

**JUSTICE FOR ALL SPECIAL GROUP
LICENSE PLATE**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory S. Bell

House Sponsor: Lorie D. Fowlke

LONG TITLE

General Description:

This bill authorizes a Justice for All special group license plate.

Highlighted Provisions:

This bill:

- ▶ creates a Justice for All special group license plate for programs that create or support equal access to the system of justice;
- ▶ requires applicants for a new plate to make a \$25 annual donation to the Justice for All Restricted Account;
- ▶ creates the Justice for All Restricted Account;
- ▶ requires the Administrative Office of the Courts to distribute funds in the Justice for All Restricted Account to certain organizations that provide programs that create or support equal access to the system of justice; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on October 1, 2009.

Utah Code Sections Affected:

AMENDS:



28 **41-1a-418**, as last amended by Laws of Utah 2008, Chapters 48, 143, 153, 181, 201,
29 and 382

30 **41-1a-422**, as last amended by Laws of Utah 2008, Chapters 48, 201, and 382

31 ENACTS:

32 **78A-2-113**, Utah Code Annotated 1953



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

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

36 **41-1a-418. Authorized special group license plates.**

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

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

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

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

43 (ii) former prisoner of war;

44 (iii) recipient of a Purple Heart;

45 (iv) disabled veteran; or

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

47 (c) unique vehicle type special group license plates, as for historical, collectors value,

48 or other unique vehicle type, which plates are issued for:

49 (i) a special interest vehicle;

50 (ii) a vintage vehicle;

51 (iii) a farm truck; or

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

54 (B) beginning on the effective date of rules made by the Department of Transportation
55 authorized under Subsection 41-6a-702(5)(b), a vehicle powered by clean fuel that meets the
56 standards established by the Department of Transportation in rules authorized under Subsection
57 41-6a-702(5)(b);

58 (d) recognition special group license plates, as in a public official or an emergency

59 service giver, which plates are issued for a:

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

68 and

- 69 (e) support special group license plates, as for a contributor to an institution or cause,

70 which plates are issued for a contributor to:

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

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

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

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

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

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

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

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

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

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

101 Section 2. Section ~~41-1a-422~~ is amended to read:

102 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
103 **contribution collection procedures.**

104 (1) As used in this section:

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

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

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

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

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

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

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

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

118 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
119 that provide spay and neuter programs that subsidize the sterilization of domestic animals;

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

121 development programs;

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

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

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

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

130 (N) the Justice for All Restricted Account created in Section 78A-2-113 for programs
131 that create or support equal access to the system of justice.

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

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

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

139 (II) is a member of a trade organization for real estate licensees that has more than
140 15,000 Utah members.

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

144 (b) "Institution" means a state institution of higher education as defined under Section
145 53B-3-102 or a private institution of higher education in the state accredited by a regional or
146 national accrediting agency recognized by the United States Department of Education.

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

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

152 a verification form designed by the commission containing:

- 153 (i) the name of the contributor;
- 154 (ii) the institution to which a donation was made;
- 155 (iii) the date of the donation; and
- 156 (iv) an attestation that the donation was for a scholastic scholarship.

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

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

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

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

168 (b) This contribution shall be:

- 169 (i) unless collected by the named institution under Subsection (2), collected by the
170 division;
- 171 (ii) considered a voluntary contribution for the funding of the activities specified under
172 this section and not a motor vehicle registration fee; and
- 173 (iii) deposited into the appropriate account less actual administrative costs associated
174 with issuing the license plates.

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

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

- 179 (i) snowmobile license plates; or
- 180 (ii) conservation license plates.

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

183 Section 3. Section **78A-2-113** is enacted to read:

184 **78A-2-113. Justice for All Restricted Account.**

185 (1) There is created in the General Fund the "Justice for All Restricted Account."

186 (2) The account shall be funded by:

187 (a) contributions deposited into the Justice for All Restricted Account in accordance
188 with Section 41-1a-422;

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

190 (c) private contributions; and

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

192 (3) Funds in the account are nonlapsing.

193 (4) The Legislature shall appropriate money in the account to the Administrative Office
194 of the Courts.

195 (5) The Administrative Office of the Courts shall distribute the funds in the account to
196 one or more charitable organizations that:

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

198 (b) have as part of their primary mission establishing programs that create or support
199 equal access to the justice system regardless of income level, disability, age, or minority status;
200 and

201 (c) contribute to the start-up fee for the production and administrative costs for
202 providing a Justice for All special group license plate in accordance with Subsection
203 41-1a-418(2)(a).

204 (6) (a) An organization described in Subsection (5) may apply to the Administrative
205 Office of the Courts to receive a distribution in accordance with Subsection (5).

206 (b) An organization that receives a distribution from the Administrative Office of the
207 Courts in accordance with Subsection (5) shall expend the distribution only to:

208 (i) provide legal services for Utah's most vulnerable citizens including:

209 (A) people living in poverty;

210 (B) individuals with disabilities;

211 (C) veterans;

212 (D) seniors;

213 (E) minorities; and

- 214 (F) victims of domestic violence;
- 215 (ii) create and sustain resources to support civil legal services;
- 216 (iii) work with law firms, attorneys, judges, legal staff and other community partners to
- 217 help ensure that Utahns across the state have access to the legal system, regardless of income
- 218 level, disability, age, or minority status; and
- 219 (iv) provide other programs that create or support equal access to the justice system.
- 220 **Section 4. Effective date.**
- 221 This bill takes effect on October 1, 2009.

Legislative Review Note
as of 2-23-09 2:16 PM

Office of Legislative Research and General Counsel

S.B. 215 - Justice for All Special Group License Plate

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill creates the Justice for All Restricted Account. With 500 individuals participating over FY 2010 and FY 2011, revenue to the restricted account would be \$12,500. The bill would increase revenue to the Transportation Fund by \$300 in FY 2010 and \$200 in FY 2011 and increase dedicated credits revenue by \$1,200 in FY 2010 and \$800 in FY 2011. Startup costs of \$8,200 will be paid by private sources.

	<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>
General Fund Restricted	\$0	\$6,300	\$6,200	\$0	\$6,300	\$6,200
Transportation Fund	\$0	\$0	\$0	\$0	\$300	\$200
Dedicated Credits	\$0	\$8,200	\$0	\$0	\$1,200	\$800
Total	\$0	\$14,500	\$6,200	\$0	\$7,800	\$7,200

Individual, Business and/or Local Impact

Individuals and businesses may contribute to programs that support justice programs. Local entities are unaffected.
