

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 316

SENATE BILL 1037

AN ACT

AMENDING SECTIONS 28-2010, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES;
RELATING TO MOTORCYCLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2010, Arizona Revised Statutes, is amended to
3 read:

4 28-2010. Motorcycle safety fund

5 A. A MOTORCYCLE SAFETY FUND IS ESTABLISHED CONSISTING OF MONIES
6 DEPOSITED PURSUANT TO SUBSECTION B OF THIS SECTION AND MONIES FROM GIFTS,
7 GRANTS AND OTHER DONATIONS. THE DIRECTOR SHALL ADMINISTER THE FUND. ON
8 NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES
9 IN THE FUND AS PROVIDED IN SECTION 35-313, AND MONIES EARNED FROM INVESTMENT
10 SHALL BE CREDITED TO THE FUND. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE
11 APPROPRIATION AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING
12 TO LAPSING OF APPROPRIATIONS, EXCEPT THAT ALL MONIES IN THE FUND THAT ARE
13 DEPOSITED PURSUANT TO SUBSECTION B OF THIS SECTION AND THAT EXCEED ONE
14 HUNDRED FIFTY THOUSAND DOLLARS REVERT TO THE STATE HIGHWAY FUND.

15 ~~A. B. Notwithstanding section 28-2004, THROUGH JUNE 30, 2005, the~~
16 ~~director shall deposit, pursuant to sections 35-146 and 35-147, one dollar~~
17 ~~of each motorcycle registration fee collected pursuant to section 28-2003 in~~
18 ~~the state highway MOTORCYCLE SAFETY fund established by section 28-6991.~~

19 ~~B. C. Subject to legislative appropriation, the director shall use~~
20 ~~monies deposited in the state highway MOTORCYCLE SAFETY fund pursuant to this~~
21 ~~section to implement a motorcycle testing program and a voluntary motorcycle~~
22 ~~education program. The director may contract with public and private~~
23 ~~agencies to implement the education program. As part of the motorcycle~~
24 ~~education program, the director may conduct motorcycle safety training~~
25 ~~classes and may charge tuition to defray the costs of the classes. AND~~
26 ~~SUPPORT VOLUNTARY MOTORCYCLE EDUCATION, AWARENESS AND OTHER PROGRAMS,~~
27 ~~INCLUDING COVERING THE COST OF MATERIALS FOR MOTORCYCLE SAFETY, EDUCATION AND~~
28 ~~AWARENESS PROGRAMS.~~

29 Sec. 2. 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
36 or maintenance of state highways or bridges. These monies shall be credited
37 to 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.

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

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

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

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

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

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

23 11. Monies deposited pursuant to sections 28-1143, ~~28-2010~~, 28-2353 and
24 28-3003.

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

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

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

31 (c) Two dollars of each late registration penalty collected by the
32 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, 28-2412 through 28-2417 and 28-2514.

37 (f) The windshield sticker fee collected pursuant to section 28-2355.

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

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

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

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

44 16. Abandoned vehicle administration monies deposited pursuant to
45 section 28-4804.

1 Sec. 3. Section 28-6993, Arizona Revised Statutes, is amended to read:
2 28-6993. State highway fund; authorized uses

3 A. Except as provided in subsection B of this section and section
4 28-6538, the state highway fund shall be used for any of the following
5 purposes in strict conformity with and subject to the budget as provided by
6 this section and by sections 28-6997 through 28-7003:

7 1. To pay salaries, wages, necessary travel expenses and other
8 expenses of officers and employees of the department and the incidental
9 office expenses, including telegraph, telephone, postal and express charges
10 and printing, stationery and advertising expenses.

11 2. To pay for both:

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

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

16 3. To pay the cost of both:

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

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

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

25 5. To reimburse the department revolving account.

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

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

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

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

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

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

42 12. For the purposes provided in subsections C, D and E of this section
43 and sections 28-1143, ~~28-2010~~, 28-2353 and 28-3003.

44 B. For each fiscal year, the department of transportation shall
45 allocate and transfer monies in the state highway fund to the department of

1 public safety for funding a portion of highway patrol costs in eight
2 installments in each of the first eight months of a fiscal year that do not
3 exceed ten million dollars.

4 C. Subject to legislative appropriation, the department may use the
5 monies in the state highway fund as prescribed in section 28-6991, paragraph
6 12 to carry out the duties imposed by this title for registration or titling
7 of vehicles, to operate joint title, registration and driver licensing
8 offices, to cover the administrative costs of issuing the air quality
9 compliance sticker, modifying the year validating tab and issuing the
10 windshield sticker and to cover expenses and costs in issuing special plates
11 pursuant to sections 28-2404, 28-2412 through 28-2417 and 28-2514.

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

15 E. Monies deposited in the state highway fund pursuant to section
16 28-2269 shall be used only as prescribed by that section.

17 F. The department may exchange monies distributed to the state highway
18 fund pursuant to section 28-6538, subsection A, paragraph 1 for local
19 government surface transportation program federal monies suballocated to
20 councils of government and metropolitan planning organizations if the local
21 government scheduled to receive the federal monies concurs. An exchange of
22 state highway fund monies pursuant to this subsection shall be in an amount
23 that is at least equal to ninety per cent of the federal obligation authority
24 that exists in the project for which the exchange is proposed.

APPROVED BY THE GOVERNOR MAY 4, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 4, 2001.

Passed the House April 24, 20 01

by the following vote: 49 Ayes,

6 Nays, 5 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate February 5, 20 01

by the following vote: 25 Ayes,

4 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

S.B. 1037

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 1, 2001,

by the following vote: 23 Ayes,

5 Nays, 2 Not Voting

Randall Smith
President of the Senate
Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of May, 2001,

at 10:54 o'clock A M.

Jandra Ramirez
Secretary to the Governor

APPROVED THIS 4th day of

May, 2001,

at 10:57 o'clock A M.

Janice K. Hull
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4 day of May, 2001,

at 4:34 o'clock P M.

Robert Taylor
Secretary of State

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