

REFERENCE TITLE: **ADOT revisions; aircraft staggered registration**

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

# **HB 2144**

Introduced by  
Representative Pratt

## **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.