

Senate Engrossed

Arizona bicycling special plates

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

## **SENATE BILL 1280**

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 28-2470.10; 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 ~~28-2470.09~~ **28-2470.10**, 28-2472,  
34 28-2473, 28-2474, 28-2475, 28-2476 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 ~~28-2470.09~~  
11 [28-2470.10](#), 28-2472, 28-2473, 28-2474, 28-2475 and 28-2476 and article 14  
12 of this chapter, the special plates shall be the same color as and similar  
13 to 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 allow 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.

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

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

7       Sec. 3. Title 28, chapter 7, article 12, Arizona Revised Statutes,  
8 is amended by adding section 28-2470.10, to read:

9       28-2470.10. Arizona bicycling special plates; fund

10      A. IF, BY DECEMBER 31, 2022, A PERSON PAYS \$32,000 TO THE  
11 DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL  
12 ISSUE ARIZONA BICYCLING SPECIAL PLATES. THE PERSON THAT PROVIDES THE  
13 \$32,000 SHALL DESIGN THE ARIZONA BICYCLING SPECIAL PLATES. THE DESIGN AND  
14 COLOR OF THE ARIZONA BICYCLING SPECIAL PLATES ARE SUBJECT TO THE APPROVAL  
15 OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR ARIZONA BICYCLING  
16 SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL  
17 PLATES. IF THE DIRECTOR Allows SUCH A COMBINATION, THE REQUEST SHALL BE  
18 IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE  
19 PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR THE  
20 ARIZONA BICYCLING SPECIAL PLATES.

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

24      C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
25 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND  
26 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO  
27 THIS SECTION IN THE ARIZONA BICYCLING SPECIAL PLATE FUND ESTABLISHED BY  
28 THIS SECTION.

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

37      E. THE DIRECTOR SHALL ANNUALLY ALLOCATE MONIES FROM THE FUND,  
38 EXCLUDING ADMINISTRATIVE FEES, TO AN ENTITY THAT IS QUALIFIED UNDER  
39 SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL  
40 INCOME TAX PURPOSES. THE ENTITY MUST:

41       1. PRODUCE BICYCLING EVENTS IN THIS STATE FOR COMMUNITY, CHARITY  
42 AND WELLNESS.

1       2. HAVE RAISED AT LEAST \$101,000,000 FOR CHARITIES.  
2       3. HAVE BEEN IN EXISTENCE FOR AT LEAST THIRTY-SEVEN YEARS.  
3       4. HAVE ALL OF THE FOLLOWING OBJECTIVES:  
4           (a) TO AID IN THE ECONOMIC DEVELOPMENT OF THIS STATE.  
5           (b) TO ESTABLISH THIS STATE AS THE BICYCLE CENTER OF THE UNITED  
6 STATES.  
7           (c) TO ENCOURAGE INDIVIDUALS TO ADOPT BICYCLING AS A NATURAL DAILY  
8 LIFE ACTIVITY.  
9           (d) TO PRODUCE BICYCLING EVENTS FOR BICYCLISTS OF ALL AGES AND  
10 ABILITIES.  
11       5. ANNUALLY HOLD THE LARGEST BICYCLING EVENT IN THE UNITED STATES  
12 ON THE SATURDAY BEFORE THANKSGIVING THAT ATTRACTS OVER SIX THOUSAND  
13 CYCLISTS OF ALL AGES AND ABILITIES FROM AROUND THE WORLD.

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

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

19       28-6501. Definition of highway user revenues

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

24       1. Chapters 2, 7, 8 and 15 of this title, except for:  
25           (a) The special plate administration fees prescribed in sections  
26 28-2404, 28-2407, 28-2412 through ~~28-2470.09~~ 28-2470.10 and 28-2514.

27           (b) The donations prescribed in sections 28-2404, 28-2407, 28-2412  
28 through 28-2415, 28-2417 through ~~28-2470.09~~ 28-2470.10, 28-2473, 28-2474,  
29 28-2475 and 28-2476.

30       2. Section 28-1177.

31       3. Chapters 10 and 11 of this title.

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

34       Sec. 5. Section 28-6991, Arizona Revised Statutes, is amended to  
35 read:

36       28-6991. State highway fund; sources

37       The state highway fund is established that consists of:

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

40       2. Monies appropriated by the legislature.

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

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

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

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

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

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

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

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

31      11. Monies deposited pursuant to sections 28-1143, 28-2353 and  
32 28-3003.

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

34       (a) Monies deposited pursuant to section 28-2206 and section  
35 28-5808, subsection B, paragraph 2, subdivision (e).

36       (b) \$1 of each registration fee and \$1 of each title fee collected  
37 pursuant to section 28-2003.

38       (c) \$2 of each late registration penalty collected by the director  
39 pursuant to section 28-2162.

40       (d) The air quality compliance fee collected pursuant to section  
41 49-542.

1       (e) The special plate administration fees collected pursuant to  
2 sections 28-2404, 28-2407, 28-2412 through 28-2416, 28-2416.01, 28-2417  
3 through ~~28-2470.09~~ 28-2470.10 and 28-2514.

4       (f) Monies collected pursuant to sections 28-372, 28-2155 and  
5 28-2156 if the director is the registering officer.

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

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

9       15. Dealer and registration monies collected pursuant to section  
10 28-4304.

11       16. Abandoned vehicle administration monies deposited pursuant to  
12 section 28-4804.

13       17. Monies deposited pursuant to section 28-710, subsection D,  
14 paragraph 2.

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

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

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

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

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

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

21       24. Monies deposited pursuant to section 28-3002, subsection A,  
22 paragraph 14.

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

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

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

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

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

28       30. Monies deposited pursuant to sections 28-2321, 28-2324,  
29 28-2325, 28-5474, 28-5739, 28-5863 and 28-5864.

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

32       28-6993. State highway fund; authorized uses

33       A. Except as provided in subsection B of this section and section  
34 28-6538, the state highway fund shall be used for any of the following  
35 purposes in strict conformity with and subject to the budget as provided  
36 by this section and by sections 28-6997 through 28-7003:

37       1. To pay salaries, wages, necessary travel expenses and other  
38 expenses of officers and employees of the department and the incidental  
39 office expenses, including telegraph, telephone, postal and express  
40 charges and printing, stationery and advertising expenses.

41       2. To pay for both:

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

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

3. To pay the cost of both:

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

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

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

5. To reimburse the department revolving account.

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

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

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

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

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

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

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

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

14. To pay for all of the following:

(a) The enforcement by the department of public safety and the department of transportation of vehicle safety requirements within twenty-five miles of the border between this state and Mexico.

(b) Costs related to procuring electronic equipment, automated systems or improvements to existing electronic equipment or automated systems for relieving vehicle congestion at ports of entry on the border between this state and Mexico.

(c) Constructing, maintaining and upgrading transportation facilities, including roads, streets and highways, approved by the board within twenty-five miles of the border between this state and Mexico.

1       (d) As approved by the board, constructing and maintaining  
2 transportation facilities in the CANAMEX high priority corridor as defined  
3 in section 332 of the national highway system designation act of 1995  
4 (P.L. 104-59; 109 Stat. 568).

5       (e) Activities of the department that include collecting  
6 transportation and trade data in the United States and Mexico for the  
7 purposes of constructing transportation facilities, improving public  
8 safety, improving truck processing time and relieving congestion at ports  
9 of entry on the border between this state and Mexico. The department may  
10 enter into an agreement with the Arizona-Mexico commission and provide  
11 funding to the commission for the purposes of this subdivision.

12       (f) A commitment or investment necessary for the department or  
13 another agency of this state to obtain federal monies that are designated  
14 for expenditure pursuant to this section.

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

20       C. Subject to legislative appropriation, the department may use the  
21 monies in the state highway fund as prescribed in section 28-6991,  
22 paragraph 12 to carry out the duties imposed by this title for  
23 registration or titling of vehicles, to operate joint title, registration  
24 and driver licensing offices, to cover the administrative costs of issuing  
25 the air quality compliance sticker, modifying the year validating tab and  
26 issuing the windshield sticker and to cover expenses and costs in issuing  
27 special plates pursuant to sections 28-2404, 28-2407, 28-2412 through  
28 ~~28-2470.09~~ 28-2470.10 and 28-2514.

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

32       E. Monies deposited in the state highway fund pursuant to section  
33 28-2269 shall be used only as prescribed by that section.

34       F. Monies deposited in the state highway fund pursuant to section  
35 28-710, subsection D, paragraph 2 shall only be used for state highway  
36 work zone traffic control devices.

37       G. The department may exchange monies distributed to the state  
38 highway fund pursuant to section 28-6538, subsection A, paragraph 1 for  
39 local government surface transportation program federal monies  
40 suballocated to councils of government and metropolitan planning  
41 organizations if the local government scheduled to receive the federal  
42 monies concurs. An exchange of state highway fund monies pursuant to this  
43 subsection shall be in an amount that is at least equal to ninety percent  
44 of the federal obligation authority that exists in the project for which  
45 the exchange is proposed.

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

11       Sec. 7. Effective date

12       This act is effective from and after September 30, 2022.

13       Sec. 8. Short title

14       This act may be cited as the "El Tour de Tucson Special License  
15 Plate Act".