

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

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Ben C. Ferry

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

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

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

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

- ▶ makes technical changes.

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 CULTURAL**
42 **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 students,
- 62 humanitarian service in high school and college, and conducts and promotes community
- 63 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 with
- 75 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 and
- 78 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 41-1a-420;

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

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

99 (ii) former prisoner of war;

100 (iii) recipient of a Purple Heart;

101 (iv) disabled veteran; or

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

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

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

105 (i) a special interest vehicle;

106 (ii) a vintage vehicle;

107 (iii) a farm truck; or

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

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

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

116 (i) current member of the Legislature;

117 (ii) current member of the United States Congress;

118 (iii) current member of the National Guard;

119 (iv) licensed amateur radio operator;

120 (v) currently employed, volunteer, or retired firefighter until June 30, 2009;

- 121 (vi) emergency medical technician;
 122 (vii) current member of a search and rescue team; or
 123 (viii) current honorary consulate designated by the United States Department of State;

124 and

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

- 127 (i) an institution's scholastic scholarship fund;
 128 (ii) the Division of Wildlife Resources;
 129 (iii) the Department of Veterans' Affairs;
 130 (iv) the Division of Parks and Recreation;
 131 (v) the Department of Agriculture and Food;
 132 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
 133 (vii) the Boy Scouts of America;
 134 (viii) spay and neuter programs through No More Homeless Pets in Utah;
 135 (ix) the Boys and Girls Clubs of America;
 136 (x) Utah public education;
 137 (xi) programs that provide support to organizations that create affordable housing for
 138 those in severe need through the Division of Real Estate;

139 (xii) the Department of Public Safety;

140 (xiii) programs that support Zion National Park;

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

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

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

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

- 148 (i) a start-up fee established under Section 63J-1-504 for production and administrative
 149 costs for providing the new special group license plates; or
 150 (ii) a legislative appropriation for the start-up fee provided under Subsection (2)(a)(i).

151 (b) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle

152 registration of a motor vehicle that has been issued a firefighter recognition special group
153 license plate unless the applicant is a contributor as defined in Subsection
154 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

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

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

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

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

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

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

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

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

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

173 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
174 **contribution collection procedures.**

175 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

196 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
197 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
198 Safety employees;

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

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

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

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

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

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

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

214 application and annually after the time of application; and

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

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

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

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

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

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

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

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

234 (i) the name of the contributor;

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

236 (iii) the date of the donation; and

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

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

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

244 (e) If the contribution is made at the time of application, the contribution shall be

245 collected, treated, and deposited as provided under Subsection (3).

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

249 (b) This contribution shall be:

250 (i) unless collected by the named institution under Subsection (2), collected by the
251 division;

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

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

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

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

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

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

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

265 (i) snowmobile license plates; or

266 (ii) conservation license plates.

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

269 Section 5. **Effective date.**

270 This bill takes effect on October 1, 2010.

Legislative Review Note
as of 2-25-10 9:13 AM

Office of Legislative Research and General Counsel

**Revised
Fiscal Note**

**S.B. 209 - Humanitarian Service and Educational and Cultural Exchange
Support Special Group License Plate**

2010 General Session
State of Utah

State Impact

Under the provisions of this bill, if 500 individuals donate \$25 annually, revenue to the Humanitarian Service and Educational and Cultural Exchange Restricted Account would be \$12,500 annually. Dedicated credits for license plate production would be \$2,000 and revenue to the Transportation Fund would be \$500. Startup costs of \$18,400 will be paid by private sources.

	<u>FY 2010 Approp.</u>	<u>FY 2011 Approp.</u>	<u>FY 2012 Approp.</u>	<u>FY 2010 Revenue</u>	<u>FY 2011 Revenue</u>	<u>FY 2012 Revenue</u>
General Fund Restricted	\$0	\$0	\$0	\$0	\$12,500	\$12,500
Transportation Fund	\$0	\$0	\$0	\$0	\$500	\$500
Dedicated Credits	\$0	\$18,400	\$0	\$0	\$2,000	\$2,000
Total	\$0	\$18,400	\$0	\$0	\$15,000	\$15,000

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.