

REFERENCE TITLE: *Arizona bicycling special plates*

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2790

Introduced by
Representatives Mathis: Gutierrez

AN ACT

AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2470.18; 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. Title 28, chapter 7, article 12, Arizona Revised
3 Statutes, is amended by adding section 28-2470.18, to read:

4 28-2470.18. Arizona bicycling special plates; fund

5 A. IF, BY DECEMBER 31, 2023, A PERSON PAYS \$32,000 TO THE
6 DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL
7 ISSUE ARIZONA BICYCLING SPECIAL PLATES. THE DIRECTOR MAY ALLOW A REQUEST
8 FOR ARIZONA BICYCLING SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR
9 PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION,
10 THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT
11 TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES
12 REQUIRED FOR THE ARIZONA BICYCLING SPECIAL PLATES.

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

16 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
17 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
18 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO
19 THIS SECTION IN THE ARIZONA BICYCLING SPECIAL PLATE FUND ESTABLISHED BY
20 THIS SECTION.

21 D. THE ARIZONA BICYCLING SPECIAL PLATE FUND IS ESTABLISHED
22 CONSISTING OF MONIES DEPOSITED PURSUANT TO THIS SECTION. THE DIRECTOR
23 SHALL ADMINISTER THE FUND. THE FIRST \$32,000 IN THE FUND SHALL BE
24 REIMBURSED TO THE PERSON THAT PAID THE IMPLEMENTATION FEE TO THE
25 DEPARTMENT PURSUANT TO SUBSECTION A OF THIS SECTION. NOT MORE THAN TEN
26 PERCENT OF MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR THE
27 COST OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
28 APPROPRIATED.

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

33 1. PRODUCE BICYCLING EVENTS IN THIS STATE FOR COMMUNITY, CHARITY
34 AND WELLNESS.

35 2. HAVE RAISED AT LEAST \$101,000,000 FOR CHARITIES.

36 3. HAVE BEEN IN EXISTENCE FOR AT LEAST THIRTY-EIGHT YEARS.

37 4. HAVE ALL OF THE FOLLOWING OBJECTIVES:

38 (a) AIDING IN THE ECONOMIC DEVELOPMENT OF THIS STATE.

39 (b) ESTABLISHING THIS STATE AS THE BICYCLE CENTER OF THE UNITED
40 STATES.

41 (c) ENCOURAGING INDIVIDUALS TO ADOPT BICYCLING AS A NATURAL DAILY
42 LIFE ACTIVITY.

43 (d) PRODUCING BICYCLING EVENTS FOR BICYCLISTS OF ALL AGES AND
44 ABILITIES.

1 5. ANNUALLY HOLD THE LARGEST BICYCLING EVENT IN THE UNITED STATES
2 ON THE SATURDAY BEFORE THANKSGIVING THAT ATTRACTS OVER SIX THOUSAND
3 CYCLISTS OF ALL AGES AND ABILITIES FROM AROUND THE WORLD.

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

7 Sec. 2. Section 28-6501, Arizona Revised Statutes, is amended to
8 read:

9 28-6501. Definition of highway user revenues

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

14 1. Chapters 2, 7, 8 and 15 of this title, except for:

15 (a) The special plate administration fees prescribed in sections
16 28-2404, 28-2407, 28-2412 through ~~28-2470.17~~ 28-2470.18 and 28-2514.

17 (b) The donations prescribed in sections 28-2404, 28-2407, 28-2412
18 through 28-2415, 28-2417 through ~~28-2470.17~~ 28-2470.18, 28-2473, 28-2474,
19 28-2475 and 28-2476.

20 2. Section 28-1177.

21 3. Chapters 10 and 11 of this title.

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

24 Sec. 3. Section 28-6991, Arizona Revised Statutes, is amended to
25 read:

26 28-6991. State highway fund; sources

27 The state highway fund is established that consists of:

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

30 2. Monies appropriated by the legislature.

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

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

42 5. Monies received from the United States under an act of Congress
43 to provide aid for the construction of rural post roads, but monies
44 received on projects for which the monies necessary to be provided by this
45 state are wholly derived from sources mentioned in paragraphs 2 and 3 of

1 this section shall be allotted by the department and deposited by the
2 state treasurer in the special account within the fund established for
3 each project. On completion of the project, on the satisfaction and
4 discharge in full of all obligations of any kind created and on request of
5 the department, the treasurer shall transfer the unexpended balance in the
6 special account for the project into the state highway fund, and the
7 unexpended balance and any further federal aid thereafter received on
8 account of the project may be spent under the general provisions of this
9 title.

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

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

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

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

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

20 11. Monies deposited pursuant to sections 28-1143, 28-2353 and
21 28-3003.

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

23 (a) Monies deposited pursuant to section 28-2206 and section
24 28-5808, subsection B, paragraph 2, subdivision (e).

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

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

29 (d) The air quality compliance fee collected pursuant to section
30 49-542.

31 (e) The special plate administration fees collected pursuant to
32 sections 28-2404, 28-2407, 28-2412 through 28-2416, 28-2416.01, 28-2417
33 through ~~28-2470.17~~ 28-2470.18 and 28-2514.

34 (f) Monies collected pursuant to sections 28-372, 28-2155 and
35 28-2156 if the director is the registering officer.

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

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

39 15. Dealer and registration monies collected pursuant to section
40 28-4304.

41 16. Abandoned vehicle administration monies deposited pursuant to
42 section 28-4804.

43 17. Monies deposited pursuant to section 28-710, subsection D,
44 paragraph 2.

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

- 1 19. Monies deposited pursuant to section 28-7311.
- 2 20. Monies deposited pursuant to section 28-7059.
- 3 21. Monies deposited pursuant to section 28-1105.
- 4 22. Monies deposited pursuant to section 28-2448, subsection D.
- 5 23. Monies deposited pursuant to section 28-3415.
- 6 24. Monies deposited pursuant to section 28-3002, subsection A,
- 7 paragraph 14.
- 8 25. Monies deposited pursuant to section 28-7316.
- 9 26. Monies deposited pursuant to section 28-4302.
- 10 27. Monies deposited pursuant to section 28-3416.
- 11 28. Monies deposited pursuant to section 28-4504.
- 12 29. Monies deposited pursuant to section 28-2098.
- 13 30. Monies deposited pursuant to sections 28-2321, 28-2324,
- 14 28-2325, 28-5474, 28-5739, 28-5863 and 28-5864.
- 15 Sec. 4. Section 28-6993, Arizona Revised Statutes, is amended to
- 16 read:
- 17 28-6993. State highway fund; authorized uses
- 18 A. Except as provided in subsection B of this section and section
- 19 28-6538, the state highway fund shall be used for any of the following
- 20 purposes in strict conformity with and subject to the budget as provided
- 21 by this section and by sections 28-6997 through 28-7003:
- 22 1. To pay salaries, wages, necessary travel expenses and other
- 23 expenses of officers and employees of the department and the incidental
- 24 office expenses, including telegraph, telephone, postal and express
- 25 charges and printing, stationery and advertising expenses.
- 26 2. To pay for both:
- 27 (a) Equipment, supplies, machines, tools, department offices and
- 28 laboratories established by the department.
- 29 (b) The construction and repair of buildings or yards of the
- 30 department.
- 31 3. To pay the cost of both:
- 32 (a) Engineering, construction, improvement and maintenance of state
- 33 highways and parts of highways forming state routes.
- 34 (b) Highways under cooperative agreements with the United States
- 35 that are entered into pursuant to this chapter and an act of Congress
- 36 providing for the construction of rural post roads.
- 37 4. To pay land damages incurred by reason of establishing, opening,
- 38 altering, relocating, widening or abandoning portions of a state route or
- 39 state highway.
- 40 5. To reimburse the department revolving account.
- 41 6. To pay premiums on authorized indemnity bonds and on
- 42 compensation insurance under the workers' compensation act.
- 43 7. To defray lawful expenses and costs required to administer and
- 44 carry out the intent, purposes and provisions of this title, including
- 45 repayment of obligations entered into pursuant to this title, payment of

1 interest on obligations entered into pursuant to this title, repayment of
2 loans and other financial assistance, including repayment of advances and
3 interest on advances made to the department pursuant to section 28-7677,
4 and payment of all other obligations and expenses of the board and
5 department pursuant to chapter 21 of this title.

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

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

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

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

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

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

16 14. To pay for all of the following:

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

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

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

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

31 (e) Activities of the department that include collecting
32 transportation and trade data in the United States and Mexico for the
33 purposes of constructing transportation facilities, improving public
34 safety, improving truck processing time and relieving congestion at ports
35 of entry on the border between this state and Mexico. The department may
36 enter into an agreement with the Arizona-Mexico commission and provide
37 funding to the commission for the purposes of this subdivision.

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

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

1 C. Subject to legislative appropriation, the department may use the
2 monies in the state highway fund as prescribed in section 28-6991,
3 paragraph 12 to carry out the duties imposed by this title for
4 registration or titling of vehicles, to operate joint title, registration
5 and driver licensing offices, to cover the administrative costs of issuing
6 the air quality compliance sticker, modifying the year validating tab and
7 issuing the windshield sticker and to cover expenses and costs in issuing
8 special plates pursuant to sections 28-2404, 28-2407, 28-2412 through
9 ~~28-2470.17~~ 28-2470.18 and 28-2514.

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

13 E. Monies deposited in the state highway fund pursuant to section
14 28-2269 shall be used only as prescribed by that section.

15 F. Monies deposited in the state highway fund pursuant to section
16 28-710, subsection D, paragraph 2 shall only be used for state highway
17 work zone traffic control devices.

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

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