

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HOUSE BILL 2143

AN ACT

AMENDING SECTIONS 28-364, 28-365, 28-413, 28-455, 28-456 AND 28-1150, ARIZONA REVISED STATUTES; AMENDING SECTION 28-1601, ARIZONA REVISED STATUTES, AS AMENDED BY SENATE BILL 1551, SECTION 2, FIFTY-FIFTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTIONS 28-2055, 28-2058, 28-2091, 28-2095, 28-2098, 28-3225, 28-3312, 28-4805, 28-7143, 28-7314, 28-7315 AND 32-2351, ARIZONA REVISED STATUTES; RELATING TO TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 28-364. Powers of the director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 28-365. Disposition of fees

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

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

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

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

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

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

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

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

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

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

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

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

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

20 28-455. Release of personal information; fees

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

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

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

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

36 1. Motor vehicle or driver safety and theft.

37 2. Motor vehicle emissions.

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

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

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

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

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

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

9 2. For use in connection with matters of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~40 6. Subject to the requirements of subsection F of this section,
41 express consent may be conveyed as either of the following:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 28-1150. Overdimensional permit council

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

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

9 2. One member representing the department of transportation.

10 3. Four members representing motor carriers.

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

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

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

17 B. The members serve staggered three year terms.

18 C. The overdimensional permit council shall:

19 1. Meet at least annually.

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

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

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

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

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

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

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

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

1 ~~5.~~ 4. The court does not have a record of extending the time for
2 payment of the civil penalty or providing for installment payments.

3 ~~F.~~ D. If the court is prohibited from initiating collection
4 procedures on an unpaid civil penalty, ~~AND~~ from notifying the department
5 ~~to suspend or restrict a person's driver license, permit or privilege to~~
6 ~~drive a motor vehicle in this state or from notifying the department to~~
7 refuse to renew a vehicle registration, pursuant to subsection ~~G.~~ C of
8 this section, the court shall notify the department and the department
9 shall remove the violation from the person's driving record.

10 ~~F.~~ E. With the approval of the supreme court, the presiding judge
11 of any court may periodically conduct a program aimed at reducing the
12 amount of outstanding fines, penalties, assessments and surcharges.
13 Notwithstanding any other law, except a fine ordered as a result of a
14 violation of section 28-1381 or 28-1382, the program may include
15 authorizing up to a fifty percent reduction in the total amount of a court
16 ordered fine, penalty, assessment or surcharge that is due and that is
17 delinquent for at least twelve months followed by an increased enforcement
18 effort for a fine, penalty, assessment or surcharge that is not paid. The
19 supreme court shall adopt rules of procedure for the programs.

20 ~~G.~~ F. If penalties are reduced pursuant to subsection ~~F.~~ E of this
21 section, associated surcharges and assessments shall be reduced in
22 proportion to the reduction. This subsection does not apply to section
23 12-116.

24 ~~H.~~ G. If a person presents reasonable evidence to the court that a
25 civil penalty and any other fees, fines, assessments or surcharges
26 required by the court have been paid, the court shall cease its collection
27 activities for that civil penalty and order the department to immediately
28 rescind its actions related to the court's order or request to ~~suspend or~~
29 ~~restrict the person's driver license, permit or privilege to drive~~
30 ~~pursuant to subsection A of this section or~~ refuse to renew the person's
31 vehicle registration pursuant to article 5 of this chapter.

32 ~~I. If, on or before the effective date of this amendment to this~~
33 ~~section, the department suspended or restricted a driving privilege, other~~
34 ~~than a commercial driver license, pursuant to this section, the department~~
35 ~~shall rescind the suspension or restriction and reinstate the person's~~
36 ~~driving privilege if the suspension or restriction resulted from the~~
37 ~~person being found responsible for a civil traffic violation and not~~
38 ~~paying a civil penalty imposed for that civil traffic violation.~~

39 Sec. 8. Section 28-2055, Arizona Revised Statutes, is amended to
40 read:

41 28-2055. Certificate of title; content requirements; transfer
42 on death provision

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

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

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

6 B. At the request of the owner ~~and on payment of a fee prescribed~~
7 ~~by the department by rule~~, the certificate of title may contain, by
8 attachment, a transfer on death provision where the owner may designate a
9 beneficiary of the vehicle.

10 C. If a motor vehicle, trailer or semitrailer has been registered
11 in any other state or country, the department shall retain in its records
12 the name of the state or country in which the prior registration took
13 place.

14 Sec. 9. Section 28-2058, Arizona Revised Statutes, is amended to
15 read:

16 28-2058. Transfer of title; odometer mileage disclosure
17 statement

18 A. When the owner of a registered or unregistered vehicle transfers
19 or assigns the owner's title or interest to the vehicle:

20 1. If the vehicle is registered:

21 (a) The owner shall endorse on the certificate of title or title
22 transfer form an assignment with the warranty of title.

23 (b) Except as provided in section 28-2094, the owner shall deliver
24 the certificate of title or title transfer form to the purchaser or
25 transferee at the time of delivery of the vehicle to the purchaser or
26 transferee.

27 (c) The registration of the vehicle expires and the owner shall
28 transfer the license plates, surrender the license plates to the
29 department or an authorized third party or submit an affidavit of license
30 plate destruction within thirty days after the owner transfers or assigns
31 the owner's title or interest in the vehicle.

32 (d) Except as provided in section 28-2091, the acquiring owner
33 shall apply for registration or a certificate of title, or both, within
34 fifteen days after the relinquishing owner transfers or assigns the
35 relinquishing owner's CERTIFICATE OF title or interest in the
36 vehicle. The director may prorate the registration period as the director
37 deems necessary to coincide with emissions inspection requirements.

38 (e) Except if the acquiring owner is an insurer who acquires the
39 vehicle pursuant to a claim settlement, the acquiring owner shall display
40 on the vehicle a temporary registration plate, another permit or a valid
41 license plate as prescribed by the department until ownership of the
42 vehicle is transferred in the department's records.

43 2. Regardless of whether or not the vehicle is registered:

1 (a) Except as provided in subsection B of this section, the owner
2 shall deliver to the purchaser or transferee an odometer mileage
3 disclosure statement in a form prescribed by the director.

4 (b) Except as provided in sections 28-2051, 28-2060 and 28-2091,
5 the purchaser or transferee shall present the certificate of title or
6 title transfer form to the department with the required fee within fifteen
7 days after the transfer and:

8 (i) The department shall issue a new certificate of title.

9 (ii) If required, the purchaser or transferee shall apply for and
10 obtain registration, and the department shall issue new license plates to
11 the purchaser or transferee.

12 B. The odometer disclosure requirement of subsection A of this
13 section does not apply to:

14 1. A motor vehicle that is ten model years of age IF THE MODEL YEAR
15 IS 2010 or older.

16 2. A MOTOR VEHICLE THAT IS TWENTY MODEL YEARS OF AGE IF THE MODEL
17 YEAR IS 2011 OR NEWER.

18 ~~3.~~ 3. A motor vehicle that has a gross vehicle weight rating of
19 sixteen thousand pounds or more.

20 ~~4.~~ 4. A vehicle that is not self-propelled.

21 ~~5.~~ 5. A motor vehicle that is sold directly by the manufacturer to
22 an agency of the United States in conformity with contractual
23 specifications.

24 ~~6.~~ 6. A new motor vehicle that is purchased for resale and not for
25 use by the purchaser.

26 Sec. 10. Section 28-2091, Arizona Revised Statutes, is amended to
27 read:

28 ~~28-2091.~~ Salvage certificate of title; stolen vehicle
29 certificate of title; nonrepairable vehicle
30 certificate of title; recovered vehicles;
31 violation; classification; definitions

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

43 1. A properly endorsed certificate of title.

44 2. A lien satisfaction, if applicable.

45 3. The appropriate fees.

1 B. Within thirty days after oral or written acceptance by the owner
2 of an offer in settlement of total loss, if an insurance company or its
3 authorized agent is unable to obtain the documents prescribed by
4 subsection A, paragraphs 1 and 2 of this section, the insurance company or
5 its agent, on a form provided by the department, may submit an application
6 to the department for a salvage certificate of title, stolen vehicle
7 certificate of title or nonrepairable vehicle certificate of title. The
8 application shall include evidence that the insurance company or its agent
9 has made two or more written attempts to obtain the documents prescribed
10 by subsection A, paragraphs 1 and 2 of this section. The application
11 shall include the appropriate fees prescribed by subsection A, paragraph 3
12 of this section. The insurance company shall indemnify and hold harmless
13 the department for any claims resulting from the issuance of a salvage
14 certificate of title, stolen vehicle certificate of title or nonrepairable
15 vehicle certificate of title pursuant to this subsection.

16 C. Except for vehicles registered pursuant to section 28-2482,
17 28-2483 or 28-2484, if the owner retains possession of a salvage vehicle
18 or nonrepairable vehicle, the owner shall comply with this section before
19 receiving a total loss settlement from the insurance company or otherwise
20 disposing of the vehicle.

21 D. Any other owner of a vehicle that is a salvage vehicle or
22 nonrepairable vehicle shall apply for a salvage certificate of title or
23 nonrepairable vehicle certificate of title pursuant to this section.

24 E. On receipt of a proper application, the department shall issue a
25 salvage certificate of title, stolen vehicle certificate of title or
26 nonrepairable vehicle certificate of title for the vehicle.

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

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

40 H. On sale of the vehicle, an owner of a salvage vehicle for which
41 a salvage certificate of title has been obtained or an owner of a
42 nonrepairable vehicle for which a nonrepairable vehicle certificate of
43 title has been obtained shall assign and deliver the salvage certificate
44 of title or nonrepairable vehicle certificate of title or a title transfer

1 form to the purchaser and shall notify the department of the name and
2 address of the purchaser.

3 I. Except as provided in subsection L of this section, the
4 department shall issue a certificate of title to a vehicle that has been
5 issued a salvage certificate of title or stolen vehicle certificate of
6 title as a result of a total loss settlement by reason of theft if the
7 vehicle is recovered and was not wrecked or stripped of essential parts
8 and the insurance company or its authorized agent submits an affidavit to
9 the department in a form prescribed by the department stating either of
10 the following:

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

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

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

17 2. The vehicle is a recovered theft and, to the insurance company's
18 or its authorized agent's actual knowledge, an air bag or an air bag
19 module deployed in the vehicle or was removed from the vehicle. The
20 insurance company or its authorized agent shall list the location in the
21 vehicle of each deployment or removal of an air bag or an air bag module.

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

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

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

45 1. The vehicle is repairable.

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

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

4 M. Except as provided in subsection N of this section, any person
5 who sells a vehicle that is issued a certificate of title pursuant to
6 subsection I of this section and who has actual knowledge that an air bag,
7 an air bag module or components of the vehicle's air bag system
8 compromising the functional integrity of the air bag system deployed or
9 were removed from the vehicle shall not fail to disclose the deployment or
10 removal to the buyer before completion of the sale with the intention of
11 concealing the deployment or removal. A person who violates this
12 subsection is guilty of a class 1 misdemeanor.

13 N. Subsection M of this section does not apply to either of the
14 following:

15 1. An insurance company or its authorized agent who issues an
16 affidavit pursuant to subsection I of this section unless the insurance
17 company or its authorized agent intentionally fails to disclose the
18 deployment or removal of an air bag, an air bag module or components of
19 the vehicle's air bag system that compromise the functional integrity of
20 the air bag system.

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

24 O. Any person who sells a vehicle for which a salvage certificate
25 of title has been issued and who knows a salvage certificate of title has
26 been issued for the vehicle shall CLEARLY AND CONSPICUOUSLY disclose IN
27 WRITING OR BY ELECTRONIC MEANS to the buyer before completion of the sale
28 that the vehicle is a salvage vehicle AND HAS A SALVAGE CERTIFICATE OF
29 TITLE.

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

33 Q. The provisions of this chapter that refer to certificates of
34 title apply to salvage certificates of title, stolen vehicle certificates
35 of title and nonrepairable vehicle certificates of title issued pursuant
36 to this section unless they conflict with this section.

37 R. If a component part of a vehicle on which the vehicle
38 identification number is affixed is to be replaced and if the vehicle is
39 being repaired by a person other than its owner, the person shall notify
40 the owner in writing and in the manner prescribed by the department that
41 the part has been replaced, and the owner shall comply with section
42 28-2165. This subsection does not apply if the department has not issued
43 a salvage certificate of title or a nonrepairable certificate of title and
44 if the vehicle manufacturer or the manufacturer's authorized agent meets
45 all of the following conditions:

- 1 1. The frame is the component part replaced.
- 2 2. The frame replacement is performed by the vehicle manufacturer
- 3 or the manufacturer's authorized agent.
- 4 3. If the original frame contained a vehicle identification number
- 5 or serial number, the original vehicle identification number or serial
- 6 number, in a similar size and style, is restamped in the replacement frame
- 7 by the manufacturer or the manufacturer's authorized agent.
- 8 4. Any existing manufacturer warranties remaining on the vehicle
- 9 are not voided.
- 10 5. The manufacturer or the manufacturer's authorized agent
- 11 obliterates all vehicle identification numbers or serial numbers contained
- 12 on the original frame.
- 13 S. Except as otherwise provided, a person who violates this section
- 14 is guilty of a class 2 misdemeanor.
- 15 T. For the purposes of this section:
- 16 1. "Essential parts" means integral and body parts, the removal,
- 17 alteration or substitution of which will tend to conceal the identity or
- 18 substantially alter the appearance of the vehicle.
- 19 2. "Nonrepairable vehicle" means a vehicle of a type that is
- 20 otherwise subject to the issuance of a certificate of title and
- 21 registration pursuant to this chapter and that either:
- 22 (a) Has no resale value except as a source of parts or scrap metal
- 23 and the owner or insurer designates the vehicle solely as a source of
- 24 parts or scrap metal.
- 25 (b) Is a completely stripped vehicle that is recovered from theft
- 26 and that is missing the engine or motor, the transmission, all of the
- 27 bolt-on sheet metal body panels, all of the doors and hatches,
- 28 substantially all of the interior components and substantially all of the
- 29 grill and light assemblies or that the owner designates has little or no
- 30 resale value except its worth as a source of scrap metal or as a source of
- 31 a vehicle identification number that could be used illegally.
- 32 (c) Is a completely burned vehicle that has been burned to the
- 33 extent that there are no usable or repairable body or interior components,
- 34 tires and wheels, engine or motor or transmission and that the owner
- 35 irreversibly designates as having little or no resale value except as a
- 36 source of scrap metal or as a source of a vehicle identification number
- 37 that could be used illegally.
- 38 3. "Salvage vehicle" means a vehicle, other than a nonrepairable
- 39 vehicle, of a type that is subject to the issuance of a certificate of
- 40 title and registration pursuant to this chapter and that has been stolen,
- 41 wrecked, destroyed, flood or water damaged or otherwise damaged to the
- 42 extent that the owner, leasing company, financial institution or insurance
- 43 company considers it uneconomical to repair the vehicle.

1 4. "Stolen vehicle certificate of title" means a vehicle ownership
2 document issued to the owner of a vehicle that has been stolen and not
3 recovered.

4 Sec. 11. Section 28-2095, Arizona Revised Statutes, is amended to
5 read:

6 28-2095. Restored salvage certificate of title; inspections;
7 definitions

8 A. If a salvage vehicle as defined in section 28-2091 is rebuilt or
9 restored to operation, the owner of the motor vehicle shall not transfer
10 the motor vehicle until a restored salvage certificate of title has been
11 issued pursuant to this section.

12 B. On application for a restored salvage certificate of title, the
13 department shall conduct a level two or level three inspection of the
14 vehicle that is the subject of the application to determine its proper
15 identity pursuant to section 28-2011. The inspection may include a review
16 of bills of sale and invoices for component parts used in the
17 reconstruction process. If the department is unable to conduct a level
18 three inspection for a restored salvage certificate of title within twenty
19 days after a request is made, the department shall conduct an inspection
20 of the vehicle within forty-eight hours after the twenty day period.

21 C. The seller or agent of a seller of a salvage vehicle as defined
22 in section 28-2091 shall inform the purchaser of a salvage vehicle that
23 ownership documentation for certain replacement parts used in the repair
24 of the salvage vehicle is required in connection with the inspection
25 prescribed by this section.

26 D. A person who possesses a salvage vehicle as defined in section
27 28-2091 and who submits it for inspection as prescribed by this section
28 shall submit to the department paperwork that is satisfactory to the
29 director. Satisfactory paperwork may include copies of invoices, notarized
30 bills of sale or other acceptable proof of ownership for component parts.

31 E. If proper ownership documentation for a component part is not
32 submitted as required by this section, the department may seize the
33 component part.

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

37 G. The department shall deposit, pursuant to sections 35-146 and
38 35-147, any proceeds resulting from the seizure and forfeiture of a
39 component part pursuant to subsection E or F of this section in the
40 vehicle inspection and certificate of title enforcement fund established
41 by section 28-2012.

42 H. Any person who sells a vehicle for which a restored salvage
43 certificate of title has been issued and who knows a restored salvage
44 certificate of title has been issued for the vehicle shall **CLEARLY AND**
45 **CONSPICUOUSLY** disclose **IN WRITING OR BY ELECTRONIC MEANS** to the buyer

1 before completion of the sale that the vehicle is a restored salvage
2 vehicle **AND HAS A RESTORED SALVAGE CERTIFICATE OF TITLE.**

3 I. For the purposes of this section:

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

11 (a) "Front end assembly" includes the hood, fenders, bumper,
12 radiator and supporting members for these items. For vehicles with a
13 unitized body, the front end assembly also includes the frame support
14 members.

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

17 2. For trucks or truck-type or bus-type vehicles, "component parts"
18 includes the cab, the frame or any portion of the frame, and in the case
19 of a unitized body, the supporting structure that serves as a frame, the
20 cargo compartment floor panel, the passenger compartment floor pan, the
21 roof panel, transmissions or transaxles, engines or motors, each door, the
22 hood, each fender or quarter panel, each bumper, the tailgate and all
23 component parts that are included in paragraph 1 of this subsection and
24 that are not listed in this paragraph if the part is replaced.

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

28 4. "Restored salvage vehicle" means a vehicle that has been
29 restored and for which a salvage certificate of title or a dismantle
30 certificate of title has been issued.

31 Sec. 12. Section 28-2098, Arizona Revised Statutes, is amended to
32 read:

33 28-2098. Vehicle sales; no certificate of title; violation;
34 classification; penalties

35 A. Notwithstanding any other law, a registered scrap metal dealer
36 or a licensed automotive recycler may purchase a vehicle without obtaining
37 a certificate of title if the scrap metal dealer or automotive recycler
38 complies with subsection B of this section, the transactional value of the
39 vehicle does not exceed ~~twelve hundred dollars~~ \$1,200, the vehicle is at
40 least twelve model years old and the owner does not have the paper
41 certificate of title to the vehicle for any of the following reasons:

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

44 2. The owner has lost the paper certificate of title for the
45 vehicle.

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

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

6 1. Take a picture at the time of the transaction of all of the
7 following:

8 (a) The ~~setter~~ OWNER.

9 (b) The vehicle.

10 (c) The vehicle's vehicle identification number or federal
11 identification sticker.

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

13 3. Obtain a statement that contains all of the information required
14 by subsection C of this section, that is signed by the ~~setter~~ OWNER and
15 that affirms the conditions prescribed in subsection A of this section.

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

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

22 2. A description of the vehicle, including the year, make, model
23 and vehicle identification number.

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

28 4. A certification that the owner either:

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

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

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

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

34 (a) At least twelve model years old.

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

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

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

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

42 9. The national motor vehicle title information system
43 identification number.

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

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

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

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

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

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

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

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

41 H. A person who knowingly gives false, fraudulent or erroneous
42 information in connection with the signed statement prescribed in
43 subsection B of this section, who falsely certifies the truthfulness and
44 accuracy of information supplied in connection with the statement or who
45 knowingly sells a vehicle that is subject to an unsatisfied lien is guilty

1 of a class 1 misdemeanor and shall pay a fine of ~~two thousand five hundred~~
2 ~~dollars~~ \$2,500.

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

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

20 ~~J. The department shall disclose the information that the~~
21 ~~department obtains pursuant to subsection I of this section only to law~~
22 ~~enforcement agencies and for the purposes of canceling certificates of~~
23 ~~title. Otherwise this information is the confidential business~~
24 ~~information of the respective reporting entity.~~

25 ~~K.~~ J. Each reporting entity shall retain all statements and
26 records required under subsection B of this section for a period of two
27 years. A registered scrap metal dealer and a licensed automotive recycler
28 shall print a form or maintain an electronic record to show that the
29 registered scrap metal dealer or licensed automotive recycler completed a
30 search on the department's electronic system to verify that a vehicle that
31 the registered scrap metal dealer or licensed automotive recycler
32 purchases pursuant to this section is not stolen. The form must contain
33 the vehicle's vehicle identification number and the date on which the
34 search was conducted. The registered scrap metal dealer and licensed
35 automotive recycler must electronically retain the form or electronic
36 record for at least five years. The department must retain records of
37 searches on the department's electronic system pursuant to this section
38 ~~for at least ten years~~ AS SPECIFIED IN ITS RECORD RETENTION SCHEDULE.

39 ~~L.~~ K. A person who engages in the activities of a scrap metal
40 dealer or an automotive recycler, whether or not registered or licensed as
41 such, and who knowingly and wilfully fails to deliver a vehicle title
42 pursuant to section 28-2094 or the statement required under subsection B
43 of this section to the department or to report vehicle information
44 described in subsection I of this section to the national motor vehicle
45 title information system within forty-eight hours after the completion of

1 a transaction is in violation of this section and is subject to a civil
2 penalty of up to ~~one thousand dollars~~ \$1,000 per violation. A local or
3 state law enforcement agency, a county attorney or the attorney general
4 may bring an action in any court of competent jurisdiction to enforce this
5 section. Any civil penalties assessed shall be deposited as follows:

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

8 2. Fifty percent shall be deposited, pursuant to sections 35-146
9 and 35-147, in the automobile theft authority fund established by section
10 41-3451.

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

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

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

23 Sec. 13. Section 28-3225, Arizona Revised Statutes, is amended to
24 read:

25 28-3225. Commercial learner's permit

26 A. A person who is at least eighteen years of age may apply to the
27 department for ~~an instruction~~ A LEARNER'S permit for a class A, B or C
28 license. The department may issue ~~an instruction~~ A LEARNER'S permit to
29 the applicant after the applicant passes all parts of the examination and
30 meets all other requirements for a class A, B or C license other than the
31 driving test.

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

35 1. The permittee has the permit in the permittee's immediate
36 possession.

37 2. The permittee is accompanied by a person ~~with~~ WHO HAS the same
38 class or higher class of license issued by this state or any other
39 qualifying state and who occupies a seat beside the driver.

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

1 Sec. 14. Section 28-3312, Arizona Revised Statutes, is amended to
2 read:

3 28-3312. Mandatory disqualification of commercial driver
4 licenses; definition

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

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

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

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

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

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

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

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

21 (v) Driving a commercial motor vehicle while, as a result of prior
22 violations of this title committed while operating a commercial motor
23 vehicle, the person's commercial driver license is revoked, suspended or
24 canceled or the person is disqualified from operating a commercial motor
25 vehicle.

26 (vi) Causing a fatality through the negligent operation of a
27 commercial motor vehicle, including a conviction of manslaughter, homicide
28 or negligent homicide resulting from operation of a motor vehicle.

29 2. For at least three years, if the person is convicted of any of
30 the violations prescribed in paragraph 1 of this subsection and the
31 violation occurred while the person was transporting a hazardous material
32 in the quantity and under the circumstances that require placarding of the
33 transport vehicle under the department's safety rules pursuant to chapter
34 14 of this title.

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

40 4. Permanently if the person is convicted of using any motor
41 vehicle in the commission of a felony involving the manufacture,
42 distribution or dispensing of a controlled substance or possession with
43 intent to manufacture, distribute or dispense a controlled substance.

44 5. For at least sixty consecutive days, if the person is convicted
45 of two serious traffic violations committed in a motor vehicle arising

1 from separate incidents occurring within a ~~three year~~ THREE-YEAR period
2 from the date of the violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 3. For a period of one year if a person is convicted of or found
15 responsible for a third or subsequent violation during any ~~three year~~
16 THREE-YEAR period.

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

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

40 G. Disqualification for a serious traffic violation committed by a
41 commercial driver license holder while operating a noncommercial motor
42 vehicle applies only if the conviction results in the revocation,
43 cancellation or suspension of the person's commercial driver license or
44 noncommercial driver license.

1 H. The department may adopt rules establishing guidelines and
2 conditions under which the department may reduce a disqualification for
3 life pursuant to subsection A, paragraph 3 of this section to a
4 disqualification of at least ten years. If a person's disqualification is
5 reduced pursuant to rules adopted pursuant to this subsection and the
6 person is subsequently convicted of a violation described in subsection A,
7 paragraph 1 of this section, the person is permanently disqualified from
8 driving a commercial vehicle and is not eligible to apply for a reduction
9 of the disqualification pursuant to rules adopted pursuant to this
10 subsection.

11 I. Except as provided in subsection E of this section, the
12 beginning date of the disqualification shall be ten days after the date
13 the department receives the report of conviction or finding of
14 responsibility.

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

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

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

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

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

22 5. Improper or erratic traffic lane changes as provided by section
23 28-729.

24 6. Following the vehicle ahead too closely as provided by section
25 28-730.

26 7. A violation of this title that is connected with a fatal traffic
27 accident.

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

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

32 10. Driving a commercial motor vehicle without having a valid
33 endorsement for the type of commercial motor vehicle or motor vehicle
34 combination being operated.

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

37 Sec. 15. Section 28-4805, Arizona Revised Statutes, is amended to
38 read:

39 28-4805. Towing company; partial reimbursement; registration;
40 payment forfeiture

41 A. If a vehicle is abandoned pursuant to section 28-4802 and a fee
42 is collected by the department, the towing company that towed the
43 abandoned vehicle, if still in business, is entitled to receive twenty
44 percent of the fee collected as a partial reimbursement of the costs
45 incurred by the towing company.

1 B. A TOWING COMPANY THAT IS OWED PARTIAL REIMBURSEMENT UNDER
2 SUBSECTION A OF THIS SECTION IS REQUIRED TO REGISTER WITH THE STATE'S
3 PROCUREMENT OFFICE IN ORDER TO QUALIFY FOR PAYMENT. FAILURE TO REGISTER
4 WITH THE STATE'S PROCUREMENT OFFICE WILL RESULT IN DENIAL OF PAYMENT AND
5 FORFEITURE OF THE PAYMENT.

6 C. THE DEPARTMENT SHALL MAKE THREE GOOD FAITH ATTEMPTS TO CONTACT
7 THE TOWING COMPANY IDENTIFIED AS HAVING TOWED AN ABANDONED VEHICLE
8 PURSUANT TO SECTION 28-4802 IN ORDER TO FACILITATE PAYMENT OF THE PARTIAL
9 REIMBURSEMENT UNDER SUBSECTION A OF THIS SECTION. NOTWITHSTANDING ANY
10 OTHER LAW AND AFTER THE GOOD FAITH EFFORT REQUIRED BY THIS SUBSECTION, IF
11 THE DEPARTMENT DOES NOT RECEIVE A RESPONSE FROM OR IS UNABLE TO MAKE
12 CONTACT WITH THE TOWING COMPANY AFTER THIRTY DAYS, THE PAYMENT IS SUBJECT
13 TO FORFEITURE AND WILL REVERT TO THE ABANDONED VEHICLE ADMINISTRATION FUND
14 ESTABLISHED BY SECTION 28-4804.

15 Sec. 16. Section 28-7143, Arizona Revised Statutes, is amended to
16 read:

17 28-7143. Moving and related expenses; payment; substitute
18 payments

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

22 1. Actual reasonable expenses in moving the displaced person and
23 the displaced person's family, business, farm operation or other personal
24 property.

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

29 3. Actual reasonable expenses in searching for a replacement
30 business or farm.

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

35 B. A displaced person who is eligible for payments under subsection
36 A of this section, who is displaced from a dwelling and who elects to
37 accept the payments authorized by this subsection in lieu of the payments
38 authorized by subsection A of this section may receive an expense and
39 dislocation allowance determined according to a schedule established by
40 the director.

1 C. A displaced person who is eligible for payments under subsection
2 A of this section, who is displaced from the person's place of business or
3 farm operation and who is eligible under criteria established by the
4 department may elect to accept, instead of the payment authorized by
5 subsection A of this section, a fixed payment in an amount that is
6 determined according to criteria established by the department and that is
7 at least ~~one thousand dollars~~ \$1,000 but not more than ~~forty thousand~~
8 ~~dollars~~ \$40,000. A person whose sole business at the displacement
9 dwelling is the rental of the property to others does not qualify for a
10 payment under this subsection.

11 Sec. 17. Section 28-7314, Arizona Revised Statutes, is amended to
12 read:

13 28-7314. Publisher powers and duties; award of contract

14 A. The publisher may:

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

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

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

23 4. Approve claims for expenditures in connection with the
24 publication of the magazine and for expenditures in connection with the
25 publication.

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

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

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

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

1 Sec. 18. Section 28-7315, Arizona Revised Statutes, is amended to
2 read:

3 28-7315. Arizona highways magazine fund

4 A. An Arizona highways magazine fund is established.

5 B. The fund consists of monies:

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

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

10 3. Deposited pursuant to section 28-2429.

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

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

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

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

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

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

23 32-2351. Definitions

24 In this chapter, unless the context otherwise requires:

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

29 2. "Director" means the director of the department of
30 transportation.

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

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

1 Sec. 20. License reinstatement

2 If, before the effective date of this act, a person's driving
3 privilege is suspended or revoked pursuant to section 28-1601, Arizona
4 Revised Statutes, on the effective date of this act the department of
5 transportation shall automatically rescind the suspension or revocation
6 and reinstate the person's driving privilege. The department of
7 transportation shall not charge a fee for the reinstatement.

8 Sec. 21. Short title

9 In recognizing his life of service to the state of Arizona, this act
10 may be cited as the "John Carlson Memorial Act".

11 Sec. 22. Conditional enactment

12 Section 28-1601, Arizona Revised Statutes, as amended by this act,
13 does not become effective unless Senate Bill 1551, fifty-fifth
14 legislature, first regular session, relating to driving privileges,
15 becomes law.