

SPAY AND NEUTER LICENSE PLATE

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Jackie Biskupski

This act modifies the Motor Vehicles Code to authorize spay and neuter special group license plates for contributors to spay and neuter programs. This act takes effect on July 1, 2001.

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

AMENDS:

41-1a-408, as last amended by Chapters 27 and 40, Laws of Utah 2000

41-1a-1201, as last amended by Chapters 40 and 345, Laws of Utah 2000

41-1a-1211, as last amended by Chapters 27 and 40, Laws of Utah 2000

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

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

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

(1) As used in this section:

(a) "Boy Scouts of America license plates" means the special group license plates issued under this section to a contributor to the Boy Scouts of America.

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

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

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

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

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

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

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

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

32 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
33 the donation evenly divided between the two; [~~or~~]

34 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America council
35 as specified by the contributor[-]; or

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

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

40 (e) "Institution" means a state institution of higher education or a private institution of
41 higher education in the state accredited by a regional or national accrediting agency recognized by
42 the United States Department of Education.

43 (f) "Snowmobile license plates" means the special group license plates issued under this
44 section to a contributor to the Division of Parks and Recreation after payment of the appropriate
45 fees.

46 (g) "Soil conservation license plates" means the special group license plates issued under
47 this section to a contributor to the Department of Agriculture and Food after payment of the
48 appropriate fees.

49 (h) "Spay and neuter license plates" means the special group license plates issued under
50 this section to a contributor to spay and neuter programs through No More Homeless Pets in Utah.

51 [~~(h)~~] (i) "State institution of higher education" has the same meaning as provided in
52 Section 53B-3-102.

53 [~~(i)~~] (j) "Veterans' license plates" means the special group license plates issued under this
54 section to a contributor to the Office of Veterans' Affairs after payment of the appropriate fees.

55 [~~(j)~~] (k) "Wildlife license plates" means the special group license plates issued under this
56 section to a contributor to the Division of Wildlife Resources after payment of the appropriate fees.

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

59 (2)(b).

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

62 (i) the word Utah;

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

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

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

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

70 (b) Collegiate, veterans', children's issues, snowmobile, soil conservation, Boy Scouts of
71 America, spay and neuter, and wildlife license plates may not be redesigned under this section
72 more frequently than every five years.

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

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

77 (a) a current member of the Legislature;

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

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

80 (d) a former prisoner of war;

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

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

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

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

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

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

88 (k) licensing a special interest vehicle;

89 (l) licensing a vintage vehicle;

- 90 (m) a licensed amateur radio operator;
- 91 (n) registering a farm truck;
- 92 (o) a currently employed, volunteer, or retired firefighter;
- 93 (p) a contributor to the Division of Parks and Recreation;
- 94 (q) a contributor to the Department of Agriculture and Food;
- 95 (r) a contributor to the Guardian Ad Litem Services Account and the Children's Museum
- 96 of Utah;
- 97 (s) a contributor to the Boy Scouts of America; [or]
- 98 (t) an emergency medical technician[-]; or
- 99 (u) a contributor to spay and neuter programs through No More Homeless Pets in Utah.
- 100 (5) (a) A vehicle displaying a survivor of the Japanese attack on Pearl Harbor license plate
- 101 decal, a former prisoner of war license plate decal, or a Purple Heart license plate decal shall be
- 102 titled in the name of the veteran or the veteran and spouse.
- 103 (b) Upon the death of the veteran, the surviving spouse may, upon application to the
- 104 division, retain the special group license plate decal so long as the surviving spouse remains
- 105 unmarried.
- 106 (c) The division shall require the surviving spouse to make a sworn statement that the
- 107 surviving spouse is unmarried before renewing the registration under this section.
- 108 (6) (a) (i) In accordance with rules made under Subsection (12), the division shall issue
- 109 a person with a disability special group license plate, temporary removable windshield placard, or
- 110 a removable windshield placard to:
- 111 (A) a qualifying person with a disability; or
- 112 (B) an organization that uses a vehicle registered in the applicant's name primarily for the
- 113 transportation of persons with disabilities that limit or impair the ability to walk.
- 114 (ii) The division shall issue a person with a disability special group license plate or a
- 115 removable windshield placard to a person with a permanent disability.
- 116 (iii) The issuance of a person with a disability special group license plate does not preclude
- 117 the issuance to the same applicant of a removable windshield placard.
- 118 (iv) The division shall issue on request one additional placard to a person with a person
- 119 with a disability special group license plate, temporary removable windshield placard, or a
- 120 removable windshield placard.

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

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

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

- 129 (i) the name of the contributor;
- 130 (ii) the institution to which a donation was made;
- 131 (iii) the date of the donation; and
- 132 (iv) an attestation that the donation was for a scholastic scholarship.

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

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

139 (e) If the contribution is made at the time of application, the contribution shall be:

- 140 (i) collected by the division;
- 141 (ii) treated as a voluntary contribution for the named institution's scholastic scholarship
142 fund and not as a motor vehicle registration fee; and
- 143 (iii) deposited with the named institution, less actual production and administrative costs
144 associated with making and issuing collegiate license plates.

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

147 (b) This contribution shall be:

- 148 (i) collected by the division;
- 149 (ii) treated as a voluntary contribution for the funding of wildlife activities and not as a
150 motor vehicle registration fee; and
- 151 (iii) deposited into the Wildlife Resources Account created in Section 23-14-13, less actual

152 production and administrative costs associated with making and issuing wildlife license plates.

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

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

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

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

161 (11) Any person who meets the criteria established under this part for issuance of special
162 group license plates may make application in the same manner provided in Sections 41-1a-410 and
163 41-1a-411 for personalized special group license plates.

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

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

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

170 (iii) require all temporary removable windshield placards and removable windshield
171 placards to include:

172 (A) an identification number;

173 (B) an expiration date not to exceed six months for a temporary removable windshield
174 placard and two years for a removable windshield placard; and

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

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

180 (i) that the applicant meets the definition of a person with a disability that limits or impairs
181 the ability to walk as defined in the federal Uniform System for Handicapped Parking, 58 Fed.

182 Reg. 10, 328 (1991); and

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

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

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

188 (c) This contribution shall be:

189 (i) collected by the division;

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

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

194 (14) (a) The division may issue original snowmobile license plates if the Division of Parks
195 and Recreation provides a one-time contribution of at least \$9,000 to the division from restricted
196 revenue in the Off-Highway Vehicle Account in the General Fund to cover startup materials and
197 programming costs.

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

200 (c) This contribution shall be:

201 (i) collected by the division;

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

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

206 (15) (a) (i) The division may issue original soil conservation license plates if soil
207 conservation districts provide a one-time contribution of at least \$9,000 to the division to cover
208 startup materials and programming costs.

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

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

213 (c) This contribution shall be:

- 214 (i) collected by the division;
- 215 (ii) treated as a voluntary contribution for the Department of Agriculture and Food for the
- 216 benefit of soil conservation districts and not as a motor vehicle registration fee; and
- 217 (iii) transferred to the Department of Agriculture and Food at least monthly, less actual
- 218 production and administrative costs associated with making and issuing soil conservation license
- 219 plates.

220 (16) (a) (i) The division may issue original children's issues license plates if the Office of

221 the Guardian Ad Litem Director and the Children's Museum of Utah each provide a one-time

222 contribution of at least \$4,500 to the division to cover startup materials and programming costs.

223 (ii) The contribution described in Subsection (16)(a)(i) from the Office of the Guardian

224 Ad Litem Director shall be from private funds not normally available to the Office of the Guardian

225 Ad Litem Director.

226 (b) An applicant for original or renewal children's issues license plates must be a

227 contributor to the Guardian Ad Litem Services Account and the Children's Museum of Utah.

228 (c) This contribution shall be:

- 229 (i) collected by the division;
- 230 (ii) treated as a voluntary contribution for the Guardian Ad Litem Services Account and
- 231 the Children's Museum of Utah and not as a motor vehicle registration fee; and

232 (iii) transferred to the Guardian Ad Litem Services Account and the Children's Museum

233 of Utah at least monthly, less actual production and administrative costs associated with making

234 and issuing children's issues license plates.

235 (17) A current member of the Legislature may select the Olympic license plate as the

236 legislator's special group license plate. The legislator shall pay the special fees for the Olympic

237 license plate, as provided in Section 41-1a-417 and Subsection 41-1a-1211(12).

238 (18) (a) Beginning January 1, 2001, the division may issue original Boy Scouts of America

239 license plates if the Boy Scouts of America provides a one-time contribution of at least \$9,000 to

240 the division to cover startup materials and programming costs.

241 (b) An applicant for original or renewal Boy Scouts of America license plates must be a

242 contributor to the Boy Scouts of America.

243 (c) This contribution shall be:

- 244 (i) collected by the division;

245 (ii) treated as a voluntary contribution for the Boy Scouts of America and not as a motor
246 vehicle registration fee; and

247 (iii) transferred to the Boy Scouts of America at least monthly, less actual production and
248 administrative costs associated with making and issuing Boy Scouts of America license plates.

249 (19) (a) Beginning January 1, 2002, the division may issue original spay and neuter license
250 plates if No More Homeless Pets in Utah provides a one-time contribution of at least \$9,000 to the
251 division to cover startup materials and programming costs.

252 (b) An applicant for original or renewal spay and neuter license plates must be a
253 contributor to spay and neuter programs.

254 (c) This contribution shall be:

255 (i) collected by the division;

256 (ii) treated as a voluntary contribution to No More Homeless Pets in Utah for spay and
257 neuter programs and not as a motor vehicle registration fee; and

258 (iii) transferred to No More Homeless Pets in Utah at least monthly, less actual production
259 and administrative costs associated with making and issuing spay and neuter license plates.

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

261 **41-1a-1201. Disposition of fees.**

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

264 (2) Except as provided in Subsections (3), (4), and (6), and Subsections 41-1a-408(7), (8),
265 (13), (14), (15), (16), ~~and~~ (18), and (19), and in Section 41-1a-1220, all fees collected under this
266 part shall be deposited in the Transportation Fund.

267 (3) (a) Funds generated under Subsections 41-1a-1211(1)(a), (7)(a), and (8) and Section
268 41-1a-1212 may be used by the commission as a dedicated credit to cover the costs incurred in
269 issuing license plates under Part 4, License Plates and Registration Indicia.

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

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

275 (d) Fees for Olympic special group license plates shall be collected and deposited as

276 provided under Section 41-1a-417.

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

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

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

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

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

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

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

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

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

292 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**
293 **personalized and special group license plates -- Replacement fee for license plates -- Postage**
294 **fees.**

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

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

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

300 (2) An applicant for original issuance of personalized license plates issued under Section
301 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee required in
302 Subsection (1).

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

306 (b) A person who qualifies for a licensed amateur radio operator special group license plate

307 shall pay a \$5 fee for the original set of license plates in addition to the fee required under
308 Subsection (1).

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

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

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

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

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

324 (c) an applicant for renewal of legislative, United States Congressional, person with a
325 disability, collegiate, wildlife, National Guard, Purple Heart, Prisoner of War, Survivor of the
326 Japanese Attack on Pearl Harbor, farm vehicle, vintage vehicle, firefighter, children's issues,
327 snowmobile, soil conservation, Boy Scouts of America, spay and neuter, emergency medical
328 technician, or licensed amateur radio operator special group license plates is exempt from payment
329 of application fees imposed under Subsection (5)(b).

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

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

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

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

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

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

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

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

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

350 Section 4. **Effective date.**

351 This act takes effect on July 1, 2001.

Legislative Review Note
as of 1-9-01 2:04 PM

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

Office of Legislative Research and General Counsel