

1 **HONORING HEROES SPECIAL GROUP**

2 **LICENSE PLATE**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Paul Ray**

6 Senate Sponsor: Carlene M. Walker

7

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

14 ▶ authorizes the Honoring Heroes special group license plate to provide financial
15 support to the families of fallen Utah Highway Patrol troopers and other Department
16 of Public Safety employees;

17 ▶ requires applicants for the plate to contribute \$35 annually to the Public Safety
18 Honoring Heroes Restricted Account;

19 ▶ creates the Public Safety Honoring Heroes Restricted Account; and

20 ▶ makes technical changes.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill takes effect on October 1, 2008.

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **41-1a-418**, as last amended by Laws of Utah 2007, Chapters 173, 217, and 325

28 **41-1a-422**, as last amended by Laws of Utah 2007, Chapters 173, 179, and 325

29 ENACTS:

30 **53-1-118**, Utah Code Annotated 1953



31
32 *Be it enacted by the Legislature of the state of Utah:*

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

34 **41-1a-418. Authorized special group license plates.**

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

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

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

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

41 (ii) former prisoner of war;

42 (iii) recipient of a Purple Heart;

43 (iv) disabled veteran; or

44 (v) recipient of a gold star award issued by the United States Secretary of Defense if the
45 recipient is the spouse, parent, or sibling of a servicemember killed;

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

48 (i) special interest vehicle;

49 (ii) vintage vehicle;

50 (iii) farm truck; or

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

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

55 (i) current member of the Legislature;

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

57 (iii) current member of the National Guard;

- 58 (iv) licensed amateur radio operator;
- 59 (v) currently employed, volunteer, or retired firefighter;
- 60 (vi) emergency medical technician;
- 61 (vii) current member of a search and rescue team; or
- 62 (viii) current honorary consulate designated by the United States Department of State;

63 and

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

- 66 (i) an institution's scholastic scholarship fund;
- 67 (ii) the Division of Wildlife Resources;
- 68 (iii) the Department of Veterans' Affairs;
- 69 (iv) the Division of Parks and Recreation;
- 70 (v) the Department of Agriculture and Food;
- 71 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 72 (vii) the Boy Scouts of America;
- 73 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 74 (ix) the Boys and Girls Clubs of America;
- 75 (x) Utah public education; [or]
- 76 (xi) programs that provide support to organizations that create affordable housing for
77 those in severe need through the Division of Real Estate[-]; or
- 78 (xii) the Department of Public Safety.

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

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

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

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

86 group license plate for the sponsoring organization. The sponsoring organization shall:

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

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

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

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

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

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

95 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
96 **contribution collection procedures.**

97 (1) As used in this section:

98 (a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who
99 has donated or in whose name at least \$25 has been donated to:

100 (A) a scholastic scholarship fund of a single named institution;

101 (B) the Department of Veterans' Affairs for veterans' programs;

102 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in
103 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,
104 access, and management of wildlife habitat;

105 (D) the Department of Agriculture and Food for the benefit of conservation districts;

106 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;

107 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
108 the donation evenly divided between the two;

109 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America council
110 as specified by the contributor;

111 (H) No More Homeless Pets in Utah for distribution to organizations or individuals that
112 provide spay and neuter programs that subsidize the sterilization of domestic animals;

113 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth

114 development programs;

115 (J) the Utah Association of Public School Foundations to support public education; ~~[or]~~

116 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-28 to
117 assist people who have severe housing needs~~[-];~~ or

118 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
119 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
120 Safety employees.

121 (ii) (A) For a veterans' special group license plate, "contributor" means a person who
122 has donated or in whose name at least a \$25 donation at the time of application and \$10 annual
123 donation thereafter has been made.

124 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a
125 person who:

126 (I) has donated or in whose name at least \$30 has been donated at the time of
127 application and annually after the time of application; and

128 (II) is a member of a trade organization for real estate licensees that has more than
129 15,000 Utah members.

130 (C) For an Honoring Heroes special group license plate, "contributor" means a person
131 who has donated or in whose name at least \$35 has been donated at the time of application and
132 annually thereafter.

133 (b) "Institution" means a state institution of higher education as defined under Section
134 53B-3-102 or a private institution of higher education in the state accredited by a regional or
135 national accrediting agency recognized by the United States Department of Education.

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

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

- 142 (i) the name of the contributor;
- 143 (ii) the institution to which a donation was made;
- 144 (iii) the date of the donation; and
- 145 (iv) an attestation that the donation was for a scholastic scholarship.
- 146 (c) The state auditor may audit each institution to verify that the moneys collected by
- 147 the institutions from contributors are used for scholastic scholarships.
- 148 (d) After an applicant has been issued collegiate license plates or renewal decals, the
- 149 commission shall charge the institution whose plate was issued, a fee determined in accordance
- 150 with Section 63-38-3.2 for management and administrative expenses incurred in issuing and
- 151 renewing the collegiate license plates.
- 152 (e) If the contribution is made at the time of application, the contribution shall be
- 153 collected, treated, and deposited as provided under Subsection (3).
- 154 (3) (a) An applicant for original or renewal support special group license plates under
- 155 this section must be a contributor to the sponsoring organization associated with the license
- 156 plate.
- 157 (b) This contribution shall be:
- 158 (i) unless collected by the named institution under Subsection (2), collected by the
- 159 division;
- 160 (ii) considered a voluntary contribution for the funding of the activities specified under
- 161 this section and not a motor vehicle registration fee; and
- 162 (iii) deposited into the appropriate account less actual administrative costs associated
- 163 with issuing the license plates.
- 164 (c) The donation described in Subsection (1)(a) must be made in the 12 months prior to
- 165 registration or renewal of registration.
- 166 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to
- 167 the division when issuing original:
- 168 (i) snowmobile license plates; or
- 169 (ii) conservation license plates.

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

172 Section 3. Section **53-1-118** is enacted to read:

173 **53-1-118. Public Safety Honoring Heroes Restricted Account -- Creation --**
174 **Funding -- Distribution of funds by the commissioner.**

175 (1) There is created in the General Fund a restricted account known as the Public Safety
176 Honoring Heroes Restricted Account.

177 (2) The account shall be funded by:

178 (a) contributions deposited into the Public Safety Honoring Heroes Restricted Account
179 in accordance with Section 41-1a-422;

180 (b) private contributions; and

181 (c) donations or grants from public or private entities.

182 (3) Funds in the account are nonlapsing.

183 (4) The Legislature shall appropriate money in the account to the commissioner.

184 (5) The commissioner shall distribute the funds to one or more charitable organizations
185 that:

186 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

187 and

188 (b) have as a primary part of their mission to support the families of fallen Utah
189 Highway Patrol troopers and other Department of Public Safety employees.

190 (6) The commissioner may only consider proposals that are:

191 (a) proposed by a charitable organization under Subsection (5); and

192 (b) designed to support families of fallen Utah Highway Patrol troopers and other
193 Department of Public Safety employees.

194 (7) (a) An organization described in Subsection (5) may apply to the commissioner to
195 receive a distribution in accordance with Subsection (5).

196 (b) An organization that receives a distribution from the commissioner in accordance
197 with Subsection (5) shall expend the distribution only to support the families of fallen Utah

198 Highway Patrol troopers and other Department of Public Safety employees.

199 (8) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
200 commissioner shall make rules providing procedures for an organization to apply to receive
201 funds under this section.

202 Section 4. **Effective date.**

203 This bill takes effect on October 1, 2008.