

SPECIAL GROUP LICENSE PLATE AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill authorizes an In God We Trust freedom celebration support special group license plate.

Highlighted Provisions:

This bill:

- ▶ authorizes an In God We Trust freedom celebration support special group license plate for programs that create or support educational and community events within the state that celebrate, teach, or honor families, freedom, God, and country;
- ▶ requires applicants for a new plate to make a \$25 annual donation to the In God We Trust Freedom Celebration Support Restricted Account;
- ▶ creates the In God We Trust Freedom Celebration Support Restricted Account;
- ▶ requires the Department of Heritage and Arts to distribute funds in the In God We Trust Freedom Celebration Support Restricted Account to certain organizations that provide programs that create or support educational and community events within the state that celebrate, teach, or honor families, freedom, God, and country; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on October 1, 2013.

Utah Code Sections Affected:

AMENDS:

41-1a-418, as last amended by Laws of Utah 2012, Chapter 332

41-1a-422, as last amended by Laws of Utah 2012, Chapter 332

63J-1-602.1, as last amended by Laws of Utah 2012, Chapter 332

ENACTS:

9-19-101, Utah Code Annotated 1953

33 9-19-102, Utah Code Annotated 1953

34

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

36 Section 1. Section 9-19-101 is enacted to read:

37 **CHAPTER 19. IN GOD WE TRUST FREEDOM CELEBRATION SUPPORT**
38 **RESTRICTED ACCOUNT ACT**

39 **9-19-101. Title.**

40 This chapter is known as the "In God We Trust Freedom Celebration Support
41 Restricted Account Act."

42 Section 2. Section 9-19-102 is enacted to read:

43 **9-19-102. In God We Trust Freedom Celebration Support Restricted Account.**

44 (1) There is created in the General Fund a restricted account known as the "In God We
45 Trust Freedom Celebration Support Restricted Account."

46 (2) The account shall be funded by:

47 (a) contributions deposited into the account in accordance with Section 41-1a-422;

48 (b) private contributions; and

49 (c) donations or grants from public or private entities.

50 (3) Upon appropriation by the Legislature, the department shall distribute funds in the
51 account to one or more charitable organizations that:

52 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

53 (b) are located within the state and are not affiliated with a parent organization;

54 (c) create or support a minimum of 20 educational programs and community events
55 within the state that celebrate, teach, or honor families, freedom, God, and country;

56 (d) celebrate, teach, honor, and strengthen the traditional American values of family,
57 freedom, God, and country; and

58 (e) whose primary focus is sponsoring community events surrounding the July 4,
59 Independence Day holiday.

60 (4) (a) An organization described in Subsection (3) may apply to the department to
61 receive a distribution in accordance with Subsection (3).

62 (b) An organization that receives a distribution from the department in accordance with
63 Subsection (3) shall expend the distribution only to:

64 (i) create or support educational programs and community events within the state that
65 celebrate, teach, or honor families, freedom, God, and country;

66 (ii) advertise to promote the educational and community events described in
67 Subsection (4)(b)(i);

68 (iii) sponsor youth speech, multi-media, and essay contests that encourage youth to
69 honor families, freedom, God, and country; and

70 (iv) pay the costs of issuing or reordering In God We Trust freedom celebration
71 support special group license plate decals.

72 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
73 department may make rules providing procedures for an organization to apply to the
74 department to receive a distribution under this Subsection (3).

75 (5) In accordance with Section 63J-1-602.1, appropriations from the account are
76 nonlapsing.

77 Section 3. Section **41-1a-418** is amended to read:

78 **41-1a-418. Authorized special group license plates.**

79 (1) The division shall only issue special group license plates in accordance with this
80 section through Section 41-1a-422 to a person who is specified under this section within the
81 categories listed as follows:

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

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

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

85 (ii) former prisoner of war;

86 (iii) recipient of a Purple Heart;

87 (iv) disabled veteran; or

88 (v) recipient of a gold star award issued by the United States Secretary of Defense;

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

91 (i) a special interest vehicle;

92 (ii) a vintage vehicle;

93 (iii) a farm truck; or

94 (iv) (A) until Subsection (1)(c)(iv)(B) or (5) applies, a vehicle powered by clean fuel as

95 defined in Section 59-13-102; or

96 (B) beginning on the effective date of rules made by the Department of Transportation
97 authorized under Subsection 41-6a-702(5)(b) and until Subsection (5) applies, a vehicle
98 powered by clean fuel that meets the standards established by the Department of Transportation
99 in rules authorized under Subsection 41-6a-702(5)(b);

100 (d) recognition special group license plates, as in a public official or an emergency
101 service giver, which plates are issued for a:

- 102 (i) current member of the Legislature;
- 103 (ii) current member of the United States Congress;
- 104 (iii) current member of the National Guard;
- 105 (iv) licensed amateur radio operator;
- 106 (v) currently employed, volunteer, or retired firefighter until June 30, 2009;
- 107 (vi) emergency medical technician;
- 108 (vii) current member of a search and rescue team; or
- 109 (viii) current honorary consulate designated by the United States Department of State;

110 and

111 (e) support special group license plates, as for a contributor to an institution or cause,
112 which plates are issued for a contributor to:

- 113 (i) an institution's scholastic scholarship fund;
- 114 (ii) the Division of Wildlife Resources;
- 115 (iii) the Department of Veterans' Affairs;
- 116 (iv) the Division of Parks and Recreation;
- 117 (v) the Department of Agriculture and Food;
- 118 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 119 (vii) the Boy Scouts of America;
- 120 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 121 (ix) the Boys and Girls Clubs of America;
- 122 (x) Utah public education;
- 123 (xi) programs that provide support to organizations that create affordable housing for
124 those in severe need through the Division of Real Estate;
- 125 (xii) the Department of Public Safety;

- 126 (xiii) programs that support Zion National Park;
- 127 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
128 organizations;
- 129 (xv) programs that promote bicycle operation and safety awareness;
- 130 (xvi) programs that conduct or support cancer research;
- 131 (xvii) programs that create or support autism awareness;
- 132 (xviii) programs that create or support humanitarian service and educational and
133 cultural exchanges;
- 134 (xix) programs that conduct or support prostate cancer awareness, screening, detection,
135 or prevention;
- 136 (xx) programs that support and promote adoptions; [~~or~~]
- 137 (xxi) programs that create or support civil rights education and awareness[-]; or
- 138 (xxii) programs that create or support educational and community events within the
139 state that celebrate, teach, or honor families, freedom, God, and country.
- 140 (2) (a) The division may not issue a new type of special group license plate unless the
141 division receives:
- 142 (i) (A) a start-up fee established under Section 63J-1-504 for production and
143 administrative costs for providing the new special group license plates; or
- 144 (B) a legislative appropriation for the start-up fee provided under Subsection
145 (2)(a)(i)(A); and
- 146 (ii) beginning on January 1, 2012, and for the issuance of a support special group
147 license plate authorized in Section 41-1a-422, at least 500 completed applications for the new
148 type of support special group license plate to be issued with all fees required under this part for
149 the support special group license plate issuance paid by each applicant.
- 150 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and
151 hold applications for support special group license plates authorized in Section 41-1a-422 on or
152 after January 1, 2012, until it has received at least 500 applications.
- 153 (ii) Once a participating organization has received at least 500 applications, it shall
154 submit the applications, along with the necessary fees, to the division for the division to begin
155 working on the design and issuance of the new type of support special group license plate to be
156 issued.

157 (iii) Beginning on January 1, 2012, the division may not work on the issuance or design
158 of a new support special group license plate authorized in Section 41-1a-422 until the
159 applications and fees required under this Subsection (2) have been received by the division.

160 (iv) The division shall begin issuance of a new support special group license plate
161 authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months after
162 receiving the applications and fees required under this Subsection (2).

163 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
164 registration of a motor vehicle that has been issued a firefighter recognition special group
165 license plate unless the applicant is a contributor as defined in Subsection
166 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

167 (ii) A registered owner of a vehicle that has been issued a firefighter recognition
168 special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle
169 registration shall:

170 (A) be a contributor to the Firefighter Support Restricted Account as required under
171 Subsection (2)(c)(i); or

172 (B) replace the firefighter recognition special group license plate with a new license
173 plate.

174 (3) (a) Beginning on July 1, 2011, if a support special group license plate type
175 authorized in Section 41-1a-422 and issued prior to January 1, 2012, has less than 500 license
176 plates issued each year for a three consecutive year time period that begins on July 1, the
177 division may not issue that type of support special group license plate to a new applicant
178 beginning on January 1 of the following calendar year after the three consecutive year period
179 for which that type of support special group license plate has less than 500 license plates issued
180 each year.

181 (b) If the division is required to stop the issuance of a type of support special group
182 license plate authorized in Section 41-1a-422 under this Subsection (3), the division shall
183 report to the Transportation Interim Committee that the division will stop the issuance on or
184 before the November interim meeting of the year in which the commission determines to stop
185 the issuance of that type of support special group license plate.

186 (4) (a) Beginning on July 1, 2011, if a support special group license plate type
187 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has less than 500

188 license plates issued each year for a three consecutive year time period that begins on July 1,
189 the division may not issue that type of support special group license plate to a new applicant
190 beginning on January 1 of the following calendar year after the three consecutive year time
191 period for which that type of support special group license plate has less than 500 license plates
192 issued each year.

193 (b) If the division is required to stop the issuance of a type of support special group
194 license plate authorized in Section 41-1a-422 under this Subsection (4), the division shall
195 report to the Transportation Interim Committee that the division will stop the issuance on or
196 before the November interim meeting of the year in which the commission determines to stop
197 the issuance of that type of support special group license plate.

198 (5) Beginning on July 1, 2011, the division may not issue a unique vehicle type license
199 plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv) to an applicant.

200 Section 4. Section **41-1a-422** is amended to read:

201 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
202 **contribution collection procedures.**

203 (1) As used in this section:

204 (a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who
205 has donated or in whose name at least \$25 has been donated to:

206 (A) a scholastic scholarship fund of a single named institution;

207 (B) the Department of Veterans' Affairs for veterans' programs;

208 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in
209 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,
210 access, and management of wildlife habitat;

211 (D) the Department of Agriculture and Food for the benefit of conservation districts;

212 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;

213 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
214 the donation evenly divided between the two;

215 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
216 council as specified by the contributor;

217 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
218 that provide spay and neuter programs that subsidize the sterilization of domestic animals;

- 219 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
220 development programs;
- 221 (J) the Utah Association of Public School Foundations to support public education;
- 222 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to
223 assist people who have severe housing needs;
- 224 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
225 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
226 Safety employees;
- 227 (M) the Division of Parks and Recreation for distribution to organizations that provide
228 support for Zion National Park;
- 229 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support
230 firefighter organizations;
- 231 (O) the Share the Road Bicycle Support Restricted Account created in Section
232 72-2-127 to support bicycle operation and safety awareness programs;
- 233 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support
234 cancer research programs;
- 235 (Q) Autism Awareness Restricted Account created in Section 53A-1-304 to support
236 autism awareness programs;
- 237 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
238 created in Section 9-17-102 to support humanitarian service and educational and cultural
239 programs;
- 240 (S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for
241 programs that conduct or support prostate cancer awareness, screening, detection, or
242 prevention;
- 243 (T) the Choose Life Adoption Support Restricted Account created in Section
244 62A-4a-608 to support programs that promote adoption; ~~or~~
- 245 (U) the Martin Luther King, Jr. Civil Rights Support Restricted Account created in
246 Section 9-18-102~~[-];~~ or
- 247 (V) the In God We Trust Freedom Celebration Support Restricted Account created in
248 Section 9-19-102.
- 249 (ii) (A) For a veterans' special group license plate, "contributor" means a person who

250 has donated or in whose name at least a \$25 donation at the time of application and \$10 annual
251 donation thereafter has been made.

252 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a
253 person who:

254 (I) has donated or in whose name at least \$30 has been donated at the time of
255 application and annually after the time of application; and

256 (II) is a member of a trade organization for real estate licensees that has more than
257 15,000 Utah members.

258 (C) For an Honoring Heroes special group license plate, "contributor" means a person
259 who has donated or in whose name at least \$35 has been donated at the time of application and
260 annually thereafter.

261 (D) For a firefighter support special group license plate, "contributor" means a person
262 who:

263 (I) has donated or in whose name at least \$15 has been donated at the time of
264 application and annually after the time of application; and

265 (II) is a currently employed, volunteer, or retired firefighter.

266 (E) For a cancer research special group license plate, "contributor" means a person who
267 has donated or in whose name at least \$35 has been donated at the time of application and
268 annually after the time of application.

269 (F) For a Martin Luther King, Jr. Civil Rights Support special group license plate,
270 "contributor" means a person who has donated or in whose name at least \$35 has been donated
271 at the time of application and annually thereafter.

272 (b) "Institution" means a state institution of higher education as defined under Section
273 53B-3-102 or a private institution of higher education in the state accredited by a regional or
274 national accrediting agency recognized by the United States Department of Education.

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

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

- 281 (i) the name of the contributor;
- 282 (ii) the institution to which a donation was made;
- 283 (iii) the date of the donation; and
- 284 (iv) an attestation that the donation was for a scholastic scholarship.
- 285 (c) The state auditor may audit each institution to verify that the money collected by the
- 286 institutions from contributors is used for scholastic scholarships.
- 287 (d) After an applicant has been issued collegiate license plates or renewal decals, the
- 288 commission shall charge the institution whose plate was issued, a fee determined in accordance
- 289 with Section 63J-1-504 for management and administrative expenses incurred in issuing and
- 290 renewing the collegiate license plates.
- 291 (e) If the contribution is made at the time of application, the contribution shall be
- 292 collected, treated, and deposited as provided under Subsection (3).
- 293 (3) (a) An applicant for original or renewal support special group license plates under
- 294 this section must be a contributor to the sponsoring organization associated with the license
- 295 plate.
- 296 (b) This contribution shall be:
- 297 (i) unless collected by the named institution under Subsection (2), collected by the
- 298 division;
- 299 (ii) considered a voluntary contribution for the funding of the activities specified under
- 300 this section and not a motor vehicle registration fee;
- 301 (iii) deposited into the appropriate account less actual administrative costs associated
- 302 with issuing the license plates; and
- 303 (iv) for a firefighter special group license plate, deposited into the appropriate account
- 304 less:
- 305 (A) the costs of reordering firefighter special group license plate decals; and
- 306 (B) the costs of replacing recognition special group license plates with new license
- 307 plates under Subsection 41-1a-1211(13).
- 308 (c) The donation described in Subsection (1)(a) must be made in the 12 months prior to
- 309 registration or renewal of registration.
- 310 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to
- 311 the division when issuing original:

312 (i) snowmobile license plates; or

313 (ii) conservation license plates.

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

316 Section 5. Section **63J-1-602.1** is amended to read:

317 **63J-1-602.1. List of nonlapsing accounts and funds -- General authority and Title**
318 **1 through Title 30.**

319 (1) Appropriations made to the Legislature and its committees.

320 (2) The Percent-for-Art Program created in Section 9-6-404.

321 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
322 Section 9-18-102.

323 (4) The In God We Trust Freedom Celebration Support Restricted Account created in
324 Section 9-19-102.

325 [~~(4)~~] (5) The LeRay McAllister Critical Land Conservation Program created in Section
326 11-38-301.

327 [~~(5)~~] (6) An appropriation made to the Division of Wildlife Resources for the appraisal
328 and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

329 [~~(6)~~] (7) Award money under the Crime Reduction Assistance Program, as provided
330 under Section 24-1-19.

331 [~~(7)~~] (8) Funds collected from the emergency medical services grant program, as
332 provided in Section 26-8a-207.

333 [~~(8)~~] (9) The Prostate Cancer Support Restricted Account created in Section
334 26-21a-303.

335 [~~(9)~~] (10) State funds appropriated for matching federal funds in the Children's Health
336 Insurance Program as provided in Section 26-40-108.

337 [~~(10)~~] (11) The Utah Health Care Workforce Financial Assistance Program created in
338 Section 26-46-102.

339 Section 6. **Effective date.**

340 This bill takes effect on October 1, 2013.