

CLEAN FUEL VEHICLE DECAL

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Julie Fisher

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill amends provisions relating to a clean fuel vehicle decal.

Highlighted Provisions:

This bill:

- ▶ requires the Department of Transportation to issue a clean fuel vehicle decal to certain applicants who satisfy certain requirements;
- ▶ requires an applicant for a clean fuel vehicle decal to pay a clean fuel vehicle decal fee;
- ▶ authorizes the Department of Transportation to establish a clean fuel vehicle decal fee and provides for the use of the funds generated by the fee;
- ▶ provides that beginning on July 1, 2011, a clean fuel vehicle shall have a clean fuel vehicle decal to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants;
- ▶ prohibits a person from placing a clean fuel vehicle decal on a vehicle other than the vehicle specified in the application for the clean fuel vehicle decal permit and the clean fuel vehicle decal;
- ▶ requires a person operating a motor vehicle that has been issued a clean fuel vehicle decal to have in the person's immediate possession the clean fuel vehicle decal permit issued by the Department of Transportation for the motor vehicle the person is operating and display it upon demand of a peace officer;
- ▶ authorizes the Department of Transportation to make rules to administer the clean fuel vehicle decal program;

- 30 ▶ provides that beginning on July 1, 2011, the Motor Vehicle Division may not issue a
- 31 unique vehicle type license plate for a vehicle powered by clean fuel; and
- 32 ▶ makes technical changes.

33 Money Appropriated in this Bill:

34 None

35 Other Special Clauses:

36 None

37 Utah Code Sections Affected:

38 AMENDS:

39 **41-1a-418**, as last amended by Laws of Utah 2010, Chapters 139, 166, and 369

40 **41-6a-702**, as last amended by Laws of Utah 2010, Chapter 81

41 ENACTS:

42 **72-6-121**, Utah Code Annotated 1953



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

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

46 **41-1a-418. Authorized special group license plates.**

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

- 50 (a) disability special group license plates issued in accordance with Section 41-1a-420;
- 51 (b) honor special group license plates, as in a war hero, which plates are issued for a:
 - 52 (i) survivor of the Japanese attack on Pearl Harbor;
 - 53 (ii) former prisoner of war;
 - 54 (iii) recipient of a Purple Heart;
 - 55 (iv) disabled veteran; or
 - 56 (v) recipient of a gold star award issued by the United States Secretary of Defense;
 - 57 (c) unique vehicle type special group license plates, as for historical, collectors value,

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

59 (i) a special interest vehicle;

60 (ii) a vintage vehicle;

61 (iii) a farm truck; or

62 (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as
63 defined in Section 59-13-102; or

64 (B) beginning on the effective date of rules made by the Department of Transportation
65 authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle
66 powered by clean fuel that meets the standards established by the Department of Transportation
67 in rules authorized under Subsection 41-6a-702(5)(b);

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

70 (i) current member of the Legislature;

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

72 (iii) current member of the National Guard;

73 (iv) licensed amateur radio operator;

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

75 (vi) emergency medical technician;

76 (vii) current member of a search and rescue team; or

77 (viii) current honorary consulate designated by the United States Department of State;

78 and

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

81 (i) an institution's scholastic scholarship fund;

82 (ii) the Division of Wildlife Resources;

83 (iii) the Department of Veterans' Affairs;

84 (iv) the Division of Parks and Recreation;

85 (v) the Department of Agriculture and Food;

- 86 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 87 (vii) the Boy Scouts of America;
- 88 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 89 (ix) the Boys and Girls Clubs of America;
- 90 (x) Utah public education;
- 91 (xi) programs that provide support to organizations that create affordable housing for
- 92 those in severe need through the Division of Real Estate;
- 93 (xii) the Department of Public Safety;
- 94 (xiii) programs that support Zion National Park;
- 95 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
- 96 organizations;
- 97 (xv) programs that promote bicycle operation and safety awareness;
- 98 (xvi) programs that conduct or support cancer research;
- 99 (xvii) programs that create or support autism awareness; or
- 100 (xviii) programs that create or support humanitarian service and educational and
- 101 cultural exchanges.

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

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

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

107 (b) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
108 registration of a motor vehicle that has been issued a firefighter recognition special group
109 license plate unless the applicant is a contributor as defined in Subsection
110 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

114 (A) be a contributor to the Firefighter Support Restricted Account as required under
115 Subsection (2)(b)(i); or

116 (B) replace the firefighter recognition special group license plate with a new license
117 plate.

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

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

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

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

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

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

128 (4) Beginning on July 1, 2011, the division may not issue a unique vehicle type license
129 plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv) to an applicant.

130 Section 2. Section **41-6a-702** is amended to read:

131 **41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --**
132 **Penalties.**

133 (1) As used in this section and Section 41-6a-704, "general purpose lane" means a
134 highway lane open to vehicular traffic but does not include a designated:

135 (a) high occupancy vehicle (HOV) lane; or

136 (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway
137 off-ramp.

138 (2) On a freeway or section of a freeway which has three or more general purpose lanes
139 in the same direction, a person may not operate a vehicle in the left most general purpose lane
140 if the person's:

141 (a) vehicle is drawing a trailer or semitrailer regardless of size; or

142 (b) vehicle or combination of vehicles has a gross vehicle weight of 12,001 or more
143 pounds.

144 (3) Subsection (2) does not apply to a person operating a vehicle who is:

145 (a) preparing to turn left or taking a different highway split or an exit on the left;

146 (b) responding to emergency conditions;

147 (c) avoiding actual or potential traffic moving onto the highway from an acceleration or
148 merging lane; or

149 (d) following direction signs that direct use of a designated lane.

150 (4) (a) A highway authority may designate a specific lane or lanes of travel for any type
151 of vehicle on a highway or portion of a highway under its jurisdiction for the:

152 (i) safety of the public;

153 (ii) efficient maintenance of a highway; or

154 (iii) use of high occupancy vehicles.

155 (b) The lane designation under Subsection (4)(a) is effective when appropriate signs
156 giving notice are erected on the highway or portion of the highway.

157 (c) If a highway authority establishes an HOV lane, the highway authority shall
158 annually report to the Transportation Interim Committee no later than November 30 of each
159 year regarding:

160 (i) the types of vehicles that may access the lane;

161 (ii) where, when, and how a vehicle may access the lane;

162 (iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of
163 persons specified for the lane;

164 (iv) the usage of the HOV lane as compared to the usage of the general purpose lanes
165 along the same stretch of highway; and

166 (v) the compliance issues, safety risks, and impacts of the lane parameters described
167 under Subsections (4)(c)(i), (ii), and (iii).

168 (5) (a) (i) Subject to Subsection (5)(b) and until June 30, 2011, the lane designation
169 under Subsection (4)(a)(iii) shall allow a vehicle with clean fuel special group license plates

170 issued in accordance with Section 41-1a-418 to travel in lanes designated for the use of high
171 occupancy vehicles regardless of the number of occupants to the extent authorized or permitted
172 by federal law or federal regulation.

173 (ii) Subject to Subsection (5)(b) and beginning on July 1, 2011, the lane designation
174 under Subsection (4)(a)(iii) shall allow a vehicle with a clean fuel vehicle decal issued in
175 accordance with Section 72-6-121 to travel in lanes designated for the use of high occupancy
176 vehicles regardless of the number of occupants to the extent authorized or permitted by federal
177 law or federal regulation.

178 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
179 Department of Transportation may make rules to allow a vehicle with [~~clean fuel special group~~
180 ~~license plates issued in accordance with Section 41-1a-418]~~ a clean fuel vehicle decal to travel
181 in lanes designated for the use of high occupancy vehicles regardless of the number of
182 occupants to the extent authorized or permitted by federal law or federal regulation.

183 (6) A person who operates a vehicle in violation of Subsection (2) or in violation of the
184 restrictions made under Subsection (4) is guilty of a class C misdemeanor.

185 Section 3. Section **72-6-121** is enacted to read:

186 **72-6-121. Clean fuel vehicle decal.**

187 (1) Beginning on July 1, 2011, and subject to the requirements of this section, the
188 department shall issue a clean fuel vehicle decal permit and a clean fuel vehicle decal to an
189 applicant if:

190 (a) the applicant is an owner of a vehicle powered by clean fuel that meets the
191 standards established by the department in rules authorized under Subsection 41-6a-702(5)(b);
192 and

193 (b) the applicant remits an application and all fees required under this section.

194 (2) The department shall establish the clean fuel vehicle decal design in consultation
195 with the Utah Highway Patrol.

196 (3) (a) An applicant for a clean fuel vehicle decal shall pay a clean fuel vehicle decal
197 fee established by the department in accordance with Section 63J-1-504.

198 (b) Funds generated by the clean fuel vehicle decal fee may be used by the department
199 to cover the costs incurred in issuing clean fuel vehicle decals under this section.

200 (4) (a) The department shall issue a clean fuel vehicle decal permit and a clean fuel
201 vehicle decal to a person who has been issued a clean fuel special group license plate prior to
202 July 1, 2011.

203 (b) A person who applies to the department to receive a clean fuel vehicle decal permit
204 and a clean fuel vehicle decal under Subsection (4)(a) is not subject to the fee imposed under
205 Subsection (3).

206 (5) (a) An owner of a vehicle may not place a clean fuel vehicle decal on a vehicle
207 other than the vehicle specified in the application for the clean fuel vehicle decal permit and the
208 clean fuel vehicle decal.

209 (b) A person operating a motor vehicle that has been issued a clean fuel vehicle decal
210 shall:

211 (i) have in the person's immediate possession the clean fuel vehicle decal permit issued
212 by the department for the motor vehicle the person is operating; and

213 (ii) display the permit upon demand of a peace officer.

214 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
215 department shall make rules to administer the clean fuel vehicle decal program authorized in
216 this section.