

## SB0112S01 compared with SB0112

~~{deleted text}~~ shows text that was in SB0112 but was deleted in SB0112S01.

Inserted text shows text that was not in SB0112 but was inserted into SB0112S01.

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Senator Allen M. Christensen proposes the following substitute bill:

### SPECIAL GROUP LICENSE PLATE REPEAL

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Allen M. Christensen**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ removes the prostate cancer support special group license plate from the list of plates that may be issued;
- ▶ repeals the Prostate Cancer Support Restricted Account;
- ▶ ~~{requires}~~ allows a person who ~~{has been issued}~~ acquired a prostate cancer support special group license plate ~~{to choose a different license plate upon renewal;~~  
→ waives certain fees for an individual who had been issued a before October 1, 2017,  
to retain the licence plate;

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- ▶ prohibits issuance of a new prostate cancer support special group license plate ~~and is required to choose a different license plate upon registration renewal~~; after September 30, 2017;
- ▶ directs the contribution for a renewed prostate cancer support special group license plate to be distributed to the Cancer Research Restricted Account; and
- ▶ makes technical changes.

### 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 2016, Chapters 46, 52, 70, 71, and 102

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

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

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

#### REPEALS:

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

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

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

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

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

- (a) disability special group license plates issued in accordance with Section 41-1a-420;
- (b) honor special group license plates, as in a war hero, which plates are issued for a:
  - (i) survivor of the Japanese attack on Pearl Harbor;
  - (ii) former prisoner of war;
  - (iii) recipient of a Purple Heart;
  - (iv) disabled veteran;

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

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

(c) unique vehicle type special group license plates, as for historical, collectors value, or other unique vehicle type, which plates are issued for:

(i) a special interest vehicle;

(ii) a vintage vehicle;

(iii) a farm truck; or

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

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

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

(i) a current member of the Legislature;

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

(iii) a current member of the National Guard;

(iv) a licensed amateur radio operator;

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

(vi) an emergency medical technician;

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

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

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

(i) an institution's scholastic scholarship fund;

(ii) the Division of Wildlife Resources;

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

(iv) the Division of Parks and Recreation;

(v) the Department of Agriculture and Food;

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- (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
  - (vii) the Boy Scouts of America;
  - (viii) spay and neuter programs through No More Homeless Pets in Utah;
  - (ix) the Boys and Girls Clubs of America;
  - (x) Utah public education;
  - (xi) programs that provide support to organizations that create affordable housing for those in severe need through the Division of Real Estate;
  - (xii) the Department of Public Safety;
  - (xiii) programs that support Zion National Park;
  - (xiv) beginning on July 1, 2009, programs that provide support to firefighter organizations;
  - (xv) programs that promote bicycle operation and safety awareness;
  - (xvi) programs that conduct or support cancer research;
  - (xvii) programs that create or support autism awareness;
  - (xviii) programs that create or support humanitarian service and educational and cultural exchanges;
  - (xix) until September 30, 2017, programs that conduct or support prostate cancer awareness, screening, detection, or prevention;
  - (xx) programs that support and promote adoptions;
  - (xxi) programs that create or support civil rights education and awareness;
  - (xxii) programs that support issues affecting women and children through an organization affiliated with a national professional men's basketball organization;
  - (xxiii) programs that strengthen youth soccer, build communities, and promote environmental sustainability through an organization affiliated with a professional men's soccer organization;
  - (xxiv) programs that support children with heart disease;
  - (xxv) programs that support the operation and maintenance of the Utah Law Enforcement Memorial; or
  - (xxvi) programs that provide assistance to children with cancer.
- (2) (a) The division may not issue a new type of special group license plate or decal unless the division receives:

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) (a) Beginning on October 1, 2017, the division may not ~~renew a motor vehicle registration of a motor vehicle that has been issued~~; ~~issue a new~~ prostate cancer support special group license plate.

(b) A registered owner of a vehicle that has been issued a prostate cancer support special group license plate before October ~~11~~ 17, 2017, ~~upon renewal of~~ ~~may renew~~ the owner's motor vehicle registration, ~~shall replace the prostate cancer support special group license plate with a new license plate~~ with the contribution allocated as described in Section 41-1a-422.

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

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

(1) As used in this section:

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

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

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

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

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

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- (E) the Division of Parks and Recreation for the benefit of snowmobile programs;
- (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with the donation evenly divided between the two;
- (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America council as specified by the contributor;
- (H) No More Homeless Pets in Utah for distribution to organizations or individuals that provide spay and neuter programs that subsidize the sterilization of domestic animals;
- (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth development programs;
- (J) the Utah Association of Public School Foundations to support public education;
- (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to assist people who have severe housing needs;
- (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118 to support the families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees;
- (M) the Division of Parks and Recreation for distribution to organizations that provide support for Zion National Park;
- (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support firefighter organizations;
- (O) the Share the Road Bicycle Support Restricted Account created in Section 72-2-127 to support bicycle operation and safety awareness programs;
- (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research programs;
- (Q) Autism Awareness Restricted Account created in Section 53A-1-304 to support autism awareness programs;
- (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account created in Section 9-17-102 to support humanitarian service and educational and cultural programs;
- (S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for programs that conduct or support prostate cancer awareness, screening, detection, or prevention until September 30, 2017, and beginning on October 1, 2017, upon renewal of a prostate cancer

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support special group license plate, to the Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research programs;

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

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

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

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

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

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

(Z) the Children with Heart Disease Support Restricted Account created in Section 26-58-102.

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

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

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

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

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

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

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



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application and annually after the time of application; and

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

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

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

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

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

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

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

(i) the name of the contributor;

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

(iii) the date of the donation; and

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

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

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

(e) If the contribution is made at the time of application, the contribution shall be

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collected, treated, and deposited as provided under Subsection (3).

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

(b) This contribution shall be:

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

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

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

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

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

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

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

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

(i) snowmobile license plates; or

(ii) conservation license plates.

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

Section 3. Section ~~{41-1a-121}~~63J-1-602.1 is amended to read:

~~{~~ ~~41-1a-1211. License plate fees -- Application fees for issuance and renewal of personalized and special group license plates -- Replacement fee for license plates -- Postage fees.~~

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

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- ~~—— (b) The license plate fee shall be deposited as follows:~~
- ~~—— (i) \$1 in the Transportation Fund; and~~
- ~~—— (ii) the remainder of the fee charged under Subsection (1)(a), as provided in Section 41-1a-1201.~~
- ~~—— (2) An applicant for original issuance of personalized license plates issued under Section 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee required in Subsection (1).~~
- ~~—— (3) Beginning July 1, 2003, a person who applies for a special group license plate shall pay a \$5 fee for the original set of license plates in addition to the fee required under Subsection (1).~~
- ~~—— (4) An applicant for original issuance of personalized special group license plates shall pay the license plate application fees required in Subsection (2) in addition to the license plate fees and license plate application fees established under Subsections (1) and (3).~~
- ~~—— (5) An applicant for renewal of personalized license plates issued under Section 41-1a-410 shall pay a \$10 per set application fee.~~
- ~~—— (6) (a) The division may charge a fee established under Section 63J-1-504 to recover the costs for the replacement of any license plate issued under Part 4, License Plates and Registration Indicia.~~
- ~~—— (b) The license plate fee shall be deposited as follows:~~
- ~~—— (i) \$1 in the Transportation Fund; and~~
- ~~—— (ii) the remainder of the fee charged under Subsection (6)(a), as provided in Section 41-1a-1201.~~
- ~~—— (7) The division may charge a fee established under Section 63J-1-504 to recover its costs for the replacement of decals issued under Section 41-1a-418.~~
- ~~—— (8) The division may charge a fee established under Section 63J-1-504 to recover the cost of issuing stickers under Section 41-1a-416.~~
- ~~—— (9) In addition to any other fees required by this section, the division shall assess a fee established under Section 63J-1-504 to cover postage expenses if new or replacement license plates are mailed to the applicant.~~
- ~~—— (10) The fees required under this section are separate from and in addition to registration fees required under Section 41-1a-1206.~~

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

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

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

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

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

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

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

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

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

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

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

~~—— (a) by a recognized association representing peace officers who:~~

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

~~—— (ii) works in the state; or~~

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

~~—— (14) Until September 30, 2018, a person is not subject to the license plate fees under~~

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### Subsections (1) and (6) if the person:

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

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

~~— Section 4. Section **63J-1-602.1** is amended to read:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(14)]~~ (13) The Utah Health Care Workforce Financial Assistance Program created in

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Section 26-46-102.

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

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

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

Section ~~(5)~~4. **Repealer.**

This bill repeals:

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

Section ~~(6)~~5. **Effective date.**

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

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

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

(b) Section 63J-1-602.1.

†

**Legislative Review Note**

**Office of Legislative Research and General Counsel**