

House Engrossed

auto theft authority; fee overpayment

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

# HOUSE BILL 2609

AN ACT

AMENDING SECTION 41-3453, ARIZONA REVISED STATUTES; RELATING TO THE  
AUTOMOBILE THEFT AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-3453, Arizona Revised Statutes, is amended to  
3 read:

4 41-3453. Failure to pay fee; overpayment; refund; audit;  
5 definitions

6 A. The automobile theft authority shall notify the director of an  
7 insurer's failure to pay the fee prescribed by section 41-3451,  
8 subsection J. On receiving notice of an insurer's failure to pay the fee,  
9 the director may suspend the insurer's certificate of authority or impose  
10 a civil penalty of not more than one hundred twenty percent of the amount  
11 due, or both. The insurer shall pay the civil penalty to the director.  
12 The director shall deposit, pursuant to sections 35-146 and 35-147, the  
13 civil penalty in the automobile theft authority fund.

14 B. AN INSURER THAT HAS OVERPAID THE FEE PRESCRIBED BY SECTION  
15 41-3451 IS ENTITLED TO A REFUND OF THE OVERPAID AMOUNT. THE INSURER SHALL  
16 SUBMIT A WRITTEN REQUEST FOR A REFUND TO THE AUTOMOBILE THEFT AUTHORITY  
17 WITHIN ONE YEAR AFTER THE DATE THAT THE OVERPAID ASSESSMENT WAS DUE AND  
18 PAYABLE PURSUANT TO THE DATES SPECIFIED IN SECTION 41-3451, SUBSECTION J,  
19 AND INCLUDE DOCUMENTATION OR ANY OTHER INFORMATION SATISFACTORY TO THE  
20 DIRECTOR TO SUBSTANTIATE THE ACTUAL OVERPAID AMOUNT. THE DIRECTOR SHALL  
21 APPROVE OR DENY A REFUND OF THE AMOUNT SPECIFIED IN THE INSURER'S  
22 REQUEST. IF THE DIRECTOR APPROVES A REFUND REQUEST THE DIRECTOR SHALL  
23 REFUND TO THE INSURER THE AMOUNT SPECIFIED IN THE INSURER'S REQUEST FROM  
24 THE AUTOMOBILE THEFT AUTHORITY FUND ESTABLISHED BY SECTION 41-3451.

25 C. THE DIRECTOR MAY AUDIT AN INSURER THAT ISSUES MOTOR VEHICLE  
26 LIABILITY INSURANCE POLICIES IN THIS STATE FOR THE PURPOSES OF DETERMINING  
27 WHETHER THE INSURER IS IN COMPLIANCE WITH THIS CHAPTER. THE EXPENSES OF  
28 AN AUDIT CONDUCTED UNDER THIS SUBSECTION SHALL BE PAID BY THE INSURER.

29 ~~B.~~ D. For the purposes of this section:

30 1. "Director" means the director of the department of insurance and  
31 financial institutions.

32 2. "Insurer" means an insurer that writes motor vehicle insurance  
33 in this state, including reciprocal insurers, mutual companies, mutual  
34 associations and Lloyd's plans.