Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
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Fifty-second Legislature
First Regular Session
2015

CHAPTER 244

HOUSE BILL 2480

AN ACT

AMENDING TITLE 3, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 19; PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING SECTION 3-102, ARIZONA REVISED STATUTES; AMENDING SECTIONS 3-3401, 3-3413, 3-3414, 3-3418, 3-3431, 3-3433, 3-3434, 3-3451, 3-3453, 3-3454, 3-3471, 3-3472, 3-3473, 3-3475, 3-3492, 3-3493, 3-3494, 3-3495, 3-3496, 3-3512, 3-3513 AND 3-3515, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING SECTIONS 9-499.18, 28-364, 28-5602, 28-5605 AND 28-5936, ARIZONA REVISED STATUTES; AMENDING TITLE 28, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 30; AMENDING TITLE 28, CHAPTER 30, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; AMENDING SECTION 41-112, ARIZONA REVISED STATUTES; REPEALING SECTIONS 41-2052, 41-2061 AND 41-3021.02, ARIZONA REVISED STATUTES; RELATING TO WEIGHTS AND MEASURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 3, Arizona Revised Statutes, is amended by adding chapter 19, to read:

CHAPTER 19

WEIGHTS AND MEASURES SERVICES DIVISION

ARTICLE 1. GENERAL PROVISIONS

ARTICLE 2. STATE ADMINISTRATION OF WEIGHTS AND MEASURES

ARTICLE 3. METHOD OF SALE OF COMMODITIES AND SERVICES

ARTICLE 4. LICENSING, TESTING AND CERTIFICATION

ARTICLE 5. REGULATION

ARTICLE 6. MOTOR FUEL

ARTICLE 7. GASOLINE VAPOR CONTROL

Sec. 2. Transfer and renumber

Title 41, chapter 15, Arizona Revised Statutes, is transferred and renumbered for placement in title 3, Arizona Revised Statutes, as added by this act, as chapter 19. Title 41, chapter 15, articles 1, 2, 3, 4, 5, 6 and 7, Arizona Revised Statutes, are transferred and renumbered for placement in title 3, chapter 19, Arizona Revised Statutes, as added by this act, as articles 1, 2, 3, 4, 5, 6 and 7, respectively. The following section is transferred and renumbered for placement in title 3, chapter 19, article 1:

Former Section	New Section
41-2051	3-3401

The following sections are transferred and renumbered for placement in title 3, chapter 19, article 2:

Former Sections	New Sections
41-2062	3-3411
41-2063	3-3412
41-2064	3-3413
41-2065	3-3414
41-2066	3-3415
41-2067	3-3416
41-2068	3-3417
41-2069	3-3418

The following sections are transferred and renumbered for placement in title 3, chapter 19, article 3:

Former Sections	New Sections
41-2081	3-3431
41-2082	3-3432
41-2083	3-3433
41-2083.01	3-3434
41-2084	3-3435
41-2085	3-3436
41-2086	3-3437

The following sections are transferred and renumbered for placement in title 3, chapter 19, article 4:

Former Sections	New Sections
41-2091	3-3451
41-2092	3-3452
41-2093	3-3453
41-2094	3-3454

The following sections are transferred and renumbered for placement in title 3, chapter 19, article 5:

Former Sections	New Sections
41-2111	3-3471
41-2112	3-3472
41-2113	3-3473
41-2114	3-3474
41-2115	3-3475
41-2116	3-3476

The following sections are transferred and renumbered for placement in title 3, chapter 19, article 6:

Former Sections	New Sections
41-2121	3-3491
41-2122	3-3492
41-2123	3-3493
41-2124	3-3494
41-2124.01	3-3495
41-2125	3-3496
41-2126	3-3497
41-2127	3-3498
41-2128	3-3499

The following sections are transferred and renumbered for placement in title 3, chapter 19, article 7:

Former Sections	New Sections
41-2132	3-3512
41-2133	3-3513
41-2134	3-3514
41-2135	3-3515

Section 41-2131, Arizona Revised Statutes, as amended by Laws 2014, chapter 132, section 5, is transferred and renumbered for placement in title 3, chapter 19, article 7, Arizona Revised Statutes, as section 3-3511. Section 41-2131, Arizona Revised Statutes, as amended by Laws 2014, chapter 132, section 6, is transferred and renumbered for placement in title 3, chapter 19, article 7, Arizona Revised Statutes, as section 3-3511.

Sec. 3. Section 3-102, Arizona Revised Statutes, is amended to read:

3-102. Department organization

A. The Arizona department of agriculture is established consisting of the following divisions:

1. The animal services division, which is responsible for milk, dairy, livestock and aquaculture regulation, the state veterinarian, meat, poultry and egg inspection and performing the administrative functions authorized or contracted pursuant to law for the Arizona beef council.

2. The plant services division, which is responsible for the fruit and vegetable standardization program and entomological services.

3. The environmental services division, which is responsible for regulating seed, feed and agricultural chemicals, including pesticides and fertilizers, and for native plant protection.

4. THE WEIGHTS AND MEASURES SERVICES DIVISION, WHICH IS RESPONSIBLE FOR THE INSPECTION, TESTING AND LICENSING OF COMMERCIAL WEIGHING AND MEASURING DEVICES.

B. The following are established in addition to and separate from the divisions of the department:

1. A state agricultural laboratory.

2. An office of agriculture safety.

3. An office of inspections.

4. An office of commodity development and promotion.

C. The department shall have a central administrative service office providing:

1. Data processing, accounting and budgeting, records management, publications, property control and personnel services and training.

2. A program to cross-train appropriate personnel to enable them to perform similar functions or comparable work for different administrative units in the department.

Sec. 4. Section 3-3401, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3401. Definitions

In this chapter, unless the context otherwise requires:

1. "ASSOCIATE DIRECTOR" MEANS THE ASSOCIATE DIRECTOR OF THE DIVISION.

~~1.~~ 2. "Biodiesel" means a diesel fuel substitute that is produced from nonpetroleum renewable resources as defined by the United States environmental protection agency and that meets the registration requirements for fuels and fuel additives established by the United States environmental protection agency pursuant to section 211 of the clean air act, as defined in section 49-401.01.

~~2.~~ 3. "Biodiesel blend" means a motor fuel that is ~~comprised~~ COMPOSED of biodiesel and diesel fuel and that is designated by the letter "B", followed by the numeric value of the volume percentage of biodiesel in the blend.

~~3.~~ 4. "Biofuel" means a solid, liquid or gaseous fuel that is derived from biomass and that can be used directly for heating or power or as a motor fuel.

~~4.~~ 5. "Biofuel blend" means a motor fuel that is ~~comprised~~ COMPOSED of a biofuel, that is combined with a petroleum based fuel and that is designated by the volume percentage of biofuel in the blend.

~~5.~~ 6. "Biomass" means biological material, such as plant or animal matter, excluding organic material that has been transformed by geological processes into substances such as coal or petroleum or derivatives thereof, that may be transformed into biofuel.

~~6.~~ 7. "Certification" means the process of determining the accuracy of a commercial device to the standards of this state by a registered service representative or the department.

~~7.~~ 8. "Commercial device" means any weighing, measuring, metering or counting device that is used to determine the direct cost of things sold or offered or exposed for sale, or used to establish a fee for service if the cost is based on weight, measure or count, except that it does not include those devices used for in-house packaging, inventory control or law enforcement purposes.

~~8.~~ 9. "Commodity" means any merchandise, product or substance produced or distributed for sale to or use by others.

~~9.~~ 10. "Correct" as used in connection with weights and measures means conformance to all applicable requirements of this chapter.

~~10. "Department" means the department of weights and measures.~~

11. "Diesel fuel" means a refined middle distillate that is used as a fuel in a compression-ignition internal combustion engine and that meets the specifications of ASTM D975.

~~12. "Director" means the director of the department of weights and measures.~~

12. "DIVISION" MEANS THE WEIGHTS AND MEASURES SERVICES DIVISION OF THE DEPARTMENT.

13. "E85" means a fuel ethanol gasoline blend that meets the specifications of ASTM D5798.

14. "Inspector" means A state ~~officials~~ OFFICIAL of the ~~department of weights and measures~~ DIVISION.

~~15. "Limousine" means a motor vehicle providing prearranged ground transportation service for an individual passenger, or a group of passengers, that is arranged in advance or is operated on a regular route or between specified points and includes ground transportation under a contract or agreement for services that includes a fixed rate or time and is provided in a motor vehicle with a seating capacity not exceeding fifteen passengers, including the driver.~~

~~16.~~ 15. "Liquid fuel measuring device" means any meter, pump, tank, gauge or apparatus used for volumetrically determining the quantity of any internal combustion engine fuel, liquefied petroleum gas or low viscosity heating oil.

~~17. "Livery vehicle" means a motor vehicle that:~~

~~(a) Has a seating capacity not exceeding fifteen passengers, including the driver.~~

~~(b) Provides passenger services for a fare determined by a flat rate or flat hourly rate between geographic zones or within a geographic area.~~

~~(c) Is available for hire on an exclusive or shared ride basis.~~

~~(d) May do any of the following:~~

~~(i) Operate on a regular route or between specified places.~~

~~(ii) Offer prearranged ground transportation service as defined in section 28-141.~~

~~(iii) Offer on demand ground transportation service pursuant to a contract with a public airport, licensed business entity or organization.~~

~~18.~~ 16. "Misfuel" means the act of dispensing into the fuel tank of a motor vehicle a motor fuel that was not intended to be used in the engine of that motor vehicle.

~~19.~~ 17. "Motor fuel" means a petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, number one or number two diesel fuel or any grade of oxygenated gasoline typically used in the operation of a motor engine, including biodiesel blends, biofuel blends and the ethanol blend E85 as defined in ASTM D5798.

~~20.~~ 18. "Package" means any commodity enclosed in a container or wrapped in any manner in advance of sale in units suitable for either wholesale or retail trade.

~~21.~~ 19. "Person" means both the plural and the singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies and associations.

~~22.~~ 20. "Public weighmaster" means any person who is engaged in any of the following:

(a) The business of weighing any object or thing for the public generally for hire or for internal use and issuing for that weighing a weight certificate intended to be accepted as an accurate weight upon which a purchase or sale is to be based or on which a service fee is to be charged.

(b) The business of weighing for hire motor vehicles, trailers or semitrailers and issuing weight certificates intended to be accepted as an accurate weight for the purpose of determining the amount of any tax, fee or other assessment on the vehicles.

~~23.~~ 21. "Reference standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.

~~24.~~ 22. "Registered service agency" means any agency, firm, company or corporation that for hire, award, commission or any other payment of any kind installs, services, repairs or reconditions a commercial device or tests or repairs vapor recovery systems or vapor recovery components and that has been issued a license by the ~~department~~ DIVISION.

~~25.~~ 23. "Registered service representative" means any individual who for hire, award, commission or any other payment of any kind installs,

services, repairs or reconditions a commercial device or tests or repairs vapor recovery systems or vapor recovery components and who has been issued a license by the ~~department~~ DIVISION.

~~26.~~ 24. "Retail seller" means a person whose business purpose is to sell, expose or offer for sale or use any package or commodity by weight, measure or count.

~~27. "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.~~

~~28.~~ 25. "Secondary standards" means the physical standards that are traceable to the reference standards through comparisons, using acceptable laboratory procedures, and that are used in the enforcement of weights and measures laws and rules.

~~29. "Taxi" means a motor vehicle that has a seating capacity not exceeding fifteen passengers, including the driver, that is registered as a taxi in this state or any other state, that provides passenger services and that:~~

~~(a) Does not primarily operate on a regular route or between specified places.~~

~~(b) Offers local transportation for a fare determined on the basis of the distance traveled or prearranged ground transportation service as defined in section 28-141 for a predetermined fare.~~

~~30. "Taxi meter" means a commercial device that meets the requirements of the national institute of standards and technology handbook 44 as prescribed by section 41-2064.~~

~~31.~~ 26. "Weight" as used in connection with any commodity means net weight.

~~32.~~ 27. "Weights" or "measures", or both, means all weights, measures, meters or counters of every kind, instruments and devices for weighing, measuring, metering or counting and any appliance and accessories associated with any or all such instruments and devices.

Sec. 5. Section 3-3413, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3413. Technical requirements for commercial devices

The specifications, tolerances and other technical requirements for commercial devices as adopted by the national conference on weights and measures and published in national institute of standards and technology handbook 44, "specifications, tolerances, and other technical requirements for commercial weighing and measuring devices" shall apply to commercial weighing and measuring devices in the state. The edition of the national institute of standards and technology handbook 44 shall be determined by rule, pursuant to section ~~41-2065~~ 3-3414, subsection A, paragraph 4.

Sec. 6. Section 3-3414, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3414. Powers and duties; definition

A. The ~~department~~ DIVISION shall:

1. Maintain custody of the state reference standards of weights and measures that are traceable to the United States prototype standards and that are supplied to the states by the federal government or that are otherwise approved as being satisfactory by the national institute of standards and technology.

2. Keep the state reference standards in a safe and suitable place in the metrology laboratory of the ~~department~~ DIVISION and ensure that they shall not be removed from the laboratory except for repairs or for calibration as may be prescribed by the national institute of standards and technology.

3. Keep accurate records of all standards and equipment.

4. Adopt any rules necessary to carry out this chapter and adopt reasonable rules for the enforcement of this chapter. These rules have the force and effect of law and shall be adopted pursuant to TITLE 41, chapter 6 ~~of this title~~. In adopting these rules, the ASSOCIATE director shall consider, as far as is practicable, the requirements established by other states and by authority of the United States, except that rules shall not be made in conflict with this chapter.

5. Publish rules adopted pursuant to this chapter and issue appropriate copies at no cost to all new applicants for licensure and certification. Updated copies of the rules shall be distributed, on request, at no cost to the public.

6. Investigate complaints made to the ~~department~~ DIVISION concerning violations of this chapter and, on its own initiative, conduct investigations it deems appropriate to develop information relating to prevailing procedures in commercial quantity determination and relating to possible violations of this chapter, and in order to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

7. Establish labeling standards, establish standards of weight, measure or count and establish reasonable standards of fill for any packaged commodity, and may establish standards for open dating information.

8. Grant, pursuant to this chapter, exemptions from the licensing provisions of this chapter for weighing and measuring instruments, standards or devices when the ownership or use of the instrument or device is limited to federal, state or local government agencies in the performance of official functions. On request, the ~~department~~ DIVISION may conduct inspections of ~~the~~ instruments, standards or devices and shall charge a fee pursuant to section ~~41-2092, subsection B~~ 3-3452.

9. Delegate to appropriate personnel any of the responsibilities of the ASSOCIATE director for the proper administration of this chapter.

10. Inspect and test weights and measures kept, offered or exposed for sale.

11. Inspect and test, to ascertain if they are correct, weights and measures commercially used either:

(a) In determining the weight, measure or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure or count.

(b) In computing the basic charge or payment for services rendered on the basis of weight, measure or count.

12. Test, at random, commodities, weights and measures used in public institutions for which monies are appropriated by the legislature. The testing of commodities, weights and measures in public institutions shall include~~, but not be limited to,~~ items:

(a) That have historically been of short weight, measure or count.

(b) Found to be of short weight, measure or count by other jurisdictions.

(c) To be tested as part of a regional or national survey.

13. Test, approve for use and affix a seal of approval for use of all weights, measures and commercial devices manufactured in or brought into this state as it finds to be correct and shall reject and mark as rejected weights, measures and devices it finds to be incorrect. Weights, measures and devices that have been rejected may be seized by the ~~department~~ DIVISION if not corrected within the time specified or if used or disposed of in a manner not specifically authorized. The ~~department~~ DIVISION shall condemn and may seize weights, measures and devices that are found to be incorrect and that are not capable of being made correct.

14. Sample and test motor fuel that is stored, sold or exposed or offered for sale or that is stored for use by a fleet owner to determine whether the motor fuel meets the standards for motor fuel set forth in section ~~41-2083~~ 3-3433 and article 6 of this chapter and in any rule adopted by the ASSOCIATE director pursuant to this chapter. For the purposes of this paragraph, "fleet owner" has the same meaning prescribed in section ~~41-2121~~ 3-3491.

15. Randomly witness tests on all mandated vapor recovery systems that are installed or operated in this state and if the systems are determined to be in compliance with the law approve those systems for use and reject, mark as rejected and stop the use of those systems determined not to be in compliance with the law.

16. Inspect facilities at which motor fuel is stored, sold or exposed or offered for sale to determine whether dispensing devices are properly labeled.

17. Publish and distribute to consumers weighing and measuring information.

18. Weigh, measure or inspect commodities kept, offered or exposed for sale, sold or in the process of delivery to determine whether they contain the amounts represented and whether they are kept, offered or exposed for sale in accordance with this chapter or rules adopted pursuant to this chapter. In carrying out this section, the ASSOCIATE director shall employ recognized sampling procedures, such as are designated in appropriate

national institute of standards and technology handbooks and supplements to those handbooks, except as modified or rejected by rule.

19. Allow reasonable variations from the stated quantity of contents only after a commodity has entered intrastate commerce. These variations shall include those caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice.

20. Prescribe the standards of weight and measure and additional equipment methods of test and inspection to be employed in the enforcement of this chapter. The ASSOCIATE director may prescribe or provide the official test and inspection forms to be used in the enforcement of this chapter.

21. Apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating this chapter.

22. Report to the governor on OR BEFORE August 1 OF each year and at such other times as may be required on the work accomplished under this chapter.

23. Subject to TITLE 41, chapter 4, article 4 ~~of this title~~, employ such personnel as needed to assist in administering this chapter.

24. Ensure that any information that is required to be filed with the department, that relates to the contents of motor fuels that are sold in this state and that is a trade secret as defined in section 49-201 is not disclosed.

25. Establish by rule labeling standards for tanks and containers of motor fuels.

B. The ASSOCIATE director may provide for the periodic examination and inspection of metering devices, including ~~but not limited to~~ devices ~~utilized~~ USED to measure usage of electricity, natural gas or water by a consumer. Examination and inspection authority shall not apply to metering devices owned by federal, state or local government agencies unless requested by the government agency that owns the metering devices.

C. The ASSOCIATE director may establish standards for the presentation of cost-per-unit information. ~~Nothing in~~ This subsection ~~shall be construed to~~ DOES NOT mandate the use of cost-per-unit information in connection with the sale of any standard packed commodity.

D. The ASSOCIATE director, when necessary to carry out this chapter, may adopt and enforce rules relating to quality standards for motor fuel, kerosene, oil, except used oil fuel, and hazardous waste fuel, lubricating oils, lubricants, antifreeze and other liquid or gaseous fuels. The ASSOCIATE director shall adopt rules to ~~assure~~ ENSURE that oxygenated fuels, as described in article 6 of this chapter, THAT ARE stored, used, sold or exposed or offered for use or sale are blended and stored, sold, exposed or offered in such a manner as to ~~assure~~ ENSURE that the oxygenated fuels are properly blended, that they meet the standards set forth in section ~~41-2083~~ 3-3433 and article 6 of this chapter, and in rules adopted pursuant to this chapter, and that dispensers at which the oxygenated fuels are dispensed are

labeled as defined by rule of the ~~department~~ DIVISION in such a manner as to notify persons of the type of oxygenated fuel being dispensed and the maximum percentage of oxygenate by volume contained in the oxygenated fuel. The ASSOCIATE director of the ~~department of weights and measures~~ DIVISION shall consult with the director of the department of environmental quality in adopting rules pursuant to this subsection.

E. Testing and inspection conducted pursuant to this chapter shall be done, to the extent practicable, without prior notice, by a random systematic method determined by the ASSOCIATE director or in response to a complaint by the public. The testing and inspection may be done by private persons and firms pursuant to contracts entered into by the ASSOCIATE director in accordance with TITLE 41, chapter 23 ~~of this title~~ or by a registered service agency or registered service representative licensed pursuant to section ~~41-2094~~ 3-3454. The ASSOCIATE director shall establish qualifications of persons and firms for selection for purposes of this subsection. The persons or firms conducting the testing and inspection shall immediately report to the ~~department~~ DIVISION any violations of this chapter and incorrect weights, measures, devices, vapor recovery systems or vapor recovery components for investigation and enforcement by the department. A person or firm that tests or inspects a weight, measure, device, vapor recovery system or vapor recovery component that is rejected shall not correct the defect causing the rejection without the permission of the ~~department~~ DIVISION.

F. During the course of an investigation or an enforcement action by the ~~department~~ DIVISION, information regarding the complainant is confidential and is exempt from title 39, chapter 1, unless the complainant authorizes the information to be public.

G. For the purposes of the labeling requirements prescribed in this section, "oxygenated fuel" means a motor fuel blend containing 1.5 ~~per cent~~ PERCENT or more by weight of oxygen.

Sec. 7. Section 3-3418, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3418. Disposition of seized property

One hundred eighty days after the final disposition of an investigation and any ensuing enforcement action, the ~~department~~ DIVISION may destroy those weights, measures or devices that are seized pursuant to section ~~41-2065~~ 3-3414 or ~~41-2066~~ 3-3415 or transfer the items to the department of administration for disposition as state surplus property pursuant to the direction of the department of administration, surplus property division.

Sec. 8. Section 3-3431, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3431. Sale of commodities

A. A person shall not sell or offer or expose for sale less than the quantity the person represents.

B. As a buyer, a person shall not take any more than the quantity the person represents when the person furnishes the weight or measure by means of which the quantity is determined.

C. A person shall not misrepresent the price of any commodity or service sold or offered, exposed or advertised for sale by weight, measure or count or represent the price in any manner calculated or tending to mislead or in any way deceive a person.

D. Except as otherwise provided by the ASSOCIATE director, commodities in liquid form shall be sold by liquid measure or by weight, and commodities not in liquid form shall be sold only by weight, by measure or by count, as long as the method of sale provides accurate quantity information.

E. If the quantity is determined by the seller, bulk sales shall be accompanied by a delivery ticket containing the following information unless exempted by rule:

1. The name and address of the vendor and purchaser.

2. The date delivered.

3. The quantity delivered and the quantity ~~upon~~ ON which the price is based, if this differs from the delivered quantity.

4. The identity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale.

5. The count of individually wrapped packages, if more than one.

F. Except as otherwise provided in this chapter or by rules adopted pursuant to this chapter, any package kept for the purpose of sale or offered or exposed for sale shall bear on the outside of the package a definite, plain and conspicuous declaration of:

1. The identity of the commodity in the package, unless the commodity can easily be identified through the wrapper or container.

2. The quantity of contents in terms of weight, measure or count.

3. The name and place of business of the manufacturer, packer or distributor, in the case of any package kept, offered or exposed for sale or sold in any place other than on the premises where packed.

4. The price, except as provided in subsections L and M OF THIS SECTION.

G. In addition to the declarations required by subsection F OF THIS SECTION, any package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight.

H. If a packaged commodity is advertised in any manner with the retail price stated, there shall be closely and conspicuously associated with the retail price a declaration of quantity as is required by law or rule to appear on the package. If a dual declaration is required, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure need appear in the advertisement.

I. The packager of a short weighted item offered for sale is liable under this chapter.

J. If a retail seller engaging in the sale of motor fuel posts the selling price of the fuel on the premises, the seller shall post the selling price only by the price per gallon, except that if the fuel is dispensed by a measure other than whole gallons the seller shall represent the selling price for each unit of such other measure on the individual pump or other dispensing device. If a retail seller engaging in the sale of motor fuel advertises the price of the fuel off the premises, the retail seller shall advertise the price only by the price per gallon.

K. The owner or operator of a motor fuel dispensing site shall ensure that a sticker provided by the department of transportation that is three inches by five inches and that depicts the amount of federal and state taxes imposed on one gallon of gasoline is displayed on one side of each motor fuel dispenser. The sticker required by this subsection shall contain white lettering on a black background or black lettering on a white background to ensure a contrasting color to the motor fuel dispenser and shall be placed on the upper sixty ~~per cent~~ PERCENT of the dispenser. The ~~department of weights and measures~~ DIVISION shall use stickers provided by the department of transportation. A template of the sticker shall be placed on the ~~department of weights and measures'~~ DIVISION'S website for use by retailers. During the course of its normal random inspections, the ~~department of weights and measures~~ DIVISION shall apply the stickers with a compliance schedule of four years after July 29, 2010.

L. Instead of each package bearing the price as required under subsection F, paragraph 4 OF THIS SECTION, the seller may post the price of the package on the shelf or display at the point of display of the product.

M. If the package is offered for sale at a price reduced by a percentage or a fixed amount from a previously offered price, the reduction shall be displayed at the point of display of the package in the manner required by this section.

N. On the request of a consumer, a retail seller shall provide:

1. A means of recording prices such as grease pencils, felt markers, scanners or other similar instruments for recording the price.

2. A written statement of the retail seller's policies regarding errors in pricing.

Sec. 9. Section 3-3433, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3433. <u>Standards for motor fuel; exceptions</u>

A. Except as provided in section ~~41-2083.01~~ 3-3434 and subsections C, D, E, F, G, K and L of this section, a retail seller or fleet owner shall not store, sell or expose or offer for sale any motor fuel, kerosene, oil or other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of lubricants or other similar products if the product fails to meet the

standards specified in this section and in the rules adopted by the ASSOCIATE director.

B. A person shall not misrepresent the nature, origination, quality, grade or identity of any product specified in subsection A of this section or represent the nature, origination, quality, grade or identity of such product in any manner calculated or tending to mislead or in any way deceive. This subsection does not prohibit product origination disclaimer labeling on the retail dispenser.

C. After consultation with the director of the department of environmental quality, the standards and test methods for motor fuels shall be established by the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION by rule.

D. Maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A as defined in section 49-541 shall be 9.0 pounds per square inch from and after September 30 through March 31 of each year. Fuel used in motor vehicles at a manufacturer's proving ground or a motor vehicle racing event as defined by section ~~41-2121~~ 3-3491 is exempt from this subsection.

E. From and after September 30 through March 31 of each year, a person shall not supply or sell gasoline that exceeds the ASTM D4814 class A vapor pressure/distillation class ten volume ~~per cent~~ PERCENT evaporated distillation temperature.

F. Maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in a county with a population of one million two hundred thousand persons or more and any portion of a county contained in area A as defined in section 49-541 shall be 7.0 pounds per square inch from and after May 31 through September 30 of each year. Fuel used in motor vehicles at a manufacturer's proving ground or a motor vehicle racing event as defined by section ~~41-2121~~ 3-3491 is exempt from this subsection.

G. Exclusively for the purposes of transportation conformity and only if the administrator of the United States environmental protection agency fails to approve the applicable plan required pursuant to section 49-406, maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in area B as defined in section 49-541 shall be ten pounds per square inch from and after September 30 through March 31 of each year. Fuel used in motor vehicles at a manufacturer's proving ground or a motor vehicle racing event as defined by section ~~41-2121~~ 3-3491 is exempt from this subsection.

H. Notwithstanding subsections D, F and G of this section, the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION in consultation with the director of the department of environmental quality shall approve alternate fuel control measures that are submitted by

manufacturers or suppliers of gasoline and that the ~~directors~~ DIRECTOR AND THE ASSOCIATE DIRECTOR determine will result in either of the following:

1. Motor vehicle carbon monoxide emissions that are equal to or less than emissions that result under compliance with subsection D of this section and section ~~41-2123~~ 3-3493. In making this determination, the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION and the director of the department of environmental quality shall compare the emissions of the alternate fuel control measure with the emissions of a fuel with a maximum vapor pressure standard as prescribed by this section and with the minimum oxygen content or percentage by volume of ethanol as prescribed by section ~~41-2123~~ 3-3493.

2. Motor vehicle non-methane hydrocarbon emissions that are equal to or less than the emissions that result under compliance with subsection F of this section. In making this determination, the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION and the director of the department of environmental quality shall compare the motor vehicle non-methane hydrocarbon emissions of the alternate fuel control measure with the motor vehicle non-methane hydrocarbon emissions of a fuel that complies with the maximum vapor pressure standard as prescribed by subsection F of this section.

I. Any alternate fuel control measures that are approved shall not increase emissions of non-methane hydrocarbons, particulates, carbon monoxide or oxides of nitrogen. Alternate fuel control measures approved pursuant to subsection H of this section and this subsection may be used by any manufacturer or supplier of gasoline unless the approval is rescinded more than one hundred eighty days before the first day of a gasoline control period. Manufacturers and suppliers who use an approved alternate fuel control measure shall annually submit a compliance plan to the ASSOCIATE director ~~of the department of weights and measures~~ no later than sixty days before the first day of a gasoline control period.

J. A person shall not sell or offer or expose for sale diesel fuel grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of:

1. For low sulfur diesel fuel, five hundred parts per million by weight for use in area A as defined in section 49-541.

2. For ultra low sulfur diesel fuel, the amount that conforms with 40 Code of Federal Regulations section 80.520(a)(1).

K. A person shall not sell or offer or expose for sale diesel fuel, biodiesel or biodiesel blends that contain sulfur in excess of five hundred parts per million for use in area A as defined in section 49-541.

L. A person shall label dispensers at which biodiesel or biodiesel blends are dispensed in conformance with 16 Code of Federal Regulations part 306 and 40 Code of Federal Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574. This section does not preclude a person from labeling a dispenser that dispenses diesel fuel that contains up to five ~~per cent~~

PERCENT biodiesel with a label that states "may contain up to five ~~per cent~~ PERCENT biodiesel".

M. For biodiesel blends that contain more than five ~~per cent~~ PERCENT by volume of biodiesel, a person shall prepare product transfer documents in a manner that notifies the transferee of the ~~per cent~~ PERCENT by volume of biodiesel in the product. For diesel fuel that contains five ~~per cent~~ PERCENT or less by volume of biodiesel, a person shall prepare product transfer documents in a manner that notifies that transferee of any volume ~~per cent~~ PERCENT of biodiesel intentionally added to or known by the transferor to be in the product.

N. The ASSOCIATE director shall adopt rules regarding the establishment and enforcement of all of the following:

1. National or federal standards for individual biofuels and biofuel blends.

2. United States environmental protection agency and ASTM test methods for individual biofuels and biofuel blends.

3. Registration and reporting requirements for producers, blenders and suppliers of biofuels and biofuel blends.

4. Labeling requirements for biofuels and biofuel blends other than biodiesel or biodiesel blends.

5. Quality assurance and quality control programs for producers, blenders and suppliers of biofuels and biofuel blends addressing rack, batch or other blending.

6. Requirements that the dispensing equipment meet appropriate UL ratings where available and applicable, that the equipment comply with rules adopted by the ~~department~~ DIVISION relating to approval, installation and sale of devices and that the equipment be compatible with the products being dispensed.

O. A biofuels or biofuel blends producer, blender, distributor, supplier or retail seller that is in compliance with this section and the rules adopted pursuant to this section is not liable to a consumer for any injuries or property damage related to a consumer who misfuels.

P. A person shall label each dispenser at which ultra low sulfur diesel fuel is dispensed in a manner that conforms with 40 Code of Federal Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of the sulfur content of the diesel fuel being dispensed.

Q. A person shall label each dispenser at which low sulfur diesel fuel is dispensed in a manner that conforms with 40 Code of Federal Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of the sulfur content of the diesel fuel being dispensed.

R. If any person transfers custody or title of a diesel fuel or distillate, except if the diesel fuel is dispensed into a motor vehicle or nonroad, locomotive or marine equipment, the transferor shall provide to the transferee product transfer documents that conform with 40 Code of Federal Regulations section 80.590.

S. If the transfer of a motor fuel is from a terminal, storage facility, or transmix facility, the product transfer documents shall contain the information prescribed in subsection R of this section as well as the name and address of the final destination for the shipment, as prescribed by ~~department~~ DIVISION rule, and must accompany the shipment to its final destination.

Sec. 10. Section 3-3434, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3434. Area C; standards for motor fuel; exceptions

A. Except as provided in subsections C and D of this section, after May 31, 2008, a retail seller or fleet owner shall not store, sell or expose or offer for sale in area C as defined in section ~~41-2121~~ 3-3491 any motor fuel, kerosene, oil or other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of lubricants or other similar products if the product fails to meet the standards specified in this section and in the rules adopted by the ASSOCIATE director.

B. A person shall not misrepresent the nature, origination, quality, grade or identity of any product specified in subsection A of this section or represent the nature, origination, quality, grade or identity of such product in any manner calculated or tending to mislead or in any way deceive.

C. After consultation with the director of the department of environmental quality, the standards and test methods for motor fuels shall be established by the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION by rule.

D. Maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in area C as defined in section ~~41-2121~~ 3-3491 shall be 7.0 pounds per square inch from and after May 31 through September 30 of each year. Fuel used in motor vehicles at a manufacturer's proving ground or a motor vehicle racing event as defined by section ~~41-2121~~ 3-3491 is exempt from this subsection.

E. The ASSOCIATE director of the ~~department of weights and measures~~ DIVISION in consultation with the director of the department of environmental quality shall approve alternate fuel control measures that are submitted by manufacturers or suppliers of gasoline and that the directors determine will result in motor vehicle non-methane hydrocarbon emissions that are equal to or less than the emissions that result under compliance with subsection D of this section. In making this determination, the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION and the director of the department of environmental quality shall compare the motor vehicle non-methane hydrocarbon emissions of the alternate fuel control measure with the motor vehicle non-methane hydrocarbon emissions of a fuel that complies with the maximum vapor pressure standard as prescribed by subsection D of this section.

F. Any alternate fuel control measures that are approved shall not increase emissions of non-methane hydrocarbons, particulates, carbon monoxide or oxides of nitrogen. Alternate fuel control measures approved pursuant to subsection E of this section and this subsection may be used by any manufacturer or supplier of gasoline unless the approval is rescinded more than one hundred eighty days before the first day of a gasoline control period. Manufacturers and suppliers who use an approved alternate fuel control measure shall annually submit a compliance plan to the ASSOCIATE director ~~of the department of weights and measures~~ no later than sixty days before the first day of a gasoline control period.

Sec. 11. Section 3-3451, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3451. Licensing devices used for commercial purposes; authorization to test devices used for all other purposes; fees; certification; issuance of license; violation; classification

A. A person shall not use a commercial device unless the device is licensed or certified as provided in this chapter.

B. A license shall be obtained annually from the ~~department~~ DIVISION on forms prescribed and furnished by the ~~department~~ DIVISION. The fee prescribed in this chapter shall be submitted with the prescribed form. A license shall be obtained not later than thirty days following the first day of commercial use for original installations. If the ownership of a device that is licensed is transferred, the ownership of the license may be transferred. On transfer of a license, new licensees shall notify the ~~department~~ DIVISION of the licensee's name and address and the location of the device. A license for a device shall be posted at the licensed business location in a manner that provides the ~~department~~ DIVISION access to the license during normal business hours.

~~C. If a fare is based on time or mileage or both time and mileage, a taxi shall have a commercial device and shall obtain a license as prescribed by the department, except that if the service offered by the taxi is a prearranged ground transportation service as defined in section 28-141 for a predetermined fare, a taxi shall not be required to use a commercial device.~~

~~D.~~ C. Any license issued under this chapter applies only to the instrument or device specified in the license, except that the ASSOCIATE director may permit the license to be applicable to a replacement for the original instrument or device.

~~E.~~ D. Noncommercial devices may be tested by the ~~department~~ DIVISION pursuant to this chapter. A weighing device owned by a person who uses it only for the purpose of weighing the person's own livestock or agricultural products and for no commercial purposes is declared to be a noncommercial device, and the owner of the device is exempt from paying any licensing fees collected pursuant to this chapter.

~~F.~~ E. If a commercial livestock scale is used for thirty or more days in a calendar year, the scale is required to be licensed. If a commercial livestock scale is used for fewer than thirty days in a calendar year, the scale is required to be certified. If an owner or operator of a commercial livestock scale requests that the ~~department~~ DIVISION certify the scale, the certification fee shall be comparable to the license fee prescribed in section ~~41-2092~~ 3-3452. If an owner or operator of a noncommercial scale requests that the ~~department~~ DIVISION certify the scale, the certification fee shall be comparable to the license fee prescribed in section ~~41-2092~~ 3-3452.

~~G.~~ F. At the request of the owner or user of a portable batch plant, the ~~department~~ DIVISION may certify the portable batch plant. If the ~~department~~ DIVISION certifies a portable batch plant, the certification fee shall be comparable to the license fee prescribed in section ~~41-2092~~ 3-3452.

~~H.~~ G. Any portable measuring device that is five gallons or less and that is properly marked by the manufacturer according to standards established by the national institute of standards and technology shall be exempt from the licensing and certification provisions of this chapter.

~~I.~~ H. For the purpose of ascertaining compliance with the licensing provisions of this article, the department of revenue shall provide the ~~department of weights and measures~~ DIVISION with a monthly report of all transaction privilege tax licenses issued in the prior month. The report shall include the business name, type of business and business address of the licensee.

~~J.~~ I. The department of revenue shall annually notify each transaction privilege tax licensee that the licensee is required to register new or existing weighing or measuring devices with the ~~department of weights and measures~~ DIVISION.

~~K. The department shall not issue a license for a taxi, livery vehicle or limousine, unless the taxi, livery vehicle or limousine meets the requirements for both of the following:~~

~~1. Motor vehicle licensing as prescribed by the department of transportation.~~

~~2. Motor vehicle insurance as prescribed by section 28-4033.~~

~~L. The department shall revoke a license if the taxi, livery vehicle or limousine fails to maintain the requirements for either of the following:~~

~~1. Motor vehicle licensing as prescribed by the department of transportation.~~

~~2. Motor vehicle insurance as prescribed by section 28-4033.~~

~~M. A taxi or livery vehicle shall have a license issued under this chapter posted on the outside of the rear window as required by the department. A limousine shall carry a license issued under this chapter inside the vehicle at all times.~~

~~N. A taxi that is licensed by the department and that offers local transportation for a fare determined on the basis of the distance traveled or~~

~~prearranged ground transportation service as defined in section 28-141 for a predetermined fare is not required to be additionally licensed as a livery vehicle.~~

~~O.~~ J. A person or the person's agent who knowingly files with the department any notice, statement or other document required under this section that is false or that contains any material misstatement of fact is guilty of a class 2 misdemeanor.

Sec. 12. Section 3-3453, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3453. License as public weighmaster or deputy weighmaster required; application; fee; renewal; exemptions

A. A person shall not serve as a public weighmaster or deputy weighmaster unless the person is issued a public weighmaster or deputy weighmaster license by the ~~department~~ DIVISION in accordance with practices and procedures to be established by the ASSOCIATE director. An applicant for a public weighmaster or deputy weighmaster license shall:

1. Demonstrate a thorough knowledge of all appropriate weights and measures laws, rules and policies.

2. Have possession of, or have available for use, a scale that is of sufficient capacity and size and that is licensed and certified pursuant to section ~~41-2091~~ 3-3451.

3. Demonstrate the necessary experience and training to operate the scale.

4. Pass the required examination administered by the ~~department~~ DIVISION.

B. An application for a public weighmaster or deputy weighmaster license shall be submitted to the ~~department~~ DIVISION on a form prescribed and furnished by the ~~department~~ DIVISION and shall be accompanied by the license fee prescribed in section ~~41-2092~~ 3-3452. The ~~department~~ DIVISION shall issue a public weighmaster or deputy weighmaster license for a period of twelve calendar months. The license expires on the first day of the month and year indicated on the license. A public weighmaster or deputy weighmaster license shall be posted at the licensed scale site in a manner that provides the ~~department~~ DIVISION access to the license during normal business hours.

C. If a licensee submits a license renewal application to the ~~department~~ DIVISION before the date of expiration of the current license together with the renewal fee prescribed by the ~~department~~ DIVISION, the existing license shall be valid for thirty days following its expiration date, or until issuance of the renewal license, whichever occurs first.

D. Except as otherwise provided in subsection F of this section, certified weighing of any property, livestock or commodity shall be performed only by a public weighmaster or deputy weighmaster. The following persons are not required to obtain licenses as public weighmasters or deputy weighmasters:

1. A person weighing property, livestock or a commodity that the person or the person's employer is either buying or selling for the person's or the person's employer's own account.

2. A person weighing property, livestock or a commodity in conjunction with or on behalf of a publicly sponsored or nonprofit organization sponsored exposition, fair or show event.

E. The official weighing of vehicles or conveyances by any employee of a city, county or state agency for weight-control regulatory purposes on public highways, roads or streets does not constitute public weighing.

F. On request and without charge, the ~~department~~ DIVISION may issue a limited weighmaster license to any qualified officer or employee of a city, a county or the state authorizing the officer or employee to act as a public weighmaster only within the scope of the officer's or employee's official employment and duties in enforcing local ordinances substantially complying with the requirements of this chapter. While performing the duties of a limited weighmaster, a limited weighmaster shall have the limited weighmaster's license in the limited weighmaster's possession.

G. The ~~department~~ DIVISION shall approve all forms, certificates, seals and other documents together with practices, procedures and equipment used by public weighmasters or deputy weighmasters in the performance of their duties. A public weighmaster or deputy weighmaster shall keep for such period as the ~~department~~ DIVISION by rule may require a legible copy of each weight certificate the public weighmaster or deputy weighmaster issues. Copies of weight certificates shall be available at all reasonable times for inspection by the ~~department~~ DIVISION.

Sec. 13. Section 3-3454, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3454. <u>License required as registered service agency or registered service representative; qualifications; application; fees; renewal</u>

A. A person shall not operate as a registered service agency or as a registered service representative until a license is issued as provided in this section.

B. An applicant for a registered service agency license shall:

1. Submit application information satisfactory to the ~~department~~ DIVISION.

2. Comply with section ~~41-2067~~ 3-3416, subsection E or provide evidence that the applicant's vapor recovery test equipment has been certified by the manufacturer of the equipment within one year of the date of the application or as deemed appropriate by the ~~department~~ DIVISION.

3. Pay all required fees.

C. An applicant for a registered service representative license shall:

1. Demonstrate a thorough working knowledge of all appropriate weights and measures laws, orders and rules.

2. Demonstrate to the ~~department~~ DIVISION that the applicant has possession of, or has available for use, weights and testing equipment appropriate in design and adequate in amount.

3. Demonstrate the necessary knowledge, training and experience regarding appropriate standards and testing equipment to service commercial devices, vapor recovery systems or vapor recovery components.

4. Pass the required examination administered by the ~~department~~ DIVISION.

5. Pay all required fees.

D. An application for a registered service agency or registered service representative license shall be submitted by the applicant to the ~~department~~ DIVISION on a form prescribed and furnished by the ~~department~~ DIVISION. The ~~department~~ DIVISION shall issue a registered service agency or registered service representative license for a period of twelve calendar months. The license expires on the first day of the month and year indicated on the license. Each license shall contain, among other information, a license number. A registered service agency license shall be posted at the licensed business location in a manner that provides the ~~department~~ DIVISION access to the license during normal business hours. While performing the duties of a registered service representative, a registered service representative shall have a registered service representative's license in the registered service representative's possession.

E. If a licensee submits a license renewal application to the ~~department~~ DIVISION before the date of expiration of the current license, together with the prescribed renewal fee, the existing license shall be valid for thirty days following its expiration date, or until issuance of the renewal license, whichever occurs first.

F. The ASSOCIATE director shall publish, from time to time as the director deems appropriate, and may supply on request, lists of registered service representatives and registered service agencies.

G. Each registered service representative license issued by the ~~department~~ DIVISION shall indicate the type of service approved by the ~~department~~ DIVISION for the licensee.

H. A registered service agency shall use forms and related procedures prescribed by the ~~department~~ DIVISION in the performance of its duties. A registered service agency shall keep a legible copy of each form used for at least the time period prescribed by the ~~department~~ DIVISION in its rules. Copies of the forms shall be available during normal business hours for inspection by the ~~department~~ DIVISION.

Sec. 14. Section 3-3471, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3471. <u>Registered service representative; powers; violation; classification</u>

A. When any commercial device specified in this chapter is in commercial use and a valid license for the device has not been procured by

the owner, the owner's agent or the operator of the device, the ~~department~~ DIVISION, after giving notice of the licensing requirements to the owner, the owner's agent or the operator, shall prohibit the further commercial use of the unlicensed device until the proper license has been issued. The ~~department~~ DIVISION may employ and attach to the device such forms, notices or security seals as it considers necessary to prevent the continued unauthorized use of the device.

B. A registered service representative may ~~also~~:

1. With approval of the ~~department~~ DIVISION, remove an official rejection tag placed on a commercial device, vapor recovery system or vapor recovery component.

2. Place in service, until such time as an official examination can be made, a commercial device, vapor recovery system or vapor recovery component that has been officially rejected or placed out of service.

3. Place in service, until such time as an official examination can be made, a commercial device for which a commercial device application has been completed and submitted to the ~~department~~ DIVISION.

C. The owner of any business who has not applied for and has not been issued a license for the right to do business, involving the use of a commercial device, by the ~~department~~ DIVISION and who is found selling or offering for sale or delivering or distributing to a consumer is guilty of a class 2 misdemeanor, and the ~~department~~ DIVISION shall confiscate and seize the commercial device or any vehicle tank, or vehicle tank and meter, or any other such measuring device used by the business for the sale, delivery or distribution as evidence.

D. The ASSOCIATE director and any other authorized personnel shall not be liable to the owner or any other persons, firms, partnerships, corporations, trusts or agencies for damages, directly or indirectly, caused by or resulting from the seizure.

E. If a commercial device licensed pursuant to this chapter is used contrary to any provision of this chapter or any rule adopted pursuant to this chapter, the ~~department~~ DIVISION, in addition to any other penalty imposed by this chapter, shall suspend, revoke or refuse to renew the license.

Sec. 15. Section 3-3472, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3472. <u>Revocation or suspension of licenses; procedure; judicial review</u>

A. Except as otherwise provided by this section, any proceeding to revoke or suspend a license issued pursuant to this chapter shall be conducted in accordance with TITLE 41, chapter 6, article 10 ~~of this title~~.

B. The ASSOCIATE director may initiate proceedings for revocation or suspension of a license issued pursuant to this chapter on the ASSOCIATE director's own motion or on a verified complaint for noncompliance with or a violation of this chapter or of any rule adopted pursuant to this chapter.

C. If, after having been served with the notice of hearing as provided for in TITLE 41, chapter 6, article 10 ~~of this title~~, the licensee fails to appear at the hearing and defend, the ~~department~~ DIVISION shall proceed to hear evidence against the licensee and shall enter such order as is justified by the evidence, which order shall be final unless the licensee petitions for a review as provided in TITLE 41, chapter 6, article 10 ~~of this title~~.

D. At all hearings the attorney general of this state, one of the attorney general's assistants, or a special assistant designated by the attorney general shall appear and represent the ~~department~~ DIVISION.

E. Except as provided in section 41-1092.08, subsection H, any final administrative decision made pursuant to this chapter is subject to judicial review pursuant to title 12, chapter 7, article 6.

Sec. 16. Section 3-3473, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3473. Violation; classification; jurisdiction

A. A person is guilty of a class 1 misdemeanor who:

1. Knowingly hinders, interferes with or obstructs in any way the ASSOCIATE director or any of the ASSOCIATE director's agents or inspectors in entering the premises where a commercial device may be kept for inspecting or testing or in the performance of the OFFICIAL DUTIES OF THE ASSOCIATE director's or the ASSOCIATE director's ~~agent's~~ AGENT or ~~inspector's official duties~~ INSPECTOR.

2. Impersonates in any way the ASSOCIATE director or any one of the ASSOCIATE director's agents or inspectors by the use of the ASSOCIATE director's seal, or a counterfeit of the ASSOCIATE director's seal, or in any other manner.

3. Uses, or has in possession for the purpose of using for any commercial purpose, sells, offers or exposes for sale or hire, or has in possession for the purpose of selling or hiring an incorrect weight or measure or any device or instrument used or calculated to falsify any weight or measure.

4. Sells, or offers or exposes for sale, less than the quantity the person represents of any commodity, thing or service.

5. Takes more than the quantity the person represents of any commodity, thing or service, when, as buyer, the person furnishes the weight or measure by means of which the amount of the commodity, thing or service is determined.

B. A person is guilty of a class 2 misdemeanor who:

1. Uses, or has in possession for the purpose of current use for any commercial purpose, a weight or measure that does not bear a seal or mark of approval based on inspection and test as provided in section ~~41-2065~~ 3-3414, subsection A, paragraph 11, unless the weight or measure has been exempted from testing by order of the ~~department~~ DIVISION, or unless the device has been placed in service as provided in this chapter. Any person or persons making use of a commercial device THAT IS subject to this chapter shall

report to the ASSOCIATE director or the ASSOCIATE director's representatives, in writing, the number and location of the commercial device and shall promptly report the installation of any new commercial device.

2. Disposes of any rejected or condemned weight or measure in a manner contrary to law or rule.

3. Removes from any weight or measure, contrary to law or rule, any tag, seal or mark placed on the weight or measure by the appropriate authority pursuant to this chapter.

4. Keeps for the purpose of selling, advertising or offering or exposing for sale or sells any commodity, thing or service in a condition or manner contrary to law or rule.

5. Uses in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is so positioned that its indications may not be accurately read and the weighing, metering, measuring or counting operation observed from some position that may reasonably be assumed by a customer.

6. Violates this chapter or rules adopted under this chapter. A continuing violation may be deemed to be a separate violation each day during which the violation is committed for the purpose of imposing a fine.

C. The provisions of this section are in addition to and not in limitation of any other provision of law.

D. The attorney general and the county attorney shall have concurrent jurisdiction to prosecute violations of this chapter.

Sec. 17. Section 3-3475, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3475. Civil penalties

A. A person who violates this chapter, any rule of the ~~department~~ DIVISION or any license requirement is subject to a civil penalty imposed by the ASSOCIATE director. A person who violates this chapter, any rule of the ~~department~~ DIVISION or any license requirement may request a hearing to review a civil penalty imposed under this section. The ~~department~~ DIVISION shall conduct the hearing in accordance with TITLE 41, chapter 6, article 10 ~~of this title~~. Except as prescribed in subsection B of this section, the civil penalty shall not exceed one thousand dollars for each infraction nor more than ten thousand dollars for any thirty-day period at each business location, for each registered service representative or for each public weighmaster, provided that no person shall be assessed more than fifty thousand dollars per thirty-day period.

B. The ASSOCIATE director may double the maximum civil penalty if any of the following applies:

1. A commercial device is found to be in violation with results that favor the retailer at more than twice the allowable tolerance as stated in national institute of standards and technology handbook 44.

2. A package is found to exceed the maximum allowable variation for the labeled quantity allowed in national institute of standards and

technology handbook 133 or the average error of the lot is twice the sample error limit in favor of the retailer.

3. A vapor recovery system reinspection fails the required tests.

4. A maximum civil penalty has been imposed on a retailer for a price posting or price verification violation and in a reinspection, if conducted within ninety days, the failure rate is ten ~~per cent~~ PERCENT or more and at least one error is in favor of the retailer.

5. A maximum civil penalty has been imposed on a refiner, refinery, registered supplier or transmix processing facility for a violation of motor fuel quality standards or producing a product transfer document that is incorrect, incomplete or produced in any manner tending to mislead or deceive a person.

C. The attorney general shall bring actions to recover civil penalties pursuant to this section in the superior court in the county in which the violation occurred or in a county where the agency has its office. All monies derived from civil penalties shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

Sec. 18. Section 3-3492, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3492. Standards for oxygenated fuel; volatility; exceptions

A. From and after September 30 through March 31 of each year, in a county with a population of one million two hundred thousand or more persons and in any portion of a county contained in area A, blends of gasoline with ethanol shall not exceed the volatility requirements prescribed by section ~~41-2083~~ 3-3433 and rules adopted by the ASSOCIATE director under that section. ~~From and after September 30, 1999 through March 31, 2000 and~~ From and after September 30 through March 31 of each year ~~thereafter~~, in area B, blends of gasoline with ethanol may exceed the volatility requirements prescribed by section ~~41-2083~~ 3-3433 and rules adopted by the ASSOCIATE director under that section by up to one pound per square inch if the base fuel meets the requirements of ASTM D4814 and the final gasoline-ethanol blend contains at least six ~~per cent~~ PERCENT ethanol by volume but does not exceed United States environmental protection agency waivers. For any other locations and period of time, blends of gasoline with ethanol shall meet the volatility requirements as determined by ~~department~~ DIVISION rule.

B. Notwithstanding subsection D of this section, the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION in consultation with the director of the department of environmental quality shall approve alternate fuel control measures that are submitted by manufacturers or suppliers of gasoline and that the directors determine will result in motor vehicle carbon monoxide emission reductions that will equal or exceed the reductions that result under subsection D of this section. In making those determinations, the ~~directors~~ DIRECTOR AND THE ASSOCIATE DIRECTOR shall compare the alternative measure against the emission reduction that would be obtained from a fuel with the maximum vapor pressure standard prescribed by

subsection D of this section and the minimum oxygen standard prescribed by section ~~41-2123~~ 3-3493 or ~~41-2125~~ 3-3496. Alternative fuel control measures approved by the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION in consultation with the director of the department of environmental quality may be used by any manufacturer or supplier of gasoline unless the approval is rescinded by the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION at least one hundred eighty days before the beginning of any oxygenate period in the future. Manufacturers and suppliers who choose to use an approved alternate fuel control measure shall annually submit a compliance plan to the ASSOCIATE director ~~of the department of weights and measures~~ not later than sixty days prior to the start of the oxygenate period.

C. From and after September 30 through March 31 of each year, all blends of gasoline with alcohol other than ethanol shall satisfy all of the requirements prescribed by section ~~41-2083~~ 3-3433 and rules adopted by the ASSOCIATE director under that section and the provisions of a waiver issued by the United States environmental protection agency pursuant to 42 United States Code section 7545(f).

D. Notwithstanding subsection A of this section, if the director of the department of environmental quality has previously raised the minimum oxygen content to the maximum percentage of oxygen allowed for each oxygenate as provided by section ~~41-2125~~ 3-3496, the designated air quality planning agency for area B has considered, analyzed and reviewed the costs and benefits of all other reasonable and available control measures in lieu of reducing volatility requirements to nine pounds per square inch and the director of the department of environmental quality finds that area B has failed to maintain the carbon monoxide national ambient air quality standards by violating the standard, beginning with the oxygenate period beginning on the following September 30 and for each oxygenate period thereafter in area B, the volatility requirements described by section ~~41-2083~~ 3-3433, subsection G may be reduced to nine pounds per square inch. If a violation of the carbon monoxide national ambient air quality standards is recorded after the volatility requirements have been reduced to nine pounds per square inch, the director of the department of environmental quality shall remove the one pound per square inch waiver for gasoline-ethanol blends.

E. ~~Beginning on January 1, 2005,~~ Gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles within this state shall not contain the following:

1. Methyl tertiary butyl ether that exceeds 0.3 ~~per cent~~ PERCENT by volume.

2. ~~Beginning on January 1, 2006,~~ A total of more than 0.10 ~~per cent~~ PERCENT oxygen by weight collectively from all of the following oxygenates:

(a) Diisopropylether (DIPE).

(b) Ethyl tert-butylether (ETBE).

(c) Iso-butanol.

(d) Isopropanol.
(e) Methanol.
(f) N-butanol.
(g) N-propanol.
(h) Sec-butanol.
(i) Tert-amylmethylether (TAME).
(j) Tert-butanol.
(k) Tert-pentanol (tert-amylalcohol).

F. Subsection E of this section does not prohibit the transshipment through this state, including storage incident to that transshipment, of gasoline that contains the oxygenates prescribed by subsection E of this section if both of the following apply:

1. The gasoline is used or disposed outside this state.

2. The gasoline is segregated from gasoline that is intended for use inside this state.

Sec. 19. Section 3-3493, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3493. Area A; sale of gasoline; oxygen content

A. From and after November 1 through March 31 of each year:

1. All gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles within a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A or that is consumed in a motor vehicle in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A by a fleet owner shall, for a gasoline-ethanol blend, contain not less than ten ~~per cent~~ PERCENT by volume of ethanol nor more than the maximum percentage of oxygen allowed by provisions of a waiver issued or other limits established by the United States environmental protection agency.

2. All gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles within a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A or that is consumed in a motor vehicle within a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A by a fleet owner shall, for a blend other than a gasoline-ethanol blend, contain not less than 2.7 ~~per cent~~ PERCENT by weight of oxygen nor more than the maximum percentage of oxygen allowed by provisions of a waiver issued or other limits established by the United States environmental protection agency.

B. Notwithstanding subsection A of this section, the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION in consultation with the director of the department of environmental quality shall approve alternate fuel control measures that are submitted by manufacturers or suppliers of gasoline and that the ~~directors~~ DIRECTOR AND THE ASSOCIATE DIRECTOR determine will result in motor vehicle carbon monoxide emissions

that are equal to or less than emissions that result under compliance with subsection A of this section and section ~~41-2083~~ 3-3433. In making this determination, the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION and the director of the department of environmental quality shall compare the emissions of the alternate fuel control measure with the emissions of a fuel with a maximum vapor pressure standard as prescribed by section ~~41-2083~~ 3-3433 and with the minimum oxygen content or percentage by volume of ethanol as prescribed by this section.

C. Any alternate fuel control measures that are approved shall not increase emissions of non-methane hydrocarbons, particulates, carbon monoxide or oxides of nitrogen. Alternate fuel control measures approved pursuant to subsection B of this section and this subsection may be used by any manufacturer or supplier of gasoline unless the approval is rescinded more than one hundred eighty days before the first day of a gasoline control period. Manufacturers and suppliers who use an approved alternate fuel control measure shall annually submit a compliance plan to the ASSOCIATE director ~~of the department of weights and measures~~ no later than sixty days before the first day of a gasoline control period.

Sec. 20. Section 3-3494, Arizona Revised Statutes, is amended to read:

3-3494. Area A; fuel reformulation; rules

A. From and after May 1, 1999, all gasoline produced and shipped to or within this state and sold or offered for sale for use in motor vehicles in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A, subject to an appropriate waiver granted by the administrator of the United States environmental protection agency pursuant to section 211(c)(4) of the clean air act as defined in section 49-401.01, shall comply with either of the following fuel reformulation options:

1. A gasoline that meets standards for federal phase II reformulated gasoline, as provided in 40 Code of Federal Regulations section 80.41, paragraphs (e) through (h), in effect on January 1, 1999, except that the minimum oxygen content standard does not apply. The gasoline shall also meet the maximum vapor pressure requirements in section ~~41-2083~~ 3-3433, subsections D and F.

2. California phase 2 reformulated gasoline, including alternative formulations allowed by the predictive model, as adopted by the California air resources board pursuant to California Code of Regulations title 13, sections 2261 through 2262.7 and 2265, in effect on January 1, 1997, except that the minimum oxygen content standard does not apply. The gasoline shall also meet the maximum vapor pressure requirements in section ~~41-2083~~ 3-3433, subsections D and F.

B. ~~From and after November 1, 2000 through March 31, 2001 and from~~ FOR the period beginning November 1 through March 31 of each ~~subsequent~~ year, all gasoline produced and shipped to or within this state and sold or offered for sale for use in motor vehicles in a county with a population of one million

two hundred thousand or more persons and any portion of a county contained in area A, subject to an appropriate waiver granted by the administrator of the United States environmental protection agency pursuant to section 211(c)(4) of the clean air act as defined in section 49-401.01, shall comply with standards for California phase 2 reformulated gasoline, including alternative formulations allowed by the predictive model, as adopted by the California air resources board pursuant to California Code of Regulations title 13, sections 2261 through 2262.7 and 2265, in effect on January 1, 1997 and shall meet the maximum vapor pressure requirements in section ~~41-2083~~ 3-3433, subsections D and F. The fuel described in this subsection shall meet the requirements of section ~~41-2123~~ 3-3493, subsection A, paragraph 1.

C. ~~From November 1, 2000 through March 31, 2001 and~~ For each winter season of November through March ~~thereafter~~, the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION shall determine the average levels of the constituents in the gasoline sold or offered for sale in area A and shall provide the results of this determination to the director of environmental quality. The director of environmental quality shall analyze the data provided by the ASSOCIATE director of the ~~department of weights and measures and~~ DIVISION, no later than July 1~~, 2001 and each July thereafter~~ OF EACH YEAR, shall determine the average daily carbon monoxide reductions resulting from the use of the gasoline specified in subsection B of this section during the preceding winter season. ~~If the average daily carbon monoxide reductions resulting from the use of the gasoline specified in subsection B of this section during the preceding winter season are less than ninety per cent of the goal of thirty-two tons per day in 2001, thirty-one tons per day in 2003, thirty tons per day in 2005, twenty-nine tons per day in 2007 or twenty-eight tons per day in 2009, the director of the department of environmental quality shall immediately notify the governor, the president of the senate and the speaker of the house of representatives.~~

D. Any registered supplier or oxygenate blender, as defined in ~~department~~ DIVISION rules, may petition the ASSOCIATE director to request that all registered suppliers or oxygenate blenders be allowed to comply with any provision of section ~~41-2123~~ 3-3493, subsection A, provided the petitioner can demonstrate that ethanol supply shortages are imminent.

E. The petition shall:

1. Identify specific supply conditions that will result in a shortage of ethanol.

2. Identify which oxygenate or oxygenates and the concentration that will be blended into gasoline for sale or use in area A.

3. Demonstrate that the alternative oxygenate blend comes closest to meeting a three and one-half ~~per cent~~ PERCENT by weight oxygen content at reasonable cost, unless the registered supplier or oxygenate blender is petitioning to use a gasoline-ethanol blend containing less than ten ~~per cent~~ PERCENT by volume of ethanol.

4. Specify a time period for compliance with any provision of section ~~41-2123~~ 3-3493, subsection A, not to exceed sixty days.

F. The ASSOCIATE director shall either grant or deny the petition in writing within seven days of its receipt. Any decision by the ASSOCIATE director to grant the petition shall be equally applicable to all registered suppliers or oxygenate blenders and shall not be selectively applied to any single registered supplier or oxygenate blender. The petition may be granted only if the ASSOCIATE director verifies that the basis for requesting the petition is factual.

G. The ASSOCIATE director may reauthorize a petition if the petitioner can demonstrate that the conditions have continued. The reauthorization of a petition shall not exceed thirty days.

H. The ASSOCIATE director of the ~~department of weights and measures~~ DIVISION shall consult with the director of the department of environmental quality ~~prior to~~ BEFORE granting, reauthorizing or denying any such petition.

I. The director of environmental quality in consultation with the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION shall adopt by rule:

1. Requirements to implement subsections A through E of this section.

2. Requirements for ~~record keeping~~ RECORDKEEPING, reporting and analytical methods for fuel providers to demonstrate compliance with subsections A through E of this section.

J. This section does not apply to fuel sold for use at a motor vehicle manufacturer proving ground or at a motor vehicle racing event.

Sec. 21. Section 3-3495, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3495. Area C; fuel reformulation; rules

A. ~~From and after May 31, 2008 through September 30, 2008 and during the period~~ From and after May 1 through September 30 of each ~~subsequent~~ year, all gasoline produced and shipped to or within this state and sold or offered for sale for use in motor vehicles in area C shall comply with either of the following fuel reformulation options:

1. A gasoline that meets standards for federal phase II reformulated gasoline, as provided in 40 Code of Federal Regulations section 80.41, paragraphs (e) through (h), in effect on January 1, 1999, except that the minimum oxygen content standard does not apply. The gasoline shall also meet the maximum vapor pressure requirements in section ~~41-2083.01~~ 3-3434, subsection D.

2. California phase 2 reformulated gasoline, including alternative formulations allowed by the predictive model, as adopted by the California air resources board pursuant to California Code of Regulations title 13, sections 2261 through 2262.7 and 2265, in effect on January 1, 1997, except that the minimum oxygen content standard does not apply. The gasoline shall also meet the maximum vapor pressure requirements in section ~~41-2083.01~~ 3-3434, subsection D.

B. Any registered supplier, as defined in ~~department~~ DIVISION rules, may petition the ASSOCIATE director to request that all registered suppliers be allowed to supply gasoline in area C that does not meet the standards in subsection A of this section if the petitioner demonstrates that a shortage in the supply of gasoline meeting the standards in subsection A of this section is imminent.

C. A petition under subsection B of this section shall:

1. Identify specific supply conditions that will result in a shortage of gasoline meeting the standards in subsection A of this section.

2. Identify the formulation of gasoline that will be sold in area C in lieu of gasoline meeting the standards in subsection A of this section.

3. Specify a time period for compliance with the standards of subsection A of this section not to exceed sixty days.

D. The ASSOCIATE director shall either grant or deny a petition under subsection B of this section in writing within seven days of its receipt. Any decision by the ASSOCIATE director to grant the petition shall be equally applicable to all registered suppliers and shall not be selectively applied to any single registered supplier. The petition may be granted only if the ASSOCIATE director verifies that the basis for requesting the petition is factual.

E. The ASSOCIATE director may reauthorize a petition granted under subsection B of this section if the petitioner demonstrates that the conditions identified in the petition have continued. The reauthorization of a petition shall not exceed thirty days.

F. The ASSOCIATE director of the ~~department of weights and measures~~ DIVISION shall consult with the director of the department of environmental quality before granting, reauthorizing or denying any petition under subsection B of this section.

G. The director of the department of environmental quality in consultation with the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION shall adopt by rule:

1. Requirements to implement subsections A, B and C of this section.

2. Requirements for ~~record keeping~~ RECORDKEEPING, reporting and analytical methods for fuel providers to demonstrate compliance with subsection A of this section.

H. This section does not apply to fuel sold for use at a motor vehicle manufacturer proving ground or at a motor vehicle racing event.

Sec. 22. Section 3-3496, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3496. <u>Area B; sale of gasoline; oxygen content</u>

A. From and after September 30 through March 31 of each year, all gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles within area B or that is consumed in a motor vehicle within area B by a fleet owner shall contain not less than 1.8 ~~per cent~~ PERCENT by weight of oxygen nor more than the maximum

percentage of oxygen allowed by the provisions of a waiver issued by the United States environmental protection agency.

B. Notwithstanding subsection A of this section, at any time earlier than sixty days before September 30 of each year, the designated air quality planning agency for area B with the concurrence of the director of the department of environmental quality may give notice, pursuant to the applicable plan required under section 49-406 for the Tucson air planning area, to the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION that the minimum oxygen content for the ensuing oxygenate seasons will be increased not less than .3 ~~per cent~~ PERCENT by weight of oxygen and not more than the maximum percentage of oxygen allowed for oxygenates by provisions of a waiver issued or other limits established by the United States environmental protection agency. Before making a determination to increase the minimum oxygen content pursuant to this subsection, the designated air quality planning agency for area B shall consider and conduct a cost-benefit analysis on all reasonable carbon monoxide emission reduction measures that could be implemented in lieu of increasing the minimum oxygen content.

Sec. 23. Section 3-3512, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3512. Stage I vapor recovery systems

A. A person shall not offer for sale, sell, install or use a new gasoline stage I vapor recovery system, or any new or rebuilt component parts of the system, unless the system or component part has been certified by the California air resources board as of March 31, 2001 or after that date, or has been approved by a third party accredited to test equipment and recognized by industry and the department, and has not been rejected by the ~~department~~ DIVISION. The ~~department~~ DIVISION shall maintain and keep current a list of stage I vapor recovery systems and component parts that are approved by the ~~department~~ DIVISION. Only those systems that are approved shall be used in this state. All certified vapor recovery components must be clearly identified by a permanent identification affixed by the certified manufacturer or rebuilder.

B. For gasoline dispensing sites with a throughput of over ten thousand gallons per month in area A or area B as defined in section 49-541, a person shall not transfer or allow the transfer of gasoline into storage tanks at gasoline dispensing sites unless the storage tank is equipped with a stage I vapor recovery system consisting of a vapor-tight return line from the storage tank or its vent to the gasoline transport vehicle.

C. An owner or operator of a gasoline storage tank, gasoline transport vehicle or gasoline dispensing site subject to stage I vapor recovery requirements shall comply with the following:

1. Install all necessary stage I vapor recovery systems and make any modifications necessary to comply with the requirements.

2. Provide adequate training and written instructions to the operator of the affected gasoline dispensing site and the gasoline transport vehicle.

3. Replace, repair or modify any worn or ineffective component or design element to ensure the vapor-tight integrity and efficiency of the stage I vapor recovery systems.

4. Connect and ensure proper operation of the stage I vapor recovery systems whenever gasoline is being loaded, unloaded or dispensed.

5. In area A and other geographical areas as provided by subsection G of this section, have the stage I vapor recovery system tested annually by a registered service representative licensed by the ~~department~~ DIVISION.

D. Before the initial installation or modification of any stage I vapor recovery system, the owner or operator of a gasoline storage tank, gasoline transport vehicle or gasoline dispensing site shall obtain a plan review and approval from the ~~department~~ DIVISION. Application for the plan review and approval shall be on forms prescribed and provided by the ~~department~~ DIVISION.

E. The ~~department of weights and measures~~ DIVISION in consultation with the department of environmental quality and the state fire marshal shall establish by rule standards for the installation and operation of stage I vapor recovery systems. The ~~department of weights and measures~~ DIVISION shall establish by rule plan review and approval fees. In establishing those rules and standards, the ASSOCIATE director shall consider requirements in other states to ensure that only state-of-the-art technology is used.

F. Approval of a stage I vapor recovery system by the ~~department~~ DIVISION does not relieve the owner or operator of the responsibility to comply with other applicable statutes, codes and rules pertaining to fire prevention, environmental quality and safety matters.

G. Any county, city or town outside of area A or area B as defined in section 49-541 may require gasoline dispensing sites with a throughput greater than ten thousand gallons per month to install, operate and maintain stage I vapor recovery systems in accordance with this section. Any county, city or town, including cities and towns within area B, also may require annual testing of required stage I vapor recovery systems pursuant to subsection C of this section. For a county, city or town considering the adoption of a resolution to require stage I vapor recovery systems or annual testing within its jurisdiction and on request, the department of environmental quality shall provide technical assistance in evaluating the air quality in that county, city or town and shall provide final review and approval of an adopted resolution.

H. A county board of supervisors or governing body of a city or town shall submit a resolution approved by the department of environmental quality to the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION requesting the imposition of the requirements for stage I vapor recovery systems within its jurisdiction.

I. The ASSOCIATE director shall adopt, by rule, compliance schedules for gasoline dispensing sites located within the jurisdiction requesting stage I vapor recovery system requirements no later than twelve months after receipt of the resolution from the county board of supervisors or governing board of a city or town. All gasoline dispensing sites shall be required to comply with stage I vapor recovery system rules within twenty-four months after the rules have been filed with the secretary of state. Sites with stage I vapor recovery systems already installed must comply with the testing requirements at the time the rules become effective.

J. A county board of supervisors or governing body of a city or town that adopts the requirements for stage I vapor recovery systems may repeal those requirements by adopting a resolution to remove the imposition of those requirements within its jurisdiction unless the county, city or town is in an ozone nonattainment area that has since been designated as moderate, serious or severe by the United States environmental protection agency under section 107(d) of the clean air act. On receipt of the resolution, the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION shall consult with the director of the department of environmental quality to verify that a county, city or town is outside of an ozone nonattainment area designated as moderate, serious or severe by the United States environmental protection agency under section 107(d) of the clean air act. After consultation with the department of environmental quality, the ASSOCIATE director of the ~~department of weights and measures~~ DIVISION shall revise the rules to repeal the requirements for stage I vapor recovery systems within that jurisdiction as soon as practicable.

Sec. 24. Section 3-3513, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3513. Compliance schedules

Notwithstanding section ~~41-2132~~ 3-3512, subsection I relating to schedules of compliance:

1. Gasoline dispensing facilities located in area A or in any other geographical area as provided in section ~~41-2132~~ 3-3512, subsection G for which construction began after the certification of rules adopted pursuant to section ~~41-2132~~ 3-3512 shall be constructed to include stage I vapor recovery systems that meet the minimum standards set forth in this chapter and ~~department~~ DIVISION rules.

2. All gasoline dispensing sites located in area A or in any other geographical area as provided in section ~~41-2132~~ 3-3512, subsection G that begin underground storage tank replacement and that apply for a permit pursuant to title 49, chapter 3, article 3 or 5 on or after September 30, 1992 shall be in compliance within six months after the effective date of the rules adopted pursuant to section ~~41-2132~~ 3-3512. Compliance with this article is a condition of the permit.

Sec. 25. Section 3-3515, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

3-3515. Stage II vapor recovery systems

A. A person shall not offer for sale, sell, install or use a new gasoline vapor recovery system, or any new or rebuilt component parts of the system, unless the system or component part has been certified by the California air resources board as of March 31, 2001 or after that date, or has been approved by a third party accredited to test equipment and recognized by industry and the ~~department~~ DIVISION, and has not been rejected by the ~~department~~ DIVISION. The ~~department~~ DIVISION shall maintain and keep current a list of stage II vapor recovery systems and component parts that are approved by the ~~department~~ DIVISION. Only those systems that are approved shall be used in this state. All certified vapor recovery components must be clearly identified by a permanent identification affixed by the certified manufacturer or rebuilder.

B. In an ozone nonattainment area designated as moderate, serious, severe or extreme by the United States environmental protection agency under section 107(d) of the clean air act or area A, an owner or operator of a gasoline dispensing site shall not transfer or allow the transfer of gasoline into a motor vehicle fuel tank at a gasoline dispensing site unless the gasoline dispensing site is equipped with a stage II vapor recovery system, unless the stage II equipment has been decommissioned in accordance with the procedures established pursuant to subsection H of this section. This subsection does not apply to gasoline dispensing sites with a throughput of less than ten thousand gallons per month, or to a gasoline dispensing site with a throughput of less than fifty thousand gallons per month in the case of an independent small business marketer of gasoline as defined in section 324 of the clean air act or to a gasoline dispensing site that is located on a manufacturer's proving ground. This subsection applies to gasoline dispensing sites that are located within area A but outside the Phoenix area Maricopa county ozone nonattainment area as defined in 40 Code of Federal Regulations section 81.303.

C. An owner or operator of a gasoline storage tank, gasoline transport vehicle or gasoline dispensing site subject to stage II vapor recovery requirements shall comply with the following:

1. Install all necessary stage II vapor recovery systems and make any modifications necessary to comply with the requirements.

2. Provide adequate training and written instructions to the operator of the affected gasoline dispensing site and the gasoline transport vehicle.

3. Replace, repair or modify any worn or ineffective component or design element to ensure the vapor-tight integrity and efficiency of the stage II vapor recovery systems.

4. Connect and ensure proper operation of the stage II vapor recovery systems whenever gasoline is being loaded, unloaded or dispensed.

5. Have the stage II vapor recovery system tested annually by a registered service representative licensed by the ~~department~~ DIVISION.

D. Before the modification of any stage II vapor recovery system, the owner or operator of a gasoline storage tank, gasoline transport vehicle or gasoline dispensing site shall obtain a plan review and approval from the ~~department~~ DIVISION. The ~~department~~ DIVISION shall prescribe forms for the application for the plan review and approval.

E. The operator of each gasoline dispensing site using a stage II vapor recovery system shall conspicuously post operating instructions for the system in the gasoline or oxygenated fuel dispensing area. The instructions shall clearly describe how to fuel vehicles correctly with the vapor recovery nozzles used at the station and shall include a warning that topping off may result in spillage or recirculation of gasoline or oxygenated fuel and is prohibited.

F. The ~~department of weights and measures~~ DIVISION in consultation with the department of environmental quality and the state fire marshal shall establish by rule standards for the installation and operation of stage II vapor recovery systems. The ~~department of weights and measures~~ DIVISION shall establish by rule plan review and approval fees. In establishing those rules and standards, the ASSOCIATE director shall consider requirements in other states to ensure that only state-of-the-art technology is used.

G. Approval of a stage II vapor recovery system by the ~~department~~ DIVISION does not relieve the owner or operator of the responsibility to comply with other applicable statutes, codes and rules pertaining to fire prevention, environmental quality and safety matters.

H. The ~~department of weights and measures~~ DIVISION in consultation with the department of environmental quality and the state fire marshal shall establish by rule standards for decommissioning stage II vapor recovery systems on or after October 1, 2016 but not later than September 30, 2018, or such dates as approved by the United States environmental protection agency in the state implementation plan revision for the removal of stage II vapor recovery systems submitted under section 110(l) of the clean air act, whichever is later. The rules must require removal of stage II vapor recovery systems no later than September 30, 2018, or the final removal date approved by the United States environmental protection agency in the state implementation plan revision for the removal of stage II vapor recovery systems submitted under section 110(l) of the clean air act, whichever is later. The ~~department~~ DIVISION shall prescribe forms for the application for the plan review and approval. The ~~department~~ DIVISION shall establish by rule plan review and approval fees.

I. All stage II vapor recovery systems and testing must remain in place until such systems are decommissioned pursuant to subsection H of this section.

J. The requirements prescribed for stage II vapor recovery systems pursuant to subsections A through E of this section do not apply to a retail

station if the construction begins after ~~the effective date of this section~~ APRIL 22, 2014.

K. The requirements for stage II vapor recovery systems prescribed in subsections A through E of this section do not apply to an owner or operator who has decommissioned stage II vapor recovery equipment in accordance with the standards established by the ~~department~~ DIVISION pursuant to subsection H of this section.

Sec. 26. Section 9-499.18, Arizona Revised Statutes, is amended to read:

9-499.18. Transportation safety zones; passenger convenience areas; definitions

A. A city or town may adopt a resolution or ordinance establishing passenger convenience areas and vehicle-for-hire lanes within a transportation safety zone. The governing body of a city or town may adopt resolutions or ordinances establishing hours of operation and procedures for the use of passenger convenience areas and vehicle-for-hire lanes.

B. The governing body of a city or town may establish, by resolution or ordinance, a transportation safety zone, if the governing body finds that a transportation safety zone is necessary to preserve the public health, safety and general welfare. A resolution or ordinance adopted pursuant to this subsection must include a map establishing the boundaries of the zone and traffic safety data used to justify the establishment of the zone. Each transportation safety zone must be no greater than three square miles, and a city or town may not create more than two transportation safety zones within its corporate boundaries. A transportation safety zone may not include any portion of a state highway or state route.

C. On establishment of a transportation safety zone, the city or town may place and maintain permanently affixed signs located in a visible manner at the public vehicular access points leading into the zone for the purpose of delineating the boundaries of the zone.

D. A city or town with a transportation safety zone may require a vehicle that is self-propelled entirely or partially by pedals operated by the passengers to operate pursuant to public safety and traffic ordinances.

E. Except in the event of a public safety emergency, a city or town may not prescribe the order in which a vehicle may load or unload passengers in a transportation safety zone. ~~Nothing in~~ This subsection ~~shall be construed to~~ DOES NOT interfere WITH or restrict the ability of a city or town to regulate the flow of traffic or enforce any state law.

F. This section does not impose or authorize additional regulation, permitting or licensing requirements beyond those required by this section and title ~~41, chapter 15~~ 28, CHAPTER 30.

G. Drivers shall not leave vehicles unattended in a passenger convenience area.

H. For the purposes of this section:

1. "Passenger cart" means any motorized vehicle, except a bus, that is used to transport passengers on a public roadway in exchange for any form of payment or gratuity and that is not licensed as a livery vehicle, taxi or limousine pursuant to title ~~41, chapter 15~~ 28, CHAPTER 30.

2. "Passenger convenience area" means an area designated by a city or town where taxis, passenger carts, livery vehicles or limousines may enter for the purpose of the loading and unloading of passengers.

3. "Vehicle-for-hire lane" means a designated traffic lane for use exclusively by vehicles picking up or dropping off passengers in exchange for any form of payment, including a fee, fare, donation or gratuity.

Sec. 27. Section 28-364, Arizona Revised Statutes, is amended to read:

28-364. Powers of the director

A. The director may provide technical transportation planning expertise to local governments when requested, coordinate local government transportation planning with regional and state transportation planning and guide local transportation planning to assure compliance with federal requirements. The planning authority granted by this subsection does not preempt planning responsibilities and decisions of local governments.

B. If the governor declares a state of emergency, the director may contract and do all things necessary to provide emergency transportation services for the residents in the affected areas whether the emergency transportation is by street, rail or air.

C. On a determination that it is in this state's best interest, the director may authorize payment for necessary relocation costs in advance of work being performed if an existing facility owned by the United States must be relocated or adjusted due to construction, modification or improvement of a state highway. The director shall base each advance payment on an estimate of cost of the proposed relocation or adjustment prepared by the federal government and acceptable to the director and shall base the final compensation on the actual agreed cost.

D. The director of the department of transportation in consultation with the director of the department of public safety shall develop procedures to exchange information for any purpose related to sections 28-1324, 28-1325, 28-1326, 28-1462 and 28-3318.

~~E. The director of the department of transportation in conjunction with the director of the department of weights and measures shall develop procedures to electronically exchange and record information between the departments for enforcement purposes or any other purpose that the directors deem necessary related to the registration and licensing of taxis, livery vehicles or limousines.~~

Sec. 28. Section 28-5602, Arizona Revised Statutes, is amended to read:

28-5602. Enforcement

The following persons have authority to enforce this article:

1. The director of the department of transportation and the director's duly appointed agents.

2. The ASSOCIATE director of ~~the department of weights and measures~~ THE WEIGHTS AND MEASURES SERVICES DIVISION OF THE ARIZONA DEPARTMENT OF AGRICULTURE and the ASSOCIATE director's duly appointed agents.

3. The department of public safety and its officers.

Sec. 29. Section 28-5605, Arizona Revised Statutes, is amended to read:

28-5605. Use fuel tax collection; fuel dispenser labels; civil penalty

A. A vendor shall not collect more than the use fuel tax imposed pursuant to section 28-5606, subsection B, paragraph 1 from a person who purchases use fuel for use in the propulsion of a light class motor vehicle on a highway in this state or for use in the propulsion of a use class motor vehicle that is exempt pursuant to section 28-5432 from the weight fee prescribed in section 28-5433 on a highway in this state.

B. Subject to the following, vendors shall label use fuel dispensers pursuant to standards established by the WEIGHTS AND MEASURES SERVICES DIVISION OF THE ARIZONA department of ~~weights and measures~~ AGRICULTURE:

1. Labels on use fuel dispensers shall notify the purchaser of the state use fuel tax rate. The department of transportation shall provide the use fuel dispenser labels to vendors.

2. If the vendor only sells use fuel to light class motor vehicles or use class motor vehicles that are exempt pursuant to section 28-5432 from the weight fee prescribed in section 28-5433, or both, the vendor shall post that limitation and include the tax rate prescribed in section 28-5606, subsection B, paragraph 1.

3. If light class motor vehicles and use class motor vehicles are allowed to fuel at the same use fuel dispenser, the vendor shall include the tax rate prescribed in section 28-5606, subsection B, paragraph 2 and post a notice that the tax rate for light class motor vehicles and use class motor vehicles that are exempt pursuant to section 28-5432 from the weight fee prescribed in section 28-5433 is the tax rate prescribed in section 28-5606, subsection B, paragraph 1.

4. If the vendor prohibits light class motor vehicles or use class motor vehicles from dispensing fuel from a specific fuel dispenser, the vendor shall post that prohibition.

5. In addition to posting a sign on a use fuel dispenser that indicates that the price of the use fuel dispensed from that dispenser includes the applicable federal and state taxes, a vendor that dispenses use fuel from a cardlock facility shall require the purchaser of use fuel for light class motor vehicles or use class motor vehicles that are exempt pursuant to section 28-5432 from the weight fee prescribed in section 28-5433, or both, to complete a declaration of status in a form and a manner

1 approved by the director. For the purposes of this paragraph, "cardlock
2 facility" means a use fuel vendor that satisfies all of the following:
3 (a) Is licensed in this state.
4 (b) Sells only to preapproved purchasers of use fuel who have been
5 issued cards, keys or other controlled access to identify the exclusive
6 withdrawal of that particular purchaser.
7 (c) Does not have a representative on the premises to observe the
8 withdrawal of use fuel from the vendor's storage.
9 (d) Measures volumes of fuel dispensed by pump meters or other
10 accurate recording devices.
11 C. A vendor who violates subsection B of this section is subject to a
12 civil penalty of one hundred dollars for each day the violation continues.
13 Sec. 30. Section 28-5936, Arizona Revised Statutes, is amended to
14 read:
15 28-5936. Confidential information; disclosure allowed
16 A. A person may disclose confidential information as follows:
17 1. Confidential information relating to:
18 (a) A taxpayer may be disclosed to the taxpayer, the taxpayer's
19 successor in interest or a designee of the taxpayer who is authorized in
20 writing by the taxpayer.
21 (b) A corporate taxpayer may be disclosed to a principal officer of
22 the corporation.
23 (c) A partnership may be disclosed to a partner of the partnership,
24 excluding disclosure of confidential information of a particular partner
25 unless otherwise authorized.
26 (d) An estate may be disclosed to the personal representative of the
27 estate and to an heir, next of kin or beneficiary under the will of the
28 decedent if the director finds that the heir, next of kin or beneficiary has
29 a material interest that will be affected by the confidential information.
30 (e) A trust may be disclosed to the trustee or trustees, jointly or
31 separately, and to the grantor or any beneficiary of the trust if the
32 director finds that the grantor or beneficiary has a material interest that
33 will be affected by the confidential information.
34 (f) A taxpayer may be disclosed if the taxpayer has waived any rights
35 to confidentiality either in writing or on the record in any administrative
36 or judicial proceeding.
37 2. Confidential information may be disclosed to:
38 (a) An employee of the department whose official duties involve tax
39 administration.
40 (b) The office of the attorney general or the office of a county
41 attorney authorized in writing by the attorney general solely for its use in
42 preparation for, or an investigation that may result in, a proceeding
43 involving tax administration before the director, department or other agency
44 or board of this state or before a grand jury or a state or federal court.

1 (c) Other state tax officials of this state whose official duties
2 require the disclosure for proper tax administration purposes if the
3 information is sought in connection with any investigation or other
4 proceeding conducted by the tax official, except that a disclosure is limited
5 to information of a taxpayer who is being investigated or who is a party to a
6 proceeding conducted by the tax official.
7 (d) The United States internal revenue service or state tax officials
8 of other states pursuant to statute and a written agreement between the
9 director and the internal revenue service or other state, if the internal
10 revenue service or the other state grants substantially similar privileges to
11 the director for the type of information being sought.
12 (e) The auditor general if in connection with an audit of the
13 department subject to the restrictions in section 28-5935, subsection B.
14 (f) Any person to the extent necessary for effective tax
15 administration in connection with the processing, storage, transmission and
16 reproduction of the information and the programming, maintenance, repair,
17 testing and procurement of equipment for purposes of tax administration.
18 3. Confidential information may be disclosed in a state or federal
19 judicial or administrative proceeding pertaining to tax administration if:
20 (a) The taxpayer is a party to the proceeding.
21 (b) The treatment of an item reflected in the information is directly
22 related to the resolution of an issue in the proceeding.
23 (c) The information directly relates to a transactional relationship
24 between a person who is a party to the proceeding and the taxpayer that
25 directly affects the resolution of an issue in the proceeding.
26 4. Identity information may be disclosed for purposes of notifying
27 persons entitled to tax refunds if the director is unable to locate the
28 persons after reasonable effort.
29 5. If necessary to effect collection of a delinquent tax, penalties or
30 interest, the outstanding obligation and information obtained in the
31 collection investigation may be disclosed.
32 6. The director may disclose statistical information gathered from
33 confidential information if the disclosure does not include confidential
34 information attributable to any one taxpayer.
35 7. Confidential information may be disclosed to law enforcement
36 agencies for law enforcement purposes.
37 B. Except as provided in section 28-5935, subsection B, a court may
38 order the director to disclose confidential information pertaining to a party
39 to an action. The court shall make an order only on a showing of good cause
40 and that the party seeking the information has made demand on the taxpayer
41 for the information.
42 C. Except as prescribed in subsection D of this section or except if
43 required to do so by a court, it is unlawful for a person to disclose
44 information acquired by the director or an agent under section 28-5620. This
45 subsection does not mean that the information or evidence is privileged if it

is used by this state or an officer of this state in an action for collection of the tax or a prosecution for a violation of article 1 of this chapter.

D. The department of transportation shall provide information to the WEIGHTS AND MEASURES SERVICES DIVISION OF THE ARIZONA department of ~~weights and measures~~ AGRICULTURE to determine compliance with title ~~41, chapter 15, article 7~~ 3, CHAPTER 19, ARTICLE 7. A gasoline dispensing site shall provide the department of transportation with information the director of the department of transportation requests and in the form that the director of the department of transportation determines is necessary for the purposes of this subsection.

E. This article does not prevent the director from disclosing to a person any aggregate statistical information gathered from confidential information regarding the distribution of gasoline sales by a distributor in each of the several counties of this state. The director shall provide this gasoline sales distribution information to a person pursuant to section 39-121.

Sec. 31. Title 28, Arizona Revised Statutes, is amended by adding chapter 30, to read:

CHAPTER 30

FOR-HIRE TRANSPORTATION

ARTICLE 1. GENERAL PROVISIONS

28-9501. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "COMMERCIAL DEVICE" MEANS ANY MEASURING DEVICE THAT IS USED TO DETERMINE THE DIRECT COST OF THINGS OR USED TO ESTABLISH A FEE FOR SERVICE IF THE COST IS BASED ON MEASURE.

2. "TAXI METER" MEANS A COMMERCIAL DEVICE THAT MEETS THE REQUIREMENTS OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY HANDBOOK 44 AS PRESCRIBED BY SECTION 3-3413.

28-9502. Powers and duties

A. THE DEPARTMENT SHALL:

1. ADOPT ANY RULES NECESSARY TO CARRY OUT THIS CHAPTER AND ADOPT REASONABLE RULES FOR THE ENFORCEMENT OF THIS CHAPTER. THESE RULES HAVE THE FORCE AND EFFECT OF LAW AND SHALL BE ADOPTED PURSUANT TO TITLE 41, CHAPTER 6. IN ADOPTING THESE RULES, THE DIRECTOR SHALL CONSIDER, AS FAR AS IS PRACTICABLE, THE REQUIREMENTS ESTABLISHED BY OTHER STATES AND BY AUTHORITY OF THE UNITED STATES, EXCEPT THAT RULES MAY NOT BE MADE IN CONFLICT WITH THIS CHAPTER.

2. INVESTIGATE COMPLAINTS MADE TO THE DEPARTMENT CONCERNING VIOLATIONS OF THIS CHAPTER AND, ON ITS OWN INITIATIVE, CONDUCT INVESTIGATIONS IT DEEMS APPROPRIATE IN ORDER TO DEVELOP INFORMATION RELATING TO PREVAILING PROCEDURES IN COMMERCIAL QUANTITY DETERMINATION AND POSSIBLE VIOLATIONS OF THIS CHAPTER AND TO PROMOTE ACCURACY IN THE DETERMINATION AND REPRESENTATION OF QUANTITY IN COMMERCIAL TRANSACTIONS.

3. INSPECT AND TEST TAXI METERS TO DETERMINE WHETHER THE TAXI METERS MEET THE REQUIREMENTS OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY HANDBOOK 44 AS PRESCRIBED BY SECTION 3-3413.

4. APPLY TO ANY COURT OF COMPETENT JURISDICTION FOR A TEMPORARY OR PERMANENT INJUNCTION RESTRAINING ANY PERSON FROM VIOLATING THIS CHAPTER.

5. REPORT TO THE GOVERNOR ON OR BEFORE AUGUST 1 OF EACH YEAR AND AT SUCH OTHER TIMES AS MAY BE REQUIRED ON THE WORK ACCOMPLISHED UNDER THIS CHAPTER.

6. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, EMPLOY SUCH PERSONNEL AS NEEDED TO ASSIST IN ADMINISTERING THIS CHAPTER.

B. TESTING AND INSPECTION CONDUCTED PURSUANT TO THIS CHAPTER SHALL BE DONE, TO THE EXTENT PRACTICABLE, WITHOUT PRIOR NOTICE, BY A RANDOM SYSTEMATIC METHOD DETERMINED BY THE DIRECTOR OR IN RESPONSE TO A COMPLAINT BY THE PUBLIC.

C. DURING THE COURSE OF AN INVESTIGATION OR AN ENFORCEMENT ACTION BY THE DEPARTMENT, INFORMATION REGARDING THE COMPLAINANT IS CONFIDENTIAL AND IS EXEMPT FROM TITLE 39, CHAPTER 1 UNLESS THE COMPLAINANT AUTHORIZES THE INFORMATION TO BE PUBLIC.

28-9503. <u>Licensing of devices used for commercial purposes; fees; posting; violation; classification</u>

A. A PERSON MAY NOT USE A COMMERCIAL DEVICE UNLESS THE DEVICE IS LICENSED AS PROVIDED IN THIS CHAPTER.

B. A LICENSE SHALL BE OBTAINED ANNUALLY FROM THE DEPARTMENT ON FORMS PRESCRIBED AND FURNISHED BY THE DEPARTMENT. THE FEE, AS DETERMINED BY THE DIRECTOR BY RULE, SHALL BE SUBMITTED WITH THE PRESCRIBED FORM. A LICENSE SHALL BE OBTAINED NOT LATER THAN THIRTY DAYS FOLLOWING THE FIRST DAY OF COMMERCIAL USE FOR ORIGINAL INSTALLATIONS. IF THE OWNERSHIP OF A LICENSED DEVICE IS TRANSFERRED, THE OWNERSHIP OF THE LICENSE MAY BE TRANSFERRED. ON TRANSFER OF A LICENSE, NEW LICENSEES SHALL NOTIFY THE DEPARTMENT OF THE LICENSEE'S NAME AND ADDRESS AND THE LOCATION OF THE DEVICE.

C. IF A FARE IS BASED ON TIME OR MILEAGE OR BOTH TIME AND MILEAGE, A TAXI SHALL HAVE A COMMERCIAL DEVICE AND SHALL OBTAIN A LICENSE AS PRESCRIBED BY THE DEPARTMENT, EXCEPT THAT IF THE SERVICE OFFERED BY THE TAXI IS A PREARRANGED GROUND TRANSPORTATION SERVICE AS PRESCRIBED IN SECTION 28-141 FOR A PREDETERMINED FARE, A TAXI IS NOT REQUIRED TO USE A COMMERCIAL DEVICE.

D. THE DEPARTMENT MAY NOT ISSUE A LICENSE FOR A TAXI, LIVERY VEHICLE OR LIMOUSINE UNLESS THE TAXI, LIVERY VEHICLE OR LIMOUSINE MEETS THE REQUIREMENTS FOR BOTH OF THE FOLLOWING:

1. MOTOR VEHICLE LICENSING AS PRESCRIBED BY THE DEPARTMENT.

2. MOTOR VEHICLE INSURANCE AS PRESCRIBED BY SECTION 28-4033.

E. THE DEPARTMENT SHALL REVOKE A LICENSE IF THE TAXI, LIVERY VEHICLE OR LIMOUSINE FAILS TO MAINTAIN THE REQUIREMENTS FOR EITHER OF THE FOLLOWING:

1. MOTOR VEHICLE LICENSING AS PRESCRIBED BY THE DEPARTMENT.

2. MOTOR VEHICLE INSURANCE AS PRESCRIBED BY SECTION 28-4033.

F. A TAXI OR LIVERY VEHICLE SHALL HAVE A LICENSE ISSUED UNDER THIS CHAPTER POSTED ON THE OUTSIDE OF THE REAR WINDOW AS REQUIRED BY THE DEPARTMENT. A LIMOUSINE SHALL CARRY A LICENSE ISSUED UNDER THIS CHAPTER INSIDE THE VEHICLE AT ALL TIMES.

G. A TAXI THAT IS LICENSED BY THE DEPARTMENT AND THAT OFFERS LOCAL TRANSPORTATION FOR A FARE DETERMINED ON THE BASIS OF THE DISTANCE TRAVELED OR PREARRANGED GROUND TRANSPORTATION SERVICE AS PRESCRIBED IN SECTION 28-141 FOR A PREDETERMINED FARE IS NOT REQUIRED TO BE ADDITIONALLY LICENSED AS A LIVERY VEHICLE.

H. A PERSON OR THE PERSON'S AGENT WHO KNOWINGLY FILES WITH THE DEPARTMENT ANY NOTICE, STATEMENT OR OTHER DOCUMENT REQUIRED UNDER THIS SECTION THAT IS FALSE OR THAT CONTAINS ANY MATERIAL MISSTATEMENT OF FACT IS GUILTY OF A CLASS 2 MISDEMEANOR.

28-9504. Fees to general fund

THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ALL FEES COLLECTED PURSUANT TO THIS CHAPTER IN THE STATE GENERAL FUND.

Sec. 32. Transfer and renumber

The following sections are transferred and renumbered for placement in title 28, chapter 30, article 1:

Former Sections	New Sections
41-2095	28-9505
41-2096	28-9506
41-2097	28-9507

Sec. 33. Title 28, chapter 30, Arizona Revised Statutes, is amended by adding article 2, to read:

ARTICLE 2. REGULATION

28-9521. Unlawful use of device; authorization to prevent such use; seizure; violation; classification

A. WHEN ANY COMMERCIAL DEVICE SPECIFIED IN THIS CHAPTER IS IN COMMERCIAL USE AND A VALID LICENSE FOR THE DEVICE HAS NOT BEEN PROCURED BY THE OWNER, THE OWNER'S AGENT OR THE OPERATOR OF THE DEVICE, THE DEPARTMENT, AFTER GIVING NOTICE OF THE LICENSING REQUIREMENTS TO THE OWNER, THE OWNER'S AGENT OR THE OPERATOR, SHALL PROHIBIT THE FURTHER COMMERCIAL USE OF THE UNLICENSED DEVICE UNTIL THE PROPER LICENSE HAS BEEN ISSUED. THE DEPARTMENT MAY EMPLOY AND ATTACH TO THE DEVICE SUCH FORMS, NOTICES OR SECURITY SEALS AS IT CONSIDERS NECESSARY TO PREVENT THE CONTINUED UNAUTHORIZED USE OF THE DEVICE.

B. A REGISTERED SERVICE REPRESENTATIVE MAY ALSO:

1. WITH APPROVAL OF THE DEPARTMENT, REMOVE AN OFFICIAL REJECTION TAG PLACED ON A COMMERCIAL DEVICE.

2. PLACE IN SERVICE, UNTIL AN OFFICIAL EXAMINATION CAN BE MADE, A COMMERCIAL DEVICE THAT HAS BEEN OFFICIALLY REJECTED OR PLACED OUT OF SERVICE.

3. PLACE IN SERVICE, UNTIL AN OFFICIAL EXAMINATION CAN BE MADE, A COMMERCIAL DEVICE FOR WHICH A COMMERCIAL DEVICE APPLICATION HAS BEEN COMPLETED AND SUBMITTED TO THE DEPARTMENT.

C. THE OWNER OF ANY BUSINESS WHO HAS NOT APPLIED FOR AND HAS NOT BEEN ISSUED A LICENSE FOR THE RIGHT TO DO BUSINESS INVOLVING THE USE OF A COMMERCIAL DEVICE BY THE DEPARTMENT AND WHO IS FOUND SELLING OR OFFERING FOR SALE OR DELIVERING OR DISTRIBUTING TO A CONSUMER IS GUILTY OF A CLASS 2 MISDEMEANOR, AND THE DEPARTMENT SHALL CONFISCATE AND SEIZE THE COMMERCIAL DEVICE OR ANY OTHER SUCH MEASURING DEVICE USED BY THE BUSINESS FOR THE SALE, DELIVERY OR DISTRIBUTION AS EVIDENCE.

D. THE DIRECTOR AND ANY OTHER AUTHORIZED PERSONNEL ARE NOT LIABLE TO THE OWNER OR ANY OTHER PERSONS, FIRMS, PARTNERSHIPS, CORPORATIONS, TRUSTS OR AGENCIES FOR DAMAGES, DIRECTLY OR INDIRECTLY, CAUSED BY OR RESULTING FROM THE SEIZURE.

E. IF A COMMERCIAL DEVICE LICENSED PURSUANT TO THIS CHAPTER IS USED CONTRARY TO ANY PROVISION OF THIS CHAPTER OR ANY RULE ADOPTED PURSUANT TO THIS CHAPTER, THE DEPARTMENT, IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THIS CHAPTER, SHALL SUSPEND, REVOKE OR REFUSE TO RENEW THE LICENSE.

28-9522. Revocation or suspension of licenses; procedure; judicial review

A. EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION, ANY PROCEEDING TO REVOKE OR SUSPEND A LICENSE ISSUED PURSUANT TO THIS CHAPTER SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 41, CHAPTER 6, ARTICLE 10.

B. THE DIRECTOR MAY INITIATE PROCEEDINGS FOR REVOCATION OR SUSPENSION OF A LICENSE ISSUED PURSUANT TO THIS CHAPTER ON THE DIRECTOR'S OWN MOTION OR ON A VERIFIED COMPLAINT FOR NONCOMPLIANCE WITH OR A VIOLATION OF THIS CHAPTER OR OF ANY RULE ADOPTED PURSUANT TO THIS CHAPTER.

C. IF, AFTER HAVING BEEN SERVED WITH THE NOTICE OF HEARING AS PROVIDED FOR IN TITLE 41, CHAPTER 6, ARTICLE 10, THE LICENSEE FAILS TO APPEAR AT THE HEARING AND DEFEND, THE DEPARTMENT SHALL PROCEED TO HEAR EVIDENCE AGAINST THE LICENSEE AND SHALL ENTER AN ORDER AS JUSTIFIED BY THE EVIDENCE. THE ORDER IS FINAL UNLESS THE LICENSEE PETITIONS FOR A REVIEW AS PROVIDED IN TITLE 41, CHAPTER 6, ARTICLE 10.

D. AT ALL HEARINGS, THE ATTORNEY GENERAL OF THIS STATE, AN ASSISTANT ATTORNEY GENERAL OR A SPECIAL ASSISTANT DESIGNATED BY THE ATTORNEY GENERAL SHALL APPEAR AND REPRESENT THE DEPARTMENT.

E. EXCEPT AS PROVIDED IN SECTION 41-1092.08, SUBSECTION H, ANY FINAL ADMINISTRATIVE DECISION MADE PURSUANT TO THIS CHAPTER IS SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6.

28-9523. Violations; classification; jurisdiction

A. A PERSON IS GUILTY OF A CLASS 1 MISDEMEANOR WHO:

1. KNOWINGLY HINDERS, INTERFERES WITH OR OBSTRUCTS IN ANY WAY THE DIRECTOR OR ANY OF THE DIRECTOR'S AGENTS OR INSPECTORS IN ENTERING THE PREMISES WHERE A COMMERCIAL DEVICE MAY BE KEPT FOR INSPECTING OR TESTING OR IN THE PERFORMANCE OF THE DIRECTOR'S OR THE DIRECTOR'S AGENT'S OR INSPECTOR'S OFFICIAL DUTIES.

2. IMPERSONATES IN ANY WAY THE DIRECTOR OR ANY OF THE DIRECTOR'S AGENTS OR INSPECTORS BY THE USE OF THE DIRECTOR'S SEAL OR A COUNTERFEIT OF THE DIRECTOR'S SEAL OR IN ANY OTHER MANNER.

3. USES, OR HAS IN POSSESSION FOR THE PURPOSE OF USING FOR ANY COMMERCIAL PURPOSE, SELLS, OFFERS OR EXPOSES FOR SALE OR HIRE, OR HAS IN POSSESSION FOR THE PURPOSE OF SELLING OR HIRING AN INCORRECT WEIGHT OR MEASURE OR ANY DEVICE OR INSTRUMENT USED OR CALCULATED TO FALSIFY ANY WEIGHT OR MEASURE.

4. SELLS, OR OFFERS OR EXPOSES FOR SALE, LESS THAN THE QUANTITY THE PERSON REPRESENTS OF ANY COMMODITY, THING OR SERVICE.

5. TAKES MORE THAN THE QUANTITY THE PERSON REPRESENTS OF ANY COMMODITY, THING OR SERVICE, WHEN, AS BUYER, THE PERSON FURNISHES THE WEIGHT OR MEASURE BY MEANS OF WHICH THE AMOUNT OF THE COMMODITY, THING OR SERVICE IS DETERMINED.

B. A PERSON IS GUILTY OF A CLASS 2 MISDEMEANOR WHO:

1. USES, OR HAS IN POSSESSION FOR THE PURPOSE OF CURRENT USE FOR ANY COMMERCIAL PURPOSE, A WEIGHT OR MEASURE THAT DOES NOT BEAR A SEAL OR MARK OF APPROVAL BASED ON AN INSPECTION AND TEST, UNLESS THE WEIGHT OR MEASURE HAS BEEN EXEMPTED FROM TESTING BY ORDER OF THE DEPARTMENT, OR UNLESS THE DEVICE HAS BEEN PLACED IN SERVICE AS PROVIDED IN THIS CHAPTER. ANY PERSON OR PERSONS MAKING USE OF A COMMERCIAL DEVICE THAT IS SUBJECT TO THIS CHAPTER SHALL REPORT TO THE DIRECTOR OR THE DIRECTOR'S REPRESENTATIVES, IN WRITING, THE NUMBER AND LOCATION OF THE COMMERCIAL DEVICE AND SHALL PROMPTLY REPORT THE INSTALLATION OF ANY NEW COMMERCIAL DEVICE.

2. DISPOSES OF ANY REJECTED OR CONDEMNED WEIGHT OR MEASURE IN A MANNER CONTRARY TO LAW OR RULE.

3. REMOVES FROM ANY WEIGHT OR MEASURE, CONTRARY TO LAW OR RULE, ANY TAG, SEAL OR MARK PLACED ON THE WEIGHT OR MEASURE BY THE APPROPRIATE AUTHORITY PURSUANT TO THIS CHAPTER.

4. KEEPS FOR THE PURPOSE OF SELLING, ADVERTISING OR OFFERING OR EXPOSING FOR SALE OR SELLS ANY COMMODITY, THING OR SERVICE IN A CONDITION OR MANNER CONTRARY TO LAW OR RULE.

5. USES IN RETAIL TRADE, EXCEPT IN THE PREPARATION OF PACKAGES PUT UP IN ADVANCE OF SALE AND OF MEDICAL PRESCRIPTIONS, A WEIGHT OR MEASURE THAT IS SO POSITIONED THAT ITS INDICATIONS CANNOT BE ACCURATELY READ AND THE WEIGHING, METERING, MEASURING OR COUNTING OPERATION CANNOT BE OBSERVED FROM SOME POSITION THAT MAY REASONABLY BE ASSUMED BY A CUSTOMER.

6. VIOLATES THIS CHAPTER OR RULES ADOPTED UNDER THIS CHAPTER. A CONTINUING VIOLATION MAY BE DEEMED TO BE A SEPARATE VIOLATION EACH DAY DURING WHICH THE VIOLATION IS COMMITTED FOR THE PURPOSE OF IMPOSING A FINE.

C. THE PROVISIONS OF THIS SECTION ARE IN ADDITION TO AND NOT IN LIMITATION OF ANY OTHER PROVISION OF LAW.

D. THE ATTORNEY GENERAL AND THE COUNTY ATTORNEY SHALL HAVE CONCURRENT JURISDICTION TO PROSECUTE VIOLATIONS OF THIS CHAPTER.

28-9524. Presumptive evidence of use

WHEN A WEIGHT, MEASURE, METER, COUNTER OR COMMERCIAL DEVICE IS IN OR ABOUT ANY PLACE IN WHICH OR FROM WHICH BUYING OR SELLING IS COMMONLY CARRIED ON, THERE SHALL BE A REBUTTABLE PRESUMPTION THAT THE WEIGHT, MEASURE, METER, COUNTER OR COMMERCIAL DEVICE IS REGULARLY USED FOR THE BUSINESS PURPOSE OF THE PLACE.

28-9525. Civil penalties

A. A PERSON WHO VIOLATES THIS CHAPTER, ANY RULE OF THE DEPARTMENT OR ANY LICENSE REQUIREMENT IS SUBJECT TO A CIVIL PENALTY IMPOSED BY THE DIRECTOR. A PERSON WHO VIOLATES THIS CHAPTER, ANY RULE OF THE DEPARTMENT OR ANY LICENSE REQUIREMENT MAY REQUEST A HEARING TO REVIEW A CIVIL PENALTY IMPOSED UNDER THIS SECTION. THE DEPARTMENT SHALL CONDUCT THE HEARING IN ACCORDANCE WITH TITLE 41, CHAPTER 6, ARTICLE 10. EXCEPT AS PRESCRIBED IN SUBSECTION B OF THIS SECTION, THE CIVIL PENALTY MAY NOT EXCEED ONE THOUSAND DOLLARS FOR EACH INFRACTION OR MORE THAN TEN THOUSAND DOLLARS FOR ANY THIRTY-DAY PERIOD AT EACH BUSINESS LOCATION OR FOR EACH PUBLIC WEIGHMASTER, PROVIDED THAT NO PERSON SHALL BE ASSESSED MORE THAN FIFTY THOUSAND DOLLARS PER THIRTY-DAY PERIOD.

B. THE DIRECTOR MAY DOUBLE THE MAXIMUM CIVIL PENALTY IF ANY OF THE FOLLOWING APPLIES:

1. A COMMERCIAL DEVICE IS FOUND TO BE IN VIOLATION WITH RESULTS THAT FAVOR THE RETAILER AT MORE THAN TWICE THE ALLOWABLE TOLERANCE AS STATED IN NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY HANDBOOK 44.

2. A PACKAGE IS FOUND TO EXCEED THE MAXIMUM ALLOWABLE VARIATION FOR THE LABELED QUANTITY ALLOWED IN NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY HANDBOOK 133 OR THE AVERAGE ERROR OF THE LOT IS TWICE THE SAMPLE ERROR LIMIT IN FAVOR OF THE RETAILER.

3. A MAXIMUM CIVIL PENALTY HAS BEEN IMPOSED ON A RETAILER FOR A PRICE POSTING OR PRICE VERIFICATION VIOLATION AND IN A REINSPECTION, IF CONDUCTED WITHIN NINETY DAYS, THE FAILURE RATE IS TEN PERCENT OR MORE AND AT LEAST ONE ERROR IS IN FAVOR OF THE RETAILER.

C. THE ATTORNEY GENERAL SHALL BRING ACTIONS TO RECOVER CIVIL PENALTIES PURSUANT TO THIS SECTION IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION OCCURRED OR IN A COUNTY WHERE THE AGENCY HAS ITS OFFICE. ALL MONIES DERIVED FROM CIVIL PENALTIES SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE STATE GENERAL FUND.

28-9526. Delinquent civil penalties and fees

IN ADDITION TO ANY OTHER PENALTY, IF A CIVIL PENALTY OR ANY FEE DUE PURSUANT TO THIS CHAPTER HAS NOT BEEN PAID WITHIN THIRTY DAYS AFTER THE DUE DATE, THE CIVIL PENALTY OR FEE IS DELINQUENT AND THE DEPARTMENT MAY REFUSE TO ISSUE A LICENSE OR MAY REVOKE A LICENSE PURSUANT TO THIS CHAPTER UNTIL THE CIVIL PENALTY OR FEE IS PAID IN FULL.

Sec. 34. Section 41-112, Arizona Revised Statutes, is amended to read:

41-112. Arizona biofuels conversion program; fund; program termination; definitions

A. The Arizona biofuels conversion program is established in the governor's ~~energy~~ office OF ENERGY POLICY to encourage the use of biofuels.

B. The Arizona biofuels conversion program fund is established consisting of monies received through gifts, grants, donations, other state and United States government funds or private sources.

C. The ~~energy~~ office OF ENERGY POLICY shall develop a procedure for awarding grants from the fund to provide for conversion of existing and installation of new storage and dispensing equipment for biofuels as follows:

1. For commercial motor fuel dispensing sites, the procedure for awarding grants shall include consideration of traffic patterns, the proximity to other biofuel dispensing sites, fleet involvement, the population of vehicles that uses biofuels and the costs of the project.

2. For county, city, town and school district motor fuel dispensing sites, the procedure for awarding grants shall include consideration of the project plan, the expected usage of biofuels per year for each site, the number of vehicles in the fleet capable of using biofuels and the costs of the project.

3. For wholesale manufacturing and distribution facility sites, the procedure for awarding grants shall include consideration of the project plan, the type of biofuel to be manufactured or distributed, an assessment of potential customers for the biofuel to be manufactured or distributed, how the project furthers the use of biofuels and the costs of the project.

D. The ~~energy~~ office OF ENERGY POLICY shall administer the program and the fund.

E. Subject to the availability of monies in the fund, the ~~energy~~ office OF ENERGY POLICY shall award grants equal to the lesser of seventy-five thousand dollars or the conversion cost per site to applicants who provide an acceptable project plan that includes a detailed cost schedule and timeline for the completion of the project.

F. Monies in the fund:

1. Shall be spent only for the purposes prescribed in this section, except that the ~~energy~~ office OF ENERGY POLICY may use up to five ~~per cent~~ PERCENT of the monies in the fund each year to administer the program.

2. Are continuously appropriated.

3. Are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

G. The program established by this section ends on July 1, 2015 pursuant to section 41-3102.

H. For the purposes of this section, "biofuel" and "biomass" have the same meanings prescribed in section ~~41-2051~~ 3-3401.

Sec. 35. Heading repeal

The chapter heading of title 41, chapter 15, Arizona Revised Statutes, is repealed.

Sec. 36. Repeal

Sections 41-2052, 41-2061 and 41-3021.02, Arizona Revised Statutes, are repealed.

Sec. 37. Succession

A. As provided by this act, the department of transportation or the Arizona department of agriculture, as applicable, succeeds to the authority, powers, duties and responsibilities of department of weights and measures.

B. This act does not alter the effect of any actions that were taken or impair the valid obligations of the department of weights and measures in existence before the effective date of this act.

C. Administrative rules and orders that were adopted by the department of weights and measures continue in effect until superseded by administrative action by the department of transportation or the Arizona department of agriculture, as applicable.

D. All administrative matters, contracts and judicial and quasi-judicial actions, whether completed, pending or in process, of the department of weights and measures on the effective date of this act are transferred to and retain the same status with the department of transportation or the Arizona department of agriculture, as applicable.

E. All certificates, licenses, registrations, permits and other indicia of qualification and authority that were issued by the department of weights and measures retain their validity for the duration of their terms of validity as provided by law.

F. All equipment, records, furnishings and other property, all data and investigative findings and all appropriated monies that remain unexpended and unencumbered on the effective date of this act of the department of weights and measures are transferred to the department of transportation or the Arizona department of agriculture, as applicable. The director of the department of administration shall determine and allocate the transfer, consistent with the provisions of this act. Before the transfer is made pursuant to this subsection, the department of administration shall submit a succession plan on or before March 1, 2016 to the joint legislative budget committee for review.

G. All personnel who are under the state personnel system and employed by the department of weights and measures are transferred to comparable positions and pay classifications in the respective administrative units of the department of transportation or the Arizona department of agriculture, as applicable, on effective date of this act.

1 Sec. 38. Exemption from rulemaking
2 For the purposes of this act, the Arizona department of agricultural
3 and the department of transportation are exempt from the rulemaking
4 requirements of title 41, chapter 6, Arizona Revised Statutes, for one year
5 after the effective date of this act.
6 Sec. 39. Conforming legislation
7 The legislative council staff shall prepare proposed legislation
8 conforming the Arizona Revised Statutes to the provisions of this act for
9 consideration in the fifty-third legislature, first regular session.
10 Sec. 40. Effective date
11 This act is effective from and after June 30, 2016.

APPROVED BY THE GOVERNOR APRIL 9, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2015.

Passed the House March 9, 2015

by the following vote: 31 Ayes,

28 Nays, 1 Not Voting

Speaker of the House

☐ Pro Tempore

Jim Drake

Chief Clerk of the House

Passed the Senate April 2, 2015

by the following vote: 17 Ayes,

8 Nays, 5 Not Voting

President of the Senate

Charmain Billington

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. 2480

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE

April 2, 2015,

by the following vote: 36 Ayes,

22 Nays, 2 Not Voting

Speaker of the House

Jim Drake

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6th day of April, 2015,

at 9:13 o'clock A. M.

Secretary to the Governor

Approved this 9th day of

April, 2015,

at 11:35 o'clock A M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 10th day of April, 2015,

at 8:15 o'clock A. M.

Michele Reagan

Secretary of State

H.B. 2480