

REFERENCE TITLE: Arizona masonic fraternity special plates

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HB 2005

Introduced by
Representatives Burges, Weiers JP, Senator Gray L: Representatives Brown,
Gowan, Hendrix, Mason, Montenegro, Stevens

AN ACT

AMENDING SECTIONS 28-2351 AND 28-2403, ARIZONA REVISED STATUTES; AMENDING
TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION
28-2435; AMENDING SECTIONS 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED
STATUTES; RELATING TO ARIZONA MASONIC FRATERNITY 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 28-2416 or 28-2416.01.

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 department
15 regarding the color and design of license plates and special plates. The
16 director shall design the license plate and the letters and numerals on the
17 license plate to be of sufficient size to be plainly readable during daylight
18 from a distance of one hundred feet. In addition to the standard license
19 plate issued for a trailer before August 12, 2005, the director shall issue a
20 license plate for trailers that has a design that is similar to the standard
21 size license plate for trailers but that is the same size as the license
22 plate for motorcycles. The trailer owner shall notify the department which
23 size license plate the owner wants for the trailer.

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

29 D. The department shall determine the color and design of the license
30 plate. All other plates issued by the department, except the plates issued
31 pursuant to sections 28-2404, 28-2412, 28-2413, 28-2414, 28-2416, 28-2416.01,
32 28-2417 through ~~28-2434~~ 28-2435, 28-2452, 28-2453, 28-2454 and 28-2455 and
33 article 14 of this chapter, shall be the same color as and similar in design
34 to the license plate as determined by the department.

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

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

38 28-2403. Special plates; transfers; violation; classification

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

43 1. Except as provided in sections 28-2416 and 28-2416.01, a person who
44 is the registered owner of a vehicle registered with the department or who
45 applies for an original or renewal registration of a vehicle may submit to

1 the department a completed application form as prescribed by the department
2 with the fee prescribed by section 28-2402 for special plates in addition to
3 the registration fee prescribed by section 28-2003.

4 2. Except for plates issued pursuant to sections 28-2404, 28-2412,
5 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2434~~ 28-2435,
6 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, the
7 special plates shall be the same color as and similar to the design of the
8 regular license plates that is determined by the department.

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

13 4. Except as provided in sections 28-2416 and 28-2416.01, the
14 department shall charge the fee prescribed by section 28-2402 for each annual
15 renewal of special plates in addition to the registration fee prescribed by
16 section 28-2003.

17 B. Except as provided in sections 28-2416 and 28-2416.01, on
18 notification to the department and on payment of the transfer fee prescribed
19 by section 28-2402, a person who is issued special plates may transfer the
20 special plates to another vehicle the person owns or leases. Persons who are
21 issued special plates for hearing impaired persons pursuant to section
22 28-2408 and international symbol of access special plates pursuant to section
23 28-2409 are exempt from the transfer fee. If a person who is issued special
24 plates sells, trades or otherwise releases ownership of the vehicle on which
25 the plates have been displayed, the person shall immediately report the
26 transfer of the plates to the department or the person shall surrender the
27 plates to the department as prescribed by the director. It is unlawful for a
28 person to whom the plates have been issued to knowingly permit them to be
29 displayed on 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. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
41 amended by adding section 28-2435, to read:

42 28-2435. Arizona masonic fraternity special plates; fund

43 A. IF, BY DECEMBER 31, 2010, THIRTY-TWO THOUSAND DOLLARS IS PAID TO
44 THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL
45 ISSUE ARIZONA MASONIC FRATERNITY SPECIAL PLATES. THE ENTITY THAT PROVIDES

1 THE THIRTY-TWO THOUSAND DOLLARS SHALL DESIGN THE ARIZONA MASONIC FRATERNITY
2 SPECIAL PLATES. THE DESIGN AND COLOR OF THE ARIZONA MASONIC FRATERNITY
3 SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF THE DEPARTMENT. THE DIRECTOR
4 MAY ALLOW A REQUEST FOR ARIZONA MASONIC FRATERNITY SPECIAL PLATES TO BE
5 COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR
6 ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE
7 DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN
8 ADDITION TO THE FEES REQUIRED FOR THE ARIZONA MASONIC FRATERNITY SPECIAL
9 PLATES.

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

13 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
14 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
15 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
16 SECTION IN THE ARIZONA MASONIC FRATERNITY SPECIAL PLATE FUND ESTABLISHED BY
17 SUBSECTION D OF THIS SECTION.

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

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

33 Sec. 4. Section 28-6501, Arizona Revised Statutes, is amended to read:

34 ~~28-6501.~~ Definition of highway user revenues

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

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

40 (a) The special plate administration fees prescribed in sections
41 ~~28-2404~~, 28-2412 through ~~28-2434~~ ~~28-2435~~ and 28-2514.

42 (b) The donations prescribed in sections ~~28-2404~~, 28-2412 through
43 28-2415, 28-2417 through ~~28-2434~~ ~~28-2435~~, 28-2453, 28-2454 and 28-2455.

44 2. Section 28-1177.

45 3. Chapters 10 and 11 of this title.

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

3 Sec. 5. Section 28-6991, Arizona Revised Statutes, is amended to read:
4 28-6991. State highway fund; sources

5 A state highway fund is established that consists of:

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

8 2. Monies appropriated by the legislature.

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

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

19 5. Monies received from the United States under an act of Congress to
20 provide aid for the construction of rural post roads, but monies received on
21 projects for which the monies necessary to be provided by this state are
22 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
23 shall be allotted by the department and deposited by the state treasurer in
24 the special account within the fund established for each project. On
25 completion of the project, on the satisfaction and discharge in full of all
26 obligations of any kind created and on request of the department, the
27 treasurer shall transfer the unexpended balance in the special account for
28 the project into the state highway fund, and the unexpended balance and any
29 further federal aid thereafter received on account of the project may be
30 spent under the general provisions of this title.

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

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

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

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

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

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

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

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

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

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

5 (d) The air quality compliance fee collected pursuant to section
6 49-542.

7 (e) The special plate administration fees collected pursuant to
8 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through
9 ~~28-2434~~ 28-2435 and 28-2514.

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

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

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

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

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

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

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

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

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

23 21. Monies deposited pursuant to section 28-7059.

24 Sec. 6. Section 28-6993, Arizona Revised Statutes, is amended to read:
25 28-6993. State highway fund; authorized uses

26 A. Except as provided in subsection B of this section and section
27 28-6538, the state highway fund shall be used for any of the following
28 purposes in strict conformity with and subject to the budget as provided by
29 this section and by sections 28-6997 through 28-7003:

30 1. To pay salaries, wages, necessary travel expenses and other
31 expenses of officers and employees of the department and the incidental
32 office expenses, including telegraph, telephone, postal and express charges
33 and printing, stationery and advertising expenses.

34 2. To pay for both:

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

37 (b) The construction and repair of buildings or yards of the
38 department.

39 3. To pay the cost of both:

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

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

1 4. To pay land damages incurred by reason of establishing, opening,
2 altering, relocating, widening or abandoning portions of a state route or
3 state highway.

4 5. To reimburse the department revolving account.

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

7 7. To defray lawful expenses and costs required to administer and
8 carry out the intent, purposes and provisions of this title, including
9 repayment of obligations entered into pursuant to this title, payment of
10 interest on obligations entered into pursuant to this title, repayment of
11 loans and other financial assistance, including repayment of advances and
12 interest on advances made to the department pursuant to section 28-7677, and
13 payment of all other obligations and expenses of the board and department
14 pursuant to chapter 21 of this title.

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

16 9. To acquire, construct or improve entry roads to state parks or
17 roads within state parks.

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

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

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

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

28 C. Subject to legislative appropriation, the department may use the
29 monies in the state highway fund as prescribed in section 28-6991, paragraph
30 12 to carry out the duties imposed by this title for registration or titling
31 of vehicles, to operate joint title, registration and driver licensing
32 offices, to cover the administrative costs of issuing the air quality
33 compliance sticker, modifying the year validating tab and issuing the
34 windshield sticker and to cover expenses and costs in issuing special plates
35 pursuant to sections ~~28-2404~~, 28-2412 through ~~28-2434~~ ~~28-2435~~ and 28-2514.

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

39 E. Monies deposited in the state highway fund pursuant to section
40 28-2269 shall be used only as prescribed by that section.

41 F. Monies deposited in the state highway fund pursuant to section
42 28-710, subsection D, paragraph 2 shall only be used for state highway work
43 zone traffic control devices.

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