

REFERENCE TITLE: prohibit special license plate issuance

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

SB 1207

Introduced by
Senators Farley: Hobbs

AN ACT

PROVIDING FOR THE DELAYED REPEAL OF SECTION 15-243, ARIZONA REVISED STATUTES; AMENDING SECTION 15-719, ARIZONA REVISED STATUTES; PROVIDING FOR THE DELAYED REPEAL OF SECTIONS 15-791 AND 15-1641, ARIZONA REVISED STATUTES; AMENDING SECTIONS 28-2351 AND 28-2403, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2405; PROVIDING FOR THE DELAYED REPEAL OF SECTIONS 28-2412, 28-2417, 28-2419, 28-2421, 28-2422, 28-2422.01, 28-2422.02, 28-2424, 28-2426 AND 28-2427, ARIZONA REVISED STATUTES; PROVIDING FOR THE DELAYED REPEAL OF SECTION 28-2430, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 320, SECTION 4 AND CHAPTER 323, SECTION 3; PROVIDING FOR THE DELAYED REPEAL OF SECTION 28-2430, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 324, SECTION 3; PROVIDING FOR THE DELAYED REPEAL OF SECTIONS 28-2432, 28-2433, 28-2434, 28-2435, 28-2436, 28-2437, 28-2438, 28-2439, 28-2439.01, 28-2439.02, 28-2441, 28-2442, 28-2443, 28-2444, 28-2445 AND 28-2446, ARIZONA REVISED STATUTES; AMENDING SECTIONS 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; PROVIDING FOR THE DELAYED REPEAL OF SECTIONS 36-121, 41-109 AND 41-1721, 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. Delayed repeal

3 Section 15-243, Arizona Revised Statutes, is repealed from and after
4 December 31, 2017.

5 Sec. 2. Section 15-719, Arizona Revised Statutes, is amended to read:
6 15-719. Character education program instruction

7 A. Each common, high and unified school district and charter school
8 may provide instruction to kindergarten programs through the twelfth grade on
9 character development.

10 B. Each district may develop its own course of study for each grade.
11 At a minimum, the character education program must include:

12 1. Instruction in the definition and application of at least six of
13 the following character traits: truthfulness, responsibility, compassion,
14 diligence, sincerity, trustworthiness, respect, attentiveness, obedience,
15 orderliness, forgiveness, virtue, fairness, caring, citizenship and
16 integrity.

17 2. The use of activities, discussions and visual media and literacy
18 presentations to illustrate and reinforce the application of the character
19 traits.

20 3. Presentations by teachers or mentors who demonstrate the character
21 traits.

22 C. At the request of the school district or charter school, the
23 department of education may certify that the school district or charter
24 school has a character development instruction program that meets all of the
25 requirements in subsection B of this section.

26 D. Parents may elect for their child not to participate in the
27 program.

28 E. The school district or charter school may accept donations or
29 charge fees for the program if the program is not offered during regular
30 school hours.

31 ~~F. A character education special plate fund is established consisting~~
32 ~~of monies received pursuant to section 28-2421. The department of education~~
33 ~~shall administer the fund. Not more than ten per cent of monies deposited in~~
34 ~~the fund annually shall be used for the cost of administering the fund.~~
35 ~~Monies in the fund are continuously appropriated. Monies from the fund shall~~
36 ~~be annually distributed by the department by July 1.~~

37 ~~G. The character education and development division at the department~~
38 ~~of education shall allocate monies through at least two but no more than four~~
39 ~~private character education foundations that are incorporated nonprofit~~
40 ~~corporations in this state and that are qualified under section 501(c)(3) of~~
41 ~~the United States internal revenue code for federal income tax purposes. The~~
42 ~~director of the character education and development division at the~~
43 ~~department of education shall select private character education foundations~~
44 ~~that provide character education programs that demonstrate proven and~~

1 ~~effective research based curriculum and training to receive monies from the~~
2 ~~character education special plate fund.~~

3 ~~H. On notice from the department of education, the state treasurer~~
4 ~~shall invest and divest monies in the fund as provided by section 35-313, and~~
5 ~~monies earned from investment shall be credited to the fund.~~

6 ~~I. Monies in the fund are exempt from the provisions of section 35-190~~
7 ~~relating to lapsing of appropriations.~~

8 Sec. 3. Delayed repeal

9 Sections 15-791 and 15-1641, Arizona Revised Statutes, are repealed
10 from and after December 31, 2017.

11 Sec. 4. Section 28-2351, Arizona Revised Statutes, is amended to read:
12 28-2351. License plate provided; design

13 A. The department shall provide to every owner one license plate for
14 each vehicle registered. At the request of the owner and on payment of any
15 required fee, the department shall provide either one or two license plates
16 for a vehicle for which a special plate is requested pursuant to this
17 chapter, except that the department shall provide one license plate if the
18 special plate is issued pursuant to section 28-2416 or 28-2416.01.

19 B. The license plate shall display the number assigned to the vehicle
20 and to the owner of the vehicle and the name of this state, which may be
21 abbreviated. The director shall coat the license plate with a reflective
22 material that is consistent with the determination of the department
23 regarding the color and design of license plates and special plates. The
24 director shall design the license plate and the letters and numerals on the
25 license plate to be of sufficient size to be plainly readable during daylight
26 from a distance of one hundred feet. In addition to the standard license
27 plate issued for a trailer before August 12, 2005, the director shall issue a
28 license plate for trailers that has a design that is similar to the standard
29 size license plate for trailers but that is the same size as the license
30 plate for motorcycles. The trailer owner shall notify the department which
31 size license plate the owner wants for the trailer.

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

37 D. The department shall determine the color and design of the license
38 plate. All other plates issued by the department, except the plates issued
39 pursuant to sections 28-2404, ~~28-2412~~, 28-2413, 28-2414, 28-2416, 28-2416.01,
40 ~~28-2417 through 28-2448~~ 28-2418, 28-2420, 28-2423, 28-2425, 28-2428, 28-2429,
41 28-2431, 28-2440, 28-2447, 28-2448, 28-2452, 28-2453, 28-2454 and 28-2455 and
42 article 14 of this chapter, shall be the same color as and similar in design
43 to the license plate as determined by the department.

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

1 Sec. 5. Section 28-2403, Arizona Revised Statutes, is amended to read:
2 28-2403. Special plates; transfers; violation; classification

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

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

13 2. Except for plates issued pursuant to sections 28-2404, ~~28-2412,~~
14 ~~28-2413,~~ 28-2414, 28-2416, 28-2416.01, ~~28-2417 through 28-2448,~~ 28-2418,
15 28-2420, 28-2423, 28-2425, 28-2428, 28-2429, 28-2431, 28-2440, 28-2447,
16 28-2448, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this
17 chapter, the special plates shall be the same color as and similar to the
18 design of the regular license plates that is determined by the department.

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

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

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

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

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

43 1. Violates subsection B of this section.

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

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

7 Sec. 6. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
8 amended by adding section 28-2405, to read:

9 28-2405. Special plate issuance prohibition; renewals

10 A. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, BEGINNING JANUARY 1,
11 2014, THE DEPARTMENT SHALL NOT ISSUE A SPECIAL PLATE THAT IS NOT AUTHORIZED
12 ON OR BEFORE THE EFFECTIVE DATE OF THIS SECTION.

13 B. THE DEPARTMENT MAY RENEW SPECIAL PLATES THAT ARE AUTHORIZED BEFORE
14 THE EFFECTIVE DATE OF THIS SECTION BUT MAY NOT ISSUE SPECIAL PLATES TO
15 INITIAL APPLICANTS OR APPLICANTS REQUESTING A DUPLICATE, REPLACEMENT OR NEW
16 LICENSE PLATE UNLESS THERE IS AUTHORITY PURSUANT TO THIS ARTICLE FOR THE
17 SPECIAL LICENSE PLATE ON THE DATE OF ISSUANCE.

18 Sec. 7. Delayed repeal

19 A. Sections 28-2412, 28-2417, 28-2419, 28-2421, 28-2422, 28-2422.01,
20 28-2422.02, 28-2424, 28-2426 and 28-2427, Arizona Revised Statutes, are
21 repealed from and after December 31, 2017.

22 B. Section 28-2430, Arizona Revised Statutes, as amended by Laws 2011,
23 chapter 320, section 4 and, chapter 323, section 3, is repealed from and
24 after December 31, 2017.

25 C. Section 28-2430, Arizona Revised Statutes, as amended by Laws 2011,
26 chapter 324, section 3, is repealed from and after December 31, 2017.

27 D. Sections 28-2432 through 28-2439.02 and 28-2441 through 28-2446,
28 Arizona Revised Statutes, are repealed from and after December 31, 2017.

29 Sec. 8. Section 28-6501, Arizona Revised Statutes, is amended to read:

30 28-6501. Definition of highway user revenues

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

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

36 (a) The special plate administration fees prescribed in sections
37 28-2404, ~~28-2412~~ 28-2413 through ~~28-2448~~ 28-2416, 28-2416.01, 28-2418,
38 28-2420, 28-2423, 28-2425, 28-2428, 28-2429, 28-2431, 28-2440, 28-2447,
39 28-2448 and 28-2514.

40 (b) The donations prescribed in sections 28-2404, ~~28-2412 through~~
41 ~~28-2415~~, 28-2413, 28-2414, 28-2415, ~~28-2417 through 28-2448~~, 28-2418,
42 28-2420, 28-2423, 28-2425, 28-2428, 28-2429, 28-2431, 28-2440, 28-2447,
43 28-2448, 28-2453, 28-2454 and 28-2455.

44 2. Section 28-1177.

45 3. Chapters 10 and 11 of this title.

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

3 Sec. 9. 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~~ 28-2413 through 28-2416, 28-2416.01, ~~28-2417~~
9 ~~through 28-2448~~ 28-2418, 28-2420, 28-2423, 28-2425, 28-2428, 28-2429,
10 28-2431, 28-2440, 28-2447, 28-2448 and 28-2514.
- 11 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
12 if the director is the registering officer.
- 13 13. Monies deposited pursuant to chapter 5, article 5 of this title.
- 14 14. Donations received pursuant to section 28-2269.
- 15 15. Dealer and registration monies collected pursuant to section
16 28-4304.
- 17 16. Abandoned vehicle administration monies deposited pursuant to
18 section 28-4804.
- 19 17. Monies deposited pursuant to section 28-710, subsection D,
20 paragraph 2.
- 21 18. Monies deposited pursuant to section 28-2065.
- 22 19. Monies deposited pursuant to section 28-7311.
- 23 20. Monies deposited pursuant to section 28-7059.
- 24 21. Monies deposited pursuant to section 28-1105.
- 25 22. Monies deposited pursuant to section 28-2448, subsection D.
- 26 Sec. 10. Section 28-6993, Arizona Revised Statutes, is amended to
27 read:
- 28 28-6993. State highway fund; authorized uses
- 29 A. Except as provided in subsection B of this section and section
30 28-6538, the state highway fund shall be used for any of the following
31 purposes in strict conformity with and subject to the budget as provided by
32 this section and by sections 28-6997 through 28-7003:
- 33 1. To pay salaries, wages, necessary travel expenses and other
34 expenses of officers and employees of the department and the incidental
35 office expenses, including telegraph, telephone, postal and express charges
36 and printing, stationery and advertising expenses.
- 37 2. To pay for both:
- 38 (a) Equipment, supplies, machines, tools, department offices and
39 laboratories established by the department.
- 40 (b) The construction and repair of buildings or yards of the
41 department.
- 42 3. To pay the cost of both:
- 43 (a) Engineering, construction, improvement and maintenance of state
44 highways and parts of highways forming state routes.

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

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

7 5. To reimburse the department revolving account.

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

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

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

19 9. To acquire, construct or improve entry roads to state parks or
20 roads within state parks.

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

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

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

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

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

33 C. Subject to legislative appropriation, the department may use the
34 monies in the state highway fund as prescribed in section 28-6991, paragraph
35 12 to carry out the duties imposed by this title for registration or titling
36 of vehicles, to operate joint title, registration and driver licensing
37 offices, to cover the administrative costs of issuing the air quality
38 compliance sticker, modifying the year validating tab and issuing the
39 windshield sticker and to cover expenses and costs in issuing special plates
40 pursuant to sections 28-2404, ~~28-2412~~ 28-2413 through ~~28-2448~~ 28-2416,
41 28-2416.01, 28-2418, 28-2420, 28-2423, 28-2425, 28-2428, 28-2429, 28-2431,
42 28-2440, 28-2447, 28-2448 and 28-2514.

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

1 E. Monies deposited in the state highway fund pursuant to section
2 28-2269 shall be used only as prescribed by that section.

3 F. Monies deposited in the state highway fund pursuant to section
4 28-710, subsection D, paragraph 2 shall only be used for state highway work
5 zone traffic control devices.

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

14 Sec. 11. Delayed repeal

15 Sections 36-121, 41-109 and 41-1721, Arizona Revised Statutes, are
16 repealed from and after December 31, 2017.

17 Sec. 12. Effective date

18 Sections 15-719, 28-2351, 28-2403, 28-6501, 28-6991 and 28-6993,
19 Arizona Revised Statutes, as amended by this act, are effective from and
20 after December 31, 2017.

21 Sec. 13. Monies; special license plate funds; transfer to the
22 department of transportation

23 On January 1, 2018, all monies that are remaining in the special
24 license plate funds that are repealed by this act shall be transferred to the
25 state highway fund established by section 28-6991, Arizona Revised Statutes,
26 for use by the department of transportation.

27 Sec. 14. Legislative intent

28 Vehicle license plates have one overarching purpose, which is for law
29 enforcement officers and citizens who witness crimes involving a vehicle to
30 be able to identify that vehicle. The dramatically increasing variety of
31 special plates is now undercutting that primary purpose by making it more
32 difficult to identify the vehicle. Additionally, it is not the purview of
33 government to collect monies from private individuals and then to disperse
34 them to private organizations. In order to avoid the chaos of a state like
35 Maryland that now has more than seven hundred special license plates, the
36 state of Arizona must stop authorizing and issuing special license plates
37 now.