

**FIREFIGHTER SPECIAL GROUP LICENSE
PLATE AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronda Rudd Menlove

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to firefighter special group license plates.

Highlighted Provisions:

This bill:

- ▶ provides that beginning on July 1, 2008, a firefighter special group license plate shall be converted from a recognition special group license plate to a contributor special group license plate;
- ▶ requires applicants for a firefighter contributor special group license plate to make a \$15 annual donation to the Firefighter Support Restricted Account;
- ▶ requires a person who has been issued a firefighter recognition special group license plate to, upon renewal of the person's motor vehicle registration, be a contributor to the Firefighter Support Restricted Account or replace the firefighter recognition special group license plate with a new license plate;
- ▶ exempts a person that is required to replace the firefighter special group license plate with a new license plate from certain license plate fees;
- ▶ creates the Firefighter Support Restricted Account;
- ▶ provides that the State Fire Marshal Division shall distribute funds in the Firefighter Support Restricted Account to one or more firefighter support organizations;



28 ▶ grants the State Fire Marshal Division rulemaking authority to make rules
 29 establishing a procedure for an organization to apply for funds in the Firefighter
 30 Support Restricted Account; and
 31 ▶ makes technical changes.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 This bill takes effect on July 1, 2008.

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **41-1a-418**, as last amended by Laws of Utah 2007, Chapters 173, 217, and 325

39 **41-1a-422**, as last amended by Laws of Utah 2007, Chapters 173, 179, and 325

40 **41-1a-1211**, as last amended by Laws of Utah 2007, Chapter 274

41 ENACTS:

42 **53-7-109**, Utah Code Annotated 1953



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

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

46 **41-1a-418. Authorized special group license plates.**

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

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

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

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

53 (ii) former prisoner of war;

54 (iii) recipient of a Purple Heart;

55 (iv) disabled veteran; or

56 (v) recipient of a gold star award issued by the United States Secretary of Defense if
 57 the recipient is the spouse, parent, or sibling of a service member killed;

58 (c) unique vehicle type special group license plates, as for historical, collectors value,

59 or other unique vehicle type, which plates are issued for a:
60 (i) special interest vehicle;
61 (ii) vintage vehicle;
62 (iii) farm truck; or
63 (iv) vehicle powered by clean fuel and for which a current clean special fuel certificate
64 is maintained as provided in Section 59-13-304;
65 (d) recognition special group license plates, as in a public official or an emergency
66 service giver, which plates are issued for a:
67 (i) current member of the Legislature;
68 (ii) current member of the United States Congress;
69 (iii) current member of the National Guard;
70 (iv) licensed amateur radio operator;
71 (v) currently employed, volunteer, or retired firefighter until June 30, 2008;
72 (vi) emergency medical technician;
73 (vii) current member of a search and rescue team; or
74 (viii) current honorary consulate designated by the United States Department of State;
75 and
76 (e) support special group license plates, as for a contributor to an institution or cause,
77 which plates are issued for a contributor to:
78 (i) an institution's scholastic scholarship fund;
79 (ii) the Division of Wildlife Resources;
80 (iii) the Department of Veterans' Affairs;
81 (iv) the Division of Parks and Recreation;
82 (v) the Department of Agriculture and Food;
83 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
84 (vii) the Boy Scouts of America;
85 (viii) spay and neuter programs through No More Homeless Pets in Utah;
86 (ix) the Boys and Girls Clubs of America;
87 (x) Utah public education; [or]
88 (xi) programs that provide support to organizations that create affordable housing for
89 those in severe need through the Division of Real Estate[-]; or

90 (xii) beginning on July 1, 2008, programs that provide support to firefighter
91 organizations.

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

94 [~~(a)~~] (i) a start-up fee established under Section 63-38-3.2 for production and
95 administrative costs for providing the new special group license plates; or

96 [~~(b)~~] (ii) a legislative appropriation for the start-up fee provided under Subsection
97 (2)(a).

98 (b) (i) Beginning on July 1, 2008, the division may renew a motor vehicle registration
99 of a motor vehicle that has been issued a firefighter recognition special group license plate
100 unless the applicant is a contributor as defined in Subsection 41-1a-422(1)(a)(ii)(C) to the
101 Firefighter Support Restricted Account.

102 (ii) A registered owner of a vehicle that has been issued a firefighter recognition
103 special group license plate prior to July 1, 2008, upon renewal of the owner's motor vehicle
104 registration shall:

105 (A) be a contributor to the Firefighter Support Restricted Account as required under
106 Subsection (2)(b)(ii); or

107 (B) replace the firefighter recognition special group license plate with a new license
108 plate.

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

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

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

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

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

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

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

120 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**

121 **contribution collection procedures.**

122 (1) As used in this section:

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

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

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

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

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

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

132 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
133 the donation evenly divided between the two;134 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
135 council as specified by the contributor;136 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
137 that provide spay and neuter programs that subsidize the sterilization of domestic animals;138 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
139 development programs;

140 (J) the Utah Association of Public School Foundations to support public education;

141 [or]

142 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-28 to
143 assist people who have severe housing needs[-]; or144 (L) the Firefighter Support Restricted Account created in Section 53-7-109.145 (ii) (A) For a veterans' special group license plate, "contributor" means a person who
146 has donated or in whose name at least a \$25 donation at the time of application and \$10 annual
147 donation thereafter has been made.148 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a
149 person who:150 (I) has donated or in whose name at least \$30 has been donated at the time of
151 application and annually after the time of application; and

152 (II) is a member of a trade organization for real estate licensees that has more than
153 15,000 Utah members.

154 (C) For a firefighter support special group license plate, "contributor" means a person
155 who:

156 (I) has donated or in whose name at least \$15 has been donated at the time of
157 application and annually after the time of application; and

158 (II) is a currently employed, volunteer, or retired firefighter.

159 (b) "Institution" means a state institution of higher education as defined under Section
160 53B-3-102 or a private institution of higher education in the state accredited by a regional or
161 national accrediting agency recognized by the United States Department of Education.

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

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

168 (i) the name of the contributor;

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

170 (iii) the date of the donation; and

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

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

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

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

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

183 (b) This contribution shall be:

184 (i) unless collected by the named institution under Subsection (2), collected by the
185 division;

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

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

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

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

194 (i) snowmobile license plates; or

195 (ii) conservation license plates.

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

198 Section 3. Section **41-1a-1211** is amended to read:

199 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**
200 **personalized and special group license plates -- Replacement fee for license plates --**
201 **Postage fees.**

202 (1) Except as provided in Subsection (11), a license plate fee of \$5 per set shall be
203 paid to the division for the issuance of any new license plate under Part 4, License Plates and
204 Registration Indicia. The license plate fee shall be deposited as follows:

205 (a) \$4 as provided in Section 41-1a-1201; and

206 (b) \$1 in the Transportation Fund.

207 (2) An applicant for original issuance of personalized license plates issued under
208 Section 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee
209 required in Subsection (1).

210 (3) Beginning July 1, 2003, a person who applies for a special group license plate shall
211 pay a \$5 fee for the original set of license plates in addition to the fee required under
212 Subsection (1).

213 (4) An applicant for original issuance of personalized special group license plates shall

214 pay the license plate application fees required in Subsection (2) in addition to the license plate
215 fees and license plate application fees established under Subsections (1) and (3).

216 (5) An applicant for renewal of personalized license plates issued under Section
217 41-1a-410 shall pay a \$10 per set application fee.

218 (6) A fee of \$5 shall be paid to the division for the replacement of any license plate
219 issued under Part 4, License Plates and Registration Indicia. The license plate fee shall be
220 deposited as follows:

221 (a) \$4 as provided in Section 41-1a-1201; and

222 (b) \$1 in the Transportation Fund.

223 (7) The division may charge a fee established under Section 63-38-3.2 to recover its
224 costs for the replacement of decals issued under Section 41-1a-418.

225 (8) The division may charge a fee established under Section 63-38-3.2 to recover the
226 cost of issuing stickers under Section 41-1a-416.

227 (9) In addition to any other fees required by this section, the division shall assess a fee
228 established under Section 63-38-3.2 to cover postage expenses if new or replacement license
229 plates are mailed to the applicant.

230 (10) The fees required under this section are separate from and in addition to
231 registration fees required under Section 41-1a-1206.

232 (11) (a) An applicant for a license plate issued under Section 41-1a-407 is not subject
233 to the license plate fee under Subsection (1).

234 (b) An applicant for a Purple Heart special group license plate issued in accordance
235 with Section 41-1a-421 is exempt from the fees under Subsections (1), (3), and (7).

236 (12) A person is exempt from the license plate fee under Subsection (1) or (6) if the
237 person:

238 (a) was issued a firefighter recognition special group license plate in accordance with
239 Section 41-1a-418 prior to July 1, 2008;

240 (b) upon renewal of the person's vehicle registration on or after July 1, 2008, is not a
241 contributor to the Firefighter Support Restricted Account as required under Section 41-1a-418;
242 and

243 (c) is required to replace the firefighter special group license plate with a new license
244 plate in accordance with Section 41-1a-418.

245 Section 4. Section **53-7-109** is enacted to read:

246 **53-7-109. Firefighter Support Restricted Account.**

247 (1) There is created in the General Fund the Firefighter Support Restricted Account.

248 (2) The account shall be funded by:

249 (a) contributions deposited into the account in accordance with Section 41-1a-422; and

250 (b) donations or grants from public or private entities.

251 (3) The Legislature shall appropriate funds in the account to the division.

252 (4) The division shall distribute funds in the account to one or more charitable

253 organizations that:

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

255 (b) provide firefighter education or training programs;

256 (c) initiate and maintain active participation in all aspects of fire service;

257 (d) maintain a fire history museum; and

258 (e) represent over 2,000 active, inactive, or retired firefighters throughout the state.

259 (5) (a) An organization described in Subsection (4) may apply to the division to receive
260 a distribution in accordance with Subsection (4).

261 (b) An organization that receives a distribution from the division in accordance with
262 Subsection (4) shall expend the distribution only to:

263 (i) pay the costs of reordering firefighter special group license plate decals;

264 (ii) pay for firefighter education or training programs;

265 (iii) pay for firefighter scholarship programs;

266 (iv) pay the costs of maintaining a fire history museum; and

267 (v) pay the costs of representing firefighter interests on a national and local level.

268 (c) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
269 division may make rules providing procedures and requirements for an organization to apply to
270 the division to receive a distribution under Subsection (4).

271 Section 5. **Effective date.**

272 This bill takes effect on July 1, 2008.

Legislative Review Note
as of 2-11-08 11:36 AM

Office of Legislative Research and General Counsel

H.B. 434 - Firefighter Special Group License Plate Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will likely result in revenue to the Firefighter Support Restricted Account. The exact amount is unknown, and could range from nothing to \$140,000. Those that do not contribute to the Firefighter Support Restricted Account will not be required to pay the \$5 plate replacement fee. The number of individuals that will decide to do this is unknown, although dedicated credits for license plate production could decrease by as much as \$37,000 and Transportation Fund loss could be as much as \$9,000.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses or local governments. Individuals wishing to continue to have the Firefighter Special Group License Plate will be required to contribute \$15 to the Firefighter Support Restricted Account. Those that do not contribute to the Firefighter Support Restricted Account will be required to change license plates upon renewal.
