

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SENATE BILL 1116

AN ACT

AMENDING SECTIONS 28-2351 AND 28-2403, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-2449, 28-2450, 28-2451 AND 28-2452; 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 AND 28-6993, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 5.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-570; AMENDING SECTIONS 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~~, 28-2452, ~~28-2472~~, ~~28-2453~~ 28-2473, ~~28-2454~~ 28-2474
33 and ~~28-2455~~ 28-2475 and article 14 of this chapter, shall be the same color
34 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~~, 28-2452,
9 ~~28-2472~~, ~~28-2453~~ 28-2473, ~~28-2454~~ 28-2474 and ~~28-2455~~ 28-2475 and article 14
10 of this chapter, the special plates shall be the same color as and similar to
11 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 sections 28-2449, 28-2450, 28-2451 and 28-2452, to read:

3 28-2449. Developmental disabilities awareness special plates

4 A. IF BY DECEMBER 31, 2014, THIRTY-TWO THOUSAND DOLLARS IS PAID TO THE
5 DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL ISSUE
6 DEVELOPMENTAL DISABILITIES AWARENESS SPECIAL PLATES. THE DIRECTOR OF THE
7 DEPARTMENT, OR THE DIRECTOR'S DESIGNEE, SHALL DESIGN THE DEVELOPMENTAL
8 DISABILITIES AWARENESS SPECIAL PLATES. THE DIRECTOR MAY ALLOW A REQUEST FOR
9 DEVELOPMENTAL DISABILITIES AWARENESS SPECIAL PLATES TO BE COMBINED WITH A
10 REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A
11 COMBINATION, THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS
12 SUBJECT TO THE FEES REQUIRED FOR DEVELOPMENTAL DISABILITIES AWARENESS SPECIAL
13 PLATES.

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

17 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
18 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
19 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
20 SECTION IN THE DEVELOPMENTAL DISABILITIES AWARENESS SPECIAL PLATE FUND
21 ESTABLISHED BY SECTION 36-570.

22 28-2450. Equine education organization special plates; fund

23 A. IF, BY DECEMBER 31, 2014, AN ENTITY PAYS THIRTY-TWO THOUSAND
24 DOLLARS TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE
25 DEPARTMENT SHALL ISSUE EQUINE EDUCATION ORGANIZATION SPECIAL PLATES. THE
26 ENTITY THAT PROVIDES THE THIRTY-TWO THOUSAND DOLLARS SHALL DESIGN THE EQUINE
27 EDUCATION ORGANIZATION SPECIAL PLATES. THE DESIGN AND COLOR OF THE EQUINE
28 EDUCATION ORGANIZATION SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF THE
29 DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR EQUINE EDUCATION
30 ORGANIZATION SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED
31 SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL
32 BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE
33 PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR THE EQUINE
34 EDUCATION ORGANIZATION SPECIAL PLATES.

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

38 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
39 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
40 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
41 SECTION IN THE EQUINE EDUCATION ORGANIZATION SPECIAL PLATE FUND ESTABLISHED
42 BY THIS SECTION.

43 D. THE EQUINE EDUCATION ORGANIZATION SPECIAL PLATE FUND IS ESTABLISHED
44 CONSISTING OF MONIES DEPOSITED PURSUANT TO THIS SECTION. THE DIRECTOR SHALL
45 ADMINISTER THE FUND. THE FIRST THIRTY-TWO THOUSAND DOLLARS IN THE FUND SHALL

1 BE REIMBURSED TO THE ENTITY THAT PAID THE IMPLEMENTATION FEE TO THE
2 DEPARTMENT PURSUANT TO SUBSECTION A OF THIS SECTION. NOT MORE THAN TEN PER
3 CENT OF THE MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR THE COST
4 OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.

5 E. THE DIRECTOR SHALL ANNUALLY ALLOCATE MONIES FROM THE FUND TO THE
6 ENTITY IN THIS STATE THAT PAID THE IMPLEMENTATION FEE TO THE DEPARTMENT
7 PURSUANT TO SUBSECTION A OF THIS SECTION. THE ENTITY MUST:

8 1. BE AN ORGANIZATION THAT IS QUALIFIED UNDER SECTION 501(c)(3) OF THE
9 UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES, CONDUCT
10 EQUINE RESEARCH OF A SCIENTIFIC NATURE FOR THE BENEFIT OF THE PUBLIC INTEREST
11 AND ENSURE THAT RESEARCH IS AVAILABLE TO INTERESTED PERSONS.

12 2. PROVIDE MONIES FOR EQUINE EDUCATIONAL SCHOLARSHIPS TO SUPPORT
13 PROGRAMS AT SCHOOLS OR UNIVERSITIES AND TO ADVANCE LITERACY THROUGH SUPPORT
14 OF EQUINE LITERACY PROGRAMS.

15 3. WORK THROUGHOUT THIS STATE TO GENERALLY PROMOTE AND DISSEMINATE THE
16 UNDERSTANDING AND KNOWLEDGE OF THE VALUE OF EQUINE IN THIS STATE.

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

20 28-2451. Fallen hero special plates; fund; short title

21 A. IF, BY DECEMBER 31, 2013, A FOUNDATION DESCRIBED IN SUBSECTION E OF
22 THIS SECTION PAYS THIRTY-TWO THOUSAND DOLLARS TO THE DEPARTMENT FOR THE
23 IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL ISSUE FALLEN HERO
24 SPECIAL PLATES FOR MOTOR VEHICLES. THE FOUNDATION THAT PROVIDES THE
25 THIRTY-TWO THOUSAND DOLLARS SHALL DESIGN THE FALLEN HERO SPECIAL PLATES. THE
26 DESIGN AND COLOR OF THE FALLEN HERO SPECIAL PLATES ARE SUBJECT TO THE
27 APPROVAL OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR FALLEN HERO
28 SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL
29 PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A
30 FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE
31 PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR THE FALLEN
32 HERO SPECIAL PLATES.

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

36 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
37 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
38 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
39 SECTION IN THE FALLEN HERO SPECIAL PLATE FUND ESTABLISHED BY THIS SECTION.

40 D. THE FALLEN HERO SPECIAL PLATE FUND IS ESTABLISHED CONSISTING OF
41 MONIES DEPOSITED PURSUANT TO THIS SECTION. THE DIRECTOR SHALL ADMINISTER THE
42 FUND. NOT MORE THAN TEN PER CENT OF MONIES DEPOSITED IN THE FUND ANNUALLY
43 SHALL BE USED FOR THE COST OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE
44 CONTINUOUSLY APPROPRIATED.

1 E. THE DIRECTOR SHALL ANNUALLY DISTRIBUTE ALL MONIES IN THE FUND,
2 EXCLUDING ADMINISTRATIVE FEES, TO THE FOUNDATION THAT PAID THE IMPLEMENTATION
3 FEE TO THE DEPARTMENT PURSUANT TO SUBSECTION A OF THIS SECTION. THE
4 FOUNDATION MUST BE A NATIONAL LEADER IN PROVIDING RESOURCES AND EDUCATIONAL
5 SCHOLARSHIP SUPPORT TO VETERANS, ACTIVE SERVICE MEMBERS AND DEPENDENTS OF
6 VETERANS AND ACTIVE SERVICE MEMBERS AND SATISFY ALL OF THE FOLLOWING
7 REQUIREMENTS:

8 1. HAVE A SCHOLARSHIP PROGRAM THAT AIDS ALL VETERANS, SPECIFICALLY THE
9 GROWING POPULATION OF VETERANS AND DEPENDENTS OF VETERANS RESULTING FROM THE
10 IRAQ AND AFGHANISTAN CONFLICTS.

11 2. HAVE A MISSION THAT REQUIRES INVESTMENT IN VETERANS AND FAMILIES OF
12 VETERANS THROUGH EDUCATION AND COMMUNITY.

13 3. BE A CHARITABLE ORGANIZATION THAT IS QUALIFIED UNDER SECTION
14 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX
15 PURPOSES.

16 4. BE NAMED AFTER A PERSON WHO DIED OVERSEAS WHILE IN ACTIVE MILITARY
17 DUTY AND WHO GRADUATED FROM A UNIVERSITY IN THIS STATE.

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

21 G. THIS SECTION MAY BE CITED AS THE "PAT TILLMAN LEGACY PLATE ACT".

22 28-2452. Arizona motorsports commemorative special plates;
23 fund; short title

24 A. IF, BY DECEMBER 31, 2014, AN ENTITY PAYS THIRTY-TWO THOUSAND
25 DOLLARS TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE
26 DEPARTMENT SHALL ISSUE ARIZONA MOTORSPORTS COMMEMORATIVE SPECIAL PLATES FOR
27 MOTOR VEHICLES. THE ENTITY THAT PROVIDES THE THIRTY-TWO THOUSAND DOLLARS
28 SHALL DESIGN THE ARIZONA MOTORSPORTS COMMEMORATIVE SPECIAL PLATES. THE
29 DESIGN AND COLOR OF THE ARIZONA MOTORSPORTS COMMEMORATIVE SPECIAL PLATES ARE
30 SUBJECT TO THE APPROVAL OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST
31 FOR ARIZONA MOTORSPORTS COMMEMORATIVE SPECIAL PLATES TO BE COMBINED WITH A
32 REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A
33 COMBINATION, THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS
34 SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE
35 FEES REQUIRED FOR THE ARIZONA MOTORSPORTS COMMEMORATIVE SPECIAL PLATES.

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

39 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
40 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
41 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
42 SECTION IN THE ARIZONA MOTORSPORTS COMMEMORATIVE SPECIAL PLATE FUND
43 ESTABLISHED BY THIS SECTION.

44 D. THE ARIZONA MOTORSPORTS COMMEMORATIVE SPECIAL PLATE FUND IS
45 ESTABLISHED CONSISTING OF MONIES DEPOSITED PURSUANT TO THIS SECTION. THE

1 DIRECTOR SHALL ADMINISTER THE FUND. THE DIRECTOR SHALL DISTRIBUTE THE FIRST
2 THIRTY-TWO THOUSAND DOLLARS RECEIVED TO THE ENTITY THAT PAID THE
3 IMPLEMENTATION FEE TO THE DEPARTMENT PURSUANT TO SUBSECTION A OF THIS
4 SECTION. NOT MORE THAN TEN PER CENT OF MONIES DEPOSITED IN THE FUND ANNUALLY
5 SHALL BE USED FOR THE COST OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE
6 CONTINUOUSLY APPROPRIATED.

7 E. THE DIRECTOR SHALL ANNUALLY DISTRIBUTE ALL MONIES IN THE FUND,
8 EXCLUDING ADMINISTRATIVE FEES, TO A FOUNDATION THAT IS A NATIONAL LEADER IN
9 PROVIDING RESOURCES AND CHARITABLE SUPPORT FOR CHILDREN THROUGH EDUCATION,
10 MEDICAL TREATMENT, DREAM EXPERIENCES AND VOLUNTEERISM. THE FOUNDATION MUST
11 SATISFY ALL OF THE FOLLOWING REQUIREMENTS:

12 1. HAVE A SCHOLARSHIP PROGRAM THAT AIDS IN PROVIDING SUMMER CAMP
13 OPPORTUNITIES AND DREAM EXPERIENCES AT MOTORSPORTS EVENTS FOR TERMINALLY ILL
14 AND SPECIAL NEEDS CHILDREN.

15 2. HAVE A MISSION THAT REQUIRES INVESTMENT IN CREATING OPPORTUNITY FOR
16 SCHOOL-AGED STUDENTS AND HELPING THE STUDENTS TO ENGAGE IN SCIENCE AND
17 ENGINEERING USING MOTORSPORTS AS THE BASIS OF THE EDUCATIONAL PROGRAM.

18 3. BE A CHARITABLE ORGANIZATION THAT IS QUALIFIED UNDER SECTION
19 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX
20 PURPOSES.

21 4. BE NAMED AFTER A SPECIAL EVENT LOCATION THAT PROMOTES SANCTIONED
22 MOTORSPORTS AND FAMILY EVENTS WITHIN MARICOPA COUNTY AND THIS STATE.

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

26 G. THIS SECTION MAY BE CITED AS THE "PHOENIX INTERNATIONAL RACEWAY
27 PLATE ACT".

28 Sec. 4. Renumber

29 Sections 28-2451, 28-2452, 28-2453, 28-2454 and 28-2455, Arizona
30 Revised Statutes, are renumbered as sections 28-2471, 28-2472, 28-2473,
31 28-2474 and 28-2475, respectively.

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

33 28-6501. Definition of highway user revenues

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

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

39 (a) The special plate administration fees prescribed in sections
40 28-2404, 28-2412 through ~~28-2448~~ 28-2452 and 28-2514.

41 (b) The donations prescribed in sections 28-2404, 28-2412 through
42 28-2415, 28-2417 through ~~28-2448~~ 28-2452, ~~28-2453~~ 28-2473, ~~28-2454~~ 28-2474
43 and ~~28-2455~~ 28-2475.

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. 6. 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 ~~28-2448~~ 28-2452 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. Monies deposited pursuant to section 28-7311.

22 20. Monies deposited pursuant to section 28-7059.

23 21. Monies deposited pursuant to section 28-1105.

24 22. Monies deposited pursuant to section 28-2448, subsection D.

25 Sec. 7. Section 28-6993, Arizona Revised Statutes, is amended to read:
26 ~~28-6993.~~ State highway fund; authorized uses

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

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

35 2. To pay for both:

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

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

40 3. To pay the cost of both:

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

43 (b) Highways under cooperative agreements with the United States that
44 are entered into pursuant to this chapter and an act of Congress providing
45 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 13. To pay the cost of issuing an Arizona centennial special plate
24 pursuant to section 28-2448.
- 25 B. For each fiscal year, the department of transportation shall
26 allocate and transfer monies in the state highway fund to the department of
27 public safety for funding a portion of highway patrol costs in eight
28 installments in each of the first eight months of a fiscal year that do not
29 exceed ten million dollars.
- 30 C. Subject to legislative appropriation, the department may use the
31 monies in the state highway fund as prescribed in section 28-6991, paragraph
32 12 to carry out the duties imposed by this title for registration or titling
33 of vehicles, to operate joint title, registration and driver licensing
34 offices, to cover the administrative costs of issuing the air quality
35 compliance sticker, modifying the year validating tab and issuing the
36 windshield sticker and to cover expenses and costs in issuing special plates
37 pursuant to sections 28-2404, 28-2412 through ~~28-2448~~ 28-2452 and 28-2514.
- 38 D. The department shall use monies deposited in the state highway fund
39 pursuant to chapter 5, article 5 of this title only as prescribed by that
40 article.
- 41 E. Monies deposited in the state highway fund pursuant to section
42 28-2269 shall be used only as prescribed by that section.
- 43 F. Monies deposited in the state highway fund pursuant to section
44 28-710, subsection D, paragraph 2 shall only be used for state highway work
45 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.

9 Sec. 8. Title 36, chapter 5.1, article 1, Arizona Revised Statutes, is
10 amended by adding section 36-570, to read:

11 36-570. Developmental disabilities awareness special plate fund

12 A. THE DEVELOPMENTAL DISABILITIES AWARENESS SPECIAL PLATE FUND IS
13 ESTABLISHED CONSISTING OF MONIES RECEIVED PURSUANT TO SECTION 28-2449. THE
14 DIRECTOR SHALL ADMINISTER THE FUND. NOT MORE THAN TEN PER CENT OF MONIES
15 DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR THE COST OF ADMINISTERING
16 THE FUND. THE FIRST THIRTY-TWO THOUSAND DOLLARS RECEIVED SHALL BE REIMBURSED
17 TO THE PERSON THAT PAID THE IMPLEMENTATION FEE. MONIES IN THE FUND ARE
18 CONTINUOUSLY APPROPRIATED. THE DIRECTOR SHALL ANNUALLY DISTRIBUTE MONIES IN
19 THE FUND.

20 B. THE DIRECTOR SHALL ALLOCATE MONIES FROM THE FUND TO ONE OR MORE
21 NONPROFIT ORGANIZATIONS IN THIS STATE THAT ARE QUALIFIED UNDER SECTION
22 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX
23 PURPOSES AND THAT ARE DEDICATED TO SERVING THE INTERESTS OF PERSONS WITH
24 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THROUGHOUT THIS STATE REGARDLESS
25 OF THE PERSONS' AGES OR DIAGNOSES. ORGANIZATIONS THAT RECEIVE MONIES
26 PURSUANT TO THIS SECTION MAY NOT BE EXISTING PROVIDERS OF DEVELOPMENTAL
27 DISABILITY SERVICES UNDER CONTRACT WITH THE DEPARTMENT. ORGANIZATIONS THAT
28 RECEIVE MONIES PURSUANT TO THIS SECTION SHALL ESTABLISH A PROCESS TO FURTHER
29 DISTRIBUTE THE MONIES ANNUALLY TO ENTITIES THAT WILL USE THE MONIES TO
30 IDENTIFY AND EXTEND SERVICES TO PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
31 DISABILITIES WHO ARE NOT PRESENTLY SERVED THROUGH THE LONG-TERM CARE SYSTEM
32 IN THIS STATE OR TO ENHANCE SERVICES PRESENTLY AVAILABLE.

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

35 Sec. 9. Section 41-603, Arizona Revised Statutes, is amended to read:

36 41-603. Powers and duties

37 A. The department may act as guardian of an incapacitated veteran, the
38 incapacitated spouse of a veteran or minor children of a veteran, or as
39 conservator of the estate of a protected veteran or of the veteran's
40 incapacitated or surviving spouse or of the minor children of a veteran. The
41 department may act in all fiduciary matters, including as power of attorney,
42 trustee, custodian or representative payee of a veteran, spouse of a veteran
43 or minor child of a veteran. The department may act as the personal
44 representative of the estate of a deceased veteran, deceased spouse of a
45 veteran or deceased child of a veteran.

1 B. The department shall:

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

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

8 3. Collect information relating to services and facilities available
9 to veterans.

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

12 5. Conduct administrative reviews and, if possible, correct abuses or
13 prevent exploitation of veterans and their families or dependents and
14 recommend corrective legislation.

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

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

19 8. Verify and provide written confirmation to the person of
20 eligibility for special license plates issued pursuant to section ~~28-2455~~
21 ~~28-2475~~ by determining that all of the following are true:

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

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

26 (c) The person was on station on December 7, 1941, during the hours of
27 7:55 a.m. to 9:45 a.m., Hawaii time at Pearl Harbor, the Island of Oahu or
28 offshore, at a distance not exceeding three miles.

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

34 C. The department may:

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

37 2. Acquire property for and establish and operate cemeteries for
38 veterans in this state.

39 3. Establish a training center to provide training to current or
40 potential employees and the veteran community. The department may establish
41 a fee for this training.

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

1 Sec. 10. Section 41-608, Arizona Revised Statutes, is amended to read:
2 41-608. Veterans' donations fund; grants

3 A. The veterans' donations fund is established consisting of monies,
4 gifts and contributions donated to the department and monies deposited
5 pursuant to sections 28-2414, 28-2428, 28-2431, 28-2447, ~~28-2453~~ 28-2473,
6 ~~28-2454~~ 28-2474, ~~28-2455~~ 28-2475 and 43-620. The department shall administer
7 the fund. Monies in the fund are continuously appropriated. The monies in
8 the fund are exempt from the provisions of section 35-190 relating to lapsing
9 of appropriations. The department shall adopt rules or policies for grants
10 of less than five thousand dollars that encourage as much competition as
11 practicable.

12 B. The director or the director's designee may solicit and receive
13 donations, including in-kind donations, from the public for veterans. The
14 director shall deposit, pursuant to sections 35-146 and 35-147, the monetary
15 donations in the veterans' donations fund. Monies in the fund are subject to
16 state auditing procedures. Except for monies deposited pursuant to sections
17 28-2431 and 28-2447, the donations may be used for the benefit of the
18 veterans within this state as grants, subject to chapter 24 of this title, if
19 applicable.

20 C. The director shall establish a separate subaccount in the veterans'
21 donations fund for the deposit of monies received pursuant to section
22 28-2431, subsection C. The monies in the subaccount shall be used for the
23 construction and maintenance of the enduring freedom memorial authorized
24 pursuant to section 41-1363 for placement in Wesley Bolin Plaza.

25 D. The director shall establish a separate subaccount in the veterans'
26 donations fund for the deposit of monies received pursuant to section
27 28-2447, subsection C. The monies in the subaccount shall be used for the
28 benefit of women veterans in this state, including providing shelter to
29 homeless women veterans as grants, subject to chapter 24 of this title, if
30 applicable.

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

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