

Ch. 80, § 1**41st LEGISLATURE**

This retailer is required to accept scrap tires if any new or recapped tires are purchased here. When any new tire is purchased, an additional fee will be charged."

K. An advertisement or other printed promotional material related to the retail sale of tires shall contain the following notice in bold print:

"State or local taxes or surcharges for environmental protection will be an extra charge."

L. A credit of ten cents per tire is allowed against the fee imposed by this article for expenses incurred by the payer of the fee for accounting for and reporting the fees.

M. This section does not apply to a person whose retail sales of new motor vehicle tires are not in the ordinary course of business.

N. For purposes of this section, "retail seller of new motor vehicle tires" and "wholesale seller of new motor vehicle tires" includes those persons who sell or lease new motor vehicles to others in the ordinary course of business.

Approved by the Governor, April 11, 1993.

Filed in the Office of the Secretary of State, April 12, 1993.

MOTOR VEHICLES—SPECIAL AND DISTINCTIVE LICENSE PLATES

CHAPTER 81

H.B. 2198

AN ACT AMENDING SECTIONS 28-308, 28-308.05, 28-308.07, 28-308.08, 28-372, 28-374 AND 28-381, ARIZONA REVISED STATUTES; AMENDING LAWS 1992, CHAPTER 208, SECTIONS 18 AND 20; RELATING TO SPECIAL LICENSE PLATES.

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

Section 1. Section 28-308, Arizona Revised Statutes, is amended to read:

§ 28-308. Number plate; special number plate replacement fund; plate design; reflective material contract

A. The department shall furnish to every owner one number plate for each motor vehicle, motorcycle, trailer or semitrailer registered, and at the request of the owner and on payment of any required fee, either one or two number plates for a motor vehicle for which a special plate is requested pursuant to this article or article 2 or 5 of this chapter. The number plate shall have displayed upon it the number assigned to the vehicle and to the owner of the vehicle and the name of this state, which may be abbreviated. Number plates shall be coated with a reflective material as determined by the director. The reflective material shall be consistent with the determination of the commission regarding the color and design of number plates and special plates as prescribed by section 28-374. The plate and the letters and numerals on the plate shall be of sufficient size to be plainly readable during daylight from a distance of one hundred feet.

B. The director may require return to the department of all plates issued by the department upon termination of the lawful use. If the number plates of a motor vehicle become mutilated or illegible, the plates shall be surrendered to the division and new plates shall be issued in lieu thereof upon payment of the prescribed fee.

226

Additions are indicated by underline; deletions by ~~strikeout~~

FIRST REGULAR SESSION—1993

Ch. 81, § 2

C. A passenger motor vehicle rented without a driver shall receive the same type of number plate as issued for a private passenger motor vehicle.

D. The department may establish a special number plate replacement fund composed of twenty-five cents of each registration fee collected or received by the department. These fees are in addition to fees authorized to be kept pursuant to sections 28-301 and 28-301.03. The department shall use the monies in the fund to systematically replace number plates which are no longer plainly readable or to offset the cost of the issuance of a newly designed number plate. Monies in the fund in excess of one hundred ten thousand dollars as of June 30 of each year shall be deposited in the highway user revenue fund.

E. The color and design of the number plate shall be determined by the license plate commission established pursuant to section 28-374. All other plates issued by the department, except the plates issued pursuant to sections 28-308.03, 28-308.05, 28-308.07, and 28-308.08 and 28-381 and article 2 of this chapter, shall be the same color as and similar in design to the number plate as determined by the commission.

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

Sec. 2. Section 28-308.05, Arizona Revised Statutes, is amended to read:

§ 28-308.05. Number plates for former prisoner of war; fee; transfer; violation; classification

A. The department shall, on application, issue distinctive number plates to any resident of this state who is a former prisoner of war or who is the spouse of a person who has been issued a number plate pursuant to this section. The recipient shall use the number plates on a motor vehicle currently registered in the recipient's name or in the name of the recipient and another person, or on a motor vehicle leased by the recipient.

B. Any person, other than a person discharged from the armed forces under conditions less than honorable, who was captured and incarcerated by an enemy of the United States during a period of conflict with the United States is entitled to apply for and receive number plates as provided in this section for use on a passenger vehicle or light commercial vehicle having a manufacturer's rated carrying capacity of one ton or less.

C. For each pair of original special license plates issued pursuant to this section, a fee of fifteen dollars shall be charged in addition to the registration fee required by section 28-205.

D. For each annual renewal of special license plates issued pursuant to this section, a fee of five dollars shall be charged in addition to the registration fee required by section 28-205.

E. A person who is issued a number plate under this section may, on notification to the department, transfer the number plate to another vehicle. It is unlawful for any person to whom the plates have been issued to knowingly permit them to be displayed on any motor vehicle except the vehicle authorized by the department.

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

1. Violates this section.
2. Fraudulently gives false or fictitious information in the application for a number plate authorized under this section.
3. Conceals a material fact or otherwise commits fraud in the application for such a plate.

Additions are indicated by underline; deletions by ~~strikeout~~

227

Ch. 81, § 2**41st LEGISLATURE**

G. The director may adopt rules necessary to administer this section.

Sec. 3. Section 28-308.07, Arizona Revised Statutes, is amended to read:

§ 28-308.07. Number plates for purple heart recipients; fee

A. The department, on application, shall issue distinctive number plates to a resident of this state who is a veteran and a bona fide purple heart medal recipient or who is the spouse of a person who has been issued a number plate pursuant to this section. The application shall use the number plates on a motor vehicle registered in the applicant's name or in the name of the applicant and another person or on a motor vehicle leased by the applicant.

B. For each pair of original special license plates issued pursuant to this section, the department shall charge a fee of twenty-five dollars in addition to the registration fee required by section 28-205. For each annual renewal of special license plates issued pursuant to this section, the department shall charge a fee of five dollars in addition to the registration fee required by section 28-205.

C. A person who is issued number plates under this section, on notification to the department, may transfer the number plates to another vehicle. It is unlawful for a person to whom the plates have been issued to knowingly permit them to be displayed on a motor vehicle except the one authorized by the department.

D. The director may adopt rules necessary to administer this section.

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

1. Violates this section.
2. Fraudulently gives false or fictitious information in the application for number plates authorized under this section.
3. Conceals a material fact or otherwise commits fraud in the application for such plates.

Sec. 4. Section 28-308.08, Arizona Revised Statutes, is amended to read:

§ 28-308.08. Number plates for Pearl Harbor survivors; fee violation; classification

A. The department, on application, shall issue distinctive number plates to a resident of this state indicating that the recipient is a survivor of the attack on Pearl Harbor if that person submits satisfactory proof from the veterans' service commission to the department indicating that all of the following are true:

1. The person was a member of the United States armed forces on December 7, 1941.
2. The person received an honorable discharge from the United States armed forces.
3. The person was on station on December 7, 1941 during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not exceeding three miles.

B. The department, on application, shall issue distinctive number plates to the spouse of a person who has been issued a number plate pursuant to this section.

~~B.~~ C. The applicant shall use the number plates on a motor vehicle registered in the applicant's name or in the name of the applicant and another person or on a motor vehicle leased by the applicant. For each pair of original special license plates issued pursuant to this section, the department shall charge a fee of twenty-five dollars in addition to the registration fee required by section 28-205. For each annual renewal of special license plates issued pursuant to this section, the department shall charge a fee of five dollars in addition to the registration fee required by section 28-205.

FIRST REGULAR SESSION—1993

Ch. 81, § 5

~~C.~~ D. A person who is issued number plates under this section, on notification to the department, may transfer the number plates to another vehicle. It is unlawful for a person to whom the plates have been issued to knowingly permit them to be displayed on a motor vehicle except the one authorized by the department.

~~D.~~ E. The director may adopt rules necessary to administer this section.

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

1. Violates subsection ~~C~~ D of this section.
2. Fraudulently gives false or fictitious information in the application for number plates authorized under this section.
3. Conceals a material fact or otherwise commits fraud in the application for the plates.

Sec. 5. Section 28–372, Arizona Revised Statutes, is amended to read:

§ 28–372. Special plates; rules; violation; classification

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

1. A person who is the registered owner of a vehicle registered with the department or who applies for an original or renewal registration of a vehicle may submit to the department a completed application form as prescribed by the department with the fee prescribed by section 28–205 for special plates in addition to the registration fee prescribed by section 28–205.

2. Except for collegiate special plates issued pursuant to section 28–381, the special plates shall be the same color as and similar to the design of the regular number plates that is determined by the license plate commission pursuant to section 28–308.

3. Except as provided in section 28–375, the department shall issue special plates only to the registered owner or lessee of a vehicle that is a passenger vehicle or a light commercial vehicle having a manufacturer's rated carrying capacity of one ton or less. The special plates shall be used on a motor vehicle currently registered in the applicant's name or in the name of the applicant and another person or on a motor vehicle leased by the applicant.

4. The department shall charge the fee prescribed by section 28–205 for each annual renewal of special plates in addition to the registration fee prescribed by section 28–205.

B. On notification to the department and on payment of a transfer fee of twelve dollars, a person who is issued special plates may transfer the special plates to another vehicle for which he is the registered owner or lessee. Persons who are issued special plates for deaf persons pursuant to section 28–377 and international symbol of access special plates pursuant to section 28–378 are exempt from the transfer fee required by this subsection. If a person who is issued special plates sells, trades or otherwise releases ownership of the vehicle on which the plates have been displayed, he shall immediately report the transfer of the plates to the department or he shall surrender the plates to the department as prescribed by the director. It is unlawful for a person to whom the plates have been issued to knowingly permit them to be displayed on a motor vehicle except the motor vehicle authorized by the department.

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

D. The department may adopt rules necessary to administer this article.

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

Additions are indicated by underline; deletions by ~~strikeout~~

229

Ch. 81, § 5**41st LEGISLATURE**

1. Violates subsection B of this section.
2. Fraudulently gives false or fictitious information in the application for or renewal of special plates or placards issued pursuant to this article.
3. Conceals a material fact or otherwise commits fraud in the application for or renewal of special plates or placards issued pursuant to this article.

Sec. 6. Section 28-374, Arizona Revised Statutes, is amended to read:

§ 28-374. License plate commission

A. A license plate commission is established. The commission is composed of the following members:

1. A person who is appointed by the speaker of the house of representatives and who serves at the pleasure of the speaker of the house of representatives.
2. A person who is appointed by the president of the senate and who serves at the pleasure of the president of the senate.
3. A person who is appointed by the governor from the governor's office of highway safety and who serves at the pleasure of the governor.
4. The superintendent of the highway patrol division or his designee.
5. The director of the department of transportation or his designee.
6. The director of the office of tourism or his designee.
7. The director of the state department of corrections or his designee.

B. The commission shall determine the following:

1. The color and design of number plates.
2. The color of special plates to be the same as and the design of special plates to be similar to the number plates, except for collegiate special plates issued pursuant to section 28-381.

3. Whether or not to authorize special organization plates pursuant to section 28-373.

4. The indicia for special organization plates issued pursuant to section 28-373.

C. The department shall provide the commission with staff and technical assistance as necessary to perform its functions.

D. Commission members are not eligible to receive compensation, but the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of this section are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

Sec. 7. Section 28-381, Arizona Revised Statutes, is amended to read:

§ 28-381. Collegiate special plates

A. The department shall issue collegiate special plates that identify each university that is described in section 15-1601. The collegiate special plates shall have the same color and design as the collegiate number plates issued on or before December 31, 1992, except that on the request of a university as described in section 15-1601 the department may revise the color and design of the plates as appropriate for the university.

B. Of the twenty-five dollar fee required by section 28-205 for original special plates and for renewal of special plates, eight dollars is a special plate administration fee and seventeen dollars is a collegiate plate annual donation.

C. The department shall transmit all special plate administration fees and all collegiate plate annual donations collected pursuant to this section to the state treasurer. The state treasurer shall deposit the special plate administration fees in

FIRST REGULAR SESSION—1993

Ch. 81, § 9

the special fund established by section 28-301.03 and shall transmit the collegiate plate annual donations to the board of regents for placement in the appropriate university collegiate special plate fund.

D. The request for collegiate special plates may be combined with a request for personalized special plates. Such a request shall be on a form prescribed by the director and is subject to the fees required for the personalized special plates in addition to the fees required for collegiate special plates.

Sec. 8. Laws 1992, chapter 208, section 18 is amended to read:

Sec. 18. Savings clause

A. Notwithstanding this act, the following special plates that are issued to persons who renew or apply for the special plates on or before December 31, 1992 remain valid for five years from the renewal date for persons who are renewing a special plate or from the date of application for persons who are applying for an initial special plate, and the law as it existed on the day before the effective date of this act applies:

1. Personalized number plates issued pursuant to section 28-302.01, Arizona Revised Statutes.

~~2. Collegiate number plates issued pursuant to section 28-308.01, Arizona Revised Statutes.~~

~~3.~~ 2. Number plates for deaf persons issued pursuant to section 28-308.04, Arizona Revised Statutes.

~~4.~~ 3. Honorary consular official special plates issued pursuant to section 28-308.06, Arizona Revised Statutes.

~~5. Environmental number plates issued pursuant to section 28-308.09, Arizona Revised Statutes.~~

~~6.~~ 4. Amateur radio operator plates issued pursuant to section 28-311, Arizona Revised Statutes.

~~7.~~ 5. Number plates bearing the international symbol of access issued pursuant to section 28-881, Arizona Revised Statutes.

~~8.~~ 6. Special license plates for street rod vehicles issued pursuant to section 28-341.03, Arizona Revised Statutes.

B. Notwithstanding this act, the collegiate number or special plates that are issued to persons who renew or apply for collegiate number or special plates before June 30, 1994 remain valid until canceled or replaced as otherwise provided by law, and the law as it existed on December 31, 1992 applies.

C. Notwithstanding this act, environmental number plates issued before June 30, 1994 remain valid until June 30, 1995, and the law as it existed on December 31, 1992 applies.

Sec. 9. Laws 1992, chapter 208, section 20 is amended to read:

Sec. 20. Implementation

Notwithstanding the provisions of this act, the department of transportation shall issue the plates as required by this act as soon as reasonably practicable after the effective date of this act but not later than ~~December 31, 1993~~ June 30, 1994. The department shall accept requests from organizations for special organization plates pursuant to section 28-373, Arizona Revised Statutes, as added by this act, and applications for all other special plates authorized by title 28, chapter 3, article 5, Arizona Revised Statutes, as added by this act, from and after the effective date of this act.

Approved by the Governor, April 11, 1993.

Filed in the Office of the Secretary of State, April 12, 1993.

Additions are indicated by underline; deletions by ~~strikeout~~