

**Representative Todd E. Kiser** proposes the following substitute bill:

**CLEAN FUEL SPECIAL GROUP LICENSE**

**PLATE AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd E. Kiser**

Senate Sponsor: Carlene M. Walker

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ changes the eligibility requirements for a clean fuel special group license plate from requiring a vehicle to maintain a clean special fuel tax certificate to requiring that the vehicle meet standards established by the Department of Transportation in administrative rules beginning on the effective date of the rules;

- ▶ provides that a person is exempt from certain license plate fees if the person:

- was issued a clean fuel special group license plate;
- is no longer eligible for a clean fuel special group license plate under rules made by the Department of Transportation; and
- is required to replace the clean fuel special group license plate with a new license plate; and

- ▶ makes technical changes.

**Monies Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **41-1a-418**, as last amended by Laws of Utah 2007, Chapters 173, 217, and 325

32 **41-1a-1201**, as last amended by Laws of Utah 2005, First Special Session, Chapter 1

33 **41-1a-1211**, as last amended by Laws of Utah 2007, Chapter 274



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

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

37 **41-1a-418. Authorized special group license plates.**

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

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

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

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

44 (ii) former prisoner of war;

45 (iii) recipient of a Purple Heart;

46 (iv) disabled veteran; or

47 (v) recipient of a gold star award issued by the United States Secretary of Defense if  
48 the recipient is the spouse, parent, or sibling of a servicemember killed;

49 (c) unique vehicle type special group license plates, as for historical, collectors value,  
50 or other unique vehicle type, which plates are issued for [a]:

51 (i) a special interest vehicle;

52 (ii) a vintage vehicle;

53 (iii) a farm truck; or

54 (iv) (A) until Subsection (1)(c)(iv)(B) applies, a vehicle powered by clean fuel and for  
55 which a current clean special fuel certificate is maintained as provided in Section 59-13-304; or

56 (B) beginning on the effective date of rules made by the Department of Transportation

57 authorized under Subsection 41-6a-702(5)(b), a vehicle powered by clean fuel that meets the  
58 standards established by the Department of Transportation in rules authorized under Subsection  
59 41-6a-702(5)(b);

- 60 (d) recognition special group license plates, as in a public official or an emergency  
61 service giver, which plates are issued for a:
- 62 (i) current member of the Legislature;
  - 63 (ii) current member of the United States Congress;
  - 64 (iii) current member of the National Guard;
  - 65 (iv) licensed amateur radio operator;
  - 66 (v) currently employed, volunteer, or retired firefighter;
  - 67 (vi) emergency medical technician;
  - 68 (vii) current member of a search and rescue team; or
  - 69 (viii) current honorary consulate designated by the United States Department of State;

70 and

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

- 73 (i) an institution's scholastic scholarship fund;
- 74 (ii) the Division of Wildlife Resources;
- 75 (iii) the Department of Veterans' Affairs;
- 76 (iv) the Division of Parks and Recreation;
- 77 (v) the Department of Agriculture and Food;
- 78 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 79 (vii) the Boy Scouts of America;
- 80 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 81 (ix) the Boys and Girls Clubs of America;
- 82 (x) Utah public education; or
- 83 (xi) programs that provide support to organizations that create affordable housing for  
84 those in severe need through the Division of Real Estate.

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

- 87 (a) a start-up fee established under Section 63-38-3.2 for production and administrative

88 costs for providing the new special group license plates; or

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

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

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

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

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

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

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

100 Section 2. Section **41-1a-1201** is amended to read:

101 **41-1a-1201. Disposition of fees.**

102 (1) All fees received and collected under this part shall be transmitted daily to the state  
103 treasurer.

104 (2) Except as provided in Subsections (3), (4), and (6), and Sections 41-1a-422,  
105 41-1a-1220, and 41-1a-1221, all fees collected under this part shall be deposited in the  
106 Transportation Fund.

107 (3) (a) Funds generated under Subsections 41-1a-1211(1)~~(a)~~ (b)(i), 6)~~(a)~~ (b)(i), and  
108 (7) and Section 41-1a-1212 may be used by the commission as a dedicated credit to cover the  
109 costs incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

110 (b) Fees for statehood centennial license plates shall be collected and deposited in the  
111 Transportation Fund, less production and administrative costs incurred by the commission.

112 (4) All funds available to the commission for purchase and distribution of license  
113 plates and decals are nonlapsing.

114 (5) Except as provided in Subsection (3) and Section 41-1a-1205, the expenses of the  
115 commission in enforcing and administering this part shall be provided for by legislative  
116 appropriation from the revenues of the Transportation Fund.

117 (6) (a) Except as provided in Subsection (6)(b), the following portions of the  
118 registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the

119 Centennial Highway Fund Restricted Account created under Section 72-2-118:

120 (i) \$10 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (2),  
121 and (5);

122 (ii) \$1 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i),  
123 (1)(c)(ii), and (1)(d)(ii);

124 (iii) \$2 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

125 (iv) \$3 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i); and

126 (v) \$4.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i).

127 (b) When the highway general obligation bonds have been paid off and the highway  
128 projects completed that are intended to be paid from revenues deposited in the Centennial  
129 Highway Fund Restricted Account as determined by the Executive Appropriations Committee  
130 under Subsection 72-2-118(6)(d), the portions of the registration fees deposited under  
131 Subsection (6)(a) for each vehicle shall be deposited in the Transportation Investment Fund of  
132 2005 created by Section 72-2-124.

133 Section 3. Section **41-1a-1211** is amended to read:

134 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**  
135 **personalized and special group license plates -- Replacement fee for license plates --**  
136 **Postage fees.**

137 (1) (a) Except as provided in [~~Subsection~~] Subsections (11) and (12), a license plate  
138 fee of \$5 per set shall be paid to the division for the issuance of any new license plate under  
139 Part 4, License Plates and Registration Indicia.

140 (b) The license plate fee shall be deposited as follows:

141 [~~(a)~~] (i) \$4 as provided in Section 41-1a-1201; and

142 [~~(b)~~] (ii) \$1 in the Transportation Fund.

143 (2) An applicant for original issuance of personalized license plates issued under  
144 Section 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee  
145 required in Subsection (1).

146 (3) Beginning July 1, 2003, a person who applies for a special group license plate shall  
147 pay a \$5 fee for the original set of license plates in addition to the fee required under  
148 Subsection (1).

149 (4) An applicant for original issuance of personalized special group license plates shall

150 pay the license plate application fees required in Subsection (2) in addition to the license plate  
151 fees and license plate application fees established under Subsections (1) and (3).

152 (5) An applicant for renewal of personalized license plates issued under Section  
153 41-1a-410 shall pay a \$10 per set application fee.

154 (6) (a) A fee of \$5 shall be paid to the division for the replacement of any license plate  
155 issued under Part 4, License Plates and Registration Indicia.

156 (b) The license plate fee shall be deposited as follows:

157 ~~[(a)]~~ (i) \$4 as provided in Section 41-1a-1201; and

158 ~~[(b)]~~ (ii) \$1 in the Transportation Fund.

159 (7) The division may charge a fee established under Section 63-38-3.2 to recover its  
160 costs for the replacement of decals issued under Section 41-1a-418.

161 (8) The division may charge a fee established under Section 63-38-3.2 to recover the  
162 cost of issuing stickers under Section 41-1a-416.

163 (9) In addition to any other fees required by this section, the division shall assess a fee  
164 established under Section 63-38-3.2 to cover postage expenses if new or replacement license  
165 plates are mailed to the applicant.

166 (10) The fees required under this section are separate from and in addition to  
167 registration fees required under Section 41-1a-1206.

168 (11) (a) An applicant for a license plate issued under Section 41-1a-407 is not subject  
169 to the license plate fee under Subsection (1).

170 (b) An applicant for a Purple Heart special group license plate issued in accordance  
171 with Section 41-1a-421 is exempt from the fees under Subsections (1), (3), and (7).

172 (12) A person is exempt from the fee under Subsection (1) or (6) if the person:

173 (a) was issued a clean fuel special group license plate in accordance with Section  
174 41-1a-418 prior to the effective date of rules made by the Department of Transportation under  
175 Subsection 41-6a-702(5)(b);

176 (b) beginning on the effective date of rules made by the Department of Transportation  
177 authorized under Subsection 41-6a-702(5)(b), is no longer eligible for a clean fuel special  
178 group license under the rules made by Department of Transportation; and

179 (c) upon renewal or reissuance, is required to replace the clean fuel special group  
180 license plate with a new license plate.

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**H.B. 62 1st Sub. (Buff) - Clean Fuel Special Group License Plate Amendments**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations. The Tax Commission covers the cost of these plates by the fee imposed for purchase of these plates.

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

Depending on the final rules adopted by the Department of Transportation, the number of individuals and businesses that may be eligible for the clean fuel special group license plate may increase. The details of the rules have yet to be adopted. Localities will likely be unaffected.

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