

1 **AUTOMOBILE CRIME PREVENTION**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: DeMar Bud Bowman**

5

LONG TITLE

6 **General Description:**

7 This bill creates the Automobile Crime Prevention Authority, establishes its authority
8 and functions, and imposes a fee to fund the Authority.

9 **Highlighted Provisions:**

10 This bill:

- 11
- 12 ▶ establishes the membership, authority, and functions of the Automobile Crime
13 Prevention Authority and provides that the Authority is an independent state entity
14 housed within the Department of Public Safety;
 - 15 ▶ imposes on each vehicle registration a \$1 fee that is to be transferred to the authority
16 for its use to decrease automobile crime; and
 - 17 ▶ authorizes the authority to provide aid to state and local law enforcement agencies'
18 and other agencies' automobile crime prevention programs.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **41-1a-1218.5**, Utah Code Annotated 1953

26 **41-24-101**, Utah Code Annotated 1953

27 **41-24-102**, Utah Code Annotated 1953



- 28 **41-24-103**, Utah Code Annotated 1953
- 29 **41-24-104**, Utah Code Annotated 1953
- 30 **41-24-105**, Utah Code Annotated 1953
- 31 **41-24-106**, Utah Code Annotated 1953
- 32 **41-24-107**, Utah Code Annotated 1953
- 33 **41-24-108**, Utah Code Annotated 1953
- 34 **41-24-109**, Utah Code Annotated 1953
- 35 **41-24-110**, Utah Code Annotated 1953

36

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

38 Section 1. Section **41-1a-1218.5** is enacted to read:

39 **41-1a-1218.5. Automobile crime prevention fee.**

40 (1) At the time application is made for registration or renewal of registration of a motor
41 vehicle under this chapter, the applicant shall pay an automobile crime prevention fee of \$1 on
42 each motor vehicle.

43 (2) The commission shall deposit the revenue generated under this section in the
44 Automobile Crime Prevention Restricted Account created in Section 41-24-110.

45 Section 2. Section **41-24-101** is enacted to read:

46 **Part 1. Automobile Crime Prevention Act**

47 **41-24-101. Title.**

48 This part is known as the "Automobile Crime Prevention Act."

49 Section 3. Section **41-24-102** is enacted to read:

50 **41-24-102. Definitions.**

51 As used in this part:

52 (1) "Account" means the Automobile Crime Prevention Restricted Account created in
53 Section 41-24-110.

54 (2) "Authority" means the Utah Automobile Crime Prevention Authority created in this
55 part.

56 (3) "Automobile burglary" means the burglary of a vehicle as defined in Section
57 76-6-204.

58 (4) "Automobile crime" means criminal offenses involving automobile theft, wrongful

59 appropriation of an automobile, or automobile burglary.

60 (5) "Automobile theft" means:

61 (a) the theft, as defined in Section 76-6-404, of an automobile; or

62 (b) wrongful appropriation of a vehicle in violation of Section 76-6-404.5.

63 (6) "Commission" means the Utah State Tax Commission.

64 (7) "Department" means the Department of Public Safety created in Section 53-1-103.

65 (8) "Division" means the Utah Highway Patrol Division created in Section 53-8-103.

66 Section 4. Section **41-24-103** is enacted to read:

67 **41-24-103. Automobile Crime Prevention Authority created.**

68 (1) (a) There is created an independent state agency and body politic and corporate
69 known as the Automobile Crime Prevention Authority. The authority is not a division within
70 any department of the state.

71 (b) The authority is located within the Department of Public Safety. The authority
72 shall manage the budget, procurement, and other administrative functions of the authority as
73 provided in this part, including the management of employees, under the direction and
74 supervision of the director of the department.

75 (c) The authority shall exercise its authorities and duties as provided in this part
76 independently of the department.

77 (2) The authority is composed of six members, appointed by the governor:

78 (a) a representative of motor vehicle commerce doing business in Utah;

79 (b) a representative of the National Insurance Crime Bureau;

80 (c) the president of the Utah Sheriffs Association or a designee;

81 (d) the president of the Utah Chiefs of Police Association or a designee;

82 (e) the director of the Motor Vehicle Enforcement Division of the Utah State Tax
83 Commission, or a designee; and

84 (f) the commissioner of the Department of Public Safety or a designee.

85 (3) (a) Members shall be appointed for terms of four years, except that the governor
86 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
87 terms of the members are staggered so that approximately half of the members are appointed
88 every two years.

89 (b) The members shall select a chair and vice chair, whose terms are each for two

90 years.

91 (c) (i) Four members of the authority constitute a quorum for the transaction of
92 business at a meeting or the exercise of a power or function of the authority.

93 (ii) A quorum is considered present for voting purposes if the member is present at the
94 meeting or is participating through the use of amplified telephonic or telecommunications
95 equipment.

96 (d) When a vacancy occurs in the membership for any reason, the governor shall
97 appoint a replacement for the unexpired term.

98 (e) (i) The authority shall meet at the call of the chair or as may be provided in the
99 bylaws of the authority.

100 (ii) Meetings may be held at any location within Utah, as determined by the authority.

101 Section 5. Section **41-24-104** is enacted to read:

102 **41-24-104. Compensation of members -- Per diem.**

103 (1) (a) Members who are not government employees do not receive compensation or
104 benefits for their services, but may receive per diem and expenses incurred in the performance
105 of the members' official duties at the rates established by the Division of Finance under
106 Sections 63A-3-106 and 63A-3-107.

107 (b) Members who are not government employees may decline to receive per diem and
108 expenses for their service.

109 (2) (a) State and local government officer or employee members who do not receive
110 salary, per diem, or expenses from their agency for their service may receive per diem and
111 expenses incurred in the performance of their official duties at the rates established by the
112 Division of Finance under Sections 63A-3-106 and 63A-3-107.

113 (b) State and local government officer or employee members may decline to receive
114 per diem and expenses for their service.

115 Section 6. Section **41-24-105** is enacted to read:

116 **41-24-105. Authority functions -- Annual report.**

117 (1) The authority may apply its resources to carry out the following functions
118 effectively and efficiently:

119 (a) sue and be sued;

120 (b) have an official seal and alter that seal at will;

- 121 (c) enact and amend bylaws for its own governance, as consistent with this part;
122 (d) solicit and accept gifts, grants, loans, and funds from individuals, and from private
123 and public entities;
124 (e) make grants and investments;
125 (f) obtain insurance against any loss in connection with the authority's property, assets,
126 or activities;
127 (g) contract for goods, services, and personnel as necessary to carry out the authority's
128 purposes, including managers, private consultants, counsel, and auditors to provide
129 professional, managerial, and technical assistance and advice, as funds are available for these
130 purposes;
131 (h) procure insurance indemnifying any member of the authority from personal loss or
132 accountability arising from liability resulting from a member's action or inaction as a member
133 of the authority; and
134 (i) make administrative rules regarding the qualifications for and awarding of grants or
135 other aid to carry out the purposes of the authority.
136 (2) The authority shall annually, on or before January 15, submit a financial and
137 activity report to the:
138 (a) Legislature;
139 (b) state auditor;
140 (c) department; and
141 (d) Division of Finance.
142 Section 7. Section **41-24-106** is enacted to read:
143 **41-24-106. Authority purposes and use of funding.**
144 Monies available to the authority from the account shall be expended in the following
145 order of priority:
146 (1) first, to pay the costs of administration of the authority, including employees as
147 necessary for the effective operation of the authority; and
148 (2) second, to reduce automobile crime in Utah by appropriate measures, including:
149 (a) provide financial support to state agency automobile crime investigators and local
150 law enforcement agencies for their automobile crime enforcement teams;
151 (b) provide financial support to state or local law enforcement agencies for programs

152 designed to reduce the incidents of automobile crime;

153 (c) provide financial support to local prosecutors for programs designed to reduce the
154 incidence of automobile crime;

155 (d) provide financial support to judicial programs designed to reduce the incidence of
156 automobile crime;

157 (e) provide financial support for neighborhood or community organizations' programs
158 and business organizations' programs designed to reduce the incidence of automobile crime;
159 and

160 (f) conduct educational programs designed to inform automobile owners of methods of
161 preventing automobile crime and to provide equipment, as part of an experimental program, to
162 enable automobile owners to prevent automobile crime.

163 Section 8. Section **41-24-107** is enacted to read:

164 **41-24-107. State not liable.**

165 The state is not liable for the acts or omissions of the authority, its officers, agents, or
166 employees.

167 Section 9. Section **41-24-108** is enacted to read:

168 **41-24-108. Notes, bonds, other obligation -- Not debt liability -- Expenses payable**
169 **from funds provided -- Authority has no authority to incur liability on behalf of state.**

170 (1) (a) An obligation or liability of the authority does not constitute:

171 (i) a debt or liability of this state or of any of its political subdivisions; or

172 (ii) the loaning of credit of the state or of any of its political subdivisions.

173 (b) An obligation or liability of the authority is not payable from funds other than those
174 of the authority.

175 (c) All obligations of the authority shall contain a statement to the effect that:

176 (i) the authority is obligated to pay the obligations solely from the funds of the
177 authority;

178 (ii) the state and its political subdivisions are not obligated to pay the obligations; and

179 (iii) neither the faith and credit nor the taxing power of the state or any of its political
180 subdivisions is pledged to the payment of the obligations.

181 (2) (a) All expenses and obligations incurred in carrying out this part are payable solely
182 from funds of the authority provided under this part.

183 **(b) This part may not be construed to authorize the authority to incur indebtedness or**
184 **liability on behalf of or payable by the state or any of its political subdivisions.**

185 Section 10. Section **41-24-109** is enacted to read:

186 **41-24-109. Relation to certain fiscal and management acts.**

187 **(1) The authority is exempt from:**

188 **(a) Title 51, Chapter 5, Funds Consolidation Act;**

189 **(b) Title 63, Chapter 38, Budgetary Procedures Act;**

190 **(c) Title 63, Chapter 56, Utah Procurement Code;**

191 **(d) Title 63A, Chapter 1, Utah Administrative Services Code; and**

192 **(e) Title 67, Chapter 19, Utah State Personnel Management Act.**

193 **(2) The authority shall be subject to audit by the state under Section 67-3-1, and by the**
194 **legislative auditor general under Section 36-12-15.**

195 Section 11. Section **41-24-110** is enacted to read:

196 **41-24-110. Automobile Crime Prevention Restricted Account.**

197 **(1) There is created within the General Fund a restricted account known as the**
198 **"Automobile Crime Prevention Restricted Account."**

199 **(2) The account is nonlapsing and consists of monies generated from:**

200 **(a) the fee imposed under Section 41-1a-1218.5;**

201 **(b) any gifts, grants, or donations contributed to the authority to carry out its purposes;**
202 **and**

203 **(c) any appropriations made to the authority by the Legislature.**

204 **(3) The account shall earn interest, and all interest earned on account monies shall be**
205 **deposited in the account.**

206 **(4) Appropriations to the authority from the account are nonlapsing.**

207 **(5) Account funds shall be used for the purposes described in Section 41-24-106.**

Legislative Review Note
as of 10-17-03 3:16 PM

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

Office of Legislative Research and General Counsel