



28           **41-1a-1211**, as last amended by Chapter 1, Laws of Utah 2003

29 ENACTS:

30           **41-1a-418.10**, Utah Code Annotated 1953

31           **41-1a-418.20**, Utah Code Annotated 1953

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

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

34           **41-1a-102. Definitions.**

35           As used in this chapter:

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

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

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

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

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

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

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

47           (a) rebuilt and restored to operation;

48           (b) flooded and restored to operation; or

49           (c) not restored to operation.

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

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

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

58           (11) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or

59 maintained for the transportation of persons or property that operates:

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

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

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

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

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

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

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

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

78 (i) farm products, including livestock and its products, poultry and its products,  
79 floricultural and horticultural products;

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

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

84 (b) "Farm truck" does not include the operation of trucks by commercial processors of  
85 agricultural products.

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

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

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

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

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

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

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

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

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

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

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

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

113 (28) "Manufactured home" means a transportable factory built housing unit constructed  
114 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards  
115 Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body  
116 feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more  
117 square feet, and which is built on a permanent chassis and designed to be used as a dwelling  
118 with or without a permanent foundation when connected to the required utilities, and includes  
119 the plumbing, heating, air-conditioning, and electrical systems.

120 (29) "Manufacturer" means a person engaged in the business of constructing,

121 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or  
122 outboard motors for the purpose of sale or trade.

123 (30) "Mobile home" means a transportable factory built housing unit built prior to June  
124 15, 1976, in accordance with a state mobile home code which existed prior to the Federal  
125 Manufactured Housing and Safety Standards Act (HUD Code).

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

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

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

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

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

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

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

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

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

146 (38) "Operate" means to drive or be in actual physical control of a vehicle or to  
147 navigate a vessel.

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

150 (40) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle,  
151 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a

152 security interest.

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

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

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

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

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

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

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

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

177 (46) "Reconstructed vehicle" means every vehicle of a type required to be registered in  
178 this state that is materially altered from its original construction by the removal, addition, or  
179 substitution of essential parts, new or used.

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

181 (48) "Registration" means a document issued by a jurisdiction that allows operation of  
182 a vehicle or vessel on the highways or waters of this state for the time period for which the

183 registration is valid and that is evidence of compliance with the registration requirements of the  
184 jurisdiction.

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

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

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

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

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

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

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

202 (55) "Special group license plate" means a type of license plate designed for a  
203 particular group of people or a license plate authorized ~~and~~ or issued by the division in  
204 accordance with ~~[Section]~~ Sections 41-1a-418 through 41-1a-418.20.

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

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

208 (ii) a make or model of motor vehicle recognized by the division director as having  
209 unique interest or historic value.

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

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

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

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

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

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

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

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

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

224 (b) "Special mobile equipment" includes:

225 (i) farm tractors;

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

228 (iii) ditch-digging apparatus.

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

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

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

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

238 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means  
239 the number of miles that those vehicles were towed on the highways of all jurisdictions during  
240 the preceding year.

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

244 (62) "Transferee" means a person to whom the ownership of property is conveyed by

245 sale, gift, or any other means except by the creation of a security interest.

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

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

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

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

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

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

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

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

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

263 **41-1a-402. Required colors, numerals, and letters -- Expiration.**

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

266 (i) the registration number assigned to the vehicle for which it is issued;

267 (ii) the name of the state;

268 (iii) a registration decal showing the date of expiration; and

269 (iv) a slogan determined as provided in Section 41-1a-405.

270 (b) A special group license plate issued under [~~Section~~] Sections 41-1a-418 through  
271 41-1a-418.20 is exempt from the slogan requirement under Subsection (1)(a)(iv).

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

274 (3) Each original license plate that is not one of the special group license plates issued  
275 under [~~Section~~] Sections 41-1a-418 through 41-1a-418.20 shall be a:

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

278 (b) Ski Utah license plate.

279 Section 3. Section **41-1a-404** is amended to read:

280 **41-1a-404. Location and position of plates.**

281 (1) ~~[License plates]~~ The two license plates issued for a vehicle other than a motorcycle,  
282 trailer, or semitrailer shall be attached to the vehicle, one license plate in the front and the other  
283 license plate in the rear.

284 (2) The license plate issued for a motorcycle, trailer, or semitrailer shall be attached to  
285 the rear of the motorcycle, trailer, or semitrailer.

286 (3) Every license plate shall at all times be:

287 (a) securely fastened:

288 (i) in a horizontal position to the vehicle for which it is issued to prevent the plate from  
289 swinging;

290 (ii) at a height of not less than 12 inches from the ground, measuring from the bottom  
291 of the plate; and

292 (iii) in a place and position to be clearly visible; and

293 (b) maintained:

294 (i) free from foreign materials; and

295 (ii) in a condition to be clearly legible.

296 (4) Except as authorized under this part, a person may not place or affix a decal,  
297 sticker, or indicia on a Utah license plate.

298 Section 4. Section **41-1a-418** is amended to read:

299 **41-1a-418. Authorized special group license plates.**

300 (1) ~~[The]~~ Subject to Subsections (2) and (3), the division shall [only] issue an  
301 identifying slogan and a symbol decal for the following special group license plates ~~[in~~  
302 ~~accordance with Sections 41-1a-418 through 41-1a-422 to a person who is specified under this~~  
303 ~~section within the categories listed as follows]:~~

304 ~~[(a) disability special group license plates issued in accordance with Section~~  
305 ~~41-1a-420;]~~

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

307 ~~[(i) survivor of the Japanese attack on Pearl Harbor;]~~  
308 ~~[(ii) former prisoner of war; or]~~  
309 ~~[(iii) recipient of a Purple Heart;]~~  
310 ~~[(c) unique vehicle type special group license plates, as for historical, collectors value,~~  
311 ~~or other unique vehicle type, which plates are issued for a:]~~  
312 ~~[(i) special interest vehicle;]~~  
313 ~~[(ii) vintage vehicle;]~~  
314 ~~[(iii) farm truck; or]~~  
315 ~~[(iv) vehicle powered by clean fuel and for which a current clean special fuel certificate~~  
316 ~~is maintained as provided in Section 59-13-304;]~~  
317 ~~[(d) recognition] (a) emergency service giver special group license plates, [as in a~~  
318 ~~public official or an emergency service giver;] which plates are issued for a:~~  
319 ~~[(i) current member of the Legislature;]~~  
320 ~~[(ii) current member of the United States Congress;]~~  
321 ~~[(iii)] (i) current member of the National Guard;~~  
322 ~~[(iv)] (ii) licensed amateur radio operator;~~  
323 ~~[(v)] (iii) currently employed, volunteer, or retired firefighter;~~  
324 ~~[(vi)] (iv) emergency medical technician; or~~  
325 ~~[(vii)] (v) current member of a search and rescue team; and~~  
326 ~~[(e)] (b) support special group license plates[, as] for a contributor to an institution or~~  
327 ~~cause, which plates are issued [for a contributor to:] in accordance with Section 41-1a-422.~~  
328 ~~[(i) an institution's scholastic scholarship fund;]~~  
329 ~~[(ii) the Division of Wildlife Resources;]~~  
330 ~~[(iii) the Office of Veterans' Affairs;]~~  
331 ~~[(iv) the Division of Parks and Recreation;]~~  
332 ~~[(v) the Department of Agriculture and Food;]~~  
333 ~~[(vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;]~~  
334 ~~[(vii) the Boy Scouts of America; or]~~  
335 ~~[(viii) spay and neuter programs through No More Homeless Pets in Utah.]~~  
336 ~~[(2) Beginning January 1, 2003, the division may not issue a new type of special group~~  
337 ~~license plate unless the division receives:]~~

338 ~~[(a) a start-up fee established under Section 63-38-3.2 for production and~~  
339 ~~administrative costs for providing the new special group license plates; or]~~  
340 ~~[(b) a legislative appropriation for the start-up fee provided under Subsection (2)(a).]~~  
341 ~~[(3) (a) A sponsoring organization that qualifies for tax-exempt status under Internal~~  
342 ~~Revenue Code Section 501(c)(3) may request the commission to authorize a new type of~~  
343 ~~special group license plate for the sponsoring organization. The sponsoring organization~~  
344 ~~shall:]~~  
345 ~~[(i) collect a minimum of 200 applications; and]~~  
346 ~~[(ii) pay a start-up fee established under Section 63-38-3.2 for production and~~  
347 ~~administrative costs for providing the new type of special group license plates.]~~  
348 ~~[(b) If the provisions of Subsection (3)(a) are met, the commission shall approve the~~  
349 ~~request and the division shall:]~~  
350 ~~[(i) design a license plate in accordance with Section 41-1a-419; and]~~  
351 ~~[(ii) issue the new type of special group license plates.]~~  
352 (2) The division shall issue an identifying slogan and a symbol decal for special group  
353 license plates listed under Subsection (1) until the earlier of:  
354 (a) the date on which the current inventory of identifying slogans or symbol decals for  
355 the special group license plate is depleted;  
356 (b) the date on which an identifying slogan or a symbol decal for the special group  
357 license plate is requested to be redesigned;  
358 (c) the date the sponsoring organization:  
359 (i) makes a written request to assume designing and issuing responsibility in  
360 accordance with Section 41-1a-418.20; and  
361 (ii) purchases from the division for a reasonable fee, the remaining inventory of  
362 identifying slogans and symbol decals for the organization's special group license plate; or  
363 (d) January 1, 2005.  
364 (3) On the date a special group license plate listed under Subsection (1) meets a  
365 condition of Subsection (2), the identifying slogan and symbol decal:  
366 (a) may not be issued by the division; and  
367 (b) may only be issued under Section 41-1a-418.20.  
368 Section 5. Section **41-1a-418.10** is enacted to read:

369 **41-1a-418.10. Special group license plates slogans and decals designed and issued**  
370 **by the division.**

371 (1) The division shall design and issue an identifying slogan and a symbol decal for the  
372 following special group license plates:

373 (a) disability special group license plates for a person who satisfies the conditions of  
374 Section 41-1a-420;

375 (b) honor special group license plates for a person who satisfies the conditions of  
376 Section 41-1a-421;

377 (c) farm truck special group license plates, if the vehicle for which the special group  
378 license plates are issued meets the definition of a farm truck under Section 41-1a-102;

379 (d) current member of the Legislature special group license plates, if the vehicle for  
380 which the special group license plates are issued is owned or leased by a current member of the  
381 Utah Legislature;

382 (e) current member of the United States Congress, if the vehicle for which the special  
383 group license plates are issued is owned or leased by a current member of the United States  
384 Congress;

385 (f) special interest vehicle special group license plates, if the vehicle for which the  
386 special group license plates are issued meets the definition of a special interest vehicle under  
387 Section 41-1a-102;

388 (g) vintage vehicle special group license plates, if the vehicle for which the special  
389 group license plates are issued meets the definition of a vintage vehicle under Section 41-21-1;  
390 or

391 (h) clean fuel special group license plates, if the vehicle for which the special group  
392 license plates are issued is powered by clean fuel and for which a current clean special fuel  
393 certificate is maintained as provided in Section 59-13-304.

394 (2) The division may not design, issue, or reorder an identifying slogan or a symbol  
395 decal for a special group license plate under this section unless the division receives:

396 (a) a fee established under Section 63-38-3.2 for production and administrative costs  
397 for providing the identifying slogan and symbol decal; or

398 (b) a legislative appropriation for the fee provided under Subsection (2)(a).

399 Section 6. Section **41-1a-418.20** is enacted to read:

400 41-1a-418.20. Special group license plates slogans and decals designed and issued  
401 by a qualified entity.

402 (1) As provided in this section "qualifying entity" means:

403 (a) an organization that has qualified for tax-exempt status under Internal Revenue

404 Code Section 501(c)(3);

405 (b) a governmental agency under Section 46-4-102;

406 (c) a sponsoring organization established for the purpose of professional development  
407 of governmental agency service personnel;

408 (d) beginning on the date the conditions identified under Subsection 41-1a-418(3) are  
409 met:

410 (i) an entity that issues emergency service giver special group license plates under  
411 Subsection 41-1a-418; or

412 (ii) an entity that issues support special group license plates under Section 41-1a-422;

413 or

414 (e) an entity approved by the Legislature that issues:

415 (i) Boys and Girls Clubs of America special group license plates;

416 (ii) honorary consulate special group license plates, if the vehicle for which the special  
417 group license plates are issued is owned or leased by a current honorary consulate designated  
418 by the United States Department of State;

419 (iii) Utah public education special group license plates; or

420 (iv) Utah's national parks special group license plates.

421 (2) An entity may design and issue an identifying slogan and symbol decal if the  
422 division determines:

423 (a) based on information provided by the entity, that the entity is a qualifying entity;

424 and

425 (b) that the identifying slogan and symbol decal designed by the entity meet the  
426 specifications established by rules made by the commission in accordance with Title 63,  
427 Chapter 46a, Utah Administrative Rulemaking Act.

428 (3) The identifying slogan and symbol decal issued under this section may be affixed to  
429 a special group license plate in accordance with Section 41-1a-419.

430 (4) A qualifying entity that issues an identifying slogan or a symbol decal under this

431 section is responsible for the collection of any fees or contributions the qualifying entity  
432 imposes for the issuance of the identifying slogan and symbol decal.

433 Section 7. Section **41-1a-419** is amended to read:

434 **41-1a-419. Plate design -- Vintage vehicle certification and registration --**  
435 **Personalized special group license plates -- Rulemaking.**

436 (1) (a) The design and maximum number of numerals or characters on special group  
437 license plates shall be determined by the division in accordance with the requirements under  
438 Subsection (1)(b).

439 (b) Each special group license plate shall display:

440 (i) the word Utah; and

441 [~~(ii) the name or identifying slogan of the special group;~~]

442 [~~(iii) a symbol decal not exceeding two positions in size representing the special group;~~

443 ~~and]~~

444 [~~(iv)~~] (ii) the combination of letters, numbers, or both uniquely identifying the  
445 registered vehicle.

446 (c) In addition to the requirements under Subsection (1)(b), for a special group license  
447 plate listed under Section 41-1a-418 or 41-1a-418.10, the division shall affix the identifying  
448 slogan and symbol decal to the special group license plate.

449 (2) (a) [~~The~~] In the case of a special group license plate listed under Section  
450 41-1a-418.10, the division shall, after consultation with a representative designated by the  
451 special group, specify the word or words comprising the [special group name] identifying  
452 slogan and the symbol decal to be displayed upon the special group license plates.

453 (b) [~~A special group license plate~~] An identifying slogan or symbol decal referred to in  
454 Subsection (2)(a) may not be redesigned:

455 (i) unless the division receives a redesign fee established by the division under Section  
456 63-38-3.2; and

457 (ii) more frequently than every five years.

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

461 (4) A person who meets the criteria established under Sections 41-1a-418 through

462 [~~41-1a-422~~] 41-1a-418.20 for issuance of special group license plates may make application in  
463 the same manner provided in Sections 41-1a-410 and 41-1a-411 for personalized special group  
464 license plates.

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

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

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

471 Section 8. Section ~~41-1a-422~~ is amended to read:

472 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**  
473 **contribution collection procedures.**

474 (1) As used in this section:

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

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

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

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

483 (iv) the Department of Agriculture and Food for the benefit of soil conservation  
484 districts;

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

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

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

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

492 (b) "Institution" means a state institution of higher education as defined under Section

493 53B-3-102 or a private institution of higher education in the state accredited by a regional or  
494 national accrediting agency recognized by the United States Department of Education.

495 (2) (a) ~~[An]~~ Except as provided in Subsection (5), applicant for original or renewal  
496 collegiate special group license plates under Subsection (1)(a)(i) must be a contributor to the  
497 institution named in the application and present the original contribution verification form  
498 under Subsection (2)(b) or make a contribution to the division at the time of application under  
499 Subsection (3).

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

502 (i) the name of the contributor;

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

504 (iii) the date of the donation; and

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

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

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

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

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

517 (b) This contribution shall be:

518 (i) unless collected by the named institution under Subsection (2), collected by the  
519 division;

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

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

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

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

- 528 (i) veterans' license plates;
- 529 (ii) snowmobile license plates; or
- 530 (iii) soil conservation license plates.

531 (4) ~~[Veterans']~~ Except as provided under Subsection (5), veterans' license plates shall  
532 display one of the symbols representing the Army, Navy, Air Force, Marines, Coast Guard, or  
533 American Legion.

534 (5) Notwithstanding Subsections (2) through (4), beginning on the date the conditions  
535 identified under Subsection 41-1a-418(3) are met, a sponsoring organization under this section  
536 that issues an identifying slogan or a symbol decal under Section 41-1a-418.20 is responsible  
537 for the collection of any donations or fees the qualifying entity imposes on the issuance of the  
538 identifying slogan and symbol decal under Section 41-1a-418.20.

539 Section 9. Section **41-1a-1211** is amended to read:

540 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**  
541 **personalized and special group license plates -- Replacement fee for license plates --**  
542 **Postage fees.**

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

- 546 (a) \$4 as provided in Section 41-1a-1201; and
- 547 (b) \$1 in the Transportation Fund.

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

551 (3) (a) Beginning July 1, 2003, a person who applies for a special group license plate  
552 under Sections 41-1a-418 through 41-1a-418.20 shall pay a \$5 fee for the original set of license  
553 plates in addition to the fee required under Subsection (1).

554 (b) Beginning October 1, 2003, a person who has a special group license plate under

555 Section 41-1a-418 or who applies for a special group license plate to which an identifying  
556 slogan and a symbol decal may be affixed under Section 41-1a-418.20 shall pay a \$5 annual fee  
557 for the set of license plates in addition to the fees required under Subsections (1) and (3)(a).

558 (c) In accordance with Section 41-1a-1201 the fees generated under this Subsection (3)  
559 shall be deposited in the Transportation Fund.

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

563 (5) An applicant for renewal of personalized license plates issued under Section  
564 41-1a-410 shall pay a \$10 per set application fee.

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

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

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

570 (7) The division may charge a fee established under Section 63-38-3.2 to recover its  
571 costs for the replacement of decals designed and issued under [~~Section~~] Sections 41-1a-418  
572 and 41-1a-418.10.

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

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

578 (10) The fees required under this section are separate from and in addition to  
579 registration fees required under Section 41-1a-1206.

580 **Section 10. Effective date.**

581 This act takes effect on October 1, 2003.

582 **Section 11. Coordination clause.**

583 If this bill and one or more of the following bills pass, it is the intent of the Legislature  
584 that the amendments in Sections 41-1a-418 and 41-1a-422 in this bill supersede the  
585 amendments to Sections 41-1a-418 and 41-1a-422 in the following bills:

- 586           (1) H.B. 46, Honorary Consulate - Special Group License Plates;  
587           (2) H.B. 197, License Plate for Boys and Girls Clubs;  
588           (3) S.B. 176, Education Support License Plate; or  
589           (4) S.B. 221, Utah National Parks License Plates.
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**Legislative Review Note**  
**as of 2-19-03 8:04 AM**

This legislation requires a contribution as determined by the private, non-profit qualifying entity which includes the Children's Museum of Utah, The Boy Scouts of America, spay and neuter programs through No More Homeless Pets in Utah, Boy's and Girl's Clubs of America, a Utah public education foundation, and a Utah's national parks foundation, in order to qualify for a special group 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 as determined by a private, non-profit qualifying entity 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**

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**Fiscal Note**  
**Bill Number HB0291**

**Special Group License Plates Amendments**

20-Feb-03

10:29 AM

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**State Impact**

This bill will generate about \$112,000 to the Transportation Fund in FY 2004. In FY 2005 it will generate about \$154,000. This bill has a Constitutional note. If challenged, the state could bear the costs of defense.

	<u>FY 04 Approp.</u>	<u>FY 05 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Revenue</u>
Transportation Fund	\$0	\$0	\$112,000	\$154,000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$112,000</b>	<b>\$154,000</b>

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**Individual and Business Impact**

Special group license plates will cost \$5 more.

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**Office of the Legislative Fiscal Analyst**