

HB0024S01 compared with HB0024

~~{deleted text}~~ shows text that was in HB0024 but was deleted in HB0024S01.

inserted text shows text that was not in HB0024 but was inserted into HB0024S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this document will not be a totally accurate comparison. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Julie Fisher proposes the following substitute bill:

CLEAN FUEL VEHICLE DECAL

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Julie Fisher

Senate Sponsor: _____

LONG TITLE

~~{Committee Note:~~

~~— The Transportation Interim Committee recommended this bill.~~

~~{General Description:~~

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

Highlighted Provisions:

This bill:

- ▶ requires the ~~{Motor Vehicle Division}~~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 ~~{Motor Vehicle Division}~~Department of Transportation to establish a clean fuel vehicle decal fee and provides for the use of the funds generated by the

HB0024S01 compared with HB0024

fee;

- ▶ provides that beginning on July 1, 2011, a clean fuel vehicle ~~{with}~~shall have a clean fuel vehicle decal ~~{may}~~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 ~~{plate}~~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 ~~{plate}~~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;
- ▶ provides that beginning on July 1, 2011, the Motor Vehicle Division may not issue a unique vehicle type license plate for a vehicle powered by clean fuel; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{ This bill takes effect on October 1, 2011. }~~ None

Utah Code Sections Affected:

AMENDS:

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

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

~~{ 63J-1-602.2, as enacted by Laws of Utah 2010, Chapter 265 and last amended by Coordination Clause, Laws of Utah 2010, Chapter 265 }~~

~~{~~ENACTS:

~~{41-1a-423}~~72-6-121, Utah Code Annotated 1953

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

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

HB0024S01 compared with HB0024

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

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

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

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

- (i) a special interest vehicle;
- (ii) a vintage vehicle;
- (iii) a farm truck; or

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

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

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

- (i) current member of the Legislature;
- (ii) current member of the United States Congress;
- (iii) current member of the National Guard;
- (iv) licensed amateur radio operator;
- (v) currently employed, volunteer, or retired firefighter until June 30, 2009;
- (vi) emergency medical technician;
- (vii) current member of a search and rescue team; or

HB0024S01 compared with HB0024

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

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

- (i) an institution's scholastic scholarship fund;
- (ii) the Division of Wildlife Resources;
- (iii) the Department of Veterans' Affairs;
- (iv) the Division of Parks and Recreation;
- (v) the Department of Agriculture and Food;
- (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- (vii) the Boy Scouts of America;
- (viii) spay and neuter programs through No More Homeless Pets in Utah;
- (ix) the Boys and Girls Clubs of America;
- (x) Utah public education;
- (xi) programs that provide support to organizations that create affordable housing for those in severe need through the Division of Real Estate;
- (xii) the Department of Public Safety;
- (xiii) programs that support Zion National Park;
- (xiv) beginning on July 1, 2009, programs that provide support to firefighter organizations;
- (xv) programs that promote bicycle operation and safety awareness;
- (xvi) programs that conduct or support cancer research;
- (xvii) programs that create or support autism awareness; or
- (xviii) programs that create or support humanitarian service and educational and cultural exchanges.

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

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

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

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

HB0024S01 compared with HB0024

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

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

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

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

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

(i) collect a minimum of 200 applications; and

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

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

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

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

~~{Section 1. Section 41-1a-423 is enacted to read:~~

~~41-1a-423. Clean fuel vehicle decal.~~

~~(1) In lieu of a clean fuel special group license plate issued under Section 41-1a-418 and subject to the requirements of this section, the division shall issue a clean fuel vehicle decal to an owner of } (4) Beginning on July 1, 2011, the division may not issue a unique vehicle type license plate for a vehicle powered by clean fuel {that meets the standards established by the Department of Transportation in rules authorized under Subsection 41-6a-702(5)(b):~~

~~(2) The division may only issue a clean fuel vehicle decal to an applicant who:~~

~~(a) qualifies for a clean fuel vehicle decal } under Subsection (1) {;~~

~~(b) has been issued a clean fuel vehicle plate permit by the Department of~~

HB0024S01 compared with HB0024

Transportation; and

- ~~_____ (c) has been issued:~~
- ~~_____ (i) an honor special group license plate authorized under Section 41-1a-418; or~~
- ~~_____ (ii) a veteran special group license plate authorized under Section 41-1a-422.~~
- ~~_____ (3) The division shall establish the clean fuel vehicle decal design in consultation with the Department of Transportation and the Utah Highway Patrol.~~
- ~~_____ (4) (a) An applicant for a clean fuel vehicle decal shall pay a clean fuel vehicle decal fee established by the division in accordance with Section 63J-1-504.~~
- ~~_____ (b) Funds generated by the clean fuel vehicle decal fee may be used by the commission to cover the costs incurred in issuing clean fuel vehicle decals under this section.~~
- ~~_____ (c) In accordance with Section 63J-1-602.2, all funds available to the commission for the issuance of clean fuel vehicle decals are nonlapsing.~~
- ~~_____ (5) (a) An owner of a vehicle may not place a clean fuel vehicle decal on a vehicle other than the vehicle specified in the application for the clean fuel vehicle plate permit and the clean fuel vehicle decal.~~
- ~~_____ (b) A person operating a motor vehicle that has been issued a clean fuel vehicle decal shall:~~
 - ~~_____ (i) have in the person's immediate possession the clean fuel vehicle plate permit issued by the Department of Transportation for the motor vehicle the person is operating; and~~
 - ~~_____ (ii) display the permit upon demand of a peace officer.~~

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

41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --

Penalties.

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

- (a) high occupancy vehicle (HOV) lane; or
- (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway off-ramp.

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

HB0024S01 compared with HB0024

- (a) vehicle is drawing a trailer or semitrailer regardless of size; or
 - (b) vehicle or combination of vehicles has a gross vehicle weight of 12,001 or more pounds.
- (3) Subsection (2) does not apply to a person operating a vehicle who is:
- (a) preparing to turn left or taking a different highway split or an exit on the left;
 - (b) responding to emergency conditions;
 - (c) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane; or
 - (d) following direction signs that direct use of a designated lane.
- (4) (a) A highway authority may designate a specific lane or lanes of travel for any type of vehicle on a highway or portion of a highway under its jurisdiction for the:
- (i) safety of the public;
 - (ii) efficient maintenance of a highway; or
 - (iii) use of high occupancy vehicles.
- (b) The lane designation under Subsection (4)(a) is effective when appropriate signs giving notice are erected on the highway or portion of the highway.
- (c) If a highway authority establishes an HOV lane, the highway authority shall annually report to the Transportation Interim Committee no later than November 30 of each year regarding:
- (i) the types of vehicles that may access the lane;
 - (ii) where, when, and how a vehicle may access the lane;
 - (iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of persons specified for the lane;
 - (iv) the usage of the HOV lane as compared to the usage of the general purpose lanes along the same stretch of highway; and
 - (v) the compliance issues, safety risks, and impacts of the lane parameters described under Subsections (4)(c)(i), (ii), and (iii).
- (5) (a) (i) Subject to Subsection (5)(b) and until June 30, 2011, the lane designation under Subsection (4)(a)(iii) shall allow a vehicle with clean fuel special group license plates issued in accordance with Section 41-1a-418 ~~or a clean fuel vehicle decal issued in accordance with Section 41-1a-423~~ to travel in lanes designated for the use of high occupancy

HB0024S01 compared with HB0024

vehicles regardless of the number of occupants to the extent authorized or permitted by federal law or federal regulation.

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

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation may make rules to allow a vehicle with ~~clean fuel special group license plates issued in accordance with Section 41-1a-418~~ for a clean fuel vehicle decal ~~issued in accordance with Section 41-1a-423~~ to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants to the extent authorized or permitted by federal law or federal regulation.

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

Section 3. Section ~~{63J-1-602.2}~~ 72-6-121 is ~~{amended}~~ enacted to read:

~~{~~ ~~63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.~~

~~—— (1) Appropriations from the Technology Development Restricted Account created in Section 31A-3-104.~~

~~—— (2) Appropriations from the Criminal Background Check Restricted Account created in Section 31A-3-105.~~

~~—— (3) Appropriations from the Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.~~

~~—— (4) Appropriations from the Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.~~

~~—— (5) The fund for operating the state's Federal Health Care Tax Credit Program, as provided in Section 31A-38-104.~~

~~—— (6) The Special Administrative Expense Account created in Section 35A-4-506.~~

~~—— (7) Funding for a new program or agency that is designated as nonlapsing under Section 36-24-101.~~

HB0024S01 compared with HB0024

~~— (8) The Oil and Gas Conservation Account created in Section 40-6-14.5.~~

~~— (9) The Off-Highway Access and Education Restricted Account created in Section 41-22-19.5.~~

~~— (10) Funds available to the Tax Commission for the issuance of~~ **72-6-121. Clean fuel vehicle decal.**

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

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

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

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

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

(b) Funds generated by the clean fuel vehicle decal fee may be used by the department to cover the costs incurred in issuing clean fuel vehicle decals under ~~{Section 41-1a-423.~~

~~— Section 4. Effective date.~~

~~— This bill takes effect on October 1, 2011.~~

Legislative Review Note

~~— as of 11-17-10 2:24 PM~~

Office of Legislative Research and General Counsel~~};~~this section.

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

HB0024S01 compared with HB0024

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

(5) (a) An owner of a vehicle may not place 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.

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

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

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

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