

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

# HOUSE BILL 2727

AN ACT

AMENDING SECTIONS 28-2351, 28-2403, 28-2405, 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2425; RELATING TO SPECIAL PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-2351, Arizona Revised Statutes, is amended to  
3 read:

4 28-2351. License plate provided; design

5 A. The department shall provide to every owner one license plate for  
6 each vehicle registered. At the request of the owner and on payment of any  
7 required fee, the department shall provide either one or two license plates  
8 for a vehicle for which a special plate is requested pursuant to this  
9 chapter, except that the department shall provide one license plate if the  
10 special plate is issued pursuant to section 28-2404, 28-2409 or 28-2416.

11 B. The license plate shall display the number assigned to the vehicle  
12 and to the owner of the vehicle and the name of this state, which may be  
13 abbreviated. The director shall coat the license plate with a reflective  
14 material that is consistent with the determination of the license plate  
15 commission established by section 28-2405 regarding the color and design of  
16 license plates and special plates as prescribed by section 28-2405. The  
17 director shall design the license plate and the letters and numerals on the  
18 license plate to be of sufficient size to be plainly readable during daylight  
19 from a distance of one hundred feet. In addition to the standard license  
20 plate issued for a trailer before ~~the effective date of this amendment to~~  
21 ~~this section~~ AUGUST 12, 2005, the director shall issue a license plate for  
22 trailers that has a design that is similar to the standard size license plate  
23 for trailers but that is the same size as the license plate for motorcycles.  
24 The trailer owner shall notify the department which size license plate the  
25 owner wants for the trailer.

26 C. Notwithstanding any other law, the department shall not contract  
27 with a nongovernmental entity to purchase or secure reflective material for  
28 the plates issued by the department unless the department has made a  
29 reasonable effort to secure qualified bids or proposals from as many  
30 individual responsible respondents as possible.

31 D. The license plate commission established by section 28-2405 shall  
32 determine the color and design of the license plate. All other plates issued  
33 by the department, except the plates issued pursuant to sections 28-2412,  
34 28-2413, 28-2414, 28-2416 through ~~28-2424~~ 28-2425, 28-2452, 28-2453, 28-2454  
35 and 28-2455 and article 14 of this chapter, shall be the same color as and  
36 similar in design to the license plate as determined by the commission.

37 E. A passenger motor vehicle rented without a driver shall receive the  
38 same type of license plate as issued for a private passenger motor vehicle.

39 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:

40 28-2403. Special plates; transfers; violation; classification

41 A. Except as otherwise provided in this article, the department shall  
42 issue or renew special plates in lieu of the regular license plates pursuant  
43 to the following conditions and procedures and only if the requirements  
44 prescribed by this article for the requested special plates are met:

1           1. Except as provided in section 28-2416, a person who is the  
2 registered owner of a vehicle registered with the department or who applies  
3 for an original or renewal registration of a vehicle may submit to the  
4 department a completed application form as prescribed by the department with  
5 the fee prescribed by section 28-2402 for special plates in addition to the  
6 registration fee prescribed by section 28-2003.

7           2. Except for plates issued pursuant to sections 28-2412, 28-2413,  
8 28-2414, 28-2416 through ~~28-2424~~ 28-2425, 28-2452, 28-2453, 28-2454 and  
9 28-2455 and article 14 of this chapter, the special plates shall be the same  
10 color as and similar to the design of the regular license plates that is  
11 determined by the license plate commission pursuant to section 28-2351.

12           3. Except as provided in section 28-2416, the department shall issue  
13 special plates only to the owner or lessee of a vehicle that is currently  
14 registered, including any vehicle that has a declared gross weight, as  
15 defined in section 28-5431, of twenty-six thousand pounds or less.

16           4. Except as provided in section 28-2416, the department shall charge  
17 the fee prescribed by section 28-2402 for each annual renewal of special  
18 plates in addition to the registration fee prescribed by section 28-2003.

19           B. Except as provided in section 28-2416, on notification to the  
20 department and on payment of the transfer fee prescribed by section 28-2402,  
21 a person who is issued special plates may transfer the special plates to  
22 another vehicle the person owns or leases. Persons who are issued special  
23 plates for hearing impaired persons pursuant to section 28-2408 and  
24 international symbol of access special plates pursuant to section 28-2409 are  
25 exempt from the transfer fee. If a person who is issued special plates  
26 sells, trades or otherwise releases ownership of the vehicle on which the  
27 plates have been displayed, the person shall immediately report the transfer  
28 of the plates to the department or the person shall surrender the plates to  
29 the department as prescribed by the director. It is unlawful for a person to  
30 whom the plates have been issued to knowingly permit them to be displayed on  
31 a vehicle except the vehicle authorized by the department.

32           C. The special plates shall be affixed to the vehicle for which  
33 registration is sought in lieu of the regular license plates.

34           D. A person is guilty of a class 3 misdemeanor who:

35           1. Violates subsection B of this section.

36           2. Fraudulently gives false or fictitious information in the  
37 application for or renewal of special plates or placards issued pursuant to  
38 this article.

39           3. Conceals a material fact or otherwise commits fraud in the  
40 application for or renewal of special plates or placards issued pursuant to  
41 this article.

42           Sec. 3. Section 28-2405, Arizona Revised Statutes, is amended to read:

43           28-2405. License plate commission

44           A. A license plate commission is established. The commission is  
45 composed of the following members:

1           1. Two public members who are appointed by the director of the  
2 department of transportation.  
3           2. A person who is appointed by the governor from the governor's  
4 office of highway safety and who serves at the pleasure of the governor.  
5           3. The director of the department of public safety or the director's  
6 designee.  
7           4. The director of the department of transportation or the director's  
8 designee.  
9           5. The director of the office of tourism or the director's designee.  
10          6. The director of the state department of corrections or the  
11 director's designee.  
12          B. The director of the department of transportation or the director's  
13 designee shall serve as chairman of the commission. The chairman shall  
14 preside at commission meetings and coordinate the activities of the  
15 commission and staff implementation of commission actions.  
16          C. All official actions of the commission shall be decided by a  
17 majority vote of commission members.  
18          D. The commission shall determine the following:  
19           1. The color and design of license plates.  
20           2. The color of special plates to be the same as and the design of  
21 special plates to be similar to the license plates, except for special plates  
22 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416 through  
23 ~~28-2424~~ 28-2425, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this  
24 chapter.  
25           3. Whether to authorize special organization plates pursuant to  
26 section 28-2404.  
27           4. The indicia for special organization plates issued pursuant to  
28 section 28-2404.  
29          E. The department shall provide the commission with staff and  
30 technical assistance as necessary to perform its functions.  
31          F. Commission members are not eligible to receive compensation, but  
32 the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of  
33 this section are eligible for reimbursement of expenses pursuant to title 38,  
34 chapter 4, article 2.  
35          Sec. 4. Title 28, chapter 7, article 12, Arizona Revised Statutes, is  
36 amended by adding section 28-2425, to read:  
37          28-2425. White Mountain Apache tribe special plates  
38          A. IF, BY DECEMBER 31, 2006, THE WHITE MOUNTAIN APACHE TRIBE PAYS  
39 THIRTY-TWO THOUSAND DOLLARS TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS  
40 SECTION, THE DEPARTMENT SHALL ISSUE WHITE MOUNTAIN APACHE TRIBE SPECIAL  
41 PLATES. THE COLOR AND DESIGN OF THE WHITE MOUNTAIN APACHE TRIBE SPECIAL  
42 PLATES SHALL BE DIFFERENT FROM THE COLOR AND DESIGN OF REGULAR LICENSE PLATES  
43 DETERMINED BY THE LICENSE PLATE COMMISSION PURSUANT TO SECTION 28-2351 AND  
44 SHALL BE REPRESENTATIVE OF THE WHITE MOUNTAIN APACHE TRIBE. THE DIRECTOR MAY  
45 ALLOW A REQUEST FOR WHITE MOUNTAIN APACHE TRIBE SPECIAL PLATES TO BE COMBINED

1 WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH  
2 A COMBINATION, THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND  
3 IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE  
4 FEES REQUIRED FOR WHITE MOUNTAIN APACHE TRIBE SPECIAL PLATES.

5 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE  
6 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A  
7 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

8 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
9 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND  
10 ESTABLISHED BY SECTION 28-6991 AND SHALL TRANSMIT ALL DONATIONS COLLECTED  
11 PURSUANT TO THIS SECTION TO THE WHITE MOUNTAIN APACHE TRIBE TRANSPORTATION  
12 COMMITTEE. THE WHITE MOUNTAIN APACHE TRIBE TRANSPORTATION COMMITTEE SHALL  
13 USE THESE MONIES ONLY FOR TRAFFIC CONTROL DEVICES THAT CONFORM TO THE MANUAL  
14 AND SPECIFICATIONS PRESCRIBED IN SECTION 28-641 ON HIGHWAYS ON THE FORT  
15 APACHE INDIAN RESERVATION THAT ARE LOCATED IN THIS STATE AND THAT ARE NOT  
16 STATE HIGHWAYS.

17 Sec. 5. Section 28-6501, Arizona Revised Statutes, is amended to read:  
18 28-6501. Definition of highway user revenues

19 In this article, unless the context otherwise requires or except as  
20 otherwise provided by statute, "highway user revenues" means all monies  
21 received in this state from licenses, taxes, penalties, interest and fees  
22 authorized by the following:

23 1. Chapters 2, 7, 8 and 15 of this title, except for:

24 (a) The special plate administration fees prescribed in sections  
25 28-2404, 28-2412 through ~~28-2424~~ 28-2425 and 28-2514.

26 (b) The donations prescribed in sections 28-2404, 28-2412 through  
27 28-2415, 28-2417 through ~~28-2424~~ 28-2425, 28-2453, 28-2454 and 28-2455.

28 2. Chapters 10 and 11 of this title.

29 3. Chapter 16, articles 1, 2 and 4 of this title, except as provided  
30 in sections 28-5926 and 28-5927.

31 Sec. 6. Section 28-6991, Arizona Revised Statutes, is amended to read:  
32 28-6991. State highway fund; sources

33 A state highway fund is established that consists of:

34 1. Monies distributed from the Arizona highway user revenue fund  
35 pursuant to chapter 18 of this title.

36 2. Monies appropriated by the legislature.

37 3. Monies received from donations for the construction, improvement or  
38 maintenance of state highways or bridges. These monies shall be credited to  
39 a special account and shall be spent only for the purpose indicated by the  
40 donor.

41 4. Monies received from counties under cooperative agreements,  
42 including proceeds from bond issues. The state treasurer shall deposit these  
43 monies to the credit of the fund in a special account on delivery to the  
44 treasurer of a concise written agreement between the department and the

1 county stating the purposes for which the monies are surrendered by the  
2 county, and these monies shall be spent only as stated in the agreement.

3 5. Monies received from the United States under an act of Congress to  
4 provide aid for the construction of rural post roads, but monies received on  
5 projects for which the monies necessary to be provided by this state are  
6 wholly derived from sources mentioned in paragraphs 2 and 3 of this section  
7 shall be allotted by the department and deposited by the state treasurer in  
8 the special account within the fund established for each project. On  
9 completion of the project, on the satisfaction and discharge in full of all  
10 obligations of any kind created and on request of the department, the  
11 treasurer shall transfer the unexpended balance in the special account for  
12 the project into the state highway fund, and the unexpended balance and any  
13 further federal aid thereafter received on account of the project may be  
14 spent under the general provisions of this title.

15 6. Monies in the custody of an officer or agent of this state from any  
16 source that is to be used for the construction, improvement or maintenance of  
17 state highways or bridges.

18 7. Monies deposited in the state general fund and arising from the  
19 disposal of state personal property belonging to the department.

20 8. Receipts from the sale or disposal of any or all other property  
21 held by the department and purchased with state highway monies.

22 9. Monies generated pursuant to section 28-410.

23 10. Monies distributed pursuant to section 28-5808, subsection B,  
24 paragraph 2, subdivision (d).

25 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

26 12. Except as provided in section 28-5101, the following monies:

27 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,  
28 subsection B, paragraph 2, subdivision (e).

29 (b) One dollar of each registration fee and one dollar of each title  
30 fee collected pursuant to section 28-2003.

31 (c) Two dollars of each late registration penalty collected by the  
32 director pursuant to section 28-2162.

33 (d) The air quality compliance fee collected pursuant to section  
34 49-542.

35 (e) The special plate administration fees collected pursuant to  
36 sections 28-2404, 28-2412 through ~~28-2424~~ 28-2425 and 28-2514.

37 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156  
38 if the director is the registering officer.

39 13. Monies deposited pursuant to chapter 5, article 5 of this title.

40 14. Donations received pursuant to section 28-2269.

41 15. Dealer and registration monies collected pursuant to section  
42 28-4304.

43 16. Abandoned vehicle administration monies deposited pursuant to  
44 section 28-4804.

1           17. Monies deposited pursuant to section 28-710, subsection D,  
2 paragraph 2.

3           Sec. 7. Section 28-6993, Arizona Revised Statutes, is amended to read:  
4           28-6993. State highway fund; authorized uses

5           A. Except as provided in subsection B of this section and section  
6 28-6538, the state highway fund shall be used for any of the following  
7 purposes in strict conformity with and subject to the budget as provided by  
8 this section and by sections 28-6997 through 28-7003:

9           1. To pay salaries, wages, necessary travel expenses and other  
10 expenses of officers and employees of the department and the incidental  
11 office expenses, including telegraph, telephone, postal and express charges  
12 and printing, stationery and advertising expenses.

13           2. To pay for both:

14           (a) Equipment, supplies, machines, tools, department offices and  
15 laboratories established by the department.

16           (b) The construction and repair of buildings or yards of the  
17 department.

18           3. To pay the cost of both:

19           (a) Engineering, construction, improvement and maintenance of state  
20 highways and parts of highways forming state routes.

21           (b) Highways under cooperative agreements with the United States that  
22 are entered into pursuant to this chapter and an act of Congress providing  
23 for the construction of rural post roads.

24           4. To pay land damages incurred by reason of establishing, opening,  
25 altering, relocating, widening or abandoning portions of a state route or  
26 state highway.

27           5. To reimburse the department revolving account.

28           6. To pay premiums on authorized indemnity bonds and on compensation  
29 insurance under the workers' compensation act.

30           7. To defray lawful expenses and costs required to administer and  
31 carry out the intent, purposes and provisions of this title, including  
32 repayment of obligations entered into pursuant to this title, payment of  
33 interest on obligations entered into pursuant to this title, repayment of  
34 loans and other financial assistance, including repayment of advances and  
35 interest on advances made to the department pursuant to section 28-7677, and  
36 payment of all other obligations and expenses of the board and department  
37 pursuant to chapter 21 of this title.

38           8. To pay lawful bills and charges incurred by the state engineer.

39           9. To acquire, construct or improve entry roads to state parks or  
40 roads within state parks.

41           10. To acquire, construct or improve entry roads to state prisons.

42           11. To pay the cost of relocating a utility facility pursuant to  
43 section 28-7156.

44           12. For the purposes provided in subsections C, D and E of this section  
45 and sections 28-1143, 28-2353 and 28-3003.

1           B. For each fiscal year, the department of transportation shall  
2 allocate and transfer monies in the state highway fund to the department of  
3 public safety for funding a portion of highway patrol costs in eight  
4 installments in each of the first eight months of a fiscal year that do not  
5 exceed ten million dollars.

6           C. Subject to legislative appropriation, the department may use the  
7 monies in the state highway fund as prescribed in section 28-6991, paragraph  
8 12 to carry out the duties imposed by this title for registration or titling  
9 of vehicles, to operate joint title, registration and driver licensing  
10 offices, to cover the administrative costs of issuing the air quality  
11 compliance sticker, modifying the year validating tab and issuing the  
12 windshield sticker and to cover expenses and costs in issuing special plates  
13 pursuant to sections 28-2404, 28-2412 through ~~28-2424~~ 28-2425 and 28-2514.

14           D. The department shall use monies deposited in the state highway fund  
15 pursuant to chapter 5, article 5 of this title only as prescribed by that  
16 article.

17           E. Monies deposited in the state highway fund pursuant to section  
18 28-2269 shall be used only as prescribed by that section.

19           F. Monies deposited in the state highway fund pursuant to section  
20 28-710, subsection D, paragraph 2 shall only be used for state highway work  
21 zone traffic control devices.

22           G. The department may exchange monies distributed to the state highway  
23 fund pursuant to section 28-6538, subsection A, paragraph 1 for local  
24 government surface transportation program federal monies suballocated to  
25 councils of government and metropolitan planning organizations if the local  
26 government scheduled to receive the federal monies concurs. An exchange of  
27 state highway fund monies pursuant to this subsection shall be in an amount  
28 that is at least equal to ninety per cent of the federal obligation authority  
29 that exists in the project for which the exchange is proposed.