

HB0167S01 compared with HB0167

~~deleted text~~ shows text that was in HB0167 but was deleted in HB0167S01.

inserted text shows text that was not in HB0167 but was inserted into HB0167S01.

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Representative Lee B. Perry proposes the following substitute bill:

UTAH LAW ENFORCEMENT MEMORIAL SPECIAL GROUP

LICENSE PLATE

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill authorizes a Utah Law Enforcement Memorial Support special group license plate.

Highlighted Provisions:

This bill:

- ▶ creates a Utah Law Enforcement Memorial Support special group license plate for certain organizations that support the operation and maintenance of the Utah Law Enforcement Memorial;
- ▶ requires applicants for a new plate to make an annual donation to the Utah Law Enforcement Memorial Support Restricted Account;

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- ▶ creates the Utah Law Enforcement Memorial Support Restricted Account;
- ▶ requires the Commissioner of Public Safety to distribute funds in the Utah Law Enforcement Memorial Support Restricted Account to certain organizations that support the operation and maintenance of the Utah Law Enforcement Memorial; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-1a-418, as last amended by Laws of Utah 2014, Chapter 37

41-1a-422, as last amended by Laws of Utah 2014, Chapter 37

63J-1-602.3, as last amended by Laws of Utah 2014, Chapters 189 and 304

ENACTS:

53-1-120, Utah Code Annotated 1953

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

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

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

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

- (a) disability special group license plates issued in accordance with Section 41-1a-420;
- (b) honor special group license plates, as in a war hero, which plates are issued for a:
 - (i) survivor of the Japanese attack on Pearl Harbor;
 - (ii) former prisoner of war;
 - (iii) recipient of a Purple Heart;
 - (iv) disabled veteran; or
 - (v) recipient of a gold star award issued by the United States Secretary of Defense;

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

(i) a special interest vehicle;

(ii) a vintage vehicle;

(iii) a farm truck; or

(iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as defined in Section 59-13-102; or

(B) beginning on the effective date of rules made by the Department of Transportation authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle powered by clean fuel that meets the standards established by the Department of Transportation in rules authorized under Subsection 41-6a-702(5)(b);

(d) recognition special group license plates, which plates are issued for:

(i) a current member of the Legislature;

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

(iii) a current member of the National Guard;

(iv) a licensed amateur radio operator;

(v) a currently employed, volunteer, or retired firefighter until June 30, 2009;

(vi) an emergency medical technician;

(vii) a current member of a search and rescue team;

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

(ix) an individual that wants to recognize and honor American freedoms and values through an In God We Trust license plate;

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

(i) an institution's scholastic scholarship fund;

(ii) the Division of Wildlife Resources;

(iii) the Department of Veterans' and Military Affairs;

(iv) the Division of Parks and Recreation;

(v) the Department of Agriculture and Food;

(vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;

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- (vii) the Boy Scouts of America;
- (viii) spay and neuter programs through No More Homeless Pets in Utah;
- (ix) the Boys and Girls Clubs of America;
- (x) Utah public education;
- (xi) programs that provide support to organizations that create affordable housing for those in severe need through the Division of Real Estate;
- (xii) the Department of Public Safety;
- (xiii) programs that support Zion National Park;
- (xiv) beginning on July 1, 2009, programs that provide support to firefighter organizations;
- (xv) programs that promote bicycle operation and safety awareness;
- (xvi) programs that conduct or support cancer research;
- (xvii) programs that create or support autism awareness;
- (xviii) programs that create or support humanitarian service and educational and cultural exchanges;
- (xix) programs that conduct or support prostate cancer awareness, screening, detection, or prevention;
- (xx) programs that support and promote adoptions;
- (xxi) programs that create or support civil rights education and awareness; ~~or~~
- (xxii) programs that support issues affecting women and children through an organization affiliated with a national professional men's basketball organization~~[-]; or~~
- (xxiii) programs that support the operation and maintenance of the Utah Law Enforcement Memorial.

(2) (a) The division may not issue a new type of special group license plate unless the division receives:

(i) (A) a private donation for the start-up fee established under Section 63J-1-504 for the production and administrative costs of providing the new special group license plates; or
(B) a legislative appropriation for the start-up fee provided under Subsection

(2)(a)(i)(A); and

(ii) beginning on January 1, 2012, and for the issuance of a support special group license plate authorized in Section 41-1a-422, at least 500 completed applications for the new

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type of support special group license plate to be issued with all fees required under this part for the support special group license plate issuance paid by each applicant.

(b) (i) Beginning on January 1, 2012, each participating organization shall collect and hold applications for support special group license plates authorized in Section 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

(ii) Once a participating organization has received at least 500 applications, it shall submit the applications, along with the necessary fees, to the division for the division to begin working on the design and issuance of the new type of support special group license plate to be issued.

(iii) Beginning on January 1, 2012, the division may not work on the issuance or design of a new support special group license plate authorized in Section 41-1a-422 until the applications and fees required under this Subsection (2) have been received by the division.

(iv) The division shall begin issuance of a new support special group license plate authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months after receiving the applications and fees required under this Subsection (2).

(c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle registration of a motor vehicle that has been issued a firefighter recognition special group license plate unless the applicant is a contributor as defined in Subsection 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

(ii) A registered owner of a vehicle that has been issued a firefighter recognition special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle registration shall:

(A) be a contributor to the Firefighter Support Restricted Account as required under Subsection (2)(c)(i); or

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

(3) (a) Beginning on July 1, 2011, if a support special group license plate type authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500 license plates issued each year for a three consecutive year time period that begins on July 1, the division may not issue that type of support special group license plate to a new applicant beginning on January 1 of the following calendar year after the three consecutive year time

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period for which that type of support special group license plate has fewer than 500 license plates issued each year.

(b) If the division is required to stop the issuance of a type of support special group license plate authorized in Section 41-1a-422 under this Subsection (3), the division shall report to the Transportation Interim Committee that the division will stop the issuance on or before the November interim meeting of the year in which the commission determines to stop the issuance of that type of support special group license plate.

(4) Beginning on July 1, 2011, the division may not issue to an applicant a unique vehicle type license plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv).

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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(K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to assist people who have severe housing needs;

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

(M) the Division of Parks and Recreation for distribution to organizations that provide support for Zion National Park;

(N) the Firefighter Support Restricted Account created in Section 53-7-109 to support firefighter organizations;

(O) the Share the Road Bicycle Support Restricted Account created in Section 72-2-127 to support bicycle operation and safety awareness programs;

(P) the Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research programs;

(Q) Autism Awareness Restricted Account created in Section 53A-1-304 to support autism awareness programs;

(R) Humanitarian Service and Educational and Cultural Exchange Restricted Account created in Section 9-17-102 to support humanitarian service and educational and cultural programs;

(S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for programs that conduct or support prostate cancer awareness, screening, detection, or prevention;

(T) the Choose Life Adoption Support Restricted Account created in Section 62A-4a-608 to support programs that promote adoption;

(U) the Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102; [or]

(V) the National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202[.]; or

(W) the Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120.

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

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donation thereafter has been made.

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

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

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

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

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

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

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

(E) For a cancer research special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually after the time of application.

(F) For a Martin Luther King, Jr. Civil Rights Support special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually thereafter.

(G) For a Utah Law Enforcement Memorial Support special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually thereafter.

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

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

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

- (i) the name of the contributor;
- (ii) the institution to which a donation was made;
- (iii) the date of the donation; and
- (iv) an attestation that the donation was for a scholastic scholarship.

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

(d) After an applicant has been issued collegiate license plates or renewal decals, the commission shall charge the institution whose plate was issued, a fee determined in accordance with Section 63J-1-504 for management and administrative expenses incurred in issuing and renewing the collegiate license plates.

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

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

(b) This contribution shall be:

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

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

(iii) deposited into the appropriate account less actual administrative costs associated with issuing the license plates; and

(iv) for a firefighter special group license plate, deposited into the appropriate account less:

(A) the costs of reordering firefighter special group license plate decals; and

(B) the costs of replacing recognition special group license plates with new license plates under Subsection 41-1a-1211(13).

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

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

(i) snowmobile license plates; or

(ii) conservation license plates.

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

Section 3. Section **53-1-120** is enacted to read:

53-1-120. Utah Law Enforcement Memorial Support Restricted Account --

Creation -- Funding -- Distribution of funds by the commissioner.

(1) There is created in the General Fund a restricted account known as the Utah Law Enforcement Memorial Support Restricted Account.

(2) The account shall be funded by:

(a) contributions deposited into the Utah Law Enforcement Memorial Support Restricted Account in accordance with Section 41-1a-422;

(b) private contributions; and

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

(3) ~~The~~ Subject to appropriations by the Legislature ~~shall appropriate~~, money in the account ~~to~~ may only be used by the commissioner for purposes described in this section.

(4) Upon appropriation, the commissioner shall distribute the funds to one or more charitable organizations that:

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

and

(b) have as a primary part of their mission to support the operation and maintenance of the Utah Law Enforcement Memorial.

(5) The commissioner may only consider proposals that are:

(a) proposed by a charitable organization described in Subsection (4); and

(b) designed to support the operation and maintenance of the Utah Law Enforcement Memorial.

(6) (a) An organization described in Subsection (4) may apply to the commissioner to receive a distribution in accordance with Subsection (4).

(b) An organization that receives a distribution from the commissioner in accordance

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with Subsection (4) shall expend the distribution only to support the operation and maintenance of the Utah Law Enforcement Memorial.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules providing procedures for an organization to apply to receive funds under this section.

Section 4. Section **63J-1-602.3** is amended to read:

63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.

(1) The Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120.

~~[(1)]~~ (2) Funding for the Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.

~~[(2)]~~ (3) Appropriations made to the Division of Emergency Management from the State Disaster Recovery Restricted Account, as provided in Section 53-2a-603.

~~[(3)]~~ (4) Appropriations made to the Department of Public Safety from the Department of Public Safety Restricted Account, as provided in Section 53-3-106.

~~[(4)]~~ (5) Appropriations to the Motorcycle Rider Education Program, as provided in Section 53-3-905.

~~[(5)]~~ (6) Appropriations from the Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

~~[(6)]~~ (7) Appropriations from the DNA Specimen Restricted Account created in Section 53-10-407.

~~[(7)]~~ (8) The Canine Body Armor Restricted Account created in Section 53-16-201.

~~[(8)]~~ (9) The School Readiness Restricted Account created in Section 53A-1b-104.

~~[(9)]~~ (10) Appropriations to the State Board of Education, as provided in Section 53A-17a-105.

~~[(10)]~~ (11) Money received by the State Office of Rehabilitation for the sale of certain products or services, as provided in Section 53A-24-105.

~~[(11)]~~ (12) Certain funds appropriated from the General Fund to the State Board of Regents for teacher preparation programs, as provided in Section 53B-6-104.

~~[(12)]~~ (13) Funding for the Medical Education Program administered by the Medical Education Council, as provided in Section 53B-24-202.

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~~[(13)]~~ (14) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

~~[(14)]~~ (15) Certain surcharges on residential and business telephone numbers imposed by the Public Service Commission, as provided in Section 54-8b-10.

~~[(15)]~~ (16) Certain fines collected by the Division of Occupational and Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.

~~[(16)]~~ (17) Certain fines collected by the Division of Occupational and Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.

~~[(17)]~~ (18) Appropriations from the Relative Value Study Restricted Account created in Section 59-9-105.

~~[(18)]~~ (19) The Cigarette Tax Restricted Account created in Section 59-14-204.

Section 5. **Effective date.**

This bill takes effect on October 1, 2016.

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Legislative Review Note

Office of Legislative Research and General Counsel†