



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
First Regular Session

House: TRANS DP 11-0-0-1 | 3<sup>rd</sup> Read 59-0-0-0-1

Senate: TAT DP 9-0-0-0 | 3<sup>rd</sup> Read 28-0-2-0

Final Read: 56-4-0-0

## [HB 2143](#): ADOT revisions

**Sponsor: Representative Pratt, LD 8**

**Transmitted to the Governor**

### Overview

Makes revisions to transportation statutes relating to release of personal information, certificates of title, commercial licenses and permits, towing company reimbursements and the Arizona Highways Magazine.

### History

The Driver's Privacy Protection Act of 1994 prohibits a state department of motor vehicles from knowingly disclosing or otherwise making available to any person or entity personal information except as otherwise provided ([18 U.S.C. § 2721](#)). Pursuant to [A.R.S. § 28-455](#) and in accordance with the Driver's Privacy Protection Act of 1994, the Arizona Department of Transportation (ADOT) can disclose personal information for bulk distribution for surveys, marketing or solicitations if express consent is given from the person to whom the personal information pertains. ADOT is required to provide in a clear and conspicuous manner on forms for the issuance or renewal of licenses, title and registration the opportunity for a person to provide express consent.

Pursuant to [A.R.S. § 28-2098](#), a registered scrap metal dealer (dealer) or a licensed automotive recycler (recycler) is permitted to purchase a vehicle without obtaining a certificate of title if the dealer or recycler complies with outlined requirements, the transaction does not exceed \$1,200, the vehicle is at least 12 model years old and the owner does not have the paper certificate of title to the vehicle for certain reasons. Dealers and recyclers are required to report to the national motor vehicle title information system and ADOT a list of each vehicle purchased for scrap or parts. A finding that a vehicle is stolen must be reported to ADOT.

Pursuant to [A.R.S. §§ 28-2091 and 28-2095](#), any person who sells a vehicle with a salvage or restored salvage title must disclose to the buyer before the sale that the vehicle is a salvage or restored salvage vehicle. Pursuant to [A.R.S. § 28-4805](#), a towing company that towed an abandoned vehicle is entitled to receive 20% of the fees collected as partial reimbursement of costs incurred by the towing company.

### Provisions

#### ***Release of Personal Information (Sec. 4, 5)***

1. Removes the authority of ADOT to disclose, with express consent, personal information for bulk distribution for surveys, marketing or solicitations.
2. Eliminates the requirement for ADOT to provide on forms for driver licenses, nonoperating licenses and title and registration the opportunity for a person to provide express consent.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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3. Prohibits ADOT from selling records with personal identifying information for a commercial purpose except to a person authorized to receive records as outlined by statute and the Driver's Privacy Protection Act of 1994.

***Certificates of Title (Sec. 1, 8-12)***

4. Allows ADOT to accept certificates of title brands from other states or jurisdictions and to record these brands on the appropriate vehicle records.
5. Eliminates the requirement to pay a fee on a request for a certificate of title to designate a beneficiary of a vehicle upon death.
6. Exempts motor vehicles 20 model years of age from the odometer mileage disclosure statement requirement when transferring a title or interest in a vehicle if the model year is 2011 or newer.
7. Requires a person selling a vehicle with a salvage certificate of title to clearly and conspicuously disclose in writing or by electronic means to the buyer that the vehicle is a salvage vehicle and has a salvage certificate of title.
8. Requires a person selling a vehicle with a restored salvage certificate of title to clearly and conspicuously disclose in writing or by electronic means to the buyer that the vehicle is a restored salvage vehicle and has a restored salvage certificate of title.
9. Clarifies that the following requirements of a recycler or 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.
10. Requires a dealer or recycler to report verified stolen vehicles to a law enforcement agency rather than to ADOT.
11. Removes the requirement that a dealer or recycler electronically report to ADOT a list of each vehicle purchased for scrap or parts.
12. Requires ADOT to maintain records of searches on its electronic system to verify stolen vehicles based on its record retention schedule rather than for at least 10 years.
13. Removes the requirement for ADOT to incorporate by reference the National Motor Vehicle Title Information System.

***Commercial Licenses and Permits (Sec. 13, 14)***

14. Reclassifies a *commercial instruction permit* as a *commercial learner's permit*.
15. Requires ADOT to disqualify a person with a commercial driver license or learner's permit permanently if the person is convicted of any of the following offenses in another jurisdiction and a commercial motor vehicle was used in the commission of the offense:
  - a) Sex trafficking;
  - b) Trafficking of persons for forced labor or services; and
  - c) Child sex trafficking.

***Towing Company Partial Reimbursement (Sec. 15)***

16. Requires a towing company that is owed partial reimbursement for towing an abandoned vehicle to register with the state's procurement office in order to qualify for payment.
17. States that failure to register with the state's procurement office will result in denial of payment and forfeiture of the payment.

18. Requires ADOT to make three good faith attempts to contact the towing company identified as having towed an abandoned vehicle in order to facilitate payment of the partial reimbursement.
19. States that if ADOT, after the good faith effort, does not receive a response from or is unable to make contact with the towing company within 30 days, the payment is subject to forfeiture and will revert to the Abandoned Vehicle Administration Fund.

***Arizona Highways Magazine (Sec. 17, 18)***

20. Allows the publisher of the Arizona Highways Magazine to accept donation to promote tourism in Arizona.
21. Requires the donations to promote tourism to be deposited into the Arizona Highways Magazine Fund.

***Failure to Pay Civil Penalty (Sec. 7, 20, 22)***

22. Requires, as session law rather than by statute, that ADOT rescind any driver license suspension or revocation that occurred before the effective date of this Act for a failure to pay a civil penalty on a civil traffic violation.
23. Prohibits ADOT from charging a fee for the reinstatement.
24. Removes the requirement that a court order the suspension or restriction of the driving privilege of a commercial driver for a failure to pay a civil penalty, surcharge or assessment on a civil traffic violation.
25. Conditions the enactment of these provisions on the enactment of SB 1551.

***Miscellaneous***

26. Removes the ability of ADOT to adopt rules relating to reciprocity for driver licenses issued by foreign counties. (Sec. 3)
27. Requires ADOT to provide for electronic notification of overdimensional permit council meetings to interested parties rather than by first class mail to persons on a mailing list. (Sec. 6)
28. Increases the cap on reimbursement that ADOT is authorized to pay a displaced farm, nonprofit organization or small business from \$25,000 to \$50,000. (Sec. 16)
29. Cites this legislation as the *John Carlson Memorial Act*. (Sec. 21)
30. Makes technical and conforming changes. (Sec. 1-8, 12-14, 16-19)