

1 **FUTURE FARMERS OF AMERICA SPECIAL**
2 **LICENSE PLATE**

3 2004 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: Beverly Ann Evans**

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Motor Vehicles Code by amending special group license plate
10 provisions.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ authorizes a FFA (Future Farmers of America) special group license plate for FFA
14 advocates;
- 15 ▶ amends the recognition category of special group license plates to include an
16 advocate for youth development; and
- 17 ▶ makes technical changes.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 This bill takes effect on October 1, 2004.

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **41-1a-418**, as last amended by Chapters 74, 102 and 141, Laws of Utah 2003

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

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



28 **41-1a-418. Authorized special group license plates.**

29 (1) The division shall only issue special group license plates in accordance with this
30 section and Sections [~~41-1a-418~~] 41-1a-419 through 41-1a-422 to a person who is specified
31 under this section within the categories listed as follows:

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

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

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

35 (ii) former prisoner of war; or

36 (iii) recipient of a Purple Heart;

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

39 (i) special interest vehicle;

40 (ii) vintage vehicle;

41 (iii) farm truck; or

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

44 (d) recognition special group license plates, as in a public official [~~or~~], an emergency
45 service giver, or an advocate for youth development which plates are issued for a:

46 (i) current member of the Legislature;

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

48 (iii) current member of the National Guard;

49 (iv) licensed amateur radio operator;

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

51 (vi) emergency medical technician;

52 (vii) current member of a search and rescue team; [~~or~~]

53 (viii) current honorary consulate designated by the United States Department of State;

54 [~~and~~] or

55 (ix) FFA (Future Farmers of America) advocate; and

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

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

- 59 (ii) the Division of Wildlife Resources;
- 60 (iii) the Office of Veterans' Affairs;
- 61 (iv) the Division of Parks and Recreation;
- 62 (v) the Department of Agriculture and Food;
- 63 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 64 (vii) the Boy Scouts of America;
- 65 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 66 (ix) the Boys and Girls Clubs of America; or
- 67 (x) Utah public education.

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

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

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

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

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

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

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

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

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

83 **Section 2. Effective date.**

84 This bill takes effect on October 1, 2004.

Legislative Review Note

as of 2-10-04 8:49 AM

This legislation authorizes a Future Farmers of America (FFA) special group license plate. This legislation might be challenged on the grounds that it violates the First Amendment of the United States Constitution. The United States Supreme Court has not decided a case addressing the issuance of special group license plates. However, at least one federal district court has held that the issuance of a special plate constitutes private speech that is unconstitutional viewpoint discrimination if the license plate is issued pursuant to the uncontrolled discretion of the legislature. Planned Parenthood v. Rose, 236 F. Supp. 2d 564 (D.S.C. 2002); *See also*, Sons of Confederate Veterans, Inc. v. Commissioner of the Virginia Department of Motor Vehicles, 288 F.3d 610 (4th Cir. 2002).

Office of Legislative Research and General Counsel

AMENDED NOTE

State Impact

Start-up costs range from \$4,600 to \$32,700 depending on the design, number of colors, and number of decals ordered. These costs are usually paid by the sponsoring organization to the Tax Commission to cover costs. However, this bill has no sponsoring organization therefore the cost of 100 two color decals sets is \$5,300. There is a Legislative Review note on this bill. If there is a legal challenge in the courts, there could be additional costs to the State.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
General Fund	\$5,300	\$0	\$0	\$0
TOTAL	<u>\$5,300</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst