

1                                   **UTAH NATIONAL PARKS LICENSE PLATES**

2   2003 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: Thomas V. Hatch**

5   **This act modifies the Motor Vehicles Code by adding a Utah's National Parks special**  
6   **group license plate to provide financial support to Utah's National Parks nonprofit**  
7   **associations. This act requires applicants to make a \$25 annual donation to the Zion**  
8   **Natural History Association. This act takes effect on October 1, 2003. This act provides**  
9   **a coordinating clause.**

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

11 AMENDS:

12           **41-1a-418**, as enacted by Chapter 1, Laws of Utah 2003

13           **41-1a-422**, as enacted by Chapter 1, Laws of Utah 2003

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

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

16           **41-1a-418. Authorized special group license plates.**

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

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

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

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

23           (ii) former prisoner of war; or

24           (iii) recipient of a Purple Heart;

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

27           (i) special interest vehicle;



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

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

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

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

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

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

- 54 (a) a start-up fee established under Section 63-38-3.2 for production and administrative  
55 costs for providing the new special group license plates; or
- 56 (b) a legislative appropriation for the start-up fee provided under Subsection (2)(a).

57 (3) (a) A sponsoring organization that qualifies for tax-exempt status under Internal  
58 Revenue Code Section 501(c)(3) may request the commission to authorize a new type of

59 special group license plate for the sponsoring organization. The sponsoring organization shall:

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

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

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

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

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

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

68 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**  
69 **contribution collection procedures.**

70 (1) As used in this section:

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

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

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

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

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

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

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

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

86 (viii) No More Homeless Pets in Utah for distribution to organizations or individuals  
87 that provide spay and neuter programs that subsidize the sterilization of domestic animals[-]; or

88 (ix) the Zion Natural History Association for distribution to nonprofit associations of  
89 each Utah National Park to support Utah's National Parks.

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

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

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

99 (i) the name of the contributor;

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

101 (iii) the date of the donation; and

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

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

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

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

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

114 (b) This contribution shall be:

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

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

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

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

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

125 (i) veterans' license plates;

126 (ii) snowmobile license plates; or

127 (iii) soil conservation license plates.

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

130 Section 3. **Effective date.**

131 This act takes effect on October 1, 2003.

132 Section 4. **Coordination clause.**

133 If this bill and H.B. 330, Veterans Group License Plate Revisions, both pass, it is the  
 134 intent of the Legislature that the Office of Legislative Research and General Counsel when  
 135 preparing the Utah Code for publication shall insert:"\$25 annually to" after "(ix)" in Subsection  
 136 41-1a-422(1)(a)(ix) in this bill.

**Legislative Review Note**  
**as of 2-11-03 3:04 PM**

This legislation requires a contribution of at least \$25 annually to the Zion Natural History Association, a private, non-profit entity, in order to qualify for a Utah National Parks 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 Zion Natural History Association 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**

**State Impact**

One-time start-up costs vary from \$4,300 to \$32,000 depending on the type and quantity of licenses ordered. These expenses would come from Dedicated Credits to the Tax Commission. The bill has a Constitutional note. If the bill is challenged, the state could bear the costs to defend the suit.

	<u>FY 04 Approp.</u>	<u>FY 05 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Revenue</u>
Dedicated Credits Revenue	\$6,000	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$6,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual and Business Impact**

Persons purchasing these plates will pay an additional fee.

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