

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SENATE BILL 1017

AN ACT

AMENDING SECTIONS 28-2351, 28-2403, 28-2405 AND 28-2430, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-2433, 28-2434, 28-2435 AND 28-2436; AMENDING SECTIONS 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-120 AND 36-121; 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 August 12, 2005, the director shall issue a
21 license plate for trailers that has a design that is similar to the standard
22 size license plate for trailers but that is the same size as the license
23 plate for motorcycles. The trailer owner shall notify the department which
24 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 shall
31 determine the color and design of the license plate. All other plates issued
32 by the department, except the plates issued pursuant to sections 28-2412,
33 28-2413, 28-2414, 28-2416 through ~~28-2432~~ 28-2436, 28-2452, 28-2453, 28-2454
34 and 28-2455 and article 14 of this chapter, shall be the same color as and
35 similar in design to the license plate as determined by the commission.

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

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

39 28-2403. Special plates; transfers; violation; classification

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

44 1. Except as provided in section 28-2416, a person who is the
45 registered owner of a vehicle registered with the department or who applies

1 for an original or renewal registration of a vehicle may submit to the
2 department a completed application form as prescribed by the department with
3 the fee prescribed by section 28-2402 for special plates in addition to the
4 registration fee prescribed by section 28-2003.

5 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
6 28-2414, 28-2416 through ~~28-2432~~ 28-2436, 28-2452, 28-2453, 28-2454 and
7 28-2455 and article 14 of this chapter, the special plates shall be the same
8 color as and similar to the design of the regular license plates that is
9 determined by the license plate commission pursuant to section 28-2351.

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

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

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

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

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

33 1. Violates subsection B of this section.

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

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

40 Sec. 3. Section 28-2405, Arizona Revised Statutes, is amended to read:
41 ~~28-2405.~~ License plate commission

42 A. A license plate commission is established. The commission is
43 composed of the following members:

44 1. Two public members who are appointed by the director of the
45 department of transportation.

2. A person who is appointed by the governor from the governor's office of highway safety and who serves at the pleasure of the governor.

3. The director of the department of public safety or the director's designee.

4. The director of the department of transportation or the director's designee.

5. The director of the office of tourism or the director's designee.

6. The director of the state department of corrections or the director's designee.

B. The director of the department of transportation or the director's designee shall serve as chairman of the commission. The chairman shall preside at commission meetings and coordinate the activities of the commission and staff implementation of commission actions.

C. All official actions of the commission shall be decided by a majority vote of commission members.

D. The commission shall determine the following:

1. The color and design of license plates.

2. The color of special plates to be the same as and the design of special plates to be similar to the license plates, except for special plates issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416 through ~~28-2432~~ 28-2436, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this chapter.

3. Whether to authorize special organization plates pursuant to section 28-2404.

4. The indicia for special organization plates issued pursuant to section 28-2404.

E. The department shall provide the commission with staff and technical assistance as necessary to perform its functions.

F. Commission members are not eligible to receive compensation, but the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of this section are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

Sec. 4. Section 28-2430, Arizona Revised Statutes, is amended to read: 28-2430. In God we trust special plates

A. If an ~~entity receives thirty-two thousand dollars through donations for the issuance of the in God we trust special plate and~~ INCORPORATED NONPROFIT CORPORATION gives the department ~~the~~ thirty-two thousand dollars, the department shall issue the in God we trust special plates. The entity that provides the thirty-two thousand dollars shall design the in God we trust special plates. The design and color of the in God we trust special plates are subject to the approval of the department. The director may allow a request for in God we trust special plates to be combined with a request for personalized special plates. If the director allows such a combination, the request shall be in a form prescribed by the director and is subject to

1 the fees for the personalized special plates in addition to the fees required
2 for the in God we trust special plates.

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

6 C. The department shall deposit, pursuant to sections 35-146 and
7 35-147, all special plate administration fees ~~and all donations collected~~
8 ~~pursuant to this section~~ in the state highway fund established by section
9 28-6991 AND SHALL DISTRIBUTE ALL DONATIONS COLLECTED PURSUANT TO THIS SECTION
10 AS AUTHORIZED IN A WRITTEN RESOLUTION OF THE INCORPORATED NONPROFIT
11 CORPORATION THAT PROVIDED THE THIRTY-TWO THOUSAND DOLLARS FOR IMPLEMENTATION
12 OF THIS SECTION. THE INCORPORATED NONPROFIT CORPORATION SHALL FILE A COPY OF
13 THIS RESOLUTION WITH THE DEPARTMENT. THE INCORPORATED NONPROFIT CORPORATION
14 MUST USE THE DONATIONS TO PROMOTE THE NATIONAL MOTTO "IN GOD WE TRUST", FIRST
15 AMENDMENT RIGHTS AND THE HERITAGE OF THIS STATE AND NATION.

16 Sec. 5. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
17 amended by adding sections 28-2433, 28-2434, 28-2435 and 28-2436, to read:

18 28-2433. Multiple sclerosis awareness special plates

19 A. IF, BY DECEMBER 31, 2009, THIRTY-TWO THOUSAND DOLLARS IS PAID TO
20 THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL
21 ISSUE MULTIPLE SCLEROSIS AWARENESS SPECIAL PLATES. THE DIRECTOR OF THE
22 DEPARTMENT, OR THE DIRECTOR'S DESIGNEE, SHALL DESIGN THE MULTIPLE SCLEROSIS
23 AWARENESS SPECIAL PLATES. THE DIRECTOR MAY ALLOW A REQUEST FOR MULTIPLE
24 SCLEROSIS AWARENESS SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR
25 PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE
26 REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE
27 FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR
28 MULTIPLE SCLEROSIS AWARENESS SPECIAL PLATES.

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

32 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
33 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
34 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
35 SECTION IN THE MULTIPLE SCLEROSIS AWARENESS FUND ESTABLISHED BY SECTION
36 36-120.

37 28-2434. Arizona masonic fraternity special plates

38 A. IF, BY DECEMBER 31, 2009, THIRTY-TWO THOUSAND DOLLARS IS PAID TO
39 THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL
40 ISSUE ARIZONA MASONIC FRATERNITY SPECIAL PLATES. THE ENTITY THAT PROVIDES
41 THE THIRTY-TWO THOUSAND DOLLARS SHALL DESIGN THE ARIZONA MASONIC FRATERNITY
42 SPECIAL PLATES. THE DESIGN AND COLOR OF THE ARIZONA MASONIC FRATERNITY
43 SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF THE DEPARTMENT. THE DIRECTOR
44 MAY ALLOW A REQUEST FOR ARIZONA MASONIC FRATERNITY SPECIAL PLATES TO BE
45 COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR

1 ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE
2 DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN
3 ADDITION TO THE FEES REQUIRED FOR THE ARIZONA MASONIC FRATERNITY SPECIAL
4 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 ALL DONATIONS COLLECTED PURSUANT TO THIS
11 SECTION IN THE ARIZONA MASONIC FRATERNITY SPECIAL PLATE FUND ESTABLISHED BY
12 SUBSECTION D OF THIS SECTION.

13 D. THE ARIZONA MASONIC FRATERNITY SPECIAL PLATE FUND IS ESTABLISHED
14 CONSISTING OF MONIES RECEIVED PURSUANT TO THIS SECTION. THE DIRECTOR SHALL
15 ADMINISTER THE FUND. NOT MORE THAN TEN PER CENT OF MONIES DEPOSITED IN THE
16 FUND ANNUALLY SHALL BE USED FOR THE COST OF ADMINISTERING THE FUND. MONIES
17 IN THE FUND ARE CONTINUOUSLY APPROPRIATED. THE DIRECTOR SHALL ANNUALLY
18 ALLOCATE ALL MONIES FROM THE FUND, EXCLUDING ADMINISTRATIVE FEES, TO THE
19 ENTITY THAT PROVIDES THE THIRTY-TWO THOUSAND DOLLARS TO THE DEPARTMENT
20 PURSUANT TO SUBSECTION A OF THIS SECTION. THE TRUSTEES OF THE ENTITY
21 RECEIVING THE MONIES SHALL FURTHER DISTRIBUTE THE MONIES TO STATEWIDE
22 CHARITIES THAT ARE SUPPORTED BY ARIZONA MASONS AND THAT ARE QUALIFIED UNDER
23 SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL
24 INCOME TAX PURPOSES.

25 E. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND
26 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED
27 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

28 28-2435. Hunger relief special plates; fund

29 A. IF, BY JUNE 30, 2010, AN ENTITY PAYS THIRTY-TWO THOUSAND DOLLARS TO
30 THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL
31 ISSUE HUNGER RELIEF SPECIAL PLATES. THE ENTITY THAT PROVIDES THE THIRTY-TWO
32 THOUSAND DOLLARS SHALL DESIGN THE HUNGER RELIEF SPECIAL PLATES. THE DESIGN
33 AND COLOR OF THE HUNGER RELIEF SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF
34 THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR HUNGER RELIEF SPECIAL
35 PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE
36 DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM PRESCRIBED
37 BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL
38 PLATES IN ADDITION TO THE FEES REQUIRED FOR THE HUNGER RELIEF SPECIAL PLATES.

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

42 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
43 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
44 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS

1 SECTION IN THE HUNGER RELIEF SPECIAL PLATE FUND ESTABLISHED BY SUBSECTION D
2 OF THIS SECTION.

3 D. THE HUNGER RELIEF SPECIAL PLATE FUND IS ESTABLISHED CONSISTING OF
4 MONIES RECEIVED PURSUANT TO THIS SECTION. THE DIRECTOR SHALL ADMINISTER THE
5 FUND. THE FIRST THIRTY-TWO THOUSAND DOLLARS RECEIVED SHALL BE REIMBURSED TO
6 THE ENTITY THAT PAID THE IMPLEMENTATION FEE TO THE DEPARTMENT PURSUANT TO
7 SUBSECTION A OF THIS SECTION. MONIES IN THE FUND ARE CONTINUOUSLY
8 APPROPRIATED. THE DIRECTOR SHALL ANNUALLY ALLOCATE ALL MONIES FROM THE FUND
9 TO AN ORGANIZATION OPERATING STATEWIDE TO COORDINATE FOOD BANK SERVICES AND
10 THAT IS QUALIFIED UNDER SECTION 501(c)(3) OF THE UNITED STATES INTERNAL
11 REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES. THE ORGANIZATION SHALL
12 ESTABLISH A PROCESS TO DISTRIBUTE THE FUNDS ANNUALLY TO ORGANIZATIONS THAT
13 PROVIDE FOOD DISTRIBUTION TO HUNGRY PEOPLE IN ARIZONA AND ARE QUALIFIED UNDER
14 SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL
15 INCOME TAX PURPOSES. TO THE EXTENT POSSIBLE, THE DISTRIBUTING ORGANIZATION
16 SHALL DISTRIBUTE FUNDS COLLECTED IN A GEOGRAPHIC REGION TO ORGANIZATIONS
17 SERVING INDIVIDUALS IN THAT REGION. THE DIRECTOR SHALL FORWARD ALL MONIES
18 DEPOSITED IN THE HUNGER RELIEF SPECIAL PLATE FUND, EXCLUDING SPECIAL PLATE
19 ADMINISTRATION FEES, TO THE ORGANIZATION ON AN ANNUAL BASIS. THE
20 ORGANIZATION MAY RETAIN NOT MORE THAN TEN PER CENT OF THE FUNDS FOR
21 DOCUMENTED EXPENSES RELATED TO AN APPLICATION AND AWARD PROCESS.

22 E. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND
23 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED
24 FROM INVESTMENT SHALL BE CREDITED TO THE FUND. MONIES IN THE FUND ARE EXEMPT
25 FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

26 28-2436. Childhood cancer research special plates

27 A. IF, BY DECEMBER 31, 2010, THIRTY-TWO THOUSAND DOLLARS IS PAID TO
28 THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL
29 ISSUE CHILDHOOD CANCER RESEARCH SPECIAL PLATES. THE PERSON OR ENTITY THAT
30 PROVIDES THE THIRTY-TWO THOUSAND DOLLARS FOR IMPLEMENTATION OF THIS SECTION
31 SHALL DESIGN THE CHILDHOOD CANCER RESEARCH SPECIAL PLATES. THE DESIGN AND
32 COLOR OF THE CHILDHOOD CANCER RESEARCH SPECIAL PLATES ARE SUBJECT TO THE
33 APPROVAL OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR CHILDHOOD
34 CANCER RESEARCH SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED
35 SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL
36 BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE
37 PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR CHILDHOOD
38 CANCER RESEARCH SPECIAL PLATES.

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

42 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
43 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
44 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS

1 SECTION IN THE CHILDHOOD CANCER AND RARE CHILDHOOD DISEASE RESEARCH FUND
2 ESTABLISHED BY SECTION 36-121.

3 Sec. 6. Section 28-6501, Arizona Revised Statutes, is amended to read:

4 ~~28-6501.~~ Definition of highway user revenues

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

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

10 (a) The special plate administration fees prescribed in sections
11 28-2404, 28-2412 through ~~28-2432~~ 28-2436 and 28-2514.

12 (b) The donations prescribed in sections 28-2404, 28-2412 through
13 28-2415, 28-2417 through ~~28-2432~~ 28-2436, 28-2453, 28-2454 and 28-2455.

14 2. Section 28-1177.

15 3. Chapters 10 and 11 of this title.

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

18 Sec. 7. Section 28-6991, Arizona Revised Statutes, is amended to read:

19 ~~28-6991.~~ State highway fund; sources

20 A state highway fund is established that consists of:

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

23 2. Monies appropriated by the legislature.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (d) The air quality compliance fee collected pursuant to section
20 49-542.

21 (e) The special plate administration fees collected pursuant to
22 sections 28-2404, 28-2412 through ~~28-2432~~ 28-2436 and 28-2514.

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

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

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

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

29 16. Abandoned vehicle administration monies deposited pursuant to
30 section 28-4804.

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

33 18. Monies deposited pursuant to section 28-2065.

34 19. Donations deposited pursuant to section 28-2430.

35 20. Monies deposited pursuant to section 28-7311.

36 Sec. 8. Section 28-6993, Arizona Revised Statutes, is amended to read:
37 ~~28-6993.~~ State highway fund; authorized uses

38 A. Except as provided in subsection B of this section and section
39 28-6538, the state highway fund shall be used for any of the following
40 purposes in strict conformity with and subject to the budget as provided by
41 this section and by sections 28-6997 through 28-7003:

42 1. To pay salaries, wages, necessary travel expenses and other
43 expenses of officers and employees of the department and the incidental
44 office expenses, including telegraph, telephone, postal and express charges
45 and printing, stationery and advertising expenses.

1 2. To pay for both:

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

4 (b) The construction and repair of buildings or yards of the
5 department.

6 3. To pay the cost of both:

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

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

12 4. To pay land damages incurred by reason of establishing, opening,
13 altering, relocating, widening or abandoning portions of a state route or
14 state highway.

15 5. To reimburse the department revolving account.

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

18 7. To defray lawful expenses and costs required to administer and
19 carry out the intent, purposes and provisions of this title, including
20 repayment of obligations entered into pursuant to this title, payment of
21 interest on obligations entered into pursuant to this title, repayment of
22 loans and other financial assistance, including repayment of advances and
23 interest on advances made to the department pursuant to section 28-7677, and
24 payment of all other obligations and expenses of the board and department
25 pursuant to chapter 21 of this title.

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

27 9. To acquire, construct or improve entry roads to state parks or
28 roads within state parks.

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

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

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

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

39 C. Subject to legislative appropriation, the department may use the
40 monies in the state highway fund as prescribed in section 28-6991, paragraph
41 12 to carry out the duties imposed by this title for registration or titling
42 of vehicles, to operate joint title, registration and driver licensing
43 offices, to cover the administrative costs of issuing the air quality
44 compliance sticker, modifying the year validating tab and issuing the

1 windshield sticker and to cover expenses and costs in issuing special plates
2 pursuant to sections 28-2404, 28-2412 through ~~28-2432~~ 28-2436 and 28-2514.

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

6 E. Monies deposited in the state highway fund pursuant to section
7 28-2269 shall be used only as prescribed by that section.

8 F. Monies deposited in the state highway fund pursuant to section
9 28-710, subsection D, paragraph 2 shall only be used for state highway work
10 zone traffic control devices.

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

19 Sec. 9. Title 36, chapter 1, article 1, Arizona Revised Statutes, is
20 amended by adding sections 36-120 and 36-121, to read:

21 36-120. Multiple sclerosis awareness fund

22 A. THE MULTIPLE SCLEROSIS AWARENESS FUND IS ESTABLISHED CONSISTING OF
23 MONIES RECEIVED PURSUANT TO SECTION 28-2433. THE DIRECTOR SHALL ADMINISTER
24 THE FUND. NOT MORE THAN TEN PER CENT OF MONIES DEPOSITED IN THE FUND
25 ANNUALLY SHALL BE USED FOR THE COST OF ADMINISTERING THE FUND. MONIES IN THE
26 FUND ARE CONTINUOUSLY APPROPRIATED. THE DIRECTOR SHALL DISTRIBUTE MONIES IN
27 THE FUND BEFORE JULY 1 OF EACH YEAR.

28 B. THE DIRECTOR SHALL ALLOCATE MONIES FROM THE FUND FOR MULTIPLE
29 SCLEROSIS AWARENESS AND OUTREACH SERVICES IN THIS STATE.

30 C. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
31 RELATING TO LAPSING OF APPROPRIATIONS.

32 36-121. Childhood cancer and rare childhood disease research
33 fund

34 A. THE CHILDHOOD CANCER AND RARE CHILDHOOD DISEASE RESEARCH FUND IS
35 ESTABLISHED CONSISTING OF MONIES RECEIVED PURSUANT TO SECTION 28-2436. THE
36 DIRECTOR SHALL ADMINISTER THE FUND. NOT MORE THAN TEN PER CENT OF MONIES
37 DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR THE COST OF ADMINISTERING
38 THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. THE DIRECTOR
39 SHALL DISTRIBUTE MONIES IN THE FUND BEFORE JULY 1 OF EACH YEAR.

40 B. THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES SHALL ALLOCATE
41 MONIES FROM THE FUND, AS DIRECTED BY THE PERSON OR ENTITY WHO PAID THIRTY-TWO
42 THOUSAND DOLLARS TO THE DEPARTMENT OF TRANSPORTATION FOR IMPLEMENTATION OF
43 SECTION 28-2436, TO HEALTH CARE PROVIDERS AND RESEARCH INSTITUTIONS THAT ARE
44 LOCATED IN THIS STATE, THAT ARE NONPROFIT ORGANIZATIONS AND THAT ARE ENGAGED
45 IN PHASE I CLINICAL TRIALS RELATING TO RESEARCH ON PEDIATRIC CANCER OR OTHER

1 RARE PEDIATRIC DISEASES. THE MONIES MAY BE USED IN A COLLABORATIVE STUDY OR
2 RESEARCH PROGRAM WITH OTHER FACILITIES OUTSIDE OF THIS STATE. NONPROFIT
3 ORGANIZATIONS RECEIVING MONIES FROM THE FUND SHALL USE THE MONIES FOR THE
4 PURPOSES PRESCRIBED IN THIS SUBSECTION EVEN IF THE MONIES ARE AGGREGATED WITH
5 OTHER MONIES.
6 C. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
7 RELATING TO LAPSING OF APPROPRIATIONS.