

**SPECIAL LICENSE PLATE**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: DeMar Bud Bowman**

**This act modifies the Motor Vehicle Code to authorize special group plates for current members of Lions Clubs International. The act makes technical changes. The act provides an October 1, 2002 effective date.**

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

AMENDS:

**41-1a-408**, as last amended by Chapters 73, 345 and 369, Laws of Utah 2001

**41-1a-1211**, as last amended by Chapters 345 and 369, Laws of Utah 2001

*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;

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

(H) No More Homeless Pets in Utah for distribution to organizations or individuals that provide spay and neuter programs that subsidize the sterilization of domestic animals.

(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) "Spay and neuter license plates" means the special group license plates issued under this section to a contributor to spay and neuter programs through No More Homeless Pets in Utah.

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

(j) "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.

(k) "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

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, spay and neuter, and wildlife license plates may not be redesigned under this section  
72 more frequently than 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;

(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;  
(t) an emergency medical technician;  
(u) a contributor to spay and neuter programs through No More Homeless Pets in Utah;

[or]

(v) a current member of the Lions Clubs International; or  
~~[(v)]~~ (w) ~~[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:

152 (i) collected by the division;

153 (ii) treated as a voluntary contribution for the funding of wildlife activities and not as a

154 motor vehicle registration fee; and

155 (iii) deposited into the Wildlife Resources Account created in Section 23-14-13, less actual

156 production and administrative costs associated with making and issuing wildlife license plates.

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

158 (10) (a) An organization that makes a significant contribution to the state may request the

159 commission to authorize special group license plates for the organization if the organization

160 collects a minimum of 500 applications with the fees required under Section 41-1a-1211.

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

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

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

164 applicants.

165 (11) Any person who meets the criteria established under this part for issuance of special

166 group license plates may make application in the same manner provided in Sections 41-1a-410 and

167 41-1a-411 for personalized special group license plates.

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

169 Administrative Rulemaking Act, to:

170 (i) establish qualifying criteria for persons to receive, renew, or surrender special group

171 license plates, a temporary removable windshield placard, or a removable windshield placard;

172 (ii) establish the maximum number of numerals or characters for special group license

173 plates; and

174 (iii) require all temporary removable windshield placards and removable windshield

175 placards to include:

176 (A) an identification number;

177 (B) an expiration date not to exceed six months for a temporary removable windshield

178 placard and two years for a removable windshield placard; and

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

180 (b) The qualifying criteria under Subsection (12)(a) for a person with a disability special

181 group license plate, temporary removable windshield placard, or removable windshield placard

182 shall include a requirement that an initial application of a person with a disability be accompanied

183 by the certification of a licensed physician:

184 (i) that the applicant meets the definition of a person with a disability that limits or impairs  
185 the ability to walk as defined in the federal Uniform System for Parking for Persons with  
186 Disabilities, 23 C.F.R. Ch. 11, Subch. B, Pt. 1235.2 (1991); and

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

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

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

192 (c) This contribution shall be:

193 (i) collected by the division;

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

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

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

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

204 (c) This contribution shall be:

205 (i) collected by the division;

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

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

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

213 (ii) The contribution described in Subsection (15)(a)(i) may be from private funds

214 available to soil conservation districts.

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

217 (c) This contribution shall be:

218 (i) collected by the division;

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

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

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

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

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

232 (c) This contribution shall be:

233 (i) collected by the division;

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

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

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

242 (18) (a) Beginning January 1, 2001, the division may issue original Boy Scouts of America  
243 license plates if the Boy Scouts of America provides a one-time contribution of at least \$9,000 to  
244 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.

(19) (a) Beginning January 1, 2002, the division may issue original spay and neuter license plates if No More Homeless Pets in Utah 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 spay and neuter license plates must be a contributor to spay and neuter programs.

(c) This contribution shall be:

(i) collected by the division;

(ii) treated as a voluntary contribution to No More Homeless Pets in Utah for spay and neuter programs and not as a motor vehicle registration fee; and

(iii) transferred to No More Homeless Pets in Utah at least monthly, less actual production and administrative costs associated with making and issuing spay and neuter 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 or Lions Clubs International 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, spay and neuter, farm vehicle, 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, spay and neuter, emergency medical technician, Lions Clubs International, 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

307 under Part 4, License Plates and Registration Indicia. The license plate fee shall be deposited as  
308 follows:

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

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

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

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

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

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

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

323 Section 3. **Effective date.**

324 This act takes effect on October 1, 2002.

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**Legislative Review Note**  
**as of 2-5-02 10:08 AM**

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

**Office of Legislative Research and General Counsel**