

VETERANS SERVICE ORGANIZATIONS

SPECIAL LICENSE PLATES

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Steven R. Mascaro

This act modifies the Motor Vehicles code to authorize special group plates for current members of Veterans service organizations including the American Legion ^h [~~Veterans of Foreign Wars, and Disabled Veterans~~] ^h . The act makes technical changes. The act takes effect October 1, 2002.

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

AMENDS:

41-1a-408, as last amended by Chapters 73, 345 and 369, Laws of Utah 2001

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



28 Development for veterans' programs;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58 (2) (a) The design and maximum number of numerals or characters on special group

59 license plates shall be determined by the division in accordance with the criteria in Subsection
60 (2)(b).

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

- 63 (i) the word Utah;
- 64 (ii) the name or identifying slogan of the special group;
- 65 (iii) a symbol not exceeding two positions in size representing the special group; and
- 66 (iv) the combination of letters, numbers, or both uniquely identifying the registered
67 vehicle.

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

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

74 (c) Veterans' license plates shall display one of the symbols representing the Army, Navy,
75 Air Force, Marines, [or] Coast Guard, ~~h~~ OR h American Legion h ~~[, Veterans of Foreign Wars, or~~
75a Disabled

76 American Veterans] ~~h~~ .

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

- 79 (a) a current member of the Legislature;
- 80 (b) a current member of the United States Congress;
- 81 (c) a survivor of the Japanese attack on Pearl Harbor;
- 82 (d) a former prisoner of war;
- 83 (e) a recipient of a Purple Heart, as provided in Section 41-1a-409;
- 84 (f) a current member of the National Guard;
- 85 (g) a person with a disability or the registered owner of a vehicle that an organization uses
86 primarily for the transportation of persons with disabilities that limit or impair the ability to walk;
- 87 (h) a contributor to an institution's scholastic scholarship fund;
- 88 (i) a contributor to the Division of Wildlife Resources;
- 89 (j) a contributor to the Office of Veterans' Affairs;

- 90 (k) licensing a special interest vehicle;
- 91 (l) licensing a vintage vehicle;
- 92 (m) a licensed amateur radio operator;
- 93 (n) registering a farm truck;
- 94 (o) a currently employed, volunteer, or retired firefighter;
- 95 (p) a contributor to the Division of Parks and Recreation;
- 96 (q) a contributor to the Department of Agriculture and Food;
- 97 (r) a contributor to the Guardian Ad Litem Services Account and the Children's Museum

98 of Utah;

- 99 (s) a contributor to the Boy Scouts of America;
- 100 (t) an emergency medical technician;
- 101 (u) a contributor to spay and neuter programs through No More Homeless Pets in Utah;

102 or

- 103 (v) [~~beginning October 1, 2001,~~] licensing a vehicle powered by clean fuel and for which
- 104 a current clean special fuel certificate is maintained as provided in Section 59-13-304.

105 (5) (a) A vehicle displaying a survivor of the Japanese attack on Pearl Harbor license plate

106 decal, a former prisoner of war license plate decal, or a Purple Heart license plate decal shall be

107 titled in the name of the veteran or the veteran and spouse.

108 (b) Upon the death of the veteran, the surviving spouse may, upon application to the

109 division, retain the special group license plate decal so long as the surviving spouse remains

110 unmarried.

111 (c) The division shall require the surviving spouse to make a sworn statement that the

112 surviving spouse is unmarried before renewing the registration under this section.

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

114 a person with a disability special group license plate, temporary removable windshield placard, or

115 a removable windshield placard to:

- 116 (A) a qualifying person with a disability; or
- 117 (B) an organization that uses a vehicle registered in the applicant's name primarily for the
- 118 transportation of persons with disabilities that limit or impair the ability to walk.

119 (ii) The division shall issue a person with a disability special group license plate or a

120 removable windshield placard to a person with a permanent disability.

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

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

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

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

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

- 134 (i) the name of the contributor;
- 135 (ii) the institution to which a donation was made;
- 136 (iii) the date of the donation; and
- 137 (iv) an attestation that the donation was for a scholastic scholarship.

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

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

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

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

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

- 152 (b) This contribution shall be:
- 153 (i) collected by the division;
- 154 (ii) treated as a voluntary contribution for the funding of wildlife activities and not as a
- 155 motor vehicle registration fee; and
- 156 (iii) deposited into the Wildlife Resources Account created in Section 23-14-13, less actual
- 157 production and administrative costs associated with making and issuing wildlife license plates.
- 158 (9) The division shall issue Olympic special group license plates.
- 159 (10) (a) An organization that makes a significant contribution to the state may request the
- 160 commission to authorize special group license plates for the organization if the organization
- 161 collects a minimum of 500 applications with the fees required under Section 41-1a-1211.
- 162 (b) If the commission approves the request, the division shall design a license plate in
- 163 accordance with Subsections (2) and (3).
- 164 (c) If the commission rejects the request, the organization shall refund all fees to the
- 165 applicants.
- 166 (11) Any person who meets the criteria established under this part for issuance of special
- 167 group license plates may make application in the same manner provided in Sections 41-1a-410 and
- 168 41-1a-411 for personalized special group license plates.
- 169 (12) (a) The commission shall make rules in accordance with Title 63, Chapter 46a, Utah
- 170 Administrative Rulemaking Act, to:
- 171 (i) establish qualifying criteria for persons to receive, renew, or surrender special group
- 172 license plates, a temporary removable windshield placard, or a removable windshield placard;
- 173 (ii) establish the maximum number of numerals or characters for special group license
- 174 plates; and
- 175 (iii) require all temporary removable windshield placards and removable windshield
- 176 placards to include:
- 177 (A) an identification number;
- 178 (B) an expiration date not to exceed six months for a temporary removable windshield
- 179 placard and two years for a removable windshield placard; and
- 180 (C) the seal or other identifying mark of the division.
- 181 (b) The qualifying criteria under Subsection (12)(a) for a person with a disability special
- 182 group license plate, temporary removable windshield placard, or removable windshield placard

183 shall include a requirement that an initial application of a person with a disability be accompanied
184 by the certification of a licensed physician:

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

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

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

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

193 (c) This contribution shall be:

194 (i) collected by the division;

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

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

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

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

205 (c) This contribution shall be:

206 (i) collected by the division;

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

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

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

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

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

218 (c) This contribution shall be:

219 (i) collected by the division;

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

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

225 (16) (a) (i) The division may issue original children's issues license plates if the Office of
226 the Guardian Ad Litem Director and the Children's Museum of Utah each provide a one-time
227 contribution of at least \$4,500 to the division to cover startup materials and programming costs.

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

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

233 (c) This contribution shall be:

234 (i) collected by the division;

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

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

240 (17) A current member of the Legislature may select the Olympic license plate as the
241 legislator's special group license plate. The legislator shall pay the special fees for the Olympic
242 license plate, as provided in Section 41-1a-417 and Subsection 41-1a-1211(12).

243 (18) (a) Beginning January 1, 2001, the division may issue original Boy Scouts of America
244 license plates if the Boy Scouts of America provides a one-time contribution of at least \$9,000 to

245 the division to cover startup materials and programming costs.

246 (b) An applicant for original or renewal Boy Scouts of America license plates must be a
247 contributor to the Boy Scouts of America.

248 (c) This contribution shall be:

249 (i) collected by the division;

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

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

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

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

259 (c) This contribution shall be:

260 (i) collected by the division;

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

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

265 Section 2. **Effective date.**

266 This act takes effect on October 1, 2002.

Legislative Review Note
as of 2-5-02 10:23 AM

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

Office of Legislative Research and General Counsel