

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

HOUSE BILL 2144

AN ACT

AMENDING SECTIONS 28-907 AND 28-955.01, ARIZONA REVISED STATUTES;
REPEALING SECTION 28-955.02, ARIZONA REVISED STATUTES; AMENDING SECTIONS
28-955.03, 28-5610, 28-7675 AND 28-8322, ARIZONA REVISED STATUTES;
AMENDING TITLE 28, CHAPTER 25, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 28-8322.01 AND 28-8322.02; AMENDING SECTIONS 28-8324,
28-8325, 28-8329, 28-8335, 28-8337, 28-8338, 28-8339, 28-8340, 28-8341 AND
28-8342, 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 28-907, Arizona Revised Statutes, is amended to
3 read:

4 28-907. Child restraint system; civil penalty; exemptions;
5 notice; child restraint fund; definitions

6 A. Except as provided in subsection H of this section, a person
7 shall not operate a motor vehicle on the highways in this state when
8 transporting a child who is under five years of age unless that child is
9 properly secured in a child restraint system.

10 B. The operator of a motor vehicle that is designed for carrying
11 ten or fewer passengers, that is manufactured for the model year 1972 and
12 thereafter and that is required to be equipped with an integrated lap and
13 shoulder belt or a lap belt pursuant to the federal motor vehicle safety
14 standards prescribed in 49 Code of Federal Regulations section 571.208
15 shall require each passenger who is at least five years of age, who is
16 under eight years of age and who is not more than four feet nine inches
17 tall to be restrained in a child restraint system.

18 C. ~~The department shall adopt standards in accordance with~~ CHILD
19 RESTRAINT SYSTEMS SHALL MEET THE REQUIREMENTS OF 49 Code of Federal
20 Regulations section 571.213 for the performance, design and installation
21 of child restraint systems for use in motor vehicles as prescribed in this
22 section.

23 D. A person who violates this section is subject to a civil penalty
24 of ~~fifty dollars~~ \$50, except that a civil penalty shall not be imposed if
25 the person makes a sufficient showing that the motor vehicle has been
26 subsequently equipped with a child restraint system that meets the
27 standards adopted pursuant to subsection C of this section. A sufficient
28 showing may include a receipt mailed to the appropriate court officer that
29 evidences purchase or acquisition of a child restraint system. The court
30 imposing and collecting the civil penalty shall deposit, pursuant to
31 sections 35-146 and 35-147, the monies, exclusive of any surcharges
32 imposed pursuant to sections 12-116.01 and 12-116.02, in the child
33 restraint fund.

34 E. If a law enforcement officer stops a vehicle for an apparent
35 violation of this section, the officer shall determine from the driver the
36 age and height of the child or children in the vehicle to assess whether
37 the child or children in the vehicle should be in child restraint systems.

38 F. If the information given to the officer indicates that a
39 violation of this section has not been committed, the officer shall not
40 detain the vehicle any further unless some additional violation is
41 involved. The stopping of a vehicle for an apparent or actual violation of
42 this section is not probable cause for the search or seizure of the
43 vehicle unless there is probable cause for another violation of law.

1 G. The requirements of this section or evidence of a violation of
2 this section are not admissible as evidence in a judicial proceeding
3 except in a judicial proceeding for a violation of this section.

4 H. This section does not apply to any of the following:

5 1. A person who operates a motor vehicle that was originally
6 manufactured without passenger restraint devices.

7 2. A person who operates a motor vehicle that is also a
8 recreational vehicle as defined in section 41-4001.

9 3. A person who operates a commercial motor vehicle and who holds a
10 current commercial driver license issued pursuant to chapter 8 of this
11 title.

12 4. A person who must transport a child in an emergency to obtain
13 necessary medical care.

14 5. A person who operates an authorized emergency vehicle that is
15 transporting a child for medical care.

16 6. A person who transports more than one child under eight years of
17 age in a motor vehicle that because of the restricted size of the
18 passenger area does not provide sufficient area for the required number of
19 child restraint systems, if both of the following conditions are met:

20 (a) At least one child is restrained or seated as required by this
21 section.

22 (b) The person has secured as many of the other children in child
23 restraint systems pursuant to this section as is reasonable given the
24 restricted size of the passenger area and the number of passengers being
25 transported in the motor vehicle.

26 I. Before the release of any newly born child from a hospital, the
27 hospital in conjunction with the attending physician shall provide the
28 parents of the child with a copy of this section and information with
29 regard to the availability of loaner or rental programs for child
30 restraint systems that may be available in the community where the child
31 is born.

32 J. ~~A~~ THE child restraint fund is established. The fund consists
33 of all civil penalties deposited pursuant to this section and any monies
34 donated by the public. The department of child safety shall administer
35 the fund.

36 K. The department of child safety shall purchase child restraint
37 systems that meet the requirements of this section from monies deposited
38 in the fund. If a responsible agency requests child restraint systems and
39 if they are available, the department of child safety shall distribute
40 child restraint systems to the requesting responsible agency.

41 L. On the application of a person to a responsible agency on a
42 finding by the responsible agency to which the application was made that
43 the applicant is unable to acquire a child restraint system because the
44 person is indigent and subject to availability, the responsible agency
45 shall lend the applicant a child restraint system at no charge for as long

1 as the applicant has a need to transport a child who is subject to this
2 section.

3 M. Monies in the child restraint fund shall not exceed ~~twenty~~
4 ~~thousand dollars~~ \$20,000. All monies collected over the ~~twenty thousand~~
5 ~~dollar~~ \$20,000 limit shall be deposited in the Arizona highway user
6 revenue fund established by section 28-6533.

7 N. For the purposes of this section:

8 1. "Child restraint system" means an add-on child restraint system,
9 a built-in child restraint system, a factory-installed built-in child
10 restraint system, a rear-facing child restraint system or a booster seat
11 as defined in 49 Code of Federal Regulations section 571.213.

12 2. "Indigent" means a person who is defined as an eligible person
13 pursuant to section 36-2901.01.

14 3. "Responsible agency" means a licensed hospital, a public or
15 private agency providing shelter services to victims of domestic violence,
16 a public or private agency providing shelter services to homeless families
17 or a health clinic.

18 Sec. 2. Section 28-955.01, Arizona Revised Statutes, is amended to
19 read:

20 28-955.01. Motorcycles; noise level equipment; unauthorized
21 equipment

22 A. A person shall not operate or as an owner ~~permit~~ ALLOW the
23 operation of a motorcycle in this state that is not equipped with the
24 manufacturer's original muffler or other original noise reduction
25 equipment or with a replacement muffler or replacement noise reduction
26 equipment capable of reducing the noise levels below the maximum operating
27 noise levels established ~~by the department~~ pursuant to ~~section 28-955.02~~
28 40 CODE OF FEDERAL REGULATIONS SECTION 205.152.

29 B. A person shall not use a muffler cutout, bypass or similar
30 device on a motorcycle operated in this state.

31 Sec. 3. Repeal

32 Section 28-955.02, Arizona Revised Statutes, is repealed.

33 Sec. 4. Section 28-955.03, Arizona Revised Statutes, is amended to
34 read:

35 28-955.03. Exemption for racing motorcycles; definition

36 A. ~~Sections~~ SECTION 28-955.01 ~~and 28-955.02 do~~ DOES not apply to a
37 racing motorcycle operated in a racing event or in a facility used for a
38 racing event.

39 B. For the purposes of this section, "racing motorcycle" means
40 either:

41 1. A motorcycle that is intended by the manufacturer to be operated
42 at a facility used for a racing event.

43 2. A motorcycle that has been modified by the owner to be operated
44 at a facility used for a racing event.

1 Sec. 5. Section 28-5610, Arizona Revised Statutes, is amended to
2 read:

3 28-5610. Exemptions

4 A. The following are exempt from motor vehicle fuel and use fuel
5 taxes imposed by section 28-5606 and aviation fuel taxes imposed by
6 section 28-8344:

7 1. Motor fuel for which proof of export is available in the form of
8 a terminal-issued destination state shipping paper or bill of lading and
9 that is either:

10 (a) Exported by a supplier who is licensed in the destination
11 state.

12 (b) Sold by a supplier to a distributor for immediate export.

13 2. Motor fuel that was acquired by a distributor, as to which the
14 tax imposed by this article or section 28-8344 has previously been paid or
15 accrued and that was subsequently exported by transport truck by or on
16 behalf of the distributor in a diversion across state boundaries properly
17 reported to the department. If diverted by a distributor, the distributor
18 shall perfect the exemption by filing a refund application with the
19 department within six months after the diversion.

20 3. Motor vehicle fuel or use fuel that is sold within an Indian
21 reservation to an enrolled member of the Indian tribe who is living on the
22 Indian reservation established for the benefit of that Indian tribe and
23 that is used by the enrolled member for the enrolled member's own
24 benefit. This exemption does not apply to sales within an Indian
25 reservation by an Indian or Indian tribe to non-Indian consumers or to
26 Indian consumers who are not members of the Indian tribe for which the
27 Indian reservation was established or to use fuel used to operate motor
28 vehicles for a commercial purpose outside of the reservation on highways
29 in this state. For the purposes of this paragraph, "Indian" means an
30 individual who is registered on the tribal rolls of the Indian tribe for
31 whose benefit the Indian reservation was created.

32 4. Motor vehicle fuel or use fuel used solely and exclusively as
33 fuel to operate a motor vehicle on highways in this state if the motor
34 vehicle is leased to or owned by and is being operated for the sole
35 benefit of an Indian tribe for governmental purposes only.

36 5. Motor fuel that is moving in interstate or foreign commerce and
37 that is not destined or diverted to a point in this state.

38 6. Motor vehicle or aviation fuel that is sold to the United States
39 or an instrumentality or agency of the United States.

40 7. Taxable use fuel that has been accidentally contaminated so as
41 to be unsalable as highway fuel as proved by proper documentation.

42 8. Dyed diesel fuel, including fuel used by either of the
43 following:

1 (a) A farm tractor or implement of husbandry designed primarily for
2 or used in agricultural operations and only incidentally operated or moved
3 on a highway.

4 (b) A road roller or vehicle that is all of the following:

5 (i) Designed and used primarily for grading, paving, earthmoving or
6 other construction work on a highway.

7 (ii) Not designed or used primarily for transportation of persons
8 or property.

9 (iii) Incidentally operated or moved over the highway.

10 B. A use class vehicle shall pay the use fuel tax for light class
11 motor vehicles prescribed by section 28-5606, subsection B, paragraph 1 if
12 the vehicle is a truck and satisfies all of the following:

13 1. Is at least twenty-five years old.

14 2. Has been issued a historic vehicle license plate pursuant to
15 section 28-2484.

16 3. Is not used as a commercial vehicle.

17 C. Notwithstanding subsection A, paragraph 8 of this section, the
18 following are not exempt from use fuel taxes imposed by section 28-5606:

19 1. A vehicle that was originally designed for the transportation of
20 persons or property and to which machinery is attached or on which
21 machinery or other property may be transported.

22 2. A dump truck.

23 3. A truck mounted transit mixer.

24 4. A truck or trailer mounted crane.

25 5. A truck or trailer mounted shovel.

26 D. Except as provided in ~~subsection~~ SUBSECTIONS E AND F of this
27 section, a person who claims an exemption pursuant to this section shall
28 perfect the exemption by claiming a refund pursuant to section 28-5612.

29 E. Subject to sections 28-5645, ~~through~~ 28-5646, 28-5647, 28-5648,
30 AND 28-5649, dyed diesel fuel is exempt from use fuel taxes at the time of
31 sale.

32 F. MOTOR FUEL THAT ORIGINATES OUTSIDE THIS STATE, IS MOVING IN
33 INTERSTATE OR FOREIGN COMMERCE AND IS NOT DESTINED OR DIVERTED TO A POINT
34 IN THIS STATE IS EXEMPT FROM MOTOR FUEL TAXES AS THE MOTOR FUEL TRAVELS
35 ACROSS THIS STATE.

36 Sec. 6. Section 28-7675, Arizona Revised Statutes, is amended to
37 read:

38 28-7675. Fund; annual financial audit and report

39 A. The transportation board shall annually cause a financial audit
40 to be made of the fund. The financial audit shall be conducted by a
41 certified public accountant within six months after the end of each fiscal
42 year. The board shall immediately file a certified copy of the audit with
43 the auditor general.

44 B. The board shall pay any fees and costs of the financial audit
45 under this section from the fund.

1 C. THE TRANSPORTATION BOARD IS EXEMPT FROM SUBSECTION A OF THIS
2 SECTION IF ALL OF THE FOLLOWING APPLY:

3 1. UNEXPENDED MONIES DO NOT REMAIN IN THE FUND EXCEPT INTEREST AND
4 INVESTMENT EARNINGS DEPOSITED PURSUANT TO SECTION 28-7674, SUBSECTION B,
5 PARAGRAPH 6.

6 2. THERE ARE NO OUTSTANDING ELIGIBLE PROJECT LOANS IN THE FUND.

7 3. ALL APPROVED OR PENDING ELIGIBLE PROJECT LOANS OR OTHER
8 FINANCIAL ASSISTANCE APPLICATIONS ARE DISBURSED, AND THE BOARD DOES NOT
9 EXPECT ADDITIONAL FINANCIAL ASSISTANCE APPLICATIONS.

10 4. THERE ARE NO OUTSTANDING BOARD FUNDING OBLIGATIONS DUE TO THE
11 STATE TREASURER.

12 Sec. 7. Section 28-8322, Arizona Revised Statutes, is amended to
13 read:

14 28-8322. Registration; exceptions; definition

15 A. Aircraft based in this state shall be registered with the
16 department.

17 B. A person or governmental entity shall register an aircraft by
18 applying to the department on a form provided by the department within
19 sixty days after the aircraft is brought into this state. A person who
20 registers an aircraft shall renew the registration annually ~~for each~~
21 ~~calendar year on or before the last day of February~~ AS REQUIRED PURSUANT
22 TO SECTION 28-8322.01.

23 C. The department shall not issue a registration certificate for an
24 aircraft to a person who is subject to the use tax paid pursuant to title
25 42, chapter 5, article 4 unless the applicable tax has been paid as shown
26 by a receipt from the collecting officer.

27 D. Subsections A and B OF THIS SECTION do not apply to aircraft
28 that is:

29 1. Operated by an airline company and regularly scheduled for the
30 primary purpose of carrying persons or property for hire in interstate,
31 intrastate or international transportation.

32 2. Owned by a nonresident who bases the aircraft in this state for
33 a period of not more than ninety consecutive days or ninety days in any
34 one calendar year, if the aircraft is not engaged in intrastate commercial
35 activity.

36 3. A BALLOON.

37 E. Aircraft, except aircraft included in subsection D, paragraph 1
38 OF THIS SECTION, entering the state to engage in intrastate commercial
39 operations shall be registered before commencing these operations.

40 F. FOR THE PURPOSES OF THIS SECTION, "BALLOON" MEANS EITHER:

41 1. AN AIRCRAFT THAT IS A FLEXIBLE, NONPOROUS BAG INFLATED WITH A
42 GAS LIGHTER THAN AIR.

43 2. A HOT AIR BALLOON.

1 Sec. 8. Title 28, chapter 25, article 4, Arizona Revised Statutes,
2 is amended by adding sections 28-8322.01 and 28-8322.02, to read:

3 28-8322.01. Staggered aircraft registration

4 A. THE DIRECTOR SHALL ESTABLISH A SYSTEM OF STAGGERED REGISTRATION
5 ON A MONTHLY BASIS TO DISTRIBUTE THE WORK OF REGISTERING AIRCRAFT AS
6 UNIFORMLY AS PRACTICABLE THROUGHOUT THE TWELVE MONTHS OF THE CALENDAR
7 YEAR.

8 B. ALL AIRCRAFT REGISTRATIONS UNDER THIS ARTICLE EXPIRE PURSUANT TO
9 SCHEDULES ESTABLISHED BY THE DIRECTOR. THE DIRECTOR MAY SET THE NUMBER OF
10 RENEWAL PERIODS WITHIN THE MONTH TO ONE EACH MONTH TO ONE EACH DAY
11 DEPENDING ON WHICH SYSTEM IS MOST ECONOMICAL AND BEST ACCOMMODATES THE
12 PUBLIC.

13 C. IF ADOPTION OF THE STAGGERED SYSTEM RESULTS IN THE EXPIRATION OF
14 ANY REGISTRATION MORE THAN ONE YEAR FROM ITS ISSUANCE, THE DEPARTMENT
15 SHALL CHARGE A PRORATED LICENSE TAX THAT IS ONE-TWELFTH FOR EACH FULL
16 MONTH OF THE REGISTRATION CYCLE AND A FULL REGISTRATION FEE.

17 D. IN ORDER TO INITIATE A SYSTEM OF REGISTERING OR REREGISTERING
18 AIRCRAFT DURING ANY MONTH OF THE CALENDAR YEAR, THE DIRECTOR MAY REGISTER
19 OR REREGISTER AN AIRCRAFT FOR MORE OR LESS THAN A TWELVE-MONTH PERIOD, BUT
20 NOT MORE THAN EIGHTEEN MONTHS, AND MAY PRORATE THE LICENSE TAX BY
21 ONE-TWELFTH FOR EACH FULL MONTH OF THE REGISTRATION CYCLE AND CHARGE A
22 FULL REGISTRATION FEE.

23 E. THE DIRECTOR OR A REGISTERING OFFICER MAY ALLOW A PERSON WHO
24 OWNS TWO OR MORE AIRCRAFT TO REGISTER OR REREGISTER THE AIRCRAFT FOR LESS
25 THAN ONE YEAR SO THAT THE AIRCRAFT'S REGISTRATIONS EXPIRE ON THE SAME
26 DATE.

27 F. THE DIRECTOR SHALL ADOPT RULES NECESSARY TO IMPLEMENT THIS
28 SECTION.

29 28-8322.02. Fleet registration; requirements

30 A. IN LIEU OF THE STAGGERED AIRCRAFT REGISTRATION REQUIREMENTS
31 UNDER SECTION 28-8322.01, A PERSON MAY REGISTER A FLEET OF TWO OR MORE
32 AIRCRAFT ON AN ANNUAL BASIS SO THAT THE REGISTRATIONS FOR ALL AIRCRAFT IN
33 THE FLEET EXPIRE IN THE SAME MONTH.

34 B. THE DIRECTOR SHALL APPROVE THE REQUEST FOR FLEET REGISTRATION IF
35 THE APPLICANT, AT LEAST THIRTY DAYS BEFORE THE REGISTRATION DATE, PROVIDES
36 BOTH OF THE FOLLOWING:

37 1. AN APPLICATION CONTAINING INFORMATION NECESSARY FOR
38 QUALIFICATION AS A FLEET REGISTRANT.

39 2. A LIST OF ALL AIRCRAFT TO BE INCLUDED IN THE FLEET.

40 C. FOR THE PURPOSES OF ESTABLISHING A NEW FLEET REGISTRANT AND IN
41 ORDER TO ESTABLISH A UNIFORM MONTH OF EXPIRATION:

42 1. THE DEPARTMENT SHALL MAINTAIN THE VALUATION FOR AIRCRAFT
43 DETERMINED PURSUANT TO SECTION 28-8335 AT THE CURRENT VALUATION IF IT IS
44 NECESSARY TO CALCULATE A PRORATED LICENSE TAX.

1 2. THE LICENSE TAX FOR THAT YEAR ON THE AIRCRAFT SHALL BE PRORATED
2 BY ONE-TWELFTH FOR EACH FULL MONTH OF THE REGISTRATION CYCLE.

3 3. THE AIRCRAFT OWNER SHALL PAY THE FULL REGISTRATION FEE. THE
4 REGISTRATION MAY NOT BE PRORATED.

5 Sec. 9. Section 28-8324, Arizona Revised Statutes, is amended to
6 read:

7 28-8324. Registration; license tax; proration; fee

8 A. Aircraft on which a license tax is due under section 28-8335
9 shall not be registered until the license tax is paid.

10 B. If an aircraft that was not previously subject to registration
11 in this state becomes subject to registration, ~~after the beginning of the~~
12 ~~calendar year:~~ THE AIRCRAFT SHALL BE REGISTERED PURSUANT TO SECTION
13 28-8322.01.

14 ~~1. The license tax for that year on the aircraft shall be reduced~~
15 ~~by one-twelfth for each full month of the calendar year that has expired.~~

16 ~~2. The aircraft owner shall pay the full registration fee. The~~
17 ~~registration fee shall not be prorated.~~

18 Sec. 10. Section 28-8325, Arizona Revised Statutes, is amended to
19 read:

20 28-8325. Registration fee; certificate

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

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

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

30 Sec. 11. Section 28-8329, Arizona Revised Statutes, is amended to
31 read:

32 28-8329. Late registration; penalty; abatement

33 A. If an aircraft required to be registered under this article is
34 not registered within sixty days after its entry into this state and
35 renewed annually ~~on or before the last day of February~~ PURSUANT TO SECTION
36 28-8322.01, a penalty of ~~twenty-five dollars~~ \$25 for the first month and
37 ~~five dollars~~ \$5 for each succeeding month of delinquency shall be added to
38 the registration fee and collected unless an exemption for the aircraft is
39 established pursuant to this article.

40 B. Registration of the aircraft for the year immediately preceding
41 the year for which the application for registration is made is prima facie
42 evidence that the aircraft has been based in this state during the year
43 for which the application for registration is made.

1 C. The director may abate all or a part of any penalty assessed for
2 failure to register an aircraft within the time periods prescribed in this
3 article if the director believes that reasonable cause exists for the
4 failure to register the aircraft as provided by this article. For the
5 purposes of this subsection, "reasonable cause" means a reasonable basis
6 for the person responsible for registration of the aircraft to believe
7 that the aircraft was exempt from registration requirements.

8 Sec. 12. Section 28-8335, Arizona Revised Statutes, is amended to
9 read:

10 28-8335. License tax; tax rate

11 A. An annual license tax is imposed on all aircraft based in this
12 state and required to be registered pursuant to this article, unless an
13 exemption for the aircraft is established pursuant to this article. The
14 license tax is payable to the department on initial registration and
15 annually ~~on or before the last day of February~~ PURSUANT TO SECTION
16 28-8322.01.

17 B. Except as provided in sections 28-8336, ~~through~~ 28-8337,
18 28-8338, 28-8339, 28-8340 AND 28-8341, the department shall determine and
19 assess the license tax prescribed by subsection A of this section on the
20 basis of one-half ~~per cent~~ PERCENT of the average fair market value of the
21 particular make, model and year of aircraft. The tax assessed under this
22 subsection shall not be less than ~~twenty dollars~~ \$20 for a full year of
23 registration.

24 Sec. 13. Section 28-8337, Arizona Revised Statutes, is amended to
25 read:

26 28-8337. Stored or repaired aircraft; license tax rate

27 A. The annual license tax for aircraft that is in storage or that
28 is being repaired is ~~twenty dollars~~ \$20 for each aircraft, except for an
29 aircraft taxed under section 28-8341.

30 B. To qualify for the tax under this section, the aircraft owner
31 shall annually file a sworn affidavit on a form provided by the department
32 with the department not later than the last day of ~~February~~ THE
33 REGISTRATION CYCLE or within sixty days after the aircraft is placed in
34 storage or under repair on entry into this state.

35 C. The owner of an aircraft that is subject to the tax under this
36 section shall notify the department within ten days of the date the
37 aircraft is returned to use and shall pay the appropriate license tax, if
38 any, prorated on the basis of one-twelfth for each month remaining in the
39 ~~calendar year~~ REGISTRATION CYCLE beginning with the first month the
40 aircraft is restored to use.

1 Sec. 14. Section 28-8338, Arizona Revised Statutes, is amended to
2 read:

3 28-8338. Salvage aircraft; license tax rate; definition

4 A. The annual license tax for a salvage aircraft that is in storage
5 or that is being restored is ~~five dollars~~ \$5 for each aircraft, and the
6 tax shall not be prorated.

7 B. To qualify for the tax under this section, the salvage aircraft
8 owner shall annually file a sworn affidavit on a form provided by the
9 department with the department not later than the last day of ~~February~~ THE
10 REGISTRATION CYCLE or within sixty days after the aircraft is placed in
11 storage or under restoration on entry into this state.

12 C. The salvage aircraft owner who is subject to the tax under this
13 section shall notify the department within ten days of the date the
14 aircraft is returned to use and shall pay the appropriate license tax, if
15 any, prorated on the basis of one-twelfth for each month remaining in the
16 ~~calendar year~~ REGISTRATION CYCLE beginning with the first month the
17 aircraft is returned to use.

18 D. For the purposes of this section, "salvage aircraft" means an
19 aircraft that is being restored and that is not meant to be flown.

20 Sec. 15. Section 28-8339, Arizona Revised Statutes, is amended to
21 read:

22 28-8339. Special aircraft; license tax rate; definitions

23 A. The annual license tax for an antique AIRCRAFT, classic
24 AIRCRAFT, warbird AIRCRAFT, glider AIRCRAFT, experimental, AIRCRAFT OR
25 homebuilt ~~or balloon~~ aircraft is ~~twenty dollars~~ \$20 for each aircraft.

26 B. To qualify for the tax under this section, the aircraft owner
27 shall annually apply on a form provided by the department to the
28 department not later than the last day of ~~February~~ THE REGISTRATION CYCLE
29 or within sixty days after entry into this state.

30 C. For the purposes of this section:

31 1. "Antique aircraft" means an aircraft that has a year of original
32 manufacture and federal certification that is fifty years old or older.

33 ~~2. "Balloon" means either:~~

34 ~~(a) An aircraft that is a flexible, nonporous bag inflated with a~~
35 ~~gas lighter than air.~~

36 ~~(b) A hot air balloon.~~

37 ~~3.~~ 2. "Classic aircraft" means an aircraft that has a year of
38 original manufacture and federal certification that is at least forty
39 years old but not more than forty-nine years old.

40 ~~4.~~ 3. "Experimental aircraft" means an aircraft that is designated
41 as experimental on its federal aviation administration airworthiness
42 certificate.

43 ~~5.~~ 4. "Glider aircraft" means a light, engineless aircraft that is
44 designed to glide after being towed aloft or launched from a catapult.

1 ~~6.~~ 5. "Homebuilt aircraft" means an aircraft that is constructed
2 primarily by an individual for the individual's personal use excluding an
3 aircraft that is constructed primarily by a for profit aircraft
4 manufacturing business.

5 ~~7.~~ 6. "Warbird aircraft" means an aircraft that is built before
6 January 1, 1948 expressly for the purpose of military service.

7 Sec. 16. Section 28-8340, Arizona Revised Statutes, is amended to
8 read:

9 28-8340. Manufacturer's aircraft; definition

10 A. The annual license tax for a manufacturer's aircraft is ~~twenty~~
11 ~~dollars~~ \$20 for each aircraft.

12 B. To qualify for the tax under this section, the manufacturer's
13 aircraft owner shall annually file a sworn affidavit on a form provided by
14 the department with the department not later than the last day of ~~February~~
15 ~~THE REGISTRATION CYCLE~~ or within sixty days after entry into this state.

16 C. For the purposes of this section, "manufacturer's aircraft"
17 means an aircraft that is both:

18 1. Manufactured under a production certificate issued by the
19 federal aviation administration under federal air regulations part 21.

20 2. Owned by the manufacturer for purposes of completing manufacture
21 or sale.

22 Sec. 17. Section 28-8341, Arizona Revised Statutes, is amended to
23 read:

24 28-8341. Maintenance aircraft; license tax rate; definition

25 A. The annual license tax for a maintenance aircraft owned by a
26 nonresident is ~~twenty dollars~~ \$20 for each aircraft, unless an exemption
27 is established pursuant to this article. The tax shall not be prorated.

28 B. To qualify for the tax under this section, the nonresident owner
29 or representative of the owner shall annually file a sworn affidavit on a
30 form provided by the department with the department not later than the
31 last day of ~~February~~ ~~THE REGISTRATION CYCLE~~ or within ninety days after
32 the maintenance aircraft enters this state.

33 C. For the purposes of this section, "maintenance aircraft" means
34 an aircraft that is not based in this state but that is present in this
35 state solely for the purpose of maintenance, repair or servicing at a
36 federal certified maintenance facility.

37 Sec. 18. Section 28-8342, Arizona Revised Statutes, is amended to
38 read:

39 28-8342. Fair market value determination

40 For the ~~calendar year~~ ~~REGISTRATION CYCLE~~, the department shall
41 annually determine the fair market value required by sections 28-8335 and
42 28-8336 as established by the dealer price guides or other recognized
43 reliable source of information.