

FIREFIGHTER SPECIAL GROUP LICENSE

PLATE AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronda Rudd Menlove

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code and the Public Safety 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;
- ▶ provides that the State Fire Marshal Division shall distribute funds in the Firefighter Support Restricted Account to one or more firefighter support organizations;
- ▶ grants the State Fire Marshal Division rulemaking authority establishing a

30 procedure for an organization to apply for funds in the Firefighter Support Restricted Account;

31 and

32 ▶ makes technical changes.

33 **Monies Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 This bill takes effect on July 1, 2009.

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **41-1a-418**, as last amended by Laws of Utah 2008, Chapters 48, 48, 143, 143, 153,

40 181, 181, 201, 201, 382, and 382

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

42 **41-1a-1211**, as last amended by Laws of Utah 2008, Chapters 143 and 382

43 ENACTS:

44 **53-7-109**, Utah Code Annotated 1953



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

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

48 **41-1a-418. Authorized special group license plates.**

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

52 (a) disability special group license plates issued in accordance with Section
53 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
 - 70 Subsection 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,
141 with 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
160 annual 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
169 and 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
179 under 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
192 accordance with Section 63J-1-303 for management and administrative expenses incurred in
193 issuing and 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
203 under this section and not a motor vehicle registration fee; [~~and~~]

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

206 (iv) for a firefighter special group license plate, deposited into the appropriate account
207 less:

208 (A) the costs of reordering firefighter special group license plate decals; and

209 (B) the costs of replacing recognition special group license plates with new license
210 plates under Subsection 41-1a-1211(13).

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

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

215 (i) snowmobile license plates; or

216 (ii) conservation license plates.

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

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

220 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**
221 **personalized and special group license plates -- Replacement fee for license plates --**
222 **Postage fees.**

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

- 226 (b) The license plate fee shall be deposited as follows:
- 227 (i) \$4 as provided in Section 41-1a-1201; and
- 228 (ii) \$1 in the Transportation Fund.
- 229 (2) An applicant for original issuance of personalized license plates issued under
- 230 Section 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee
- 231 required in Subsection (1).
- 232 (3) Beginning July 1, 2003, a person who applies for a special group license plate shall
- 233 pay a \$5 fee for the original set of license plates in addition to the fee required under
- 234 Subsection (1).
- 235 (4) An applicant for original issuance of personalized special group license plates shall
- 236 pay the license plate application fees required in Subsection (2) in addition to the license plate
- 237 fees and license plate application fees established under Subsections (1) and (3).
- 238 (5) An applicant for renewal of personalized license plates issued under Section
- 239 41-1a-410 shall pay a \$10 per set application fee.
- 240 (6) (a) A fee of \$5 shall be paid to the division for the replacement of any license plate
- 241 issued under Part 4, License Plates and Registration Indicia.
- 242 (b) The license plate fee shall be deposited as follows:
- 243 (i) \$4 as provided in Section 41-1a-1201; and
- 244 (ii) \$1 in the Transportation Fund.
- 245 (7) The division may charge a fee established under Section 63J-1-303 to recover its
- 246 costs for the replacement of decals issued under Section 41-1a-418.
- 247 (8) The division may charge a fee established under Section 63J-1-303 to recover the
- 248 cost of issuing stickers under Section 41-1a-416.
- 249 (9) In addition to any other fees required by this section, the division shall assess a fee
- 250 established under Section 63J-1-303 to cover postage expenses if new or replacement license
- 251 plates are mailed to the applicant.
- 252 (10) The fees required under this section are separate from and in addition to
- 253 registration fees required under Section 41-1a-1206.

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

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

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

259 (a) was issued a clean fuel special group license plate in accordance with Section
260 41-1a-418 prior to the effective date of rules made by the Department of Transportation under
261 Subsection 41-6a-702(5)(b);

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

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

267 (13) Until June 30, 2011, a person is exempt from the license plate fee under
268 Subsection (1) or (6) if the person:

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

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

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

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

277 **53-7-109. Firefighter Support Restricted Account.**

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

279 (2) The account shall be funded by:

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

281 and

282 (b) donations or grants from public or private entities.
283 (3) The Legislature shall appropriate funds in the account to the division.
284 (4) The division shall distribute funds in the account to one or more charitable
285 organizations that:
286 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;
287 (b) provide firefighter education and training programs;
288 (c) initiate and maintain active participation in all aspects of fire service;
289 (d) maintain a fire history museum; and
290 (e) represent over 2,000 active, inactive, retired, volunteer, or career firefighters
291 throughout the state.
292 (5) (a) An organization described in Subsection (4) may apply to the division to
293 receive a distribution in accordance with Subsection (4).
294 (b) An organization that receives a distribution from the division in accordance with
295 Subsection (4) shall expend the distribution only to:
296 (i) pay for firefighter education or training programs;
297 (ii) pay for firefighter scholarship programs;
298 (iii) pay the costs of maintaining a fire history museum;
299 (iv) pay the costs of representing firefighter interests on a national and local level; and
300 (v) pay for assistance with purchasing equipment or apparatuses used in firefighting.
301 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
302 division may make rules providing procedures for an organization to apply to the division to
303 receive a distribution under Subsection (4).
304 Section 5. **Effective date.**
305 This bill takes effect on July 1, 2009.