

House Engrossed Senate Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

CHAPTER 142

# **SENATE BILL 1195**

AN ACT

AMENDING SECTION 28-4333, ARIZONA REVISED STATUTES; RELATING TO MOTOR VEHICLE DEALERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-4333, Arizona Revised Statutes, is amended to  
3 read:

4 28-4333. Licensing requirement; exemptions

5 A. A new motor vehicle shall not be sold in this state unless either  
6 the manufacturer on direct dealerships of domestic vehicles, the importer of  
7 foreign manufactured vehicles on direct dealerships or the distributor on  
8 indirect dealerships of either domestic or foreign vehicles is licensed as  
9 provided in this chapter. Obtaining the license conclusively establishes  
10 that the manufacturer, distributor or importer is subject to the laws of this  
11 state regulating manufacturers, importers and distributors.

12 B. An organization that has qualified for an exemption from taxation  
13 of income under section 43-1201, SUBSECTION A, paragraph 1, 2, 4, 5, 6, 7, 10  
14 or 11 may sell a donated used motor vehicle without obtaining a license under  
15 this chapter, subject to the following:

16 1. The nonprofit organization shall maintain the tax exempt status  
17 until any monies received from the sale of the used motor vehicle have been  
18 expended and a member, director, officer, employee or agent of the nonprofit  
19 organization shall not receive any direct or indirect pecuniary benefit from  
20 the sale of the used motor vehicle.

21 ~~2. The nonprofit organization shall have been in existence~~  
22 ~~continuously in this state for a five year period immediately before the sale~~  
23 ~~of the used motor vehicle.~~

24 ~~3.~~ 2. The nonprofit organization shall sell the used motor vehicle by  
25 ~~consignment~~ ASSIGNMENT using a licensed motor vehicle dealer.

26 ~~4.~~ 3. Notwithstanding section 28-2058, the nonprofit organization is  
27 not required to obtain a new certificate of title or registration for the  
28 donated motor vehicle but shall assign the certificate of title to the  
29 licensed motor vehicle dealer for ultimate assignment to the retail purchaser  
30 of the motor vehicle.

31 ~~5.~~ 4. The nonprofit organization shall maintain the motor vehicle  
32 financial responsibility requirements prescribed by chapter 9, article 4 of  
33 this title if operating the motor vehicle including operating the motor  
34 vehicle to the place of ~~consignment~~ ASSIGNMENT.

35 ~~6.~~ 5. The nonprofit organization may operate the donated motor  
36 vehicle to the place of ~~consignment~~ ASSIGNMENT without purchasing the one  
37 trip registration permit required by section 28-2155.

38 C. Notwithstanding any other provision of this chapter, a person who  
39 receives or does not receive consideration for providing a purchaser the  
40 opportunity to purchase a motor vehicle from a licensed new motor vehicle  
41 dealer at a price that does not exceed a certain amount is not required to be  
42 licensed as a motor vehicle dealer or broker under this chapter if the person  
43 does not participate in the negotiation of the actual price paid, the  
44 delivery terms or any other terms related to the purchase of the vehicle.

~~APPROVED BY THE GOVERNOR MARCH 29, 2012.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2012.~~

Passed the House March 22, 2012,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate February 2, 2012,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary to the Governor~~

~~Approved this \_\_\_\_\_ day of~~

~~\_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

S.B. 1195

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary of State~~

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate March 26, 20 12

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

Steve Pierce  
President of the Senate

Charmine Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

27 day of March, 2012

at 8:30 o'clock A M.

[Signature]  
Secretary to the Governor

Approved this 29th day of

March

at 10:31 o'clock A M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 29th day of March, 2012

S.B. 1195

at 4:58 o'clock [Signature] M.

[Signature]  
Secretary of State