



Attorney General

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Phoenix, Arizona 85007

Robert K. Corbin

January 6, 1983

Mr. Juan Martin, Jr.
Assistant Director
Motor Vehicle Division
Arizona Department of Transportation
1801 West Jefferson
Phoenix, Arizona 85007

Re: I83-003 (R82-187)

Dear Mr. Martin:

You have asked our opinion whether the phrase "sworn statement" in Ch. 289 § 12, 1982 Ariz. Sess. Laws (2d Reg. Sess.) requires a notarized signature. For reasons which follow, we conclude that the statute requires that a statement be administered under oath.

Ch. 289, § 12, 1982 Ariz. Sess. Laws (2d Reg. Sess.), provides in pertinent part:

A. A person applying for initial registration or renewal of registration of a motor vehicle, trailer or semitrailer shall sign a sworn statement affirming that, at the time of the application for registration renewal, the vehicle for which the registration card is issued is covered by proof of financial responsibility for the vehicle of the type allowed under § 28-1167, Arizona Revised Statutes, and that the coverage will be maintained for the duration of the registration period. . . . The application is not complete and shall not be processed until the applicant signs and dates the sworn statement required under this section.

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B. The statement required by subsection A of this section shall state the following:
"I affirm that the vehicle described in this application is in compliance with state financial responsibility requirements and will remain so during the entire registration period." (Emphasis added)

Webster's Third New International Dictionary defines "sworn" as follows: "Bound by oath: avowed . . . certified under oath: attested . . .". Clearly then, the use of the word "sworn" in the statute imposes the requirement of an oath. Moreover, because the statute requires the statement be signed and dated, there is no question that it must be in writing. Therefore, the person making the statement must appear before a notary public or other persons authorized by law to administer oaths when the statutorily required statement is signed by that person.^{1/}

Sincerely,



BOB CORBIN
Attorney General

BC:JLJ:jn

1. We note that A.R.S. § 28-204 authorizes the Assistant Director of the Motor Vehicle Division to designate officers, agents and employees to administer oaths and acknowledge signatures in matters connected to the administration of the Division.



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INTERAGENCY

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B. The statement required by subsection A of this section shall state the following:
"I affirm that the vehicle described in this application is in compliance with state financial responsibility requirements and will remain so during the entire registration period." (Emphasis added)

Webster's Third New International Dictionary defines "sworn" as follows: "Bound by oath: avowed . . . certified under oath: attested . . .". Clearly then, the use of the word "sworn" in the statute imposes the requirement of an oath. Moreover, because the statute requires the statement be signed and dated, there is no question that it must be in writing. Therefore, the person making the statement must appear before a notary public or other persons authorized by law to administer oaths when the statutorily required statement is signed by that person.^{1/}

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