

1 **HUMANITARIAN SERVICE AND EDUCATIONAL AND**
2 **CULTURAL EXCHANGE SUPPORT SPECIAL GROUP**
3 **LICENSE PLATE**

4 2010 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Peter C. Knudson**

7 House Sponsor: Ben C. Ferry

8
9 **LONG TITLE**

10 **General Description:**

11 This bill authorizes a Humanitarian Service and Educational and Cultural Exchange
12 support special group license plate.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ creates a Humanitarian Service and Educational and Cultural Exchange support
16 special group license plate for programs that create or support humanitarian service
17 and educational and cultural exchange programs;

18 ▶ requires applicants for a new plate to make a \$25 annual donation to the
19 Humanitarian Service and Educational and Cultural Exchange Restricted Account;

20 ▶ creates the Humanitarian Service and Educational and Cultural Exchange
21 Restricted Account;

22 ▶ requires the Department of Community and Culture to distribute funds in the
23 Humanitarian Service and Educational and Cultural Exchange Restricted Account
24 to certain organizations that provide programs that create or support humanitarian
25 service and educational and cultural exchange programs; and

26 ▶ makes technical changes.

27 **Monies Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 This bill takes effect on October 1, 2010.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **41-1a-418**, as last amended by Laws of Utah 2009, Chapters 183, 348, and 380

34 **41-1a-422**, as last amended by Laws of Utah 2009, Chapters 183, 348, and 380

35 ENACTS:

36 **9-17-101**, Utah Code Annotated 1953

37 **9-17-102**, Utah Code Annotated 1953



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

40 Section 1. Section **9-17-101** is enacted to read:

41 **CHAPTER 17. HUMANITARIAN SERVICE AND EDUCATIONAL AND**
42 **CULTURAL EXCHANGE RESTRICTED ACCOUNT ACT**

43 **9-17-101. Title.**

44 This chapter is known as the "Humanitarian Service and Educational and Cultural
45 Exchange Restricted Account Act."

46 Section 2. Section **9-17-102** is enacted to read:

47 **9-17-102. Humanitarian Service and Educational and Cultural Exchange**
48 **Restricted Account.**

49 (1) There is created in the General Fund a restricted account known as the
50 "Humanitarian Service and Educational and Cultural Exchange Restricted Account."

51 (2) The account shall be funded by:

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

53 (b) private contributions; and

54 (c) donations or grants from public or private entities.

55 (3) Funds in the account are nonlapsing.

56 (4) Upon appropriation by the Legislature, the department shall distribute funds in the
57 account to one or more charitable organizations that:

- 58 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;
- 59 (b) have a national parent organization which:
- 60 (i) provides international humanitarian service projects; and
- 61 (ii) has youth programs including programs to foster leadership in high school
- 62 students, humanitarian service in high school and college, and conducts and promotes
- 63 community service projects;
- 64 (c) have a non-profit youth exchange program that does not compensate those who
- 65 administer the program within the state;
- 66 (d) have an annual leadership conference, which does not compensate those who
- 67 administer the program within the state;
- 68 (e) have high school service clubs, which promote humanitarian services on a state
- 69 level, a national level, and an international level; and
- 70 (f) have college service clubs, which promote humanitarian service on a state level, a
- 71 national level, and an international level.
- 72 (5) (a) An organization described in Subsection (4) may apply to the department to
- 73 receive a distribution in accordance with Subsection (4).
- 74 (b) An organization that receives a distribution from the department in accordance
- 75 with Subsection (4) shall expend the distribution only to:
- 76 (i) pay the costs of supporting the following programs within the state:
- 77 (A) youth programs including programs to foster leadership in high school students
- 78 and humanitarian service in high school and college;
- 79 (B) community service projects;
- 80 (C) a non-profit youth exchange program;
- 81 (D) an annual leadership conference;
- 82 (E) high school service clubs, which promote humanitarian service on a state level, a
- 83 national level, and an international level; and
- 84 (F) college service clubs, which promote humanitarian service on a state level, a
- 85 national level, and an international level; and

86 (ii) pay the costs of issuing or reordering Humanitarian Service and Educational and
87 Cultural Exchange support special group license plate decals.

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

91 Section 3. Section **41-1a-418** is amended to read:

92 **41-1a-418. Authorized special group license plates.**

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

96 (a) disability special group license plates issued in accordance with Section
97 41-1a-420;

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

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

100 (ii) former prisoner of war;

101 (iii) recipient of a Purple Heart;

102 (iv) disabled veteran; or

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

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

106 (i) a special interest vehicle;

107 (ii) a vintage vehicle;

108 (iii) a farm truck; or

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

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

114 Subsection 41-6a-702(5)(b);
115 (d) recognition special group license plates, as in a public official or an emergency
116 service giver, which plates are issued for a:
117 (i) current member of the Legislature;
118 (ii) current member of the United States Congress;
119 (iii) current member of the National Guard;
120 (iv) licensed amateur radio operator;
121 (v) currently employed, volunteer, or retired firefighter until June 30, 2009;
122 (vi) emergency medical technician;
123 (vii) current member of a search and rescue team; or
124 (viii) current honorary consulate designated by the United States Department of State;
125 and
126 (e) support special group license plates, as for a contributor to an institution or cause,
127 which plates are issued for a contributor to:
128 (i) an institution's scholastic scholarship fund;
129 (ii) the Division of Wildlife Resources;
130 (iii) the Department of Veterans' Affairs;
131 (iv) the Division of Parks and Recreation;
132 (v) the Department of Agriculture and Food;
133 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
134 (vii) the Boy Scouts of America;
135 (viii) spay and neuter programs through No More Homeless Pets in Utah;
136 (ix) the Boys and Girls Clubs of America;
137 (x) Utah public education;
138 (xi) programs that provide support to organizations that create affordable housing for
139 those in severe need through the Division of Real Estate;
140 (xii) the Department of Public Safety;
141 (xiii) programs that support Zion National Park;

142 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
143 organizations; [~~or~~]

144 (xv) programs that promote bicycle operation and safety awareness[-]; or

145 (xvi) programs that create or support humanitarian service and educational and
146 cultural exchanges.

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

149 (i) a start-up fee established under Section 63J-1-504 for production and
150 administrative costs for providing the new special group license plates; or

151 (ii) a legislative appropriation for the start-up fee provided under Subsection (2)(a)(i).

152 (b) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
153 registration of a motor vehicle that has been issued a firefighter recognition special group
154 license plate unless the applicant is a contributor as defined in Subsection
155 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

159 (A) be a contributor to the Firefighter Support Restricted Account as required under
160 Subsection (2)(b)[~~(ii)~~](i); or

161 (B) replace the firefighter recognition special group license plate with a new license
162 plate.

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

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

167 (ii) pay a start-up fee established under Section 63J-1-504 for production and
168 administrative costs for providing the new type of special group license plates.

169 (b) If the provisions of Subsection (3)(a) are met, the commission shall approve the

170 request and the division shall:

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

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

173 Section 4. Section **41-1a-422** is amended to read:

174 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
175 **contribution collection procedures.**

176 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

198 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
199 Safety employees;

200 (M) the Division of Parks and Recreation for distribution to organizations that provide
201 support for Zion National Park;

202 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support
203 firefighter organizations; ~~or~~

204 (O) the Share the Road Bicycle Support Restricted Account created in Section
205 72-2-127 to support bicycle operation and safety awareness programs~~[-]; or~~

206 (P) Humanitarian Service and Educational and Cultural Exchange Restricted Account
207 created in Section 9-17-102 to support humanitarian service and educational and cultural
208 programs.

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

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

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

216 (II) is a member of a trade organization for real estate licensees that has more than
217 15,000 Utah members.

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

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

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

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

226 (b) "Institution" means a state institution of higher education as defined under Section
227 53B-3-102 or a private institution of higher education in the state accredited by a regional or
228 national accrediting agency recognized by the United States Department of Education.

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

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

- 235 (i) the name of the contributor;
- 236 (ii) the institution to which a donation was made;
- 237 (iii) the date of the donation; and
- 238 (iv) an attestation that the donation was for a scholastic scholarship.

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

241 (d) After an applicant has been issued collegiate license plates or renewal decals, the
242 commission shall charge the institution whose plate was issued, a fee determined in
243 accordance with Section 63J-1-504 for management and administrative expenses incurred in
244 issuing and renewing the collegiate license plates.

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

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

250 (b) This contribution shall be:

- 251 (i) unless collected by the named institution under Subsection (2), collected by the
252 division;
- 253 (ii) considered a voluntary contribution for the funding of the activities specified

254 under this section and not a motor vehicle registration fee;

255 (iii) deposited into the appropriate account less actual administrative costs associated
256 with issuing the license plates; and

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

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

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

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

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

266 (i) snowmobile license plates; or

267 (ii) conservation license plates.

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

270 **Section 5. Effective date.**

271 This bill takes effect on October 1, 2010.