



th
**49 Legislature,
Second Regular Session**



**Arizona Department of Transportation
Legislative Summaries
2010**

Contents

Members of the 49th Legislature.....	3
SORTED BY Bill Number	
Transportation-Related Legislative Summaries - Passed.....	5
Transportation-Related Legislation - Vetoed.....	20

**Information for Legislative Summaries was gathered from Legislation On Line Arizona (LOLA), Legislative Research Staff Bill Summaries, and bill language.*

***Official copies of all 2010 Chapter Laws and complete files of action for public review (for both the Regular and Special Sessions) are available on-line at www.azleg.gov. For large quantity copy requests, we ask that you contact the Secretary of State's **Office of Publications at (602) 542-4086**.*



Arizona Department of Transportation

Government Relations

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer
Governor

John S. Halikowski
Director

June 22, 2010

Kevin Biesty
Government
Relations Director

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

Dear Director Halikowski:

Attached is the final summary of transportation-related legislation considered during the Second Regular Session of the 49th Legislature. The Second Regular Legislative Session ended on April 29, 2010 lasting 109 days. During the session 1,410 bills, resolutions, and memorials were introduced, of which 338 were enacted and 14 were vetoed.

This document and *Final Summaries* from previous years can be found online at http://www.azdot.gov/CCPartnerships/Government_Relations/reports.asp. Full legislative chapter text, fact sheets and other legislative information and links can be found at www.azleg.gov/.

Unless otherwise specified, the general effective date for legislation enacted during the Second Regular Session is July 29, 2010.

Sincerely,

YOUR 2010 ADOT LEGISLATIVE TEAM

49th Legislature, Second Regular Session Legislative Members

DISTRICT	SENATE	HOUSE
1	Steve Pierce (R)	Lucy Mason (R) Andy Tobin (R)
2	Albert Hale (D)	Tom Chabin (D) Christopher Deschene (D)
3	Ron Gould (R)	Nancy McLain (R) Doris Goodale (R)
4	Jack Harper (R)	Judy Burges (R) Tom Boone (R)
5	Sylvia Allen	Bill Konopnicki (R) Jack Brown (D)
6	David Braswell (R)	Amanda Reeve (R) Carl Seel (R)
7	Ed Bunch (R)	Ray Barnes (R) Nancy Barto (R)
8	Carolyn Allen (R)	Michelle Reagan (R) John Kavanagh (R)
9	Robert Burns (R)	Rick Murphy (R) Debbie Lesko (R)
10	Linda Gray (R)	Jim Weiers (R) Doug Quelland (R)
11	Barbara Leff (R)	Eric Meyer (R) Adam Driggs (R)
12	John Nelson (R)	Steve Montenegro (R) Jerry Weiers (R)
13	Richard Miranda (D)	Anna Tovar (D) Martha Garcia (D)
14	Debbie McCune Davis (D)	Robert Meza (D) Chad Campbell
15	Ken Chevront (D)	Kyrsten Sinema (D) David Lujan (D)
16	Leah Landrum Taylor (D)	Ben Miranda (D) Clovis Campbell Jr. (D)
17	Meg Burton Cahill (D)	Ed Ableser (D) David Schapira (D)
18	Russell Pearce (R)	Cecil Ash (R) Steve Court (R)
19	Chuck Gray (R)	Kirk Adams (R) Rich Crandall (R)
20	John Huppenthal (R)	Rae Waters (R) John McComish (R)
21	Jay Tibshraney (R)	Steve Yarborough (R) Warde Nichols (R)
22	Thayer Verschoor (R)	Laurin Hendrix (R) Andy Biggs (R)

23	Rebecca Rios (D)	Frank Pratt (D) Barbara McGuire (D)
24	Amanda Aguirre (D)	Russell Jones (D) Lynne Pancrazi (D)
25	Manuel Alvarez (D)	David Stevens (D) Patricia Fleming (R)
26	Al Melvin (D)	Vic Williams (R) Nancy Young Wright (D)
27	Jorge Garcia (D)	Olivia Cajero Bedford (D) Phil Lopes (D)
28	Paula Aboud (D)	David Bradley (D) Steve Farley (D)
29	Linda Lopez (D)	Matt Heinz (D) Daniel Patterson (D)
30	Frank Antenori (R)	David Gowan (R) Ted Vogt (R)

Transportation-Related Legislation

Sorted by Bill Number

BILL NUMBER	SHORT TITLE	CHAPTER - LAWS 2010, SECOND REGULAR SESSION
HB 2005	Arizona Masonic Fraternity Special Plates	60
HB 2033	Emissions; Motorcycles; Area A; Date	42
HB 2034	Fuel Dispenser Stickers; Tax Information	250
HB 2133	Air Quality Nonattainment Areas; Designation	315
HB 2162	Immigration; Border Security	211
HB 2165	Vehicle Emissions Testing; Onboard Diagnostics	253
HB 2166	Law Enforcement; Officer; Representation	177
HB 2209	Public Meetings; Notices	88
HB 2245	Arizona Agricultural Youth; Special Plates	67
HB 2258	CDL Exemptions; Farm Vehicles	178
HB 2260	Regulatory Rule Making	287
HB 2282	Political Subdivisions; Government Transparency	288
HB 2296	Peace Officer; Spouse; Insurance Payment	148
HB 2328	Procurement from Certain Agencies	256
HB 2336	Escort Vehicles; Traffic Control; Insurance	99
HB 2338	Yellow Lights; Duration; Photo Enforcement	213
HB 2412	MVD Continuation	138
HB 2422	Primitive Roads	192
HB 2442	Greenhouse Gas Emissions; Regulations	152
HB 2534	Traffic Complaints; Social Security Number	155
HB 2536	License Plate Obstruction; Wheelchair Holders	104

HB 2586	Agency Rule Making; Fees; Commission	290
HB 2625	STAN Subaccount; City Reimbursement	291
HB 2627	County Transportation Excise Tax; Transit	326
SB 1018	Photo Enforcement; Justice Courts	266
SB 1023	Motor Vehicle Accidents; Death; Injury	159
SB 1030	Driver License Violations; Suspensions	185
SB 1063	Public Transportation; Regional Planning	201
SB 1065	Motor Vehicle Accident Reports	236
SB 1067	Motor Vehicles; Image Display Devices	141
SB 1070	Safe Neighborhoods; Immigration; Law Enforcement	113
SB 1108	Concealed Weapons; Permit	59
SB 1137	Department of Transportation; Vehicle Right-Of-Way	202
SB 1325	Polygraph Examinations; Interviews; Law Enforcement	210
SB 1366	Eminent Domain; Relocation Assistance	308
SB 1406	Procurement; Construction; Specialized Services	283

Transportation-Related Legislative Summaries

Sorted by Bill Number

HB 2005 – Arizona Masonic Fraternity Special Plates (Chapter 60, Laws 2010)

Prescribes the requirements for development of Arizona masonic fraternity special plates, including payment of \$32,000 to ADOT by December 31, 2010. Provides that for each plate purchased, \$8 is the plate administration fee and \$17 is an annual donation. Establishes an Arizona Masonic fraternity special plate fund; monies in the fund shall be deposited in the State Highway Fund. The ADOT Director shall annually allocate all monies to the fund, excluding the administrative fees, for distribution to statewide charities supported by the Masons.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0060.htm>

HB 2033 – Emissions; Motorcycles; Area A; Date (Chapter 42, Laws 2010)

This emergency measure extends the conditional enactment date for the EPA to issue a vehicle emissions testing exemption for motorcycles in Area A (mostly Maricopa County) until July 1, 2012, for the purposes of the state implementation plan for air quality. ADEQ must notify Legislative Council when this condition is met.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0042.htm>

HB 2034 - Fuel Dispenser Stickers; Tax Information (Chapter 250, Laws 2010)

Requires the owner of a motor fuel-dispensing site to ensure that a sticker showing the amount of federal and state taxes imposed on each gallon of gasoline is displayed on one side of each motor fuel dispenser. The Department of Weights and Measures (DWM) will apply the stickers provided by ADOT during their random inspections with a compliance schedule of four years from the date of adoption. DWM must also place a template of the sticker on their website.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2R/laws/0250.htm>

HB 2133 – Air Quality Nonattainment Areas; Designation (Chapter 315, Laws 2010)

Amends A.R.S. § 49-405 to specify the procedures by which ADEQ will develop proposed recommendations regarding designations for areas of the state that are in attainment, nonattainment, or unclassifiable after the EPA Administrator sets new or revised National Ambient Air Quality Standards (NAAQS). ADEQ will assist the Governor in submitting recommendations to the EPA Administrator.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0315.htm>

HB 2162 – Immigration; Border Security (Chapter 211, Laws 2010) (See also SB 1070)

- Amends some provisions of SB 1070.
- Any natural person who applies for a federal public benefit administered by the state, or a state or local public benefit that has a citizenship requirement, must submit at least 1 document that shows lawful presence in the U.S., including an Arizona driver's license issued after 1996, or a nonoperating identification license. A person who applies for federal, state, or local public benefits must sign a sworn affidavit stating that the documents presented are true under penalty of perjury. State or local public benefit does not include professional licenses, public retirement

system benefits, or services widely available to the general population. A court may award court costs and reasonable attorney's fees to a person or governmental entity that prevails in an adjudication of merits in a proceeding regarding eligibility for public benefits.

- Failure of an employee or the employee's supervisor in a state agency that administers any state or local public benefit to report discovered violations of federal immigration law is a Class 2 misdemeanor.
- A state or local official or agency may not limit or restrict enforcement of federal immigration laws to less than the full extent allowed by federal law.
- For any lawful stop, detention, or arrest by law enforcement in the enforcement of local or state laws, where reasonable suspicion exists that a person is an alien and is unlawfully present in the U.S., a reasonable attempt must be made to determine the person's immigration status, except if the determination may hinder an investigation. Law enforcement may not consider race, color, or national origin in implementing these requirements, except to the extent permitted by the Arizona or U.S. Constitution.
- An alien's immigration status may be determined by a law enforcement officer under federal law with authorization from the federal government to verify or ascertain the person's status, or by the U.S. ICE or CBP. A legal resident of the state may file suit in Superior Court to challenge any state or local official who adopts or implements a policy that limits or restricts enforcement of federal law, including 8 U.S.C. 1373 and 8 U.S.C. 1644.
- Modifies the civil penalty for failing to cooperate with federal officials in enforcing immigration laws.
- Provides that A.R.S. § 11-1051 does not implement or authorize the establishment of the REAL ID Act of 2005, including the use of a radio frequency identification chip.
- State or local law enforcement officials or agencies may not consider race, color, or national origin in enforcing certain provisions regarding unauthorized aliens, except to the extent permitted by the U.S. or Arizona Constitution.
- Creates a 12-member Joint Border Security Advisory Committee to take testimony about the international border with Mexico, analyze border-crossing statistics, and make recommendations to increase border security. The Commission must write a monthly report beginning 11/30/2010. Repeals the Commission on January 1, 2014.
- The Attorney General will act at the Governor's direction in any challenge in state or federal court to Laws 2010, Chapter 113 (SB 1070). The Governor may direct other counsel to defend the state in any challenge.

- A.R.S. §§ 11-1051, 13-1509, 13-2928, and 13-2929 do not become effective unless S.B. 1070 regarding unlawfully present aliens becomes law.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0211.htm>

HB 2165 – Vehicle Emissions Testing; Onboard Diagnostics (Chapter 253, Laws 2010)

Any vehicle in Areas A and B that receives an onboard diagnostic check that results in a finding that the vehicle is not ready for emissions testing qualifies for a special 90-day resident registration. ADEQ must provide the vehicle owner with a written description of the process to obtain the special 90-day registration and a report that identifies the test failure codes, and when available, a code description. A.R.S. § 49-542 does not become effective unless on, or before 11/1/2012, EPA issues an OBD deferral of compliance for the SIP for air quality.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0253.htm>

HB 2166 – Law Enforcement; Officer; Representation (Chapter 177, Laws 2010)

Prohibits an employer of a law enforcement or probation officer who violates statutory requirements regarding disciplinary interviews from using evidence obtained in the interview at an appeal hearing, except under certain circumstances.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0177.htm>

HB 2209 – Public Meetings; Notices (Chapter 88, Laws 2010)

Amends the open meeting law. Requires the Secretary of State to conspicuously post open meeting law materials on their website. Public bodies of the state must conspicuously post a statement on their website with the location of all public notices of meetings, including the physical and electronic locations. Additional public notice as is reasonable and practicable must be provided. A technological problem that temporarily or permanently prevents use of the website does not preclude holding the meeting if the public body complies with all other public notice requirements. Executive session notices must cite the law authorizing the special session. Each state agency must annually publish in the Administrative Register, the state directory, and in a telephone directory the names of employees who assist the public in getting information.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0088.htm>

HB 2245 - Arizona Agricultural Youth; Special Plates (Chapter 67, Laws 2010)

Prescribes the requirements for development of Arizona agricultural youth special plates, including payment of \$32,000 to ADOT by December 31, 2010. For each plate purchased, \$8 is the plate administration fee and \$17 is an annual donation. Establishes an Arizona agricultural youth special plate fund, which shall be administered by the State Board of Education acting as the State Board for Vocational and Technological Education. The State Board of Education shall annually allocate monies from the fund, excluding the administrative fee, to student career and technical education organizations that promote agricultural education programs at junior high and high schools in the state. Special plate fees shall be deposited in the State Highway Fund.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0067.htm>

HB 2258 – CDL Exemptions; Farm Vehicles (Chapter 178, Laws 2010)

Exempts hay squeeze machines used to load hay in an off-road situation from motor vehicle registration laws. These vehicles must not be used in the operation of a for-hire motor carrier, a person engaged in, and compensated directly for the transportation of goods or passengers.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0178.htm>

HB 2260 – Regulatory Rule Making (Chapter 287, Laws 2010)

Modifies the rulemaking process by allowing expanded use of summary rule making for repeal of certain obsolete rules. Requires the use of a general permit if an agency proposes a new rule or amends an existing rule that requires a regulatory permit if the activities of the class are substantially similar in nature unless prohibited by federal law, state law authorizes an alternative permit, or issuance of a general permit would result in additional regulatory requirements or cost to the permit applicant. Before filing a final rule with the Governor's Regulatory Review Council (GRRC), an agency must obtain the economic, small business, and consumer impact statement from OSPB if the Legislature appropriates money for this purpose. Contains additional requirements for agencies and more bases for GRRC to approve or disapprove a rule. Rules cannot be more stringent than a corresponding federal law without statutory authority to exceed the federal law.

GRRC appointments will be made by the Governor subject to Senate confirmation. Contains additional requirements that impact statements must have, including the number of new full-time employees needed to implement and enforce the proposed rule, and monetizing the costs and benefits of each option and rationale for not selecting an alternative. Adds more requirements for agency five-year rule reports. A person who is regulated by an obsolete rule may petition GRRC to require the agency to consider including the rule in the five-year report and recommend its repeal. Provides an additional basis to appeal agency rules. Continues the moratorium on state agency rulemaking through Fiscal Year 2011 if the rule imposes increased monetary or regulatory costs on the state or regulated community.

Creates a 10-member Commission on Privatization, Efficiency, and Competition, which will limit competition of state government with private enterprise in providing goods and services. The Commission will review complaints regarding competition by state agencies with private enterprise. The Commission will evaluate petitions of interest from private service providers, may hold public hearings, may recommend petitions to the Governor's OMB for review, and shall report the recommendations to the Legislature and the Governor. The Commission may evaluate all state agency exemptions and exceptions to the restrictions on competition with private enterprise and determine that any function of a state agency violates this Article. The Auditor General may provide performance audit information on state agencies without contacting state agencies.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0287.htm>

HB 2282 – Political Subdivisions; Government Transparency (Chapter 288, Laws 2010)

The comprehensive database of receipts and expenditures of state monies that ADOA must establish by January 1, 2011 must include access and capability to cross-link state expenditures with contract and subcontract language. By January 1, 2013, each local government must establish and ADOA must maintain an official internet website accessible to the public with search capability and at no cost, with comprehensive reporting of all revenues and expenditures over \$5,000 of local monies. Each local government must maintain a link on their website to the database and update the data at least every 3 months. Requires ADOA to establish an internet web portal with a list of all local governments and information about local government taxes, elections, and the administrative head of local governments. All local governments must report information to ADOR about all debt incurred during the last fiscal year.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0288.htm>

HB 2296 – Peace Officer; Spouse; Insurance Payment (Chapter 148, Laws 2010)

Entitles the surviving spouse and dependents of a law enforcement officer killed in the line of duty, or who dies from injuries suffered in the line of duty, to receive payments for health insurance premiums from public monies for one year after the officer's death. The law enforcement officer and dependents must be enrolled in the health insurance plan at the time of death. The surviving spouse must be entitled to continue to participate in the employer's health insurance plan at the time of the officer's death. Retirement payments will be reduced for health insurance premiums from the retirement plan from which the spouse receives benefits. Applies to peace officers certified by POST, corrections officers, and probation officers employed by the state or political subdivisions. Bill is retroactive to January 1, 2010.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0148.htm>

HB 2328 – Procurement from Certain Agencies (Chapter 256, Laws 2010)

The DES Director must appoint a state set-aside committee to determine materials and services that may be manufactured for sale by Arizona Industries for the Blind, nonprofit agencies that serve persons with disabilities, and Arizona Correctional Industries. At each quarterly meeting of the set-aside committee, the DES Director will report on new procurement requests or renewal of current procurement requests for state purchases from set-aside contracts and nonprofit agencies in which at least 60% of their employees have significant disabilities. DES will communicate with state governmental units about compliance with the requirement to set aside at least 1% of their new purchases or contracts for any products or materials from these entities. The committee will identify new products that should be manufactured or could be eligible for procurement.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0256.htm>

HB 2336 – Escort Vehicles; Traffic Control; Insurance (Chapter 99, Laws 2010)

Requires persons providing traffic control in state highway work zones to repeat flagger training at least once every four years. Escort vehicle operators who are trained and certified may perform traffic control under guidelines from ADOT, DPS, and the transportation industry. Escort vehicle operators performing traffic control must have a minimum of \$5,000 in commercial liability insurance prescribed by ADOT. Certification by

another state to escort vehicles satisfies the certification requirements, but does not authorize the person to perform traffic control.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0099.htm>

HB 2338 – Yellow Lights; Duration; Photo Enforcement (Chapter 213, Laws 2010)

Requires that local traffic control devices must conform to the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways. This manual shall include a requirement that yellow light duration must be at least three seconds. Prescribes that a traffic violation detected by a photo enforcement system may result in a traffic ticket and complaint if the traffic control device involved in the violation conforms to A.R.S. § 28-641.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0213.htm>

HB 2412 – MVD Continuation (Chapter 138, Laws 2010)

Repeals law that provided for the sunset of the Motor Vehicle Division of ADOT on July 1, 2010 and the repeal of their statutes on January 1, 2011. Bill is retroactive until July 1, 2010. With the removal of MVD's sunset date, this places MVD under ADOT's sunset process, which has a termination date of 7/1/2016.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0138.htm>

HB 2422 – Primitive Roads (Chapter 192, Laws 2010)

Authorizes the Board of Supervisors of a city or town to designate a road as a primitive road if the road was opened after June 13, 1975, the road was accepted for maintenance by the Board, or the city or town's governing body accepted the road for maintenance before June 13, 1985, and the road was not constructed according to county standards. Prohibits the Board of Supervisors or the governing body of a city or town from designating a state or county highway as a primitive road.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0192.htm>

HB 2442 – Greenhouse Gas Emissions; Regulations (Chapter 152, Laws 2010)

Notwithstanding any other law, ADEQ or a state agency established in Title 41 is prohibited from adopting or enforcing a state or regional program to regulate greenhouse gas (GHG) emissions to address atmospheric temperature changes without express legislative authorization. Notwithstanding any other law, any state or regional program to implement a cap and trade system to address GHG's that ADEQ or a state agency under Title 41 may propose requires express legislative authorization after a comprehensive assessment of the economic, consumer, fiscal, and business impacts of the program. This provision is not intended to affect any other current or future programs.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0152.htm>

HB 2534 – Traffic Complaints; Social Security Number (Chapter 155, Laws 2010)

Provides that a traffic complaint issued to an individual shall not contain the person's social security number. This provision does not apply to copies of the traffic complaint that are retained by law enforcement and the courts.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0155.htm>

HB 2536 – License Plate Obstruction; Wheelchair Holders (Chapter 104, Laws 2010)

Provides that for drivers who have wheelchair carriers or lifts on the rear of their vehicle and have two license plates, one plate shall be displayed on the rear of the vehicle and one plate shall be displayed on the wheelchair carrier or lift when attached to the vehicle.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0104.htm>

HB 2586 – Agency Rule Making; Fees. Commission (Chapter 290, Laws 2010)

Creates a ten-member state agency fee commission appointed by the Governor, the Speaker of the House, and the Senate President to review state agency fee authority, state agency fiscal needs, and appropriate fee levels. The commission will study the equality of the impact of state agency fees on business and industry and may recommend an appropriate legal procedure to raise or lower existing state agency fees. Requires the commission to submit a report of findings and recommendations to the House, Senate, and the Governor by 12/31/2010. Repeals the commission on and after September 30, 2011.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0290.htm>

HB 2625 – STAN Subaccount; City Reimbursement (Chapter 291, Laws 2010)

A governmental entity that receives money from the Roads of Regional Significance Mitigation Subaccount of Statewide Transportation Acceleration and Needs account must reimburse the account the total of all monies received as outlined in the MOU for any monies received before, on, or after 9/30/2009. Provides an exception to the repayment of any monies received by a city or town from the account before, on, or after the effective date of this amendment if the monies are received before 7/1/2012. The STAN program expires on 7/1/2012.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0291.htm>

HB 2627 - County Transportation; Excise Tax; Transit (Chapter 326, Laws 2010)

HB 2627 removes the prohibition on counties with 200,000 to 400,000 persons from levying both a county transportation excise tax for mass transit and a county transportation excise tax for roads. Counties affected by this enactment are: Mohave, Pinal, Yavapai and Yuma.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2R/laws/0326.htm>

SB 1018 – Photo Enforcement Procedures; Justice Courts (Chapter 266, Laws 2010)

A photo enforcement system shall not be placed on a street or highway within 600 feet of a posted speed limit change, except the system may be placed in an area around a school crossing delineated by signs per A.R.S. § 28-797(D). Transfers and renumbers A.R.S. § 28-654 as 28-1204. A sign that clearly states the posted speed limit must be placed between the photo radar notification signs. An alleged traffic violation detected by the state photo enforcement system must be filed within 120 days of the alleged violation. If a person does not respond to a notice of violation or contests the notice, the ticket and complaint must be served, except the complaint shall not be filed in court before personal service is completed. Unless authorized by ADOT, prohibits a person from applying a covering or any substance to a license plate, or use an electronic device or electrochromatic film that obscures from any angle the numbers, characters, year validating tabs, or name of the jurisdiction issuing the plate that may prevent a peace

officer from identifying a vehicle detected by photo radar. The civil penalty for a uniform traffic ticket and complaint under the state photo enforcement system is \$165 and is subject to the surcharge in A.R.S. § 16-954. Notwithstanding any other law, if a person is found responsible for any civil traffic violation from the state photo enforcement system, ADOT shall not consider the violation to determine whether to suspend or revoke the person's driver's license. A court shall send record transcripts of these violations to ADOT for commercial driver's license holders.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2R/laws/0266.htm>

SB 1023 – Motor vehicle Accidents; Death; Injury (Chapter 159, Laws 2010)

Adds several violations, including the lack of a valid driver's license and proper endorsement, to violations that constitute causing serious physical injury or death by a moving motor vehicle. If a person is found guilty of causing serious physical injury or death by a moving motor vehicle, the court may direct ADOT to suspend the person's driving privilege for 90 days if the violation causes serious physical injury, or 180 days if the violation results in death. Defines serious physical injury in A.R.S. § 13-105.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0159.htm>

SB 1030 – Driver License Violations; Suspensions (Chapter 185, Laws 2010)

Enables ADOT to issue a restricted driver license valid for one year to a person who has an existing suspension on his or her driver's license due to a conviction for driving on a suspended license. This will allow these people to drive to work and for other critical reasons, such as getting medical care. To be eligible for a restricted license, the person must serve the minimum suspension period, comply with court requirements, and pay MVD a \$10 driver license reinstatement fee.

Modifies the sanctions for a person driving on a suspended license. Currently, if a person drives on a suspended license, this extends the suspension period. As of January 1, 2011, the only sanction for driving on a suspended driver license will be fines and penalties ordered by a judge for a Class 1 misdemeanor offense.

Eliminates the requirement for a person to obtain an SR-22 (high risk and more expensive vehicle insurance policy) when the person has a temporary lapse in insurance. Persons who are repeat offenders for driving without insurance and drivers involved in a serious crash without insurance must still provide MVD with proof of SR-22.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0185.htm>

SB 1063 – Public Transportation; Regional Planning (Chapter 201, Laws 2010)

Defines the responsibilities of the Regional Public Transportation Authority (RPTA) and the regional planning agency for implementing the public transportation element of the regional transportation plan. RPTA funds may be spent to implement the public transportation element of the regional transportation plan developed by the regional planning agency. The RPTA Board must adopt a budget process, in cooperation with the regional planning agency, that is within available revenues. The regional planning agency must approve substantial changes to the budget that materially affect the corridor performance or change corridor service. In Maricopa County, the regional planning agency, in cooperation with state and local public transportation authorities and operators, must develop the public

transportation element of the regional transportation plan. Deletes some public transportation elements from the regional transportation plan. If the public transportation plan has a rail component, the rail operator is responsible for adopting capital, maintenance, and cost estimates of the system payable by each member city. Provides that the RPTA Board must implement the regional public transportation element of the transportation plan funded by the public transportation fund.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0201.htm>

SB 1065 – Motor Vehicle Accident Reports (Chapter 236, Laws 2010)

On request, copies of motor vehicle accident reports with damage or death over \$1,000 shall be provided to insurance support organizations that provide services in connection with claims investigation activities, antifraud activities, rating, or underwriting.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0236.htm>

SB 1067 – Motor Vehicles; Image Display Devices (Chapter 141, Laws 2010)

Repeals A.R.S. § 28-963 and replaces with statute prohibiting viewing a broadcast television image or visual image from an image display device while driving a motor vehicle in motion on a public roadway or an off-highway trail. Prohibits a person from operating a motor vehicle with an image display device visible to a driver seated in a normal driving position when the vehicle is moving. An image display device means equipment that displays to the driver of the motor vehicle rapidly changing images from a broadcast television image or similar entertainment content transmitted by wireless means, or a dynamic visual image, except text from a digital video disc or storage device. Exempts motor vehicle navigation devices, or vehicle control devices that allow a driver to monitor passengers seated behind the driver and display information intended to improve traffic safety.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2R/laws/0141.htm>

SB 1070 – Safe Neighborhoods; Immigration; Law Enforcement (Chapter 113, Laws 2010). (See also HB 2162)

The legislative intent of SB 1070 is to make attrition through enforcement the public policy of all state and local agencies in Arizona. The act is intended to discourage unlawful entry and presence of aliens and economic activity by persons unlawfully present in the U.S. Some of the key provisions of the bill are as follows:

- Prohibits state officials and agencies from restricting the enforcement of federal immigration laws to less than the full extent permitted by federal law.
- Requires a reasonable attempt to be made to determine the immigration status of a person when lawful contact is made by state or local law enforcement officials or agencies, where reasonable suspicion exists that a person is an alien who is unlawfully present in the U.S., except if this hinders an investigation.
- Prohibits state or local law enforcement officials or agencies from solely considering race, color, or national origin in implementing these requirements, except as permitted by the U.S. or Arizona Constitution.
- Presumes that a person is not an alien who is unlawfully present in the U.S. if the person provides to the law enforcement officer or agency a valid Arizona driver's license or nonoperating identification license, or other accepted identification.

- Except as provided by federal law, state officials or agencies may not be prohibited or restricted from sending, receiving, or maintaining information about the immigration status of any person, or exchanging information with another governmental entity, to determine eligibility for any public benefit, service, or license provided by federal, state, or local government, or verifying any claim of residence if required under state laws or a judicial order.
- Provisions do not implement, authorize, or establish the Real ID Act of 2005, including the use of a radio frequency identification chip.
- A legal resident of Arizona may bring an action in Superior Court to challenge any official or agency that adopts a policy or practice that limits or restricts enforcement of federal immigration laws. Requires the court to order a civil penalty for violations on a judicial finding of between \$1,000 to \$5,000 per day that the policy was in effect.
- Specifies the penalties and sentencing that will be imposed if an alien violates federal immigration laws that require an alien to carry an alien registration document.
- Law enforcement officers authorized by the federal government may verify or ascertain an alien's immigration status. Any certified record that relates to the immigration status of a person is admissible in any court without further foundation or testimony.
- Notwithstanding any law, a peace officer may lawfully stop any person operating a motor vehicle if the officer has reasonable suspicion that the person is violating civil traffic law.
- Prohibits illegal stopping of a motor vehicle on a street or highway that impedes traffic to hire a person to work at another location, illegal transporting of aliens, or harboring aliens in any building or means of transportation, if the person knows that the alien has entered the country illegally. Any means of transportation may be immobilized or impounded if used for this purpose.
- Requires every employer after hiring an employee to verify employment eligibility through the e-verify program and keep a record of the verification for the duration of the employee's employment or at least 3 years.
- Contains the severability clause.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0113.htm>

SB 1137 – Department of Transportation; Vehicle Right-of-Way (Chapter 202, Laws 2010)

SB 1137 provides ADOT and the State Transportation Board additional time to update the Long-range Statewide Transportation Plan. The bill enables the ADOT Director to establish other divisions or consolidate divisions within the agency. The bill allows ADOT to deposit all collection costs and fees from dishonored payments for fuel tax, motor carrier fees, and other miscellaneous fees in the State Highway Fund (SHF) instead of the Highway User Revenue Fund (HURF). The bill standardizes Title 28 statutes governing the stopping of a vehicle at a stop sign, so that it is clear that drivers must come to a complete stop and proceed with caution. SB 1137 requires Arizona Department of Revenue (DOR) to provide ADOT with an annual list of all rental vehicle companies that have obtained a Transaction Privilege Tax (TPT) license. This allows ADOT to obtain other lists to help in enforcement of Title 28 (e.g. state income taxpayer database information to

enhance Registration Compliance). The use of DOR's income tax database will enhance the identification of violators of Arizona's vehicle registration requirements and subsequently increase Vehicle License Tax collections. SB 1137 enables ADOT to hire a private entity to perform the day-to-day management of Traffic Survival Schools (TSS) and TSS instructors.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0202.htm>

SB 1325 – Polygraph Examinations; Interviews; Law Enforcement (Chapter 210, Laws 2010)

Modifies statutes dealing with disciplinary interviews on appeals of probation officer actions. If an employer interviews a law enforcement or a probation officer, and the employer believes that the interview could result in the officer's dismissal or suspension, the officer may request a representative from the officer's professional membership organization if an internal representative is unavailable. Before the interview begins, the employer must provide the officer with a written notice of the alleged facts that are the basis for the investigation and copies of all complaints with alleged facts that are reasonably available, except complaints under the jurisdiction of the EEOC. All data and reports from a polygraph examination of an officer are confidential and have restricted use. Prescribes the period during which data and reports from polygraphs of law enforcement or probation officers, except for preemployment polygraphs, must be destroyed.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0210.htm>

SB 1366 – Eminent Domain; Relocation Assistance (Chapter 308, Laws 2010)

Modifies the definition of acquiring agency and displacing agency to include state agencies and any other person or entity with the power of eminent domain. Requires state agencies to adopt rules through the rulemaking process for relocation assistance that are not in conflict with state laws and that provide, at a minimum, the level of relocation assistance required in 49 CFR 24.201 through 24.503.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/laws/0308.htm>

SB 1406 - Procurement; Construction; Specialized Services (Chapter 283, Laws 2010)

SB 1406 rewrites and amends statutes regarding procurement of construction and professional services using alternate project delivery methods. Some of the provisions of the bill are as follows:

- Revises definition of construction manager-at-risk to allow ADOT to contract separately for preconstruction services in the design phase and for other construction services instead of having a single contract for all these services.
- If ADOT interviews as part of the selection process, the RFQ must include the number of firms that will be interviewed.
- Limits each procurement or RFQ to a single contract, but does not limit ADOT's ability to procure multiple contracts using one RFQ under A.R.S. § 28-7367.
- Authorizes ADOT to procure multiple contracts for the same job-order- contracting construction services in one procurement. Contains additional requirements from that for single contracts, including specifying in the RFQ the number of contracts that will be awarded, the services for each contract, and that each will be awarded

to a separate firm. The final list and the number of interviews must include the number of firms or contracts, plus a number that ADOT determines, not to exceed five.

- In a two-phase design-build project, when only two firms remain after the initial solicitation and evaluation for a two-phase design-build project, ADOT must do any readvertising.
- Expands the definition of preconstruction services to mean services and other activities during the design phase, rather than just advice.
- Adds a new statute that regulates heavy rail and commuter rail projects.
- Authorizes ADOT to include rail components in any project. The rail provisions apply to design-bid-build, design-build, construction manager-at-risk, and job-order-contracting projects.
- Requires the licensed construction contractor to do at least 30% of the rail component of the project from the contractor's business, unless the rail component is under half of the total contract amount. Provides that when federal monies for a project are used, any conflicting state statutory requirements do not apply to the project.
- Sets the parameters for determining the project contract price, which excludes preconstruction or design services, and condemnation and right-of-way costs.
- Reorganizes and revises procurement procedures for political subdivisions in Title 34 and for state government in Title 41. Defines the process and requirements for a single contract for professional or construction services. Establishes the process and requirements for a single procurement for multiple contracts for professional services or job-order contracting services. Sets forth the process for procurement of professional services for small expenditures.
- Requires between 3 and 5 persons or firms for the final selection list, depending on the contract type.

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2R/laws/0283.htm>

Transportation-Related Vetoed Legislation

HB 2043 – Lawful Enforcement; Duty Fitness Examination

HB 2043 prescribes the conditions that an employer must meet when requiring a law enforcement officer or probation officer to submit to a fitness for duty examination when the officer is determined not able to perform essential job functions because of a physical or psychological examination. Defines a law enforcement officer.

HB 2240 – Recovery Audits; Public Funds

HB 2240 requires the Auditor General to contract with a consultant for a recovery audit of state payments to vendors. The intent of the audit was to review expenditure payments to vendors of over \$25,000 per fiscal year.

HB 2300 – Driving on Highways; Lane Regulations

Requires ADOT, in cooperation with DPS, to conduct an engineering and safety study in the non-urbanized areas of interstate 10 between Phoenix and Tucson, and any other non-urbanized areas along controlled access highways with three or more lanes, to determine the feasibility of implementing commercial vehicle lane restrictions. _

HB 2475 – Riding Between Lanes; Motorcycle Operation

Established a one-year period during which motorcycle operators in Maricopa County could pass vehicles in the same lane and drive between traffic lanes when traffic is stopped.