

Representative Don E. Bush proposes to substitute the following bill:

**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



26 section to a contributor to an institution after payment of the appropriate fees.

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

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

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

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

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

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

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

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

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

42 (e) "Institution" means a state institution of higher education or a private institution of
43 higher education in the state accredited by a regional or national accrediting agency recognized by
44 the United States Department of Education.

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

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

51 (h) "State institution of higher education" has the same meaning as provided in Section
52 53B-3-102.

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

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

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

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

62 (i) the word Utah;

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

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

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

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

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

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

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

77 (a) a current member of the Legislature;

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

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

80 (d) a former prisoner of war;

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

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

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

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

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

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

- 88 (k) licensing a special interest vehicle;
- 89 (l) licensing a vintage vehicle;
- 90 (m) a licensed amateur radio operator;
- 91 (n) registering a farm truck;
- 92 (o) a currently employed, volunteer, or retired firefighter;
- 93 (p) a contributor to the Division of Parks and Recreation;
- 94 (q) a contributor to the Department of Agriculture and Food;
- 95 (r) a contributor to the Guardian Ad Litem Services Account and the Children's Museum
- 96 of Utah;
- 97 (s) a contributor to the Boy Scouts of America; [~~or~~]
- 98 (t) an emergency medical technician[-]; or
- 99 (u) beginning October 1, 2001, licensing a vehicle powered by clean fuel and for which

100 a current clean special fuel certificate is maintained as provided in Section 59-13-304.

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

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

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

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

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

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

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

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

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

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

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

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

130 (i) the name of the contributor;

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

132 (iii) the date of the donation; and

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

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

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

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

141 (i) collected by the division;

142 (ii) treated as a voluntary contribution for the named institution's scholastic scholarship
143 fund and not as a motor vehicle registration fee; and

144 (iii) deposited with the named institution, less actual production and administrative costs
145 associated with making and issuing collegiate license plates.

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

148 (b) This contribution shall be:

149 (i) collected by the division;

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

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

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

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

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

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

162 (11) Any person who meets the criteria established under this part for issuance of special
163 group license plates may make application in the same manner provided in Sections 41-1a-410 and
164 41-1a-411 for personalized special group license plates.

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

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

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

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

173 (A) an identification number;

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

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

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

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

183 Reg. 10, 328 (1991); and

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

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

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

189 (c) This contribution shall be:

190 (i) collected by the division;

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

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

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

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

201 (c) This contribution shall be:

202 (i) collected by the division;

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

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

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

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

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

214 (c) This contribution shall be:

215 (i) collected by the division;

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

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

221 (16) (a) (i) The division may issue original children's issues license plates if the Office of
222 the Guardian Ad Litem Director and the Children's Museum of Utah each provide a one-time
223 contribution of at least \$4,500 to the division to cover startup materials and programming costs.

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

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

229 (c) This contribution shall be:

230 (i) collected by the division;

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

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

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

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

242 (b) An applicant for original or renewal Boy Scouts of America license plates must be a

243 contributor to the Boy Scouts of America.

244 (c) This contribution shall be:

245 (i) collected by the division;

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

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

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

251 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**
252 **personalized and special group license plates -- Replacement fee for license plates -- Postage**
253 **fees.**

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

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

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

259 (2) An applicant for original issuance of personalized license plates issued under Section
260 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee required in
261 Subsection (1).

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

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

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

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

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

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

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

283 (c) an applicant for renewal of legislative, United States Congressional, person with a
284 disability, collegiate, wildlife, National Guard, Purple Heart, Prisoner of War, Survivor of the
285 Japanese Attack on Pearl Harbor, farm vehicle, vintage vehicle, firefighter, children's issues,
286 snowmobile, soil conservation, Boy Scouts of America, emergency medical technician, clean fuel,
287 or licensed amateur radio operator special group license plates is exempt from payment of
288 application fees imposed under Subsection (5)(b).

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

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

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

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

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

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

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

304 (11) The fees required under this section are separate from and in addition to registration

305 fees required under Section 41-1a-1206.

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

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

310 **41-6-53.5. Left lane restrictions -- Exceptions -- Other lane restrictions -- Penalties.**

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

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

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

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

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

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

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

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

323 (b) responding to emergency conditions;

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

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

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

330 (i) safety of the public;

331 (ii) efficient maintenance of a highway; or

332 (iii) use of high occupancy vehicles.

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

335 (5) The lane designation under Subsection (4)(a) shall allow a vehicle with clean fuel

336 special group license plates to travel in lanes designated for the use of high occupancy vehicles
337 regardless of the number of occupants.

338 [~~5~~] (6) A person who operates a vehicle in violation of Subsection (2) or in violation of
339 the restrictions made under Subsection (4) is guilty of a class C misdemeanor.

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

341 **63-55-241. Repeal dates, Title 41.**

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

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

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

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

349 Section 5. **Effective date.**

350 This act takes effect on July 1, 2001.