

1 **LICENSE PLATES FOR CHILDREN'S**

2 **ISSUES**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Pete Suazo**

6 AN ACT RELATING TO MOTOR VEHICLES; AUTHORIZING CHILDREN'S ISSUES
7 SPECIAL GROUP LICENSE PLATES FOR CERTAIN CONTRIBUTORS; PROVIDING A
8 FEE EXEMPTION; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN
9 EFFECTIVE DATE.

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

11 AMENDS:

12 **41-1a-408**, as last amended by Chapter 384, Laws of Utah 1997

13 **41-1a-1201**, as last amended by Chapters 262 and 384, Laws of Utah 1997

14 **41-1a-1211**, as last amended by Chapter 384, Laws of Utah 1997

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

16 Section 1. Section **41-1a-408** is amended to read:

17 **41-1a-408. Special group plates -- Design -- Application -- Issuance.**

18 (1) As used in this section:

19 (a) "Children's issues license plates" means the special group license plates issued under
20 this section to a contributor to the Guardian Ad Litem Services Account and the Children's
21 Museum of Utah.

22 [(a)] (b) "Collegiate license plates" means the special group license plates issued under this
23 section to a contributor to an institution after payment of the appropriate fees.

24 [(b)] (c) (i) "Contributor" means a person who has donated or in whose name at least \$25
25 has been donated to:

26 (A) a scholastic scholarship fund of a single institution;

27 (B) the Office of Veterans' Affairs in the Department of Community and Economic

1 Development for veterans' programs; [or]

2 (C) the Division of Wildlife Resources for conservation of wildlife and the enhancement,
3 preservation, protection, access, and management of wildlife habitat[-]; or

4 (D) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
5 the donation evenly divided between the two.

6 (ii) Except as provided under Subsection (13), the donation must be made in the 12 months
7 prior to registration or renewal of registration.

8 [(e)] (d) "Institution" means a state institution of higher education or a private institution
9 of higher education in the state accredited by a regional or national accrediting agency recognized
10 by the United States Department of Education.

11 [(d)] (e) "State institution of higher education" has the same meaning as provided in
12 Section 53B-3-102.

13 [(e)] (f) "Veterans' license plates" means the special group license plates issued under this
14 section to a contributor to the Office of Veterans' Affairs after payment of the appropriate fees.

15 [(f)] (g) "Wildlife license plates" means the special group license plates issued under this
16 section to a contributor to the Division of Wildlife Resources after payment of the appropriate fees.

17 (2) (a) The design and maximum number of numerals or characters on special group
18 license plates shall be determined by the division in accordance with the criteria in Subsection
19 (2)(b).

20 (b) Except for Olympic special group license plates, each special group license plate shall
21 display:

22 (i) the word Utah;

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

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

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

27 (3) (a) The division shall, after consultation with a representative designated by the special
28 group, specify the word or words comprising the special group name and the symbol to be
29 displayed upon the special group license plates.

30 (b) Collegiate, veterans', children's issues, and wildlife license plates may not be
31 redesigned under this section more frequently than every five years.

1 (c) Veterans' license plates shall display one of the symbols representing the Army, Navy,
2 Air Force, Marines, or Coast Guard.

3 (4) Subject to Subsections (10) and (12), the division shall only issue special group license
4 plates to a person who is:

5 (a) a current member of the Legislature;

6 (b) a current member of the United States Congress;

7 (c) a survivor of the Japanese attack on Pearl Harbor;

8 (d) a former prisoner of war;

9 (e) a recipient of a Purple Heart, as provided in Section 41-1a-409;

10 (f) a current member of the National Guard;

11 (g) a person with a disability or the registered owner of a vehicle that an organization uses
12 primarily for the transportation of persons with disabilities that limit or impair the ability to walk;

13 (h) a contributor to an institution's scholastic scholarship fund;

14 (i) a contributor to the Division of Wildlife Resources;

15 (j) a contributor to the Office of Veterans' Affairs;

16 (k) licensing a special interest vehicle;

17 (l) licensing a vintage vehicle;

18 (m) a licensed amateur radio operator;

19 (n) registering a farm truck; [or]

20 (o) a currently employed, volunteer, or retired firefighter[-]; or

21 (p) a contributor to the Guardian Ad Litem Services Account and the Children's Museum
22 of Utah.

23 (5) (a) A vehicle displaying a survivor of the Japanese attack on Pearl Harbor license plate
24 decal, a former prisoner of war license plate decal, or a Purple Heart license plate decal shall be
25 titled in the name of the veteran or the veteran and spouse.

26 (b) Upon the death of the veteran, the surviving spouse may, upon application to the
27 division, retain the special group license plate decal so long as the surviving spouse remains
28 unmarried.

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

31 (6) (a) (i) In accordance with rules made under Subsection (12), the division shall issue

1 a person with a disability special group license plate, temporary removable windshield placard,
2 or a removable windshield placard to:

3 (A) a qualifying person with a disability; or

4 (B) an organization that uses a vehicle registered in the applicant's name primarily for the
5 transportation of persons with disabilities that limit or impair the ability to walk.

6 (ii) The division shall issue a person with a disability special group license plate or a
7 removable windshield placard to a person with a permanent disability.

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

10 (iv) The division shall issue on request one additional placard to a person with a person
11 with a disability special group license plate, temporary removable windshield placard, or a
12 removable windshield placard.

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

16 (7) (a) An applicant for original or renewal collegiate license plates must be a contributor
17 to the institution named in the application and present the original contribution verification form
18 to the division at the time of application.

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

21 (i) the name of the contributor;

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

23 (iii) the date of the donation; and

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

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

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

31 (8) (a) An applicant for original or renewal wildlife license plates must be a contributor

1 to the Division of Wildlife Resources.

2 (b) This contribution shall be:

3 (i) collected by the division;

4 (ii) treated as a voluntary contribution for the funding of wildlife activities and not as a
5 motor vehicle registration fee; and

6 (iii) deposited into the Wildlife Resources Account created in Section 23-14-13, less actual
7 production and administrative costs associated with making and issuing wildlife license plates.

8 (9) The division shall issue Olympic special group license plates.

9 (10) (a) An organization that makes a significant contribution to the state may request the
10 commission to authorize special group license plates for the organization if the organization
11 collects a minimum of 500 applications with the fees required under Section 41-1a-1211.

12 (b) If the commission approves the request, the division shall design a license plate in
13 accordance with Subsections (2) and (3).

14 (c) If the commission rejects the request, the organization shall refund all fees to the
15 applicants.

16 (11) Any person who meets the criteria established under this part for issuance of special
17 group license plates may make application in the same manner provided in Sections 41-1a-410 and
18 41-1a-411 for personalized special group license plates.

19 (12) (a) The commission shall make rules in accordance with Title 63, Chapter 46a, Utah
20 Administrative Rulemaking Act, to:

21 (i) establish qualifying criteria for persons to receive, renew, or surrender special group
22 license plates, a temporary removable windshield placard, or a removable windshield placard;

23 (ii) establish the maximum number of numerals or characters for special group license
24 plates; and

25 (iii) require all temporary removable windshield placards and removable windshield
26 placards to include:

27 (A) an identification number;

28 (B) an expiration date not to exceed six months for a temporary removable windshield
29 placard and one year for a removable windshield placard; and

30 (C) the seal or other identifying mark of the division.

31 (b) The qualifying criteria under Subsection (12)(a) for a person with a disability special

1 group license plate, temporary removable windshield placard, or removable windshield placard
2 shall include a requirement that an initial application of a person with a disability be accompanied
3 by the certification of a licensed physician:

4 (i) that the applicant meets the definition of a person with a disability that limits or impairs
5 the ability to walk as defined in the federal Uniform System for Handicapped Parking, 58 Fed.
6 Reg. 10, 328 (1991); and

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

9 (13) (a) ~~[Beginning January 1, 1997, the]~~ The division may issue original veterans' license
10 plates.

11 (b) An applicant for original veterans' license plates must be at least a one-time contributor
12 to the Office of Veterans' Affairs.

13 (c) This contribution shall be:

14 (i) collected by the division;

15 (ii) treated as a voluntary contribution for the Office of Veterans' Affairs and not as a
16 motor vehicle registration fee; and

17 (iii) transferred to the Office of Veterans' Affairs at least monthly, less actual production
18 and administrative costs associated with making and issuing veterans' license plates.

19 (14) (a) Beginning January 1, 1999, the division may issue original children's issues
20 license plates.

21 (b) An applicant for original or renewal children's issues license plates must be a
22 contributor to the Guardian Ad Litem Services Account and the Children's Museum of Utah.

23 (c) This contribution shall be:

24 (i) collected by the division;

25 (ii) treated as a voluntary contribution for the Guardian Ad Litem Services Account and
26 the Children's Museum of Utah and not as a motor vehicle registration fee; and

27 (iii) transferred to the Guardian Ad Litem Services Account and the Children's Museum
28 of Utah at least monthly, less actual production and administrative costs associated with making
29 and issuing children's issues license plates.

30 Section 2. Section **41-1a-1201** is amended to read:

31 **41-1a-1201. Disposition of fees.**

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

3 (2) Except as provided in Subsections (3), (4), and (6), and [Subsection] Subsections
4 41-1a-408(7), (8), (13), and (14) all fees collected under this part shall be deposited in the
5 Transportation Fund.

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

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

12 (c) Fees for statehood centennial license plates shall be collected and deposited in the
13 Transportation Fund, less production and administrative costs incurred by the commission.

14 (d) Fees for Olympic special group license plates shall be collected and deposited as
15 provided under Section 41-1a-417.

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

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

21 (6) The following portions of the registration fees imposed under Section 41-1a-1206 for
22 each vehicle shall be deposited in the Centennial Highway Trust Fund created under Section
23 63-49-22:

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

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

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

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

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

31 Section 3. Section **41-1a-1211** is amended to read:

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

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

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

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

10 (2) An applicant for original issuance of personalized license plates issued under Section
11 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee required in
12 Subsection (1).

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

16 (b) A person who qualifies for a licensed amateur radio operator special group license plate
17 shall pay a \$5 fee for the original set of license plates in addition to the fee required under
18 Subsection (1).

19 (c) A person who qualifies for legislative, United States Congressional, person with a
20 disability, collegiate, veterans', wildlife, National Guard, Purple Heart, Prisoner of War, Survivor
21 of the Japanese Attack on Pearl Harbor, firefighter, children's issues, or farm vehicle special group
22 license plates is exempt from payment of special group license plate application fees imposed
23 under this Subsection (3)(c).

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

27 (5) The following application fees for renewal of personalized and special group license
28 plates shall be paid to the division at the time of renewal of registration:

29 (a) an applicant for renewal of personalized license plates issued under Section 41-1a-410
30 shall pay a \$10 per set application fee;

31 (b) except as provided in Subsection (5)(c), an applicant for renewal of special group

1 license plates issued under Section 41-1a-408 shall pay a \$10 per set application fee; and

2 (c) an applicant for renewal of legislative, United States Congressional, person with a
3 disability, collegiate, wildlife, National Guard, Purple Heart, Prisoner of War, Survivor of the
4 Japanese Attack on Pearl Harbor, farm vehicle, vintage vehicle, firefighter, children's issues, or
5 licensed amateur radio operator special group license plates is exempt from payment of application
6 fees imposed under this subsection.

7 (6) An applicant for renewal of personalized special group license plates shall pay the
8 application fee required in Subsection (5)(a) in addition to the applicable application fees for
9 renewal of license plates established under Subsections (5)(b) and (5)(c).

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

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

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

15 (8) The division may charge a fee established under Section 63-38-3.2 to recover its costs
16 for the replacement of decals issued under Section 41-1a-408.

17 (9) The division may charge a fee established under Section 63-38-3.2 to recover the cost
18 of issuing stickers under Section 41-1a-416.

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

22 (11) The fees required under this section are separate from and in addition to registration
23 fees required under Section 41-1a-1206.

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

27 **Section 4. Effective date.**

28 This act takes effect on July 1, 1998.

Legislative Review Note
as of 1-30-98 12:22 PM

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

Office of Legislative Research and General Counsel