

1 **SOIL CONSERVATION SPECIAL LICENSE PLATE**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Alarik Myrin**

5 AN ACT RELATING TO MOTOR VEHICLES; AUTHORIZING SOIL CONSERVATION
6 SPECIAL GROUP LICENSE PLATES FOR CERTAIN CONTRIBUTORS; PROVIDING A
7 FEE EXEMPTION; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN
8 EFFECTIVE DATE.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **41-1a-408**, as last amended by Chapter 384, Laws of Utah 1997

12 **41-1a-1201**, as last amended by Chapters 262 and 384, Laws of Utah 1997

13 **41-1a-1211**, as last amended by Chapter 384, Laws of Utah 1997

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

15 Section 1. Section **41-1a-408** is amended to read:

16 **41-1a-408. Special group plates -- Design -- Application -- Issuance.**

17 (1) As used in this section:

18 (a) "Collegiate license plates" means the special group license plates issued under this
19 section to a contributor to an institution after payment of the appropriate fees.

20 (b) (i) "Contributor" means a person who has donated or in whose name at least \$25 has
21 been donated to:

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

23 (B) the Office of Veterans' Affairs in the Department of Community and Economic
24 Development for veterans' programs; [or]

25 (C) the Division of Wildlife Resources for conservation of wildlife and the enhancement,
26 preservation, protection, access, and management of wildlife habitat[-]; or

27 (D) the Department of Agriculture and Food for the benefit of soil conservation districts.

1 (ii) Except as provided under Subsection (13), the donation must be made in the 12 months
2 prior to registration or renewal of registration.

3 (c) "Institution" means a state institution of higher education or a private institution of
4 higher education in the state accredited by a regional or national accrediting agency recognized
5 by the United States Department of Education.

6 (d) "Soil conservation license plates" means the special group license plates issued under
7 this section to a contributor to the Department of Agriculture and Food after payment of the
8 appropriate fees.

9 [~~(d)~~] (e) "State institution of higher education" has the same meaning as provided in
10 Section 53B-3-102.

11 [~~(e)~~] (f) "Veterans' license plates" means the special group license plates issued under this
12 section to a contributor to the Office of Veterans' Affairs after payment of the appropriate fees.

13 [~~(f)~~] (g) "Wildlife license plates" means the special group license plates issued under this
14 section to a contributor to the Division of Wildlife Resources after payment of the appropriate fees.

15 (2) (a) The design and maximum number of numerals or characters on special group
16 license plates shall be determined by the division in accordance with the criteria in Subsection
17 (2)(b).

18 (b) Except for Olympic special group license plates, each special group license plate shall
19 display:

20 (i) the word Utah;

21 (ii) the name or identifying slogan of the special group;

22 (iii) a symbol not exceeding two positions in size representing the special group; and

23 (iv) the combination of letters, numbers, or both uniquely identifying the registered
24 vehicle.

25 (3) (a) The division shall, after consultation with a representative designated by the special
26 group, specify the word or words comprising the special group name and the symbol to be
27 displayed upon the special group license plates.

28 (b) Collegiate, veterans', soil conservation, and wildlife license plates may not be
29 redesigned under this section more frequently than every five years.

30 (c) Veterans' license plates shall display one of the symbols representing the Army, Navy,
31 Air Force, Marines, or Coast Guard.

1 (4) Subject to Subsections (10) and (12), the division shall only issue special group license
2 plates to a person who is:

3 (a) a current member of the Legislature;

4 (b) a current member of the United States Congress;

5 (c) a survivor of the Japanese attack on Pearl Harbor;

6 (d) a former prisoner of war;

7 (e) a recipient of a Purple Heart, as provided in Section 41-1a-409;

8 (f) a current member of the National Guard;

9 (g) a person with a disability or the registered owner of a vehicle that an organization uses
10 primarily for the transportation of persons with disabilities that limit or impair the ability to walk;

11 (h) a contributor to an institution's scholastic scholarship fund;

12 (i) a contributor to the Division of Wildlife Resources;

13 (j) a contributor to the Office of Veterans' Affairs;

14 (k) licensing a special interest vehicle;

15 (l) licensing a vintage vehicle;

16 (m) a licensed amateur radio operator;

17 (n) registering a farm truck; [or]

18 (o) a currently employed, volunteer, or retired firefighter[-]; or

19 (p) a contributor to the Department of Agriculture and Food.

20 (5) (a) A vehicle displaying a survivor of the Japanese attack on Pearl Harbor license plate
21 decal, a former prisoner of war license plate decal, or a Purple Heart license plate decal shall be
22 titled in the name of the veteran or the veteran and spouse.

23 (b) Upon the death of the veteran, the surviving spouse may, upon application to the
24 division, retain the special group license plate decal so long as the surviving spouse remains
25 unmarried.

26 (c) The division shall require the surviving spouse to make a sworn statement that the
27 surviving spouse is unmarried before renewing the registration under this section.

28 (6) (a) (i) In accordance with rules made under Subsection (12), the division shall issue
29 a person with a disability special group license plate, temporary removable windshield placard,
30 or a removable windshield placard to:

31 (A) a qualifying person with a disability; or

1 (B) an organization that uses a vehicle registered in the applicant's name primarily for the
2 transportation of persons with disabilities that limit or impair the ability to walk.

3 (ii) The division shall issue a person with a disability special group license plate or a
4 removable windshield placard to a person with a permanent disability.

5 (iii) The issuance of a person with a disability special group license plate does not preclude
6 the issuance to the same applicant of a removable windshield placard.

7 (iv) The division shall issue on request one additional placard to a person with a person
8 with a disability special group license plate, temporary removable windshield placard, or a
9 removable windshield placard.

10 (b) The temporary removable windshield placard or removable windshield placard shall
11 be hung from the front windshield rearview mirror when the vehicle is parked in a parking space
12 reserved for persons with disabilities so that it is visible from the front and rear of the vehicle.

13 (7) (a) An applicant for original or renewal collegiate license plates must be a contributor
14 to the institution named in the application and present the original contribution verification form
15 to the division at the time of application.

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

18 (i) the name of the contributor;

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

20 (iii) the date of the donation; and

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

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

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

28 (8) (a) An applicant for original or renewal wildlife license plates must be a contributor
29 to the Division of Wildlife Resources.

30 (b) This contribution shall be:

31 (i) collected by the division;

1 (ii) treated as a voluntary contribution for the funding of wildlife activities and not as a
2 motor vehicle registration fee; and

3 (iii) deposited into the Wildlife Resources Account created in Section 23-14-13, less actual
4 production and administrative costs associated with making and issuing wildlife license plates.

5 (9) The division shall issue Olympic special group license plates.

6 (10) (a) An organization that makes a significant contribution to the state may request the
7 commission to authorize special group license plates for the organization if the organization
8 collects a minimum of 500 applications with the fees required under Section 41-1a-1211.

9 (b) If the commission approves the request, the division shall design a license plate in
10 accordance with Subsections (2) and (3).

11 (c) If the commission rejects the request, the organization shall refund all fees to the
12 applicants.

13 (11) Any person who meets the criteria established under this part for issuance of special
14 group license plates may make application in the same manner provided in Sections 41-1a-410 and
15 41-1a-411 for personalized special group license plates.

16 (12) (a) The commission shall make rules in accordance with Title 63, Chapter 46a, Utah
17 Administrative Rulemaking Act, to:

18 (i) establish qualifying criteria for persons to receive, renew, or surrender special group
19 license plates, a temporary removable windshield placard, or a removable windshield placard;

20 (ii) establish the maximum number of numerals or characters for special group license
21 plates; and

22 (iii) require all temporary removable windshield placards and removable windshield
23 placards to include:

24 (A) an identification number;

25 (B) an expiration date not to exceed six months for a temporary removable windshield
26 placard and one year for a removable windshield placard; and

27 (C) the seal or other identifying mark of the division.

28 (b) The qualifying criteria under Subsection (12)(a) for a person with a disability special
29 group license plate, temporary removable windshield placard, or removable windshield placard
30 shall include a requirement that an initial application of a person with a disability be accompanied
31 by the certification of a licensed physician:

1 (i) that the applicant meets the definition of a person with a disability that limits or impairs
2 the ability to walk as defined in the federal Uniform System for Handicapped Parking, 58 Fed.
3 Reg. 10, 328 (1991); and

4 (ii) containing the period of time that the physician determines the applicant will have the
5 disability, not to exceed six months in the case of a temporary disability.

6 (13) (a) [~~Beginning January 1, 1997, the~~] The division may issue original veterans' license
7 plates.

8 (b) An applicant for original veterans' license plates must be at least a one-time contributor
9 to the Office of Veterans' Affairs.

10 (c) This contribution shall be:

11 (i) collected by the division;

12 (ii) treated as a voluntary contribution for the Office of Veterans' Affairs and not as a
13 motor vehicle registration fee; and

14 (iii) transferred to the Office of Veterans' Affairs at least monthly, less actual production
15 and administrative costs associated with making and issuing veterans' license plates.

16 (14) (a) § (i) § Beginning January 1, 1999, the division may issue original soil conservation
17 license plates § IF SOIL CONSERVATION DISTRICTS PROVIDE A ONE-TIME CONTRIBUTION OF AT
17a LEAST \$9,000 TO THE DIVISION TO COVER STARTUP MATERIALS AND PROGRAMMING COSTS.

17b (ii) THE CONTRIBUTION DESCRIBED IN SUBSECTION (14)(a)(i) MAY BE FROM PRIVATE
FUNDS

17c AVAILABLE TO SOIL CONSERVATION DISTRICTS § .

18 (b) An applicant for original soil conservation license plates must be a contributor to the
19 Department of Agriculture and Food.

20 (c) This contribution shall be:

21 (i) collected by the division;

22 (ii) treated as a voluntary contribution for the Department of Agriculture and Food for the
23 benefit of soil conservation districts and not as a motor vehicle registration fee; and

24 (iii) transferred to the Department of Agriculture and Food at least monthly, less actual
25 production and administrative costs associated with making and issuing soil conservation license
26 plates.

27 Section 2. Section **41-1a-1201** is amended to read:

28 **41-1a-1201. Disposition of fees.**

29 (1) All fees received and collected under this part shall be transmitted daily to the state
Amend on 3—goldenrod February 11, 1998

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30 treasurer.

31 (2) Except as provided in Subsections (3), (4), and (6), and [Subsection] Subsections

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1 41-1a-408(7), (8), (13), and (14) all fees collected under this part shall be deposited in the
2 Transportation Fund.

3 (3) (a) Funds generated under Subsections 41-1a-1211(1)(a), (7)(a), and (8) and Section
4 41-1a-1212 may be used by the commission as a dedicated credit to cover the costs incurred in
5 issuing license plates under Part 4, License Plates and Registration Indicia.

6 (b) Funds collected under Subsections 41-1a-1211(3), (5)(b), and (5)(c), less the actual
7 cost incurred by the division in purchasing decals for special group license plates, shall be
8 deposited in the Transportation Fund.

9 (c) Fees for statehood centennial license plates shall be collected and deposited in the
10 Transportation Fund, less production and administrative costs incurred by the commission.

11 (d) Fees for Olympic special group license plates shall be collected and deposited as
12 provided under Section 41-1a-417.

13 (4) All funds available to the commission for purchase and distribution of license plates
14 and decals are nonlapsing.

15 (5) Except as provided in Subsection (3) and Section 41-1a-1205, the expenses of the
16 commission in enforcing and administering this part shall be provided for by legislative
17 appropriation from the revenues of the Transportation Fund.

18 (6) The following portions of the registration fees imposed under Section 41-1a-1206 for
19 each vehicle shall be deposited in the Centennial Highway Trust Fund created under Section
20 63-49-22:

21 (a) \$10 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (2),
22 and (5);

23 (b) \$1 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i), (1)(c)(ii),
24 and (1)(d)(ii);

25 (c) \$2 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

26 (d) \$3 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i); and

27 (e) \$4.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i).

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

29 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**
30 **personalized and special group license plates -- Replacement fee for license plates -- Postage**
31 **fees.**

1 (1) A license plate fee of \$5 per set shall be paid to the division for the issuance of any
2 new license plate under Part 4, License Plates and Registration Indicia, except for license plates
3 issued under Sections 41-1a-407 and 41-1a-417. The license plate fee shall be deposited as
4 follows:

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

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

7 (2) An applicant for original issuance of personalized license plates issued under Section
8 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee required in
9 Subsection (1).

10 (3) (a) Except as provided in Subsections (3)(b) and (3)(c), applicants for original issuance
11 of special group license plates issued under Section 41-1a-408 shall pay a \$50 per set license plate
12 application fee in addition to the fee required under Subsection (1).

13 (b) A person who qualifies for a licensed amateur radio operator special group license plate
14 shall pay a \$5 fee for the original set of license plates in addition to the fee required under
15 Subsection (1).

16 (c) A person who qualifies for legislative, United States Congressional, person with a
17 disability, collegiate, veterans', wildlife, National Guard, Purple Heart, Prisoner of War, Survivor
18 of the Japanese Attack on Pearl Harbor, firefighter, soil conservation, or farm vehicle special group
19 license plates is exempt from payment of special group license plate application fees imposed
20 under this subsection.

21 (4) An applicant for original issuance of personalized special group license plates shall pay
22 the license plate application fees required in Subsection (2) in addition to the license plate fees and
23 license plate application fees established under Subsections (1) and (3).

24 (5) The following application fees for renewal of personalized and special group license
25 plates shall be paid to the division at the time of renewal of registration:

26 (a) an applicant for renewal of personalized license plates issued under Section 41-1a-410
27 shall pay a \$10 per set application fee;

28 (b) except as provided in Subsection (5)(c), an applicant for renewal of special group
29 license plates issued under Section 41-1a-408 shall pay a \$10 per set application fee; and

30 (c) an applicant for renewal of legislative, United States Congressional, person with a
31 disability, collegiate, wildlife, National Guard, Purple Heart, Prisoner of War, Survivor of the

1 Japanese Attack on Pearl Harbor, farm vehicle, vintage vehicle, firefighter, soil conservation, or
2 licensed amateur radio operator special group license plates is exempt from payment of application
3 fees imposed under this subsection.

4 (6) An applicant for renewal of personalized special group license plates shall pay the
5 application fee required in Subsection (5)(a) in addition to the applicable application fees for
6 renewal of license plates established under Subsections (5)(b) and (5)(c).

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

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

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

12 (8) The division may charge a fee established under Section 63-38-3.2 to recover its costs
13 for the replacement of decals issued under Section 41-1a-408.

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

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

19 (11) The fees required under this section are separate from and in addition to registration
20 fees required under Section 41-1a-1206.

21 (12) For vehicles with registration years expiring on or before June 30, 2002, applicants
22 for original Olympic special group license plates or renewal of registration with Olympic special
23 group license plates shall pay the fees required under Section 41-1a-417.

24 Section 4. **Effective date.**

25 This act takes effect on July 1, 1998.

Legislative Review Note
as of 12-9-97 1:00 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel