

LICENSE PLATE RENEWAL FOR PERSONS WITH DISABILITIES

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Marda Dillree

AN ACT RELATING TO MOTOR VEHICLES; AMENDING THE RENEWAL PERIOD FOR REMOVABLE WINDSHIELD PLACARDS; AND PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

41-1a-408, as last amended by Chapters 157, 184 and 352, Laws of Utah 1998

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

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

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

(1) As used in this section:

(a) "Children's issues license plates" means the special group license plates issued under this section to a contributor to the Guardian Ad Litem Services Account and the Children's Museum of Utah.

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

(c) (i) "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 institution;

(B) the Office of Veterans' Affairs in the Department of Community and Economic Development for veterans' programs;

(C) the Division of Wildlife Resources 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 soil conservation districts;

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

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

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

(d) "Institution" means a state institution of higher education 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.

(e) "Snowmobile license plates" means the special group license plates issued under this section to a contributor to the Division of Parks and Recreation after payment of the appropriate fees.

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

(g) "State institution of higher education" has the same meaning as provided in Section 53B-3-102.

(h) "Veterans' license plates" means the special group license plates issued under this section to a contributor to the Office of Veterans' Affairs after payment of the appropriate fees.

(i) "Wildlife license plates" means the special group license plates issued under this section to a contributor to the Division of Wildlife Resources after payment of the appropriate fees.

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

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

(i) the word Utah;

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

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

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

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

(b) Collegiate, veterans', children's issues, snowmobile, soil conservation, and wildlife

license plates may not be redesigned under this section more frequently than every five years.

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

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

- (a) a current member of the Legislature;
- (b) a current member of the United States Congress;
- (c) a survivor of the Japanese attack on Pearl Harbor;
- (d) a former prisoner of war;
- (e) a recipient of a Purple Heart, as provided in Section 41-1a-409;
- (f) a current member of the National Guard;
- (g) a person with a disability or the registered owner of a vehicle that an organization uses primarily for the transportation of persons with disabilities that limit or impair the ability to walk;
- (h) a contributor to an institution's scholastic scholarship fund;
- (i) a contributor to the Division of Wildlife Resources;
- (j) a contributor to the Office of Veterans' Affairs;
- (k) licensing a special interest vehicle;
- (l) licensing a vintage vehicle;
- (m) a licensed amateur radio operator;
- (n) registering a farm truck;
- (o) a currently employed, volunteer, or retired firefighter;
- (p) a contributor to the Division of Parks and Recreation;
- (q) a contributor to the Department of Agriculture and Food; or
- (r) a contributor to the Guardian Ad Litem Services Account and the Children's Museum of Utah.

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

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

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

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

(A) a qualifying person with a disability; or

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

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

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

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

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

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

(b) An institution with a 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 moneys collected by the institutions from contributors are 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 63-38-3.2 for management and administrative expenses incurred in issuing and renewing the collegiate license plates.

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

(b) This contribution shall be:

(i) collected by the division;

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

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

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

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

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

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

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

(12) (a) The commission shall make rules in accordance with Title 63, Chapter 46a, Utah

Administrative Rulemaking Act, to:

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

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

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

(A) an identification number;

(B) an expiration date not to exceed six months for a temporary removable windshield placard and [~~one year~~] two years for a removable windshield placard; and

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

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

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

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

(13) (a) The division may issue original veterans' license plates.

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

(c) This contribution shall be:

(i) collected by the division;

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

(iii) transferred to the Office of Veterans' Affairs at least monthly, less actual production and

administrative costs associated with making and issuing veterans' license plates.

(14) (a) Beginning January 1, 1999, the division may issue original snowmobile license plates if the Division of Parks and Recreation provides a one-time contribution of at least \$9,000 to the division from restricted revenue in the Off-Highway Vehicle Account in the General Fund to cover startup materials and programming costs.

(b) An applicant for original snowmobile license plates must be a contributor to the Division of Parks and Recreation.

(c) This contribution shall be:

(i) collected by the division;

(ii) treated as a voluntary contribution for the Division of Parks and Recreation for the benefit of snowmobile programs and not as a motor vehicle registration fee; and

(iii) transferred to the Division of Parks and Recreation at least monthly, less actual production and administrative costs associated with making and issuing snowmobile license plates.

(15) (a) (i) Beginning January 1, 1999, the division may issue original soil conservation license plates if soil conservation districts provide a one-time contribution of at least \$9,000 to the division to cover startup materials and programming costs.

(ii) The contribution described in Subsection (15)(a)(i) may be from private funds available to soil conservation districts.

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

(c) This contribution shall be:

(i) collected by the division;

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

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

(16) (a) (i) Beginning January 1, 1999, the division may issue original children's issues

license plates if the Office of the Guardian Ad Litem Director and the Children's Museum of Utah each provide a one-time contribution of at least \$4,500 to the division to cover startup materials and programming costs.

(ii) The contribution described in Subsection (16)(a)(i) from the Office of the Guardian Ad Litem Director shall be from private funds not normally available to the Office of the Guardian Ad Litem Director.

(b) An applicant for original or renewal children's issues license plates must be a contributor to the Guardian Ad Litem Services Account and the Children's Museum of Utah.

(c) This contribution shall be:

(i) collected by the division;

(ii) treated as a voluntary contribution for the Guardian Ad Litem Services Account and the Children's Museum of Utah and not as a motor vehicle registration fee; and

(iii) transferred to the Guardian Ad Litem Services Account and the Children's Museum of Utah at least monthly, less actual production and administrative costs associated with making and issuing children's issues license plates.

Section 2. Effective date.

This act takes effect on July 1, 1999.