

1 **SPECIAL GROUP LICENSE PLATE FOR MOTORCYCLE**

2 **SAFETY AWARENESS**

3 2019 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 a support special group license plate to promote and support
11 motorcycle safety awareness.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ creates a support special group license plate to promote and support motorcycle
15 safety awareness;
- 16 ▶ creates the Motorcycle Safety Awareness Support Restricted Account;
- 17 ▶ requires the Department of Transportation to manage and make distributions from
18 the account to a qualifying organization; and
- 19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill provides a special effective date.

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **41-1a-418**, as last amended by Laws of Utah 2018, Chapters 39, 99, and 260

27 **41-1a-422**, as last amended by Laws of Utah 2018, Chapters 39, 260, and 415

28 ENACTS:

29 **72-2-130**, Utah Code Annotated 1953

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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;

(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:

- 58 (i) a current member of the Legislature;
- 59 (ii) a current member of the United States Congress;
- 60 (iii) a current member of the National Guard;
- 61 (iv) a licensed amateur radio operator;
- 62 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
- 63 (vi) an emergency medical technician;
- 64 (vii) a current member of a search and rescue team;
- 65 (viii) a current honorary consulate designated by the United States Department of
66 State; or
- 67 (ix) an individual supporting commemoration and recognition of women's suffrage; 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;
- 104 (xxvii) programs that promote leadership and career development through agricultural
105 education; [or]
- 106 (xxviii) the Utah State Historical Society[-]; or
- 107 (xxix) programs that promote motorcycle safety awareness.
- 108 (2) (a) The division may not issue a new type of special group license plate or decal
109 unless the division receives:
 - 110 (i) (A) a private donation for the start-up fee established under Section [63J-1-504](#) for
111 the production and administrative costs of providing the new special group license plates or
112 decals; or
 - 113 (B) a legislative appropriation for the start-up fee provided under Subsection

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

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

119 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and
120 hold applications for support special group license plates or decals authorized in Section
121 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

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

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

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

132 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
133 registration of a motor vehicle that has been issued a firefighter recognition special group
134 license plate unless the applicant is a contributor as defined in Subsection
135 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

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

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

142 plate.

143 (3) Beginning on July 1, 2011, if a support special group license plate or decal type
144 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500
145 license plates issued each year for a three consecutive year time period that begins on July 1,
146 the division may not issue that type of support special group license plate or decal to a new
147 applicant beginning on January 1 of the following calendar year after the three consecutive year
148 time period for which that type of support special group license plate or decal has fewer than
149 500 license plates issued each year.

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

152 (5) (a) Beginning on October 1, 2017, the division may not issue a new prostate cancer
153 support special group 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, may renew the owner's motor vehicle
156 registration, with the contribution allocated as described in Section 41-1a-422.

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

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

160 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

192 (Q) Autism Awareness Restricted Account created in Section [53F-9-401](#) to support
193 autism awareness programs;

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

197 (S) Prostate Cancer Support Restricted Account created in Section [26-21a-303](#) for

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

202 (T) the Choose Life Adoption Support Restricted Account created in Section
203 [62A-4a-608](#) to support programs that promote adoption;

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

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

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

210 (X) the Children with Cancer Support Restricted Account created in Section
211 [26-21a-304](#) for programs that provide assistance to children with cancer;

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

214 (Z) the Children with Heart Disease Support Restricted Account created in Section
215 [26-58-102](#);

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

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

221 (CC) the Utah State Historical Society to further the mission and purpose of the Utah
222 State Historical Society[:]; or

223 (DD) the Motorcycle Safety Awareness Support Restricted Account created in Section
224 [72-2-130](#).

225 (ii) (A) For a veterans special group license plate, "contributor" means a person who

226 has donated or in whose name at least a \$25 donation at the time of application and \$10 annual
227 donation thereafter has been made.

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

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

232 (II) is a member of a trade organization for real estate licensees that has more than
233 15,000 Utah members.

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

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

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

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

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

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

251 (b) "Institution" means a state institution of higher education as defined under Section
252 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or
253 national accrediting agency recognized by the United States Department of Education.

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

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

- 260 (i) the name of the contributor;
- 261 (ii) the institution to which a donation was made;
- 262 (iii) the date of the donation; and
- 263 (iv) an attestation that the donation was for a scholastic scholarship.

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

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

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

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

275 (b) This contribution shall be:

- 276 (i) unless collected by the named institution under Subsection (2), collected by the
277 division;
- 278 (ii) considered a voluntary contribution for the funding of the activities specified under
279 this section and not a motor vehicle registration fee;
- 280 (iii) deposited into the appropriate account less actual administrative costs associated
281 with issuing the license plates; and

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

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

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

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

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

291 (i) snowmobile license plates; or

292 (ii) conservation license plates.

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

295 Section 3. Section **72-2-130** is enacted to read:

296 **72-2-130. Motorcycle Safety Awareness Support Restricted Account.**

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

299 (2) The account shall be funded by:

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

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

302 (c) private contributions; and

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

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

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

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

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

310 Revenue Code;

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

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

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

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

316 (c) contribute to the start-up fee for the production and administrative costs for
317 providing a Motorcycle Safety Awareness Support special group license plate in accordance
318 with Subsection [41-1a-418\(2\)\(a\)](#).

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

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

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

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

327 (iii) promote education on motorcycle safety;

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

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

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

334 **Section 4. Effective date.**

335 This bill takes effect on October 1, 2019.