

REFERENCE TITLE: firefighter special plates

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1455

Introduced by
Senator Griffin

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 28-2452; AMENDING SECTIONS 28-6501, 28-6991, 28-6993 AND 41-2163, 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 ~~28-2451~~ 28-2452, 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

1 the department a completed application form as prescribed by the department
2 with the fee prescribed by section 28-2402 for special plates in addition to
3 the registration fee prescribed by section 28-2003.

4 2. Except for plates issued pursuant to sections 28-2404, 28-2412,
5 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2451~~ 28-2452,
6 28-2472, 28-2473, 28-2474 and 28-2475 and article 14 of this chapter, the
7 special plates shall be the same color as and similar to the design of the
8 regular license plates that is determined by the department.

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

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

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

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

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

33 1. Violates subsection B of this section.

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

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

40 Sec. 3. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
41 amended by adding section 28-2452, to read:

42 28-2452. Firefighter special plates

43 A. IF, BY DECEMBER 31, 2015, A PERSON PAYS THIRTY-TWO THOUSAND DOLLARS
44 TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT
45 SHALL ISSUE FIREFIGHTER SPECIAL PLATES. THE DESIGN AND COLOR OF THE

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

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

10 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
11 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
12 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
13 SECTION IN THE FIREFIGHTER SPECIAL PLATE FUND ESTABLISHED BY SECTION 41-2163.

14 Sec. 4. Section 28-6501, Arizona Revised Statutes, is amended to read:
15 28-6501. Definition of highway user revenues

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

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

21 (a) The special plate administration fees prescribed in sections
22 28-2404, 28-2412 through ~~28-2451~~ 28-2452 and 28-2514.

23 (b) The donations prescribed in sections 28-2404, 28-2412 through
24 28-2415, 28-2417 through ~~28-2451~~ 28-2452, 28-2473, 28-2474 and 28-2475.

25 2. Section 28-1177.

26 3. Chapters 10 and 11 of this title.

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

29 Sec. 5. Section 28-6991, Arizona Revised Statutes, is amended to read:
30 28-6991. State highway fund; sources

31 A state highway fund is established that consists of:

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

34 2. Monies appropriated by the legislature.

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

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

1 5. Monies received from the United States under an act of Congress to
2 provide aid for the construction of rural post roads, but monies received on
3 projects for which the monies necessary to be provided by this state are
4 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
5 shall be allotted by the department and deposited by the state treasurer in
6 the special account within the fund established for each project. On
7 completion of the project, on the satisfaction and discharge in full of all
8 obligations of any kind created and on request of the department, the
9 treasurer shall transfer the unexpended balance in the special account for
10 the project into the state highway fund, and the unexpended balance and any
11 further federal aid thereafter received on account of the project may be
12 spent under the general provisions of this title.

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

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

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

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

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

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

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

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

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

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

31 (d) The air quality compliance fee collected pursuant to section
32 49-542.

33 (e) The special plate administration fees collected pursuant to
34 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through
35 ~~28-2451~~ 28-2452 and 28-2514.

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

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

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

40 15. Dealer and registration monies collected pursuant to section
41 28-4304.

42 16. Abandoned vehicle administration monies deposited pursuant to
43 section 28-4804.

44 17. Monies deposited pursuant to section 28-710, subsection D,
45 paragraph 2.

- 1 18. Monies deposited pursuant to section 28-2065.
- 2 19. Monies deposited pursuant to section 28-7311.
- 3 20. Monies deposited pursuant to section 28-7059.
- 4 21. Monies deposited pursuant to section 28-1105.
- 5 22. Monies deposited pursuant to section 28-2448, subsection D.
- 6 23. Monies deposited pursuant to section 28-3415.
- 7 Sec. 6. Section 28-6993, Arizona Revised Statutes, is amended to read:
- 8 28-6993. State highway fund; authorized uses
- 9 A. Except as provided in subsection B of this section and section
- 10 28-6538, the state highway fund shall be used for any of the following
- 11 purposes in strict conformity with and subject to the budget as provided by
- 12 this section and by sections 28-6997 through 28-7003:
- 13 1. To pay salaries, wages, necessary travel expenses and other
- 14 expenses of officers and employees of the department and the incidental
- 15 office expenses, including telegraph, telephone, postal and express charges
- 16 and printing, stationery and advertising expenses.
- 17 2. To pay for both:
- 18 (a) Equipment, supplies, machines, tools, department offices and
- 19 laboratories established by the department.
- 20 (b) The construction and repair of buildings or yards of the
- 21 department.
- 22 3. To pay the cost of both:
- 23 (a) Engineering, construction, improvement and maintenance of state
- 24 highways and parts of highways forming state routes.
- 25 (b) Highways under cooperative agreements with the United States that
- 26 are entered into pursuant to this chapter and an act of Congress providing
- 27 for the construction of rural post roads.
- 28 4. To pay land damages incurred by reason of establishing, opening,
- 29 altering, relocating, widening or abandoning portions of a state route or
- 30 state highway.
- 31 5. To reimburse the department revolving account.
- 32 6. To pay premiums on authorized indemnity bonds and on compensation
- 33 insurance under the workers' compensation act.
- 34 7. To defray lawful expenses and costs required to administer and
- 35 carry out the intent, purposes and provisions of this title, including
- 36 repayment of obligations entered into pursuant to this title, payment of
- 37 interest on obligations entered into pursuant to this title, repayment of
- 38 loans and other financial assistance, including repayment of advances and
- 39 interest on advances made to the department pursuant to section 28-7677, and
- 40 payment of all other obligations and expenses of the board and department
- 41 pursuant to chapter 21 of this title.
- 42 8. To pay lawful bills and charges incurred by the state engineer.
- 43 9. To acquire, construct or improve entry roads to state parks or
- 44 roads within state parks.
- 45 10. To acquire, construct or improve entry roads to state prisons.

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

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

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

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

12 C. Subject to legislative appropriation, the department may use the
13 monies in the state highway fund as prescribed in section 28-6991, paragraph
14 12 to carry out the duties imposed by this title for registration or titling
15 of vehicles, to operate joint title, registration and driver licensing
16 offices, to cover the administrative costs of issuing the air quality
17 compliance sticker, modifying the year validating tab and issuing the
18 windshield sticker and to cover expenses and costs in issuing special plates
19 pursuant to sections 28-2404, 28-2412 through ~~28-2451~~ 28-2452 and 28-2514.

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

23 E. Monies deposited in the state highway fund pursuant to section
24 28-2269 shall be used only as prescribed by that section.

25 F. Monies deposited in the state highway fund pursuant to section
26 28-710, subsection D, paragraph 2 shall only be used for state highway work
27 zone traffic control devices.

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

36 Sec. 7. Section 41-2163, Arizona Revised Statutes, is amended to read:
37 41-2163. Powers and duties; arson investigators; firefighter
38 special plate fund

39 A. The state fire marshal or a deputy fire marshal or an assistant
40 fire inspector acting at the direction of the fire marshal shall, under the
41 authority and direction of the director:

42 1. Assist in the enforcement of state laws and ordinances of cities
43 and counties relating to fire prevention and fire protection.

44 2. Enforce compliance with the fire code adopted by the state fire
45 safety committee throughout the state except in any city having a population

1 of one hundred thousand persons or more that has in effect a nationally
2 recognized fire code, whether modified or unmodified, and that has enacted an
3 ordinance to assume such jurisdiction from the state fire safety committee.
4 Such cities do not have authority that supersedes and are not exempt from the
5 state fire safety committee's established fire code in state or county owned
6 buildings and public schools wherever located throughout the state.

7 3. Cooperate and coordinate with other state agencies in the
8 administration of the state fire code.

9 4. Establish a regularly scheduled fire safety inspection program for
10 all state and county owned public buildings and all public and private school
11 buildings wherever located throughout the state, except for private school
12 buildings in cities with a population of one hundred thousand or more persons
13 according to the last decennial census.

14 5. Inspect as necessary all other occupancies located throughout this
15 state, except family dwellings having fewer than five residential dwelling
16 units and occupancies located in cities with a population of one hundred
17 thousand or more persons according to the last decennial census.

18 6. At the written request of county or municipal authorities, make and
19 provide to them a written report of the examination made by the state fire
20 marshal of any fire within their jurisdiction.

21 7. Compile, update as necessary and make available to the public a
22 fully indexed and cross-referenced list of all rules adopted by state
23 agencies and departments and agencies and departments of political
24 subdivisions of this state relating to the control of all hazardous materials
25 as defined in section 28-5201 and all federal regulations relating to the
26 control of hazardous materials as defined in section 28-5201 for which there
27 is no state regulation.

28 8. Establish and maintain a library of all rules and regulations
29 identified in the index required by paragraph 7 of this subsection and
30 support the regulated industry's request for information through research or
31 referral to the agency adopting the specific rule for technical information
32 or other assistance as circumstances dictate.

33 9. Administer the arson detection reward fund established by section
34 41-2167.

35 B. The state fire marshal and this state are not liable for damages
36 caused by information that is omitted from the rules and federal regulations
37 compiled pursuant to subsection A, paragraph 7 of this section.

38 C. All plans and specifications for new construction, remodeling,
39 alterations and additions for state, county and public school buildings and
40 grounds shall be submitted to the director for review and approval by the
41 state fire marshal or as authorized to a deputy fire marshal or an assistant
42 fire inspector acting at the direction of the fire marshal before
43 construction. The plans and specifications shall be reviewed and approved or
44 disapproved within sixty days of submission. No construction shall commence
45 until the plans have been approved and a permit has been issued.

1 D. The state fire marshal or a deputy fire marshal or an assistant
2 fire inspector acting at the direction of the state fire marshal may, under
3 the authority and direction of the director:

4 1. Conduct or participate in investigations of causes, origins and
5 circumstances of fires, including cases of possible arson.

6 2. Prescribe a uniform system of reporting fires and their causes and
7 effects.

8 3. Provide and coordinate training in fire fighting and fire
9 prevention and cooperate with educational institutions to provide and further
10 such training.

11 4. Impound necessary evidence in conjunction with investigations of
12 causes, origins and circumstances of fires, in the event that such evidence
13 might be lost, destroyed or otherwise altered if not so impounded.

14 5. Employ specialized testing services to evaluate evidence and
15 conditions involved in fire investigations.

16 6. Designate certain members of the state fire marshal's staff or a
17 deputy fire marshal or an assistant fire inspector as arson investigators.

18 E. The primary duty of investigators designated pursuant to subsection
19 D, paragraph 6 of this section is the investigation, detection and
20 apprehension of persons who have violated or are suspected of violating any
21 provision of title 13, chapter 17. A person designated as an arson
22 investigator, while engaged in arson investigation in this state, possesses
23 and may exercise law enforcement powers of peace officers of this state.
24 This subsection does not grant any powers of peace officers of this state to
25 arson investigators other than those necessary for the investigation,
26 detection and apprehension authority granted by this subsection. Any
27 individual designated as an arson investigator shall have law enforcement
28 training under section 41-1822.

29 F. THE FIREFIGHTER SPECIAL PLATE FUND IS ESTABLISHED CONSISTING OF
30 MONIES RECEIVED PURSUANT TO SECTION 28-2452. THE DIRECTOR SHALL ADMINISTER
31 THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. THE FIRST
32 THIRTY-TWO THOUSAND DOLLARS RECEIVED SHALL BE REIMBURSED TO THE PERSON THAT
33 PROVIDES THE THIRTY-TWO THOUSAND DOLLARS PURSUANT TO SECTION 28-2452,
34 SUBSECTION A. THE DIRECTOR SHALL ANNUALLY DISTRIBUTE MONIES IN THE FUND.
35 THE DIRECTOR SHALL ALLOCATE MONIES FROM THE FUND FOR TRAINING IN FIRE
36 FIGHTING AND FIRE PREVENTION AS DESCRIBED IN SUBSECTION D, PARAGRAPH 3 OF
37 THIS SECTION. THE MONIES MAY NOT BE USED FOR POLITICAL PURPOSES. ON NOTICE
38 FROM THE STATE FIRE MARSHALL, THE STATE TREASURER SHALL INVEST AND DIVEST
39 MONIES IN THE FUND AS PROVIDED IN SECTION 35-313, AND MONIES FROM INVESTMENT
40 SHALL BE CREDITED TO THE FUND. MONIES IN THE FUND ARE EXEMPT FROM THE
41 PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.