

**SHARE THE ROAD SPECIAL GROUP
LICENSE PLATE**

2009 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Wayne L. Niederhauser

House Sponsor: Todd E. Kiser

LONG TITLE

General Description:

This bill authorizes a Share the Road Bicycle Support special group license plate.

Highlighted Provisions:

This bill:

- ▶ creates a Share the Road Bicycle Support special group license plate for bicycle operation and safety awareness programs;
- ▶ requires applicants for a new plate to make a \$25 annual donation for bicycle operation and safety awareness programs;
- ▶ creates the Share the Road Bicycle Support Restricted Account;
- ▶ requires the Department of Transportation to administer and distribute the funds in the Share the Road Bicycle Support Restricted Account;
- ▶ grants the Department of Transportation rulemaking authority to make rules establishing a procedure for certain organizations to apply for funds in the Share the Road Bicycle Support Restricted Account; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on October 1, 2009.



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **41-1a-418**, as last amended by Laws of Utah 2008, Chapters 48, 143, 153, 181, 201,
31 and 382

32 **41-1a-422**, as last amended by Laws of Utah 2008, Chapters 48, 201, and 382

33 ENACTS:

34 **72-2-126**, Utah Code Annotated 1953

35

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

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

38 **41-1a-418. Authorized special group license plates.**

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

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

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

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

45 (ii) former prisoner of war;

46 (iii) recipient of a Purple Heart;

47 (iv) disabled veteran; or

48 (v) recipient of a gold star award issued by the United States Secretary of Defense;

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:

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 as
55 defined in Section 59-13-102; 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;
- 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 (xii) the Department of Public Safety; [~~or~~]
- 86 (xiii) programs that support Zion National Park[-]; or
- 87 (xiv) programs that promote bicycle operation and safety awareness.

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

90 (a) a start-up fee established under Section 63J-1-303 for production and administrative
91 costs for providing the new special group license plates; or

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

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

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

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

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

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

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

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

104 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
105 **contribution collection procedures.**

106 (1) As used in this section:

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

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

110 (B) the Department of Veterans' Affairs for veterans' programs;

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

114 (D) the Department of Agriculture and Food for the benefit of conservation districts;

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

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

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

120 (H) No More Homeless Pets in Utah for distribution to organizations or individuals

121 that provide spay and neuter programs that subsidize the sterilization of domestic animals;

122 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
123 development programs;

124 (J) the Utah Association of Public School Foundations to support public education;

125 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-28 to
126 assist people who have severe housing needs;

127 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
128 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
129 Safety employees; [or]

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

132 (N) the Share the Road Bicycle Support Restricted Account created in Section
133 72-2-126 to support bicycle operation and safety awareness programs.

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

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

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

141 (II) is a member of a trade organization for real estate licensees that has more than
142 15,000 Utah members.

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

146 (b) "Institution" means a state institution of higher education as defined under Section
147 53B-3-102 or a private institution of higher education in the state accredited by a regional or
148 national accrediting agency recognized by the United States Department of Education.

149 (2) (a) An applicant for original or renewal collegiate special group license plates under
150 Subsection (1)(a)(i) must be a contributor to the institution named in the application and
151 present the original contribution verification form under Subsection (2)(b) or make a

152 contribution to the division at the time of application under Subsection (3).

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

155 (i) the name of the contributor;

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

157 (iii) the date of the donation; and

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

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

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

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

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

170 (b) This contribution shall be:

171 (i) unless collected by the named institution under Subsection (2), collected by the
172 division;

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

175 (iii) deposited into the appropriate account less actual administrative costs associated
176 with issuing the license plates.

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

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

181 (i) snowmobile license plates; or

182 (ii) conservation license plates.

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

185 Section 3. Section **72-2-126** is enacted to read:

186 **72-2-126. Share the Road Bicycle Support Restricted Account.**

187 (1) There is created in the General Fund the Share the Road Bicycle Support Restricted
188 Account.

189 (2) The account shall be funded by:

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

191 (b) appropriations to the account by the Legislature;

192 (c) private contributions; and

193 (d) donations or grants from public or private entities.

194 (3) The Legislature shall appropriate funds in the account to the department.

195 (4) The department may expend up to 5% of the monies appropriated under Subsection
196 (3) to administer account distributions in accordance with Subsections (5) and (6).

197 (5) The department shall distribute contributions in the account to one or more
198 charitable organizations that:

199 (a) are exempt from federal income taxation under Section 501(c)(3) of the Internal
200 Revenue Code;

201 (b) have as part of their primary mission the promotion and education of ~~§~~ :

201a (i) ~~§~~ safe bicycle

202 operation ~~§~~ [statewide;

203 ~~(c) do not receive funding from government sources; and~~

204 ~~(d)] ;~~

204a (ii) safe motor vehicle operation around bicycles; and

204b (iii) healthy lifestyles; and

204c (c) ~~§~~ contribute to the start-up fee for the production and administrative costs for
205 providing a Share the Road Bicycle Support special group license plate in accordance with
206 Subsection 41-1a-418(2)(a).

207 (6) (a) An organization described in Subsection (5) may apply to the department to
208 receive a distribution in accordance with Subsection (5).

209 (b) An organization that receives a distribution from the department in accordance with
210 Subsection (5) shall expend the distribution only to:

211 (i) pay the costs of reordering Share the Road Bicycle Support special group license
212 plate decals;

213 ~~§~~ [(ii) produce and distribute educational and promotional materials on safe bicycle] ~~§~~

214 ~~§~~→ [operation in Utah;
 215 ~~—— (iii) conduct educational courses on bicycle operation and safety awareness; and~~
 216 ~~—— (iv)] (ii) produce and distribute materials to educate:~~
 216a (A) bicyclists and motorists about safe bicycling, sharing the road, and obeying the law
 216b in Utah; and
 216c (B) the public on healthy lifestyles;
 216d (iii) participate in transportation planning that provides accommodations for safe
 216e bicycling;
 216f (iv) promote a network of safe bicycling routes throughout the state; and
 216g (v) ←§ provide other programs that promote bicycle safety.
 217 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 218 department may make rules providing procedures and requirements for an organization to
 219 apply to the department to receive a distribution under Subsection (5).
 220 Section 4. **Effective date.**
 221 This bill takes effect on October 1, 2009.

Legislative Review Note
 as of 1-9-09 9:05 AM

Office of Legislative Research and General Counsel

S.B. 102 - Share the Road Special Group License Plate

**Revised
Fiscal Note**

2009 General Session
State of Utah

State Impact

Enactment of this bill will create the Share the Road Bicycle Restricted Account. The amount of revenue going into the fund depends upon the number of individuals paying at least \$25 to support the fund. If 2,000 individuals participate in the first year and 500 in the subsequent year, revenue to the fund would be \$62,500. With 2,500 individuals participating over FY 2010 and FY 2011, dedicated credits revenue for license plate production would be \$8,000 in FY 2010 and \$2,000 in FY 2011. Revenue to the Transportation Fund would be \$2,000 in FY 2010 and \$500 in FY 2011. In addition, the bill allows UDOT to use up to 5% of the funds appropriated from the new account for administration costs. Startup costs will be paid by the Bicycle Coalition.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
Transportation Fund	\$0	\$0	\$0	\$0	\$2,000	\$500
Dedicated Credits	\$0	\$18,500	\$0	\$0	\$8,000	\$2,000
Restricted Funds	\$0	\$50,000	\$12,500	\$0	\$50,000	\$12,500
Total	\$0	\$68,500	\$12,500	\$0	\$60,000	\$15,000

Individual, Business and/or Local Impact

Individuals may support bicycle operation and safety awareness programs. Local governments and businesses are unaffected.
