

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1274

(Reference to Senate engrossed bill)

1 Page 1, after line 45, insert:

2 "Sec. 2. Section 28-702.01, Arizona Revised Statutes, is amended to  
3 read:

4 28-702.01. Maximum speed limit; waste of a finite resource;  
5 civil penalties; exceptions

6 A. ~~If the maximum speed limit on a public highway in this state is~~  
7 ~~fifty-five miles per hour,~~ A person shall not drive a motor vehicle at a  
8 speed in excess of ~~fifty-five miles per hour on that highway~~ THE MAXIMUM  
9 SPEED LIMIT ON A STREET OR HIGHWAY. If the speed at which the person is  
10 alleged to have driven as provided in section 28-707, subsection A or the  
11 speed at which the court finds the person drove is ~~sixty-five:~~

12 1. TEN miles per hour or less OVER THE MAXIMUM SPEED LIMIT, the  
13 offense is designated as the waste of a finite resource and is a civil  
14 traffic violation subject to subsection B of this section.

15 2. ELEVEN MILES PER HOUR OR MORE OVER THE MAXIMUM SPEED LIMIT, THE  
16 OFFENSE IS DESIGNATED AS A CIVIL TRAFFIC VIOLATION AND THE PERSON IS SUBJECT  
17 TO A CIVIL PENALTY OF NOT MORE THAN THE AMOUNT PROVIDED IN SECTION 28-1598.

18 B. If a person is found responsible for a civil traffic violation  
19 pursuant to subsection A, PARAGRAPH 1 of this section:

20 1. A department or agency of this state shall not consider the  
21 violation for the purpose of determining whether the person's driver license  
22 should be suspended or revoked and a court shall not transmit abstracts of  
23 records of judgment for the violation to the department.

24 2. An insurer shall not consider the violation as a moving traffic  
25 violation against the person for the purpose of establishing rates of motor  
26 vehicle insurance charged by the insurer and shall not cancel or refuse to  
27 renew a policy of insurance because of the violation.

1           3. The civil penalty shall not exceed fifteen dollars plus the  
2           surcharges imposed pursuant to sections 12-116.01 and 12-116.02.

3           4. A report shall not be made under section 28-1559, subsection B.

4           ~~C. If the maximum speed limit on a public highway in this state is~~  
5           ~~fifty-five miles per hour, a person shall not drive a motor vehicle at a~~  
6           ~~speed in excess of fifty-five miles per hour on that highway. If the speed~~  
7           ~~at which the person is alleged to have driven as provided in section 28-707,~~  
8           ~~subsection A or the speed at which the court finds the person drove is more~~  
9           ~~than sixty-five miles per hour, the offense is designated as a civil traffic~~  
10           ~~violation and the person is subject to a civil penalty of not more than the~~  
11           ~~amount provided in section 28-1598.~~

12           ~~D. C. This section does not apply to an interstate system highway~~  
13           ~~located outside of an urbanized area, as defined in section 28-702.04, with a~~  
14           ~~population of fifty thousand or more persons:~~

- 15           1. A SCHOOL CROSSING.
- 16           2. A STATE HIGHWAY WORK ZONE.
- 17           3. A SPEED ZONE.
- 18           4. A BUSINESS OR RESIDENTIAL DISTRICT."

19 Renumber to conform

20 Page 6, between lines 4 and 5, insert:

21           "Sec. 8. Section 28-3002, Arizona Revised Statutes, is amended to  
22           read:

23           28-3002. Fees; driver licenses; disposition

24           A. The following fees are required:

25           1. For each original or initial application or renewal application, if  
26           a written examination is required, for the following:

27           (a) Class A driver license, twenty-five dollars.

28           (b) Class B driver license, twenty-five dollars.

29           (c) Class C driver license, twelve dollars fifty cents.

30           (d) Class D driver license issued pursuant to section 28-3171, ten  
31           dollars.

1 (e) Class M driver license issued pursuant to section 28-3171, ten  
2 dollars.

3 2. Except as provided in paragraph 1, for each original, renewal or  
4 reinstatement application for a class D, G or M license:

Age	Fee
50 or older	\$10.00
45-49	\$15.00
40-44	\$20.00
39 or younger	\$25.00

10 3. For each original or initial application or renewal examination, if  
11 a written application is required, for the following endorsements to a driver  
12 license:

- 13 (a) Bus endorsement, ten dollars.
- 14 (b) Hazardous materials endorsement, ten dollars.
- 15 (c) Tank vehicle endorsement, ten dollars.
- 16 (d) Double-triple trailer endorsement, ten dollars.
- 17 (e) Motorcycle endorsement, seven dollars.

18 4. For taking each driving test for a:

- 19 (a) Class A driver license, twenty-five dollars.
- 20 (b) Class B driver license, twenty-five dollars.
- 21 (c) Class C driver license, twelve dollars fifty cents.
- 22 (d) Bus endorsement, five dollars.

23 5. For each application for an instruction permit under:

- 24 (a) Section 28-3154 or 28-3156, seven dollars.
- 25 (b) Section 28-3155, three dollars.
- 26 (c) Section 28-3225, class A, twenty-five dollars.
- 27 (d) Section 28-3225, class B, twenty-five dollars.
- 28 (e) Section 28-3225, class C, twelve dollars fifty cents.

29 6. For each renewal application, if a written examination is not  
30 required, for a:

- 31 (a) Class A driver license and any endorsement, other than a hazardous  
32 materials endorsement, to the license, fifteen dollars.

1 (b) Class B driver license and any endorsement, other than a hazardous  
2 materials endorsement, to the license, fifteen dollars.

3 (c) Class C driver license and any endorsement, other than a hazardous  
4 materials endorsement, to the license, ten dollars.

5 7. For each application for a duplicate of a driver license, an amount  
6 determined by the director.

7 8. For each application for a duplicate of an instruction permit, two  
8 dollars.

9 9. In addition to the fees prescribed in paragraph 2 and except as  
10 provided in paragraph 11:

11 (a) For reinstatement of driving privileges after suspension or  
12 disqualification, ten dollars.

13 (b) For reinstatement of driving privileges after revocation, twenty  
14 dollars.

15 10. For each application for an extension by mail of a driver license,  
16 five dollars.

17 11. In addition to the fees prescribed in paragraph 2, for  
18 reinstatement of driving privileges that were suspended or denied pursuant to  
19 section 28-1385 after completion of the suspension or revocation, fifty  
20 dollars.

21 12. For vision screening tests of out-of-state drivers, five dollars.

22 13. For class D or M driver license skills tests for out-of-state  
23 drivers, fifteen dollars.

24 14. FOR A DRIVER LICENSE OR NONOPERATING IDENTIFICATION LICENSE ISSUED  
25 PURSUANT TO SECTION 28-3175, AN AMOUNT TO BE DETERMINED BY THE DIRECTOR.

26 B. Except as otherwise provided by statute, the director shall  
27 immediately deposit, pursuant to sections 35-146 and 35-147, fees collected  
28 under this section in the Arizona highway user revenue fund.

1           Sec. 9. Title 28, chapter 8, article 4, Arizona Revised Statutes, is  
2 amended by adding section 28-3175, to read:

3           28-3175. Driver licenses; nonoperating identification licenses;  
4                   use for boarding aircraft; accessing restricted  
5                   areas; rules

6           A. NOTWITHSTANDING ANY OTHER LAW, IF A DRIVER LICENSE APPLICANT OR  
7 NONOPERATING IDENTIFICATION LICENSE APPLICANT REQUESTS A DRIVER LICENSE OR  
8 NONOPERATING IDENTIFICATION LICENSE THAT ALLOWS THE APPLICANT TO BOARD A  
9 FEDERALLY REGULATED COMMERCIAL AIRCRAFT OR TO ACCESS RESTRICTED AREAS IN  
10 FEDERAL FACILITIES, NUCLEAR POWER PLANTS OR MILITARY FACILITIES, THE  
11 DEPARTMENT MUST ISSUE THE APPLICANT THE DRIVER LICENSE OR NONOPERATING  
12 IDENTIFICATION LICENSE.

13           B. A DRIVER LICENSE OR NONOPERATING IDENTIFICATION LICENSE ISSUED  
14 PURSUANT TO THIS SECTION:

- 15           1. SHALL BE VALID FOR A PERIOD NOT TO EXCEED EIGHT YEARS.  
16           2. MAY NOT CONTAIN RADIO FREQUENCY IDENTIFICATION TECHNOLOGY.  
17           C. THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT THIS SECTION."

18 Renumber to conform

19 Page 12, between lines 28 and 29, insert:

20           "Sec. 15. Section 28-7095, Arizona Revised Statutes, is amended to  
21 read:

22           28-7095. Conveyance of property not needed for transportation  
23                   purposes

24           A. The director may dispose of real property or any right, title or  
25 interest in the real property if the director determines that it is not  
26 needed or used for transportation purposes. After the establishment, laying  
27 out, substantial completion of a transportation improvement or abolishment of  
28 a transportation improvement by formal action of the transportation board,  
29 the director may convey the real property or any interest in the real  
30 property that was acquired pursuant to this article and that the director  
31 determines is not necessary for state transportation purposes.

1           B. Except as provided in section 28-7099, the director may convey the  
2     real property described in subsection A of this section to an agency of the  
3     federal government, this state or a county, city or town of this state  
4     without a public sale if the director considers the conveyance to be in the  
5     public interest and if the real property is to be used for such a specific  
6     public purpose. If the property is not used for a highway purpose, the  
7     agency shall pay the department for the conveyance based on an appraisal  
8     within twelve months of the date of conveyance establishing the fair market  
9     value of the property to be conveyed. If the property conveyed to an agency  
10    is to be used for a specific highway purpose, the agency shall reimburse the  
11    department for its expenditures for the property. If the property is not  
12    used for a highway purpose, the property shall revert to the department. If  
13    the director determines any property conveyed under this section is needed by  
14    the department for a transportation purpose, the department may acquire the  
15    property from the agency at a cost equal to the amount paid by the agency, or  
16    the fair market value at the time of the repurchase by the department,  
17    whichever is less.

18           C. The director may grant an easement to a state or local agency for  
19    property to be used for a specific highway purpose, on terms and conditions  
20    acceptable to the director, for no payment to the department. The agency  
21    shall bear all liability that may be attributed to the department for  
22    incidents that occur during the period of the easement and the agency shall  
23    bear all costs of maintaining the property. If the property is not used for  
24    a highway purpose, the department may terminate the easement as to any  
25    portion of the property that is not used for a highway purpose. The easement  
26    terminates if the director determines that the property is needed by the  
27    department for a highway purpose.

28           D. The director may convey other marketable property to the highest  
29    responsible bidder at a public auction or by direct sale after at least  
30    thirty days' notice in a newspaper of general circulation in the county in  
31    which the property is located. If the director elects to convey property by  
32    a direct sale, and receives more than one offer before the termination of the

1 thirty day notice period, the director shall sell the property at public  
2 auction. At least one fee appraisal or one in-house appraisal is required  
3 for property that is offered to the public. The director shall disclose the  
4 amount of the low appraisal before a public auction. If at a public auction  
5 the amount of the highest responsible bid does not equal or exceed the amount  
6 of the low appraisal, the director shall advise the bidders that the amount  
7 of the low appraisal has not been met and shall continue the bidding until  
8 the amount of the highest responsible bid equals or exceeds the amount of the  
9 low appraisal. If the highest responsible bid does not equal or exceed the  
10 amount of the low appraisal, the director shall reject all bids. If the  
11 director is unable to sell real property pursuant to this subsection for an  
12 amount that equals or exceeds the low appraisal, the director may convey the  
13 real property by direct sale after at least thirty days' notice in a  
14 newspaper of general circulation in the county in which the real property is  
15 located at an amount that is at least equal to eighty ~~per-cent~~ PERCENT of the  
16 low appraisal, except that, if the director receives more than one offer  
17 before the termination of the thirty-day notice period in an amount that is  
18 at least equal to eighty ~~per-cent~~ PERCENT of the low appraisal, the director  
19 shall sell the real property at public auction.

20 E. A sale pursuant to subsection B or D of this section may be made  
21 for cash or on terms of at least twenty ~~per-cent~~ PERCENT down with the  
22 balance payable in annual, biannual, quarterly or monthly installments for  
23 ten years, and the unpaid balance bears interest at a rate determined by the  
24 director, EXCEPT THAT IF THE PROPERTY HAS BEEN LISTED FOR SALE FOR AT LEAST  
25 ONE YEAR THE DEPARTMENT MAY REDUCE THE DOWN PAYMENT REQUIREMENT AS FOLLOWS:

26 ~~.~~  
27 1. FOR PROPERTY THAT HAS AN APPRAISED VALUE OF NOT MORE THAN ONE  
28 HUNDRED THOUSAND DOLLARS, AT LEAST TEN PERCENT DOWN.

29 2. FOR PROPERTY THAT HAS AN APPRAISED VALUE OF MORE THAN ONE HUNDRED  
30 THOUSAND DOLLARS BUT NOT MORE THAN TWO HUNDRED FIFTY THOUSAND DOLLARS, AT  
31 LEAST FIFTEEN PERCENT DOWN.

1           3. FOR PROPERTY THAT HAS AN APPRAISED VALUE OF MORE THAN TWO HUNDRED  
2 FIFTY THOUSAND DOLLARS, AT LEAST TWENTY PERCENT DOWN.

3           F. The director may dispose of property by quitclaim deed to adjacent  
4 property owners or the underlying fee owner if the property has no market  
5 value or a net value of ten thousand dollars or less without a public auction  
6 or thirty day notice period. The director may notify adjacent property  
7 owners or the underlying fee owner that the estimated market value of the  
8 property may be reduced by up to twenty ~~per-cent~~ PERCENT, that the director  
9 may accept an offer between eighty ~~per-cent~~ PERCENT and one hundred ~~per-cent~~  
10 PERCENT of the estimated market value and that, if the adjacent property  
11 owner or underlying fee owner is interested in acquiring the property, the  
12 adjacent property owner or underlying fee owner must submit a written offer  
13 to the director within sixty days after the date of the notice. If the  
14 director does not receive an offer within sixty days after the date of the  
15 notice, the director may dispose of the property at the best price the  
16 director can obtain for the property pursuant to procedures established by  
17 the director. For the purposes of this subsection, "net value" means the  
18 estimated market value of the property reduced by the cost to sell the  
19 property and the cost of continued maintenance of the property.

20           G. The director may:

21           1. Execute all deeds or conveyances necessary to convey any real  
22 property or interest in the real property to be conveyed under this section  
23 and shall sell any real property or interest in real property for the highest  
24 responsible bid, the direct sale price or the appraised market value of the  
25 property, as applicable.

26           2. Assess a fee for the costs of preparing and executing any  
27 conveyance under this section.

28           3. Either:

29           (a) Insert in the deed or conveyance conditions, covenants, exceptions  
30 and reservations as the director deems to be in the public interest.

31           (b) Convey in fee simple absolute.



1           H. The director shall notify the county assessor and county treasurer  
2 of any property disposed of or quitclaimed pursuant to this section within  
3 thirty days after the close of escrow. Proper notice includes the legal  
4 description of property being conveyed, the name and address of the new  
5 property owner and legal description of the conveyed property and the name  
6 and address of a person or persons who are identified as the correct  
7 recipients of the property tax bill.

8           I. It is conclusively presumed in favor of any purchaser for value and  
9 without notice of any real property or interest in the real property conveyed  
10 pursuant to this section that the department acted within its lawful  
11 authority in acquiring the property and that the director acted within the  
12 director's lawful authority in executing a deed, conveyance or lease  
13 authorized by this article.

14           J. The director may contract with a licensed real estate broker to  
15 assist in any disposition of property under this section or pay a commission  
16 to a licensed real estate broker whose client completes a purchase of  
17 property under this section. The director shall determine the rate of  
18 commission paid to the broker. The director may pay the licensed real estate  
19 broker from proceeds received under this section unless the broker is the  
20 purchaser or lessee or the purchaser is another governmental agency."

21 Renumber to conform

22 Page 18, after line 21, insert:

23           "Sec. 18. Exemption from rulemaking

24           For the purposes of section 28-3175, Arizona Revised Statutes, and  
25 section 28-3002, Arizona Revised Statutes, as amended by this act, the  
26 department of transportation is exempt from the rulemaking requirements of  
27 title 41, chapter 6, Arizona Revised Statutes, for one year after the  
28 effective date of section 28-3175, Arizona Revised Statutes. The department  
29 of transportation shall provide public notice and an opportunity for public  
30 comment on proposed rules at least thirty days before a rule is adopted or  
31 amended.

1           Sec. 19. Conditional enactment; notice

2           A. Section 28-3175, Arizona Revised Statutes, and section 28-3002,  
3 Arizona Revised Statutes, as amended by this act, become effective only if by  
4 January 1, 2021 this state requests the federal government to grant this  
5 state a waiver from complying with the requirements of the REAL ID act of  
6 2005 (P.L. 109-13, division B; 119 Stat. 302) and the federal government does  
7 not grant the waiver.

8           B. Section 28-3175, Arizona Revised Statutes, and section 28-3002,  
9 Arizona Revised Statutes, as amended by this act, do not become effective if  
10 by January 1, 2021:

11           1. This state does not request the waiver described in subsection A of  
12 this section.

13           2. This state requests the waiver described in subsection A of this  
14 section and receives the waiver from the federal government.

15           C. The department of transportation shall notify in writing the  
16 director of the Arizona legislative council within three business days of the  
17 date that the waiver is:

18           1. Requested.

19           2. Granted.

20           3. Denied."

21 Amend title to conform

and, as so amended, it do pass

JUSTIN OLSON  
Chairman

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