

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

# SENATE BILL 1399

## AN ACT

AMENDING SECTION 3-607, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 47, SECTION 6; REPEALING SECTION 3-607, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 44, SECTION 1; AMENDING SECTION 11-483, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 256, SECTION 1 AND CHAPTER 321, SECTION 1; REPEALING SECTION 11-483, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 252, SECTION 19; AMENDING SECTION 12-284, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 317, SECTION 1; REPEALING SECTION 12-284, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 232, SECTION 1; AMENDING SECTION 18-305, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2017, CHAPTER 30, SECTION 1; REPEALING SECTION 18-305, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 267, SECTION 2; AMENDING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 89, SECTION 1 AND CHAPTER 120, SECTION 1; AMENDING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 89, SECTION 3 AND CHAPTER 120, SECTION 3; REPEALING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 89, SECTION 2 AND CHAPTER 120, SECTION 2; AMENDING SECTION 28-672, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 112, SECTION 1 AND CHAPTER 153, SECTION 1; REPEALING SECTION 28-672, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 255, SECTION 1; AMENDING SECTION 28-2153, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 9, SECTION 3, CHAPTER 147, SECTION 3 AND CHAPTER 306, SECTION 8; REPEALING SECTION 28-2153, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 306, SECTION 9; AMENDING SECTION 32-1125, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 183, SECTION 14; REPEALING SECTION 32-1125, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019,

CHAPTER 145, SECTION 10; AMENDING SECTION 32-1904, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 257, SECTION 1; REPEALING SECTION 32-1904, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 320, SECTION 1; AMENDING SECTION 32-3601, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 22, SECTION 1; REPEALING SECTION 32-3601, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 252, SECTION 41; AMENDING SECTION 32-3605, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 22, SECTION 2; REPEALING SECTION 32-3605, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 252, SECTION 42; AMENDING SECTION 35-323, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 61, SECTION 21; REPEALING SECTION 35-323, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 252, SECTION 46; AMENDING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 135, SECTION 2; REPEALING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 252, SECTION 49; AMENDING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 135, SECTION 4; REPEALING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 252, SECTION 52; RELATING TO MULTIPLE, DEFECTIVE AND CONFLICTING LEGISLATIVE DISPOSITIONS OF STATUTORY TEXT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Purpose

3 1. Section 3-607, Arizona Revised Statutes, was amended by Laws  
4 2019, chapter 44, section 1. However, this version did not reflect the  
5 previous valid version of the section. In order to comply with article  
6 IV, part 2, section 14, Constitution of Arizona, this act amends section  
7 3-607, Arizona Revised Statutes, as amended by Laws 2002, chapter 47,  
8 section 6, to incorporate the amendments made by Laws 2019, chapter 44 and  
9 repeals the chapter 44 version.

10 2. Section 11-483, Arizona Revised Statutes, was amended by Laws  
11 2019, chapter 252, section 19, chapter 256, section 1 and chapter 321,  
12 section 1. The chapter 252 version could not be blended because of the  
13 delayed effective date. In order to combine these versions, this act  
14 amends the Laws 2019, chapter 256 and chapter 321 version of section  
15 11-483, Arizona Revised Statutes, to incorporate the amendments made by  
16 Laws 2019, chapter 252 and repeals the chapter 252 version.

17 3. Section 12-284, Arizona Revised Statutes, was amended by Laws  
18 2018, chapter 232, section 1 and chapter 317, section 1. The chapter 232  
19 version could not be blended because of the delayed effective date. In  
20 order to combine these versions, this act amends the Laws 2018, chapter  
21 317 version of section 12-284, Arizona Revised Statutes, to incorporate  
22 the amendments made by Laws 2018, chapter 232 and repeals the chapter 232  
23 version.

24 4. Section 18-305, Arizona Revised Statutes, was amended by Laws  
25 2019, chapter 267, section 2. However, this version did not reflect the  
26 previous valid version of the section. In order to comply with article  
27 IV, part 2, section 14, Constitution of Arizona, this act amends section  
28 18-305, Arizona Revised Statutes, as amended by Laws 2017, chapter 30,  
29 section 1, to incorporate the amendments made by Laws 2019, chapter 267  
30 and repeals the chapter 267 version.

31 5. Section 28-101, Arizona Revised Statutes, was amended by Laws  
32 2018, chapter 9, section 1, chapter 163, section 1, chapter 166, section  
33 1, chapter 298, section 3, chapter 306, section 1, chapter 306, section 2  
34 and chapter 324, section 1. The Laws 2018, chapter 306, section 2 version  
35 could not be blended because of the delayed effective date. In order to  
36 combine these versions, this act amends the Laws 2019, chapter 89, section  
37 1 and chapter 120, section 1 version of section 28-101, Arizona Revised  
38 Statutes, and the Laws 2019, chapter 89, section 3 and chapter 120,  
39 section 3 version of section 28-101, Arizona Revised Statutes, to  
40 incorporate the amendments made by Laws 2018, chapter 306, section 2 and  
41 repeals the Laws 2019, chapter 89, section 2 and chapter 120, section 2  
42 version.

43 6. Section 28-672, Arizona Revised Statutes, was amended by Laws  
44 2019, chapter 112, section 1, chapter 153, section 1 and chapter 255,  
45 section 1. The chapter 255 version could not be blended because it failed

1 to amend the chapter 112 version, which was an emergency enactment, and  
2 therefore did not comply with article IV, part 2, section 14, Constitution  
3 of Arizona. To accomplish the intent of these enactments, this act amends  
4 section 28-672, Arizona Revised Statutes, as amended by Laws 2019, chapter  
5 112, section 1 and chapter 153, section 1, to incorporate the amendments  
6 made by Laws 2019, chapter 255 and repeals the chapter 255 version.

7 7. Section 28-2153, Arizona Revised Statutes, was amended by Laws  
8 2018, chapter 9, section 3, chapter 147, section 3, chapter 306, section 8  
9 and chapter 306, section 9. The Laws 2018, chapter 306, section 9 version  
10 could not be blended because of the delayed effective date. In order to  
11 combine these versions, this act amends the Laws 2018, chapter 9, section  
12 3, chapter 147, section 3 and chapter 306, section 8 version of section  
13 28-2153, Arizona Revised Statutes, to incorporate the amendments made by  
14 Laws 2018, chapter 306, section 9 and repeals the chapter 306, section 9  
15 version.

16 8. Section 32-1125, Arizona Revised Statutes, was amended by Laws  
17 2019, chapter 145, section 10. However, this version did not reflect the  
18 previous valid version of the section. In order to comply with article  
19 IV, part 2, section 14, Constitution of Arizona, this act amends section  
20 32-1125, Arizona Revised Statutes, as amended by Laws 2008, chapter 183,  
21 section 14, to incorporate the amendments made by Laws 2019, chapter 145  
22 and repeals the chapter 145 version.

23 9. Section 32-1904, Arizona Revised Statutes, as amended by Laws  
24 2019, chapter 257, section 1, was amended by Laws 2019, chapter 320,  
25 section 1. However, this section was erroneously identified in the title  
26 of the act. In order to comply with article IV, part 2, section 13,  
27 Constitution of Arizona, this act amends the Laws 2019, chapter 257,  
28 section 1 version of section 32-1904, Arizona Revised Statutes, to  
29 incorporate the amendments made by Laws 2019, chapter 320 and repeals the  
30 chapter 320 version.

31 10. Section 32-3601, Arizona Revised Statutes, was amended by Laws  
32 2019, chapter 22, section 1 and chapter 252, section 41. The chapter 252  
33 version could not be blended because of the delayed effective date. In  
34 order to combine these versions, this act amends the Laws 2019, chapter 22  
35 version of section 32-3601, Arizona Revised Statutes, to incorporate the  
36 amendments made by Laws 2019, chapter 252 and repeals the chapter 252  
37 version.

38 11. Section 32-3605, Arizona Revised Statutes, was amended by Laws  
39 2019, chapter 22, section 2 and chapter 252, section 42. The chapter 252  
40 version could not be blended because of the delayed effective date. In  
41 order to combine these versions, this act amends the Laws 2019, chapter 22  
42 version of section 32-3605, Arizona Revised Statutes, to incorporate the  
43 amendments made by Laws 2019, chapter 252 and repeals the chapter 252  
44 version.

1           12. Section 35-323, Arizona Revised Statutes, was amended by Laws  
2 2019, chapter 61, section 21 and chapter 252, section 46. The chapter 252  
3 version could not be blended because of the delayed effective date. In  
4 order to combine these versions, this act amends the Laws 2019, chapter 61  
5 version of section 35-323, Arizona Revised Statutes, to incorporate the  
6 amendments made by Laws 2019, chapter 252 and repeals the chapter 252  
7 version.

8           13. Section 41-619.51, Arizona Revised Statutes, was amended by  
9 Laws 2019, chapter 135, section 2 and chapter 252, section 49. The  
10 chapter 252 version could not be blended because of the delayed effective  
11 date. In order to combine these versions, this act amends the Laws 2019,  
12 chapter 135 version of section 41-619.51, Arizona Revised Statutes, to  
13 incorporate the amendments made by Laws 2019, chapter 252 and repeals the  
14 chapter 252 version.

15           14. Section 41-1758, Arizona Revised Statutes, was amended by Laws  
16 2019, chapter 135, section 4 and chapter 252, section 52. The chapter 252  
17 version could not be blended because of the delayed effective date. In  
18 order to combine these versions, this act amends the Laws 2019, chapter  
19 135 version of section 41-1758, Arizona Revised Statutes, to incorporate  
20 the amendments made by Laws 2019, chapter 252 and repeals the chapter 252  
21 version.

22           Sec. 2. Section 3-607, Arizona Revised Statutes, as amended by Laws  
23 2002, chapter 47, section 6, is amended to read:

24           3-607. Annual licenses; inspections; revocation; fees;  
25                           exceptions

26           A. ~~No~~ A person shall NOT operate a milk distributing plant or a  
27 manufacturing milk processing plant, engage in the business of  
28 producer-distributor or producer-manufacturer, or engage in the business  
29 of selling at wholesale milk or dairy products, or both, without a  
30 license. This section does not require:

31           1. An Arizona dairy farm producing raw milk for sale to be  
32 processed to secure a license to operate.

33           2. A retailer or wholesaler to secure a license from the division  
34 to convert a pasteurized mix into frozen dessert.

35           3. A FOOD ESTABLISHMENT REGULATED BY THE DEPARTMENT OF HEALTH  
36 SERVICES TO SECURE A LICENSE FROM THE DIVISION TO MANUFACTURE FROZEN  
37 DESSERTS USING PASTEURIZED MILK OR PASTEURIZED MILK-BASED PRODUCTS IF THE  
38 FROZEN DESSERT IS MANUFACTURED AND SOLD AT THE SAME FOOD ESTABLISHMENT FOR  
39 CONSUMPTION ON THE PREMISES AND THE FOOD ESTABLISHMENT HAS SUBMITTED A  
40 PLAN FOR APPROVAL TO THE REGULATORY AUTHORITY UNDER TITLE 36 DEMONSTRATING  
41 THAT THE MANUFACTURING PROCESS COMPLIES WITH THE RULES ADOPTED PURSUANT TO  
42 SECTION 36-136, SUBSECTION I, INCLUDING PASTEURIZATION AS DEFINED IN RULE.  
43 THE DIVISION OR THE REGULATORY AUTHORITY UNDER TITLE 36 MAY REQUIRE A FOOD  
44 ESTABLISHMENT THAT MANUFACTURES FROZEN DESSERTS USING PASTEURIZED MILK OR

1 PASTEURIZED MILK-BASED PRODUCTS TO PROVIDE SAMPLES OF THE FROZEN DESSERT  
2 TO VERIFY THAT THE FROZEN DESSERT IS PASTEURIZED.

3 B. AN application for a license shall be in writing in ~~such~~ THE  
4 form ~~as~~ the associate director prescribes and shall be accompanied by the  
5 required filing fee. ~~Upon~~ ON receipt of an application, the associate  
6 director or an authorized representative shall examine the premises in  
7 which the applicant proposes to do business, and if it appears that the  
8 applicant has complied with all provisions of law, the license shall be  
9 issued.

10 C. After issuance of the first annual license, a license may be  
11 issued ~~upon~~ ON inspection of the premises and payment not later than  
12 February 1 of each year of the required fee. The inspection shall be made  
13 by the associate director or an authorized representative to determine  
14 whether the premises are maintained in compliance with law. A written  
15 report of the inspection shall be filed in the division office. An annual  
16 license is valid for the period beginning January 1 and ending December 31  
17 of each year, and a license THAT IS not renewed on or before February 1 of  
18 each year ~~shall be~~ IS void.

19 D. An application for a license to produce grade A milk for human  
20 consumption shall be made in the manner prescribed by subsections A and B  
21 OF THIS SECTION. The license shall be valid until revoked for failure to  
22 comply with the provisions of this article relating to the production of  
23 milk. The associate director may suspend a license pending correction of  
24 deficiencies that violate this article. If the identified deficiencies  
25 are not corrected within a reasonable time after the licensee is notified,  
26 the associate director may proceed to revoke the license. Notice of a  
27 pending revocation shall be in writing, stating the cause, and setting a  
28 time during which the licensee may correct the cause for revocation. If  
29 the cause for revocation is not corrected within the time specified, the  
30 associate director, after a hearing and three days' notice of intention,  
31 may revoke the license. The director shall review the associate  
32 director's action on request of any person adversely affected by the  
33 action. A person holding a permit issued by a governmental agency  
34 operating outside of this state whose requirements are substantially the  
35 same as the requirements of this state shall be deemed to have a license  
36 meeting the requirements of this article, provided the facilities have  
37 first been inspected and approved also by a resident Arizona inspector, if  
38 in the opinion of the associate director such an inspection should be  
39 made. Any expense incurred for such AN inspection shall be at the expense  
40 of the licensee.

41 E. Fees shall be paid as follows:

42 1. For a license or renewal of a license to operate a milk  
43 distributing plant or business, ~~fifty dollars~~ \$50.

44 2. For a license or renewal of a license to operate a manufacturing  
45 milk processing plant, ~~fifty dollars~~ \$50.

1           3. For a license or renewal of a license to engage in the business  
2 of producer-distributor or producer-manufacturer, ~~twenty-five dollars~~ \$25.

3           4. For a license or renewal of a license to engage in the business  
4 of selling at wholesale milk or dairy products, or both, ~~twenty-five~~  
5 ~~dollars~~ \$25.

6           F. The associate director or dairy inspectors are authorized to  
7 inspect premises affected by this article and located ~~without the~~ OUTSIDE  
8 OF THIS state, and they shall receive subsistence and travel expenses in  
9 the amount provided for state officers, which shall be paid to the  
10 inspector by the owner of the premises ~~so~~ inspected.

11           G. ~~The provisions of~~ This section ~~shall~~ DOES not apply to ~~the~~ A  
12 producer of raw milk.

13           Sec. 3. Repeal

14           Section 3-607, Arizona Revised Statutes, as amended by Laws 2019,  
15 chapter 44, section 1, is repealed.

16           Sec. 4. Section 11-483, Arizona Revised Statutes, as amended by  
17 Laws 2019, chapter 256, section 1 and chapter 321, section 1, is amended  
18 to read:

19           11-483. Records maintained by county recorder;  
20 confidentiality; definitions

21           A. Notwithstanding any other provision of this article, in any  
22 county an eligible person may request that the general public be  
23 prohibited from accessing the unique identifier and the recording date  
24 contained in indexes of recorded instruments maintained by the county  
25 recorder and may request the county recorder to prohibit access to that  
26 person's identifying information, including any of that person's  
27 documents, instruments or writings recorded by the county recorder.

28           B. An eligible person may request this action by filing an  
29 affidavit that states all of the following on an application form  
30 developed by the administrative office of the courts in agreement with an  
31 association of counties, an organization of peace officers and the motor  
32 vehicle division of the department of transportation:

33           1. The person's full legal name and residential address.

34           2. The full legal description and parcel number of the person's  
35 property.

36           3. Unless the person is the spouse of a peace officer or the spouse  
37 or minor child of a deceased peace officer or the person is a former  
38 public official or former judge, the position the person currently holds  
39 and a description of the person's duties, except that an eligible person  
40 who is protected under an order of protection or injunction against  
41 harassment shall instead attach a copy of the order of protection or  
42 injunction against harassment or an eligible person who is a participant  
43 in the address confidentiality program shall instead attach a copy of the  
44 participant's current and valid address confidentiality program

1 authorization card issued pursuant to section 41-163 and a statement of  
2 certification provided by the secretary of state's office.

3 4. The reasons the person reasonably believes that the person's  
4 life or safety or that of another person is in danger and that restricting  
5 access pursuant to this section will serve to reduce the danger.

6 5. The document locator number and recording date of each  
7 instrument for which the person requests access restriction pursuant to  
8 this section.

9 6. A copy of pages from each instrument that includes the document  
10 locator number and the person's identifying information, including the  
11 person's full legal name and residential address or full legal name and  
12 telephone number.

13 C. If an eligible person is also requesting pursuant to section  
14 11-484 that the general public be prohibited from accessing records  
15 maintained by the county assessor and county treasurer, the eligible  
16 person may combine the request pursuant to subsection B of this section  
17 with the request pursuant to section 11-484 by filing one affidavit. The  
18 affidavit and subsequent action by the appropriate authorities shall meet  
19 all of the requirements of this section and section 11-484.

20 D. The affidavit shall be filed with the presiding judge of the  
21 superior court in the county in which the affiant resides. To prevent  
22 multiple filings, an eligible person who is a peace officer, spouse of a  
23 peace officer, spouse or minor child of a deceased peace officer, public  
24 defender, prosecutor, code enforcement officer, corrections or detention  
25 officer, corrections support staff member or law enforcement support staff  
26 member shall deliver the affidavit to the peace officer's commanding  
27 officer, or to the head of the prosecuting, public defender, code  
28 enforcement, law enforcement, corrections or detention agency, as  
29 applicable, or that person's designee, who shall file the affidavits at  
30 one time. In the absence of an affidavit that contains a request for  
31 immediate action and that is supported by facts justifying an earlier  
32 presentation, the commanding officer, or the head of the prosecuting,  
33 public defender, code enforcement, law enforcement, corrections or  
34 detention agency, as applicable, or that person's designee, shall not file  
35 affidavits more often than quarterly.

36 E. On receipt of an affidavit or affidavits, the presiding judge of  
37 the superior court shall file with the clerk of the superior court a  
38 petition on behalf of all requesting affiants. Each affidavit presented  
39 shall be attached to the petition. In the absence of an affidavit that  
40 contains a request for immediate action and that is supported by facts  
41 justifying an earlier consideration, the presiding judge may accumulate  
42 affidavits and file a petition at the end of each quarter.



1 F. The presiding judge of the superior court shall review the  
2 petition and each attached affidavit to determine whether the action  
3 requested by each affiant should be granted. If the presiding judge of  
4 the superior court concludes that the action requested by the affiant will  
5 reduce a danger to the life or safety of the affiant or another person,  
6 the presiding judge of the superior court shall order that the county  
7 recorder prohibit access for five years to the affiant's identifying  
8 information, including any of that person's documents, instruments or  
9 writings recorded by the county recorder and made available on the  
10 internet. If the presiding judge of the superior court concludes that the  
11 affiant or another person is in actual danger of physical harm from a  
12 person or persons with whom the affiant has had official dealings and that  
13 action pursuant to this section will reduce a danger to the life or safety  
14 of the affiant or another person, the presiding judge of the superior  
15 court shall order that the general public be prohibited for five years  
16 from accessing the unique identifier and the recording date contained in  
17 indexes of recorded instruments maintained by the county recorder and  
18 identified pursuant to subsection B of this section.

19 G. On motion to the court, if the presiding judge of the superior  
20 court concludes that an instrument or writing recorded by the county  
21 recorder has been redacted or sealed in error, that the original affiant  
22 no longer lives at the address listed in the original affidavit, that the  
23 cause for the original affidavit no longer exists or that temporary access  
24 to the instrument or writing is needed, the presiding judge may  
25 temporarily stay or permanently vacate all or part of the court order  
26 prohibiting public access to the recorded instrument or writing.

27 H. On entry of the court order, the clerk of the superior court  
28 shall file the court order and a copy of the affidavit required by  
29 subsection B of this section with the county recorder. Not more than ten  
30 days after the date on which the county recorder receives the court order,  
31 the county recorder shall restrict access to the information as required  
32 by subsection F of this section.

33 I. If the court denies an affiant's request pursuant to this  
34 section, the affiant may request a court hearing. The hearing shall be  
35 conducted by the court in the county where the petition was filed.

36 J. The county recorder shall remove the restrictions on all records  
37 restricted pursuant to this section by January 5 in the year after the  
38 court order expires. The county recorder shall send by mail one notice to  
39 either the former public official, peace officer, spouse of a peace  
40 officer, spouse or minor child of a deceased peace officer, public  
41 defender, prosecutor, code enforcement officer, corrections or detention  
42 officer, corrections support staff member, law enforcement support staff  
43 member, employee of the department of child safety or employee of adult  
44 protective services who has direct contact with families in the course of  
45 employment or the employing agency of a peace officer, public defender,

1 prosecutor, code enforcement officer, corrections or detention officer,  
2 corrections support staff member, law enforcement support staff member or  
3 employee of adult protective services who was granted an order pursuant to  
4 this section of the order's expiration date at least six months before the  
5 expiration date. If the notice is sent to the employing agency, the  
6 employing agency shall immediately notify the person who was granted the  
7 order of the upcoming expiration date. The county recorder may coordinate  
8 with the county assessor and county treasurer to prevent multiple notices  
9 from being sent to the same person.

10 K. To include subsequent recordings in the court order, the  
11 eligible person shall present to the county recorder at the time of  
12 recordation a certified copy of the court order or shall provide to the  
13 county recorder the recording number of the court order. The county  
14 recorder shall ensure that public access is restricted pursuant to  
15 subsection A of this section.

16 L. This section does not restrict access to public records for the  
17 purposes of perfecting a lien pursuant to title 12, chapter 9, article 2.

18 M. This section does not prohibit access to the records of the  
19 county recorder by parties to the instrument, a law enforcement officer  
20 performing the officer's official duties pursuant to subsection N of this  
21 section, a title insurer, a title insurance agent or an escrow agent  
22 licensed by the department of insurance ~~or the department of financial~~  
23 ~~institutions~~ AND FINANCIAL INSTITUTIONS.

24 N. A law enforcement officer is deemed to be performing the  
25 officer's official duties if the officer provides a subpoena, court order  
26 or search warrant for the records.

27 O. For the purposes of this section:

28 1. "Code enforcement officer" means a person who is employed by a  
29 state or local government and whose duties include performing field  
30 inspections of buildings, structures or property to ensure compliance with  
31 and enforce national, state and local laws, ordinances and codes.

32 2. "Commissioner" means a commissioner of the superior court.

33 3. "Corrections support staff member" means an adult or juvenile  
34 corrections employee who has direct contact with inmates.

35 4. "Eligible person" means a former public official, peace officer,  
36 spouse of a peace officer, spouse or minor child of a deceased peace  
37 officer, justice, judge, commissioner, public defender, prosecutor, code  
38 enforcement officer, adult or juvenile corrections officer, corrections  
39 support staff member, probation officer, member of the board of executive  
40 clemency, law enforcement support staff member, employee of the department  
41 of child safety or employee of adult protective services who has direct  
42 contact with families in the course of employment, national guard member  
43 who is acting in support of a law enforcement agency, person who is  
44 protected under an order of protection or injunction against harassment,  
45 person who is a participant in the address confidentiality program

1 pursuant to title 41, chapter 1, article 3 or firefighter who is assigned  
2 to the Arizona counter terrorism information center in the department of  
3 public safety.

4 5. "Former public official" means a person who was duly elected or  
5 appointed to Congress, the legislature or a statewide office, who ceased  
6 serving in that capacity and who was the victim of a dangerous offense as  
7 defined in section 13-105 while in office.

8 6. "Indexes" means only those indexes that are maintained by and  
9 located in the office of the county recorder, that are accessed  
10 electronically and that contain information beginning from and after  
11 January 1, 1987.

12 7. "Judge" means a judge or former judge of the United States  
13 district court, the United States court of appeals, the United States  
14 magistrate court, the United States bankruptcy court, the United States  
15 immigration court, the Arizona court of appeals, the superior court or a  
16 municipal court.

17 8. "Justice" means a justice of the United States or Arizona  
18 supreme court or a justice of the peace.

19 9. "Law enforcement support staff member" means a person who serves  
20 in the role of an investigator or prosecutorial assistant in an agency  
21 that investigates or prosecutes crimes, who is integral to the  
22 investigation or prosecution of crimes and whose name or identity will be  
23 revealed in the course of public proceedings.

24 10. "Peace officer":

25 (a) Means any person vested by law, or formerly vested by law, with  
26 a duty to maintain public order and make arrests.

27 (b) Includes a federal law enforcement officer or agent who resides  
28 in this state and who has the power to make arrests pursuant to federal  
29 law.

30 11. "Prosecutor" means a county attorney, a municipal prosecutor,  
31 the attorney general or a United States attorney and includes an assistant  
32 or deputy United States attorney, county attorney, municipal prosecutor or  
33 attorney general.

34 12. "Public defender" means a federal public defender, county  
35 public defender, county legal defender or county contract indigent defense  
36 counsel and includes an assistant or deputy federal public defender,  
37 county public defender or county legal defender.

38 Sec. 5. Repeal

39 Section 11-483, Arizona Revised Statutes, as amended by Laws 2019,  
40 chapter 252, section 19, is repealed.

41 Sec. 6. Section 12-284, Arizona Revised Statutes, as amended by  
42 Laws 2018, chapter 317, section 1, is amended to read:

43 12-284. Fees

44 A. Except as otherwise provided by law, the clerk of the superior  
45 court shall receive fees classified as follows:

1	Class	Description	Fee
2	A	Initial case filing fee	
3		Tax case	\$ 188.00
4		Filing complaint, notice of appeal	
5		under section 12-904 or petition	188.00
6		Filing intervenor	188.00
7		Additional plaintiffs	188.00
8		Filing foreign judgment	188.00
9		Ownership of real property becomes an	
10		issue plaintiff	188.00
11		Appellant	
12		(except under sections 12-1809 and 13-3602)	188.00
13		Change of venue to this county	188.00
14		Petition for change of name	188.00
15		Filing a process server application	188.00
16	B	Subsequent case filing fee	
17		Filing answer, notice of appearance	
18		under section 12-907 or initial appearance	\$ 100.00
19		Additional defendants	100.00
20		Notice of appeal to appellate courts	
21		(except under section 12-2107)	100.00
22		Cross-appeal by appellee (except under section	
23		12-2107)	100.00
24		Ownership of real property becomes an	
25		issue defendant	100.00
26		Jurisdiction exceeded appellee	
27		(within 20 days of filing)	100.00
28		Response to show cause that does one or more	
29		of the following:	
30		1. Requests affirmative relief or	
31		counterrelief	
32		2. Attacks the sufficiency of process	
33		or the proceedings	
34		3. Takes other affirmative action	100.00
35	C	Initial case filing fee	
36		Filing petition for annulment	\$ 149.00
37		Filing for dissolution/legal separation petition	149.00
38		Petition in formal testacy or appointment	
39		proceeding	149.00
40		Application for informal probate or informal	
41		appointment	149.00
42		Petition for supervised administration petition	
43		to appoint guardian	149.00
44		Petition to appoint conservator or make other	
45		protective order	149.00

1	Opposing petition in testacy or appointment	
2	proceedings or appointment of guardian or	
3	conservator	149.00
4	Single estate application or petition under	
5	title 14, chapter 3, section 14-3938	149.00
6	Domestic relations case for which a fee is not	
7	specifically prescribed	149.00
8	D Subsequent case filing fee	
9	Filing answer to annulment	\$ 74.00
10	Filing for dissolution/legal separation answer	74.00
11	Any person opposing contested petition if no	
12	prior payment made	74.00
13	Postadjudication petitions in	
14	domestic relations cases	74.00
15	Postjudgment activities in probate cases	74.00
16	E Minimum clerk fee	
17	Filing power of attorney	\$ 30.00
18	Change of venue to another county transmittal	
19	fee	30.00
20	Change of venue to another county pursuant to	
21	section 12-404 transmittal fee	30.00
22	Filing transcript and docketing judgment from	
23	any courts	30.00
24	Issuance of writs of: attachment, execution,	
25	possession, restitution, prohibition and	
26	enforcement of order of judgment-garnishment	30.00
27	Certified copy or abstract of marriage	
28	application or license	30.00
29	Certificate of correctness of copy of record	30.00
30	Justice of peace certificate	30.00
31	Each certificate of clerk to any matter in	
32	clerk's record not specifically provided	30.00
33	Filing any paper or performing any act for which	
34	a fee is not specifically prescribed	30.00
35	Subpoena - (civil)	30.00
36	Research in locating a document (per year or	
37	source researched)	30.00
38	Exemplification (per certification)	30.00
39	Authentication (per certification)	30.00
40	Seal a court file	30.00
41	Reopen a sealed court file	30.00
42	Retrieve bank records	30.00
43	Reel of film alpha index per year (plus per	
44	page fee below)	30.00
45	Payment history report	30.00

1	Certification under one document certification	30.00
2	Civil traffic appeal	30.00
3	F Per page fee	
4	Making copies (on appeal and on request)	
5	per page	\$ .50
6	Making extra copies per page	.50
7	Making photographic or photostatic copies	
8	per page	.50
9	Comparison fee of papers furnished by applicant	
10	per page	.50
11	Alpha index per page	.50
12	G Special fees	
13	Small claim tax case	\$ 24.00
14	Marriage license and return of a	
15	marriage license	83.00
16	Postage and handling	7.00
17	Notary services	7.00
18	Stop payment on check	16.00

19 B. The clerk of the superior court shall receive the fees  
 20 prescribed in subsection A of this section for the following services:

21 1. Making copies of papers and records required to be made by the  
 22 clerk on appeal, and copies of papers and records in the clerk's office  
 23 made on request in other cases, for each legal size page of original.

24 2. Making extra copies of the papers and records mentioned in  
 25 paragraph 1 of this subsection, required or requested for each page of  
 26 copy of such papers and records.

27 3. In a clerk's office, in which a photographic or photostatic  
 28 method of recording is used or is available for use in cooperation with  
 29 other public offices, preparing copies enumerated in paragraphs 1 and 2 of  
 30 this subsection for each page of copy or fraction of a page of copy.  
 31 Portions of several pages of records may be combined in one page of copy.  
 32 The clerk may prepare an abstract of marriage in lieu of a reproduction of  
 33 the recorded marriage license. The fee shall apply to matters whether  
 34 recorded in such office by longhand, typing, electronic, photographic or  
 35 photostatic methods. The fees for copies are exclusive of the fees for  
 36 certification or authentication.

37 4. Issuing a certificate as to official capacity of a justice of  
 38 the peace and affixing a seal to the certificate.

39 5. Each subpoena issued in a civil proceeding or filing any paper  
 40 or performing any act for which a fee is not specifically prescribed by  
 41 law, but the clerk shall not charge for the clerk's services in  
 42 administering the oath in connection with any affidavit, petition, letters  
 43 or other pleading or document that, after administration of the oath, is  
 44 promptly filed by the clerk and becomes a part of a case or matter of  
 45 record in the office of the clerk.

1 C. In addition to the fees required by subsection A of this  
2 section, the clerk shall charge and collect a surcharge of fifteen dollars  
3 for each filing of a postadjudication petition in a domestic relations  
4 case for which a fee presently is charged under class D in subsection A of  
5 this section. The surcharge shall be used exclusively to fund domestic  
6 relations education and mediation programs established pursuant to section  
7 25-413. Each month the clerk shall transmit the monies the clerk collects  
8 pursuant to this subsection to the county treasurer for deposit in the  
9 domestic relations education and mediation fund established by section  
10 25-413.

11 D. Excluding the monies that are collected pursuant to subsection C  
12 of this section, each month the clerk shall transmit seventy-five percent  
13 of the monies collected for subsequent case filing fees for  
14 postadjudication petitions in domestic relations cases under class D in  
15 subsection A of this section to the county treasurer for deposit in the  
16 expedited child support and parenting time fund established pursuant to  
17 section 25-412. The remaining twenty-five percent of the monies collected  
18 pursuant to this subsection shall be distributed pursuant to section  
19 12-284.03.

20 E. At the commencement of each action for annulment, dissolution of  
21 marriage, legal separation, maternity or paternity, the petitioner shall  
22 pay to the clerk of the court the initial case filing fee for the action  
23 provided in subsection A of this section. At the time of filing a  
24 response, the respondent shall pay to the clerk of the court the  
25 subsequent case filing fee for the action provided in subsection A of this  
26 section. In each county where the superior court has established a  
27 conciliation court, the petitioner and respondent shall each pay to the  
28 clerk a sixty-five dollar fee. The monies from the additional fee shall  
29 be used to carry out the purposes of the conciliation court pursuant to  
30 title 25, chapter 3, article 7.

31 F. In garnishment matters:

32 1. A fee shall not be charged for filing an affidavit seeking only  
33 the release of exempt wages.

34 2. A fee shall not be charged for filing a garnishee's answer, for  
35 filing a judgment against the garnishee or for the issuance or return of  
36 process incident to such a judgment.

37 3. For any contest relating to or any controversion of a  
38 garnishment matter, unless the contesting party has paid an appearance fee  
39 in that cause, the required appearance fee shall be paid, except that the  
40 garnishee shall not pay a clerk's fee.

41 G. A person who is cited to appear and defend an order to show  
42 cause shall not be charged an appearance fee. The person may stipulate to  
43 or consent to the entry of an order without the payment of an appearance  
44 fee. An appearance fee shall be paid if the person is present in person  
45 or by an attorney and does one or more of the following:

- 1           1. Requests affirmative relief or counterrelief.
- 2           2. Attacks the sufficiency of process or the proceedings.
- 3           3. Takes other affirmative action.

4           H. A petitioner shall not be charged a fee for requesting an order  
5 of protection pursuant to section 13-3602 or an injunction against  
6 harassment pursuant to section 12-1809. A defendant shall not be charged  
7 an answer fee in an order of protection action if the defendant requests a  
8 hearing pursuant to section 13-3602, subsection ~~F~~ L or in an injunction  
9 against harassment action if the defendant requests a hearing pursuant to  
10 section 12-1809, subsection H.

11           I. A person who files a registrar's order pursuant to section  
12 32-1166.06 shall not be charged a fee.

13           J. The clerk of the court shall charge and collect a forty-six  
14 dollar filing fee for a petition for emancipation of a minor filed  
15 pursuant to chapter 15 of this title. Each month the clerk shall transmit  
16 the monies the clerk collects pursuant to this subsection to the county  
17 treasurer for deposit in the emancipation administrative costs fund  
18 established by section 12-2456.

19           K. Except for monies that are collected pursuant to subsections C,  
20 D, E and J of this section, the clerk of the superior court shall transmit  
21 monthly to the county treasurer all monies collected pursuant to this  
22 section for distribution or deposit pursuant to section 12-284.03.

23           L. The supreme court may increase the fees prescribed in subsection  
24 A of this section in an amount not to exceed the percent of change in the  
25 average consumer price index as published by the United States department  
26 of labor, bureau of labor statistics between that figure for the latest  
27 calendar year and the calendar year in which the last fee increase  
28 occurred.

29           Sec. 7. Repeal

30           Section 12-284, Arizona Revised Statutes, as amended by Laws 2018,  
31 chapter 232, section 1, is repealed.

32           Sec. 8. Section 18-305, Arizona Revised Statutes, as amended by  
33 Laws 2017, chapter 30, section 1, is amended to read:

34           18-305. Reports; electronic submission; exception; posting

35           A. Notwithstanding any other law, state ~~government~~ AGENCIES may  
36 submit all statutorily required reports and budget estimates  
37 electronically, EXCEPT THOSE REQUIRED BY SECTION 35-113.

38           B. Each state ~~government~~ AGENCY shall post all statutorily required  
39 reports and budget estimates on the state ~~government's~~ AGENCY'S website.

40           C. Each state ~~government~~ AGENCY shall consult with the secretary of  
41 state to ensure that the Arizona state library, archives and public  
42 records receives an adequate number of copies of the statutorily required  
43 reports and budget estimates in a format that is agreed on for the  
44 purposes of the state archives pursuant to section 41-151.08.



1 D. Each state ~~government~~ AGENCY that maintains a generally  
2 accessible internet website, or for which a generally accessible website  
3 is maintained, shall include a link on that website to the website of the  
4 ombudsman-citizens aide and a statement that reads as follows: "The  
5 ombudsman-citizens aide helps citizens to resolve ongoing issues with  
6 state agencies."

7 Sec. 9. Repeal

8 Section 18-305, Arizona Revised Statutes, as amended by Laws 2019,  
9 chapter 267, section 2, is repealed.

10 Sec. 10. Section 28-101, Arizona Revised Statutes, as amended by  
11 Laws 2019, chapter 89, section 1 and chapter 120, section 1, is amended to  
12 read:

13 28-101. Definitions

14 In this title, unless the context otherwise requires:

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

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

19 (a) The number of grams of alcohol per one hundred milliliters of  
20 blood.

21 (b) The number of grams of alcohol per two hundred ten liters of  
22 breath.

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

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

25 (i) Is designed primarily for recreational nonhighway all-terrain  
26 travel.

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

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

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

31 (v) Is operated on a public highway.

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

34 (i) Is designed primarily for recreational nonhighway all-terrain  
35 travel.

36 (ii) Is eighty or fewer inches in width.

37 (iii) Has an unladen weight of two thousand five hundred pounds or  
38 less.

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

40 (v) Has a steering wheel for steering control.

41 (vi) Has a rollover protective structure.

42 (vii) Has an occupant retention system.

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

44 (a) A fire department vehicle.

45 (b) A police vehicle.

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

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

7 5. "Autocycle" means a three-wheeled motorcycle on which the driver  
8 and passengers ride in a fully or partially enclosed seating area that is  
9 equipped with a roll cage, safety belts for each occupant and antilock  
10 brakes and that is designed to be controlled with a steering wheel and  
11 pedals.

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

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

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

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

24 8. "Board" means the transportation board.

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

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

33 11. "Certificate of ownership" means a paper or an electronic  
34 record that is issued in another state or a foreign jurisdiction and that  
35 indicates ownership of a vehicle.

36 12. "Certificate of title" means a paper document or an electronic  
37 record that is issued by the department and that indicates ownership of a  
38 vehicle.

39 13. "Combination of vehicles" means a truck or truck tractor and  
40 semitrailer and any trailer that it tows but does not include a forklift  
41 designed for the purpose of loading or unloading the truck, trailer or  
42 semitrailer.

43 14. "Controlled substance" means a substance so classified under  
44 section 102(6) of the controlled substances act (21 United States Code

1 section 802(6)) and includes all substances listed in schedules I through  
2 V of 21 Code of Federal Regulations part 1308.

3 15. "Conviction" means:

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

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

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

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

11 16. "County highway" means a public road that is constructed and  
12 maintained by a county.

13 17. "Dealer" means a person who is engaged in the business of  
14 buying, selling or exchanging motor vehicles, trailers or semitrailers and  
15 who has an established place of business and has paid fees pursuant to  
16 section 28-4302.

17 18. "Department" means the department of transportation acting  
18 directly or through its duly authorized officers and agents.

19 19. "Digital network or software application" has the same meaning  
20 prescribed in section 28-9551.

21 20. "Director" means the director of the department of  
22 transportation.

23 21. "Drive" means to operate or be in actual physical control of a  
24 motor vehicle.

25 22. "Driver" means a person who drives or is in actual physical  
26 control of a vehicle.

27 23. "Driver license" means a license that is issued by a state to  
28 an individual and that authorizes the individual to drive a motor vehicle.

29 24. "Electric bicycle" means a bicycle or tricycle that is equipped  
30 with fully operable pedals and an electric motor of less than seven  
31 hundred fifty watts and that meets the requirements of one of the  
32 following classes:

33 (a) "Class 1 electric bicycle" means a bicycle or tricycle that is  
34 equipped with an electric motor that provides assistance only when the  
35 rider is pedaling and that ceases to provide assistance when the bicycle  
36 or tricycle reaches the speed of twenty miles per hour.

37 (b) "Class 2 electric bicycle" means a bicycle or tricycle that is  
38 equipped with an electric motor that may be used exclusively to propel the  
39 bicycle or tricycle and that is not capable of providing assistance when  
40 the bicycle or tricycle reaches the speed of twenty miles per hour.

41 (c) "Class 3 electric bicycle" means a bicycle or tricycle that is  
42 equipped with an electric motor that provides assistance only when the  
43 rider is pedaling and that ceases to provide assistance when the bicycle  
44 or tricycle reaches the speed of twenty-eight miles per hour.

- 1           25. "Electric miniature scooter" means a device that:  
2           (a) Weighs less than thirty pounds.  
3           (b) Has two or three wheels.  
4           (c) Has handlebars.  
5           (d) Has a floorboard on which a person may stand while riding.  
6           (e) Is powered by an electric motor or human power, or both.  
7           (f) Has a maximum speed that does not exceed ten miles per hour,  
8 with or without human propulsion, on a paved level surface.
- 9           26. "Electric personal assistive mobility device" means a  
10 self-balancing device with one wheel or two nontandem wheels and an  
11 electric propulsion system that limits the maximum speed of the device to  
12 fifteen miles per hour or less and that is designed to transport only one  
13 person.
- 14           27. "Electric standup scooter":  
15           (a) Means a device that:  
16           (i) Weighs less than seventy-five pounds.  
17           (ii) Has two or three wheels.  
18           (iii) Has handlebars.  
19           (iv) Has a floorboard on which a person may stand while riding.  
20           (v) Is powered by an electric motor or human power, or both.  
21           (vi) Has a maximum speed that does not exceed twenty miles per  
22 hour, with or without human propulsion, on a paved level surface.  
23           (b) Does not include an electric miniature scooter.
- 24           28. "Evidence" includes both of the following:  
25           (a) A display on a wireless communication device of a  
26 department-generated driver license, nonoperating identification license,  
27 vehicle registration card or other official record of the department that  
28 is presented to a law enforcement officer or in a court or an  
29 administrative proceeding.  
30           (b) An electronic or digital license plate authorized pursuant to  
31 section 28-364.
- 32           29. "Farm" means any lands primarily used for agriculture  
33 production.
- 34           30. "Farm tractor" means a motor vehicle designed and used  
35 primarily as a farm implement for drawing implements of husbandry.
- 36           31. "Foreign vehicle" means a motor vehicle, trailer or semitrailer  
37 that is brought into this state other than in the ordinary course of  
38 business by or through a manufacturer or dealer and that has not been  
39 registered in this state.
- 40           32. "Golf cart" means a motor vehicle that has not less than three  
41 wheels in contact with the ground, that has an unladen weight of less than  
42 one thousand eight hundred pounds, that is designed to be and is operated  
43 at not more than twenty-five miles per hour and that is designed to carry  
44 not more than four persons including the driver.

1           33. "Hazardous material" means a material, and its mixtures or  
2 solutions, that the United States department of transportation determines  
3 under 49 Code of Federal Regulations is, or any quantity of a material  
4 listed as a select agent or toxin under 42 Code of Federal Regulations  
5 part 73 that is, capable of posing an unreasonable risk to health, safety  
6 and property if transported in commerce and that is required to be  
7 placarded or marked as required by the department's safety rules  
8 prescribed pursuant to chapter 14 of this title.

9           34. "Implement of husbandry" means a vehicle that is designed  
10 primarily for agricultural purposes and that is used exclusively in the  
11 conduct of agricultural operations, including an implement or vehicle  
12 whether self-propelled or otherwise that meets both of the following  
13 conditions:

14           (a) Is used solely for agricultural purposes including the  
15 preparation or harvesting of cotton, alfalfa, grains and other farm crops.

16           (b) Is only incidentally operated or moved on a highway whether as  
17 a trailer or self-propelled unit. For the purposes of this subdivision,  
18 "incidentally operated or moved on a highway" means travel between a farm  
19 and another part of the same farm, from one farm to another farm or  
20 between a farm and a place of repair, supply or storage.

21           35. "Limousine" means a motor vehicle providing prearranged ground  
22 transportation service for an individual passenger, or a group of  
23 passengers, that is arranged in advance or is operated on a regular route  
24 or between specified points and includes ground transportation under a  
25 contract or agreement for services that includes a fixed rate or time and  
26 is provided in a motor vehicle with a seating capacity not exceeding  
27 fifteen passengers including the driver.

28           36. "Livery vehicle" means a motor vehicle that:

29           (a) Has a seating capacity not exceeding fifteen passengers  
30 including the driver.

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

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

35           (d) May do any of the following:

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

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

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

41           37. "Local authority" means any county, municipal or other local  
42 board or body exercising jurisdiction over highways under the constitution  
43 and laws of this state.

44           38. "Manufacturer" means a person engaged in the business of  
45 manufacturing motor vehicles, trailers or semitrailers.

1           39. "Moped" means a bicycle, not including an electric bicycle, an  
2 electric miniature scooter or an electric standup scooter, that is  
3 equipped with a helper motor if the vehicle has a maximum piston  
4 displacement of fifty cubic centimeters or less, a brake horsepower of one  
5 and one-half or less and a maximum speed of twenty-five miles per hour or  
6 less on a flat surface with less than a one percent grade.

7           40. "Motorcycle" means a motor vehicle that has a seat or saddle  
8 for the use of the rider and that is designed to travel on not more than  
9 three wheels in contact with the ground but excludes a tractor, an  
10 electric bicycle, an electric miniature scooter, an electric standup  
11 scooter and a moped.

12           41. "Motor driven cycle" means a motorcycle, including every motor  
13 scooter, with a motor that produces not more than five horsepower but does  
14 not include an electric bicycle, an electric miniature scooter or an  
15 electric standup scooter.

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

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

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

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

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

26           (e) The vehicle is a commercial motor vehicle as defined in section  
27 28-5201.

28           (f) The vehicle is a limousine operating under a vehicle for hire  
29 company permit issued pursuant to section 28-9503.

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

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

36           43. "Motor vehicle":

37           (a) Means either:

38           (i) A self-propelled vehicle.

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

42           (b) Does not include ~~a personal delivery device~~, a personal mobile  
43 cargo carrying device, a motorized wheelchair, an electric personal  
44 assistive mobility device, an electric bicycle, an electric miniature

1 scooter, an electric standup scooter or a motorized skateboard. For the  
2 purposes of this subdivision:

3 (i) "Motorized skateboard" means a self-propelled device that does  
4 not have handlebars and that has a motor, a deck on which a person may  
5 ride and at least two tandem wheels in contact with the ground.

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

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

20 45. "Neighborhood electric vehicle" means a self-propelled  
21 electrically powered motor vehicle to which all of the following apply:

22 (a) The vehicle is emission free.

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

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

29 46. "Nonresident" means a person who is not a resident of this  
30 state as defined in section 28-2001.

31 47. "Off-road recreational motor vehicle" means a motor vehicle  
32 that is designed primarily for recreational nonhighway all-terrain travel  
33 and that is not operated on a public highway. Off-road recreational motor  
34 vehicle does not mean a motor vehicle used for construction, building  
35 trade, mining or agricultural purposes.

36 48. "Operator" means a person who drives a motor vehicle on a  
37 highway, who is in actual physical control of a motor vehicle on a highway  
38 or who is exercising control over or steering a vehicle being towed by a  
39 motor vehicle.

40 49. "Owner" means:

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

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

1 (c) If a mortgagor of a vehicle is entitled to possession of the  
2 vehicle, the mortgagor.

3 50. "Pedestrian" means any person afoot. A person who uses an  
4 electric personal assistive mobility device or a manual or motorized  
5 wheelchair is considered a pedestrian unless the manual wheelchair  
6 qualifies as a bicycle. For the purposes of this paragraph, "motorized  
7 wheelchair" means a self-propelled wheelchair that is used by a person for  
8 mobility.

9 ~~51. "Personal delivery device":~~

10 ~~(a) Means an electronically powered device that:~~

11 ~~(i) Is operated primarily on sidewalks and within crosswalks and~~  
12 ~~that is designed to transport property.~~

13 ~~(ii) Weighs less than two hundred pounds, excluding cargo, unless~~  
14 ~~otherwise authorized by a local authority pursuant to section 28-627.~~

15 ~~(iii) Operates at a maximum speed of seven miles per hour, unless~~  
16 ~~otherwise authorized by a local authority pursuant to section 28-627.~~

17 ~~(iv) Is equipped with technology to allow for the operation of the~~  
18 ~~device with or without the active control or monitoring of a natural~~  
19 ~~person.~~

20 ~~(v) Is equipped with a braking system that when active or engaged~~  
21 ~~enables the personal delivery device to come to a controlled stop.~~

22 ~~(b) Does not include a personal mobile cargo carrying device.~~

23 ~~52.~~ 51. "Personal mobile cargo carrying device" means an  
24 electronically powered device that:

25 (a) Is operated primarily on sidewalks and within crosswalks and  
26 that is designed to transport property.

27 (b) Weighs less than eighty pounds, excluding cargo.

28 (c) Operates at a maximum speed of twelve miles per hour.

29 (d) Is equipped with technology to transport personal property with  
30 the active monitoring of a property owner and that is primarily designed  
31 to remain within twenty-five feet of the property owner.

32 (e) Is equipped with a braking system that when active or engaged  
33 enables the personal mobile cargo carrying device to come to a controlled  
34 stop.

35 ~~53.~~ 52. "Power sweeper" means an implement, with or without motive  
36 power, that is only incidentally operated or moved on a street or highway  
37 and that is designed for the removal of debris, dirt, gravel, litter or  
38 sand whether by broom, vacuum or regenerative air system from asphaltic  
39 concrete or cement concrete surfaces, including parking lots, highways,  
40 streets and warehouses, and a vehicle on which the implement is  
41 permanently mounted.

42 ~~54.~~ 53. "Public transit" means the transportation of passengers on  
43 scheduled routes by means of a conveyance on an individual passenger  
44 fare-paying basis excluding transportation by a sightseeing bus, school  
45 bus or taxi or a vehicle not operated on a scheduled route basis.



1           ~~55.~~ 54. "Reconstructed vehicle" means a vehicle that has been  
2 assembled or constructed largely by means of essential parts, new or used,  
3 derived from vehicles or makes of vehicles of various names, models and  
4 types or that, if originally otherwise constructed, has been materially  
5 altered by the removal of essential parts or by the addition or  
6 substitution of essential parts, new or used, derived from other vehicles  
7 or makes of vehicles. For the purposes of this paragraph, "essential  
8 parts" means integral and body parts, the removal, alteration or  
9 substitution of which will tend to conceal the identity or substantially  
10 alter the appearance of the vehicle.

11           ~~56.~~ 55. "Residence district" means the territory contiguous to and  
12 including a highway not comprising a business district if the property on  
13 the highway for a distance of three hundred feet or more is in the main  
14 improved with residences or residences and buildings in use for business.

15           ~~57.~~ 56. "Right-of-way" when used within the context of the  
16 regulation of the movement of traffic on a highway means the privilege of  
17 the immediate use of the highway. Right-of-way when used within the  
18 context of the real property on which transportation facilities and  
19 appurtenances to the facilities are constructed or maintained means the  
20 lands or interest in lands within the right-of-way boundaries.

21           ~~58.~~ 57. "School bus" means a motor vehicle that is designed for  
22 carrying more than ten passengers and that is either:

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

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

29           ~~59.~~ 58. "Semitrailer" means a vehicle that is with or without  
30 motive power, other than a pole trailer or single-axle tow dolly, that is  
31 designed for carrying persons or property and for being drawn by a motor  
32 vehicle and that is constructed so that some part of its weight and that  
33 of its load rests on or is carried by another vehicle. For the purposes  
34 of this paragraph, "pole trailer" has the same meaning prescribed in  
35 section 28-601.

36           ~~60.~~ 59. "Single-axle tow dolly" means a nonvehicle device that is  
37 drawn by a motor vehicle, that is designed and used exclusively to  
38 transport another motor vehicle and on which the front or rear wheels of  
39 the drawn motor vehicle are mounted on the tow dolly while the other  
40 wheels of the drawn motor vehicle remain in contact with the ground.

41           ~~61.~~ 60. "State" means a state of the United States and the  
42 District of Columbia.

43           ~~62.~~ 61. "State highway" means a state route or portion of a state  
44 route that is accepted and designated by the board as a state highway and  
45 that is maintained by the state.

1           ~~63.~~ 62. "State route" means a right-of-way whether actually used  
2 as a highway or not that is designated by the board as a location for the  
3 construction of a state highway.

4           ~~64.~~ 63. "Street" or "highway" means the entire width between the  
5 boundary lines of every way if a part of the way is open to the use of the  
6 public for purposes of vehicular travel.

7           ~~65.~~ 64. "Taxi" means a motor vehicle that has a seating capacity  
8 not exceeding fifteen passengers, including the driver, that provides  
9 passenger services and that:

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

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

15           ~~66.~~ 65. "Title transfer form" means a paper or an electronic form  
16 that is prescribed by the department for the purpose of transferring a  
17 certificate of title from one owner to another owner.

18           ~~67.~~ 66. "Traffic survival school" means a school that offers  
19 educational sessions to drivers who are required to attend and  
20 successfully complete educational sessions pursuant to this title that are  
21 designed to improve the safety and habits of drivers and that are approved  
22 by the department.

23           ~~68.~~ 67. "Trailer" means a vehicle that is with or without motive  
24 power, other than a pole trailer or single-axle tow dolly, that is  
25 designed for carrying persons or property and for being drawn by a motor  
26 vehicle and that is constructed so that no part of its weight rests on the  
27 towing vehicle. A semitrailer equipped with an auxiliary front axle  
28 commonly known as a dolly is deemed to be a trailer. For the purposes of  
29 this paragraph, "pole trailer" has the same meaning prescribed in section  
30 28-601.

31           ~~69.~~ 68. "Transportation network company" has the same meaning  
32 prescribed in section 28-9551.

33           ~~70.~~ 69. "Transportation network company vehicle" has the same  
34 meaning prescribed in section 28-9551.

35           ~~71.~~ 70. "Transportation network service" has the same meaning  
36 prescribed in section 28-9551.

37           ~~72.~~ 71. "Truck" means a motor vehicle designed or used primarily  
38 for the carrying of property other than the effects of the driver or  
39 passengers and includes a motor vehicle to which has been added a box, a  
40 platform or other equipment for such carrying.

41           ~~73.~~ 72. "Truck tractor" means a motor vehicle that is designed and  
42 used primarily for drawing other vehicles and that is not constructed to  
43 carry a load other than a part of the weight of the vehicle and load  
44 drawn.

1           ~~74.~~ 73. "Vehicle":

2           (a) Means a device in, on or by which a person or property is or  
3 may be transported or drawn on a public highway.

4           (b) Does not include:

5           (i) Electric bicycles, electric miniature scooters, electric  
6 standup scooters and devices moved by human power.

7           (ii) Devices used exclusively on stationary rails or tracks.

8           ~~(iii) Personal delivery devices.~~

9           ~~(iv)~~ (iii) Personal mobile cargo carrying devices.

10          ~~75.~~ 74. "Vehicle transporter" means either:

11          (a) A truck tractor capable of carrying a load and drawing a  
12 semitrailer.

13          (b) A truck tractor with a stinger-steered fifth wheel capable of  
14 carrying a load and drawing a semitrailer or a truck tractor with a dolly  
15 mounted fifth wheel that is securely fastened to the truck tractor at two  
16 or more points and that is capable of carrying a load and drawing a  
17 semitrailer.

18          Sec. 11. Section 28-101, Arizona Revised Statutes, as amended by  
19 Laws 2019, chapter 89, section 3 and chapter 120, section 3, is amended to  
20 read:

21          28-101. Definitions

22          In this title, unless the context otherwise requires:

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

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

27          (a) The number of grams of alcohol per one hundred milliliters of  
28 blood.

29          (b) The number of grams of alcohol per two hundred ten liters of  
30 breath.

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

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

33          (i) Is designed primarily for recreational nonhighway all-terrain  
34 travel.

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

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

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

39          (v) Is operated on a public highway.

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

42          (i) Is designed primarily for recreational nonhighway all-terrain  
43 travel.

44          (ii) Is eighty or fewer inches in width.

- 1 (iii) Has an unladen weight of two thousand five hundred pounds or  
2 less.
- 3 (iv) Travels on four or more nonhighway tires.
- 4 (v) Has a steering wheel for steering control.
- 5 (vi) Has a rollover protective structure.
- 6 (vii) Has an occupant retention system.
- 7 4. "Authorized emergency vehicle" means any of the following:
- 8 (a) A fire department vehicle.
- 9 (b) A police vehicle.
- 10 (c) An ambulance or emergency vehicle of a municipal department or  
11 public service corporation that is designated or authorized by the  
12 department or a local authority.
- 13 (d) Any other ambulance, fire truck or rescue vehicle that is  
14 authorized by the department in its sole discretion and that meets  
15 liability insurance requirements prescribed by the department.
- 16 5. "Autocycle" means a three-wheeled motorcycle on which the driver  
17 and passengers ride in a fully or partially enclosed seating area that is  
18 equipped with a roll cage, safety belts for each occupant and antilock  
19 brakes and that is designed to be controlled with a steering wheel and  
20 pedals.
- 21 6. "Automotive recycler" means a person that is engaged in the  
22 business of buying or acquiring a motor vehicle solely for the purpose of  
23 dismantling, selling or otherwise disposing of the parts or accessories  
24 and that removes parts for resale from six or more vehicles in a calendar  
25 year.
- 26 7. "Aviation fuel" means all flammable liquids composed of a  
27 mixture of selected hydrocarbons expressly manufactured and blended for  
28 the purpose of effectively and efficiently operating an internal  
29 combustion engine for use in an aircraft but does not include fuel for jet  
30 or turbine powered aircraft.
- 31 8. "Bicycle" means a device, including a racing wheelchair, that is  
32 propelled by human power and on which a person may ride and that has  
33 either:
- 34 (a) Two tandem wheels, either of which is more than sixteen inches  
35 in diameter.
- 36 (b) Three wheels in contact with the ground, any of which is more  
37 than sixteen inches in diameter.
- 38 9. "Board" means the transportation board.
- 39 10. "Bus" means a motor vehicle designed for carrying sixteen or  
40 more passengers, including the driver.
- 41 11. "Business district" means the territory contiguous to and  
42 including a highway if there are buildings in use for business or  
43 industrial purposes within any six hundred feet along the highway,  
44 including hotels, banks or office buildings, railroad stations and public

1 buildings that occupy at least three hundred feet of frontage on one side  
2 or three hundred feet collectively on both sides of the highway.

3 12. "Certificate of ownership" means a paper or an electronic  
4 record that is issued in another state or a foreign jurisdiction and that  
5 indicates ownership of a vehicle.

6 13. "Certificate of title" means a paper document or an electronic  
7 record that is issued by the department and that indicates ownership of a  
8 vehicle.

9 14. "Combination of vehicles" means a truck or truck tractor and  
10 semitrailer and any trailer that it tows but does not include a forklift  
11 designed for the purpose of loading or unloading the truck, trailer or  
12 semitrailer.

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

17 16. "Conviction" means:

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

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

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

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

25 17. "County highway" means a public road that is constructed and  
26 maintained by a county.

27 18. "Dealer" means a person who is engaged in the business of  
28 buying, selling or exchanging motor vehicles, trailers or semitrailers and  
29 who has an established place of business and has paid fees pursuant to  
30 section 28-4302.

31 19. "Department" means the department of transportation acting  
32 directly or through its duly authorized officers and agents.

33 20. "Digital network or software application" has the same meaning  
34 prescribed in section 28-9551.

35 21. "Director" means the director of the department of  
36 transportation.

37 22. "Drive" means to operate or be in actual physical control of a  
38 motor vehicle.

39 23. "Driver" means a person who drives or is in actual physical  
40 control of a vehicle.

41 24. "Driver license" means a license that is issued by a state to  
42 an individual and that authorizes the individual to drive a motor vehicle.

43 25. "Electric bicycle" means a bicycle or tricycle that is equipped  
44 with fully operable pedals and an electric motor of less than seven

1 hundred fifty watts and that meets the requirements of one of the  
2 following classes:

3 (a) "Class 1 electric bicycle" means a bicycle or tricycle that is  
4 equipped with an electric motor that provides assistance only when the  
5 rider is pedaling and that ceases to provide assistance when the bicycle  
6 or tricycle reaches the speed of twenty miles per hour.

7 (b) "Class 2 electric bicycle" means a bicycle or tricycle that is  
8 equipped with an electric motor that may be used exclusively to propel the  
9 bicycle or tricycle and that is not capable of providing assistance when  
10 the bicycle or tricycle reaches the speed of twenty miles per hour.

11 (c) "Class 3 electric bicycle" means a bicycle or tricycle that is  
12 equipped with an electric motor that provides assistance only when the  
13 rider is pedaling and that ceases to provide assistance when the bicycle  
14 or tricycle reaches the speed of twenty-eight miles per hour.

15 26. "Electric miniature scooter" means a device that:

16 (a) Weighs less than thirty pounds.

17 (b) Has two or three wheels.

18 (c) Has handlebars.

19 (d) Has a floorboard on which a person may stand while riding.

20 (e) Is powered by an electric motor or human power, or both.

21 (f) Has a maximum speed that does not exceed ten miles per hour,  
22 with or without human propulsion, on a paved level surface.

23 27. "Electric personal assistive mobility device" means a  
24 self-balancing device with one wheel or two nontandem wheels and an  
25 electric propulsion system that limits the maximum speed of the device to  
26 fifteen miles per hour or less and that is designed to transport only one  
27 person.

28 28. "Electric standup scooter":

29 (a) Means a device that:

30 (i) Weighs less than seventy-five pounds.

31 (ii) Has two or three wheels.

32 (iii) Has handlebars.

33 (iv) Has a floorboard on which a person may stand while riding.

34 (v) Is powered by an electric motor or human power, or both.

35 (vi) Has a maximum speed that does not exceed twenty miles per  
36 hour, with or without human propulsion, on a paved level surface.

37 (b) Does not include an electric miniature scooter.

38 29. "Evidence" includes both of the following:

39 (a) A display on a wireless communication device of a  
40 department-generated driver license, nonoperating identification license,  
41 vehicle registration card or other official record of the department that  
42 is presented to a law enforcement officer or in a court or an  
43 administrative proceeding.

44 (b) An electronic or digital license plate authorized pursuant to  
45 section 28-364.

1           30. "Farm" means any lands primarily used for agriculture  
2 production.

3           31. "Farm tractor" means a motor vehicle designed and used  
4 primarily as a farm implement for drawing implements of husbandry.

5           32. "Foreign vehicle" means a motor vehicle, trailer or semitrailer  
6 that is brought into this state other than in the ordinary course of  
7 business by or through a manufacturer or dealer and that has not been  
8 registered in this state.

9           33. "Golf cart" means a motor vehicle that has not less than three  
10 wheels in contact with the ground, that has an unladen weight of less than  
11 one thousand eight hundred pounds, that is designed to be and is operated  
12 at not more than twenty-five miles per hour and that is designed to carry  
13 not more than four persons including the driver.

14           34. "Hazardous material" means a material, and its mixtures or  
15 solutions, that the United States department of transportation determines  
16 under 49 Code of Federal Regulations is, or any quantity of a material  
17 listed as a select agent or toxin under 42 Code of Federal Regulations  
18 part 73 that is, capable of posing an unreasonable risk to health, safety  
19 and property if transported in commerce and that is required to be  
20 placarded or marked as required by the department's safety rules  
21 prescribed pursuant to chapter 14 of this title.

22           35. "Implement of husbandry" means a vehicle that is designed  
23 primarily for agricultural purposes and that is used exclusively in the  
24 conduct of agricultural operations, including an implement or vehicle  
25 whether self-propelled or otherwise that meets both of the following  
26 conditions:

27           (a) Is used solely for agricultural purposes including the  
28 preparation or harvesting of cotton, alfalfa, grains and other farm crops.

29           (b) Is only incidentally operated or moved on a highway whether as  
30 a trailer or self-propelled unit. For the purposes of this subdivision,  
31 "incidentally operated or moved on a highway" means travel between a farm  
32 and another part of the same farm, from one farm to another farm or  
33 between a farm and a place of repair, supply or storage.

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

41           37. "Livery vehicle" means a motor vehicle that:

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

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

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

5 (d) May do any of the following:

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

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

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

11 38. "Local authority" means any county, municipal or other local  
12 board or body exercising jurisdiction over highways under the constitution  
13 and laws of this state.

14 39. "Manufacturer" means a person engaged in the business of  
15 manufacturing motor vehicles, trailers or semitrailers.

16 40. "Moped" means a bicycle, not including an electric bicycle, an  
17 electric miniature scooter or an electric standup scooter, that is  
18 equipped with a helper motor if the vehicle has a maximum piston  
19 displacement of fifty cubic centimeters or less, a brake horsepower of one  
20 and one-half or less and a maximum speed of twenty-five miles per hour or  
21 less on a flat surface with less than a one percent grade.

22 41. "Motorcycle" means a motor vehicle that has a seat or saddle  
23 for the use of the rider and that is designed to travel on not more than  
24 three wheels in contact with the ground but excludes a tractor, an  
25 electric bicycle, an electric miniature scooter, an electric standup  
26 scooter and a moped.

27 42. "Motor driven cycle" means a motorcycle, including every motor  
28 scooter, with a motor that produces not more than five horsepower but does  
29 not include an electric bicycle, an electric miniature scooter or an  
30 electric standup scooter.

31 43. "Motorized quadricycle" means a self-propelled motor vehicle to  
32 which all of the following apply:

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

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

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

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

41 (e) The vehicle is a commercial motor vehicle as defined in section  
42 28-5201.

43 (f) The vehicle is a limousine operating under a vehicle for hire  
44 company permit issued pursuant to section 28-9503.



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

3 (h) The vehicle complies with the definition and standards for  
4 low-speed vehicles set forth in federal motor vehicle safety standard 500  
5 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,  
6 respectively.

7 44. "Motor vehicle":

8 (a) Means either:

9 (i) A self-propelled vehicle.

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

13 (b) Does not include a scrap vehicle, ~~a personal delivery device,~~  
14 a personal mobile cargo carrying device, a motorized wheelchair, an  
15 electric personal assistive mobility device, an electric bicycle, an  
16 electric miniature scooter, an electric standup scooter or a motorized  
17 skateboard. For the purposes of this subdivision:

18 (i) "Motorized skateboard" means a self-propelled device that does  
19 not have handlebars and that has a motor, a deck on which a person may  
20 ride and at least two tandem wheels in contact with the ground.

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

23 45. "Motor vehicle fuel" includes all products that are commonly or  
24 commercially known or sold as gasoline, including casinghead gasoline,  
25 natural gasoline and all flammable liquids, and that are composed of a  
26 mixture of selected hydrocarbons expressly manufactured and blended for  
27 the purpose of effectively and efficiently operating internal combustion  
28 engines. Motor vehicle fuel does not include inflammable liquids that are  
29 specifically manufactured for racing motor vehicles and that are  
30 distributed for and used by racing motor vehicles at a racetrack, use fuel  
31 as defined in section 28-5601, aviation fuel, fuel for jet or turbine  
32 powered aircraft or the mixture created at the interface of two different  
33 substances being transported through a pipeline, commonly known as  
34 transmix.

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

37 (a) The vehicle is emission free.

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

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

44 47. "Nonresident" means a person who is not a resident of this  
45 state as defined in section 28-2001.

1           48. "Off-road recreational motor vehicle" means a motor vehicle  
2 that is designed primarily for recreational nonhighway all-terrain travel  
3 and that is not operated on a public highway. Off-road recreational motor  
4 vehicle does not mean a motor vehicle used for construction, building  
5 trade, mining or agricultural purposes.

6           49. "Operator" means a person who drives a motor vehicle on a  
7 highway, who is in actual physical control of a motor vehicle on a highway  
8 or who is exercising control over or steering a vehicle being towed by a  
9 motor vehicle.

10          50. "Owner" means:

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

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

16           (c) If a mortgagor of a vehicle is entitled to possession of the  
17 vehicle, the mortgagor.

18          51. "Pedestrian" means any person afoot. A person who uses an  
19 electric personal assistive mobility device or a manual or motorized  
20 wheelchair is considered a pedestrian unless the manual wheelchair  
21 qualifies as a bicycle. For the purposes of this paragraph, "motorized  
22 wheelchair" means a self-propelled wheelchair that is used by a person for  
23 mobility.

24          ~~52. "Personal delivery device":~~

25           ~~(a) Means an electronically powered device that:~~

26           ~~(i) Is operated primarily on sidewalks and within crosswalks and~~  
27 ~~that is designed to transport property.~~

28           ~~(ii) Weighs less than two hundred pounds, excluding cargo, unless~~  
29 ~~otherwise authorized by a local authority pursuant to section 28-627.~~

30           ~~(iii) Operates at a maximum speed of seven miles per hour, unless~~  
31 ~~otherwise authorized by a local authority pursuant to section 28-627.~~

32           ~~(iv) Is equipped with technology to allow for the operation of the~~  
33 ~~device with or without the active control or monitoring of a natural~~  
34 ~~person.~~

35           ~~(v) Is equipped with a braking system that when active or engaged~~  
36 ~~enables the personal delivery device to come to a controlled stop.~~

37           ~~(b) Does not include a personal mobile cargo carrying device.~~

38          ~~53:~~ 52. "Personal mobile cargo carrying device" means an  
39 electronically powered device that:

40           (a) Is operated primarily on sidewalks and within crosswalks and  
41 that is designed to transport property.

42           (b) Weighs less than eighty pounds, excluding cargo.

43           (c) Operates at a maximum speed of twelve miles per hour.

1 (d) Is equipped with technology to transport personal property with  
2 the active monitoring of a property owner and that is primarily designed  
3 to remain within twenty-five feet of the property owner.

4 (e) Is equipped with a braking system that when active or engaged  
5 enables the personal mobile cargo carrying device to come to a controlled  
6 stop.

7 ~~54.~~ 53. "Power sweeper" means an implement, with or without motive  
8 power, that is only incidentally operated or moved on a street or highway  
9 and that is designed for the removal of debris, dirt, gravel, litter or  
10 sand whether by broom, vacuum or regenerative air system from asphaltic  
11 concrete or cement concrete surfaces, including parking lots, highways,  
12 streets and warehouses, and a vehicle on which the implement is  
13 permanently mounted.

14 ~~55.~~ 54. "Public transit" means the transportation of passengers on  
15 scheduled routes by means of a conveyance on an individual passenger  
16 fare-paying basis excluding transportation by a sightseeing bus, school  
17 bus or taxi or a vehicle not operated on a scheduled route basis.

18 ~~56.~~ 55. "Reconstructed vehicle" means a vehicle that has been  
19 assembled or constructed largely by means of essential parts, new or used,  
20 derived from vehicles or makes of vehicles of various names, models and  
21 types or that, if originally otherwise constructed, has been materially  
22 altered by the removal of essential parts or by the addition or  
23 substitution of essential parts, new or used, derived from other vehicles  
24 or makes of vehicles. For the purposes of this paragraph, "essential  
25 parts" means integral and body parts, the removal, alteration or  
26 substitution of which will tend to conceal the identity or substantially  
27 alter the appearance of the vehicle.

28 ~~57.~~ 56. "Residence district" means the territory contiguous to and  
29 including a highway not comprising a business district if the property on  
30 the highway for a distance of three hundred feet or more is in the main  
31 improved with residences or residences and buildings in use for business.

32 ~~58.~~ 57. "Right-of-way" when used within the context of the  
33 regulation of the movement of traffic on a highway means the privilege of  
34 the immediate use of the highway. Right-of-way when used within the  
35 context of the real property on which transportation facilities and  
36 appurtenances to the facilities are constructed or maintained means the  
37 lands or interest in lands within the right-of-way boundaries.

38 ~~59.~~ 58. "School bus" means a motor vehicle that is designed for  
39 carrying more than ten passengers and that is either:

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

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

1           ~~60.~~ 59. "Scrap metal dealer" has the same meaning prescribed in  
2 section 44-1641.

3           ~~61.~~ 60. "Scrap vehicle" has the same meaning prescribed in section  
4 44-1641.

5           ~~62.~~ 61. "Semitrailer" means a vehicle that is with or without  
6 motive power, other than a pole trailer or single-axle tow dolly, that is  
7 designed for carrying persons or property and for being drawn by a motor  
8 vehicle and that is constructed so that some part of its weight and that  
9 of its load rests on or is carried by another vehicle. For the purposes  
10 of this paragraph, "pole trailer" has the same meaning prescribed in  
11 section 28-601.

12           ~~63.~~ 62. "Single-axle tow dolly" means a nonvehicle device that is  
13 drawn by a motor vehicle, that is designed and used exclusively to  
14 transport another motor vehicle and on which the front or rear wheels of  
15 the drawn motor vehicle are mounted on the tow dolly while the other  
16 wheels of the drawn motor vehicle remain in contact with the ground.

17           ~~64.~~ 63. "State" means a state of the United States and the  
18 District of Columbia.

19           ~~65.~~ 64. "State highway" means a state route or portion of a state  
20 route that is accepted and designated by the board as a state highway and  
21 that is maintained by the state.

22           ~~66.~~ 65. "State route" means a right-of-way whether actually used  
23 as a highway or not that is designated by the board as a location for the  
24 construction of a state highway.

25           ~~67.~~ 66. "Street" or "highway" means the entire width between the  
26 boundary lines of every way if a part of the way is open to the use of the  
27 public for purposes of vehicular travel.

28           ~~68.~~ 67. "Taxi" means a motor vehicle that has a seating capacity  
29 not exceeding fifteen passengers, including the driver, that provides  
30 passenger services and that:

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

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

36           ~~69.~~ 68. "Title transfer form" means a paper or an electronic form  
37 that is prescribed by the department for the purpose of transferring a  
38 certificate of title from one owner to another owner.

39           ~~70.~~ 69. "Traffic survival school" means a school that offers  
40 educational sessions to drivers who are required to attend and  
41 successfully complete educational sessions pursuant to this title that are  
42 designed to improve the safety and habits of drivers and that are approved  
43 by the department.

1           ~~71.~~ 70. "Trailer" means a vehicle that is with or without motive  
2 power, other than a pole trailer or single-axle tow dolly, that is  
3 designed for carrying persons or property and for being drawn by a motor  
4 vehicle and that is constructed so that no part of its weight rests on the  
5 towing vehicle. A semitrailer equipped with an auxiliary front axle  
6 commonly known as a dolly is deemed to be a trailer. For the purposes of  
7 this paragraph, "pole trailer" has the same meaning prescribed in section  
8 28-601.

9           ~~72.~~ 71. "Transportation network company" has the same meaning  
10 prescribed in section 28-9551.

11           ~~73.~~ 72. "Transportation network company vehicle" has the same  
12 meaning prescribed in section 28-9551.

13           ~~74.~~ 73. "Transportation network service" has the same meaning  
14 prescribed in section 28-9551.

15           ~~75.~~ 74. "Truck" means a motor vehicle designed or used primarily  
16 for the carrying of property other than the effects of the driver or  
17 passengers and includes a motor vehicle to which has been added a box, a  
18 platform or other equipment for such carrying.

19           ~~76.~~ 75. "Truck tractor" means a motor vehicle that is designed and  
20 used primarily for drawing other vehicles and that is not constructed to  
21 carry a load other than a part of the weight of the vehicle and load  
22 drawn.

23           ~~77.~~ 76. "Vehicle":

24           (a) Means a device in, on or by which a person or property is or  
25 may be transported or drawn on a public highway.

26           (b) Does not include:

27           (i) Electric bicycles, electric miniature scooters, electric  
28 standup scooters and devices moved by human power.

29           (ii) Devices used exclusively on stationary rails or tracks.

30           ~~(iii) Personal delivery devices.~~

31           ~~(iv)~~ (iii) Scrap vehicles.

32           ~~(v)~~ (iv) Personal mobile cargo carrying devices.

33           ~~78.~~ 77. "Vehicle transporter" means either:

34           (a) A truck tractor capable of carrying a load and drawing a  
35 semitrailer.

36           (b) A truck tractor with a stinger-steered fifth wheel capable of  
37 carrying a load and drawing a semitrailer or a truck tractor with a dolly  
38 mounted fifth wheel that is securely fastened to the truck tractor at two  
39 or more points and that is capable of carrying a load and drawing a  
40 semitrailer.

41           Sec. 12. Repeal

42           Section 28-101, Arizona Revised Statutes, as amended by Laws 2019,  
43 chapter 89, section 2 and chapter 120, section 2, is repealed.

1           Sec. 13. Section 28-672, Arizona Revised Statutes, as amended by  
2 Laws 2019, chapter 112, section 1 and chapter 153, section 1, is amended  
3 to read:

4           28-672. Causing serious physical injury or death by a moving  
5 violation; time limitation; penalties; violation;  
6 classification; definition

7           A. A person is guilty of causing serious physical injury or death  
8 by a moving violation if the person violates any one of the following and  
9 the violation results in an accident causing serious physical injury or  
10 death to another person:

11           1. Section 28-645, subsection A, paragraph 3, subdivision (a).

12           2. SECTION 28-710.

13           ~~2.~~ 3. Section 28-729.

14           ~~3.~~ 4. Section 28-771.

15           ~~4.~~ 5. Section 28-772.

16           ~~5.~~ 6. Section 28-773.

17           ~~6.~~ 7. Section 28-792.

18           ~~7.~~ 8. Section 28-794.

19           ~~8.~~ 9. Section 28-797, subsection F, G, H or I.

20           ~~9.~~ 10. Section 28-855, subsection B.

21           ~~10.~~ 11. Section 28-857, subsection A.

22           ~~11.~~ 12. Section 28-914.

23           B. A person who violates this section shall attend and successfully  
24 complete traffic survival school educational sessions that are designed to  
25 improve the safety and habits of drivers and that are approved by the  
26 department. In addition, the court may order the person to perform  
27 community restitution.

28           C. The court shall report a conviction for a violation of this  
29 section to the department and:

30           1. For a first violation of this section, shall direct the  
31 department to suspend the person's driving privilege or restrict the  
32 person's driving privilege as described in section 28-144 for at least  
33 ninety days and not more than one hundred eighty days if the violation  
34 results in serious physical injury and at least one hundred eighty days  
35 and not more than one year if the violation results in death.

36           2. For a second or subsequent violation of this section within a  
37 period of thirty-six months, shall direct the department to suspend the  
38 person's driving privilege for one hundred eighty days if the violation  
39 results in serious physical injury and one year if the violation results  
40 in death.

41           D. If a person's driving privilege is suspended pursuant to any  
42 other statute because of an incident involving a violation of this  
43 section, the suspension period prescribed in subsection C of this section  
44 shall run consecutively with the other suspension period.

1 E. If a person fails to successfully complete traffic survival  
2 school educational sessions or perform community restitution pursuant to  
3 this section, the court shall notify the department and the department  
4 shall promptly suspend the driver license or permit of the driver or the  
5 privilege of a nonresident to drive a motor vehicle in this state until  
6 the order is satisfied.

7 F. If the person who suffers serious physical injury as a result of  
8 a violation of this section appears before the court in which the action  
9 is pending at any time before trial and acknowledges receipt of  
10 satisfaction for the injury, on payment of the costs incurred, the court  
11 shall order that the prosecution be dismissed and the defendant be  
12 discharged. The reasons for the order shall be set forth and entered of  
13 record, and the order shall be a bar to another prosecution for the same  
14 offense.

15 G. Restitution awarded pursuant to section 13-603 as a result of a  
16 violation of this section shall not exceed \$100,000.

17 H. A prosecution for a violation of this section must be commenced  
18 within two years after actual discovery of the offense by the state or the  
19 political subdivision having jurisdiction or discovery by the state or the  
20 political subdivision that should have occurred with the exercise of  
21 reasonable diligence, whichever first occurs.

22 I. A person who violates this section is guilty of a class 1  
23 misdemeanor.

24 J. For the purposes of this section, "serious physical injury" has  
25 the same meaning prescribed in section 13-105.

26 Sec. 14. Repeal

27 Section 28-672, Arizona Revised Statutes, as amended by Laws 2019,  
28 chapter 255, section 1, is repealed.

29 Sec. 15. Section 28-2153, Arizona Revised Statutes, as amended by  
30 Laws 2018, chapter 9, section 3, chapter 147, section 3 and chapter 306,  
31 section 8, is amended to read:

32 28-2153. Registration requirement; exceptions; assessment;  
33 violation; classification

34 A. A person shall not operate, move or leave standing on a highway  
35 a motor vehicle, trailer or semitrailer unless the motor vehicle, trailer  
36 or semitrailer has been registered with the department for the current  
37 registration year or is properly registered for the current registration  
38 year by the state or country of which the owner or lessee is a resident.

39 B. A resident shall not operate, move or leave standing on a  
40 highway a motor vehicle, trailer or semitrailer that is:

41 1. Owned by a nonresident and that is primarily under the control  
42 of a resident of this state for more than seven months unless the motor  
43 vehicle, trailer or semitrailer has been registered with the department  
44 for the current registration year.

1           2. Leased by the resident for more than twenty-nine days unless the  
2 motor vehicle, trailer or semitrailer has been registered with the  
3 department for the current registration year.

4           C. This section applies to a trailer or semitrailer without motive  
5 power unless the vehicle is disabled or is being towed as an abandoned  
6 vehicle at the direction of a law enforcement agency.

7           D. This section does not apply to:

8           1. A farm tractor.

9           2. A trailer used solely in the operation of a farm for  
10 transporting the unprocessed fiber or forage products of a farm or any  
11 implement of husbandry designed primarily for or used in agricultural  
12 operations and only incidentally operated or moved on a highway.

13           3. A road roller or road machinery, including a power sweeper, that  
14 is temporarily operating or moved on the highway.

15           4. An owner permitted to operate a vehicle under special provisions  
16 relating to lienholders, manufacturers, dealers and nonresidents.

17           5. Motorized or nonmotorized equipment designed primarily for and  
18 used in mining operations and only incidentally operated or moved on a  
19 highway.

20           6. A motor vehicle that is being towed by a tow truck that has been  
21 registered and for which a permit has been obtained pursuant to section  
22 28-1108.

23           7. A golf cart used in the operation of a golf course or only  
24 incidentally operated or moved on a highway.

25           8. Wheeled equipment. For the purposes of this paragraph, "wheeled  
26 equipment" means:

27           (a) A compressor.

28           (b) A forklift or a hay squeeze machine that is designed to load  
29 hay in an off-road situation.

30           (c) A portable cement mixer.

31           (d) A single axle tow dolly.

32           (e) A tar pot.

33           (f) A water trailer used for watering livestock or for agricultural  
34 or domestic purposes.

35           (g) A welder.

36           (h) Any other similar item designed and used primarily for  
37 construction or building trade purposes.

38           9. An all-terrain vehicle or an off-road recreational motor vehicle  
39 operating on a dirt road that is located in an unincorporated area of this  
40 state. For the purposes of this paragraph, "dirt road" means an unpaved  
41 or ungraveled road that is not maintained by this state or a city, town or  
42 county of this state.

43           10. A person operating an off-highway vehicle who is participating  
44 in an off-highway vehicle special event as defined in section 28-1171.



1 11. An all-terrain vehicle or an off-highway vehicle as defined in  
2 section 28-1171 that is only incidentally operated or moved on a highway.

3 ~~12. A personal delivery device.~~

4 E. A person who owns or operates a trailer that is exempt from  
5 registration pursuant to subsection D, paragraph 2 of this section shall  
6 notify the county assessor of the exemption, and the assessor shall assess  
7 the trailer. A person who violates this subsection is guilty of a class 2  
8 misdemeanor.

9 Sec. 16. Repeal

10 Section ~~28-2153~~, Arizona Revised Statutes, as amended by Laws 2018,  
11 chapter 306, section 9, is repealed.

12 Sec. 17. Section 32-1125, Arizona Revised Statutes, as amended by  
13 Laws 2008, chapter 183, section 14, is amended to read:

14 ~~32-1125. Renewal of license; qualifying party~~

15 A. Except as provided in section 32-4301, a license issued under  
16 this chapter ~~shall be~~ IS suspended on the NEXT BUSINESS day following its  
17 renewal date by operation of law. An application for renewal of any  
18 current contracting license addressed to the registrar, with a valid bond  
19 or cash deposit on file with the registrar, accompanied by the required  
20 fee and received by the registrar or deposited in the United States mail  
21 postage prepaid on or before the renewal date ~~shall authorize~~ AUTHORIZES  
22 the licensee to operate as a contractor until actual issuance of the  
23 renewal license. The registrar may refuse to renew a license if a  
24 licensee or person has committed or been found guilty of any act listed in  
25 section 32-1154.

26 B. A license ~~which~~ THAT has been suspended by operation of law for  
27 failure to renew may be reactivated and renewed within one year of its  
28 suspension by filing the required application and ~~payment of~~ PAYING the  
29 application fee in the amount provided for renewal in this chapter in  
30 addition to a ~~fifty dollar~~ \$50 fee. When a license has been suspended for  
31 ~~one or~~ more ~~years~~ THAN ONE YEAR for failure to renew, a new application  
32 for a license must be made and a new license issued in accordance with  
33 this chapter.

34 C. A licensee may ~~make written application~~ APPLY IN WRITING to the  
35 registrar for exemption from a qualifying party. The ~~applicant shall~~  
36 LICENSEE MUST show to the satisfaction of the registrar that during the  
37 past five years THE LICENSEE:

38 ~~1. The license has been in effect.~~

39 ~~2. A transfer of ownership of fifty per cent or more of the stock,  
40 if applicable, or beneficial interest, in the licensee has not occurred.~~

41 ~~3. No more than five valid complaints which have not been resolved  
42 by the licensee, as determined by the registrar, have been filed against  
43 the licensee.~~

44 1. HELD A VALID AND ACTIVE LICENSE AND COULD LEGALLY CONTRACT UNDER  
45 THIS CHAPTER FOR THE ENTIRE FIVE-YEAR PERIOD.

1           2. DID NOT TRANSFER FIFTY PERCENT OR MORE OF ITS STOCK OR  
2 BENEFICIAL INTEREST.

3           3. DID NOT COMMIT A VIOLATION OF SECTION 32-1154, SUBSECTION A THAT  
4 HAS NOT BEEN REMEDIED.

5           D. The ~~application~~ REGISTRAR shall ~~be approved or denied~~ APPROVE OR  
6 DENY THE APPLICATION within thirty days after its receipt. If the  
7 application is not approved, the licensee, ~~may~~ within thirty days, MAY  
8 request a hearing to be held pursuant to section 32-1156. If the  
9 application is approved, the exemption takes effect immediately.

10          ~~D.~~ E. A licensee ~~which~~ THAT is exempt from the requirement for a  
11 qualifying party pursuant to subsection C of this section may be required  
12 by the registrar after a hearing to obtain a qualifying party within sixty  
13 days on a finding that:

14           1. A transfer of ownership of fifty ~~percent~~ PERCENT or more of the  
15 stock, if applicable, or beneficial interest, in the licensee has  
16 occurred.

17           2. A violation of section 32-1154 has occurred.

18          Sec. 18. Repeal

19          Section 32-1125, Arizona Revised Statutes, as amended by Laws 2019,  
20 chapter 145, section 10, is repealed.

21          Sec. 19. Section 32-1904, Arizona Revised Statutes, as amended by  
22 Laws 2019, chapter 257, section 1, is amended to read:

23          32-1904. Powers and duties of board; immunity

24          A. The board shall:

25           1. Make bylaws and adopt rules that are necessary to protect the  
26 public and that pertain to the practice of pharmacy, the manufacturing,  
27 wholesaling or supplying of drugs, devices, poisons or hazardous  
28 substances, the use of pharmacy technicians and support personnel and the  
29 lawful performance of its duties.

30           2. Fix standards and requirements to register and reregister  
31 pharmacies, except as otherwise specified.

32           3. Investigate compliance as to the quality, label and labeling of  
33 all drugs, devices, poisons or hazardous substances and take action  
34 necessary to prevent the sale of these if they do not conform to the  
35 standards prescribed in this chapter, the official compendium or the  
36 federal act.

37           4. Enforce its rules. In so doing, the board or its agents have  
38 free access, during the hours reported with the board or the posted hours  
39 at the facility, to any pharmacy, manufacturer, wholesaler, third-party  
40 logistics provider, nonprescription drug permittee or other establishment  
41 in which drugs, devices, poisons or hazardous substances are manufactured,  
42 processed, packed or held, or to enter any vehicle being used to transport  
43 or hold such drugs, devices, poisons or hazardous substances for the  
44 purpose of:

1 (a) Inspecting the establishment or vehicle to determine whether  
2 any provisions of this chapter or the federal act are being violated.

3 (b) Securing samples or specimens of any drug, device, poison or  
4 hazardous substance after paying or offering to pay for the sample.

5 (c) Detaining or embargoing a drug, device, poison or hazardous  
6 substance in accordance with section 32-1994.

7 5. Examine and license as pharmacists and pharmacy interns all  
8 qualified applicants as provided by this chapter.

9 6. Require each applicant for an initial license to apply for a  
10 fingerprint clearance card pursuant to section 41-1758.03. If an  
11 applicant is issued a valid fingerprint clearance card, the applicant  
12 shall submit the valid fingerprint clearance card to the board with the  
13 completed application. If an applicant applies for a fingerprint  
14 clearance card and is denied, the applicant may request that the board  
15 consider the application for licensure notwithstanding the absence of a  
16 valid fingerprint clearance card. The board, in its discretion, may  
17 approve an application for licensure despite the denial of a valid  
18 fingerprint clearance card if the board determines that the applicant's  
19 criminal history information on which the denial was based does not alone  
20 disqualify the applicant from licensure.

21 7. Issue duplicates of lost or destroyed permits on the payment of  
22 a fee as prescribed by the board.

23 8. Adopt rules to rehabilitate pharmacists and pharmacy interns as  
24 provided by this chapter.

25 9. At least once every three months, notify pharmacies regulated  
26 pursuant to this chapter of any modifications on prescription writing  
27 privileges of podiatrists, dentists, doctors of medicine, registered nurse  
28 practitioners, osteopathic physicians, veterinarians, physician  
29 assistants, optometrists and homeopathic physicians of which it receives  
30 notification from the state board of podiatry examiners, state board of  
31 dental examiners, Arizona medical board, Arizona state board of nursing,  
32 Arizona board of osteopathic examiners in medicine and surgery, Arizona  
33 state veterinary medical examining board, Arizona regulatory board of  
34 physician assistants, state board of optometry or board of homeopathic and  
35 integrated medicine examiners.

36 10. Charge a permittee a fee, as determined by the board, for an  
37 inspection if the permittee requests the inspection.

38 11. Issue only one active or open license per individual.

39 12. Allow a licensee to regress to a lower level license on written  
40 explanation and review by the board for discussion, determination and  
41 possible action.

42 B. The board may:

43 1. Employ chemists, compliance officers, clerical help and other  
44 employees subject to title 41, chapter 4, article 4 and provide laboratory  
45 facilities for the proper conduct of its business.

- 1           2. Provide, by educating and informing the licensees and the  
2 public, assistance in curtailing abuse in the use of drugs, devices,  
3 poisons and hazardous substances.
- 4           3. Approve or reject the manner of storage and security of drugs,  
5 devices, poisons and hazardous substances.
- 6           4. Accept monies and services to assist in enforcing this chapter  
7 from other than licensees:
  - 8           (a) For performing inspections and other board functions.
  - 9           (b) For the cost of copies of the pharmacy and controlled  
10 substances laws, the annual report of the board and other information from  
11 the board.
- 12          5. Adopt rules for professional conduct appropriate to the  
13 establishment and maintenance of a high standard of integrity and dignity  
14 in the profession of pharmacy.
- 15          6. Grant permission to deviate from a state requirement for  
16 experimentation and technological advances.
- 17          7. Adopt rules for the training and practice of pharmacy interns,  
18 pharmacy technicians and support personnel.
- 19          8. Investigate alleged violations of this chapter, conduct hearings  
20 in respect to violations, subpoena witnesses and take such action as it  
21 deems necessary to revoke or suspend a license or a permit, place a  
22 licensee or permittee on probation or warn a licensee or permittee under  
23 this chapter or to bring notice of violations to the county attorney of  
24 the county in which a violation took place or to the attorney general.
- 25          9. By rule, approve colleges or schools of pharmacy.
- 26          10. By rule, approve programs of practical experience, clinical  
27 programs, internship training programs, programs of remedial academic work  
28 and preliminary equivalency examinations as provided by this chapter.
- 29          11. Assist in the continuing education of pharmacists and pharmacy  
30 interns.
- 31          12. Issue inactive status licenses as provided by this chapter.
- 32          13. Accept monies and services from the federal government or  
33 others for educational, research or other purposes pertaining to the  
34 enforcement of this chapter.
- 35          14. By rule, except from the application of all or any part of this  
36 chapter any material, compound, mixture or preparation containing any  
37 stimulant or depressant substance included in section 13-3401, paragraph  
38 6, subdivision (c) or (d) from the definition of dangerous drug if the  
39 material, compound, mixture or preparation contains one or more active  
40 medicinal ingredients not having a stimulant or depressant effect on the  
41 central nervous system, provided that such admixtures are included in such  
42 combinations, quantity, proportion or concentration as to vitiate the  
43 potential for abuse of the substances that do have a stimulant or  
44 depressant effect on the central nervous system.

1           15. Adopt rules for the revocation, suspension or reinstatement of  
2 licenses or permits or the probation of licensees or permittees as  
3 provided by this chapter.

4           16. Issue a certificate of free sale to any person that is licensed  
5 by the board as a manufacturer for the purpose of manufacturing or  
6 distributing food supplements or dietary supplements as defined in rule by  
7 the board and that wants to sell food supplements or dietary supplements  
8 domestically or internationally. The application shall contain all of the  
9 following:

10           (a) The applicant's name, address, e-mail address, telephone and  
11 fax number.

12           (b) The product's full, common or usual name.

13           (c) A copy of the label for each product listed. If the product is  
14 to be exported in bulk and a label is not available, the applicant shall  
15 include a certificate of composition.

16           (d) The country of export, if applicable.

17           (e) The number of certificates of free sale requested.

18           17. Establish an inspection process to issue certificates of free  
19 sale or good manufacturing practice certifications. The board shall  
20 establish in rule:

21           (a) A fee to issue certificates of free sale.

22           (b) A fee to issue good manufacturing practice certifications.

23           (c) An annual inspection fee.

24           18. Delegate to the executive director the authority to:

25           (a) Void a license or permit application and deem all fees  
26 forfeited by the applicant if the applicant provided inaccurate  
27 information on the application. ~~Except for inaccurate information~~  
28 ~~provided regarding education or criminal history,~~ The applicant shall have  
29 the opportunity to correct the inaccurate information within thirty days  
30 after the initial application was voided. ~~If the applicant provides~~  
31 ~~inaccurate information regarding education or criminal history and the~~  
32 ~~application is voided, the applicant may submit a new application with all~~  
33 ~~associated fees~~ REVIEWED BY BOARD STAFF AND THE APPLICANT WAS INFORMED OF  
34 THE INACCURACY.

35           (b) If the president or vice president of the board concurs after  
36 reviewing the case, enter into an interim consent agreement with a  
37 licensee or permittee if there is evidence that a restriction against the  
38 license or permit is needed to mitigate danger to the public health and  
39 safety. The board ~~shall~~ MAY subsequently formally adopt the interim  
40 consent agreement with any modifications the board deems necessary ~~for the~~  
41 ~~agreement to be fully enforceable.~~

42           (c) Take no action or dismiss a complaint that has insufficient  
43 evidence that a violation of statute or rule GOVERNING THE PRACTICE OF  
44 PHARMACY occurred.

1 (d) Request an applicant or licensee to provide court documents and  
2 police reports if the applicant or licensee has been charged with or  
3 convicted of a criminal offense. The executive director may do either of  
4 the following if the applicant or licensee fails to provide the requested  
5 documents to the board within ~~fourteen~~ THIRTY business days after the  
6 request:

7 (i) Close the application, deem the application fee forfeited and  
8 not consider a new application complete unless the requested documents are  
9 submitted with the application.

10 ~~(ii) Suspend the licensee and open a complaint for unprofessional~~  
11 ~~conduct.~~

12 (ii) NOTIFY THE LICENSEE OF AN OPPORTUNITY FOR A HEARING IN  
13 ACCORDANCE WITH SECTION 41-1061 TO CONSIDER SUSPENSION OF THE LICENSEE.

14 (e) PURSUANT TO SECTION 36-2604, SUBSECTION B, REVIEW PRESCRIPTION  
15 INFORMATION COLLECTED PURSUANT TO TITLE 36, CHAPTER 28, ARTICLE 1.

16 C. At each regularly scheduled board meeting the executive director  
17 shall provide to the board a list of the executive director's actions  
18 taken pursuant to subsection B, paragraph 18, subdivisions (a), (c) and  
19 (d) of this section since the last board meeting.

20 D. THE BOARD SHALL DEVELOP SUBSTANTIVE POLICY STATEMENTS PURSUANT  
21 TO SECTION 41-1091 FOR EACH SPECIFIC LICENSING AND REGULATORY AUTHORITY  
22 THE BOARD DELEGATES TO THE EXECUTIVE DIRECTOR.

23 ~~D.~~ E. The executive director and other personnel or agents of the  
24 board are not subject to civil liability for any act done or proceeding  
25 undertaken or performed in good faith and in furtherance of the purposes  
26 of this chapter.

27 Sec. 20. Repeal

28 Section 32-1904, Arizona Revised Statutes, as amended by Laws 2019,  
29 chapter 320, section 1, is repealed.

30 Sec. 21. Section 32-3601, Arizona Revised Statutes, as amended by  
31 Laws 2019, chapter 22, section 1, is amended to read:

32 32-3601. Definitions

33 In this chapter, unless the context otherwise requires:

34 1. "Appraisal" or "real estate appraisal" means a statement that is  
35 independently and impartially prepared by an individual setting forth an  
36 opinion as to the market value of real property as of a specific date and  
37 supported by the presentation and analysis of relevant market information.

38 2. "Appraisal assignment" means an engagement for which a real  
39 estate appraiser is employed or retained to act, or would be perceived by  
40 third parties or the public in acting, as a disinterested third party in  
41 rendering an unbiased analysis, opinion or conclusion relating to the  
42 nature, quality, value or utility of specified interests in or aspects of  
43 identified real estate.

44 3. "Appraisal foundation" means the appraisal foundation  
45 incorporated as an Illinois nonprofit corporation on November 30, 1987.

1           4. "Appraisal report" means any communication, written or oral, of  
2 an appraisal.

3           5. "Appraisal review" means the act of reviewing or the report that  
4 follows a review of an appraisal assignment or appraisal report in which a  
5 real estate appraiser forms an opinion as to the adequacy and  
6 appropriateness of the report being reviewed.

7           6. "Appraisal standards board" means the appraisal standards board  
8 appointed by the board of trustees of the appraisal foundation to develop,  
9 interpret and amend the uniform standards of professional appraisal  
10 practice.

11           7. "Appraisal subcommittee" means the subcommittee of the federal  
12 financial institutions examination council created pursuant to 12 United  
13 States Code section 3310 and chapter 34A, as amended.

14           8. "Appraiser qualifications board" means the appraiser  
15 qualifications board that is appointed by the board of trustees of the  
16 appraisal foundation to establish the minimum education, experience and  
17 examination requirements for real estate appraisers.

18           9. "Complex one to four residential units" means property that is  
19 atypical for the marketplace. Atypical factors may include architectural  
20 style, age of improvements, size of improvements, size of lot,  
21 neighborhood land use, potential environmental hazard liability, leasehold  
22 interests, limited readily available comparable sales data or other  
23 unusual factors.

24           10. "Course approval" means the act of the superintendent reviewing  
25 course materials to form an opinion as to the adequacy and appropriateness  
26 of the course for licensing pursuant to section 32-3613, certification  
27 pursuant to section 32-3614 and continuing education as prescribed in  
28 section 32-3625 in accordance with the appraiser qualifications board and  
29 this chapter.

30           11. "Department" means the department of **INSURANCE AND** financial  
31 institutions.

32           12. "Federal financial institutions examination council" means that  
33 agency of the federal government created pursuant to 12 United States Code  
34 chapters 34 and 34A, as amended.

35           13. "Federally related transaction" means any real estate related  
36 financial transaction that a federal financial institution's regulatory  
37 agency or the resolution trust corporation engages in, contracts for or  
38 regulates and that requires an appraisal.

39           14. "Property tax agent" means an individual who is designated by a  
40 person or is an employee of an entity designated as an agent pursuant to  
41 section 42-16001, who acts on behalf of a person who owns, controls or  
42 possesses property valued by a county assessor and who receives a fee for  
43 the analysis of any matter relating to the review of the valuation of the  
44 person's property before the assessor. Property tax agent does not  
45 include a person who is admitted to practice law in this state, an

1 employee of the person owning, controlling or possessing the property or  
2 an employee of an entity designated pursuant to section 42-16001, if the  
3 employee is performing a secretarial, clerical or administrative support  
4 function.

5 15. "Real estate" means an identified parcel or tract of land,  
6 including improvements, if any.

7 16. "Real estate related financial transaction" means any  
8 transaction involving the sale of, lease of, purchase of, investment in or  
9 exchange of real property, including interests in property or the  
10 financing of property, the refinancing of real property or interests in  
11 real property and the use of real property or interests in property as  
12 security for a loan or investment, including mortgage-backed securities.

13 17. "Real property" means one or more defined interests, benefits  
14 and rights inherent in the ownership of real estate.

15 18. "Registered trainee appraiser" means a person who meets both of  
16 the following requirements:

17 (a) Is registered with the superintendent and meets the appraiser  
18 qualifications board's qualifications for trainee appraisers to perform  
19 appraisal services only under the direct supervision of a certified  
20 appraiser who has met the minimum criteria to be a supervisory appraiser.

21 (b) Accepts assignments only from the registered trainee  
22 appraiser's supervisory appraiser.

23 19. "Review appraiser" means a person who engages in the activity  
24 of reviewing and evaluating the appraisal work of others from the  
25 perspective of an appraiser, generally for compensation as a separate  
26 skill. This includes the function of reviewing an appraisal report or a  
27 file memorandum setting forth the results of the review process.

28 20. "Standards of professional appraisal practice" means the  
29 uniform standards of professional appraisal practice promulgated by the  
30 appraisal standards board of the appraisal foundation.

31 21. "State-licensed or state-certified appraiser" means a person  
32 who develops and communicates appraisals and who holds a current, valid  
33 license or certificate issued under this chapter.

34 22. "Superintendent" means the superintendent of THE financial  
35 institutions DIVISION OF THE DEPARTMENT.

36 23. "Supervisory appraiser" means a state-certified appraiser who  
37 has a supervisory appraiser designation and who:

38 (a) Has been in good standing for the last three years in the  
39 jurisdiction in which the registered trainee appraiser practices.

40 (b) Has not been disciplined in a manner that affects the  
41 supervisory appraiser's eligibility to engage in appraisal practice in any  
42 jurisdiction in the last three years.

43 (c) Directly supervises registered trainee appraisers by doing the  
44 following:



1 (i) Accepting responsibility for an appraisal by signing and  
2 certifying that the appraisal complies with the uniform standards of  
3 professional appraisal practice.

4 (ii) Reviewing and signing all registered trainee appraiser  
5 reports.

6 24. "Value" means the monetary relationship between properties and  
7 those who buy, sell or use those properties.

8 Sec. 22. Repeal

9 Section 32-3601, Arizona Revised Statutes, as amended by Laws 2019,  
10 chapter 252, section 41, is repealed.

11 Sec. 23. Section 32-3605, Arizona Revised Statutes, as amended by  
12 Laws 2019, chapter 22, section 2, is amended to read:

13 32-3605. Superintendent; duties; powers; immunity

14 A. The superintendent shall adopt rules in aid or in furtherance of  
15 this chapter.

16 B. The superintendent shall:

17 1. Adopt standards for appraisal practice that is regulated by this  
18 chapter. The standards at a minimum shall be equivalent to the standards  
19 of professional appraisal practice.

20 2. In prescribing criteria for certification, adopt criteria that  
21 at a minimum are equal to the minimum criteria for certification adopted  
22 by the appraiser qualifications board.

23 3. In prescribing criteria for licensing and registration, adopt  
24 criteria that at a minimum are equal to the minimum criteria for licensing  
25 and registration adopted by the appraiser qualifications board.

26 4. Further define by rule with respect to state-licensed or  
27 state-certified appraisers appropriate and reasonable educational  
28 experience, appraisal experience and equivalent experience that meets the  
29 statutory requirement of this chapter.

30 5. Adopt the national examination as approved by the appraiser  
31 qualifications board for state-certified appraisers.

32 6. Adopt the national examination as approved by the appraiser  
33 qualifications board for state-licensed appraisers.

34 7. Establish administrative procedures for:

35 (a) Processing applications for licenses and certificates,  
36 including registration certificates.

37 (b) Approving or disapproving applications for registration,  
38 licensure and certification.

39 (c) Issuing licenses and certificates, including registration  
40 certificates.

41 8. Define by rule, with respect to registered trainee appraisers  
42 and state-licensed and state-certified appraisers, the continuing  
43 education requirements for the renewal of licenses or certificates that  
44 satisfy the statutory requirements provided in this chapter.

1           9. Periodically review the requirements for the development and  
2 communication of appraisals provided in this chapter and adopt rules  
3 explaining and interpreting the requirements.

4           10. Define and explain by rule each stage and step associated with  
5 the administrative procedures for the disciplinary process pursuant to  
6 this chapter, including:

7           (a) Prescribing minimum criteria for accepting a complaint against  
8 a registered trainee appraiser or a licensed or certified appraiser. The  
9 superintendent may not consider a complaint for administrative action if  
10 the complaint either:

11           (i) Relates to an appraisal that was completed more than five years  
12 before the complaint was submitted to the superintendent or more than two  
13 years after final disposition of any judicial proceeding in which the  
14 appraisal was an issue, whichever period of time is greater.

15           (ii) Is filed against a person who is a staff person of the  
16 department ~~of financial institutions~~ and the person is a licensed or  
17 certified appraiser and the complaint is against the person's license or  
18 certificate and relates to the person's performance of duties. This item  
19 applies to a contract investigator who is under contract with the  
20 department for the performance of an appraisal review as defined by the  
21 uniform standards of professional appraisal practice.

22           (b) Defining the process and procedures used in investigating the  
23 allegations of the complaint. The superintendent shall consolidate  
24 complaints that are filed within a six-month period of time if the  
25 complaints are against the same appraiser, relate to the same appraisal  
26 and property and are filed by an entity that is subject to the mandatory  
27 reporting provisions of the Dodd-Frank Wall Street reform and consumer  
28 protection act (P.L. 111-203; 124 Stat. 1376). Complaints that are  
29 consolidated pursuant to this subdivision must be considered and  
30 adjudicated as one complaint.

31           (c) Defining the process and procedures used in hearings on the  
32 complaint, including a description of the rights of the superintendent and  
33 any person who is alleged to have committed the violation.

34           (d) Establishing criteria to be used in determining the appropriate  
35 actions for violations.

36           11. Communicate information that is useful to the public and  
37 appraisers relating to actions for violations.

38           12. Issue decrees of censure, fix periods and terms of probation  
39 and suspend and revoke licenses and certificates pursuant to the  
40 disciplinary proceedings provided for in section 32-3631.

41           13. At least monthly transmit to the appraisal subcommittee a  
42 listing of all appraisal management companies that have received a state  
43 certificate of registration in accordance with this chapter.

44           14. Investigate and assess potential law or order violations and  
45 discipline, suspend, terminate or deny registration renewals of appraisal

1 management companies that violate laws or orders. The superintendent  
2 shall report violations of appraisal-related laws or orders and  
3 disciplinary and enforcement actions to the appraisal subcommittee.

4 15. Transmit the national registry fee collected pursuant to  
5 section 32-3607 to the appraisal subcommittee.

6 16. Establish the fees in accordance with section 32-3607.

7 17. Receive applications for state licenses and certificates.

8 18. Maintain a registry of the names and addresses of persons who  
9 are registered, licensed or certified under this chapter.

10 19. Retain records and all application materials submitted to the  
11 superintendent.

12 20. Publish on the department's website a current list of  
13 supervisory appraisers and registered trainee appraisers.

14 21. Perform such other functions and duties as may be necessary to  
15 carry out this chapter.

16 C. The superintendent may accept and spend federal monies and  
17 grants, gifts, contributions and devises from any public or private source  
18 to assist in carrying out the purposes of this chapter. These monies do  
19 not revert to the state general fund at the end of the fiscal year.

20 D. The superintendent may impose a civil penalty pursuant to  
21 section 32-3631.

22 Sec. 24. Repeal

23 Section 32-3605, Arizona Revised Statutes, as amended by Laws 2019,  
24 chapter 252, section 42, is repealed.

25 Sec. 25. Section 35-323, Arizona Revised Statutes, as amended by  
26 Laws 2019, chapter 61, section 21, is amended to read:

27 35-323. Investment of public monies; bidding; security and  
28 other requirements

29 A. The treasurer shall invest and reinvest public monies in  
30 securities and deposits with a maximum maturity of five years. All public  
31 monies shall be invested in eligible investments. Eligible investments  
32 are:

33 1. Certificates of deposit in eligible depositories.

34 2. Deposits in one or more federally insured banks or savings and  
35 loan associations placed in accordance with the procedures prescribed in  
36 section 35-323.01.

37 3. Interest bearing savings accounts in banks and savings and loan  
38 institutions doing business in this state whose accounts are insured by  
39 federal deposit insurance for their industry, but only if deposits of more  
40 than the insured amount are secured by the eligible depository to the same  
41 extent and in the same manner as required under this article.

42 4. Repurchase agreements with a maximum maturity of one hundred  
43 eighty days.

44 5. The pooled investment funds established by the state treasurer  
45 pursuant to section 35-326.

1           6. Obligations issued or guaranteed by the United States or any of  
2 the senior debt of its agencies, sponsored agencies, corporations,  
3 sponsored corporations or instrumentalities.

4           7. Bonds, notes or other evidences of indebtedness of this state or  
5 any of its counties, incorporated cities or towns, school districts or  
6 special taxing districts, including registered warrants, substitute  
7 checks, and electronic funds transfer vouchers that bear interest pursuant  
8 to section 11-635.

9           8. Bonds, notes or evidences of indebtedness of any county,  
10 municipal district, municipal utility or special taxing district of any  
11 state that are payable from revenues, earnings or a special tax  
12 specifically pledged for the payment of the principal of and interest on  
13 the obligations, and for the payment of which a lawful sinking fund or  
14 reserve fund has been established and is being maintained, but only if a  
15 default in payment on principal or interest on the obligations to be  
16 purchased has not occurred within five years after the date of investment,  
17 or, if such obligations were issued less than five years before the date  
18 of investment, a default in payment of principal or interest has not  
19 occurred on the obligations to be purchased or any other obligations of  
20 the issuer within five years after the investment.

21           9. Bonds, notes or evidences of indebtedness issued by any county  
22 improvement district or municipal improvement district of any state to  
23 finance local improvements authorized by law, if the principal and  
24 interest of the obligations are payable from assessments on real property  
25 within the improvement district. An investment shall not be made if:

26           (a) The face value of all such obligations, and similar obligations  
27 outstanding, exceeds fifty percent of the market value of the real  
28 property, and if improvements on which the bonds or the assessments for  
29 the payment of principal and interest on the bonds are liens inferior only  
30 to the liens for general ad valorem taxes.

31           (b) A default in payment of principal or interest on the  
32 obligations to be purchased has occurred within five years after the date  
33 of investment, or, if the obligations were issued less than five years  
34 before the date of investment, a default in the payment of principal or  
35 interest has occurred on the obligations to be purchased or on any other  
36 obligation of the issuer within five years after the investment.

37           10. Commercial paper of prime quality that is rated within the top  
38 two ratings by a nationally recognized rating agency. All commercial  
39 paper must be issued by corporations organized and doing business in the  
40 United States.

41           11. Bonds, debentures, notes or other evidences of indebtedness  
42 that are denominated in United States dollars and that carry at a minimum  
43 an "A" or better rating, at the time of purchase, from at least two  
44 nationally recognized rating agencies.

1           12. Negotiable or brokered certificates of deposit issued by a  
2 nationally or state-chartered bank or savings and loan association.

3           13. Securities of or any other interests in any open-end or  
4 closed-end management type investment company or investment trust,  
5 including exchange traded funds whose underlying investments are invested  
6 in securities allowed by state law, registered under the investment  
7 company act of 1940 (54 Stat. 789; 15 United States Code sections 80a-1  
8 through 80a-64), as amended.

9           B. Certificates of deposit shall be purchased from the eligible  
10 depository bidding the highest permissible rate of interest. Monies over  
11 \$100,000 may not be awarded at any interest rate less than one hundred  
12 three percent of the equivalent bond yield of the offer side of United  
13 States treasury bills having a similar term. If the eligible depository  
14 offering to pay the highest rate of interest has bid only for a portion of  
15 the monies to be awarded, the remainder of the monies shall be awarded to  
16 eligible depositories bidding the next highest rates of interest.

17           C. An eligible depository is not eligible to receive total  
18 aggregate deposits from this state and all its subdivisions in an amount  
19 exceeding twice its capital structure as outlined in the last call of  
20 condition of the superintendent of THE financial institutions DIVISION OF  
21 THE DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS.

22           D. If two or more eligible depositories submit bids of an identical  
23 rate of interest for all or any portion of the monies to be deposited, the  
24 award of the deposit of the monies shall be made to the eligible  
25 depository among those submitting identical bids having, at the time of  
26 the bid opening, the lowest ratio of total public deposits in relation to  
27 its capital structure.

28           E. Each bid that is submitted and not withdrawn before the time  
29 specified constitutes an irrevocable offer to pay interest as specified in  
30 the bid on the deposit, or portion bid for, and the award of a deposit in  
31 accordance with this section obligates the depository to accept the  
32 deposit and pay interest as specified in the bid pursuant to which the  
33 deposit is awarded.

34           F. The treasurer shall maintain a record of all bids received and  
35 shall make available to the board of deposit at its next regularly  
36 scheduled meeting a correct list showing the bidders, the bids received  
37 and the amount awarded. These records shall be available to the public  
38 and shall be kept in the possession of the treasurer for at least two  
39 years after the date of the report.

40           G. Any eligible depository, before receiving a deposit of more than  
41 the insured amount under this article, shall deliver collateral for the  
42 purposes of this subsection equal to at least one hundred two percent of  
43 the deposit. The collateral shall be any of the following:

44           1. A bond executed by a surety company that is approved by the  
45 treasury department of the United States and authorized to do business in

1 this state. The bond shall be approved as to form by the legal advisor of  
2 the treasurer.

3 2. Securities or instruments of the following character:

4 (a) United States government or agency obligations.

5 (b) State, county, school district and other district municipal  
6 bonds.

7 3. The safekeeping receipt of a federal reserve bank or any bank  
8 located in a reserve city, or any bank authorized to do business in this  
9 state, whose combined capital, surplus and outstanding capital notes and  
10 debentures on the date of the safekeeping receipt are \$10,000,000 or more,  
11 evidencing the deposit therein of any securities or instruments described  
12 in this section. A safekeeping receipt shall not qualify as security, if  
13 issued by a bank to secure its own public deposits, unless issued directly  
14 through its trust department. The safekeeping receipt does show on its  
15 face that it is issued for the account of the treasurer and shall be  
16 delivered to the treasurer. The safekeeping receipt may provide for the  
17 substitution of securities or instruments that qualify under this section  
18 with the affirmative act of the treasurer.

19 4. Letters of credit issued by a federal home loan bank if:

20 (a) The letter of credit has been delivered pursuant to this  
21 section or chapter 10, article 1 of this title to the statewide collateral  
22 pool administrator.

23 (b) The letter of credit meets the required conditions of:

24 (i) Being irrevocable.

25 (ii) Being issued, presentable and payable at a federal home loan  
26 bank in United States dollars. Presentation may be made by the  
27 beneficiary submitting the original letter of credit, including any  
28 amendments, and the demand in writing, by overnight delivery.

29 (iii) If the letter of credit is for purposes of chapter 10,  
30 article 1 of this title, containing a statement that identifies the  
31 statewide collateral pool administrator as the beneficiary.

32 (iv) Containing an issue date and a date of expiration.

33 (c) For the purposes of chapter 10, article 1 of this title, the  
34 eligible depository, if notified by the statewide collateral pool  
35 administrator, is not allowed to use new letters of credit issued by a  
36 federal home loan bank if that federal home loan bank fails to pay a draw  
37 request as provided for in the letters of credit or fails to properly  
38 complete a confirmation of such letters of credit.

39 H. The securities, instruments or safekeeping receipt for the  
40 securities and instruments shall be accepted at market value if not above  
41 par, and, if at any time their market value becomes less than the deposit  
42 liability to that treasurer, additional securities or instruments required  
43 to guarantee deposits shall be deposited immediately with the treasurer  
44 who made the deposit and deposited by the eligible depository in which the  
45 deposit was made.

1 I. The condition of the surety bond, or the deposit of securities,  
2 instruments or a safekeeping receipt, must be such that the eligible  
3 depository will promptly pay to the parties entitled public monies in its  
4 custody, on lawful demand, and will, when required by law, pay the monies  
5 to the treasurer making the deposit.

6 J. Notwithstanding the requirements of this section, any  
7 institution qualifying as an eligible depository may accept deposits of  
8 public monies to the total then authorized insurance of accounts, insured  
9 by federal deposit insurance, without depositing a surety bond or  
10 securities in lieu of the surety bond.

11 K. An eligible depository shall report monthly to the treasurer the  
12 total deposits of that treasurer and the par value and the market value of  
13 any pledged collateral securing those deposits.

14 L. When a security or instrument pledged as collateral matures or  
15 is called for redemption, the cash received for the security or instrument  
16 shall be held in place of the security until the depository has obtained a  
17 written release or provided substitute securities or instruments.

18 M. The surety bond, securities, instruments or safekeeping receipt  
19 of an eligible depository shall be deposited with the treasurer making the  
20 deposit, and the treasurer is the custodian of the bond, securities,  
21 instruments or safekeeping receipt. The treasurer may then deposit with  
22 the depository public monies then in the treasurer's possession in  
23 accordance with this article, but not in an amount of more than the surety  
24 bond, securities, instruments or safekeeping receipt deposited, except for  
25 federal deposit insurance.

26 N. The following restrictions on investments apply:

27 1. Public operating fund monies shall not be invested for a  
28 maturity of longer than five years.

29 2. The board of deposit may order the treasurer to sell any of the  
30 securities, and any order shall specifically describe the securities and  
31 fix the date on which they are to be sold. Securities so ordered to be  
32 sold shall be sold for cash by the treasurer on the date fixed in the  
33 order, at the then-current market price. The treasurer and the members of  
34 the board are not accountable for any loss occasioned by sales of  
35 securities at prices lower than their cost. Any loss or expense shall be  
36 charged against earnings received from investment of public monies.

37 3. Investments shall not be made in companies identified pursuant  
38 to section 35-392, subsection A, paragraph 1.

39 O. If the total amount of subdivision monies available for deposit  
40 at any time is less than the maximum coverage amount of the federal  
41 deposit insurance corporation, the subdivision board of deposit shall  
42 award the deposit of the monies to an eligible depository in accordance  
43 with an ordinance or resolution of the governing body of the subdivision.  
44 Deposits of less than the maximum coverage amount of the federal deposit  
45 insurance corporation are not subject to the requirements of this chapter.

1           Sec. 26. Repeal

2           Section 35-323, Arizona Revised Statutes, as amended by Laws 2019,  
3 chapter 252, section 46, is repealed.

4           Sec. 27. Section 41-619.51, Arizona Revised Statutes, as amended by  
5 Laws 2019, chapter 135, section 2, is amended to read:

6           41-619.51. Definitions

7           In this article, unless the context otherwise requires:

8           1. "Agency" means the supreme court, the department of economic  
9 security, the department of child safety, the department of education, the  
10 department of health services, the department of juvenile corrections, the  
11 department of emergency and military affairs, the department of public  
12 safety, the department of transportation, the state real estate  
13 department, the department of INSURANCE AND financial institutions, the  
14 Arizona game and fish department, the Arizona department of agriculture,  
15 the board of examiners of nursing care institution administrators and  
16 assisted living facility managers, the state board of dental examiners,  
17 the Arizona state board of pharmacy or the board of physical therapy or  
18 the state board of technical registration.

19           2. "Board" means the board of fingerprinting.

20           3. "Central registry exception" means notification to the  
21 department of economic security, the department of child safety or the  
22 department of health services, as appropriate, pursuant to section  
23 41-619.57 that the person is not disqualified because of a central  
24 registry check conducted pursuant to section 8-804.

25           4. "Expedited review" means an examination, in accordance with  
26 board rule, of the documents an applicant submits by the board or its  
27 hearing officer without the applicant being present.

28           5. "Good cause exception" means the issuance of a fingerprint  
29 clearance card to an employee pursuant to section 41-619.55.

30           6. "Person" means a person who is required to be fingerprinted  
31 pursuant to this article or who is subject to a central registry check and  
32 any of the following:

- 33           (a) Section 3-314.
- 34           (b) Section 8-105.
- 35           (c) Section 8-322.
- 36           (d) Section 8-463.
- 37           (e) Section 8-509.
- 38           (f) Section 8-802.
- 39           (g) Section 8-804.
- 40           (h) Section 15-183.
- 41           (i) Section 15-503.
- 42           (j) Section 15-512.
- 43           (k) Section 15-534.
- 44           (l) Section 15-763.01.
- 45           (m) Section 15-782.02.



- 1 (n) Section 15-1330.
- 2 (o) Section 15-1881.
- 3 (p) Section 17-215.
- 4 (q) Section 28-3228.
- 5 (r) Section 28-3413.
- 6 (s) Section 32-122.02.
- 7 (t) Section 32-122.05.
- 8 (u) Section 32-122.06.
- 9 (v) Section 32-1232.
- 10 (w) Section 32-1276.01.
- 11 (x) Section 32-1284.
- 12 (y) Section 32-1297.01.
- 13 (z) Section 32-1904.
- 14 (aa) Section 32-1941.
- 15 (bb) Section 32-2022.
- 16 (cc) Section 32-2108.01.
- 17 (dd) Section 32-2123.
- 18 (ee) Section 32-2371.
- 19 (ff) Section 32-3620.
- 20 (gg) Section 32-3668.
- 21 (hh) Section 32-3669.
- 22 (ii) Section 36-207.
- 23 (jj) Section 36-411.
- 24 (kk) Section 36-425.03.
- 25 (ll) Section 36-446.04.
- 26 (mm) Section 36-594.01.
- 27 (nn) Section 36-594.02.
- 28 (oo) Section 36-882.
- 29 (pp) Section 36-883.02.
- 30 (qq) Section 36-897.01.
- 31 (rr) Section 36-897.03.
- 32 (ss) Section 36-3008.
- 33 (tt) Section 41-619.53.
- 34 (uu) Section 41-1964.
- 35 (vv) Section 41-1967.01.
- 36 (ww) Section 41-1968.
- 37 (xx) Section 41-1969.
- 38 (yy) Section 41-2814.
- 39 (zz) Section 46-141, subsection A or B.
- 40 (aaa) Section 46-321.
- 41 Sec. 28. [Repeal](#)
- 42 Section [41-619.51](#), Arizona Revised Statutes, as amended by Laws
- 43 2019, chapter 252, section 49, is repealed.

1           Sec. 29. Section 41-1758, Arizona Revised Statutes, as amended by  
2 Laws 2019, chapter 135, section 4, is amended to read:

3           41-1758. Definitions

4           In this article, unless the context otherwise requires:

5           1. "Agency" means the supreme court, the department of economic  
6 security, the department of child safety, the department of education, the  
7 department of health services, the department of juvenile corrections, the  
8 department of emergency and military affairs, the department of public  
9 safety, the department of transportation, the state real estate  
10 department, the department of **INSURANCE AND** financial institutions, the  
11 board of fingerprinting, the Arizona game and fish department, the Arizona  
12 department of agriculture, the board of examiners of nursing care  
13 institution administrators and assisted living facility managers, the  
14 state board of dental examiners, the Arizona state board of pharmacy or  
15 the board of physical therapy or the state board of technical  
16 registration.

17           2. "Division" means the fingerprinting division in the department  
18 of public safety.

19           3. "Electronic or internet-based fingerprinting services" means a  
20 secure system for digitizing applicant fingerprints and transmitting the  
21 applicant data and fingerprints of a person or entity submitting  
22 fingerprints to the department of public safety for any authorized purpose  
23 under this title. For the purposes of this paragraph, "secure system"  
24 means a system that complies with the information technology security  
25 policy approved by the department of public safety.

26           4. "Good cause exception" means the issuance of a fingerprint  
27 clearance card to an applicant pursuant to section 41-619.55.

28           5. "Person" means a person who is required to be fingerprinted  
29 pursuant to any of the following:

- 30           (a) Section 3-314.
- 31           (b) Section 8-105.
- 32           (c) Section 8-322.
- 33           (d) Section 8-463.
- 34           (e) Section 8-509.
- 35           (f) Section 8-802.
- 36           (g) Section 15-183.
- 37           (h) Section 15-503.
- 38           (i) Section 15-512.
- 39           (j) Section 15-534.
- 40           (k) Section 15-763.01.
- 41           (l) Section 15-782.02.
- 42           (m) Section 15-1330.
- 43           (n) Section 15-1881.
- 44           (o) Section 17-215.
- 45           (p) Section 28-3228.

- 1 (q) Section 28-3413.
- 2 (r) Section 32-122.02.
- 3 (s) Section 32-122.05.
- 4 (t) Section 32-122.06.
- 5 (u) Section 32-1232.
- 6 (v) Section 32-1276.01.
- 7 (w) Section 32-1284.
- 8 (x) Section 32-1297.01.
- 9 (y) Section 32-1904.
- 10 (z) Section 32-1941.
- 11 (aa) Section 32-2022.
- 12 (bb) Section 32-2108.01.
- 13 (cc) Section 32-2123.
- 14 (dd) Section 32-2371.
- 15 (ee) Section 32-3620.
- 16 (ff) Section 32-3668.
- 17 (gg) Section 32-3669.
- 18 (hh) Section 36-207.
- 19 (ii) Section 36-411.
- 20 (jj) Section 36-425.03.
- 21 (kk) Section 36-446.04.
- 22 (ll) Section 36-594.01.
- 23 (mm) Section 36-594.02.
- 24 (nn) Section 36-882.
- 25 (oo) Section 36-883.02.
- 26 (pp) Section 36-897.01.
- 27 (qq) Section 36-897.03.
- 28 (rr) Section 36-3008.
- 29 (ss) Section 41-619.52.
- 30 (tt) Section 41-619.53.
- 31 (uu) Section 41-1964.
- 32 (vv) Section 41-1967.01.
- 33 (ww) Section 41-1968.
- 34 (xx) Section 41-1969.
- 35 (yy) Section 41-2814.
- 36 (zz) Section 46-141, subsection A or B.
- 37 (aaa) Section 46-321.

38 6. "Vulnerable adult" has the same meaning prescribed in section  
39 13-3623.

40 Sec. 30. [Repeal](#)

41 Section [41-1758](#), Arizona Revised Statutes, as amended by Laws 2019,  
42 chapter 252, section 52, is repealed.

43 Sec. 31. [Retroactivity](#)

44 A. Sections 2, 3, 8, 9, 13, 14, 17, 18, 19 and 20 of this act apply  
45 retroactively to from and after August 26, 2019.

1           B. Sections 6 and 7 of this act apply retroactively to from and  
2 after December 31, 2019.

3           C. Sections 4, 5, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of this  
4 act apply retroactively to from and after June 30, 2020.

5           Sec. 32. Effective date

6           Sections 10, 12, 15 and 16 of this act are effective from and after  
7 August 31, 2020.

8           Sec. 33. Conditional enactment

9           Section 11 of this act becomes effective on the date prescribed by  
10 Laws 2018, chapter 298, section 12 but only on the occurrence of the  
11 condition prescribed by Laws 2018, chapter 298, section 12.