

1                   **PROSTATE CANCER SPECIAL GROUP LICENSE PLATE**

2                                   2011 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Benjamin M. McAdams**

5                                   House Sponsor: Michael E. Noel

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7   **LONG TITLE**

8   **General Description:**

9           This bill authorizes a prostate cancer support special group license plate.

10 **Highlighted Provisions:**

11       This bill:

- 12           ▶ creates a prostate cancer support special group license plate for programs that
- 13 conduct or support prostate cancer awareness, screening, detection, or prevention;
- 14           ▶ requires applicants for a new plate to make a \$25 annual donation to the Prostate
- 15 Cancer Support Restricted Account;
- 16           ▶ creates the Prostate Cancer Support Restricted Account;
- 17           ▶ requires the Department of Health to distribute funds in the Prostate Cancer Support
- 18 Restricted Account to certain organizations that provide programs that conduct or
- 19 support prostate cancer programs; and
- 20           ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22       None

23 **Other Special Clauses:**

24       This bill takes effect on October 1, 2011.

25 **Utah Code Sections Affected:**

26 AMENDS:

27       **41-1a-418**, as last amended by Laws of Utah 2010, Chapters 139, 166, and 369



28 **41-1a-422**, as last amended by Laws of Utah 2010, Chapters 139, 166, 369, and 379

29 **63J-1-602.1**, as enacted by Laws of Utah 2010, Chapter 265

30 ENACTS:

31 **26-21a-303**, Utah Code Annotated 1953



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

34 Section 1. Section **26-21a-303** is enacted to read:

35 **CHAPTER 21a. CANCER PROGRAMS**

36 **26-21a-303. Prostate Cancer Support Restricted Account.**

37 (1) As used in this section, "account" means the Prostate Cancer Support Restricted  
38 Account created by this section.

39 (2) There is created in the General Fund a restricted account known as the "Prostate  
40 Cancer Support Restricted Account."

41 (3) The account shall be funded by:

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

43 (b) private contributions;

44 (c) donations or grants from public or private entities; and

45 (d) interest and earnings on fund money.

46 (4) Funds in the account are nonlapsing.

47 (5) The department shall distribute funds in the account to one or more charitable  
48 organizations that:

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

50 (b) conduct programs that raise awareness of prostate cancer and its dangers; and

51 (c) provide or support programs for prostate cancer early screening, detection, and  
52 prevention efforts.

53 (6) (a) An organization described in Subsection (5) may apply to the department to  
54 receive a distribution in accordance with Subsection (5).

55 (b) An organization that receives a distribution from the department in accordance with  
56 Subsection (5) shall expend the distribution only for programs within the state that:

57 (i) raise awareness of prostate cancer and its dangers; or

58 (ii) provide or support early screening, detection, and prevention efforts for prostate

59 cancer.

60 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
61 department may make rules providing procedures for an organization to apply to the  
62 department to receive a distribution under Subsection (5).

63 Section 2. Section **41-1a-418** is amended to read:

64 **41-1a-418. Authorized special group license plates.**

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

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

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

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

71 (ii) former prisoner of war;

72 (iii) recipient of a Purple Heart;

73 (iv) disabled veteran; or

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

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

77 (i) a special interest vehicle;

78 (ii) a vintage vehicle;

79 (iii) a farm truck; or

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

82 (B) beginning on the effective date of rules made by the Department of Transportation  
83 authorized under Subsection 41-6a-702(5)(b), a vehicle powered by clean fuel that meets the  
84 standards established by the Department of Transportation in rules authorized under Subsection  
85 41-6a-702(5)(b);

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

88 (i) current member of the Legislature;

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

- 90 (iii) current member of the National Guard;
- 91 (iv) licensed amateur radio operator;
- 92 (v) currently employed, volunteer, or retired firefighter until June 30, 2009;
- 93 (vi) emergency medical technician;
- 94 (vii) current member of a search and rescue team; or
- 95 (viii) current honorary consulate designated by the United States Department of State;

96 and

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

- 99 (i) an institution's scholastic scholarship fund;
- 100 (ii) the Division of Wildlife Resources;
- 101 (iii) the Department of Veterans' Affairs;
- 102 (iv) the Division of Parks and Recreation;
- 103 (v) the Department of Agriculture and Food;
- 104 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 105 (vii) the Boy Scouts of America;
- 106 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 107 (ix) the Boys and Girls Clubs of America;
- 108 (x) Utah public education;
- 109 (xi) programs that provide support to organizations that create affordable housing for  
110 those in severe need through the Division of Real Estate;
- 111 (xii) the Department of Public Safety;
- 112 (xiii) programs that support Zion National Park;
- 113 (xiv) beginning on July 1, 2009, programs that provide support to firefighter  
114 organizations;
- 115 (xv) programs that promote bicycle operation and safety awareness;
- 116 (xvi) programs that conduct or support cancer research;
- 117 (xvii) programs that create or support autism awareness; [~~or~~]
- 118 (xviii) programs that create or support humanitarian service and educational and  
119 cultural exchanges[-]; or
- 120 (xix) programs that conduct or support prostate cancer awareness, screening, detection,

121 or prevention.

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

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

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

127 (b) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle  
128 registration of a motor vehicle that has been issued a firefighter recognition special group  
129 license plate unless the applicant is a contributor as defined in Subsection  
130 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

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

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

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

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

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

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

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

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

148 Section 3. Section **41-1a-422** is amended to read:

149 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**  
150 **contribution collection procedures.**

151 (1) As used in this section:

- 152 (a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who  
153 has donated or in whose name at least \$25 has been donated to:
- 154 (A) a scholastic scholarship fund of a single named institution;
  - 155 (B) the Department of Veterans' Affairs for veterans' programs;
  - 156 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in  
157 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,  
158 access, and management of wildlife habitat;
  - 159 (D) the Department of Agriculture and Food for the benefit of conservation districts;
  - 160 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;
  - 161 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with  
162 the donation evenly divided between the two;
  - 163 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America  
164 council as specified by the contributor;
  - 165 (H) No More Homeless Pets in Utah for distribution to organizations or individuals  
166 that provide spay and neuter programs that subsidize the sterilization of domestic animals;
  - 167 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth  
168 development programs;
  - 169 (J) the Utah Association of Public School Foundations to support public education;
  - 170 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to  
171 assist people who have severe housing needs;
  - 172 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118  
173 to support the families of fallen Utah Highway Patrol troopers and other Department of Public  
174 Safety employees;
  - 175 (M) the Division of Parks and Recreation for distribution to organizations that provide  
176 support for Zion National Park;
  - 177 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support  
178 firefighter organizations;
  - 179 (O) the Share the Road Bicycle Support Restricted Account created in Section  
180 72-2-127 to support bicycle operation and safety awareness programs;
  - 181 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support  
182 cancer research programs;

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

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

188 (S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for  
189 programs that conduct or support prostate cancer awareness, screening, detection, or  
190 prevention.

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

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

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

198 (II) is a member of a trade organization for real estate licensees that has more than  
199 15,000 Utah members.

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

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

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

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

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

211 (b) "Institution" means a state institution of higher education as defined under Section  
212 53B-3-102 or a private institution of higher education in the state accredited by a regional or  
213 national accrediting agency recognized by the United States Department of Education.

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

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

- 220 (i) the name of the contributor;
- 221 (ii) the institution to which a donation was made;
- 222 (iii) the date of the donation; and
- 223 (iv) an attestation that the donation was for a scholastic scholarship.

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

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

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

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

235 (b) This contribution shall be:

- 236 (i) unless collected by the named institution under Subsection (2), collected by the  
237 division;
- 238 (ii) considered a voluntary contribution for the funding of the activities specified under  
239 this section and not a motor vehicle registration fee;
- 240 (iii) deposited into the appropriate account less actual administrative costs associated  
241 with issuing the license plates; and
- 242 (iv) for a firefighter special group license plate, deposited into the appropriate account  
243 less:
  - 244 (A) the costs of reordering firefighter special group license plate decals; and



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

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

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

251 (i) snowmobile license plates; or

252 (ii) conservation license plates.

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

255 Section 4. Section **63J-1-602.1** is amended to read:

256 **63J-1-602.1. List of nonlapsing accounts and funds -- General authority and Title**  
257 **1 through Title 30.**

258 (1) Appropriations made to the Legislature and its committees.

259 (2) The Salinity Offset Fund created in Section 4-2-8.5.

260 (3) The Invasive Species Mitigation Account created in Section 4-2-8.7.

261 (4) The Rangeland Improvement Account created in Section 4-20-2.

262 (5) The Percent-for-Art Program created in Section 9-6-404.

263 (6) The Centennial History Fund created in Section 9-8-604.

264 (7) The Uintah Basin Revitalization Fund, as provided in Section 9-10-108.

265 (8) The Navajo Revitalization Fund created in Section 9-11-104.

266 (9) The LeRay McAllister Critical Land Conservation Program created in Section  
267 11-38-301.

268 (10) The Clean Fuels and Vehicle Technology Fund created in Section 19-1-403.

269 (11) An appropriation made to the Division of Wildlife Resources for the appraisal and  
270 purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

271 (12) Award money under the Crime Reduction Assistance Program, as provided under  
272 Section 24-1-19.

273 (13) Funds collected from the emergency medical services grant program, as provided  
274 in Section 26-8a-207.

275 (14) The Utah Health Care Workforce Financial Assistance Program created in Section

276 26-46-102.

277 (15) The Prostate Cancer Support Restricted Account created in Section 26-21a-303.

278 Section 5. **Effective date.**

279 This bill takes effect on October 1, 2011.

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**Legislative Review Note**  
**as of 2-16-11 3:59 PM**

**Office of Legislative Research and General Counsel**