

REFERENCE TITLE: vehicle registration; identity; residence; evidence

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2284

Introduced by
Representative Tobin

AN ACT

AMENDING SECTIONS 28-2008, 28-2051, 28-2052, 28-2057, 28-2059 AND 28-2133,
ARIZONA REVISED STATUTES; RELATING TO VEHICLE REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-2008, Arizona Revised Statutes, is amended to
3 read:

4 28-2008. Duplicate certificate of title, permit, registration
5 card or license plates

6 If a certificate of title, permit, registration card or license plate
7 is lost or mutilated or becomes illegible, the person entitled to the
8 certificate, permit, card or plate shall immediately apply for and obtain a
9 duplicate or substitute certificate, permit, card or plate by furnishing
10 information satisfactory to the department, **INCLUDING EVIDENCE OF THE**
11 **PERSON'S IDENTITY AND CURRENT AND COMPLETE RESIDENCE ADDRESS AS PRESCRIBED IN**
12 **SECTION 28-2059.**

13 Sec. 2. Section 28-2051, Arizona Revised Statutes, is amended to read:

14 28-2051. Application for certificate of title; vision screening
15 test

16 A. A person shall apply to the department on a form prescribed or
17 authorized by the department for a certificate of title to a motor vehicle,
18 trailer or semitrailer. The person shall make the application within fifteen
19 days of the purchase or transfer of the vehicle, trailer or semitrailer. All
20 transferees shall sign the application, except that one transferee may sign
21 the application if both of the following apply:

22 1. The application is for the purposes of converting an out-of-state
23 certificate of title to a certificate of title issued pursuant to this
24 article.

25 2. The ownership or legal status of the motor vehicle, trailer or
26 semitrailer does not change.

27 B. The application shall contain:

28 1. The transferee's full name and either the driver license number of
29 the transferee or a number assigned by the department.

30 2. **EVIDENCE OF** the transferee's **CURRENT AND** complete residence address
31 **AS PRESCRIBED IN SECTION 28-2059.**

32 3. A brief description of the vehicle to be titled.

33 4. The name of the manufacturer of the vehicle.

34 5. The serial number of the vehicle.

35 6. The last license plate number if applicable and if known and the
36 state in which the license plate number was issued.

37 7. If the application is for a certificate of title to a new vehicle,
38 the date of sale by the manufacturer or dealer to the person first operating
39 the vehicle.

40 8. If the application is in the name of a lessor:

41 (a) The lessor shown on the application as the owner or transferee.

42 (b) At the option of the lessor, the lessee shown on the application
43 as the registrant.

44 (c) The address of either the lessor or lessee.

45 (d) The signature of the lessor.

1 9. If the application is for a certificate of title to a specially
2 constructed, reconstructed or foreign vehicle, a statement of that fact. For
3 the purposes of this paragraph, "specially constructed vehicle" means a
4 vehicle not originally constructed under a distinctive name, make, model or
5 type by a generally recognized manufacturer of vehicles.

6 10. If an applicant rents or intends to rent the vehicle without a
7 driver, a statement of that fact.

8 11. Other information required by the department.

9 C. Unless subsection B, paragraph 8 of this section applies, on
10 request of an applicant, the department shall allow the applicant to provide
11 on the title of a motor vehicle, trailer or semitrailer a post office box
12 address that is regularly used by the applicant.

13 D. A person shall submit the following information with an application
14 for a certificate of title:

15 1. To a vehicle previously registered:

16 (a) The odometer mileage disclosure statement prescribed by section
17 28-2058.

18 (b) If the applicant is applying for title pursuant to section
19 28-2060, the applicant's statement of the odometer reading as of the date of
20 application.

21 (c) EVIDENCE OF THE PERSON'S IDENTITY AND CURRENT AND COMPLETE
22 RESIDENCE ADDRESS AS PRESCRIBED IN SECTION 28-2059.

23 2. To a new vehicle:

24 (a) A certificate or electronic title from the manufacturer showing
25 the date of sale to the dealer or person first receiving the vehicle from the
26 manufacturer. Before the department issues a certificate of title to a new
27 vehicle, a certificate or electronic title from the manufacturer shall be
28 surrendered to the department.

29 (b) The name of the dealer or person.

30 (c) A description sufficient to identify the vehicle.

31 (d) A statement certifying that the vehicle was new when sold.

32 (e) EVIDENCE OF THE PERSON'S IDENTITY AND CURRENT AND COMPLETE
33 RESIDENCE ADDRESS AS PRESCRIBED IN SECTION 28-2059.

34 ~~(e)~~ (f) If sold through a dealer, a statement by the dealer
35 certifying that the vehicle was new when sold to the applicant.

36 E. The department may request an applicant who appears in person for a
37 certificate of title of a motor vehicle, trailer or semitrailer to complete
38 satisfactorily the vision screening test prescribed by the department.

39 F. THE DEPARTMENT SHALL RETAIN AN ELECTRONIC COPY OF THE EVIDENCE THE
40 PERSON SUBMITS PURSUANT TO THIS SECTION TO PROVE THE PERSON'S IDENTIFY AND
41 CURRENT AND COMPLETE RESIDENCE ADDRESS AS PART OF THE VEHICLE RECORD, AND
42 EXCEPT FOR THE USE PRESCRIBED BY SECTION 28-455, SUBSECTION C, PARAGRAPH 1,
43 SHALL NOT KNOWINGLY DISCLOSE THE DOCUMENTS OR THE INFORMATION CONTAINED IN
44 THE DOCUMENTS TO AN UNAUTHORIZED PERSON.

1 Sec. 3. Section 28-2052, Arizona Revised Statutes, is amended to read:
2 28-2052. Title and registration of foreign vehicles

3 A. Except as provided in subsection E of this section, the owner of a
4 foreign vehicle that has been registered in another state or country and for
5 which an application for a certificate of title is made shall surrender to
6 the department the license plates assigned to the vehicle, the registration
7 card, the certificate of title, the certificate of ownership or other
8 evidence of foreign registration and satisfactory evidence of ownership
9 showing that the applicant is the lawful owner or possessor of the vehicle.

10 B. If in the course of interstate operation of a vehicle registered in
11 another state or country it is desirable to retain registration of the
12 vehicle in the other state or country, the applicant need not follow the
13 requirements of subsection A of this section but shall submit evidence of the
14 foreign registration and ownership for inspection. The department shall
15 register the vehicle on a proper showing of evidence of registration but
16 shall not issue a certificate of title for the vehicle.

17 C. The department shall inspect a foreign vehicle before titling or
18 registration, including examination and inspection to establish compliance
19 with section 28-955, under conditions and standards as required by the
20 director of environmental quality. The department may establish procedures
21 to accept vehicle inspections completed in another state.

22 D. Before the department issues a certificate of title to a vehicle
23 imported into this country, the owner shall obtain a certificate of
24 compliance that states that the vehicle meets all federal vehicle equipment
25 and emissions equipment requirements. This subsection does not apply to a
26 golf cart manufactured or modified before June 17, 1998 or neighborhood
27 electric vehicle manufactured or modified before June 17, 1998.

28 E. The department may establish procedures to accept evidence that the
29 certificate of title or certificate of ownership has been voided or destroyed
30 by another state.

31 F. THE DEPARTMENT SHALL NOT REGISTER A VEHICLE PURSUANT TO SUBSECTION
32 B OF THIS SECTION UNLESS THE APPLICANT PROVIDES EVIDENCE OF THE PERSON'S
33 IDENTITY AND CURRENT AND COMPLETE RESIDENCE ADDRESS AS PRESCRIBED IN SECTION
34 28-2059.

35 Sec. 4. Section 28-2057, Arizona Revised Statutes, is amended to read:
36 28-2057. Registration without certificate of title or bond;
37 receipt; fee

38 A. If the department is not satisfied as to the ownership of the
39 vehicle or is not satisfied that there are no undisclosed security interests
40 in the vehicle, the department may register a vehicle IF THE APPLICANT
41 PROVIDES EVIDENCE OF THE PERSON'S IDENTITY AND CURRENT AND COMPLETE RESIDENCE
42 ADDRESS AS PRESCRIBED IN SECTION 28-2059, but shall either:

43 1. Withhold issuance of a certificate of title until the applicant
44 presents documents reasonably sufficient to satisfy the department as to the
45 applicant's ownership of the vehicle and that there are no undisclosed
46 security interests in the vehicle.

1 2. As a condition of issuing a certificate of title, require the
2 applicant to file a bond with the department as prescribed in subsection B
3 of this section.

4 B. The department shall prescribe the form of the bond required by
5 subsection A of this section. The applicant shall execute the bond and
6 either accompany it with the deposit of cash or have a person authorized to
7 conduct a surety business in this state also execute the bond. The bond
8 shall be in an amount equal to one and one-half times the value of the
9 vehicle as determined by the department and conditioned to indemnify any
10 prior owner and lienholder and any subsequent purchaser of the vehicle or
11 person acquiring any security interest in it and their respective successors
12 in interest against any expense, loss or damage, including reasonable
13 attorney fees, by reason of the issuance of the certificate of title of the
14 vehicle or on account of any defect in or undisclosed security interest on
15 the right, title and interest of the applicant in and to the vehicle.

16 C. An interested person has a right of action to recover on the bond
17 for any breach of its condition. The aggregate liability of the surety to
18 all persons shall not exceed the amount of the bond.

19 D. The bond and any deposit accompanying it shall be returned at the
20 end of three years or prior to the end of three years if the vehicle is no
21 longer registered in this state and the currently valid certificate of title
22 is surrendered to the department, unless the department has been notified of
23 the pendency of an action to recover on the bond.

24 E. If the applicant does not have the original certificate of title
25 because the certificate of title is held by a lender located outside this
26 state and if the applicant presents documents to the department sufficient in
27 the judgment of the department to establish ownership of the vehicle, the
28 department may register the vehicle and issue a receipt in lieu of the
29 certificate of title provided by section 28-2052. The fee for the receipt is
30 equal to the fee prescribed for a certificate of title pursuant to section
31 28-2003.

32 Sec. 5. Section 28-2059, Arizona Revised Statutes, is amended to read:

33 28-2059. Obtaining a certificate of title; evidence of identity
34 and current and complete residence address;
35 revocation

36 A. If satisfactory proof of ownership AND SATISFACTORY EVIDENCE OF THE
37 APPLICANT'S IDENTITY AND CURRENT AND COMPLETE RESIDENCE ADDRESS is furnished
38 to the director, the director may issue a certificate of title for a motor
39 vehicle, trailer or semitrailer whether or not a certificate of title has
40 ever been issued for that motor vehicle, trailer or semitrailer.

41 B. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION AND IN ADDITION
42 TO THE INFORMATION REQUIRED PURSUANT TO SECTION 28-2051, THE DEPARTMENT SHALL
43 NOT ISSUE A CERTIFICATE OF TITLE TO A PERSON WHO IS APPLYING FOR A
44 CERTIFICATE OF TITLE TO A NEW VEHICLE, A USED VEHICLE, A FOREIGN VEHICLE, A
45 TRANSFER OF VEHICLE OWNERSHIP OR AN ADDITION OF AN OWNER TO AN EXISTING
46 CERTIFICATE OF TITLE UNLESS THE PERSON SUBMITS ONE OF THE FOLLOWING AS

1 SATISFACTORY EVIDENCE OF THE APPLICANT'S IDENTITY AND CURRENT AND COMPLETE
2 RESIDENCE ADDRESS:

- 3 1. A CURRENT DRIVER LICENSE ISSUED AFTER 1996.
- 4 2. A UNITED STATES MILITARY DD-214 FORM OR UNITED STATES ARMED FORCES
5 DRIVER LICENSE OR IDENTIFICATION CARD.
- 6 3. A PASSPORT, I-94 FORM OR RESIDENT ALIEN CARD.
- 7 4. A TRIBAL CERTIFICATE OF INDIAN BLOOD OR TRIBAL OR BUREAU OF INDIAN
8 AFFAIRS AFFIDAVIT OF BIRTH.
- 9 5. OTHER VERIFIABLE EVIDENCE AS PRESCRIBED BY THE DIRECTOR.

10 C. SUBSECTION B OF THIS SECTION DOES NOT APPLY TO ANY OF THE
11 FOLLOWING:

- 12 1. A NEW MOTOR VEHICLE DEALER AS DEFINED IN SECTION 28-4301 WHO
13 SUBMITS AN APPLICATION FOR A CERTIFICATE OF TITLE FOR A NEW MOTOR VEHICLE ON
14 BEHALF OF THE DEALERSHIP OR ON BEHALF OF A PERSON OR A BUSINESS ENTITY
15 PURCHASING A VEHICLE FROM THE DEALER.
- 16 2. A MOTOR VEHICLE DEALER AS DEFINED IN SECTION 28-4301 WHO SUBMITS AN
17 APPLICATION FOR A CERTIFICATE OF TITLE IN THE NAME OF THE MOTOR VEHICLE
18 DEALER OR THE DEALERSHIP.
- 19 3. A FINANCIAL INSTITUTION AS DEFINED IN SECTION 6-101 THAT SUBMITS AN
20 APPLICATION FOR A CERTIFICATE OF TITLE ON BEHALF OF THE FINANCIAL INSTITUTION
21 OR ON BEHALF OF A PERSON ACQUIRING OWNERSHIP OR POSSESSION OF A VEHICLE
22 THROUGH A LOAN, LEASE OR PURCHASE AGREEMENT INVOLVING THE FINANCIAL
23 INSTITUTION.
- 24 4. AN INSURER THAT IS AUTHORIZED BY THE DEPARTMENT OF INSURANCE TO
25 TRANSACT BUSINESS IN THIS STATE AND THAT SUBMITS AN APPLICATION FOR A
26 CERTIFICATE OF TITLE ON BEHALF OF THE INSURER OR ON BEHALF OF A PERSON WHO
27 HAS FILED A CLAIM FOR LOSS OR DAMAGES WITH THE INSURER.
- 28 5. THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT APPLIES
29 FOR A CERTIFICATE OF TITLE.
- 30 6. A FEDERAL OR TRIBAL AGENCY THAT APPLIES FOR A CERTIFICATE OF TITLE.
- 31 7. A PERSON WHO IS APPLYING FOR A TITLE AND WHO IS REGISTERING A
32 VEHICLE PURSUANT TO ARTICLE 6, 7 OR 8 OF THIS CHAPTER.
- 33 8. AN APPLICATION FOR A CERTIFICATE OF TITLE DUE TO AN ELECTRONIC
34 LIEN.

35 D. IF AN APPLICATION FOR A CERTIFICATE OF TITLE IS IN THE NAME OF A
36 BUSINESS ENTITY, THE PERSON AUTHORIZED TO SIGN FOR THE BUSINESS ENTITY SHALL
37 COMPLY WITH THE REQUIREMENTS OF SUBSECTION B OF THIS SECTION.

38 E. THE DIRECTOR SHALL ADOPT RULES NECESSARY TO CARRY OUT THE PURPOSES
39 OF THIS SECTION AND SECTION 28-2051. THE RULES SHALL INCLUDE PROCEDURES FOR
40 THE DEPARTMENT TO ELECTRONICALLY VERIFY AN APPLICANT'S IDENTITY AND CURRENT
41 AND COMPLETE RESIDENCE ADDRESS. THE RULES SHALL INCLUDE PROCEDURES FOR
42 PERSONS WHO ARE AUTHORIZED BY THE DEPARTMENT PURSUANT TO CHAPTERS 10, 12 AND
43 13 OF THIS TITLE TO ISSUE A CERTIFICATE OF TITLE OR TO PREPARE AN APPLICATION
44 FOR A CERTIFICATE OF TITLE ON BEHALF OF ANOTHER PERSON. THE APPLICATION
45 SHALL INCLUDE A PAPER OR AN ELECTRONIC COPY OF THE DOCUMENT THE APPLICANT
46 USES TO ESTABLISH IDENTITY AND CURRENT AND COMPLETE RESIDENCE ADDRESS.

1 F. THE DEPARTMENT SHALL RETAIN AN ELECTRONIC COPY OF THE DOCUMENTS THE
2 APPLICANT SUBMITS TO ESTABLISH IDENTITY AND CURRENT AND COMPLETE RESIDENCE
3 ADDRESS SUBMITTED PURSUANT TO THIS SECTION AS PART OF THE VEHICLE RECORD, AND
4 EXCEPT FOR THE USE PRESCRIBED BY SECTION 28-455, SUBSECTION C, PARAGRAPH 1,
5 SHALL NOT KNOWINGLY DISCLOSE THE DOCUMENTS OR THE INFORMATION CONTAINED IN
6 THE DOCUMENTS TO AN UNAUTHORIZED PERSON.

7 ~~B-~~ G. If the director determines that an applicant for a certificate
8 of title to a motor vehicle, trailer or semitrailer HAS NOT PROVIDED
9 SATISFACTORY EVIDENCE OF OWNERSHIP, IDENTITY AND CURRENT AND COMPLETE
10 RESIDENCE ADDRESS OR is OTHERWISE not entitled to a certificate of title, the
11 director may refuse to issue a certificate OF TITLE or to register the
12 vehicle and, ~~after notice and a hearing, the director~~ may ~~revoke~~ CANCEL a
13 registration already acquired or an outstanding certificate of title. The
14 director shall serve the notice OF CANCELLATION in person or by ~~regular~~ FIRST
15 CLASS mail. Within fifteen days after the date the notice is delivered or
16 mailed, the applicant may request a hearing.

17 Sec. 6. Section 28-2133, Arizona Revised Statutes, is amended to read:
18 28-2133. Index and filing of liens, encumbrances or
19 instruments; constructive notice

20 A. The department shall maintain an appropriate index of all liens,
21 encumbrances or title retention instruments filed as provided by this
22 article.

23 B. The filing and issuance of a new certificate of title as provided
24 in this article is constructive notice to creditors of the owner or to
25 subsequent purchasers of all liens and encumbrances against the vehicle
26 described in the certificate of title, except those that are authorized by
27 law and that are dependent on possession. If the documents referred to in
28 this article are received and filed in a registering office of the department
29 within ~~ten~~ THIRTY days after the date of their execution, the constructive
30 notice dates from the time of execution. Otherwise, the notice dates from
31 the time of receipt and filing of the documents by the department as shown by
32 its endorsement.

33 C. The method provided in subsection B of this section for giving
34 constructive notice of a lien or encumbrance on a vehicle required to be
35 titled and registered under section 28-2153 or a mobile home required to be
36 titled under section 28-2063 is exclusive, except for liens dependent on
37 possession. A lien, encumbrance or title retention instrument or document
38 that evidences any of them and that is filed as provided by this article is
39 exempt from the provisions of law that otherwise require or relate to the
40 recording or filing of instruments creating or evidencing title retention or
41 other liens or encumbrances on vehicles of a type subject to registration
42 under this chapter.