

Senator Carlene M. Walker proposes the following substitute bill:

**LICENSE PLATE FOR BOYS AND GIRLS
CLUBS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Chad E. Bennion

This act modifies the Motor Vehicle Code by adding a Boys and Girls Clubs of America special group license plate to provide financial support to the Utah Alliance of Boys and Girls Clubs, Inc. This act requires applicants for the new plate to make a \$25 annual donation to the Utah Alliance of Boys and Girls Clubs, Inc. This act takes effect on October 1, 2003. This act provides a coordination clause.

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

AMENDS:

41-1a-418, as enacted by Chapter 1, Laws of Utah 2003

41-1a-422, as enacted by Chapter 1, Laws of Utah 2003

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

Section 1. Section **41-1a-418** is amended to read:

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

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

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

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

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

(ii) former prisoner of war; or

(iii) recipient of a Purple Heart;



26 (c) unique vehicle type special group license plates, as for historical, collectors value,
27 or other unique vehicle type, which plates are issued for a:

- 28 (i) special interest vehicle;
- 29 (ii) vintage vehicle;
- 30 (iii) farm truck; or
- 31 (iv) vehicle powered by clean fuel and for which a current clean special fuel certificate
32 is maintained as provided in Section 59-13-304;

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

- 35 (i) current member of the Legislature;
- 36 (ii) current member of the United States Congress;
- 37 (iii) current member of the National Guard;
- 38 (iv) licensed amateur radio operator;
- 39 (v) currently employed, volunteer, or retired firefighter;
- 40 (vi) emergency medical technician; or
- 41 (vii) current member of a search and rescue team; and

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

- 44 (i) an institution's scholastic scholarship fund;
- 45 (ii) the Division of Wildlife Resources;
- 46 (iii) the Office of Veterans' Affairs;
- 47 (iv) the Division of Parks and Recreation;
- 48 (v) the Department of Agriculture and Food;
- 49 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 50 (vii) the Boy Scouts of America; [or]
- 51 (viii) spay and neuter programs through No More Homeless Pets in Utah[-]; or
- 52 (ix) the Boys and Girls Clubs of America.

53 (2) Beginning January 1, 2003, the division may not issue a new type of special group
54 license plate unless the division receives:

- 55 (a) a start-up fee established under Section 63-38-3.2 for production and administrative
56 costs for providing the new special group license plates; or

57 (b) a legislative appropriation for the start-up fee provided under Subsection (2)(a).

58 (3) (a) A sponsoring organization that qualifies for tax-exempt status under Internal
59 Revenue Code Section 501(c)(3) may request the commission to authorize a new type of
60 special group license plate for the sponsoring organization. The sponsoring organization shall:

61 (i) collect a minimum of 200 applications; and

62 (ii) pay a start-up fee established under Section 63-38-3.2 for production and
63 administrative costs for providing the new type of special group license plates.

64 (b) If the provisions of Subsection (3)(a) are met, the commission shall approve the
65 request and the division shall:

66 (i) design a license plate in accordance with Section 41-1a-419; and

67 (ii) issue the new type of special group license plates.

68 Section 2. Section **41-1a-422** is amended to read:

69 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
70 **contribution collection procedures.**

71 (1) As used in this section:

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

74 (i) a scholastic scholarship fund of a single named institution;

75 (ii) the Division of Veterans' Affairs in the Utah National Guard for veterans'
76 programs;

77 (iii) the Division of Wildlife Resources for the Wildlife Resources Account created in
78 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,
79 access, and management of wildlife habitat;

80 (iv) the Department of Agriculture and Food for the benefit of soil conservation
81 districts;

82 (v) the Division of Parks and Recreation for the benefit of snowmobile programs;

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

85 (vii) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
86 council as specified by the contributor; [or]

87 (viii) No More Homeless Pets in Utah for distribution to organizations or individuals

88 that provide spay and neuter programs that subsidize the sterilization of domestic animals[-]; or
89 (ix) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
90 development programs.

91 (b) "Institution" means a state institution of higher education as defined under Section
92 53B-3-102 or a private institution of higher education in the state accredited by a regional or
93 national accrediting agency recognized by the United States Department of Education.

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

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

100 (i) the name of the contributor;

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

102 (iii) the date of the donation; and

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

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

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

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

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

115 (b) This contribution shall be:

116 (i) unless collected by the named institution under Subsection (2), collected by the
117 division;

118 (ii) treated as a voluntary contribution for the funding of the activities specified under

119 this section and not as a motor vehicle registration fee; and

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

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

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

126 (i) veterans' license plates;

127 (ii) snowmobile license plates; or

128 (iii) soil conservation license plates.

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

131 **Section 3. Coordination clause.**

132 If this bill and H.B. 330, Veterans Group License Plate Revisions, both pass, it is the
133 intent of the Legislature that the Office of Legislative Research and General Counsel in
134 preparing the Utah Code for publication shall amend Subsection 41-1a-422(1)(a)(ix) of this bill
135 by inserting, "\$25 annually to" after "(ix)".

Legislative Review Note

as of 2-11-03 11:02 AM

This legislation requires a contribution of at least \$25 annually to the Utah Alliance of Boys and Girls Clubs, Inc., a private, non-profit entity, in order to qualify for a Boys and Girls Club of America license plate. Article VI, Section 26 of the Utah Constitution prohibits special legislation. The Utah Supreme Court has defined special legislation as legislation that classifies its objects unreasonably, by selecting from a class of particular persons, places, or things for the purpose of conferring privileges or imposing burdens. It is unclear whether a court would determine that requiring a contribution of at least \$25 annually to the Utah Alliance of Boys and Girls Clubs, Inc. is unconstitutional special legislation. If a court finds that the classification is reasonable, that general legislation is unable to cover the same issues that the special legislation covers, and that the special legislation accomplishes a public purpose, a court would likely uphold the Legislature's action.

Office of Legislative Research and General Counsel