



Bill Number: S.B. 1274

Worsley Floor Amendment #1

Reference to: printed bill

Amendment drafted by: Liisa Laikko

FLOOR AMENDMENT EXPLANATION

1. Allows a vehicle dealer to offer a vehicle in their possession for sale upon receiving proof of ownership or possession as defined by the ADOT director.
2. Allows ADOT to establish a program to lease or sell advertising on non-highway assets of the department and to allow monetary sponsorship of facilities and other assets of the department. Any revenue generated must be deposited in the State Highway Fund.
3. Outlines how contracts for this program are to be structured.
4. Defines terms and makes technical and conforming changes.

Amendment explanation prepared by Liisa Laikko

2/23/2015

WORSLEY FLOOR AMENDMENT #1

SENATE AMENDMENTS TO S.B. 1274

(Reference to printed bill)

1 Page 6, between lines 32 and 33, insert:

2 "Sec. 6. Section 28-4409, Arizona Revised Statutes, is amended to
3 read:

4 **28-4409. Evidence of ownership requirement: exception**

5 A. Except as provided in section 28-4410:

6 1. Each dealer in motor vehicles, trailers and semitrailers, including
7 manufacturers who sell to other than dealers, having possession **OR OFFERING**
8 **FOR SALE** of a motor vehicle, trailer or semitrailer shall have at the same
9 time either:

10 (a) Possession of a duly and regularly assigned certificate of title
11 to the vehicle.

12 (b) Reasonable indicia of ownership or right of possession as **provided**
13 **~~in section 28-4410 APPROVED BY THE DIRECTOR.~~**

14 2. A dealer or manufacturer shall not offer for sale or sell a motor
15 vehicle, trailer or semitrailer until the dealer or manufacturer has obtained
16 a certificate of title to the motor vehicle, trailer or semitrailer, except
17 that a certificate of title is not required for a new motor vehicle sold by
18 manufacturers to dealers.

19 B. A wholesale motor vehicle auction dealer is exempt from the
20 requirement of having to possess a duly and regularly assigned certificate of
21 title and from other requirements relating to the reassignment of title
22 documents and disclosures to buyers. A wholesale motor vehicle auction
23 dealer may buy or sell a motor vehicle at wholesale in the wholesale motor
24 vehicle auction dealer's own name if the wholesale motor vehicle auction
25 dealer complies with the provisions of this title relating to certificates of
26 title, reassignments of title documents and disclosures to buyers.

1 C. A wholesale motor vehicle dealer must title in the name of the
2 wholesale motor vehicle dealer any vehicle that the wholesale motor vehicle
3 dealer acquires before the wholesale motor vehicle dealer transfers the
4 vehicle to another licensed motor vehicle dealer.”

5 Renumber to conform

6 Page 7, between lines 36 and 37, insert:

7 “Sec. 8. Section 28-6991, Arizona Revised Statutes, is amended to
8 read:

9 28-6991. State highway fund: sources

10 A state highway fund is established that consists of:

11 1. Monies distributed from the Arizona highway user revenue fund
12 pursuant to chapter 18 of this title.

13 2. Monies appropriated by the legislature.

14 3. Monies received from donations for the construction, improvement or
15 maintenance of state highways or bridges. These monies shall be credited to
16 a special account and shall be spent only for the purpose indicated by the
17 donor.

18 4. Monies received from counties under cooperative agreements,
19 including proceeds from bond issues. The state treasurer shall deposit these
20 monies to the credit of the fund in a special account on delivery to the
21 treasurer of a concise written agreement between the department and the
22 county stating the purposes for which the monies are surrendered by the
23 county, and these monies shall be spent only as stated in the agreement.

24 5. Monies received from the United States under an act of Congress to
25 provide aid for the construction of rural post roads, but monies received on
26 projects for which the monies necessary to be provided by this state are
27 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
28 shall be allotted by the department and deposited by the state treasurer in
29 the special account within the fund established for each project. On
30 completion of the project, on the satisfaction and discharge in full of all
31 obligations of any kind created and on request of the department, the

1 treasurer shall transfer the unexpended balance in the special account for
2 the project into the state highway fund, and the unexpended balance and any
3 further federal aid thereafter received on account of the project may be
4 spent under the general provisions of this title.

5 6. Monies in the custody of an officer or agent of this state from any
6 source that is to be used for the construction, improvement or maintenance of
7 state highways or bridges.

8 7. Monies deposited in the state general fund and arising from the
9 disposal of state personal property belonging to the department.

10 8. Receipts from the sale or disposal of any or all other property
11 held by the department and purchased with state highway monies.

12 9. Monies generated pursuant to section 28-410.

13 10. Monies distributed pursuant to section 28-5808, subsection B,
14 paragraph 2, subdivision (d).

15 11. Monies deposited pursuant to sections 28-1143, 28-2353 and
16 28-3003.

17 12. Except as provided in section 28-5101, the following monies:

18 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
19 subsection B, paragraph 2, subdivision (e).

20 (b) One dollar of each registration fee and one dollar of each title
21 fee collected pursuant to section 28-2003.

22 (c) Two dollars of each late registration penalty collected by the
23 director pursuant to section 28-2162.

24 (d) The air quality compliance fee collected pursuant to section
25 49-542.

26 (e) The special plate administration fees collected pursuant to
27 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through
28 28-2451 and 28-2514.

29 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
30 if the director is the registering officer.

31 13. Monies deposited pursuant to chapter 5, article 5 of this title.

- 1 14. Donations received pursuant to section 28-2269.
- 2 15. Dealer and registration monies collected pursuant to section
- 3 28-4304.
- 4 16. Abandoned vehicle administration monies deposited pursuant to
- 5 section 28-4804.
- 6 17. Monies deposited pursuant to section 28-710, subsection D,
- 7 paragraph 2.
- 8 18. Monies deposited pursuant to section 28-2065.
- 9 19. Monies deposited pursuant to section 28-7311.
- 10 20. Monies deposited pursuant to section 28-7059.
- 11 21. Monies deposited pursuant to section 28-1105.
- 12 22. Monies deposited pursuant to section 28-2448, subsection D.
- 13 23. Monies deposited pursuant to section 28-3415.
- 14 24. **MONIES DEPOSITED PURSUANT TO SECTION 28-7316.**

15 Sec. 9. Title 28, chapter 20, article 11, Arizona Revised Statutes, is
16 amended by adding section 28-7316, to read:

17 28-7316. Assets and facilities advertising and sponsorship program;
18 program termination; definitions

19 A. IN ADDITION TO THE URBAN AND RURAL LOGO SIGN PROGRAM ESTABLISHED BY
20 SECTION 28-7311, THE DEPARTMENT MAY ESTABLISH A PROGRAM TO LEASE OR SELL
21 ADVERTISING ON NONHIGHWAY ASSETS OF THE DEPARTMENT AND TO ALLOW MONETARY
22 SPONSORSHIP OF FACILITIES AND OTHER ASSETS OF THE DEPARTMENT. THE DEPARTMENT
23 MAY:

24 1. OPERATE, MODIFY OR TERMINATE ANY ADVERTISING AND SPONSORSHIP
25 PROGRAM.

26 2. GENERATE REVENUE FROM ANY ADVERTISING OR SPONSORSHIP PROGRAM.

27 3. CONTRACT WITH A THIRD PARTY TO PERFORM ANY OR ALL ASPECTS OF THE
28 ADVERTISING AND SPONSORSHIP PROGRAM AUTHORIZED PURSUANT TO THIS SECTION.

29 B. THE DEPARTMENT ON ITS OWN OR THROUGH A THIRD PARTY MAY NEGOTIATE
30 AND EXECUTE LEASES FOR VARIABLE TERMS, SET LEASE RATES, ESTABLISH LEASE TERMS
31 AND PRESCRIBE FORMS FOR LEASES.

1 C. IF THE DEPARTMENT CONTRACTS WITH A THIRD PARTY, THE THIRD PARTY
2 SHALL AGREE IN THE CONTRACT TO:

3 1. THE CONTRACTOR'S DUTIES, INCLUDING:

4 (a) FURNISHING, INSTALLING, MAINTAINING AND REPLACING THE ADVERTISING
5 AND SPONSORSHIP SPACE OR MEDIA ON THE AUTHORIZED ASSETS AND FACILITIES OF THE
6 DEPARTMENT.

7 (b) PROMOTING AND NEGOTIATING THE LEASING OF ADVERTISING AND
8 SPONSORSHIP SPACE OR MEDIA ON THE AUTHORIZED ASSETS AND FACILITIES OF THE
9 DEPARTMENT.

10 2. COMPENSATION.

11 D. COSTS INCURRED UNDER THE PROGRAM ESTABLISHED PURSUANT TO THIS
12 SECTION SHALL BE PAID UNDER AGREEMENTS NEGOTIATED BETWEEN THE DEPARTMENT OR
13 THE THIRD PARTY AND THE ADVERTISERS OR SPONSORS.

14 E. THE DEPARTMENT MAY ENTER INTO A REVENUE SHARING AGREEMENT WITH THE
15 THIRD PARTY. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
16 35-147, REVENUES GENERATED FROM THE ADVERTISING AND SPONSORSHIP PROGRAM,
17 MINUS PROGRAM OPERATING COSTS, IN THE STATE HIGHWAY FUND ESTABLISHED BY
18 SECTION 28-6991.

19 F. THE PROGRAM ESTABLISHED PURSUANT TO THIS SECTION ENDS ON JULY 1,
20 2025 PURSUANT TO SECTION 41-3102.

21 G. FOR THE PURPOSES OF THIS SECTION:

22 1. "ADVERTISING" MEANS SIGNAGE OR ELECTRONIC MEDIA ON DEPARTMENT
23 ASSETS, OTHER THAN HIGHWAYS, THAT DISPLAY OR PROMOTE COMMERCIAL BRANDS,
24 PRODUCTS OR SERVICES THROUGH A LOGO, MESSAGE, SLOGAN OR OTHER INFORMATION.

25 2. "ASSETS" MEANS BUILDINGS, TRANSPORTATION INFRASTRUCTURE, VEHICLES,
26 SIGNAGE, EQUIPMENT, INTERNET OR OTHER ELECTRONIC MEDIA OR OTHER FACILITIES OR
27 ITEMS OF VALUE THAT ARE OWNED, MAINTAINED OR MANAGED BY THE DEPARTMENT.

28 3. "FACILITY" MEANS A BUILDING, ROOM, CENTER OR SPACE OR ANOTHER
29 LOCATION IN OR ON AN ASSET THAT IS OWNED OR CONTROLLED BY THE DEPARTMENT AND
30 THAT THE DEPARTMENT DEEMS SUITABLE FOR SPONSORSHIP OR FOR ADVERTISING ON A
31 NONHIGHWAY ASSET.

Senate Amendments to S.B. 1274

1 4. "SPONSORSHIP" MEANS THE ACT OF SPONSORING AN ELEMENT OF THE
2 DEPARTMENT'S OPERATION OF AN ASSET THROUGH HIGHWAY-RELATED SERVICES, PRODUCTS
3 OR MONETARY CONTRIBUTIONS."

4 Renumber to conform

5 Amend title to conform

2/18/15

4:18 PM

S: LL/ls