

FILED

State of Arizona
Senate
Forty-second Legislature
Second Regular Session
1996

**Jane Dee Hull
Secretary of State**

CHAPTER 152

SENATE BILL 1421

AN ACT

AMENDING SECTION 49-542.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1995, CHAPTER 241, SECTION 51; REPEALING SECTION 49-542.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1995, CHAPTER 97, SECTION 2; BLENDING MULTIPLE ENACTMENTS; AMENDING LAWS 1993, SIXTH SPECIAL SESSION, CHAPTER 1, SECTION 53; RELATING TO ANNUAL EMISSIONS INSPECTION OF MOTOR VEHICLES.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-542.03, Arizona Revised Statutes, as amended by
3 Laws 1995, chapter 241, section 51, is amended to read:

4 49-542.03. Motor vehicle dealer; emissions testing; remedies;
5 definition

6 A. In area A, if a motor vehicle dealer sells a motor vehicle that has
7 less than one year remaining before it must undergo a transient loaded
8 emissions test or has not taken a transient test pursuant to section 49-542
9 and which is not covered under a current federal emissions warranty and if
10 the purchaser of the vehicle has the vehicle transient loaded tested within
11 three days, excluding holidays, of the purchase and if the vehicle fails the
12 test, the dealer shall do one of the following:

13 1. Rescind the purchase agreement and reimburse the purchaser for the
14 cost of the test.

15 2. Make repairs at the dealer's expense which bring the vehicle into
16 compliance with the transient loaded test.

17 3. Enter into a mutually acceptable alternative agreement with the
18 purchaser.

1 B. A motor vehicle dealer who sells a vehicle subject to the
2 provisions of subsection A of this section shall provide the purchaser with
3 a written notice of the purchaser's rights pursuant to this section prior to
4 completing the sale transaction. A MOTOR VEHICLE DEALER SUBJECT TO THE
5 PROVISIONS OF SECTION 49-546, SUBSECTION G, SHALL ALSO PROVIDE A WRITTEN
6 SUMMARY OF THE REQUIREMENTS OF SECTION 49-542 TO THE PURCHASER. The notice
7 shall be available in English and in Spanish.

8 C. A MOTOR VEHICLE DEALER WHO MEETS THE REQUIREMENTS OF SECTION
9 49-546, SUBSECTION G, SHALL CONDUCT THE DEALER'S BUSINESS PURSUANT TO THIS
10 SECTION FOR THOSE VEHICLES WHICH ARE REQUIRED BY LAW TO BE REGISTERED IN AREA
11 A.

12 D. A MOTOR VEHICLE DEALER IN AREA B WHO SELLS A VEHICLE TO A RESIDENT
13 OF AREA A MAY COMPLY WITH EMISSIONS TESTING REQUIREMENTS PURSUANT TO SECTION
14 49-542, SUBSECTION F, PARAGRAPH 6 BY COMPLYING WITH THIS SECTION AND THE
15 TAMPERING INSPECTION PURSUANT TO SECTION 49-542, SUBSECTION G, PARAGRAPH 4.

16 ~~E.~~ E. In this section, unless the context otherwise requires, "motor
17 vehicle dealer" means a dealer who is a fleet operator and who has been
18 issued a permit under section 49-546.

19 Sec. 2. Repeal

20 Section 49-542.03, Arizona Revised Statutes, as amended by Laws 1995,
21 chapter 97, section 2, is repealed.

22 Sec. 3. Laws 1993, sixth special session, chapter 1, section 53 is
23 amended to read:

24 Sec. 53. Delayed effective dates; delayed repeal

25 A. Sections 2, 9 and 10 of this act are effective from and after
26 June 30, 1994.

27 B. Section 49-542, Arizona Revised Statutes, as amended by this act
28 is effective from and after December 31, 1994.

29 C. Section 49-542.03, Arizona Revised Statutes, as added by this act,
30 is effective from and after December 31, 1994.

31 ~~D. Section 49-542.03, Arizona Revised Statutes, as added by this act,
32 is repealed from and after December 31, 1997.~~

APPROVED BY THE GOVERNOR APRIL 10, 1996.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 1996.