The undersigned intends to circulate and file an initiative petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Attached hereto is the full title and text, in no less than eight point type, of the measure or constitutional amendment intended to be initiated at the next general election.

![Document Content](image-url)

allows HOV lanes to be used by cars with less than two people by paying a toll. This toll is designated to go to several programs including roads, AZ Dept of Economic Security, AZ Medicaid and Medicare, Creation of a Statewide Scholarship. AZ Public Schools, AZ Libraries, Valley Metro Transportation, and The AZ Recorders Office for improving equipment, vote counting and reliability.

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By submitting this Application for Serial Number and checking all boxes below, I acknowledge the following:

- That I have read and understand the accompanying instructions for Statewide Initiatives, including the Secretary of State's recommended best practices for printing copies of the Statewide Initiative Petition to be circulated.
- That at the time of filing, I was provided instructions regarding accurate completion of the electronic Statewide Initiative Petition form.

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Applicant Signature  
Date  
12/09/2018
AMENDING SECTION 28-737, ARIZONA REVISED STATUTES, AMENDING TITLE 28 ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 28-738, ARIZONA REVISED STATUTES; RELATING TO THE HOV LANE AND THE CREATION OF HIGH OCCUPANCY TOLL LANES.

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

Section 1. Section 28-737 Arizona Revised Statutes, is amended to read:

28-737. High occupancy vehicle lanes: civil penalty; definition

A. Except as provided in sections 28-2416 and 28-2416.01, 28-738 and subsections B, C and D through F of this section, a person shall not drive a vehicle carrying fewer than two persons, including the driver, in a high occupancy vehicle lane at any time the use of the high occupancy vehicle lane is restricted to vehicles carrying two or more persons, including the driver.

B. During the performance of a tow truck operator's duties, a tow truck operator may drive a tow truck in a high occupancy vehicle lane, regardless of occupancy level, without penalty.

C. A person may drive a motorcycle in a high occupancy vehicle lane at any time regardless of the number of passengers, without penalty.

D. A person may drive a public transportation vehicle in a high occupancy vehicle lane at any time regardless of the number of passengers, without penalty.

E. Except as otherwise provided in sections A, B, C, and D of this subsection, a motor vehicle with a gross vehicle weight of twenty-six thousand pounds or less that is either an inherently low-emission vehicle, electric vehicle or a hybrid vehicle may be operated upon high occupancy vehicle lanes without regard to the number of persons in the vehicle and without payment of a special toll or fee. The exemption relating to hybrid vehicles shall apply only if such exemption does not affect the receipt of federal funds and does not violate any federal laws or regulations.

F. In consultation with the Department of Transportation and local authorities, with respect to streets and highways under their respective jurisdictions, shall, in connection with their periodic level-of-service evaluation of high occupancy vehicle lanes, perform a level-of-service evaluation of the use of high occupancy vehicle lanes by ILEV, EVs and hybrid vehicles. If the use of high occupancy vehicle lanes by ILEV, EVs or hybrid vehicles is determined to cause a significant decrease in the level of service for other bona fide users of such lanes, then the Department of Transportation or a local authority may restrict or eliminate use of such lanes by ILEV or hybrid vehicles.

AS USED IN THIS SUBSECTION (E), "INHERENTLY LOW-EMISSION VEHICLE" OR "ILEV" MEANS: A LIGHT-DUTY VEHICLE OR LIGHT-DUTY TRUCK, REGARDLESS OF WHETHER SUCH VEHICLE OR TRUCK IS PART OF A MOTOR VEHICLE FLEET, THAT HAS BEEN CERTIFIED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY AS CONFORMING TO THE ILEV GUIDELINES, PROCEDURES, AND STANDARDS AS PUBLISHED IN THE FEDERAL REGISTER AT 58 FR 11888 (MARCH 1, 1993) AND 59 FR 50042 (SEPTEMBER 30, 1994), AS AMENDED FROM TIME TO TIME; AND A HEAVY-DUTY VEHICLE POWERED BY AN ENGINE THAT HAS BEEN CERTIFIED AS SET FORTH IN THIS SUB-SUBPARAGRAPH

E G. A person who violates subsection A of this section is subject to a civil penalty of two hundred dollars.
F. Notwithstanding section 28-1554, one hundred dollars of each civil penalty collected pursuant to subsection E of this section shall be deposited in the state general fund.

G.1. For the purposes of this section, "public transportation vehicle" means any vehicle that provides a public entity's public transportation service and either:

1. Is owned or operated by the public entity.
2. Is operated under a contract with the public entity.

J. ANY PERSON CONVICTED OF A THIRD OR SUBSEQUENT OFFENSE OF PARAGRAPH (A) OF THIS SUBSECTION (3) COMMITTED WITHIN A TWELVE-MONTH PERIOD SHALL BE SUBJECT TO AN INCREASED PENALTY

28-738. High occupancy toll lanes; definition

1. (a) The department of transportation and local authorities, with respect to streets and highways under their respective jurisdictions, may designate exclusive or preferential lanes for vehicles that carry a specified number of persons. The occupancy level of vehicles and the time of day when lane usage is restricted to high occupancy vehicles, if applicable, shall be designated by official traffic control devices.

(b) (1) On or before March 1, 2020, the department shall issue a request for proposals to private entities for the purpose of entering into a contract with such an entity for the conversion of an existing high occupancy vehicle lane described in paragraph (a) of this subsection (1) to a high occupancy toll lane and for the purpose of entering into a contract for the operation of the high occupancy toll lane by a private entity; except that the department may convert or operate the high occupancy toll lane, or both, in the event that no proposal by a private entity for such conversion or operation, or both, is acceptable.

2. The high occupancy toll lane shall be a lane for use by vehicles carrying less than the specified number of persons for such high occupancy vehicle lane that pay a specified toll or fee.

3. Any contract entered into between the department and a private entity pursuant to subparagraph (I) of this paragraph (b) shall:

(A) Authorize the private entity to impose tolls for use of the high occupancy toll lane;

(B) Require that over the term of such contract only toll revenues be applied to payment of the private entity's capital outlay costs for the project, the costs associated with operations, toll collection, administration of the high occupancy toll lane, if any, and a reasonable return on investment to the private entity, as evidenced by and consistent with the returns on investment to private entities on similar public and private projects; no more than 50 percent of tolls may be applied to this purpose.

(C) Require that any excess toll revenue be applied to the following entities;

I. A state highway fund created for exclusive use in the corridor where the high occupancy toll lane is located, including for maintenance and enforcement purposes in the high occupancy toll lane and for other traffic congestion relieving options including transit,

II. AZ Public Schools,
III. AZ Libraries, However as a provision of receiving money from this law the library must not charge for day pass for computers or replacement library cards when less than 3 have been lost in a calendar year. Black and white Print Charges for standard paper shall be capped at 10 cents per page.

IV. AZ Recorders Offices to improve Voting equipment Counting and reliability,

V. Valley Metro Transportation or any like public transportation entity,

VI. Creation of a public college scholarship for all AZ residents which shall be known as the AZ Leamon Scholarship. All persons eligible for this scholarship must be approved

VII. AZ Department of Economic Security offices for the purpose of increasing staffing, call center improvement, office hours, processing times and the building of new locations

VIII. AZ Medicaid and Medicare to supplement the current programs

No less than 2 percent of excess revenue may go to EACH individual cause identified above. Additional causes must be approved by AZ voters with a seventy percent margin.

Such contract shall define or provide a method for calculating excess toll revenues before such revenues must be paid into the various funds. It is not the intent of the general assembly that the conversion of a high occupancy vehicle lane to a high occupancy toll lane shall detract in any way from the possible provision of mass transit options by the Valley Metro Transit or any other agency in the corridor where the high occupancy toll lane is located.

4. The department shall structure a variable toll or fee to ensure a level of service C and unrestricted access to the lanes at all times by eligible vehicles, including buses, carpools, and EPA certified low-emitting vehicles with a gross vehicle weight rating over ten thousand pounds.

5. The department shall not enter into a contract for the conversion of a high occupancy vehicle lane to a high occupancy toll lane if such a conversion will result in the loss or refund of federal funds payable, available, or paid to the state for construction, reconstruction, repairs, improvement, planning, supervision, and maintenance of the state highway system and other public highways.

6. The department shall require the private entity entering into a contract pursuant to this section to provide such performance bond or other surety for the project as the department may reasonably require.

(c) Whenever practicable, a high occupancy toll lane described in paragraph (b) of this subsection (1) shall be physically separated from the other lanes of a street or highway so as to minimize the interference between traffic in the designated lanes and traffic in the other lanes.

(d) The department shall develop and adopt functional specifications and standards for an automatic vehicle identification system for use on high occupancy vehicle lanes, high occupancy toll lanes, any public highway constructed and operated and any other street or highway where tolls or charges are imposed for the privilege of traveling upon such street or highway. The specifications and standards shall ensure that:

(I) Automatic vehicle identification systems utilized by the state, municipality, or other entity having jurisdiction over the street or highway are compatible with one another;

(II) A vehicle owner shall not be required to purchase or install more than one device to use on all toll facilities;

(III) A vehicle owner must not be required to have a toll device, but may have one if the vehicle owner so chooses, a license plate toll option must always be present.
(IV) Toll facility operators have the ability to select from different manufacturers and vendors of automatic vehicle identification systems

(V) A license plate toll, or toll and bill must also be an available option. Violators for non-toll payment shall be subject to registration suspension.

(VI) No staffed toll booths shall be allowed only Automated toll capturing under this statu