



**Bill Number: H.B. 2480**

**Allen Floor Amendment**

**Reference to: GOV amendment**

**Amendment drafted by: Legislative Council**

## **FLOOR AMENDMENT EXPLANATION**

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**Establishes the Weights and Measures Services Division (Division) within the Arizona Department of Agriculture (ADA), and transfers the following authority, powers, duties and responsibilities currently granted to the Department of Weights and Measures (DWM) to the Division and ADA, rather than the Arizona Department of Environmental Quality (ADEQ), the Arizona Department of Health Services (ADHS) and the Arizona Department of Transportation (ADOT):**

- **The authority over requirements regarding standard weights and measures, physical standards and technical requirements for commercial devices, with certain exceptions;**
- **The authority over applicable licensing, certification, enforcement, complaint investigation, testing and regulation requirements currently granted to ADWM, except that authority over and requirements related vehicles for hire, including taxis, livery vehicles and limousines, are transferred to ADOT;**
- **The authority over the sales of commodities, bulk sales and the regulation of packaging of commodities;**
- **The authority over livestock and agricultural product weights;**
- **The authority over motor fuel regulation and gasoline vapor control requirements;**
- **The administration of departmental responsibilities; and**
- **The oversight of the State Metrology Laboratory.**

Amendment explanation prepared by Cherie Stone

4/2/2015

**Additionally, the amendment does the following:**

- **Applies the current responsibilities of the Director of DWM to the Assistant Director of the Division as appropriate;**
- **Removes language requiring that certain fees received by ADOT be deposited into the State Highway Fund and specifies that fees collected by ADOT in relation to vehicles for hire must be deposited into the state General Fund;**
- **Directs ADOT to inspect and test taxi meters to determine whether they meet applicable requirements;**
- **Specifies that prescribed requirements with regard to stage II vapor recovery systems do not apply to retail stations constructed after April 22,2014;**
- **Directs the Department of Administration, on or before March 1, 2016, to submit a succession plan to the Joint Legislative Budget Committee (JLBC) for review;**
- **Directs Legislative Council to prepare proposed legislation conforming the provisions of this legislation for consideration in the Fifty-Third Legislature, First Regular Session;**
- **Changes the effective date of this legislation from January 1, 2016 to July 1, 2016; and**
- **Makes technical and conforming changes.**

ALLEN FLOOR AMENDMENT  
SENATE AMENDMENTS TO H.B. 2480  
(Reference to GOV amendment)

1 Page 1, between lines 1 and 2, insert:

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

4 CHAPTER 19

5 WEIGHTS AND MEASURES SERVICES DIVISION

6 ARTICLE 1. GENERAL PROVISIONS

7 ARTICLE 2. STATE ADMINISTRATION OF WEIGHTS AND MEASURES

8 ARTICLE 3. METHOD OF SALE OF COMMODITIES AND SERVICES

9 ARTICLE 4. LICENSING, TESTING AND CERTIFICATION

10 ARTICLE 5. REGULATION

11 ARTICLE 6. MOTOR FUEL

12 ARTICLE 7. GASOLINE VAPOR CONTROL

13 Sec. 2. Transfer and renumber

14 Title 41, chapter 15, Arizona Revised Statutes, is transferred and  
15 renumbered for placement in title 3, Arizona Revised Statutes, as added by  
16 this act, as chapter 19. Title 41, chapter 15, articles 1, 2, 3, 4, 5, 6 and  
17 7, Arizona Revised Statutes, are transferred and renumbered for placement in  
18 title 3, chapter 19, Arizona Revised Statutes, as added by this act, as  
19 articles 1, 2, 3, 4, 5, 6 and 7, respectively. The following section is  
20 transferred and renumbered for placement in title 3, chapter 19, article 1:

21 Former Section

New Section

22 41-2051.....3-3401

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

25 Former Sections

New Sections

26 41-2062.....3-3411

27 41-2063.....3-3412

28 41-2064.....3-3413

29 41-2065.....3-3414

30 41-2066.....3-3415

31 41-2067.....3-3416

1  
2 41-2068.....3-3417  
3 41-2069.....3-3418  
4 The following sections are transferred and renumbered for placement in  
5 title 3, chapter 19, article 3:

<u>Former Sections</u>	<u>New Sections</u>
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

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

<u>Former Sections</u>	<u>New Sections</u>
41-2091.....	3-3451
41-2092.....	3-3452
41-2093.....	3-3453
41-2094.....	3-3454

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

<u>Former Sections</u>	<u>New Sections</u>
41-2111.....	3-3471
41-2112.....	3-3472
41-2113.....	3-3473
41-2114.....	3-3474
41-2115.....	3-3475
41-2116.....	3-3476

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

<u>Former Sections</u>	<u>New Sections</u>
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

1	41-2126.....	3-3497
2	41-2127.....	3-3498
3	41-2128.....	3-3499
4	The following sections are transferred and renumbered for placement in	
5	title 3, chapter 19, article 7:	

<u>Former Sections</u>	<u>New Sections</u>
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.

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

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

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

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

10 3-3401. Definitions

11 In this chapter, unless the context otherwise requires:

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

13 ~~1.~~ 2. "Biodiesel" means a diesel fuel substitute that is produced  
14 from nonpetroleum renewable resources as defined by the United States  
15 environmental protection agency and that meets the registration requirements  
16 for fuels and fuel additives established by the United States environmental  
17 protection agency pursuant to section 211 of the clean air act, as defined in  
18 section 49-401.01.

19 ~~2.~~ 3. "Biodiesel blend" means a motor fuel that is ~~comprised~~ COMPOSED  
20 of biodiesel and diesel fuel and that is designated by the letter "B",  
21 followed by the numeric value of the volume percentage of biodiesel in the  
22 blend.

23 ~~3.~~ 4. "Biofuel" means a solid, liquid or gaseous fuel that is derived  
24 from biomass and that can be used directly for heating or power or as a motor  
25 fuel.

26 ~~4.~~ 5. "Biofuel blend" means a motor fuel that is ~~comprised~~ COMPOSED  
27 of a biofuel, that is combined with a petroleum based fuel and that is  
28 designated by the volume percentage of biofuel in the blend.

29 ~~5.~~ 6. "Biomass" means biological material, such as plant or animal  
30 matter, excluding organic material that has been transformed by geological  
31 processes into substances such as coal or petroleum or derivatives thereof,  
32 that may be transformed into biofuel.

33 ~~6.~~ 7. "Certification" means the process of determining the accuracy  
34 of a commercial device to the standards of this state by a registered service  
35 representative or the department.

36 ~~7.~~ 8. "Commercial device" means any weighing, measuring, metering or  
37 counting device that is used to determine the direct cost of things sold or  
38 offered or exposed for sale, or used to establish a fee for service if the

1 cost is based on weight, measure or count, except that it does not include  
2 those devices used for in-house packaging, inventory control or law  
3 enforcement purposes.

4 ~~8.~~ 9. "Commodity" means any merchandise, product or substance  
5 produced or distributed for sale to or use by others.

6 ~~9.~~ 10. "Correct" as used in connection with weights and measures  
7 means conformance to all applicable requirements of this chapter.

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

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

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

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

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

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

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

27 ~~16.~~ 15. "Liquid fuel measuring device" means any meter, pump, tank,  
28 gauge or apparatus used for volumetrically determining the quantity of any  
29 internal combustion engine fuel, liquefied petroleum gas or low viscosity  
30 heating oil.

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

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

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

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

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

38 ~~(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,



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

4 ~~26.~~ 24. "Retail seller" means a person whose business purpose is to  
5 sell, expose or offer for sale or use any package or commodity by weight,  
6 measure or count.

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

9 ~~28.~~ 25. "Secondary standards" means the physical standards that are  
10 traceable to the reference standards through comparisons, using acceptable  
11 laboratory procedures, and that are used in the enforcement of weights and  
12 measures laws and rules.

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

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

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

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

25 ~~31.~~ 26. "Weight" as used in connection with any commodity means net  
26 weight.

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

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

33 3-3413. Technical requirements for commercial devices

34 The specifications, tolerances and other technical requirements for  
35 commercial devices as adopted by the national conference on weights and  
36 measures and published in national institute of standards and technology  
37 handbook 44, "specifications, tolerances, and other technical requirements  
38 for commercial weighing and measuring devices" shall apply to commercial

1 weighing and measuring devices in the state. The edition of the national  
2 institute of standards and technology handbook 44 shall be determined by  
3 rule, pursuant to section ~~41-2065~~ 3-3414, subsection A, paragraph 4.

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

6 3-3414. Powers and duties; definition

7 A. The ~~department~~ DIVISION shall:

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

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

18 3. Keep accurate records of all standards and equipment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36          14. Sample and test motor fuel that is stored, sold or exposed or  
37 offered for sale or that is stored for use by a fleet owner to determine  
38 whether the motor fuel meets the standards for motor fuel set forth in

1 section ~~41-2083~~ 3-3433 and article 6 of this chapter and in any rule adopted  
2 by the ASSOCIATE director pursuant to this chapter. For the purposes of this  
3 paragraph, "fleet owner" has the same meaning prescribed in section ~~41-2121~~  
4 3-3491.

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

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

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

15 18. Weigh, measure or inspect commodities kept, offered or exposed for  
16 sale, sold or in the process of delivery to determine whether they contain  
17 the amounts represented and whether they are kept, offered or exposed for  
18 sale in accordance with this chapter or rules adopted pursuant to this  
19 chapter. In carrying out this section, the ASSOCIATE director shall employ  
20 recognized sampling procedures, such as are designated in appropriate  
21 national institute of standards and technology handbooks and supplements to  
22 those handbooks, except as modified or rejected by rule.

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

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

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

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

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

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

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

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

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

17           D. The ASSOCIATE director, when necessary to carry out this chapter,  
18 may adopt and enforce rules relating to quality standards for motor fuel,  
19 kerosene, oil, except used oil fuel, and hazardous waste fuel, lubricating  
20 oils, lubricants, antifreeze and other liquid or gaseous fuels. The  
21 ASSOCIATE director shall adopt rules to ~~assure~~ ENSURE that oxygenated fuels,  
22 as described in article 6 of this chapter, THAT ARE stored, used, sold or  
23 exposed or offered for use or sale are blended and stored, sold, exposed or  
24 offered in such a manner as to ~~assure~~ ENSURE that the oxygenated fuels are  
25 properly blended, that they meet the standards set forth in section ~~41-2083~~  
26 ~~3-3433~~ and article 6 of this chapter, and in rules adopted pursuant to this  
27 chapter, and that dispensers at which the oxygenated fuels are dispensed are  
28 labeled as defined by rule of the ~~department~~ DIVISION in such a manner as to  
29 notify persons of the type of oxygenated fuel being dispensed and the maximum  
30 percentage of oxygenate by volume contained in the oxygenated fuel. The  
31 ASSOCIATE director of the ~~department of weights and measures~~ DIVISION shall  
32 consult with the director of the department of environmental quality in  
33 adopting rules pursuant to this subsection.

34           E. Testing and inspection conducted pursuant to this chapter shall be  
35 done, to the extent practicable, without prior notice, by a random systematic  
36 method determined by the ASSOCIATE director or in response to a complaint by  
37 the public. The testing and inspection may be done by private persons and  
38 firms pursuant to contracts entered into by the ASSOCIATE director in

1 accordance with TITLE 41, chapter 23 ~~of this title~~ or by a registered service  
2 agency or registered service representative licensed pursuant to section  
3 ~~41-2094~~ 3-3454. The ASSOCIATE director shall establish qualifications of  
4 persons and firms for selection for purposes of this subsection. The persons  
5 or firms conducting the testing and inspection shall immediately report to  
6 the ~~department~~ DIVISION any violations of this chapter and incorrect weights,  
7 measures, devices, vapor recovery systems or vapor recovery components for  
8 investigation and enforcement by the department. A person or firm that tests  
9 or inspects a weight, measure, device, vapor recovery system or vapor  
10 recovery component that is rejected shall not correct the defect causing the  
11 rejection without the permission of the ~~department~~ DIVISION.

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

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

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

21 3-3418. Disposition of seized property

22 One hundred eighty days after the final disposition of an investigation  
23 and any ensuing enforcement action, the ~~department~~ DIVISION may destroy those  
24 weights, measures or devices that are seized pursuant to section ~~41-2065~~  
25 3-3414 or ~~41-2066~~ 3-3415 or transfer the items to the department of  
26 administration for disposition as state surplus property pursuant to the  
27 direction of the department of administration, surplus property division.

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

30 3-3431. Sale of commodities

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

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

36 C. A person shall not misrepresent the price of any commodity or  
37 service sold or offered, exposed or advertised for sale by weight, measure or

1 count or represent the price in any manner calculated or tending to mislead  
2 or in any way deceive a person.

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

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

- 10 1. The name and address of the vendor and purchaser.
- 11 2. The date delivered.
- 12 3. The quantity delivered and the quantity ~~upon~~ ON which the price is  
13 based, if this differs from the delivered quantity.
- 14 4. The identity in the most descriptive terms commercially  
15 practicable, including any quality representation made in connection with the  
16 sale.

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

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

- 22 1. The identity of the commodity in the package, unless the commodity  
23 can easily be identified through the wrapper or container.
- 24 2. The quantity of contents in terms of weight, measure or count.
- 25 3. The name and place of business of the manufacturer, packer or  
26 distributor, in the case of any package kept, offered or exposed for sale or  
27 sold in any place other than on the premises where packed.
- 28 4. The price, except as provided in subsections L and M OF THIS  
29 SECTION.

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

35 H. If a packaged commodity is advertised in any manner with the retail  
36 price stated, there shall be closely and conspicuously associated with the  
37 retail price a declaration of quantity as is required by law or rule to  
38 appear on the package. If a dual declaration is required, only the

1 declaration that sets forth the quantity in terms of the smaller unit of  
2 weight or measure need appear in the advertisement.

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

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

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

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

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

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

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

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



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

3           3-3433. Standards for motor fuel: exceptions

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

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

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

21          D. Maximum vapor pressure for gasoline that is supplied or sold by any  
22          person and that is intended as a final product for the fueling of motor  
23          vehicles in a county with a population of one million two hundred thousand or  
24          more persons and any portion of a county contained in area A as defined in  
25          section 49-541 shall be 9.0 pounds per square inch from and after September  
26          30 through March 31 of each year. Fuel used in motor vehicles at a  
27          manufacturer's proving ground or a motor vehicle racing event as defined by  
28          section ~~41-2121~~ 3-3491 is exempt from this subsection.

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

33          F. Maximum vapor pressure for gasoline that is supplied or sold by any  
34          person and that is intended as a final product for the fueling of motor  
35          vehicles in a county with a population of one million two hundred thousand  
36          persons or more and any portion of a county contained in area A as defined in  
37          section 49-541 shall be 7.0 pounds per square inch from and after May 31  
38          through September 30 of each year. Fuel used in motor vehicles at a

1 manufacturer's proving ground or a motor vehicle racing event as defined by  
2 section ~~41-2121~~ 3-3491 is exempt from this subsection.

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

12 H. Notwithstanding subsections D, F and G of this section, the  
13 ~~ASSOCIATE~~ director of the ~~department of weights and measures~~ DIVISION in  
14 consultation with the director of the department of environmental quality  
15 shall approve alternate fuel control measures that are submitted by  
16 manufacturers or suppliers of gasoline and that the ~~directors~~ DIRECTOR AND  
17 THE ASSOCIATE DIRECTOR determine will result in either of the following:

18 1. Motor vehicle carbon monoxide emissions that are equal to or less  
19 than emissions that result under compliance with subsection D of this section  
20 and section ~~41-2123~~ 3-3493. In making this determination, the ~~ASSOCIATE~~  
21 director of the ~~department of weights and measures~~ DIVISION and the director  
22 of the department of environmental quality shall compare the emissions of the  
23 alternate fuel control measure with the emissions of a fuel with a maximum  
24 vapor pressure standard as prescribed by this section and with the minimum  
25 oxygen content or percentage by volume of ethanol as prescribed by section  
26 ~~41-2123~~ 3-3493.

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

36 I. Any alternate fuel control measures that are approved shall not  
37 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide  
38 or oxides of nitrogen. Alternate fuel control measures approved pursuant to

1 subsection H of this section and this subsection may be used by any  
2 manufacturer or supplier of gasoline unless the approval is rescinded more  
3 than one hundred eighty days before the first day of a gasoline control  
4 period. Manufacturers and suppliers who use an approved alternate fuel  
5 control measure shall annually submit a compliance plan to the ASSOCIATE  
6 director ~~of the department of weights and measures~~ no later than sixty days  
7 before the first day of a gasoline control period.

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

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

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

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

17 L. A person shall label dispensers at which biodiesel or biodiesel  
18 blends are dispensed in conformance with 16 Code of Federal Regulations part  
19 306 and 40 Code of Federal Regulations sections 80.570, 80.571, 80.572,  
20 80.573 and 80.574. This section does not preclude a person from labeling a  
21 dispenser that dispenses diesel fuel that contains up to five ~~per-cent~~  
22 PERCENT biodiesel with a label that states "may contain up to five ~~per-cent~~  
23 PERCENT biodiesel".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 3-3451. Licensing devices used for commercial purposes;  
14 authorization to test devices used for all other  
15 purposes; fees; certification; issuance of license;  
16 violation; classification

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

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

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

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

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

7           ~~F.~~ E. If a commercial livestock scale is used for thirty or more days  
8 in a calendar year, the scale is required to be licensed. If a commercial  
9 livestock scale is used for fewer than thirty days in a calendar year, the  
10 scale is required to be certified. If an owner or operator of a commercial  
11 livestock scale requests that the ~~department~~ DIVISION certify the scale, the  
12 certification fee shall be comparable to the license fee prescribed in  
13 section ~~41-2092~~ 3-3452. If an owner or operator of a noncommercial scale  
14 requests that the ~~department~~ DIVISION certify the scale, the certification  
15 fee shall be comparable to the license fee prescribed in section ~~41-2092~~  
16 3-3452.

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

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

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

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

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

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

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

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

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

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

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

13           ~~N. A taxi that is licensed by the department and that offers local~~  
14 ~~transportation for a fare determined on the basis of the distance traveled or~~  
15 ~~prearranged ground transportation service as defined in section 28-141 for a~~  
16 ~~predetermined fare is not required to be additionally licensed as a livery~~  
17 ~~vehicle.~~

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

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

24           3-3453. License as public weighmaster or deputy weighmaster  
25 required; application; fee; renewal; exemptions

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

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

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

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



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

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

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

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

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

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

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

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

1 limited weighmaster, a limited weighmaster shall have the limited  
2 weighmaster's license in the limited weighmaster's possession.

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

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

13 3-3454. License required as registered service agency or  
14 registered service representative; qualifications;  
15 application; fees; renewal

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

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

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

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

26 3. Pay all required fees.

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

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

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

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

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

1           5. Pay all required fees.

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

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

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

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

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

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

34           3-3471. Registered service representative; powers; violation;  
35           classification

36           A. When any commercial device specified in this chapter is in  
37 commercial use and a valid license for the device has not been procured by  
38 the owner, the owner's agent or the operator of the device, the ~~department~~

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

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

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

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

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

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

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

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

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

3           3-3472. Revocation or suspension of licenses: procedure:  
4                     judicial review

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

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

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

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

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

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

26          3-3473. Violation; classification; jurisdiction

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

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

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

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

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

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

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

13           1. Uses, or has in possession for the purpose of current use for any  
14 commercial purpose, a weight or measure that does not bear a seal or mark of  
15 approval based on inspection and test as provided in section ~~41-2065~~ 3-3414,  
16 subsection A, paragraph 11, unless the weight or measure has been exempted  
17 from testing by order of the ~~department~~ DIVISION, or unless the device has  
18 been placed in service as provided in this chapter. Any person or persons  
19 making use of a commercial device THAT IS subject to this chapter shall  
20 report to the ASSOCIATE director or the ASSOCIATE director's representatives,  
21 in writing, the number and location of the commercial device and shall  
22 promptly report the installation of any new commercial device.

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

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

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

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

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

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

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

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

7 3-3475. Civil penalties

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

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

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

25 2. A package is found to exceed the maximum allowable variation for  
26 the labeled quantity allowed in national institute of standards and  
27 technology handbook 133 or the average error of the lot is twice the sample  
28 error limit in favor of the retailer.

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

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

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

1 C. The attorney general shall bring actions to recover civil penalties  
2 pursuant to this section in the superior court in the county in which the  
3 violation occurred or in a county where the agency has its office. All  
4 monies derived from civil penalties shall be deposited, pursuant to sections  
5 35-146 and 35-147, in the state general fund.

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

8 3-3492. Standards for oxygenated fuel; volatility; exceptions

9 A. From and after September 30 through March 31 of each year, in a  
10 county with a population of one million two hundred thousand or more persons  
11 and in any portion of a county contained in area A, blends of gasoline with  
12 ethanol shall not exceed the volatility requirements prescribed by section  
13 ~~41-2083~~ 3-3433 and rules adopted by the ASSOCIATE director under that  
14 section. ~~From and after September 30, 1999 through March 31, 2000 and~~ From  
15 and after September 30 through March 31 of each year ~~thereafter~~, in area B,  
16 blends of gasoline with ethanol may exceed the volatility requirements  
17 prescribed by section ~~41-2083~~ 3-3433 and rules adopted by the ASSOCIATE  
18 director under that section by up to one pound per square inch if the base  
19 fuel meets the requirements of ASTM D4814 and the final gasoline-ethanol  
20 blend contains at least six ~~per-cent~~ PERCENT ethanol by volume but does not  
21 exceed United States environmental protection agency waivers. For any other  
22 locations and period of time, blends of gasoline with ethanol shall meet the  
23 volatility requirements as determined by ~~department~~ DIVISION rule.

24 B. Notwithstanding subsection D of this section, the ASSOCIATE  
25 director of the ~~department of weights and measures~~ DIVISION in consultation  
26 with the director of the department of environmental quality shall approve  
27 alternate fuel control measures that are submitted by manufacturers or  
28 suppliers of gasoline and that the directors determine will result in motor  
29 vehicle carbon monoxide emission reductions that will equal or exceed the  
30 reductions that result under subsection D of this section. In making those  
31 determinations, the ~~directors~~ DIRECTOR AND THE ASSOCIATE DIRECTOR shall  
32 compare the alternative measure against the emission reduction that would be  
33 obtained from a fuel with the maximum vapor pressure standard prescribed by  
34 subsection D of this section and the minimum oxygen standard prescribed by  
35 section ~~41-2123~~ 3-3493 or ~~41-2125~~ 3-3496. Alternative fuel control measures  
36 approved by the ASSOCIATE director of the ~~department of weights and measures~~  
37 DIVISION in consultation with the director of the department of environmental  
38 quality may be used by any manufacturer or supplier of gasoline unless the



1 approval is rescinded by the ASSOCIATE director of the ~~department of weights~~  
2 ~~and measures~~ DIVISION at least one hundred eighty days before the beginning  
3 of any oxygenate period in the future. Manufacturers and suppliers who  
4 choose to use an approved alternate fuel control measure shall annually  
5 submit a compliance plan to the ASSOCIATE director ~~of the department of~~  
6 ~~weights and measures~~ not later than sixty days prior to the start of the  
7 oxygenate period.

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

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

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

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

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

38 (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

1 less than 2.7 ~~per cent~~ PERCENT by weight of oxygen nor more than the maximum  
2 percentage of oxygen allowed by provisions of a waiver issued or other limits  
3 established by the United States environmental protection agency.

4 B. Notwithstanding subsection A of this section, the ASSOCIATE  
5 director of the ~~department of weights and measures~~ DIVISION in consultation  
6 with the director of the department of environmental quality shall approve  
7 alternate fuel control measures that are submitted by manufacturers or  
8 suppliers of gasoline and that the ~~directors~~ DIRECTOR AND THE ASSOCIATE  
9 DIRECTOR determine will result in motor vehicle carbon monoxide emissions  
10 that are equal to or less than emissions that result under compliance with  
11 subsection A of this section and section ~~41-2083~~ 3-3433. In making this  
12 determination, the ASSOCIATE director of the ~~department of weights and~~  
13 ~~measures~~ DIVISION and the director of the department of environmental quality  
14 shall compare the emissions of the alternate fuel control measure with the  
15 emissions of a fuel with a maximum vapor pressure standard as prescribed by  
16 section ~~41-2083~~ 3-3433 and with the minimum oxygen content or percentage by  
17 volume of ethanol as prescribed by this section.

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

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

29 3-3494. Area A; fuel reformulation; rules

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

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

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

14           B. ~~From and after November 1, 2000 through March 31, 2001 and from~~ FOR  
15 the period beginning November 1 through March 31 of each ~~subsequent~~ year, all  
16 gasoline produced and shipped to or within this state and sold or offered for  
17 sale for use in motor vehicles in a county with a population of one million  
18 two hundred thousand or more persons and any portion of a county contained in  
19 area A, subject to an appropriate waiver granted by the administrator of the  
20 United States environmental protection agency pursuant to section 211(c)(4)  
21 of the clean air act as defined in section 49-401.01, shall comply with  
22 standards for California phase 2 reformulated gasoline, including alternative  
23 formulations allowed by the predictive model, as adopted by the California  
24 air resources board pursuant to California Code of Regulations title 13,  
25 sections 2261 through 2262.7 and 2265, in effect on January 1, 1997 and shall  
26 meet the maximum vapor pressure requirements in section ~~41-2083~~ 3-3433,  
27 subsections D and F. The fuel described in this subsection shall meet the  
28 requirements of section ~~41-2123~~ 3-3493, subsection A, paragraph 1.

29           C. ~~From November 1, 2000 through March 31, 2001 and~~ For each winter  
30 season of November through March ~~thereafter~~, the ASSOCIATE director of the  
31 ~~department of weights and measures~~ DIVISION shall determine the average  
32 levels of the constituents in the gasoline sold or offered for sale in area A  
33 and shall provide the results of this determination to the director of  
34 environmental quality. The director of environmental quality shall analyze  
35 the data provided by the ASSOCIATE director of the ~~department of weights and~~  
36 ~~measures and~~ DIVISION, no later than July 1, ~~2001 and each July thereafter~~ OF  
37 EACH YEAR, shall determine the average daily carbon monoxide reductions  
38 resulting from the use of the gasoline specified in subsection B of this

1 section during the preceding winter season. ~~If the average daily carbon~~  
2 ~~monoxide reductions resulting from the use of the gasoline specified in~~  
3 ~~subsection B of this section during the preceding winter season are less than~~  
4 ~~ninety per cent of the goal of thirty-two tons per day in 2001, thirty-one~~  
5 ~~tons per day in 2003, thirty tons per day in 2005, twenty-nine tons per day~~  
6 ~~in 2007 or twenty-eight tons per day in 2009, the director of the department~~  
7 ~~of environmental quality shall immediately notify the governor, the president~~  
8 ~~of the senate and the speaker of the house of representatives.~~

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

14 E. The petition shall:

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

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

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

24 4. Specify a time period for compliance with any provision of section  
25 ~~41-2123~~ 3-3493, subsection A, not to exceed sixty days.

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

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

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

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

- 4 1. Requirements to implement subsections A through E of this section.  
5 2. Requirements for ~~record-keeping~~ RECORDKEEPING, reporting and  
6 analytical methods for fuel providers to demonstrate compliance with  
7 subsections A through E of this section.

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

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

12 3-3495. Area C; fuel reformulation; rules

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

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

24 2. California phase 2 reformulated gasoline, including alternative  
25 formulations allowed by the predictive model, as adopted by the California  
26 air resources board pursuant to California Code of Regulations title 13,  
27 sections 2261 through 2262.7 and 2265, in effect on January 1, 1997, except  
28 that the minimum oxygen content standard does not apply. The gasoline shall  
29 also meet the maximum vapor pressure requirements in section ~~41-2083.01~~  
30 3-3434, subsection D.

31 B. Any registered supplier, as defined in ~~department~~ DIVISION rules,  
32 may petition the ASSOCIATE director to request that all registered suppliers  
33 be allowed to supply gasoline in area C that does not meet the standards in  
34 subsection A of this section if the petitioner demonstrates that a shortage  
35 in the supply of gasoline meeting the standards in subsection A of this  
36 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. Area B: sale of gasoline: oxygen content

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

1 less than 1.8 ~~per-cent~~ PERCENT by weight of oxygen nor more than the maximum  
2 percentage of oxygen allowed by the provisions of a waiver issued by the  
3 United States environmental protection agency.

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

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

22 3-3512. Stage I vapor recovery systems

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

35 B. For gasoline dispensing sites with a throughput of over ten  
36 thousand gallons per month in area A or area B as defined in section 49-541,  
37 a person shall not transfer or allow the transfer of gasoline into storage  
38 tanks at gasoline dispensing sites unless the storage tank is equipped with a



1 stage I vapor recovery system consisting of a vapor-tight return line from  
2 the storage tank or its vent to the gasoline transport vehicle.

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

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

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

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

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

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

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

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

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

35 G. Any county, city or town outside of area A or area B as defined in  
36 section 49-541 may require gasoline dispensing sites with a throughput  
37 greater than ten thousand gallons per month to install, operate and maintain  
38 stage I vapor recovery systems in accordance with this section. Any county,

1 city or town, including cities and towns within area B, also may require  
2 annual testing of required stage I vapor recovery systems pursuant to  
3 subsection C of this section. For a county, city or town considering the  
4 adoption of a resolution to require stage I vapor recovery systems or annual  
5 testing within its jurisdiction and on request, the department of  
6 environmental quality shall provide technical assistance in evaluating the  
7 air quality in that county, city or town and shall provide final review and  
8 approval of an adopted resolution.

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

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

23 J. A county board of supervisors or governing body of a city or town  
24 that adopts the requirements for stage I vapor recovery systems may repeal  
25 those requirements by adopting a resolution to remove the imposition of those  
26 requirements within its jurisdiction unless the county, city or town is in an  
27 ozone nonattainment area that has since been designated as moderate, serious  
28 or severe by the United States environmental protection agency under section  
29 107(d) of the clean air act. On receipt of the resolution, the ASSOCIATE  
30 director of the ~~department of weights and measures~~ DIVISION shall consult  
31 with the director of the department of environmental quality to verify that a  
32 county, city or town is outside of an ozone nonattainment area designated as  
33 moderate, serious or severe by the United States environmental protection  
34 agency under section 107(d) of the clean air act. After consultation with  
35 the department of environmental quality, the ASSOCIATE director of the  
36 ~~department of weights and measures~~ DIVISION shall revise the rules to repeal  
37 the requirements for stage I vapor recovery systems within that jurisdiction  
38 as soon as practicable.

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

3           3-3513. Compliance schedules

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

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

12          2. All gasoline dispensing sites located in area A or in any other  
13          geographical area as provided in section ~~41-2132~~ 3-3512, subsection G that  
14          begin underground storage tank replacement and that apply for a permit  
15          pursuant to title 49, chapter 3, article 3 or 5 on or after September 30,  
16          1992 shall be in compliance within six months after the effective date of the  
17          rules adopted pursuant to section ~~41-2132~~ 3-3512. Compliance with this  
18          article is a condition of the permit.

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

21          3-3515. Stage II vapor recovery systems

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

34          B. In an ozone nonattainment area designated as moderate, serious,  
35          severe or extreme by the United States environmental protection agency under  
36          section 107(d) of the clean air act or area A, an owner or operator of a  
37          gasoline dispensing site shall not transfer or allow the transfer of gasoline  
38          into a motor vehicle fuel tank at a gasoline dispensing site unless the

1 gasoline dispensing site is equipped with a stage II vapor recovery system,  
2 unless the stage II equipment has been decommissioned in accordance with the  
3 procedures established pursuant to subsection H of this section. This  
4 subsection does not apply to gasoline dispensing sites with a throughput of  
5 less than ten thousand gallons per month, or to a gasoline dispensing site  
6 with a throughput of less than fifty thousand gallons per month in the case  
7 of an independent small business marketer of gasoline as defined in section  
8 324 of the clean air act or to a gasoline dispensing site that is located on  
9 a manufacturer's proving ground. This subsection applies to gasoline  
10 dispensing sites that are located within area A but outside the Phoenix area  
11 Maricopa county ozone nonattainment area as defined in 40 Code of Federal  
12 Regulations section 81.303.

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

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

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

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

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

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

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

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

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

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

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

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

30 J. The requirements prescribed for stage II vapor recovery systems  
31 pursuant to subsections A through E of this section do not apply to a retail  
32 station if the construction begins after ~~the effective date of this section~~  
33 APRIL 22, 2014.

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

1     Renumber to conform  
2 Page 3, line 16, after "The" insert "ASSOCIATE"  
3     Line 17, strike "ENVIRONMENTAL QUALITY" insert "THE WEIGHTS AND MEASURES  
4         SERVICES DIVISION OF THE ARIZONA DEPARTMENT OF AGRICULTURE"; after "the"  
5         insert "ASSOCIATE"  
6     Line 29, after "the" insert "WEIGHTS AND MEASURES SERVICES DIVISION OF THE  
7         ARIZONA"  
8     Line 30, strike "ENVIRONMENTAL QUALITY" insert "AGRICULTURE"  
9 Page 6, line 33, after "the" insert "WEIGHTS AND MEASURES SERVICES DIVISION OF THE  
10         ARIZONA"  
11     Line 34, strike "ENVIRONMENTAL QUALITY" insert "AGRICULTURE"  
12     Line 35, strike "49, CHAPTER 11, ARTICLE 6" insert "3, CHAPTER 19, ARTICLE 7"  
13 Page 7, strike lines 9 through 36  
14 Strike page 8  
15 Page 9, strike lines 1, 2 and 3  
16     Renumber to conform  
17     Line 7, strike "WEIGHTS AND MEASURES" insert "FOR-HIRE TRANSPORTATION"  
18     Strike lines 11, 12 and 13  
19     Renumber to conform  
20     Line 14, strike "WEIGHING,"; strike ", METERING OR"  
21     Line 15, strike "COUNTING"; strike "SOLD OR"  
22     Line 16, strike "OFFERED OR EXPOSED FOR SALE,"  
23     Line 17, strike "WEIGHT,"; after "MEASURE" insert a period and strike remainder  
24         of line  
25     Strike lines 18 through 38  
26 Page 10, strike lines 1 through 17  
27     Renumber to conform  
28     Strike lines 21 through 26  
29     Strike line 29  
30     Renumber to conform  
31     Strike lines 37 and 38  
32 Page 11, strike lines 1 and 2  
33     Renumber to conform  
34     Strike lines 9 through 38  
35 Page 12, strike lines 1 through 15, insert:  
36         "3.   INSPECT AND TEST TAXI METERS TO DETERMINE WHETHER THE TAXI METERS  
37         MEET THE REQUIREMENTS OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
38         HANDBOOK 44 AS PRESCRIBED BY SECTION 3-3413."

1 Renumber to conform

2 Page 12, strike lines 23 through 32

3 Reletter to conform

4 Line 36, after the period strike remainder of line

5 Strike lines 37 and 38

6 Page 13, strike lines 1 through 8

7 Strike lines 13 through 36

8 Strike page 14

9 Page 15, strike lines 1 through 6, insert:

10 "28-9503. Licensing of devices used for commercial purposes:  
11 fees; posting; violation; classification

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

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

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

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

- 30 1. MOTOR VEHICLE LICENSING AS PRESCRIBED BY THE DEPARTMENT.  
31 2. MOTOR VEHICLE INSURANCE AS PRESCRIBED BY SECTION 28-4033.

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

- 34 1. MOTOR VEHICLE LICENSING AS PRESCRIBED BY THE DEPARTMENT.  
35 2. MOTOR VEHICLE INSURANCE AS PRESCRIBED BY SECTION 28-4033.

36 F. A TAXI OR LIVERY VEHICLE SHALL HAVE A LICENSE ISSUED UNDER THIS  
37 CHAPTER POSTED ON THE OUTSIDE OF THE REAR WINDOW AS REQUIRED BY THE

1 DEPARTMENT. A LIMOUSINE SHALL CARRY A LICENSE ISSUED UNDER THIS CHAPTER  
2 INSIDE THE VEHICLE AT ALL TIMES.

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

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

12 28-9504. Fees to general fund

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

15 Page 15, strike lines 8 and 9

16 Line 10, strike "Revised Statutes, as added by this act, as article 2."

17 Line 12, strike "2" insert "1"

18 Strike lines 14 through 17

19 Line 18, strike "28-9555" insert "28-9505"

20 Line 19, strike "28-9556" insert "28-9506"

21 Line 20, strike "28-9557" insert "28-9507"

22 Strike lines 21 through 37

23 Strike pages 16 through 22

24 Page 23, strike lines 1 through 9

25 Renumber to conform

26 Lines 11 and 12, strike "3" insert "2"

27 Line 13, strike "28-9571" insert "28-9521"

28 Page 24, line 9, strike "28-9572" insert "28-9522"

29 Line 30, strike "28-9573" insert "28-9523"

30 Page 25, line 18, after "TEST" strike remainder of line

31 Line 19, strike "SUBSECTION A, PARAGRAPH 11"

32 Page 26, line 8, strike "28-9574" insert "28-9524"

33 Line 14, strike "28-9575" insert "28-9525"

34 Page 27, line 6, strike "28-9576" insert "28-9526"

35 Strike lines 12 through 36

36 Strike pages 28 through 41

37 Renumber to conform



- 1 Page 43, line 6, strike "~~49-1501~~" insert "~~3-3401~~"
- 2 Strike lines 7 through 38
- 3 Strike page 44
- 4 Page 45, strike lines 1 and 2, insert:
  - 5 "Sec. 35. Heading repeal
  - 6 The chapter heading of title 41, chapter 15, Arizona Revised Statutes,
  - 7 is repealed."
  - 8 Renumber to conform
  - 9 Line 4, after "41-2061" strike remainder of line insert "and 41-3021.02,"
  - 10 Strike lines 6 through 37
  - 11 Strike pages 46 through 80
  - 12 Page 81, strike lines 1 and 2
  - 13 Renumber to conform
  - 14 Line 4, strike the second ", the"
  - 15 Line 5, strike "department of environmental quality"; after "the" insert
  - 16 "Arizona"; strike "health services" insert "agriculture"
  - 17 Line 13, strike ", the department of environmental"
  - 18 Line 14, strike "quality"; after "the" insert "Arizona"; strike "health
  - 19 services" insert "agriculture"
  - 20 Line 19, strike ", the department of environmental quality"; after the second
  - 21 "the" insert "Arizona"
  - 22 Line 20, strike "health services" insert "agriculture"
  - 23 Line 28, after "the" strike remainder of line
  - 24 Line 29, strike "quality,"; after the second "the" insert "Arizona"; strike
  - 25 "health"
  - 26 Line 30, strike "services" insert "agriculture"
  - 27 Line 32, after the period insert "Before the transfer is made pursuant to this
  - 28 subsection, the department of administration shall submit a succession plan
  - 29 on or before March 1, 2016 to the joint legislative budget committee for
  - 30 review."
  - 31 Line 36, strike "the department of environmental quality,"
  - 32 Line 37, after "the" insert "Arizona"; strike "health services" insert
  - 33 "agriculture"
  - 34 Page 82, line 2, after the first comma strike remainder of line
  - 35 Line 3, after the first "the" insert "Arizona"; strike "health services" insert
  - 36 "agriculture"

1 Page 82, between lines 5 and 6, insert:

2 "Sec. 39. Conforming legislation

3 The legislative council staff shall prepare proposed legislation  
4 conforming the Arizona Revised Statutes to the provisions of this act for  
5 consideration in the fifty-third legislature, first regular session."

6 Renumber to conform

7 Line 7, strike "December 31, 2015" insert "June 30, 2016"

8 Amend title to conform

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