

REFERENCE TITLE: don't tread on me plates

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HB 2459

Introduced by
Representatives Williams, 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 28-2437; AMENDING SECTIONS 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; 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 28-2416 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 ~~28-2436~~ 28-2437, 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 ~~28-2436~~ 28-2437,
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 28-2437, to read:

42 ~~28-2437.~~ Don't tread on me special plates

43 A. IF AN ENTITY RECEIVES THIRTY-TWO THOUSAND DOLLARS THROUGH DONATIONS
44 FOR THE ISSUANCE OF THE DON'T TREAD ON ME SPECIAL PLATE AND GIVES THE
45 DEPARTMENT THE THIRTY-TWO THOUSAND DOLLARS, THE DEPARTMENT SHALL ISSUE DON'T

1 TREAD ON ME SPECIAL PLATES. THE ENTITY THAT PROVIDES THE THIRTY-TWO THOUSAND
 2 DOLLARS SHALL DESIGN THE DON'T TREAD ON ME SPECIAL PLATE. THE DESIGN AND
 3 COLOR OF THE DON'T TREAD ON ME SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF
 4 THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR DON'T TREAD ON ME
 5 SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES.
 6 IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM
 7 PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED
 8 SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR DON'T TREAD ON ME 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 AND ALL DONATIONS COLLECTED
 15 PURSUANT TO THIS SECTION IN THE STATE HIGHWAY FUND ESTABLISHED BY SECTION
 16 28-6991.

17 Sec. 4. 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 ~~28-2436~~ 28-2437 and 28-2514.

26 (b) The donations prescribed in sections 28-2404, 28-2412 through
 27 28-2415, 28-2417 through ~~28-2436~~ 28-2437, 28-2453, 28-2454 and 28-2455.

28 2. Section 28-1177.

29 3. Chapters 10 and 11 of this title.

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

32 Sec. 5. Section 28-6991, Arizona Revised Statutes, is amended to read:
 33 28-6991. State highway fund; sources

34 A state highway fund is established that consists of:

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

37 2. Monies appropriated by the legislature.

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

42 4. Monies received from counties under cooperative agreements,
 43 including proceeds from bond issues. The state treasurer shall deposit these
 44 monies to the credit of the fund in a special account on delivery to the
 45 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 28-2416, 28-2416.01, 28-2417 through
37 ~~28-2436~~ 28-2437 and 28-2514.

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

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

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

42 15. Dealer and registration monies collected pursuant to section
43 28-4304.

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

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

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

4 19. Donations deposited pursuant to ~~section~~ SECTIONS 28-2430 AND
5 28-2437.

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

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

8 Sec. 6. Section 28-6993, Arizona Revised Statutes, is amended to read:
9 28-6993. State highway fund; authorized uses

10 A. Except as provided in subsection B of this section and section
11 28-6538, the state highway fund shall be used for any of the following
12 purposes in strict conformity with and subject to the budget as provided by
13 this section and by sections 28-6997 through 28-7003:

14 1. To pay salaries, wages, necessary travel expenses and other
15 expenses of officers and employees of the department and the incidental
16 office expenses, including telegraph, telephone, postal and express charges
17 and printing, stationery and advertising expenses.

18 2. To pay for both:

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

21 (b) The construction and repair of buildings or yards of the
22 department.

23 3. To pay the cost of both:

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

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

29 4. To pay land damages incurred by reason of establishing, opening,
30 altering, relocating, widening or abandoning portions of a state route or
31 state highway.

32 5. To reimburse the department revolving account.

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

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

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

44 9. To acquire, construct or improve entry roads to state parks or
45 roads within state parks.

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

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

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

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

11 C. Subject to legislative appropriation, the department may use the
12 monies in the state highway fund as prescribed in section 28-6991, paragraph
13 12 to carry out the duties imposed by this title for registration or titling
14 of vehicles, to operate joint title, registration and driver licensing
15 offices, to cover the administrative costs of issuing the air quality
16 compliance sticker, modifying the year validating tab and issuing the
17 windshield sticker and to cover expenses and costs in issuing special plates
18 pursuant to sections 28-2404, 28-2412 through ~~28-2436~~ 28-2437 and 28-2514.

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

22 E. Monies deposited in the state highway fund pursuant to section
23 28-2269 shall be used only as prescribed by that section.

24 F. Monies deposited in the state highway fund pursuant to section
25 28-710, subsection D, paragraph 2 shall only be used for state highway work
26 zone traffic control devices.

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