

CLEAN AIR SPECIAL GROUP LICENSE PLATE

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill creates the Clean Air Support special group license plate.

Highlighted Provisions:

This bill:

- ▶ creates the Clean Air Support special group license plate;
 - ▶ requires donations of recipients of the license plate to be deposited into the Clean Air Fund to fund education, awareness, and other programs to promote cleaner air;
- 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 2019, Chapters 38, 127, 213, and 392

41-1a-422, as last amended by Laws of Utah 2019, Chapters 38 and 213

59-10-1319, as enacted by Laws of Utah 2016, Chapter 111

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



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

29 **41-1a-418. Authorized special group license plates.**

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

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

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

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

36 (ii) former prisoner of war;

37 (iii) recipient of a Purple Heart;

38 (iv) disabled veteran;

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

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

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

44 (i) a special interest vehicle;

45 (ii) a vintage vehicle;

46 (iii) a farm truck; or

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

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

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

54 (i) a current member of the Legislature;

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

56 (iii) a current member of the National Guard;

57 (iv) a licensed amateur radio operator;

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

- 59 (vi) an emergency medical technician;
- 60 (vii) a current member of a search and rescue team;
- 61 (viii) a current honorary consulate designated by the United States Department of
62 State;
- 63 (ix) an individual supporting commemoration and recognition of women's suffrage;
- 64 (x) an individual supporting a fraternal, initiatic order for those sharing moral and
65 metaphysical ideals, and designed to teach ethical and philosophical matters of brotherly love,
66 relief, and truth; or
- 67 (xi) an individual supporting the Utah Wing of the Civil Air Patrol; 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;

106 (xxviii) the Utah State Historical Society;

107 (xxix) programs to transport veterans to visit memorials honoring the service and

108 sacrifices of veterans; [or]

109 (xxx) programs that promote motorcycle safety awareness[:]; or

110 (xxx) organizations that promote clean air through partnership, education, and

111 awareness.

112 (2) (a) The division may not issue a new type of special group license plate or decal

113 unless the division receives:

114 (i) (A) a private donation for the start-up fee established under Section 63J-1-504 for

115 the production and administrative costs of providing the new special group license plates or

116 decals; or

117 (B) a legislative appropriation for the start-up fee provided under Subsection

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

119 (ii) beginning on January 1, 2012, and for the issuance of a support special group

120 license plate authorized in Section 41-1a-422, at least 500 completed applications for the new

121 type of support special group license plate or decal to be issued with all fees required under this
122 part for the support special group license plate or decal issuance paid by each applicant.

123 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and
124 hold applications for support special group license plates or decals authorized in Section
125 [41-1a-422](#) on or after January 1, 2012, until it has received at least 500 applications.

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

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

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

136 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
137 registration of a motor vehicle that has been issued a firefighter recognition special group
138 license plate unless the applicant is a contributor as defined in Subsection
139 [41-1a-422\(1\)\(a\)\(ii\)\(D\)](#) to the Firefighter Support Restricted Account.

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

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

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

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

152 time period for which that type of support special group license plate or decal has fewer than
153 500 license plates issued each year.

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

156 (5) (a) Beginning on October 1, 2017, the division may not issue a new prostate cancer
157 support special group license plate.

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

161 Section 2. Section [41-1a-422](#) is amended to read:

162 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
163 **contribution collection procedures.**

164 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

183 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to
184 assist people who have severe housing needs;

185 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
186 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
187 Safety employees;

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

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

192 (O) the Share the Road Bicycle Support Restricted Account created in Section
193 72-2-127 to support bicycle operation and safety awareness programs;

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

196 (Q) Autism Awareness Restricted Account created in Section 53F-9-401 to support
197 autism awareness programs;

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

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

206 (T) the Choose Life Adoption Support Restricted Account created in Section
207 62A-4a-608 to support programs that promote adoption;

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

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

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

- 214 (X) the Children with Cancer Support Restricted Account created in Section
- 215 [26-21a-304](#) for programs that provide assistance to children with cancer;
- 216 (Y) the National Professional Men's Soccer Team Support of Building Communities
- 217 Restricted Account created in Section [9-19-102](#);
- 218 (Z) the Children with Heart Disease Support Restricted Account created in Section
- 219 [26-58-102](#);
- 220 (AA) the Utah Intracurricular Student Organization Support for Agricultural Education
- 221 and Leadership Restricted Account created in Section [4-42-102](#);
- 222 (BB) the Division of Wildlife Resources for the Support for State-Owned Shooting
- 223 Ranges Restricted Account created in Section [23-14-13.5](#), for the creation of new, and
- 224 operation and maintenance of existing, state-owned firearm shooting ranges;
- 225 (CC) the Utah State Historical Society to further the mission and purpose of the Utah
- 226 State Historical Society;
- 227 (DD) the Motorcycle Safety Awareness Support Restricted Account created in Section
- 228 [72-2-130](#); [or]
- 229 (EE) the Transportation of Veterans to Memorials Support Restricted Account created
- 230 in Section [71-14-102](#)[?]; or
- 231 (FF) the Clean Air Fund created in Section [59-10-1319](#).
- 232 (ii) (A) For a veterans special group license plate described in Subsection
- 233 [41-1a-421\(1\)\(a\)\(v\)](#) or [41-1a-422\(4\)](#), "contributor" means a person who has donated or in whose
- 234 name at least a \$25 donation at the time of application and \$10 annual donation thereafter has
- 235 been made.
- 236 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a
- 237 person who:
- 238 (I) has donated or in whose name at least \$30 has been donated at the time of
- 239 application and annually after the time of application; and
- 240 (II) is a member of a trade organization for real estate licensees that has more than
- 241 15,000 Utah members.
- 242 (C) For an Honoring Heroes special group license plate, "contributor" means a person
- 243 who has donated or in whose name at least \$35 has been donated at the time of application and
- 244 annually thereafter.

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

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

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

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

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

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

259 (b) "Institution" means a state institution of higher education as defined under Section
260 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or
261 national accrediting agency recognized by the United States Department of Education.

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

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

268 (i) the name of the contributor;

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

270 (iii) the date of the donation; and

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

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

274 (d) After an applicant has been issued collegiate license plates or renewal decals, the
275 commission shall charge the institution whose plate was issued, a fee determined in accordance

276 with Section 63J-1-504 for management and administrative expenses incurred in issuing and
277 renewing the collegiate license plates.

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

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

283 (b) This contribution shall be:

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

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

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

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

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

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

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

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

299 (i) snowmobile license plates; or

300 (ii) conservation license plates.

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

303 Section 3. Section 59-10-1319 is amended to read:

304 **59-10-1319. Contribution to Clean Air Fund.**

305 (1) (a) There is created an ~~H~~→ [agency] **expendable special revenue** ←~~H~~ fund known as
305a the "Clean Air Fund."

306 (b) The fund shall consist of all amounts deposited into the fund in accordance with

307 Subsection (2).

308 (2) (a) Except as provided in Section [59-10-1304](#), for a taxable year beginning on or
309 after January 1, 2017, a resident or nonresident individual who files an individual income tax
310 return under this chapter may designate on the resident or nonresident individual's individual
311 income tax return a contribution as provided in this section to be:

312 [~~(a)~~] (i) deposited into the Clean Air Fund; and

313 [~~(b)~~] (ii) expended as provided in Subsection (3).

314 (b) The fund shall also consist of amounts deposited into the fund through:

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

316 (ii) private contributions; and

317 (iii) donations or grants from public or private entities.

318 (3) (a) At least once each year, the commission shall disburse from the Clean Air Fund
319 all money deposited into the fund since the last disbursement.

320 (b) The commission shall disburse money under Subsection (3)(a) to the Division of
321 Air Quality for the purpose of:

322 (i) providing money for grants to individuals or organizations in the state to fund
323 activities intended to improve air quality in the state; [~~or~~]

324 (ii) enhancing programs designed to educate the public about the importance of air
325 quality to the health, well-being, and livelihood of individuals in the state[~~-~~]; and

326 (iii) pay the costs of issuing or reordering Clean Air Support special group license plate
327 decals.

328 Section 4. **Effective date.**

329 This bill takes effect on October 15, 2020.