

Senate Engrossed House Bill

children and families special plates

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 270
HOUSE BILL 2816

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 28-2469; AMENDING SECTIONS 28-6501, 28-6991 AND 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 ~~28-2468~~ 28-2469, 28-2472, 28-2473,
34 28-2474, 28-2475, 28-2476 and 28-4533 and article 14 of this chapter,
35 shall be the same color as and similar in design to the license plate as
36 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 ~~28-2468~~ 28-2469,
11 28-2472, 28-2473, 28-2474, 28-2475 and 28-2476 and article 14 of this
12 chapter, the special plates shall be the same color as and similar to the
13 design of the regular license plates that is determined by the department.

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

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

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

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

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

40 1. Violates subsection B of this section.

41 2. Fraudulently gives false or fictitious information in the
42 application for or renewal of special plates or placards issued pursuant
43 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 12, Arizona Revised Statutes,
5 is amended by adding section 28-2469, to read:

6 28-2469. Children and families special plates; fund

7 A. IF, BY DECEMBER 31, 2021, AN ENTITY PAYS \$32,000 TO THE
8 DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL
9 ISSUE CHILDREN AND FAMILIES SPECIAL PLATES. THE ENTITY THAT PROVIDES THE
10 \$32,000 SHALL DESIGN THE CHILDREN AND FAMILIES SPECIAL PLATES. THE DESIGN
11 AND COLOR OF THE CHILDREN AND FAMILIES SPECIAL PLATES ARE SUBJECT TO THE
12 APPROVAL OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR CHILDREN
13 AND FAMILIES SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED
14 SPECIAL PLATES. IF THE DIRECTOR Allows SUCH A COMBINATION, THE REQUEST
15 SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES
16 FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR
17 THE CHILDREN AND FAMILIES SPECIAL PLATES.

18 B. OF THE \$25 FEE REQUIRED BY SECTION 28-2402 FOR THE ORIGINAL
19 SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, \$8 IS A SPECIAL PLATE
20 ADMINISTRATION FEE AND \$17 IS AN ANNUAL DONATION.

21 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
22 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
23 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO
24 THIS SECTION IN THE CHILDREN AND FAMILIES SPECIAL PLATE FUND ESTABLISHED
25 BY THIS SECTION.

26 D. THE CHILDREN AND FAMILIES SPECIAL PLATE FUND IS ESTABLISHED
27 CONSISTING OF MONIES DEPOSITED PURSUANT TO THIS SECTION. THE DIRECTOR
28 SHALL ADMINISTER THE FUND. THE FIRST \$32,000 IN THE FUND SHALL BE
29 REIMBURSED TO THE ENTITY THAT PAID THE IMPLEMENTATION FEE TO THE
30 DEPARTMENT PURSUANT TO SUBSECTION A OF THIS SECTION. NOT MORE THAN TEN
31 PERCENT OF MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR THE
32 COST OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
33 APPROPRIATED.

34 E. THE DIRECTOR SHALL ANNUALLY ALLOCATE MONIES FROM THE FUND,
35 EXCLUDING ADMINISTRATIVE FEES, TO AN ENTITY THAT IS QUALIFIED UNDER
36 SECTION 501(c)(6) OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL
37 INCOME TAX PURPOSES. THE ENTITY MUST:

- 38 1. BE HEADQUARTERED IN THIS STATE.
- 39 2. HAVE BEEN ESTABLISHED IN 1937 AND INCORPORATED IN THIS STATE IN
40 1978.
- 41 3. SPONSOR A PROFESSIONAL GOLF TOURNAMENT IN THIS STATE.
- 42 4. HAVE OVER THREE HUNDRED MEMBERS.
- 43 5. PROVIDE MONIES TO AN ENTITY THAT IS QUALIFIED UNDER SECTION
44 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL INCOME
45 TAX PURPOSES THAT:

1 (a) HAS A BOARD THAT CONSISTS OF FIFTEEN MEMBERS FROM VARYING
2 PROFESSIONAL BACKGROUNDS.

3 (b) HAS A MISSION TO SUPPORT ORGANIZATIONS THAT ASSIST CHILDREN AND
4 FAMILIES, HELP PEOPLE IN NEED AND IMPROVE THE QUALITY OF LIFE IN THE
5 GREATER PHOENIX METROPOLITAN AREA.

6 (c) DIRECTS ITS GIVING TOWARD ORGANIZATIONS BASED OR WITH A
7 SIGNIFICANT PRESENCE IN THIS STATE.

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

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

13 28-6501. Definition of highway user revenues

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

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

19 (a) The special plate administration fees prescribed in sections
20 28-2404, 28-2407, 28-2412 through ~~28-2468~~ 28-2469 and 28-2514.

21 (b) The donations prescribed in sections 28-2404, 28-2407, 28-2412
22 through 28-2415, 28-2417 through ~~28-2468~~ 28-2469, 28-2473, 28-2474,
23 28-2475 and 28-2476.

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
27 provided in sections 28-5926 and 28-5927.

28 Sec. 5. Section 28-6991, Arizona Revised Statutes, is amended to
29 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) \$1 of each registration fee and \$1 of each title fee collected
30 pursuant to section 28-2003.

31 (c) \$2 of each late registration penalty collected by the director
32 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 ~~28-2468~~ 28-2469 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 29. Monies deposited pursuant to section 28-2098.

18 Sec. 6. Section 28-6993, Arizona Revised Statutes, is amended to
19 read:

20 28-6993. State highway fund; authorized uses

21 A. Except as provided in subsection B of this section and section
22 28-6538, the state highway fund shall be used for any of the following
23 purposes in strict conformity with and subject to the budget as provided
24 by this section and by sections 28-6997 through 28-7003:

25 1. To pay salaries, wages, necessary travel expenses and other
26 expenses of officers and employees of the department and the incidental
27 office expenses, including telegraph, telephone, postal and express
28 charges and printing, stationery and advertising expenses.

29 2. To pay for both:

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

32 (b) The construction and repair of buildings or yards of the
33 department.

34 3. To pay the cost of both:

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

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

40 4. To pay land damages incurred by reason of establishing, opening,
41 altering, relocating, widening or abandoning portions of a state route or
42 state highway.

43 5. To reimburse the department revolving account.

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

1 7. To defray lawful expenses and costs required to administer and
2 carry out the intent, purposes and provisions of this title, including
3 repayment of obligations entered into pursuant to this title, payment of
4 interest on obligations entered into pursuant to this title, repayment of
5 loans and other financial assistance, including repayment of advances and
6 interest on advances made to the department pursuant to section 28-7677,
7 and payment of all other obligations and expenses of the board and
8 department pursuant to chapter 21 of this title.

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

10 9. To acquire, construct or improve entry roads to state parks or
11 roads within state parks.

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

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

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

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

19 B. For each fiscal year, the department of transportation shall
20 allocate and transfer monies in the state highway fund to the department
21 of public safety for funding a portion of highway patrol costs in eight
22 installments in each of the first eight months of a fiscal year that do
23 not exceed \$10,000,000.

24 C. Subject to legislative appropriation, the department may use the
25 monies in the state highway fund as prescribed in section 28-6991,
26 paragraph 12 to carry out the duties imposed by this title for
27 registration or titling of vehicles, to operate joint title, registration
28 and driver licensing offices, to cover the administrative costs of issuing
29 the air quality compliance sticker, modifying the year validating tab and
30 issuing the windshield sticker and to cover expenses and costs in issuing
31 special plates pursuant to sections 28-2404, 28-2407, 28-2412 through
32 ~~28-2468~~ 28-2469 and 28-2514.

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

36 E. Monies deposited in the state highway fund pursuant to section
37 28-2269 shall be used only as prescribed by that section.

38 F. Monies deposited in the state highway fund pursuant to section
39 28-710, subsection D, paragraph 2 shall only be used for state highway
40 work zone traffic control devices.

41 G. The department may exchange monies distributed to the state
42 highway fund pursuant to section 28-6538, subsection A, paragraph 1 for
43 local government surface transportation program federal monies
44 suballocated to councils of government and metropolitan planning
45 organizations if the local government scheduled to receive the federal

1 monies concurs. An exchange of state highway fund monies pursuant to this
2 subsection shall be in an amount that is at least equal to ninety percent
3 of the federal obligation authority that exists in the project for which
4 the exchange is proposed.

5 H. The department shall use monies deposited in the state highway
6 fund pursuant to section 28-1105, subsection A, paragraph 2, subdivision
7 (a) only for a transportation facility that is located within twenty
8 drivable miles of the international port of entry and shall spend the
9 monies proportionally based on the amount of total monies collected
10 pursuant to section 28-1105, subsection A, paragraph 2, subdivision (a).
11 For the purposes of this subsection, "transportation facility" means a
12 highway or a state route or a county, city or town road that is used by a
13 commercial vehicle or a commercial vehicle combination for which an axle
14 fee is paid pursuant to section 28-5474.

APPROVED BY THE GOVERNOR APRIL 20, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2021.