

1 **SHARE THE ROAD SPECIAL GROUP**

2 **LICENSE PLATE**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne L. Niederhauser**

6 House Sponsor: Todd E. Kiser

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8 **LONG TITLE**

9 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

24 **Monies Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 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



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  
43 41-1a-420;

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

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

46 (ii) former prisoner of war;

47 (iii) recipient of a Purple Heart;

48 (iv) disabled veteran; or

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

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

52 (i) a special interest vehicle;

53 (ii) a vintage vehicle;

54 (iii) a farm truck; or

55 (iv) (A) until Subsection (1)(c)(iv)(B) applies, a vehicle powered by clean fuel as  
56 defined in Section 59-13-102; or

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

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

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

- 63 (i) current member of the Legislature;
- 64 (ii) current member of the United States Congress;
- 65 (iii) current member of the National Guard;
- 66 (iv) licensed amateur radio operator;
- 67 (v) currently employed, volunteer, or retired firefighter;
- 68 (vi) emergency medical technician;
- 69 (vii) current member of a search and rescue team; or
- 70 (viii) current honorary consulate designated by the United States Department of State;

71 and

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

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

- 86 (xii) the Department of Public Safety; [~~or~~]
- 87 (xiii) programs that support Zion National Park[-]; or
- 88 (xiv) programs that promote bicycle operation and safety awareness.

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

- 91 (a) a start-up fee established under Section 63J-1-303 for production and
- 92 administrative costs for providing the new special group license plates; or
- 93 (b) a legislative appropriation for the start-up fee provided under Subsection (2)(a).

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

- 97 (i) collect a minimum of 200 applications; and
- 98 (ii) pay a start-up fee established under Section 63J-1-303 for production and
- 99 administrative costs for providing the new type of special group license plates.

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

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

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

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

- 107 (1) As used in this section:
- 108 (a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who
- 109 has donated or in whose name at least \$25 has been donated to:
- 110 (A) a scholastic scholarship fund of a single named institution;
- 111 (B) the Department of Veterans' Affairs for veterans' programs;
- 112 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in
- 113 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,

114 access, and management of wildlife habitat;

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

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

117 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah,

118 with the donation evenly divided between the two;

119 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America

120 council as specified by the contributor;

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

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

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

124 development programs;

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

126 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-28 to

127 assist people who have severe housing needs;

128 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118

129 to support the families of fallen Utah Highway Patrol troopers and other Department of Public

130 Safety employees; ~~or~~

131 (M) the Division of Parks and Recreation for distribution to organizations that provide

132 support for Zion National Park~~[-]; or~~

133 (N) the Share the Road Bicycle Support Restricted Account created in Section

134 72-2-126 to support bicycle operation and safety awareness programs.

135 (ii) (A) For a veterans' special group license plate, "contributor" means a person who

136 has donated or in whose name at least a \$25 donation at the time of application and \$10

137 annual donation thereafter has been made.

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

139 person who:

140 (I) has donated or in whose name at least \$30 has been donated at the time of

141 application and annually after the time of application; and

142 (II) is a member of a trade organization for real estate licensees that has more than  
143 15,000 Utah members.

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

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

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

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

156 (i) the name of the contributor;

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

158 (iii) the date of the donation; and

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

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

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

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

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

170 plate.

171 (b) This contribution shall be:

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

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

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

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

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

182 (i) snowmobile license plates; or

183 (ii) conservation license plates.

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

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

187 **72-2-126. Share the Road Bicycle Support Restricted Account.**

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

190 (2) The account shall be funded by:

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

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

193 (c) private contributions; and

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

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

196 (4) The department may expend up to 5% of the monies appropriated under

197 Subsection (3) to administer account distributions in accordance with Subsections (5) and (6).

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

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

202           (b) have as part of their primary mission the promotion and education of:

203           (i) safe bicycle operation;

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

205           (iii) healthy lifestyles; and

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

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

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

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

215           (ii) produce and distribute materials to educate:

216           (A) bicyclists and motorists about safe bicycling, sharing the road, and obeying the  
217 law in Utah; and

218           (B) the public on healthy lifestyles;

219           (iii) participate in transportation planning that provides accommodations for safe  
220 bicycling;

221           (iv) promote a network of safe bicycling routes throughout the state; and

222           (v) provide other programs that promote bicycle safety.

223           (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
224 department may make rules providing procedures and requirements for an organization to  
225 apply to the department to receive a distribution under Subsection (5).



226           Section 4. **Effective date.**

227           This bill takes effect on October 1, 2009.