Senate Engrossed House Bill

FILED
KEN BENNETT
SECRETARY OF STATE

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CHAPTER 210

HOUSE BILL 2491

AN ACT

AMENDING TITLE 28, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-412; AMENDING SECTIONS 28-446, 28-449, 28-455, 28-1100 AND 28-7704, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 22, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-7704.01; AMENDING SECTIONS 28-7705 AND 28-7706, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 22, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; AMENDING SECTION 41-1005, ARIZONA REVISED STATUTES; RELATING TO STATE HIGHWAYS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 28, chapter 2, article 4, Arizona Revised Statutes, is amended by adding section 28-412, to read:

28-412. Agreements with other jurisdictions; exchange of records and reciprocal action for toll enforcement

THE DIRECTOR MAY ENTER INTO AGREEMENTS WITH OTHER JURISDICTIONS ON BEHALF OF THIS STATE RELATING TO THE FOLLOWING:

1. THE EXCHANGE OF MOTOR VEHICLE RECORD INFORMATION FOR TOLL FACILITY ENFORCEMENT PURPOSES.

2. IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES OF THIS STATE AND THE OTHER JURISDICTION, REFUSING, SUSPENDING OR REVOKING A VEHICLE REGISTRATION OR SUSPENDING OR REVOKING A DRIVER LICENSE IF A TOLL OPERATOR IN EITHER JURISDICTION REPORTS TO THE OTHER JURISDICTION RECEIPT OF A FINAL DECISION, ORDER OR JUDGMENT AGAINST THE REGISTRANT OR LICENSEE OF LIABILITY TO THE TOLL OPERATOR FOR UNPAID TOLLS AND RELATED PENALTIES AND AMOUNTS UNTIL EVIDENCE OF SATISFACTION OF THE LIABILITY IS RECEIVED.

Sec. 2. Section 28-446, Arizona Revised Statutes, is amended to read:

28-446. Fees for copies; exemptions

A. The department may furnish information from the records that are required to be kept by this title or may furnish copies from the records. The department may charge a fee for providing the information or copies that does not exceed three dollars for each item.

B. The department shall not charge any of the following for copies of records, for certified copies of records or for information furnished from its records:

1. This state or its departments, agencies or political subdivisions.

2. A court.

3. The federal government or its agencies.

4. A law enforcement agency in a foreign country.

5. A TOLL OPERATOR AS DEFINED IN SECTION 28-7751.

C. The department shall furnish either of the following to any person on payment of a fee of five dollars:

1. Certified copies of public records designated pursuant to section 28-447.

2. Vehicle title history information.

D. This section does not apply to information required by law to be kept confidential or to statistical information, the purpose of which relates to traffic accidents, traffic offenses or traffic enforcement.

E. The director shall deposit, pursuant to sections 35-146 and 35-147, fees collected under this section in the Arizona highway user revenue fund.

Sec. 3. Section 28-449, Arizona Revised Statutes, is amended to read:

28-449. Information requests for public records

A. The director may designate as custodian of the department's public records as many employees of the department as the director deems necessary.

B. A person who requests a copy of or information from a public record designated pursuant to section 28-447 shall present personal identification and state the reason for making the request. The department shall verify the name and address of the person making the request by requiring the person to produce information the department determines is necessary to ensure that the name and address of the person are the person's true name and address.

C. The department may supply the requested information by mail OR ELECTRONICALLY.

D. The department shall maintain a file of requests for information for six months. The department shall maintain the file by the name of the person whose record was requested.

Sec. 4. Section 28-455, Arizona Revised Statutes, is amended to read:

28-455. Release of personal information; fees

A. In accordance with section 28-458 and the driver's privacy protection act of 1994 (18 United States Code sections 2721 through 2725) and notwithstanding section 28-447, the department shall not knowingly disclose or otherwise make available to any person:

1. Personal information obtained by the department in connection with a motor vehicle record except as otherwise provided in this section.

2. Highly restricted personal information obtained by the department in connection with a motor vehicle record without the express consent of the person to whom the information applies except for uses allowed in subsection C, paragraphs 1, 4, 6 and 9 of this section. This paragraph does not affect the use of organ donation information on an individual's driver license or affect the administration of organ donation in this state.

B. The department shall disclose personal information for use in connection with the following matters:

1. Motor vehicle or driver safety and theft.

2. Motor vehicle emissions.

3. Motor vehicle product alterations, recalls or advisories.

4. Performance monitoring of motor vehicles and dealers by motor vehicle manufacturers.

5. Removal of nonowner records from the original owner records of motor vehicle manufacturers to carry out the purposes of titles I and IV of the anti car theft act of 1992 (18 United States Code sections 2311 through 2322), the automobile information disclosure act (15 United States Code sections 1231, 1232 and 1233), the clean air act of 1963 (42 United States Code sections 7401 through ~~7671~~ 7671q) and 49 United States Code chapters 301, 305 and 321 through 331.

C. Subject to subsection A of this section, the department may disclose personal information as follows:

1. For use by any government agency, including any court or law enforcement agency, in carrying out its functions or any private person or entity acting on behalf of a government agency in carrying out its functions.

2. For use in connection with matters of:

(a) Performance monitoring of motor vehicles, motor vehicle parts and dealers.

(b) Motor vehicle market research activities, including survey research.

(c) Removal of nonowner records from the original owner records of motor vehicle manufacturers.

3. For use in the normal course of business by a legitimate business or its agents, employees or contractors, but only:

(a) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees or contractors.

(b) If the information submitted is not correct or is no longer correct, to obtain the correct information for the purpose of preventing fraud by, pursuing legal remedies against or recovering on a debt or security interest against the individual.

4. For use by an attorney licensed to practice law or by a licensed private investigator in connection with any civil, criminal, administrative or arbitration proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation and the execution or enforcement of judgments and orders, or pursuant to a court order.

5. For use in research activities and for use in producing statistical reports if the personal information is not published, redisclosed or used to contact individuals.

6. For use by any insurer that writes automobile liability or motor vehicle liability policies and that is under the jurisdiction of the department of insurance or insurance support organization or by a self-insured entity or its agents, employees or contractors in connection with claims investigation activities, antifraud activities, rating or underwriting.

7. For use in providing notice to the owners of towed or impounded vehicles.

8. For use by any licensed private investigative agency or licensed security service for any purpose allowed under this section.

9. For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver license that is required under ~~the commercial motor vehicle safety act of 1986 (~~49 United States Code sections 31301 through 31317~~)~~.

10. For use BY A TOLL OPERATOR AS DEFINED IN SECTION 28-7751 in connection with the operation of ~~private toll transportation facilities~~ A TOLL FACILITY OR THE ENFORCEMENT OF TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES AS DEFINED IN SECTION 28-7751.

11. For any other use in response to requests for individual motor vehicle records if the state has obtained the express consent of the person to whom the personal information pertains.

12. For bulk distribution for surveys, marketing or solicitations if the department has obtained the express consent of the person to whom the personal information pertains.

13. For use by any requester if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

14. For any other use that is specifically authorized by law and that is related to the operation of a motor vehicle or public safety, including the following:

(a) Use by a financial institution or enterprise under the jurisdiction of the department of financial institutions or a federal monetary authority.

(b) Use by a motor vehicle dealer who is licensed and bonded by the department or a state organization of licensed and bonded motor vehicle dealers.

(c) Use by a person who is involved in an accident or the owner of a vehicle involved in an accident if the person who requests the information submits proof to the department of involvement in the accident.

(d) Use by a person applying for a bonded title if all of the following conditions exist:

(i) The requester verifies to the satisfaction of the director that the vehicle on which the requester is requesting the record is in the requester's possession.

(ii) The record is requested in order for the requester to notify the registered owner of the requester's intent to apply to the department for a bonded title.

(iii) The requester provides a verification of a vehicle inspection that was performed by an authorized department employee or agent.

(e) Use by an operator of a self-service storage facility who alleges both of the following:

(i) That the vehicle on which the operator is requesting the record is in the operator's possession.

(ii) That the record is requested to allow the operator to notify the registered owner and any lienholders of record of the operator's intent to foreclose its lien and to sell the vehicle.

(f) For any other use as determined by the director and established by rule.

D. The department may establish and carry out procedures under which the department, on receiving a request for personal information that does not fall within one of the exceptions prescribed in subsection B or C of this section, may mail a copy of the request to the individual about whom the information was requested. The mailing shall inform the individual of the request and contain a statement that the information will not be released unless the individual waives the individual's right to privacy under this section.

E. In addition to the permissible uses prescribed in subsection C of this section, the department may disclose its motor vehicle records information, including personal information, as a bulk record only under any of the following conditions:

1. If the director determines either of the following:

(a) The sale or release of the record is necessary for the public health or safety.

(b) The use is for general research or general statistical purposes that do not provide specific factors from a record.

2. For surveys, marketing or solicitations if the department has obtained the express consent of the person to whom the personal information pertains.

3. For the release of motor vehicle title and motor vehicle registration information, vehicle identification numbers, title brands, odometer readings and brands and title lien information to a requester if the requester is in the business of preparing vehicle history reports and the information is used to develop a vehicle history report.

F. The director shall provide in a clear and conspicuous manner on forms for the issuance or renewal of driver licenses, nonoperating identification licenses and title and registration~~,~~ the opportunity for express consent so that each person who is the subject of a record of the department may opt in, for any purpose as prescribed by the director. Express consent shall be conveyed in a form prescribed by the director and shall include at least the following:

1. Clear and conspicuous notice informing the person who is giving express consent that by giving express consent~~,~~ the person is allowing the department to disclose information contained in the person's motor vehicle record to any person requesting information for any purpose.

2. A written signature or an electronic signature.

3. An explanation of the difference between a one-time authorization and general consent or opt in.

G. Subject to the requirements of subsection F of this section, express consent may be conveyed as either of the following:

1. A one-time authorization submitted by a requester on a consent to release form or by other written format as prescribed by the director.

2. General consent or opt in on certain department forms.

H. Driver histories shall not be disclosed under subsection E of this section.

I. Except as provided in subsection J of this section and section 28-446, subsection B, records provided pursuant to subsections B and C of this section are subject to the fees prescribed in section 28-446, subsections A and C.

J. For records searched and provided for the purposes described in subsection E of this section, the director:

1. Shall charge a search fee that is a minimum of six hundred dollars per million records searched.

2. Shall charge a records fee that is a minimum of thirty dollars per thousand records provided.

3. May prorate the charge for fractional quantities that are searched or provided.

4. May charge only the search fee if the request is in accordance with subsection E, paragraph 2 of this section.

K. Records requests that require a database search for specific criteria within a record are subject to a search fee. In addition to this search fee, each motor vehicle record provided to a records requester as a result of a criteria search incurs record fees in accordance with subsection I of this section.

Sec. 5. Section 28-1100, Arizona Revised Statutes, is amended to read:

28-1100. Vehicles and loads; gross weight restrictions; exceptions

A. Except as provided in subsection H of this section, a person may operate a vehicle on all highways, INCLUDING A TOLL FACILITY AS DEFINED IN SECTION 28-7751, subject to the following maximum gross weights:

1. Twenty thousand pounds, including enforcement tolerances, on any one axle.

2. Thirty-four thousand pounds, including enforcement tolerances, on a tandem axle.

3. Eighty thousand pounds on a vehicle combination of five axles or more.

4. On a group of two or more consecutive axles, including any steering or castering axles, an overall gross weight, including enforcement tolerances, produced by application of the following formula in which W equals overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles to the nearest foot and N equals number of axles in any group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is thirty-six feet or more if the overall gross weight does not exceed eighty thousand pounds, including all enforcement tolerances:

$$W = 500\ (LN/(N-1) + 12N + 36)$$

B. For the purposes of subsection A of this section, "tandem axles" means two or more consecutive axles that are more than forty inches but not more than ninety-six inches apart.

C. This section does not apply to a vehicle and load that cannot be easily dismantled or divided and that have been issued a special permit pursuant to section 28-1103.

D. It is not a defense in a prosecution for a violation of this section that a vehicle or vehicle combination is registered for a declared gross weight as defined in section 28-5431 in excess of the amount allowed under this section. The department shall not make an allowance or refund for fees paid for the weight in excess of the amount allowed under this section.

E. A single vehicle or a single vehicle of a combination of vehicles shall not be equipped with more than three axles, including the front steering axle, unless the additional axles are steering axles or castering axles. The limitation on the number of axles provided in this subsection does not apply to a vehicle operated with a permit issued pursuant to section 28-1103.

F. A vehicle or combination of vehicles equipped with one or more variable load axles shall have the pressure control preset and located outside of the cab so that the operator of the vehicle cannot vary the weight carried on the variable load axle or axles during transport of a load. The actuating control that raises or lowers the axle or axles may be located inside the cab for safety purposes. This actuating control must completely raise or completely lower the axle or axles when activated.

G. This section does not apply to a truck that meets all of the following requirements and for which a special permit has been issued pursuant to section 28-1103:

1. Is equipped with a conveyor bed.

2. Is used solely as a fiber and forage module mover.

3. Does not exceed forty-eight feet in length.

4. Is only operated each year from August 1 through January 30, UNLESS THE DIRECTOR EXTENDS THE PERIOD OF USE.

H. The gross weight of a heavy-duty vehicle that is equipped with idle reduction technology and the gross weight imposed on the highway by the wheels of any one axle or axle group of the vehicle may exceed the weight limitation specified in subsection A of this section by not more than four hundred pounds or the weight of the idle reduction technology, whichever is less. This subsection only applies if the heavy-duty vehicle operator, on request, proves by written certification the weight of the idle reduction technology and, by demonstration or certification, that the idle reduction technology is fully functional at all times. For the purposes of this subsection, "heavy-duty vehicle" and "idle reduction technology" have the same meanings prescribed in 42 United States Code section 16104a.

Sec. 6. Section 28-7704, Arizona Revised Statutes, is amended to read:

28-7704. <u>Procurements</u>

A. The department:

1. May procure services under this chapter using any of the following:

(a) Requests for project proposals in which the department describes a class of transportation facilities or a geographic area in which private entities are invited to submit proposals to develop transportation facilities.

(b) Solicitations using requests for qualifications, short-listing of qualified proposers, requests for proposals, negotiations, best and final offers or other procurement procedures.

(c) Procurements seeking from the private sector development and finance plans most suitable for the project.

(d) Best value selection procurements based on price or financial proposals, or both, or other factors.

(e) Other procedures that the department determines may further the implementation of this chapter.

2. Shall procure services under this chapter using unsolicited proposals if the department determines that there is sufficient merit to pursue any unsolicited proposal and a reasonable opportunity for other entities to submit competing proposals for consideration and a possible contract award as appropriate.

B. For any procurement in which the department issues a request for qualifications, request for proposals or similar solicitation document, the request shall generally set forth the factors that will be evaluated and the manner in which responses will be evaluated.

C. In evaluating proposals, the department may accord such relative weight to factors such as cost, financial commitment, innovative financing, technical, scientific, technological or socioeconomic merit and other factors as the department deems appropriate to obtain the best value for this state.

D. The department may pay a stipend to a proposer based on the department's estimate, in its sole discretion, of the value of the work product received, but only if the department has determined that the proposal submitted was responsive to the department's request for proposals and met all requirements established by the department for the project. In exchange for the stipend, the department may require the recipient to grant to the department the right to use any work product contained in the recipient's proposal, including technologies, techniques, methods, processes and information contained in the recipient's project design.

E. The department may charge and retain an administrative fee for the evaluation of an unsolicited project proposal.

F. The department may procure services, award agreements and administer revenues as authorized in this section notwithstanding any requirements of any other state or local statute, regulation or law relating to public bidding or other procurement procedures or other provisions otherwise applicable to public works, services or utilities.

G. The department may retain financial, legal and other consultants and experts inside or outside the public sector to assist in the evaluation, negotiation and development of eligible facilities under this chapter with a minimum of five years' experience working in that capacity with public-private partnerships.

H. The department may spend monies that are reasonably necessary for the development of procurements, evaluation of concepts or proposals,

negotiation of agreements and implementation of agreements for development or operation of eligible facilities under this chapter.

I. BEFORE THE DEPARTMENT BEGINS THE PROCESS FOR PROCURING SERVICES AS PRESCRIBED IN SUBSECTION A OF THIS SECTION, THE DEPARTMENT SHALL HOLD AT LEAST ONE PUBLIC HEARING TO RECEIVE COMMENTS ON USER CHARGES, TOLLS, FARES OR SIMILAR CHARGES.

Sec. 7. Title 28, chapter 22, article 1, Arizona Revised Statutes, is amended by adding section 28-7704.01, to read:

28-7704.01. Evaluation criteria

BEFORE ENTERING INTO A PUBLIC-PRIVATE PARTNERSHIP OR OTHER AGREEMENT FOR ANY ELIGIBLE FACILITY UNDER THIS CHAPTER, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING FACTORS:

1. THE ABILITY OF THE ELIGIBLE FACILITY TO IMPROVE SAFETY, REDUCE CONGESTION, INCREASE CAPACITY AND PROMOTE ECONOMIC GROWTH.

2. THE PROPOSED COST AND FINANCIAL PLAN FOR THE ELIGIBLE FACILITY.

3. THE GENERAL REPUTATION, QUALIFICATIONS, INDUSTRY EXPERIENCE AND FINANCIAL CAPACITY OF THE PRIVATE PARTNER.

4. THE PROPOSED DESIGN, OPERATION AND FEASIBILITY OF THE ELIGIBLE FACILITY.

5. COMMENTS FROM USERS, LOCAL CITIZENS AND AFFECTED JURISDICTIONS.

6. BENEFITS TO THE PUBLIC.

7. THE SAFETY RECORD OF THE PRIVATE PARTNER.

8. OTHER CRITERIA THAT THE DEPARTMENT DEEMS APPROPRIATE.

Sec. 8. Section 28-7705, Arizona Revised Statutes, is amended to read:

28-7705. Public-private partnership agreements

A. In any public-private partnership or other agreement for any eligible facility under this chapter, the department may include provisions that:

1. Authorize the department or the private partner to ESTABLISH AND collect user ~~fees~~ CHARGES, tolls, fares, rents, advertising and sponsorship ~~fees~~ CHARGES, service ~~fees~~ CHARGES or similar charges, including provisions that:

(a) Specify technology to be used in the facility.

(b) Establish circumstances under which the department may receive all or a share of revenues from such charges.

(c) Govern enforcement of tolls, including provisions for use of cameras or other mechanisms to ensure that users have paid tolls that are due and provisions that allow the private partner access to relevant databases for enforcement purposes. Misuse of the data contained in the databases, including negligence in securing the data properly, shall result in a civil penalty of ten thousand dollars for each violation. Civil penalties collected pursuant to this subdivision shall be deposited in the state general fund.

(d) Authorize the department to continue or cease collection of user ~~fees~~ CHARGES, tolls, fares or similar charges after the end of the term of the agreement.

2. Allow for payments to be made by this state to the private partner, including availability payments or performance based payments.

3. Allow the department to accept payments of monies and share revenues with the private partner.

4. Address how the partners will share management of the risks of the project.

5. Specify how the partners will share the costs of development of the project.

6. Allocate financial responsibility for cost overruns.

7. Establish the damages to be assessed for nonperformance.

8. Establish performance criteria or incentives, or both.

9. Address the acquisition of rights-of-way and other property interests that may be required, including provisions that address the exercise of eminent domain as provided in section 28-7709. This state shall not relinquish its power of eminent domain authority to the private partner.

10. Establish record keeping, accounting and auditing standards to be used for the project.

11. For a project that reverts to public ownership, address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable government standards on reversion of the facility to this state.

12. Provide for patrolling and law enforcement on public facilities.

13. Identify any department specifications that must be satisfied, including provisions allowing the private partner to request and receive authorization to deviate from the specifications on making a showing satisfactory to the department.

14. Require a private partner to provide performance and payment bonds, parent company guarantees, letters of credit or other acceptable forms of security or a combination of any of these, the penal sum or amount of which may be less than one hundred per cent of the value of the contract involved based on the department's determination, made on a facility-by-facility basis, of what is required to adequately protect this state.

15. Authorize the private partner in any concession agreement to ESTABLISH AND collect user ~~fees~~ CHARGES, tolls, fares, rents, advertising and sponsorship ~~fees~~ CHARGES, service ~~fees~~ CHARGES or similar charges to cover its costs and provide for a reasonable rate of return on the private partner's investment, including provisions such as the following:

(a) The charges may be collected directly by the private partner or by a third party engaged for that purpose.

(b) A formula for the adjustment of user ~~fees~~ CHARGES, tolls, fares, rents, advertising and sponsorship ~~fees~~ CHARGES, service ~~fees~~ CHARGES or similar charges during the term of the agreement.

(c) For an agreement that does not include a formula described in subdivision (b) of this paragraph, provisions regulating the private partner's return on investment.

(d) A MAXIMUM MULTIPLIER THAT MAY BE APPLIED TO THE DIFFERENCE BETWEEN PASSENGER AND COMMERCIAL VEHICLE USER CHARGES, TOLLS, FARES OR SIMILAR CHARGES.

~~(d)~~ (e) A variety of traffic management strategies, including:

(i) General purpose toll lanes.

(ii) High occupancy vehicle lanes where single or low occupancy vehicles may use higher occupancy vehicle lanes by paying a toll.

(iii) Lanes or facilities in which the tolls may vary during the course of the day or week or according to levels of congestion anticipated or experienced.

(iv) Combinations of, or variations on, items (i), (ii) and (iii), or other strategies the department determines are appropriate on a facility-by-facility basis.

(v) MECHANISMS FOR NOTICE TO DRIVERS OF AN UPCOMING FACILITY AND OPTIONS TO PAY USER CHARGES, TOLLS, FARES OR SIMILAR CHARGES AT THE FACILITY LOCATION.

16. Specify remedies available and dispute resolution procedures, including the right of the private partner to institute legal proceedings to obtain an enforceable judgment or award against the department in the event of a default by the department and procedures for use of dispute review boards, mediation, facilitated negotiation, arbitration and other alternative dispute resolution procedures.

17. Allow the department to acquire real property that is needed for and related to eligible facilities, including acquisition by exchange for other real property that is owned by the department. An acquisition pursuant to this paragraph is exempt from chapter 20, articles 6 and 8 of this title.

B. Notwithstanding any other law, the department may enter into agreements, whether a concession agreement or other form of agreement, with any private partner that includes provisions described in subsection A of this section. Agreements may be for a term not to exceed fifty years but may be extended for additional terms.

C. The department may approve any request from another unit of government to develop an eligible facility in a manner similar to that used by the department under this chapter.

D. Notwithstanding any other law, agreements under this chapter that are properly developed, operated or held by a private partner under a concession agreement pursuant to this chapter are exempt from all state and local ad valorem and property taxes that otherwise might be applicable.

~~E. A person who pays a toll to operate a motor vehicle on a roadway project that is constructed or operated pursuant to this article is entitled to and may apply for a refund or credit from the state for motor vehicle fuel license taxes, use fuel taxes or motor carrier fees paid while operating the~~

~~motor vehicle on the roadway project. The director shall establish by rule the procedures for granting refunds and credits.~~

~~F.~~ E. The agreement shall contain a provision by which the private partner expressly agrees that it is ~~to be barred~~ PROHIBITED from seeking injunctive or other equitable relief to delay, prevent or otherwise hinder the department OR ANY JURISDICTION from developing, ~~or~~ constructing OR MAINTAINING any facility that was planned ~~as of the time the public-private partnership agreement was executed~~ and that would or might impact the revenue that the private partner would or might derive from the facility developed under the agreement, except that the agreement may provide for reasonable compensation to the private partner for the adverse effect on toll revenues or other user fee revenues resulting from development, ~~and~~ construction AND MAINTENANCE of an unplanned revenue impacting facility.

~~G.~~ F. The agreement shall contain a provision that prohibits photo traffic enforcement of chapter 3, article 6 of this title on toll lanes.

~~H.~~ G. Any foreign private entity that enters into an agreement with the department pursuant to this section must provide satisfactory evidence to the board that the foreign entity is in compliance with the requirements of title 10, chapter 38.

~~I.~~ H. The agreement shall contain a provision that all public-private partnerships are subject to chapter 20, article 3 of this title.

Sec. 9. Section 28-7706, Arizona Revised Statutes, is amended to read:

28-7706. Funding and financing

A. Any lawful source of funding may be used for the development or operation of an eligible facility under this chapter, including:

1. The proceeds of grant anticipation revenue bonds authorized by 23 United States Code section 122 or any other applicable federal or state law.

2. Grants, loans, loan guarantees, lines of credit, revolving lines of credit or other arrangements available under the transportation infrastructure finance and innovation act of 1998 (P.L. 105-178; 112 Stat. 241; 23 United States Code sections 601 through 610) or any other federal or state law.

3. Federal, state or local revenues.

4. User ~~fees~~ CHARGES, tolls, fares, charges, lease proceeds, rents, availability payments, gross or net receipts from sales, proceeds from the sale of development rights, franchise ~~fees~~ CHARGES, permit ~~fees~~ CHARGES, rents, advertising and sponsorship ~~fees~~ CHARGES, service ~~fees~~ CHARGES or any other lawful form of consideration.

5. Private activity bonds as described by 26 United States Code section 141 and other forms of private capital.

6. Other forms of public and private capital that are available.

B. As security for the payment of financing described in this section, the revenues from the project may be pledged, but no pledge of revenues constitutes in any manner or to any extent a general obligation of this

state. Any financing may be structured on a senior, parity or subordinate basis to any other financing.

C. The department may issue toll revenue bonds or notes to provide monies for any project under this chapter.

D. The department may accept from the United States or any of its agencies monies that are available to this state or to any other unit of government for carrying out the purposes of this chapter, whether the monies are made available by grant, loan or other financing arrangement. The department may enter into agreements and other arrangements with the United States or any of its agencies as may be necessary, proper and convenient for carrying out this chapter.

E. The department may accept from any source any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other valuable thing made to this state, the department or a local government for carrying out this chapter.

F. Any eligible facility may be funded in whole or in part by contribution of any monies or property made by any private entity or public sector partner that is a party to any agreement entered into under this chapter.

G. Notwithstanding any other law, federal, state and local monies may be combined with any private sector monies for any project purposes.

H. Revenue bonds issued pursuant to this section are not general obligations of this state and are not secured by or payable from any monies or assets of this state other than the monies and revenues specifically pledged to the repayment of the revenue bonds.

Sec. 10. Title 28, chapter 22, Arizona Revised Statutes, is amended by adding article 2, to read:

ARTICLE 2. TOLL COLLECTION AND ENFORCEMENT

28-7751. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ADMINISTRATIVE CHARGE" MEANS THE AMOUNT THAT MAY BE ASSESSED FOR THE COSTS OF PROCESSING A NOTICE OF PAYMENT DUE OR NOTICE OF TOLL EVASION, INCLUDING THE COSTS TO COLLECT UNPAID TOLLS AND TO PURSUE AN ADMINISTRATIVE HEARING TO ENFORCE A TOLL EVASION.

2. "DELIVER" MEANS TO SEND, TRANSMIT OR TRANSFER INFORMATION OR DOCUMENTS, INCLUDING BY UNITED STATES MAIL, ELECTRONIC MAIL, HAND DELIVERY OR FAX.

3. "ELECTRONIC TRANSACTION AND PAYMENT TECHNOLOGY" MEANS A SYSTEM FOR RECORDING AND PAYING A TOLL ELECTRONICALLY, INCLUDING USING A TRANSPONDER, A READER SYSTEM, AUTOMATIC VEHICLE LICENSE PLATE RECOGNITION TECHNOLOGY, A GLOBAL POSITIONING SYSTEM OR ANY OTHER ELECTRONIC MEANS.

4. "LESSEE":

(a) MEANS ANY PERSON WHO RENTS, LEASES OR CONTRACTS FOR THE USE OF ONE OR MORE MOTOR VEHICLES AND WHO HAS EXCLUSIVE USE OF THE MOTOR VEHICLE FOR ANY PERIOD OF TIME.

(b) INCLUDES THE VENDEE OR LESSEE UNDER A WRITTEN AGREEMENT FOR THE CONDITIONAL SALE OR LEASE OF A MOTOR VEHICLE WITH THE RIGHT TO PURCHASE IN FAVOR OF THE VENDEE OR LESSEE ON PERFORMANCE OF THE CONDITIONS STATED IN THE AGREEMENT.

5. "LESSOR":

(a) MEANS ANY PERSON WHO IS ENGAGED IN THE BUSINESS OF RENTING OR LEASING MOTOR VEHICLES TO ANY LESSEE UNDER A WRITTEN RENTAL AGREEMENT, LEASE OR OTHER AGREEMENT THAT PROVIDES THAT THE LESSEE HAS EXCLUSIVE USE OF THE MOTOR VEHICLE FOR ANY PERIOD OF TIME.

(b) INCLUDES BOTH OF THE FOLLOWING:

(i) THE VENDOR OR LESSOR UNDER A WRITTEN AGREEMENT FOR CONDITIONAL SALE OR LEASE OF A MOTOR VEHICLE WITH THE RIGHT TO PURCHASE IN FAVOR OF THE VENDEE OR LESSEE ON PERFORMANCE OF THE CONDITIONS STATED IN THE AGREEMENT.

(ii) A COMMERCIAL LEASING OR RENTAL ENTITY.

6. "NOTICE OF PAYMENT DUE" MEANS THE WRITTEN NOTICE TO PAY THE REQUIRED TOLLS AND ADMINISTRATIVE CHARGES FOR VEHICULAR USE OF A TOLL FACILITY.

7. "NOTICE OF TOLL EVASION" MEANS THE SECOND WRITTEN NOTICE OF FAILURE TO PAY A REQUIRED PAYMENT AS DESCRIBED IN SECTION 28-7759 THAT IS DELIVERED AFTER NOTICE OF PAYMENT DUE IS DELIVERED.

8. "PENALTIES" MEANS PENALTIES IMPOSED PURSUANT TO SECTION 28-7753.

9. "PUBLIC-PRIVATE AGREEMENT" MEANS AN AGREEMENT ENTERED INTO PURSUANT TO ARTICLE 1 OF THIS CHAPTER.

10. "REPEAT TOLL EVADER" MEANS A REGISTERED OWNER OR ANY OTHER PERSON TO WHOM, IN A THREE-MONTH PERIOD, MORE THAN FOUR NOTICES OF TOLL EVASION FOR TOLL NONPAYMENTS OCCURRING ON MORE THAN FOUR SEPARATE DATES HAVE BEEN ISSUED PURSUANT TO SECTION 28-7759.

11. "TOLL" MEANS THE PRICE, FARE, CHARGE OR COST ESTABLISHED FOR THE USE OF A TOLL FACILITY.

12. "TOLL EVASION" MEANS THE FAILURE TO PAY IN FULL A NOTICE OF PAYMENT DUE WITHIN THE REQUIRED TIME.

13. "TOLL FACILITY" MEANS EITHER OF THE FOLLOWING:

(a) ANY NEW HIGHWAY, ROADWAY, LANE, BRIDGE, TUNNEL OR OTHER FACILITY FOR SURFACE TRANSPORT OF PEOPLE OR GOODS THAT IS SUBJECT TO PAYMENT OF A TOLL FOR ITS USE, FOR WHICH AN ALTERNATIVE ROUTE EXISTS THAT ACCOMMODATES THE SAME TYPE OF MOTOR VEHICLES, EXCEPT FOR RAIL OR OTHER FIXED GUIDEWAY TRANSIT.

(b) AN EXISTING HIGH OCCUPANCY VEHICLE LANE THAT IS CONVERTED TO A LANE THAT ACCOMMODATES HIGH OCCUPANCY VEHICLES AND VEHICLES THAT ARE SUBJECT TO A TOLL AS LONG AS NO GENERAL PURPOSE LANES ARE TOLLED ON THE SAME FACILITY.

14. "TOLL NONPAYMENT" MEANS THE FAILURE TO PAY IN FULL AN APPLICABLE TOLL FOR THE USE OF A TOLL FACILITY.

15. "TOLL OPERATOR" MEANS THE DEPARTMENT IN ITS CAPACITY OF IMPOSING AND COLLECTING TOLLS FOR THE USE OF A TOLL FACILITY, ANY PUBLIC OR QUASI-PUBLIC AGENCY APPOINTED BY THE DEPARTMENT TO IMPOSE OR COLLECT TOLLS

FOR THE USE OF A TOLL FACILITY THAT IS OWNED BY THE DEPARTMENT, ANY PRIVATE PARTNER AUTHORIZED TO IMPOSE AND COLLECT TOLLS BY A PUBLIC-PRIVATE AGREEMENT OR ANY CONTRACTOR OR VENDOR RETAINED BY THE DEPARTMENT, PUBLIC AGENCY OR PRIVATE PARTNER TO CARRY OUT TOLL COLLECTION AND ENFORCEMENT AND RELATED CUSTOMER SERVICE FUNCTIONS.

16. "VIDEO TOLL TRANSACTION" MEANS A TOLL OPERATOR'S USE OF ON-FACILITY AUTOMATIC VEHICLE LICENSE PLATE RECOGNITION TECHNOLOGY TO RECORD TOLL TRANSACTIONS AND PROCESS NOTICES OF PAYMENT DUE IN ACCORDANCE WITH POLICIES ADOPTED BY THE TOLL OPERATOR.

28-7752. Toll evasion

TOLL EVASION IS A CIVIL VIOLATION.

28-7753. Tolls, administrative charges and penalties

A. A TOLL OPERATOR MAY COLLECT TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES.

B. SUBJECT TO SUBSECTION C OF THIS SECTION, IF A TOLL OPERATOR ISSUES A NOTICE OF TOLL EVASION BECAUSE THE NOTICE OF PAYMENT DUE IS NOT PAID ON TIME, THE TOLL OPERATOR MAY IMPOSE IN THE NOTICE OF TOLL EVASION AN ADDITIONAL ADMINISTRATIVE CHARGE AND A PENALTY.

C. THE DEPARTMENT MAY DIRECT, CONTROL, REGULATE OR LIMIT THE AMOUNT AND METHOD OF IMPOSING ADMINISTRATIVE CHARGES AND PENALTIES BY ANY PUBLIC AGENCY OR PRIVATE PARTNER AUTHORIZED TO IMPOSE AND COLLECT TOLLS UNDER A PUBLIC-PRIVATE AGREEMENT OR BY THE PUBLIC AGENCY'S OR PRIVATE PARTNER'S CONTRACTOR OR VENDOR.

D. EACH TOLL OPERATOR SHALL USE ALTERNATIVE TECHNOLOGIES, INCLUDING AN ELECTRONICALLY ACCESSIBLE FORMAT AND THE WORLDWIDE WEB, TO NOTIFY THE PUBLIC OF ANY TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES THAT ARE ESTABLISHED.

E. A TOLL OPERATOR SHALL OFFER FREE PASSAGE ON A TOLL FACILITY TO THE FOLLOWING:

1. ANY AUTHORIZED EMERGENCY VEHICLE RESPONDING TO AN EMERGENCY.

2. ANY MOTOR VEHICLE IF ORDERED BY THE DIRECTOR PURSUANT TO SECTION 28-364.

28-7754. Electronic toll payment devices; video toll transactions

A. IF A TRANSPONDER OR OTHER ELECTRONIC TOLL PAYMENT DEVICE IS USED TO PAY TOLLS OR OTHER CHARGES DUE, THE DEVICE SHALL BE LOCATED IN OR ON THE MOTOR VEHICLE IN A MANNER PRESCRIBED BY THE TOLL OPERATOR AND CONSISTENT WITH APPLICABLE LAW.

B. A TOLL OPERATOR IS NOT REQUIRED TO OFFER VIDEO TOLL TRANSACTIONS AS A METHOD FOR PAYING TOLLS.

28-7755. Responsibility for tolls and other charges

A. THE OPERATOR OF A MOTOR VEHICLE ON A TOLL FACILITY IS LIABLE FOR PAYING THE APPLICABLE TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES IMPOSED PURSUANT TO THIS ARTICLE.

B. EXCEPT AS PROVIDED IN SECTIONS 28-7756 AND 28-7757, THE REGISTERED OWNER OF THE MOTOR VEHICLE, EVEN IF THE REGISTERED OWNER OF THE MOTOR VEHICLE

IS NOT THE OPERATOR OF THE MOTOR VEHICLE, IS JOINTLY AND SEVERALLY LIABLE WITH THE OPERATOR OF THE MOTOR VEHICLE FOR THE TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES IMPOSED PURSUANT TO THIS ARTICLE IF THE MOTOR VEHICLE WAS USED OR OPERATED WITH THE EXPRESS OR IMPLIED PERMISSION OF THE REGISTERED OWNER AT THE TIME THE TOLL TRANSACTION OCCURRED.

C. THE TRANSFEREE OF TITLE TO A MOTOR VEHICLE AS DESCRIBED IN SECTION 28-7756 IS JOINTLY AND SEVERALLY LIABLE WITH THE OPERATOR OF THE MOTOR VEHICLE FOR THE TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES IMPOSED PURSUANT TO THIS ARTICLE IF THE MOTOR VEHICLE WAS USED OR OPERATED WITH THE EXPRESS OR IMPLIED PERMISSION OF THE TRANSFEREE AT THE TIME THE TOLL TRANSACTION OCCURRED.

D. EXCEPT AS PROVIDED IN SECTION 28-7756, THE LESSEE OF A MOTOR VEHICLE, EVEN IF THE LESSEE IS NOT THE OPERATOR OF THE MOTOR VEHICLE, IS JOINTLY AND SEVERALLY LIABLE WITH THE OPERATOR OF THE MOTOR VEHICLE FOR THE TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES IMPOSED PURSUANT TO THIS ARTICLE IF THE MOTOR VEHICLE WAS USED OR OPERATED WITH THE EXPRESS OR IMPLIED PERMISSION OF THE LESSEE AT THE TIME THE TOLL TRANSACTION OCCURRED.

E. THIS SECTION DOES NOT PRECLUDE A PERSON WHO PAYS A TOLL, ADMINISTRATIVE CHARGE OR PENALTY FROM PURSUING A CIVIL CLAIM TO RECOVER THE AMOUNT OF THE TOLL, ADMINISTRATIVE CHARGE OR PENALTY, ATTORNEY FEES AND COURT COSTS FROM THE OPERATOR OF THE MOTOR VEHICLE AT THE TIME OF THE TOLL TRANSACTION.

28-7756. Defenses of registered owners and lessees

A. THE REGISTERED OWNER OR LESSEE OF A MOTOR VEHICLE IS NOT LIABLE FOR TOLL NONPAYMENT, TOLL EVASION OR RELATED TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES IF EITHER:

1. ALL OF THE FOLLOWING CONDITIONS ARE SATISFIED:

(a) THE MOTOR VEHICLE INVOLVED IN THE TOLL NONPAYMENT WAS STOLEN BEFORE THE TOLL TRANSACTION OCCURRED AND HAD NOT BEEN RECOVERED BEFORE THE TOLL TRANSACTION OCCURRED.

(b) THE THEFT WAS REPORTED TO THE APPROPRIATE LAW ENFORCEMENT AUTHORITY.

(c) BEFORE THE DUE DATE IN THE NOTICE OF PAYMENT DUE, THE REGISTERED OWNER OR LESSEE DELIVERS TO THE TOLL OPERATOR A CERTIFIED COPY OF THE POLICE REPORT SHOWING THAT THE MOTOR VEHICLE HAD BEEN REPORTED TO THE APPROPRIATE LAW ENFORCEMENT AUTHORITY AS STOLEN AND REMAINED STOLEN AT THE TIME THE TOLL TRANSACTION OCCURRED.

2. ALL OF THE FOLLOWING CONDITIONS ARE SATISFIED:

(a) THE REGISTERED OWNER'S OR LESSEE'S LICENSE PLATE WAS STOLEN AND APPEARED ON THE MOTOR VEHICLE INVOLVED IN THE TOLL NONPAYMENT.

(b) THE THEFT WAS REPORTED TO THE APPROPRIATE LAW ENFORCEMENT AUTHORITY.

(c) BEFORE THE DUE DATE IN THE NOTICE OF PAYMENT DUE, THE REGISTERED OWNER OR LESSEE DELIVERS TO THE TOLL OPERATOR A CERTIFIED COPY OF THE POLICE REPORT SHOWING THAT THE LICENSE PLATE HAD BEEN REPORTED TO THE APPROPRIATE

LAW ENFORCEMENT AUTHORITY AS STOLEN AND REMAINED STOLEN AT THE TIME THE TOLL TRANSACTION OCCURRED.

B. THE REGISTERED OWNER OF A MOTOR VEHICLE IS NOT LIABLE FOR TOLL NONPAYMENT, TOLL EVASION OR RELATED TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES IF ALL OF THE FOLLOWING CONDITIONS ARE SATISFIED:

1. THE REGISTERED OWNER OF THE MOTOR VEHICLE INVOLVED IN THE TOLL NONPAYMENT TRANSFERRED OWNERSHIP OF THE MOTOR VEHICLE TO ANOTHER PERSON BEFORE THE TOLL TRANSACTION OCCURRED.

2. THE REGISTERED OWNER WAS NOT THE OPERATOR OF THE MOTOR VEHICLE WHEN THE TOLL TRANSACTION OCCURRED.

3. BEFORE THE DUE DATE IN THE NOTICE OF PAYMENT DUE, THE REGISTERED OWNER DELIVERS TO THE TOLL OPERATOR A LEGIBLE COPY OF THE ASSIGNMENT OF TITLE OR INTEREST AND WARRANTY THAT IS IN THE FORM PRESCRIBED BY THE DEPARTMENT PURSUANT TO SECTION 28-2055, THAT IS SIGNED BY THE REGISTERED OWNER, THAT IDENTIFIES THE MOTOR VEHICLE AND THE NAME AND ADDRESS OF THE TRANSFEREE AND THAT EVIDENCES THE DATE OF TRANSFER.

C. WITHIN FOURTEEN CALENDAR DAYS AFTER RECEIVING INFORMATION FROM THE REGISTERED OWNER OR LESSEE REGARDING THE MOTOR VEHICLE OR LICENSE PLATES AS PRESCRIBED IN THIS SECTION, THE TOLL OPERATOR SHALL NOTIFY THE REGISTERED OWNER OR LESSEE IN WRITING OF THE SUFFICIENCY OF THE INFORMATION AND WHETHER THE REGISTERED OWNER OR LESSEE IS RELEASED FROM LIABILITY.

28-7757. Defenses of lessors

A. THE LESSOR OF A MOTOR VEHICLE IS JOINTLY AND SEVERALLY LIABLE WITH THE LESSEE FOR THE TOLL NONPAYMENT, TOLL EVASION AND RELATED TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES UNLESS BOTH OF THE FOLLOWING CONDITIONS ARE SATISFIED:

1. THE MOTOR VEHICLE INVOLVED IN THE TOLL NONPAYMENT IS REGISTERED IN THE NAME OF THE LESSEE OF THE MOTOR VEHICLE AT THE TIME TOLL NONPAYMENT OCCURS.

2. WITHIN FOURTEEN CALENDAR DAYS AFTER THE ISSUE DATE ON THE NOTICE OF TOLL NONPAYMENT, THE LESSOR DELIVERS TO THE TOLL OPERATOR AN AFFIDAVIT THAT IS CERTIFIED AND SIGNED BY AN AUTHORIZED OFFICER OF THE LESSOR THAT STATES THAT THE MOTOR VEHICLE WAS THE SUBJECT OF A WRITTEN RENTAL AGREEMENT, LEASE OR OTHER CONTRACT DOCUMENT AT THE TIME OF THE TOLL NONPAYMENT AND THAT CONTAINS THE NAME AND ADDRESS OF THE LESSEE.

B. WITHIN FOURTEEN CALENDAR DAYS AFTER RECEIVING INFORMATION FROM THE LESSOR AS PRESCRIBED IN SUBSECTION A OF THIS SECTION, THE TOLL OPERATOR SHALL NOTIFY THE LESSOR IN WRITING OF THE SUFFICIENCY OF THE INFORMATION AND WHETHER THE LESSOR IS RELEASED FROM LIABILITY.

C. A COPY OF THE MOTOR VEHICLE RENTAL AGREEMENT, LEASE OR OTHER CONTRACT DOCUMENT OR AFFIDAVIT IDENTIFYING THE LESSEE OF THE MOTOR VEHICLE AT THE TIME OF THE TOLL TRANSACTION IS PRIMA FACIE EVIDENCE THAT THE PERSON NAMED IN THE RENTAL AGREEMENT, LEASE, OTHER CONTRACT DOCUMENT OR AFFIDAVIT WAS OPERATING THE MOTOR VEHICLE AT ALL RELEVANT TIMES RELATING TO THE TOLL TRANSACTION.

D. A LESSOR SHALL COOPERATE WITH THE TOLL OPERATOR IN THE ENFORCEMENT OF AN ORDER, DECISION OR JUDGMENT RENDERED AGAINST THE LESSEE BY PROVIDING THE TOLL OPERATOR, ON THE TOLL OPERATOR'S REQUEST, ANY ADDITIONAL INFORMATION CONCERNING THE LESSEE CONTAINED IN THE LESSOR'S RECORD.

28-7758. Notice of payment due

A. IF A MOTOR VEHICLE IS FOUND BY ELECTRONIC TRANSACTION AND PAYMENT TECHNOLOGY OR BY VISUAL OBSERVATION TO BE INVOLVED IN A TOLL NONPAYMENT, THE TOLL OPERATOR MAY DELIVER TO THE REGISTERED OWNER OF THE MOTOR VEHICLE A NOTICE OF PAYMENT DUE.

B. A NOTICE OF PAYMENT DUE MUST BE DELIVERED WITHIN FORTY-FIVE CALENDAR DAYS AFTER THE TOLL NONPAYMENT OCCURS, EXCEPT THAT, IF INFORMATION CONCERNING THE IDENTITY AND ADDRESS IS NOT AVAILABLE TO THE TOLL OPERATOR WITHIN FORTY-FIVE CALENDAR DAYS AFTER THE TOLL TRANSACTION OCCURRED, THE TOLL OPERATOR HAS AN ADDITIONAL FORTY-FIVE CALENDAR DAYS TO OBTAIN THE INFORMATION AND DELIVER THE NOTICE OF PAYMENT DUE.

C. IF A TOLL OPERATOR RECEIVES INFORMATION THAT IDENTIFIES A PERSON WHO IS NOT THE REGISTERED OWNER OF THE MOTOR VEHICLE AND WHO MAY BE RESPONSIBLE FOR PAYING A TOLL PURSUANT TO THIS ARTICLE, THE TOLL OPERATOR MAY DELIVER TO THAT PERSON A NOTICE OF PAYMENT DUE WITHIN FORTY-FIVE CALENDAR DAYS AFTER THE TOLL OPERATOR RECEIVES THE INFORMATION THAT IDENTIFIES THE PERSON AND THE PERSON'S ADDRESS, EXCEPT THAT, IF INFORMATION CONCERNING THE IDENTITY AND ADDRESS OF THE PERSON PROVES TO BE INACCURATE, THE TOLL OPERATOR HAS AN ADDITIONAL FORTY-FIVE CALENDAR DAYS TO OBTAIN THE INFORMATION AND DELIVER THE NOTICE OF PAYMENT DUE.

D. THE NOTICE OF PAYMENT DUE SHALL INCLUDE ALL OF THE FOLLOWING:

1. THE DATE AND APPROXIMATE TIME OF THE TRANSACTION ON OR USE OF THE TOLL FACILITY RESULTING IN THE TOLL NONPAYMENT AND THE APPROXIMATE LOCATION WHERE THE TRANSACTION OR USE OCCURRED.

2. THE VEHICLE LICENSE PLATE NUMBER.

3. IF KNOWN, THE MAKE OF THE MOTOR VEHICLE.

4. IF POSSIBLE, A REPRESENTATIVE PHOTOGRAPH OR IMAGE OF THE LICENSE PLATE ON THE MOTOR VEHICLE THAT INCURRED THE TOLL TRANSACTION.

5. THE AMOUNT OF THE TOLL AND ANY ADMINISTRATIVE CHARGES AND PENALTIES, EACH STATED SEPARATELY.

6. THE DEADLINE BY WHICH PAYMENT MUST BE MADE TO AVOID INCURRING ADDITIONAL CHARGES AND OTHER CONSEQUENCES PROVIDED BY LAW. THIS DEADLINE SHALL NOT BE LESS THAN FOURTEEN CALENDAR DAYS AFTER THE DATE THAT THE NOTICE OF PAYMENT DUE IS DELIVERED.

7. A STATEMENT THAT IF THE NOTICE OF PAYMENT DUE IS NOT PAID BY THE DEADLINE THE NONPAYMENT IS A CIVIL VIOLATION SUBJECT TO ADDITIONAL CHARGES AND ACTIONS AGAINST THE NOTICE RECIPIENT AS PROVIDED IN THIS ARTICLE AND ANY OTHER APPLICABLE LAW.

8. THE ADDRESS OF THE PERSON TO WHOM PAYMENTS MAY BE SENT.

9. A STATEMENT DESCRIBING THE ACCEPTABLE METHODS FOR MAKING PAYMENT, INCLUDING BY MAIL.

10. A STATEMENT REFERRING THE RECIPIENT TO THIS ARTICLE FOR FURTHER INFORMATION ON THE LAW APPLICABLE TO ENFORCEMENT OF TOLLS AND THE RECIPIENT'S RIGHTS AND OBLIGATIONS.

E. THE NOTICE OF PAYMENT DUE ALSO SHALL CONTAIN, OR BE ACCOMPANIED BY, ALL OF THE FOLLOWING:

1. A FORM OF AFFIDAVIT OF DEFENSE FROM LIABILITY.

2. A BRIEF EXPLANATION OF WHAT CONSTITUTES DEFENSE FROM LIABILITY PURSUANT TO SECTIONS 28-7756 AND 28-7757.

3. INFORMATION AS TO THE EFFECT OF EXECUTING THE AFFIDAVIT OF DEFENSE FROM LIABILITY.

4. INSTRUCTIONS FOR RETURNING THE AFFIDAVIT OF DEFENSE FROM LIABILITY AND SUPPORTING DOCUMENTATION TO THE TOLL OPERATOR.

F. THIS ARTICLE DOES NOT PROHIBIT ANY RECIPIENT OF A NOTICE OF PAYMENT DUE FROM PROVIDING TO THE TOLL OPERATOR PROOF OF AN ERROR IN THE NOTICE OF PAYMENT DUE.

28-7759. Notice of toll evasion

A. WITHIN THIRTY DAYS AFTER A TOLL EVASION OCCURS, THE TOLL OPERATOR MAY DELIVER TO EACH PERSON LIABLE FOR THE TOLL A NOTICE OF TOLL EVASION.

B. THE NOTICE OF TOLL EVASION SHALL INCLUDE ALL OF THE FOLLOWING:

1. THE DATE AND APPROXIMATE TIME OF THE TRANSACTION ON OR USE OF THE TOLL FACILITY RESULTING IN THE TOLL EVASION AND THE APPROXIMATE LOCATION WHERE THE TRANSACTION OR USE OCCURRED.

2. THE VEHICLE LICENSE PLATE NUMBER.

3. IF KNOWN, THE MAKE OF THE MOTOR VEHICLE.

4. IF POSSIBLE, A REPRESENTATIVE PHOTOGRAPH OR IMAGE OF THE LICENSE PLATE ON THE MOTOR VEHICLE THAT INCURRED THE TOLL TRANSACTION.

5. THE AMOUNT OF THE TOLL AND ANY ADMINISTRATIVE CHARGES AND PENALTIES, EACH STATED SEPARATELY.

6. A STATEMENT THAT NOTICE OF PAYMENT DUE WAS SENT AND THE PERSON FAILED TO REMIT PAYMENT AS REQUIRED.

7. THE DEADLINE BY WHICH PAYMENT MUST BE MADE TO AVOID INCURRING ADDITIONAL CHARGES AND OTHER CONSEQUENCES PROVIDED BY LAW. THIS DEADLINE SHALL NOT BE LESS THAN TWENTY CALENDAR DAYS AFTER THE DATE THAT THE NOTICE OF TOLL EVASION IS DELIVERED.

8. A STATEMENT THAT IF THE NOTICE OF TOLL EVASION IS NOT PAID BY THE DEADLINE THE NONPAYMENT IS A CIVIL VIOLATION SUBJECT TO ADDITIONAL CHARGES AND ACTIONS AGAINST THE NOTICE RECIPIENT AS PROVIDED IN THIS ARTICLE AND ANY OTHER APPLICABLE LAW.

9. THE ADDRESS OF THE PERSON TO WHOM PAYMENTS MAY BE SENT.

10. A STATEMENT DESCRIBING THE ACCEPTABLE METHODS FOR MAKING PAYMENT, INCLUDING BY MAIL.

11. A CLEAR AND CONCISE EXPLANATION OF THE ADMINISTRATIVE PROCEDURES UNDER THIS ARTICLE FOR CONTESTING THE NOTICE OF TOLL EVASION AND APPEALING AN ADVERSE DECISION.

12. A STATEMENT REFERRING THE RECIPIENT TO THIS ARTICLE FOR FURTHER INFORMATION ON THE LAW APPLICABLE TO ENFORCEMENT OF TOLLS AND THE RECIPIENT'S RIGHTS AND OBLIGATIONS.

28-7760. Administrative hearings; rehearing; appeal; collection

A. A TOLL OPERATOR THAT SEEKS TO ENFORCE COLLECTION OF TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES, OR A PERSON WHO IS SUBJECT TO A NOTICE OF TOLL EVASION THAT IS DELIVERED OR DEEMED TO BE DELIVERED PURSUANT TO SECTION 28-7759 AND WHO SEEKS TO CONTEST THE ALLEGED TOLL EVASION AND COLLECTION OF ASSOCIATED TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES, MAY FILE A PETITION FOR AN ADMINISTRATIVE HEARING WITH THE DEPARTMENT PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 6 AND ADMINISTRATIVE HEARING RULES ADOPTED BY THE DEPARTMENT.

B. A TOLL OPERATOR OR A PERSON WHO IS SUBJECT TO A NOTICE OF TOLL EVASION THAT IS DELIVERED OR DEEMED TO BE DELIVERED PURSUANT TO SECTION 28-7759 MUST FILE A PETITION FOR AN ADMINISTRATIVE HEARING WITHIN ONE YEAR AFTER THE DEADLINE PRESCRIBED IN THE NOTICE OF TOLL EVASION.

C. IF A TOLL OPERATOR FILES A PETITION FOR AN ADMINISTRATIVE HEARING, A PERSON WHO IS SUBJECT TO A NOTICE OF TOLL EVASION THAT IS DELIVERED OR DEEMED TO BE DELIVERED TO THAT PERSON PURSUANT TO SECTION 28-7759 MAY CONTEST THE ALLEGED TOLL EVASION AND ASSOCIATED TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES EXCLUSIVELY AT THIS HEARING.

D. THE SCOPE OF THE DEPARTMENT'S ADMINISTRATIVE HEARING IS LIMITED TO THE CONTEST OF TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES IDENTIFIED IN THE NOTICE OF TOLL EVASION.

E. A TOLL OPERATOR OR ANY PERSON WHO IS SUBJECT TO A NOTICE OF TOLL EVASION MAY RETAIN LEGAL COUNSEL TO REPRESENT THE TOLL OPERATOR OR PERSON WHO IS SUBJECT TO THE NOTICE OF TOLL EVASION IN THE ADMINISTRATIVE HEARING.

F. ANY PARTY TO AN ADMINISTRATIVE HEARING PURSUANT TO THIS SECTION MAY REQUEST A CONTINUANCE OF THE ADMINISTRATIVE HEARING PURSUANT TO RULES ADOPTED BY THE DEPARTMENT.

G. IF THE EVIDENCE PRESENTED BY THE TOLL OPERATOR INCLUDES ALL OF THE FOLLOWING, THE EVIDENCE CONSTITUTES PRIMA FACIE EVIDENCE OF THE TOLL EVASION AND THE AMOUNTS STATED IN THE NOTICE OF TOLL EVASION:

1. THE NOTICE OF PAYMENT DUE.

2. THE NOTICE OF TOLL EVASION.

3. INFORMATION RECEIVED FROM THE DEPARTMENT OR ANY OTHER STATE AGENCY OR JURISDICTION THAT IDENTIFIES THE REGISTERED OWNER OF THE MOTOR VEHICLE.

4. A CERTIFICATE SWORN TO OR AFFIRMED BY A PERSON EMPLOYED, ENGAGED OR AUTHORIZED BY THE TOLL OPERATOR OR A COPY OF THE CERTIFICATE THAT STATES TO THE PERSON'S PERSONAL KNOWLEDGE THAT ALL OF THE FOLLOWING APPLY:

(a) THE NOTICE OF PAYMENT DUE AND THE NOTICE OF TOLL EVASION ARE AUTHENTIC.

(b) THE AMOUNT DUE IS ACCURATE.

(c) THE NOTICE OF PAYMENT DUE AND NOTICE OF TOLL EVASION WERE DELIVERED AS REQUIRED BY THIS ARTICLE.

5. IF THE PERSON IDENTIFIED IN THE NOTICE OF TOLL EVASION IS A LESSEE, A COPY OF THE RENTAL AGREEMENT, LEASE, CONTRACT DOCUMENT OR AFFIDAVIT THAT IDENTIFIES THE LESSEE OF THE MOTOR VEHICLE AT THE TIME OF THE ALLEGED TOLL NONPAYMENT.

6. IF THE PERSON IDENTIFIED IN THE NOTICE OF TOLL EVASION IS A TRANSFEREE OF TITLE TO THE MOTOR VEHICLE, A COPY OF THE ASSIGNMENT OF TITLE OR INTEREST AND WARRANTY TO THE TRANSFEREE THAT EVIDENCES A DATE OF TRANSFER BEFORE THE DATE OF THE ALLEGED TOLL NONPAYMENT.

H. THE PERSON AUTHORIZED TO ISSUE A NOTICE OF PAYMENT DUE OR NOTICE OF TOLL EVASION IS NOT REQUIRED TO PARTICIPATE IN THE ADMINISTRATIVE HEARING AND IS NOT SUBJECT TO SUBPOENA, EXCEPT THAT THE HEARING OFFICER MAY PERMIT A DEPOSITION TO BE TAKEN AND INTRODUCED INTO THE RECORD OF THE EVIDENTIARY HEARING. IF THE DEPOSED PERSON DOES NOT APPEAR, THE SWORN STATEMENTS CONTAINED IN THE DEPOSITION ARE ADMISSIBLE IN EVIDENCE AT THE ADMINISTRATIVE HEARING.

I. IF A TOLL OPERATOR PETITIONS FOR AN ADMINISTRATIVE HEARING AND THE PERSON TO WHOM THE NOTICE OF TOLL EVASION IS DELIVERED OR DEEMED DELIVERED PURSUANT TO SECTION 28-7759 FAILS TO APPEAR AT THE TIME OF HEARING TO CONTEST THE ALLEGED TOLL EVASION:

1. THE HEARING OFFICER SHALL MAKE A RECORD OF THE EVIDENCE CONSTITUTING A PRIMA FACIE CASE OF TOLL EVASION AND SHALL ENTER A WRITTEN DECISION OR ORDER BASED ON THE EVIDENCE PRESENTED BY THE TOLL OPERATOR.

2. A REQUEST FOR REHEARING BY A NONAPPEARING PARTY SHALL NOT BE CONSIDERED UNLESS THE NONAPPEARING PARTY FIRST DEPOSITS THE FULL AMOUNT AWARDED IN THE PREVIOUS WRITTEN DECISION OR ORDER WITH THE DEPARTMENT OR ITS DESIGNEE, EXCEPT THAT THE HEARING OFFICER MAY WAIVE THE DEPOSIT FOR GOOD CAUSE SHOWN FOR FAILURE TO APPEAR AT THE HEARING.

J. UNLESS THE HEARING OFFICER GRANTS A REHEARING ON WRITTEN MOTION OF THE NONAPPEARING PARTY OR UNLESS ANY AGGRIEVED PARTY APPEALS THE DECISION OR ORDER ENTERED AS PROVIDED IN THIS SUBSECTION, THE DECISION OR ORDER IS FINAL AND MAY BE ENFORCED BY EXECUTION AND LEVY IN THE SAME MANNER AS A JUDGMENT OF THE SUPERIOR COURT. THE NONPREVAILING PARTY MAY APPEAL THE DECISION OR ORDER TO THE SUPERIOR COURT PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. AFTER A DECISION OR ORDER BECOMES FINAL, EACH PERSON DETERMINED IN THE FINAL DECISION OR ORDER TO BE LIABLE FOR THE TOLL EVASION IS CONSIDERED TO BE INDEBTED TO THE TOLL OPERATOR OR THE TOLL OPERATOR'S DESIGNEE FOR THE TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES AS WELL AS ANY ASSESSED FILING FEES AND POSTAWARD COLLECTION AND EXECUTION COSTS PROVIDED BY OPERATION OF LAW UNTIL THOSE AMOUNTS ARE FULLY PAID OR COMPROMISED IN A MUTUALLY AGREED SETTLEMENT.

K. PROMPTLY AFTER A HEARING OFFICER ENTERS A DECISION OR ORDER FINDING A PERSON LIABLE FOR A TOLL EVASION, THE HEARING OFFICER SHALL DELIVER IN PERSON OR TO THE LAST KNOWN ADDRESS OF THE PERSON AND THE PERSON'S ATTORNEY OF RECORD IN THE PROCEEDING, IF ANY, WRITTEN NOTICE INFORMING THE PERSON OF THE PERSON'S RIGHT TO APPEAL TO THE SUPERIOR COURT PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6, THAT EXECUTION MAY BE LEVIED AGAINST THE PERSON'S

ASSETS, THAT LIENS MAY BE PLACED AGAINST THE PERSON'S PROPERTY, THAT THE PERSON'S WAGES MAY BE GARNISHED AND THAT OTHER STEPS MAY BE TAKEN TO SATISFY THE AWARD ONCE IT BECOMES FINAL. SUBJECT TO ANY STAY OR INJUNCTION, THE TOLL OPERATOR MAY PROCEED TO EXECUTE ON THE AWARD FOLLOWING DELIVERY OF THIS NOTICE.

L. ON ENTRY OF A DECISION OR ORDER FINDING A PERSON LIABLE FOR A TOLL EVASION, A HEARING OFFICER SHALL DIRECT THE PERSON TO REMIT PAYMENT OF THE APPLICABLE TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES TO THE APPROPRIATE TOLL OPERATOR OR THE TOLL OPERATOR'S DESIGNEE. THE PAYMENT IS DUE WITHIN TWENTY CALENDAR DAYS AFTER ENTRY OF THE DECISION OR ORDER.

M. EXECUTION MAY BE LEVIED AND OTHER STEPS MAY BE TAKEN FOR THE COLLECTION OF A FINAL DECISION OR ORDER, OR OF A JUDGMENT ON APPEAL, AS AUTHORIZED FOR THE COLLECTION OF AN UNPAID CIVIL JUDGMENT OF THE SUPERIOR COURT ENTERED AGAINST A DEFENDANT IN AN ACTION ON A DEBT.

28-7761. Reporting to department; impact on driving record and insurance

A. THE TOLL OPERATOR SHALL REPORT TO THE DEPARTMENT SATISFACTION OF THE LIABILITY WITHIN FIVE CALENDAR DAYS AFTER THE TOLL OPERATOR RECEIVES PAYMENT ON A FORM SUPPLIED BY THE DEPARTMENT.

B. LIABILITY FOR A TOLL EVASION OR ASSOCIATED TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES IS NOT A MOVING VIOLATION PURSUANT TO THIS TITLE, AND AN INSURER SHALL NOT CONSIDER THE LIABILITY AGAINST THE PERSON FOR THE PURPOSES OF ESTABLISHING RATES FOR MOTOR VEHICLE LIABILITY INSURANCE OR DETERMINING THE INSURABILITY OF THE PERSON. AN INSURER SHALL NOT CANCEL OR REFUSE TO RENEW ANY POLICY OF INSURANCE BECAUSE OF THE LIABILITY.

28-7762. Vehicle registration penalties

A. THE DIRECTOR SHALL REFUSE TO REGISTER A MOTOR VEHICLE, TRAILER OR SEMITRAILER OWNED BY OR REGISTERED TO A PERSON WHO IS SUBJECT TO A FINAL DECISION, ORDER OR JUDGMENT OF LIABILITY FOR A TOLL EVASION.

B. THE DEPARTMENT SHALL RENEW THE REGISTRATION AND LICENSE PLATE OF A MOTOR VEHICLE, TRAILER OR SEMITRAILER REFUSED PURSUANT TO SUBSECTION A OF THIS SECTION ONLY IF THE DEPARTMENT IS NOTIFIED BY EACH TOLL OPERATOR TO WHOM PAYMENT IS OWING UNDER A FINAL DECISION, ORDER OR JUDGMENT THAT THE FULL LIABILITY AND ANY POSTAWARD COLLECTION AND EXECUTION COSTS HAVE BEEN PAID OR THE PERSON SUBMITS EVIDENCE SATISFACTORY TO THE DIRECTOR THAT THE FULL LIABILITY AND ANY POSTAWARD COLLECTION AND EXECUTION COSTS HAVE BEEN PAID.

28-7763. Driver license suspension

THE DEPARTMENT SHALL SUSPEND THE LICENSE OF A DRIVER ON A SHOWING BY DEPARTMENT RECORDS OR OTHER SUFFICIENT EVIDENCE THAT THE LICENSEE IS SUBJECT TO A FINAL DECISION, ORDER OR JUDGMENT OF LIABILITY FOR TOLL EVASION FOR THE LONGER OF THE FOLLOWING:

1. THIRTY DAYS.

2. UNTIL THE DEPARTMENT IS NOTIFIED BY EACH TOLL OPERATOR TO WHOM PAYMENT IS OWING UNDER A FINAL DECISION, ORDER OR JUDGMENT THAT THE FULL LIABILITY AND ANY POSTAWARD COLLECTION AND EXECUTION COSTS HAVE BEEN PAID OR

THE PERSON SUBMITS EVIDENCE SATISFACTORY TO THE DIRECTOR THAT THE FULL LIABILITY AND ANY POSTAWARD COLLECTION AND EXECUTION COSTS HAVE BEEN PAID.

28-7764. Motor vehicle immobilization, tow and impoundment; hearing; release of motor vehicle

A. ON PETITION BY A TOLL OPERATOR, A HEARING OFFICER MAY ORDER THAT A MOTOR VEHICLE BE IMMOBILIZED, TOWED OR IMPOUNDED FOR THE PURPOSE OF FACILITATING ENFORCEMENT OF ANY TOLL EVASION IF THE HEARING OFFICER FINDS THAT THE PERSON IS A REPEAT TOLL EVADER AND HAS UNSATISFIED LIABILITY INVOLVING THE MOTOR VEHICLE. THE HEARING OFFICER'S ORDER MAY BE ENFORCED BY ANY PEACE OFFICER WITH JURISDICTION IN THE LOCATION IN WHICH THE MOTOR VEHICLE IS FOUND.

B. THE REGISTERED OWNER OF A MOTOR VEHICLE THAT IS IMMOBILIZED, TOWED OR IMPOUNDED FOR UNSATISFIED LIABILITY UNDER THIS SECTION, THE SPOUSE OF THE REGISTERED OWNER AND EACH PERSON IDENTIFIED ON THE DEPARTMENT'S RECORD WITH AN INTEREST IN THE MOTOR VEHICLE SHALL BE PROVIDED AN OPPORTUNITY FOR AN IMMOBILIZATION OR POSTSTORAGE HEARING PURSUANT TO SECTION 28-3514 SOLELY FOR THE PURPOSE OF CHALLENGING THE VALIDITY OF THE IMMOBILIZATION, TOW OR IMPOUNDMENT. THIS HEARING SHALL NOT READJUDICATE THE MERITS OF ANY PREVIOUSLY ADJUDICATED NOTICE OF TOLL EVASION.

C. AN IMMOBILIZED OR IMPOUNDED MOTOR VEHICLE SHALL BE RELEASED IMMEDIATELY IF ALL OF THE FOLLOWING HAVE BEEN PAID:

1. THE FULL AMOUNT OF THE TOLLS, ADMINISTRATIVE CHARGES AND PENALTIES.
2. ASSESSED FILING FEES AND POSTAWARD COLLECTION AND EXECUTION COSTS.
3. COSTS INCURRED FOR IMMOBILIZATION, TOWING AND STORAGE.
4. ADMINISTRATIVE CHARGES ESTABLISHED PURSUANT TO SECTION 28-3513.

Sec. 11. Section 41-1005, Arizona Revised Statutes, is amended to read:

41-1005. Exemptions

A. This chapter does not apply to any:

1. Rule that relates to the use of public works, including streets and highways, under the jurisdiction of an agency if the effect of the order is indicated to the public by means of signs or signals.

2. Order of the Arizona game and fish commission that opens, closes or alters seasons or establishes bag or possession limits for wildlife.

3. Rule relating to section 28-641 or to any rule regulating motor vehicle operation that relates to speed, parking, standing, stopping or passing enacted pursuant to title 28, chapter 3.

4. Rule concerning only the internal management of an agency that does not directly and substantially affect the procedural or substantive rights or duties of any segment of the public.

5. Rule that only establishes specific prices to be charged for particular goods or services sold by an agency.

6. Rule concerning only the physical servicing, maintenance or care of agency owned or operated facilities or property.

7. Rule or substantive policy statement concerning inmates or committed youths of a correctional or detention facility in secure custody or patients admitted to a hospital, if made by the state department of corrections, the department of juvenile corrections, the board of executive clemency or the department of health services or a facility or hospital under the jurisdiction of the state department of corrections, the department of juvenile corrections or the department of health services.

8. Form whose contents or substantive requirements are prescribed by rule or statute, and instructions for the execution or use of the form.

9. Capped fee-for-service schedule adopted by the Arizona health care cost containment system administration pursuant to title 36, chapter 29.

10. Fees prescribed by section 6-125.

11. Order of the director of water resources adopting or modifying a management plan pursuant to title 45, chapter 2, article 9.

12. Fees established under section 3-1086.

13. Fee-for-service schedule adopted by the department of economic security pursuant to section 8-512.

14. Fees established under sections 41-2144 and 41-2189.

15. Rule or other matter relating to agency contracts.

16. Fees established under section 32-2067 or 32-2132.

17. Rules made pursuant to section 5-111, subsection A.

18. Rules made by the Arizona state parks board concerning the operation of the Tonto natural bridge state park, the facilities located in the Tonto natural bridge state park and the entrance fees to the Tonto natural bridge state park.

19. Fees or charges established under section 41-511.05.

20. Emergency medical services protocols except as provided in section 36-2205, subsection C.

21. Fee schedules established pursuant to section 36-3409.

22. Procedures of the state transportation board as prescribed in section 28-7048.

23. Rules made by the state department of corrections.

24. Fees prescribed pursuant to section 32-1527.

25. Rules made by the department of economic security pursuant to section 46-805.

26. Schedule of fees prescribed by section 23-908.

27. Procedure that is established pursuant to title 23, chapter 6, article 5 or 6.

28. Rules, administrative policies, procedures and guidelines adopted for any purpose by the Arizona commerce authority pursuant to chapter 10 of this title if the authority provides, as appropriate under the circumstances, for notice of an opportunity for comment on the proposed rules, administrative policies, procedures and guidelines.

29. Rules made by a marketing commission or marketing committee pursuant to section 3-414.

30. USER CHARGES, TOLLS, FARES, RENTS, ADVERTISING AND SPONSORSHIP CHARGES, SERVICES CHARGES OR SIMILAR CHARGES ESTABLISHED PURSUANT TO SECTION 28-7705.

B. Notwithstanding subsection A, paragraph 22 of this section, at such time as the federal highway administration authorizes the privatization of rest areas, the state transportation board shall make rules governing the lease or license by the department of transportation to a private entity for the purposes of privatization of a rest area.

C. Coincident with the making of a rule pursuant to an exemption under this section, the agency shall file a copy of the rule with the secretary of state for publication pursuant to section 41-1012.

D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the Arizona board of regents and the institutions under its jurisdiction, except that the Arizona board of regents shall make policies or rules for the board and the institutions under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies or rules proposed.

E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the Arizona state schools for the deaf and the blind, except that the board of directors of all the state schools for the deaf and the blind shall adopt policies for the board and the schools under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies proposed for adoption.

F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the state board of education, except that the state board of education shall adopt policies or rules for the board and the institutions under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies or rules proposed for adoption. In order to implement or change any rule, the state board of education shall provide at least two opportunities for public comment.

APPROVED BY THE GOVERNOR APRIL 5, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2012.

Passed the House March 6, 2012

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate March 27, 2012

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary to the Governor

Approved this _____day of

_____

at _____o'clock _____M.

_____
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary of State

H.B. 2491

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE

April 4, 2012,

by the following vote: 34 Ayes,

21 Nays, 5 Not Voting

Speaker of the House

Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

4 day of April, 2012,

at 11:25 o'clock A M.

Secretary to the Governor

Approved this 5th day of

April, 2012,

at 11:25 o'clock A. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 5th day of April, 2012,

at 4:20 o'clock P M.

Jim Drake
acting Secretary of State

H.B. 2491