

1 **SUPPORT SPECIAL GROUP LICENSE PLATE FOR**
2 **MOTORCYCLE SAFETY AWARENESS**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mark A. Wheatley**

6 Senate Sponsor: Luz Escamilla

8 **LONG TITLE**

9 **General Description:**

10 This bill creates the Motorcycle Safety Awareness Support special group license plate.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ creates the Motorcycle Safety Awareness Support special group license plate;
- 14 ▶ creates the Motorcycle Safety Awareness Support Restricted Account;
- 15 ▶ requires a start-up fee for the production of the license plate;
- 16 ▶ requires an annual fee for an individual who requests the plate;
- 17 ▶ requires the Department of Transportation to manage and make distributions to a

18 qualifying entity from the Motorcycle Safety Awareness Support Restricted
19 Account; and

- 20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill provides a special effective date.

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **41-1a-418**, as last amended by Laws of Utah 2017, Chapters 107, 181, and 194



28 [41-1a-422](#), as last amended by Laws of Utah 2017, Chapters 107, 194, and 383

29 ENACTS:

30 [72-2-129](#), Utah Code Annotated 1953



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

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

33 **41-1a-418. Authorized special group license plates.**

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

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

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

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

40 (ii) former prisoner of war;

41 (iii) recipient of a Purple Heart;

42 (iv) disabled veteran;

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

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

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

48 (i) a special interest vehicle;

49 (ii) a vintage vehicle;

50 (iii) a farm truck; or

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

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

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

- 59 (i) a current member of the Legislature;
- 60 (ii) a current member of the United States Congress;
- 61 (iii) a current member of the National Guard;
- 62 (iv) a licensed amateur radio operator;
- 63 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
- 64 (vi) an emergency medical technician;
- 65 (vii) a current member of a search and rescue team; or
- 66 (viii) a current honorary consulate designated by the United States Department of
67 State; or
- 68 (e) support special group license plates, as for a contributor to an institution or cause,
69 which plates are issued for a contributor to:
 - 70 (i) an institution's scholastic scholarship fund;
 - 71 (ii) the Division of Wildlife Resources;
 - 72 (iii) the Department of Veterans' and Military Affairs;
 - 73 (iv) the Division of Parks and Recreation;
 - 74 (v) the Department of Agriculture and Food;
 - 75 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
 - 76 (vii) the Boy Scouts of America;
 - 77 (viii) spay and neuter programs through No More Homeless Pets in Utah;
 - 78 (ix) the Boys and Girls Clubs of America;
 - 79 (x) Utah public education;
 - 80 (xi) programs that provide support to organizations that create affordable housing for
81 those in severe need through the Division of Real Estate;
 - 82 (xii) the Department of Public Safety;
 - 83 (xiii) programs that support Zion National Park;
 - 84 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
85 organizations;
 - 86 (xv) programs that promote bicycle operation and safety awareness;
 - 87 (xvi) programs that conduct or support cancer research;
 - 88 (xvii) programs that create or support autism awareness;
 - 89 (xviii) programs that create or support humanitarian service and educational and

90 cultural exchanges;

91 (xix) until September 30,2017, programs that conduct or support prostate cancer
92 awareness, screening, detection, or prevention;

93 (xx) programs that support and promote adoptions;

94 (xxi) programs that create or support civil rights education and awareness;

95 (xxii) programs that support issues affecting women and children through an
96 organization affiliated with a national professional men's basketball organization;

97 (xxiii) programs that strengthen youth soccer, build communities, and promote
98 environmental sustainability through an organization affiliated with a professional men's soccer
99 organization;

100 (xxiv) programs that support children with heart disease;

101 (xxv) programs that support the operation and maintenance of the Utah Law
102 Enforcement Memorial;

103 (xxvi) programs that provide assistance to children with cancer; [or]

104 (xxvii) programs that promote leadership and career development through agricultural
105 education[-]; or

106 (xxviii) programs that promote motorcycle safety awareness.

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 issue a new prostate cancer

152 support special group license plate.

153 (b) A registered owner of a vehicle that has been issued a prostate cancer support
154 special group license plate before October 1, 2017, may renew the owner's motor vehicle
155 registration, with the contribution allocated as described in Section [41-1a-422](#).

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

157 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
158 **contribution collection procedures.**

159 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

187 (O) the Share the Road Bicycle Support Restricted Account created in Section
188 72-2-127 to support bicycle operation and safety awareness programs;

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

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

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

196 (S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for
197 programs that conduct or support prostate cancer awareness, screening, detection, or prevention
198 until September 30, 2017, and beginning on October 1, 2017, upon renewal of a prostate cancer
199 support special group license plate, to the Cancer Research Restricted Account created in
200 Section 26-21a-302 to support cancer research programs;

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;

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

214 [26-58-102](#);

215 (AA) the Utah Intracurricular Student Organization Support for Agricultural Education
216 and Leadership Restricted Account created in Section [4-42-102](#); [or]

217 (BB) the Division of Wildlife Resources for the Support for State-Owned Shooting
218 Ranges Restricted Account created in Section [23-14-13.5](#), for the creation of new, and
219 operation and maintenance of existing, state-owned firearm shooting ranges[.]; or

220 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section
221 [72-2-129](#).

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

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

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

229 (II) is a member of a trade organization for real estate licensees that has more than
230 15,000 Utah members.

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

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

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

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

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

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

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

248 (b) "Institution" means a state institution of higher education as defined under Section
249 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or
250 national accrediting agency recognized by the United States Department of Education.

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

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

257 (i) the name of the contributor;

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

259 (iii) the date of the donation; and

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

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

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

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

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

272 (b) This contribution shall be:

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

275 (ii) considered a voluntary contribution for the funding of the activities specified under

276 this section and not a motor vehicle registration fee;

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

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

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

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

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

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

288 (i) snowmobile license plates; or

289 (ii) conservation license plates.

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

292 Section 3. Section **72-2-129** is enacted to read:

293 **72-2-129. Motorcycle Safety Awareness Support Restricted Account.**

294 (1) There is created in the General Fund the Motorcycle Safety Awareness Support
295 Restricted Account.

296 (2) The account shall be funded by:

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

298 (b) appropriations to the account by the Legislature;

299 (c) private contributions; and

300 (d) donations or grants from public or private entities.

301 (3) The Legislature shall appropriate funds in the account to the department.

302 (4) The department may expend up to 5% of the money appropriated under Subsection
303 (3) to administer account distributions in accordance with Subsections (5) and (6).

304 (5) The department shall distribute contributions in the account to one or more
305 charitable organizations that:

306 (a) are exempt from federal income taxation under Section 501(c)(3) of the Internal

307 Revenue Code;

308 (b) have as part of their primary mission:

309 (i) the promotion of motorcycle safety and awareness;

310 (ii) safe motor vehicle operation around motorcycles; and

311 (iii) assistance to motorcycle riders who have been involved in an accident that resulted
312 in hospitalization; and

313 (c) contribute to the start-up fee for the production and administrative costs for
314 providing a Motorcycle Safety Awareness Support special group license plate in accordance
315 with Subsection 41-1a-418(2)(a).

316 (6) (a) An organization described in Subsection (5) may apply to the department to
317 receive a distribution in accordance with Subsection (5).

318 (b) An organization that receives a distribution from the department in accordance with
319 Subsection (5) shall expend the distribution only to:

320 (i) pay the costs of reordering Motorcycle Safety Awareness Support special group
321 license plate decals;

322 (ii) produce and distribute materials to educate motorcycle riders and motorists about
323 motorcycle safety and awareness and obeying the law in Utah;

324 (iii) promote education on motorcycle safety;

325 (iv) assist motorcycle riders and families of motorcycle riders who have been involved
326 in a motorcycle accident resulting in hospitalization; and

327 (v) provide other programs that promote motorcycle and related traffic safety.

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

331 **Section 4. Effective date.**

332 This bill takes effect on October 1, 2018.