

**CHILDREN'S HEART DISEASE SPECIAL LICENSE
PLATE**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: Brad King

LONG TITLE

General Description:

This bill authorizes a Children with Heart Disease support special group license plate.

Highlighted Provisions:

This bill:

- ▶ creates a Children with Heart Disease support special group license plate for certain organizations that provide programs that support children with heart disease;
- ▶ requires applicants for a new plate to make a \$25 annual donation to the Children with Heart Disease Support Restricted Account;
- ▶ requires the Department of Health to distribute funds in the Children with Heart Disease Support Restricted Account to certain organizations that provide programs that support children with heart disease; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-1a-418, as last amended by Laws of Utah 2014, Chapter 37



28 [41-1a-422](#), as last amended by Laws of Utah 2014, Chapter 37

29 [63J-1-602.1](#), as last amended by Laws of Utah 2014, Chapter 384

30 ENACTS:

31 [26-57-101](#), Utah Code Annotated 1953

32 [26-57-102](#), Utah Code Annotated 1953



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

35 Section 1. Section [26-57-101](#) is enacted to read:

36 **CHAPTER 57. CHILDREN WITH HEART DISEASE SUPPORT RESTRICTED**
37 **ACCOUNT**

38 **26-57-101. Title.**

39 This chapter is known as the "Children with Heart Disease Support Restricted
40 Account."

41 Section 2. Section [26-57-102](#) is enacted to read:

42 **26-57-102. Children with Heart Disease Support Restricted Account.**

43 (1) As used in this section, "account" means the Children with Heart Disease Support
44 Restricted Account created in Subsection (2).

45 (2) There is created in the General Fund a restricted account known as the "Children
46 with Heart Disease Support Restricted Account."

47 (3) The account shall be funded by:

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

49 (b) private contributions;

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

51 (d) interest and earnings on fund money.

52 (4) The Legislature shall appropriate money in the account to the department.

53 (5) Upon appropriation, the department shall distribute funds in the account to one or
54 more charitable organizations that:

55 (a) qualify as being tax exempt under Section 501(c)(3), Internal Revenue Code; and

56 (b) have programs that provide awareness, education, support services, and advocacy
57 for and on behalf of children with heart disease.

58 (6) (a) An organization described in Subsection (5) may apply to the department to

59 receive a distribution in accordance with Subsection (5).

60 (b) An organization that receives a distribution from the department in accordance with
61 Subsection (5) shall expend the distribution only to provide awareness, education, support
62 services, and advocacy for and on behalf of children with heart disease.

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

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

67 **41-1a-418. Authorized special group license plates.**

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

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

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

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

74 (ii) former prisoner of war;

75 (iii) recipient of a Purple Heart;

76 (iv) disabled veteran; or

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

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

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

80 (i) a special interest vehicle;

81 (ii) a vintage vehicle;

82 (iii) a farm truck; or

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

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

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

- 90 (i) a current member of the Legislature;
- 91 (ii) a current member of the United States Congress;
- 92 (iii) a current member of the National Guard;
- 93 (iv) a licensed amateur radio operator;
- 94 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
- 95 (vi) an emergency medical technician;
- 96 (vii) a current member of a search and rescue team;
- 97 (viii) a current honorary consulate designated by the United States Department of
- 98 State; or
- 99 (ix) an individual that wants to recognize and honor American freedoms and values
- 100 through an In God We Trust license plate;
- 101 (e) support special group license plates, as for a contributor to an institution or cause,
- 102 which plates are issued for a contributor to:
- 103 (i) an institution's scholastic scholarship fund;
- 104 (ii) the Division of Wildlife Resources;
- 105 (iii) the Department of Veterans' and Military Affairs;
- 106 (iv) the Division of Parks and Recreation;
- 107 (v) the Department of Agriculture and Food;
- 108 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 109 (vii) the Boy Scouts of America;
- 110 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 111 (ix) the Boys and Girls Clubs of America;
- 112 (x) Utah public education;
- 113 (xi) programs that provide support to organizations that create affordable housing for
- 114 those in severe need through the Division of Real Estate;
- 115 (xii) the Department of Public Safety;
- 116 (xiii) programs that support Zion National Park;
- 117 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
- 118 organizations;
- 119 (xv) programs that promote bicycle operation and safety awareness;
- 120 (xvi) programs that conduct or support cancer research;

- 121 (xvii) programs that create or support autism awareness;
- 122 (xviii) programs that create or support humanitarian service and educational and
123 cultural exchanges;
- 124 (xix) programs that conduct or support prostate cancer awareness, screening, detection,
125 or prevention;
- 126 (xx) programs that support and promote adoptions;
- 127 (xxi) programs that create or support civil rights education and awareness; ~~[or]~~
- 128 (xxii) programs that support issues affecting women and children through an
129 organization affiliated with a national professional men's basketball organization~~[-]; or~~
- 130 (xxiii) programs that support children with heart disease.

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

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

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

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

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

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

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

151 (iv) The division shall begin issuance of a new support special group license plate

152 authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months after
153 receiving the applications and fees required under this Subsection (2).

154 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
155 registration of a motor vehicle that has been issued a firefighter recognition special group
156 license plate unless the applicant is a contributor as defined in Subsection
157 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

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

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

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

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

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

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

180 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
181 **contribution collection procedures.**

182 (1) As used in this section:

- 183 (a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who
184 has donated or in whose name at least \$25 has been donated to:
- 185 (A) a scholastic scholarship fund of a single named institution;
 - 186 (B) the Department of Veterans' and Military Affairs for veterans' programs;
 - 187 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in
188 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,
189 access, and management of wildlife habitat;
 - 190 (D) the Department of Agriculture and Food for the benefit of conservation districts;
 - 191 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;
 - 192 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
193 the donation evenly divided between the two;
 - 194 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
195 council as specified by the contributor;
 - 196 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
197 that provide spay and neuter programs that subsidize the sterilization of domestic animals;
 - 198 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
199 development programs;
 - 200 (J) the Utah Association of Public School Foundations to support public education;
 - 201 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to
202 assist people who have severe housing needs;
 - 203 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
204 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
205 Safety employees;
 - 206 (M) the Division of Parks and Recreation for distribution to organizations that provide
207 support for Zion National Park;
 - 208 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support
209 firefighter organizations;
 - 210 (O) the Share the Road Bicycle Support Restricted Account created in Section
211 72-2-127 to support bicycle operation and safety awareness programs;
 - 212 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support
213 cancer research programs;

214 (Q) Autism Awareness Restricted Account created in Section [53A-1-304](#) to support
215 autism awareness programs;

216 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
217 created in Section [9-17-102](#) to support humanitarian service and educational and cultural
218 programs;

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

222 (T) the Choose Life Adoption Support Restricted Account created in Section
223 [62A-4a-608](#) to support programs that promote adoption;

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

226 (V) the National Professional Men's Basketball Team Support of Women and Children
227 Issues Restricted Account created in Section [62A-1-202](#)[~~;~~]; or

228 (W) the Children with Heart Disease Support Restricted Account created in Section
229 [26-57-102](#).

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

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

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

237 (II) is a member of a trade organization for real estate licensees that has more than
238 15,000 Utah members.

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

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

244 (I) has donated or in whose name at least \$15 has been donated at the time of

245 application and annually after the time of application; and

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

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

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

253 (b) "Institution" means a state institution of higher education as defined under Section
254 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or
255 national accrediting agency recognized by the United States Department of Education.

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

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

262 (i) the name of the contributor;

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

264 (iii) the date of the donation; and

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

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

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

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

274 (3) (a) An applicant for original or renewal support special group license plates under
275 this section must be a contributor to the sponsoring organization associated with the license

276 plate.

277 (b) This contribution shall be:

278 (i) unless collected by the named institution under Subsection (2), collected by the
279 division;

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

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

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

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

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

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

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

293 (i) snowmobile license plates; or

294 (ii) conservation license plates.

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

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

298 **63J-1-602.1. List of nonlapsing accounts and funds -- General authority and Title**
299 **1 through Title 30.**

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

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

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

304 (4) The LeRay McAllister Critical Land Conservation Program created in Section
305 11-38-301.

306 (5) An appropriation made to the Division of Wildlife Resources for the appraisal and

307 purchase of lands under the Pelican Management Act, as provided in Section [23-21a-6](#).

308 (6) Award money under the State Asset Forfeiture Grant Program, as provided under
309 Section [24-4-117](#).

310 (7) Funds collected from the emergency medical services grant program, as provided in
311 Section [26-8a-207](#).

312 (8) The primary care grant program created in Section [26-10b-102](#).

313 [~~(8)~~] (9) The Prostate Cancer Support Restricted Account created in Section
314 [26-21a-303](#).

315 [~~(9)~~] (10) State funds appropriated for matching federal funds in the Children's Health
316 Insurance Program as provided in Section [26-40-108](#).

317 [~~(10)~~] (11) The Utah Health Care Workforce Financial Assistance Program created in
318 Section [26-46-102](#).

319 [~~(11) The primary care grant program created in Section [26-10b-102](#).]~~

320 (12) The Children with Heart Disease Support Restricted Account created in Section
321 [26-57-102](#).

322 Section 6. **Effective date.**

323 This bill takes effect on October 1, 2015.

Legislative Review Note

as of 3-2-15 8:49 AM

Office of Legislative Research and General Counsel