

HONORING HEROES SPECIAL GROUP

LICENSE PLATE

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Carlene M. Walker

LONG TITLE

Committee Note:

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

General Description:

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

Highlighted Provisions:

This bill:

- ▶ authorizes the Honoring Heroes special group license plate to provide financial support to the families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees;
- ▶ requires applicants for the plate to contribute \$35 annually to the Public Safety Honoring Heroes Restricted Account;
- ▶ creates the Public Safety Honoring Heroes Restricted Account; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on October 1, 2008.

Utah Code Sections Affected:



28 AMENDS:

29 **41-1a-418**, as last amended by Laws of Utah 2007, Chapters 173, 217, and 325

30 **41-1a-422**, as last amended by Laws of Utah 2007, Chapters 173, 179, and 325

31 ENACTS:

32 **53-1-118**, Utah Code Annotated 1953



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

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

36 **41-1a-418. Authorized special group license plates.**

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

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

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

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

43 (ii) former prisoner of war;

44 (iii) recipient of a Purple Heart;

45 (iv) disabled veteran; or

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

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

50 (i) special interest vehicle;

51 (ii) vintage vehicle;

52 (iii) farm truck; or

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

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

57 (i) current member of the Legislature;

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

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

65 and

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

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

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

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

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

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

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

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

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

- 94 (i) design a license plate in accordance with Section 41-1a-419; and
- 95 (ii) issue the new type of special group license plates.

96 Section 2. Section ~~41-1a-422~~ is amended to read:

97 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
98 **contribution collection procedures.**

99 (1) As used in this section:

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

- 102 (A) a scholastic scholarship fund of a single named institution;
- 103 (B) the Department of Veterans' Affairs for veterans' programs;
- 104 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in
105 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,
106 access, and management of wildlife habitat;
- 107 (D) the Department of Agriculture and Food for the benefit of conservation districts;
- 108 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;
- 109 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
110 the donation evenly divided between the two;
- 111 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
112 council as specified by the contributor;
- 113 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
114 that provide spay and neuter programs that subsidize the sterilization of domestic animals;
- 115 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
116 development programs;
- 117 (J) the Utah Association of Public School Foundations to support public education;

118 [or]

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

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

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

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

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

131 (II) is a member of a trade organization for real estate licensees that has more than
132 15,000 Utah members.

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

136 (b) "Institution" means a state institution of higher education as defined under Section
137 53B-3-102 or a private institution of higher education in the state accredited by a regional or
138 national accrediting agency recognized by the United States Department of Education.

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

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

145 (i) the name of the contributor;

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

147 (iii) the date of the donation; and

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

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

151 (d) After an applicant has been issued collegiate license plates or renewal decals, the

152 commission shall charge the institution whose plate was issued, a fee determined in accordance
153 with Section 63-38-3.2 for management and administrative expenses incurred in issuing and
154 renewing the collegiate license plates.

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

157 (3) (a) An applicant for original or renewal support special group license plates under
158 this section must be a contributor to the sponsoring organization associated with the license
159 plate.

160 (b) This contribution shall be:

161 (i) unless collected by the named institution under Subsection (2), collected by the
162 division;

163 (ii) considered a voluntary contribution for the funding of the activities specified under
164 this section and not a motor vehicle registration fee; and

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

167 (c) The donation described in Subsection (1)(a) must be made in the 12 months prior to
168 registration or renewal of registration.

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

171 (i) snowmobile license plates; or

172 (ii) conservation license plates.

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

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

176 **53-1-118. Public Safety Honoring Heroes Restricted Account -- Creation --**
177 **Funding -- Distribution of funds by the commissioner.**

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

180 (2) The account shall be funded by:

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

- 183 (b) private contributions;
- 184 (c) donations or grants from public or private entities; and
- 185 (d) interest and earnings on fund monies.
- 186 (3) Funds in the account are nonlapsing.
- 187 (4) The Legislature shall appropriate money in the account to the commissioner.
- 188 (5) The commissioner shall distribute the funds to one or more charitable organizations

189 that:

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

191 and

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

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

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

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

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

- 200 (b) An organization that receives a distribution from the commissioner in accordance
- 201 with Subsection (5) shall expend the distribution only to support the families of fallen Utah
- 202 Highway Patrol troopers and other Department of Public Safety employees.

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

206 Section 4. **Effective date.**

207 This bill takes effect on October 1, 2008.

Legislative Review Note
as of 10-3-07 10:12 AM

Office of Legislative Research and General Counsel

H.B. 28 - Honoring Heroes Special Group License Plate

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will require a one-time appropriation of \$8,270 to the Division of Motor Vehicles for set-up and production costs, based on an initial order of 500 sets of 3-color plates. Before the Division may produce additional plates, it must receive a reorder fee. Restricted fund revenue of \$17,500 is anticipated, which will be deposited in a new Public Safety Honoring Heroes Restricted Account and appropriated to the Commissioner of Public Safety to be distributed among charitable organizations as defined in the bill.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund, One-Time	\$0	\$8,270	\$0	\$0	\$0	\$0
General Fund Restricted	\$0	\$17,500	\$17,500	\$0	\$17,500	\$17,500
Total	\$0	\$25,770	\$17,500	\$0	\$17,500	\$17,500

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
