

1 **MARTIN LUTHER KING, JR. SPECIAL GROUP LICENSE**

2 **PLATE**

3 2012 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Rebecca Chavez-Houck**

6 Senate Sponsor: Howard A. Stephenson

7

8 **LONG TITLE**

9 **General Description:**

10 This bill authorizes a Martin Luther King, Jr. Civil Rights Support special group license
11 plate.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ creates a Martin Luther King, Jr. Civil Rights Support special group license plate
15 for programs that create or support civil rights awareness and education programs;
- 16 ▶ requires applicants for a new plate to make a \$35 annual donation to the Martin
17 Luther King, Jr. Civil Rights Support Restricted Account;
- 18 ▶ creates the Martin Luther King, Jr. Civil Rights Support Restricted Account;
- 19 ▶ requires the Department of Community and Culture to distribute funds in the Martin
20 Luther King, Jr. Civil Rights Support Restricted Account to certain organizations
21 that provide programs that create or support civil rights awareness and education
22 programs; and
- 23 ▶ makes technical changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 This bill takes effect on October 1, 2012.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **41-1a-418**, as last amended by Laws of Utah 2011, Chapters 264, 264, 394, 394, 438,
31 440, and 440

32 **41-1a-422**, as last amended by Laws of Utah 2011, Chapters 342, 342, 438, 440, and
33 440

34 **63J-1-602.1**, as last amended by Laws of Utah 2011, Chapters 303 and 440

35 ENACTS:

36 **9-18-101**, Utah Code Annotated 1953

37 **9-18-102**, Utah Code Annotated 1953



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

40 Section 1. Section **9-18-101** is enacted to read:

41 **CHAPTER 18. MARTIN LUTHER KING, JR. CIVIL RIGHTS SUPPORT**
42 **RESTRICTED ACCOUNT ACT**

43 **9-18-101. Title.**

44 This chapter is known as the "Martin Luther King, Jr. Civil Rights Support Restricted
45 Account Act."

46 Section 2. Section **9-18-102** is enacted to read:

47 **9-18-102. Martin Luther King, Jr. Civil Rights Support Restricted Account.**

48 (1) There is created in the General Fund a restricted account known as the "Martin
49 Luther King, Jr. Civil Rights Support Restricted Account."

50 (2) The account shall be funded by:

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

52 (b) private contributions; and

53 (c) donations or grants from public or private entities.

54 (3) Upon appropriation by the Legislature, the department shall distribute funds in the
55 account to one or more charitable organizations that:

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

57 (b) is located within the state and is not affiliated with a parent organization;

58 (c) create or support programs that promote awareness and education of constitutional
59 and civil rights;

60 (d) provide education and training in inalienable rights as set forth in the Declaration of
61 Independence;

62 (e) partner with educational institutions to administer underrepresented or underserved
63 scholarships; and

64 (f) partner with government agencies within the state and the private sector to
65 administer and facilitate an underrepresented or underserved internship program.

66 (4) (a) An organization described in Subsection (3) may apply to the department to
67 receive a distribution in accordance with Subsection (3).

68 (b) An organization that receives a distribution from the department in accordance with
69 Subsection (3) shall expend the distribution only to:

70 (i) facilitate, coordinate, and encourage appropriate ceremonies and activities that
71 commemorate the federal Martin Luther King, Jr. holiday;

72 (ii) create or support programs that promote awareness and education of constitutional
73 and civil rights;

74 (iii) provide education and training in inalienable rights as set forth in the Declaration
75 of Independence;

76 (iv) partner with educational institutions to administer underrepresented or underserved
77 scholarships;

78 (v) partner with government agencies within the state and the private sector to
79 administer and facilitate an underrepresented or underserved internship program; and

80 (vi) pay the costs of issuing or reordering Martin Luther King, Jr. Civil Rights Support
81 special group license plate decals.

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

85 (5) In accordance with Section 63J-1-602.1, appropriations from the account are

86 nonlapsing.

87 Section 3. Section **41-1a-418** is amended to read:

88 **41-1a-418. Authorized special group license plates.**

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

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

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

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

95 (ii) former prisoner of war;

96 (iii) recipient of a Purple Heart;

97 (iv) disabled veteran; or

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

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

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

101 (i) a special interest vehicle;

102 (ii) a vintage vehicle;

103 (iii) a farm truck; or

104 (iv) (A) until Subsection (1)(c)(iv)(B) or (5) applies, a vehicle powered by clean fuel as
105 defined in Section 59-13-102; or

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

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

112 (i) current member of the Legislature;

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

- 114 (iii) current member of the National Guard;
- 115 (iv) licensed amateur radio operator;
- 116 (v) currently employed, volunteer, or retired firefighter until June 30, 2009;
- 117 (vi) emergency medical technician;
- 118 (vii) current member of a search and rescue team; or
- 119 (viii) current honorary consulate designated by the United States Department of State;

120 and

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

- 123 (i) an institution's scholastic scholarship fund;
- 124 (ii) the Division of Wildlife Resources;
- 125 (iii) the Department of Veterans' Affairs;
- 126 (iv) the Division of Parks and Recreation;
- 127 (v) the Department of Agriculture and Food;
- 128 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 129 (vii) the Boy Scouts of America;
- 130 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 131 (ix) the Boys and Girls Clubs of America;
- 132 (x) Utah public education;
- 133 (xi) programs that provide support to organizations that create affordable housing for
134 those in severe need through the Division of Real Estate;
- 135 (xii) the Department of Public Safety;
- 136 (xiii) programs that support Zion National Park;
- 137 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
138 organizations;
- 139 (xv) programs that promote bicycle operation and safety awareness;
- 140 (xvi) programs that conduct or support cancer research;
- 141 (xvii) programs that create or support autism awareness;

142 (xviii) programs that create or support humanitarian service and educational and
143 cultural exchanges;

144 (xix) programs that conduct or support prostate cancer awareness, screening, detection,
145 or prevention; [or]

146 (xx) programs that support and promote adoptions[-]; or

147 (xxi) programs that create or support civil rights education and awareness.

148 (2) (a) The division may not issue a new type of special group license plate unless the
149 division receives:

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

152 (B) a legislative appropriation for the start-up fee provided under Subsection
153 (2)(a)(i)(A); and

154 (ii) beginning on January 1, 2012, and for the issuance of a support special group
155 license plate authorized in Section 41-1a-422, at least 500 completed applications for the new
156 type of support special group license plate to be issued with all fees required under this part for
157 the support special group license plate issuance paid by each applicant.

158 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and
159 hold applications for support special group license plates authorized in Section 41-1a-422 on or
160 after January 1, 2012, until it has received at least 500 applications.

161 (ii) Once a participating organization has received at least 500 applications, it shall
162 submit the applications, along with the necessary fees, to the division for the division to begin
163 working on the design and issuance of the new type of support special group license plate to be
164 issued.

165 (iii) Beginning on January 1, 2012, the division may not work on the issuance or design
166 of a new support special group license plate authorized in Section 41-1a-422 until the
167 applications and fees required under this Subsection (2) have been received by the division.

168 (iv) The division shall begin issuance of a new support special group license plate
169 authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months after

170 receiving the applications and fees required under this Subsection (2).

171 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
172 registration of a motor vehicle that has been issued a firefighter recognition special group
173 license plate unless the applicant is a contributor as defined in Subsection
174 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

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

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

182 (3) (a) Beginning on July 1, 2011, if a support special group license plate type
183 authorized in Section 41-1a-422 and issued prior to January 1, 2012, has less than 500 license
184 plates issued each year for a three consecutive year time period that begins on July 1, the
185 division may not issue that type of support special group license plate to a new applicant
186 beginning on January 1 of the following calendar year after the three consecutive year period
187 for which that type of support special group license plate has less than 500 license plates issued
188 each year.

189 (b) If the division is required to stop the issuance of a type of support special group
190 license plate authorized in Section 41-1a-422 under this Subsection (3), the division shall
191 report to the Transportation Interim Committee that the division will stop the issuance on or
192 before the November interim meeting of the year in which the commission determines to stop
193 the issuance of that type of support special group license plate.

194 (4) (a) Beginning on July 1, 2011, if a support special group license plate type
195 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has less than 500
196 license plates issued each year for a three consecutive year time period that begins on July 1,
197 the division may not issue that type of support special group license plate to a new applicant

198 beginning on January 1 of the following calendar year after the three consecutive year time
199 period for which that type of support special group license plate has less than 500 license plates
200 issued each year.

201 (b) If the division is required to stop the issuance of a type of support special group
202 license plate authorized in Section 41-1a-422 under this Subsection (4), the division shall
203 report to the Transportation Interim Committee that the division will stop the issuance on or
204 before the November interim meeting of the year in which the commission determines to stop
205 the issuance of that type of support special group license plate.

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

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

209 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
210 **contribution collection procedures.**

211 (1) As used in this section:

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

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

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

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

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

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

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

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

225 (H) No More Homeless Pets in Utah for distribution to organizations or individuals

226 that provide spay and neuter programs that subsidize the sterilization of domestic animals;

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

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

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

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

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

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

239 (O) the Share the Road Bicycle Support Restricted Account created in Section
240 72-2-127 to support bicycle operation and safety awareness programs;

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

243 (Q) Autism Awareness Restricted Account created in Section 53A-1-304 to support
244 autism awareness programs;

245 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
246 created in Section 9-17-102 to support humanitarian service and educational and cultural
247 programs;

248 (S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for
249 programs that conduct or support prostate cancer awareness, screening, detection, or
250 prevention; [or]

251 (T) the Choose Life Adoption Support Restricted Account created in Section
252 62A-4a-608 to support programs that promote adoption[-]; or

253 (U) the Martin Luther King, Jr. Civil Rights Support Restricted Account created in

254 Section 9-18-102.

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

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

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

262 (II) is a member of a trade organization for real estate licensees that has more than
263 15,000 Utah members.

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

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

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

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

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

275 (F) For a Martin Luther King, Jr. Civil Rights Support special group license plate,
276 "contributor" means a person who has donated or in whose name at least \$35 has been donated
277 at the time of application and annually thereafter.

278 (b) "Institution" means a state institution of higher education as defined under Section
279 53B-3-102 or a private institution of higher education in the state accredited by a regional or
280 national accrediting agency recognized by the United States Department of Education.

281 (2) (a) An applicant for original or renewal collegiate special group license plates under

282 Subsection (1)(a)(i) must be a contributor to the institution named in the application and
283 present the original contribution verification form under Subsection (2)(b) or make a
284 contribution to the division at the time of application under Subsection (3).

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

287 (i) the name of the contributor;

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

289 (iii) the date of the donation; and

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

291 (c) The state auditor may audit each institution to verify that the money collected by the
292 institutions from contributors is used for scholastic scholarships.

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

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

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

302 (b) This contribution shall be:

303 (i) unless collected by the named institution under Subsection (2), collected by the
304 division;

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

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

309 (iv) for a firefighter special group license plate, deposited into the appropriate account

310 less:

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

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

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

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

318 (i) snowmobile license plates; or

319 (ii) conservation license plates.

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

322 Section 5. Section **63J-1-602.1** is amended to read:

323 **63J-1-602.1. List of nonlapsing accounts and funds -- General authority and Title**
324 **1 through Title 30.**

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

326 (2) The Percent-for-Art Program created in Section 9-6-404.

327 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
328 Section 9-18-102.

329 [~~3~~] (4) The LeRay McAllister Critical Land Conservation Program created in Section
330 11-38-301.

331 [~~4~~] (5) An appropriation made to the Division of Wildlife Resources for the appraisal
332 and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

333 [~~5~~] (6) Award money under the Crime Reduction Assistance Program, as provided
334 under Section 24-1-19.

335 [~~6~~] (7) Funds collected from the emergency medical services grant program, as
336 provided in Section 26-8a-207.

337 [~~7~~] (8) The Prostate Cancer Support Restricted Account created in Section

338 26-21a-303.

339 [~~8~~] (9) State funds appropriated for matching federal funds in the Children's Health
340 Insurance Program as provided in Section 26-40-108.

341 [~~9~~] (10) The Utah Health Care Workforce Financial Assistance Program created in
342 Section 26-46-102.

343 Section 6. **Effective date.**

344 This bill takes effect on October 1, 2012.