



<sup>th</sup>  
**50 Legislature,  
First Regular Session**



**Arizona Department of Transportation  
Legislative Summaries  
2011**

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

*\*\*Official copies of all 2011 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](http://www.azleg.gov)*



# Arizona Department of Transportation

## Government Relations

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

**Janice K. Brewer**  
Governor

**John S. Halikowski**  
Director

June 7, 2011

**Kevin Biesty**  
Government  
Relations Director

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

Dear Director Halikowski:

Attached is the final summary of transportation-related legislation considered during the First Regular Session of the 50<sup>th</sup> Legislature. The First Regular Legislative Session ended on April 20, 2011 lasting 100 days. During the session, 1,496 bills, resolutions, and memorials were introduced, of which 393 were enacted and 29 were vetoed.

This document and *Final Summaries* from previous years can be found online at [http://www.azdot.gov/CCPartnerships/Government\\_Relations/reports.asp](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 <http://azleg.gov/>.

Unless otherwise specified, the general effective date for legislation enacted during the First Regular Session is July 20, 2011.

Sincerely,

YOUR 2011 ADOT LEGISLATIVE TEAM

## 50th Legislature, First Regular Session Legislative Members

DISTRICT	SENATE	HOUSE
1	Steve Pierce (R)	Karen Fann (R) Andy Tobin (R)
2	Jack Jackson (D)	Tom Chabin (D) Albert Hale (D)
3	Ron Gould (R)	Nancy McLain (R) Doris Goodale (R)
4	Scott Bundgaard (R)	Judy Burges (R) Jack Harper (R)
5	Sylvia Allen (R)	Brenda Barton (R) Chester Crandell (R)
6	Lori Klein (R)	Amanda Reeve (R) Carl Seel (R)
7	Nancy Barto (R)	Heather Carter (R) David Smith (R)
8	Michele Reagan (R)	John Kavanagh (R) Michelle Ugenti (R)
9	Rick Murphy (R)	Debbie Lesko (R) Rick Gray (R)
10	Linda Gray (R)	Kimberly Yee (R) Jim Weiers (R)
11	Adam Driggs (R)	Kate Brophy McGee (R) Eric Meyer (D)
12	John Nelson (R)	Steve Montenegro (R) Jerry Weiers (R)
13	Steve Gallardo (D)	Anna Tovar (D) Richard Miranda (D)
14	Robert Meza (D)	Debbie McCune-Davis (D) Chad Campbell (D)
15	Kyrsten Sinema (D)	Katie Hobbs (D) Lela Alston (D)
16	Leah Landrum Taylor (D)	Catherine Miranda (D) Ruben Gallego (D)
17	David Schapira (D)	Ed Ableser (D) P. Ben Arredondo (D)
18	Russell Pearce (R)	Cecil Ash (R) Steve Court (R)
19	Rich Crandall (R)	Kirk Adams (R) Justin Olson (R)
20	John McComish (R)	Jeff Dial (R) Bob Robson (R)
21	Steve Yarbrough (R)	Tom Forese (R) J. D. Mesnard (R)
22	Andy Biggs (R)	Eddie Farnsworth (R) Steve Urie (R)

<b>23</b>	<b>Steve Smith (R)</b>	<b>Frank Pratt (R) John Fillmore (R)</b>
<b>24</b>	<b>Don Shooter (R)</b>	<b>Russ Jones (R) Lynne Pancrazi (D)</b>
<b>25</b>	<b>Gail Griffin (R)</b>	<b>David Stevens (R) Peggy Judd (R)</b>
<b>26</b>	<b>Al Melvin (R)</b>	<b>Vic Williams (R) Terri Proud (R)</b>
<b>27</b>	<b>Olivia Bedford Cajero (D)</b>	<b>Sally Ann Gonzales (D) Macario Saldate (D)</b>
<b>28</b>	<b>Paula Aboud (D)</b>	<b>Bruce Wheeler (D) Steve Farley (D)</b>
<b>29</b>	<b>Linda Lopez (D)</b>	<b>Matt Heinz (D) Daniel Patterson (D)</b>
<b>30</b>	<b>Frank Antenori (R)</b>	<b>David Gowan (R) Ted Vogt (R)</b>

## **Transportation-Related Legislation**

*Sorted by Bill Number*

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## ***Transportation-Related Legislative Summaries***

***Sorted by Bill Number***

### **HB 2003 – Emergency Response Services Fees; Prohibition (Chapter 82, Laws 2011)**

Prohibits a county or city from charging a fee or being reimbursed from a driver or insurer for costs of police, fire, or other emergency responder services, or personnel, motor vehicles, or equipment used to respond to a motor vehicle accident, investigation, or cleanup. Lists services for which counties or cities may charge fees.

[http://www.azleg.gov/FormatDocument.asp?format=print&inDoc=/legtext/50leg/1r/laws/0082.htm&Session\\_ID=102](http://www.azleg.gov/FormatDocument.asp?format=print&inDoc=/legtext/50leg/1r/laws/0082.htm&Session_ID=102)

### **HB 2016 - JLBC; JCCR; Reports (Chapter 83, Laws 2011)**

Deletes and modifies state agency requirements involving JLBC and JCCR. Removes a requirement for the Transportation Board to prepare an annual report to JLBC on STAN. For agencies that use electronic transactions, when the percentage of electronic transactions by an agency first exceeds at least 30% of the agency's total transactions, the agency must do a cost/benefit report. HB 2016 eliminates the \$10,000 deductible cap on property, liability, or worker's compensation losses. JLBC must review any deductible changes established by the ADOA Director.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0083.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0083.htm&Session_ID=102)

### **HB 2102 - License Eligibility; Authorized Presence (Chapter 314, Laws 2011)**

Amends license eligibility provisions in A.R.S. § 41-1080 regarding the documentation that an agency or political subdivision must obtain for a person to prove legal presence in the U.S. authorized under federal law. An Arizona driver's license issued after 1996 or an Arizona nonoperating identification license can still be used. HB 2102 requires an individual to present a government-issued document with a photograph to obtain a license to work and operate a business.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0314.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0314.htm&Session_ID=102)

### **HB 2209 – Safety Standards; Light Rail Systems (Chapter 88, Laws 2011)**

Federal transit law and regulations require the state to provide state safety oversight of rail transit systems. HB 2209 clarifies that ADOT has authority to establish, implement, and enforce minimum safety standards for street car systems in counties with a population of more than 500,000 persons. ADOT public records regarding state safety oversight of street car systems in counties with more than 500,000 persons are public records. ADOT's information on state safety oversight of light rail is a public record under Title 39, Chapter 1, unless the ADOT Director and Federal Transit Administration determine that the release of information threatens public safety.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0088.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0088.htm&Session_ID=102)

**HB 2246 - ADOT; Emergency Vehicle Access Plan (Chapter 280, Laws 2011)**

Requires the ADOT Director to adopt standards and specifications for work zone safety and mobility in state highway work zones under A.R.S. § 28-652. These standards and specifications shall provide for consultation with stakeholders, including area law enforcement and emergency responders, on projects that require a traffic management plan.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0280.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0280.htm&Session_ID=102)

**HB 2302 - Protected Address; Secretary of State (Chapter 173, Laws 2011)**

Requires the Secretary of State to establish an Address Confidentiality Program (ACP) to protect the residential address of victims of domestic violence. A person may apply to the Secretary of State beginning January 1, 2013 to be an ACP participant. The Secretary of State will designate a substitute address for program recipients to receive first-class mail and cannot disclose the address or phone number of a participant unless the office grants a request by a state agency under the law. Prohibits a person from knowingly or intentionally disclosing a participant's actual phone number or address. The penalty for a state employee knowingly or intentionally disclosing a program participant's actual address or phone number is a class 1 misdemeanor. A program participant must request a state agency to use a substitute address as their residential address, but prohibits a program participant from using their substitute address to assess any motor vehicle taxes or fees, or to title or register a vehicle. Motor vehicle records using an actual address are confidential and not available for inspection by anyone other than the program participant. Provides for redaction or changing address information in state agency public records created 90 days before a person was certified in the program. A program participant who registers to vote while receiving their driver's license or non-operating identification card must use their actual address.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0173.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0173.htm&Session_ID=102)

**HB 2318 - Regional and Public Transportation Authorities (Chapter 259, Laws 2011)**

An intergovernmental public transportation authority may be organized in any county with a population of up to 200,000. HB 2318 allows any community college district located in a city within an authority's area and any Indian nation located in a county within an authority's boundaries to become a member of the authority through an intergovernmental agreement. Changes the county population requirement for creation of a Regional Transportation Authority to less than 1,200,000. Allows the Board of Supervisors of a county with less than 400,000 persons to establish a Regional Transportation Authority.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0259.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0259.htm&Session_ID=102)

**HB 2359 - Transportation Contracts; Indemnity Agreements; Void (Chapter 54, Laws 2011)**

HB 2359 prohibits a motor carrier providing transportation services and a promisee from entering into a transportation services agreement after the bill's effective date that holds the promisee harmless from liability claims for negligent acts or intentional omissions. This does not apply to contracts for railroad operations, intergovernmental agreements with the state or political subdivisions, or agreements with public service corporations. Motor carriers are persons who transport property for compensation by a motor vehicle, including an agent, employee, or independent contractor. Transportation services include transportation of property, entering on property to load, unload, or transport property, and packing and storing property.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0054.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0054.htm&Session_ID=102)

**HB 2369 - DUI; Work Release (Chapter 91, Laws 2011)**

Amends A.R.S. § 28-1387 to require the court, following a person's sentencing for a DUI conviction, to allow a student or employed person to work up to 6 days a week, unless the court finds good cause to not allow the release and puts its findings in the record.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0091.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0091.htm&Session_ID=102)

**HB 2402 - Guardians of Incapacitated Persons (Chapter 262, Laws 2011)**

HB 2402 provides that when a guardian is appointed, the court may determine that a ward's privilege to obtain or retain a driver's license should be suspended and may issue an order suspending the privilege. If the court is presented with sufficient medical or other evidence to establish that the ward's incapacity does not prevent the ward from safely operating a motor vehicle, the court may decline to suspend the ward's driving privilege and issue an order allowing the ward to obtain or retain a driver's license. A finding of interim incapacity under A.R.S. § 14-5310 does not cause a ward's privilege to obtain or retain a driver's license to be suspended unless the court also finds that the interim incapacity affects the ward's ability to safely operate a motor vehicle and that the privilege should be immediately suspended. The court may order a ward not to drive a motor vehicle until the ward presents sufficient medical or other evidence to establish that the ward's interim incapacity does not affect the ward's ability to safely operate a motor vehicle. A ward whose privilege to obtain or retain a driver's license has been suspended or revoked by the court may file a request to terminate this action and reinstate the driving privilege. The court shall consider evidence, including a certificate of graduation from an accredited driving school. If the court grants an order terminating the suspension or revocation and reinstating the privilege, the ward may apply to ADOT to issue or reinstate a driver's license and must comply with all rules. An order terminating a temporary or permanent guardianship is an order terminating any incapacity previously adjudicated and vacates prior orders suspending or revoking a driver's license.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0262.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0262.htm&Session_ID=102)

**HB 2450 - Escort Vehicle Operation; Exemption (Chapter 265, Laws 2011)**

Amends A.R.S. § 28-1110 by providing that escort vehicle operators with permits from another state satisfy Arizona's certification requirements. The bill does not authorize these operators to perform traffic control, except as prescribed by rules established by ADOT.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0265.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0265.htm&Session_ID=102)

**HB 2462 - JLBC; Annual Report; Debt (Chapter 130, Laws 2011)**

HB 2462 requires state and local government to report to the Department of Revenue all incurred debt, including principal and interest paid in the latest full fiscal year according to a schedule by the Department of Revenue (DOR). DOR will maintain an online searchable database of this information. On or before January 31 of each year, JLBC will present to the House and Senate Appropriations Committees a report on state debt and obligations, including outstanding general obligation and revenue bonds, long-term notes and obligations, and deferred rollover payments. State debt and obligations means debt and obligations on which principal or interest are paid with state funds.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0130.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0130.htm&Session_ID=102)

**HB 2500 - Political Signs; Public Right-Of-Way (Chapter 318, Laws 2011)**

This bill prohibits a city or county from removing, altering, or covering certain political signs placed in that jurisdiction's public right-of-way if the signs are under 6 square feet in an area zoned for residential use, or a maximum of 32 square feet if located in any other area, and the sign location is not hazardous. Cities or counties who deem the placement of a political sign an emergency may immediately relocate a political sign by notifying the candidate or campaign committee. The jurisdiction may remove the sign if it is still in violation 24 hours after the notification. A city or county employee is not liable for an injury caused by a candidate's failure to remove a sign unless the employee intended to cause injury or was grossly negligent. Cities or counties may prohibit political sign installation on structures they own. These provisions do not apply to state highways or routes or overpasses.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0318.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0318.htm&Session_ID=102)

**HB 2523 – Violations; Motor Vehicles; License Suspensions (Chapter 286, Laws 2011)**

HB 2523 requires ADOT to suspend the driver's license of a person who operates a motor vehicle and fails to appear for a scheduled court appearance more than once. Prohibits a person from operating a motor vehicle with a suspended license.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0286.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0286.htm&Session_ID=102)

**HB 2572 - Government Expenditure Database; Transparency – (Chapter 119, Laws 2011)**

Prescribes the requirements for the state government expenditure database maintained by ADOA and local governments. The database must conform to accepted audit standards, and must include information in the comprehensive annual financial report of each budget unit from a licensed CPA, who is licensed by the State Board of Accountancy, not a departmental employee. If ADOA has a Comprehensive Annual Financial Database for a budget unit that has a Certificate of Achievement for Excellence in Financial Reporting by the Governmental Finance Officers Association, ADOA may post that financial report on their website.

**[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0119.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0119.htm&Session_ID=102)**

**HB 2575 - Vehicle Sale; Disclosure of Lien (Chapter 288, Laws 2011)**

Prohibits a person from knowingly selling or transferring motor vehicle ownership without disclosing to the purchaser or transferee the existence of a restitution lien. Prescribes the penalty of a Class 1 misdemeanor for this violation.

**[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0288.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0288.htm&Session_ID=102)**

**HB 2608 - Public Consignment Auction Dealers; Definition (Chapter 289, Laws 2011)**

Expands the definitions of motor vehicle dealer and used motor vehicle dealer to include a public consignment auction dealer. A public consignment auction dealer conducts live auctions with a licensed auctioneer and verbally accepts bids or on a consignment contract basis. Exempts public consignment auction dealers from an implied warrant of merchantability and emissions testing, and must post a sign regarding this. Prescribes written information that dealers must provide to ADOT within 15 days after a vehicle is transferred. Establishes an \$8 penalty per vehicle for the first month and \$4 for each additional month that the public consignment auction dealers provide late notice of a vehicle sale, with a cap of \$100. The dealer must provide written notice and an invoice of vehicle sale. Requires a dealer to keep permanent records in a form ADOT determines with information available to ADOT, DOR, or any peace officer. A public consignment auction dealer must inform motor vehicle buyers of their responsibility to meet emissions requirements and must comply with consignment contract and evidence of ownership requirements. Public consignment auction dealers are subject to sales tax requirements. Prohibits a wholesale motor vehicle dealer from selling motor vehicles to a public consignment auction dealer. The bill is effective on October 1, 2011.

**[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0289.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0289.htm&Session_ID=102)**

**HB 2622 - Recreational Off-Highway Vehicles (Chapter 95, Laws 2011)**

HB 2622 expands the definition of an all-terrain vehicle as a recreational vehicle that is designed for recreational non-highway all-terrain travel, is no more than 64 inches wide, has an unladen weight of no more than 1,800 pounds, has at least 4 non-highway tires, and has a nonstraddle seat and steering wheel for control.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0095.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0095.htm&Session_ID=102)

**HB 2644 - Federal Monies; Union Preference; Prohibition (Chapter 319, Laws 2011)**

Prohibits cities, counties, and state departments from accepting federal monies for construction projects if, as a condition of accepting federal monies, the entity is required to give preference to union labor.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0319.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0319.htm&Session_ID=102)

**HB 2656 - Women Veteran Special Plates (Chapter 81, Laws 2011)**

Authorizes ADOT to make available a new Women's Veteran Special Plate after the Department of Veteran Services (DVS) pays \$32,000 to ADOT. DVS will design the plate. ADOT will approve the plate design and color. Of the \$25 fee for the plate, \$8 is deposited into the State Highway Fund and \$17 is an annual donation to benefit women veterans, including providing shelter to them. ADOT must establish a separate subaccount in the veterans' donation fund for deposit of the donations. The first \$32,000 received must be deposited and reimbursed to the veterans' donation fund.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0081.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0081.htm&Session_ID=102)

**HB 2659 - Rental Motor Vehicles; Surcharge (Chapter 290, Laws 2011)**

Provides that the 5% rental vehicle surcharge on vehicles rented without drivers shall be used only to reimburse the amount of vehicle license tax imposed on a rental vehicle rented, whether rented in Arizona or another state or jurisdiction.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0290.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0290.htm&Session_ID=102)

**SB 1053 - Character Education Special Plate Fund (Chapter 320, Laws 2011)**

Allows the Department of Education to use no more than 10% of the character education special plate fund for administrative costs. This special plate was established in 2004. This bill establishes other special license plates and separate funds, including the Law Enforcement Special Plate, Youth Development Special Plate, Multiple Sclerosis Awareness Special Plate, Childhood Cancer Research Special Plate, Litter Prevention and Cleanup Special Plate, Arizona Professional Hockey Club Special Plate, Arizona Public Broadcast Television Special Plate, and the Global Graduate Management School Special Plate. An Arizona nonprofit corporation incorporated in the state must provide the implementation fee for the In God We Trust Special Plate. Donations for this plate will be distributed according to a written resolution of the nonprofit corporation and must promote the "In God We Trust" motto and First Amendment Rights.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0320.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0320.htm&Session_ID=102)

**SB 1133 - Approaching Stationary Vehicles; Yield Right-Of-Way (Chapter 131, Laws 2011)**

Amends the "Move Over" statute to require a person driving a vehicle who approaches a stationary vehicle that is displaying warning lights to yield the right-of-way, and if safe to do so, drive into a lane away from the stationary vehicle. If unsafe to change lanes the vehicle must slow down.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0131.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0131.htm&Session_ID=102)

**SB 1147 - Motor Vehicle Safety Monitoring Equipment (Chapter 64, Laws 2011)**

SB 1147 exempts certain safety monitoring and driver feedback equipment used by trucking companies that are mounted on the rear windshield around the rearview mirror area from current window and windshield equipment restrictions.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0064.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0064.htm&Session_ID=102)

**SB 1200 - Driving Under The Influence; Interlock (Chapter 341, Laws 2011)**

SB 1200 includes many changes to existing DUI and Ignition Interlock Device (IID) laws. For a first time DUI offender who uses an Ignition Interlock Device (IID) for 6 months and meets certain requirements, ADOT may dismiss the second six month's IID use. This applies only to a person with a conviction for a violation for first-time non-extreme DUI, successful completion of an alcohol education program, who meets all IID requirements for at least 6 months, and does not attempt to operate a vehicle with a Blood Alcohol Content (BAC) of 0.08 or above 2 or more times. Cities or counties may establish continuous alcohol monitoring programs for persons sentenced to jail confinement under DUI laws.

A judge may suspend all but one day of a jail sentence on a DUI conviction if a person completes an alcohol or drug screening program. Allows requests for DUI hearings to be submitted online.

If the results of a blood or alcohol test show that there is any drug defined in A.R.S. § 13-3401 or any drug metabolite in a person's system without a prescription, the person's license will be suspended for at least 90 days. Requires ADOT to suspend the license of an offender for at least 30 days and to restrict a person from driving for 60 days if a drug metabolite is in a person's body without a prescription. The presence of any drug or drug metabolite in a person's body without a valid prescription as determined from a blood or breath test is added as a reason for administrative license suspension for DUI.

A person convicted of extreme DUI who has a second DUI violation within 84 months and completes 45 days of the license revocation period is eligible for a special IID restricted driver's license. Allows a judge to suspend most of the jail sentence if the person uses an IID for 12 months. Amends the criteria that must be presented to the Director for a special IID restricted driver's license. ADOT shall make a notation on a special IID restricted driver's license issued to a person placed in a continuous alcohol monitoring program.

Allows persons whose class D or G license have been suspended under additional violations to apply to ADOT for a special IID restricted driver's license when their license is suspended for an alcohol offense if they meet certain criteria and comply with court ordered alcohol or drug treatment or driving license restrictions. ADOT must extend an IID restricted or limited driver license and IID period for 6 months if reasonable grounds exist to believe that a person attempted to operate a vehicle with a BAC of 0.08 or more during the 6-month extension. Requires a person ordered by the court or required by ADOT under A.R.S. § 28-3319 to equip any motor vehicle the person operates with a certified IID while under arrest to submit to any alcohol blood or breath test and to comply with the continuous alcohol monitoring program.

Requires the ADOT Director to adopt rules deemed necessary to permit imposition of a civil penalty against an IID manufacturer or installer who fails to properly report IID data. Any monies collected from civil penalties will be deposited in the DUI Abatement Fund. Imposes an additional \$125 assessment on a person convicted in court for a violation of Title 28 if a warrant is issued for the person's arrest for failing to pay other fines or penalties. These monies will be sent to the County Treasurer. The ADOT Director shall refuse to renew the vehicle registration of a vehicle owned by a person who has failed to comply with IID requirements. Establishes circumstances under which ADOT will remove the IID requirement and defer the remaining IID time period.

If a person is unable to operate an IID and sufficient medical evidence or employment requirements exist, ADOT may allow a person to be placed in a continuous alcohol monitoring program with daily testing for alcohol use, instead of using an IID. After two positive alcohol tests, the Department will discontinue alcohol monitoring and require installation of an IID.

This bill is effective from and after December 31, 2011.

**[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0341.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0341.htm&Session_ID=102)**

**SB 1235 - Law Enforcement Officers; Disciplinary Procedures (Chapter 230, Laws 2011)**

Requires the employer of a law enforcement officer who has a disciplinary interview to provide a summary of discipline ordered for the same infraction against any other officer of similar rank and knowledge who worked for that employer in the past 2 years. Prohibits an employer from taking conclusive action or setting up a hearing until the officer receives file copies of relevant cases. Defines disciplinary action as dismissal or suspension for more than 8 hours, which is subject to a hearing.

**[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0230.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0230.htm&Session_ID=102)**

**SB 1241 - Motor Vehicle Dealers; Franchises (Chapter 100, Laws 2011)**

Modifies motor vehicle franchise requirements. A dealer who sells a used vehicle to another dealer or destroys a vehicle is not obligated to inspect the vehicle for defects or

damage. Prohibits a dealer who sells a used vehicle to a consumer who exports the vehicle to a foreign country from refusing to sell or deliver new vehicles to the dealer. Eliminates the current law requiring the franchisor to accept the transfer or sale of the franchise to the dealer's qualified spouse, son, or daughter who is licensed. Details the actions that a franchisor must take and the payments that must be made when a franchise is terminated. Voids any stipulation that allows a person who acquires a franchise to waive compliance with Arizona laws.

**[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0100.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0100.htm&Session_ID=102)**

**SB 1261 - Vehicle Liens; Titles (Chapter 101, Laws 2011)**

ADOT must receive liens, encumbrances, or title retention documents within 30 business days after the date of their execution. Constructive notice to creditors dates from the time of execution. Failure of a motor vehicle dealer as defined in A.R.S. § 28-4301, a finance company, or ADOT to complete the required paperwork within 30 business days shall not result in the loss of the vehicle for either the vehicle lienholder or purchaser. This bill is retroactive to January 1, 2011. The bill contains an emergency clause.

**[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0101.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0101.htm&Session_ID=102)**

**SB 1262 - Arizona Centennial Special Plates (Chapter 323, Laws 2011)**

This bill authorizes ADOT to issue the Arizona Centennial Special Plate using \$32,000 from the State Highway Fund. The Arizona Office of Tourism (AOT) will design the plate subject to ADOT approval. A request for a centennial plate may be combined with a personalized plate on payment of both fees. The \$25 special plate fee is split with \$17, the annual donation, deposited in the Arizona Centennial Special Plate fund and the \$8 administration fee deposited in the State Highway Fund. The first \$32,000 must be reimbursed to the State Highway Fund, with a cap of 10% of the monies used to administer the fund. Provides for quarterly allocation of funds to AOT in FY 2012 to pay costs of Arizona Centennial Project events. In FY 2013 and thereafter, ADOT shall make annual allocations of funds to the Arizona Historical Society for the costs of the Centennial Museum.

SB 1262 provides that if a nonprofit corporation incorporated in the state gives ADOT \$32,000, ADOT will issue the In God We Trust Special License Plate. The nonprofit corporation must file a copy of a written resolution with ADOT that authorizes the distribution of these special license plate donations. Donations for the In God We Trust plate must be used to promote In God We Trust, First Amendment rights, and our state and national heritage.

The emergency clause was not enacted for this bill.

**[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0323.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0323.htm&Session_ID=102)**

**SB 1270 - Arizona Department of Transportation; Omnibus (Chapter 190, Laws 2011)**

SB 1270 makes numerous changes to Title 28, including the following:

- Authorizes the ADOT Director to obtain criminal history record information from applicants seeking new employment or transfer for the purpose of hiring personnel.
- The ADOT Director may obtain consumer report information about applicants for employment for the purpose of hiring personnel. This information may only be used to determine suitability of the applicant for positions involving fiduciary, financial responsibilities, driver's license issuance, and access to highly confidential information.
- Updates the commercial motor vehicle statutes regarding safe crossing of railroad or rail transit tracks by operators of commercial motor vehicles to conform to federal requirements.
- Modifies obsolete provisions that required the ADOT Director to adopt standards on various vehicle lamps. Repeals obsolete language in A.R.S. § 28-950 and 28-951 on vehicle lamps. Clarifies that vehicle safety glass must meet applicable federal safety standards.
- Specifies that the \$75 Special Overweight Truck Permit fee collected at an international port of entry will be deposited into the State Highway Fund.
- Updates the definition of "commercial motor vehicle" to conform to federal regulations on the issuance of a commercial driver license.
- Clarifies that a person who drives a commercial motor vehicle on a public highway or street in this state without the appropriate commercial driver license endorsement is guilty of a class 3 misdemeanor.
- Narrows the scope of individuals who must undergo the criminal records check to a licensed vehicle dealer or auto recycler.
- Enables ADOT to inspect a proposed "place of business" of an applicant for a dealer or recycler license either through an on-site visit or through an alternate method as determined by the ADOT Director. Each applicant and each partner for a dealer license who owns 20% or more of an entity must provide a full set of fingerprints to ADOT. This does not apply if an applicant who owns more than 20% of an entity has submitted to a criminal records check within the past 5 years, or is currently licensed.
- In consultation with an organ procurement organization in the state, the ADOT Director may prescribe the form and content of an indicia to be placed on a driver license, permit, or nonoperating identification license indicating that a person wishes to be an organ donor.

- Makes the renewal date for dealer licenses that are issued by ADOT and the Department of Financial Institutions the same.
- Repeals statutes governing the licensure of Title Service Companies. This repeal is effective from and after March 31, 2012. Title service companies that want ADOT to accept their vehicle title work can do so as authorized third parties.
- Beginning January 1, 2012, enables the Department to select an authorized third party electronic service partner through a competitive bid process. Enables the Department and the selected third party electronic service partner to negotiate compensation and utilization of profits in a written agreement. If third parties are reimbursed for individual transactions, the reimbursement is limited to statute. Other forms of reimbursement or compensation may be specified in the written agreement, including information technology and automated systems. Notwithstanding A.R.S. § 28-5101, any agreement between ADOT and a third party electronic service provider or partner on the effective date of this act continues in effect.
- Adds a definition of “motor vehicle” to comply with federal motor carrier safety regulations. Updates the maximum gross vehicle weights rating (18,000 lbs.) for public utility trucks that are exempt from “hours of service” limitations. Repeals conflicting laws passed in 2008 dealing with two sections of Title 28 motor carrier safety statutes (Sections 28-5201 and 28-5204).
- Enables a person to remit, and ADOT to accept, excess fuel tax collections. This provision is similar to a statute governing remittance and acceptance of excess sales tax collections.
- Clarifies provisions governing the potential use of a third party contractor in managing ADOT’s logo sign program.
- Expands the types of projects, services, and eligible facilities that qualify as a P3 initiative. ADOT may include provisions in a P3 or a concession agreement to authorize ADOT or the private partner to collect rents, advertising and sponsorship fees, and service fees. ADOT may acquire real property that is needed for and related to eligible facilities, including exchanging property with other ADOT property. These exchanges are exempt from current statutes on land purchase and disposition of roadways.
- Allows ADOT to contract with a private entity to license all professional driver training schools. This section has a delayed effective date of from and after March 30, 2012.
- Requires an applicant for operation of a professional driver training school to provide ADOT or a contracted private entity with a DPS fingerprint clearance card when applying for licensure. Makes conforming changes to other statutes regarding DPS fingerprint cards. The provisions dealing with use of a private entity to license

Professional Driver Training Schools have a delayed effective date of from and after March 30, 2012.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0190.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0190.htm&Session_ID=102)

**SB 1324 - Vehicle Emissions Testing; Older Vehicles (Chapter 163, Laws 2011)**

Allows the ADEQ Director to adopt rules to exempt motor vehicles manufactured in, or before the 1974 model year from emissions inspection for the purpose of the state implementation or maintenance plan for air quality, contingent on EPA approving the exemption. Extends the motorcycle test exemption for Area A to July 1, 2012, conditioned on EPA's approval. By November 1, 2012, EPA must approve the deferral of vehicle testing failure for on-board diagnostics in Areas A and B, conditioned on EPA approval of the SIP.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0163.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0163.htm&Session_ID=102)

**SB 1398 - Moving Violations ; Assessment; Equipment; Enforcement (Chapter 308, Laws 2011)**

Levies an additional \$13 penalty on court-imposed fines and penalties for criminal traffic offenses, civil penalties for civil traffic violations, and for local motor vehicle ordinances. A portion of these monies is distributed to counties, cities, and the courts, with a portion deposited in the Public Safety Equipment Fund for public safety equipment. Monies are also distributed for border enforcement. Removes statutory references to the state photo enforcement system. Repeals the provision that stated that state photo enforcement violations cannot be considered by ADOT for license suspensions. If a law enforcement agency issues a citation for a photo enforcement violation and serves the violator, the agency must inform the violator that the driver does not need to be identified and does not need to respond. Failure to respond to the citation will result in the probability that the person will be formally served under state law and will be required to pay the cost of service.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0308.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0308.htm&Session_ID=102)

**SB 1402 - Special License Plates (Chapter 324, Laws 2011)**

Provides that for the In God We Trust Special Plate, an incorporated nonprofit corporation must give ADOT \$32,000. This corporation must provide ADOT with a written resolution indicating the distribution of the donations. These donations must be used to promote In God We Trust, First Amendment rights, and our state and national heritage. Establishes these new special license plates and funds: Law Enforcement, Youth Development Organization, Don't Tread on Me, Multiple Sclerosis Awareness, Hunger Relief Special Plate, Childhood Cancer Research, Litter Prevention and Cleanup, Arizona Professional Hockey Club, Arizona Public Broadcast Television, and the Global Management School. Requires that by a specified date, the designated entity must pay ADOT \$32,000 to implement the special plate. Provides that of the \$25 special plate fee, the \$8 special plate

administration fee is deposited in the State Highway Fund and the \$17 annual donation is deposited into each respective special plate fund. Establishes an Arizona Tea Party Committee, which will establish a grant program and process to distribute monies deposited in the Don't Tread on Me Special Plate Fund to qualifying entities. These entities must foster the tea party principles of promoting the U.S. Constitution, protecting state sovereignty under the Tenth Amendment, adhering to limited government principles, and standing for border security.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0324.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0324.htm&Session_ID=102)

**SB 1403 - Mandatory Project Labor Agreements (Chapter 23, Laws 2011)**

SB 1403 prohibits state agencies and political subdivisions in the state from granting public works contracts based on the applicant's negotiation with, or participation in a labor union. Prohibits state and political subdivisions from requiring a contractor to negotiate or become a party to any project labor agreement as a condition of, or a factor in bidding for, or being awarded work on a public works project. The bill does not interfere with any activity protected under the National Labor Relations Act.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0023.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0023.htm&Session_ID=102)

**SB 1465 - Valid Identification; Consular cards; Prohibition (Chapter 325, Laws 2011)**

SB 1465 prohibits the state from accepting a consular identification card issued by a foreign government as identification.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0325.htm&Session\\_ID=102](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/1r/laws/0325.htm&Session_ID=102)

**SB 1589 - Authorized Third Parties; ADOT (Chapter 275, Laws 2011)**

SB 1589 requires the ADOT Director to establish minimum quality standards of service and a quality assurance program for authorized third parties to ensure compliance by third parties with third party laws. Requires ADOT to submit a report on third party services and service opportunities to the Governor, President of the Senate, Speaker of the House of Representatives, and the Secretary of State by December 31, 2011. The report will review current third party services, identify, and recommend new or expanded services by third parties, identify any barriers to further privatization, make recommendations to increase efficiency and reduce ADOT costs, and review and recommend retention fees. Before ADOT submits the report, the Department may have a thirty- day comment period and include those comments in the report

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## *Transportation-Related Vetoed Legislation*

### **HB 2577 - Legislative Appropriations; Federal Monies**

HB 2577 authorizes the Legislature to appropriate noncustodial federal funds. Requires the Legislature to specify in each federal money appropriation the purpose for which the monies are to be used, consistent with federal law. The Legislature may make a lump sum appropriation to ensure that agencies have expenditure authority for unanticipated federal monies that become available when the Legislature is out of session. Noncustodial federal monies must be federal monies that: 1) Are designated by the federal government as block grant monies, 2) Are designated by the federal government as general revenue sharing monies, or 3) Provide the state with broad authority to make spending decisions about the development or operation of a program or service, or 4) Are essential to meet total spending obligations of a federally required or matched program authorized by the Legislature with a requirement to match at least 1% with state funding. The Governor also vetoed SB 1365 on legislative appropriations of federal monies.