

**CLEAN FUEL VEHICLES - USE OF HIGH  
OCCUPANCY VEHICLE LANES**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Don E. Bush**

**This act modifies the Motor Vehicles Code to authorize clean fuel special group license plates. This act authorizes vehicles with clean fuel special group license plates to travel in lanes designated for high occupancy vehicles. This act provides a repeal date of December 31, 2005. This act takes effect on July 1, 2001.**

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

AMENDS:

**41-1a-408**, as last amended by Chapters 27 and 40, Laws of Utah 2000

**41-1a-1211**, as last amended by Chapters 27 and 40, Laws of Utah 2000

**41-6-53.5**, as last amended by Chapter 165, Laws of Utah 1999

**63-55-241**, as last amended by Chapter 52, Laws of Utah 2000

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

(b) "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.

(c) "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.

(d) (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;

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

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

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

(e) "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.

(f) "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.

(g) "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.

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

(i) "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.

(j) "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, Boy Scouts of America, 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;
- (r) a contributor to the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- (s) a contributor to the Boy Scouts of America; [or]
- (t) an emergency medical technician[?]; or
- (u) beginning October 1, 2001, licensing a vehicle powered by clean fuel and for which a current clean special fuel certificate is maintained as provided in Section 59-13-304.

(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 or make a contribution 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.

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

- (i) collected by the division;
- (ii) treated as a voluntary contribution for the named institution's scholastic scholarship fund and not as a motor vehicle registration fee; and
- (iii) deposited with the named institution, less actual production and administrative costs

associated with making and issuing 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 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) 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) 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) 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.

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

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

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

(c) This contribution shall be:

(i) collected by the division;

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

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

Section 2. Section **41-1a-1211** is amended to read:

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

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

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

(b) \$1 in the Transportation Fund.

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

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

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

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

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

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

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

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

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

Japanese Attack on Pearl Harbor, farm vehicle, vintage vehicle, firefighter, children's issues, snowmobile, soil conservation, Boy Scouts of America, emergency medical technician, clean fuel, or licensed amateur radio operator special group license plates is exempt from payment of application fees imposed under Subsection (5)(b).

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

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

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

(b) \$1 in the Transportation Fund.

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

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

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

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

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

Section 3. Section **41-6-53.5** is amended to read:

**41-6-53.5. Left lane restrictions -- Exceptions -- Other lane restrictions -- Penalties.**

(1) As used in this section "general purpose lane" means a highway lane open to vehicular traffic except:

(a) a high occupancy vehicle (HOV) lane; and

(b) an auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway off-ramp.

(2) A person may not operate a vehicle in the left most general purpose lane of a highway or section of a highway which has three or more general purpose lanes in the same direction if the person's:

(a) vehicle is drawing a trailer or semitrailer; or

(b) vehicle or combination of vehicle has a gross vehicle weight of 12,001 or more pounds.

(3) Subsection (2) does not apply to a person operating a vehicle who is:

(a) preparing to turn left or taking a highway split or exit on the left;

(b) responding to emergency conditions;

(c) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane; or

(d) following direction signs that direct use of a designated lane.

(4) (a) The Department of Transportation or local authorities may designate a specific lane or lanes of travel for any type of vehicle on a highway or portion of a highway under their respective jurisdiction for the:

(i) safety of the public;

(ii) efficient maintenance of a highway; or

(iii) use of high occupancy vehicles.

(b) The lane designation under Subsection (4)(a) is effective when appropriate signs giving notice are erected on the highway or portion of the highway.

(5) The lane designation under Subsection (4)(a) shall allow a vehicle with clean fuel special group license plates to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants.

~~[(5)]~~ (6) A person who operates a vehicle in violation of Subsection (2) or in violation of the restrictions made under Subsection (4) is guilty of a class C misdemeanor.

Section 4. Section **63-55-241** is amended to read:

**63-55-241. Repeal dates, Title 41.**

The following provisions of Title 41 are repealed on the following dates:

(1) Title 41, Chapter 12a, Part VIII, Uninsured Motorist Identification Database Program, is repealed July 1, 2010.

(2) The Multistate Highway Transportation Cooperating Committee, created in Article IV of Section 41-23-2, is repealed July 1, 2002.

(3) The HOV lane exception for clean fuel special group license plate vehicles in Subsection 41-6-53.5(5) is repealed December 31, 2005.

**Section 5. Effective date.**

This act takes effect on July 1, 2001.