

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

4 2007 GENERAL SESSION

5 STATE OF UTAH

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

7 Senate Sponsor: Darin G. Peterson

8 Cosponsor: Aaron Tilton

9
10 **LONG TITLE**

11 **General Description:**

12 This bill modifies the Motor Vehicles Code by creating a voluntary contribution
13 checkoff for motor vehicle registrations.

14 **Highlighted Provisions:**

15 This bill:

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



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

34 **Monies Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 This bill takes effect October 1, 2007.

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **41-22-10**, as last amended by Chapter 162, Laws of Utah 1987

41 ENACTS:

42 **41-1a-230.6**, Utah Code Annotated 1953

43 **41-22-19.5**, Utah Code Annotated 1953



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

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

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

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

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

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

54 (2) This contribution shall be:

55 (a) collected by the division;

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

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

58 vehicle registration fee; and

59 (c) transferred to the Off-highway Access and Education Restricted Account created in
60 Section 41-22-19.5 at least monthly, less actual administrative costs associated with collecting
61 and transferring the contributions.

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

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

66 **41-22-10. Powers of board relating to off-highway vehicles.**

67 (1) The board may:

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

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

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

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

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

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

80 (2) The account shall be funded by:

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

83 (b) private contributions;

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

85 (d) interest and earnings on fund monies.

86 (3) Funds in the account are nonlapsing.

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

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

89 (a) qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue
90 Code;

91 (b) has at least one full-time employee; and

92 (c) has as a primary part of its mission to:

93 (i) protect access to public lands by motor vehicle and off-highway vehicle operators;

94 and

95 (ii) educate the public about appropriate off-highway vehicle use.

96 (6) The board may only consider proposals that are:

97 (a) proposed by a charitable organization under Subsection (5); and

98 (b) designed to:

99 (i) protect access to public lands by motor vehicle and off-highway vehicle operators;

100 and

101 (ii) educate the public about appropriate off-highway vehicle use.

102 (7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
103 board shall make rules providing procedures for an organization to apply to receive funds under
104 this section.

105 (8) The board may not:

106 (a) require matching funds from a charitable organization as a condition of receiving
107 funds; or

108 (b) prohibit the use of funds to cover litigation expenses incurred in protecting access
109 to public lands by motor vehicle and off-highway vehicle operators.

110 **Section 4. Effective date.**

111 This bill takes effect October 1, 2007.

Legislative Review Note
as of 11-29-06 7:35 AM

Office of Legislative Research and General Counsel

Fiscal Note**H.B. 97 - Motor Vehicle Registration Checkoff for Protecting Access to Public
Lands and Off-highway Vehicle Education**

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations. Restricted fund revenue of \$8,000 is anticipated, which will be deposited in a new Off-highway Access and Education Restricted Account and appropriated to the Board of Parks and Recreation (less \$1,000 for initial costs and ongoing administrative costs associated with collecting and transferring the contributions).

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
General Fund Restricted	\$0	\$7,000	\$8,000	\$0	\$8,000	\$8,000
Total	\$0	\$7,000	\$8,000	\$0	\$8,000	\$8,000

Individual, Business and/or Local Impact

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