

Representative DeMar Bud Bowman proposes the following substitute bill:

AUTOMOBILE CRIME PREVENTION

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: DeMar Bud Bowman

LONG TITLE

General Description:

This bill creates the Automobile Crime Prevention Board within the Department of Public Safety, establishes its authority and functions, and imposes a fee to fund the board.

Highlighted Provisions:

This bill:

- ▶ establishes the membership, authority, and functions of the Automobile Crime Prevention Board;
- ▶ imposes on each vehicle registration a \$1 fee to be used for programs to decrease automobile crime; and
- ▶ authorizes the board to provide aid to state and local law enforcement agencies' and other agencies' automobile crime prevention programs.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2004.

Utah Code Sections Affected:

AMENDS:

53-1-104, as last amended by Chapters 5 and 14, Laws of Utah 2002



26 ENACTS:

27 **41-1a-1218.5**, Utah Code Annotated 1953

28 **53-15-101**, Utah Code Annotated 1953

29 **53-15-102**, Utah Code Annotated 1953

30 **53-15-103**, Utah Code Annotated 1953

31 **53-15-104**, Utah Code Annotated 1953

32 **53-15-105**, Utah Code Annotated 1953

33 **53-15-106**, Utah Code Annotated 1953

34 **53-15-107**, Utah Code Annotated 1953

35

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

37 Section 1. Section **41-1a-1218.5** is enacted to read:

38 **41-1a-1218.5. Automobile crime prevention fee.**

39 (1) At the time application is made for registration or renewal of registration of a motor
40 vehicle under this chapter, the applicant shall pay an automobile crime prevention fee of \$1 on
41 each motor vehicle.

42 (2) The commission shall deposit the revenue generated under this section in the
43 General Fund as a dedicated credit to be used by the board for the purposes listed in Section
44 53-15-106.

45 Section 2. Section **53-1-104** is amended to read:

46 **53-1-104. Boards, bureaus, councils, divisions, and offices.**

47 (1) The following are the policymaking boards within the department:

- 48 (a) the Driver License Medical Advisory Board, created in Section 53-3-303;
- 49 (b) the Concealed Weapon Review Board, created in Section 53-5-703;
- 50 (c) the Utah Fire Prevention Board, created in Section 53-7-203;
- 51 (d) the Liquified Petroleum Gas Board, created in Section 53-7-304; and
- 52 (e) the Private Investigator Hearing and Licensure Board, created in Section 53-9-104.

53 (2) The following are the councils within the department:

- 54 (a) the Peace Officer Standards and Training Council, created in Section 53-6-106; and
- 55 (b) the Motor Vehicle Safety Inspection Advisory Council, created in Section
- 56 53-8-203.

- 57 (3) The following are the divisions within the department:
- 58 (a) the Administrative Services Division, created in Section 53-1-203;
- 59 (b) the Management Information Services Division, created in Section 53-1-303;
- 60 (c) the Division of Emergency Services and Homeland Security, created in Section
- 61 53-2-103;
- 62 (d) the Driver License Division, created in Section 53-3-103;
- 63 (e) the Criminal Investigations and Technical Services Division, created in Section
- 64 53-10-103;
- 65 (f) the Peace Officers Standards and Training Division, created in Section 53-6-103;
- 66 (g) the State Fire Marshal Division, created in Section 53-7-103; and
- 67 (h) the Utah Highway Patrol Division, created in Section 53-8-103.
- 68 (4) The Office of Executive Protection is created in Section 53-1-112.
- 69 (5) The following are bureaus within the department:
- 70 (a) Bureau of Criminal Identification, created in Section 53-10-201;
- 71 (b) State Bureau of Investigation, created in Section 53-10-301;
- 72 (c) Bureau of Forensic Services, created in Section 53-10-401; and
- 73 (d) Bureau of Communications, created in Section 53-10-501.
- 74 (6) The State Olympic Public Safety Command is created within the department by
- 75 Section 53-12-201.
- 76 (7) The Utah Automobile Crime Prevention Board is created in Section 53-15-103.

77 Section 3. Section **53-15-101** is enacted to read:

78 **Part 1. Automobile Crime Prevention Act**

79 **53-15-101. Title.**

80 This part is known as the "Automobile Crime Prevention Act."

81 Section 4. Section **53-15-102** is enacted to read:

82 **53-15-102. Definitions.**

83 As used in this part:

84 (1) "Automobile burglary" means the burglary of a vehicle as defined in Section
85 76-6-204.

86 (2) "Automobile crime" means criminal offenses involving automobile theft, wrongful
87 appropriation of an automobile, or automobile burglary.

- 88 (3) "Automobile theft" means:
89 (a) the theft, as defined in Section 76-6-404, of an automobile; or
90 (b) wrongful appropriation of a vehicle in violation of Section 76-6-404.5.
91 (4) "Board" means the Utah Automobile Crime Prevention Board created in this part.
92 (5) "Commission" means the Utah State Tax Commission.
93 (6) "Department" means the Department of Public Safety created in Section 53-1-103.
94 Section 5. Section **53-15-103** is enacted to read:
95 **53-15-103. Automobile Crime Prevention Board created -- Membership.**
96 (1) There is created within the department the Automobile Crime Prevention Board.
97 (2) The board is composed of eight members, appointed by the governor:
98 (a) a representative of motor vehicle commerce doing business in Utah;
99 (b) a representative of the National Insurance Crime Bureau;
100 (c) the president of the Utah Sheriffs Association or a designee;
101 (d) the president of the Utah Chiefs of Police Association or a designee;
102 (e) the director of the Motor Vehicle Enforcement Division of the Utah State Tax
103 Commission or a designee;
104 (f) the commissioner of the Department of Public Safety or a designee; and
105 (g) two representatives of the motor vehicle insurance industry.
106 (3) (a) Members shall be appointed for terms of four years, except that the governor
107 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
108 terms of the members are staggered so that approximately half of the members are appointed
109 every two years.
110 (b) The members shall select a chair and vice chair, whose terms are each for two
111 years.
112 (c) (i) Five members of the authority constitute a quorum for the transaction of
113 business at a meeting or the exercise of a power or function of the board.
114 (ii) A quorum is considered present for voting purposes if the member is present at the
115 meeting or is participating through the use of amplified telephonic or telecommunications
116 equipment.
117 (d) When a vacancy occurs in the membership for any reason, the governor shall
118 appoint a replacement for the unexpired term.

119 (e) (i) The board shall meet at least quarterly, and more frequently as necessary to carry
120 out its functions.

121 (ii) Meetings may be held at any location within Utah, as determined by the board.

122 Section 6. Section **53-15-104** is enacted to read:

123 **53-15-104. Compensation of members -- Per diem.**

124 (1) (a) Members who are not government employees do not receive compensation or
125 benefits for their services, but may receive per diem and expenses incurred in the performance
126 of the members' official duties at the rates established by the Division of Finance under
127 Sections 63A-3-106 and 63A-3-107.

128 (b) Members who are not government employees may decline to receive per diem and
129 expenses for their service.

130 (2) (a) State and local government officer or employee members who do not receive
131 salary, per diem, or expenses from their agency for their service may receive per diem and
132 expenses incurred in the performance of their official duties at the rates established by the
133 Division of Finance under Sections 63A-3-106 and 63A-3-107.

134 (b) State and local government officer or employee members may decline to receive
135 per diem and expenses for their service.

136 Section 7. Section **53-15-105** is enacted to read:

137 **53-15-105. Board functions -- Annual report.**

138 (1) The board may solicit and accept gifts, grants, loans, and funds from individuals,
139 and from private and public entities to be used to carry out its purposes;

140 (2) The board shall:

141 (a) make rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
142 establishing the qualifications for and the procedure for the awarding of grants or other aid to
143 agencies and entities to carry out the purposes under Section 53-15-106; and

144 (b) award grants or other financial aid in accordance with the rules under this
145 Subsection (2)(a).

146 (3) The board shall annually, on or before January 15, submit a financial and activity
147 report to the:

148 (a) Legislature;

149 (b) department; and

150 (c) Division of Finance.

151 Section 8. Section **53-15-106** is enacted to read:

152 **53-15-106. Board purposes and use of funding.**

153 (1) Dedicated credit monies available to the board from Sections 41-1a-1218.5 and
154 53-15-107 shall be expended to reduce automobile crime in Utah by appropriate measures,
155 including:

156 (a) providing financial support to state agency automobile crime investigators and local
157 law enforcement agencies for their automobile crime enforcement teams;

158 (b) providing financial support to state or local law enforcement agencies for programs
159 designed to reduce the incidents of automobile crime;

160 (c) providing financial support to local prosecutors for programs designed to reduce the
161 incidence of automobile crime;

162 (d) providing financial support to judicial programs designed to reduce the incidence of
163 automobile crime;

164 (e) providing financial support for neighborhood or community organizations'
165 programs and business organizations' programs designed to reduce the incidence of automobile
166 crime; and

167 (f) providing financial support for educational programs designed to inform automobile
168 owners of methods of preventing automobile crime and to provide equipment, as part of an
169 experimental program, to enable automobile owners to prevent automobile crime.

170 (2) All funding provided to carry out the purposes of this part are nonlapsing.

171 Section 9. Section **53-15-107** is enacted to read:

172 **53-15-107. Automobile Crime Prevention Funding.**

173 (1) The board may receive gifts, grants, devises, and donations for the purposes listed
174 in Section 53-15-106.

175 (2) Any monies received under Subsection (1) shall be deposited in the General Fund
176 as a dedicated credit to be used by the board to carry out the purposes listed in Section
177 53-15-106.

178 Section 10. **Effective date.**

179 This bill takes effect on July 1, 2004.

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