



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 13, 2011

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 W. Washington
Phoenix, Arizona 85007

Dear Speaker Adams,

Today, I signed House Bill 2656 "women veteran special plate". However, I have growing concerns over the number of specialty license plates moving through the process. The Legislature is contemplating bills that represent nearly a thirty percent increase in the number of these specialty plates.

Please consider the law enforcement community and the average citizen who have to identify, often in a split second, the vehicle's license plate number and state of issuance.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer
Governor

CC: The Honorable Russell Pearce
The Honorable Terri Proud

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 81

HOUSE BILL 2656

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 28-2437; AMENDING SECTIONS 28-6501, 28-6991, 28-6993 AND 41-608, ARIZONA REVISED STATUTES; RELATING TO SPECIAL 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. The department shall provide to every owner one license plate for
6 each vehicle registered. At the request of the owner and on payment of any
7 required fee, the department shall provide either one or two license plates
8 for a vehicle for which a special plate is requested pursuant to this
9 chapter, except that the department shall provide one license plate if the
10 special plate is issued pursuant to section 28-2416 or 28-2416.01.

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

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

29 D. The department shall determine the color and design of the license
30 plate. All other plates issued by the department, except the plates issued
31 pursuant to sections 28-2404, 28-2412, 28-2413, 28-2414, 28-2416, 28-2416.01,
32 28-2417 through 28-2436 28-2437, 28-2452, 28-2453, 28-2454 and 28-2455 and
33 article 14 of this chapter, shall be the same color as and similar in design
34 to the license plate as determined by the department.

35 E. A passenger motor vehicle rented without a driver shall receive the
36 same type of license plate as issued for a private passenger motor vehicle.

37 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:
38 28-2403. Special plates; transfers; violation; classification

39 A. Except as otherwise provided in this article, the department shall
40 issue or renew special plates in lieu of the regular license plates pursuant
41 to the following conditions and procedures and only if the requirements
42 prescribed by this article for the requested special plates are met:

43 1. Except as provided in sections 28-2416 and 28-2416.01, a person who
44 is the registered owner of a vehicle registered with the department or who
45 applies for an original or renewal registration of a vehicle may submit to

1 the department a completed application form as prescribed by the department
2 with the fee prescribed by section 28-2402 for special plates in addition to
3 the registration fee prescribed by section 28-2003.

4 2. Except for plates issued pursuant to sections 28-2404, 28-2412,
5 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2436~~ 28-2437,
6 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, the
7 special plates shall be the same color as and similar to the design of the
8 regular license plates that is determined by the department.

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

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

17 B. Except as provided in sections 28-2416 and 28-2416.01, on
18 notification to the department and on payment of the transfer fee prescribed
19 by section 28-2402, a person who is issued special plates may transfer the
20 special plates to another vehicle the person owns or leases. Persons who are
21 issued special plates for hearing impaired persons pursuant to section
22 28-2408 and international symbol of access special plates pursuant to section
23 28-2409 are exempt from the transfer fee. If a person who is issued special
24 plates sells, trades or otherwise releases ownership of the vehicle on which
25 the plates have been displayed, the person shall immediately report the
26 transfer of the plates to the department or the person shall surrender the
27 plates to the department as prescribed by the director. It is unlawful for a
28 person to whom the plates have been issued to knowingly permit them to be
29 displayed on a vehicle except the vehicle authorized by the department.

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

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

33 1. Violates subsection B of this section.

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

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

40 Sec. 3. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
41 amended by adding section 28-2437, to read:

42 28-2437. Women veteran special plates

43 A. THE DEPARTMENT OF VETERANS' SERVICES SHALL PAY THIRTY-TWO THOUSAND
44 DOLLARS FROM THE VETERANS' DONATIONS FUND ESTABLISHED BY SECTION 41-608 TO
45 THE DEPARTMENT OF TRANSPORTATION FOR IMPLEMENTATION OF THIS SECTION. THE

1 DEPARTMENT OF TRANSPORTATION SHALL ISSUE WOMEN VETERAN SPECIAL PLATES. THE
2 DEPARTMENT OF VETERANS' SERVICES SHALL DESIGN THE WOMEN VETERAN SPECIAL
3 PLATES. THE DESIGN AND COLOR OF THE WOMEN VETERAN SPECIAL PLATES ARE SUBJECT
4 TO THE APPROVAL OF THE DEPARTMENT OF TRANSPORTATION. THE DIRECTOR OF THE
5 DEPARTMENT OF TRANSPORTATION MAY ALLOW A REQUEST FOR WOMEN VETERAN SPECIAL
6 PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE
7 DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION ALLOWS SUCH A COMBINATION, THE
8 REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR OF THE DEPARTMENT OF
9 TRANSPORTATION AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES
10 IN ADDITION TO THE FEES REQUIRED FOR THE WOMEN VETERAN SPECIAL PLATES.

11 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
12 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
13 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

14 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
15 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
16 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
17 SECTION IN THE VETERANS' DONATIONS FUND ESTABLISHED BY SECTION 41-608.

18 Sec. 4. Section 28-6501, Arizona Revised Statutes, is amended to 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, 28-2412 through ~~28-2436~~ 28-2437 and 28-2514.

27 (b) The donations prescribed in sections 28-2404, 28-2412 through
28 28-2415, 28-2417 through ~~28-2436~~ 28-2437, 28-2453, 28-2454 and 28-2455.

29 2. Section 28-1177.

30 3. Chapters 10 and 11 of this title.

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

33 Sec. 5. Section 28-6991, Arizona Revised Statutes, is amended to read:
34 28-6991. State highway fund; sources

35 A state highway fund is established that consists of:

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

38 2. Monies appropriated by the legislature.

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

43 4. Monies received from counties under cooperative agreements,
44 including proceeds from bond issues. The state treasurer shall deposit these
45 monies to the credit of the fund in a special account on delivery to the

1 treasurer of a concise written agreement between the department and the
2 county stating the purposes for which the monies are surrendered by the
3 county, and these monies shall be spent only as stated in the agreement.

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

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

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

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

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

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

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

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

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

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

32 (c) Two dollars of each late registration penalty collected by the
33 director pursuant to section 28-2162.

34 (d) The air quality compliance fee collected pursuant to section
35 49-542.

36 (e) The special plate administration fees collected pursuant to
37 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through
38 ~~28-2436~~ 28-2437 and 28-2514.

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

41 13. Monies deposited pursuant to chapter 5, article 5 of this 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. Donations deposited pursuant to section 28-2430.
- 7 20. Monies deposited pursuant to section 28-7311.
- 8 21. Monies deposited pursuant to section 28-7059.
- 9 Sec. 6. Section 28-6993, Arizona Revised Statutes, is amended to 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 by
14 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 charges
18 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 that
28 are entered into pursuant to this chapter and an act of Congress providing
29 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 compensation
35 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, and
42 payment of all other obligations and expenses of the board and department
43 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 section
7 and sections 28-1143, 28-2353 and 28-3003.

8 B. For each fiscal year, the department of transportation shall
9 allocate and transfer monies in the state highway fund to the department of
10 public safety for funding a portion of highway patrol costs in eight
11 installments in each of the first eight months of a fiscal year that do not
12 exceed ten million dollars.

13 C. Subject to legislative appropriation, the department may use the
14 monies in the state highway fund as prescribed in section 28-6991, paragraph
15 12 to carry out the duties imposed by this title for registration or titling
16 of vehicles, to operate joint title, registration and driver licensing
17 offices, to cover the administrative costs of issuing the air quality
18 compliance sticker, modifying the year validating tab and issuing the
19 windshield sticker and to cover expenses and costs in issuing special plates
20 pursuant to sections 28-2404, 28-2412 through ~~28-2436~~ 28-2437 and 28-2514.

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

24 E. Monies deposited in the state highway fund pursuant to section
25 28-2269 shall be used only as prescribed by that section.

26 F. Monies deposited in the state highway fund pursuant to section
27 28-710, subsection D, paragraph 2 shall only be used for state highway work
28 zone traffic control devices.

29 G. The department may exchange monies distributed to the state highway
30 fund pursuant to section 28-6538, subsection A, paragraph 1 for local
31 government surface transportation program federal monies suballocated to
32 councils of government and metropolitan planning organizations if the local
33 government scheduled to receive the federal monies concurs. An exchange of
34 state highway fund monies pursuant to this subsection shall be in an amount
35 that is at least equal to ninety per cent of the federal obligation authority
36 that exists in the project for which the exchange is proposed.

37 Sec. 7. Section 41-608, Arizona Revised Statutes, is amended to read:
38 41-608. Veterans' donations fund

39 A. The veterans' donations fund is established consisting of monies,
40 gifts and contributions donated to the department and monies deposited
41 pursuant to sections 28-2414, 28-2428, 28-2431, 28-2437, 28-2453, 28-2454,
42 28-2455 and 43-620. The department shall administer the fund. THE FIRST
43 THIRTY-TWO THOUSAND DOLLARS DEPOSITED PURSUANT TO SECTION 28-2437 SHALL BE
44 REIMBURSED TO THE FUND. Monies in the fund are continuously appropriated.

1 The monies in the fund are exempt from the provisions of section 35-190
2 relating to lapsing of appropriations.

3 B. The director or the director's designee may solicit and receive
4 donations, including in-kind donations, from the public for veterans. The
5 director shall deposit, pursuant to sections 35-146 and 35-147, the monetary
6 donations in the veterans' donations fund. Monies in the fund are subject to
7 state auditing procedures. Except for monies deposited pursuant to ~~section~~
8 SECTIONS 28-2431 AND 28-2437, the donations may be used for the benefit of
9 the veterans within this state at the discretion of the director AND SHALL BE
10 USED TO PAY THE DEPARTMENT OF TRANSPORTATION THIRTY-TWO THOUSAND DOLLARS TO
11 ISSUE WOMEN VETERAN SPECIAL PLATES PURSUANT TO SECTION 28-2437. The director
12 may donate monies from the fund to organizations seeking to establish a
13 monument or memorial on public property that recognizes or honors veterans or
14 recognizes events in which veterans were major participants or had a major
15 influence.

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

21 D. THE DIRECTOR SHALL ESTABLISH A SEPARATE SUBACCOUNT IN THE VETERANS'
22 DONATIONS FUND FOR THE DEPOSIT OF MONIES RECEIVED PURSUANT TO SECTION
23 28-2437, SUBSECTION C. THE MONIES IN THE SUBACCOUNT SHALL BE USED, AT THE
24 DISCRETION OF THE DIRECTOR, FOR THE BENEFIT OF WOMEN VETERANS IN THIS STATE,
25 INCLUDING PROVIDING SHELTER TO HOMELESS WOMEN VETERANS.

26 ~~D.~~ E. The director shall inventory and account for the use of any
27 tangible personal property donated to the fund.

28 ~~E.~~ F. On notice from the director, the state treasurer shall invest
29 and divest monies in the fund as provided by section 35-313, and monies
30 earned from investment shall be credited to the fund.

APPROVED BY THE GOVERNOR APRIL 13, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2011.

Passed the House March 9, 20 11

by the following vote: 49 Ayes,

10 Nays, 1 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 6, 20 11

by the following vote: 24 Ayes,

7 Nays, 2 Not Voting

[Signature]
President of the Senate

Charmian Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

7 day of April, 20 11

at 10:55 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 13th day of

[Signature]

at 10:45 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13th day of April, 20 11

at 4:56 o'clock P. M.

[Signature]
Secretary of State

H.B. 2656