

1 **SPECIALTY LICENSE PLATE AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: Christopher N. Herrod

7 **LONG TITLE**

8 **General Description:**

9 This bill authorizes a Choose Life Adoption Support special group license plate.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ creates a Choose Life Adoption Support special group license plate for adoption
13 support programs through the Division of Child and Family Services;

14 ▶ requires applicants for a new plate to make a \$25 annual donation to the Choose
15 Life Adoption Support Restricted Account for adoption support programs;

16 ▶ creates the Choose Life Adoption Support Restricted Account;

17 ▶ grants the Division of Child and Family Services rulemaking authority to make
18 rules establishing a procedure for certain organizations to apply for funds in the
19 Choose Life Adoption Support Restricted Account;

20 ▶ provides that funds in the Choose Life Adoption Support Restricted Account are
21 nonlapsing; and

22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 This bill takes effect on October 1, 2011.

27 **Utah Code Sections Affected:**



28 AMENDS:

29 **41-1a-418**, as last amended by Laws of Utah 2010, Chapters 139, 166, and 369

30 **41-1a-422**, as last amended by Laws of Utah 2010, Chapters 139, 166, 369, and 379

31 **63J-1-602.4**, as enacted by Laws of Utah 2010, Chapter 265

32 ENACTS:

33 **62A-4a-608**, Utah Code Annotated 1953



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

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

37 **41-1a-418. Authorized special group license plates.**

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

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

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

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

44 (ii) former prisoner of war;

45 (iii) recipient of a Purple Heart;

46 (iv) disabled veteran; or

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

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

50 (i) a special interest vehicle;

51 (ii) a vintage vehicle;

52 (iii) a farm truck; or

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

55 (B) beginning on the effective date of rules made by the Department of Transportation
56 authorized under Subsection 41-6a-702(5)(b), a vehicle powered by clean fuel that meets the
57 standards established by the Department of Transportation in rules authorized under Subsection
58 41-6a-702(5)(b);

- 59 (d) recognition special group license plates, as in a public official or an emergency
60 service giver, which plates are issued for a:
- 61 (i) current member of the Legislature;
 - 62 (ii) current member of the United States Congress;
 - 63 (iii) current member of the National Guard;
 - 64 (iv) licensed amateur radio operator;
 - 65 (v) currently employed, volunteer, or retired firefighter until June 30, 2009;
 - 66 (vi) emergency medical technician;
 - 67 (vii) current member of a search and rescue team; or
 - 68 (viii) current honorary consulate designated by the United States Department of State;
- 69 and
- 70 (e) support special group license plates, as for a contributor to an institution or cause,
71 which plates are issued for a contributor to:
- 72 (i) an institution's scholastic scholarship fund;
 - 73 (ii) the Division of Wildlife Resources;
 - 74 (iii) the Department of Veterans' Affairs;
 - 75 (iv) the Division of Parks and Recreation;
 - 76 (v) the Department of Agriculture and Food;
 - 77 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
 - 78 (vii) the Boy Scouts of America;
 - 79 (viii) spay and neuter programs through No More Homeless Pets in Utah;
 - 80 (ix) the Boys and Girls Clubs of America;
 - 81 (x) Utah public education;
 - 82 (xi) programs that provide support to organizations that create affordable housing for
83 those in severe need through the Division of Real Estate;
 - 84 (xii) the Department of Public Safety;
 - 85 (xiii) programs that support Zion National Park;
 - 86 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
87 organizations;
 - 88 (xv) programs that promote bicycle operation and safety awareness;
 - 89 (xvi) programs that conduct or support cancer research;

90 (xvii) programs that create or support autism awareness; [~~or~~]
91 (xviii) programs that create or support humanitarian service and educational and
92 cultural exchanges[-]; or
93 (xix) programs that support and promote adoptions.
94 (2) (a) Beginning January 1, 2003, the division may not issue a new type of special
95 group license plate unless the division receives:
96 (i) a start-up fee established under Section 63J-1-504 for production and administrative
97 costs for providing the new special group license plates; or
98 (ii) a legislative appropriation for the start-up fee provided under Subsection (2)(a)(i).
99 (b) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
100 registration of a motor vehicle that has been issued a firefighter recognition special group
101 license plate unless the applicant is a contributor as defined in Subsection
102 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.
103 (ii) A registered owner of a vehicle that has been issued a firefighter recognition
104 special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle
105 registration shall:
106 (A) be a contributor to the Firefighter Support Restricted Account as required under
107 Subsection (2)(b)(i); or
108 (B) replace the firefighter recognition special group license plate with a new license
109 plate.
110 (3) (a) A sponsoring organization that qualifies for tax-exempt status under Internal
111 Revenue Code Section 501(c)(3) may request the commission to authorize a new type of
112 special group license plate for the sponsoring organization. The sponsoring organization shall:
113 (i) collect a minimum of 200 applications; and
114 (ii) pay a start-up fee established under Section 63J-1-504 for production and
115 administrative costs for providing the new type of special group license plates.
116 (b) If the provisions of Subsection (3)(a) are met, the commission shall approve the
117 request and the division shall:
118 (i) design a license plate in accordance with Section 41-1a-419; and
119 (ii) issue the new type of special group license plates.
120 Section 2. Section **41-1a-422** is amended to read:

121 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
122 **contribution collection procedures.**

123 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

142 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to
143 assist people who have severe housing needs;

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

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

149 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support
150 firefighter organizations;

151 (O) the Share the Road Bicycle Support Restricted Account created in Section

152 72-2-127 to support bicycle operation and safety awareness programs;

153 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support
154 cancer research programs;

155 (Q) Autism Awareness Restricted Account created in Section 53A-1-304 to support
156 autism awareness programs; [or]

157 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
158 created in Section 9-17-102 to support humanitarian service and educational and cultural
159 programs[-]; or

160 (S) the Choose Life Adoption Support Restricted Account created in Section
161 62A-4a-608 to support programs that promote adoption.

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

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

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

169 (II) is a member of a trade organization for real estate licensees that has more than
170 15,000 Utah members.

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

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

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

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

179 (E) For a cancer research special group license plate, "contributor" means a person who
180 has donated or in whose name at least \$35 has been donated at the time of application and
181 annually after the time of application.

182 (b) "Institution" means a state institution of higher education as defined under Section

183 53B-3-102 or a private institution of higher education in the state accredited by a regional or
184 national accrediting agency recognized by the United States Department of Education.

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

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

- 191 (i) the name of the contributor;
- 192 (ii) the institution to which a donation was made;
- 193 (iii) the date of the donation; and
- 194 (iv) an attestation that the donation was for a scholastic scholarship.

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

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

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

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

206 (b) This contribution shall be:

- 207 (i) unless collected by the named institution under Subsection (2), collected by the
208 division;
- 209 (ii) considered a voluntary contribution for the funding of the activities specified under
210 this section and not a motor vehicle registration fee;
- 211 (iii) deposited into the appropriate account less actual administrative costs associated
212 with issuing the license plates; and
- 213 (iv) for a firefighter special group license plate, deposited into the appropriate account

214 less:

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

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

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

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

222 (i) snowmobile license plates; or

223 (ii) conservation license plates.

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

226 Section 3. Section **62A-4a-608** is enacted to read:

227 **62A-4a-608. Choose Life Adoption Support Restricted Account.**

228 (1) There is created in the General Fund the "Choose Life Adoption Support Restricted
229 Account."

230 (2) The account shall be funded by:

231 (a) contributions deposited into the Choose Life Adoption Support Restricted Account
232 in accordance with Section 41-1a-422;

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

234 (c) private contributions; and

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

236 (3) The Legislature shall appropriate money in the account to the division.

237 (4) The division shall distribute the funds in the account to one or more charitable
238 organizations that:

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

240 (b) have as part of their primary mission the support, promotion, and education of
241 adoption programs;

242 (c) are licensed or registered to do business within the state in accordance with state
243 law; and

244 (d) contribute to the start-up fee for the production and administrative costs for

245 providing a Choose Life Adoption Support special group license plate in accordance with
246 Subsection 41-1a-418(2)(a).

247 (5) (a) An organization described in Subsection (4) may apply to the division to receive
248 a distribution in accordance with Subsection (4).

249 (b) An organization that receives a distribution from the division in accordance with
250 Subsection (4) shall expend the distribution only to:

251 (i) produce and distribute educational and promotional materials on adoption;

252 (ii) conduct educational courses on adoption; and

253 (iii) provide other programs that support adoption.

254 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
255 division may make rules providing procedures and requirements for an organization to apply to
256 the division to receive a distribution under Subsection (4).

257 Section 4. Section **63J-1-602.4** is amended to read:

258 **63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through Title 63M.**

259 (1) The Utah Housing Opportunity Restricted Account created in Section 61-2-204.

260 (2) Funds paid to the Division of Real Estate for the cost of a criminal background
261 check for a mortgage loan license, as provided in Section 61-2c-202.

262 (3) Funds paid to the Division of Real Estate for the cost of a criminal background
263 check for principal broker, associate broker, and sales agent licenses, as provided in Section
264 61-2f-204.

265 (4) Certain funds donated to the Department of Human Services, as provided in
266 Section 62A-1-111.

267 (5) Certain funds donated to the Division of Child and Family Services, as provided in
268 Section 62A-4a-110.

269 (6) Appropriations to the Division of Services for People with Disabilities, as provided
270 in Section 62A-5-102.

271 (7) Certain donations to the Division of Substance Abuse and Mental Health, as
272 provided in Section 62A-15-103.

273 (8) Assessments for DUI violations that are forwarded to an account created by a
274 county treasurer, as provided in Section 62A-15-503.

275 (9) The Risk Management Fund created under Section 63A-4-201.

- 276 (10) The Child Welfare Parental Defense Fund created in Section 63A-11-203.
277 (11) The Constitutional Defense Restricted Account created in Section 63C-4-103.
278 (12) A portion of the funds appropriated to the Utah Seismic Safety Commission, as
279 provided in Section 63C-6-104.
280 (13) Funding for the Medical Education Program administered by the Medical
281 Education Council, as provided in Section 63C-8-102.
282 (14) Certain money payable for commission expenses of the Pete Suazo Utah Athletic
283 Commission, as provided under Section 63C-11-301.
284 (15) Funds collected for publishing the Division of Administrative Rules' publications,
285 as provided in Section 63G-3-402.
286 (16) Money received by the military installation development authority, as provided in
287 Section 63H-1-504.
288 (17) The appropriation to fund the Governor's Office of Economic Development's
289 Enterprise Zone Act, as provided in Section 63M-1-416.
290 (18) The Tourism Marketing Performance Account, as provided in Section
291 63M-1-1406.
292 (19) Certain money in the Development for Disadvantaged Rural Communities
293 Restricted Account, as provided in Section 63M-1-2003.
294 (20) Appropriations to the Utah Science Technology and Research Governing
295 Authority, created under Section 63M-2-301, as provided under Section 63M-2-302.
296 (21) Certain money in the Rural Broadband Service Account, as provided in Section
297 63M-1-2303.
298 (22) The Choose Life Adoption Support Restricted Account created in Section
299 62A-4a-608.
300 Section 5. **Effective date.**
301 This bill takes effect on October 1, 2011.

Legislative Review Note
as of 2-25-11 11:37 AM

Office of Legislative Research and General Counsel