



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



**Arizona Department of Transportation  
Legislative Summaries  
2012**

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

*\*\*Official copies of all 2012 Chapter Laws and complete files of action for public review are available on-line at [www.azleg.gov](http://www.azleg.gov)*



## Arizona Department of Transportation

Government Relations & Policy Development Office  
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer  
Governor

John S. Halikowski  
Director

June 11, 2012

Kevin Biesty  
Assistant 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 Second Regular Session of the 50<sup>th</sup> Legislature. The Second Regular Legislative Session ended on May 3, 2012 lasting 116 days. During the session, 1,544 bills, resolutions, and memorials were introduced, of which 362 were signed and 26 were vetoed.

This document and *Final Summaries* from previous years can be found online at:  
[http://azdot.gov/Government\\_Relations/reports.asp](http://azdot.gov/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 Second Regular Session is August 2, 2012.

Sincerely,

YOUR 2012 ADOT LEGISLATIVE TEAM

## 50th Legislature, Second 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	Judy Burges (R)	Jack Harper (R) Phil Lovas (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)	Martin Quezada (D) Anna Tovar (D)
14	Robert Meza (D)	Chad Campbell (D) Debbie McCune-Davis (D)
15	David Lujan (D)	Katie Hobbs (D) Lela Alston (D)
16	Leah Landrum Taylor (D)	Ruben Gallego (D) Catherine Miranda (D)
17	David Schapira (D)	Ed Ableser (D) Ben Arredondo (D)
18	Jerry Lewis (R)	Cecil Ash (R) Steve Court (R)
19	Rich Crandall (R)	Justin Olson (R) Justin Pierce (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>John Fillmore (R) Frank Pratt (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>Peggy Judd (R) David Stevens (R)</b>
<b>26</b>	<b>Al Melvin (R)</b>	<b>Terri Proud (R) Vic Williams (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>Steve Farley (D) Bruce Wheeler (D)</b>
<b>29</b>	<b>Linda Lopez (D)</b>	<b>Matt Heinz (D) Nicholas Fontana (I)</b>
<b>30</b>	<b>Frank Antenori (R)</b>	<b>David Gowan (R) Ted Vogt (R)</b>

## **Transportation-Related Legislation**

**LAWS 2012, SECOND REGULAR SESSION**

*Sorted by Chapter*

<b>CHAPTER</b>	<b>BILL NUMBER</b>	<b>SHORT TITLE</b>
18	SB 1281	Public Roads; County Maintenance
25	HB 2130	Disease Testing; Public Safety Employees
29	HB 2241	Statute of Limitations; Moving Violation
34	SB 1042	Auto Theft Authority; Continuation
41	SB 1131	Transportation Project Advancement Notes
56	SB 1134	Automobile Insurance; Notice to Insured
72	HB 2399	State Agency Fee Commission
100	HB 2477	Vehicle Equipment; Inspections; Farm Implements
104	HB 2651	Road Enhancement Improvement Districts
105	HB 2677	Vehicle Insurance; Proof Shown Electronically
113	HB 2061	HELP Advisory Committee; Repeal
137	SB 1124	ADOT Contracts; Surplus Lines
142	SB 1195	Motor Vehicle Dealer Licensing; Exemption
144	SB 1197	Law Enforcement; Overtime Compensation
161	HB 2412	Large-Scale Computing Systems
164	HB 2673	Overdimensional Loads
176	HB 2438	Government Land; Private Land; Study
191	SB 1163	Accidents Involving Death; Penalty
192	SB 1232	Vehicle Permit Fees; Excess Weight
195	SB 1402	Broadband Conduit Install; Right-of-Way; ADOT
196	HB 2087	Auto Recyclers; Lead Acid Batteries

210	HB 2491	Module Mover Vehicles
221	HB 2347	Public Transportation Authorities; Board Membership
234	HB 2070	License Eligibility; Authorized Presence
235	HB 2073	Emissions Testing; Motorcycle; Extension
236	HB 2284	DUI; Jury Trial
241	HB 2428	Veteran Benefits; Reservists
247	SB 1104	Appropriation; Border Security Advisory Committee
252	HB 2286	Driver License Violations; Suspensions
255	HB 2398	Motorcycles; Manufacturers; Damages
261	SB 1216	Emergency Vehicle Access Plan; ADOT
262	SB 1289	Storm Water Discharge; Construction Sites
263	SB 1480	Maintenance Records; Taxis and Limousines
272	HB 2639	Game and Fish Omnibus Act
276	HB 2723	Law Enforcement Officer; Information; Discipline
285	SB 1040	County Highways; County Engineer Recommendations
308	HB 2798	Air Quality; Dust Plan; Reports
314	HB 2154	Child Restraint Systems
316	HB 2543	State Highway; Signage; Nonprofit Museum
322	SB 1193	Proposed Rules; Acceptable Data
328	SB 1442	Prime Contracting; Manufacturing Facilities; Infrastructure
331	HB 2332	Healthy Forest Enterprise Incentives; Extension
345	SB 1153	Rental Cars; Liability Insurance; Subrogation

<b>352</b>	<b>HB 2744</b>	<b>Regulatory Rules; Amendments</b>
<b>355</b>	<b>SB 1186</b>	<b>Law Enforcement Officers; Omnibus</b>
<b>361</b>	<b>HB 2033</b>	<b>Public Electronic Posting; Governmental Bodies</b>

## **Transportation-Related Legislation**

*Sorted by Bill Number*

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HB 2061	HELP Advisory Committee; Repeal	113
HB 2070	License Eligibility; Authorized Presence	234
HB 2073	Emissions Testing; Motorcycle; Extension	235
HB 2087	Auto Recyclers; Lead Acid Batteries	196
HB 2130	Disease Testing; Public Safety Employees	25
HB 2154	Child Restraint Systems	314
HB 2241	Statute of Limitations; Moving Violation	29
HB 2284	DUI; Jury Trial	236
HB 2286	Driver License Violations; Suspensions	252
HB 2332	Healthy Forest Enterprise Incentives; Extension	331
HB 2347	Public Transportation Authorities; Board Membership	221
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HB 2399	State Agency Fee Commission	72
HB 2412	Large-Scale Computing Systems	161
HB 2428	Veteran Benefits; Reservists	241
HB 2438	Government Land; Private Land; Study	176
HB 2477	Vehicle Equipment; Inspections; Farm Implements	100
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<b>HB 2651</b>	<b>Road Enhancement Improvement Districts</b>	<b>104</b>
<b>HB 2673</b>	<b>Overdimensional Loads</b>	<b>164</b>
<b>HB 2676</b>	<b>Government Entities; Attorney Fees</b>	<b>339</b>
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<b>SB 1040</b>	<b>County Highways; County Engineer Recommendations</b>	<b>285</b>
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<b>SB 1104</b>	<b>Appropriation; Border Security Advisory Committee</b>	<b>247</b>
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<b>SB 1131</b>	<b>Transportation Project Advancement Notes</b>	<b>41</b>
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<b>SB 1153</b>	<b>Rental Cars; Liability Insurance; Subrogation</b>	<b>345</b>
<b>SB 1163</b>	<b>Accidents Involving Death; Penalty</b>	<b>191</b>
<b>SB 1186</b>	<b>Law Enforcement Officers; Omnibus</b>	<b>355</b>
<b>SB 1193</b>	<b>Proposed Rules; Acceptable Data</b>	<b>322</b>
<b>SB 1195</b>	<b>Motor Vehicle Dealer Licensing; Exemption</b>	<b>142</b>
<b>SB 1197</b>	<b>Law Enforcement; Overtime Compensation</b>	<b>144</b>
<b>SB 1216</b>	<b>Emergency Vehicle Access Plan; ADOT</b>	<b>261</b>

<b>SB 1232</b>	<b>Vehicle Permit Fees; Excess Weight</b>	<b>192</b>
<b>SB 1281</b>	<b>Public Roads; County Maintenance</b>	<b>18</b>
<b>SB 1289</b>	<b>Storm Water Discharge; Construction Sites</b>	<b>262</b>
<b>SB 1402</b>	<b>Broadband Conduit Install; Right-of-Way; ADOT</b>	<b>195</b>
<b>SB 1442</b>	<b>Prime Contracting; Manufacturing Facilities; Infrastructure</b>	<b>328</b>
<b>SB 1480</b>	<b>Maintenance Records; Taxis and Limousines</b>	<b>263</b>

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

***Sorted by Bill Number***

### **HB 2033 – Public Electronic Posting; Governmental Bodies (Chapter 361, Laws 2012)**

Allows the Arizona Department of Transportation to check voter registrations with the Arizona Secretary of State.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0361.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0361.htm&Session_ID=107)

### **HB 2061 – HELP Advisory Committee; Repeal (Chapter 113, Laws 2012)**

Repeals the Highway Expansion and Extension Loan Program Advisory Committee (Committee). Formerly, the Committee terminated January 1, 2025.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0113.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0113.htm&Session_ID=107)

### **HB 2070 – License Eligibility; Authorized Presence (Chapter 234, Laws 2012)**

Expands the list of documents a person may present to verify lawful presence in the United States in order to be issued any type of license by the state or political subdivisions to include any license issued by the federal government, another state government, or a state agency or political subdivision that requires proof of citizenship before issuance.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0234.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0234.htm&Session_ID=107)

### **HB 2073 – Emissions Testing; Motorcycle; Extension (Chapter 235, Laws 2012)**

The date by which the U.S. Environmental Protection Agency must approve an exemption from emissions testing for motorcycles in Area A (roughly metro Phoenix) is delayed two years to July 1, 2014. Contains an Emergency Clause – effective April 11, 2012.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0235.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0235.htm&Session_ID=107)

### **HB 2087 – Auto Recyclers; Lead Acid Batteries (Chapter 196, Laws 2012)**

Requires used automotive components dealers to keep on the business premises a record of each transaction involving the receipt of two or more lead acid batteries, including specified information about the seller. Used automotive components dealers cannot provide payment on site for lead acid battery transactions of \$300 or more, but must mail a check or money order to the seller's address. Used automotive components dealers are required to submit a record of the receipt of lead acid batteries to the Department of Public Safety, with some exceptions. A violation of any of these requirements is a class 1 misdemeanor. Scrap metal dealers are no longer exempt from the prohibition on purchasing or selling a used catalytic converter other than in connection with the sale or installation of a new catalytic converter.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0196.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0196.htm&Session_ID=107)

**HB 2130 – Disease Testing; Public Safety Employees (Chapter 25, Laws 2012)**

Authorizes a public safety employee, volunteer, or an employing agency to petition the court to have a person tested for specified diseases if there is probable cause to believe that the person bit, scratched, spat or transferred blood or other bodily fluid to a public safety employee or volunteer who was performing an official duty.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0025.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0025.htm&Session_ID=107)

**HB 2154 – Child Restraint Systems (Chapter 314, Laws 2012)**

Requires automobile passengers that are five to seven years of age and who are not more than 4'9" to be restrained in a "child restraint system" (defined). Expands the list of exemptions from child restraint system requirements to include authorized emergency vehicles transporting a child for medical care.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0314.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0314.htm&Session_ID=107)

**HB 2241 – Statute of Limitations; Moving Violation (Chapter 29, Laws 2012)**

Increases the statute of limitation for a criminal offense arising from a serious physical injury caused by a moving violation from one year to two years.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0029.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0029.htm&Session_ID=107)

**HB 2284 – DUI; Jury Trial (Chapter 236, Laws 2012)**

In any trial for driving under the influence, the defendant may request a trial by jury even if the state does not allege a prior conviction. Does not apply to any case where a trial commenced or where the defendant pled guilty or no contest to between January 1, 2012 and the effective date of this act. Contains a retroactivity clause to January 1, 2012. Contains an Emergency Clause – effective April 11, 2012.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0236.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0236.htm&Session_ID=107)

**HB 2286 – Driver License Violations; Suspensions (Chapter 252, Laws 2012)**

Provides for a court's discretion to dismiss a driving while suspended charge if the suspension resulted from a civil traffic violation relating to failure to pay and the driver presents to the court evidence that the person's privilege has been reinstated. Prohibits a peace officer from causing the removal and either immobilization or impoundment for a suspended driver license if the person's privilege to drive is valid in this state.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0252.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0252.htm&Session_ID=107)

**HB 2332 – Healthy Forest Enterprise Incentives; Extension (Chapter 331, Laws 2012)**

The list of exemptions from retail sales and use taxes is expanded to include sales to a qualified forest products business of motor vehicle fuel and repair parts installed in equipment for use in harvesting, processing or transporting qualifying forest products. The deduction from the prime contracting sales tax classification for income received for, and the class 6 property classification for property used for, harvesting or processing qualifying forest products (which expired January 1, 2010) is extended to January 1, 2024. The individual and corporate income tax credits for employment by a healthy forest enterprise are extended 10 years through tax year 2024. Also establishes an income tax credit for tax years 2012 through 2024 for ecological restoration workforce training. Through December 31, 2024, a use fuel tax of 9 cents per gallon is imposed on fuel used to transport forest products (a 13 cents per gallon tax expired December 31, 2010). The new use fuel tax rate applies beginning the first day of the calendar month after the effective date of this legislation. The new income tax credit is retroactive to January 1, 2012.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0331.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0331.htm&Session_ID=107)

**HB 2347 – Public Transportation Authority; Board Membership (Chapter 221, Laws 2012)**

Provides that if a community college or Indian Nation is a member of a public transportation authority, the president of the community college district, or the president of the Indian Nation, shall appoint one member of the board of directors.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0221.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0221.htm&Session_ID=107)

**HB 2398 – Motorcycles; Manufacturers; Damages (Chapter 255, Laws 2012)**

Removes the exemption that prohibits motorcycle dealers from suing for and recovering civil damages from a manufacturer or distributor when the dealer suffers monetary loss or other harm as a result of a violation of a motor vehicle dealer law. Removes a provision relating to collection of additional charges imposed to cover fuel taxes. Exempts, from the definition of *sales finance company*, a dealer who creates retail installment contracts and assigns such contracts to third party lenders or financial institutions, unless the dealer holds a retail installment contract that exceeds a total outstanding indebtedness of \$50,000.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0255.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0255.htm&Session_ID=107)

**HB 2399 – State Agency Fee Commission (Chapter 72, Laws 2012)**

Exempts fees by the Arizona Supreme Court, the Arizona Court of Appeals and any state agency whose executive is an elected official from the State Agency Fee Commission's five-year review process. The Commission is authorized to analyze the current process for increasing fees and make recommendations to improve the process to the Governor and the Legislature. Modifies the information that must be included in the Commission's annual report. Requires the Commission chairperson to be one of the Legislative members.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0072.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0072.htm&Session_ID=107)

**HB 2412 – Large-Scale Computing Systems (Chapter 161, Laws 2012)**

Requires the Arizona Department of Administration (ADOA) to complete a study examining the state's current use and costs of large-scale computing systems and the number of public documents available on the internet. Requires ADOA to report its findings and make recommendations to the Governor and the Legislature by October 1, 2014.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0161.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0161.htm&Session_ID=107)

**HB 2428 – Veterans Benefits; Reservists (Chapter 241, Laws 2012)**

Allows an applicant for a driver license or nonoperating identification license to submit proof to the Arizona Department of Transportation (ADOT) that the applicant is a veteran, and on request of the applicant, ADOT must allow a distinguishing mark to appear on the license that identifies the person as a veteran.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0241.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0241.htm&Session_ID=107)

**HB 2438 – Government Land; Private Land; Study (Chapter 176, Laws 2012)**

Establishes a 6-member Joint Legislative Study Committee on Government and Private Lands (Committee) to examine the consequences of the transfer of real property from private parties to government entities. Requires the Committee to report to the Governor and Legislature by December 31, 2012. The Committee is repealed on October 1, 2013. Requires the Arizona Department of Revenue (ADOR) to contract with each county assessor to conduct a property status study. ADOR must report study results to the Governor and the Legislature by December 31, 2013. The monies remaining in the FY2007-08 appropriation to the Department of Water Resources for upper San Pedro water district technical assistance revert to the general fund. Appropriates \$132,213 from the general fund in FY2012-13 to the Dept of Revenue for the cost of the property status study.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0176.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0176.htm&Session_ID=107)

**HB 2477 – Vehicle Equipment; Inspections; Farm Implements (Chapter 100, Laws 2012)**

Exemption from statutory vehicle equipment requirements for implements of husbandry is modified to include when the implement is being "incidentally operated or moved on a highway" (defined). States that statutes requiring vehicles to submit to equipment inspections do not apply to specified farm vehicles, road machinery, road rollers, and implements of husbandry being incidentally operated or moved on a highway.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0100.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0100.htm&Session_ID=107)

**HB 2491 – Module Mover Vehicles (Chapter 210, Laws 2012)**

Allows the Director of ADOT to extend the period of time modular mover vehicles may be operated beyond the January 30 deadline. Allows for toll collection and enforcement by toll operators. ADOT is authorized to enter into agreements with other jurisdictions relating to the exchange of motor vehicle record information for toll facility enforcement purposes. Specifies factors ADOT must consider before entering into a public-private partnership agreement, and modifies the list of provisions that ADOT may include in a public-private partnership agreement.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0210.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0210.htm&Session_ID=107)

**HB 2543 – State Highway; Signage; Nonprofit Museums (Chapter 316, Laws 2012)**

Allows the Director of ADOT to establish temporary procedures and criteria for making state highway signs for nonprofit museums and permits billboards that are capable of changing messages mechanically or electronically to be displayed along certain state highways and under certain conditions. Contains an Emergency Clause - effective May 9, 2012.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0316.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0316.htm&Session_ID=107)

**HB 2567 – Budget Planning; Revenue; Expenditure Estimates (Chapter 244, Laws 2012)**

Requires the general appropriation act to delineate the revenue and expenditure estimates for the following three years. The Legislature must discuss the estimate in a public hearing prior to adopting the act.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0339.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0339.htm&Session_ID=107)

**HB 2639 – Game and Fish Omnibus Act (Chapter 272, Laws 2012)**

Exempts vehicles driven by Arizona Game and Fish enforcement officers when conducting night patrol and investigating poaching activities from certain motor vehicle requirements.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0272.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0272.htm&Session_ID=107)

**HB 2651 – Road Enhancement Improvement Districts (Chapter 104, Laws 2012)**

Expands the list of county improvement special taxing districts to include Road Enhancement Improvement Districts that may be formed to enhance one or more roads or highways to less than county standards.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0104.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0104.htm&Session_ID=107)

**HB 2673 – Overdimensional Loads (Chapter 164, Laws 2012)**

Prohibits the Director of ADOT from requiring the operator of a vehicle that has obtained a single-trip permit for an overdimensional and overweight load to apply for a new permit and pay an additional fee *if* the actual vehicle and load subsequently are of a lesser dimension or weight. Allows the ADOT Director to issue an envelope permit for a vehicle that hauls a houseboat within a 10-mile radius of Lake Powell. Requires an operator hauling a houseboat under an envelope permit to notify ADOT each time a houseboat is hauled. Requires the ADOT Director to adopt rules, including the establishment of fees, for envelope permits for vehicles hauling houseboats. Decreases, from four to three, the minimum number of axles a vehicle must have in order to be eligible for an envelope permit.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0164.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0164.htm&Session_ID=107)

**HB 2676 – Government Entities; Attorney Fees (Chapter 339, Laws 2012)**

States that if a state agency, department, board or commission, a municipality or county, a governmental officer, or an association composed primarily of governmental entities files a lawsuit against the state or a state agency, department, board or commission, a municipality or county, a governmental officer, or an association composed primarily of governmental entities, the court is required to award reasonable attorney fees to the successful party in the action.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0339.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0339.htm&Session_ID=107)

**HB 2677 – Vehicle Insurance; Proof Shown Electronically (Chapter 105, Laws 2012)**

Allows proof of mandatory automobile liability insurance to be displayed on a wireless communication device. In a hearing for a violation of mandatory automobile liability insurance, a court may require a person to produce an insurance identification card as evidence.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0105.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0105.htm&Session_ID=107)

**HB 2723 – Law Enforcement Officer; Information; Discipline (Chapter 276, Laws 2012)**

Requires parties in appeals of disciplinary action by a law enforcement or probation officer to provide specified information about witnesses and other evidence on every other party at least 10 days before the appeal hearing. Failure to comply will result in the exclusion of the relevant witness, evidence, or testimony unless the failure to comply is of excusable neglect.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0276.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0276.htm&Session_ID=107)

**HB 2744 – Regulatory Rules; Amendments (Chapter 352, Laws 2012)**

Makes numerous changes to the Administrative Procedures Act. Agencies must comply with all applicable rulemaking requirements to establish or increase a fee unless the Legislature grants an express exemption. Beginning October 1, 2012, fees established or increased by exempt rulemaking are effective for two years unless an extension is granted by the Governor's Regulatory Review Council (GRRC). Rules made pursuant to an exemption are subject to the five-year review requirement. Repeals statute governing summary rulemaking and replaces it with an expedited rulemaking process. Expedited rulemaking may be conducted if the rulemaking does not increase the cost of regulatory compliance, increase a fee or reduce procedural rights and the rules meet specified other requirements. Rules that rely on scientific principles or methods cannot be approved unless GRRC determines that the rule is based on valid scientific or reliable principles or methods by considering specified factors. Agencies are permitted to petition GRRC for a determination that the agency is not required to file an economic, small business and consumer impact statement. Agencies are required to post the full text of each rule currently in use on the agency website or the website address and location of the full text of each rule currently in use. An applicant for licensure may request a clarification of the licensing agency's interpretation or application of a statute, rule or policy and the agency must respond within 30 days.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0352.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0352.htm&Session_ID=107)

**HB 2798 – Air Quality; Dust Plan; Reports (Chapter 308, Laws 2012)**

Requires ADOT to submit an annual report on or before March 30 of each year regarding restrictions or requirements in contracts or requests for proposals; bids or other construction and service activities overseen by ADOT in Area A.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0308.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0308.htm&Session_ID=107)

**SB 1040 – County Highways; County Engineer Recommendations (Chapter 285, Laws 2012)**

County highways may be established or authorized by the county engineer's recommendation after a public hearing. If a county board of supervisors is abandoning or vacating a highway, the board is required to give written notice by certified mail to the owners of the land abutting the highway. The board cannot abandon or vacate the highway unless a majority of the landowners approve of the action or vacate the highway.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0285.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0285.htm&Session_ID=107)

**SB 1042 – Auto Theft Authority; Continuation (Chapter 34, Laws 2012)**

The statutory life of the Automobile Theft Authority is extended 10 years to July 1, 2022. Retroactive to July 1, 2012.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0034.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0034.htm&Session_ID=107)

**SB 1104 – Appropriation; Border Security Advisory Committee (Chapter 247, Laws 2012)**

All monies received by the Border Security Trust Fund in FY2011-12 and FY2012-13 are appropriated to the Joint Border Security Advisory Committee for the construction and maintenance of a border fence. Members of the Committee are no longer eligible for reimbursement of expenses. Contains an Emergency Clause – effective April 11, 2012.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0247.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0247.htm&Session_ID=107)

**SB 1124 – ADOT Contracts; Surplus Lines (Chapter 137, Laws 2012)**

In ADOT procurement, a bidder may comply with a contractor insurance requirement by obtaining insurance from either an authorized insurer or an approved surplus lines insurer.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0137.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0137.htm&Session_ID=107)

**SB 1131 – Transportation Project Advancement Notes (Chapter 41, Laws 2012)**

Establishes transportation project advancement notes to accelerate street and transit transportation projects. Allows counties, municipalities, and regional public transportation authorities to enter into transportation project advance agreements.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0041.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0041.htm&Session_ID=107)

**SB 1134 – Automobile Insurance; Notice to Insured (Chapter 56, Laws 2012)**

Requires an insurer to either mail the notice and refund of the unearned premium together at least 10 days before the effective date, or mail the notice before the refund if both the notice and the refund are mailed separately to the insured at least 10 days before the effective date. Specifies that an insurer's affiliate (defined) must collect and remit a premium on the insurer's behalf in the case of a notice of cancellation or nonrenewal.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0056.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0056.htm&Session_ID=107)

**SB 1153 – Rental Cars; Liability Insurance; Subrogation (Chapter 345, Laws 2012)**

Rental car owners have a right of subrogation against the renter's insurer for damage and injury claims that have been paid by the owner as excess to all damages sustained by the claimant. The rental car owner's public liability insurance is not required to be primary coverage if it is disclosed in the rental agreement that the owner does not extend any of its coverage to the renter or other drivers, or if the renter purchased public liability insurance

from the owner that provides coverage to the renter and authorized drivers. Rental car owners are required to respond to a third party claim, provide financial responsibility and provide a defense for all claims for damages or liability arising out of an accident caused by the renter if the renter does not have any other liability coverage applicable to the loss, up to the owner's coverage limits. Effective November 1, 2012.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0345.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0345.htm&Session_ID=107)

**SB 1163 – Accidents Involving Death; Penalty (Chapter 191, Laws 2012)**

Requires ADOT to revoke the license or permit to drive, and any nonresident operating privilege, if a person is convicted of failing to stop at the scene of an accident as follows: Five years if the accident resulted in serious physical injury or Ten years if the accident results in death. Allows, after first five years of revocation, a person whose license is revoked for ten years to receive a restricted driver license if the person is not convicted of any other offense involving the operation of a motor vehicle while the person's driving privilege is revoked and the person has paid full restitution as ordered by the court.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0191.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0191.htm&Session_ID=107)

**SB 1186 – Law Enforcement Officers; Omnibus (Chapter 355, Laws 2012)**

Makes various changes relating to law enforcement officers, including that an employer may order a law enforcement officer to submit to a physical examination only if the officer has acted or failed to act in an observable manner that indicates there is a physical condition materially limiting the officer's ability to perform essential job functions. The order for a physical examination must provide at least 10 days notice to the officer. The employer must provide the officer with the final report of the examination and cannot take any final action until the officer has had at least 20 days to review the report. The list of situations where a public safety employee or volunteer or the employing agency may petition the court for an order authorizing disease testing is expanded to include if the employee or volunteer alleges that a who is arrested, charged, or in custody person bit, scratched, spat or transferred blood or other bodily fluid on or through the skin of the employee or volunteer. The prohibition on peace officers being licensed as private investigators does not apply to retired peace officers or reserve peace officers who are fire origin and cause investigators.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0355.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0355.htm&Session_ID=107)

**SB 1193 – Proposed Rules; Acceptable Data (Chapter 322, Laws 2012)**

Expands the list of regulatory rights to include that a person may appeal a final administrative decision by filing a notice of appeal. Requires a notice of appeal to identify the final administrative decision sought to be reviewed and include a statement of the issues presented for review. If an administrative hearing is held before the Office of Administrative Hearings, the Office (including the Director and the Administrative Law Judge) is not a party of record in the proceedings and is not to be named as a party in the notice of appeal. Before submitting an application for a license a person may request from

the issuing agency a clarification of its interpretation or application of a statute or policy by submitting a written request containing specified information, and the agency must respond within 30 days of receipt of the request. Additionally, the list of information that must be included in the economic, small business, and consumer impact statement that must be submitted to the Governor's Regulatory Review Council with proposed agency rules is expanded to include a description of data on which a rule is based with a detailed explanation of how the data was obtained and why the data is "acceptable data" (defined as empirical, replicable, and testable). Become effective July 1, 2013.

**[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0322.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0322.htm&Session_ID=107)**

**SB 1195 – Motor Vehicle Dealer Licensing; Exemption (Chapter 142, Laws 2012)**

In order to qualify for the exemption from licensure as a motor vehicle dealer to sell donated vehicles, tax-exempt organizations are no longer required to be continuously in existence in Arizona for five years.

**[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0142.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0142.htm&Session_ID=107)**

**SB 1197 – Law Enforcement; Overtime Compensation (Chapter 144, Laws 2012)**

Law enforcement officers and their employers may agree to overtime compensation that differs from the statutorily required rates for each hour worked in excess of 40 hours in one work week. If the employee becomes employed in a new position with the employer, the employee may terminate the existing alternate work period agreement. Does not preempt preexisting agreements.

**[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0144.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0144.htm&Session_ID=107)**

**SB 1216 – Emergency Vehicle Access Plan; ADOT (Chapter 261, Laws 2012)**

Requires ADOT to establish an emergency vehicle access plan for projects requiring a traffic management plan as part of the standards for safety in state highway work zones. ADOT must establish the plan in consultation with, and communicate the plan to, area law enforcement and emergency responders.

**[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0261.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0261.htm&Session_ID=107)**

**SB 1232 – Vehicle Permit Fees; Excess Weight (Chapter 192, Laws 2012)**

Requires the \$75 fee for a special single-trip excess weight permit issued for a commercial motor vehicle at an international port of entry to be allocated as follows: 25 percent to counties located in the 25 mile commercial border zone on the permit, 25 percent to municipalities located in the zone (based on population), and 50 percent to the State Highway Fund.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0192.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0192.htm&Session_ID=107)

**SB 1281 – Public Roads; County Maintenance (Chapter 18, Laws 2012)**

Authorizes County boards of supervisors to spend public monies for maintenance of public roads and streets that were opened before June 13, 1990, instead of before June 13, 1975, even if the roads were not constructed in accordance with certain statutory requirements.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0018.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0018.htm&Session_ID=107)

**SB 1289 – Storm Water Discharge; Construction Sites (Chapter 262, Laws 2012)**

When developing a general permit for storm water discharges from construction activity, the Arizona Department of Environmental Quality (ADEQ) is required to provide for reduced control measures at sites that retain storm water in a manner that eliminates discharges from the site. Reduced control measures must be available if a list of specified conditions is met, including that the nearest downstream receiving water is ephemeral and that the construction activity occurs on a site designed so that storm water is directed to retention basins. A Legislative intent section directs ADEQ to review the rules, programs and permits developed under the pollutant discharge elimination system program to eliminate duplicative regulation of construction activity. The review and revision of the rules, programs, and permits must be completed by July 1, 2017.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0262.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0262.htm&Session_ID=107)

**SB 1402 – Broadband Conduit Install; Right-of-Way; ADOT (Chapter 195, Laws 2012)**

Allows ADOT to install broadband conduit as part of a covered rural highway construction project if funding is received by ADOT to cover the cost. Allows ADOT to lease the conduit to providers at a cost-based rate and to coordinate with providers regarding planning and relocating of broadband conduit and any related provider facilities within the right-of-way at the provider's expense.

[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0195.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0195.htm&Session_ID=107)

**SB 1442 – Prime Contracting; Manufacturing Facilities; Infrastructure (Chapter 328, Laws 2012)**

From October 1, 2013 through September 30, 2023, each month the State Treasurer must pay a municipality or county from the transaction privilege tax distribution base the total amount of TPT revenues collected from the prime contracting classification for contracts to construct a manufacturing facility, for the purpose of funding up to 80 percent of the cost of public infrastructure improvements for the benefit of a manufacturing facility. Payments of the new distribution cannot be made until July 1, 2014, and until 25 percent of the capital investment constituting construction phase services has been made by the manufacturing

facility. The total amount of the distribution paid to all municipalities and counties cannot exceed \$50 million. For FY2014-15, the total amount of the distribution paid to all municipalities and counties cannot exceed \$5 million. A manufacturing facility must agree to make at least \$500 million in capital investment in counties with a population of 800,000 or more (Maricopa and Pima), or at least \$50 million in capital investment in other counties. Once a municipality or county has received monies that meet or exceed 80 percent of the cost of the public infrastructure improvements, the Department of Revenue is required to cease further payments. Tax revenues collected under the prime contracting classification are not considered distribution base for state shared revenue until the total amount subject to the new prime contracting distribution has reached the maximum. The Department of Revenue is authorized to disclose to a municipal or county official any information relating to transaction privilege tax distribution.

**[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0328.htm&Session\\_ID=107](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0328.htm&Session_ID=107)**

**SB 1480 – Maintenance Records; Taxis and Limousines (Chapter 263, Laws 2012)**

Requires taxis and limousines to have their brakes and tires inspected routinely and to track the inspections in their maintenance records.

**[http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0263.htm&Session\\_ID=10](http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0263.htm&Session_ID=10)**

## *Transportation-Related Vetoed Legislation*

### **HB 2062 – DUI; Incarceration; Assessment**

If the court did not order a person convicted in a municipal court of a DUI to reimburse the political subdivision for incarceration costs, the municipality would have been allowed to impose an assessment of up to \$300 on the person. The municipality would have been required to use the assessed monies to defray incarceration costs. The Governor's veto message stated that the assessment created in the bill is in conflict with the discretion given to the court to impose a just assessment, and that she has concerns about the due process rights of a post-adjudication assessment.

### **HB 2557 – Traffic Control; Intersection; Definition**

The definition of "intersection" would have been modified to include the area within the crosswalk at locations controlled by a traffic control signal and to exclude the junction of an alley or driveway with a roadway, unless controlled by a traffic control device. Would have become effective January 2, 2014. The Governor's veto message stated that concerns for public safety were not addressed by the bill and that she will not support this change unless law enforcement stands with it.

### **HB 2757 – Billboards; Changing Message; Authorization**

Outdoor advertising would have been authorized to include billboards capable of changing messages if they did not contain any form of animation and each message displayed remained static for at least eight seconds. The Governor's veto message stated that although there is a legitimate need to update outdoor advertising laws to accommodate advancements in technology, she refuses to place Arizona's position as a national leader in astronomy and stargazing, as well as the astronomy industry's economic impact, in jeopardy. She requested the astronomy and outdoor advertising communities to reach a compromise and send her legislation governing this issue that she can sign into law.

### **SB 1323 – Arizona Ranger Vehicles; Lights**

A vehicle operated by an Arizona Ranger for official purposes would have been allowed to be equipped with a lighted lamp exhibiting red and blue lights. The Governor's veto message stated it is dangerous to confuse the public by using red and blue lights on civilian vehicles.

### **SB 1200 – Political Signs; Hazardous Locations**

Municipalities and counties would have been prohibited from removing political signs placed on private property. A determination that a sign location is hazardous (which allows municipalities and counties to remove a sign) would have been required to be made in writing and to be specific to the sign. For purposes of determining the period beginning 60 days before a primary election (during which political signs may be posted), a primary election would have begun on the day that early ballots are first mailed to voters. Candidates would have been authorized to attach a sign of up to 32 square feet onto a fence that demarks the public right of way on a state highway or route right of way. Owners or occupants of residential property would have been authorized to remove any political sign or printed materials from a public right-of-way that is adjacent to the residential property. The Governor's veto message stated that political sign placement on busy highways could lead to public safety dangers, and that allowing the removal of signs on a public right-of-way is broadly written and contrary to the First Amendment.