

SPECIAL GROUP LICENSE PLATE**REVISIONS**

2003 GENERAL SESSION

STATE OF UTAH

This act modifies the Motor Vehicle Code by revising and amending the special group license plates provisions. This act establishes categories for special group license plates. This act provides that the Motor Vehicle Division must receive a start-up fee for production and administrative costs as established by the division prior to issuing any new type of special group license plates or a legislative appropriation to cover this fee. This act limits organizations that can obtain any new type of special group license plates, without legislative action to tax-exempt organizations that collect 200 applicants and that pay the start-up fee. This act repeals a \$50 initial license plate fee and its exemptions and a \$10 renewal fee and its exemptions and in their place establishes a \$5 initial license plate fee applicable to all special group license plates. This act provides for an immediate effective date.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-1a-102, as last amended by Chapter 244, Laws of Utah 2000

41-1a-402, as last amended by Chapter 111, Laws of Utah 2002

41-1a-414, as last amended by Chapter 98, Laws of Utah 1999

41-1a-1201, as last amended by Chapter 345, Laws of Utah 2001

41-1a-1211, as last amended by Chapter 223, Laws of Utah 2002

71-8-4, as last amended by Chapter 134, Laws of Utah 2000

41-1a-1218, as enacted by Chapter 59, Laws of Utah 1994

ENACTS:

41-1a-418, Utah Code Annotated 1953

41-1a-419, Utah Code Annotated 1953

41-1a-420, Utah Code Annotated 1953

41-1a-421, Utah Code Annotated 1953

41-1a-422, Utah Code Annotated 1953

REPEALS:

41-1a-408, as last amended by Chapters 223 and 274, Laws of Utah 2002

32 **41-1a-409**, as renumbered and amended by Chapter 1 and last amended by Chapters 174
33 and 218, Laws of Utah 1992

34 **41-1a-417**, as last amended by Chapter 211, Laws of Utah 1999

35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **41-1a-102** is amended to read:

37 **41-1a-102. Definitions.**

38 As used in this chapter:

39 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.

40 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of
41 vehicles as operated and certified to by a weighmaster.

42 (3) "Affidavit of Mobile Home Affixture" means the affidavit of affixture described in
43 Title 59, Chapter 2, Part 6, Mobile Homes.

44 (4) "All-terrain type I vehicle" has the same meaning provided in Section 41-22-2.

45 (5) "All-terrain type II vehicle" has the same meaning provided in Section 41-22-2.

46 (6) "Amateur radio operator" means any person licensed by the Federal Communications
47 Commission to engage in private and experimental two-way radio operation on the amateur band
48 radio frequencies.

49 (7) "Branded title" means a title certificate that is labeled:

50 (a) rebuilt and restored to operation;

51 (b) flooded and restored to operation; or

52 (c) not restored to operation.

53 (8) "Camper" means any structure designed, used, and maintained primarily to be mounted
54 on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile dwelling,
55 sleeping place, commercial space, or facilities for human habitation or for camping.

56 (9) "Certificate of title" means a document issued by a jurisdiction to establish a record of
57 ownership between an identified owner and the described vehicle, vessel, or outboard motor.

58 (10) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
59 weighmaster.

60 (11) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or
61 maintained for the transportation of persons or property that operates:

62 (a) as a carrier for hire, compensation, or profit; or

63 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
64 owner's commercial enterprise.

65 (12) "Commission" means the State Tax Commission.

66 (13) "Dealer" means a person engaged or licensed to engage in the business of buying,
67 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on
68 conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established place
69 of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

70 (14) "Division" means the Motor Vehicle Division of the commission, created in Section
71 41-1a-106.

72 (15) "Essential parts" means all integral and body parts of a vehicle of a type required to
73 be registered in this state, the removal, alteration, or substitution of which would tend to conceal
74 the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

75 (16) "Farm tractor" means every motor vehicle designed and used primarily as a farm
76 implement for drawing plows, mowing machines, and other implements of husbandry.

77 (17) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for his
78 own use in the transportation of:

79 (i) farm products, including livestock and its products, poultry and its products,
80 floricultural and horticultural products;

81 (ii) farm supplies, including tile, fence, and every other thing or commodity used in
82 agricultural, floricultural, horticultural, livestock, and poultry production; and

83 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or other
84 purposes connected with the operation of a farm.

85 (b) "Farm truck" does not include the operation of trucks by commercial processors of
86 agricultural products.

87 (18) "Fleet" means one or more commercial vehicles.

88 (19) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this
89 state from another state, territory, or country other than in the ordinary course of business by or
90 through a manufacturer or dealer, and not registered in this state.

91 (20) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles,
92 equipped for operation, to which shall be added the maximum load to be carried.

93 (21) "Highway" or "street" means the entire width between property lines of every way or

94 place of whatever nature when any part of it is open to the public, as a matter of right, for purposes
95 of vehicular traffic.

96 (22) (a) "Identification number" means the identifying number assigned by the
97 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard
98 motor.

99 (b) "Identification number" includes a vehicle identification number, state assigned
100 identification number, hull identification number, and motor serial number.

101 (23) "Implement of husbandry" means every vehicle designed or adapted and used
102 exclusively for an agricultural operation and only incidentally operated or moved upon the
103 highways.

104 (24) (a) "In-state miles" means the total number of miles operated in this state during the
105 preceding year by fleet power units.

106 (b) If fleets are composed entirely of trailers or semitrailers, "in-state miles" means the
107 total number of miles that those vehicles were towed on Utah highways during the preceding year.

108 (25) "Interstate vehicle" means any commercial vehicle operated in more than one state,
109 province, territory, or possession of the United States or foreign country.

110 (26) "Jurisdiction" means a state, district, province, political subdivision, territory, or
111 possession of the United States or any foreign country.

112 (27) "Lienholder" means a person with a security interest in particular property.

113 (28) "Manufactured home" means a transportable factory built housing unit constructed
114 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act
115 of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or
116 more in width or 40 body feet or more in length, or when erected on site, is 400 or more square
117 feet, and which is built on a permanent chassis and designed to be used as a dwelling with or
118 without a permanent foundation when connected to the required utilities, and includes the
119 plumbing, heating, air-conditioning, and electrical systems.

120 (29) "Manufacturer" means a person engaged in the business of constructing,
121 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or outboard
122 motors for the purpose of sale or trade.

123 (30) "Mobile home" means a transportable factory built housing unit built prior to June
124 15, 1976, in accordance with a state mobile home code which existed prior to the Federal

125 Manufactured Housing and Safety Standards Act (HUD Code).

126 (31) "Motorboat" has the same meaning as provided in Section 73-18-2.

127 (32) "Motorcycle" means a motor vehicle having a saddle for the use of the rider and
128 designed to travel on not more than three wheels in contact with the ground.

129 (33) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and
130 operation on the highways.

131 (b) "Motor vehicle" does not include an off-highway vehicle.

132 (34) (a) "Nonresident" means a person who is not a resident of this state as defined by
133 Section 41-1a-202, and who does not engage in intrastate business within this state and does not
134 operate in that business any motor vehicle, trailer, or semitrailer within this state.

135 (b) A person who engages in intrastate business within this state and operates in that
136 business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in
137 interstate commerce, maintains any vehicle in this state as the home station of that vehicle is
138 considered a resident of this state, insofar as that vehicle is concerned in administering this chapter.

139 (35) "Odometer" means a device for measuring and recording the actual distance a vehicle
140 travels while in operation, but does not include any auxiliary odometer designed to be periodically
141 reset.

142 (36) "Off-highway implement of husbandry" has the same meaning as provided in Section
143 41-22-2.

144 (37) "Off-highway vehicle" has the same meaning as provided in Section 41-22-2.

145 (38) "Operate" means to drive or be in actual physical control of a vehicle or to navigate
146 a vessel.

147 (39) "Outboard motor" means a detachable self-contained propulsion unit, excluding fuel
148 supply, used to propel a vessel.

149 (40) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle, vessel,
150 or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a security
151 interest.

152 (b) If a vehicle is the subject of an agreement for the conditional sale or installment sale
153 or mortgage of the vehicle with the right of purchase upon performance of the conditions stated
154 in the agreement and with an immediate right of possession vested in the conditional vendee or
155 mortgagor, or if the vehicle is the subject of a security agreement, then the conditional vendee,

156 mortgagor, or debtor is considered the owner for the purposes of this chapter.

157 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the owner
158 until the lessee exercises his option to purchase the vehicle.

159 (41) "Personalized license plate" means a license plate that has displayed on it a
160 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned to
161 the vehicle by the division.

162 (42)(a) "Pickup truck" means a two-axle motor vehicle with motive power manufactured,
163 remanufactured, or materially altered to provide an open cargo area.

164 (b) "Pickup truck" includes motor vehicles with the open cargo area covered with a
165 camper, camper shell, tarp, removable top, or similar structure.

166 (43) "Pneumatic tire" means every tire in which compressed air is designed to support the
167 load.

168 (44) "Preceding year" means a period of 12 consecutive months fixed by the division that
169 is within 16 months immediately preceding the commencement of the registration or license year
170 in which proportional registration is sought. The division in fixing the period shall conform it to
171 the terms, conditions, and requirements of any applicable agreement or arrangement for the
172 proportional registration of vehicles.

173 (45) "Public garage" means every building or other place where vehicles or vessels are
174 kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.

175 (46) "Reconstructed vehicle" means every vehicle of a type required to be registered in this
176 state that is materially altered from its original construction by the removal, addition, or
177 substitution of essential parts, new or used.

178 (47) "Recreational vehicle" has the same meaning as provided in Section 13-14-102.

179 (48) "Registration" means a document issued by a jurisdiction that allows operation of a
180 vehicle or vessel on the highways or waters of this state for the time period for which the
181 registration is valid and that is evidence of compliance with the registration requirements of the
182 jurisdiction.

183 (49)(a) "Registration year" means a 12 consecutive month period commencing with the
184 completion of all applicable registration criteria.

185 (b) For administration of a multistate agreement for proportional registration the division
186 may prescribe a different 12-month period.

187 (50) "Repair or replacement" means the restoration of vehicles, vessels, or outboard motors
188 to a sound working condition by substituting any inoperative part of the vehicle, vessel, or
189 outboard motor, or by correcting the inoperative part.

190 (51) "Road tractor" means every motor vehicle designed and used for drawing other
191 vehicles and constructed so it does not carry any load either independently or any part of the weight
192 of a vehicle or load that is drawn.

193 (52) "Sailboat" has the same meaning as provided in Section 73-18-2.

194 (53) "Security interest" means an interest that is reserved or created by a security
195 agreement to secure the payment or performance of an obligation and that is valid against third
196 parties.

197 (54) "Semitrailer" means every vehicle without motive power designed for carrying
198 persons or property and for being drawn by a motor vehicle and constructed so that some part of
199 its weight and its load rests or is carried by another vehicle.

200 (55) "Special group license plate" means a type of license plate designed for a particular
201 group of people or a license plate authorized and issued by the division in accordance with
202 [~~Section 41-1a-408~~] Section 41-1a-418.

203 (56)(a) "Special interest vehicle" means a vehicle used for general transportation purposes
204 and that is:

205 (i) 20 years or older from the current year; or

206 (ii) a make or model of motor vehicle recognized by the division director as having unique
207 interest or historic value.

208 (b) In making his determination under Subsection (56)(a), the division director shall give
209 special consideration to:

210 (i) a make of motor vehicle that is no longer manufactured;

211 (ii) a make or model of motor vehicle produced in limited or token quantities;

212 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
213 designed exclusively for educational purposes or museum display; or

214 (iv) a motor vehicle of any age or make that has not been substantially altered or modified
215 from original specifications of the manufacturer and because of its significance is being collected,
216 preserved, restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.

217 (57) (a) "Special mobile equipment" means every vehicle:

218 (i) not designed or used primarily for the transportation of persons or property;

219 (ii) not designed to operate in traffic; and

220 (iii) only incidentally operated or moved over the highways.

221 (b) "Special mobile equipment" includes:

222 (i) farm tractors;

223 (ii) off-road motorized construction or maintenance equipment including backhoes,
224 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

225 (iii) ditch-digging apparatus.

226 (c) "Special mobile equipment" does not include a commercial vehicle as defined under
227 Section 72-9-102.

228 (58) "Specially constructed vehicle" means every vehicle of a type required to be registered
229 in this state, not originally constructed under a distinctive name, make, model, or type by a
230 generally recognized manufacturer of vehicles, and not materially altered from its original
231 construction.

232 (59) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

233 (60) (a) "Total fleet miles" means the total number of miles operated in all jurisdictions
234 during the preceding year by power units.

235 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means the
236 number of miles that those vehicles were towed on the highways of all jurisdictions during the
237 preceding year.

238 (61) "Trailer" means a vehicle without motive power designed for carrying persons or
239 property and for being drawn by a motor vehicle and constructed so that no part of its weight rests
240 upon the towing vehicle.

241 (62) "Transferee" means a person to whom the ownership of property is conveyed by sale,
242 gift, or any other means except by the creation of a security interest.

243 (63) "Transferor" means a person who transfers his ownership in property by sale, gift, or
244 any other means except by creation of a security interest.

245 (64) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle
246 without motive power, designed as a temporary dwelling for travel, recreational, or vacation use
247 that does not require a special highway movement permit when drawn by a self-propelled motor
248 vehicle.

249 (65) "Truck tractor" means a motor vehicle designed and used primarily for drawing other
250 vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load
251 that is drawn.

252 (66) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
253 manufactured home, and mobile home.

254 (67) "Vessel" has the same meaning as provided in Section 73-18-2.

255 (68) "Vintage vehicle" has the same meaning as provided in Section 41-21-1.

256 (69) "Waters of this state" has the same meaning as provided in Section 73-18-2.

257 (70) "Weighmaster" means a person, association of persons, or corporation permitted to
258 weigh vehicles under this chapter.

259 Section 2. Section **41-1a-402** is amended to read:

260 **41-1a-402. Required colors, numerals, and letters -- Expiration.**

261 (1) (a) Except as provided in Subsection (3) and in Section 41-1a-407, each license plate
262 shall be in colors selected by the commission and shall have displayed on it:

263 ~~(a)~~ (i) the registration number assigned to the vehicle for which it is issued;

264 ~~(b)~~ (ii) the name of the state;

265 ~~(c)~~ (iii) a registration decal showing the date of expiration; and

266 ~~(d)~~ (iv) a slogan determined as provided in Section 41-1a-405.

267 (b) A special group license plate issued under Section 41-1a-418 is exempt from the slogan
268 requirement under Subsection (1)(a)(iv).

269 (2) If registration is extended by affixing a registration decal to the license plate, the
270 expiration date of the decal governs the expiration date of the license plate.

271 (3) Each original license plate that is not one of the special group license plates issued
272 under Section ~~[41-1a-408]~~ 41-1a-418 shall be a:

273 (a) statehood centennial license plate with the same color, design, and slogan as the plates
274 issued in conjunction with the statehood centennial; or

275 (b) Ski Utah license plate.

276 Section 3. Section **41-1a-414** is amended to read:

277 **41-1a-414. Parking privileges for persons with disabilities.**

278 (1) As used in this section, "accessible parking space" means a parking space that is clearly
279 identified as reserved for use by a person with a disability and includes:

280 (a) vertical signage, including the international symbol of accessibility, that is visible from
281 a passing vehicle; and

282 (b) a clearly marked access aisle, if provided, that is adjacent to and considered part of the
283 parking space.

284 (2) Except in parking areas designated for emergency use, a person with a disability,
285 qualifying under rules made in accordance with Section [~~41-1a-408~~] 41-1a-420, may park an
286 appropriately marked vehicle for reasonable periods without charge in metered parking zones and
287 restricted parking areas, in a manner that allows proper access to the vehicle by the person with
288 a disability.

289 (3) Only those vehicles carrying a person with a disability special group license plate,
290 temporary removable windshield placard, or removable windshield placard and transporting a
291 qualifying person with a disability may park in an accessible parking space.

292 (4) This section applies to and may be enforced on public property and on private property
293 that is used or intended for use by the public.

294 (5) The parking privileges granted by this section also apply to vehicles displaying a
295 person with a disability special group license plate, temporary removable windshield placard, or
296 removable windshield placard issued by another jurisdiction if displayed on a vehicle being used
297 by a person with a disability.

298 Section 4. Section ~~41-1a-418~~ is enacted to read:

299 **41-1a-418. Authorized Special Group License Plates.**

300 (1) The division shall only issue special group license plates in accordance with Sections
301 41-1a-418 through 41-1a-422 to a person who is specified under this section within the categories
302 listed as follows:

303 (a) disability special group license plates issued in accordance with Section 41-1a-420;

304 (b) honor special group license plates, as in a war hero, which plates are issued for a:

305 (i) survivor of the Japanese attack on Pearl Harbor;

306 (ii) former prisoner of war; or

307 (iii) recipient of a Purple Heart;

308 (c) unique vehicle type special group license plates, as for historical, collectors value, or
309 other unique vehicle type, which plates are issued for a:

310 (i) special interest vehicle;

311 (ii) vintage vehicle;
312 (iii) farm truck; or
313 (iv) vehicle powered by clean fuel and for which a current clean special fuel certificate is
314 maintained as provided in Section 59-13-304;
315 (d) recognition special group license plates, as in a public official or an emergency service
316 giver, which plates are issued for a:
317 (i) current member of the Legislature;
318 (ii) current member of the United States Congress;
319 (iii) current member of the National Guard;
320 (iv) licensed amateur radio operator;
321 (v) currently employed, volunteer, or retired firefighter;
322 (vi) emergency medical technician; or
323 (vii) current member of a search and rescue team; and
324 (e) support special group license plates, as for a contributor to an institution or cause,
325 which plates are issued for a contributor to:
326 (i) an institution's scholastic scholarship fund;
327 (ii) the Division of Wildlife Resources;
328 (iii) the Office of Veterans' Affairs;
329 (iv) the Division of Parks and Recreation;
330 (v) the Department of Agriculture and Food;
331 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
332 (vii) the Boy Scouts of America; or
333 (viii) spay and neuter programs through No More Homeless Pets in Utah.
334 (2) Beginning January 1, 2003, the division may not issue a new type of special group
335 license plate unless the division receives:
336 (a) a start-up fee established under Section 63-38-3.2 for production and administrative
337 costs for providing the new special group license plates; or
338 (b) a legislative appropriation for the start-up fee provided under Subsection (2)(a).
339 (3) (a) A sponsoring organization that qualifies for tax-exempt status under Internal
340 Revenue Code Section 501(c) may request the commission to authorize a new type of special
341 group license plate for the sponsoring organization. The sponsoring organization shall:

342 (i) collect a minimum of 200 applications; and
343 (ii) pay a start-up fee established under Section 63-38-3.2 for production and
344 administrative costs for providing the new type of special group license plates.

345 (b) If the provisions of Subsection (3)(a) are met, the commission shall approve the request
346 and the division shall:

347 (i) design a license plate in accordance with Section 41-1a-419; and

348 (ii) issue the new type of special group license plates.

349 Section 5. Section **41-1a-419** is enacted to read:

350 **41-1a-419. Plate design -- Vintage vehicle certification and registration --**
351 **Personalized special group license plates -- Rulemaking.**

352 (1) (a) The design and maximum number of numerals or characters on special group
353 license plates shall be determined by the division in accordance with the requirements under
354 Subsection (1)(b).

355 (b) Each special group license plate shall display:

356 (i) the word Utah;

357 (ii) the name or identifying slogan of the special group;

358 (iii) a symbol decal not exceeding two positions in size representing the special group; and

359 (iv) the combination of letters, numbers, or both uniquely identifying the registered
360 vehicle.

361 (2) (a) The division shall, after consultation with a representative designated by the special
362 group, specify the word or words comprising the special group name and the symbol decal to be
363 displayed upon the special group license plates.

364 (b) A special group license plate may not be redesigned more frequently than every five
365 years.

366 (3) The license plates issued for horseless carriages prior to July 1, 1992, are valid without
367 renewal as long as the vehicle is owned by the registered owner and the license plates may not be
368 recalled by the division.

369 (4) A person who meets the criteria established under Sections 41-1a-418 through
370 41-1a-422 for issuance of special group license plates may make application in the same manner
371 provided in Sections 41-1a-410 and 41-1a-411 for personalized special group license plates.

372 (5) The commission shall make rules in accordance with Title 63, Chapter 46a, Utah

373 Administrative Rulemaking Act, to:

374 (a) establish qualifying criteria for persons to receive, renew, or surrender special group
375 license plates; and

376 (b) establish the maximum number of numerals or characters for special group license
377 plates.

378 Section 6. Section **41-1a-420** is enacted to read:

379 **41-1a-420. Disability special group license plates -- Application and qualifications --**
380 **Rulemaking.**

381 (1) The division shall issue a disability special group license plate, temporary removable
382 windshield placard, or a removable windshield placard to:

383 (a) a qualifying person with a disability; or

384 (b) the registered owner of a vehicle that an organization uses primarily for the
385 transportation of persons with disabilities that limit or impair the ability to walk.

386 (2) (a) The initial application of a person with a disability shall be accompanied by the
387 certification of a licensed physician:

388 (i) that the applicant meets the definition of a person with a disability that limits or impairs
389 the ability to walk as defined in the federal Uniform System for Parking for Persons with
390 Disabilities, 23 C.F.R. Ch. 11, Subch. B, Pt. 1235.2 (1991); and

391 (ii) containing the period of time that the physician determines the applicant will have the
392 disability, not to exceed six months in the case of a temporary disability.

393 (b) The division shall issue a person with a disability special group license plate or a
394 removable windshield placard to a person with a permanent disability.

395 (c) The issuance of a person with a disability special group license plate does not preclude
396 the issuance to the same applicant of a removable windshield placard.

397 (d) On request of an applicant, the division shall issue one additional placard to a person
398 with a disability special group license plate, temporary removable windshield placard, or a
399 removable windshield placard.

400 (3) The temporary removable windshield placard or removable windshield placard shall
401 be hung from the front windshield rearview mirror when the vehicle is parked in a parking space
402 reserved for persons with disabilities so that it is visible from the front and rear of the vehicle.

403 (4) The commission shall make rules in accordance with Title 63, Chapter 46a, Utah

404 Administrative Rulemaking Act, to:

405 (a) establish qualifying criteria for persons to receive, renew, or surrender special group
406 license plates, a temporary removable windshield placard, or a removable windshield placard in
407 accordance with this section;

408 (b) establish the maximum number of numerals or characters for disability special group
409 license plates; and

410 (c) require all temporary removable windshield placards and removable windshield
411 placards to include:

412 (i) an identification number;

413 (ii) an expiration date not to exceed six months for a temporary removable windshield
414 placard and two years for a removable windshield placard; and

415 (iii) the seal or other identifying mark of the division.

416 Section 7. Section ~~41-1a-421~~ is enacted to read:

417 **41-1a-421. Honor special group license plates -- Personal identity requirements.**

418 (1) (a) The requirements of this Subsection (1) apply to a vehicle displaying a:

419 (i) survivor of the Japanese attack on Pearl Harbor license plate;

420 (ii) former prisoner of war license plate; or

421 (iii) Purple Heart license plate.

422 (b) The vehicle shall be titled in the name of the veteran or the veteran and spouse.

423 (c) Upon the death of the veteran, the surviving spouse may, upon application to the
424 division, retain the special group license plate decal so long as the surviving spouse remains
425 unmarried.

426 (d) The division shall require the surviving spouse to make a sworn statement that the
427 surviving spouse is unmarried before renewing the registration under this section.

428 (2) Proper evidence of a Purple Heart is either:

429 (a) a membership card in the Military Order of the Purple Heart; or

430 (b) an original or certificate in lieu of the applicant's military discharge form, DD-214,
431 issued by the National Personnel Records Center.

432 (3) The Purple Heart license plates shall bear:

433 (a) the words "Purple Heart" at the bottom of the plate;

434 (b) a logo substantially depicting a Purple Heart award; and

435 (c) the letter and number combinations assigned by the division.

436 Section 8. Section **41-1a-422** is enacted to read:

437 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
438 **contribution collection procedures.**

439 (1) As used in this section:

440 (a) "Contributor" means a person who has donated or in whose name at least \$25 has been
441 donated to:

442 (i) a scholastic scholarship fund of a single named institution;

443 (ii) the Division of Veterans' Affairs in the Utah National Guard for veterans' programs;

444 (iii) the Division of Wildlife Resources for the Wildlife Resources Account created in

445 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,
446 access, and management of wildlife habitat;

447 (iv) the Department of Agriculture and Food for the benefit of soil conservation districts;

448 (v) the Division of Parks and Recreation for the benefit of snowmobile programs;

449 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
450 the donation evenly divided between the two;

451 (vii) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America council
452 as specified by the contributor; or

453 (viii) No More Homeless Pets in Utah for distribution to organizations or individuals that
454 provide spay and neuter programs that subsidize the sterilization of domestic animals.

455 (b) "Institution" means a state institution of higher education as defined under Section
456 53B-3-103 or a private institution of higher education in the state accredited by a regional or
457 national accrediting agency recognized by the United States Department of Education.

458 (2) (a) An applicant for original or renewal collegiate special group license plates under
459 Subsection (1)(a)(i) must be a contributor to the institution named in the application and present
460 the original contribution verification form under Subsection (2)(b) or make a contribution to the
461 division at the time of application under Subsection (3).

462 (b) An institution with a support special group license plate shall issue to a contributor a
463 verification form designed by the commission containing:

464 (i) the name of the contributor;

465 (ii) the institution to which a donation was made;

466 (iii) the date of the donation; and

467 (iv) an attestation that the donation was for a scholastic scholarship.

468 (c) The state auditor may audit each institution to verify that the moneys collected by the
469 institutions from contributors are used for scholastic scholarships.

470 (d) After an applicant has been issued collegiate license plates or renewal decals, the
471 commission shall charge the institution whose plate was issued, a fee determined in accordance
472 with Section 63-38-3.2 for management and administrative expenses incurred in issuing and
473 renewing the collegiate license plates.

474 (e) If the contribution is made at the time of application, the contribution shall be collected,
475 treated, and deposited as provided under Subsection (3).

476 (3) (a) Except as provided under Subsection (3)(d), an applicant for original or renewal
477 support special group license plates under this section must be an annual contributor to the entity
478 or named institution associated with the license plate.

479 (b) This contribution shall be:

480 (i) unless collected by the named institution under Subsection (2), collected by the
481 division;

482 (ii) treated as a voluntary contribution for the funding of the activities specified under this
483 section and not as a motor vehicle registration fee; and

484 (iii) deposited into the appropriate account less actual administrative costs associated with
485 issuing the license plates.

486 (c) Except as provided under Subsection (3)(d), the donation described in Subsection (1)(a)
487 must be made in the 12 months prior to registration or renewal of registration.

488 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to the
489 division when issuing original:

490 (i) veterans' license plates;

491 (ii) snowmobile license plates; or

492 (iii) soil conservation license plates.

493 (4) (a) The division may issue original license plates under this section if a one-time
494 contribution of at least \$6,000 is provided to the division to cover startup materials and
495 programming costs.

496 (b) The contribution may be from:

497 (i) the entity or entities associated with the license plates;

498 (ii) appropriations made by the Legislature; or

499 (iii) other public and private sources.

500 (5) Veterans' license plates shall display one of the symbols representing the Army, Navy,
501 Air Force, Marines, Coast Guard, or American Legion.

502 Section 9. Section **41-1a-1201** is amended to read:

503 **41-1a-1201. Disposition of fees.**

504 (1) All fees received and collected under this part shall be transmitted daily to the state
505 treasurer.

506 (2) Except as provided in Subsections (3), (4), and (6), and [~~Subsections 41-1a-408(7), (8),~~
507 ~~(13), (14), (15), (16), (18), and (19)] Section 41-1a-422, and in Section 41-1a-1220, all fees~~

508 collected under this part shall be deposited in the Transportation Fund.

509 (3) (a) Funds generated under Subsections 41-1a-1211(1)(a), [~~(7)~~] (6)(a), and [~~(8)~~] (7) and
510 Section 41-1a-1212 may be used by the commission as a dedicated credit to cover the costs
511 incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

512 [~~(b) Funds collected under Subsections 41-1a-1211(3), (5)(b), and (5)(c), less the actual~~
513 ~~cost incurred by the division in purchasing decals for special group license plates, shall be~~
514 ~~deposited in the Transportation Fund.]~~

515 [~~(c)~~] (b) Fees for statehood centennial license plates shall be collected and deposited in the
516 Transportation Fund, less production and administrative costs incurred by the commission.

517 [~~(d) Fees for Olympic special group license plates shall be collected and deposited as~~
518 ~~provided under Section 41-1a-417.]~~

519 (4) All funds available to the commission for purchase and distribution of license plates
520 and decals are nonlapsing.

521 (5) Except as provided in Subsection (3) and Section 41-1a-1205, the expenses of the
522 commission in enforcing and administering this part shall be provided for by legislative
523 appropriation from the revenues of the Transportation Fund.

524 (6) The following portions of the registration fees imposed under Section 41-1a-1206 for
525 each vehicle shall be deposited in the Centennial Highway Fund created under Section 72-2-118:

526 (a) \$10 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (2),
527 and (5);

528 (b) \$1 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i), (1)(c)(ii),
529 and (1)(d)(ii);

530 (c) \$2 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

531 (d) \$3 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i); and

532 (e) \$4.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i).

533 Section 10. Section **41-1a-1211** is amended to read:

534 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**
535 **personalized and special group license plates -- Replacement fee for license plates -- Postage**
536 **fees.**

537 (1) A license plate fee of \$5 per set shall be paid to the division for the issuance of any new
538 license plate under Part 4, License Plates and Registration Indicia, except for license plates issued
539 under ~~[Sections]~~ Section 41-1a-407 ~~[and 41-1a-417]~~. The license plate fee shall be deposited as
540 follows:

541 (a) \$4 as provided in Section 41-1a-1201; and

542 (b) \$1 in the Transportation Fund.

543 (2) An applicant for original issuance of personalized license plates issued under Section
544 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee required in
545 Subsection (1).

546 ~~[(3) (a) Except as provided in Subsections (3)(b) and (3)(c), applicants for original~~
547 ~~issuance of special group license plates issued under Section 41-1a-408 shall pay a \$50 per set~~
548 ~~license plate application fee in addition to the fee required under Subsection (1).]~~

549 ~~[(b) A person who qualifies for a licensed amateur radio operator or search and rescue~~
550 ~~team]~~

551 (3) A person who applies for a special group license plate shall pay a \$5 fee for the original
552 set of license plates in addition to the fee required under Subsection (1).

553 ~~[(c) A person who qualifies for legislative, United States Congressional, person with a~~
554 ~~disability, collegiate, veterans', wildlife, National Guard, Purple Heart, Prisoner of War, Survivor~~
555 ~~of the Japanese Attack on Pearl Harbor, firefighter, children's issues, snowmobile, soil~~
556 ~~conservation, Boy Scouts of America, spay and neuter, farm vehicle, emergency medical~~
557 ~~technician, or clean fuel special group license plates is exempt from payment of special group~~
558 ~~license plate application fees imposed under this Subsection (3).]~~

559 (4) An applicant for original issuance of personalized special group license plates shall pay
560 the license plate application fees required in Subsection (2) in addition to the license plate fees and
561 license plate application fees established under Subsections (1) and (3).

562 ~~[(5) The following application fees for renewal of personalized and special group license~~
563 ~~plates shall be paid to the division at the time of renewal of registration:]~~

564 ~~[(a) an] (5) An~~ applicant for renewal of personalized license plates issued under Section
565 41-1a-410 shall pay a \$10 per set application fee[;].

566 ~~[(b) except as provided in Subsection (5)(c), an applicant for renewal of special group~~
567 ~~license plates issued under Section 41-1a-408 shall pay a \$10 per set application fee, and]~~

568 ~~[(c) an applicant for renewal of legislative, United States Congressional, person with a~~
569 ~~disability, collegiate, wildlife, National Guard, Purple Heart, Prisoner of War, Survivor of the~~
570 ~~Japanese Attack on Pearl Harbor, farm vehicle, vintage vehicle, firefighter, children's issues,~~
571 ~~snowmobile, soil conservation, Boy Scouts of America, spay and neuter, emergency medical~~
572 ~~technician, search and rescue team, clean fuel, or licensed amateur radio operator special group~~
573 ~~license plates is exempt from payment of application fees imposed under Subsection (5)(b).]~~

574 ~~[(6) An applicant for renewal of personalized special group license plates shall pay the~~
575 ~~application fee required in Subsection (5)(a) in addition to the applicable application fees for~~
576 ~~renewal of license plates established under Subsections (5)(b) and (5)(c).]~~

577 ~~[(7) (6) A fee of \$5 shall be paid to the division for the replacement of any license plate~~
578 ~~issued under Part 4, License Plates and Registration Indicia. The license plate fee shall be~~
579 ~~deposited as follows:~~

580 (a) \$4 as provided in Section 41-1a-1201; and

581 (b) \$1 in the Transportation Fund.

582 ~~[(8) (7) The division may charge a fee established under Section 63-38-3.2 to recover its~~
583 ~~costs for the replacement of decals issued under Section [41-1a-408] 41-1a-418.~~

584 ~~[(9) (8) The division may charge a fee established under Section 63-38-3.2 to recover the~~
585 ~~cost of issuing stickers under Section 41-1a-416.~~

586 ~~[(10) (9) In addition to any other fees required by this section, the division shall assess~~
587 ~~a fee established under Section 63-38-3.2 to cover postage expenses if new or replacement license~~
588 ~~plates are mailed to the applicant.~~

589 ~~[(11) (10) The fees required under this section are separate from and in addition to~~

590 registration fees required under Section 41-1a-1206.

591 ~~[(12) For vehicles with registration years expiring on or before June 30, 2002, applicants~~
592 ~~for original Olympic special group license plates or renewal of registration with Olympic special~~
593 ~~group license plates shall pay the fees required under Section 41-1a-417.]~~

594 Section 11. Section **41-1a-1218** is amended to read:

595 **41-1a-1218. Uninsured motorist identification fee for tracking motor vehicle**
596 **insurance -- Exemption -- Deposit.**

597 (1)(a) At the time application is made for registration or renewal of registration of a motor
598 vehicle under this chapter, the applicant shall pay an uninsured motorist identification fee of \$1
599 on each motor vehicle.

600 (b) A commercial vehicle registered as part of a fleet under Section 41-1a-222 or Section
601 41-1a-301, is exempt from the uninsured motorist identification fee required by this section.

602 (c) A motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or
603 Subsection 41-1a-419(3) is also exempt from the uninsured motorist identification fee required by
604 this section.

605 (2) The revenue generated under this section shall be deposited in the Uninsured Motorist
606 Identification Restricted Account created in Section 41-12a-806.

607 Section 12. Section **71-8-4** is amended to read:

608 **71-8-4. Veterans' Advisory Council -- Membership -- Duties and responsibilities --**
609 **Per diem and expenses.**

610 (1) There is created a Veterans' Advisory Council whose purpose is to advise the director
611 of the Division of Veterans' Affairs on issues relating to veterans.

612 (2) The council shall consist of eleven voting members and one nonvoting member,
613 designated as follows:

614 (a) five members appointed by the governor to serve four-year terms:

615 (i) four veterans at large; and

616 (ii) a representative from the Office of the Governor;

617 (b) the director of the VA Health Care System or his designee;

618 (c) the director of the VA Benefits Administration Regional Office in Salt Lake City, or
619 his designee;

620 (d) a representative from the Veterans' Memorial Park Board for the duration of his

621 appointment to the board;

622 (e) the commanders or their designees of the three largest veterans service organizations
623 in the state. Their terms shall last as long as they hold the required office; and

624 (f) the director shall be a nonvoting member of the council.

625 (3) (a) Except as required by Subsection (3)(b), as terms of current council members
626 expire, the governor shall appoint each new or reappointed member to a four-year term
627 commencing on July 1.

628 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time
629 of appointment or reappointment, adjust the length of terms to ensure that the terms of council
630 members are staggered so that approximately half of the members appointed by the governor are
631 appointed every two years.

632 (4) When a vacancy occurs in the membership for any reason, the governor shall appoint
633 a replacement for the unexpired term within 60 days of receiving notice.

634 (5) Members appointed by the governor may not serve more than two consecutive terms.

635 (6) (a) Any veterans' group or veteran may provide the director with a list of
636 recommendations for members on the council.

637 (b) The director shall provide the governor with the list of recommendations for members
638 to be appointed to the council.

639 (c) The governor shall make final appointments to the council by June 30 of any year in
640 which appointments are to be made under this chapter.

641 (7) The council shall elect a chair from among its members every two years. The chair
642 shall be a veteran.

643 (8) (a) The council shall meet at least once every quarter.

644 (b) The director of the Division of Veterans' Affairs may convene additional meetings, as
645 necessary.

646 (9) The division shall provide staff to the council.

647 (10) Six voting members are a quorum for the transaction of business.

648 (11) The council shall:

649 (a) solicit input concerning veterans issues from veterans' groups throughout the state;

650 (b) report issues received to the director of the Division of Veterans' Affairs and make
651 recommendations concerning them;

652 (c) keep abreast of federal developments that affect veterans locally and advise the director
653 of them; and

654 (d) approve, by a majority vote, the use of monies generated from veterans' license plates
655 under Section [~~41-1a-408~~] 41-1a-422 for veterans' programs.

656 (12) (a) Members shall receive no compensation or benefits for their services, but may
657 receive per diem and expenses incurred in the performance of the member's official duties at the
658 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

659 (b) Members may decline to receive per diem and expenses for their service.

660 Section 13. **Repealer.**

661 This act repeals:

662 Section **41-1a-408, Special group plates -- Design -- Application -- Issuance.**

663 Section **41-1a-409, Evidence of Purple Heart - Special group plate designs.**

664 Section **41-1a-417, Olympic license plates -- Fees -- Design.**

665 Section 14. **Effective date.**

666 If approved by two-thirds of all the members elected to each house, this act takes effect
667 upon approval by the governor, or the day following the constitutional time limit of Utah
668 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the
669 date of veto override.

Legislative Review Note **as of 10-23-02 3:09 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel