

Representative Michael E. Noel proposes the following substitute bill:

SPINAL CORD AND BRAIN INJURY REHABILITATION

FUND AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends the Utah Health Code related to the Spinal Cord and Brain Injury Rehabilitation Fund.

Highlighted Provisions:

This bill:

▶ changes the name of the Traumatic Spinal Cord and Brain Injury Rehabilitation Fund to the Spinal Cord and Brain Injury Rehabilitation Fund;

▶ directs the Motor Vehicle Division to collect an additional fee to register an off-highway vehicle and to deposit the collected fees into the Spinal Cord and Brain Injury Rehabilitation Fund;

▶ directs the Motor Vehicle Division to collect an additional fee to register a motorcycle and to deposit the collected fees into the Spinal Cord and Brain Injury Rehabilitation Fund;

▶ adds additional members to the Spinal Cord and Brain Injury Rehabilitation Fund Advisory Committee; and

▶ makes technical changes.

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 **26-54-101**, as enacted by Laws of Utah 2012, Chapter 226

32 **26-54-102**, as last amended by Laws of Utah 2013, Chapter 400

33 **26-54-103**, as last amended by Laws of Utah 2014, Chapter 387

34 **41-1a-1201**, as last amended by Laws of Utah 2012, Chapters 207, 356, 397 and last
35 amended by Coordination Clause, Laws of Utah 2012, Chapter 397

36 **41-1a-1206**, as last amended by Laws of Utah 2016, Chapter 303

37 **41-6a-1406**, as last amended by Laws of Utah 2016, Chapters 100 and 148

38 **41-22-8**, as last amended by Laws of Utah 2012, Chapter 71



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

41 Section 1. Section **26-54-101** is amended to read:

42 **CHAPTER 54. SPINAL CORD AND BRAIN INJURY REHABILITATION FUND**

43 **26-54-101. Title.**

44 This chapter is known as the "[~~Traumatic~~] Spinal Cord and Brain Injury Rehabilitation
45 Fund."

46 Section 2. Section **26-54-102** is amended to read:

47 **26-54-102. Creation -- Spinal Cord and Brain Injury Rehabilitation Fund.**

48 [~~(1) Because the state finds that persons with traumatic spinal cord and brain injuries
49 require intensive, focused, and specific rehabilitation there]~~

50 (1) There is created an expendable special revenue fund [entitled the Traumatic]
51 known as the Spinal Cord and Brain Injury Rehabilitation Fund.

52 (2) The fund shall consist of:

53 (a) gifts, grants, donations, or any other conveyance of money that may be made to the
54 fund from private sources;

55 (b) a portion of the impound fee as designated in Section **41-6a-1406**; [and]

56 (c) the fees collected by the Motor Vehicle Division under Subsection **41-22-8(3)**; and

57 ~~[(e)]~~ (d) amounts as appropriated by the Legislature.

58 (3) The fund shall be administered by the executive director of the Department of
59 Health in consultation with the advisory committee created in Section [26-54-103](#).

60 (4) A "qualified IRC 501(c)(3) charitable clinic" means a professional medical clinic
61 that:

62 (a) provides ~~[services for people in this state with]~~ rehabilitation services to individuals
63 in the state:

64 (i) who have a traumatic spinal cord [and] or brain [injuries who require] injury that
65 tends to be nonprogressive or nondeteriorating; and

66 (ii) who require post-acute care;

67 (b) employs licensed therapy clinicians; and

68 (c) has no less than five years experience operating a post-acute-care rehabilitation
69 clinic in the state.

70 (5) Fund money shall be used to assist one or more qualified IRC 501(c)(3) charitable
71 clinics to provide rehabilitation services to individuals who have a traumatic spinal cord or
72 brain injury that tends to be nonprogressive or nondeteriorating, including:

73 (a) physical, occupational, and speech therapy; and

74 (b) equipment necessary for daily living ~~[activities for people with spinal cord and~~
75 ~~brain injuries]~~.

76 (6) All actual and necessary operating expenses for the advisory committee and staff
77 shall be paid by the fund.

78 Section 3. Section **26-54-103** is amended to read:

79 **26-54-103. Spinal Cord and Brain Injury Rehabilitation Fund Advisory**
80 **Committee -- Creation -- Membership -- Terms -- Duties.**

81 (1) There is created a ~~[Traumatic]~~ Spinal Cord and Brain Injury Rehabilitation Fund
82 Advisory Committee.

83 (2) The advisory committee shall be composed of ~~[five]~~ seven members as follows:

84 (a) the executive director of the ~~[Utah]~~ Department of Health, or the executive
85 director's designee;

86 (b) ~~[a survivor, or a family member]~~ two survivors, or family members of a survivor of
87 a traumatic brain injury, appointed by the governor;

88 (c) ~~[a survivor, or a family member]~~ two survivors, or family members of a survivor of
89 a traumatic spinal cord injury, appointed by the governor;

90 (d) a member of the House of Representatives appointed by the speaker of the House of
91 Representatives; and

92 (e) a member of the Senate appointed by the president of the Senate.

93 (3) (a) The term of advisory committee members shall be four years. If a vacancy
94 occurs in the committee membership for any reason, a replacement shall be appointed for the
95 unexpired term in the same manner as the original appointment.

96 (b) The committee shall elect a chairperson from the membership.

97 (c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum
98 is present at an open meeting, the action of the majority of members shall be the action of the
99 advisory committee.

100 (d) The terms of the advisory committee shall be staggered so that members appointed
101 under Subsections (2)(b) and (d) shall serve an initial two-year term and members appointed
102 under Subsections (2)(c) and (e) shall serve four-year terms. Thereafter, members appointed to
103 the advisory committee shall serve four-year terms.

104 (4) The advisory committee shall comply with the procedures and requirements of:

105 (a) Title 52, Chapter 4, Open and Public Meetings Act;

106 (b) Title 63G, Chapter 2, Government Records Access and Management Act; and

107 (c) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

108 (5) (a) A member who is not a legislator may not receive compensation or benefits for
109 the member's service, but, at the executive director's discretion, may receive per diem and
110 travel expenses as allowed in:

111 (i) Section [63A-3-106](#);

112 (ii) Section [63A-3-107](#); and

113 (iii) rules adopted by the Division of Finance according to Sections [63A-3-106](#) and
114 [63A-3-107](#).

115 (b) Compensation and expenses of a member who is a legislator are governed by
116 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

117 (6) The advisory committee shall:

118 (a) adopt rules and procedures in accordance with Title 63G, Chapter 3, Utah

119 Administrative Rulemaking Act, that establish priorities and criteria for the advisory committee
120 to follow in recommending distribution of money from the fund to assist qualified IRC

121 501(c)(3) charitable clinics;

122 (b) identify, evaluate, and review the quality of care available to people with
123 [traumatic] spinal cord and brain injuries through qualified IRC 501(c)(3) charitable clinics;

124 (c) explore, evaluate, and review other possible funding sources and make a
125 recommendation to the Legislature regarding sources that would provide adequate funding for
126 the advisory committee to accomplish its responsibilities under this section; and

127 (d) submit an annual report, not later than November 30 of each year, summarizing the
128 activities of the advisory committee and making recommendations regarding the ongoing needs
129 of people with spinal cord or brain injuries to:

130 (i) the governor;

131 (ii) the Health and Human Services Interim Committee; and

132 (iii) the Health and Human Services Appropriations Subcommittee.

133 Section 4. Section **41-1a-1201** is amended to read:

134 **41-1a-1201. Disposition of fees.**

135 (1) All fees received and collected under this part shall be transmitted daily to the state
136 treasurer.

137 (2) Except as provided in Subsections (3), (6), ~~(7)~~, and ~~[(7)] (8)~~ and Sections
138 [41-1a-422](#), [41-1a-1220](#), [41-1a-1221](#), and [41-1a-1223](#) all fees collected under this part shall be
139 deposited in the Transportation Fund.

140 (3) Funds generated under Subsections [41-1a-1211\(1\)\(b\)\(ii\)](#), [\(6\)\(b\)\(ii\)](#), and [\(7\)](#) and
141 Section [41-1a-1212](#) may be used by the commission to cover the costs incurred in issuing
142 license plates under Part 4, License Plates and Registration Indicia.

143 (4) In accordance with Section [63J-1-602.2](#), all funds available to the commission for
144 the purchase and distribution of license plates and decals are nonlapsing.

145 (5) (a) Except as provided in Subsections (3) and (5)(b) and Section [41-1a-1205](#), the
146 expenses of the commission in enforcing and administering this part shall be provided for by
147 legislative appropriation from the revenues of the Transportation Fund.

148 (b) Three dollars of the registration fees imposed under Subsections [41-1a-1206\(2\)\(a\)](#)
149 and (b) for each vehicle registered for a six-month registration period under Section

150 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and
151 administering this part.

152 (6) (a) The following portions of the registration fees imposed under Section
153 41-1a-1206 for each vehicle shall be deposited in the Transportation Investment Fund of 2005
154 created under Section 72-2-124:

155 (i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b),
156 (1)(f), (3), and (6);

157 (ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and
158 (1)(c)(ii);

159 (iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

160 (iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);

161 (v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i); and

162 (vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii).

163 (b) The following portions of the registration fees collected for each vehicle registered
164 for a six-month registration period under Section 41-1a-215.5 shall be deposited in the
165 Transportation Investment Fund of 2005 created by Section 72-2-124:

166 (i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a); and

167 (ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(b).

168 (7) (a) Ninety-four cents of each registration fee imposed under Subsections
169 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited in the Public Safety Restricted
170 Account created in Section 53-3-106.

171 (b) Seventy-one cents of each registration fee imposed under Subsections
172 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under
173 Section 41-1a-215.5 shall be deposited in the Public Safety Restricted Account created in
174 Section 53-3-106.

175 (8) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for
176 each motorcycle shall be deposited in the Spinal Cord and Brain Injury Rehabilitation Fund
177 created in Section 26-54-102.

178 Section 5. Section 41-1a-1206 is amended to read:

179 **41-1a-1206. Registration fees -- Fees by gross laden weight.**

180 (1) Except as provided in Subsections (2) and (3), at the time application is made for

181 registration or renewal of registration of a vehicle or combination of vehicles under this
182 chapter, a registration fee shall be paid to the division as follows:

183 (a) [~~\$44.50~~] \$45.00 for each motorcycle;

184 (b) \$43 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding
185 motorcycles;

186 (c) unless the semitrailer or trailer is exempt from registration under Section [41-1a-202](#)
187 or is registered under Section [41-1a-301](#):

188 (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or

189 (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less
190 gross unladen weight;

191 (d) (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds
192 gross laden weight; plus

193 (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;

194 (e) (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm
195 trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

196 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;

197 (f) (i) \$69.50 for each park model recreational vehicle over 12,000 pounds, but not
198 exceeding 14,000 pounds gross laden weight; plus

199 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight; and

200 (g) \$45 for each vintage vehicle that is less than 40 years old.

201 (2) At the time application is made for registration or renewal of registration of a
202 vehicle under this chapter for a six-month registration period under Section [41-1a-215.5](#), a
203 registration fee shall be paid to the division as follows:

204 (a) \$33.50 for each motorcycle; and

205 (b) \$32.50 for each motor vehicle of 12,000 pounds or less gross laden weight,
206 excluding motorcycles.

207 (3) (a) The initial registration fee for a vintage vehicle that is 40 years old or older is
208 \$40.

209 (b) A vintage vehicle that is 40 years old or older is exempt from the renewal of
210 registration fees under Subsection (1).

211 (c) A vehicle with a Purple Heart special group license plate issued in accordance with

212 Section 41-1a-421 is exempt from the registration fees under Subsection (1).

213 (d) A camper is exempt from the registration fees under Subsection (1).

214 (4) If a motor vehicle is operated in combination with a semitrailer or trailer, each
215 motor vehicle shall register for the total gross laden weight of all units of the combination if the
216 total gross laden weight of the combination exceeds 12,000 pounds.

217 (5) (a) Registration fee categories under this section are based on the gross laden
218 weight declared in the licensee's application for registration.

219 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part
220 of 2,000 pounds is a full unit.

221 (6) The owner of a commercial trailer or commercial semitrailer may, as an alternative
222 to registering under Subsection (1)(c), apply for and obtain a special registration and license
223 plate for a fee of \$130.

224 (7) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm
225 truck unless:

226 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and

227 (b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or

228 (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner
229 submits to the division a certificate of emissions inspection or a waiver in compliance with
230 Section 41-6a-1642.

231 (8) A violation of Subsection (7) is an infraction that shall be punished by a fine of not
232 less than \$200.

233 (9) Trucks used exclusively to pump cement, bore wells, or perform crane services
234 with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees
235 required for those vehicles under this section.

236 Section 6. Section 41-6a-1406 is amended to read:

237 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**
238 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

239 (1) If a vehicle, vessel, or outboard motor is removed or impounded as provided under
240 Section 41-1a-1101, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace
241 officer or by an order of a person acting on behalf of a law enforcement agency or highway
242 authority, the removal or impoundment of the vehicle, vessel, or outboard motor shall be at the

243 expense of the owner.

244 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be removed or
245 impounded to:

246 (a) a state impound yard; or

247 (b) if none, a garage, docking area, or other place of safety.

248 (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be
249 removed by a tow truck motor carrier that meets standards established:

250 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and

251 (b) by the department under Subsection (10).

252 (4) (a) Immediately after the removal of the vehicle, vessel, or outboard motor, a report
253 of the removal shall be sent to the Motor Vehicle Division by:

254 (i) the peace officer or agency by whom the peace officer is employed; and

255 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck
256 operator is employed.

257 (b) The report shall be in a form specified by the Motor Vehicle Division and shall
258 include:

259 (i) the operator's name, if known;

260 (ii) a description of the vehicle, vessel, or outboard motor;

261 (iii) the vehicle identification number or vessel or outboard motor identification
262 number;

263 (iv) the license number, temporary permit number, or other identification number
264 issued by a state agency;

265 (v) the date, time, and place of impoundment;

266 (vi) the reason for removal or impoundment;

267 (vii) the name of the tow truck motor carrier who removed the vehicle, vessel, or
268 outboard motor; and

269 (viii) the place where the vehicle, vessel, or outboard motor is stored.

270 (c) Until the tow truck operator or tow truck motor carrier reports the removal as
271 required under this Subsection (4), a tow truck motor carrier or impound yard may not:

272 (i) collect any fee associated with the removal; and

273 (ii) begin charging storage fees.

274 (5) (a) Except as provided in Subsection (5)(e) and upon receipt of the report, the
275 Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to the
276 following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:

- 277 (i) the registered owner;
- 278 (ii) any lien holder; or
- 279 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor
280 is currently operating under a temporary permit issued by the dealer, as described in Section
281 41-3-302.

282 (b) The notice shall:

283 (i) state the date, time, and place of removal, the name, if applicable, of the person
284 operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal,
285 and the place where the vehicle, vessel, or outboard motor is stored;

286 (ii) state that the registered owner is responsible for payment of towing, impound, and
287 storage fees charged against the vehicle, vessel, or outboard motor;

288 (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard
289 motor is released; and

290 (iv) inform the parties described in Subsection (5)(a) of the division's intent to sell the
291 vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or
292 impoundment under this section, one of the parties fails to make a claim for release of the
293 vehicle, vessel, or outboard motor.

294 (c) Except as provided in Subsection (5)(e) and if the vehicle, vessel, or outboard
295 motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort
296 to notify the parties described in Subsection (5)(a) of the removal and the place where the
297 vehicle, vessel, or outboard motor is stored.

298 (d) The Motor Vehicle Division shall forward a copy of the notice to the place where
299 the vehicle, vessel, or outboard motor is stored.

300 (e) The Motor Vehicle Division is not required to give notice under this Subsection (5)
301 if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck
302 service in accordance with Subsection 72-9-603(1)(a)(i).

303 (6) (a) The vehicle, vessel, or outboard motor shall be released after a party described
304 in Subsection (5)(a):

305 (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of
306 the State Tax Commission;

307 (ii) presents identification sufficient to prove ownership of the impounded vehicle,
308 vessel, or outboard motor;

309 (iii) completes the registration, if needed, and pays the appropriate fees;

310 (iv) if the impoundment was made under Section 41-6a-527, pays an administrative
311 impound fee of \$400; and

312 (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard
313 motor is stored.

314 (b) (i) Twenty-nine dollars of the administrative impound fee assessed under
315 Subsection (6)(a)(iv) shall be dedicated credits to the Motor Vehicle Division;

316 (ii) \$147 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall
317 be deposited in the Department of Public Safety Restricted Account created in Section
318 53-3-106;

319 (iii) \$20 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall
320 be deposited in the [Traumatic] Spinal Cord and Brain Injury Rehabilitation Fund; and

321 (iv) the remainder of the administrative impound fee assessed under Subsection
322 (6)(a)(iv) shall be deposited in the General Fund.

323 (c) The administrative impound fee assessed under Subsection (6)(a)(iv) shall be
324 waived or refunded by the State Tax Commission if the registered owner, lien holder, or
325 owner's agent presents written evidence to the State Tax Commission that:

326 (i) the Driver License Division determined that the arrested person's driver license
327 should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter
328 or other report from the Driver License Division presented within 30 days of the final
329 notification from the Driver License Division; or

330 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the
331 stolen vehicle report presented within 30 days of the impoundment.

332 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
333 payment by cash and debit or credit card for a removal or impoundment under Subsection (1)
334 or any service rendered, performed, or supplied in connection with a removal or impoundment
335 under Subsection (1).

336 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the
337 impounded vehicle, vessel, or outboard motor if:

338 (i) the vehicle, vessel, or outboard motor is being held as evidence; and

339 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in
340 Subsection 5(a), even if the party satisfies the requirements to release the vehicle, vessel, or
341 outboard motor under this Subsection (6).

342 (7) (a) An impounded vehicle, vessel, or outboard motor not claimed by a party
343 described in Subsection (5)(a) within the time prescribed by Section 41-1a-1103 shall be sold
344 in accordance with that section and the proceeds, if any, shall be disposed of as provided under
345 Section 41-1a-1104.

346 (b) The date of impoundment is considered the date of seizure for computing the time
347 period provided under Section 41-1a-1103.

348 (8) A party described in Subsection (5)(a) that pays all fees and charges incurred in the
349 impoundment of the owner's vehicle, vessel, or outboard motor has a cause of action for all the
350 fees and charges, together with damages, court costs, and attorney fees, against the operator of
351 the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.

352 (9) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel,
353 or outboard motor.

354 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
355 the department shall make rules setting the performance standards for towing companies to be
356 used by the department.

357 (11) (a) The Motor Vehicle Division may specify that a report required under
358 Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and
359 retrieval of the information.

360 (b) (i) Unless otherwise provided by statute, the Motor Vehicle Division or the
361 administrator of the database may adopt a schedule of fees assessed for utilizing the database.

362 (ii) The fees under this Subsection (11)(b) shall:

363 (A) be reasonable and fair; and

364 (B) reflect the cost of administering the database.

365 Section 7. Section 41-22-8 is amended to read:

366 **41-22-8. Registration fees.**

367 (1) The board shall establish the fees which shall be paid in accordance with this
368 chapter, subject to the following:

369 (a) (i) Except as provided in Subsection (1)(a)(ii), the fee for each off-highway vehicle
370 registration may not exceed \$18.

371 (ii) The fee for each snowmobile registration may not exceed \$26.

372 (b) The fee for each duplicate registration card may not exceed \$3.

373 (c) The fee for each duplicate registration sticker may not exceed \$5.

374 (2) A fee may not be charged for an off-highway vehicle that is owned and operated by
375 the United States Government, this state, or its political subdivisions.

376 (3) (a) In addition to the fees under this section, Section 41-22-33, and Section
377 41-22-34, the Motor Vehicle Division shall require a person to pay 50 cents to register an
378 off-highway vehicle under Section 41-22-3.

379 (b) The Motor Vehicle Division shall deposit the fees the Motor Vehicle Division
380 collects under Subsection (3)(a) into the Spinal Cord and Brain Injury Rehabilitation Fund
381 described in Section 26-54-102.

382 Section 8. **Effective date.**

383 This bill takes effect on January 1, 2018.