

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 323
SENATE BILL 1262

AN ACT

AMENDING SECTIONS 28-2351, 28-2403 AND 28-2430, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2437; 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 ~~28-2436~~ 28-2437, 28-2452, 28-2453, 28-2454 and 28-2455 and
33 article 14 of this chapter, shall be the same color as and similar in design
34 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 ~~28-2436~~ 28-2437,
5 28-2452, 28-2453, 28-2454 and 28-2455 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. Section 28-2430, Arizona Revised Statutes, is amended to read:
40 28-2430. In God we trust special plates

41 A. ~~If an entity receives thirty-two thousand dollars through donations~~
42 ~~for the issuance of the in God we trust special plate and A NONPROFIT~~
43 ~~CORPORATION THAT IS INCORPORATED IN THIS STATE gives the department the~~
44 ~~thirty-two thousand dollars, the department shall issue the in God we trust~~
45 ~~special plates. The entity that provides the thirty-two thousand dollars~~
46 ~~shall design the in God we trust special plates. The design and color of the~~

1 in God we trust special plates are subject to the approval of the department.
2 The director may allow a request for in God we trust 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 the in God we trust special plates.

7 B. Of the twenty-five dollar fee required by section 28-2402 for the
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 ~~and all donations collected~~
12 ~~pursuant to this section~~ in the state highway fund established by section
13 28-6991 AND SHALL DISTRIBUTE ALL DONATIONS COLLECTED PURSUANT TO THIS SECTION
14 AS AUTHORIZED IN A WRITTEN RESOLUTION OF THE INCORPORATED NONPROFIT
15 CORPORATION THAT PROVIDED THE THIRTY-TWO THOUSAND DOLLARS FOR IMPLEMENTATION
16 OF THIS SECTION. THE INCORPORATED NONPROFIT CORPORATION SHALL FILE A COPY OF
17 THIS RESOLUTION WITH THE DEPARTMENT. THE INCORPORATED NONPROFIT CORPORATION
18 MUST USE THE DONATIONS TO PROMOTE THE NATIONAL MOTTO "IN GOD WE TRUST", FIRST
19 AMENDMENT RIGHTS AND THE HERITAGE OF THIS STATE AND NATION.

20 Sec. 4. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
21 amended by adding section 28-2437, to read:

22 28-2437. Arizona centennial special plates; fund

23 A. THE DEPARTMENT SHALL ISSUE ARIZONA CENTENNIAL SPECIAL PLATES. THE
24 DEPARTMENT SHALL USE THIRTY-TWO THOUSAND DOLLARS FROM THE STATE HIGHWAY FUND,
25 ESTABLISHED BY SECTION 28-6991, TO IMPLEMENT THIS SECTION. THE OFFICE OF
26 TOURISM SHALL DESIGN THE ARIZONA CENTENNIAL SPECIAL PLATES. THE DESIGN AND
27 COLOR OF THE ARIZONA CENTENNIAL SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF
28 THE DEPARTMENT. THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION MAY ALLOW A
29 REQUEST FOR ARIZONA CENTENNIAL SPECIAL PLATES TO BE COMBINED WITH A REQUEST
30 FOR PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR OF THE DEPARTMENT OF
31 TRANSPORTATION Allows SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM
32 PRESCRIBED BY THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION AND IS SUBJECT
33 TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES
34 REQUIRED FOR THE ARIZONA CENTENNIAL SPECIAL PLATES.

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

38 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
39 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
40 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
41 SECTION IN THE ARIZONA CENTENNIAL SPECIAL PLATE FUND ESTABLISHED BY THIS
42 SECTION.

43 D. THE ARIZONA CENTENNIAL SPECIAL PLATE FUND IS ESTABLISHED CONSISTING
44 OF MONIES DEPOSITED PURSUANT TO THIS SECTION. THE DIRECTOR SHALL ADMINISTER
45 THE FUND. THE FIRST THIRTY-TWO THOUSAND DOLLARS IN THE FUND SHALL BE
46 REIMBURSED TO THE STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991. NOT

1 MORE THAN TEN PER CENT OF MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE USED
2 FOR THE COST OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
3 APPROPRIATED.

4 E. IN FISCAL YEAR 2011-2012, THE DIRECTOR SHALL QUARTERLY ALLOCATE
5 MONIES IN THE FUND TO THE OFFICE OF TOURISM TO PAY COSTS RELATED TO ARIZONA
6 CENTENNIAL PROJECTS AND EVENTS. IN FISCAL YEAR 2012-2013 AND IN EACH FISCAL
7 YEAR THEREAFTER, THE DIRECTOR SHALL ANNUALLY ALLOCATE MONIES IN THE FUND TO
8 THE ARIZONA HISTORICAL SOCIETY TO PAY COSTS RELATED TO THE MAINTENANCE AND
9 OPERATIONS OF THE CENTENNIAL MUSEUM THAT HOUSES THE MINING AND MINERAL
10 MUSEUM.

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

14 Sec. 5. 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 ~~28-2436~~ 28-2437 and 28-2514.

23 (b) The donations prescribed in sections 28-2404, 28-2412 through
24 28-2415, 28-2417 through ~~28-2436~~ 28-2437, 28-2453, 28-2454 and 28-2455.

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. 6. 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.

45 5. Monies received from the United States under an act of Congress to
46 provide aid for the construction of rural post roads, but monies received on

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

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

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

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

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

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

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

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

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

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

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

29 (d) The air quality compliance fee collected pursuant to section
30 49-542.

31 (e) The special plate administration fees collected pursuant to
32 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through
33 ~~28-2436~~ 28-2437 and 28-2514.

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

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

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

38 15. Dealer and registration monies collected pursuant to section
39 28-4304.

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

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

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

45 19. Donations deposited pursuant to section 28-2430.

46 20. Monies deposited pursuant to section 28-7311.

1 21. Monies deposited pursuant to section 28-7059.

2 22. **MONIES DEPOSITED PURSUANT TO SECTION 28-2437, SUBSECTION D.**

3 Sec. 7. 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 28-2437.

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 ~~28-2436~~ 28-2437 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 of the federal obligation authority
31 that exists in the project for which the exchange is proposed.

32 Sec. 8. Contingent oversight by the historical society of
33 Arizona centennial projects and events

34 Notwithstanding section 28-2437, Arizona Revised Statutes, as added by
35 this act, if the office of tourism does not exist in fiscal year 2011-2012
36 the director of the department of transportation shall quarterly allocate
37 monies in the Arizona centennial special plate fund, established by section
38 28-2437, Arizona Revised Statutes, as added by this act, to the Arizona
39 historical society to pay costs related to Arizona centennial projects and
40 events.

41 (EMERGENCY NOT ENACTED)

42 Sec. 9. Emergency

43 This act is an emergency measure that is necessary to preserve the
44 public peace, health or safety and is operative immediately as provided by
45 law.

S.B. 1262

APPROVED BY THE GOVERNOR APRIL 28, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2011.