

1 **SPECIAL GROUP LICENSE PLATE REPEAL**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Allen M. Christensen**

5 House Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill removes the prostate cancer special group license plate from the list of license
10 plates that may be issued.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ removes the prostate cancer support special group license plate from the list of
- 14 plates that may be issued;
- 15 ▶ repeals the Prostate Cancer Support Restricted Account;
- 16 ▶ requires a person who has been issued a prostate cancer support special group
- 17 license plate to choose a different license plate upon renewal;
- 18 ▶ waives certain fees for an individual who had been issued a prostate cancer support
- 19 special group license plate and is required to choose a different license plate upon
- 20 registration renewal; and
- 21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 This bill provides a special effective date.

26 **Utah Code Sections Affected:**

27 AMENDS:



28 41-1a-418, as last amended by Laws of Utah 2016, Chapters 46, 52, 70, 71, and 102

29 41-1a-422, as last amended by Laws of Utah 2016, Chapters 46, 52, 70, and 71

30 41-1a-1211, as last amended by Laws of Utah 2015, Chapter 119

31 63J-1-602.1, as last amended by Laws of Utah 2016, Chapters 46, 70, 71, and 202

32 REPEALS:

33 26-21a-303, as enacted by Laws of Utah 2011, Chapter 440



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

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

37 **41-1a-418. Authorized special group license plates.**

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

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

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

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

44 (ii) former prisoner of war;

45 (iii) recipient of a Purple Heart;

46 (iv) disabled veteran;

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

48 (vi) recipient of a campaign or combat theater award determined by the Department of
49 Veterans' and Military Affairs;

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; or

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

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

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

74 (ii) the Division of Wildlife Resources;

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

76 (iv) the Division of Parks and Recreation;

77 (v) the Department of Agriculture and Food;

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

79 (vii) the Boy Scouts of America;

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

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

82 (x) Utah public education;

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

85 (xii) the Department of Public Safety;

86 (xiii) programs that support Zion National Park;

87 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
88 organizations;

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

- 90 (xvi) programs that conduct or support cancer research;
 - 91 (xvii) programs that create or support autism awareness;
 - 92 (xviii) programs that create or support humanitarian service and educational and
 - 93 cultural exchanges;
 - 94 (xix) until September 30, 2017, programs that conduct or support prostate cancer
 - 95 awareness, screening, detection, or prevention;
 - 96 (xx) programs that support and promote adoptions;
 - 97 (xxi) programs that create or support civil rights education and awareness;
 - 98 (xxii) programs that support issues affecting women and children through an
 - 99 organization affiliated with a national professional men's basketball organization;
 - 100 (xxiii) programs that strengthen youth soccer, build communities, and promote
 - 101 environmental sustainability through an organization affiliated with a professional men's soccer
 - 102 organization;
 - 103 (xxiv) programs that support children with heart disease;
 - 104 (xxv) programs that support the operation and maintenance of the Utah Law
 - 105 Enforcement Memorial; or
 - 106 (xxvi) programs that provide assistance to children with cancer.
- 107 (2) (a) The division may not issue a new type of special group license plate or decal
- 108 unless the division receives:
- 109 (i) (A) a private donation for the start-up fee established under Section [63J-1-504](#) for
 - 110 the production and administrative costs of providing the new special group license plates or
 - 111 decals; or
 - 112 (B) a legislative appropriation for the start-up fee provided under Subsection
 - 113 (2)(a)(i)(A); and
 - 114 (ii) beginning on January 1, 2012, and for the issuance of a support special group
 - 115 license plate authorized in Section [41-1a-422](#), at least 500 completed applications for the new
 - 116 type of support special group license plate or decal to be issued with all fees required under this
 - 117 part for the support special group license plate or decal issuance paid by each applicant.
 - 118 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and
 - 119 hold applications for support special group license plates or decals authorized in Section
 - 120 [41-1a-422](#) on or after January 1, 2012, until it has received at least 500 applications.

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

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

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

131 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
132 registration of a motor vehicle that has been issued a firefighter recognition special group
133 license plate unless the applicant is a contributor as defined in Subsection
134 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

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

140 (B) replace the firefighter recognition special group license plate with a new license
141 plate.

142 (3) Beginning on July 1, 2011, if a support special group license plate or decal type
143 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500
144 license plates issued each year for a three consecutive year time period that begins on July 1,
145 the division may not issue that type of support special group license plate or decal to a new
146 applicant beginning on January 1 of the following calendar year after the three consecutive year
147 time period for which that type of support special group license plate or decal has fewer than
148 500 license plates issued each year.

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

151 (5) (a) Beginning on October 1, 2017, the division may not renew a motor vehicle

152 registration of a motor vehicle that has been issued a prostate cancer support special group
153 license plate.

154 (b) A registered owner of a vehicle that has been issued a prostate cancer support
155 special group license plate before October 1, 2017, upon renewal of the owner's motor vehicle
156 registration, shall replace the prostate cancer support special group license plate with a new
157 license plate.

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

159 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
160 **contribution collection procedures.**

161 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

182 (L) the Public Safety Honoring Heroes Restricted Account created in Section [53-1-118](#)

183 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
184 Safety employees;

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

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

189 (O) the Share the Road Bicycle Support Restricted Account created in Section
190 72-2-127 to support bicycle operation and safety awareness programs;

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

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

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

198 (S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for
199 programs that conduct or support prostate cancer awareness, screening, detection, or prevention
200 until September 30, 2017;

201 (T) the Choose Life Adoption Support Restricted Account created in Section
202 62A-4a-608 to support programs that promote adoption;

203 (U) the Martin Luther King, Jr. Civil Rights Support Restricted Account created in
204 Section 9-18-102;

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

207 (W) the Utah Law Enforcement Memorial Support Restricted Account created in
208 Section 53-1-120;

209 (X) the Children with Cancer Support Restricted Account created in Section
210 26-21a-304 for programs that provide assistance to children with cancer;

211 (Y) the National Professional Men's Soccer Team Support of Building Communities
212 Restricted Account created in Section 9-19-102; or

213 (Z) the Children with Heart Disease Support Restricted Account created in Section

214 26-58-102.

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

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

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

222 (II) is a member of a trade organization for real estate licensees that has more than
223 15,000 Utah members.

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

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

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

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

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

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

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

241 (b) "Institution" means a state institution of higher education as defined under Section
242 53B-3-102 or a private institution of higher education in the state accredited by a regional or
243 national accrediting agency recognized by the United States Department of Education.

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

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

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

- 250 (i) the name of the contributor;
- 251 (ii) the institution to which a donation was made;
- 252 (iii) the date of the donation; and
- 253 (iv) an attestation that the donation was for a scholastic scholarship.

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

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

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

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

265 (b) This contribution shall be:

- 266 (i) unless collected by the named institution under Subsection (2), collected by the
267 division;
- 268 (ii) considered a voluntary contribution for the funding of the activities specified under
269 this section and not a motor vehicle registration fee;
- 270 (iii) deposited into the appropriate account less actual administrative costs associated
271 with issuing the license plates; and
- 272 (iv) for a firefighter special group license plate, deposited into the appropriate account
273 less:

- 274 (A) the costs of reordering firefighter special group license plate decals; and
- 275 (B) the costs of replacing recognition special group license plates with new license

276 plates under Subsection 41-1a-1211(13).

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

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

281 (i) snowmobile license plates; or

282 (ii) conservation license plates.

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

285 Section 3. Section 41-1a-1211 is amended to read:

286 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**
287 **personalized and special group license plates -- Replacement fee for license plates --**
288 **Postage fees.**

289 (1) (a) Except as provided in Subsections (11), (12), (13), and (14), a license plate fee
290 established in accordance with Section 63J-1-504 shall be paid to the division for the issuance
291 of any new license plate under Part 4, License Plates and Registration Indicia.

292 (b) The license plate fee shall be deposited as follows:

293 (i) \$1 in the Transportation Fund; and

294 (ii) the remainder of the fee charged under Subsection (1)(a), as provided in Section
295 41-1a-1201.

296 (2) An applicant for original issuance of personalized license plates issued under
297 Section 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee
298 required in Subsection (1).

299 (3) Beginning July 1, 2003, a person who applies for a special group license plate shall
300 pay a \$5 fee for the original set of license plates in addition to the fee required under
301 Subsection (1).

302 (4) An applicant for original issuance of personalized special group license plates shall
303 pay the license plate application fees required in Subsection (2) in addition to the license plate
304 fees and license plate application fees established under Subsections (1) and (3).

305 (5) An applicant for renewal of personalized license plates issued under Section
306 41-1a-410 shall pay a \$10 per set application fee.

307 (6) (a) The division may charge a fee established under Section 63J-1-504 to recover
308 the costs for the replacement of any license plate issued under Part 4, License Plates and
309 Registration Indicia.

310 (b) The license plate fee shall be deposited as follows:

311 (i) \$1 in the Transportation Fund; and

312 (ii) the remainder of the fee charged under Subsection (6)(a), as provided in Section
313 41-1a-1201.

314 (7) The division may charge a fee established under Section 63J-1-504 to recover its
315 costs for the replacement of decals issued under Section 41-1a-418.

316 (8) The division may charge a fee established under Section 63J-1-504 to recover the
317 cost of issuing stickers under Section 41-1a-416.

318 (9) In addition to any other fees required by this section, the division shall assess a fee
319 established under Section 63J-1-504 to cover postage expenses if new or replacement license
320 plates are mailed to the applicant.

321 (10) The fees required under this section are separate from and in addition to
322 registration fees required under Section 41-1a-1206.

323 (11) (a) An applicant for a license plate issued under Section 41-1a-407 is not subject
324 to the license plate fee under Subsection (1).

325 (b) An applicant for a Purple Heart special group license plate issued in accordance
326 with Section 41-1a-421 is exempt from the fees under Subsections (1), (3), and (7).

327 (12) A person is exempt from the fee under Subsection (1) or (6) if the person:

328 (a) was issued a clean fuel special group license plate in accordance with Section
329 41-1a-418 prior to the effective date of rules made by the Department of Transportation under
330 Subsection 41-6a-702(5)(b);

331 (b) beginning on the effective date of rules made by the Department of Transportation
332 authorized under Subsection 41-6a-702(5)(b), is no longer eligible for a clean fuel special
333 group license plate under the rules made by the Department of Transportation; and

334 (c) upon renewal or reissuance, is required to replace the clean fuel special group
335 license plate with a new license plate.

336 [~~(13) Until June 30, 2011, a person is exempt from the license plate fee under~~
337 ~~Subsection (1) or (6) if the person:]~~

338 ~~[(a) was issued a firefighter recognition special group license plate in accordance with~~
339 ~~Section 41-1a-418 prior to July 1, 2009;]~~

340 ~~[(b) upon renewal of the person's vehicle registration on or after July 1, 2009, is not a~~
341 ~~contributor to the Firefighter Support Restricted Account as required under Section 41-1a-418;~~
342 ~~and]~~

343 ~~[(c) is required to replace the firefighter special group license plate with a new license~~
344 ~~plate in accordance with Section 41-1a-418.]~~

345 ~~[(14)]~~ (13) A person is not subject to the license plate fee under Subsection (1) if the
346 person presents official documentation that the person is a recipient of the Purple Heart Award
347 issued:

348 (a) by a recognized association representing peace officers who:

349 (i) receives a salary from a federal, state, county, or municipal government or any
350 subdivision of the state; and

351 (ii) works in the state; or

352 (b) in accordance with Subsection 41-1a-421(2).

353 (14) Until September 30, 2018, a person is not subject to the license plate fees under
354 Subsections (1) and (6) if the person:

355 (a) was issued a prostate cancer support special group license plate in accordance with
356 Section 41-1a-418 before October 1, 2017; and

357 (b) is required to replace the prostate cancer support special group license plate with a
358 new license plate in accordance with Section 41-1a-418.

359 Section 4. Section 63J-1-602.1 is amended to read:

360 **63J-1-602.1. List of nonlapsing accounts and funds -- General authority and Title**
361 **1 through Title 30.**

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

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

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

366 (4) The National Professional Men's Soccer Team Support of Building Communities
367 Restricted Account created in Section 9-19-102.

368 (5) The LeRay McAllister Critical Land Conservation Program created in Section

369 11-38-301.

370 (6) An appropriation made to the Division of Wildlife Resources for the appraisal and
371 purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

372 (7) Award money under the State Asset Forfeiture Grant Program, as provided under
373 Section 24-4-117.

374 (8) Funds collected from the program fund for local health department expenses
375 incurred in responding to a local health emergency under Section 26-1-38.

376 (9) Funds collected from the emergency medical services grant program, as provided in
377 Section 26-8a-207.

378 (10) The primary care grant program created in Section 26-10b-102.

379 [~~(11) The Prostate Cancer Support Restricted Account created in Section 26-21a-303;~~]

380 [~~(12)~~] (11) The Children with Cancer Support Restricted Account created in Section
381 26-21a-304.

382 [~~(13)~~] (12) State funds appropriated for matching federal funds in the Children's Health
383 Insurance Program as provided in Section 26-40-108.

384 [~~(14)~~] (13) The Utah Health Care Workforce Financial Assistance Program created in
385 Section 26-46-102.

386 [~~(15)~~] (14) The Rural Physician Loan Repayment Program created in Section
387 26-46a-103.

388 [~~(16)~~] (15) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.

389 [~~(17)~~] (16) The Children with Heart Disease Support Restricted Account created in
390 Section 26-58-102.

391 Section 5. **Repealer.**

392 This bill repeals:

393 Section 26-21a-303, Prostate Cancer Support Restricted Account.

394 Section 6. **Effective date.**

395 (1) Except as provided in Subsection (2), this bill takes effect on May 9, 2017.

396 (2) The actions affecting the following sections take effect on September 30, 2018:

397 (a) Section 26-21a-303; and

398 (b) Section 63J-1-602.1.

Legislative Review Note
Office of Legislative Research and General Counsel