

REFERENCE TITLE: American Indian veterans; special plates

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

SB 1431

Introduced by
Senator Jackson Jr.; Representatives Hale, Peshlakai, Steele; Gonzales

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. American Indian veterans national memorial special
4 plates; fund

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

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

20 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
21 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
22 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
23 SECTION IN THE AMERICAN INDIAN VETERANS NATIONAL MEMORIAL SPECIAL PLATE FUND
24 ESTABLISHED BY THIS SECTION.

25 D. THE AMERICAN INDIAN VETERANS NATIONAL MEMORIAL SPECIAL PLATE FUND
26 IS ESTABLISHED CONSISTING OF MONIES DEPOSITED PURSUANT TO THIS SECTION. THE
27 DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
28 APPROPRIATED.

29 E. THE FIRST THIRTY-TWO THOUSAND DOLLARS IN THE FUND SHALL BE
30 REIMBURSED TO THE ENTITY THAT PROVIDES THE THIRTY-TWO THOUSAND DOLLARS
31 PURSUANT TO SUBSECTION A OF THIS SECTION. NOT MORE THAN TEN PER CENT OF
32 MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR THE COST OF
33 ADMINISTERING THE FUND. THE DIRECTOR SHALL ANNUALLY ALLOCATE MONIES FROM THE
34 FUND, EXCLUDING ADMINISTRATIVE FEES, TO A MUSEUM IN THIS STATE THAT IS
35 FOCUSED ON AMERICAN INDIAN ART AND HISTORY, THAT IS REGARDED AS ONE OF THE
36 UNITED STATES' LEADING INSTITUTIONS THAT FOCUSES ON AMERICAN INDIAN ART AND
37 HISTORY AND THAT HAS ESTABLISHED WITH PRIVATE MONIES A MEMORIAL HONORING
38 AMERICAN INDIAN VETERANS IN MULTIPLE CONFLICTS. THE MUSEUM SHALL USE THE
39 ALLOCATED MONIES FOR THE MAINTENANCE COSTS OF THE MEMORIAL.

40 F. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND
41 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED
42 FROM INVESTMENT SHALL BE CREDITED TO THE FUND. MONIES IN THE FUND ARE EXEMPT
43 FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

1 Sec. 4. Renumber

2 Sections 28-2451, 28-2452, 28-2453, 28-2454 and 28-2455, Arizona
3 Revised Statutes, are renumbered as sections 28-2471, 28-2472, 28-2473,
4 28-2474 and 28-2475, respectively.

5 Sec. 5. Section 28-6501, Arizona Revised Statutes, is amended to read:
6 28-6501. Definition of highway user revenues

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

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

12 (a) The special plate administration fees prescribed in sections
13 28-2404, 28-2412 through ~~28-2448~~ 28-2449 and 28-2514.

14 (b) The donations prescribed in sections 28-2404, 28-2412 through
15 28-2415, 28-2417 through ~~28-2448~~ 28-2449, ~~28-2453~~ 28-2473, ~~28-2454~~ 28-2474
16 and ~~28-2455~~ 28-2475.

17 2. Section 28-1177.

18 3. Chapters 10 and 11 of this title.

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

21 Sec. 6. Section 28-6991, Arizona Revised Statutes, is amended to read:
22 28-6991. State highway fund; sources

23 A state highway fund is established that consists of:

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

26 2. Monies appropriated by the legislature.

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

31 4. Monies received from counties under cooperative agreements,
32 including proceeds from bond issues. The state treasurer shall deposit these
33 monies to the credit of the fund in a special account on delivery to the
34 treasurer of a concise written agreement between the department and the
35 county stating the purposes for which the monies are surrendered by the
36 county, and these monies shall be spent only as stated in the agreement.

37 5. Monies received from the United States under an act of Congress to
38 provide aid for the construction of rural post roads, but monies received on
39 projects for which the monies necessary to be provided by this state are
40 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
41 shall be allotted by the department and deposited by the state treasurer in
42 the special account within the fund established for each project. On
43 completion of the project, on the satisfaction and discharge in full of all
44 obligations of any kind created and on request of the department, the
45 treasurer shall transfer the unexpended balance in the special account for

1 the project into the state highway fund, and the unexpended balance and any
2 further federal aid thereafter received on account of the project may be
3 spent under the general provisions of this title.

4 6. Monies in the custody of an officer or agent of this state from any
5 source that is to be used for the construction, improvement or maintenance of
6 state highways or bridges.

7 7. Monies deposited in the state general fund and arising from the
8 disposal of state personal property belonging to the department.

9 8. Receipts from the sale or disposal of any or all other property
10 held by the department and purchased with state highway monies.

11 9. Monies generated pursuant to section 28-410.

12 10. Monies distributed pursuant to section 28-5808, subsection B,
13 paragraph 2, subdivision (d).

14 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

15 12. Except as provided in section 28-5101, the following monies:

16 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
17 subsection B, paragraph 2, subdivision (e).

18 (b) One dollar of each registration fee and one dollar of each title
19 fee collected pursuant to section 28-2003.

20 (c) Two dollars of each late registration penalty collected by the
21 director pursuant to section 28-2162.

22 (d) The air quality compliance fee collected pursuant to section
23 49-542.

24 (e) The special plate administration fees collected pursuant to
25 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through
26 ~~28-2448~~ 28-2449 and 28-2514.

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

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

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

31 15. Dealer and registration monies collected pursuant to section
32 28-4304.

33 16. Abandoned vehicle administration monies deposited pursuant to
34 section 28-4804.

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

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

38 19. Monies deposited pursuant to section 28-7311.

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

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

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

42 Sec. 7. Section 28-6993, Arizona Revised Statutes, is amended to read:
43 28-6993. State highway fund; authorized uses

44 A. Except as provided in subsection B of this section and section
45 28-6538, the state highway fund shall be used for any of the following

1 purposes in strict conformity with and subject to the budget as provided by
2 this section and by sections 28-6997 through 28-7003:

3 1. To pay salaries, wages, necessary travel expenses and other
4 expenses of officers and employees of the department and the incidental
5 office expenses, including telegraph, telephone, postal and express charges
6 and printing, stationery and advertising expenses.

7 2. To pay for both:

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

10 (b) The construction and repair of buildings or yards of the
11 department.

12 3. To pay the cost of both:

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

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

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

21 5. To reimburse the department revolving account.

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

24 7. To defray lawful expenses and costs required to administer and
25 carry out the intent, purposes and provisions of this title, including
26 repayment of obligations entered into pursuant to this title, payment of
27 interest on obligations entered into pursuant to this title, repayment of
28 loans and other financial assistance, including repayment of advances and
29 interest on advances made to the department pursuant to section 28-7677, and
30 payment of all other obligations and expenses of the board and department
31 pursuant to chapter 21 of this title.

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

33 9. To acquire, construct or improve entry roads to state parks or
34 roads within state parks.

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

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

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

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

42 B. For each fiscal year, the department of transportation shall
43 allocate and transfer monies in the state highway fund to the department of
44 public safety for funding a portion of highway patrol costs in eight

1 installments in each of the first eight months of a fiscal year that do not
2 exceed ten million dollars.

3 C. Subject to legislative appropriation, the department may use the
4 monies in the state highway fund as prescribed in section 28-6991, paragraph
5 12 to carry out the duties imposed by this title for registration or titling
6 of vehicles, to operate joint title, registration and driver licensing
7 offices, to cover the administrative costs of issuing the air quality
8 compliance sticker, modifying the year validating tab and issuing the
9 windshield sticker and to cover expenses and costs in issuing special plates
10 pursuant to sections 28-2404, 28-2412 through ~~28-2448~~ 28-2449 and 28-2514.

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

14 E. Monies deposited in the state highway fund pursuant to section
15 28-2269 shall be used only as prescribed by that section.

16 F. Monies deposited in the state highway fund pursuant to section
17 28-710, subsection D, paragraph 2 shall only be used for state highway work
18 zone traffic control devices.

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

27 Sec. 8. Section 41-603, Arizona Revised Statutes, is amended to read:
28 41-603. Powers and duties

29 A. The department may act as guardian of an incapacitated veteran, the
30 incapacitated spouse of a veteran or minor children of a veteran, or as
31 conservator of the estate of a protected veteran or of the veteran's
32 incapacitated or surviving spouse or of the minor children of a veteran. The
33 department may act in all fiduciary matters, including as power of attorney,
34 trustee, custodian or representative payee of a veteran, spouse of a veteran
35 or minor child of a veteran. The department may act as the personal
36 representative of the estate of a deceased veteran, deceased spouse of a
37 veteran or deceased child of a veteran.

38 B. The department shall:

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

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

1 3. Collect information relating to services and facilities available
2 to veterans.

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

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

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

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

12 8. Verify and provide written confirmation to the person of
13 eligibility for special license plates issued pursuant to section ~~28-2455~~
14 ~~28-2475~~ by determining that all of the following are true:

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

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

19 (c) The person was on station on December 7, 1941, during the hours of
20 7:55 a.m. to 9:45 a.m., Hawaii time at Pearl Harbor, the Island of Oahu or
21 offshore, at a distance not exceeding three miles.

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

27 C. The department may:

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

30 2. Acquire property for and establish and operate cemeteries for
31 veterans in this state.

32 3. Establish a training center to provide training to current or
33 potential employees and the veteran community. The department may establish
34 a fee for this training.

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

37 Sec. 9. Section 41-608, Arizona Revised Statutes, is amended to read:
38 ~~41-608.~~ Veterans' donations fund; grants

39 A. The veterans' donations fund is established consisting of monies,
40 gifts and contributions donated to the department and monies deposited
41 pursuant to sections 28-2414, 28-2428, 28-2431, 28-2447, ~~28-2453~~ 28-2473,
42 ~~28-2454~~ 28-2474, ~~28-2455~~ 28-2475 and 43-620. The department shall administer
43 the fund. Monies in the fund are continuously appropriated. The monies in
44 the fund are exempt from the provisions of section 35-190 relating to lapsing
45 of appropriations. The department shall adopt rules or policies for grants

1 of less than five thousand dollars that encourage as much competition as
2 practicable.

3 B. The director or the director's designee may solicit and receive
4 donations, including in-kind donations, from the public for veterans. The
5 director shall deposit, pursuant to sections 35-146 and 35-147, the monetary
6 donations in the veterans' donations fund. Monies in the fund are subject to
7 state auditing procedures. Except for monies deposited pursuant to sections
8 28-2431 and 28-2447, the donations may be used for the benefit of the
9 veterans within this state as grants, subject to chapter 24 of this title, if
10 applicable.

11 C. The director shall establish a separate subaccount in the veterans'
12 donations fund for the deposit of monies received pursuant to section
13 28-2431, subsection C. The monies in the subaccount shall be used for the
14 construction and maintenance of the enduring freedom memorial authorized
15 pursuant to section 41-1363 for placement in Wesley Bolin Plaza.

16 D. The director shall establish a separate subaccount in the veterans'
17 donations fund for the deposit of monies received pursuant to section
18 28-2447, subsection C. The monies in the subaccount shall be used for the
19 benefit of women veterans in this state, including providing shelter to
20 homeless women veterans as grants, subject to chapter 24 of this title, if
21 applicable.

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

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