

Representative Lee B. Perry proposes the following substitute bill:

UTAH LAW ENFORCEMENT MEMORIAL SPECIAL GROUP

LICENSE PLATE

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: Karen Mayne

LONG TITLE

General Description:

This bill authorizes a Utah Law Enforcement Memorial Support special group license plate.

Highlighted Provisions:

This bill:

- ▶ creates a Utah Law Enforcement Memorial Support special group license plate for certain organizations that support the operation and maintenance of the Utah Law Enforcement Memorial;

- ▶ requires applicants for a new plate to make an annual donation to the Utah Law Enforcement Memorial Support Restricted Account;

- ▶ creates the Utah Law Enforcement Memorial Support Restricted Account;

- ▶ requires the Commissioner of Public Safety to distribute funds in the Utah Law Enforcement Memorial Support Restricted Account to certain organizations that support the operation and maintenance of the Utah Law Enforcement Memorial;

and

- ▶ makes technical corrections.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **41-1a-418**, as last amended by Laws of Utah 2014, Chapter 37

32 **41-1a-422**, as last amended by Laws of Utah 2014, Chapter 37

33 **63J-1-602.3**, as last amended by Laws of Utah 2014, Chapters 189 and 304

34 ENACTS:

35 **53-1-120**, Utah Code Annotated 1953



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

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

39 **41-1a-418. Authorized special group license plates.**

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

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

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

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

46 (ii) former prisoner of war;

47 (iii) recipient of a Purple Heart;

48 (iv) disabled veteran; or

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

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

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

52 (i) a special interest vehicle;

53 (ii) a vintage vehicle;

54 (iii) a farm truck; or

55 (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as

56 defined in Section **59-13-102**; or

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

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

62 (i) a current member of the Legislature;

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

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

65 (iv) a licensed amateur radio operator;

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

67 (vi) an emergency medical technician;

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

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

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

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

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

76 (ii) the Division of Wildlife Resources;

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

78 (iv) the Division of Parks and Recreation;

79 (v) the Department of Agriculture and Food;

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

81 (vii) the Boy Scouts of America;

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

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

84 (x) Utah public education;

85 (xi) programs that provide support to organizations that create affordable housing for
86 those in severe need through the Division of Real Estate;

87 (xii) the Department of Public Safety;

- 88 (xiii) programs that support Zion National Park;
- 89 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
- 90 organizations;
- 91 (xv) programs that promote bicycle operation and safety awareness;
- 92 (xvi) programs that conduct or support cancer research;
- 93 (xvii) programs that create or support autism awareness;
- 94 (xviii) programs that create or support humanitarian service and educational and
- 95 cultural exchanges;
- 96 (xix) programs that conduct or support prostate cancer awareness, screening, detection,
- 97 or prevention;
- 98 (xx) programs that support and promote adoptions;
- 99 (xxi) programs that create or support civil rights education and awareness; [~~or~~]
- 100 (xxii) programs that support issues affecting women and children through an
- 101 organization affiliated with a national professional men's basketball organization[-]; or
- 102 (xxiii) programs that support the operation and maintenance of the Utah Law
- 103 Enforcement Memorial.

104 (2) (a) The division may not issue a new type of special group license plate unless the

105 division receives:

106 (i) (A) a private donation for the start-up fee established under Section 63J-1-504 for

107 the production and administrative costs of providing the new special group license plates; or

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

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

110 (ii) beginning on January 1, 2012, and for the issuance of a support special group

111 license plate authorized in Section 41-1a-422, at least 500 completed applications for the new

112 type of support special group license plate to be issued with all fees required under this part for

113 the support special group license plate issuance paid by each applicant.

114 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and

115 hold applications for support special group license plates authorized in Section 41-1a-422 on or

116 after January 1, 2012, until it has received at least 500 applications.

117 (ii) Once a participating organization has received at least 500 applications, it shall

118 submit the applications, along with the necessary fees, to the division for the division to begin

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

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

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

127 (c) (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)(c)(i); or

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

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

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

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

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

153 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
154 **contribution collection procedures.**

155 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

183 (O) the Share the Road Bicycle Support Restricted Account created in Section
184 72-2-127 to support bicycle operation and safety awareness programs;

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

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

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

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

195 (T) the Choose Life Adoption Support Restricted Account created in Section
196 62A-4a-608 to support programs that promote adoption;

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

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

201 (W) the Utah Law Enforcement Memorial Support Restricted Account created in
202 Section 53-1-120.

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 (G) For a Utah Law Enforcement Memorial Support special group license plate,
227 "contributor" means a person who has donated or in whose name at least \$35 has been donated
228 at the time of application and annually thereafter.

229 (b) "Institution" means a state institution of higher education as defined under Section
230 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or
231 national accrediting agency recognized by the United States Department of Education.

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

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

238 (i) the name of the contributor;

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

240 (iii) the date of the donation; and

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

242 (c) The state auditor may audit each institution to verify that the money collected by the

243 institutions from contributors is used for scholastic scholarships.

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

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

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

253 (b) This contribution shall be:

254 (i) unless collected by the named institution under Subsection (2), collected by the
255 division;

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

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

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

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

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

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

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

269 (i) snowmobile license plates; or

270 (ii) conservation license plates.

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

273 Section 3. Section 53-1-120 is enacted to read:

274 53-1-120. Utah Law Enforcement Memorial Support Restricted Account --
275 Creation -- Funding -- Distribution of funds by the commissioner.

276 (1) There is created in the General Fund a restricted account known as the Utah Law
277 Enforcement Memorial Support Restricted Account.

278 (2) The account shall be funded by:

279 (a) contributions deposited into the Utah Law Enforcement Memorial Support
280 Restricted Account in accordance with Section [41-1a-422](#);

281 (b) private contributions; and

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

283 (3) Subject to appropriations by the Legislature, money in the account may only be
284 used by the commissioner for purposes described in this section.

285 (4) Upon appropriation, the commissioner shall distribute the funds to one or more
286 charitable organizations that:

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

288 and

289 (b) have as a primary part of their mission to support the operation and maintenance of
290 the Utah Law Enforcement Memorial.

291 (5) The commissioner may only consider proposals that are:

292 (a) proposed by a charitable organization described in Subsection (4); and

293 (b) designed to support the operation and maintenance of the Utah Law Enforcement
294 Memorial.

295 (6) (a) An organization described in Subsection (4) may apply to the commissioner to
296 receive a distribution in accordance with Subsection (4).

297 (b) An organization that receives a distribution from the commissioner in accordance
298 with Subsection (4) shall expend the distribution only to support the operation and maintenance
299 of the Utah Law Enforcement Memorial.

300 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
301 commissioner shall make rules providing procedures for an organization to apply to receive
302 funds under this section.

303 Section 4. Section **63J-1-602.3** is amended to read:

304 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**

- 305 (1) The Utah Law Enforcement Memorial Support Restricted Account created in
306 Section 53-1-120.
- 307 ~~[(1)]~~ (2) Funding for the Search and Rescue Financial Assistance Program, as provided
308 in Section 53-2a-1102.
- 309 ~~[(2)]~~ (3) Appropriations made to the Division of Emergency Management from the
310 State Disaster Recovery Restricted Account, as provided in Section 53-2a-603.
- 311 ~~[(3)]~~ (4) Appropriations made to the Department of Public Safety from the Department
312 of Public Safety Restricted Account, as provided in Section 53-3-106.
- 313 ~~[(4)]~~ (5) Appropriations to the Motorcycle Rider Education Program, as provided in
314 Section 53-3-905.
- 315 ~~[(5)]~~ (6) Appropriations from the Utah Highway Patrol Aero Bureau Restricted
316 Account created in Section 53-8-303.
- 317 ~~[(6)]~~ (7) Appropriations from the DNA Specimen Restricted Account created in
318 Section 53-10-407.
- 319 ~~[(7)]~~ (8) The Canine Body Armor Restricted Account created in Section 53-16-201.
- 320 ~~[(8)]~~ (9) The School Readiness Restricted Account created in Section 53A-1b-104.
- 321 ~~[(9)]~~ (10) Appropriations to the State Board of Education, as provided in Section
322 53A-17a-105.
- 323 ~~[(10)]~~ (11) Money received by the State Office of Rehabilitation for the sale of certain
324 products or services, as provided in Section 53A-24-105.
- 325 ~~[(11)]~~ (12) Certain funds appropriated from the General Fund to the State Board of
326 Regents for teacher preparation programs, as provided in Section 53B-6-104.
- 327 ~~[(12)]~~ (13) Funding for the Medical Education Program administered by the Medical
328 Education Council, as provided in Section 53B-24-202.
- 329 ~~[(13)]~~ (14) A certain portion of money collected for administrative costs under the
330 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 331 ~~[(14)]~~ (15) Certain surcharges on residential and business telephone numbers imposed
332 by the Public Service Commission, as provided in Section 54-8b-10.
- 333 ~~[(15)]~~ (16) Certain fines collected by the Division of Occupational and Professional
334 Licensing for violation of unlawful or unprofessional conduct that are used for education and
335 enforcement purposes, as provided in Section 58-17b-505.

336 [~~(16)~~] (17) Certain fines collected by the Division of Occupational and Professional
337 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
338 provided in Section [58-63-103](#).

339 [~~(17)~~] (18) Appropriations from the Relative Value Study Restricted Account created
340 in Section [59-9-105](#).

341 [~~(18)~~] (19) The Cigarette Tax Restricted Account created in Section [59-14-204](#).

342 Section 5. **Effective date.**

343 This bill takes effect on October 1, 2016.