



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

House: COM DPA 9-0-0-1 | 3<sup>rd</sup> Read 59-0-0-0-1  
Senate: FICO DPA 6-0-1-0 | 3<sup>rd</sup> Read 28-0-2-0-0

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**HB 2609: auto theft authority; fee overpayment**  
**Sponsor: Representative Livingston, LD 28**  
**Senate Engrossed**

## Overview

Entitles an insurer to a refund relating to overpayment of Automobile Theft Authority fees.

## History

Established in the Department of Insurance and Financial Institutions (DIFI), the Automobile Theft Authority (Authority) is tasked with determining the scope of motor vehicle theft and the areas of the state where the problem is the greatest. The Authority may also analyze, develop and implement a plan to combat the problem of motor vehicle theft. The Authority allocates monies in the Automobile Theft Authority Fund (Fund) to public agencies for the purpose of establishing, maintaining and supporting programs that are designed to prevent motor vehicle theft.

Each insurer who issues a motor vehicle liability insurance policy is required to pay a semiannual fee of \$0.50 per vehicle insured under the policy. Monies collected from the fee as well as 50% of civil penalties assessed against a scrap metal dealer who does not submit required vehicle information to the Arizona Department of Transportation are deposited into the Fund ([A.R.S § 41-3451](#)).

The Authority must notify DIFI of an insurer's failure to pay the semiannual fee. On receiving notice of an insurer's failure to pay the fee, DIFI may suspend the insurer's certificate of authority or impose a civil penalty to be deposited into the Fund ([A.R.S. § 41-3453](#)).

## Provisions

1. Entitles an insurer who overpaid the automobile theft authority fee to a refund of the overpaid amount. (Sec. 1)
2. Directs the insurer to submit a written request for a refund to the Authority within one year after the date that the overpaid assessment was due and include documentation that substantiates the actual overpaid amount. (Sec 1)
3. Instructs DIFI to approve or deny a request for a refund. (Sec. 1)
4. Stipulates DIFI must refund the amount specified in the request to the insurer from the Fund if the request is approved. (Sec. 1)
5. Permits DIFI to audit a motor vehicle liability insurer for compliance purposes and designates the expenses of the audit conducted be paid by the insurer. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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**Senate Amendments**

1. Includes a requirement for DIFI to approve a request for a refund submitted to the Authority by December 31, 2024, that was the subject of a claim initiated by an insurer in 2023 if the insurer includes documentation satisfactory to the Director to substantiate the actual overpaid amount.