

REFERENCE TITLE: special license plates; commission; stickers

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# **SB 1597**

Introduced by  
Senator Gould

AN ACT

AMENDING SECTIONS 28-2403, 28-2404 AND 28-2405, 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 28-2403, Arizona Revised Statutes, is amended to  
3 read:

4 28-2403. Special plates; transfers; violation; classification

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

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

15 2. Except for plates issued pursuant to sections 28-2412, 28-2413,  
16 28-2414, 28-2416 through 28-2428, 28-2452, 28-2453, 28-2454 and 28-2455 and  
17 article 14 of this chapter, the special plates shall be the same color as and  
18 similar to the design of the regular license plates that is determined by the  
19 license plate commission pursuant to section 28-2351.

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

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

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

40 C. BEGINNING SEPTEMBER 1, 2007, ANY NEW SPECIAL LICENSE PLATE ONLY MAY  
41 BE AUTHORIZED BY THE LICENSE PLATE COMMISSION AND ISSUED PURSUANT TO SECTION  
42 28-2404. THIS SUBSECTION DOES NOT APPLY TO ANY SPECIAL LICENSE PLATE THAT IS  
43 BEING ISSUED BY THE DEPARTMENT PURSUANT TO THIS ARTICLE OR ARTICLE 13 OR 14  
44 OF THIS CHAPTER ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION.

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

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

4 1. Violates subsection B of this section.

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

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

11 Sec. 2. Section 28-2404, Arizona Revised Statutes, is amended to read:

12 28-2404. Special organization plates; state highway fund  
13 account; definitions

14 A. An organization may submit a request to the department on a form  
15 prescribed by the department for a special organization plate. In the  
16 request the organization may propose A suggested ~~indicia~~ STICKER DESIGN for  
17 the special organization plate that ~~are~~ IS indicative of the  
18 organization. ~~THE STICKER SHALL BE ONE-THIRD OF THE SIZE OF THE PLATE AND~~  
19 ~~SHALL BE PLACED ON THE LEFT SIDE OF THE PLATE. THE STICKER DESIGN IS SUBJECT~~  
20 ~~TO DEPARTMENT APPROVAL. EACH SPECIAL ORGANIZATION PLATE THAT IS AUTHORIZED~~  
21 ~~PURSUANT TO THIS SECTION SHALL BE AUTHORIZED WITH THE STICKER.~~ If the  
22 department determines the organization meets the requirements of an  
23 organization as defined in this section, the department shall submit the  
24 request for a special organization plate to the license plate commission  
25 established by section 28-2405.

26 B. The commission shall determine and inform the department whether  
27 the requested special organization plate is authorized. The commission shall  
28 authorize a special organization plate if the organization meets the  
29 following requirements:

30 1. The primary activity or interest of the organization serves the  
31 community, contributes to the welfare of others and is not offensive or  
32 discriminatory in its purpose, nature, activity or name.

33 2. The name of the organization or any part of the organization's  
34 purpose does not promote any specific product or brand name that is provided  
35 for sale.

36 3. The purpose of the organization does not promote a specific  
37 religion, faith or antireligious belief.

38 C. If the commission authorizes the special organization plate  
39 pursuant to subsection B of this section, section 28-2403 and the following  
40 requirements and procedures apply:

41 1. The department shall inform the organization of the authorization  
42 by the commission of the requested special organization plate and the  
43 requirements of this subsection.

44 2. The organization shall collect and hold applications from its  
45 members and the required fees for the special organization plates.

1           3. The organization shall refund all fees to applicants if the  
2 department refunds the fees to the organization.

3           4. The organization shall submit the applications and fees to the  
4 department by January 1 of any calendar year.

5           5. The department shall design and issue the requested special plate  
6 within one year after receiving the applications and fees if the department  
7 determines that both of the following apply:

8           (a) The applicants are qualified for the requested special plate.

9           (b) The monies paid for the plates are available to the state.

10          D. The determination of the commission of whether to authorize a  
11 special organization plate and of the department of whether to issue a  
12 special organization plate as required by this section is not subject to the  
13 rule making provisions of title 41, chapter 6. The department shall file  
14 with the secretary of state a document for publication in the administrative  
15 code with the department's rules that names each special organization plate  
16 that is authorized and issued pursuant to this section.

17          E. Monies collected pursuant to this section shall be deposited in a  
18 separate account of the state highway fund pending the determination required  
19 by subsection C, paragraph 5 of this section. The department shall deposit,  
20 pursuant to sections 35-146 and 35-147, **IN THE STATE HIGHWAY FUND ACCOUNT** the  
21 fees received with applications for each special organization plate ~~in the~~  
22 ~~state highway fund account~~. The department shall use the monies in the  
23 account to provide refunds to an organization if special organization plates  
24 are not issued. Monies in the account that are not refunded shall be  
25 deposited as required by law.

26          F. Eight dollars of the fee prescribed in section 28-2402 for original  
27 special plates and the renewal of special plates issued under this section is  
28 a special plate administration fee and seventeen dollars is an annual  
29 donation to the organization. If the fees are not refunded and the special  
30 plates are issued pursuant to this section, the department shall retain the  
31 special plate administration fees in the state highway fund established by  
32 section 28-6991 to cover administration costs and shall transmit the  
33 donations as authorized in a written resolution of the organization.

34          G. For the purposes of this section:

35           1. "Commission" means the license plate commission established by  
36 section 28-2405.

37           2. "Organization" means an entity that is organized as a nonprofit  
38 corporation pursuant to title 10, chapters 24 through 40 and that either:

39           (a) Certifies to the department that the organization has at least two  
40 hundred members.

41           (b) If the organization has fewer than two hundred members, agrees to  
42 pay the production and program costs of the special organization plate as  
43 determined by the commission.

1           Sec. 3. Section 28-2405, Arizona Revised Statutes, is amended to read:  
2           28-2405. License plate commission  
3           A. A license plate commission is established. The commission is  
4 composed of the following members:  
5           1. Two public members who are appointed by the director of the  
6 department of transportation.  
7           2. A person who is appointed by the governor from the governor's  
8 office of highway safety and who serves at the pleasure of the governor.  
9           3. The director of the department of public safety or the director's  
10 designee.  
11           4. The director of the department of transportation or the director's  
12 designee.  
13           5. The director of the office of tourism or the director's designee.  
14           6. The director of the state department of corrections or the  
15 director's designee.  
16           B. The director of the department of transportation or the director's  
17 designee shall serve as chairman of the commission. The chairman shall  
18 preside at commission meetings and coordinate the activities of the  
19 commission and staff implementation of commission actions.  
20           C. All official actions of the commission shall be decided by a  
21 majority vote of commission members.  
22           D. The commission shall determine the following:  
23           1. The color and design of license plates.  
24           2. The color of special plates to be the same as and the design of  
25 special plates to be similar to the license plates, except for special plates  
26 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416 through  
27 28-2428, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this  
28 chapter.  
29           3. Whether to authorize special organization plates pursuant to  
30 section 28-2404.  
31           4. The ~~indicia~~ **STICKER** for special organization plates issued pursuant  
32 to section 28-2404.  
33           E. The department shall provide the commission with staff and  
34 technical assistance as necessary to perform its functions.  
35           F. Commission members are not eligible to receive compensation, but  
36 the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of  
37 this section are eligible for reimbursement of expenses pursuant to title 38,  
38 chapter 4, article 2.