

REFERENCE TITLE: **Father Kino special plates**

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

## **HB 2540**

Introduced by  
Representatives Saldate, Gabaldón, Gonzales, Miranda, Wheeler: Cardenas,  
Contreras, Dalessandro, Escamilla, Gallego, Hernández, Otondo, Peshlakai,  
Quezada, Robson, Steele

**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 28-2449; RENUMBERING SECTIONS 28-2451, 28-2452, 28-2453, 28-2454 AND 28-2455, ARIZONA REVISED STATUTES, AS SECTIONS 28-2471, 28-2472, 28-2473, 28-2474 AND 28-2475, RESPECTIVELY; AMENDING SECTIONS 28-6501, 28-6991, 28-6993, 41-603 AND 41-608, 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 28-2416 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 ~~28-2448~~ 28-2449, ~~28-2452~~ 28-2472, ~~28-2453~~ 28-2473, ~~28-2454~~  
33 28-2474 and ~~28-2455~~ 28-2475 and article 14 of this chapter, shall be the same  
34 color as and similar in design to the license plate as determined by the  
35 department.

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:

1           1. Except as provided in sections 28-2416 and 28-2416.01, a person who  
2 is the registered owner of a vehicle registered with the department or who  
3 applies for an original or renewal registration of a vehicle may submit to  
4 the department a completed application form as prescribed by the department  
5 with the fee prescribed by section 28-2402 for special plates in addition to  
6 the registration fee prescribed by section 28-2003.

7           2. Except for plates issued pursuant to sections 28-2404, 28-2412,  
8 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2448~~ 28-2449,  
9 ~~28-2452~~ 28-2472, ~~28-2453~~ 28-2473, ~~28-2454~~ 28-2474 and ~~28-2455~~ 28-2475 and  
10 article 14 of this chapter, the special plates shall be the same color as and  
11 similar to the design of the regular license plates that is determined by the  
12 department.

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

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

21           B. Except as provided in sections 28-2416 and 28-2416.01, on  
22 notification to the department and on payment of the transfer fee prescribed  
23 by section 28-2402, a person who is issued special plates may transfer the  
24 special plates to another vehicle the person owns or leases. Persons who are  
25 issued special plates for hearing impaired persons pursuant to section  
26 28-2408 and international symbol of access special plates pursuant to section  
27 28-2409 are exempt from the transfer fee. If a person who is issued special  
28 plates sells, trades or otherwise releases ownership of the vehicle on which  
29 the plates have been displayed, the person shall immediately report the  
30 transfer of the plates to the department or the person shall surrender the  
31 plates to the department as prescribed by the director. It is unlawful for a  
32 person to whom the plates have been issued to knowingly permit them to be  
33 displayed on a vehicle except the vehicle authorized by the department.

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

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

37           1. Violates subsection B of this section.

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

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

1           Sec. 3. Title 28, chapter 7, article 12, Arizona Revised Statutes, is  
2 amended by adding section 28-2449, to read:

3           28-2449. Father Kino special plates; fund

4           A. IF AN ENTITY DESCRIBED IN SUBSECTION E OF THIS SECTION PAYS  
5 THIRTY-TWO THOUSAND DOLLARS TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS  
6 SECTION, THE DEPARTMENT SHALL ISSUE FATHER KINO SPECIAL PLATES. THE ENTITY  
7 THAT PROVIDES THE THIRTY-TWO THOUSAND DOLLARS SHALL DESIGN THE FATHER KINO  
8 SPECIAL PLATES. THE DESIGN AND COLOR OF THE FATHER KINO SPECIAL PLATES ARE  
9 SUBJECT TO THE APPROVAL OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST  
10 FOR FATHER KINO SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED  
11 SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL  
12 BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE  
13 PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR THE FATHER  
14 KINO SPECIAL PLATES.

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

18           C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
19 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND  
20 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS  
21 SECTION IN THE FATHER KINO SPECIAL PLATE FUND ESTABLISHED BY THIS SECTION.

22           D. THE FATHER KINO SPECIAL PLATE FUND IS ESTABLISHED CONSISTING OF  
23 MONIES DEPOSITED PURSUANT TO THIS SECTION. THE DIRECTOR SHALL ADMINISTER THE  
24 FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.

25           E. THE DIRECTOR SHALL ANNUALLY ALLOCATE MONIES FROM THE FUND TO THE  
26 ENTITY IN THIS STATE THAT PAID THE IMPLEMENTATION FEE TO THE DEPARTMENT  
27 PURSUANT TO SUBSECTION A OF THIS SECTION. THE ENTITY MUST BE AN INCORPORATED  
28 NONPROFIT CORPORATION THAT IS QUALIFIED UNDER SECTION 501(c)(3) OF THE UNITED  
29 STATES INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES AND THAT FOCUSES  
30 ON EDUCATION EFFORTS RELATED TO THE LIFE AND LEGACY OF FATHER EUSEBIO  
31 FRANCISCO KINO.

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

35           Sec. 4. Renumber

36           Sections 28-2451, 28-2452, 28-2453, 28-2454 and 28-2455, Arizona  
37 Revised Statutes, are renumbered as sections 28-2471, 28-2472, 28-2473,  
38 28-2474 and 28-2475, respectively.

39           Sec. 5. Section 28-6501, Arizona Revised Statutes, is amended to read:

40           28-6501. Definition of highway user revenues

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

- 1           1. Chapters 2, 7, 8 and 15 of this title, except for:
- 2           (a) The special plate administration fees prescribed in sections
- 3 28-2404, 28-2412 through ~~28-2448~~ 28-2449 and 28-2514.
- 4           (b) The donations prescribed in sections 28-2404, 28-2412 through
- 5 28-2415, 28-2417 through ~~28-2448~~ 28-2449, ~~28-2453~~ 28-2473, ~~28-2454~~ 28-2474
- 6 and ~~28-2455~~ 28-2475.
- 7           2. Section 28-1177.
- 8           3. Chapters 10 and 11 of this title.
- 9           4. Chapter 16, articles 1, 2 and 4 of this title, except as provided
- 10 in sections 28-5926 and 28-5927.
- 11          Sec. 6. Section 28-6991, Arizona Revised Statutes, is amended to read:
- 12 ~~28-6991~~. State highway fund; sources
- 13          A state highway fund is established that consists of:
- 14           1. Monies distributed from the Arizona highway user revenue fund
- 15 pursuant to chapter 18 of this title.
- 16           2. Monies appropriated by the legislature.
- 17           3. Monies received from donations for the construction, improvement or
- 18 maintenance of state highways or bridges. These monies shall be credited to
- 19 a special account and shall be spent only for the purpose indicated by the
- 20 donor.
- 21           4. Monies received from counties under cooperative agreements,
- 22 including proceeds from bond issues. The state treasurer shall deposit these
- 23 monies to the credit of the fund in a special account on delivery to the
- 24 treasurer of a concise written agreement between the department and the
- 25 county stating the purposes for which the monies are surrendered by the
- 26 county, and these monies shall be spent only as stated in the agreement.
- 27           5. Monies received from the United States under an act of Congress to
- 28 provide aid for the construction of rural post roads, but monies received on
- 29 projects for which the monies necessary to be provided by this state are
- 30 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
- 31 shall be allotted by the department and deposited by the state treasurer in
- 32 the special account within the fund established for each project. On
- 33 completion of the project, on the satisfaction and discharge in full of all
- 34 obligations of any kind created and on request of the department, the
- 35 treasurer shall transfer the unexpended balance in the special account for
- 36 the project into the state highway fund, and the unexpended balance and any
- 37 further federal aid thereafter received on account of the project may be
- 38 spent under the general provisions of this title.
- 39           6. Monies in the custody of an officer or agent of this state from any
- 40 source that is to be used for the construction, improvement or maintenance of
- 41 state highways or bridges.
- 42           7. Monies deposited in the state general fund and arising from the
- 43 disposal of state personal property belonging to the department.
- 44           8. Receipts from the sale or disposal of any or all other property
- 45 held by the department and purchased with state highway monies.

- 1           9. Monies generated pursuant to section 28-410.
- 2           10. Monies distributed pursuant to section 28-5808, subsection B,  
3 paragraph 2, subdivision (d).
- 4           11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.
- 5           12. Except as provided in section 28-5101, the following monies:
- 6           (a) Monies deposited pursuant to section 28-2206 and section 28-5808,  
7 subsection B, paragraph 2, subdivision (e).
- 8           (b) One dollar of each registration fee and one dollar of each title  
9 fee collected pursuant to section 28-2003.
- 10           (c) Two dollars of each late registration penalty collected by the  
11 director pursuant to section 28-2162.
- 12           (d) The air quality compliance fee collected pursuant to section  
13 49-542.
- 14           (e) The special plate administration fees collected pursuant to  
15 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through  
16 ~~28-2448~~ 28-2449 and 28-2514.
- 17           (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156  
18 if the director is the registering officer.
- 19           13. Monies deposited pursuant to chapter 5, article 5 of this title.
- 20           14. Donations received pursuant to section 28-2269.
- 21           15. Dealer and registration monies collected pursuant to section  
22 28-4304.
- 23           16. Abandoned vehicle administration monies deposited pursuant to  
24 section 28-4804.
- 25           17. Monies deposited pursuant to section 28-710, subsection D,  
26 paragraph 2.
- 27           18. Monies deposited pursuant to section 28-2065.
- 28           19. Monies deposited pursuant to section 28-7311.
- 29           20. Monies deposited pursuant to section 28-7059.
- 30           21. Monies deposited pursuant to section 28-1105.
- 31           22. Monies deposited pursuant to section 28-2448, subsection D.
- 32           Sec. 7. Section 28-6993, Arizona Revised Statutes, is amended to read:  
33 ~~28-6993~~. State highway fund; authorized uses
- 34           A. Except as provided in subsection B of this section and section  
35 28-6538, the state highway fund shall be used for any of the following  
36 purposes in strict conformity with and subject to the budget as provided by  
37 this section and by sections 28-6997 through 28-7003:
- 38           1. To pay salaries, wages, necessary travel expenses and other  
39 expenses of officers and employees of the department and the incidental  
40 office expenses, including telegraph, telephone, postal and express charges  
41 and printing, stationery and advertising expenses.
- 42           2. To pay for both:
- 43           (a) Equipment, supplies, machines, tools, department offices and  
44 laboratories established by the department.

1 (b) The construction and repair of buildings or yards of the  
2 department.

3 3. To pay the cost of both:

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

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

9 4. To pay land damages incurred by reason of establishing, opening,  
10 altering, relocating, widening or abandoning portions of a state route or  
11 state highway.

12 5. To reimburse the department revolving account.

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

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

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

24 9. To acquire, construct or improve entry roads to state parks or  
25 roads within state parks.

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

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

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

31 13. To pay the cost of issuing an Arizona centennial special plate  
32 pursuant to section 28-2448.

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

38 C. Subject to legislative appropriation, the department may use the  
39 monies in the state highway fund as prescribed in section 28-6991, paragraph  
40 12 to carry out the duties imposed by this title for registration or titling  
41 of vehicles, to operate joint title, registration and driver licensing  
42 offices, to cover the administrative costs of issuing the air quality  
43 compliance sticker, modifying the year validating tab and issuing the  
44 windshield sticker and to cover expenses and costs in issuing special plates  
45 pursuant to sections 28-2404, 28-2412 through ~~28-2448~~ 28-2449 and 28-2514.

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

4 E. Monies deposited in the state highway fund pursuant to section  
5 28-2269 shall be used only as prescribed by that section.

6 F. Monies deposited in the state highway fund pursuant to section  
7 28-710, subsection D, paragraph 2 shall only be used for state highway work  
8 zone traffic control devices.

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

17 Sec. 8. Section 41-603, Arizona Revised Statutes, is amended to read:  
18 41-603. Powers and duties

19 A. The department may act as guardian of an incapacitated veteran, the  
20 incapacitated spouse of a veteran or minor children of a veteran, or as  
21 conservator of the estate of a protected veteran or of the veteran's  
22 incapacitated or surviving spouse or of the minor children of a veteran. The  
23 department may act in all fiduciary matters, including as power of attorney,  
24 trustee, custodian or representative payee of a veteran, spouse of a veteran  
25 or minor child of a veteran. The department may act as the personal  
26 representative of the estate of a deceased veteran, deceased spouse of a  
27 veteran or deceased child of a veteran.

28 B. The department shall:

29 1. Assist veterans and their families and dependents in presenting,  
30 providing and establishing claims, privileges, rights and benefits they may  
31 have under federal, state or local law.

32 2. Inform veterans and their families and dependents and military and  
33 civilian authorities about federal, state and local laws enacted to benefit  
34 veterans and their families and dependents and members of the armed forces.

35 3. Collect information relating to services and facilities available  
36 to veterans.

37 4. Cooperate with all government and private agencies receiving  
38 services for or benefits to veterans and their families and dependents.

39 5. Conduct administrative reviews and, if possible, correct abuses or  
40 prevent exploitation of veterans and their families or dependents and  
41 recommend corrective legislation.

42 6. Adopt rules deemed necessary to administer this article.

43 7. Enter into agreements with veterans' organizations in this state  
44 holding a charter granted by the Congress of the United States for the  
45 beneficial interest of veterans.

1           8. Verify and provide written confirmation to the person of  
2 eligibility for special license plates issued pursuant to section ~~28-2455~~  
3 ~~28-2475~~ by determining that all of the following are true:

4           (a) The person was a member of the United States armed forces on  
5 December 7, 1941.

6           (b) The person received an honorable discharge from the United States  
7 armed forces.

8           (c) The person was on station on December 7, 1941, during the hours of  
9 7:55 a.m. to 9:45 a.m., Hawaii time at Pearl Harbor, the Island of Oahu or  
10 offshore, at a distance not exceeding three miles.

11           9. Evaluate, supervise, approve and disapprove programs offered by  
12 educational institutions and training establishments pursuant to United  
13 States Code titles 10 and 38 and state rules, so that veterans and their  
14 dependents may draw the educational allowance provided by federal law while  
15 pursuing approved programs.

16           C. The department may:

17           1. Acquire property for and construct and operate a veterans' home  
18 facility in southern Arizona.

19           2. Acquire property for and establish and operate cemeteries for  
20 veterans in this state.

21           3. Establish a training center to provide training to current or  
22 potential employees and the veteran community. The department may establish  
23 a fee for this training.

24           4. Award the Arizona gold star military medal, if appropriate and if  
25 funding is available.

26           Sec. 9. Section 41-608, Arizona Revised Statutes, is amended to read:  
27 ~~41-608.~~ Veterans' donations fund; grants

28           A. The veterans' donations fund is established consisting of monies,  
29 gifts and contributions donated to the department and monies deposited  
30 pursuant to sections 28-2414, 28-2428, 28-2431, 28-2447, ~~28-2453~~ 28-2473,  
31 ~~28-2454~~ 28-2474, ~~28-2455~~ 28-2475 and 43-620. The department shall administer  
32 the fund. Monies in the fund are continuously appropriated. The monies in  
33 the fund are exempt from the provisions of section 35-190 relating to lapsing  
34 of appropriations. The department shall adopt rules or policies for grants  
35 of less than five thousand dollars that encourage as much competition as  
36 practicable.

37           B. The director or the director's designee may solicit and receive  
38 donations, including in-kind donations, from the public for veterans. The  
39 director shall deposit, pursuant to sections 35-146 and 35-147, the monetary  
40 donations in the veterans' donations fund. Monies in the fund are subject to  
41 state auditing procedures. Except for monies deposited pursuant to sections  
42 28-2431 and 28-2447, the donations may be used for the benefit of the  
43 veterans within this state as grants, subject to chapter 24 of this title, if  
44 applicable.

1           C. The director shall establish a separate subaccount in the veterans'  
2 donations fund for the deposit of monies received pursuant to section  
3 28-2431, subsection C. The monies in the subaccount shall be used for the  
4 construction and maintenance of the enduring freedom memorial authorized  
5 pursuant to section 41-1363 for placement in Wesley Bolin Plaza.

6           D. The director shall establish a separate subaccount in the veterans'  
7 donations fund for the deposit of monies received pursuant to section  
8 28-2447, subsection C. The monies in the subaccount shall be used for the  
9 benefit of women veterans in this state, including providing shelter to  
10 homeless women veterans as grants, subject to chapter 24 of this title, if  
11 applicable.

12           E. The director shall inventory and account for the use of any  
13 tangible personal property donated to the fund.

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