

State of Arizona  
House of Representatives  
Fifty-second Legislature  
First Regular Session  
2015

**CHAPTER 96**  
**HOUSE BILL 2092**

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 41-608, 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 ~~28-2451~~ 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  
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 ~~28-2451~~ 28-2452,  
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 28-2452, to read:

41 28-2452. Military scholarship special plates

42 A. IF, BY DECEMBER 31, 2015, A PERSON PAYS THIRTY-TWO THOUSAND DOLLARS  
43 TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT  
44 SHALL ISSUE MILITARY SCHOLARSHIP SPECIAL PLATES. THE DESIGN AND COLOR OF THE  
45 MILITARY SCHOLARSHIP SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF THE  
46 DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR MILITARY SCHOLARSHIP

1 SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES.  
2 IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM  
3 PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED  
4 SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR MILITARY SCHOLARSHIP  
5 SPECIAL PLATES.

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

9 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
10 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND  
11 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS  
12 SECTION IN THE VETERANS' DONATIONS FUND ESTABLISHED BY SECTION 41-608.

13 Sec. 4. Section 28-6501, Arizona Revised Statutes, is amended to read:

14 28-6501. Definition of highway user revenues

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

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

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

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

24 2. Section 28-1177.

25 3. Chapters 10 and 11 of this title.

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

28 Sec. 5. Section 28-6991, Arizona Revised Statutes, is amended to read:

29 28-6991. State highway fund; sources

30 A state highway fund is established that consists of:

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

33 2. Monies appropriated by the legislature.

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

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

44 5. Monies received from the United States under an act of Congress to  
45 provide aid for the construction of rural post roads, but monies received on  
46 projects for which the monies necessary to be provided by this state are

1 wholly derived from sources mentioned in paragraphs 2 and 3 of this section  
2 shall be allotted by the department and deposited by the state treasurer in  
3 the special account within the fund established for each project. On  
4 completion of the project, on the satisfaction and discharge in full of all  
5 obligations of any kind created and on request of the department, the  
6 treasurer shall transfer the unexpended balance in the special account for  
7 the project into the state highway fund, and the unexpended balance and any  
8 further federal aid thereafter received on account of the project may be  
9 spent under the general provisions of this title.

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

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

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

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

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

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

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

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

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

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

28 (d) The air quality compliance fee collected pursuant to section  
29 49-542.

30 (e) The special plate administration fees collected pursuant to  
31 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through  
32 ~~28-2451~~ 28-2452 and 28-2514.

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

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

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

37 15. Dealer and registration monies collected pursuant to section  
38 28-4304.

39 16. Abandoned vehicle administration monies deposited pursuant to  
40 section 28-4804.

41 17. Monies deposited pursuant to section 28-710, subsection D,  
42 paragraph 2.

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

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

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

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

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

2           23. Monies deposited pursuant to section 28-3415.

3           Sec. 6. Section 28-6993, Arizona Revised Statutes, is amended to read:  
4           28-6993. State highway fund; authorized uses

5           A. Except as provided in subsection B of this section and section  
6 28-6538, the state highway fund shall be used for any of the following  
7 purposes in strict conformity with and subject to the budget as provided by  
8 this section and by sections 28-6997 through 28-7003:

9           1. To pay salaries, wages, necessary travel expenses and other  
10 expenses of officers and employees of the department and the incidental  
11 office expenses, including telegraph, telephone, postal and express charges  
12 and printing, stationery and advertising expenses.

13           2. To pay for both:

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

16           (b) The construction and repair of buildings or yards of the  
17 department.

18           3. To pay the cost of both:

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

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

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

27           5. To reimburse the department revolving account.

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

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

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

39           9. To acquire, construct or improve entry roads to state parks or  
40 roads within state parks.

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

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

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

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

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

8           C. Subject to legislative appropriation, the department may use the  
9 monies in the state highway fund as prescribed in section 28-6991, paragraph  
10 12 to carry out the duties imposed by this title for registration or titling  
11 of vehicles, to operate joint title, registration and driver licensing  
12 offices, to cover the administrative costs of issuing the air quality  
13 compliance sticker, modifying the year validating tab and issuing the  
14 windshield sticker and to cover expenses and costs in issuing special plates  
15 pursuant to sections 28-2404, 28-2412 through ~~28-2451~~ 28-2452 and 28-2514.

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

19           E. Monies deposited in the state highway fund pursuant to section  
20 28-2269 shall be used only as prescribed by that section.

21           F. Monies deposited in the state highway fund pursuant to section  
22 28-710, subsection D, paragraph 2 shall only be used for state highway work  
23 zone traffic control devices.

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

32           Sec. 7. Section 41-608, Arizona Revised Statutes, is amended to read:  
33 41-608. Veterans' donations fund; grants

34           A. The veterans' donations fund is established consisting of monies,  
35 gifts and contributions donated to the department and monies deposited  
36 pursuant to sections 28-2414, 28-2428, 28-2431, 28-2447, 28-2452, 28-2473,  
37 28-2474, 28-2475 and 43-620. The department shall administer the fund.  
38 Monies in the fund are continuously appropriated. The monies in the fund are  
39 exempt from the provisions of section 35-190 relating to lapsing of  
40 appropriations. The department shall adopt rules or policies for grants of  
41 less than five thousand dollars that encourage as much competition as  
42 practicable.

43           B. The director or the director's designee may solicit and receive  
44 donations, including in-kind donations, from the public for veterans. The  
45 director shall deposit, pursuant to sections 35-146 and 35-147, the monetary  
46 donations in the veterans' donations fund. Monies in the fund are subject to

1 state auditing procedures. Except for monies deposited pursuant to sections  
2 28-2431 and 28-2447, the donations may be used for the benefit of the  
3 veterans within this state as grants, subject to chapter 24 of this title, if  
4 applicable.

5 C. The director shall establish a separate subaccount in the veterans'  
6 donations fund for the deposit of monies received pursuant to section  
7 28-2431, subsection C. The monies in the subaccount shall be used for the  
8 construction and maintenance of the enduring freedom memorial authorized  
9 pursuant to section 41-1363 for placement in Wesley Bolin Plaza.

10 D. The director shall establish a separate subaccount in the veterans'  
11 donations fund for the deposit of monies received pursuant to section  
12 28-2447, subsection C. The monies in the subaccount shall be used for the  
13 benefit of women veterans in this state, including providing shelter to  
14 homeless women veterans as grants, subject to chapter 24 of this title, if  
15 applicable.

16 E. THE DIRECTOR SHALL ESTABLISH A SEPARATE SUBACCOUNT IN THE VETERANS'  
17 DONATIONS FUND FOR THE DEPOSIT OF MONIES RECEIVED PURSUANT TO SECTION  
18 28-2452, SUBSECTION C. THE FIRST THIRTY-TWO THOUSAND DOLLARS IN THE  
19 SUBACCOUNT SHALL BE REIMBURSED TO THE PERSON THAT PROVIDES THE THIRTY-TWO  
20 THOUSAND DOLLARS PURSUANT TO SECTION 28-2452, SUBSECTION A. THE DIRECTOR  
21 SHALL ANNUALLY ALLOCATE MONIES FROM THE SUBACCOUNT TO A FOUNDATION THAT IS  
22 QUALIFIED UNDER SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE  
23 FOR FEDERAL INCOME TAX PURPOSES AND THAT IS THE NATION'S OLDEST AND LARGEST  
24 PROVIDER OF NEED-BASED SCHOLARSHIPS TO CHILDREN OF UNITED STATES MILITARY  
25 MEMBERS. THE FOUNDATION MUST:

- 26 1. HAVE BEEN IN EXISTENCE FOR AT LEAST FIFTY-TWO YEARS.
- 27 2. HAVE PROVIDED MORE THAN THIRTY-THREE THOUSAND SCHOLARSHIPS THAT ARE  
28 VALUED AT ALMOST NINETY MILLION DOLLARS.
- 29 3. HAVE A MISSION THAT INCLUDES HONORING MARINES AND EDUCATING THEIR  
30 CHILDREN.
- 31 4. AWARD SCHOLARSHIP MONIES TO CHILDREN OF MARINES AND NAVY CORPSMEN  
32 WHO WERE KILLED OR WOUNDED IN COMBAT OR WHO HAVE DEMONSTRATED FINANCIAL NEED.

33 ~~E.~~ F. The director shall inventory and account for the use of any  
34 tangible personal property donated to the fund.

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

APPROVED BY THE GOVERNOR MARCH 30, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2015.