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**Jane Dee Hull
Secretary of State**

chapter 161

SENATE BILL 1196

AN ACT

AMENDING SECTIONS 28-108, 28-424, 28-455, 28-602, 28-611, 28-668, 28-691, 28-692, 28-693, 28-697, 28-708, 28-964, 28-1391, 28-1597, 28-1598, 28-1831, 28-2005, 28-2023, 28-2415 AND 28-2803, ARIZONA REVISED STATUTES; REPEALING TITLE 41, CHAPTER 5, ARTICLE 8, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3000.22, ARIZONA REVISED STATUTES; REPEALING LAWS 1995, CHAPTER 147, SECTION 22; RELATING TO TRANSPORTATION.

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

2 Section 1. Section 28-108, Arizona Revised Statutes, is amended to
3 read:

4 28-108. Powers and duties

5 A. The director shall:

6 1. Supervise and administer the overall activities of the department
7 and its divisions and employees.

8 2. Appoint assistant directors for each of the divisions which
9 assistant directors shall be exempt from the state personnel system.

10 3. Prescribe such rules as he deems necessary for the collection of
11 taxes and license fees.

12 4. Provide for the assembly and distribution of information to the
13 public concerning the department activities.

14 5. Prescribe such rules as he deems necessary for public safety and
15 convenience.

16 6. Prescribe rules for the expenditure of all money in the state
17 highway fund.

18 7. Prescribe standard board and road signs, or other devices, and
19 provide a uniform system of marking and signaling on state routes and state

1 highways, which shall correlate with and ~~so~~ AS far as possible conform to the
2 system as approved by the American association of state highway officials,
3 and regulate the use of advertising signboards and road signs on state roads
4 or state highways.

5 8. Prescribe rules for closing state highways under construction or
6 repair.

7 9. Receive, allocate, control and disperse all funds designated for
8 state mass transit programs by federal or state law or rule.

9 10. Pass upon projects for construction in cooperation with the United
10 States, and negotiate and enter into contracts on behalf of the state with
11 the United States for the cooperative construction and maintenance of federal
12 aid mass transit systems within the state.

13 11. Enter into agreements on behalf of the state with counties, cities,
14 towns, mass transit districts, or other political ~~subdivision~~ SUBDIVISIONS
15 for the improvement or maintenance of mass transit systems, or for the joint
16 improvement or maintenance thereof, and enter into contracts for the
17 construction of state mass transit systems.

18 12. Prescribe rules for the application for and the expenditure of all
19 mass transit funds.

20 13. Exercise such other powers and duties as are necessary to fully
21 carry out the policies, activities and duties of the department.

22 14. Delegate such functions, duties or powers as he deems necessary to
23 carry out the efficient operation of the department.

24 15. Contract for both the operation of state owned airports and for the
25 purpose of securing air search and rescue services.

26 16. Plan, build and develop, in conjunction with local authorities,
27 airports, airport terminals and other related navigational facilities.

28 17. Operate and maintain the Grand Canyon national park airport located
29 in the Kaibab national forest, Coconino county.

30 18. Enter into agreements on behalf of the state with ~~counties, cities,~~
31 ~~towns or rural districts~~ POLITICAL SUBDIVISIONS OR INDIAN TRIBES for the
32 improvement or maintenance of state routes, or for the joint improvement or
33 maintenance ~~thereof~~ OF STATE ROUTES.

34 19. Exercise complete and exclusive operational control and
35 jurisdiction over the use of state highways and routes and prescribe such
36 rules regarding such use as he deems necessary to prevent the abuse and
37 unauthorized use of such highways and routes.

38 20. Coordinate the design, right-of-way purchase and construction of
39 controlled-access highways which are either state routes or state highways
40 and related grade separations of controlled-access highways and the design,
41 right-of-way purchase, construction, standard and reduced clearance grade
42 separation, extension and widening of arterial streets and highways under
43 chapter 9 of this title and assist counties and municipalities in the
44 counties in the development of their regional transportation plans under

1 chapter 9 of this title to ensure that the streets and highways within each
2 county form a regional system.

3 21. On or before December 1 present an annual report to the speaker of
4 the house of representatives and the president of the senate documenting the
5 expenditures of monies under chapter 9 of this title during the previous
6 fiscal year relating to the design, right-of-way purchase or construction of
7 controlled-access highways which are accepted in the state highway system as
8 state routes or state highways or related grade separations of
9 controlled-access highways which are included in the regional transportation
10 plans of the counties.

11 22. Enter into agreements by direct contract with nonpublic entities
12 for services or jointly exercise any powers common to the contracting parties
13 that he deems necessary and in the best interests of the department subject
14 to the limitations of section 41-2544.

15 B. The director may provide technical transportation planning
16 expertise to local governments when requested, coordinate local government
17 transportation planning with regional and state transportation planning and
18 guide local transportation planning to assure compliance with federal
19 requirements. Such planning authority shall not, however, preempt planning
20 responsibilities and decisions of local governments.

21 C. If the governor declares a state of emergency the director may, as
22 necessary, contract and do all things necessary to provide emergency
23 transportation services for the residents in the affected areas whether such
24 emergency transportation is by streets, by rail or by air.

25 D. The director, on THE determination that it is in the state's best
26 interest, may authorize payment for necessary relocation costs in advance of
27 work being performed if an existing facility owned by the United States must
28 be relocated or adjusted due to construction, modification or improvement of
29 a state highway. Each advance payment shall be based on an estimate of cost
30 of the proposed relocation or adjustment prepared by the federal government
31 and acceptable to the director. The final compensation shall be based on the
32 actual agreed cost.

33 Sec. 2. Section 28-424, Arizona Revised Statutes, is amended to read:
34 28-424. Restricted licenses; violation; classification

35 A. The department upon issuing a driver's license may, with good
36 cause, impose restrictions suitable to the licensee's driving ability with
37 respect to the type of or special mechanical control devices required on a
38 motor vehicle which the licensee may operate or such other restrictions
39 applicable to the licensee as the department may determine to be appropriate
40 to assure the safe operation of a motor vehicle by the licensee. The
41 department furthermore shall have the authority to impose restrictions
42 suitable to the licensee's driving ability with respect to areas, locations
43 or highways within this state, or with respect to the time of day or night
44 that the licensee shall be permitted to drive a motor vehicle or such other

1 restrictions applicable to the licensee as the department may determine to
2 be appropriate to assure the safe operation of a motor vehicle by the
3 licensee.

4 B. An applicant for a class A, B or C license who either fails the air
5 brake component of the knowledge examination or performs the skills test in
6 a vehicle not equipped with air brakes may receive a class A, B or C license
7 which restricts the driver from operating a commercial motor vehicle equipped
8 with air brakes.

9 C. An applicant for a class A, B or C license who is not subject to
10 title 49 Code of Federal Regulations part 391 may receive a class A, B or C
11 license which restricts the driver from operating a vehicle in interstate
12 operation COMMERCE.

13 D. An applicant who is at least eighteen years of age may receive a
14 class A, B or C license which restricts the driver from operating a
15 ~~commercial~~ motor vehicle ~~for~~ FOR THE PURPOSES OF interstate ~~operation~~
16 COMMERCE.

17 E. An applicant for a class M license who performs the driving
18 examination with a motorcycle, motor driven cycle or pedal bicycle with
19 helper motor with a maximum piston displacement of one hundred cubic
20 centimeters or less is restricted to driving a motorcycle, motor driven cycle
21 or pedal bicycle with helper motor with a maximum piston displacement of one
22 hundred cubic centimeters or less.

23 F. The department may either issue a special restricted license or may
24 set forth the restrictions upon the usual license form.

25 G. The department may upon receiving satisfactory evidence of a
26 violation of the restrictions of the license suspend or revoke the license,
27 but the licensee shall be entitled to a hearing as upon a suspension or
28 revocation under the provisions of this chapter.

29 H. It is a class 2 misdemeanor for a person to operate a motor vehicle
30 in any manner in violation of the restrictions imposed in a restricted
31 license issued to him.

32 Sec. 3. Section 28-455, Arizona Revised Statutes, is amended to read:

33 28-455. Mandatory disqualification of commercial driver's
34 license by department; definition

35 A. The department shall disqualify a person from driving a commercial
36 motor vehicle for a period of not less than one year from the date of
37 conviction if the person is convicted of a first violation of:

38 1. Driving a commercial motor vehicle under the influence of ~~alcohol~~
39 INTOXICATING LIQUOR or a controlled substance OR WHILE HAVING AN ALCOHOL
40 CONCENTRATION OF 0.04 OR MORE.

41 2. Leaving the scene of an accident involving a commercial motor
42 vehicle driven by the person.

43 3. Using a commercial motor vehicle in the commission of any felony.

1 B. If any of the violations in subsection A OF THIS SECTION occurred
2 while the person was transporting a hazardous material in the quantity and
3 under the circumstances as to require placarding of the transport vehicle
4 required by the department's safety rules prescribed pursuant to chapter 19,
5 article 1 of this title, the disqualification is for a period of not less
6 than three years.

7 C. Except as provided in subsection D of this section, a person is
8 disqualified for life if he is convicted of two or more violations of any of
9 the offenses prescribed in subsection A of this section or any combination
10 of those offenses arising from two or more separate incidents. Only offenses
11 committed from and after December 31, 1989 may be considered in applying this
12 subsection.

13 D. The department may adopt rules establishing guidelines, including
14 conditions, under which a disqualification for life under subsection C OF
15 THIS SECTION may be reduced to a period of not less than ten years.

16 E. A person is disqualified from driving a commercial motor vehicle
17 for life who uses a commercial motor vehicle in the commission of any felony
18 involving the manufacture, distribution or dispensing of a controlled
19 substance, or possession with intent to manufacture, distribute or dispense
20 a controlled substance.

21 F. A person is disqualified from driving a commercial motor vehicle
22 for a period of not less than sixty consecutive days if he is convicted of
23 two serious traffic violations committed in a commercial motor vehicle
24 arising from separate incidents occurring within a three year period from the
25 date of conviction.

26 G. A person is disqualified from driving a commercial motor vehicle
27 for a period of not less than one hundred twenty consecutive days if he is
28 convicted of three serious traffic violations committed in a commercial motor
29 vehicle arising from separate incidents occurring within a three year period
30 from the date of conviction.

31 H. Within ten days after suspension, revocation, cancellation or
32 disqualification of a commercial driver's license for a period of sixty days
33 or more, the state shall update its records to reflect the action and shall
34 notify the commercial drivers license information system of the action taken.
35 On suspension, revocation, cancellation or disqualification of a commercial
36 driver's license issued by another state or a nonresident commercial driver's
37 license, the state shall also notify, within ten days, the state licensing
38 authority which issued the license of the action taken.

39 I. For purposes of this section, "serious traffic violation" means a
40 conviction for any of the following:

- 41 1. Excessive speeding involving any single offense for any speed of
42 fifteen miles per hour or more above the posted speed limit.
- 43 2. Reckless driving, as provided by section 28-693.
- 44 3. Racing, as defined in section 28-708.

1 4. Following the vehicle ahead too closely, as provided by section
2 28-730.

3 5. Improper or erratic traffic lane changes as provided by section
4 28-729.

5 6. Any violation of this title arising in connection with a fatal
6 traffic accident.

7 Sec. 4. Section 28-602, Arizona Revised Statutes, is amended to read:
8 28-602. Definitions

9 In this chapter, unless the context otherwise requires:

10 1. "Commercial motor vehicle" means a motor vehicle or combination of
11 motor vehicles used to transport passengers or property if the motor vehicle
12 either:

13 (a) Has a gross combined weight rating of twenty-six thousand one or
14 more pounds inclusive of a towed unit with a gross vehicle weight rating of
15 more than ten thousand pounds.

16 (b) Has a gross vehicle weight rating of twenty-six thousand one or
17 more pounds.

18 (c) Is a school bus.

19 (d) Is a bus.

20 (e) Is of any size and is used in the transportation of materials
21 found to be hazardous for the purposes of the hazardous materials
22 transportation act (49 UNITED STATES CODE APPENDIX SECTIONS 1801 THROUGH
23 1812) that requires the vehicle to be placarded under 49 Code of Federal
24 Regulations section 172.504, as adopted by the motor vehicle division
25 pursuant to chapter 19, article 1 of this title.

26 2. "Controlled-access highway" means a highway, street or roadway in
27 respect to which owners or occupants of abutting lands and other persons have
28 no legal right of access to or from except at such points only and in the
29 manner determined by the public authority having jurisdiction over the
30 highway, street or roadway.

31 3. "Crosswalk" means:

32 (a) That part of a roadway at an intersection included within the
33 prolongations or connections of the lateral lines of the sidewalks on
34 opposite sides of the highway measured from the curbs or, in absence of
35 curbs, from the edges of the traversable roadway.

36 (b) Any portion of a roadway at an intersection or elsewhere
37 distinctly indicated for pedestrian crossing by lines or other markings on
38 the surface.

39 4. "Education" means a program in which a person participates in at
40 least sixteen hours of classroom instruction relating to alcohol or other
41 drugs.

42 5. "Explosives" means any chemical compound, mixture or device which
43 is commonly used or intended for the purpose of producing an explosion and
44 which is defined in 49 Code of Federal Regulations part 173.

1 6. "Flammable liquid" means any liquid which has a flash point of less
2 than one hundred degrees Fahrenheit and which is defined in 49 Code of
3 Federal Regulations part 173.

4 7. "Gross weight" means the weight of a vehicle without load plus the
5 weight of any load on the vehicle.

6 8. "Intersection" means the area embraced within the prolongation or
7 connection of the lateral curb lines, or if none, then the lateral boundary
8 lines of the roadways of two highways which join one another at, or
9 approximately at, right angles, or the area within which vehicles traveling
10 upon different highways joining at any other angle may come in conflict.
11 Where a highway includes two roadways thirty or more feet apart, then every
12 crossing of each roadway of such divided highway by an intersecting highway
13 shall be regarded as a separate intersection. If the intersecting highway
14 also includes two roadways thirty or more feet apart, then every crossing of
15 two roadways of the highways shall be regarded as a separate intersection.

16 9. "Laned roadway" means a roadway which is divided into two or more
17 clearly marked lanes for vehicular traffic.

18 10. "License" means any license, temporary instruction permit or
19 temporary license issued under the laws of this state or any other state
20 pertaining to the licensing of persons to operate motor vehicles.

21 11. "Metal tire" means a tire the surface of which in contact with the
22 highway is wholly or partly of metal or other hard, nonresilient material.

23 12. "Official traffic-control devices" means all signs, signals,
24 markings and devices not inconsistent with this chapter and placed or erected
25 by authority of a public body or official having jurisdiction for the purpose
26 of regulating, warning or guiding traffic.

27 13. "Park," if prohibited, means the standing of a vehicle, whether
28 occupied or not, otherwise than temporarily for the purpose of and while
29 actually engaged in loading or unloading.

30 14. "Police officer" means an officer authorized to direct or regulate
31 traffic or make arrests for violations of traffic rules OR OTHER OFFENSES.

32 15. "Private road or driveway" means a way or place in private
33 ownership and used for vehicular travel by the owner and those having express
34 or implied permission from the owner, but not by other persons.

35 16. "Railroad" means a carrier of persons or property upon cars
36 operated upon stationary rails.

37 17. "Railroad sign or signal" means a sign, signal or device erected
38 by authority of a public body or official or by a railroad and intended to
39 give notice of the presence of railroad tracks or the approach of a railroad
40 train.

41 18. "Railroad train" means a steam engine, electric or other motor,
42 with or without cars coupled thereto, operated upon rails.

43 19. "Roadway" means that portion of a highway improved, designed or
44 ordinarily used for vehicular travel, exclusive of the berm or shoulder. If

1 a highway includes two or more separate roadways, roadway refers to any such
2 roadway separately but not to all such roadways collectively.

3 20. "Screening" means a preliminary interview and assessment of an
4 offender to determine if the offender requires alcohol or other drug
5 education or treatment.

6 21. "Sidewalk" means that portion of a street between the curb lines,
7 or the lateral lines of a roadway, and the adjacent property lines, intended
8 for the use of pedestrians.

9 22. "Stop", if required, means complete cessation from movement.

10 23. "Stop, stopping or standing", if prohibited, means any stopping or
11 standing of a vehicle, whether occupied or not, except when necessary to
12 avoid conflict with other traffic or in compliance with directions of a
13 police officer or traffic-control sign or signal.

14 24. "Through highway" means a highway or portion of a highway at the
15 entrances to which vehicular traffic from intersecting highways is required
16 by law to stop before entering or crossing and when stop signs are erected
17 as provided in this chapter.

18 25. "Traffic" means pedestrians, ridden or herded animals, vehicles,
19 and other conveyances either singly or together while using any highway for
20 purposes of travel.

21 26. "Traffic-control signal" means a device, whether manually,
22 electrically or mechanically operated, by which traffic is alternately
23 directed to stop and to proceed.

24 27. "Treatment" means a program consisting of at least twenty hours of
25 participation in a group setting dealing with alcohol or other drugs in
26 addition to the sixteen hours of education.

27 28. "Truck" means every motor vehicle designed, used or maintained
28 primarily for the transportation of property.

29 Sec. 5. Section 28-611, Arizona Revised Statutes, is amended to read:
30 28-611. Powers of governor

31 The governor, in addition to other duties and responsibilities
32 conferred upon him by the constitution and laws of this state, may contract
33 and do all other things necessary to secure the full benefits available to
34 this state under the federal highway safety act of 1966 (23 UNITED STATES
35 CODE SECTIONS 401 THROUGH 404) AND ANY OTHER SUBSEQUENT FEDERAL HIGHWAY
36 SAFETY ACTS, and in so doing, the governor may cooperate with federal and
37 state agencies, WITH private and public organizations, and with persons, to
38 effectuate the purposes of ~~such safety act~~ THE FEDERAL ACTS, and any
39 amendments ~~thereto~~ TO THE FEDERAL ACTS. The governor shall be responsible
40 for and may administer through such appropriate agency of this state as he
41 shall designate ~~within thirty days from the effective date of this section,~~
42 the highway safety programs of this state and those of its political
43 subdivisions, all of which shall be in accordance with the federal highway
44 safety act of 1966 OR ANY OTHER SUBSEQUENT FEDERAL HIGHWAY SAFETY ACT and

1 federal rules and regulations adopted to implement ~~such act~~ THE FEDERAL ACTS
2 and as further provided by law.

3 Sec. 6. Section 28-668, Arizona Revised Statutes, is amended to read:

4 28-668. Accidents involving death to drivers; testing alcohol
5 concentration

6 A. A peace officer who investigates an accident that involves the
7 death of one or more drivers shall promptly notify the county medical
8 examiner of the death or deaths. If there exists probable cause to believe
9 that a deceased driver committed an alcohol-related traffic offense, the
10 county medical examiner shall test that deceased driver to determine the
11 driver's alcohol concentration.

12 B. If a county medical examiner has not been appointed in the county
13 in which the accident occurs, the peace officer shall notify and secure a
14 physician licensed pursuant to title 32, chapter 13 or a person acting under
15 the authority of a licensed physician to draw a sufficient sample of blood
16 OR OTHER BODILY SUBSTANCES for determining alcohol concentration. The
17 investigating officer shall forward the ~~blood~~ sample to the department of
18 public safety crime laboratory for analysis.

19 C. The investigating officer shall record on the accident report
20 required under section 28-667 the results of the test to determine the
21 alcohol concentration of the driver or drivers.

22 Sec. 7. Section 28-691, Arizona Revised Statutes, is amended to read:

23 28-691. Implied consent to test; suspension of license on
24 refusal; hearing; review of suspension order;
25 violation; classification

26 A. Any person who operates a motor vehicle within this state gives
27 consent, subject to the provisions of section 4-244, paragraph 34, section
28 28-692 or section 28-697, to a test or tests of his blood, breath, urine or
29 other bodily substance for the purpose of determining alcohol concentration
30 or drug content if arrested for any offense arising out of acts alleged to
31 have been committed in violation of this chapter or section 4-244, paragraph
32 34 while the person was driving or in actual physical control of a motor
33 vehicle while under the influence of intoxicating liquor or drugs. The test
34 or tests chosen by the law enforcement agency shall be administered at the
35 direction of a law enforcement officer having reasonable grounds to believe
36 the person to have been driving or in actual physical control of a motor
37 vehicle within this state while under the influence of intoxicating liquor
38 or drugs, or if the person is under twenty-one years of age, with spirituous
39 liquor in the person's body.

40 B. Following an arrest a violator shall be requested to submit to and
41 successfully complete any test or tests prescribed by subsection A of this
42 section, and if the violator refuses he shall be informed that his license
43 or permit to drive will be suspended or denied for twelve months unless he
44 expressly agrees to submit to and successfully completes the test or tests.

1 A failure to expressly agree to the test or successfully complete the test
2 is deemed a refusal. The violator shall also be informed that if the test
3 results show a blood or breath alcohol concentration of 0.10 or more, or if
4 the results show a blood or breath alcohol concentration of 0.04 or more and
5 the person was driving or in actual physical control of a commercial motor
6 vehicle, his license or permit to drive will be suspended or denied for not
7 less than ninety consecutive days. In this subsection "alcohol
8 concentration" means grams of alcohol per one hundred milliliters of blood
9 or grams of alcohol per two hundred ten liters of breath.

10 C. Any person who is dead, unconscious or otherwise in a condition
11 rendering him incapable of refusal is deemed not to have withdrawn the
12 consent provided by subsection A of this section and the test or tests may
13 be administered, subject to the provisions of section 4-244, paragraph 34,
14 section 28-692 and section 28-697.

15 D. If a person under arrest refuses to submit to the test designated
16 by the law enforcement agency as provided in subsection A of this section
17 none shall be given, except as provided in section 28-692, subsection J or
18 pursuant to a search warrant. However, the law enforcement officer directing
19 administration of the test shall file a certified report of the refusal with
20 the department and serve, on behalf of the department, an order of suspension
21 on the person which is effective fifteen days after that date. In addition,
22 the law enforcement officer shall require the immediate surrender of any
23 license or permit to drive which is issued by this state and is in the
24 possession or control of the person. If the license or permit is not
25 surrendered, the officer shall state the reason for the nonsurrender. If a
26 valid license or permit is surrendered, the officer shall issue a temporary
27 driving permit which is valid for fifteen days. The officer shall forward
28 the report of refusal, a copy of the completed notice of suspension, a copy
29 of any completed temporary permit and any driver's license or permit taken
30 into possession under this section to the motor vehicle division within five
31 days after the issuance of the notice of suspension. The certified report
32 is subject to the penalty for perjury as prescribed by section 28-1062 and
33 shall state the officer's reasonable grounds to believe the arrested person
34 had been driving or was in actual physical control of a motor vehicle within
35 this state while under the influence of intoxicating liquor or drugs, or if
36 the person is under twenty-one years of age, with spirituous liquor in the
37 person's body, the manner in which the person refused to submit to the test
38 or tests and that the person was advised of the consequences of refusal.

39 E. The department, on receipt of the report of refusal and a copy of
40 the order of suspension, shall, on the effective date stated on the order,
41 enter the order of suspension on its records unless a written request for a
42 hearing as provided in this section has been filed by the accused. If the
43 department receives only the report of refusal it shall notify the person
44 named in the report in writing sent by mail that fifteen days after the date

1 of issuance of the notice the department will suspend the person's license
2 or permit, driving privilege or nonresident driving privilege. The notice
3 shall also state that the department will provide an opportunity for a
4 hearing if the person requests a hearing in writing which is received by the
5 department within fifteen days after the notice is sent.

6 F. The order of suspension issued by a law enforcement officer or the
7 department under this section shall notify the person that he may submit a
8 written request for a hearing which must be received by the department within
9 fifteen days after the date of the notice or the order of suspension will
10 become final and that the affected person's license or permit to drive or
11 right to apply for such a license or permit or any nonresident operating
12 privilege will be suspended for twelve months from that date. The order for
13 suspension shall be accompanied by printed forms ready to mail to the
14 department which may be filled out and signed by the person to indicate his
15 desire for a hearing, and the order shall advise the person that unless he
16 has surrendered any driver's license or permit issued by this state his
17 hearing request will not be accepted, except that he may certify pursuant to
18 section 28-425 that the license or permit is lost or destroyed. On the
19 receipt of a request for a hearing the department shall set the hearing
20 within thirty days in the county where the person named in the report resides
21 unless the law enforcement agency filing the report of refusal requests at
22 the time of its filing that the hearing be held in the county where the
23 refusal occurred.

24 G. A timely request for a hearing also operates to stay the suspension
25 until a hearing is held, except that the department shall not return any
26 surrendered license or permit to the person but may issue temporary permits
27 to drive which expire no later than when the motor vehicle division has made
28 its final decision. If the person is a resident without a license or permit
29 or has an expired license or permit, the department may allow the person to
30 apply for a license or permit. If the department determines the person is
31 otherwise entitled to the license or permit, the department shall issue and
32 retain a license or permit subject to this section. All hearings requested
33 under this section shall be conducted in the same manner and under the same
34 conditions as provided in section 28-446, subsection B. The scope of the
35 hearing for the purposes of this section shall include only the issues of
36 whether a law enforcement officer had reasonable grounds to believe the
37 person had been driving or was in actual physical control of a motor vehicle
38 within this state while under the influence of intoxicating liquor or drugs,
39 or if the person is under twenty-one years of age, with spirituous liquor in
40 the person's body, whether the person was placed under arrest, whether he
41 refused to submit to the test and whether he was informed of the consequences
42 of refusal. If the department determines at the hearing to suspend the
43 affected person's privilege to operate a motor vehicle, the suspension
44 provided in this section is effective fifteen days after giving written

1 notice of the suspension, except that the department may issue or extend a
2 temporary license, which expires on the effective date of the suspension.
3 If the person is a resident without a license or permit or has an expired
4 license or permit to operate a motor vehicle in this state, the department
5 shall deny to the person the issuance of a license or permit for a period of
6 twelve months after the order of suspension becomes effective.

7 H. If the suspension order is sustained after the hearing, a motion
8 for rehearing is not required. The affected person may file a petition
9 within thirty days of a suspension order being sustained in the superior
10 court to review the final order of suspension or denial by the department
11 in the same manner provided in section 28-451. The review of the final order
12 of suspension or denial shall be heard on an expedited basis.

13 I. If the suspension or determination that there should be a denial
14 of issuance is not sustained, the ruling shall not be admissible in or have
15 an effect on any ADMINISTRATIVE, civil or criminal court proceeding.

16 J. If it has been determined under the procedures of this section that
17 a nonresident's privilege to operate a motor vehicle in this state has been
18 suspended, the department shall give information in writing of the action
19 taken to the motor vehicle administrator of the state of the person's
20 residence and of any state in which he has a license.

21 Sec. 8. Section 28-692, Arizona Revised Statutes, is amended to read:
22 28-692. Driving or in actual physical control while under the
23 influence of intoxicating liquor or drugs; violation;
24 classification; definition

25 A. It is unlawful for any person to drive or be in actual physical
26 control of any vehicle within this state under any of the following
27 circumstances:

28 1. While under the influence of intoxicating liquor, any drug, a vapor
29 releasing substance containing a toxic substance or any combination of
30 liquor, drugs or vapor releasing substances if the person is impaired to the
31 slightest degree.

32 2. If the person has an alcohol concentration of 0.10 or more within
33 two hours of driving or being in actual physical control of the vehicle.

34 3. While there is any drug defined in section 13-3401 or its
35 metabolite in the person's body.

36 4. If the vehicle is a commercial motor vehicle that requires a person
37 to obtain a driver's license as defined in section 28-402 and the person has
38 an alcohol concentration of 0.04 or more.

39 B. It is an affirmative defense to a charge of a violation of
40 subsection A, paragraph 2 of this section if the person did not have an
41 alcohol concentration of 0.10 or more at the time of driving or of being in
42 actual physical control of a vehicle. If a defendant produces some credible
43 evidence that his alcohol concentration at the time of driving or being in
44 actual physical control of a vehicle was below 0.10, the state must prove

1 beyond a reasonable doubt that the defendant's alcohol concentration was 0.10
2 or more at the time of driving or being in actual physical control of a
3 vehicle. It is not a defense to a charge of a violation of subsection A,
4 paragraph 1 of this section that the person is or has been entitled to use
5 the drug under the laws of this state. A person using a drug prescribed by
6 a medical practitioner licensed pursuant to title 32, chapter 7, 11, 13 or
7 17 is not guilty of violating subsection A, paragraph 3 of this section.

8 C. The state shall not dismiss a charge of violating this section for
9 either of the following:

10 1. In return for a plea of guilty or no contest to any other offense
11 by the person charged with the violation of this section.

12 2. For the purpose of pursuing any other misdemeanor, petty offense
13 or ~~a~~ civil traffic violation, including those arising out of the same event
14 or course of conduct, unless there is ~~clearly~~ an insufficient legal or
15 factual basis to pursue the charge of violating this section.

16 D. In any prosecution for a violation of this section the state shall,
17 for the purpose of classification and sentencing pursuant to section
18 28-692.01 ~~or 28-697~~, allege all prior convictions of violating this section
19 occurring within the past thirty-six months, unless there is ~~clearly~~ an
20 insufficient legal or factual basis to do so.

21 E. In any trial, action or proceeding for a violation of this section
22 or section 28-697 other than a trial, action or proceeding involving driving
23 or being in actual physical control of a commercial vehicle, if the
24 defendant's alcohol concentration within two hours of the time of driving or
25 being in actual physical control as shown by analysis of the defendant's
26 blood, breath or other bodily substance gives rise to the following
27 presumptions:

28 1. If there was at that time 0.05 or less alcohol concentration in the
29 defendant's blood, breath or other bodily substance, it may be presumed that
30 the defendant was not under the influence of intoxicating liquor.

31 2. If there was at that time in excess of 0.05 but less than 0.10
32 alcohol concentration in the defendant's blood, breath or other bodily
33 substance, such fact shall not give rise to any presumption that the
34 defendant was or was not under the influence of intoxicating liquor, but such
35 fact may be considered with other competent evidence in determining the guilt
36 or innocence of the defendant.

37 3. If there was at that time 0.10 or more alcohol concentration in the
38 defendant's blood, breath or other bodily substance, it may be presumed that
39 the defendant was under the influence of intoxicating liquor.

40 Paragraph 1, 2 or 3 of this subsection shall not be construed as limiting the
41 introduction of any other competent evidence bearing upon the question of
42 whether or not the defendant was under the influence of intoxicating liquor.

1 F. If blood is drawn under the provisions of section 28-691, only a
2 physician, a registered nurse or another qualified person may withdraw blood
3 for the purpose of determining the alcohol concentration or drug content
4 therein. The qualifications of the individual withdrawing the blood and the
5 method used to withdraw the blood shall not be foundational prerequisites for
6 the admissibility of any blood alcohol content determination made pursuant
7 to this subsection.

8 G. If a law enforcement officer administers a duplicate breath test
9 and the person tested is given a reasonable opportunity to arrange for an
10 additional test pursuant to subsection H of this section, a sample of the
11 person's breath does not have to be collected or preserved.

12 H. The person tested shall be given a reasonable opportunity to
13 arrange for any physician, registered nurse or other qualified person of his
14 own choosing to administer a test or tests in addition to any administered
15 at the direction of a law enforcement officer. The failure or inability to
16 obtain an additional test by a person shall not preclude the admission of
17 evidence relating to the test or tests taken at the direction of a law
18 enforcement officer.

19 I. If a person under arrest refuses to submit to a test or tests under
20 the provisions of section 28-691, whether or not a sample was collected
21 pursuant to subsection J of this section or a search warrant, evidence of
22 refusal is admissible in any civil or criminal action or other proceeding.
23 The issue of refusal shall be an issue of fact to be determined by the trier
24 of fact in all cases.

25 J. Notwithstanding any other law, if a law enforcement officer has
26 probable cause to believe that a person has violated this section and a
27 sample of blood, urine or any other bodily substance is taken from that
28 person for any reason a portion of that sample sufficient for analysis shall
29 be provided to a law enforcement officer if requested for law enforcement
30 purposes. A person who fails to comply with this subsection is guilty of a
31 class 1 misdemeanor.

32 K. A person who collects blood, urine or any other bodily substance
33 under this section or any hospital, laboratory or clinic employing or
34 utilizing the services of the person shall not incur any civil liability as
35 a result of this activity if requested by a law enforcement officer to
36 collect blood, urine or any other bodily substances unless the person, while
37 performing the activity, acts with gross negligence.

38 L. A statement by the defendant that he was driving a vehicle which
39 was involved in an accident resulting in injury to or death of any person is
40 admissible in any criminal proceeding without further proof of corpus delicti
41 if it is otherwise admissible.

42 M. At the arraignment, the court shall inform the defendant that he
43 may request a trial by jury and that the request, if made, shall be granted.

1 N. In this section, "alcohol concentration" means grams of alcohol per
2 one hundred milliliters of blood or grams of alcohol per two hundred ten
3 liters of breath.

4 Sec. 9. Section 28-693, Arizona Revised Statutes, is amended to read:
5 28-693. Reckless driving; classification

6 A. Any person who drives any vehicle in reckless disregard for the
7 safety of persons or property is guilty of reckless driving.

8 B. A person convicted of reckless driving is guilty of a class 2
9 misdemeanor. In addition, the judge may require the surrender to him of any
10 driver's license of such convicted person and, in such event, shall forward
11 the license to the department with the abstract of conviction, together with
12 an order of the court suspending the driving privileges of such person for
13 a period not to exceed ninety days. The department upon receipt of the
14 license, abstract of conviction and order shall suspend the driving privilege
15 of such person for the period of time ordered by the judge.

16 C. When a person convicted of a violation of this section has been
17 previously convicted of a violation of this section, section 13-1102 or
18 section 13-1103, subsection A, paragraph 1, in the driving of a vehicle, or
19 section 28-692, 28-697 or 28-708 within a period of twenty-four months, such
20 person is guilty of a class 1 misdemeanor and shall not be eligible for
21 probation, pardon, suspension of sentence or release on any basis until such
22 person has served not less than twenty days in jail. The judge shall require
23 the surrender to him of any driver's license of such convicted person and
24 shall immediately forward to the department the license with the abstract of
25 conviction. The department upon receipt thereof shall revoke the driving
26 privilege of such person. The dates of the commission of the offense shall
27 be the determining factor in applying this rule. A second or subsequent
28 violation for which a conviction occurs as provided in this section shall not
29 include a conviction for an offense arising out of the same series of acts.
30 ~~No A judge may grant probation to or suspend the imposition or execution of~~
31 ~~a jail sentence or SHALL NOT fail to secure the surrender to him of any~~
32 ~~license of any person for such a second or subsequent conviction.~~

33 D. The court may, upon pronouncement of any jail sentence under this
34 section, provide in the sentence that the defendant may be permitted, if he
35 is employed OR ATTENDING SCHOOL and can continue ~~his~~ employment OR SCHOOL,
36 to continue such employment OR SCHOOL for not more than twelve hours per day
37 nor more than ~~six~~ FIVE days per week, and the remaining ~~day,~~ days or parts
38 of days shall be spent in jail until the sentence is served. He shall be
39 allowed out of jail only long enough to complete his actual hours of
40 employment ~~and no longer~~ OR SCHOOL.

1 Sec. 10. Section 28-697, Arizona Revised Statutes, is amended to read:
2 28-697. Aggravated driving or actual physical control while
3 under the influence of intoxicating liquor or drugs;
4 violation; classification; penalties; notice;
5 definition

6 A. A person is guilty of aggravated driving or actual physical control
7 while under the influence of intoxicating liquor or drugs if the person does
8 either of the following:

9 1. Commits a violation of section 28-692 or this section while the
10 person's driver's license or privilege to drive is suspended, cancelled,
11 revoked or refused, or the person's driver's license or privilege to drive
12 is restricted as a result of violating section 28-692 or under section
13 28-694.

14 2. Commits a third or subsequent violation of section 28-692 or this
15 section or is convicted of a violation of section 28-692 or this section and
16 has previously been convicted of any combination of convictions of section
17 28-692 or this section or acts committed in another state which if committed
18 in this state would be a violation of section 28-692 or this section within
19 a period of sixty months.

20 B. The dates of the commission of the offenses are the determining
21 factor in applying the sixty month provision provided in subsection A,
22 paragraph 2 of this section regardless of the sequence in which the offenses
23 were committed. For purposes of this section, a third or subsequent
24 violation for which a conviction occurs does not include a conviction for an
25 offense arising out of the same series of acts.

26 C. The notice to a person of the suspension, cancellation, revocation
27 or refusal of a driver's license or privilege to drive is effective as
28 provided in section 28-453 or pursuant to the laws of the state issuing the
29 license.

30 D. Aggravated driving or actual physical control while under the
31 influence of intoxicating liquor or drugs is a class 4 felony.

32 E. Notwithstanding section 41-1604.06, a person who is convicted under
33 subsection A, paragraph 1 of this section is not eligible for probation,
34 pardon, commutation or suspension of sentence or release on any other basis
35 until the person has served not less than four months in prison.

36 F. Notwithstanding section 41-1604.06, a person who is convicted under
37 subsection A, paragraph 2 of this section and who within a sixty month period
38 has been convicted of two prior violations of section 28-692 or this section,
39 or both, or acts committed in another state that if committed in this state
40 would be a violation of section 28-692 or this section is not eligible for
41 probation, pardon, commutation or suspension of sentence or release on any
42 other basis until the person has served not less than four months in prison.

43 G. Notwithstanding section 41-1604.06, a person who is convicted under
44 subsection A, paragraph 2 of this section and who within a sixty month period

1 has been convicted of three or more prior violations of section 28-692 or
2 this section, or both, or acts committed in another state that if committed
3 in this state would be a violation of section 28-692 or this section is not
4 eligible for probation, pardon, commutation or suspension of sentence or
5 release on any other basis until the person has served not less than eight
6 months in prison.

7 H. A person who is convicted of a violation of this section and who
8 is placed on probation shall attend and complete alcohol and OR other drug
9 screening, education or treatment from an approved facility. If the person
10 fails to comply with the provisions of this subsection, in addition to the
11 provisions of section 13-901 the court may order that the person be
12 incarcerated as a term of probation as follows:

13 1. For a person sentenced pursuant to subsection E or F of this
14 section, for an individual period of not more than four months and a total
15 period of not more than one year.

16 2. For a person sentenced pursuant to subsection G of this section,
17 for an individual period of not more than eight months and a total period of
18 not more than two years.

19 I. The time that a person spends in custody pursuant to subsection ~~E,~~
20 ~~F, G or~~ H of this section shall not be counted towards the sentence imposed
21 if the person's probation is revoked and the person is sentenced to prison
22 following revocation of probation.

23 J. The judge shall order the surrender of the person's driver's
24 license, and the clerk of the court shall invalidate or destroy the driver's
25 license and forward the abstract of conviction to the department. On receipt
26 of the abstract, the department shall revoke the driving privilege of the
27 person and shall not issue the person a new driver's license within three
28 years of the date of the conviction.

29 K. For the purposes of this section, "suspension, cancellation,
30 revocation or refusal" means any suspension, cancellation, revocation or
31 refusal.

32 Sec. 11. Section 28-708, Arizona Revised Statutes, is amended to read:

33 28-708. Racing on highways; classification; definitions

34 A. No person shall drive any vehicle in any race, speed competition
35 or contest, drag race or acceleration contest, test of physical endurance or
36 exhibition of speed or acceleration, or for the purpose of making a speed
37 record on a street or highway, and no person shall in any manner participate
38 in any such race, competition, contest, test, or exhibition.

39 B. A person who violates this section is guilty of a class 2
40 misdemeanor. If a person is convicted of a second or subsequent violation
41 within twenty-four months of a first conviction, such person is guilty of a
42 class 2 misdemeanor and shall not be eligible for probation, pardon,
43 suspension of sentence or release on any basis until such person has served
44 not less than ten days in jail.

1 C. The court may, upon pronouncement of any jail sentence under this
2 section, in cases of extreme hardship provide in the sentence that the
3 defendant may be permitted, if he is employed OR ATTENDING SCHOOL and can
4 continue ~~his~~ employment OR SCHOOL, to continue such employment OR SCHOOL for
5 not more than twelve hours per day nor more than ~~six~~ FIVE days per week, and
6 the remaining ~~day,~~ days or parts of days shall be spent in jail until the
7 sentence is served. He shall be allowed out of jail only long enough to
8 complete his actual hours of employment ~~and no longer~~ OR SCHOOL.

9 D. When any person is convicted of a violation of the provisions of
10 this section, the judge may, upon a first conviction, and shall upon a second
11 or subsequent conviction for an offense committed within a period of
12 twenty-four months require the surrender to him of any driver's license of
13 such person and immediately forward the license to the department with the
14 abstract of conviction. Upon a first conviction the judge may order the
15 suspension of the driving privileges of such person for a period not to
16 exceed ninety days. The department upon receipt of the license, abstract of
17 conviction, and order of the court, in the case of a first conviction, shall
18 suspend the driving privileges of such person for the period of time ordered
19 by the judge. In the case of a second or subsequent conviction for an
20 offense committed within a period of twenty-four months, the department upon
21 receipt of the license and the abstract of conviction shall revoke the
22 driving privileges of such person.

23 E. The director may give authorization in writing for any organized
24 and properly controlled event otherwise prohibited by this section to utilize
25 a highway or part of a highway. The authorization shall specify the time of
26 the event, the highway or part of a highway to be utilized, and any special
27 conditions the director may require for the particular event.

28 F. In this section:

29 1. "Drag race" means the operation of two or more vehicles from a
30 point side by side at accelerating speeds in a competitive attempt to
31 outdistance each other, or the operation of one or more vehicles over a
32 common selected course, from the same point, for the purpose of comparing the
33 relative speeds or power of acceleration of such vehicle or vehicles within
34 a certain distance or time limit.

35 2. "Racing" means the use of one or more vehicles in an attempt to
36 outgain, outdistance, or prevent another vehicle from passing.

37 Sec. 12. Section 28-964, Arizona Revised Statutes, is amended to read:

38 28-964. Motorcycles and motor-driven cycles; required
39 equipment; exception

40 A. Any operator or passenger of a motorcycle or motor-driven cycle who
41 is under eighteen years of age shall at all times, while operating or riding
42 on such motorcycle or motor-driven cycle, wear a protective helmet on his
43 head in an appropriate manner safely secured. Any operator of a motorcycle
44 or motor-driven cycle shall at all times wear protective glasses, goggles or

1 a transparent face shield of a type approved by the director unless the
2 motorcycle or the motor-driven cycle is equipped with a protective
3 windshield. The provisions of this subsection shall not apply to
4 electrically powered three wheeled vehicles or three wheeled vehicles on
5 which the operator and passenger ride within an enclosed cab.

6 B. A motorcycle and motor-driven cycle shall be equipped with a
7 rearview mirror, seat and footrests for the operator. Any motorcycle or
8 motor-driven cycle operated with a passenger shall be equipped with seats,
9 footrests, and handrails for such passenger.

10 ~~C. Handlebars rising more than fifteen inches above the level of the~~
11 ~~driver's seat or saddle on a motorcycle or motor driven cycle are prohibited.~~

12 C. A PERSON SHALL NOT OPERATE A MOTORCYCLE OR MOTOR-DRIVEN CYCLE
13 EQUIPPED WITH HANDLEBARS THAT ARE POSITIONED SO THAT THE HANDS OF THE
14 OPERATOR ARE ABOVE THE OPERATOR'S SHOULDER HEIGHT WHEN THE OPERATOR IS
15 SITTING ASTRIDE THE SEAT AND THE OPERATOR'S HANDS ARE ON THE HANDLEBAR GRIPS.

16 Sec. 13. Section 28-1391, Arizona Revised Statutes, is amended to
17 read:

18 28-1391. Surety companies; arrest bond certificates;
19 requirements

20 A. Any domestic or foreign surety company which has qualified to
21 transact surety business in this state may, ~~in any year,~~ become surety, in
22 an amount not to exceed three hundred dollars, with respect to any guaranteed
23 arrest bond certificates issued ~~in such year~~ by a motor club, ~~as defined in~~
24 ~~section 28-1371,~~ by filing with the insurance director of this state an
25 undertaking ~~thus~~ to become surety.

26 B. Such undertaking shall be in A form ~~to be~~ prescribed by the
27 insurance director and shall state the following:

28 1. The name and address of the motor club with respect to the
29 guaranteed arrest bond certificates of which the surety company undertakes
30 to be surety.

31 2. The unqualified obligation of the surety company to pay the
32 forfeiture in an amount not to exceed three hundred dollars of any person
33 who, after posting a guaranteed arrest bond certificate with respect to which
34 the surety company has undertaken to be surety, fails to make the appearance
35 for which the guaranteed arrest bond certificate was posted.

36 C. AN UNDERTAKING FILED BY A DOMESTIC OR FOREIGN SURETY COMPANY WITH
37 THE DIRECTOR PURSUANT TO THIS SECTION EXPIRES ON DECEMBER 31 OF EACH YEAR.

38 D. MOTOR CLUBS MAY ISSUE GUARANTEED ARREST BOND CERTIFICATES THAT ARE
39 GUARANTEED BY A DOMESTIC OR FOREIGN SURETY COMPANY FOR THE YEAR COVERED BY
40 THE UNDERTAKING AND THAT ARE FILED WITH THE DIRECTOR PURSUANT TO THIS
41 SECTION.

42 E. FOR THE PURPOSES OF THIS SECTION "MOTOR CLUB" MEANS AN INDIVIDUAL,
43 FIRM, PARTNERSHIP, COMPANY, ASSOCIATION OR CORPORATION ENGAGED IN SELLING,

1 FURNISHING OR PROCURING FOR CONSIDERATION ANY ONE OR A COMBINATION OF THE
2 FOLLOWING FOR A MEMBER PURSUANT TO AN AGREEMENT:

3 1. "BAIL BOND SERVICE", WHICH MEANS FURNISHING OR PROCURING FOR THE
4 MEMBER ACCUSED OF A VIOLATION OF ANY LAW A CASH DEPOSIT, A BOND, A GUARANTEED
5 ARREST BOND CERTIFICATE OR ANY OTHER UNDERTAKING.

6 2. "BUYING AND SELLING SERVICE", WHICH MEANS ANY ACT BY WHICH THE
7 MEMBER IS AIDED IN ANY WAY IN THE PURCHASE OR SALE OF A MOTOR VEHICLE.

8 3. "DISCOUNT SERVICE", WHICH MEANS ANY ACT RESULTING IN GIVING SPECIAL
9 DISCOUNTS, REBATES OR REDUCTIONS TO THE MEMBER.

10 4. "EMERGENCY ROAD SERVICE", WHICH MEANS ANY ACT CONSISTING OF THE
11 ADJUSTMENT, REPAIR OR REPLACEMENT OF THE EQUIPMENT, TIRES OR MECHANICAL PARTS
12 OF A MOTOR VEHICLE TO PERMIT IT TO BE OPERATED UNDER ITS OWN POWER BY OR FOR
13 THE MEMBER.

14 5. "FINANCIAL SERVICE", WHICH MEANS ANY ACT BY WHICH LOANS OR OTHER
15 ADVANCE OF MONEY ARE MADE TO THE MEMBER.

16 6. "INSURANCE SERVICE", WHICH MEANS ANY ACT CONSISTING OF SELLING OR
17 GIVING, WITH THE AGREEMENT OR AS A RESULT OF MEMBERSHIP IN OR AFFILIATION
18 WITH A MOTOR CLUB, A POLICY OF INSURANCE.

19 7. "MAP SERVICE, WHICH MEANS FURNISHING ROAD MAPS WITHOUT COST TO THE
20 MEMBER.

21 8. "SAFETY SERVICE", WHICH MEANS EXAMINING AND TESTING MOTOR VEHICLES
22 AND GIVING ADVICE TO THE MEMBER IN CONNECTION WITH THE SAFE AND PROPER
23 OPERATION OF THE MOTOR VEHICLES.

24 9. "THEFT SERVICE", WHICH MEANS ANY ACT THE PURPOSE OF WHICH IS TO
25 LOCATE, IDENTIFY OR RECOVER A MOTOR VEHICLE FOR THE MEMBER, OR TO DETECT OR
26 APPREHEND THE PERSON GUILTY OF THE THEFT.

27 10. "TOURING SERVICE", WHICH MEANS FURNISHING TOURING INFORMATION
28 WITHOUT COST TO THE MEMBER.

29 11. "TOWING SERVICE", WHICH MEANS ANY ACT CONSISTING OF MOVING FOR OR
30 ON BEHALF OF THE MEMBER A MOTOR VEHICLE FROM ONE PLACE TO ANOTHER OTHER THAN
31 UNDER ITS OWN POWER.

32 Sec. 14. Section 28-1597, Arizona Revised Statutes, is amended to
33 read:

34 28-1597. Technical advisory committee; membership; duties

35 A. A technical advisory committee is established. The committee shall
36 consist of:

37 1. Two representatives of the ~~state~~ department of transportation.

38 2. Two representatives of the counties as selected by ~~the Arizona~~
39 ~~association of~~ AN ENTITY REPRESENTING counties IN THIS STATE, with no more
40 than one representative from any one county.

41 3. Two representatives of the cities and towns as selected by the
42 league of Arizona cities and towns, with no more than one representative from
43 any one city or town.

1 4. Three representatives selected by the president of the senate and
2 the speaker of the house of representatives as follows:

3 (a) One representative of the road building industry who is no longer
4 active IN THE ROAD BUILDING INDUSTRY.

5 (b) One representative from the financial sector.

6 (c) One representative from general business.

7 B. The technical advisory committee shall establish standards for use
8 in determining transportation needs and shall establish criteria for
9 measuring the status of state, city and county transportation systems. The
10 committee shall advise the department during the preparation of the statewide
11 status and needs report prescribed in section 28-1598 and shall review and
12 approve the report before it is presented to the legislature by the
13 department.

14 Sec. 15. Section 28-1598, Arizona Revised Statutes, is amended to
15 read:

16 28-1598. Distribution of highway user revenues; budget and
17 expenditure of local tax revenues required;
18 definitions

19 A. All highway user revenues, as defined in section 28-1595 and in
20 article IX, section 14, Constitution of Arizona, and all taxes, fees and
21 fines collected under sections 28-221, 28-226, 28-1011 and 28-1031 shall be
22 transferred by the officer collecting the revenues to the department. The
23 department, after deduction of all exemptions and refunds AND AFTER TAKING
24 ACTIONS REQUIRED UNDER THIS SUBSECTION, shall immediately transfer the
25 revenues to the state treasurer who shall deposit the revenues in a fund
26 designated as the Arizona highway user revenue fund. The revenues in the
27 Arizona highway user revenue fund shall only be expended for the purposes
28 prescribed in article IX, section 14, Constitution of Arizona. In the event
29 of any default all amounts required by law or any resolution authorizing the
30 issuance of bonds of the board to be placed in the principal funds, interest
31 funds, reserve funds or sinking funds or any other funds created to service
32 bonds issued or to be issued by the board shall be deducted by the department
33 before the revenues are deposited in the Arizona highway user revenue fund.

34 B. No later than June 15 of each fiscal year the department shall
35 allocate and the state treasurer shall distribute one million dollars from
36 revenues of the Arizona highway user revenue fund to the economic strength
37 project fund.

38 C. No later than June 15 of each fiscal year the department shall
39 allocate and the state treasurer shall distribute revenues derived from one
40 cent of the license tax for each gallon of motor vehicle fuel and use fuel
41 collected pursuant to sections 28-1501 and 28-1552 to the state highway fund.

42 D. For each fiscal year the department shall allocate and the state
43 treasurer shall distribute monies in the Arizona highway user revenue fund
44 to the department of public safety for funding a portion of highway patrol

1 costs in eight installments in each of the first eight months of a fiscal
2 year that do not exceed:

3 1. For the 1994-1995 and 1995-1996 fiscal years, twenty million
4 dollars.

5 2. For the 1996-1997 fiscal year, seventeen million five hundred
6 thousand dollars.

7 3. For the 1997-1998 fiscal year, fifteen million dollars.

8 4. For the 1998-1999 fiscal year, twelve million five hundred thousand
9 dollars.

10 5. For the 1999-2000 fiscal year and for all subsequent fiscal years,
11 ten million dollars.

12 E. No later than June 15 of each fiscal year the department shall
13 allocate and the state treasurer shall distribute revenues derived from three
14 cents of the license tax for each gallon of motor vehicle fuel or use fuel
15 collected pursuant to section 28-1501 or 28-1552 as follows:

16 1. Sixty-four per cent to the state highway fund.

17 2. Fourteen per cent to counties with a population of one million two
18 hundred thousand or more persons to be distributed to the county and to each
19 individual city or town within the county on the basis that the
20 unincorporated population of the county and the incorporated population of
21 each city or town bear to the total population within the county.

22 3. Eight and one-half per cent to counties with a population in excess
23 of four hundred thousand but fewer than one million two hundred thousand
24 persons to be distributed to the county and to each individual city or town
25 within the county on the basis that the unincorporated population of the
26 county and the incorporated population of each city or town bear to the total
27 population within the county.

28 4. Eight per cent to counties with a population of four hundred
29 thousand or fewer persons to be distributed to each individual county on the
30 basis that the unincorporated population of each county bears to the total
31 unincorporated population of all counties with a population of four hundred
32 thousand or fewer persons.

33 5. Five and one-half per cent to the incorporated cities and towns
34 located in counties with a population of four hundred thousand or fewer
35 persons to be distributed to each individual city or town on the basis that
36 the incorporated population of each city or town bears to the total
37 incorporated population of all cities and towns located in counties with a
38 population of four hundred thousand or fewer persons.

39 F. For fiscal year 1991-1992, fiscal year 1992-1993 and fiscal year
40 1993-1994 the department shall allocate and the state treasurer shall
41 distribute monies from the highway user revenue fund to the department of
42 transportation for deposit into the motor vehicle liability insurance
43 enforcement fund established in section 28-1262 for funding for motor vehicle

1 liability insurance enforcement in any amount required by legislative
2 appropriation.

3 G. Each fiscal year the department shall allocate and the state
4 treasurer shall distribute all remaining revenues of the Arizona highway user
5 revenue fund after the distribution provided in subsections B, C, D and E of
6 this section, as follows:

7 1. To the state highway fund, fifty per cent.

8 2. To the counties, twenty per cent.

9 3. To the incorporated cities and towns, thirty per cent.

10 H. Each month the state treasurer shall distribute all revenues
11 credited to the Arizona highway user revenue fund in accordance with the
12 proportions prescribed in subsection G or U of this section as follows:

13 1. Revenues allocated to the state highway fund shall be further
14 distributed as follows:

15 (a) Seven per cent shall be apportioned among cities with a population
16 greater than three hundred thousand persons, the distribution to which was
17 not restricted pursuant to subsection P of this section, for the acquisition
18 of rights-of-way or construction of streets or highways other than
19 controlled-access highways, on the basis of population.

20 (b) Ninety-three per cent shall be apportioned to the state highway
21 fund.

22 2. Revenues allocated to the counties shall be further distributed to
23 each individual county, the distribution to which was not restricted pursuant
24 to subsection P of this section, based on the proportion that the sale of
25 motor vehicle fuel and the estimated consumption of use fuel in such county
26 bear to the total sales of motor vehicle fuel and the estimated consumption
27 of use fuel throughout the state during the preceding calendar month.

28 3. Revenues allocated to the incorporated cities and towns shall be
29 distributed on the basis of the following apportionments:

30 (a) One-half shall be apportioned to each city or town, the
31 distribution to which was not restricted pursuant to subsection P of this
32 section, on the basis that the population of each bears to the population of
33 all cities and towns within the state.

34 (b) Subject to subsection P of this section, the remaining one-half
35 shall be apportioned first on the basis of the county origin of sales of
36 motor vehicle fuels within the state, which amount shall be further
37 apportioned among the several incorporated cities and towns within each
38 county in the proportion that the population of each city or town bears to
39 the total population of all cities and towns within the county.

40 I. The percentages, proportions, allocations and distributions
41 prescribed by this section are subject to the following limitations:

42 1. If the total highway user revenues derived and credited to the
43 Arizona highway user revenue fund equal or exceed the total highway user
44 revenues derived in the fiscal year ending June 30, 1973, the state and any

1 county shall not receive from such revenues for the use of each and for
2 distribution to cities and towns fewer dollars than were received and
3 distributed in such fiscal year.

4 2. If the total highway user revenues derived and credited to the
5 Arizona highway user revenue fund do not equal or exceed the total highway
6 user revenues derived in the fiscal year ending June 30, 1973, the state and
7 any county shall receive from such revenues for the use of each and for
8 distribution to cities and towns their pro rata allocation based upon the
9 percentages as provided in subsection G of this section.

10 J. If the department determines that any of the amounts allocated and
11 distributed as provided in this section during the preceding twenty-four
12 months are incorrect, the department shall adjust future monthly allocations
13 to correct any overages or shortages as provided in this subsection. The
14 state treasurer shall distribute revenues in accordance with the adjusted
15 allocations determined pursuant to this subsection. An adjustment to the
16 amount allocated and distributed shall not be initiated pursuant to this
17 subsection more than twenty-four months after the original distribution. The
18 department shall adjust the allocations as follows:

19 1. Until June 30, 1993, in the case of overages, the department shall
20 reduce the subsequent monthly allocation by the amount of the overage,
21 provided that the remaining allocation is at least eighty-five per cent of
22 the amount that would otherwise have been allocated to the recipient. If the
23 entire amount of the required adjustment cannot be made in a single month,
24 the procedure shall be repeated in subsequent months until the overage has
25 been corrected.

26 2. From and after June 30, 1993, in the case of overages, the
27 department shall reduce the subsequent monthly allocation by the amount of
28 the overage, provided that the remaining allocation is at least fifty per
29 cent of the amount that would otherwise have been allocated to the recipient.
30 If the entire amount of the required adjustment cannot be made in a single
31 month, the procedure shall be repeated in subsequent months until the overage
32 has been corrected.

33 3. In the case of shortages, the department shall increase the
34 subsequent monthly allocation by the amount of the shortage, provided that
35 the total amount of all the increases in any single month does not exceed the
36 total amount of all the reductions made pursuant to paragraphs 1 and 2 of
37 this subsection in that month. If the total of all reductions in a month is
38 less than the amount of increases, the increases shall be proportionately
39 reduced.

40 K. If a county or incorporated city or town subject to the
41 requirements of subsection P of this section fails to meet the requirements
42 of that subsection, the state treasurer shall, beginning in April of the
43 fiscal year following the fiscal year in which the requirements were not met,
44 reduce the next twelve monthly distributions computed according to this

1 section by one-twelfth of the amount computed in paragraph 3 of this
2 subsection. The reduction shall be deposited in the highway user revenue
3 fund and distributed in the following month according to the provisions of
4 this section. The state treasurer shall compute the total amount of the
5 reduction as follows:

6 1. Determine the amount distributed to the county, city or town in the
7 year the county, city or town failed to meet the requirements of subsection
8 P of this section.

9 2. Determine the amount distributed to the county, city or town in
10 fiscal year 1969-1970.

11 3. Subtract the amount determined in paragraph 2 of this subsection
12 from the amount determined in paragraph 1 of this subsection. The resulting
13 difference is the total amount to be deducted from future distributions by
14 the state treasurer.

15 L. Beginning on December 1, 1990, the department shall every five
16 years present a report to the legislature which evaluates the status and
17 condition of the state, city and county transportation systems and analyzes
18 all-mode transportation needs of the state, counties, cities and towns.
19 Needs shall be projected for five and ten years. All counties, cities and
20 towns shall submit needs data and information concerning the status of
21 transportation systems for all modes to the department for use in the
22 preparation of the statewide transportation status and needs report in
23 accordance with procedural guidelines established by the department and in
24 accordance with standards established by the technical advisory committee.
25 The committee shall determine when a county, city or town is not in
26 compliance with the procedural guidelines established under this section and
27 shall notify that jurisdiction of such noncompliance. The committee shall
28 advise the director to request the state treasurer to withhold that
29 jurisdiction's revenues, as distributed under this section, except that the
30 jurisdiction shall be entitled to receive such revenues as guaranteed
31 pursuant to article IX, section 14, Constitution of Arizona. The
32 jurisdiction has thirty days to appeal before the committee, and the
33 committee shall notify the director of its finding upon hearing the appeal
34 or the expiration of forty-five days. Upon receipt of a finding of
35 noncompliance, the director shall request the state treasurer to withhold
36 revenues as distributed under this section, except that the jurisdiction
37 shall be entitled to receive such revenues as guaranteed pursuant to article
38 IX, section 14, Constitution of Arizona, until the committee notifies the
39 director that the jurisdiction is in compliance.

40 M. The state treasurer may invest inactive deposits in the Arizona
41 highway user revenue fund in United States government bonds or interest
42 bearing notes and other interest bearing obligations of the United States for
43 which the full faith and credit of the United States are pledged. All

1 interest earned on highway user revenue funds shall be credited by the state
2 treasurer to the Arizona highway user revenue fund.

3 N. At least fifteen per cent of the revenues allocated each year to
4 the state highway fund pursuant to subsection G of this section shall be
5 further distributed in the following proportions and for the following
6 purposes:

7 1. Seventy-five per cent of the revenues shall be expended, pledged
8 or accumulated in counties with a population of one million two hundred
9 thousand or more persons for the design, right-of-way purchase or
10 construction of controlled-access highways which are included in the regional
11 transportation plan of the county and which are accepted into the state
12 highway system either as a state route or as a state highway.

13 2. Twenty-five per cent of the revenues shall be expended, pledged or
14 accumulated in counties with a population in excess of four hundred thousand
15 but fewer than one million two hundred thousand persons for:

16 (a) The design, right-of-way purchase or construction of
17 controlled-access highways which are included in the regional transportation
18 plan of the county and which are accepted into the state highway system
19 either as a state route or as a state highway or related grade separations
20 of controlled-access highways which are included in the regional
21 transportation plan of the county.

22 (b) Notwithstanding section 28-1822, the design, right-of-way
23 purchase, construction, standard and reduced clearance grade separation,
24 extension and widening of arterial streets and highways which are included
25 in the regional transportation plan of the county.

26 O. Expenditures for state matching funds for the federal interstate
27 system shall be in addition to the amount provided in subsection N of this
28 section.

29 P. Beginning with fiscal year 1986-1987, a county with a population
30 in excess of four hundred thousand persons or an incorporated city or town
31 which has a population in excess of thirty thousand persons and is located
32 in such a county shall each fiscal year:

33 1. Budget and expend local revenues as defined in article IX, section
34 20, Constitution of Arizona, for street and highway purposes in an amount at
35 least equal to the average amount of local revenues budgeted and expended for
36 such purposes in any four of the five fiscal years during the period
37 beginning with fiscal year 1981-1982 and ending with fiscal year 1985-1986.

38 2. Through its chief financial officer, certify in writing to the
39 state treasurer whether or not the county, city or town has complied with the
40 requirements of paragraph 1 of this subsection. The certification shall be
41 filed on or before December 31 following the completion of each fiscal year.
42 A failure to certify as required by this paragraph shall be considered a
43 failure to comply with the provisions of paragraph 1 of this subsection.

1 Q. In determining the amount of local revenues budgeted and expended
2 for street and highway purposes during any fiscal year pursuant to subsection
3 P of this section, a county or incorporated city or town shall not consider
4 any of the following:

- 5 1. Monies distributed from the Arizona highway user revenue fund.
- 6 2. Monies distributed from the local transportation assistance fund.
- 7 3. Monies expended by the county or incorporated city or town for
8 street and highway purposes directly necessitated by an emergency declared
9 by the governor.

10 R. The department may enter into contracts with a county or
11 municipality to allow the county or municipality to construct the streets or
12 highways provided for in subsection N of this section.

13 S. A county described in subsection N of this section and the
14 municipalities in the county shall, through their regional planning agency,
15 list transportation corridors by priority in the regional transportation
16 plan. The regional transportation plan may also provide a suggested
17 construction schedule for the transportation corridors contained in the plan.

18 T. Of the monies allocated to the state highway fund pursuant to
19 subsection G of this section not more than five million dollars annually may
20 be spent for the acquisition, construction or improvement of entry roads to
21 state parks or roads within state parks.

22 U. If a use fuel collection shortfall exists under section 28-1599.14,
23 subsection A, each fiscal year the department shall allocate and the state
24 treasurer shall distribute from the Arizona highway user revenue fund an
25 amount from revenues allocated to the state highway fund equal to an amount
26 computed by utilizing the difference in gallons determined by section
27 28-1599.14, subsection A multiplied by eight cents which amount shall be
28 distributed as follows:

- 29 1. To the counties, forty per cent.
- 30 2. To the incorporated cities and towns, sixty per cent.

31 V. For the purposes of this section:

32 1. "Arterial street or highway" means a street or highway used
33 primarily for through traffic such that vehicular traffic from intersecting
34 streets and highways is required by law to stop or yield before entering or
35 crossing the street or highway.

36 2. "BONDS" MEANS ANY BONDS THAT ARE PAYABLE FROM THE STATE HIGHWAY
37 FUND AS PROVIDED IN CHAPTER 15, ARTICLE 1 OF THIS TITLE.

38 ~~2-~~ 3. "Controlled-access highway" has the meaning assigned to that
39 term in section 28-602.

40 ~~3-~~ 4. "Population" means the population determined in the most recent
41 United States decennial census or the most recent special census as provided
42 in section 28-1501.02 and revisions to the decennial or special census
43 certified by the United States bureau of the census.

1 Sec. 16. Section 28-1831, Arizona Revised Statutes, is amended to
2 read:

3 28-1831. Definitions: transportation department equipment
4 revolving fund; authorized expenditures

5 A. In this section, unless the context otherwise requires:

6 1. "Consumable material" means motor vehicle fuel, petroleum
7 lubricants, tires, batteries, replacement or repair parts, automotive
8 accessories and any other NECESSARY article of supply or material consumed
9 in the operation, improvement, repair or maintenance of equipment.

10 2. "Equipment" means every automobile, truck, tractor, trailer, motor
11 driven vehicle, aircraft or any other piece of equipment used by the
12 department in the enforcement of the traffic laws and in the administration,
13 maintenance, construction or repair of the state transportation system and
14 every ~~mechanical~~, NECESSARY shop-tool or device used in the improvement,
15 repair or maintenance of all such equipment.

16 3. "Equipment rental schedule" means the list of rental rates for each
17 piece of rental equipment owned or rented by the department and used as the
18 basis of reimbursing the transportation department equipment revolving fund
19 for use of any equipment owned by the department.

20 4. "Other fee schedule" means the list of all costs and expenses which
21 is used as the basis of reimbursing the transportation department equipment
22 revolving fund for any expenditure for labor or consumable material not
23 reflected in the equipment rental schedule, but which cost or expense is
24 nevertheless incurred by the department in the maintenance, service or repair
25 of equipment.

26 B. There shall be a transportation department equipment revolving fund
27 which shall consist of:

28 1. Money appropriated by the legislature to the department for the
29 purchase, maintenance, service or repair of equipment and consumable
30 material, including money appropriated to pay salaries, wages and benefits
31 of department employees engaged in maintaining, servicing or repairing
32 equipment or supervising such activities.

33 2. Money received by the department from the sale at public auction
34 or other disposal methods provided by law, of equipment and consumable
35 material.

36 3. Money credited and transferred thereto as provided in subsection
37 D of this section for the use of consumable material and for the use or
38 servicing of equipment.

39 4. Money received from insurance recoveries for equipment and
40 consumable material losses.

41 5. Money received from donations thereto.

42 6. Money received from the United States as reimbursement to provide
43 aid for the use of equipment and consumable materials in the construction,
44 maintenance or repair of transportation improvements.

1 7. Earnings on any money from the transportation department equipment
2 revolving fund which is invested pursuant to ~~subsection E~~ of section 28-1822,
3 SUBSECTION E.

4 C. The director shall establish and from time to time modify or adjust
5 the equipment rental schedule and other fee schedule to reflect all current
6 costs of ownership, maintenance, operation and service of equipment including
7 the costs of labor and supervision and consumable materials used in such
8 equipment.

9 D. No department equipment shall be used for any purpose and no
10 expense shall be incurred by the department in the maintenance, service or
11 repair of equipment unless, within thirty days following the end of any month
12 in which equipment is used or such expenses are incurred, the appropriate
13 project, program, section, division, activity or budget unit is charged for
14 such use in accordance with the equipment rental schedule or other fee
15 schedule and the transportation department equipment revolving fund is
16 credited and the funds transferred thereto.

17 E. The transportation department equipment revolving fund shall be
18 expended for the following purposes only:

- 19 1. To purchase equipment and consumable materials.
20 2. To rent equipment.

21 3. To pay salaries, wages and employee-related costs and benefits and
22 operating expenses for employees engaged in repairing, maintaining or
23 servicing equipment or ~~supervising such~~ THE ADMINISTRATION OF THESE
24 activities.

25 4. To pay salaries, wages, employee-related costs and benefits, and
26 the operating expenses of the department motor pool.

27 F. The transportation department equipment revolving fund shall be
28 expended in conformity with the laws governing state financial operations,
29 except that balances remaining at the end of the fiscal year shall not revert
30 to the state general fund or the state highway fund.

31 Sec. 17. Section 28-2005, Arizona Revised Statutes, is amended to
32 read:

33 28-2005. Highway bond proceeds fund; investments; expenditures

34 A. The highway bond proceeds fund is established. The department
35 shall promptly transfer the proceeds received from the sale and delivery of
36 the bonds for all purposes, after deducting the necessary fees, charges and
37 expenses incurred in the issuance and sale of the bonds AND ANY AMOUNTS
38 NECESSARY TO PROVIDE FOR THE PAYMENT OF REFUNDED BONDS, to the state
39 treasurer for placement in the highway bond proceeds fund. The treasurer
40 shall maintain the fund separate and apart from all other funds, except that
41 the treasurer shall first apply those amounts of the bond proceeds set forth
42 in the resolution issuing the bonds to all reserve and sinking funds created
43 in the bond resolution. The department may expend monies in the bond

1 proceeds fund for any lawful purpose not inconsistent with the resolution or
2 resolutions authorizing the bonds.

3 B. The transportation board may order the investment of monies in the
4 bond proceeds fund by the state treasurer in United States treasury
5 obligations, interest bearing United States bonds, consolidated farm loan
6 bonds, obligations issued by the federal intermediate credit banks, or ~~in~~
7 obligations issued by banks for cooperatives on the authority of the farm act
8 of 1933, and any other obligations guaranteed by the United States government
9 and any investments authorized by any other agencies of the United States
10 government which are now authorized for use to secure public deposits or
11 state, county or municipal bonds issued within this state on which the
12 payments of interest have not been deferred. The order directing the
13 treasurer to invest the funds shall set forth the specified time when the
14 proceeds from the sale of the bonds shall be used for the purposes directed
15 in the bond resolution, and the treasurer shall invest the proceeds from the
16 sale of the bonds in the above mentioned securities in such a way as to
17 mature at the specified date.

18 C. The transportation board shall use the funds or securities in the
19 bond proceeds fund solely for the purposes set forth in the bond resolution,
20 provided that, if the revenues pledged to secure the bonds ever become
21 insufficient to pay the annual principal and interest on the bonds, the
22 transportation board shall by order direct the liquidation of the securities
23 remaining in such fund and order the treasurer to apply all such monies in
24 the fund as may be necessary to make current all payments then due on the
25 bonds.

26 Sec. 18. Section 28-2023, Arizona Revised Statutes, is amended to
27 read:

28 28-2023. Distribution of bond proceeds; expenditures

29 A. The department shall promptly transfer the proceeds received from
30 the sale and delivery of bonds issued pursuant to this article, after
31 deducting the necessary costs and expenses of the issuance and sale of the
32 bonds AND ANY AMOUNTS NECESSARY TO PROVIDE FOR THE PAYMENT OF REFUNDED BONDS,
33 to the state treasurer for deposit in the BOND PROCEEDS ACCOUNT WITHIN THE
34 regional area road fund pursuant to section 28-1594.01. The treasurer shall
35 first apply those amounts of the bond proceeds set forth in the resolution
36 issuing the bonds to all reserve and sinking funds created in the bond
37 resolution.

38 B. The board shall use the bond proceeds solely for the purposes set
39 forth in the bond resolution, except that, if the revenues pledged to secure
40 the bonds ever become insufficient to pay the annual principal and interest
41 on the bonds, the board shall by order direct the liquidation of ~~the bonds~~
42 ANY PERMITTED INVESTMENTS REMAINING IN THE BOND PROCEEDS ACCOUNT and SHALL
43 order the treasurer to apply all such receipts as may be necessary to make
44 current all payments then due on the bonds.

1 Sec. 19. Section 28-2415, Arizona Revised Statutes, is amended to
2 read:

3 28-2415. Motor carrier safety revolving fund

4 A. A motor carrier safety revolving fund is established in the state
5 treasury consisting of monies appropriated to the fund by the legislature,
6 monies deposited pursuant to this chapter, monies received from private
7 grants or donations if so designated by the grantor or donor and monies
8 remaining in the cargo tank administration revolving fund.

9 B. Monies in the fund shall be a continuing appropriation to the
10 department to be used by the motor vehicle division, the attorney general's
11 office, ~~AND the department of public safety and the hazardous materials~~
12 ~~management advisory council~~ to carry out the provisions of this chapter. The
13 director shall distribute monies in the fund.

14 C. A full accounting of use of the fund shall be made to the director
15 of the department of administration annually or as required by the director
16 of the department of administration.

17 D. The motor carrier safety revolving fund is exempt from the
18 provisions of section 35-190, relating to lapsing of appropriations.

19 Sec. 20. Section 28-2803, Arizona Revised Statutes, is amended to
20 read:

21 28-2803. Restrictions on operating off-highway vehicles

22 It is unlawful for any person to drive an off-highway vehicle with a
23 ~~willful and wanton~~ RECKLESS disregard for the safety of ~~other~~ persons or
24 property.

25 Sec. 21. Repeal

26 A. Title 41, chapter 5, article 8, Arizona Revised Statutes, is
27 repealed.

28 B. Section 41-3000.22, Arizona Revised Statutes, is repealed.

29 C. Laws 1995, chapter 147, section 22 is repealed.

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