

**SUPPORT OUR TROOPS SPECIAL GROUP  
LICENSE PLATE**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: D. Gregg Buxton**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code by amending provisions related to special group license plates.

**Highlighted Provisions:**

This bill:

- ▶ authorizes a Support Our Troops special group license plate for troop support programs through the Utah National Guard;
- ▶ requires applicants for a new plate to make a \$25 annual donation to the Utah National Guard for troop support programs;
- ▶ creates the Community Financial Support for Troops Restricted Account;
- ▶ requires the Adjutant General of the Utah National Guard to distribute contributions in the account;
- ▶ grants the Utah National Guard rulemaking authority to make rules establishing a procedure for an organization to apply for funds in the Community Financial Support for Troops Restricted Account; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**



This bill takes effect on October 1, 2006.

**Utah Code Sections Affected:**

**AMENDS:**

**41-1a-418**, as last amended by Chapter 63, Laws of Utah 2005

**41-1a-422**, as last amended by Chapter 69, Laws of Utah 2004

**ENACTS:**

**71-8-5**, Utah Code Annotated 1953

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

Section 1. Section **41-1a-418** is amended to read:

**41-1a-418. Authorized special group license plates.**

(1) The division shall only issue special group license plates in accordance with Sections 41-1a-418 through 41-1a-422 to a person who is specified under this section within the categories listed as follows:

- (a) disability special group license plates issued in accordance with Section 41-1a-420;
- (b) honor special group license plates, as in a war hero, which plates are issued for a:
  - (i) survivor of the Japanese attack on Pearl Harbor;
  - (ii) former prisoner of war;
  - (iii) recipient of a Purple Heart; or
  - (iv) disabled veteran;
- (c) unique vehicle type special group license plates, as for historical, collectors value, or other unique vehicle type, which plates are issued for a:
  - (i) special interest vehicle;
  - (ii) vintage vehicle;
  - (iii) farm truck; or
  - (iv) vehicle powered by clean fuel and for which a current clean special fuel certificate is maintained as provided in Section 59-13-304;
- (d) recognition special group license plates, as in a public official or an emergency service giver, which plates are issued for a:
  - (i) current member of the Legislature;
  - (ii) current member of the United States Congress;

- (iii) current member of the National Guard;
- (iv) licensed amateur radio operator;
- (v) currently employed, volunteer, or retired firefighter;
- (vi) emergency medical technician;
- (vii) current member of a search and rescue team; or
- (viii) current honorary consulate designated by the United States Department of State;

and

(e) support special group license plates, as for a contributor to an institution or cause, which plates are issued for a contributor to:

- (i) an institution's scholastic scholarship fund;
- (ii) the Division of Wildlife Resources;
- (iii) the Office of Veterans' Affairs;
- (iv) the Division of Parks and Recreation;
- (v) the Department of Agriculture and Food;
- (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- (vii) the Boy Scouts of America;
- (viii) spay and neuter programs through No More Homeless Pets in Utah;
- (ix) the Boys and Girls Clubs of America; ~~or~~
- (x) Utah public education~~[-];~~ or
- (xi) troop support programs through the Utah National Guard.

(2) Beginning January 1, 2003, the division may not issue a new type of special group license plate unless the division receives:

(a) a start-up fee established under Section 63-38-3.2 for production and administrative costs for providing the new special group license plates; or

(b) a legislative appropriation for the start-up fee provided under Subsection (2)(a).

(3) (a) A sponsoring organization that qualifies for tax-exempt status under Internal Revenue Code Section 501(c)(3) may request the commission to authorize a new type of special group license plate for the sponsoring organization. The sponsoring organization shall:

(i) collect a minimum of 200 applications; and

(ii) pay a start-up fee established under Section 63-38-3.2 for production and administrative costs for providing the new type of special group license plates.

(b) If the provisions of Subsection (3)(a) are met, the commission shall approve the request and the division shall:

(i) design a license plate in accordance with Section 41-1a-419; and

(ii) issue the new type of special group license plates.

Section 2. Section **41-1a-422** is amended to read:

**41-1a-422. Support special group license plates -- Contributor -- Voluntary contribution collection procedures.**

(1) As used in this section:

(a) (i) Except as provided in Subsection (1)(a)(ii), "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 named institution;

(B) the Division of Veterans' Affairs in the Utah National Guard for veterans' programs;

(C) the Division of Wildlife Resources for the Wildlife Resources Account created in Section 23-14-13, 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;

(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;

(I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth development programs; ~~or~~

(J) the Utah Association of Public School Foundations to support public education[-];  
or

(K) the Utah National Guard for the Community Financial Support for Troops Restricted Account created in Section 71-8-5.

(ii) For a veterans' special group license plate, "contributor" means a person who has donated or in whose name at least a \$25 donation at the time of application and \$10 annual donation thereafter has been made.

(b) "Institution" means a state institution of higher education as defined under Section 53B-3-102 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.

(2) (a) An applicant for original or renewal collegiate special group license plates under Subsection (1)(a)(i) must be a contributor to the institution named in the application and present the original contribution verification form under Subsection (2)(b) or make a contribution to the division at the time of application under Subsection (3).

(b) An institution with a support 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 collected, treated, and deposited as provided under Subsection (3).

(3) (a) An applicant for original or renewal support special group license plates under this section must be a contributor to the sponsoring organization associated with the license plate.

(b) This contribution shall be:

(i) unless collected by the named institution under Subsection (2), collected by the division;

(ii) considered a voluntary contribution for the funding of the activities specified under

152 this section and not a motor vehicle registration fee; and

153 (iii) deposited into the appropriate account less actual administrative costs associated  
154 with issuing the license plates.

155 (c) The donation described in Subsection (1)(a) must be made in the 12 months prior to  
156 registration or renewal of registration.

157 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to  
158 the division when issuing original:

159 (i) snowmobile license plates; or

160 (ii) soil conservation license plates.

161 (4) Veterans' license plates shall display one of the symbols representing the Army,  
162 Navy, Air Force, Marines, Coast Guard, or American Legion.

163 Section 3. Section **71-8-5** is enacted to read:

164 **71-8-5. Community Financial Support for Troops Restricted Account -- Use of**  
165 **contributions.**

166 (1) There is created in the General Fund a restricted account known as the Community  
167 Financial Support for Troops Restricted Account.

168 (2) The account shall be funded by:

169 (a) contributions deposited into the Community Financial Support for Troops  
170 Restricted Account in accordance with Section 41-1a-422;

171 (b) private contributions;

172 (c) donations or grants from public or private entities; and

173 (d) interest and earnings on account monies.

174 (3) The executive director shall distribute funds in the account to one or more  
175 organizations that:

176 (a) are exempt from federal income taxation under Section 501(c)(3), Internal Revenue  
177 Code; and

178 (b) distribute money to existing entities which provide assistance to:

179 (i) families of people serving in the military who are killed or injured to where the  
180 person cannot provide for the person's family;

181 (ii) people serving in the military who are injured; or

182 (iii) families of people serving in the military who have not been killed or injured but

183 need financial help.

184 (4) An organization described in Subsection (3) may apply to the executive director to  
185 receive a distribution in accordance with Subsection (3).

186 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
187 department may make rules providing procedures and requirements for an organization to  
188 apply to the executive director to receive a distribution in accordance with Subsection (4).

189 Section 4. **Effective date.**

190 This bill takes effect on October 1, 2006.

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**Legislative Review Note**

as of 2-10-06 10:42 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**

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**Fiscal Note**  
**Bill Number HB0404**

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**Support Our Troops Special Group License Plate***14-Feb-06**4:12 PM*

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**State Impact**

Start-up costs and revenue will vary depending on the volume of license plates and the number of colors ordered for the sticker. This fiscal note shows a cost estimate of \$6,300 based on a three color sticker and 250 sets of plates issued. Start-up costs will be paid by the sponsoring entity. No estimate is made of collections.

	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2007</u>	<u>FY 2008</u>
	<u>Approp.</u>	<u>Approp.</u>	<u>Revenue</u>	<u>Revenue</u>
Dedicated Credits	\$6,300	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$6,300</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual and Business Impact**

There is a \$5 per plate new plate fee and the individual must pay a \$25 per year annual donation.

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**Office of the Legislative Fiscal Analyst**