

1 **LICENSE PLATE RENEWAL FOR PERSONS**

2 **WITH DISABILITIES**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Marda Dillree**

6 AN ACT RELATING TO MOTOR VEHICLES; AMENDING THE RENEWAL PERIOD FOR
7 REMOVABLE WINDSHIELD PLACARDS; AND PROVIDING AN EFFECTIVE DATE.

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

9 AMENDS:

10 **41-1a-408**, as last amended by Chapters 157, 184 and 352, Laws of Utah 1998

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

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

13 **41-1a-408. Special group plates -- Design -- Application -- Issuance.**

14 (1) As used in this section:

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

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

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

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

23 (B) the Office of Veterans' Affairs in the Department of Community and Economic
24 Development for veterans' programs;

25 (C) the Division of Wildlife Resources for conservation of wildlife and the enhancement,
26 preservation, protection, access, and management of wildlife habitat;

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

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

29 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
30 the donation evenly divided between the two.

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

33 (d) "Institution" means a state institution of higher education or a private institution of
34 higher education in the state accredited by a regional or national accrediting agency recognized by
35 the United States Department of Education.

36 (e) "Snowmobile license plates" means the special group license plates issued under this
37 section to a contributor to the Division of Parks and Recreation after payment of the appropriate
38 fees.

39 (f) "Soil conservation license plates" means the special group license plates issued under
40 this section to a contributor to the Department of Agriculture and Food after payment of the
41 appropriate fees.

42 (g) "State institution of higher education" has the same meaning as provided in Section
43 53B-3-102.

44 (h) "Veterans' license plates" means the special group license plates issued under this
45 section to a contributor to the Office of Veterans' Affairs after payment of the appropriate fees.

46 (i) "Wildlife license plates" means the special group license plates issued under this section
47 to a contributor to the Division of Wildlife Resources after payment of the appropriate fees.

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

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

53 (i) the word Utah;

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

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

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

58 (3) (a) The division shall, after consultation with a representative designated by the special

59 group, specify the word or words comprising the special group name and the symbol to be
60 displayed upon the special group license plates.

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

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

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

67 (a) a current member of the Legislature;

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

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

70 (d) a former prisoner of war;

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

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

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

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

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

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

78 (k) licensing a special interest vehicle;

79 (l) licensing a vintage vehicle;

80 (m) a licensed amateur radio operator;

81 (n) registering a farm truck;

82 (o) a currently employed, volunteer, or retired firefighter;

83 (p) a contributor to the Division of Parks and Recreation;

84 (q) a contributor to the Department of Agriculture and Food; or

85 (r) a contributor to the Guardian Ad Litem Services Account and the Children's Museum
86 of Utah.

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

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

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

95 (6) (a) (i) In accordance with rules made under Subsection (12), the division shall issue
96 a person with a disability special group license plate, temporary removable windshield placard, or
97 a removable windshield placard to:

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

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

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

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

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

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

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

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

116 (i) the name of the contributor;

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

118 (iii) the date of the donation; and

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

120 (c) The state auditor may audit each institution to verify that the moneys collected by the

121 institutions from contributors are used for scholastic scholarships.

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

126 (8) (a) An applicant for original or renewal wildlife license plates must be a contributor
127 to the Division of Wildlife Resources.

128 (b) This contribution shall be:

129 (i) collected by the division;

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

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

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

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

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

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

142 (11) Any person who meets the criteria established under this part for issuance of special
143 group license plates may make application in the same manner provided in Sections 41-1a-410 and
144 41-1a-411 for personalized special group license plates.

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

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

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

151 (iii) require all temporary removable windshield placards and removable windshield

152 placards to include:

153 (A) an identification number;

154 (B) an expiration date not to exceed six months for a temporary removable windshield
155 placard and [~~one year~~] two years for a removable windshield placard; and

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

157 (b) The qualifying criteria under Subsection (12)(a) for a person with a disability special
158 group license plate, temporary removable windshield placard, or removable windshield placard
159 shall include a requirement that an initial application of a person with a disability be accompanied
160 by the certification of a licensed physician:

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

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

166 (13) (a) The division may issue original veterans' license plates.

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

169 (c) This contribution shall be:

170 (i) collected by the division;

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

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

175 (14) (a) Beginning January 1, 1999, the division may issue original snowmobile license
176 plates if the Division of Parks and Recreation provides a one-time contribution of at least \$9,000
177 to the division from restricted revenue in the Off-Highway Vehicle Account in the General Fund
178 to cover startup materials and programming costs.

179 (b) An applicant for original snowmobile license plates must be a contributor to the
180 Division of Parks and Recreation.

181 (c) This contribution shall be:

182 (i) collected by the division;

183 (ii) treated as a voluntary contribution for the Division of Parks and Recreation for the
184 benefit of snowmobile programs and not as a motor vehicle registration fee; and

185 (iii) transferred to the Division of Parks and Recreation at least monthly, less actual
186 production and administrative costs associated with making and issuing snowmobile license plates.

187 (15) (a) (i) Beginning January 1, 1999, the division may issue original soil conservation
188 license plates if soil conservation districts provide a one-time contribution of at least \$9,000 to the
189 division to cover startup materials and programming costs.

190 (ii) The contribution described in Subsection (15)(a)(i) may be from private funds
191 available to soil conservation districts.

192 (b) An applicant for original soil conservation license plates must be a contributor to the
193 Department of Agriculture and Food.

194 (c) This contribution shall be:

195 (i) collected by the division;

196 (ii) treated as a voluntary contribution for the Department of Agriculture and Food for the
197 benefit of soil conservation districts and not as a motor vehicle registration fee; and

198 (iii) transferred to the Department of Agriculture and Food at least monthly, less actual
199 production and administrative costs associated with making and issuing soil conservation license
200 plates.

201 (16) (a) (i) Beginning January 1, 1999, the division may issue original children's issues
202 license plates if the Office of the Guardian Ad Litem Director and the Children's Museum of Utah
203 each provide a one-time contribution of at least \$4,500 to the division to cover startup materials
204 and programming costs.

205 (ii) The contribution described in Subsection (16)(a)(i) from the Office of the Guardian
206 Ad Litem Director shall be from private funds not normally available to the Office of the Guardian
207 Ad Litem Director.

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

210 (c) This contribution shall be:

211 (i) collected by the division;

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

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

217 Section 2. **Effective date.**

218 This act takes effect on July 1, 1999.

Legislative Review Note
as of 12-8-98 1:14 PM

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

Office of Legislative Research and General Counsel