

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1640

AN ACT

AMENDING SECTION 28-1552, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 14, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-5244; AMENDING SECTION 28-6355, ARIZONA REVISED STATUTES; RELATING TO TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-1552, Arizona Revised Statutes, is amended to
3 read:

4 28-1552. Jurisdiction of municipal and justice courts

5 A. Municipal courts and justice courts have concurrent jurisdiction
6 over all civil and MISDEMEANOR criminal violations of chapters 3, 4, 5, 7, 8,
7 9, ~~and~~ 10, 11, 14 AND 15 of this title and OVER CLASS 2 AND 3 MISDEMEANOR
8 CRIMINAL VIOLATIONS OF CHAPTER 25 OF this ~~chapter~~ TITLE that are committed
9 within their boundaries by persons eighteen years of age or older.

10 B. Municipal courts and justice courts have concurrent jurisdiction
11 over civil traffic violations committed within their boundaries by persons
12 under eighteen years of age if the presiding judge of the superior court in
13 the county declined jurisdiction pursuant to section 8-202.

14 Sec. 2. Title 28, chapter 14, article 2, Arizona Revised Statutes, is
15 amended by adding section 28-5244, to read:

16 28-5244. Foreign motor carriers; definition

17 A. NOTWITHSTANDING ANY OTHER LAW, A FOREIGN MOTOR CARRIER OR FOREIGN
18 PRIVATE MOTOR CARRIER THAT IS REQUIRED TO HAVE A CERTIFICATE OF REGISTRATION
19 ISSUED BY THE UNITED STATES SECRETARY OF THE DEPARTMENT OF TRANSPORTATION
20 PURSUANT TO 49 CODE OF FEDERAL REGULATIONS SECTIONS 368.1 THROUGH 368.8 SHALL
21 NOT DO ANY OF THE FOLLOWING:

22 1. OPERATE IN THIS STATE WITHOUT THE REQUIRED CERTIFICATE IN THE
23 VEHICLE.

24 2. OPERATE BEYOND THE LIMITATIONS OR RESTRICTIONS SPECIFIED IN THE
25 CERTIFICATE AS ISSUED.

26 3. REFUSE TO SHOW THE CERTIFICATE ON REQUEST OF A PEACE OFFICER OR AN
27 EMPLOYEE OF THE DEPARTMENT.

28 4. PROVIDE POINT-TO-POINT TRANSPORTATION SERVICES, INCLUDING EXPRESS
29 DELIVERY SERVICES, IN THE UNITED STATES FOR GOODS OTHER THAN INTERNATIONAL
30 CARGO THAT IS INCIDENTAL TO THE ENGAGEMENT OF THAT VEHICLE IN INTERNATIONAL
31 TRAFFIC. ANY SUCH CARRIAGE BY THE MOTOR CARRIER IN THE GENERAL DIRECTION OF
32 AN EXPORT MOVE OR AS A PART OF THE RETURN OF THE VEHICLE TO ITS BASE COUNTRY
33 SHALL BE CONSIDERED INCIDENTAL TO THAT VEHICLE'S ENGAGEMENT IN INTERNATIONAL
34 TRAFFIC.

35 B. NOTWITHSTANDING ANY OTHER LAW, A MOTOR CARRIER THAT IS REQUIRED TO
36 BE REGISTERED WITH THE UNITED STATES SECRETARY OF THE DEPARTMENT OF
37 TRANSPORTATION PURSUANT TO 49 UNITED STATES CODE SECTION 13902 OR 49 CODE OF
38 FEDERAL REGULATIONS SECTIONS 390.1 THROUGH 390.37 SHALL NOT DO ANY OF THE
39 FOLLOWING:

40 1. OPERATE IN THIS STATE WITHOUT THE REQUIRED REGISTRATION.

41 2. OPERATE BEYOND THE LIMITATIONS OR RESTRICTIONS SPECIFIED IN ITS
42 REGISTRATION.

43 3. OPERATE IN THIS STATE WITHOUT THE REQUIRED OPERATING AUTHORITY.

44 C. A MOTOR CARRIER THAT VIOLATES SUBSECTION A OR B IS SUBJECT TO A
45 CIVIL PENALTY OF ONE THOUSAND DOLLARS.

1 D. A LAW ENFORCEMENT AGENCY MAY IMPOUND A VEHICLE OPERATED IN
2 VIOLATION OF SUBSECTION A OR B AND ITS CARGO UNTIL THE CITATION AND ALL
3 CHARGES RELATED TO THE IMPOUNDMENT ARE CLEARED. THE IMPOUNDMENT CHARGES ARE
4 THE RESPONSIBILITY OF THE VEHICLE'S OWNER.

5 E. A MOTOR CARRIER GRANTED PERMANENT OPERATING AUTHORITY PURSUANT TO
6 49 CODE OF FEDERAL REGULATIONS SECTIONS 368.1 THROUGH 368.8 SHALL NOT OPERATE
7 A VEHICLE ON A HIGHWAY UNLESS THE VEHICLE IS INSPECTED BY A COMMERCIAL
8 VEHICLE SAFETY ALLIANCE-CERTIFIED INSPECTOR AT LEAST EVERY THREE MONTHS AND
9 SHALL DISPLAY A CURRENT SAFETY INSPECTION DECAL ATTESTING TO THE SUCCESSFUL
10 COMPLETION OF THOSE INSPECTIONS FOR AT LEAST THREE YEARS AFTER RECEIVING
11 PERMANENT OPERATING AUTHORITY.

12 F. SUBSECTION E DOES NOT APPLY TO A MOTOR CARRIER THAT IS GRANTED
13 AUTHORITY TO OPERATE SOLELY IN A COMMERCIAL ZONE ON THE UNITED STATES-MEXICO
14 INTERNATIONAL BORDER.

15 G. FOR THE PURPOSES OF THIS SECTION, "LIMITATIONS OR RESTRICTIONS"
16 INCLUDES COMMERCIAL ZONES, MUNICIPALITY, CONTIGUOUS MUNICIPALITIES,
17 UNINCORPORATED AREA, AND TERMINAL AREAS, AS DEFINED IN 49 CODE OF FEDERAL
18 REGULATIONS SECTIONS 372.101 THROUGH 372.221.

19 Sec. 3. Section 28-6355, Arizona Revised Statutes, is amended to read:

20 28-6355. Documentation; regional area road fund reimbursement

21 A. The department shall document the acquisition of rights-of-way for
22 the ~~regional~~ freeways and other routes on the state highway system related to
23 the regional transportation plan, including any negotiations and agreements
24 for acquisition of rights-of-way.

25 B. The department shall reimburse the regional area road fund
26 established by section 28-6302 or the highway user revenue fund established
27 by section 28-6533 if the department uses property for administrative
28 purposes that is acquired for the ~~regional~~ freeways and other routes on the
29 state highway system related to the regional transportation plan with monies
30 from the regional area road fund or monies distributed from the highway user
31 revenue fund pursuant to section 28-6538, subsection B, paragraph 1. The
32 department shall determine the amount of the reimbursement according to the
33 fair rental value OR THE FAIR MARKET VALUE of the property based on an
34 independent appraisal. The department shall allocate and reimburse the
35 amount to the fund from which the monies were taken.

36 Sec. 4. Blue ribbon transportation committee; report

37 A. The blue ribbon transportation committee is established consisting
38 of the following members:

39 1. The president of the senate.

40 2. The speaker of the house of representatives.

41 3. The chairperson and vice-chairperson of the senate transportation
42 committee or its successor committee.

43 4. The chairperson and vice-chairperson of the house of
44 representatives transportation committee or its successor committee.

1 5. Two members of the senate who are appointed by the president of the
2 senate and who are members of different political parties.

3 6. Two members of the house of representatives who are appointed by
4 the speaker of the house of representatives and who are members of different
5 political parties.

6 B. Committee members are not eligible to receive compensation but are
7 eligible for reimbursement of expenses under title 38, chapter 4, article 2,
8 Arizona Revised Statutes.

9 C. The committee shall:

10 1. Review all reports it receives relating to the transportation
11 framework in this state.

12 2. Make recommendations on which legislative issues relating to
13 transportation should be addressed in the next legislative session.

14 3. Submit a report regarding the committee's activities and
15 recommendations for legislative action on or before November 30, 2007 to the
16 governor, the president of the senate and the speaker of the house of
17 representatives and provide a copy of this report to the secretary of state
18 and the director of the Arizona state library, archives and public records.

19 Sec. 5. Veterans' plaque or monument

20 The Arizona department of transportation may accept from a veterans'
21 organization the donation of a plaque or monument to be placed along the
22 veterans' highway portion of interstate 17. The content, design and
23 placement of the plaque or monument is subject to the approval of the
24 department. The department shall not be responsible for maintenance of the
25 plaque or monument.

26 Sec. 6. Repeal

27 Section 4 of this act, relating to the blue ribbon transportation
28 committee, and section 5 of this act, relating to veterans' plaque or
29 monument, are repealed from and after September 30, 2008.