

REFERENCE TITLE: authorized third party fees; MVD

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1480

Introduced by
Senators Burns: Harper; Representatives Adams, Meza

AN ACT

AMENDING SECTION 28-5101, ARIZONA REVISED STATUTES; RELATING TO AUTHORIZED
THIRD PARTIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-5101, Arizona Revised Statutes, is amended to
3 read:

4 ~~28-5101.~~ Third party authorization

5 A. The director may authorize third parties to perform certain title
6 and registration, motor carrier licensing and tax reporting, dealer licensing
7 and driver license functions.

8 B. The director may authorize a person to be a third party electronic
9 service provider. An authorized third party electronic service provider
10 shall meet all of the requirements established by the department relating to
11 security, the minimum number of types of transactions, payment options and
12 multiple service delivery channels. Before authorization by the director
13 pursuant to this subsection, a person shall submit a plan approved by the
14 director for transition of an authorized third party electronic service
15 provider's customer service transactions to the department for the purposes
16 of continued operation by the department. The director may require updates
17 of the plan as deemed necessary by the director.

18 C. THE DIRECTOR MAY AUTHORIZE A THIRD PARTY ELECTRONIC SERVICE
19 PROVIDER TO PROVIDE INFORMATION TECHNOLOGY, INCLUDING ANALYSIS, DESIGN,
20 APPLICATION DEVELOPMENT, HARDWARE, SOFTWARE, HARDWARE MAINTENANCE, SOFTWARE
21 MAINTENANCE, DATABASE SERVICES AND DATA CONVERSION SERVICES. THE DIRECTOR
22 MAY COMPENSATE THE THIRD PARTY ELECTRONIC SERVICE PROVIDER BASED ON THE LEVEL
23 OF SERVICES REQUESTED BY THE DIRECTOR FROM THE MONIES PAID BY THE DEPARTMENT
24 PURSUANT TO THIS SECTION FOR TRANSACTIONS FACILITATED BY THE NEW INFORMATION
25 TECHNOLOGY PROVIDED. ON TERMINATION OF THE SERVICES, THE THIRD PARTY
26 ELECTRONIC SERVICE PROVIDER SHALL TRANSFER TO THE DEPARTMENT ALL EQUIPMENT
27 AND SOFTWARE PROVIDED BY THE THIRD PARTY ELECTRONIC SERVICE PROVIDER FOR THE
28 DEPARTMENT.

29 ~~C.~~ D. A person shall not engage in any business pursuant to this
30 article unless the director authorizes the person to engage in the business.

31 ~~D.~~ E. The director may furnish necessary documents or license plates
32 subject to this article.

33 ~~E.~~ F. Except as provided in subsection ~~F~~ G of this section, an
34 authorized third party or an authorized third party electronic service
35 provider shall submit to the department all statutorily prescribed fees and
36 taxes it collects. In addition to the statutorily prescribed fees and taxes,
37 an authorized third party or an authorized third party electronic service
38 provider may collect and retain a reasonable and commensurate fee for its
39 services.

40 ~~F.~~ G. In addition to payment pursuant to section 28-374, the
41 department shall reimburse the authorized third party or third party
42 electronic service provider as follows:

43 1. ~~One-dollar~~ TWO DOLLARS of each initial, renewal, replacement or
44 duplicate registration fee for a vehicle or an aircraft.

1 2. One dollar of each initial, duplicate or transfer title fee for a
2 vehicle or an aircraft.

3 3. An amount equal to two per cent of each vehicle license tax payment
4 **OR AIRCRAFT LICENSE TAX PAYMENT** the authorized third party collects and
5 submits to the department or four dollars for each registration year or part
6 of a registration year, whichever is more. The reimbursement amount shall
7 not exceed the amount of vehicle license tax **OR AIRCRAFT LICENSE TAX**
8 collected.

9 4. Four dollars for each initial, renewal, replacement or duplicate
10 application that the third party processes and that relates to driver
11 licenses, nonoperating identification licenses or permits. An authorized
12 third party may add the cost for expedited processing of renewal, replacement
13 or duplicate applications if requested by the applicant.

14 5. An amount equal to two per cent of each overweight or excess size
15 vehicle registration or permit fee the third party collects and submits to
16 the department or one dollar for each overweight or excess size vehicle
17 registration or permit processed, whichever is more.

18 6. One dollar for each motor vehicle or special motor vehicle record,
19 excluding motor vehicle records released to commercial recipients, including
20 insurers and their authorized agents.

21 7. Five dollars or one-fourth of one per cent of the fuel taxes
22 reported, whichever is greater, for each fuel tax report filed
23 electronically. **IN FISCAL YEARS 2008-2009 THROUGH 2012-2013**, the maximum
24 annual amount retained **EACH YEAR** shall not exceed one million five hundred
25 thousand dollars. ~~for the first year of the electronic filing and three~~
26 ~~hundred sixty~~ **BEGINNING IN FISCAL YEAR 2013-2014, THE MAXIMUM ANNUAL AMOUNT**
27 **RETAINED EACH YEAR SHALL NOT EXCEED FOUR HUNDRED EIGHTY** thousand dollars ~~each~~
28 ~~year thereafter~~.

29 8. One dollar for each fuel tax permit.

30 9. One dollar for each nonsufficient funds or dishonored check
31 payment.

32 10. One dollar for each abandoned vehicle report processed, except for
33 applications for crushed vehicles.

34 11. One dollar for each abandoned vehicle payment.

35 12. Two dollars for each initial special or personalized license plate
36 application.

37 13. One dollar for each initial, renewal or replacement vehicle dealer
38 license plate.

39 14. Five dollars for each application for an initial vehicle dealer
40 license or continuation of a vehicle dealer license.

41 15. One dollar of each twelve dollar fee paid pursuant to section
42 28-2356.

43 16. One dollar for each traffic survival school application and one
44 dollar for each certificate of completion processed.

45 **17. ONE DOLLAR FOR EACH REPLACEMENT LICENSE PLATE OR TAB.**

1 ~~G.~~ H. The department's authorized third party electronic service
2 provider may retain two dollars for processing documents electronically when
3 the statutory fee pursuant to this title is two dollars or more.
4 ~~H.~~ I. The director may authorize the electronic third party service
5 provider to process electronic fund transfers to the department for payment
6 of motor vehicle taxes and fees. The electronic third party service provider
7 may add a two dollar processing fee for each electronic funds transfer.
8 ~~I.~~ J. Each authorized third party that holds itself out as providing
9 services to the general public shall post a sign in a conspicuous location in
10 each facility of the authorized third party that contains the amount charged
11 for each transaction performed by the authorized third party and the amount
12 charged by the department for the same transaction.