

REFERENCE TITLE: disabled veteran special plates

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

SB 1116

Introduced by
Senators Bradley, Melvin; Representative Cardenas

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:

44 1. Except as provided in sections 28-2416 and 28-2416.01, a person who
45 is the registered owner of a vehicle registered with the department or who

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

5 2. Except for plates issued pursuant to sections 28-2404, 28-2412,
6 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2448~~ 28-2449,
7 ~~28-2452~~ 28-2472, ~~28-2453~~ 28-2473, ~~28-2454~~ 28-2474 and ~~28-2455~~ 28-2475 and
8 article 14 of this chapter, the special plates shall be the same color as and
9 similar to the design of the regular license plates that is determined by the
10 department.

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

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

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

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

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

35 1. Violates subsection B of this section.

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

39 3. Conceals a material fact or otherwise commits fraud in the
40 application for or renewal of special plates or placards issued pursuant to
41 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. Disabled veteran special plates

4 A. IF, BY DECEMBER 31, 2013, AN ENTITY PAYS THIRTY-TWO THOUSAND
5 DOLLARS TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE
6 DEPARTMENT SHALL ISSUE DISABLED VETERAN SPECIAL PLATES FOR MOTOR VEHICLES,
7 INCLUDING MOTORCYCLES, TO A PERSON WHO SUBMITS SATISFACTORY PROOF TO THE
8 DEPARTMENT THAT THE PERSON IS A VETERAN WHO WAS HONORABLY DISCHARGED AND WHO
9 IS CERTIFIED BY THE VETERANS' ADMINISTRATION OR BY THE VETERAN'S BRANCH OF
10 MILITARY SERVICE TO BE AT LEAST SIXTY PER CENT DISABLED AS A RESULT OF THE
11 VETERAN'S MILITARY SERVICE. THE ENTITY THAT PROVIDES THE THIRTY-TWO THOUSAND
12 DOLLARS SHALL DESIGN THE DISABLED VETERAN SPECIAL PLATES. THE DESIGN AND
13 COLOR OF THE DISABLED VETERAN SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF
14 THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR DISABLED VETERAN SPECIAL
15 PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE
16 DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM PRESCRIBED
17 BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL
18 PLATES IN ADDITION TO THE FEES REQUIRED FOR THE DISABLED VETERAN SPECIAL
19 PLATES.

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

23 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
24 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
25 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
26 SECTION IN THE VETERANS' DONATIONS FUND ESTABLISHED BY SECTION 41-608.

27 Sec. 4. Renumber

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

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

32 28-6501. Definition of highway user revenues

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

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

38 (a) The special plate administration fees prescribed in sections
39 28-2404, 28-2412 through ~~28-2448~~ 28-2449 and 28-2514.

40 (b) The donations prescribed in sections 28-2404, 28-2412 through
41 28-2415, 28-2417 through ~~28-2448~~ 28-2449, ~~28-2453~~ 28-2473, ~~28-2454~~ 28-2474
42 and ~~28-2455~~ 28-2475.

43 2. Section 28-1177.

44 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~~ 28-2449 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~~ 28-2449 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. Section 41-603, Arizona Revised Statutes, is amended to read:

10 41-603. Powers and duties

11 A. The department may act as guardian of an incapacitated veteran, the
12 incapacitated spouse of a veteran or minor children of a veteran, or as
13 conservator of the estate of a protected veteran or of the veteran's
14 incapacitated or surviving spouse or of the minor children of a veteran. The
15 department may act in all fiduciary matters, including as power of attorney,
16 trustee, custodian or representative payee of a veteran, spouse of a veteran
17 or minor child of a veteran. The department may act as the personal
18 representative of the estate of a deceased veteran, deceased spouse of a
19 veteran or deceased child of a veteran.

20 B. The department shall:

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

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

27 3. Collect information relating to services and facilities available
28 to veterans.

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

31 5. Conduct administrative reviews and, if possible, correct abuses or
32 prevent exploitation of veterans and their families or dependents and
33 recommend corrective legislation.

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

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

38 8. Verify and provide written confirmation to the person of
39 eligibility for special license plates issued pursuant to section ~~28-2455~~
40 ~~28-2475~~ by determining that all of the following are true:

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

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

1 (c) The person was on station on December 7, 1941, during the hours of
2 7:55 a.m. to 9:45 a.m., Hawaii time at Pearl Harbor, the Island of Oahu or
3 offshore, at a distance not exceeding three miles.

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

9 C. The department may:

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

12 2. Acquire property for and establish and operate cemeteries for
13 veterans in this state.

14 3. Establish a training center to provide training to current or
15 potential employees and the veteran community. The department may establish
16 a fee for this training.

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

19 Sec. 9. Section 41-608, Arizona Revised Statutes, is amended to read:

20 41-608. Veterans' donations fund; grants

21 A. The veterans' donations fund is established consisting of monies,
22 gifts and contributions donated to the department and monies deposited
23 pursuant to sections 28-2414, 28-2428, 28-2431, 28-2447, ~~28-2453~~ 28-2449,
24 ~~28-2473~~, ~~28-2454~~ 28-2474, ~~28-2455~~ 28-2475 and 43-620. The department shall
25 administer the fund. Monies in the fund are continuously appropriated. The
26 monies in the fund are exempt from the provisions of section 35-190 relating
27 to lapsing of appropriations. The department shall adopt rules or policies
28 for grants of less than five thousand dollars that encourage as much
29 competition as practicable.

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

38 C. The director shall establish a separate subaccount in the veterans'
39 donations fund for the deposit of monies received pursuant to section
40 28-2431, subsection C. The monies in the subaccount shall be used for the
41 construction and maintenance of the enduring freedom memorial authorized
42 pursuant to section 41-1363 for placement in Wesley Bolin Plaza.

43 D. The director shall establish a separate subaccount in the veterans'
44 donations fund for the deposit of monies received pursuant to section
45 28-2447, subsection C. The monies in the subaccount shall be used for the

1 benefit of women veterans in this state, including providing shelter to
2 homeless women veterans as grants, subject to chapter 24 of this title, if
3 applicable.

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

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