

**FIREFIGHTER SPECIAL GROUP LICENSE**

**PLATE AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ronda Rudd Menlove**

Senate Sponsor: Peter C. Knudson

---

---

**LONG TITLE**

**Committee Note:**

The Transportation Interim Committee recommended this bill.

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ provides that beginning on July 1, 2009, a firefighter special group license plate shall be converted from a recognition special group license plate to a contributor special group license plate;
- ▶ requires applicants for a firefighter contributor special group license plate to make a \$15 annual donation to the Firefighter Support Restricted Account;
- ▶ requires a person that has been issued a firefighter recognition special group license plate to, upon renewal of the person's motor vehicle registration, be a contributor to the Firefighter Support Restricted Account or replace the firefighter recognition special group license plate with a new license plate;
- ▶ exempts a person that is required to replace the firefighter special group license plate with a new license plate from certain license plate fees **⌠→ until June 30, 2011 ←⌠** ;
- ▶ creates the Firefighter Support Restricted Account;



- 28           ▶ provides that the State Fire Marshal Division shall distribute funds in the Firefighter
- 29 Support Restricted Account to one or more firefighter support organizations;
- 30           ▶ grants the State Fire Marshal Division rulemaking authority establishing a
- 31 procedure for an organization to apply for funds in the Firefighter Support
- 32 Restricted Account; and
- 33           ▶ makes technical changes.

34 **Monies Appropriated in this Bill:**

35           None

36 **Other Special Clauses:**

37           This bill takes effect on July 1, 2009.

38 **Utah Code Sections Affected:**

39 AMENDS:

40           **41-1a-418**, as last amended by Laws of Utah 2008, Chapters 48, 48, 143, 143, 153, 181,

41 181, 201, 201, 382, and 382

42           **41-1a-422**, as last amended by Laws of Utah 2008, Chapters 48, 201, and 382

43           **41-1a-1211**, as last amended by Laws of Utah 2008, Chapters 143 and 382

44 ENACTS:

45           **53-7-109**, Utah Code Annotated 1953



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

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

49           **41-1a-418. Authorized special group license plates.**

50           (1) The division shall only issue special group license plates in accordance with this

51 section through Section 41-1a-422 to a person who is specified under this section within the

52 categories listed as follows:

- 53           (a) disability special group license plates issued in accordance with Section 41-1a-420;
- 54           (b) honor special group license plates, as in a war hero, which plates are issued for a:
  - 55           (i) survivor of the Japanese attack on Pearl Harbor;
  - 56           (ii) former prisoner of war;
  - 57           (iii) recipient of a Purple Heart;
  - 58           (iv) disabled veteran; or

- 59 (v) recipient of a gold star award issued by the United States Secretary of Defense;
- 60 (c) unique vehicle type special group license plates, as for historical, collectors value,
- 61 or other unique vehicle type, which plates are issued for:
  - 62 (i) a special interest vehicle;
  - 63 (ii) a vintage vehicle;
  - 64 (iii) a farm truck; or
  - 65 (iv) (A) until Subsection (1)(c)(iv)(B) applies, a vehicle powered by clean fuel as
  - 66 defined in Section 59-13-102; or
  - 67 (B) beginning on the effective date of rules made by the Department of Transportation
  - 68 authorized under Subsection 41-6a-702(5)(b), a vehicle powered by clean fuel that meets the
  - 69 standards established by the Department of Transportation in rules authorized under Subsection
  - 70 41-6a-702(5)(b);
  - 71 (d) recognition special group license plates, as in a public official or an emergency
  - 72 service giver, which plates are issued for a:
    - 73 (i) current member of the Legislature;
    - 74 (ii) current member of the United States Congress;
    - 75 (iii) current member of the National Guard;
    - 76 (iv) licensed amateur radio operator;
    - 77 (v) currently employed, volunteer, or retired firefighter until June 30, 2009;
    - 78 (vi) emergency medical technician;
    - 79 (vii) current member of a search and rescue team; or
    - 80 (viii) current honorary consulate designated by the United States Department of State;
  - 81 and
  - 82 (e) support special group license plates, as for a contributor to an institution or cause,
  - 83 which plates are issued for a contributor to:
    - 84 (i) an institution's scholastic scholarship fund;
    - 85 (ii) the Division of Wildlife Resources;
    - 86 (iii) the Department of Veterans' Affairs;
    - 87 (iv) the Division of Parks and Recreation;
    - 88 (v) the Department of Agriculture and Food;
    - 89 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;

- 90 (vii) the Boy Scouts of America;
- 91 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 92 (ix) the Boys and Girls Clubs of America;
- 93 (x) Utah public education;
- 94 (xi) programs that provide support to organizations that create affordable housing for
- 95 those in severe need through the Division of Real Estate;
- 96 (xii) the Department of Public Safety; [~~or~~]
- 97 (xiii) programs that support Zion National Park[-]; or
- 98 (ix) beginning on July 1, 2009, programs that provide support to firefighter
- 99 organizations.

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

- 102 [~~(a)~~] (i) a start-up fee established under Section 63J-1-303 for production and
- 103 administrative costs for providing the new special group license plates; or
- 104 [~~(b)~~] (ii) a legislative appropriation for the start-up fee provided under Subsection
- 105 (2)(a)(i).

106 (b) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle  
 107 registration of a motor vehicle that has been issued a firefighter recognition special group  
 108 license plate unless the applicant is a contributor as defined in Subsection  
 109 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

110 (ii) A registered owner of a vehicle that has been issued a firefighter recognition  
 111 special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle  
 112 registration shall:

- 113 (A) be a contributor to the Firefighter Support Restricted Account as required under
- 114 Subsection (2)(b)(ii); or
- 115 (B) replace the firefighter recognition special group license plate with a new license
- 116 plate.

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

- 120 (i) collect a minimum of 200 applications; and

121 (ii) pay a start-up fee established under Section 63J-1-303 for production and  
122 administrative costs for providing the new type of special group license plates.

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

- 125 (i) design a license plate in accordance with Section 41-1a-419; and
- 126 (ii) issue the new type of special group license plates.

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

128 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**  
129 **contribution collection procedures.**

130 (1) As used in this section:

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

- 133 (A) a scholastic scholarship fund of a single named institution;
- 134 (B) the Department of Veterans' Affairs for veterans' programs;
- 135 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in  
136 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,  
137 access, and management of wildlife habitat;
- 138 (D) the Department of Agriculture and Food for the benefit of conservation districts;
- 139 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;
- 140 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with  
141 the donation evenly divided between the two;
- 142 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America  
143 council as specified by the contributor;
- 144 (H) No More Homeless Pets in Utah for distribution to organizations or individuals  
145 that provide spay and neuter programs that subsidize the sterilization of domestic animals;
- 146 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth  
147 development programs;
- 148 (J) the Utah Association of Public School Foundations to support public education;
- 149 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-28 to  
150 assist people who have severe housing needs;
- 151 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118

152 to support the families of fallen Utah Highway Patrol troopers and other Department of Public  
153 Safety employees; [or]

154 (M) the Division of Parks and Recreation for distribution to organizations that provide  
155 support for Zion National Park[-]; or

156 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support  
157 firefighter organizations.

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

161 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a  
162 person who:

163 (I) has donated or in whose name at least \$30 has been donated at the time of  
164 application and annually after the time of application; and

165 (II) is a member of a trade organization for real estate licensees that has more than  
166 15,000 Utah members.

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

170 (D) For a firefighter support special group license plate, "contributor" means a person  
171 who:

172 (I) has donated or in whose name at least \$15 has been donated at the time of  
173 application and annually after the time of application; and

174 (II) is a currently employed, volunteer, or retired firefighter.

175 (b) "Institution" means a state institution of higher education as defined under Section  
176 53B-3-102 or a private institution of higher education in the state accredited by a regional or  
177 national accrediting agency recognized by the United States Department of Education.

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

182 (b) An institution with a support special group license plate shall issue to a contributor

183 a verification form designed by the commission containing:

184 (i) the name of the contributor;

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

186 (iii) the date of the donation; and

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

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

190 (d) After an applicant has been issued collegiate license plates or renewal decals, the  
191 commission shall charge the institution whose plate was issued, a fee determined in accordance  
192 with Section 63J-1-303 for management and administrative expenses incurred in issuing and  
193 renewing the collegiate license plates.

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

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

199 (b) This contribution shall be:

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

202 (ii) considered a voluntary contribution for the funding of the activities specified under  
203 this section and not a motor vehicle registration fee; ~~and~~ ~~and~~

204 (iii) deposited into the appropriate account less actual administrative costs associated  
205 with issuing the license plates ~~and~~ ; **and**

205a **(iv) for a firefighter special group license plate, deposited into the appropriate**  
205b **account less:**

205c **(A) the costs of reordering firefighter special group license plate decals; and**

205d **(B) the costs of replacing recognition special group license plates with new license plates**  
205e **under Subsection 41-1a-1211(13) ~~and~~ .**

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

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

210 (i) snowmobile license plates; or

211 (ii) conservation license plates.

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

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

215 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**  
216 **personalized and special group license plates -- Replacement fee for license plates --**  
217 **Postage fees.**

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

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

222 (i) \$4 as provided in Section 41-1a-1201; and

223 (ii) \$1 in the Transportation Fund.

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

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

230 (4) An applicant for original issuance of personalized special group license plates shall  
231 pay the license plate application fees required in Subsection (2) in addition to the license plate  
232 fees and license plate application fees established under Subsections (1) and (3).

233 (5) An applicant for renewal of personalized license plates issued under Section  
234 41-1a-410 shall pay a \$10 per set application fee.

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

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

238 (i) \$4 as provided in Section 41-1a-1201; and

239 (ii) \$1 in the Transportation Fund.

240 (7) The division may charge a fee established under Section 63J-1-303 to recover its  
241 costs for the replacement of decals issued under Section 41-1a-418.

242 (8) The division may charge a fee established under Section 63J-1-303 to recover the  
243 cost of issuing stickers under Section 41-1a-416.

244 (9) In addition to any other fees required by this section, the division shall assess a fee



245 established under Section 63J-1-303 to cover postage expenses if new or replacement license  
246 plates are mailed to the applicant.

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

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

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

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

254 (a) was issued a clean fuel special group license plate in accordance with Section  
255 41-1a-418 prior to the effective date of rules made by the Department of Transportation under  
256 Subsection 41-6a-702(5)(b);

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

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

262 (13) ~~H~~→ [A] Until June 30, 2011, a ←~~H~~ person is exempt from the license plate fee under  
262a Subsection (1) or (6) if the  
263 person:

264 (a) was issued a firefighter recognition special group license plate in accordance with  
265 Section 41-1a-418 prior to July 1, 2009;

266 (b) upon renewal of the person's vehicle registration on or after July 1, 2009 is not a  
267 contributor to the Firefighter Support Restricted Account as required under Section 41-1a-418;  
268 and

269 (c) is required to replace the firefighter special group license plate with a new license  
270 plate in accordance with Section 41-1a-418.

271 Section 4. Section **53-7-109** is enacted to read:

272 **53-7-109. Firefighter Support Restricted Account.**

273 (1) There is created in the General Fund the Firefighter Support Restricted Account.

274 (2) The account shall be funded by:

275 (a) contributions deposited into the account in accordance with Section 41-1a-422; and

276 (b) donations or grants from public or private entities.

277 (3) The Legislature shall appropriate funds in the account to the division.

278 (4) The division shall distribute funds in the account to one or more charitable  
 279 organizations that:

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

281 (b) provide firefighter education and training programs;

282 (c) initiate and maintain active participation in all aspects of fire service;

283 (d) maintain a fire history museum; and

284 (e) represent over 2,000 active, inactive, retired, volunteer, or career firefighters  
 285 throughout the state.

286 (5) (a) An organization described in Subsection (4) may apply to the division to receive  
 287 a distribution in accordance with Subsection (4).

288 (b) An organization that receives a distribution from the division in accordance with  
 289 Subsection (4) shall expend the distribution only to:

290 ~~Ĥ→ [(i) pay the costs of reordering firefighter special group license plate decals;~~

291 ~~—— [(ii) (i) ←Ĥ pay for firefighter education or training programs;~~

292 ~~Ĥ→ [(iii) (ii) ←Ĥ pay for firefighter scholarship programs;~~

293 ~~Ĥ→ [(iv) (iii) ←Ĥ pay the costs of maintaining a fire history museum;~~

294 ~~Ĥ→ [(v) (iv) ←Ĥ pay the costs of representing firefighter interests on a national and local~~  
 294a ~~level; and~~

295 ~~Ĥ→ [(vi) (v) ←Ĥ pay for assistance with purchasing equipment or apparatuses used in~~  
 295a ~~firefighting.~~

296 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 297 division may make rules providing procedures for an organization to apply to the division to  
 298 receive a distribution under Subsection (4).

299 **Section 5. Effective date.**

300 This bill takes effect on July 1, 2009.

**Legislative Review Note**  
 as of 11-19-08 2:15 PM

**Office of Legislative Research and General Counsel**