

1 **BOY SCOUTS OF AMERICA LICENSE PLATE**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Lowell A. Nelson**

5 AN ACT RELATING TO MOTOR VEHICLES; AUTHORIZING BOY SCOUTS OF AMERICA
6 SPECIAL GROUP LICENSE PLATES FOR CERTAIN CONTRIBUTORS; AND PROVIDING
7 AN EFFECTIVE DATE.

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

9 AMENDS:

10 **41-1a-408**, as last amended by Chapters 32, 211 and 214, Laws of Utah 1999

11 **41-1a-1201**, as last amended by Chapters 12, 157, 184, 270 and 352, Laws of Utah 1998

12 **41-1a-1211**, as last amended by Chapters 157, 184 and 352, Laws of Utah 1998

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

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

15 **41-1a-408. Special group plates -- Design -- Application -- Issuance.**

16 (1) As used in this section:

17 ~~(a)~~ (a) "Boy Scouts of America license plates" means the special group license plates issued
18 under this section to a contributor to the Boy Scouts of America.

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

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

24 ~~(d)~~ (d) (i) "Contributor" means a person who has donated or in whose name at least \$25
25 has been donated to:

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

27 (B) the Office of Veterans' Affairs in the Department of Community and Economic

28 Development for veterans' programs;

29 (C) the Division of Wildlife Resources for conservation of wildlife and the enhancement,
30 preservation, protection, access, and management of wildlife habitat;

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

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

33 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
34 the donation evenly divided between the two~~[-]; or~~

35 (G) the Boy Scouts of America ~~h~~ **FOR THE BENEFIT OF A UTAH BOY SCOUTS OF
AMERICA**

35a **COUNCIL AS SPECIFIED BY THE CONTRIBUTOR** ~~h~~ .

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

38 ~~[(d)]~~ (e) "Institution" means a state institution of higher education or a private institution
39 of higher education in the state accredited by a regional or national accrediting agency recognized
40 by the United States Department of Education.

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

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

47 ~~[(g)]~~ (h) "State institution of higher education" has the same meaning as provided in
48 Section 53B-3-102.

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

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

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

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

58 (i) the word Utah;

- 59 (ii) the name or identifying slogan of the special group;
60 (iii) a symbol not exceeding two positions in size representing the special group; and
61 (iv) the combination of letters, numbers, or both uniquely identifying the registered
62 vehicle.

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

66 (b) Collegiate, veterans', children's issues, snowmobile, soil conservation, Boy Scouts of
67 America, and wildlife license plates may not be redesigned under this section more frequently than
68 every five years.

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

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

- 73 (a) a current member of the Legislature;
74 (b) a current member of the United States Congress;
75 (c) a survivor of the Japanese attack on Pearl Harbor;
76 (d) a former prisoner of war;
77 (e) a recipient of a Purple Heart, as provided in Section 41-1a-409;
78 (f) a current member of the National Guard;
79 (g) a person with a disability or the registered owner of a vehicle that an organization uses
80 primarily for the transportation of persons with disabilities that limit or impair the ability to walk;
81 (h) a contributor to an institution's scholastic scholarship fund;
82 (i) a contributor to the Division of Wildlife Resources;
83 (j) a contributor to the Office of Veterans' Affairs;
84 (k) licensing a special interest vehicle;
85 (l) licensing a vintage vehicle;
86 (m) a licensed amateur radio operator;
87 (n) registering a farm truck;
88 (o) a currently employed, volunteer, or retired firefighter;
89 (p) a contributor to the Division of Parks and Recreation;

90 (q) a contributor to the Department of Agriculture and Food; [or]

91 (r) a contributor to the Guardian Ad Litem Services Account and the Children's Museum
92 of Utah[-]; or

93 (s) a contributor to the Boy Scouts of America.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

133 (e) If the contribution is made at the time of application, the contribution shall be:

- 134 (i) collected by the division [~~beginning on March 1, 2000~~];
135 (ii) treated as a voluntary contribution for the named institution's scholastic scholarship
136 fund and not as a motor vehicle registration fee; and
137 (iii) deposited with the named institution, less actual production and administrative costs
138 associated with making and issuing collegiate license plates.

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

141 (b) This contribution shall be:

- 142 (i) collected by the division;
143 (ii) treated as a voluntary contribution for the funding of wildlife activities and not as a
144 motor vehicle registration fee; and

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

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

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

151 (b) If the commission approves the request, the division shall design a license plate in

152 accordance with Subsections (2) and (3).

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

155 (11) Any person who meets the criteria established under this part for issuance of special
156 group license plates may make application in the same manner provided in Sections 41-1a-410 and
157 41-1a-411 for personalized special group license plates.

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

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

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

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

166 (A) an identification number;

167 (B) an expiration date not to exceed six months for a temporary removable windshield
168 placard and two years for a removable windshield placard; and

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

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

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

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

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

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

182 (c) This contribution shall be:

- 183 (i) collected by the division;
- 184 (ii) treated as a voluntary contribution for the Office of Veterans' Affairs and not as a
185 motor vehicle registration fee; and
- 186 (iii) transferred to the Office of Veterans' Affairs at least monthly, less actual production
187 and administrative costs associated with making and issuing veterans' license plates.
- 188 (14) (a) [~~Beginning January 1, 1999, the~~] The division may issue original snowmobile
189 license plates if the Division of Parks and Recreation provides a one-time contribution of at least
190 \$9,000 to the division from restricted revenue in the Off-Highway Vehicle Account in the General
191 Fund to cover startup materials and programming costs.
- 192 (b) An applicant for original snowmobile license plates must be a contributor to the
193 Division of Parks and Recreation.
- 194 (c) This contribution shall be:
- 195 (i) collected by the division;
- 196 (ii) treated as a voluntary contribution for the Division of Parks and Recreation for the
197 benefit of snowmobile programs and not as a motor vehicle registration fee; and
- 198 (iii) transferred to the Division of Parks and Recreation at least monthly, less actual
199 production and administrative costs associated with making and issuing snowmobile license plates.
- 200 (15) (a) (i) [~~Beginning January 1, 1999, the~~] The division may issue original soil
201 conservation license plates if soil conservation districts provide a one-time contribution of at least
202 \$9,000 to the division to cover startup materials and programming costs.
- 203 (ii) The contribution described in Subsection (15)(a)(i) may be from private funds
204 available to soil conservation districts.
- 205 (b) An applicant for original soil conservation license plates must be a contributor to the
206 Department of Agriculture and Food.
- 207 (c) This contribution shall be:
- 208 (i) collected by the division;
- 209 (ii) treated as a voluntary contribution for the Department of Agriculture and Food for the
210 benefit of soil conservation districts and not as a motor vehicle registration fee; and
- 211 (iii) transferred to the Department of Agriculture and Food at least monthly, less actual
212 production and administrative costs associated with making and issuing soil conservation license
213 plates.

214 (16) (a) (i) ~~[Beginning January 1, 1999, the]~~ The division may issue original children's
215 issues license plates if the Office of the Guardian Ad Litem Director and the Children's Museum
216 of Utah each provide a one-time contribution of at least \$4,500 to the division to cover startup
217 materials and programming costs.

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

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

223 (c) This contribution shall be:

224 (i) collected by the division;

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

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

230 (17) A current member of the Legislature may select the Olympic license plate as the
231 legislator's special group license plate. The legislator shall pay the special fees for the Olympic
232 license plate, as provided in Section 41-1a-417 and Subsection 41-1a-1211(12).

233 (18) (a) Beginning January 1, 2001, the division may issue original Boy Scouts of America
234 license plates if the Boy Scouts of America provides a one-time contribution of at least \$9,000 to
235 the division to cover startup materials and programming costs.

236 (b) An applicant for original or renewal Boy Scouts of America license plates must be a
237 contributor to the Boy Scouts of America.

238 (c) This contribution shall be:

239 (i) collected by the division;

240 (ii) treated as a voluntary contribution for the Boy Scouts of America and not as a motor
241 vehicle registration fee; and

242 (iii) transferred to the Boy Scouts of America at least monthly, less actual production and
243 administrative costs associated with making and issuing Boy Scouts of America license plates.

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

245 **41-1a-1201. Disposition of fees.**

246 (1) All fees received and collected under this part shall be transmitted daily to the state
247 treasurer.

248 (2) Except as provided in Subsections (3), (4), and (6), and Subsections 41-1a-408(7), (8),
249 (13), (14), (15), [~~and~~] (16), and (18) all fees collected under this part shall be deposited in the
250 Transportation Fund.

251 (3) (a) Funds generated under Subsections 41-1a-1211(1)(a), (7)(a), and (8) and Section
252 41-1a-1212 may be used by the commission as a dedicated credit to cover the costs incurred in
253 issuing license plates under Part 4, License Plates and Registration Indicia.

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

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

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

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

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

266 (6) The following portions of the registration fees imposed under Section 41-1a-1206 for
267 each vehicle shall be deposited in the Centennial Highway Fund created under Section 72-2-118:

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

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

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

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

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

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

276 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**
277 **personalized and special group license plates -- Replacement fee for license plates -- Postage**
278 **fees.**

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

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

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

284 (2) An applicant for original issuance of personalized license plates issued under Section
285 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee required in
286 Subsection (1).

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

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

293 (c) A person who qualifies for legislative, United States Congressional, person with a
294 disability, collegiate, veterans', wildlife, National Guard, Purple Heart, Prisoner of War, Survivor
295 of the Japanese Attack on Pearl Harbor, firefighter, children's issues, snowmobile, soil
296 conservation, Boy Scouts of America, or farm vehicle special group license plates is exempt from
297 payment of special group license plate application fees imposed under this Subsection (3)[(c)].

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

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

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

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

307 (c) an applicant for renewal of legislative, United States Congressional, person with a
308 disability, collegiate, wildlife, National Guard, Purple Heart, Prisoner of War, Survivor of the
309 Japanese Attack on Pearl Harbor, farm vehicle, vintage vehicle, firefighter, children's issues,
310 snowmobile, soil conservation, Boy Scouts of America, or licensed amateur radio operator special
311 group license plates is exempt from payment of application fees imposed under ~~h~~ [this] ~~h~~ Subsection
312 (5) ~~h~~ **(b)** ~~h~~ .

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

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

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

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

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

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

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

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

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

333 **Section 4. Effective date.**

334 This act takes effect on July 1, 2000.

Legislative Review Note
as of 12-7-99 12:20 PM

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

Office of Legislative Research and General Counsel