

1                   **MOTOR VEHICLE REGISTRATION CHECKOFF**  
2                   **FOR PROTECTING ACCESS TO PUBLIC LANDS**  
3                   **AND OFF-HIGHWAY VEHICLE EDUCATION**

4                                   2006 GENERAL SESSION

5                                   STATE OF UTAH

6                                   **Chief Sponsor: Michael E. Noel**

7                                   Senate Sponsor: Thomas V. Hatch

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9                   **LONG TITLE**

10                   **General Description:**

11                   This bill modifies the Motor Vehicles Code to create a voluntary contribution checkoff  
12 for motor vehicle registrations.

13                   **Highlighted Provisions:**

14                   This bill:

- 15                   ▶ authorizes a voluntary contribution checkoff for protecting access to public lands  
16 and off-highway vehicle education on motor vehicle registrations;
- 17                   ▶ creates the Off-highway Access and Education Restricted Account;
- 18                   ▶ provides that the Division of Motor Vehicles shall collect the contributions and  
19 transfer them to the account;
- 20                   ▶ requires the Board of Parks and Recreation to distribute funds collected into the  
21 account;
- 22                   ▶ establishes criteria that an organization must meet to apply for funds from the  
23 account;
- 24                   ▶ requires the board to make rules for an organization to apply for funds;
- 25                   ▶ prohibits the board from considering proposals that do not:
- 26                   • protect access to public lands by motor vehicle and off-highway vehicle  
27 operators; and



- 28           • educate the public about appropriate off-highway vehicle use;
- 29           ▶ prohibits the board from:
  - 30           • requiring matching funds for proposals; or
  - 31           • prohibiting the use of funds for certain purposes; and
- 32           ▶ makes technical changes.

33 **Monies Appropriated in this Bill:**

34           None

35 **Other Special Clauses:**

36           This bill takes effect October 1, 2006.

37 **Utah Code Sections Affected:**

38 AMENDS:

39           **41-22-10**, as last amended by Chapter 162, Laws of Utah 1987

40 ENACTS:

41           **41-1a-230.6**, Utah Code Annotated 1953

42           **41-22-19.5**, Utah Code Annotated 1953



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

45           Section 1. Section **41-1a-230.6** is enacted to read:

46           **41-1a-230.6. Registration checkoff for protecting access to public lands and**  
47 **promoting off-highway vehicle education.**

48           (1) A person who applies for a motor vehicle registration or registration renewal may  
49 designate a voluntary contribution of \$2 for the purpose of:

50           (a) protecting access to public lands by motor vehicle and off-highway vehicle  
51 operators; and

52           (b) educating the public about appropriate off-highway vehicle use.

53           (2) This contribution shall be:

54           (a) collected by the division;

55           (b) treated as a voluntary contribution to the Off-highway Access and Education

56 Restricted Account created in Section 41-22-19.5 and not as a motor vehicle or off-highway  
57 vehicle registration fee; and

58           (c) transferred to the Off-highway Access and Education Restricted Account created in

59 Section 41-22-19.5 at least monthly, less actual administrative costs associated with collecting  
 60 and transferring the contributions.

61 (3) In addition to the administrative costs deducted under Subsection (2)(c), the  
 62 division may deduct the first \$1,000 collected to cover costs incurred to change the registration  
 63 form.

64 Section 2. Section **41-22-10** is amended to read:

65 **41-22-10. Powers of board relating to off-highway vehicles.**

66 (1) The board may:

67 [(+)] (a) appoint and seek recommendations from the Off-highway Vehicle Advisory  
 68 Council representing the various off-highway vehicle, conservation, and other appropriate  
 69 interests; and

70 [(2)] (b) adopt a uniform marker and sign system for use by agents of appropriate  
 71 federal, state, county, and city agencies in areas of off-highway vehicle use.

72 (2) The board shall receive and distribute voluntary contributions collected under  
 73 Section 41-1a-230.6 in accordance with Section 41-22-19.5.

74 Section 3. Section **41-22-19.5** is enacted to read:

75 **41-22-19.5. Off-highway Access and Education Restricted Account -- Creation --**  
 76 **Funding -- Distribution of funds by the Board of Parks and Recreation.**

77 (1) There is created in the General Fund a restricted account known as the Off-highway  
 78 Access and Education Restricted Account.

79 (2) The account shall be funded by:

80 (a) contributions deposited into the Off-highway Access and Education Restricted  
 81 Account in accordance with Section 41-1a-230.6;

82 (b) private contributions;

83 (c) donations or grants from public or private entities; or

84 (d) interest and earnings on fund monies.

85 (3) Funds in the account are nonlapsing.

86 (4) The Legislature shall appropriate money in the account to the board.

87 (5) The board shall distribute the funds to a charitable organization that:

88 (a) qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue

89 Code; ~~H~~→ [and]

89a (b) has at least one full-time employee; and ~~←H~~

- 90 ~~H~~→ [(b)] (c) ←~~H~~ has as a primary part of its mission to:
- 91 (i) protect access to public lands by motor vehicle and off-highway vehicle operators;
- 92 and
- 93 (ii) educate the public about appropriate off-highway vehicle use.
- 94 (6) The board may only consider proposals that are:
- 95 (a) proposed by a charitable organization under Subsection (5); and
- 96 (b) designed to:
- 97 (i) protect access to public lands by motor vehicle and off-highway vehicle operators;
- 98 and
- 99 (ii) educate the public about appropriate off-highway vehicle use.
- 100 (7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
- 101 board shall make rules providing procedures for an organization to apply to receive funds under
- 102 this section.
- 103 (8) The board may not:
- 104 (a) require matching funds from a charitable organization as a condition of receiving
- 105 funds; or
- 106 (b) prohibit the use of funds to cover litigation expenses incurred in protecting access
- 107 to public lands by motor vehicle and off-highway vehicle operators.
- 108 **Section 4. Effective date.**
- 109 This bill takes effect October 1, 2006.

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**Legislative Review Note**

**as of 1-18-06 7:21 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

**AMENDED NOTE**

**State Impact**

Implementation of this bill will require \$1,000 from the General Fund to pay for a redesigned packet. Based on experience with revenue from the two existing motor vehicle check-offs, this check-off should raise about \$8,000 in restricted funds.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
General Fund	\$1,000	\$0	\$0	\$0
Restricted Funds	\$0	\$0	\$8,000	\$8,000
<b>TOTAL</b>	<b>\$1,000</b>	<b>\$0</b>	<b>\$8,000</b>	<b>\$8,000</b>

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**Individual and Business Impact**

Provisions of this bill will only impact individuals who desire to make a voluntary \$2 contribution.

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**Office of the Legislative Fiscal Analyst**