

1 **HONORING HEROES SPECIAL GROUP**

2 **LICENSE PLATE**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Paul Ray**

6 Senate Sponsor: Darin G. Peterson

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7  
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Motor Vehicles Code by amending special group license plate  
11 provisions.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ authorizes the Honoring Heroes special group license plate to provide financial  
15 support to the families of fallen Utah Highway Patrol troopers and other Department  
16 of Public Safety employees;

17 ▶ requires applicants for the plate to contribute \$35 annually to the Public Safety  
18 Honoring Heroes Restricted Account;

19 ▶ creates the Public Safety Honoring Heroes Restricted Account; and

20 ▶ makes technical changes.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill takes effect on October 1, 2007.

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **41-1a-418**, as last amended by Chapter 63, Laws of Utah 2005



28 **41-1a-422**, as last amended by Chapter 69, Laws of Utah 2004

29 ENACTS:

30 **53-1-118**, Utah Code Annotated 1953



31  
32 *Be it enacted by the Legislature of the state of Utah:*

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

34 **41-1a-418. Authorized special group license plates.**

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

38 (a) disability special group license plates issued in accordance with Section 41-1a-420;

39 (b) honor special group license plates, as in a war hero, which plates are issued for a:

40 (i) survivor of the Japanese attack on Pearl Harbor;

41 (ii) former prisoner of war;

42 (iii) recipient of a Purple Heart; or

43 (iv) disabled veteran;

44 (c) unique vehicle type special group license plates, as for historical, collectors value,  
45 or other unique vehicle type, which plates are issued for a:

46 (i) special interest vehicle;

47 (ii) vintage vehicle;

48 (iii) farm truck; or

49 (iv) vehicle powered by clean fuel and for which a current clean special fuel certificate  
50 is maintained as provided in Section 59-13-304;

51 (d) recognition special group license plates, as in a public official or an emergency  
52 service giver, which plates are issued for a:

53 (i) current member of the Legislature;

54 (ii) current member of the United States Congress;

55 (iii) current member of the National Guard;

56 (iv) licensed amateur radio operator;

57 (v) currently employed, volunteer, or retired firefighter;

58 (vi) emergency medical technician;

59 (vii) current member of a search and rescue team; or  
60 (viii) current honorary consulate designated by the United States Department of State;

61 and

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

64 (i) an institution's scholastic scholarship fund;

65 (ii) the Division of Wildlife Resources;

66 (iii) the Office of Veterans' Affairs;

67 (iv) the Division of Parks and Recreation;

68 (v) the Department of Agriculture and Food;

69 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;

70 (vii) the Boy Scouts of America;

71 (viii) spay and neuter programs through No More Homeless Pets in Utah;

72 (ix) the Boys and Girls Clubs of America; [or]

73 (x) Utah public education[-]; or

74 (xi) the Department of Public Safety.

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

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

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

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

83 (i) collect a minimum of 200 applications; and

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

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

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

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

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

91 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**  
92 **contribution collection procedures.**

93 (1) As used in this section:

94 (a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who  
95 has donated or in whose name at least \$25 has been donated to:

96 (A) a scholastic scholarship fund of a single named institution;

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

99 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in  
100 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,  
101 access, and management of wildlife habitat;

102 (D) the Department of Agriculture and Food for the benefit of soil conservation  
103 districts;

104 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;

105 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with  
106 the donation evenly divided between the two;

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

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

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

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

115 (K) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118  
116 to support the families of fallen Utah Highway Patrol troopers and other Department of Public  
117 Safety employees.

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

121 (B) For an Honoring Heroes special group license plate, "contributor" means a person  
122 who has donated or in whose name at least \$35 has been donated at the time of application and  
123 annually thereafter.

124 (b) "Institution" means a state institution of higher education as defined under Section  
125 53B-3-102 or a private institution of higher education in the state accredited by a regional or  
126 national accrediting agency recognized by the United States Department of Education.

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

131 (b) An institution with a support special group license plate shall issue to a contributor  
132 a verification form designed by the commission containing:

133 (i) the name of the contributor;

134 (ii) the institution to which a donation was made;

135 (iii) the date of the donation; and

136 (iv) an attestation that the donation was for a scholastic scholarship.

137 (c) The state auditor may audit each institution to verify that the moneys collected by  
138 the institutions from contributors are used for scholastic scholarships.

139 (d) After an applicant has been issued collegiate license plates or renewal decals, the  
140 commission shall charge the institution whose plate was issued, a fee determined in accordance  
141 with Section 63-38-3.2 for management and administrative expenses incurred in issuing and  
142 renewing the collegiate license plates.

143 (e) If the contribution is made at the time of application, the contribution shall be  
144 collected, treated, and deposited as provided under Subsection (3).

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

148 (b) This contribution shall be:

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

151 (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 **53-1-118** is enacted to read:

164 **53-1-118. Public Safety Honoring Heroes Restricted Account -- Creation**  
165 **--Funding -- Distribution of funds by the commissioner.**

166 (1) There is created in the General Fund a restricted account known as the Public  
167 Safety Honoring Heroes Restricted Account.

168 (2) The account shall be funded by:

169 (a) contributions deposited into the Public Safety Honoring Heroes Restricted Account  
170 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 fund monies.

174 (3) Funds in the account are nonlapsing.

175 (4) The Legislature shall appropriate money in the account to the commissioner.

176 (5) The commissioner shall distribute the funds to one or more charitable organizations  
177 that:

178 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

179 and

180 (b) have as a primary part of their mission to support the families of fallen Utah  
181 Highway Patrol troopers and other Department of Public Safety employees.

182 (6) The commissioner may only consider proposals that are:

183 (a) proposed by a charitable organization under Subsection (5); and  
184 (b) designed to support the families of fallen Utah Highway Patrol troopers and other  
185 Department of Public Safety employees.

186 (7) (a) An organization described in Subsection (5) may apply to the commissioner to  
187 receive a distribution in accordance with Subsection (5).

188 (b) An organization that receives a distribution from the commissioner in accordance  
189 with Subsection (5) shall expend the distribution only to support the families of fallen Utah  
190 Highway Patrol troopers and other Department of Public Safety employees.

191 (8) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
192 commissioner shall make rules providing procedures for an organization to apply to receive  
193 funds under this section.

194 Section 4. **Effective date.**

195 This bill takes effect on October 1, 2007.

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**Legislative Review Note**  
**as of 1-11-07 9:27 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 115 - Honoring Heroes Special Group License Plate**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will require a one-time appropriation of \$8,200 to the Division of Motor Vehicles for set-up and production costs, based on an initial order of 500 sets of 3-color plates. Before the Division may produce additional plates, it must receive a reorder fee. Restricted fund revenue of \$17,500 is anticipated, which will be deposited in a new Public Safety Honoring Heroes Restricted Account and appropriated to the Commissioner of Public Safety to be distributed among charitable organizations as defined in the bill.

	<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	\$0	\$8,200	\$0	\$0	\$0	\$0
General Fund Restricted	\$0	\$17,500	\$17,500	\$0	\$17,500	\$17,500
<b>Total</b>	<b>\$0</b>	<b>\$25,700</b>	<b>\$17,500</b>	<b>\$0</b>	<b>\$17,500</b>	<b>\$17,500</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.