certificate of title has been issued and who knows a restored salvage
35 certificate of title has been issued for the vehicle shall disclose **IN**
36 **WRITING OR BY ELECTRONIC MEANS** to the buyer before completion of the sale
37 that the vehicle is a restored salvage vehicle.

38 I. For the purposes of this section:

39 1. For passenger vehicles, "component parts" includes the cowl or
40 firewall, front end assembly, rear clip, including the roof panel, the
41 roof panel if installed separately and the frame or any portion of the
42 frame, or in the case of a unitized body, the supporting structure that
43 serves as the frame, each door, the hood, each fender or quarter panel,
44 the deck lid or hatchback, each bumper, transmissions or transaxles and an
45 engine or motor. For the purposes of this paragraph:

1 (a) "Front end assembly" includes the hood, fenders, bumper,
2 radiator and supporting members for these items. For vehicles with a
3 unitized body, the front end assembly also includes the frame support
4 members.

5 (b) "Rear clip" includes the roof, quarter panels, trunk lid, floor
6 pan, rear bumper and support members for these items.

7 2. For trucks or truck-type or bus-type vehicles, "component parts"
8 includes the cab, the frame or any portion of the frame, and in the case
9 of a unitized body, the supporting structure that serves as a frame, the
10 cargo compartment floor panel, the passenger compartment floor pan, the
11 roof panel, transmissions or transaxles, engines or motors, each door, the
12 hood, each fender or quarter panel, each bumper, the tailgate and all
13 component parts that are included in paragraph 1 of this subsection and
14 that are not listed in this paragraph if the part is replaced.

15 3. For motorcycles, "component parts" includes the engine or motor,
16 transmission or transaxle, frame, front fork, crankcase and fairing and
17 any other body molding.

18 4. "Restored salvage vehicle" means a vehicle that has been
19 restored and for which a salvage certificate of title or a dismantle
20 certificate of title has been issued.

21 Sec. 10. Section 28-2098, Arizona Revised Statutes, is amended to
22 read:

23 28-2098. Vehicle sales; no certificate of title; violation;
24 classification; penalties

25 A. Notwithstanding any other law, **BEGINNING NO LATER THAN OCTOBER**
26 **1, 2020**, a registered scrap metal dealer or a licensed automotive recycler
27 may purchase a vehicle without obtaining a certificate of title if the
28 scrap metal dealer or automotive recycler complies with subsection B of
29 this section, the transactional value of the vehicle does not exceed
30 ~~twelve hundred dollars~~ **\$1,200**, the vehicle is at least twelve model years
31 old and the owner does not have the paper certificate of title to the
32 vehicle for any of the following reasons:

33 1. The owner or the owner's authorized agent has not obtained a
34 title in the owner's or agent's name for the vehicle.

35 2. The owner has lost the paper certificate of title for the
36 vehicle.

37 3. The owner has returned the title to the department. If this
38 paragraph applies, a vehicle may be transferred to only a scrap metal
39 dealer or an automotive recycler.

40 B. For purchases under this section, the registered scrap metal
41 dealer or licensed automotive recycler shall do all of the following:

42 1. Take a picture at the time of the transaction of all of the
43 following:

44 (a) The ~~seller~~ **OWNER**.

45 (b) The vehicle.

1 (c) The vehicle's vehicle identification number or federal
2 identification sticker.

3 2. Pay for the vehicle with a check and not with cash.

4 3. Obtain a statement that contains all of the information required
5 by subsection C of this section, that is signed by the ~~seller~~ OWNER and
6 that affirms the conditions prescribed in subsection A of this section.

7 C. When the department is able to accept an electronic form, the
8 statement prescribed by subsection B of this section shall be submitted
9 electronically in a form that is prescribed by the department and shall
10 contain all of the following:

11 1. A statement that the vehicle will not be titled again and will
12 be dismantled or scrapped.

13 2. A description of the vehicle, including the year, make, model
14 and vehicle identification number.

15 3. The owner's name and address and the number from the owner's
16 driver license, nonoperating identification license issued pursuant to
17 section 28-3165 or photo identification card issued by a tribal government
18 or the United States military.

19 4. A certification that the owner either:

20 (a) Never obtained a title to the vehicle in the owner's name.

21 (b) Was issued a title for the vehicle and the title was lost or
22 stolen.

23 (c) Has returned the title to the department.

24 5. A certification that the vehicle is both of the following:

25 (a) At least twelve model years old.

26 (b) Not subject to a security interest or lien.

27 6. An acknowledgment that the owner and the scrap metal dealer or
28 automotive recycler understand that the statement required by this
29 subsection will be filed with the department and that it is a class 1
30 misdemeanor to knowingly falsify any information on the statement.

31 7. The owner's signature and the date of the transaction.

32 8. The name and address of the business acquiring the vehicle.

33 9. The national motor vehicle title information system
34 identification number.

35 10. A business agent's signature and date, including the agent's
36 printed name and title if the agent is signing on behalf of a corporation.

37 D. A registered scrap metal dealer or licensed automotive recycler
38 that purchases a vehicle under this section:

39 1. Shall maintain a photocopy or electronic scan of the owner's
40 driver license, nonoperating identification license issued pursuant to
41 section 28-3165 or photo identification card issued by a tribal government
42 or the United States military.

43 2. May maintain a copy of the ~~seller's~~ OWNER'S photo identification
44 and reference that photo identification without making a separate
45 photocopy for each transaction for subsequent purchases.

1 3. Shall hold the vehicle at least three business days after the
2 date that the registered scrap metal dealer or licensed automotive
3 recycler reports the purchase pursuant to subsection I of this section
4 before the registered scrap metal dealer or licensed automotive recycler
5 may crush, dismantle or shred the vehicle.

6 E. The department may develop an electronic system for a registered
7 scrap metal dealer or a licensed automotive recycler to verify at the time
8 of a transaction that a motor vehicle offered for sale has not been
9 reported stolen.

10 F. Before purchasing a motor vehicle under this section, a
11 registered scrap metal dealer or a licensed automotive recycler shall
12 verify that the motor vehicle offered for sale has not been reported
13 stolen. In addition to submitting information to the department pursuant
14 to this section and the national motor vehicle title information system as
15 required by 28 Code of Federal Regulations part 25, subpart B, after the
16 department develops an electronic verification system pursuant to this
17 section, a registered scrap metal dealer or a licensed automotive recycler
18 shall verify that a vehicle is not stolen by using the electronic
19 verification system before purchasing a vehicle without a certificate of
20 title. If the electronic verification system indicates that the vehicle
21 is stolen, the registered scrap metal dealer or licensed automotive
22 recycler may not purchase the vehicle and shall report the findings to ~~the~~
23 ~~department~~ A LAW ENFORCEMENT AGENCY. A registered scrap metal dealer or a
24 licensed automotive recycler is not required to apprehend a person that
25 attempts to sell a motor vehicle that was reported stolen.

26 G. A registered scrap metal dealer or a licensed automotive
27 recycler must use a department vehicle lien or encumbrance database that
28 is in place on February 1, 2018 or a comparable database to check for
29 liens or encumbrances on vehicles purchased under this section if the
30 database substantially complies with section 28-2134 which requires the
31 release of a satisfied lien.

32 H. A person who knowingly gives false, fraudulent or erroneous
33 information in connection with the signed statement prescribed in
34 subsection B of this section, who falsely certifies the truthfulness and
35 accuracy of information supplied in connection with the statement or who
36 knowingly sells a vehicle that is subject to an unsatisfied lien is guilty
37 of a class 1 misdemeanor and shall pay a fine of ~~two thousand five hundred~~
38 ~~dollars~~ \$2,500.

39 I. Within forty-eight hours after the close of business each day, a
40 registered scrap metal dealer or licensed automotive recycler that
41 purchases or receives vehicles for scrap or for parts shall report to the
42 national motor vehicle title information system ~~and maintain and deliver~~
43 ~~electronically to the department in a format approved by the department~~ a
44 list of each vehicle purchased that day for scrap or for parts. The list
45 shall contain all of the following:

- 1 1. The name, address and contact information for the reporting
- 2 entity.
- 3 2. The vehicle identification number.
- 4 3. The date that the vehicle was obtained.
- 5 4. The name of the person from whom the vehicle was obtained.
- 6 5. Whether the vehicle was or will be crushed, disposed of or
- 7 offered for sale or other purposes.
- 8 6. Whether the vehicle will be exported out of the United States.
- 9 7. The national motor vehicle title information system
- 10 identification number of the business acquiring the vehicle.

11 ~~J. The department shall disclose the information that the~~

12 ~~department obtains pursuant to subsection I of this section only to law~~

13 ~~enforcement agencies and for the purposes of canceling certificates of~~

14 ~~title. Otherwise this information is the confidential business~~

15 ~~information of the respective reporting entity.~~

16 ~~K.~~ J. Each reporting entity shall retain all statements and

17 records required under subsection B of this section for a period of two

18 years. A registered scrap metal dealer and a licensed automotive recycler

19 shall print a form or maintain an electronic record to show that the

20 registered scrap metal dealer or licensed automotive recycler completed a

21 search on the department's electronic system to verify that a vehicle that

22 the registered scrap metal dealer or licensed automotive recycler

23 purchases pursuant to this section is not stolen. The form must contain

24 the vehicle's vehicle identification number and the date on which the

25 search was conducted. The registered scrap metal dealer and licensed

26 automotive recycler must electronically retain the form or electronic

27 record for at least five years. The department must retain records of

28 searches on the department's electronic system pursuant to this section

29 ~~for at least ten years~~ AS SPECIFIED IN ITS RECORD RETENTION SCHEDULE.

30 ~~L.~~ K. A person who engages in the activities of a scrap metal

31 dealer or an automotive recycler, whether or not registered or licensed as

32 such, and who knowingly and wilfully fails to deliver a vehicle title

33 pursuant to section 28-2094 or the statement required under subsection B

34 of this section to the department or to report vehicle information

35 described in subsection I of this section to the national motor vehicle

36 title information system within forty-eight hours after the completion of

37 a transaction is in violation of this section and is subject to a civil

38 penalty of up to ~~one thousand dollars~~ \$1,000 per violation. A local or

39 state law enforcement agency, a county attorney or the attorney general

40 may bring an action in any court of competent jurisdiction to enforce this

41 section. Any civil penalties assessed shall be deposited as follows:

- 42 1. Fifty percent shall be deposited, pursuant to sections 35-146
- 43 and 35-147, in the state highway fund established by section 28-6991.

1 2. Fifty percent shall be deposited, pursuant to sections 35-146
2 and 35-147, in the automobile theft authority fund established by section
3 41-3451.

4 ~~M. The director shall incorporate by reference the national motor
5 vehicle title information system prescribed in 28 Code of Federal
6 Regulations, part 25, subpart B, and a peace officer may enforce its
7 provisions.~~

8 ~~N.~~ L. The seller of material from scrap vehicles shall certify to
9 the purchaser that all scrap vehicles used for the material in the sale
10 have been properly reported to the department or the national motor
11 vehicle title information system.

12 ~~O.~~ M. Notwithstanding any other law, only this title governs the
13 purchase by a scrap metal dealer of a vehicle solely for the purpose of
14 processing the vehicle into a scrap vehicle or into prepared grades of
15 scrap metal as defined in section 44-1641.

16 Sec. 11. Section 28-3225, Arizona Revised Statutes, is amended to
17 read:

18 28-3225. Commercial learner's permit

19 A. A person who is at least eighteen years of age may apply to the
20 department for ~~an instruction~~ A LEARNER'S permit for a class A, B or C
21 license. The department may issue ~~an instruction~~ A LEARNER'S permit to
22 the applicant after the applicant passes all parts of the examination and
23 meets all other requirements for a class A, B or C license other than the
24 driving test.

25 B. The permit entitles the permittee to drive a motor vehicle
26 requiring a class A, B or C license on the public highways for six months
27 from the date of issuance when the following conditions are met:

28 1. The permittee has the permit in the permittee's immediate
29 possession.

30 2. The permittee is accompanied by EITHER:

31 (a) A person ~~with~~ WHO HAS the same class or higher class of license
32 issued by this state or any other qualifying state and who occupies a seat
33 beside the driver.

34 (b) AN EMPLOYEE OR REPRESENTATIVE OF THE DEPARTMENT FOR THE PURPOSE
35 OF CONDUCTING AN EXAMINATION.

36 3. If the permittee is under twenty-one years of age, the permittee
37 does not operate a commercial motor vehicle interstate.

38 Sec. 12. Section 28-3312, Arizona Revised Statutes, is amended to
39 read:

40 28-3312. Mandatory disqualification of commercial driver
41 licenses; definition

42 A. The department shall disqualify a person who is required to have
43 a commercial driver license, who is a commercial driver license holder or
44 who is a commercial ~~instruction~~ LEARNER'S permit holder from driving a
45 commercial motor vehicle as follows:

1 1. Except as provided in subsection E of this section and except as
2 otherwise provided in this subsection, for at least one year if a person:

3 (a) Refuses a test in violation of section 28-1321.

4 (b) Is convicted of a first violation of any of the following:

5 (i) Driving a commercial motor vehicle under the influence of
6 intoxicating liquor or a controlled substance or while having an alcohol
7 concentration of 0.04 or more.

8 (ii) Leaving the scene of an accident involving a motor vehicle
9 driven by the person.

10 (iii) Using a motor vehicle in the commission of a felony.

11 (iv) A violation of chapter 4, article 3 of this title while
12 operating a noncommercial motor vehicle.

13 (v) Driving a commercial motor vehicle while, as a result of prior
14 violations of this title committed while operating a commercial motor
15 vehicle, the person's commercial driver license is revoked, suspended or
16 canceled or the person is disqualified from operating a commercial motor
17 vehicle.

18 (vi) Causing a fatality through the negligent operation of a
19 commercial motor vehicle, including a conviction of manslaughter, homicide
20 or negligent homicide resulting from operation of a motor vehicle.

21 2. For at least three years, if the person is convicted of any of
22 the violations prescribed in paragraph 1 of this subsection and the
23 violation occurred while the person was transporting a hazardous material
24 in the quantity and under the circumstances that require placarding of the
25 transport vehicle under the department's safety rules pursuant to chapter
26 14 of this title.

27 3. For the life of the person, if the person is convicted of two or
28 more violations of any of the offenses prescribed in paragraph 1 of this
29 subsection or of any combination of those offenses arising from two or
30 more separate incidents. The department shall consider only offenses
31 committed from and after December 31, 1989 in applying this paragraph.

32 4. Permanently if the person is convicted of using any motor
33 vehicle in the commission of a felony involving the manufacture,
34 distribution or dispensing of a controlled substance or possession with
35 intent to manufacture, distribute or dispense a controlled substance.

36 5. For at least sixty consecutive days, if the person is convicted
37 of two serious traffic violations committed in a motor vehicle arising
38 from separate incidents occurring within a ~~three year~~ THREE-YEAR period
39 from the date of the violation.

40 6. For at least one hundred twenty days served in addition to any
41 other disqualification, if the person is convicted of a third or
42 subsequent serious traffic violation committed in a motor vehicle arising
43 from separate incidents occurring within a ~~three year~~ THREE-YEAR period
44 from the date of the violation.

1 7. For at least sixty consecutive days, if the department
2 determines that the person falsified information or documentation as part
3 of the licensing process.

4 8. For at least one year, if the person is convicted of fraud
5 related to the issuance of a commercial ~~instruction~~ LEARNER'S permit or
6 commercial driver license.

7 9. PERMANENTLY IF THE PERSON IS CONVICTED OF ANY OF THE FOLLOWING
8 OFFENSES OR AN OFFENSE COMMITTED IN ANOTHER JURISDICTION THAT IF COMMITTED
9 IN THIS STATE WOULD BE A VIOLATION OF ANY OF THE FOLLOWING OFFENSES AND A
10 COMMERCIAL MOTOR VEHICLE WAS USED IN THE COMMISSION OF THE OFFENSE:

11 (a) SEX TRAFFICKING PURSUANT TO SECTION 13-1307.

12 (b) TRAFFICKING OF PERSONS FOR FORCED LABOR OR SERVICES PURSUANT TO
13 SECTION 13-1308.

14 (c) CHILD SEX TRAFFICKING PURSUANT TO SECTION 13-3212.

15 B. Except as provided in subsection C of this section, a person WHO
16 IS required to have a commercial driver license or a commercial driver
17 license holder AND who is found responsible for violating an
18 out-of-service order pursuant to section 28-5241 is disqualified from
19 driving a commercial motor vehicle as follows:

20 1. For a period of one hundred eighty days if the person is found
21 responsible for a first violation of an out-of-service order.

22 2. For a period of two years if the person is found responsible for
23 a second violation of any out-of-service order during any ~~ten-year~~
24 TEN-YEAR period arising from separate incidents.

25 3. For a period of three years if the person is found responsible
26 for a third or subsequent violation of any out-of-service order during any
27 ~~ten-year~~ TEN-YEAR period arising from separate incidents.

28 C. A person WHO IS required to have a commercial driver license or
29 a commercial driver license holder AND who is found responsible for
30 violating an out-of-service order pursuant to section 28-5241 while
31 transporting hazardous materials or while operating a commercial motor
32 vehicle designed or used to transport sixteen or more passengers,
33 including the driver, is disqualified from driving a commercial motor
34 vehicle as follows:

35 1. For a period of one hundred eighty days if the person is found
36 responsible for a first violation of an out-of-service order.

37 2. For a period of three years if the person is found responsible
38 for a second or subsequent violation of any out-of-service order during
39 any ~~ten-year~~ TEN-YEAR period arising from separate incidents.

40 D. A person WHO IS required to have a commercial driver license or
41 a commercial driver license holder AND who is convicted of or found
42 responsible for violating any federal, state or local railroad grade
43 crossing law, ordinance or regulation is disqualified from driving a
44 commercial motor vehicle as follows:

1 1. For a period of sixty days if a person is convicted of or found
2 responsible for a first violation.

3 2. For a period of one hundred twenty days if a person is convicted
4 of or found responsible for a second violation during any ~~three year~~
5 **THREE-YEAR** period.

6 3. For a period of one year if a person is convicted of or found
7 responsible for a third or subsequent violation during any ~~three year~~
8 **THREE-YEAR** period.

9 E. If a federal agency determines that a commercial motor vehicle
10 licensee is driving in a manner that constitutes an imminent hazard, the
11 department, on receipt of notification by the federal government, shall
12 disqualify the driver for a period not to exceed one year. The
13 disqualification shall run concurrently with any other disqualification
14 imposed on the driver. For the purposes of this subsection, "imminent
15 hazard" means the existence of a condition that presents a substantial
16 likelihood that death, serious illness, severe personal injury or a
17 substantial endangerment to health, property or the environment may occur
18 before the reasonably foreseeable completion date of a formal proceeding
19 to decrease the risk of death, illness, injury or endangerment.

20 F. The department shall keep records of findings of responsibility
21 for a civil traffic violation and of conviction of any moving criminal
22 traffic violation for a commercial driver licensee for violations in any
23 type of motor vehicle and for a person required to have a commercial
24 driver license if the violations arise from the operation of a commercial
25 motor vehicle. The department shall make the records available to other
26 states, the United States secretary of transportation, the driver and any
27 motor carrier or prospective motor carrier or the motor carrier's
28 designated agent within ten days after receiving a report of a conviction
29 or finding of responsibility in this state or receipt of a report of a
30 conviction or finding of responsibility or disqualification received from
31 another state.

32 G. Disqualification for a serious traffic violation committed by a
33 commercial driver license holder while operating a noncommercial motor
34 vehicle applies only if the conviction results in the revocation,
35 cancellation or suspension of the person's commercial driver license or
36 noncommercial driver license.

37 H. The department may adopt rules establishing guidelines and
38 conditions under which the department may reduce a disqualification for
39 life pursuant to subsection A, paragraph 3 of this section to a
40 disqualification of at least ten years. If a person's disqualification is
41 reduced pursuant to rules adopted pursuant to this subsection and the
42 person is subsequently convicted of a violation described in subsection A,
43 paragraph 1 of this section, the person is permanently disqualified from
44 driving a commercial vehicle and is not eligible to apply for a reduction

1 of the disqualification pursuant to rules adopted pursuant to this
2 subsection.

3 I. Except as provided in subsection E of this section, the
4 beginning date of the disqualification shall be ten days after the date
5 the department receives the report of conviction or finding of
6 responsibility.

7 J. For the purposes of this section, "serious traffic violation"
8 means a conviction or finding of responsibility for any of the following:

9 1. Excessive speeding involving a single offense for a speed of
10 fifteen miles per hour or more above the posted speed limit.

11 2. Reckless driving as provided by section 28-693.

12 3. Aggressive driving as provided by section 28-695.

13 4. Racing as defined in section 28-708.

14 5. Improper or erratic traffic lane changes as provided by section
15 28-729.

16 6. Following the vehicle ahead too closely as provided by section
17 28-730.

18 7. A violation of this title that is connected with a fatal traffic
19 accident.

20 8. Driving a commercial motor vehicle if the person has not been
21 issued a valid commercial driver license pursuant to this chapter.

22 9. Driving a commercial motor vehicle without a commercial driver
23 license in the person's possession.

24 10. Driving a commercial motor vehicle without having a valid
25 endorsement for the type of commercial motor vehicle or motor vehicle
26 combination being operated.

27 11. Driving a commercial motor vehicle while using a portable
28 wireless communication device as provided by section 28-914.

29 Sec. 13. Section 28-4805, Arizona Revised Statutes, is amended to
30 read:

31 28-4805. Towing company; partial reimbursement; registration;
32 payment forfeiture

33 A. If a vehicle is abandoned pursuant to section 28-4802 and a fee
34 is collected by the department, the towing company that towed the
35 abandoned vehicle, if still in business, is entitled to receive twenty
36 percent of the fee collected as a partial reimbursement of the costs
37 incurred by the towing company.

38 B. A TOWING COMPANY THAT IS OWED PARTIAL REIMBURSEMENT UNDER
39 SUBSECTION A OF THIS SECTION IS REQUIRED TO REGISTER WITH THE STATE'S
40 PROCUREMENT OFFICE IN ORDER TO QUALIFY FOR PAYMENT. FAILURE TO REGISTER
41 WITH THE STATE'S PROCUREMENT OFFICE WILL RESULT IN DENIAL OF PAYMENT AND
42 FORFEITURE OF THE PAYMENT.

43 C. THE DEPARTMENT SHALL MAKE THREE GOOD FAITH ATTEMPTS TO CONTACT
44 THE TOWING COMPANY IDENTIFIED AS HAVING TOWED AN ABANDONED VEHICLE
45 PURSUANT TO SECTION 28-4802 IN ORDER TO FACILITATE PAYMENT OF THE PARTIAL

1 REIMBURSEMENT UNDER SUBSECTION A OF THIS SECTION. NOTWITHSTANDING ANY
2 OTHER LAW AND AFTER THE GOOD FAITH EFFORT REQUIRED BY THIS SUBSECTION, IF
3 THE DEPARTMENT DOES NOT RECEIVE A RESPONSE FROM OR IS UNABLE TO MAKE
4 CONTACT WITH THE TOWING COMPANY AFTER THIRTY DAYS, THE PAYMENT IS SUBJECT
5 TO FORFEITURE AND WILL REVERT TO THE ABANDONED VEHICLE ADMINISTRATION FUND
6 ESTABLISHED BY SECTION 28-4804.

7 Sec. 14. Section 28-7143, Arizona Revised Statutes, is amended to
8 read:

9 28-7143. Moving and related expenses; payment; substitute
10 payments

11 A. As a part of the cost of construction and on proper application
12 to the department, the department shall pay to a displaced person,
13 business or farm operation:

14 1. Actual reasonable expenses in moving the displaced person and
15 the displaced person's family, business, farm operation or other personal
16 property.

17 2. Actual direct losses of tangible personal property as a result
18 of moving or discontinuing a business or farm operation, but not more than
19 the reasonable expenses that would have been required to relocate the
20 property as determined by the department.

21 3. Actual reasonable expenses in searching for a replacement
22 business or farm.

23 4. Actual reasonable expenses necessary to reestablish a displaced
24 farm, nonprofit organization or small business at its new site pursuant to
25 criteria established by the department, but not more than ~~twenty-five~~
26 ~~thousand dollars~~ \$50,000.

27 B. A displaced person who is eligible for payments under subsection
28 A of this section, who is displaced from a dwelling and who elects to
29 accept the payments authorized by this subsection in lieu of the payments
30 authorized by subsection A of this section may receive an expense and
31 dislocation allowance determined according to a schedule established by
32 the director.

33 C. A displaced person who is eligible for payments under subsection
34 A of this section, who is displaced from the person's place of business or
35 farm operation and who is eligible under criteria established by the
36 department may elect to accept, instead of the payment authorized by
37 subsection A of this section, a fixed payment in an amount that is
38 determined according to criteria established by the department and that is
39 at least ~~one thousand dollars~~ \$1,000 but not more than ~~forty thousand~~
40 ~~dollars~~ \$40,000. A person whose sole business at the displacement
41 dwelling is the rental of the property to others does not qualify for a
42 payment under this subsection.

1 Sec. 15. Section 28-7314, Arizona Revised Statutes, is amended to
2 read:

3 28-7314. Publisher powers and duties; award of contract

4 A. The publisher may:

5 1. Subject to approval of the director, direct the organization of
6 the section of publications and employ or enter into contracts for
7 distribution and wholesale sale of the magazine.

8 2. Make quarterly reports to the director of expenditures by the
9 section and the work accomplished under the publisher's direction and
10 include other matters as the director deems proper or requires.

11 3. Make expenditures to advertise and promote the sale and
12 distribution of the publications authorized by this article.

13 4. Approve claims for expenditures in connection with the
14 publication of the magazine and for expenditures in connection with the
15 publication.

16 5. Subject to the approval of the director, contract for the
17 publication, production, sale and distribution of sole source creative
18 products. ~~As used in~~ FOR THE PURPOSES OF this paragraph, "sole source
19 creative products" means items that in the professional judgment of the
20 publisher are available from a single source, such as material protected
21 by copyright, specific photographs and original artwork, for the magazine
22 or maps, pamphlets and other descriptive material.

23 6. ACCEPT DONATIONS TO THE ARIZONA HIGHWAYS MAGAZINE TO PROMOTE
24 TOURISM IN THIS STATE AS PRESCRIBED IN SECTION 28-7312.

25 B. The director may award a contract to the bidder that has the
26 facilities and equipment to perform all phases of production in a
27 workmanlike and timely manner with the quality and workmanship desired in
28 the publication. A contract period for printing and publishing shall not
29 exceed five years.

30 C. The publisher may refund all ~~cancelled~~ CANCELED purchases and
31 subscriptions on claims signed by the publisher.

32 Sec. 16. Section 28-7315, Arizona Revised Statutes, is amended to
33 read:

34 28-7315. Arizona highways magazine fund

35 A. An Arizona highways magazine fund is established.

36 B. The fund consists of monies:

37 1. Appropriated by the legislature from the state highway fund of
38 not more than ~~five hundred thousand dollars~~ \$500,000 annually.

39 2. Received from the sales of subscriptions, single copies, maps,
40 pamphlets and other descriptive material.

41 3. Deposited pursuant to section 28-2429.

42 4. DONATED TO THE ARIZONA HIGHWAYS MAGAZINE TO PROMOTE TOURISM IN
43 THIS STATE AS PRESCRIBED IN SECTION 28-7312.

44 C. The monies appropriated to the fund shall be spent in conformity
45 with the laws governing state financial operations, except that:

1 1. Balances remaining at the end of the fiscal year do not revert
2 to the general or state highway fund.

3 2. Expenditures are exempt from section 35-173.

4 D. The state treasurer shall invest and divest monies in the
5 Arizona highways magazine fund as provided by section 35-313, and monies
6 earned from investment shall be credited to the fund.

7 Sec. 17. Section 28-8325, Arizona Revised Statutes, is amended to
8 read:

9 28-8325. Registration fee; certificate

10 ~~A.~~ On payment of a registration fee of ~~five dollars~~ \$5, the license
11 tax and the penalty, if any, the department shall issue a REGISTRATION
12 certificate ~~and license decal~~ THAT MUST BE KEPT WITH THE AIRCRAFT AT ALL
13 TIMES.

14 ~~B. The license decal shall be displayed on the aircraft at all
15 times in the manner prescribed by the department.~~

16 ~~C. On satisfactory proof of the loss or destruction of the license
17 decal, the department shall issue a duplicate of the license decal to the
18 owner on payment of a four dollar fee.~~

19 Sec. 18. Section 32-2351, Arizona Revised Statutes, is amended to
20 read:

21 32-2351. Definitions

22 In this chapter, unless the context otherwise requires:

23 1. "Agent" means any person who, for compensation, enrolls or
24 attempts to enroll residents of this state in a professional driver
25 training school through personal or telephone contact, advertisement, mail
26 or any other type of publication.

27 2. "Director" means the director of the department of
28 transportation.

29 3. "Instructor" means any person, whether acting for himself as an
30 operator of a professional driver training school or for any such school
31 for compensation, who teaches, conducts classes of, gives demonstrations
32 to, or supervises the practice of persons learning to operate or drive
33 motor vehicles or preparing to take an examination for a driver license or
34 instruction permit, and any person who supervises the work of any other
35 instructor.

36 4. "Professional driver training school" or "school" means a
37 business enterprise conducted by an individual, association, partnership,
38 or corporation that educates and trains persons, either practically or
39 theoretically, or both, to operate or drive commercial motor vehicles,
40 that prepares applicants for an examination given by the state for a
41 commercial driver license or ~~instruction~~ LEARNER'S permit and that charges
42 a consideration or tuition for these services.

1 Sec. 19. Conditional enactment

2 Section 28-2098, Arizona Revised Statutes, as added by Laws 2018,
3 chapter 298, section 5 and amended by this act, becomes effective on the
4 date prescribed by Laws 2018, chapter 298, section 12 but only on the
5 occurrence of the condition prescribed by Laws 2018, chapter 298, section
6 12 and not before the effective date of this act.