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House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

HOUSE BILL 2465

AN ACT

PROVIDING FOR THE DELAYED REPEAL OF SECTION 28-2356, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2001, CHAPTER 325, SECTION 15; AMENDING SECTION 28-2356, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, CHAPTER 258, SECTION 7; AMENDING LAWS 2003, CHAPTER 258, SECTION 12; RELATING TO LICENSE PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1

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

2 Section 1. Delayed repeal

3 Section 28-2356, Arizona Revised Statutes, as amended by Laws 2001,
4 chapter 325, section 15, is repealed from and after December 31, 2004.

5 Sec. 2. Section 28-2356, Arizona Revised Statutes, as amended by Laws
6 2003, chapter 258, section 7, is amended to read:

7 28-2356. Transfer of license plates to another vehicle; credit

8 A. Except as otherwise provided in this chapter, the owner of a
9 vehicle for which the department provided license plates pursuant to section
10 28-2351 shall retain those license plates when the owner transfers the
11 vehicle to another person.

12 B. The department may assign the license plates retained pursuant to
13 subsection A of this section to another vehicle that belongs to the owner if
14 all of the following apply:

15 1. The other vehicle is of the same vehicle type.

16 2. The owner makes proper application to the director or a third party
17 authorized pursuant to chapter 13 of this title.

18 3. The owner pays a transfer fee of twelve dollars in addition to any
19 other fees required by law.

20 4. If the vehicle license tax, gross weight fees, commercial
21 registration fees, special plate fees and motor carrier fees are more than
22 the similar fees and taxes required to register the vehicle to which the
23 license plates were previously assigned, the owner pays any additional fees
24 and taxes required after subtracting any credit allowed under this section.

25 C. If the other vehicle is not of the same vehicle type as the vehicle
26 for which the license plates were provided by the department pursuant to
27 section 28-2351, the owner shall either surrender the license plates to the
28 department or an authorized third party or submit an affidavit of license
29 plate destruction as prescribed by the director. On surrender of the license
30 plates or submission of an affidavit of license plate destruction, the
31 department shall provide new license plates of the proper vehicle type to the
32 owner and credit the owner with an amount equal to the unexpended portion of
33 the fees and taxes originally paid by the owner for registration and license
34 plates toward fees and taxes charged for the registration and license plates
35 of the appropriate new vehicle type.

36 D. The owner of a registered vehicle who transfers license plates to
37 another vehicle is entitled to a credit for the unexpired portion of the fees
38 and taxes paid as required by law in accordance with the following
39 conditions:

40 1. The fees and taxes are prorated on a monthly basis beginning on the
41 first day of the registration month following the date of acquisition of the
42 vehicle.

43 2. The credit shall be an amount computed as follows:

44 (a) If the vehicle is registered on an annual basis, one-twelfth for
45 each full month of the registration period not yet expired.

1 (b) If the vehicle is registered on a biennial basis pursuant to
2 section 28-2159, one-twenty-fourth for each full month of the registration
3 period not yet expired.

4 (c) If the vehicle is permanently registered, one-twenty-fourth for
5 each full month after acquisition of the vehicle to the twenty-fourth month
6 after the date of initial permanent registration of the vehicle.

7 ~~E. If the owner of a registered vehicle transfers the vehicle to~~
8 ~~another person and either surrenders the license plates to the department or~~
9 ~~an authorized third party or submits an affidavit of license plate~~
10 ~~destruction pursuant to section 28-2058, all of the following apply:~~

11 ~~1. The department shall calculate, pursuant to subsection D of this~~
12 ~~section, the unexpired portion of fees and taxes available for credit at the~~
13 ~~time the license plates are surrendered or the affidavit of license plate~~
14 ~~destruction is submitted.~~

15 ~~2. The department shall maintain a record of the amount calculated~~
16 ~~pursuant to paragraph 1 of this subsection.~~

17 ~~3. The owner may apply the available credit for the fees and taxes to~~
18 ~~one other vehicle the owner owns or acquires before the expiration of the~~
19 ~~registration period for which the unexpired portion of the fees and taxes~~
20 ~~were paid.~~

21 ~~4. If the available credit exceeds the amount required to pay the fees~~
22 ~~and taxes as prescribed in paragraph 3 of this subsection, the department~~
23 ~~shall delete the excess credit from the record.~~

24 ~~5. If the owner does not apply the available credit calculated~~
25 ~~pursuant to paragraph 1 of this subsection for fees and taxes to another~~
26 ~~vehicle before the expiration of the registration period for which the~~
27 ~~unexpired portion of the fees and taxes were paid, the credit is zero.~~

28 ~~F.~~ E. If the owner of a registered vehicle transfers the vehicle to
29 another person but does not transfer the license plates to another vehicle,
30 surrender the license plates to the department or an authorized third party
31 or submit an affidavit of license plate destruction within thirty days of the
32 transfer as required by section 28-2058, the credit for the unexpired portion
33 of the fees and taxes shall decrement pursuant to subsection D of this
34 section until the owner either surrenders the license plates to the
35 department or an authorized third party or submits an affidavit of license
36 plate destruction.

37 F. AN OWNER OF A REGISTERED VEHICLE WHO TRANSFERS THE VEHICLE TO
38 ANOTHER PERSON AND EITHER SURRENDERS THE LICENSE PLATES TO THE DEPARTMENT OR
39 AN AUTHORIZED THIRD PARTY OR SUBMITS AN AFFIDAVIT OF LICENSE PLATE
40 DESTRUCTION MAY APPLY TO THE DEPARTMENT FOR A REFUND OF THE UNEXPIRED PORTION
41 OF THE FEES AND TAXES PAID IF THE OWNER DOES NOT CLAIM A CREDIT PURSUANT TO
42 THIS SECTION AND THE REFUND IS MORE THAN TWENTY DOLLARS. IF THE REFUND IS
43 LESS THAN TWENTY DOLLARS, THE DEPARTMENT SHALL ALLOW THE OWNER TO APPLY THE
44 REMAINING CREDIT IN A MANNER PRESCRIBED BY THE DEPARTMENT TO ANOTHER VEHICLE

1 REGISTERED TO THE OWNER. THE DEPARTMENT SHALL COMPUTE THE REFUND AS
2 PRESCRIBED IN SUBSECTIONS D AND E OF THIS SECTION.

3 G. An owner who transfers license plates to another vehicle pursuant
4 to this section is subject to the same penalties for the use of the license
5 plates on another vehicle or for improper use of the license plates as the
6 owner would have been subject to for use of the license plates on the vehicle
7 to which the plates were previously assigned.

8 H. The owner of a vehicle registered in this state is not entitled to
9 a credit or a refund pursuant to this section if the vehicle is registered in
10 another state unless the owner is applying the credit pursuant to this
11 section to another vehicle the owner owns or acquires for registration in
12 this state.

13 I. The director shall adopt rules necessary to administer this
14 section.

15 Sec. 3. Laws 2003, chapter 258, section 12 is amended to read:
16 Sec. 12. Effective date

17 ~~A. Section 28-2356, Arizona Revised Statutes, as amended by LAWS 2003,~~
18 ~~CHAPTER 258, SECTION 7 AND this act, is effective from and after June 30~~
19 ~~DECEMBER 31, 2004. , only if the legislature appropriates \$122,000 to the~~
20 ~~department of transportation to cover implementation costs.~~

21 ~~B. The department of transportation shall notify in writing the~~
22 ~~director of the Arizona legislative council if the condition is met or not~~
23 ~~met.~~

24 Sec. 4. Retroactivity
25 Laws 2003, chapter 258, section 12, as amended by this act, applies
26 retroactively to from and after June 30, 2004.