

REFERENCE TITLE: historic federal highway; special plates

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2145

Introduced by
Representatives Coleman, Borrelli, Cobb, Pratt: Barton, Bowers, Brophy
McGee, Fann, Olson, Shope, Thorpe

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 28-2456; AMENDING SECTIONS 28-6501, 28-6991 AND 28-6993, 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 ~~28-2455~~ 28-2456, 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 ~~28-2455~~ 28-2456,
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 28-2456, to read:

42 ~~28-2456.~~ Historic federal highway preservation special plates;
43 fund

44 A. IF, BY DECEMBER 31, 2016, A PERSON PAYS THIRTY-TWO THOUSAND DOLLARS
45 TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT

1 SHALL ISSUE HISTORIC FEDERAL HIGHWAY PRESERVATION SPECIAL PLATES. THE PERSON
2 THAT PROVIDES THE THIRTY-TWO THOUSAND DOLLARS SHALL DESIGN THE HISTORIC
3 FEDERAL HIGHWAY PRESERVATION SPECIAL PLATES. THE DESIGN AND COLOR OF THE
4 HISTORIC FEDERAL HIGHWAY PRESERVATION SPECIAL PLATES ARE SUBJECT TO THE
5 APPROVAL OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR HISTORIC
6 FEDERAL HIGHWAY PRESERVATION SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR
7 PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE
8 REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE
9 FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR
10 THE HISTORIC FEDERAL HIGHWAY PRESERVATION SPECIAL PLATES.

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

14 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
15 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
16 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
17 SECTION IN THE HISTORIC FEDERAL HIGHWAY PRESERVATION SPECIAL PLATE FUND
18 ESTABLISHED BY THIS SECTION.

19 D. THE HISTORIC FEDERAL HIGHWAY PRESERVATION SPECIAL PLATE FUND IS
20 ESTABLISHED CONSISTING OF MONIES DEPOSITED PURSUANT TO THIS SECTION. THE
21 DIRECTOR SHALL ADMINISTER THE FUND. THE FIRST THIRTY-TWO THOUSAND DOLLARS IN
22 THE FUND SHALL BE REIMBURSED TO THE PERSON THAT PAID THE IMPLEMENTATION FEE
23 TO THE DEPARTMENT PURSUANT TO SUBSECTION A OF THIS SECTION. NOT MORE THAN
24 TEN PERCENT OF THE MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR
25 THE COST OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
26 APPROPRIATED.

27 E. THE DIRECTOR SHALL ANNUALLY ALLOCATE MONIES FROM THE FUND TO A
28 CHARITABLE ORGANIZATION THAT IS QUALIFIED UNDER SECTION 501(c)(3) OF THE
29 UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES. THE
30 ORGANIZATION MUST:

- 31 1. BE COMPRISED ONLY OF VOLUNTEERS.
- 32 2. HAVE BEEN IN EXISTENCE FOR AT LEAST THIRTY YEARS.
- 33 3. BE DEDICATED TO ITS MISSION TO PRESERVE, PROTECT AND PROMOTE A
34 FEDERAL HIGHWAY THAT IS IN THIS STATE.
- 35 4. HAVE CONTRIBUTED EFFORTS THAT RESULTED IN THIS STATE'S SEGMENT OF
36 THE FEDERAL HIGHWAY BEING DESIGNATED AS A HISTORIC ROAD AND A NATIONAL SCENIC
37 BYWAY AND IN THE HIGHWAY ATTAINING ALL-AMERICAN ROAD STATUS.
- 38 5. ASSIST ALL COMMUNITIES IN THIS STATE ALONG THE FEDERAL HIGHWAY WITH
39 PRESERVATION AND MARKETING PROJECTS.

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.

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 ~~28-2455~~ 28-2456 and 28-2514.

10 (b) The donations prescribed in sections 28-2404, 28-2412 through
11 28-2415, 28-2417 through ~~28-2455~~ 28-2456, 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, is amended to read:
17 28-6991. State highway fund; sources

18 A state highway fund is established that consists of:

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

21 2. Monies appropriated by the legislature.

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

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

32 5. Monies received from the United States under an act of Congress to
33 provide aid for the construction of rural post roads, but monies received on
34 projects for which the monies necessary to be provided by this state are
35 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
36 shall be allotted by the department and deposited by the state treasurer in
37 the special account within the fund established for each project. On
38 completion of the project, on the satisfaction and discharge in full of all
39 obligations of any kind created and on request of the department, the
40 treasurer shall transfer the unexpended balance in the special account for
41 the project into the state highway fund, and the unexpended balance and any
42 further federal aid thereafter received on account of the project may be
43 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 ~~28-2455~~ 28-2456 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 24. Monies deposited pursuant to section 28-3002, subsection A,
41 paragraph 14.
- 42 Sec. 6. 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
39 section 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 ~~28-2455~~ 28-2456 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 percent of the federal obligation authority
26 that exists in the project for which the exchange is proposed.