

1 **SPECIAL GROUP LICENSE PLATE AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul Ray**

5 Senate Sponsor: Evan J. Vickers

7 **LONG TITLE**

8 **General Description:**

9 This bill authorizes a National Professional Men's Basketball Team Support of Women
10 and Children Issues support special group license plate.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ creates a National Professional Men's Basketball Team Support of Women and
14 Children Issues support special group license plate for certain organizations that
15 create or support programs that affect women and children through an organization
16 affiliated with a national professional men's basketball organization;
- 17 ▶ requires applicants for a new plate to make a \$25 annual donation to the National
18 Professional Men's Basketball Team Support of Women and Children Issues
19 Restricted Account;
- 20 ▶ creates the National Professional Men's Basketball Team Support of Women and
21 Children Issues Restricted Account;
- 22 ▶ requires the Department of Human Services to distribute funds in the National
23 Professional Men's Basketball Team Support of Women and Children Issues
24 Restricted Account to certain organizations that create or support programs that
25 affect women and children through an organization affiliated with a professional
26 men's basketball organization; and
- 27 ▶ makes technical corrections.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **41-1a-418**, as last amended by Laws of Utah 2013, Chapters 149, 176, and 214

35 **41-1a-422**, as last amended by Laws of Utah 2013, Chapter 214

36 **63J-1-602.4**, as last amended by Laws of Utah 2013, Chapter 28

37 ENACTS:

38 **62A-1-201**, Utah Code Annotated 1953

39 **62A-1-202**, Utah Code Annotated 1953



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

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

43 **41-1a-418. Authorized special group license plates.**

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

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

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

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

50 (ii) former prisoner of war;

51 (iii) recipient of a Purple Heart;

52 (iv) disabled veteran; or

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

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

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

56 (i) a special interest vehicle;

57 (ii) a vintage vehicle;

58 (iii) a farm truck; or

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

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

65 (d) recognition special group license plates, which plates are issued for:

66 (i) a current member of the Legislature;

67 (ii) a current member of the United States Congress;

68 (iii) a current member of the National Guard;

69 (iv) a licensed amateur radio operator;

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

71 (vi) an emergency medical technician;

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

73 (viii) a current honorary consulate designated by the United States Department of
74 State; or

75 (ix) an individual that wants to recognize and honor American freedoms and values
76 through an In God We Trust license plate;

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

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

80 (ii) the Division of Wildlife Resources;

81 (iii) the Department of Veterans' and Military Affairs;

82 (iv) the Division of Parks and Recreation;

83 (v) the Department of Agriculture and Food;

84 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;

85 (vii) the Boy Scouts of America;

86 (viii) spay and neuter programs through No More Homeless Pets in Utah;

87 (ix) the Boys and Girls Clubs of America;

88 (x) Utah public education;

89 (xi) programs that provide support to organizations that create affordable housing for

90 those in severe need through the Division of Real Estate;

91 (xii) the Department of Public Safety;

92 (xiii) programs that support Zion National Park;

93 (xiv) beginning on July 1, 2009, programs that provide support to firefighter

94 organizations;

95 (xv) programs that promote bicycle operation and safety awareness;

96 (xvi) programs that conduct or support cancer research;

97 (xvii) programs that create or support autism awareness;

98 (xviii) programs that create or support humanitarian service and educational and

99 cultural exchanges;

100 (xix) programs that conduct or support prostate cancer awareness, screening, detection,
101 or prevention;

102 (xx) programs that support and promote adoptions; [~~or~~]

103 (xxi) programs that create or support civil rights education and awareness~~[?]~~; or

104 (xxii) programs that support issues affecting women and children through an

105 organization affiliated with a national professional men's basketball organization.

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

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

110 (B) a legislative appropriation for the start-up fee provided under Subsection

111 (2)(a)(i)(A); and

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

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

119 (ii) Once a participating organization has received at least 500 applications, it shall
120 submit the applications, along with the necessary fees, to the division for the division to begin

121 working on the design and issuance of the new type of support special group license plate to be
122 issued.

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

126 (iv) The division shall begin issuance of a new support special group license plate
127 authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months after
128 receiving the applications and fees required under this Subsection (2).

129 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
130 registration of a motor vehicle that has been issued a firefighter recognition special group
131 license plate unless the applicant is a contributor as defined in Subsection
132 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

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

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

140 (3) (a) Beginning on July 1, 2011, if a support special group license plate type
141 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500
142 license plates issued each year for a three consecutive year time period that begins on July 1,
143 the division may not issue that type of support special group license plate to a new applicant
144 beginning on January 1 of the following calendar year after the three consecutive year time
145 period for which that type of support special group license plate has fewer than 500 license
146 plates issued each year.

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

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

154 Section 2. Section **41-1a-422** is amended to read:

155 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
156 **contribution collection procedures.**

157 (1) As used in this section:

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

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

161 (B) the Department of Veterans' and Military Affairs for veterans' programs;

162 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in
163 Section [23-14-13](#), for conservation of wildlife and the enhancement, preservation, protection,
164 access, and management of wildlife habitat;

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

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

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

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

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

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

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

176 (K) the Utah Housing Opportunity Restricted Account created in Section [61-2-204](#) to
177 assist people who have severe housing needs;

178 (L) the Public Safety Honoring Heroes Restricted Account created in Section [53-1-118](#)
179 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
180 Safety employees;

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

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

185 (O) the Share the Road Bicycle Support Restricted Account created in Section
186 72-2-127 to support bicycle operation and safety awareness programs;

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

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

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

194 (S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for
195 programs that conduct or support prostate cancer awareness, screening, detection, or
196 prevention;

197 (T) the Choose Life Adoption Support Restricted Account created in Section
198 62A-4a-608 to support programs that promote adoption; [or]

199 (U) the Martin Luther King, Jr. Civil Rights Support Restricted Account created in
200 Section 9-18-102[-]; or

201 (V) the National Professional Men's Basketball Team Support of Women and Children
202 Issues Restricted Account created in Section 62A-1-202.

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

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

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

210 (II) is a member of a trade organization for real estate licensees that has more than
211 15,000 Utah members.

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

214 annually thereafter.

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

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

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

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

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

226 (b) "Institution" means a state institution of higher education as defined under Section
227 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or
228 national accrediting agency recognized by the United States Department of Education.

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

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

235 (i) the name of the contributor;

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

237 (iii) the date of the donation; and

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

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

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

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

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

250 (b) This contribution shall be:

251 (i) unless collected by the named institution under Subsection (2), collected by the
252 division;

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

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

257 (iv) for a firefighter special group license plate, deposited into the appropriate account
258 less:

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

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

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

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

266 (i) snowmobile license plates; or

267 (ii) conservation license plates.

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

270 Section 3. Section 62A-1-201 is enacted to read:

271 **Part 2. National Professional Men's Basketball Team Support of Women and Children**
272 **Issues Restricted Account Act**

273 **62A-1-201. Title.**

274 This part is known as the "National Professional Men's Basketball Team Support of
275 Women and Children Issues Restricted Account Act."

276 Section 4. Section **62A-1-202** is enacted to read:

277 **62A-1-202. National Professional Men's Basketball Team Support of Women and**
278 **Children Issues Restricted Account.**

279 (1) There is created in the General Fund a restricted account known as the "National
280 Professional Men's Basketball Team Support of Women and Children Issues Restricted
281 Account."

282 (2) The account shall be funded by:

283 (a) contributions deposited into the account in accordance with Section [41-1a-422](#);

284 (b) private contributions; and

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

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

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

289 (b) have a board that is appointed by the owners that, either on an individual or joint
290 basis, own a controlling interest in a legal entity that is a franchised member of the
291 internationally recognized national governing body for professional men's basketball in the
292 United States;

293 (c) are headquartered within the state;

294 (d) create or support programs that focus on issues affecting women and children
295 within the state, with an emphasis on health and education; and

296 (e) have a board of directors that disperses all funds of the organization.

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

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

301 (i) create or support programs that focus on issues affecting women and children, with
302 an emphasis on health and education;

303 (ii) create or sponsor programs that will benefit residents within the state; and

304 (iii) pay the costs of issuing or reordering National Professional Men's Basketball
305 Team Support of Women and Children Issues support special group license plate decals.

306 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

307 department may make rules providing procedures for an organization to apply to the
 308 department to receive a distribution under this Subsection (4).

309 (5) In accordance with Section 63J-1-602.4, appropriations from the account are
 310 nonlapsing.

311 Section 5. Section **63J-1-602.4** is amended to read:

312 **63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through Title 63M.**

313 (1) Funds paid to the Division of Real Estate for the cost of a criminal background
 314 check for a mortgage loan license, as provided in Section [61-2c-202](#).

315 (2) Funds paid to the Division of Real Estate for the cost of a criminal background
 316 check for principal broker, associate broker, and sales agent licenses, as provided in Section
 317 [61-2f-204](#).

318 (3) Certain funds donated to the Department of Human Services, as provided in
 319 Section [62A-1-111](#).

320 (4) Appropriations from the National Professional Men's Basketball Team Support of
 321 Women and Children Issues Restricted Account created in Section [62A-1-202](#).

322 [~~(4)~~] (5) Certain funds donated to the Division of Child and Family Services, as
 323 provided in Section [62A-4a-110](#).

324 [~~(5)~~] (6) Appropriations from the Choose Life Adoption Support Restricted Account
 325 created in Section [62A-4a-608](#).

326 [~~(6)~~] (7) Appropriations to the Division of Services for People with Disabilities, as
 327 provided in Section [62A-5-102](#).

328 [~~(7)~~] (8) A portion of the funds appropriated to the Utah Seismic Safety Commission,
 329 as provided in Section [63C-6-104](#).

330 [~~(8)~~] (9) Funding for the Medical Education Program administered by the Medical
 331 Education Council, as provided in Section [53B-24-202](#).

332 [~~(9)~~] (10) Certain money payable for commission expenses of the Pete Suazo Utah
 333 Athletic Commission, as provided under Section [63C-11-301](#).

334 [~~(10)~~] (11) Funds appropriated or collected for publishing the Division of
 335 Administrative Rules' publications, as provided in Section [63G-3-402](#).

336 [~~(11)~~] (12) The Immigration Act Restricted Account created in Section [63G-12-103](#).

337 [~~(12)~~] (13) Money received by the military installation development authority, as

338 provided in Section [63H-1-504](#).

339 ~~[(13)]~~ (14) The appropriation to fund the Governor's Office of Economic
340 Development's Enterprise Zone Act, as provided in Section [63M-1-416](#).

341 ~~[(14)]~~ (15) The Motion Picture Incentive Account created in Section [63M-1-1803](#).

342 ~~[(15)]~~ (16) Appropriations to the Utah Science Technology and Research Governing
343 Authority, created under Section [63M-2-301](#), as provided under Section [63M-2-302](#).

Legislative Review Note
as of 2-3-14 10:48 AM

Office of Legislative Research and General Counsel