



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED

FACT SHEET FOR H.B. 2143

ADOT revisions

Purpose

Removes the Arizona Department of Transportation's (ADOT's) ability to use personal information obtained from motor vehicle records for bulk distribution marketing purposes. Revises reporting and tracking requirements for the sale of vehicles with salvage titles.

Background

Current statute allows ADOT, in accordance with the Driver's Privacy Protection Act (DPPA) of 1994, to disclose personal information for bulk distribution for surveys, marketing and solicitations if express consent to distribute a person's information is provided. The opportunity for providing express consent must be provided in a clear and conspicuous manner on forms for license issuance or renewal, nonoperating identification licenses, titles and registrations ([A.R.S. § 28-455](#)).

The DPPA outlines permissible uses of a person's personal information by a state department of transportation, which include motor vehicle safety, vehicle emissions, recalls and performance monitoring. Highly restricted personal information may be disclosed for certain purposes, including: 1) use by a law enforcement agency; 2) use in any civil, criminal, administrative or arbitral proceeding; 3) use in research activities; 4) providing notice to owners of impounded vehicles; and 5) for bulk distribution for surveys, marketing or solicitations if express consent is provided ([18 U.S.C. § 2721](#)).

Current statute requires any person who sells a vehicle with a salvage title to disclose to the buyer of the vehicle before completion of the sale that the vehicle is a salvage vehicle ([A.R.S. § 28-2091](#)).

When transferring the title of a vehicle, an owner is required to disclose certain specified information to the purchaser of the vehicle, including an odometer mileage disclosure statement if the vehicle is 10 model years old ([A.R.S. § 28-2058](#)).

If ADOT collects a fee for an abandoned vehicle collected by a towing company, the towing company is entitled to 20 percent of the fee collected as partial reimbursement of costs incurred by the towing company ([A.R.S. § 28-4805](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Release of Personal Information

1. Repeals ADOT's ability to release personal information obtained from a motor vehicle record on express consent for bulk distribution for surveys, marketing or solicitations.
2. Removes the ability of a recipient of personal information for the purposes of bulk surveys, marketing or solicitations to resell or redisclose such information.
3. Removes guidelines relating to the opportunity to provide express consent of the release of personal information on driver licenses, nonoperating identification licenses and title and registration forms.
4. Prohibits ADOT from selling records with personal identifying information for commercial purposes unless a person is authorized to receive such records under the DPPA.
5. Removes the stipulation that only a search fee may be charged for a request for personal information for the purposes of bulk surveys, marketing or solicitations.

Odometer Mileage Disclosures

6. Exempts the transfer of a motor vehicle certificate of title from odometer mileage disclosure statement requirements if the vehicle is:
 - a) 10 years of model age, if the model year is 2010 or older; or
 - b) 20 years of model age, if the model year is 2011 or newer.

Certificates of Title and Salvage Titles

7. Requires a disclosure of a salvage title or restored salvage title for a vehicle to be clearly and conspicuously made in writing or by electronic means.
8. Specifies that the written or electronic disclosure must include whether the vehicle has a salvage certificate of title.
9. Removes the requirement that a fee must be paid to ADOT prior to the designation of a beneficiary of a vehicle title upon the vehicle owner's death.
10. Specifies that the following requirements of a licensed automotive recycler or scrap metal dealer when purchasing a vehicle without a certificate of title apply to the owner of the vehicle, rather than the seller:
 - a) taking a picture at the time of the transaction;
 - b) obtaining a signed statement that the vehicle meets certain conditions; and
 - c) maintaining a copy of photo identification for reference in making subsequent transactions.
11. Requires a scrap metal dealer or licensed automotive recycler, upon determining that a vehicle is stolen, to report the findings to a law enforcement agency rather than ADOT.

12. Removes the requirement that the list of each vehicle purchased by a scrap metal dealer or licensed automotive recycler be delivered electronically to ADOT in a format approved by ADOT.
13. Makes a conforming change related to removing the requirement that scrap metal dealers report each vehicle purchased to ADOT.
14. Specifies that ADOT records relating to vehicles sold by scrap metal dealers and licensed automotive recyclers must be retained as specified by ADOT's record retention schedule, rather than 10 years.
15. Removes the requirement that the Director of ADOT incorporate, by reference, the National Motor Vehicle Title Information System.

Abandoned Vehicle Fee Reimbursement

16. Requires a towing company that is owed partial reimbursement for the towing of an abandoned vehicle to register with the State Procurement Office in order to qualify for payment.
17. Specifies that failure to register with the State Procurement Office results in denial and forfeiture of payment.
18. Requires ADOT to make three good faith attempts to contact a towing company owed a partial reimbursement of an abandoned vehicle fee.
19. Specifies that if ADOT is unable to make contact with or does not receive a response from a towing company after 30 days, the payment is subject to forfeiture and will be reverted to the Abandoned Vehicle Administration Fund.

Commercial Driver License Disqualification

20. Requires ADOT to permanently disqualify any person from driving a commercial motor vehicle if the person is convicted of sex trafficking, child sex trafficking or trafficking of persons for the purpose of forced labor and a commercial vehicle was used in the commission of the offense.

Driving Privilege Reinstatement

21. Requires, on the effective date of this legislation, ADOT to automatically rescind a license suspension or restriction that occurred prior to the effective date of this legislation and reinstate a person's driving privilege if the suspension or restriction resulted from a failure to pay a civil traffic penalty.
22. Specifies that ADOT is prohibited from charging a fee for the reinstatement of a person's driving privilege.
23. Removes the requirement that a court order the suspension or restriction of the driving privileges of a commercial driver for failure to pay a civil penalty, surcharge or assessment.

Electronic Records

24. Allows ADOT to accept certificate of title brands from other states or jurisdictions and to record these brands on appropriate vehicle records.
25. Replaces the requirement for the Overdimensional Permit Council (ODPC) to establish a mailing list for the ODPC's activities with the requirement that ADOT provides for electronic notification of the ODPC's meetings.

Foreign Driver License Reciprocity

26. Removes the Director of ADOT's ability to adopt rules relating to reciprocity for driver licenses issued by foreign countries.

Payment for Business Reestablishment

27. Increases, from \$25,000 to \$50,000, the maximum reimbursement that may be paid by ADOT to a displaced farm, nonprofit organization or small business for the purpose of reestablishment.

Arizona Highways Magazine

28. Allows the publisher of the Arizona Highways Magazine to accept donations to the Magazine to promote tourism in Arizona.
29. Requires donations to the Arizona Highways Magazine to be deposited into the Arizona Highways Magazine Fund.

Miscellaneous

30. Cites this legislation as the *John Carlson Memorial Act*.
31. Conditions the enactment of sections of this legislation related to license suspensions and restrictions on the passage S.B. 1551.
32. Makes technical and conforming changes.
33. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Requires, as session law rather than statutory law, ADOT to rescind a license suspension or restriction that occurred prior to the effective date of this legislation and reinstate a person's driving privilege if the suspension or restriction resulted from a failure to pay a civil traffic penalty.
2. Specifies that ADOT is prohibited from charging a fee for the reinstatement of a person's driving privilege.

3. Removes the requirement that a court order the suspension or restriction of the driving privileges of a commercial driver for failure to pay a civil penalty, surcharge or assessment.
4. Conditions the enactment of the amended sections of this legislation on the passage of S.B. 1551.
5. Cites this legislation as the *John Carlson Memorial Act*.
6. Makes conforming changes.

House Action

TRANS 1/27/21 DP 11-0-0-1
3rd Read 2/4/21 59-0-0-0-1

Senate Action

TAT 3/1/21 DP 9-0-0

Prepared by Senate Research
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