



**47th Legislature,
First Regular Session
Arizona Department of Transportation
Legislative Summaries
2005**



Arizona Department of Transportation
Communication and Community Partnerships
206 South Seventeenth Avenue Phoenix, Arizona
85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

August 16, 2005

**Shannon
Wilhelmsen**
CCPP Director

August 16, 2005

Victor Mendez, Director
Arizona Department of Transportation
206 South 17th Avenue, MD 100A
Phoenix, AZ 85007

Dear Director Mendez:

Attached is the final summary of transportation-related legislation considered during the First Regular Session of the 47th Legislature. The 2005 Legislative Session lasted 123 days during which time 1,443 bills, resolutions and memorials were introduced. There were 334 bills enacted, 58 bills were vetoed and 3 were line-item vetoed. In addition, the Legislature passed and filed 132 memorials and resolutions.

This document and *Final Summaries* from previous years can be found online by visiting our agency web site at <http://azdot.gov>. Full legislative chapter text, fact sheets and other legislative information and links can be found at www.azleg.state.az.us.

Unless otherwise specified, the general effective date for legislation enacted during the First Regular Session is August 12, 2005.

Sincerely,

YOUR 2005 ADOT LEGISLATIVE TEAM

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**Information for Legislative Summaries was gathered from Legislative Research Staff Bill Summaries which can be viewed at www.azleg.state.az.us.*

***Official copies of all 2005 Chapter Laws and complete files of action for public review (for both the Regular and Special Sessions) are available upon request by contacting the Arizona Department of Transportation Government Relations Office at (602) 712-7412, or visiting us at the ADOT Administration Building located at 206 S. 17th Avenue, Room 157, Phoenix, AZ 85007. For large quantity copy requests, we ask that you contact the Secretary of State's Office of Publications at (602) 542-4086, or visit their Customer Service Center at 14 N. 18th Ave, Phoenix, AZ 85007.*

2005 Legislative Team

GOVERNMENT RELATIONS OFFICE

Kevin Biesty
Eileen Colleran
Jennifer Hott

AERONAUTICS DIVISION

Doris Acosta

FINANCIAL MANAGEMENT SERVICES

Brad Steen

INTERMODAL TRANSPORTATION DIVISION

Bob Gustafson

MOTOR VEHICLE DIVISION

Jackie Allgood

TRANSPORTATION PLANNING DIVISION

Kathleen Sommer

AUDIT & ANALYSIS

Michael Schwartz

HUMAN RESOURCES

Rob Waddell

INFORMATION TECHNOLOGY GROUP

Karen Strickland

47th Legislature, First Regular Session Legislative Members

DISTRICT	SENATE	HOUSE
1	Ken Bennett (R)	Lucy Mason (R) Tom O'Halleran (R)
2	Albert Hale (D)	Ann Kirkpatrick (D) Albert Tom (D)
3	Ron Gould (R)	Nancy McClain (R) Trish Groe (R)
4	Jack Harper (R)	Judy Burges (R) Tom Boone (R)
5	Jake Flake (R)	Bill Konopnicki (R) Jack Brown (D)
6	Dean Martin (R)	Ted Carpenter (R) Pamela Gorman (R)
7	Jim Waring (R)	Ray Barnes (R) David Burnell Smith (R)
8	Carolyn Allen (R)	Collette Rosatti (R) Michelle Reagan (R)
9	Robert Burns (R)	Rick Murphy (R) Bob Stump (R)
10	Linda Gray (R)	Jim Weiers (R) Doug Quelland (R)
11	Barbara Leff (R)	Steve Tully (R) John Allen (R)
12	Robert Blendu (R)	John Nelson (R) Jerry Weiers (R)
13	Richard Miranda (D)	Steve Gallardo (D) Martha Garcia (D)
14	Bill Brotherton (D)	Debbie McCune Davis (D) Robert Meza (D)
15	Ken Chuevront (D)	Kyrsten Sinema (D)

		David Lujan (D)
16	Linda Aguirre (D)	Leah Landrum Taylor (D) Ben Miranda (D)
17	Harry Mitchell (D)	Meg Burton Cahill (D) Laura Knaperek (R)
18	Karen Johnson (R)	Russell Pearce (R) Mark Anderson (R)
19	Marilyn Jarrett (R)	Gary Pierce (R) Chuck Gray (R)
20	John Huppenthal (R)	Bob Robson (R) John McComish (R)
21	Jay Tibshraney (R)	Steve Yarborough (R) Warde Nichols (R)
22	Thayer Verschoor (R)	Eddie Farnsworth (R) Andy Biggs (R)
23	Rebecca Rios (D)	Pete Rios (D) Cheryl Chase (D)
24	Robert Cannell (D)	Amanda Aguirre (D) Russell Jones (R)
25	Marsha Arzberger (D)	Manuel Alvarez (D) Jennifer Burns (R)
26	Toni Hellon (R)	Steve Huffman (R) Pete Hershberger (R)
27	Jorge Garcia (D)	Olivia Cajero Bedford (D) Phil Lopes (D)
28	Gabrielle Giffords (D)	David Bradley (D) Ted Downing (D)
29	Victor Soltero (D)	Tom Prezelski (D) Linda Lopez (D)
30	Tim Bee (R)	John Paton (R) Marian McClure (R)

Transportation-Related Legislation

Sorted by Short Title

(Click on Bill or Chapter Number for bill text and summaries.)

SHORT TITLE	BILL NUMBER	CHAPTER LAW
aggravating factors; trier of fact	HB2522	Chapter 20
air quality; fuel formulations	SB1275	Chapter 104
breast cancer special plates	HB2526	Chapter 232
certificates of title; replacement parts	HB2126	Chapter 216
certified ignition interlock devices	SB1240	Chapter 312
commercial and historic vehicles	HB2207	Chapter 247
community restitution	SB1047	Chapter 187
concealed weapons certification	HB2450	Chapter 138
concealed weapons permit; lifetime issuance	HB2325	Chapter 225
election laws; secretary of state	SB1218	Chapter 98
emancipation of minors	HB2428	Chapter 137
emergency vehicles' right-of-way	HB2469	Chapter 139
emissions testing; motorcycles; collectible vehicles	HB2357	Chapter 76
excavation markings; underground facilities; procedures	HB2256	Chapter 222
federal peace officers; cross-certification	SB1039	Chapter 44
forest health	SB1283	Chapter 278
golden rule special license plates	HB2424	Chapter 242
highway expansion and extension loans	HB2123	Chapter 150
immobilization of vehicles; DUI	SB1254	Chapter 313

motor vehicles; dealers; resale	HB2125	Chapter 122
MVD continuation; five years	SB1103	Chapter 35
MVD records; peace officer photographs	HB2254	Chapter 181
MVD release of private information	HB2635	Chapter 234
outdoor advertising	HB2462	Chapter 157
overdimensional permit council; rules	SB1325	Chapter 280
parity; DPS employee compensation	SB1119	Chapter 306
procurement; professional and construction services	HB2579	Chapter 162
providing minors alcohol; license suspension	HB2115	Chapter 268
search warrants; execution	SB1113	Chapter 51
sentencing; offences; registration; stun guns	HB2713	Chapter 166
social security numbers; civil penalty	HB2470	Chapter 230
terrorism; animal; ecological	SB1166	Chapter 308
trailer license plates	HB2510	Chapter 19
transportation excise tax; bonds	HB2157	Chapter 125
uninsured drivers; penalties; notice	SB1420	Chapter 113
used motor vehicle dealers; auctions	HB2129	Chapter 123
vehicle fuel; prohibited oxygenates	SB1154	Chapter 53
vehicle sales; brokers	HB2124	Chapter 121
vehicles; special registration	HB2343	Chapter 80

Transportation-Related Legislative Summaries

Sorted by Short Title

(Click on Bill or Chapter Number for bill text and summaries.)

HB2522 aggravating factors; trier of fact

(Rep. Farnsworth) (Laws 2005, Chapter 20)

Requires aggravating circumstances alleged for sentencing purposes to be determined by the trier of fact and provides that any term of imprisonment beyond the presumptive term may be imposed only if the trier of fact finds that the alleged aggravating circumstances are true. The trier of fact would have to find at least two aggravating circumstances. The court must impose an aggravated sentence if the trier of fact finds aggravating circumstances and the court does not find any mitigating circumstances. Aggravating circumstances must be found beyond a reasonable doubt by the trier of fact. If the trier of fact finds at least one aggravating circumstance, the court may find additional aggravating circumstances by a preponderance of the evidence.

Amends an existing aggravating circumstance to require the trier of fact to determine if the victim or the victim's family (if the victim died as a result of the conduct of the defendant) has suffered physical, emotional or financial harm. Additionally, it makes "any other factor that the state alleges as relevant to the defendant's character or background or to the nature or circumstances of the crime" an aggravating circumstance and a mitigating circumstance. This replaces the current aggravating and mitigating circumstance that takes into consideration any other factor that the court deems appropriate to the ends of justice.

SB1275 air quality; fuel formulations

(Sen. Blendu) (Laws 2005, Chapter 104)

Allows for the supply or sale of a gasoline-ethanol blend containing less than 10% ethanol by volume on approval by the Department of Environmental Quality of a petition by a registered supplier or oxygenate blender that demonstrates that ethanol supply shortages are imminent. The enactment of this legislation is conditional upon the passage of enabling policies by the United States Environmental Protection Agency before November 1, 2007.

HB2526 breast cancer special plates

(Rep. Aguirre) (Laws 2005, Chapter 232)

Establishes a special license plate for breast and cervical cancer screening upon the payment of \$32,000 by any person or organization for the establishment of the special plate. Of the \$25 special plate fee, requires that \$17 be deposited into the Breast and Cervical Cancer Screening and Treatment Special Plate Fund to be administered by the Department of Health Services. The remaining \$8 shall be deposited into the State Highway Fund. Before July 1st of each year, requires the Director of the Department of Health Services to distribute monies from the Breast and Cervical Cancer Screening and Treatment Fund for breast and cervical cancer screening and outreach services in this state.

HB2126 certificates of title; replacement parts
(Rep. Biggs) (Laws 2005, Chapter 216)

Allows a manufacturer's authorized agent to replace the frame of a vehicle if a salvage certificate of title or nonrepairable certificate of title has not been issued as a condition of the owner's exemption from notifying the MVD of the replacement.

SB1240 certified ignition interlock devices
(Sen. Gray) (Laws 2005, Chapter 312)

Allows a person to apply to MVD for a special ignition interlock restricted driver license if his or her driving privileges have been suspended or revoked following the first conviction of any of the following offenses:

- Refusal to submit to a Blood Alcohol Content test***
- Aggravated DUI with a minor in the vehicle***
- Operation of a motor vehicle while under twenty-one years of age with spirituous liquor in the body.***

Specifies that the applicant must have served a minimum suspension period of ninety days before MVD may issue an ignition interlock restricted driver license. An applicant must present MVD with satisfactory evidence of having completed alcohol screening and treatment as a condition of the issuance of an ignition interlock device restricted driver license. MVD may extend the period of issuance of an ignition interlock device restricted driver license if there is reasonable grounds to believe that the device has been tampered with; if there is evidence that a person attempted to operate the vehicle with a blood alcohol content that was higher than .08 on three or more occasions within a twelve month period; or if the person fails to provide proof of compliance with ignition interlock device requirements.

Prohibits MVD from issuing a subsequent ignition interlock device restricted driver license to a person if the initial ignition interlock device is suspended, revoked, cancelled or rescinded unless the suspension or revocation was a result of a failure to provide proof of compliance with ignition interlock device installation and inspection requirements. Requires MVD to mark a special ignition interlock device driver license immediately to distinguish it from other driver licenses.

Outlines communication requirements for MVD and ignition interlock device installers and requires that all information related to an offender's utilization of an ignition interlock device be downloaded every eleven months. Requires MVD to provide driver record information at no charge to the installer for the purposes of determining applicant eligibility. The installer shall notify MVD if the ignition interlock device is removed from the vehicle prior to the end of the ordered period.

Appropriates \$442,000 from the DUI Abatement Fund in FY 2006 to MVD for three FTEs to administer the program.

HB2207 commercial and historic vehicles

(Rep. Mason) (Laws 2005, Chapter 247)

Allows a fire engine that is used for hobby or display and has been issued a historical vehicle license plate to operate a signal and red and blue lighted lamp or illuminating device that projects a beam of light of an intensity greater than 300 candlepower during a parade, for authorized assemblage of historical vehicles or testing. Specifies that the lights and siren shall not be activated while a person is transporting or driving the vehicle to or from a parade, to an authorized assemblage of historic vehicles or testing.

SB1047 community restitution

(Sen. Johnson) (Laws 2005, Chapter 187)

Redefines, in statute, "community service" as "community restitution" when the community service is ordered to be performed by the court.

HB2450 concealed weapons certification

(Rep. Murphy) (Laws 2005, Chapter 138)

Allows DPS to issue certificates of firearms proficiency according to the Arizona Peace Officer Standards and Training Board (AZPOST) firearms qualification for the purposes of implementing the Law Enforcement Officers Safety Act of 2004.

HB2325 concealed weapons permit; lifetime issuance

(Rep. Gray) (Laws 2005, Chapter 225)

Makes concealed weapons (CCW) permits valid for five years and reduces the length of the firearms safety training program that persons wishing to get a CCW permit must initially complete from sixteen hours to eight hours.

Permits held by military personnel stationed overseas are valid until 90 days after the end of the person's overseas deployment. Establishes a defense to prosecution for carrying without a valid permit if the person can show that he or she was deployed overseas at the time that the permit expired and has returned to the United States within the past 90 days.

A person renewing a CCW permit must provide fingerprints for the first renewal of the permit. Fingerprints do not have to be provided for a second or subsequent renewal. Current CCW permit holders would have to submit a set of fingerprints upon the next renewal of the CCW permit. Every renewal thereafter, they will not be required to submit fingerprints.

If a person is cited for not carrying a CCW permit but brings the permit to court (and it was valid at the time of the citation), the person shall not be convicted of the Class 2 misdemeanor.

SB1218 election laws; secretary of state

(Sen. Jarrett) (Laws 2005, Chapter 98)

Modifies requirements and filing procedures for voter registration, nomination petitions and political committees. Clarifies the minimum information required on a voter registration form that is submitted by the Department of Transportation to

the Secretary of State and removes requirements that a license must be current and valid in order to be a form of identification for voting purposes.

Excludes a general election candidate as a write-in if the candidate filed a nomination petition for nomination other than by primary for the office sought and failed to provide a sufficient number of valid petition signatures. A voter who signs a nomination petition must be a registered voter in the same electoral district as the office the candidate is seeking. Any person who is registered to vote in the state, county, subdivision or district is eligible to sign the nomination petition without regard to the signer's party affiliation, for a nomination other than by primary.

When a political committee makes expenditures in an attempt to influence the results of a ballot proposition election, the statement of organization shall be amended to include the official serial number of the petition within five days after receipt of the number. Allows the Secretary of State to use alternative methods when providing public access to campaign finance reports. The Secretary of State shall no longer receive printed copies of electronic filings of reports, statements and designations.

HB2428 emancipation of minors

(Rep. Anderson) (Laws 2005, Chapter 137)

Establishes conditions under which a minor who is at least sixteen years of age may petition the court for emancipation. Sets forth court proceedings to allow a minor who is at least sixteen years of age to emancipate.

Specifies which rights are granted to an emancipated minor including the following:

- *The right to enter into a binding contract.*
- *The ability to sue and be sued.*
- *The right to buy and sell real property.*
- *The right to establish a legal residence.*
- *The obligation to pay child support.*
- *The right to incur debts.*
- *The right to access medical treatment and records.*
- *The right to consent to medical, dental and psychiatric care without parental consent, knowledge or liability.*
- *The right to consent to medical, dental and psychiatric care for the emancipated minor's child.*
- *Eligibility for social services.*
- *The right to obtain a license to operate equipment or perform a service.*
- *The right to apply for enrollment in any school or college.*
- *The ability to apply for loans.*

Requires the Department of Transportation to issue either a non-operating identification or driver license to an emancipated minor that contains the words, "emancipated minor."

HB2469 emergency vehicles; right-of-way

(Rep. Konopnicki) (Laws 2005, Chapter 139)

Prohibits drivers from approaching or driving immediately parallel to a police vehicle that has activated its flashing lights and siren. During an emergency, drivers must maintain a distance of at least 300 feet when behind the police vehicle until the police officer has pulled over to the far right lane next to the curb or edge of the roadway. Drivers that are approaching an emergency vehicle that has already pulled over to the far right edge of the roadway must reduce their speed and yield the right-of-way to the emergency vehicle by, when possible, moving to a lane that is not adjacent to that which is being utilized by the emergency vehicle.

HB2357 emissions testing; motorcycles; collectible vehicles

(Rep. Barnes) (Laws 2005, Chapter 76)

Exempts "collectible vehicles", defined as those that are at least fifteen years old and that are of a rare or unique design, and those that are used in car clubs, parades, public functions and included as part of private collections from the emissions testing requirements in Maricopa County and parts of Yavapai and Pinal County. Exempts both motorcycles and collectible vehicles from emissions testing requirements in Pima County. The United States Environmental Protection Agency must issue an exemption for motorcycles and historic vehicles from federal emissions testing requirements before this bill may be enacted.

HB2256 excavation markings; underground facilities; procedures

(Rep. Gray) (Laws 2005, Chapter 222)

Requires building officials to ensure that all new and active underground facilities installed in any real property after December 21, 2005 be installed with a detectible underground location device unless the facility is detectable by an above ground locating device. Public utilities and municipal corporations are exempted from these requirements. Failure to include a detectible underground location device is punishable by a maximum \$5,000 civil penalty. Penalties received shall be deposited into the municipality's or political subdivision's General Fund.

Requires an underground facilities operator of a sewer system to locate and mark the underground sewer facilities owned by another person if the underground facilities are installed after December 31, 2005, and they are in the public, street, alley, right-of-way dedicated to the public use or utility easement. This requirement shall be waived if the customer refuses to grant permission to the underground facilities operator to access the property to ascertain the location of the sewer facilities. Location and marking requirements do not obligate the operator to maintain, clean or unstop underground sewer facilities owned by another person. A person is not obligated to represent that an underground sewer facility is abandoned if it was installed on or before December 31, 2005, and it is not owned by an underground facilities operator of a sewer system.

Allows underground facilities operators to delegate marking or notification obligations to an agent or servant of the operator and to notify the excavator and the outlined one-call notification center that marking is unnecessary pursuant to an any mutually agreeable method. All requests for markings shall extend the validity period of the markings to be for the purpose of excavating within the

validity period of the markings. Requests shall be limited to an area that can be reasonably excavated within the validity period. Violators of these provisions are liable to the one-call notification center and to all operators for any resulting damages, costs and expenses.

Requires an underground facilities operator to notify the excavator if a facility is active or abandoned. Inactive facilities shall be considered for purposes of notification. An excavator is prohibited from treating a facility as abandoned unless he or she has received verification from the operator of the abandonment.

Requires a person who is responsible for the excavation to notify the operator of any damage, dislocation or detectable underground devices and prohibits that person from attempting any repairs except temporary emergency repairs as authorized by the operator. Homeowners excavating in an implied private property utility easement owned by the homeowner are not liable to the owner or operator under specified circumstances.

SB1039 federal peace officers; cross-certification

(Sen. Huppenthal) (Laws 2005, Chapter 44)

Authorizes a federal peace officer employed by any agency of the United States to possess and exercise all law enforcement powers of peace officers in the state. To qualify, the officer must engage in or supervise the prevention, detection, investigation or prosecution of a violation of federal law and make arrests, serve warrants and carry firearms.

SB1283 forest health

(Sen. Bee) (Laws 2005, Chapter 278)

Modifies provisions related to the Healthy Forests Initiative by changing applicable definitions and providing additional economic incentives. Sets forth qualifications and reporting requirements for businesses to meet to qualify for state tax incentives related to the Healthy Forests Initiative. Requires the Department of Commerce to implement a program that encourages local governments to provide incentives for businesses to promote forest health in Arizona.

Discounts the use fuel tax for vehicles transporting forest products on highways in Arizona from 26 cents to 14 cents per gallon, applicable August 31, 2005, through December 31, 2010. The description of equipment that qualifies for a TPT deduction under the retail classification and general tax exemptions is narrowed to specify which construction shall qualify for the TPT deduction under the prime contracting classification. Creates a temporary class six classification with a rate of 5% of the full cash value or limited valuation property, from December 31, 2005 through December 31, 2010 for limited real and personal property and improvements owned by a qualified business and used for a qualifying project.

HB2424 golden rule special license plates

(Rep. Anderson) (Laws 2005, Chapter 242)

Requires MVD to issue a Golden Rule special plate if an incorporated nonprofit corporation with a history of promoting the golden rule pays \$32,000 by December 31, 2005 to MVD for implementation costs. Allows for the Golden Rule special plate to be combined with a personalized special plate. The combination, if allowed by MVD, is subject to the fees for the personalized special plate in addition to the fees required for the Golden Rule special plate. Requires \$17 of the \$25 special plate and renewal fee to be deposited in the Golden Rule Special Plate Fund to be allocated by the Department of Education to a private nonprofit Golden Rule foundation that provides Golden Rule programs that demonstrate the promotion of the Golden Rule in schools. The remaining \$8 shall be deposited into the State Highway Fund.

HB2123 Highway Extension and Expansion Loans

(Rep. Biggs) (Laws 2005, Chapter 150)

Extends the HELP program and the authority of the State Board of Transportation to issue Board Fund Obligations until fiscal year 2019.

SB1254 immobilization of vehicles; DUI

(Sen. Gray)

Effective October 31, 2005, requires a peace officer to either immobilize or order the impoundment of a vehicle for thirty days if he or she determines that the person driving the vehicle is guilty of any of the following offenses:

- ***Driving on a revoked or suspended license***
- ***Driving on a license that has been suspended following a DUI conviction.***
- ***Driving a motor vehicle, if the person is under twenty-one years of age and has spirituous liquor in his or her body.***
- ***Aggravated DUI***
- ***Extreme DUI***

Stipulates that a peace officer shall not immobilize or impound a vehicle if he or she determines that the vehicle is in proper compliance with mandatory insurance requirements, the operator's spouse is present at the time of the arrest, has a valid driver license and is not impaired by an intoxicating liquor drug or vapor releasing substance and the spouse notifies the officer that he or she will drive the vehicle from the place of arrest to the driver's home or another place of safety. A peace officer is also prohibited from immobilizing or impounding a vehicle if the vehicle is owned by the driver's parent or guardian and the peace officer has probable cause to arrest the driver of the vehicle for driving with spirituous liquor in his or her body while under twenty-one years of age.

Requires an immobilizing or impounding agency to release a vehicle to the owner before the expiration of the thirty day immobilization or impoundment period if the owner was not the person driving the vehicle at the time of the arrest or if the owner is in the business of renting vehicles without drivers. The owner is responsible for the payment of all immobilization, towing and storage costs incurred in relation to the impoundment or immobilization of the vehicle unless the vehicle has been reported stolen to the appropriate law enforcement agency.

Appropriates \$250K from the Highway User Revenue Fund and 5 FTE positions to the Department of Transportation for the administration of commercial driver schools and motorcycle license examinations and endorsements.

HB2125 motor vehicle dealers; auctions

(Rep. Biggs) (Laws 2005, Chapter 122)

Allows a motor vehicle dealer to sell a motor vehicle that was previously sold to another person as a new motor vehicle under the following conditions:

- a certificate of title is not transferred from the person who first acquired the new motor vehicle from the manufacturer or importer or agent of the manufacturer or importer.**
- the new motor vehicle is returned to the selling motor vehicle dealer.**
- the motor vehicle dealer gives written notice to the retail consumer that the vehicle was delivered to a previous purchaser.**
- the retail consumer signs an acknowledgement of receipt of the written notice and the motor vehicle dealer maintains a copy of the acknowledgement in the dealer's records.**

SB1103 MVD continuation; five years

(Sen. Allen) (Laws 2005, Chapter 35)

Continues MVD until July 1, 2010.

HB2254 MVD records; peace officer photographs

(Rep. Gray) (Laws 2005, Chapter 181)

Prohibits the MVD from releasing a photograph of a peace officer if the peace officer has requested that persons be prohibited from accessing his or her residential address and telephone number in any record maintained by the department.

HB2635 MVD release of private information

(Rep. Quelland) (Laws 2005, Chapter 234)

Effective December 31, 2005, stipulates that if a citizen has authorized the release of information relating to their driver's record for purposes of registering as an organ donor, ADOPT must release the information to the Organ Procurement Organization (OPO). Only the name and address may be released from the driving record to the OPO. Requires ADOT to provide a mechanism for individuals to indicate their wishes to be an organ donor when applying for a license, permit, or identification card and release the required information to the OPO. ADOT shall implement these provisions if the OPO has provided adequate funding for them to do so.

HB2462 outdoor advertising

(Rep. Gorman) (Laws 2005, Chapter 157)

Allows for the placement of outdoor advertising signs within 660 feet of a highway provided those signs are located on the premises of a "comprehensive development" that the sign advertises and that the placement of the signs do not cause a reduction in federal aid highway funding. "Comprehensive development"

includes individual commercial and industrial enterprises that are located only on one side of a highway where the lots and parcels are contiguous and there exists common ownership and space for parking and amenities.

**SB1325 overdimensional permit council; rules
(Sen. Verschoor) (Laws 2005, Chapter 280)**

Requires the Director of ADOT, Director of the Department of Public Safety and Chairman of the Council to report on issues regarding overdimensional and overweight permit rulemaking and issuance. The Council must submit the report to the Governor, President of the State, Speaker of the House of Representatives on or before November 30, 2005, and provide copies to the Secretary of State and the Director of the Arizona State Library, Archives and Public Records.

Stipulates that the report shall include the following:

- *Current status of an automated database and automated issuance of overdimensional and overweight permits.*
- *Issues related to intrastate travel of overdimensional and overweight vehicles and uniformity of permit requirements across jurisdictional lines and engineering established by ADOT.*
- *Recommendations to improve public safety by changing policies, rulemaking practices and procedures and the criteria for issuing permits.*
- *States' best practices relating to issuance of permits.*
- *Proposed statutory changes related to the oversight and issuance of permits.*

Increases, from 92 feet to 95 feet, the maximum length of the portion of a commercial motor vehicle that is used for carrying cargo, rather than the entire length of the commercial motor vehicle.

**SB1119 parity; DPS employee compensation
(Sen. Huppenthal) (Laws 2005, Chapter 306)**

Establishes the Parity Compensation Fund to be administered by the Department of Public Safety for the purpose of funding salary adjustments and benefits to Department of Public Safety law enforcement personnel. Redirects 1.51% of the vehicle license tax revenues collected for the State Highway Fund during the second half of each calendar month to the Parity Compensation Fund. This allocation shall not impact the distribution of vehicle license tax revenues to Arizona cities, towns and counties.

**HB2579 procurement; professional and construction services
(Rep. Nelson) (Laws 2005, Chapter 162)**

Allows ADOT to utilize job-order contracting and construction-manager-at-risk contracting methods for the procurement of construction services. Sets forth requirements that the Department must follow when contracting for services under construction-manager-at-risk and job-order contracting procurement methods. The term for job-order contracting is increased from three years to five years. Increases the limitation on individual job-order contracting projects from \$750,000 to \$1,000,000.

Removes the requirement that the Director of the Department of Transportation utilize competitive bidding processes when procuring construction services for the emergency reconstruction of transportation facilities. Allows ADOT to enter into more than two design-build contracts per year and extends the ability for the Department to utilize design-build contracting methods until December 31, 2025. Solicitations for design-build contracts shall be limited to a single project.

Limits the term of multiple contracts for professional services to five years. Allows the contracts to continue after the five-year term on projects commenced within the initial five-year term.

Allows an agent to procure and award multiple contracts using a single RFQ or request for solicitation for construction services. Outlines the procedures for solicitation for multiple contracts for professional services by technical registrants. Prohibits the agent or selection committee from requesting or considering price at any point in the selection process, including the selection of the person or firm to be interviewed and the selection of those on the final list in determining the order of preference.

HB2115 providing minors alcohol; license suspension

(Rep. Reagan) (Laws 2005, Chapter 268)

Requires ADOT, upon the order of a judge, to suspend the license of a person who has been convicted of knowingly purchasing or providing spirituous liquor to a minor.

Exempts the following from the prohibition from knowingly purchasing or providing spirituous liquor to a minor:

- ***Liquor licensees or employees who are working within the scope of their license.***
- ***Parents/guardians who give liquor to their own children while in a private home.***
- ***Persons providing liquor in conjunction with a religious ceremony.***

SB1113 search warrants; execution

(Sen. Huppenthal) (Laws 2005, Chapter 51)

Requires that a search warrant to be executed within five calendar days of being issued and returned to the magistrate within three court business days of being executed or that warrant becomes void. The time to execute the warrant may be extended for no longer than five calendar days. Stipulates that documents and records relating to the warrant shall not be open to the public until the warrant is returned to the magistrate or the warrant is deemed void.

HB2713 sentencing; offenses; registration; stun guns

(Rep. J. Weiers) (Laws 2005, Chapter 166)

Adds the use of a remote stun gun or authorized remote stun gun during the commission of an offense to the list of aggravating factors for sentencing purposes in felony and capital cases.

Stipulates that it is unlawful to knowingly use or threaten to use a stun gun against a law enforcement officer engaged in official duty. Expands the definition

of “aggravated assault” to include “knowingly taking or attempting to exercise control” over a peace officer’s firearm or weapon if the officer is engaged in the execution of official duties.

Stipulates that it is unlawful for a person to sell an authorized remote stun gun without keeping an accurate sales record as to the identity of the purchaser. Requires the identification to be verified with a government-issued identification. Secondary sales are exempt from this requirement.

HB2470 social security numbers; civil penalty
(Rep. McClure) (Laws 2005, Chapter 230)

Imposes a \$100 civil penalty on a person or entity that knowingly or intentionally violates the social security number confidentiality restrictions. The penalty applies to the restriction of putting a social security number on any card required for the individual to receive products or services provided by the person/entity.

SB1166 terrorism; animal; ecological
(Sen. Verschoor) (Laws 2005, Chapter 308)

Expands the definition of “racketeering” to include “animal terrorism” or “ecological terrorism” that results in or is intended to result in serious physical injury or death, “animal” and “ecological terrorism” if committed for financial gain and smuggling if committed for financial gain. “Animal terrorism” and “ecological terrorism” are defined as any felony that violates the racketeering statutes, involving at least three persons acting in concert that intentionally or knowingly inflict property damage in an amount of more than \$10K to property that is used by a person for the lawful operation of an animal facility or to a commercial enterprise that is lawfully engaged in operating an animal or research facility.

HB2510 trailer license plates
(Rep. Burges) (Laws 2005, Chapter 19)

Requires ADOT to issue a license plate for a trailer that has a similar design as the standard size license plate for trailers, but has the same dimensions as a motorcycle license plate, in addition to the standard sized license plates for trailers. The trailer owner must notify ADOT which size license plate the owner wants for the trailer.

HB2157 transportation excise tax; bonds
(Rep. Huffman) (Laws 2005, Chapter 125)

Allows the board of directors of a regional transportation authority to issue negotiable bonds in any principal amount.

SB1420 uninsured drivers; penalties; vehicle impoundment
(Sen. Waring) (Laws 2005, Chapter 113)

Requires a peace officer to remove and impound a vehicle for 30 days under the following conditions:

- *The driver of the vehicle does not have a valid driving privilege;*

- *The driver of the vehicle is not in compliance with the liability insurance requirements.*
- *The vehicle is involved in an accident that results in either property damage or injury to or death of another person.*
- *The driver of the vehicle does not have a valid driver license or permit and cannot present proof that he or she was issued a valid driver license in another jurisdiction.*

Requires the release of the vehicle before the end of the 30-day period under any of the following conditions:

- *The vehicle is stolen.*
- *The vehicle is a business vehicle only driven by an employee in the capacity of that business.*
- *The owner has proof of driving privilege reinstatement.*
- *The spouse of the driver enters into an agreement with the impounding agency that the spouse will not allow the unlicensed driver to drive the vehicle for one year.*
- *The vehicle's release is ordered by a justice court pursuant to a poststorage hearing.*

Requires the court to impose a civil penalty and direct MVD to suspend the driver license and registration for three months for the first and for six months for the second violation within a 36-month period of the liability insurance requirements.

Increases the minimum civil penalty for failure to produce evidence of liability insurance as follows:

- *to \$500 for the first violation.*
- *to \$750 for the second violation within a 36-month period.*
- *to \$1000 for three or more violations within a 36-month period.*

HB2129 used motor vehicle dealers; auctions

(Rep. Biggs) (Laws 2005, Chapter 123)

Changes the definition of "used motor vehicle dealer" to clarify the definition includes a person who auctions four or more used motor vehicles in a continuous twelve month period. Removes the classic car and historic vehicle exemption from the definition of "used motor vehicle dealer".

SB1154 vehicle fuel; prohibited oxygenates

(Sen. Allen) (Laws 2005, Chapter 53)

Limits, beginning January 1, 2006, the sale or supply of gasoline for use in a motor vehicle in the state that contains a total of more than 0.10% oxygen by weight collectively from all of the following oxygenates:

- *diisopropylether;*
- *ethyl tert-butylether;*
- *iso-butanol;*
- *isopropanol;*
- *methanol;*
- *n-butanol;*
- *n-propanol;*
- *sec-butanol;*

- *tert-amylmethylether;*
- *tert-butanol; and*
- *tert-pentanol*

HB2124 vehicle sales tax: brokers

(Rep. Biggs) (Laws 2005, Chapter 121)

Establishes regulations for motor vehicle brokers when effecting the purchase of a motor vehicle by a customer. If arranging or assisting in effecting the purchase of a motor vehicle by a retail consumer, a broker or dealer is prohibited from accepting a purchase deposit from any consumer that exceeds two and one-half percent of the selling price of the vehicle described in the agreement or receiving a fee from more than one source if providing services to a consumer as a broker or dealer in the same transaction. Also prohibits the broker from accepting a deposit for the purchase of a vehicle unless the vehicle is available for purchase at the broker's place of business.

Allows brokers and dealers to advertise their service of arranging or assisting in effecting the purchase of a new motor vehicle from a new motor vehicle dealer. A broker or dealer shall not advertise or offer for sale or exchange any specific vehicle except under the following conditions:

- ***the vehicle is for sale and located at the dealership***
- ***the dealer discloses the specific address and business hours where the vehicle may be inspected by the consumer or the vehicle is available to the dealer directly from the manufacturer or distributor at the time of advertisement or offer.***

HB2343 vehicles; special registration

(Rep. McClure) (Laws 2005, Chapter 80)

Increases the length of time that a person who is not a resident of Arizona may hold a nonresident vehicle registration permit from thirty days to ninety days.

Transportation-Related Budget Legislation

Sorted by Short Title

(Click on Bill or Chapter Number for bill text and summaries.)

SHORT TITLE	BILL NUMBER	CHAPTER LAW
capital outlay; budget	HB2765	Chapter 298
fees for services; budget	HB2771	Chapter 299
state automation;	HB2777	Chapter 301
telecommunications; budget		
state budget procedures;	SB1521	Chapter 331
budget		

Transportation-Related Budget Legislative Summaries

Sorted by Short Title

(Click on Bill or Chapter Number for bill text and summaries.)

[HB2765 capital outlay; budget](#)

(Rep. Boone) (Laws 2005, Chapter 298)

Makes various appropriations to state departments and agencies for capital projects scheduled for FY 2005-2006. Appropriates the following to ADOT:

- *\$3,627,100 from the State Highway Fund for the ADOT Building System*
- *\$75,800 from the State Aviation Fund for the Grand Canyon Airport.*

[HB2771 fees for services; budget](#)

(Rep. Pearce) (Laws 2005, Chapter 299)

Requires state agencies to report the number of electronic transactions, the total dollar amount of those transactions, the total dollar amount of any discount fees, and the total dollar amount of the all processing fees, in addition to the total dollar amount of any convenience fees charged, deducted or paid by October 1st of each year to the Government Information Technology Agency and the Joint Legislative Budget Committee.

[HB2777 state automation; telecommunications; budget](#)

(Rep. Boone) (Laws 2005, Chapter 301)

Establishes the Automation Operations Fund to be administered by the Department of Administration to pay the costs of any automation operations applications implemented by the Department of Administration and establishes the Telecommunications Program Office to oversee automation and telecommunications functions throughout the state. The bill requires each state

office, department and agency to contract with the primary contractor identified through the Telecommunications Program Office and make payments to the primary contractor for its telecommunications needs, including the installation and maintenance of telecommunications systems. The primary contractor shall also act as the state's agent for telecommunications carrier services to the offices, departments and agencies of this state.

SB1521 state budget procedures; budget
(Sen. Burns)

Allows ADOT to utilize Safety Enforcement and Transportation Infrastructure Fund (SETIF) monies to enter into an agreement with the Arizona-Mexico commission for the collection of transportation and trade data in the United States and Mexico for the purposes of constructing transportation facilities, improving public safety, improving truck processing time and relieving congestion at the ports of entry along the Arizona-Mexico border.

Allows ADOT to utilize SETIF funds to enter into an agreement with the Department of Homeland Security to improve traffic safety in the state of Arizona.

Subject to legislative appropriations, allows ADOT to utilize SETIF monies to enter into a contract with the Arizona International Development Authority for the planning, development and construction of transportation facilities on the Arizona-Mexico border in order to improve traffic safety in the state of Arizona.

Requires the Arizona State Retirement System to apply the FY 2005-2006 employer contribution rate as determined on March 15, 2005 on an annual basis. The ASRS contribution rate shall be adjusted on an annual (previously biennial) basis.

Adds a representative from the Office of Homeland Security to the Joint Legislative Review Committee on Transportation between Sonora, Mexico and Arizona.

Requires budget units to annually submit estimates of all financial requirements and anticipated receipts for all appropriated and non-appropriated funds in the next budget cycle to the Governor. The Governor's Office of Strategic Planning and Budgeting is required to prepare and distribute an annual report of all nonappropriated funds reported by the budget units by February 1st of each year.

Transportation-Related Agency/Personnel Legislation

Sorted by Short Title

(Click on Bill or Chapter Number for bill text and summaries.)

SHORT TITLE	BILL NUMBER	CHAPTER LAW
ASRS investment disclosure; limitations	HB2562	Chapter 161
payroll deduction agreements; group benefits	SB1017	Chapter 82
property tax exemptions; continuing eligibility	SB1041	Chapter 186
property tax exemption; widows	SB1178	Chapter 309
rural health insurance; rural subsidy	HB2621	Chapter 297
state employees; military differential pay	SB1356	Chapter 267

Transportation-Related Agency/Personnel Legislative Summaries

Sorted by Short Title

(Click on Bill or Chapter Number for bill text and summaries.)

[HB2562 ASRS investment disclosure; limitations](#)

(Rep. Gray) (Laws 2005, Chapter 161)

Requires the Arizona State Retirement System (ASRS) to include, upon request, a list of investments in the annual financial report and requires ASRS to report to the Legislature companies held in the Fund that are known to support international terrorism.

[SB1017 payroll deduction agreements; group benefits](#)

(Sen. Waring) (Laws 2005, Chapter 82)

Authorizes premiums for the following state sponsored group benefits as allowable payroll deductions for state officers and employees and their families:

- *Long-term care insurance*
- *Critical care insurance*
- *Prepaid legal services*
- *Identity theft protection services*
- *Personal computer systems*

Clarifies that the Department of Administration may establish and maintain union dues without additional appropriation or technological improvements.

SB1041 property tax exemptions; continuing eligibility

(Sen. Blendu) (Laws 2005, Chapter 186)

Makes changes to the process by which a widow, widower or disabled person may obtain a property tax exemption. Requires a widow, widower or disabled person to initially establish eligibility for a property tax exemption by filing an affidavit with the county assessor and eliminates the requirement that an applicant resubmit an annual affidavit for continued eligibility for the tax exemption. The applicant must notify the county assessor in writing of any disqualifying event, which includes the person's death or remarriage, increase in income greater than statutory prescribed amounts or conveyance of the property to another person. The applicant must also annually calculate his or her previous year's income to ensure continued eligibility for the tax exemption. The applicant's property is subject to tax, interest and penalties from the date of disqualification regardless of whether the person notifies the assessor as to the disqualifying event.

SB1178 property tax exemption; widows

(Sen. Tibshraney) (Laws 2005, Chapter 309)

Allows the Department of Revenue to increase the total allowable property tax exemption limitation on widows, widowers and disabled persons based on annual inflation, as determined by the GDP price deflator. The Department may increase the total income limitation amounts on widows, widowers and disabled persons seeking property tax exemption based on annual inflation, as determined by the GDP price deflator. Increases the income limits for widows, widowers and disabled persons seeking property tax exemption from \$13,200 to \$25,000 if the person does not have children under 18 years old living with the person and from \$18,840 to \$30,000 if the person has one or more children living at home.

HB2621 rural health insurance; rural subsidy

(Rep. Konopnicki) (Laws 2005, Chapter 297)

An emergency measure that continues the temporary health care premium benefit supplement for retired members of ASRS, CORP, PSPRS and EORP who are Medicare eligible from June 30, 2005, to June 30, 2007. Appropriates \$28,000 from the ASRS Administration Account in FY 2005-2006 to ASRS for the administrative implementation of this act.

These provisions do not prohibit a person from purchasing, acquiring, carrying, using or possessing a permitted remote stun gun, preclude any justifiable offense, or preclude the prosecution of any person using a stun gun during the commission of any criminal offense

SB1356 state employees; military differential pay

(Sen. Bee) (Laws 2005, Chapter 267)

Effective July 1, 2004, allows a state employee or officer who is in the military reserves or national guard and who is ordered to active duty due to a declaration of a state of emergency to receive the difference between the employee's or officer's regular state pay and military pay if all annual and military leave balances have been exhausted. Requires that military pay be included in the calculation of

the officer or employee's pay and stipulates that military personnel are prohibited from accruing sick leave during the term of absence.

Requires that the employee or officer exhaust all military leave balances by the time of activation or at any time during the active duty period and that he or she provide proof, within 60 days after receiving the pay differential, of honorable service while on active duty during the period of pay differential. Allows the state to seek recovery of pay differential from anyone who fails to provide proof of honorable service.

Transportation-Related Legislation

Sorted by Bill Number

(Click on Bill or Chapter Number for bill text and summaries.)

BILL NUMBER	SHORT TITLE	CHAPTER LAW
HB2115	providing minors alcohol; license suspension	Chapter 268
HB2123	highway expansion and extension loans	Chapter 150
HB2124	vehicle sales; brokers	Chapter 121
HB2125	motor vehicles; dealers; resale	Chapter 122
HB2126	certificates of title; replacement parts	Chapter 216
HB2129	used motor vehicle dealers; auctions	Chapter 123
HB2157	transportation excise tax; bonds	Chapter 125
HB2207	commercial and historic vehicles	Chapter 247
HB2254	MVD records; peace officer photographs	Chapter 181
HB2256	excavation markings; underground facilities; procedures	Chapter 222
HB2325	concealed weapons permit; lifetime issuance	Chapter 225
HB2343	vehicles; special registration	Chapter 80
HB2357	emissions testing; motorcycles; collectible vehicles	Chapter 76
HB2424	golden rule special license plates	Chapter 242
HB2428	emancipation of minors	Chapter 137
HB2450	concealed weapons certification	Chapter 138
HB2462	outdoor advertising	Chapter 157
HB2469	emergency vehicles' right-of-way	Chapter 139
HB2470	social security numbers; civil penalty	Chapter 230
HB2510	trailer license plates	Chapter 19
HB2522	aggravating factors; trier of fact	Chapter 20
HB2526	breast cancer special plates	Chapter 232

HB2579	procurement; professional and construction services	Chapter 162
HB2635	MVD release of private information	Chapter 234
HB2713	sentencing; offences; registration; stun guns	Chapter 166
SB1039	federal peace officers; cross-certification	Chapter 44
SB1047	community restitution	Chapter 187
SB1103	MVD continuation; five years	Chapter 35
SB1113	search warrants; execution	Chapter 51
SB1119	parity; DPS employee compensation	Chapter 306
SB1154	vehicle fuel; prohibited oxygenates	Chapter 53
SB1166	terrorism; animal; ecological	Chapter 308
SB1218	election laws; secretary of state	Chapter 98
SB1240	certified ignition interlock devices	Chapter 312
SB1254	immobilization of vehicles; DUI	Chapter 313
SB1275	air quality; fuel formulations	Chapter 104
SB1283	forest health	Chapter 278
SB1325	overdimensional permit council; rules	Chapter 280
SB1420	uninsured drivers; penalties; notice	Chapter 113

Transportation-Related Legislative Summaries

Sorted by Bill Number

(Click on Bill or Chapter Number for bill text and summaries.)

HB2115 providing minors alcohol; license suspension

(Rep. Reagan) (Laws 2005, Chapter 268)

Requires ADOT, upon the order of a judge, to suspend the license of a person who has been convicted of knowingly purchasing or providing spirituous liquor to a minor.

Exempts the following from the prohibition from knowingly purchasing or providing spirituous liquor to a minor:

- ***Liquor licensees or employees who are working within the scope of their license.***
- ***Parents/guardians who give liquor to their own children while in a private home.***
- ***Persons providing liquor in conjunction with a religious ceremony.***

HB2123 Highway Extension and Expansion Loans

(Rep. Biggs) (Laws 2005, Chapter 150)

Extends the HELP program and the authority of the State Board of Transportation to issue Board Fund Obligations until fiscal year 2019.

HB2124 vehicle sales tax; brokers

(Rep. Biggs) (Laws 2005, Chapter 121)

Establishes regulations for motor vehicle brokers when effecting the purchase of a motor vehicle by a customer. If arranging or assisting in effecting the purchase of a motor vehicle by a retail consumer, a broker or dealer is prohibited from accepting a purchase deposit from any consumer that exceeds two and one-half percent of the selling price of the vehicle described in the agreement or receiving a fee from more than one source if providing services to a consumer as a broker or dealer in the same transaction. Also prohibits the broker from accepting a deposit for the purchase of a vehicle unless the vehicle is available for purchase at the broker's place of business.

Allows brokers and dealers to advertise their service of arranging or assisting in effecting the purchase of a new motor vehicle from a new motor vehicle dealer. A broker or dealer shall not advertise or offer for sale or exchange any specific vehicle except under the following conditions:

- ***the vehicle is for sale and located at the dealership***
- ***the dealer discloses the specific address and business hours where the vehicle may be inspected by the consumer or the vehicle is available to the dealer directly from the manufacturer or distributor at the time of advertisement or offer.***

HB2125 motor vehicle dealers; auctions

(Rep. Biggs) (Laws 2005, Chapter 122)

Allows a motor vehicle dealer to sell a motor vehicle that was previously sold to another person as a new motor vehicle under the following conditions:

- *a certificate of title is not transferred from the person who first acquired the new motor vehicle from the manufacturer or importer or agent of the manufacturer or importer.*
- *the new motor vehicle is returned to the selling motor vehicle dealer.*
- *the motor vehicle dealer gives written notice to the retail consumer that the vehicle was delivered to a previous purchaser.*
- *the retail consumer signs an acknowledgement of receipt of the written notice and the motor vehicle dealer maintains a copy of the acknowledgement in the dealer's records.*

HB2126 certificates of title; replacement parts

(Rep. Biggs) (Laws 2005, Chapter 216)

Allows a manufacturer's authorized agent to replace the frame of a vehicle if a salvage certificate of title or nonrepairable certificate of title has not been issued as a condition of the owner's exemption from notifying the MVD of the replacement.

HB2129 used motor vehicle dealers; auctions

(Rep. Biggs) (Laws 2005, Chapter 123)

Changes the definition of "used motor vehicle dealer" to clarify the definition includes a person who auctions four or more used motor vehicles in a continuous twelve month period. Removes the classic car and historic vehicle exemption from the definition of "used motor vehicle dealer".

HB2157 transportation excise tax; bonds

(Rep. Huffman) (Laws 2005, Chapter 125)

Allows the board of directors of a regional transportation authority to issue negotiable bonds in any principal amount.

HB2207 commercial and historic vehicles

(Rep. Mason) (Laws 2005, Chapter 247)

Allows a fire engine that is used for hobby or display and has been issued a historical vehicle license plate to operate a signal and red and blue lighted lamp or illuminating device that projects a beam of light of an intensity greater than 300 candlepower during a parade, for authorized assemblage of historical vehicles or testing. Specifies that the lights and siren shall not be activated while a person is transporting or driving the vehicle to or from a parade, to an authorized assemblage of historic vehicles or testing

HB2254 MVD records; peace officer photographs

(Rep. Gray) (Laws 2005, Chapter 181)

Prohibits the MVD from releasing a photograph of a peace officer if the peace officer has requested that persons be prohibited from accessing his or her

residential address and telephone number in any record maintained by the department.

HB2256 excavation markings; underground facilities; procedures

(Rep. Gray) (Laws 2005, Chapter 222)

Requires building officials to ensure that all new and active underground facilities installed in any real property after December 21, 2005 be installed with a detectible underground location device unless the facility is detectable by an above ground locating device. Public utilities and municipal corporations are exempted from these requirements. Failure to include a detectible underground location device is punishable by a maximum \$5,000 civil penalty. Penalties received shall be deposited into the municipality's or political subdivision's General Fund.

Requires an underground facilities operator of a sewer system to locate and mark the underground sewer facilities owned by another person if the underground facilities are installed after December 31, 2005, and they are in the public, street, alley, right-of-way dedicated to the public use or utility easement. This requirement shall be waived if the customer refuses to grant permission to the underground facilities operator to access the property to ascertain the location of the sewer facilities. Location and marking requirements do not obligate the operator to maintain, clean or unstop underground sewer facilities owned by another person. A person is not obligated to represent that an underground sewer facility is abandoned if it was installed on or before December 31, 2005, and it is not owned by an underground facilities operator of a sewer system.

Allows underground facilities operators to delegate marking or notification obligations to an agent or servant of the operator and to notify the excavator and the outlined one-call notification center that marking is unnecessary pursuant to an any mutually agreeable method. All requests for markings shall extend the validity period of the markings to be for the purpose of excavating within the validity period of the markings. Requests shall be limited to an area that can be reasonably excavated within the validity period. Violators of these provisions are liable to the one-call notification center and to all operators for any resulting damages, costs and expenses.

Requires an underground facilities operator to notify the excavator if a facility is active or abandoned. Inactive facilities shall be considered for purposes of notification. An excavator is prohibited from treating a facility as abandoned unless he or she has received verification from the operator of the abandonment.

Requires a person who is responsible for the excavation to notify the operator of any damage, dislocation or detectable underground devices and prohibits that person from attempting any repairs except temporary emergency repairs as authorized by the operator. Homeowners excavating in an implied private property utility easement owned by the homeowner are not liable to the owner or operator under specified circumstances.

HB2325 concealed weapons permit; lifetime issuance

(Rep. Gray) (Laws 2005, Chapter 225)

Makes concealed weapons (CCW) permits valid for five years and reduces the length of the firearms safety training program that persons wishing to get a CCW permit must initially complete from sixteen hours to eight hours.

Permits held by military personnel stationed overseas are valid until 90 days after the end of the person's overseas deployment. Establishes a defense to prosecution for carrying without a valid permit if the person can show that he or she was deployed overseas at the time that the permit expired and has returned to the United States within the past 90 days.

A person renewing a CCW permit must provide fingerprints for the first renewal of the permit. Fingerprints do not have to be provided for a second or subsequent renewal. Current CCW permit holders would have to submit a set of fingerprints upon the next renewal of the CCW permit. Every renewal thereafter, they will not be required to submit fingerprints.

If a person is cited for not carrying a CCW permit but brings the permit to court (and it was valid at the time of the citation), the person shall not be convicted of the Class 2 misdemeanor.

HB2343 vehicles; special registration

(Rep. McClure) (Laws 2005, Chapter 80)

Increases the length of time that a person who is not a resident of Arizona may hold a nonresident vehicle registration permit from thirty days to ninety days.

HB2357 emissions testing; motorcycles; collectible vehicles

(Rep. Barnes) (Laws 2005, Chapter 76)

Exempts "collectible vehicles", defined as those that are at least fifteen years old and that are of a rare or unique design, and those that are used in car clubs, parades, public functions and included as part of private collections from the emissions testing requirements in Maricopa County and parts of Yavapai and Pinal County. Exempts both motorcycles and collectible vehicles from emissions testing requirements in Pima County. The United States Environmental Protection Agency must issue an exemption for motorcycles and historic vehicles from federal emissions testing requirements before this bill may be enacted.

HB2424 golden rule special license plates

(Rep. Anderson) (Laws 2005, Chapter 242)

Requires MVD to issue a Golden Rule special plate if an incorporated nonprofit corporation with a history of promoting the golden rule pays \$32,000 by December 31, 2005 to MVD for implementation costs. Allows for the Golden Rule special plate to be combined with a personalized special plate. The combination, if allowed by MVD, is subject to the fees for the personalized special plate in addition to the fees required for the Golden Rule special plate. Requires \$17 of the \$25 special plate and renewal fee to be deposited in the Golden Rule Special Plate Fund to be allocated by the Department of Education to a private nonprofit

Golden Rule foundation that provides Golden Rule programs that demonstrate the promotion of the Golden Rule in schools. The remaining \$8 shall be deposited into the State Highway Fund.

HB2428 emancipation of minors

(Rep. Anderson) (Laws 2005, Chapter 137)

Establishes conditions under which a minor who is at least sixteen years of age may petition the court for emancipation. Sets forth court proceedings to allow a minor who is at least sixteen years of age to emancipate.

Specifies which rights are granted to an emancipated minor including the following:

- **The right to enter into a binding contract.**
- **The ability to sue and be sued.**
- **The right to buy and sell real property.**
- **The right to establish a legal residence.**
- **The obligation to pay child support.**
- **The right to incur debts.**
- **The right to access medical treatment and records.**
- **The right to consent to medical, dental and psychiatric care without parental consent, knowledge or liability.**
- **The right to consent to medical, dental and psychiatric care for the emancipated minor's child.**
- **Eligibility for social services.**
- **The right to obtain a license to operate equipment or perform a service.**
- **The right to apply for enrollment in any school or college.**
- **The ability to apply for loans.**

Requires the Department of Transportation to issue either a non-operating identification or driver license to an emancipated minor that contains the words, "emancipated minor."

HB2450 concealed weapons certification

(Rep. Murphy) (Laws 2005, Chapter 138)

Allows DPS to issue certificates of firearms proficiency according to the Arizona Peace Officer Standards and Training Board (AZPOST) firearms qualification for the purposes of implementing the Law Enforcement Officers Safety Act of 2004.

HB2462 outdoor advertising

(Rep. Gorman) (Laws 2005, Chapter 157)

Allows for the placement of outdoor advertising signs within 660 feet of a highway provided those signs are located on the premises of a "comprehensive development" that the sign advertises and that the placement of the signs do not cause a reduction in federal aid highway funding. "Comprehensive development" includes individual commercial and industrial enterprises that are located only on one side of a highway where the lots and parcels are contiguous and there exists common ownership and space for parking and amenities.

HB2469 emergency vehicles; right-of-way

(Rep. Konopnicki) (Laws 2005, Chapter 139)

Prohibits drivers from approaching or driving immediately parallel to a police vehicle that has activated its flashing lights and siren. During an emergency, drivers must maintain a distance of at least 300 feet when behind the police vehicle until the police officer has pulled over to the far right lane next to the curb or edge of the roadway. Drivers that are approaching an emergency vehicle that has already pulled over to the far right edge of the roadway must reduce their speed and yield the right-of-way to the emergency vehicle by, when possible, moving to a lane that is not adjacent to that which is being utilized by the emergency vehicle.

HB2470 social security numbers; civil penalty

(Rep. McClure) (Laws 2005, Chapter 230)

Imposes a \$100 civil penalty on a person or entity that knowingly or intentionally violates the social security number confidentiality restrictions. The penalty applies to the restriction of putting a social security number on any card required for the individual to receive products or services provided by the person/entity.

HB2510 trailer license plates

(Rep. Burges) (Laws 2005, Chapter 19)

Requires ADOT to issue a license plate for a trailer that has a similar design as the standard size license plate for trailers, but has the same dimensions as a motorcycle license plate, in addition to the standard sized license plates for trailers. The trailer owner must notify ADOT which size license plate the owner wants for the trailer.

HB2522 aggravating factors; trier of fact

(Rep. Farnsworth) (Laws 2005, Chapter 20)

Requires aggravating circumstances alleged for sentencing purposes to be determined by the trier of fact and provides that any term of imprisonment beyond the presumptive term may be imposed only if the trier of fact finds that the alleged aggravating circumstances are true. The trier of fact would have to find at least two aggravating circumstances. The court must impose an aggravated sentence if the trier of fact finds aggravating circumstances and the court does not find any mitigating circumstances. Aggravating circumstances must be found beyond a reasonable doubt by the trier of fact. If the trier of fact finds at least one aggravating circumstance, the court may find additional aggravating circumstances by a preponderance of the evidence.

Amends an existing aggravating circumstance to require the trier of fact to determine if the victim or the victim's family (if the victim died as a result of the conduct of the defendant) has suffered physical, emotional or financial harm. Additionally, it makes "any other factor that the state alleges as relevant to the defendant's character or background or to the nature or circumstances of the crime" an aggravating circumstance and a mitigating circumstance. This replaces

the current aggravating and mitigating circumstance that takes into consideration any other factor that the court deems appropriate to the ends of justice.

HB2526 breast cancer special plates

(Rep. Aguirre) (Laws 2005, Chapter 232)

Establishes a special license plate for breast and cervical cancer screening upon the payment of \$32,000 by any person or organization for the establishment of the special plate. Of the \$25 special plate fee, requires that \$17 be deposited into the Breast and Cervical Cancer Screening and Treatment Special Plate Fund to be administered by the Department of Health Services. The remaining \$8 shall be deposited into the State Highway Fund. Before July 1st of each year, requires the Director of the Department of Health Services to distribute monies from the Breast and Cervical Cancer Screening and Treatment Fund for breast and cervical cancer screening and outreach services in this state.

HB2579 procurement: professional and construction services

(Rep. Nelson) (Laws 2005, Chapter 162)

Allows ADOT to utilize job-order contracting and construction-manager-at-risk contracting methods for the procurement of construction services. Sets forth requirements that the Department must follow when contracting for services under construction-manager-at-risk and job-order contracting procurement methods. The term for job-order contracting is increased from three years to five years. Increases the limitation on individual job-order contracting projects from \$750,000 to \$1,000,000.

Removes the requirement that the Director of the Department of Transportation utilize competitive bidding processes when procuring construction services for the emergency reconstruction of transportation facilities. Allows ADOT to enter into more than two design-build contracts per year and extends the ability for the Department to utilize design-build contracting methods until December 31, 2025. Solicitations for design-build contracts shall be limited to a single project.

Limits the term of multiple contracts for professional services to five years. Allows the contracts to continue after the five-year term on projects commenced within the initial five-year term.

Allows an agent to procure and award multiple contracts using a single RFQ or request for solicitation for construction services. Outlines the procedures for solicitation for multiple contracts for professional services by technical registrants. Prohibits the agent or selection committee from requesting or considering price at any point in the selection process, including the selection of the person or firm to be interviewed and the selection of those on the final list in determining the order of preference.

HB2635 MVD release of private information

(Rep. Quelland) (Laws 2005, Chapter 234)

Effective December 31, 2005, stipulates that if a citizen has authorized the release of information relating to their driver's record for purposes of registering as an organ donor, ADOPT must release the information to the Organ Procurement Organization (OPO). Only the name and address may be released from the driving record to the OPO. Requires ADOT to provide a mechanism for individuals to indicate their wishes to be an organ donor when applying for a license, permit, or identification card and release the required information to the OPO. ADOT shall implement these provisions if the OPO has provided adequate funding for them to do so.

HB2713 sentencing; offenses; registration; stun guns

(Rep. J. Weiers) (Laws 2005, Chapter 166)

Adds the use of a remote stun gun or authorized remote stun gun during the commission of an offense to the list of aggravating factors for sentencing purposes in felony and capital cases.

Stipulates that it is unlawful to knowingly use or threaten to use a stun gun against a law enforcement officer engaged in official duty. Expands the definition of "aggravated assault" to include "knowingly taking or attempting to exercise control" over a peace officer's firearm or weapon if the officer is engaged in the execution of official duties.

Stipulates that it is unlawful for a person to sell an authorized remote stun gun without keeping an accurate sales record as to the identity of the purchaser. Requires the identification to be verified with a government-issued identification. Secondary sales are exempt from this requirement.

These provisions do not prohibit a person from purchasing, acquiring, carrying, using or possessing a permitted remote stun gun, preclude any justifiable offense, or preclude the prosecution of any person using a stun gun during the commission of any criminal offense

SB1039 federal peace officers; cross-certification

(Sen. Huppenthal) (Laws 2005, Chapter 44)

Authorizes a federal peace officer employed by any agency of the United States to possess and exercise all law enforcement powers of peace officers in the state. To qualify, the officer must engage in or supervise the prevention, detection, investigation or prosecution of a violation of federal law and make arrests, serve warrants and carry firearms.

SB1047 community restitution

(Sen. Johnson) (Laws 2005, Chapter 187)

Redefines, in statute, "community service" as "community restitution" when the community service is ordered to be performed by the court.

SB1103 MVD continuation; five years

(Sen. Allen) (Laws 2005, Chapter 35)

Continues MVD until July 1, 2010.

SB1113 search warrants; execution

(Sen. Huppenthal) (Laws 2005, Chapter 51)

Requires that a search warrant to be executed within five calendar days of being issued and returned to the magistrate within three court business days of being executed or that warrant becomes void. The time to execute the warrant may be extended for no longer than five calendar days. Stipulates that documents and records relating to the warrant shall not be open to the public until the warrant is returned to the magistrate or the warrant is deemed void.

SB1119 parity; DPS employee compensation

(Sen. Huppenthal) (Laws 2005, Chapter 306)

Establishes the Parity Compensation Fund to be administered by the Department of Public Safety for the purpose of funding salary adjustments and benefits to Department of Public Safety law enforcement personnel. Redirects 1.51% of the vehicle license tax revenues collected for the State Highway Fund during the second half of each calendar month to the Parity Compensation Fund. This allocation shall not impact the distribution of vehicle license tax revenues to Arizona cities, towns and counties.

SB1154 vehicle fuel; prohibited oxygenates

(Sen. Allen) (Laws 2005, Chapter 53)

Limits, beginning January 1, 2006, the sale or supply of gasoline for use in a motor vehicle in the state that contains a total of more than 0.10% oxygen by weight collectively from all of the following oxygenates:

- *diisopropylether;*
- *ethyl tert-butylether;*
- *iso-butanol;*
- *isopropanol;*
- *methanol;*
- *n-butanol;*
- *n-propanol;*
- *sec-butanol;*
- *tert-amylmethylether;*
- *tert-butanol; and*
- *tert-pentanol*

SB1166 terrorism; animal; ecological

(Sen. Verschoor) (Laws 2005, Chapter 308)

Expands the definition of “racketeering” to include “animal terrorism” or “ecological terrorism” that results in or is intended to result in serious physical injury or death, “animal” and “ecological terrorism” if committed for financial gain and smuggling if committed for financial gain. “Animal terrorism” and “ecological terrorism” are defined as any felony that violates the racketeering statutes, involving at least three persons acting in concert that intentionally or knowingly inflict property damage in an amount of more than \$10K to property that is used by a person for the lawful operation of an animal facility or to a commercial enterprise that is lawfully engaged in operating an animal or research facility.

SB1218 election laws; secretary of state

(Sen. Jarrett) (Laws 2005, Chapter 98)

Modifies requirements and filing procedures for voter registration, nomination petitions and political committees. Clarifies the minimum information required on a voter registration form that is submitted by the Department of Transportation to the Secretary of State and removes requirements that a license must be current and valid in order to be a form of identification for voting purposes.

Excludes a general election candidate as a write-in if the candidate filed a nomination petition for nomination other than by primary for the office sought and failed to provide a sufficient number of valid petition signatures. A voter who signs a nomination petition must be a registered voter in the same electoral district as the office the candidate is seeking. Any person who is registered to vote in the state, county, subdivision or district is eligible to sign the nomination petition without regard to the signer’s party affiliation, for a nomination other than by primary.

When a political committee makes expenditures in an attempt to influence the results of a ballot proposition election, the statement of organization shall be amended to include the official serial number of the petition within five days after receipt of the number. Allows the Secretary of State to use alternative methods when providing public access to campaign finance reports. The Secretary of State shall no longer receive printed copies of electronic filings of reports, statements and designations.

SB1240 certified ignition interlock devices

(Sen. Gray) (Laws 2005, Chapter 312)

Allows a person to apply to MVD for a special ignition interlock restricted driver license if his or her driving privileges have been suspended or revoked following the first conviction of any of the following offenses:

- Refusal to submit to a Blood Alcohol Content test***
- Aggravated DUI with a minor in the vehicle***
- Operation of a motor vehicle while under twenty-one years of age with spirituous liquor in the body.***

Specifies that the applicant must have served a minimum suspension period of ninety days before MVD may issue an ignition interlock restricted driver license. An applicant must present MVD with satisfactory evidence of having completed alcohol screening and treatment as a condition of the issuance of an ignition interlock device restricted driver license. MVD may extend the period of issuance of an ignition interlock device restricted driver license if there is reasonable grounds to believe that the device has been tampered with; if there is evidence that a person attempted to operate the vehicle with a blood alcohol content that was higher than .08 on three or more occasions within a twelve month period; or if the person fails to provide proof of compliance with ignition interlock device requirements.

Prohibits MVD from issuing a subsequent ignition interlock device restricted driver license to a person if the initial ignition interlock device is suspended, revoked, cancelled or rescinded unless the suspension or revocation was a result of a failure to provide proof of compliance with ignition interlock device installation and inspection requirements. Requires MVD to mark a special ignition interlock device driver license immediately to distinguish it from other driver licenses.

Outlines communication requirements for MVD and ignition interlock device installers and requires that all information related to an offender's utilization of an ignition interlock device be downloaded every eleven months. Requires MVD to provide driver record information at no charge to the installer for the purposes of determining applicant eligibility. The installer shall notify MVD if the ignition interlock device is removed from the vehicle prior to the end of the ordered period.

Appropriates \$442,000 from the DUI Abatement Fund in FY 2006 to MVD for three FTEs to administer the program.

SB1254 immobilization of vehicles: DUI

(Sen. Gray)

Effective October 31, 2005, requires a peace officer to either immobilize or order the impoundment of a vehicle for thirty days if he or she determines that the person driving the vehicle is guilty of any of the following offenses:

- Driving on a revoked or suspended license***
- Driving on a license that has been suspended following a DUI conviction.***
- Driving a motor vehicle, if the person is under twenty-one years of age and has spirituous liquor in his or her body.***
- Aggravated DUI***
- Extreme DUI***

Stipulates that a peace officer shall not immobilize or impound a vehicle if he or she determines that the vehicle is in proper compliance with mandatory insurance requirements, the operator's spouse is present at the time of the arrest, has a valid driver license and is not impaired by an intoxicating liquor drug or vapor releasing substance and the spouse notifies the officer that he or she will drive the vehicle from the place of arrest to the driver's home or another place of safety. A peace officer is also prohibited from immobilizing or impounding a vehicle if the vehicle is owned by the driver's parent or guardian and the peace officer has

probable cause to arrest the driver of the vehicle for driving with spirituous liquor in his or her body while under twenty-one years of age.

Requires an immobilizing or impounding agency to release a vehicle to the owner before the expiration of the thirty day immobilization or impoundment period if the owner was not the person driving the vehicle at the time of the arrest or if the owner is in the business of renting vehicles without drivers. The owner is responsible for the payment of all immobilization, towing and storage costs incurred in relation to the impoundment or immobilization of the vehicle unless the vehicle has been reported stolen to the appropriate law enforcement agency.

Appropriates \$250K from the Highway User Revenue Fund and 5 FTE positions to the Department of Transportation for the administration of commercial driver schools and motorcycle license examinations and endorsements.

SB1275 air quality: fuel formulations

(Sen. Blendu) (Laws 2005, Chapter 104)

Allows for the supply or sale of a gasoline-ethanol blend containing less than 10% ethanol by volume on approval by the Department of Environmental Quality of a petition by a registered supplier or oxygenate blender that demonstrates that ethanol supply shortages are imminent. The enactment of this legislation is conditional upon the passage of enabling policies by the United States Environmental Protection Agency before November 1, 2007.

SB1283 forest health

(Sen. Bee) (Laws 2005, Chapter 278)

Modifies provisions related to the Healthy Forests Initiative by changing applicable definitions and providing additional economic incentives. Sets forth qualifications and reporting requirements for businesses to meet to qualify for state tax incentives related to the Healthy Forests Initiative. Requires the Department of Commerce to implement a program that encourages local governments to provide incentives for businesses to promote forest health in Arizona.

Discounts the use fuel tax for vehicles transporting forest products on highways in Arizona from 26 cents to 14 cents per gallon, applicable August 31, 2005, through December 31, 2010. The description of equipment that qualifies for a TPT deduction under the retail classification and general tax exemptions is narrowed to specify which construction shall qualify for the TPT deduction under the prime contracting classification. Creates a temporary class six classification with a rate of 5% of the full cash value or limited valuation property, from December 31, 2005 through December 31, 2010 for limited real and personal property and improvements owned by a qualified business and used for a qualifying project.

SB1325 oversized permit council; rules
(Sen. Verschoor) (Laws 2005, Chapter 280)

Requires the Director of ADOT, Director of the Department of Public Safety and Chairman of the Council to report on issues regarding oversized and overweight permit rulemaking and issuance. The Council must submit the report to the Governor, President of the State, Speaker of the House of Representatives on or before November 30, 2005, and provide copies to the Secretary of State and the Director of the Arizona State Library, Archives and Public Records.

Stipulates that the report shall include the following:

- ***Current status of an automated database and automated issuance of oversized and overweight permits.***
- ***Issues related to intrastate travel of oversized and overweight vehicles and uniformity of permit requirements across jurisdictional lines and engineering established by ADOT.***
- ***Recommendations to improve public safety by changing policies, rulemaking practices and procedures and the criteria for issuing permits.***
- ***States' best practices relating to issuance of permits.***
- ***Proposed statutory changes related to the oversight and issuance of permits.***

Increases, from 92 feet to 95 feet, the maximum length of the portion of a commercial motor vehicle that is used for carrying cargo, rather than the entire length of the commercial motor vehicle.

SB1420 uninsured drivers; penalties; vehicle impoundment
(Sen. Waring) (Laws 2005, Chapter 113)

Requires a peace officer to remove and impound a vehicle for 30 days under the following conditions:

- ***The driver of the vehicle does not have a valid driving privilege;***
- ***The driver of the vehicle is not in compliance with the liability insurance requirements.***
- ***The vehicle is involved in an accident that results in either property damage or injury to or death of another person.***
- ***The driver of the vehicle does not have a valid driver license or permit and cannot present proof that he or she was issued a valid driver license in another jurisdiction.***

Requires the release of the vehicle before the end of the 30-day period under any of the following conditions:

- ***The vehicle is stolen.***
- ***The vehicle is a business vehicle only driven by an employee in the capacity of that business.***
- ***The owner has proof of driving privilege reinstatement.***
- ***The spouse of the driver enters into an agreement with the impounding agency that the spouse will not allow the unlicensed driver to drive the vehicle for one year.***
- ***The vehicle's release is ordered by a justice court pursuant to a poststorage hearing.***

Requires the court to impose a civil penalty and direct MVD to suspend the driver license and registration for three months for the first and for six months for the second violation within a 36-month period of the liability insurance requirements.

Increases the minimum civil penalty for failure to produce evidence of liability insurance as follows:

- ***to \$500 for the first violation.***
- ***to \$750 for the second violation within a 36-month period.***
- ***to \$1000 for three or more violations within a 36-month period.***

Transportation-Related Budget Legislation

Sorted by Bill Number

(Click on Bill or Chapter Number for bill text and summaries.)

BILL NUMBER	SHORT TITLE	CHAPTER LAW
HB2765	capital outlay; budget	Chapter 298
HB2771	fees for services; budget	Chapter 299
HB2777	state automation; telecommunications; budget	Chapter 301
SB1521	state budget procedures; budget	Chapter 331

Transportation-Related Budget Legislative Summaries

Sorted by Bill Number

(Click on Bill or Chapter Number for bill text and summaries.)

[HB2765 capital outlay; budget](#)

(Rep. Boone) (Laws 2005, Chapter 298)

Makes various appropriations to state departments and agencies for capital projects scheduled for FY 2005-2006. Appropriates the following to ADOT:

- \$3,627,100 from the State Highway Fund for the ADOT Building System
- \$75,800 from the State Aviation Fund for the Grand Canyon Airport.

[HB2771 fees for services; budget](#)

(Rep. Pearce) (Laws 2005, Chapter 299)

Requires state agencies to report the number of electronic transactions, the total dollar amount of those transactions, the total dollar amount of any discount fees, and the total dollar amount of the all processing fees, in addition to the total dollar amount of any convenience fees charged, deducted or paid by October 1st of each year to the Government Information Technology Agency and the Joint Legislative Budget Committee.

[HB2777 state automation; telecommunications; budget](#)

(Rep. Boone) (Laws 2005, Chapter 301)

Establishes the Automation Operations Fund to be administered by the Department of Administration to pay the costs of any automation operations applications implemented by the Department of Administration and establishes the Telecommunications Program Office to oversee automation and telecommunications functions throughout the state. The bill requires each state office, department and agency to contract with the primary contractor identified through the Telecommunications Program Office and make payments to the primary contractor for its telecommunications needs, including the installation and maintenance of telecommunications systems. The primary contractor shall also act as the state's agent for telecommunications carrier services to the offices, departments and agencies of this state.

SB1521 state budget procedures; budget
(Sen. Burns)

Allows ADOT to utilize Safety Enforcement and Transportation Infrastructure Fund (SETIF) monies to enter into an agreement with the Arizona-Mexico commission for the collection of transportation and trade data in the United States and Mexico for the purposes of constructing transportation facilities, improving public safety, improving truck processing time and relieving congestion at the ports of entry along the Arizona-Mexico border.

Allows ADOT to utilize SETIF funds to enter into an agreement with the Department of Homeland Security to improve traffic safety in the state of Arizona.

Subject to legislative appropriations, allows ADOT to utilize SETIF monies to enter into a contract with the Arizona International Development Authority for the planning, development and construction of transportation facilities on the Arizona-Mexico border in order to improve traffic safety in the state of Arizona.

Requires the Arizona State Retirement System to apply the FY 2005-2006 employer contribution rate as determined on March 15, 2005 on an annual basis. The ASRS contribution rate shall be adjusted on an annual (previously biennial) basis.

Adds a representative from the Office of Homeland Security to the Joint Legislative Review Committee on Transportation between Sonora, Mexico and Arizona.

Requires budget units to annually submit estimates of all financial requirements and anticipated receipts for all appropriated and non-appropriated funds in the next budget cycle to the Governor. The Governor's Office of Strategic Planning and Budgeting is required to prepare and distribute an annual report of all nonappropriated funds reported by the budget units by February 1st of each year.

Transportation-Related Agency/Personnel Legislation

Sorted by Bill Number

(Click on Bill or Chapter Number for bill text and summaries.)

BILL NUMBER	SHORT TITLE	CHAPTER LAW
HB2562	ASRS investment disclosure; limitations	Chapter 161
HB2621	rural health insurance; rural subsidy	Chapter 297
SB1017	payroll deduction agreements; group benefits	Chapter 82
SB1041	property tax exemptions; continuing eligibility	Chapter 186
SB1178	property tax exemption; widows	Chapter 309
SB1356	state employees; military differential pay	Chapter 267

Transportation-Related Agency/Personnel Legislative Summaries

Sorted by Bill Number

(Click on Bill or Chapter Number for bill text and summaries.)

[HB2562 ASRS investment disclosure; limitations](#)

(Rep. Gray) (Laws 2005, Chapter 161)

Requires the Arizona State Retirement System (ASRS) to include, upon request, a list of investments in the annual financial report and requires ASRS to report to the Legislature companies held in the Fund that are known to support international terrorism.

[HB2621 rural health insurance; rural subsidy](#)

(Rep. Konopnicki) (Laws 2005, Chapter 297)

An emergency measure that continues the temporary health care premium benefit supplement for retired members of ASRS, CORP, PSPRS and EORP who are Medicare eligible from June 30, 2005, to June 30, 2007. Appropriates \$28,000 from the ASRS Administration Account in FY 2005-2006 to ASRS for the administrative implementation of this act.

These provisions do not prohibit a person from purchasing, acquiring, carrying, using or possessing a permitted remote stun gun, preclude any justifiable offense, or preclude the prosecution of any person using a stun gun during the commission of any criminal offense

SB1017 payroll deduction agreements; group benefits

(Sen. Waring) (Laws 2005, Chapter 82)

Authorizes premiums for the following state sponsored group benefits as allowable payroll deductions for state officers and employees and their families:

- Long-term care insurance***
- Critical care insurance***
- Prepaid legal services***
- Identity theft protection services***
- Personal computer systems***

Clarifies that the Department of Administration may establish and maintain union dues without additional appropriation or technological improvements.

SB1041 property tax exemptions; continuing eligibility

(Sen. Blendu) (Laws 2005, Chapter 186)

Makes changes to the process by which a widow, widower or disabled person may obtain a property tax exemption. Requires a widow, widower or disabled person to initially establish eligibility for a property tax exemption by filing an affidavit with the county assessor and eliminates the requirement that an applicant resubmit an annual affidavit for continued eligibility for the tax exemption. The applicant must notify the county assessor in writing of any disqualifying event, which includes the person's death or remarriage, increase in income greater than statutory prescribed amounts or conveyance of the property to another person. The applicant must also annually calculate his or her previous year's income to ensure continued eligibility for the tax exemption. The applicant's property is subject to tax, interest and penalties from the date of disqualification regardless of whether the person notifies the assessor as to the disqualifying event.

SB1178 property tax exemption; widows

(Sen. Tibshraney) (Laws 2005, Chapter 309)

Allows the Department of Revenue to increase the total allowable property tax exemption limitation on widows, widowers and disabled persons based on annual inflation, as determined by the GDP price deflator. The Department may increase the total income limitation amounts on widows, widowers and disabled persons seeking property tax exemption based on annual inflation, as determined by the GDP price deflator. Increases the income limits for widows, widowers and disabled persons seeking property tax exemption from \$13,200 to \$25,000 if the person does not have children under 18 years old living with the person and from \$18,840 to \$30,000 if the person has one or more children living at home.

SB1356 state employees; military differential pay

(Sen. Bee) (Laws 2005, Chapter 267)

Effective July 1, 2004, allows a state employee or officer who is in the military reserves or national guard and who is ordered to active duty due to a declaration of a state of emergency to receive the difference between the employee's or officer's regular state pay and military pay if all annual and military leave balances have been exhausted. Requires that military pay be included in the calculation of

the officer or employee's pay and stipulates that military personnel are prohibited from accruing sick leave during the term of absence.

Requires that the employee or officer exhaust all military leave balances by the time of activation or at any time during the active duty period and that he or she provide proof, within 60 days after receiving the pay differential, of honorable service while on active duty during the period of pay differential. Allows the state to seek recovery of pay differential from anyone who fails to provide proof of honorable service.

Transportation-Related Legislation

Sorted by Chapter Number

(Click on Bill or Chapter Number for bill text and summaries.)

CHAPTER LAW	SHORT TITLE	BILL NUMBER
Chapter 19	trailer license plates	HB2510
Chapter 20	aggravating factors; trier of fact	HB2522
Chapter 35	MVD continuation; five years	SB1103
Chapter 44	federal peace officers; cross-certification	SB1039
Chapter 51	search warrants; execution	SB1113
Chapter 53	vehicle fuel; prohibited oxygenates	SB1154
Chapter 76	emissions testing; motorcycles; collectible vehicles	HB2357
Chapter 80	vehicles; special registration	HB2343
Chapter 98	election laws; secretary of state	SB1218
Chapter 104	air quality; fuel formulations	SB1275
Chapter 113	uninsured drivers; penalties; notice	SB1420
Chapter 121	vehicle sales; brokers	HB2124
Chapter 122	motor vehicles; dealers; resale	HB2125
Chapter 123	used motor vehicle dealers; auctions	HB2129
Chapter 125	transportation excise tax; bonds	HB2157
Chapter 137	emancipation of minors	HB2428
Chapter 138	concealed weapons certification	HB2450
Chapter 139	emergency vehicles' right-of-way	HB2469
Chapter 150	highway expansion and extension loans	HB2123
Chapter 157	outdoor advertising	HB2462

Chapter 162	procurement; professional and construction services	HB2579
Chapter 166	sentencing; offences; registration; stun guns	HB2713
Chapter 181	MVD records; peace officer photographs	HB2254
Chapter 187	community restitution	SB1047
Chapter 216	certificates of title; replacement parts	HB2126
Chapter 222	excavation markings; underground facilities; procedures	HB2256
Chapter 225	concealed weapons permit; lifetime issuance	HB2325
Chapter 230	social security numbers; civil penalty	HB2470
Chapter 232	breast cancer special plates	HB2526
Chapter 234	MVD release of private information	HB2635
Chapter 242	golden rule special license plates	HB2424
Chapter 247	commercial and historic vehicles	HB2207
Chapter 268	providing minors alcohol; license suspension	HB2115
Chapter 278	forest health	SB1283
Chapter 280	overdimensional permit council; rules	SB1325
Chapter 306	parity; DPS employee compensation	SB1119
Chapter 308	terrorism; animal; ecological	SB1166
Chapter 312	certified ignition interlock devices	SB1240
Chapter 313	immobilization of vehicles; DUI	SB1254

Transportation-Related Legislative Summaries

Sorted by Short Title

(Click on Bill or Chapter Number for bill text and summaries.)

HB2510 trailer license plates

(Rep. Burges) (Laws 2005, Chapter 19)

Requires ADOT to issue a license plate for a trailer that has a similar design as the standard size license plate for trailers, but has the same dimensions as a motorcycle license plate, in addition to the standard sized license plates for trailers. The trailer owner must notify ADOT which size license plate the owner wants for the trailer.

HB2522 aggravating factors; trier of fact

(Rep. Farnsworth) (Laws 2005, Chapter 20)

Requires aggravating circumstances alleged for sentencing purposes to be determined by the trier of fact and provides that any term of imprisonment beyond the presumptive term may be imposed only if the trier of fact finds that the alleged aggravating circumstances are true. The trier of fact would have to find at least two aggravating circumstances. The court must impose an aggravated sentence if the trier of fact finds aggravating circumstances and the court does not find any mitigating circumstances. Aggravating circumstances must be found beyond a reasonable doubt by the trier of fact. If the trier of fact finds at least one aggravating circumstance, the court may find additional aggravating circumstances by a preponderance of the evidence.

Amends an existing aggravating circumstance to require the trier of fact to determine if the victim or the victim's family (if the victim died as a result of the conduct of the defendant) has suffered physical, emotional or financial harm. Additionally, it makes "any other factor that the state alleges as relevant to the defendant's character or background or to the nature or circumstances of the crime" an aggravating circumstance and a mitigating circumstance. This replaces the current aggravating and mitigating circumstance that takes into consideration any other factor that the court deems appropriate to the ends of justice.

SB1103 MVD continuation: five years

(Sen. Allen) (Laws 2005, Chapter 35)

Continues MVD until July 1, 2010.

SB1039 federal peace officers; cross-certification

(Sen. Huppenthal) (Laws 2005, Chapter 44)

Authorizes a federal peace officer employed by any agency of the United States to possess and exercise all law enforcement powers of peace officers in the state. To qualify, the officer must engage in or supervise the prevention, detection, investigation or prosecution of a violation of federal law and make arrests, serve warrants and carry firearms.

SB1113 search warrants; execution

(Sen. Huppenthal) (Laws 2005, Chapter 51)

Requires that a search warrant to be executed within five calendar days of being issued and returned to the magistrate within three court business days of being executed or that warrant becomes void. The time to execute the warrant may be extended for no longer than five calendar days. Stipulates that documents and records relating to the warrant shall not be open to the public until the warrant is returned to the magistrate or the warrant is deemed void.

SB1154 vehicle fuel; prohibited oxygenates

(Sen. Allen) (Laws 2005, Chapter 53)

Limits, beginning January 1, 2006, the sale or supply of gasoline for use in a motor vehicle in the state that contains a total of more than 0.10% oxygen by weight collectively from all of the following oxygenates:

- *diisopropylether;*
- *ethyl tert-butylether;*
- *iso-butanol;*
- *isopropanol;*
- *methanol;*
- *n-butanol;*
- *n-propanol;*
- *sec-butanol;*
- *tert-amylmethylether;*
- *tert-butanol; and*
- *tert-pentanol*

HB2357 emissions testing; motorcycles; collectible vehicles

(Rep. Barnes) (Laws 2005, Chapter 76)

Exempts “collectible vehicles”, defined as those that are at least fifteen years old and that are of a rare or unique design, and those that are used in car clubs, parades, public functions and included as part of private collections from the emissions testing requirements in Maricopa County and parts of Yavapai and Pinal County. Exempts both motorcycles and collectible vehicles from emissions testing requirements in Pima County. The United States Environmental Protection Agency must issue an exemption for motorcycles and historic vehicles from federal emissions testing requirements before this bill may be enacted.

HB2343 vehicles; special registration

(Rep. McClure) (Laws 2005, Chapter 80)

Increases the length of time that a person who is not a resident of Arizona may hold a nonresident vehicle registration permit from thirty days to ninety days.

SB1218 election laws; secretary of state

(Sen. Jarrett) (Laws 2005, Chapter 98)

Modifies requirements and filing procedures for voter registration, nomination petitions and political committees. Clarifies the minimum information required on a voter registration form that is submitted by the Department of Transportation to

the Secretary of State and removes requirements that a license must be current and valid in order to be a form of identification for voting purposes.

Excludes a general election candidate as a write-in if the candidate filed a nomination petition for nomination other than by primary for the office sought and failed to provide a sufficient number of valid petition signatures. A voter who signs a nomination petition must be a registered voter in the same electoral district as the office the candidate is seeking. Any person who is registered to vote in the state, county, subdivision or district is eligible to sign the nomination petition without regard to the signer's party affiliation, for a nomination other than by primary.

When a political committee makes expenditures in an attempt to influence the results of a ballot proposition election, the statement of organization shall be amended to include the official serial number of the petition within five days after receipt of the number. Allows the Secretary of State to use alternative methods when providing public access to campaign finance reports. The Secretary of State shall no longer receive printed copies of electronic filings of reports, statements and designations.

SB1275 air quality; fuel formulations

(Sen. Blendu) (Laws 2005, Chapter 104)

Allows for the supply or sale of a gasoline-ethanol blend containing less than 10% ethanol by volume on approval by the Department of Environmental Quality of a petition by a registered supplier or oxygenate blender that demonstrates that ethanol supply shortages are imminent. The enactment of this legislation is conditional upon the passage of enabling policies by the United States Environmental Protection Agency before November 1, 2007.

SB1420 uninsured drivers; penalties; vehicle impoundment

(Sen. Waring) (Laws 2005, Chapter 113)

Requires a peace officer to remove and impound a vehicle for 30 days under the following conditions:

- ***The driver of the vehicle does not have a valid driving privilege;***
- ***The driver of the vehicle is not in compliance with the liability insurance requirements.***
- ***The vehicle is involved in an accident that results in either property damage or injury to or death of another person.***
- ***The driver of the vehicle does not have a valid driver license or permit and cannot present proof that he or she was issued a valid driver license in another jurisdiction.***

Requires the release of the vehicle before the end of the 30-day period under any of the following conditions:

- ***The vehicle is stolen.***
- ***The vehicle is a business vehicle only driven by an employee in the capacity of that business.***
- ***The owner has proof of driving privilege reinstatement.***

- *The spouse of the driver enters into an agreement with the impounding agency that the spouse will not allow the unlicensed driver to drive the vehicle for one year.*
- *The vehicle's release is ordered by a justice court pursuant to a poststorage hearing.*

Requires the court to impose a civil penalty and direct MVD to suspend the driver license and registration for three months for the first and for six months for the second violation within a 36-month period of the liability insurance requirements.

Increases the minimum civil penalty for failure to produce evidence of liability insurance as follows:

- *to \$500 for the first violation.*
- *to \$750 for the second violation within a 36-month period.*
- *to \$1000 for three or more violations within a 36-month period.*

HB2124 vehicle sales tax; brokers

(Rep. Biggs) (Laws 2005, Chapter 121)

Establishes regulations for motor vehicle brokers when effecting the purchase of a motor vehicle by a customer. If arranging or assisting in effecting the purchase of a motor vehicle by a retail consumer, a broker or dealer is prohibited from accepting a purchase deposit from any consumer that exceeds two and one-half percent of the selling price of the vehicle described in the agreement or receiving a fee from more than one source if providing services to a consumer as a broker or dealer in the same transaction. Also prohibits the broker from accepting a deposit for the purchase of a vehicle unless the vehicle is available for purchase at the broker's place of business.

Allows brokers and dealers to advertise their service of arranging or assisting in effecting the purchase of a new motor vehicle from a new motor vehicle dealer. A broker or dealer shall not advertise or offer for sale or exchange any specific vehicle except under the following conditions:

- *the vehicle is for sale and located at the dealership*
- *the dealer discloses the specific address and business hours where the vehicle may be inspected by the consumer or the vehicle is available to the dealer directly from the manufacturer or distributor at the time of advertisement or offer.*

HB2125 motor vehicle dealers; auctions

(Rep. Biggs) (Laws 2005, Chapter 122)

Allows a motor vehicle dealer to sell a motor vehicle that was previously sold to another person as a new motor vehicle under the following conditions:

- *a certificate of title is not transferred from the person who first acquired the new motor vehicle from the manufacturer or importer or agent of the manufacturer or importer.*
- *the new motor vehicle is returned to the selling motor vehicle dealer.*
- *the motor vehicle dealer gives written notice to the retail consumer that the vehicle was delivered to a previous purchaser.*

- *the retail consumer signs an acknowledgement of receipt of the written notice and the motor vehicle dealer maintains a copy of the acknowledgement in the dealer's records.*

HB2129 used motor vehicle dealers; auctions

(Rep. Biggs) (Laws 2005, Chapter 123)

Changes the definition of "used motor vehicle dealer" to clarify the definition includes a person who auctions four or more used motor vehicles in a continuous twelve month period. Removes the classic car and historic vehicle exemption from the definition of "used motor vehicle dealer".

HB2157 transportation excise tax; bonds

(Rep. Huffman) (Laws 2005, Chapter 125)

Allows the board of directors of a regional transportation authority to issue negotiable bonds in any principal amount.

HB2428 emancipation of minors

(Rep. Anderson) (Laws 2005, Chapter 137)

Establishes conditions under which a minor who is at least sixteen years of age may petition the court for emancipation. Sets forth court proceedings to allow a minor who is at least sixteen years of age to emancipate.

Specifies which rights are granted to an emancipated minor including the following:

- *The right to enter into a binding contract.*
- *The ability to sue and be sued.*
- *The right to buy and sell real property.*
- *The right to establish a legal residence.*
- *The obligation to pay child support.*
- *The right to incur debts.*
- *The right to access medical treatment and records.*
- *The right to consent to medical, dental and psychiatric care without parental consent, knowledge or liability.*
- *The right to consent to medical, dental and psychiatric care for the emancipated minor's child.*
- *Eligibility for social services.*
- *The right to obtain a license to operate equipment or perform a service.*
- *The right to apply for enrollment in any school or college.*
- *The ability to apply for loans.*

Requires the Department of Transportation to issue either a non-operating identification or driver license to an emancipated minor that contains the words, "emancipated minor."

HB2450 concealed weapons certification

(Rep. Murphy) (Laws 2005, Chapter 138)

Allows DPS to issue certificates of firearms proficiency according to the Arizona Peace Officer Standards and Training Board (AZPOST) firearms qualification for the purposes of implementing the Law Enforcement Officers Safety Act of 2004.

HB2469 emergency vehicles; right-of-way

(Rep. Konopnicki) (Laws 2005, Chapter 139)

Prohibits drivers from approaching or driving immediately parallel to a police vehicle that has activated its flashing lights and siren. During an emergency, drivers must maintain a distance of at least 300 feet when behind the police vehicle until the police officer has pulled over to the far right lane next to the curb or edge of the roadway. Drivers that are approaching an emergency vehicle that has already pulled over to the far right edge of the roadway must reduce their speed and yield the right-of-way to the emergency vehicle by, when possible, moving to a lane that is not adjacent to that which is being utilized by the emergency vehicle.

HB2123 Highway Extension and Expansion Loans

(Rep. Biggs) (Laws 2005, Chapter 150)

Extends the HELP program and the authority of the State Board of Transportation to issue Board Fund Obligations until fiscal year 2019.

HB2462 outdoor advertising

(Rep. Gorman) (Laws 2005, Chapter 157)

Allows for the placement of outdoor advertising signs within 660 feet of a highway provided those signs are located on the premises of a “comprehensive development” that the sign advertises and that the placement of the signs do not cause a reduction in federal aid highway funding. “Comprehensive development” includes individual commercial and industrial enterprises that are located only on one side of a highway where the lots and parcels are contiguous and there exists common ownership and space for parking and amenities.

HB2579 procurement; professional and construction services

(Rep. Nelson) (Laws 2005, Chapter 162)

Allows ADOT to utilize job-order contracting and construction-manager-at-risk contracting methods for the procurement of construction services. Sets forth requirements that the Department must follow when contracting for services under construction-manager-at-risk and job-order contracting procurement methods. The term for job-order contracting is increased from three years to five years. Increases the limitation on individual job-order contracting projects from \$750,000 to \$1,000,000.

Removes the requirement that the Director of the Department of Transportation utilize competitive bidding processes when procuring construction services for the emergency reconstruction of transportation facilities. Allows ADOT to enter into more than two design-build contracts per year and extends the ability for the

Department to utilize design-build contracting methods until December 31, 2025. Solicitations for design-build contracts shall be limited to a single project.

Limits the term of multiple contracts for professional services to five years. Allows the contracts to continue after the five-year term on projects commenced within the initial five-year term.

Allows an agent to procure and award multiple contracts using a single RFQ or request for solicitation for construction services. Outlines the procedures for solicitation for multiple contracts for professional services by technical registrants. Prohibits the agent or selection committee from requesting or considering price at any point in the selection process, including the selection of the person or firm to be interviewed and the selection of those on the final list in determining the order of preference.

HB2713 sentencing; offenses; registration; stun guns

(Rep. J. Weiers) (Laws 2005, Chapter 166)

Adds the use of a remote stun gun or authorized remote stun gun during the commission of an offense to the list of aggravating factors for sentencing purposes in felony and capital cases.

Stipulates that it is unlawful to knowingly use or threaten to use a stun gun against a law enforcement officer engaged in official duty. Expands the definition of "aggravated assault" to include "knowingly taking or attempting to exercise control" over a peace officer's firearm or weapon if the officer is engaged in the execution of official duties.

Stipulates that it is unlawful for a person to sell an authorized remote stun gun without keeping an accurate sales record as to the identity of the purchaser. Requires the identification to be verified with a government-issued identification. Secondary sales are exempt from this requirement.

HB2254 MVD records; peace officer photographs

(Rep. Gray) (Laws 2005, Chapter 181)

Prohibits the MVD from releasing a photograph of a peace officer if the peace officer has requested that persons be prohibited from accessing his or her residential address and telephone number in any record maintained by the department.

SB1047 community restitution

(Sen. Johnson) (Laws 2005, Chapter 187)

Redefines, in statute, "community service" as "community restitution" when the community service is ordered to be performed by the court.

HB2126 certificates of title; replacement parts
(Rep. Biggs) (Laws 2005, Chapter 216)

Allows a manufacturer's authorized agent to replace the frame of a vehicle if a salvage certificate of title or nonrepairable certificate of title has not been issued as a condition of the owner's exemption from notifying the MVD of the replacement.

HB2256 excavation markings; underground facilities; procedures
(Rep. Gray) (Laws 2005, Chapter 222)

Requires building officials to ensure that all new and active underground facilities installed in any real property after December 21, 2005 be installed with a detectible underground location device unless the facility is detectable by an above ground locating device. Public utilities and municipal corporations are exempted from these requirements. Failure to include a detectible underground location device is punishable by a maximum \$5,000 civil penalty. Penalties received shall be deposited into the municipality's or political subdivision's General Fund.

Requires an underground facilities operator of a sewer system to locate and mark the underground sewer facilities owned by another person if the underground facilities are installed after December 31, 2005, and they are in the public, street, alley, right-of-way dedicated to the public use or utility easement. This requirement shall be waived if the customer refuses to grant permission to the underground facilities operator to access the property to ascertain the location of the sewer facilities. Location and marking requirements do not obligate the operator to maintain, clean or unstop underground sewer facilities owned by another person. A person is not obligated to represent that an underground sewer facility is abandoned if it was installed on or before December 31, 2005, and it is not owned by an underground facilities operator of a sewer system.

Allows underground facilities operators to delegate marking or notification obligations to an agent or servant of the operator and to notify the excavator and the outlined one-call notification center that marking is unnecessary pursuant to an any mutually agreeable method. All requests for markings shall extend the validity period of the markings to be for the purpose of excavating within the validity period of the markings. Requests shall be limited to an area that can be reasonably excavated within the validity period. Violators of these provisions are liable to the one-call notification center and to all operators for any resulting damages, costs and expenses.

Requires an underground facilities operator to notify the excavator if a facility is active or abandoned. Inactive facilities shall be considered for purposes of notification. An excavator is prohibited from treating a facility as abandoned unless he or she has received verification from the operator of the abandonment.

Requires a person who is responsible for the excavation to notify the operator of any damage, dislocation or detectable underground devices and prohibits that person from attempting any repairs except temporary emergency repairs as authorized by the operator. Homeowners excavating in an implied private property utility easement owned by the homeowner are not liable to the owner or operator under specified circumstances.

HB2325 concealed weapons permit; lifetime issuance

(Rep. Gray) (Laws 2005, Chapter 225)

Makes concealed weapons (CCW) permits valid for five years and reduces the length of the firearms safety training program that persons wishing to get a CCW permit must initially complete from sixteen hours to eight hours.

Permits held by military personnel stationed overseas are valid until 90 days after the end of the person's overseas deployment. Establishes a defense to prosecution for carrying without a valid permit if the person can show that he or she was deployed overseas at the time that the permit expired and has returned to the United States within the past 90 days.

A person renewing a CCW permit must provide fingerprints for the first renewal of the permit. Fingerprints do not have to be provided for a second or subsequent renewal. Current CCW permit holders would have to submit a set of fingerprints upon the next renewal of the CCW permit. Every renewal thereafter, they will not be required to submit fingerprints.

If a person is cited for not carrying a CCW permit but brings the permit to court (and it was valid at the time of the citation), the person shall not be convicted of the Class 2 misdemeanor.

HB2470 social security numbers; civil penalty

(Rep. McClure) (Laws 2005, Chapter 230)

Imposes a \$100 civil penalty on a person or entity that knowingly or intentionally violates the social security number confidentiality restrictions. The penalty applies to the restriction of putting a social security number on any card required for the individual to receive products or services provided by the person/entity.

HB2526 breast cancer special plates

(Rep. Aguirre) (Laws 2005, Chapter 232)

Establishes a special license plate for breast and cervical cancer screening upon the payment of \$32,000 by any person or organization for the establishment of the special plate. Of the \$25 special plate fee, requires that \$17 be deposited into the Breast and Cervical Cancer Screening and Treatment Special Plate Fund to be administered by the Department of Health Services. The remaining \$8 shall be deposited into the State Highway Fund. Before July 1st of each year, requires the Director of the Department of Health Services to distribute monies from the Breast and Cervical Cancer Screening and Treatment Fund for breast and cervical cancer screening and outreach services in this state.

HB2635 MVD release of private information

(Rep. Quelland) (Laws 2005, Chapter 234)

Effective December 31, 2005, stipulates that if a citizen has authorized the release of information relating to their driver's record for purposes of registering as an organ donor, ADOPT must release the information to the Organ Procurement Organization (OPO). Only the name and address may be released from the driving record to the OPO. Requires ADOT to provide a mechanism for individuals to

indicate their wishes to be an organ donor when applying for a license, permit, or identification card and release the required information to the OPO. ADOT shall implement these provisions if the OPO has provided adequate funding for them to do so.

SB1166 terrorism; animal; ecological

(Sen. Verschoor) (Laws 2005, Chapter 308)

Expands the definition of “racketeering” to include “animal terrorism” or “ecological terrorism” that results in or is intended to result in serious physical injury or death, “animal” and “ecological terrorism” if committed for financial gain and smuggling if committed for financial gain. “Animal terrorism” and “ecological terrorism” are defined as any felony that violates the racketeering statutes, involving at least three persons acting in concert that intentionally or knowingly inflict property damage in an amount of more than \$10K to property that is used by a person for the lawful operation of an animal facility or to a commercial enterprise that is lawfully engaged in operating an animal or research facility.

HB2424 golden rule special license plates

(Rep. Anderson) (Laws 2005, Chapter 242)

Requires MVD to issue a Golden Rule special plate if an incorporated nonprofit corporation with a history of promoting the golden rule pays \$32,000 by December 31, 2005 to MVD for implementation costs. Allows for the Golden Rule special plate to be combined with a personalized special plate. The combination, if allowed by MVD, is subject to the fees for the personalized special plate in addition to the fees required for the Golden Rule special plate. Requires \$17 of the \$25 special plate and renewal fee to be deposited in the Golden Rule Special Plate Fund to be allocated by the Department of Education to a private nonprofit Golden Rule foundation that provides Golden Rule programs that demonstrate the promotion of the Golden Rule in schools. The remaining \$8 shall be deposited into the State Highway Fund.

HB2207 commercial and historic vehicles

(Rep. Mason) (Laws 2005, Chapter 247)

Allows a fire engine that is used for hobby or display and has been issued a historical vehicle license plate to operate a signal and red and blue lighted lamp or illuminating device that projects a beam of light of an intensity greater than 300 candlepower during a parade, for authorized assemblage of historical vehicles or testing. Specifies that the lights and siren shall not be activated while a person is transporting or driving the vehicle to or from a parade, to an authorized assemblage of historic vehicles or testing.

HB2115 providing minors alcohol; license suspension

(Rep. Reagan) (Laws 2005, Chapter 268)

Requires ADOT, upon the order of a judge, to suspend the license of a person who has been convicted of knowingly purchasing or providing spirituous liquor to a minor.

Exempts the following from the prohibition from knowingly purchasing or providing spirituous liquor to a minor:

- ***Liquor licensees or employees who are working within the scope of their license.***
- ***Parents/guardians who give liquor to their own children while in a private home.***
- ***Persons providing liquor in conjunction with a religious ceremony.***

SB1283 forest health

(Sen. Bee) (Laws 2005, Chapter 278)

Modifies provisions related to the Healthy Forests Initiative by changing applicable definitions and providing additional economic incentives. Sets forth qualifications and reporting requirements for businesses to meet to qualify for state tax incentives related to the Healthy Forests Initiative. Requires the Department of Commerce to implement a program that encourages local governments to provide incentives for businesses to promote forest health in Arizona.

Discounts the use fuel tax for vehicles transporting forest products on highways in Arizona from 26 cents to 14 cents per gallon, applicable August 31, 2005, through December 31, 2010. The description of equipment that qualifies for a TPT deduction under the retail classification and general tax exemptions is narrowed to specify which construction shall qualify for the TPT deduction under the prime contracting classification. Creates a temporary class six classification with a rate of 5% of the full cash value or limited valuation property, from December 31, 2005 through December 31, 2010 for limited real and personal property and improvements owned by a qualified business and used for a qualifying project.

SB1325 overdimensional permit council: rules

(Sen. Verschoor) (Laws 2005, Chapter 280)

Requires the Director of ADOT, Director of the Department of Public Safety and Chairman of the Council to report on issues regarding overdimensional and overweight permit rulemaking and issuance. The Council must submit the report to the Governor, President of the State, Speaker of the House of Representatives on or before November 30, 2005, and provide copies to the Secretary of State and the Director of the Arizona State Library, Archives and Public Records.

Stipulates that the report shall include the following:

- ***Current status of an automated database and automated issuance of overdimensional and overweight permits.***
- ***Issues related to intrastate travel of overdimensional and overweight vehicles and uniformity of permit requirements across jurisdictional lines and engineering established by ADOT.***
- ***Recommendations to improve public safety by changing policies, rulemaking practices and procedures and the criteria for issuing permits.***
- ***States' best practices relating to issuance of permits.***
- ***Proposed statutory changes related to the oversight and issuance of permits.***

Increases, from 92 feet to 95 feet, the maximum length of the portion of a commercial motor vehicle that is used for carrying cargo, rather than the entire length of the commercial motor vehicle.

SB1119 parity: DPS employee compensation

(Sen. Huppenthal) (Laws 2005, Chapter 306)

Establishes the Parity Compensation Fund to be administered by the Department of Public Safety for the purpose of funding salary adjustments and benefits to Department of Public Safety law enforcement personnel. Redirects 1.51% of the vehicle license tax revenues collected for the State Highway Fund during the second half of each calendar month to the Parity Compensation Fund. This allocation shall not impact the distribution of vehicle license tax revenues to Arizona cities, towns and counties.

SB1166 terrorism: animal; ecological

(Sen. Verschoor) (Laws 2005, Chapter 308)

Expands the definition of “racketeering” to include “animal terrorism” or “ecological terrorism” that results in or is intended to result in serious physical injury or death, “animal” and “ecological terrorism” if committed for financial gain and smuggling if committed for financial gain. “Animal terrorism” and “ecological terrorism” are defined as any felony that violates the racketeering statutes, involving at least three persons acting in concert that intentionally or knowingly inflict property damage in an amount of more than \$10K to property that is used by a person for the lawful operation of an animal facility or to a commercial enterprise that is lawfully engaged in operating an animal or research facility.

SB1240 certified ignition interlock devices

(Sen. Gray) (Laws 2005, Chapter 312)

Allows a person to apply to MVD for a special ignition interlock restricted driver license if his or her driving privileges have been suspended or revoked following the first conviction of any of the following offenses:

- *Refusal to submit to a Blood Alcohol Content test*
- *Aggravated DUI with a minor in the vehicle*
- *Operation of a motor vehicle while under twenty-one years of age with spirituous liquor in the body.*

Specifies that the applicant must have served a minimum suspension period of ninety days before MVD may issue an ignition interlock restricted driver license. An applicant must present MVD with satisfactory evidence of having completed alcohol screening and treatment as a condition of the issuance of an ignition interlock device restricted driver license. MVD may extend the period of issuance of an ignition interlock device restricted driver license if there is reasonable grounds to believe that the device has been tampered with; if there is evidence that a person attempted to operate the vehicle with a blood alcohol content that was higher than .08 on three or more occasions within a twelve month period; or if the person fails to provide proof of compliance with ignition interlock device requirements.

Prohibits MVD from issuing a subsequent ignition interlock device restricted driver license to a person if the initial ignition interlock device is suspended,

revoked, cancelled or rescinded unless the suspension or revocation was a result of a failure to provide proof of compliance with ignition interlock device installation and inspection requirements. Requires MVD to mark a special ignition interlock device driver license immediately to distinguish it from other driver licenses.

Outlines communication requirements for MVD and ignition interlock device installers and requires that all information related to an offender's utilization of an ignition interlock device be downloaded every eleven months. Requires MVD to provide driver record information at no charge to the installer for the purposes of determining applicant eligibility. The installer shall notify MVD if the ignition interlock device is removed from the vehicle prior to the end of the ordered period.

Appropriates \$442,000 from the DUI Abatement Fund in FY 2006 to MVD for three FTEs to administer the program.

SB1254 immobilization of vehicles; DUI
(Sen. Gray)

Effective October 31, 2005, requires a peace officer to either immobilize or order the impoundment of a vehicle for thirty days if he or she determines that the person driving the vehicle is guilty of any of the following offenses:

- Driving on a revoked or suspended license**
- Driving on a license that has been suspended following a DUI conviction.**
- Driving a motor vehicle, if the person is under twenty-one years of age and has spirituous liquor in his or her body.**
- Aggravated DUI**
- Extreme DUI**

Stipulates that a peace officer shall not immobilize or impound a vehicle if he or she determines that the vehicle is in proper compliance with mandatory insurance requirements, the operator's spouse is present at the time of the arrest, has a valid driver license and is not impaired by an intoxicating liquor drug or vapor releasing substance and the spouse notifies the officer that he or she will drive the vehicle from the place of arrest to the driver's home or another place of safety. A peace officer is also prohibited from immobilizing or impounding a vehicle if the vehicle is owned by the driver's parent or guardian and the peace officer has probable cause to arrest the driver of the vehicle for driving with spirituous liquor in his or her body while under twenty-one years of age.

Requires an immobilizing or impounding agency to release a vehicle to the owner before the expiration of the thirty day immobilization or impoundment period if the owner was not the person driving the vehicle at the time of the arrest or if the owner is in the business of renting vehicles without drivers. The owner is responsible for the payment of all immobilization, towing and storage costs incurred in relation to the impoundment or immobilization of the vehicle unless the vehicle has been reported stolen to the appropriate law enforcement agency.

Appropriates \$250K from the Highway User Revenue Fund and 5 FTE positions to the Department of Transportation for the administration of commercial driver schools and motorcycle license examinations and endorsements.

Transportation-Related Budget Legislation

Sorted by Chapter Law

(Click on Bill or Chapter Number for bill text and summaries.)

CHAPTER LAW	SHORT TITLE	BILL NUMBER
Chapter 298	capital outlay; budget	HB2765
Chapter 299	fees for services; budget	HB2771
Chapter 301	state automation; telecommunications; budget	HB2777
Chapter 331	state budget procedures; budget	SB1521

Transportation-Related Budget Legislative Summaries

Sorted by Chapter Law

(Click on Bill or Chapter Number for bill text and summaries.)

[HB2765 capital outlay; budget](#)

(Rep. Boone) (Laws 2005, Chapter 298)

Makes various appropriations to state departments and agencies for capital projects scheduled for FY 2005-2006. Appropriates the following to ADOT:

- \$3,627,100 from the State Highway Fund for the ADOT Building System
- \$75,800 from the State Aviation Fund for the Grand Canyon Airport.

[HB2771 fees for services; budget](#)

(Rep. Pearce) (Laws 2005, Chapter 299)

Requires state agencies to report the number of electronic transactions, the total dollar amount of those transactions, the total dollar amount of any discount fees, and the total dollar amount of the all processing fees, in addition to the total dollar amount of any convenience fees charged, deducted or paid by October 1st of each year to the Government Information Technology Agency and the Joint Legislative Budget Committee.

[HB2777 state automation; telecommunications; budget](#)

(Rep. Boone) (Laws 2005, Chapter 301)

Establishes the Automation Operations Fund to be administered by the Department of Administration to pay the costs of any automation operations applications implemented by the Department of Administration and establishes the Telecommunications Program Office to oversee automation and telecommunications functions throughout the state. The bill requires each state

office, department and agency to contract with the primary contractor identified through the Telecommunications Program Office and make payments to the primary contractor for its telecommunications needs, including the installation and maintenance of telecommunications systems. The primary contractor shall also act as the state's agent for telecommunications carrier services to the offices, departments and agencies of this state.

SB1521 state budget procedures; budget
(Sen. Burns) (Chapter 331)

Allows ADOT to utilize Safety Enforcement and Transportation Infrastructure Fund (SETIF) monies to enter into an agreement with the Arizona-Mexico commission for the collection of transportation and trade data in the United States and Mexico for the purposes of constructing transportation facilities, improving public safety, improving truck processing time and relieving congestion at the ports of entry along the Arizona-Mexico border.

Allows ADOT to utilize SETIF funds to enter into an agreement with the Department of Homeland Security to improve traffic safety in the state of Arizona.

Subject to legislative appropriations, allows ADOT to utilize SETIF monies to enter into a contract with the Arizona International Development Authority for the planning, development and construction of transportation facilities on the Arizona-Mexico border in order to improve traffic safety in the state of Arizona.

Requires the Arizona State Retirement System to apply the FY 2005-2006 employer contribution rate as determined on March 15, 2005 on an annual basis. The ASRS contribution rate shall be adjusted on an annual (previously biennial) basis.

Adds a representative from the Office of Homeland Security to the Joint Legislative Review Committee on Transportation between Sonora, Mexico and Arizona.

Requires budget units to annually submit estimates of all financial requirements and anticipated receipts for all appropriated and non-appropriated funds in the next budget cycle to the Governor. The Governor's Office of Strategic Planning and Budgeting is required to prepare and distribute an annual report of all nonappropriated funds reported by the budget units by February 1st of each year.

Transportation-Related Agency/Personnel Legislation

Sorted by Chapter Law

(Click on Bill or Chapter Number for bill text and summaries.)

CHAPTER LAW	SHORT TITLE	BILL NUMBER
Chapter 82	payroll deduction agreements; group benefits	SB1017
Chapter 161	ASRS investment disclosure; limitations	HB2562
Chapter 186	property tax exemptions; continuing eligibility	SB1041
Chapter 267	state employees; military differential pay	SB1356
Chapter 297	rural health insurance; rural subsidy	HB2621
Chapter 309	property tax exemption; widows	SB1178

Transportation-Related Agency/Personnel Legislative Summaries

Sorted by Chapter Law

(Click on Bill or Chapter Number for bill text and summaries.)

[SB1017 payroll deduction agreements; group benefits](#)

(Sen. Waring) (Laws 2005, Chapter 82)

Authorizes premiums for the following state sponsored group benefits as allowable payroll deductions for state officers and employees and their families:

- *Long-term care insurance*
- *Critical care insurance*
- *Prepaid legal services*
- *Identity theft protection services*
- *Personal computer systems*

Clarifies that the Department of Administration may establish and maintain union dues without additional appropriation or technological improvements.

[HB2562 ASRS investment disclosure; limitations](#)

(Rep. Gray) (Laws 2005, Chapter 161)

Requires the Arizona State Retirement System (ASRS) to include, upon request, a list of investments in the annual financial report and requires ASRS to report to the Legislature companies held in the Fund that are known to support international terrorism.

SB1041 property tax exemptions; continuing eligibility

(Sen. Blendu) (Laws 2005, Chapter 186)

Makes changes to the process by which a widow, widower or disabled person may obtain a property tax exemption. Requires a widow, widower or disabled person to initially establish eligibility for a property tax exemption by filing an affidavit with the county assessor and eliminates the requirement that an applicant resubmit an annual affidavit for continued eligibility for the tax exemption. The applicant must notify the county assessor in writing of any disqualifying event, which includes the person's death or remarriage, increase in income greater than statutory prescribed amounts or conveyance of the property to another person. The applicant must also annually calculate his or her previous year's income to ensure continued eligibility for the tax exemption. The applicant's property is subject to tax, interest and penalties from the date of disqualification regardless of whether the person notifies the assessor as to the disqualifying event.

SB1356 state employees; military differential pay

(Sen. Bee) (Laws 2005, Chapter 267)

Effective July 1, 2004, allows a state employee or officer who is in the military reserves or national guard and who is ordered to active duty due to a declaration of a state of emergency to receive the difference between the employee's or officer's regular state pay and military pay if all annual and military leave balances have been exhausted. Requires that military pay be included in the calculation of the officer or employee's pay and stipulates that military personnel are prohibited from accruing sick leave during the term of absence.

Requires that the employee or officer exhaust all military leave balances by the time of activation or at any time during the active duty period and that he or she provide proof, within 60 days after receiving the pay differential, of honorable service while on active duty during the period of pay differential. Allows the state to seek recovery of pay differential from anyone who fails to provide proof of honorable service.

HB2621 rural health insurance; rural subsidy

(Rep. Konopnicki) (Laws 2005, Chapter 297)

An emergency measure that continues the temporary health care premium benefit supplement for retired members of ASRS, CORP, PSPRS and EORP who are Medicare eligible from June 30, 2005, to June 30, 2007. Appropriates \$28,000 from the ASRS Administration Account in FY 2005-2006 to ASRS for the administrative implementation of this act.

These provisions do not prohibit a person from purchasing, acquiring, carrying, using or possessing a permitted remote stun gun, preclude any justifiable offense, or preclude the prosecution of any person using a stun gun during the commission of any criminal offense

SB1178 property tax exemption: widows

(Sen. Tibshraney) (Laws 2005, Chapter 309)

Allows the Department of Revenue to increase the total allowable property tax exemption limitation on widows, widowers and disabled persons based on annual inflation, as determined by the GDP price deflator. The Department may increase the total income limitation amounts on widows, widowers and disabled persons seeking property tax exemption based on annual inflation, as determined by the GDP price deflator. Increases the income limits for widows, widowers and disabled persons seeking property tax exemption from \$13,200 to \$25,000 if the person does not have children under 18 years old living with the person and from \$18,840 to \$30,000 if the person has one or more children living at home.

Transportation-Related Vetoed Legislation

(Click on Bill or Chapter Number for bill text and summaries.)

BILL NUMBER	SHORT TITLE
HB2226	federal funds; reporting
HB2613	forest health amendments
SB1089	vehicle impoundment; storage
SB1188	agency budgets; responsibilities
SB1193	regulations; outdoor advertising; remedies; definition
SB1333	ecological and animal terrorism
SB1523	transportation; budget

Transportation-Related Vetoed Legislation

(Click on Bill or Chapter Number for bill text and summaries.)

[HB2226 federal funds; reporting](#)

(Rep. Nelson)

Requires state budget units to submit all requests, applications, agreements and contracts concerning federal monies to the Arizona Department of Administration and notify the Department of Administration upon the receipt of federal funding. The Department of Administration is required to forward all requests for federal funding in excess of \$1M to the Joint Legislative Budget Committee (JLBC) for review before accepting any allocation. Budget units are required to submit excess expenditure reports to the Joint Legislative Budget Committee when state allocations, combined with federal funding, exceed the appropriation originally made by the Legislature. Expenditures of new federal monies, reauthorizations of federal monies, modifications of categorical grants into block grants, and penalty payments to the federal government are made subject to legislative appropriation. The Legislature may provide agencies with advance lump sum appropriations for use in obtaining unanticipated federal monies. When the appropriation made by the Legislature is greater than federal funds received, that appropriation and its corresponding activity will be reduced equal to that difference. When the funds received from the federal government surpass the appropriation, the surplus funding will be credited to the budget unit's account. Budget units are required to eliminate or reduce full time equivalent positions in response to the reduction or elimination of federal funds for programs. Legislative approval must be obtained before budget units can backfill programs and FTEs with state monies. JLBC shall review federal reimbursements to budget units in excess of \$100,000 prior to the crediting of the budget unit's account.

HB2613 forest health amendments

(Rep. Chase)

Establishes a web site under the state forester to include information on the urban-wildland interface including the care of private property; the market value of time; and a list of professional harvesters who are willing to remove timber from private property. The Department of Commerce is instructed to administer a program that encourages local governments to provide incentives to businesses that promote forest health in Arizona. The bill outlines specific guidelines to be followed for the qualification and administration of these business incentives including mandatory reporting requirements for qualifying business and review by the Department of Commerce. Effective September 1, 2005, the use fuel tax is reduced from 26 cents to 13 cents per gallon for vehicles transporting forest products. People who pay the use fuel tax rate, but who actually use the fuel for transporting forest products may apply to ADOT for a refund of the difference between the use fuel tax paid and the use fuel tax rate prescribed for a motor vehicle transporting forest products. Narrows the description of qualifying equipment that is eligible for a transaction privilege tax (TPT) deduction under the retail classification and general tax exemptions, and specifies the construction that qualifies for a TPT deduction under the prime contracting classification. Creates a temporary class six tax classification, with a rate of five percent of the full cash value or limited valuation of property, from December 31, 2004, through December 31, 2010, for limited real and personal property and improvements owned by a qualified business and used for a qualifying project. Requires the State Wildland-Urban Fire Safety Committee to serve as a state government liaison with federal and private programs relating to the wildland-urban interface and forest health issues.

SB1089 vehicle impoundment; storage

(Sen. Gray)

Effective October 31, 2005, requires a peace officer to either immobilize or order the impoundment of a vehicle, whichever the driver of the vehicle chooses, for thirty days if he or she determines that the person driving the vehicle is guilty of any of the following offenses:

- Driving on a revoked or suspended license***
- Driving on a license that has been suspended following a DUI conviction.***
- Driving a motor vehicle, if the person is under twenty-one years of age and has spirituous liquor in his or her body.***
- Aggravated DUI***
- Extreme DUI***

A peace officer shall not immobilize or impound a vehicle if he or she determines that the vehicle is in proper compliance with mandatory insurance requirements, the operator's spouse is present at the time of the arrest, has a valid driver license and is not impaired by an intoxicating liquor drug or vapor releasing substance and the spouse notifies the officer that he or she will drive the vehicle from the place of arrest to the driver's home or another place of safety. A peace officer is also prohibited from immobilizing or impounding a vehicle if the vehicle is owned by the driver's parent or guardian and the peace officer has probable cause to arrest the driver of the vehicle for driving with spirituous liquor in his or her body while under twenty-one years of age, but not for aggravated or extreme DUI.

Requires an immobilizing or impounding agency to release a vehicle to the owner before the expiration of the thirty day immobilization or impoundment period if the owner was not the person driving the vehicle at the time of the arrest or if the owner is in the business of renting vehicles without drivers. The owner is responsible for the payment of all immobilization, towing and storage costs incurred in relation to the impoundment or immobilization of the vehicle unless the vehicle has been reported stolen to the appropriate law enforcement agency.

SB1188 agency budgets; responsibilities

(Sen. Martin)

Requires budget units, at the time of their sunset review, to include as part of their budget report, a statement that describes, in both quantitative and qualitative terms the extent to which they have linked their mission statements and strategic objectives to their overall agency budget and prioritized their activities as defined by JLBC staff. This report must also include the cost of each activity that is prioritized by the budget unit.

SB1193 regulations; outdoor advertising; remedies; definition

(Sen. Martin)

Allows the owner of an outdoor advertising use or structure that a municipality alleges is in violation of the applicable code, or of law relating to reasonable repairs and alterations, to remedy the violation by conforming or relocating the use or structure to comply with either the current applicable code, or the code in effect when the outdoor advertising use was originally started or the structure was originally built on the parcel. The height and size of the new outdoor advertising sign shall not exceed the size of that originally erected. Requires an outdoor advertising use or structure to comply with current zoning classification restrictions if it is being relocated to remediate a violation and requires a municipality to acquire or relocate an outdoor advertising use or structure by purchase or condemnation if a change that was not caused by the owner has occurred since the use or structure was started or built that does not allow the owner to remedy the violation. Allows the owner of an outdoor advertising use or structure to rely on permits or variances issued by the municipality or county that had jurisdiction over the use or structure when the permit or variance was issued in a proceeding with a municipality to adjudicate an alleged violation and when conforming and/or relocating an outdoor advertising use or structure to remedy an alleged violation. Applies the provisions of this legislation to all court or administrative proceedings concerning any outdoor advertising use or structure that have not been brought to a final adjudication and provides that a court or municipality is not prevented from exercising its discretion to grant additional rights or remedies to an owner that the court or municipality deems equitable. The bill establishes a rebuttable presumption that a permit exists for an outdoor advertising use or structure that was built before January 1, 1998, if the permit cannot be located by either the owner or the municipality or county and the use or structure is otherwise in conformity or can be brought into conformity through remediation and requires a municipality to issue a permit for an outdoor advertising use or structure that has been remedied if the municipality does not rebut the presumption that a permit exists.

SB1333 ecological and animal terrorism

(Sen. Verschoor)

Adds an act of “animal and ecological terrorism” resulting in or intended to result in serious physical injury or death, or if committed for financial gain, to the definition of racketeering. The bill defines “animal and ecological terrorism” as any felony, including any completed or preparatory offense, that involves criminal damage, the use of a deadly weapon or dangerous instrument or the intentional, knowing or reckless infliction of serious physical injury with the intent to obstruct, impede or deter any person from participating in a lawful animal activity, from mining, foresting, harvesting, gathering or processing natural resources or from being lawfully present in or on an animal facility or research facility.

SB1511 secure and verifiable identification

(Sen. Martin)

Prohibits law enforcement, a department, agency, commission, board or district of the state that requires identification for services from accepting or recognizing any identification document that was not issued by a state or federal authority and that is not verifiable by a law enforcement or a homeland security agency. Political subdivisions shall not rely on anything but verifiable identification for the purposes of issuing a form of identification, license, permit or official document. Law enforcement services shall not be withheld because of the presentation of unverifiable identification. Exceptions may only be made as required by treaty, federal law, in relationship to a federally recognized tribal nation or for the purposes of reporting a crime. Any actions made knowingly in violation of this act are not protected under governmental immunity.

SB1523 transportation; budget

(Sen. Burns)

Requires the ADOT Director to establish employee training programs and procedures to identify fraudulent information submitted by a person applying for a license. The legislation appropriates \$721,700 from HURF in FY 2005-2006 to ADOT for training programs and procedures to identify alleged fraudulent documents.

Requires MVD, if the Division has reasonable grounds to believe information or documents may be fraudulent, to examine the information and documents submitted by a person applying for a driver license, driver permit or nonoperating license to verify that the information and documents are valid, retain the applicant’s documents for further analysis and verification and keep an electronic record of the investigation. MVD is prohibited from issuing a permanent driver license, a permanent driver permit or permanent nonoperating license while investigating an applicant’s documents. MVD may issue a temporary driver permit or temporary nonoperating identification license without a photograph until the investigation is complete. MVD must process the application if the applicant’s information is found to be valid and to remove notation of the investigation from its electronic records.

If the information submitted is determined to be fraudulent, MVD must cancel the temporary permit, license or nonoperating identification license and shall notify the applicant by first class mail that the temporary credential has been cancelled,

that his or her application has been denied and that the applicant may request a hearing to appeal the ruling.

MVD, at the request of an applicant, must provide an opportunity for a hearing within 30 days of the request on the cancellation of a temporary permit or nonoperating identification license or denial of a driver license, driver permit or nonoperating identification license and, at the hearing shall either uphold the order of cancellation or refusal for a driver license, driver permit or nonoperating identification license or rescind the order of cancellation or refusal and process the application. MVD may extend a temporary driver permit or nonoperating identification license if good cause exists.

Requires the Director of MVD to file quarterly reports with the Director of the Joint Legislative Budget Committee and the Director of the Office of Strategic Planning and Budgeting relating to the number of cases MVD is investigating beginning on October 1, 2005. The Director shall include information in the report deemed relevant to enforcement actions against applicants submitting fraudulent information or documents while applying for a driver license, driver permit or nonoperating identification license.

Transportation-Related Vetoed Legislation

(Click on Bill or Chapter Number for bill text and summaries.)

BILL NUMBER

HB2770

SB1513

SHORT TITLE

general revenues; budget

general appropriations; budget

[HB2770 general revenues; budget](#)

(Rep. Pearce)

Eliminates the automatic transfer of monies from the general fund to the Arizona Tourism and Sports Authority when the National Football League income tax falls below the calculated minimum.

Continues to require that not less than 31.6% of total annual revenues from the sale of multistate lottery tickets to be deposited in the state lottery fund. Stipulates that if the state lottery director determines that monies available to the General Fund from the sale of multistate lottery games may not equal \$37 million the state lottery director shall withhold deposits into the local transportation assistance fund (LTAF) until deposits into the general fund total \$37 million. Requires that the LTAF deposit shall be reduced dollar for dollar by the amount that the general fund deposit exceeds \$31 million.

Requires any unrestricted federal monies received May 1, 2005 through June 30, 2006 to be deposited in the General Fund for the payment of essential government services. Retroactive to April 30, 2005.

***The Governor line-item vetoed the provisions related to the Arizona Tourism and Sports Authority and the requirement that all unrestricted federal monies received from May 1, 2005 through June 30, 2006 be deposited into the General Fund.*

[SB1513 general appropriations; budget](#)

(Sen. Burns)

Makes FY 2006-2007 General and other Fund appropriations for the operation of Arizona State Government.

Makes the following appropriations to the Department of Transportation:

- *Traffic Signal Lighting* *\$983,400*
- *Loop 303* *\$546,300*
- *Rental Rate Adjustment* *\$486,000*
- *MVD Fraudulent Document Staff* *\$721,700*
- *Engineering- 5% Salary Increase* *\$2,700,000*
- *Vehicle Inspection Staff* *\$273,700*
- *LIE Quality Assurance Staff* *\$140,500*
- *Fuel Surcharge* *\$2,000,000*
- *Employee Pay Increase 1.7%* *\$3,500,000*

Requires ADOT to submit a report to the Joint Legislative Budget Committee by September 1, 2005 on in-house and contract unit cost measures for highway maintenance landscaping per centerline mile.

Requires ADOT to submit quarterly progress reports to the Joint Legislative Budget Committee on the progress of increasing third party transactions, the status of third party quality assurance staffing, workload, backlog and on the moratorium on accepting new third parties.

Requires ADOT to conduct a joint study with the Game and Fish Department to examine the transfer of responsibility for processing watercraft registration from the Game and Fish Department to ADOT. This study must be submitted to the Joint Legislative Budget Committee by December 30, 2005 and must include an implementation plan and an examination of the overall impact on citizens, potential cost savings and the number of FTEs to be transferred to ADOT.

*****The Governor line-item vetoed a provision of the legislation that would have required that all revenues received in excess of forecasts be transferred to the Budget Stabilization Fund.***