

REFERENCE TITLE: distinguished flying cross license plates

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2589

Introduced by
Representative Kavanagh

AN ACT

AMENDING SECTIONS 28-2351 AND 28-2403, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 13, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2476; AMENDING SECTIONS 28-6501 AND 41-608, ARIZONA REVISED STATUTES; RELATING TO HONORED MILITARY 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. 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 28-2462, 28-2472, 28-2473, 28-2474,
34 28-2475, 28-2476 and 28-4533 and article 14 of this chapter, shall be the
35 same color as and similar in design to the license plate as determined by
36 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

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

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

2. Except for plates issued pursuant to sections 28-2404, 28-2412, 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through 28-2462, 28-2472, 28-2473, 28-2474, ~~and~~ 28-2475 AND 28-2476 and article 14 of this chapter, the special plates shall be the same color as and similar to the design of the regular license plates that is determined by the department.

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

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

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

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

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

1. Violates subsection B of this section.

2. Fraudulently gives false or fictitious information in the application for or renewal of special plates or placards issued pursuant 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. Title 28, chapter 7, article 13, Arizona Revised Statutes,
5 is amended by adding section 28-2476, to read:

6 28-2476. Distinguished flying cross license plates; fees

7 A. THE DEPARTMENT SHALL ISSUE DISTINCTIVE LICENSE PLATES TO:

8 1. A PERSON WHO SUBMITS SATISFACTORY PROOF TO THE DEPARTMENT THAT
9 THE PERSON IS A VETERAN AND A BONA FIDE DISTINGUISHED FLYING CROSS
10 RECIPIENT.

11 2. AN IMMEDIATE FAMILY MEMBER OF A PERSON WHO HAS BEEN ISSUED A
12 LICENSE PLATE PURSUANT TO THIS SECTION.

13 B. FOR EACH PAIR OF ORIGINAL LICENSE PLATES ISSUED PURSUANT TO THIS
14 SECTION, THE DEPARTMENT SHALL COLLECT A FEE OF \$25 IN ADDITION TO THE
15 REGISTRATION FEE REQUIRED BY SECTION 28-2003. FOR EACH ANNUAL RENEWAL OF
16 LICENSE PLATES ISSUED PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL
17 CHARGE A FEE OF \$5 IN ADDITION TO THE REGISTRATION FEE REQUIRED BY SECTION
18 28-2003. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
19 35-147, THE \$25 FEE AS A DONATION IN THE VETERANS' DONATION FUND
20 ESTABLISHED BY SECTION 41-608.

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

23 28-6501. Definition of highway user revenues

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

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

29 (a) The special plate administration fees prescribed in sections
30 28-2404, 28-2407, 28-2412 through 28-2462 and 28-2514.

31 (b) The donations prescribed in sections 28-2404, 28-2407, 28-2412
32 through 28-2415, 28-2417 through 28-2462, 28-2473, 28-2474, ~~and~~ 28-2475
33 AND 28-2476.

34 2. Section 28-1177.

35 3. Chapters 10 and 11 of this title.

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

38 Sec. 5. Section 41-608, Arizona Revised Statutes, is amended to
39 read:

40 41-608. Veterans' donations fund; grants

41 A. The veterans' donations fund is established consisting of
42 monies, gifts and contributions donated to the department and monies
43 deposited pursuant to sections 28-2414, 28-2428, 28-2431, 28-2447,
44 28-2454, 28-2473, 28-2474, 28-2475, 28-2476 and 43-620. The department
45 shall administer the fund. Monies in the fund are continuously

1 appropriated. The monies in the fund are exempt from the provisions of
2 section 35-190 relating to lapsing of appropriations. The department
3 shall adopt rules or policies for grants of less than five thousand
4 dollars that encourage as much competition as practicable.

5 B. The director or the director's designee may solicit and receive
6 donations, including in-kind donations, from the public for veterans. The
7 director shall deposit, pursuant to sections 35-146 and 35-147, the
8 monetary donations in the veterans' donations fund. Monies in the fund
9 are subject to state auditing procedures. Except for monies deposited
10 pursuant to sections 28-2431 and 28-2447, the donations may be used for
11 the benefit of the veterans within this state as grants, subject to
12 chapter 24 of this title, if applicable.

13 C. The director shall establish a separate subaccount in the
14 veterans' donations fund for the deposit of monies received pursuant to
15 section 28-2431, subsection C. The monies in the subaccount shall be used
16 for the construction and maintenance of the enduring freedom memorial
17 authorized pursuant to section 41-1363 for placement in Wesley Bolin
18 Plaza.

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

25 E. The director shall establish a separate subaccount in the
26 veterans' donations fund for the deposit of monies received pursuant to
27 section 28-2454, subsection C. The first thirty-two thousand dollars in
28 the subaccount shall be reimbursed to the person that provides the
29 thirty-two thousand dollars pursuant to section 28-2454, subsection
30 A. The director shall annually allocate monies from the subaccount to a
31 foundation that is qualified under section 501(c)(3) of the United States
32 internal revenue code for federal income tax purposes and that is the
33 nation's oldest and largest provider of need-based scholarships to
34 children of United States military members. The foundation must:

- 35 1. Have been in existence for at least fifty-two years.
- 36 2. Have provided more than thirty-three thousand scholarships that
37 are valued at almost ninety million dollars.
- 38 3. Have a mission that includes honoring marines and educating
39 their children.
- 40 4. Award scholarship monies to children of marines and navy
41 corpsmen who were killed or wounded in combat or who have demonstrated
42 financial need.

43 F. The director shall inventory and account for the use of any
44 tangible personal property donated to the fund.

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