

Senate Engrossed House Bill
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.

35 Sec. 2. Fee overpayment; refund

36 Notwithstanding section 41-3453, subsection B, Arizona Revised
37 Statutes, as added by this act, the director of the department of
38 insurance and financial institutions shall approve a written request
39 submitted to the automobile theft authority on or before December 31, 2024
40 for a refund of the actual overpaid amount of the fee prescribed by
41 section 41-3451, subsection J, Arizona Revised Statutes, that was the
42 subject of a claim initiated by an insurer in 2023 if the insurer includes
43 documentation or any other information satisfactory to the director to
44 substantiate the actual overpaid amount.