

State of Arizona  
House of Representatives  
Fifty-first Legislature  
Second Regular Session  
2014

**CHAPTER 6**  
**HOUSE BILL 2113**

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 28-2451; AMENDING SECTION 28-6501, ARIZONA REVISED STATUTES; AMENDING SECTION 28-6991, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 132, SECTION 6 AND CHAPTER 167, SECTION 6; REPEALING SECTION 28-6991, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 129, SECTION 21; AMENDING SECTION 28-6993, ARIZONA REVISED STATUTES; BLENDING MULTIPLE ENACTMENTS; 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 ~~28-2450~~ 28-2451, 28-2472, 28-2473, 28-2474, 28-2475 and  
33 28-4533 and article 14 of this chapter, shall be the same color as and  
34 similar in design to the license plate as determined by the department.

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

37 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:  
38 28-2403. Special plates; transfers; violation; classification

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

43 1. Except as provided in sections 28-2416 and 28-2416.01, a person who  
44 is the registered owner of a vehicle registered with the department or who  
45 applies for an original or renewal registration of a vehicle may submit to  
46 the department a completed application form as prescribed by the department

1 with the fee prescribed by section 28-2402 for special plates in addition to  
2 the registration fee prescribed by section 28-2003.

3 2. Except for plates issued pursuant to sections 28-2404, 28-2412,  
4 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2450~~ 28-2451,  
5 28-2472, 28-2473, 28-2474 and 28-2475 and article 14 of this chapter, the  
6 special plates shall be the same color as and similar to the design of the  
7 regular license plates that is determined by the department.

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

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

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

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

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

32 1. Violates subsection B of this section.

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

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

39 Sec. 3. Title 28, chapter 7, article 12, Arizona Revised Statutes, is  
40 amended by adding section 28-2451, to read:

41 28-2451. Arizona motorsports commemorative special plates; fund

42 A. IF, BY DECEMBER 31, 2014, A PERSON PAYS THIRTY-TWO THOUSAND DOLLARS  
43 TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT  
44 SHALL ISSUE ARIZONA MOTORSPORTS COMMEMORATIVE SPECIAL PLATES. THE PERSON  
45 THAT PROVIDES THE THIRTY-TWO THOUSAND DOLLARS SHALL DESIGN THE ARIZONA  
46 MOTORSPORTS COMMEMORATIVE SPECIAL PLATES. THE DESIGN AND COLOR OF THE

1 ARIZONA MOTORSPORTS COMMEMORATIVE SPECIAL PLATES ARE SUBJECT TO THE APPROVAL  
2 OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR ARIZONA MOTORSPORTS  
3 COMMEMORATIVE SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED  
4 SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL  
5 BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE  
6 PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR ARIZONA  
7 MOTORSPORTS COMMEMORATIVE SPECIAL PLATES.

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

11 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
12 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND  
13 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS  
14 SECTION IN THE ARIZONA MOTORSPORTS COMMEMORATIVE SPECIAL PLATE FUND  
15 ESTABLISHED BY THIS SECTION.

16 D. THE ARIZONA MOTORSPORTS COMMEMORATIVE SPECIAL PLATE FUND IS  
17 ESTABLISHED CONSISTING OF MONIES RECEIVED PURSUANT TO THIS SECTION. THE  
18 DIRECTOR SHALL ADMINISTER THE FUND. THE FIRST THIRTY-TWO THOUSAND DOLLARS IN  
19 THE FUND SHALL BE REIMBURSED TO THE PERSON THAT PROVIDES THE THIRTY-TWO  
20 THOUSAND DOLLARS PURSUANT TO SUBSECTION A OF THIS SECTION. NOT MORE THAN TEN  
21 PER CENT OF MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR THE COST  
22 OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.

23 E. THE DIRECTOR SHALL ANNUALLY ALLOCATE MONIES FROM THE ARIZONA  
24 MOTORSPORTS COMMEMORATIVE SPECIAL PLATE FUND, EXCLUDING ADMINISTRATIVE FEES,  
25 TO A FOUNDATION THAT IS A NATIONAL LEADER IN PROVIDING RESOURCES AND  
26 CHARITABLE SUPPORT FOR CHILDREN THROUGH EDUCATION, MEDICAL TREATMENT, DREAM  
27 EXPERIENCES AND VOLUNTEERISM. THE FOUNDATION MUST SATISFY ALL OF THE  
28 FOLLOWING REQUIREMENTS:

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

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

35 3. BE A CHARITABLE ORGANIZATION THAT IS QUALIFIED UNDER SECTION  
36 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX  
37 PURPOSES.

38 4. BE NAMED AFTER, OR HAVE A DONOR ADVISED FUND NAMED AFTER, A SPECIAL  
39 EVENT LOCATION THAT PROMOTES SANCTIONED MOTORSPORTS AND FAMILY EVENTS WITHIN  
40 THIS STATE.

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

1           Sec. 4. Section 28-6501, Arizona Revised Statutes, is amended to read:  
2           28-6501. Definition of highway user revenues

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

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

8           (a) The special plate administration fees prescribed in sections  
9 28-2404, 28-2412 through ~~28-2450~~ 28-2451 and 28-2514.

10           (b) The donations prescribed in sections 28-2404, 28-2412 through  
11 28-2415, 28-2417 through ~~28-2450~~ 28-2451, 28-2473, 28-2474 and 28-2475.

12           2. Section 28-1177.

13           3. Chapters 10 and 11 of this title.

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

16           Sec. 5. Section 28-6991, Arizona Revised Statutes, as amended by Laws  
17 2013, chapter 132, section 6 and chapter 167, section 6, is amended to read:  
18           28-6991. State highway fund; sources

19           A state highway fund is established that consists of:

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

22           2. Monies appropriated by the legislature.

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

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

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

- 1           6. Monies in the custody of an officer or agent of this state from any
- 2 source that is to be used for the construction, improvement or maintenance of
- 3 state highways or bridges.
- 4           7. Monies deposited in the state general fund and arising from the
- 5 disposal of state personal property belonging to the department.
- 6           8. Receipts from the sale or disposal of any or all other property
- 7 held by the department and purchased with state highway monies.
- 8           9. Monies generated pursuant to section 28-410.
- 9           10. Monies distributed pursuant to section 28-5808, subsection B,
- 10 paragraph 2, subdivision (d).
- 11           11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.
- 12           12. Except as provided in section 28-5101, the following monies:
- 13           (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
- 14 subsection B, paragraph 2, subdivision (e).
- 15           (b) One dollar of each registration fee and one dollar of each title
- 16 fee collected pursuant to section 28-2003.
- 17           (c) Two dollars of each late registration penalty collected by the
- 18 director pursuant to section 28-2162.
- 19           (d) The air quality compliance fee collected pursuant to section
- 20 49-542.
- 21           (e) The special plate administration fees collected pursuant to
- 22 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through
- 23 ~~28-2450~~ 28-2451 and 28-2514.
- 24           (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
- 25 if the director is the registering officer.
- 26           13. Monies deposited pursuant to chapter 5, article 5 of this title.
- 27           14. Donations received pursuant to section 28-2269.
- 28           15. Dealer and registration monies collected pursuant to section
- 29 28-4304.
- 30           16. Abandoned vehicle administration monies deposited pursuant to
- 31 section 28-4804.
- 32           17. Monies deposited pursuant to section 28-710, subsection D,
- 33 paragraph 2.
- 34           18. Monies deposited pursuant to section 28-2065.
- 35           19. Monies deposited pursuant to section 28-7311.
- 36           20. Monies deposited pursuant to section 28-7059.
- 37           21. Monies deposited pursuant to section 28-1105.
- 38           22. Monies deposited pursuant to section 28-2448, subsection D.
- 39           23. **MONIES DEPOSITED PURSUANT TO SECTION 28-3415.**
- 40           Sec. 6. Repeal
- 41           Section 28-6991, Arizona Revised Statutes, as amended by Laws 2013,
- 42 chapter 129, section 21, is repealed.

1           Sec. 7. Section 28-6993, Arizona Revised Statutes, is amended to read:  
2           28-6993. State highway fund; authorized uses  
3           A. Except as provided in subsection B of this section and section  
4 28-6538, the state highway fund shall be used for any of the following  
5 purposes in strict conformity with and subject to the budget as provided by  
6 this section and by sections 28-6997 through 28-7003:  
7           1. To pay salaries, wages, necessary travel expenses and other  
8 expenses of officers and employees of the department and the incidental  
9 office expenses, including telegraph, telephone, postal and express charges  
10 and printing, stationery and advertising expenses.  
11           2. To pay for both:  
12           (a) Equipment, supplies, machines, tools, department offices and  
13 laboratories established by the department.  
14           (b) The construction and repair of buildings or yards of the  
15 department.  
16           3. To pay the cost of both:  
17           (a) Engineering, construction, improvement and maintenance of state  
18 highways and parts of highways forming state routes.  
19           (b) Highways under cooperative agreements with the United States that  
20 are entered into pursuant to this chapter and an act of Congress providing  
21 for the construction of rural post roads.  
22           4. To pay land damages incurred by reason of establishing, opening,  
23 altering, relocating, widening or abandoning portions of a state route or  
24 state highway.  
25           5. To reimburse the department revolving account.  
26           6. To pay premiums on authorized indemnity bonds and on compensation  
27 insurance under the workers' compensation act.  
28           7. To defray lawful expenses and costs required to administer and  
29 carry out the intent, purposes and provisions of this title, including  
30 repayment of obligations entered into pursuant to this title, payment of  
31 interest on obligations entered into pursuant to this title, repayment of  
32 loans and other financial assistance, including repayment of advances and  
33 interest on advances made to the department pursuant to section 28-7677, and  
34 payment of all other obligations and expenses of the board and department  
35 pursuant to chapter 21 of this title.  
36           8. To pay lawful bills and charges incurred by the state engineer.  
37           9. To acquire, construct or improve entry roads to state parks or  
38 roads within state parks.  
39           10. To acquire, construct or improve entry roads to state prisons.  
40           11. To pay the cost of relocating a utility facility pursuant to  
41 section 28-7156.  
42           12. For the purposes provided in subsections C, D and E of this section  
43 and sections 28-1143, 28-2353 and 28-3003.  
44           13. To pay the cost of issuing an Arizona centennial special plate  
45 pursuant to section 28-2448.

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

6           C. Subject to legislative appropriation, the department may use the  
7 monies in the state highway fund as prescribed in section 28-6991, paragraph  
8 12 to carry out the duties imposed by this title for registration or titling  
9 of vehicles, to operate joint title, registration and driver licensing  
10 offices, to cover the administrative costs of issuing the air quality  
11 compliance sticker, modifying the year validating tab and issuing the  
12 windshield sticker and to cover expenses and costs in issuing special plates  
13 pursuant to sections 28-2404, 28-2412 through ~~28-2450~~ 28-2451 and 28-2514.

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

17           E. Monies deposited in the state highway fund pursuant to section  
18 28-2269 shall be used only as prescribed by that section.

19           F. Monies deposited in the state highway fund pursuant to section  
20 28-710, subsection D, paragraph 2 shall only be used for state highway work  
21 zone traffic control devices.

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

30           Sec. 8. Short title

31           This act may be cited as the "Phoenix International Raceway Plate Act".

APPROVED BY THE GOVERNOR MARCH 5, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 5, 2014.