

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# SENATE BILL 1597

AN ACT

AMENDING SECTIONS 28-2351 AND 28-2403, ARIZONA REVISED STATUTES; REPEALING SECTIONS 28-2404 AND 28-2405, ARIZONA REVISED STATUTES; AMENDING SECTIONS 28-2418, 28-2419, 28-2420, 28-2515, 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; RELATING TO SPECIAL LICENSE 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~~ DEPARTMENT regarding the color and  
16 design of license plates and special plates ~~as prescribed by section 28-2405~~.  
17 The director shall design the license plate and the letters and numerals on  
18 the license plate to be of sufficient size to be plainly readable during  
19 daylight from a distance of one hundred feet. In addition to the standard  
20 license plate issued for a trailer before August 12, 2005, the director shall  
21 issue a license plate for trailers that has a design that is similar to the  
22 standard size license plate for trailers but that is the same size as the  
23 license plate for motorcycles. The trailer owner shall notify the department  
24 which size license plate the owner wants for the trailer.

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

30 D. The ~~license plate commission established by section 28-2405~~  
31 DEPARTMENT shall determine the color and design of the license plate. All  
32 other plates issued by the department, except the plates issued pursuant to  
33 sections 28-2412, 28-2413, 28-2414, 28-2416 through 28-2428, 28-2452,  
34 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, shall be the  
35 same color as and similar in design to the license plate as determined by the  
36 ~~commission~~ DEPARTMENT.

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 28-2428, 28-2452, 28-2453, 28-2454 and 28-2455 and  
9 article 14 of this chapter, the special plates shall be the same color as and  
10 similar to the design of the regular license plates that is determined by the  
11 ~~license plate commission pursuant to section 28-2351~~ DEPARTMENT.

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 DEPARTMENT SHALL ISSUE SPECIAL LICENSE PLATES AUTHORIZED BY THE  
33 LEGISLATURE IF THE FOLLOWING REQUIREMENTS ARE MET:

34           1. AN ORGANIZATION PAYS IMPLEMENTATION COSTS TO THE DEPARTMENT WITHIN  
35 ONE YEAR AFTER THE EFFECTIVE DATE OF THE LEGISLATIVE AUTHORIZATION.

36           2. THE ORGANIZATION SUBMITS AT LEAST ONE THOUSAND APPLICATIONS AND  
37 FEES IN A MANNER PRESCRIBED BY THE DEPARTMENT.

38           3. THE DESIGN AND FORMAT OF THE SPECIAL LICENSE PLATES ARE SUBJECT TO  
39 THE APPROVAL OF THE LEGISLATURE IN CONSULTATION WITH THE DIRECTOR.

40           ~~C.~~ D. The special plates shall be affixed to the vehicle for which  
41 registration is sought in lieu of the regular license plates.

42           ~~D.~~ E. A person is guilty of a class 3 misdemeanor who:

43           1. Violates subsection B of this section.

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

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

7           Sec. 3. Repeal

8           Sections 28-2404 and 28-2405, Arizona Revised Statutes, are repealed.

9           Sec. 4. Section 28-2418, Arizona Revised Statutes, is amended to read:

10          28-2418. Navajo nation special plates

11          A. ~~If by June 30, 2003, the Navajo nation pays thirty-two thousand~~  
12 ~~dollars to the department for the implementation of this section,~~ The  
13 department shall issue Navajo nation special plates. The color and design of  
14 the Navajo nation special plates shall be different from the color and design  
15 of regular license plates determined by the ~~license plate commission pursuant~~  
16 ~~to section 28-2351~~ DEPARTMENT and shall be representative of the Navajo  
17 nation.

18          B. Of the twenty-five dollar fee required by section 28-2402 for the  
19 original special plates and for renewal of special plates, eight dollars is a  
20 special plate administration fee and seventeen dollars is an annual donation.

21          C. The department shall deposit, pursuant to sections 35-146 and  
22 35-147, all special plate administration fees in the state highway fund  
23 established by section 28-6991 and shall transmit all donations collected  
24 pursuant to this section to the Navajo nation department of highway safety.  
25 The Navajo nation department of highway safety shall use these monies only  
26 for traffic control devices that conform to the manual and specifications  
27 prescribed in section 28-641 on highways on the Navajo reservation that are  
28 located in this state and that are not state highways.

29          Sec. 5. Section 28-2419, Arizona Revised Statutes, is amended to read:

30          28-2419. Transplantation awareness special plates; fund

31          A. ~~If, by June 30, 2004, a private coalition that is qualified under~~  
32 ~~section 501(c)(3) of the United States internal revenue code for federal~~  
33 ~~income tax purposes and that has a mission of promoting transplantation~~  
34 ~~awareness pays the department of transportation thirty two thousand dollars~~  
35 ~~for the implementation of this section~~ The department shall issue  
36 transplantation awareness special plates. The color and design of the  
37 transplantation awareness special plates shall be different from the color  
38 and design of regular license plates determined by the ~~license plate~~  
39 ~~commission pursuant to section 28-2351~~ DEPARTMENT.

40          B. Of the twenty-five dollar fee required by section 28-2402 for  
41 original special plates and for renewal of special plates, eight dollars is a  
42 special plate administration fee and seventeen dollars is an annual donation.

43          C. The department shall deposit, pursuant to sections 35-146 and  
44 35-147, all special plate administration fees in the state highway fund

1 established by section 28-6991 and all donations collected pursuant to this  
2 section in the transplantation awareness fund established by this section.

3 D. The transplantation awareness fund is established consisting of  
4 monies received pursuant to this section. The director shall administer the  
5 fund.

6 E. The director shall select a private coalition that is qualified  
7 under section 501(c)(3) of the United States internal revenue code for  
8 federal income tax purposes and that has a mission of promoting  
9 transplantation awareness and allocate the monies in the fund to the  
10 coalition on an annual basis.

11 F. On notice from the director, the state treasurer shall invest and  
12 divest monies in the fund as provided by section 35-313, and monies earned  
13 from investment shall be credited to the fund.

14 G. Monies in the fund are exempt from the provisions of section 35-190  
15 relating to lapsing of appropriations.

16 Sec. 6. Section 28-2420, Arizona Revised Statutes, is amended to read:

17 28-2420. San Carlos Apache tribe special plates

18 A. ~~If by December 31, 2004, the San Carlos Apache tribe pays~~  
19 ~~thirty-two thousand dollars to the department for the implementation of this~~  
20 ~~section,~~ The department shall issue San Carlos Apache tribe special  
21 plates. The color and design of the San Carlos Apache tribe special plates  
22 shall be different from the color and design of regular license plates  
23 determined by the ~~license plate commission pursuant to section 28-2351~~  
24 **DEPARTMENT** and shall be representative of the San Carlos Apache tribe.

25 B. Of the twenty-five dollar fee required by section 28-2402 for the  
26 original special plates and for renewal of special plates, eight dollars is a  
27 special plate administration fee and seventeen dollars is an annual donation.

28 C. The department shall deposit, pursuant to sections 35-146 and  
29 35-147, all special plate administration fees in the state highway fund  
30 established by section 28-6991 and shall transmit all donations collected  
31 pursuant to this section to the San Carlos Apache tribe transportation board.  
32 The San Carlos Apache tribe transportation board shall use these monies only  
33 for traffic control devices that conform to the manual and specifications  
34 prescribed in section 28-641 on highways on the San Carlos Apache tribe  
35 reservation that are located in this state and that are not state highways.

36 Sec. 7. Section 28-2515, Arizona Revised Statutes, is amended to read:

37 28-2515. Taxis; license plates

38 A. Subject to legislative appropriation, ~~beginning on July 1, 2004,~~  
39 the department shall issue taxi special plates to the owner of every vehicle  
40 operating as a taxi.

41 B. Every vehicle operating as a taxi shall display a taxi special  
42 plate issued by the department pursuant to this section.

43 C. The color and design of the taxi special plates shall be determined  
44 by the ~~license plate commission~~ **DEPARTMENT** pursuant to section 28-2351 and  
45 shall indicate that the vehicle is a taxi.

1           Sec. 8. Section 28-6501, Arizona Revised Statutes, is amended to read:  
2           28-6501. Definition of highway user revenues

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

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

8           (a) The special plate administration fees prescribed in sections  
9 ~~28-2404~~, 28-2412 through 28-2428 and 28-2514.

10           (b) The donations prescribed in sections ~~28-2404~~, 28-2412 through  
11 28-2415, 28-2417 through 28-2428, 28-2453, 28-2454 and 28-2455.

12           2. Chapters 10 and 11 of this title.

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

15           Sec. 9. Section 28-6991, Arizona Revised Statutes, is amended to read:  
16           28-6991. State highway fund; sources

17           A state highway fund is established that consists of:

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

20           2. Monies appropriated by the legislature.

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

25           4. Monies received from counties under cooperative agreements,  
26 including proceeds from bond issues. The state treasurer shall deposit these  
27 monies to the credit of the fund in a special account on delivery to the  
28 treasurer of a concise written agreement between the department and the  
29 county stating the purposes for which the monies are surrendered by the  
30 county, and these monies shall be spent only as stated in the agreement.

31           5. Monies received from the United States under an act of Congress to  
32 provide aid for the construction of rural post roads, but monies received on  
33 projects for which the monies necessary to be provided by this state are  
34 wholly derived from sources mentioned in paragraphs 2 and 3 of this section  
35 shall be allotted by the department and deposited by the state treasurer in  
36 the special account within the fund established for each project. On  
37 completion of the project, on the satisfaction and discharge in full of all  
38 obligations of any kind created and on request of the department, the  
39 treasurer shall transfer the unexpended balance in the special account for  
40 the project into the state highway fund, and the unexpended balance and any  
41 further federal aid thereafter received on account of the project may be  
42 spent under the general provisions of this title.

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

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

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

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

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

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

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

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

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

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

16           (d) The air quality compliance fee collected pursuant to section  
17 49-542.

18           (e) The special plate administration fees collected pursuant to  
19 sections ~~28-2404~~, 28-2412 through 28-2428 and 28-2514.

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

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

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

24           15. Dealer and registration monies collected pursuant to section  
25 28-4304.

26           16. Abandoned vehicle administration monies deposited pursuant to  
27 section 28-4804.

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

30           Sec. 10. Section 28-6993, Arizona Revised Statutes, is amended to  
31 read:

32           28-6993. State highway fund; authorized uses

33           A. Except as provided in subsection B of this section and section  
34 28-6538, the state highway fund shall be used for any of the following  
35 purposes in strict conformity with and subject to the budget as provided by  
36 this section and by sections 28-6997 through 28-7003:

37           1. To pay salaries, wages, necessary travel expenses and other  
38 expenses of officers and employees of the department and the incidental  
39 office expenses, including telegraph, telephone, postal and express charges  
40 and printing, stationery and advertising expenses.

41           2. To pay for both:

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

44           (b) The construction and repair of buildings or yards of the  
45 department.

- 1           3. To pay the cost of both:
- 2           (a) Engineering, construction, improvement and maintenance of state
- 3 highways and parts of highways forming state routes.
- 4           (b) Highways under cooperative agreements with the United States that
- 5 are entered into pursuant to this chapter and an act of Congress providing
- 6 for the construction of rural post roads.
- 7           4. To pay land damages incurred by reason of establishing, opening,
- 8 altering, relocating, widening or abandoning portions of a state route or
- 9 state highway.
- 10          5. To reimburse the department revolving account.
- 11          6. To pay premiums on authorized indemnity bonds and on compensation
- 12 insurance under the workers' compensation act.
- 13          7. To defray lawful expenses and costs required to administer and
- 14 carry out the intent, purposes and provisions of this title, including
- 15 repayment of obligations entered into pursuant to this title, payment of
- 16 interest on obligations entered into pursuant to this title, repayment of
- 17 loans and other financial assistance, including repayment of advances and
- 18 interest on advances made to the department pursuant to section 28-7677, and
- 19 payment of all other obligations and expenses of the board and department
- 20 pursuant to chapter 21 of this title.
- 21          8. To pay lawful bills and charges incurred by the state engineer.
- 22          9. To acquire, construct or improve entry roads to state parks or
- 23 roads within state parks.
- 24          10. To acquire, construct or improve entry roads to state prisons.
- 25          11. To pay the cost of relocating a utility facility pursuant to
- 26 section 28-7156.
- 27          12. For the purposes provided in subsections C, D and E of this section
- 28 and sections 28-1143, 28-2353 and 28-3003.
- 29          B. For each fiscal year, the department of transportation shall
- 30 allocate and transfer monies in the state highway fund to the department of
- 31 public safety for funding a portion of highway patrol costs in eight
- 32 installments in each of the first eight months of a fiscal year that do not
- 33 exceed ten million dollars.
- 34          C. Subject to legislative appropriation, the department may use the
- 35 monies in the state highway fund as prescribed in section 28-6991, paragraph
- 36 12 to carry out the duties imposed by this title for registration or titling
- 37 of vehicles, to operate joint title, registration and driver licensing
- 38 offices, to cover the administrative costs of issuing the air quality
- 39 compliance sticker, modifying the year validating tab and issuing the
- 40 windshield sticker and to cover expenses and costs in issuing special plates
- 41 pursuant to sections ~~28-2404~~, 28-2412 through 28-2428 and 28-2514.
- 42          D. The department shall use monies deposited in the state highway fund
- 43 pursuant to chapter 5, article 5 of this title only as prescribed by that
- 44 article.

1 E. Monies deposited in the state highway fund pursuant to section  
2 28-2269 shall be used only as prescribed by that section.

3 F. Monies deposited in the state highway fund pursuant to section  
4 28-710, subsection D, paragraph 2 shall only be used for state highway work  
5 zone traffic control devices.

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

14 Sec. 11. Current special organization license plates

15 Special organization license plates authorized and issued pursuant to  
16 section 28-2404, Arizona Revised Statutes, and published in the Arizona  
17 administrative code before the effective date of this act remain valid  
18 license plates issued by this state unless the legislature enacts legislation  
19 specifically terminating those license plates.