

SPECIAL GROUP LICENSE PLATE

REVISIONS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Hogue

This act modifies the Motor Vehicle Code by revising and amending the special group license plates provisions. This act establishes categories for special group license plates.

This act provides that the Motor Vehicle Division must receive a start-up fee for production and administrative costs as established by the division prior to issuing any new type of special group license plates or a legislative appropriation to cover this fee.

This act limits organizations that can obtain any new type of special group license plates, without legislative action to tax-exempt organizations that collect 200 applicants and that pay the start-up fee. This act repeals a \$50 initial license plate fee and its exemptions and a \$10 renewal fee and its exemptions and in their place establishes a \$5 initial license plate fee applicable to all special group license plates. This act provides for an immediate effective date.

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

AMENDS:

41-1a-102, as last amended by Chapter 244, Laws of Utah 2000

41-1a-402, as last amended by Chapter 111, Laws of Utah 2002

41-1a-414, as last amended by Chapter 98, Laws of Utah 1999

41-1a-1201, as last amended by Chapter 345, Laws of Utah 2001

41-1a-1211, as last amended by Chapter 223, Laws of Utah 2002

71-8-4, as last amended by Chapter 134, Laws of Utah 2000

41-1a-1218, as enacted by Chapter 59, Laws of Utah 1994

ENACTS:

41-1a-418, Utah Code Annotated 1953



- 28 **41-1a-419**, Utah Code Annotated 1953
- 29 **41-1a-420**, Utah Code Annotated 1953
- 30 **41-1a-421**, Utah Code Annotated 1953
- 31 **41-1a-422**, Utah Code Annotated 1953

32 REPEALS:

- 33 **41-1a-408**, as last amended by Chapters 223 and 274, Laws of Utah 2002
- 34 **41-1a-409**, as renumbered and amended by Chapter 1 and last amended by Chapters
- 35 174 and 218, Laws of Utah 1992
- 36 **41-1a-417**, as last amended by Chapter 211, Laws of Utah 1999

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

38 Section 1. Section **41-1a-102** is amended to read:

39 **41-1a-102. Definitions.**

40 As used in this chapter:

41 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.

42 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of
43 vehicles as operated and certified to by a weighmaster.

44 (3) "Affidavit of Mobile Home Affixture" means the affidavit of affixture described in
45 Title 59, Chapter 2, Part 6, Mobile Homes.

46 (4) "All-terrain type I vehicle" has the same meaning provided in Section 41-22-2.

47 (5) "All-terrain type II vehicle" has the same meaning provided in Section 41-22-2.

48 (6) "Amateur radio operator" means any person licensed by the Federal
49 Communications Commission to engage in private and experimental two-way radio operation
50 on the amateur band radio frequencies.

51 (7) "Branded title" means a title certificate that is labeled:

52 (a) rebuilt and restored to operation;

53 (b) flooded and restored to operation; or

54 (c) not restored to operation.

55 (8) "Camper" means any structure designed, used, and maintained primarily to be
56 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a
57 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for
58 camping.

59 (9) "Certificate of title" means a document issued by a jurisdiction to establish a record
60 of ownership between an identified owner and the described vehicle, vessel, or outboard motor.

61 (10) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
62 weighmaster.

63 (11) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or
64 maintained for the transportation of persons or property that operates:

65 (a) as a carrier for hire, compensation, or profit; or

66 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
67 owner's commercial enterprise.

68 (12) "Commission" means the State Tax Commission.

69 (13) "Dealer" means a person engaged or licensed to engage in the business of buying,
70 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on
71 conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established
72 place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

73 (14) "Division" means the Motor Vehicle Division of the commission, created in
74 Section 41-1a-106.

75 (15) "Essential parts" means all integral and body parts of a vehicle of a type required
76 to be registered in this state, the removal, alteration, or substitution of which would tend to
77 conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of
78 operation.

79 (16) "Farm tractor" means every motor vehicle designed and used primarily as a farm
80 implement for drawing plows, mowing machines, and other implements of husbandry.

81 (17) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for
82 his own use in the transportation of:

83 (i) farm products, including livestock and its products, poultry and its products,
84 floricultural and horticultural products;

85 (ii) farm supplies, including tile, fence, and every other thing or commodity used in
86 agricultural, floricultural, horticultural, livestock, and poultry production; and

87 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or
88 other purposes connected with the operation of a farm.

89 (b) "Farm truck" does not include the operation of trucks by commercial processors of

90 agricultural products.

91 (18) "Fleet" means one or more commercial vehicles.

92 (19) "Foreign vehicle" means a vehicle of a type required to be registered, brought into
93 this state from another state, territory, or country other than in the ordinary course of business
94 by or through a manufacturer or dealer, and not registered in this state.

95 (20) "Gross laden weight" means the actual weight of a vehicle or combination of
96 vehicles, equipped for operation, to which shall be added the maximum load to be carried.

97 (21) "Highway" or "street" means the entire width between property lines of every way
98 or place of whatever nature when any part of it is open to the public, as a matter of right, for
99 purposes of vehicular traffic.

100 (22) (a) "Identification number" means the identifying number assigned by the
101 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard
102 motor.

103 (b) "Identification number" includes a vehicle identification number, state assigned
104 identification number, hull identification number, and motor serial number.

105 (23) "Implement of husbandry" means every vehicle designed or adapted and used
106 exclusively for an agricultural operation and only incidentally operated or moved upon the
107 highways.

108 (24) (a) "In-state miles" means the total number of miles operated in this state during
109 the preceding year by fleet power units.

110 (b) If fleets are composed entirely of trailers or semitrailers, "in-state miles" means the
111 total number of miles that those vehicles were towed on Utah highways during the preceding
112 year.

113 (25) "Interstate vehicle" means any commercial vehicle operated in more than one
114 state, province, territory, or possession of the United States or foreign country.

115 (26) "Jurisdiction" means a state, district, province, political subdivision, territory, or
116 possession of the United States or any foreign country.

117 (27) "Lienholder" means a person with a security interest in particular property.

118 (28) "Manufactured home" means a transportable factory built housing unit constructed
119 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards
120 Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body

121 feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more
122 square feet, and which is built on a permanent chassis and designed to be used as a dwelling
123 with or without a permanent foundation when connected to the required utilities, and includes
124 the plumbing, heating, air-conditioning, and electrical systems.

125 (29) "Manufacturer" means a person engaged in the business of constructing,
126 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or
127 outboard motors for the purpose of sale or trade.

128 (30) "Mobile home" means a transportable factory built housing unit built prior to June
129 15, 1976, in accordance with a state mobile home code which existed prior to the Federal
130 Manufactured Housing and Safety Standards Act (HUD Code).

131 (31) "Motorboat" has the same meaning as provided in Section 73-18-2.

132 (32) "Motorcycle" means a motor vehicle having a saddle for the use of the rider and
133 designed to travel on not more than three wheels in contact with the ground.

134 (33) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and
135 operation on the highways.

136 (b) "Motor vehicle" does not include an off-highway vehicle.

137 (34) (a) "Nonresident" means a person who is not a resident of this state as defined by
138 Section 41-1a-202, and who does not engage in intrastate business within this state and does
139 not operate in that business any motor vehicle, trailer, or semitrailer within this state.

140 (b) A person who engages in intrastate business within this state and operates in that
141 business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in
142 interstate commerce, maintains any vehicle in this state as the home station of that vehicle is
143 considered a resident of this state, insofar as that vehicle is concerned in administering this
144 chapter.

145 (35) "Odometer" means a device for measuring and recording the actual distance a
146 vehicle travels while in operation, but does not include any auxiliary odometer designed to be
147 periodically reset.

148 (36) "Off-highway implement of husbandry" has the same meaning as provided in
149 Section 41-22-2.

150 (37) "Off-highway vehicle" has the same meaning as provided in Section 41-22-2.

151 (38) "Operate" means to drive or be in actual physical control of a vehicle or to

152 navigate a vessel.

153 (39) "Outboard motor" means a detachable self-contained propulsion unit, excluding
154 fuel supply, used to propel a vessel.

155 (40) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle,
156 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a
157 security interest.

158 (b) If a vehicle is the subject of an agreement for the conditional sale or installment
159 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions
160 stated in the agreement and with an immediate right of possession vested in the conditional
161 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the
162 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this
163 chapter.

164 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the
165 owner until the lessee exercises his option to purchase the vehicle.

166 (41) "Personalized license plate" means a license plate that has displayed on it a
167 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned
168 to the vehicle by the division.

169 (42) (a) "Pickup truck" means a two-axle motor vehicle with motive power
170 manufactured, remanufactured, or materially altered to provide an open cargo area.

171 (b) "Pickup truck" includes motor vehicles with the open cargo area covered with a
172 camper, camper shell, tarp, removable top, or similar structure.

173 (43) "Pneumatic tire" means every tire in which compressed air is designed to support
174 the load.

175 (44) "Preceding year" means a period of 12 consecutive months fixed by the division
176 that is within 16 months immediately preceding the commencement of the registration or
177 license year in which proportional registration is sought. The division in fixing the period shall
178 conform it to the terms, conditions, and requirements of any applicable agreement or
179 arrangement for the proportional registration of vehicles.

180 (45) "Public garage" means every building or other place where vehicles or vessels are
181 kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.

182 (46) "Reconstructed vehicle" means every vehicle of a type required to be registered in

183 this state that is materially altered from its original construction by the removal, addition, or
184 substitution of essential parts, new or used.

185 (47) "Recreational vehicle" has the same meaning as provided in Section 13-14-102.

186 (48) "Registration" means a document issued by a jurisdiction that allows operation of
187 a vehicle or vessel on the highways or waters of this state for the time period for which the
188 registration is valid and that is evidence of compliance with the registration requirements of the
189 jurisdiction.

190 (49) (a) "Registration year" means a 12 consecutive month period commencing with
191 the completion of all applicable registration criteria.

192 (b) For administration of a multistate agreement for proportional registration the
193 division may prescribe a different 12-month period.

194 (50) "Repair or replacement" means the restoration of vehicles, vessels, or outboard
195 motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,
196 or outboard motor, or by correcting the inoperative part.

197 (51) "Road tractor" means every motor vehicle designed and used for drawing other
198 vehicles and constructed so it does not carry any load either independently or any part of the
199 weight of a vehicle or load that is drawn.

200 (52) "Sailboat" has the same meaning as provided in Section 73-18-2.

201 (53) "Security interest" means an interest that is reserved or created by a security
202 agreement to secure the payment or performance of an obligation and that is valid against third
203 parties.

204 (54) "Semitrailer" means every vehicle without motive power designed for carrying
205 persons or property and for being drawn by a motor vehicle and constructed so that some part
206 of its weight and its load rests or is carried by another vehicle.

207 (55) "Special group license plate" means a type of license plate designed for a
208 particular group of people or a license plate authorized and issued by the division in accordance
209 with ~~[Section 41-1a-408]~~ Section 41-1a-418.

210 (56) (a) "Special interest vehicle" means a vehicle used for general transportation
211 purposes and that is:

212 (i) 20 years or older from the current year; or

213 (ii) a make or model of motor vehicle recognized by the division director as having

214 unique interest or historic value.

215 (b) In making his determination under Subsection (56)(a), the division director shall
216 give special consideration to:

217 (i) a make of motor vehicle that is no longer manufactured;

218 (ii) a make or model of motor vehicle produced in limited or token quantities;

219 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
220 designed exclusively for educational purposes or museum display; or

221 (iv) a motor vehicle of any age or make that has not been substantially altered or
222 modified from original specifications of the manufacturer and because of its significance is
223 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a
224 leisure pursuit.

225 (57) (a) "Special mobile equipment" means every vehicle:

226 (i) not designed or used primarily for the transportation of persons or property;

227 (ii) not designed to operate in traffic; and

228 (iii) only incidentally operated or moved over the highways.

229 (b) "Special mobile equipment" includes:

230 (i) farm tractors;

231 (ii) off-road motorized construction or maintenance equipment including backhoes,
232 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

233 (iii) ditch-digging apparatus.

234 (c) "Special mobile equipment" does not include a commercial vehicle as defined
235 under Section 72-9-102.

236 (58) "Specially constructed vehicle" means every vehicle of a type required to be
237 registered in this state, not originally constructed under a distinctive name, make, model, or
238 type by a generally recognized manufacturer of vehicles, and not materially altered from its
239 original construction.

240 (59) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

241 (60) (a) "Total fleet miles" means the total number of miles operated in all jurisdictions
242 during the preceding year by power units.

243 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means
244 the number of miles that those vehicles were towed on the highways of all jurisdictions during

245 the preceding year.

246 (61) "Trailer" means a vehicle without motive power designed for carrying persons or
247 property and for being drawn by a motor vehicle and constructed so that no part of its weight
248 rests upon the towing vehicle.

249 (62) "Transferee" means a person to whom the ownership of property is conveyed by
250 sale, gift, or any other means except by the creation of a security interest.

251 (63) "Transferor" means a person who transfers his ownership in property by sale, gift,
252 or any other means except by creation of a security interest.

253 (64) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle
254 without motive power, designed as a temporary dwelling for travel, recreational, or vacation
255 use that does not require a special highway movement permit when drawn by a self-propelled
256 motor vehicle.

257 (65) "Truck tractor" means a motor vehicle designed and used primarily for drawing
258 other vehicles and not constructed to carry a load other than a part of the weight of the vehicle
259 and load that is drawn.

260 (66) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
261 manufactured home, and mobile home.

262 (67) "Vessel" has the same meaning as provided in Section 73-18-2.

263 (68) "Vintage vehicle" has the same meaning as provided in Section 41-21-1.

264 (69) "Waters of this state" has the same meaning as provided in Section 73-18-2.

265 (70) "Weighmaster" means a person, association of persons, or corporation permitted
266 to weigh vehicles under this chapter.

267 Section 2. Section **41-1a-402** is amended to read:

268 **41-1a-402. Required colors, numerals, and letters -- Expiration.**

269 (1) (a) Except as provided in Subsection (3) and in Section 41-1a-407, each license
270 plate shall be in colors selected by the commission and shall have displayed on it:

271 [~~(a)~~] (i) the registration number assigned to the vehicle for which it is issued;

272 [~~(b)~~] (ii) the name of the state;

273 [~~(c)~~] (iii) a registration decal showing the date of expiration; and

274 [~~(d)~~] (iv) a slogan determined as provided in Section 41-1a-405.

275 (b) A special group license plate issued under Section 41-1a-418 is exempt from the

276 slogan requirement under Subsection (1)(a)(iv).

277 (2) If registration is extended by affixing a registration decal to the license plate, the
278 expiration date of the decal governs the expiration date of the license plate.

279 (3) Each original license plate that is not one of the special group license plates issued
280 under Section [~~41-1a-408~~] 41-1a-418 shall be a:

281 (a) statehood centennial license plate with the same color, design, and slogan as the
282 plates issued in conjunction with the statehood centennial; or

283 (b) Ski Utah license plate.

284 Section 3. Section **41-1a-414** is amended to read:

285 **41-1a-414. Parking privileges for persons with disabilities.**

286 (1) As used in this section, "accessible parking space" means a parking space that is
287 clearly identified as reserved for use by a person with a disability and includes:

288 (a) vertical signage, including the international symbol of accessibility, that is visible
289 from a passing vehicle; and

290 (b) a clearly marked access aisle, if provided, that is adjacent to and considered part of
291 the parking space.

292 (2) Except in parking areas designated for emergency use, a person with a disability,
293 qualifying under rules made in accordance with Section [~~41-1a-408~~] 41-1a-420, may park an
294 appropriately marked vehicle for reasonable periods without charge in metered parking zones
295 and restricted parking areas, in a manner that allows proper access to the vehicle by the person
296 with a disability.

297 (3) Only those vehicles carrying a person with a disability special group license plate,
298 temporary removable windshield placard, or removable windshield placard and transporting a
299 qualifying person with a disability may park in an accessible parking space.

300 (4) This section applies to and may be enforced on public property and on private
301 property that is used or intended for use by the public.

302 (5) The parking privileges granted by this section also apply to vehicles displaying a
303 person with a disability special group license plate, temporary removable windshield placard,
304 or removable windshield placard issued by another jurisdiction if displayed on a vehicle being
305 used by a person with a disability.

306 Section 4. Section **41-1a-418** is enacted to read:

307 **41-1a-418. Authorized special group license plates.**

308 (1) The division shall only issue special group license plates in accordance with
309 Sections 41-1a-418 through 41-1a-422 to a person who is specified under this section within
310 the categories listed as follows:

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

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

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

314 (ii) former prisoner of war; or

315 (iii) recipient of a Purple Heart;

316 (c) unique vehicle type special group license plates, as for historical, collectors value,

317 or other unique vehicle type, which plates are issued for a:

318 (i) special interest vehicle;

319 (ii) vintage vehicle;

320 (iii) farm truck; or

321 (iv) vehicle powered by clean fuel and for which a current clean special fuel certificate
322 is maintained as provided in Section 59-13-304;

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

325 (i) current member of the Legislature;

326 (ii) current member of the United States Congress;

327 (iii) current member of the National Guard;

328 (iv) licensed amateur radio operator;

329 (v) currently employed, volunteer, or retired firefighter;

330 (vi) emergency medical technician; or

331 (vii) current member of a search and rescue team; and

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

334 (i) an institution's scholastic scholarship fund;

335 (ii) the Division of Wildlife Resources;

336 (iii) the Office of Veterans' Affairs;

337 (iv) the Division of Parks and Recreation;

- 338 (v) the Department of Agriculture and Food;
339 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
340 (vii) the Boy Scouts of America; or
341 (viii) spay and neuter programs through No More Homeless Pets in Utah.
342 (2) Beginning January 1, 2003, the division may not issue a new type of special group
343 license plate unless the division receives:
344 (a) a start-up fee established under Section 63-38-3.2 for production and administrative
345 costs for providing the new special group license plates; or
346 (b) a legislative appropriation for the start-up fee provided under Subsection (2)(a).
347 (3) (a) A sponsoring organization that qualifies for tax-exempt status under Internal
348 Revenue Code Section 501(c) may request the commission to authorize a new type of special
349 group license plate for the sponsoring organization. The sponsoring organization shall:
350 (i) collect a minimum of 200 applications; and
351 (ii) pay a start-up fee established under Section 63-38-3.2 for production and
352 administrative costs for providing the new type of special group license plates.
353 (b) If the provisions of Subsection (3)(a) are met, the commission shall approve the
354 request and the division shall:
355 (i) design a license plate in accordance with Section 41-1a-419; and
356 (ii) issue the new type of special group license plates.
357 Section 5. Section **41-1a-419** is enacted to read:
358 **41-1a-419. Plate design -- Vintage vehicle certification and registration --**
359 **Personalized special group license plates -- Rulemaking.**
360 (1) (a) The design and maximum number of numerals or characters on special group
361 license plates shall be determined by the division in accordance with the requirements under
362 Subsection (1)(b).
363 (b) Each special group license plate shall display:
364 (i) the word Utah;
365 (ii) the name or identifying slogan of the special group;
366 (iii) a symbol decal not exceeding two positions in size representing the special group;
367 and
368 (iv) the combination of letters, numbers, or both uniquely identifying the registered

369 vehicle.

370 (2) (a) The division shall, after consultation with a representative designated by the
371 special group, specify the word or words comprising the special group name and the symbol
372 decals to be displayed upon the special group license plates.

373 (b) A special group license plate may not be redesigned more frequently than every five
374 years.

375 (3) The license plates issued for horseless carriages prior to July 1, 1992, are valid
376 without renewal as long as the vehicle is owned by the registered owner and the license plates
377 may not be recalled by the division.

378 (4) A person who meets the criteria established under Sections 41-1a-418 through
379 41-1a-422 for issuance of special group license plates may make application in the same
380 manner provided in Sections 41-1a-410 and 41-1a-411 for personalized special group license
381 plates.

382 (5) The commission shall make rules in accordance with Title 63, Chapter 46a, Utah
383 Administrative Rulemaking Act, to:

384 (a) establish qualifying criteria for persons to receive, renew, or surrender special group
385 license plates; and

386 (b) establish the maximum number of numerals or characters for special group license
387 plates.

388 Section 6. Section **41-1a-420** is enacted to read:

389 **41-1a-420. Disability special group license plates -- Application and qualifications**
390 **-- Rulemaking.**

391 (1) The division shall issue a disability special group license plate, temporary
392 removable windshield placard, or a removable windshield placard to:

393 (a) a qualifying person with a disability; or

394 (b) the registered owner of a vehicle that an organization uses primarily for the
395 transportation of persons with disabilities that limit or impair the ability to walk.

396 (2) (a) The initial application of a person with a disability shall be accompanied by the
397 certification of a licensed physician:

398 (i) that the applicant meets the definition of a person with a disability that limits or
399 impairs the ability to walk as defined in the federal Uniform System for Parking for Persons

400 with Disabilities, 23 C.F.R. Ch. 11, Subch. B, Pt. 1235.2 (1991); and

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

403 (b) The division shall issue a person with a disability special group license plate or a
404 removable windshield placard to a person with a permanent disability.

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

407 (d) On request of an applicant, the division shall issue one additional placard to a
408 person with a disability special group license plate, temporary removable windshield placard,
409 or a removable windshield placard.

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

414 (4) The commission shall make rules in accordance with Title 63, Chapter 46a, Utah
415 Administrative Rulemaking Act, to:

416 (a) establish qualifying criteria for persons to receive, renew, or surrender special group
417 license plates, a temporary removable windshield placard, or a removable windshield placard in
418 accordance with this section;

419 (b) establish the maximum number of numerals or characters for disability special
420 group license plates; and

421 (c) require all temporary removable windshield placards and removable windshield
422 placards to include:

423 (i) an identification number;

424 (ii) an expiration date not to exceed six months for a temporary removable windshield
425 placard and two years for a removable windshield placard; and

426 (iii) the seal or other identifying mark of the division.

427 Section 7. Section **41-1a-421** is enacted to read:

428 **41-1a-421. Honor special group license plates -- Personal identity requirements.**

429 (1) (a) The requirements of this Subsection (1) apply to a vehicle displaying a:

430 (i) survivor of the Japanese attack on Pearl Harbor license plate;

- 431 (ii) former prisoner of war license plate; or
432 (iii) Purple Heart license plate.
433 (b) The vehicle shall be titled in the name of the veteran or the veteran and spouse.
434 (c) Upon the death of the veteran, the surviving spouse may, upon application to the
435 division, retain the special group license plate decal so long as the surviving spouse remains
436 unmarried.
437 (d) The division shall require the surviving spouse to make a sworn statement that the
438 surviving spouse is unmarried before renewing the registration under this section.
439 (2) Proper evidence of a Purple Heart is either:
440 (a) a membership card in the Military Order of the Purple Heart; or
441 (b) an original or certificate in lieu of the applicant's military discharge form, DD-214,
442 issued by the National Personnel Records Center.
443 (3) The Purple Heart license plates shall bear:
444 (a) the words "Purple Heart" at the bottom of the plate;
445 (b) a logo substantially depicting a Purple Heart award; and
446 (c) the letter and number combinations assigned by the division.
447 Section 8. Section **41-1a-422** is enacted to read:
448 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
449 **contribution collection procedures.**
450 (1) As used in this section:
451 (a) "Contributor" means a person who has donated or in whose name at least \$25 has
452 been donated to:
453 (i) a scholastic scholarship fund of a single named institution;
454 (ii) the Division of Veterans' Affairs in the Utah National Guard for veterans'
455 programs;
456 (iii) the Division of Wildlife Resources for the Wildlife Resources Account created in
457 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,
458 access, and management of wildlife habitat;
459 (iv) the Department of Agriculture and Food for the benefit of soil conservation
460 districts;
461 (v) the Division of Parks and Recreation for the benefit of snowmobile programs;

462 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah,
463 with the donation evenly divided between the two;

464 (vii) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
465 council as specified by the contributor; or

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

468 (b) "Institution" means a state institution of higher education as defined under Section
469 53B-3-102 or a private institution of higher education in the state accredited by a regional or
470 national accrediting agency recognized by the United States Department of Education.

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

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

477 (i) the name of the contributor;

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

479 (iii) the date of the donation; and

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

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

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

487 (e) If the contribution is made at the time of application, the contribution shall be
488 collected, treated, and deposited as provided under Subsection (3).

489 (3) (a) Except as provided under Subsection (3)(d), an applicant for original or renewal
490 support special group license plates under this section must be an annual contributor to the
491 entity or named institution associated with the license plate.

492 (b) This contribution shall be:

493 (i) unless collected by the named institution under Subsection (2), collected by the
 494 division;

495 (ii) treated as a voluntary contribution for the funding of the activities specified under
 496 this section and not as a motor vehicle registration fee; and

497 (iii) deposited into the appropriate account less actual administrative costs associated
 498 with issuing the license plates.

499 (c) Except as provided under Subsection (3)(d), the donation described in Subsection
 500 (1)(a) must be made in the 12 months prior to registration or renewal of registration.

501 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to
 502 the division when issuing original:

503 (i) veterans' license plates;

504 (ii) snowmobile license plates; or

505 (iii) soil conservation license plates.

506 (4) (a) The division may issue original license plates under this section if a one-time
 507 contribution of at least \$6,000 is provided to the division to cover start-up materials and
 508 programming costs.

509 (b) The contribution may be from:

510 (i) the entity or entities associated with the license plates;

511 (ii) appropriations made by the Legislature; or

512 (iii) other public and private sources.

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

515 Section 9. Section **41-1a-1201** is amended to read:

516 **41-1a-1201. Disposition of fees.**

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

519 (2) Except as provided in Subsections (3), (4), and (6), and [~~Subsections 41-1a-408(7);~~
 520 ~~(8), (13), (14), (15), (16), (18), and (19)] Section 41-1a-422, and in Section 41-1a-1220, all fees
 521 collected under this part shall be deposited in the Transportation Fund.~~

522 (3) (a) Funds generated under Subsections 41-1a-1211(1)(a), [~~(7)~~] (6)(a), and [~~(8)~~] (7)
 523 and Section 41-1a-1212 may be used by the commission as a dedicated credit to cover the costs

524 incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

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

528 ~~[(c)]~~ (b) Fees for statehood centennial license plates shall be collected and deposited in
529 the Transportation Fund, less production and administrative costs incurred by the commission.

530 ~~[(d) Fees for Olympic special group license plates shall be collected and deposited as~~
531 ~~provided under Section 41-1a-417.]~~

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

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

537 (6) The following portions of the registration fees imposed under Section 41-1a-1206
538 for each vehicle shall be deposited in the Centennial Highway Fund created under Section
539 72-2-118:

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

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

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

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

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

547 Section 10. Section **41-1a-1211** is amended to read:

548 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**
549 **personalized and special group license plates -- Replacement fee for license plates --**
550 **Postage fees.**

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

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

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

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

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

563 ~~[(b) A person who qualifies for a licensed amateur radio operator or search and rescue~~
564 ~~team]~~

565 (3) A person who applies for a special group license plate shall pay a \$5 fee for the
566 original set of license plates in addition to the fee required under Subsection (1).

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

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

576 ~~[(5) The following application fees for renewal of personalized and special group~~
577 ~~license plates shall be paid to the division at the time of renewal of registration:]~~

578 ~~[(a) an]~~ (5) An applicant for renewal of personalized license plates issued under
579 Section 41-1a-410 shall pay a \$10 per set application fee[;].

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

582 ~~[(c) an applicant for renewal of legislative, United States Congressional, person with a~~
583 ~~disability, collegiate, wildlife, National Guard, Purple Heart, Prisoner of War, Survivor of the~~
584 ~~Japanese Attack on Pearl Harbor, farm vehicle, vintage vehicle, firefighter, children's issues,~~
585 ~~snowmobile, soil conservation, Boy Scouts of America, spay and neuter, emergency medical~~

586 technician, search and rescue team, clean fuel, or licensed amateur radio operator special group
587 license plates is exempt from payment of application fees imposed under Subsection (5)(b).]

588 [~~(6)~~ An applicant for renewal of personalized special group license plates shall pay the
589 application fee required in Subsection (5)(a) in addition to the applicable application fees for
590 renewal of license plates established under Subsections (5)(b) and (5)(c).]

591 [~~(7)~~ (6) A fee of \$5 shall be paid to the division for the replacement of any license
592 plate issued under Part 4, License Plates and Registration Indicia. The license plate fee shall be
593 deposited as follows:

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

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

596 [~~(8)~~ (7) The division may charge a fee established under Section 63-38-3.2 to recover
597 its costs for the replacement of decals issued under Section [~~41-1a-408~~] 41-1a-418.

598 [~~(9)~~ (8) The division may charge a fee established under Section 63-38-3.2 to recover
599 the cost of issuing stickers under Section 41-1a-416.

600 [~~(10)~~ (9) In addition to any other fees required by this section, the division shall assess
601 a fee established under Section 63-38-3.2 to cover postage expenses if new or replacement
602 license plates are mailed to the applicant.

603 [~~(11)~~ (10) The fees required under this section are separate from and in addition to
604 registration fees required under Section 41-1a-1206.

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

608 Section 11. Section **41-1a-1218** is amended to read:

609 **41-1a-1218. Uninsured motorist identification fee for tracking motor vehicle**
610 **insurance -- Exemption -- Deposit.**

611 (1) (a) At the time application is made for registration or renewal of registration of a
612 motor vehicle under this chapter, the applicant shall pay an uninsured motorist identification
613 fee of \$1 on each motor vehicle.

614 (b) A commercial vehicle registered as part of a fleet under Section 41-1a-222 or
615 Section 41-1a-301, is exempt from the uninsured motorist identification fee required by this
616 section.

617 (c) A motor vehicle that is exempt from the registration fee under Section 41-1a-1209
618 or Subsection 41-1a-419(3) is also exempt from the uninsured motorist identification fee
619 required by this section.

620 (2) The revenue generated under this section shall be deposited in the Uninsured
621 Motorist Identification Restricted Account created in Section 41-12a-806.

622 Section 12. Section **71-8-4** is amended to read:

623 **71-8-4. Veterans' Advisory Council -- Membership -- Duties and responsibilities**
624 **-- Per diem and expenses.**

625 (1) There is created a Veterans' Advisory Council whose purpose is to advise the
626 director of the Division of Veterans' Affairs on issues relating to veterans.

627 (2) The council shall consist of eleven voting members and one nonvoting member,
628 designated as follows:

629 (a) five members appointed by the governor to serve four-year terms:

630 (i) four veterans at large; and

631 (ii) a representative from the Office of the Governor;

632 (b) the director of the VA Health Care System or his designee;

633 (c) the director of the VA Benefits Administration Regional Office in Salt Lake City,
634 or his designee;

635 (d) a representative from the Veterans' Memorial Park Board for the duration of his
636 appointment to the board;

637 (e) the commanders or their designees of the three largest veterans service
638 organizations in the state. Their terms shall last as long as they hold the required office; and

639 (f) the director shall be a nonvoting member of the council.

640 (3) (a) Except as required by Subsection (3)(b), as terms of current council members
641 expire, the governor shall appoint each new or reappointed member to a four-year term
642 commencing on July 1.

643 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
644 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
645 council members are staggered so that approximately half of the members appointed by the
646 governor are appointed every two years.

647 (4) When a vacancy occurs in the membership for any reason, the governor shall

648 appoint a replacement for the unexpired term within 60 days of receiving notice.

649 (5) Members appointed by the governor may not serve more than two consecutive
650 terms.

651 (6) (a) Any veterans' group or veteran may provide the director with a list of
652 recommendations for members on the council.

653 (b) The director shall provide the governor with the list of recommendations for
654 members to be appointed to the council.

655 (c) The governor shall make final appointments to the council by June 30 of any year in
656 which appointments are to be made under this chapter.

657 (7) The council shall elect a chair from among its members every two years. The chair
658 shall be a veteran.

659 (8) (a) The council shall meet at least once every quarter.

660 (b) The director of the Division of Veterans' Affairs may convene additional meetings,
661 as necessary.

662 (9) The division shall provide staff to the council.

663 (10) Six voting members are a quorum for the transaction of business.

664 (11) The council shall:

665 (a) solicit input concerning veterans issues from veterans' groups throughout the state;

666 (b) report issues received to the director of the Division of Veterans' Affairs and make
667 recommendations concerning them;

668 (c) keep abreast of federal developments that affect veterans locally and advise the
669 director of them; and

670 (d) approve, by a majority vote, the use of monies generated from veterans' license
671 plates under Section [~~41-1a-408~~] 41-1a-422 for veterans' programs.

672 (12) (a) Members shall receive no compensation or benefits for their services, but may
673 receive per diem and expenses incurred in the performance of the member's official duties at
674 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

675 (b) Members may decline to receive per diem and expenses for their service.

676 **Section 13. Repealer.**

677 This act repeals:

678 **Section 41-1a-408, Special group plates -- Design -- Application -- Issuance.**

679 Section 41-1a-409, Evidence of Purple Heart - Special group plate designs.

680 Section 41-1a-417, Olympic license plates -- Fees -- Design.

681 Section 14. Effective date.

682 If approved by two-thirds of all the members elected to each house, this act takes effect

683 upon approval by the governor, or the day following the constitutional time limit of Utah

684 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,

685 the date of veto override.

Legislative Review Note

as of 10-23-02 3:09 PM

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

Office of Legislative Research and General Counsel

Interim Committee Note

as of 12-12-02 10:40 AM

The Transportation Interim Committee recommended this bill.

Fiscal Note**Special Group License Plate Revisions***09-Jan-03***Bill Number HB0007***4:56 PM*

State Impact

No significant fiscal impact. The costs of issuing new plates is off-set by charging fees.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst