

Fiftieth Legislature
First Regular Session

COMMITTEE ON TRANSPORTATION

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2608

(Reference to printed bill)

- 1 Page 4, line 9, after the first comma insert "A PUBLIC CONSIGNMENT AUCTION DEALER,"
2 Page 5, line 10, after "DEALER"" insert ":"
3 (a)"
4 Line 12, strike "(a)" insert "(i)"; after "PROVIDING" insert "LIVE, IN PERSON"
5 Line 14, strike "(b)" insert "(ii)"
6 Between lines 15 and 16, insert:
7 (b) DOES NOT INCLUDE A PERSON WHO IS IN THE BUSINESS OF PROVIDING
8 INTERNET BASED AUCTION SERVICES TO THE PUBLIC ON A CONSIGNMENT BASIS."
9 Line 43, after "dealer" insert "OR A PUBLIC CONSIGNMENT AUCTION DEALER"
10 Page 6, strike lines 8 through 37, insert:
11 "Sec. 2. Title 28, chapter 10, article 4, Arizona Revised Statutes, is
12 amended by adding section 28-4410.01, to read:
13 28-4410.01. Public consignment auction dealers
14 A. A PUBLIC CONSIGNMENT AUCTION DEALER IS EXEMPT FROM ALL OF THE
15 FOLLOWING:
16 1. THE REQUIREMENTS OF SECTION 28-4412 RELATING TO MOTOR VEHICLE TITLE
17 REQUIREMENTS.
18 2. AN IMPLIED WARRANTY OF MERCHANTABILITY DESCRIBED IN SECTION
19 44-1267.
20 3. AN EMISSIONS INSPECTION PURSUANT TO SECTION 49-542, SUBSECTION D.
21 B. A PUBLIC CONSIGNMENT AUCTION DEALER SHALL COMPLY WITH THE
22 CONSIGNMENT CONTRACT REQUIREMENTS PRESCRIBED IN SECTION 28-4410.
23 Sec. 3. Section 28-4412, Arizona Revised Statutes, is amended to read:
24 28-4412. Guaranty disclosure; used motor vehicles; definition
25 A. Before the consummation of the sale of a used motor vehicle, a
26 motor vehicle dealer shall:
27 1. Provide each purchaser with a written statement that:
28 (a) Indicates whether or not an express warranty or guaranty is
29 associated with the used motor vehicle.
30 (b) Is distinguished from the body of the sales agreement through the
31 use of either bold-faced type or bold-faced type of a color other than that
32 used in the body of the agreement.

1 (c) States "as is -- not expressly warranted or guaranteed", if the
2 used motor vehicle to be sold is not expressly warranted or guaranteed.

3 (d) Explicitly states the nature and extent of the express warranty or
4 guaranty, if the used motor vehicle to be sold is expressly warranted or
5 guaranteed.

6 (e) States "as is -- not guaranteed to pass vehicle emissions
7 inspection. Vehicle not eligible for certificate of waiver and must be
8 repaired to meet emissions standards", if the used motor vehicle is a
9 disabled vehicle that is offered for sale at a wholesale public auction with
10 an auctioneer who is a licensed used motor vehicle dealer and if the vehicle
11 does not comply with the requirements prescribed in section 49-542.

12 2. Direct the purchaser's attention to the written statement.

13 B. This section does not negate any implied warranties otherwise
14 applicable to the sale of a used motor vehicle, including the implied
15 warranty of merchantability described in section 44-1267.

16 C. **EXCEPT AS PROVIDED IN SECTION 28-4410.01**, before the seller
17 attempts to sell a motor vehicle the seller shall possess the title to the
18 motor vehicle and the title shall be in the seller's name.

19 D. For the purposes of this section, "disabled vehicle" means a motor
20 vehicle that cannot operate on its own motive power.

21 Sec. 4. **Effective date**

22 This act is effective from and after December 31, 2011."

23 Amend title to conform

and, as so amended, it do pass

VIC WILLIAMS
Chairman

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