

REFERENCE TITLE: **repeal; God we trust plates**

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SB 1463

Introduced by

Senators Mendez: Dalessandro, Otondo, Peshlakai, Quezada, Rios, Steele;
Representatives Gabaldón, Longdon, Peten, Powers Hannley, Salman, Sierra

AN ACT

AMENDING SECTIONS 28-2351 AND 28-2403, ARIZONA REVISED STATUTES; REPEALING SECTION 28-2430, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 320, SECTION 4 AND CHAPTER 323, SECTION 3; REPEALING SECTION 28-2430, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 324, SECTION 3; AMENDING SECTION 28-6501, ARIZONA REVISED STATUTES; AMENDING SECTION 28-6991, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 248, SECTION 1, CHAPTER 307, SECTION 7 AND CHAPTER 308, SECTION 3; AMENDING SECTION 28-6991, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 248, SECTION 1, CHAPTER 298, SECTION 7, CHAPTER 307, SECTION 7 AND CHAPTER 308, SECTION 3; AMENDING SECTION 28-6993, ARIZONA REVISED STATUTES; RELATING TO SPECIAL 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. Notwithstanding any other law, the department shall provide to
6 every owner one license plate for each vehicle registered. At the request
7 of the owner and on payment of a fee in an amount prescribed by the
8 director by rule, the department shall provide one additional license
9 plate for a vehicle for which a special plate is requested pursuant to
10 this chapter.

11 B. The license plate shall display the number assigned to the
12 vehicle and to the owner of the vehicle and the name of this state, which
13 may be abbreviated. The director shall coat the license plate with a
14 reflective material that is consistent with the determination of the
15 department regarding the color and design of license plates and special
16 plates. The director shall design the license plate and the letters and
17 numerals on the license plate to be of sufficient size to be plainly
18 readable during daylight from a distance of one hundred feet. In addition
19 to the standard license plate issued for a trailer before August 12, 2005,
20 the director shall issue a license plate for trailers that has a design
21 that is similar to the standard size license plate for trailers but that
22 is the same size as the license plate for motorcycles. The trailer owner
23 shall notify the department which size license plate the owner wants for
24 the trailer.

25 C. Notwithstanding any other law, the department shall not contract
26 with a nongovernmental entity to purchase or secure reflective material
27 for the plates issued by the department unless the department has made a
28 reasonable effort to secure qualified bids or proposals from as many
29 individual responsible respondents as possible.

30 D. The department shall determine the color and design of the
31 license plate. All other plates issued by the department, except the
32 plates issued pursuant to sections 28-2404, 28-2412, 28-2413, 28-2414,
33 28-2416, 28-2416.01, 28-2417 through 28-2429, 28-2431 THROUGH 28-2462,
34 28-2472, 28-2473, 28-2474, 28-2475 and 28-4533 and article 14 of this
35 chapter, shall be the same color as and similar in design to the license
36 plate as determined by the department.

37 E. A passenger motor vehicle that is rented without a driver shall
38 receive the same type of license plate as is issued for a private
39 passenger motor vehicle.

40 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to
41 read:

42 28-2403. Special plates; transfers; violation; classification

43 A. Except as otherwise provided in this article, the department
44 shall issue or renew special plates in lieu of the regular license plates
45 pursuant to the following conditions and procedures and only if the

1 requirements prescribed by this article for the requested special plates
2 are met:

3 1. Except as provided in sections 28-2416 and 28-2416.01, a person
4 who is the registered owner of a vehicle registered with the department or
5 who applies for an original or renewal registration of a vehicle may
6 submit to the department a completed application form as prescribed by the
7 department with the fee prescribed by section 28-2402 for special plates
8 in addition to the registration fee prescribed by section 28-2003.

9 2. Except for plates issued pursuant to sections 28-2404, 28-2412,
10 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through 28-2429, 28-2431
11 THROUGH 28-2462, 28-2472, 28-2473, 28-2474 and 28-2475 and article 14 of
12 this chapter, the special plates shall be the same color as and similar to
13 the design of the regular license plates that is determined by the
14 department.

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

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

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

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

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

41 1. Violates subsection B of this section.

42 2. Fraudulently gives false or fictitious information in the
43 application for or renewal of special plates or placards issued pursuant
44 to this article.

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

4 Sec. 3. Repeal

5 A. Section 28-2430, Arizona Revised Statutes, as amended by Laws
6 2011, chapter 320, section 4 and chapter 323, section 3, Arizona Revised
7 Statutes, is repealed.

8 B. Section 28-2430, Arizona Revised Statutes, as amended by Laws
9 2011, chapter 324, section 3, is repealed.

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

12 28-6501. Definition of highway user revenues

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

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

18 (a) The special plate administration fees prescribed in sections
19 28-2404, 28-2407, 28-2412 through 28-2429, 28-2431 THROUGH 28-2462 and
20 28-2514.

21 (b) The donations prescribed in sections 28-2404, 28-2407, 28-2412
22 through 28-2415, 28-2417 through 28-2462, 28-2473, 28-2474 and 28-2475.

23 2. Section 28-1177.

24 3. Chapters 10 and 11 of this title.

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

27 Sec. 5. Section 28-6991, Arizona Revised Statutes, as amended by
28 Laws 2018, chapter 248, section 1, chapter 307, section 7 and chapter 308,
29 section 3, is amended to read:

30 28-6991. State highway fund; sources

31 The 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
36 or maintenance of state highways or bridges. These monies shall be
37 credited to a special account and shall be spent only for the purpose
38 indicated by the donor.

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

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

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

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

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

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

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

24 11. Monies deposited pursuant to sections 28-1143, 28-2353 and
25 28-3003.

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

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

29 (b) ~~One dollar~~ \$1 of each registration fee and ~~one dollar~~ \$1 of
30 each title fee collected pursuant to section 28-2003.

31 (c) ~~Two dollars~~ \$2 of each late registration penalty collected by
32 the director pursuant to section 28-2162.

33 (d) The air quality compliance fee collected pursuant to section
34 49-542.

35 (e) The special plate administration fees collected pursuant to
36 sections 28-2404, 28-2407, 28-2412 through 28-2416, 28-2416.01, 28-2417
37 through ~~28-2429, 28-2431 THROUGH~~ 28-2462 and 28-2514.

38 (f) Monies collected pursuant to sections 28-372, 28-2155 and
39 28-2156 if the director is the registering officer.

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

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

43 15. Dealer and registration monies collected pursuant to section
44 28-4304.

- 1 16. Abandoned vehicle administration monies deposited pursuant to
- 2 section 28-4804.
- 3 17. Monies deposited pursuant to section 28-710, subsection D,
- 4 paragraph 2.
- 5 18. Monies deposited pursuant to section 28-2065.
- 6 19. Monies deposited pursuant to section 28-7311.
- 7 20. Monies deposited pursuant to section 28-7059.
- 8 21. Monies deposited pursuant to section 28-1105.
- 9 22. Monies deposited pursuant to section 28-2448, subsection D.
- 10 23. Monies deposited pursuant to section 28-3415.
- 11 24. Monies deposited pursuant to section 28-3002, subsection A,
- 12 paragraph 14.
- 13 25. Monies deposited pursuant to section 28-7316.
- 14 26. Monies deposited pursuant to section 28-4302.
- 15 27. Monies deposited pursuant to section 28-3416.
- 16 28. Monies deposited pursuant to section 28-4504.
- 17 Sec. 6. Section 28-6991, Arizona Revised Statutes, as amended by
- 18 Laws 2018, chapter 248, section 1, chapter 298, section 7, chapter 307,
- 19 section 7 and chapter 308, section 3, is amended to read:
- 20 28-6991. [State highway fund; sources](#)
- 21 The state highway fund is established that consists of:
- 22 1. Monies distributed from the Arizona highway user revenue fund
- 23 pursuant to chapter 18 of this title.
- 24 2. Monies appropriated by the legislature.
- 25 3. Monies received from donations for the construction, improvement
- 26 or maintenance of state highways or bridges. These monies shall be
- 27 credited to a special account and shall be spent only for the purpose
- 28 indicated by the donor.
- 29 4. Monies received from counties or cities under cooperative
- 30 agreements, including proceeds from bond issues. The state treasurer
- 31 shall deposit these monies to the credit of the fund in a special account
- 32 on delivery to the treasurer of a concise written agreement between the
- 33 department and the county or city stating the purposes for which the
- 34 monies are surrendered by the county or city, and these monies shall be
- 35 spent only as stated in the agreement.
- 36 5. Monies received from the United States under an act of Congress
- 37 to provide aid for the construction of rural post roads, but monies
- 38 received on projects for which the monies necessary to be provided by this
- 39 state are wholly derived from sources mentioned in paragraphs 2 and 3 of
- 40 this section shall be allotted by the department and deposited by the
- 41 state treasurer in the special account within the fund established for
- 42 each project. On completion of the project, on the satisfaction and
- 43 discharge in full of all obligations of any kind created and on request of
- 44 the department, the treasurer shall transfer the unexpended balance in the
- 45 special account for the project into the state highway fund, and the

1 unexpended balance and any further federal aid thereafter received on
2 account of the project may be spent under the general provisions of this
3 title.

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

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

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

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

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

14 11. Monies deposited pursuant to sections 28-1143, 28-2353 and
15 28-3003.

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

17 (a) Monies deposited pursuant to section 28-2206 and section
18 28-5808, subsection B, paragraph 2, subdivision (e).

19 (b) ~~One dollar~~ \$1 of each registration fee and ~~one dollar~~ \$1 of
20 each title fee collected pursuant to section 28-2003.

21 (c) ~~Two dollars~~ \$2 of each late registration penalty collected by
22 the director pursuant to section 28-2162.

23 (d) The air quality compliance fee collected pursuant to section
24 49-542.

25 (e) The special plate administration fees collected pursuant to
26 sections 28-2404, 28-2407, 28-2412 through 28-2416, 28-2416.01, 28-2417
27 through 28-2429, 28-2431 THROUGH 28-2462 and 28-2514.

28 (f) Monies collected pursuant to sections 28-372, 28-2155 and
29 28-2156 if the director is the registering officer.

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

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

33 15. Dealer and registration monies collected pursuant to section
34 28-4304.

35 16. Abandoned vehicle administration monies deposited pursuant to
36 section 28-4804.

37 17. Monies deposited pursuant to section 28-710, subsection D,
38 paragraph 2.

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

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

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

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

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

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

1 24. Monies deposited pursuant to section 28-3002, subsection A,
2 paragraph 14.

3 25. Monies deposited pursuant to section 28-7316.

4 26. Monies deposited pursuant to section 28-4302.

5 27. Monies deposited pursuant to section 28-3416.

6 28. Monies deposited pursuant to section 28-4504.

7 29. Monies deposited pursuant to section 28-2098.

8 Sec. 7. Section 28-6993, Arizona Revised Statutes, is amended to
9 read:

10 28-6993. State highway fund; authorized uses

11 A. Except as provided in subsection B of this section and section
12 28-6538, the state highway fund shall be used for any of the following
13 purposes in strict conformity with and subject to the budget as provided
14 by this section and by sections 28-6997 through 28-7003:

15 1. To pay salaries, wages, necessary travel expenses and other
16 expenses of officers and employees of the department and the incidental
17 office expenses, including telegraph, telephone, postal and express
18 charges and printing, stationery and advertising expenses.

19 2. To pay for both:

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

22 (b) The construction and repair of buildings or yards of the
23 department.

24 3. To pay the cost of both:

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

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

30 4. To pay land damages incurred by reason of establishing, opening,
31 altering, relocating, widening or abandoning portions of a state route or
32 state highway.

33 5. To reimburse the department revolving account.

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

36 7. To defray lawful expenses and costs required to administer and
37 carry out the intent, purposes and provisions of this title, including
38 repayment of obligations entered into pursuant to this title, payment of
39 interest on obligations entered into pursuant to this title, repayment of
40 loans and other financial assistance, including repayment of advances and
41 interest on advances made to the department pursuant to section 28-7677,
42 and payment of all other obligations and expenses of the board and
43 department pursuant to chapter 21 of this title.

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

- 1 9. To acquire, construct or improve entry roads to state parks or
2 roads within state parks.
- 3 10. To acquire, construct or improve entry roads to state prisons.
- 4 11. To pay the cost of relocating a utility facility pursuant to
5 section 28-7156.
- 6 12. For the purposes provided in subsections C, D and E of this
7 section and sections 28-1143, 28-2353 and 28-3003.
- 8 13. To pay the cost of issuing an Arizona centennial special plate
9 pursuant to section 28-2448.
- 10 B. For each fiscal year, the department of transportation shall
11 allocate and transfer monies in the state highway fund to the department
12 of public safety for funding a portion of highway patrol costs in eight
13 installments in each of the first eight months of a fiscal year that do
14 not exceed ~~ten million dollars~~ \$10,000,000.
- 15 C. Subject to legislative appropriation, the department may use the
16 monies in the state highway fund as prescribed in section 28-6991,
17 paragraph 12 to carry out the duties imposed by this title for
18 registration or titling of vehicles, to operate joint title, registration
19 and driver licensing offices, to cover the administrative costs of issuing
20 the air quality compliance sticker, modifying the year validating tab and
21 issuing the windshield sticker and to cover expenses and costs in issuing
22 special plates pursuant to sections 28-2404, 28-2407, 28-2412 through
23 28-2429, 28-2431 THROUGH 28-2462 and 28-2514.
- 24 D. The department shall use monies deposited in the state highway
25 fund pursuant to chapter 5, article 5 of this title only as prescribed by
26 that article.
- 27 E. Monies deposited in the state highway fund pursuant to section
28 28-2269 shall be used only as prescribed by that section.
- 29 F. Monies deposited in the state highway fund pursuant to section
30 28-710, subsection D, paragraph 2 shall only be used for state highway
31 work zone traffic control devices.
- 32 G. The department may exchange monies distributed to the state
33 highway fund pursuant to section 28-6538, subsection A, paragraph 1 for
34 local government surface transportation program federal monies
35 suballocated to councils of government and metropolitan planning
36 organizations if the local government scheduled to receive the federal
37 monies concurs. An exchange of state highway fund monies pursuant to this
38 subsection shall be in an amount that is at least equal to ninety percent
39 of the federal obligation authority that exists in the project for which
40 the exchange is proposed.
- 41 H. The department shall use monies deposited in the state highway
42 fund pursuant to section 28-1105, subsection A, paragraph 2, subdivision
43 (a) only for a transportation facility that is located within twenty
44 drivable miles of the international port of entry and shall spend the
45 monies proportionally based on the amount of total monies collected

1 pursuant to section 28-1105, subsection A, paragraph 2, subdivision (a).
2 For the purposes of this subsection, "transportation facility" means a
3 highway or a state route or a county, city or town road that is used by a
4 commercial vehicle or a commercial vehicle combination for which an axle
5 fee is paid pursuant to section 28-5474.

6 Sec. 8. Conditional enactment

7 Section 28-6991, Arizona Revised Statutes, as amended by Laws 2018,
8 chapter 248, section 1, chapter 298, section 7, chapter 307, section 7 and
9 chapter 308, section 3 and this act, becomes effective on the date
10 prescribed by Laws 2018, chapter 298, section 12 but only on the
11 occurrence of the condition prescribed by Laws 2018, chapter 298,
12 section 12.