

MARTIN LUTHER KING, JR. SPECIAL LICENSE PLATE

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sandra Hollins

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill creates a recognition special group license plate to recognize the work and life of Dr. Martin Luther King, Jr.

Highlighted Provisions:

This bill:

- ▶ creates a recognition special group license plate to recognize the work and life of Dr. Martin Luther King, Jr.;
 - ▶ repeals the Martin Luther King, Jr. Civil Rights support special group license plate;
- 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:

9-18-102, as enacted by Laws of Utah 2012, Chapter 332

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

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

29 Section 1. Section **9-18-102** is amended to read:

30 **9-18-102. Martin Luther King, Jr. Civil Rights Support Restricted Account.**

31 (1) There is created in the General Fund a restricted account known as the "Martin
32 Luther King, Jr. Civil Rights Support Restricted Account."

33 (2) The account shall be funded by:

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

35 [~~(b)~~] (a) private contributions; and

36 [~~(c)~~] (b) donations or grants from public or private entities.

37 (3) Upon appropriation by the Legislature, the department shall distribute funds in the
38 account to one or more charitable organizations that:

39 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

40 (b) is located within the state and is not affiliated with a parent organization;

41 (c) create or support programs that promote awareness and education of constitutional
42 and civil rights;

43 (d) provide education and training in inalienable rights as set forth in the Declaration of
44 Independence;

45 (e) partner with educational institutions to administer underrepresented or underserved
46 scholarships; and

47 (f) partner with government agencies within the state and the private sector to
48 administer and facilitate an underrepresented or underserved internship program.

49 (4) (a) An organization described in Subsection (3) may apply to the department to
50 receive a distribution in accordance with Subsection (3).

51 (b) An organization that receives a distribution from the department in accordance with
52 Subsection (3) shall expend the distribution only to:

53 (i) facilitate, coordinate, and encourage appropriate ceremonies and activities that
54 commemorate the federal Martin Luther King, Jr. holiday;

55 (ii) create or support programs that promote awareness and education of constitutional

56 and civil rights;

57 (iii) provide education and training in inalienable rights as set forth in the Declaration
58 of Independence;

59 (iv) partner with educational institutions to administer underrepresented or underserved
60 scholarships;

61 (v) partner with government agencies within the state and the private sector to
62 administer and facilitate an underrepresented or underserved internship program; and

63 (vi) pay the costs of issuing or reordering Dr. Martin Luther King, Jr. [Civil Rights
64 Support] recognition special group license plate decals.

65 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
66 department may make rules providing procedures for an organization to apply to the
67 department to receive a distribution under this Subsection (3).

68 (5) In accordance with Section [63J-1-602.1](#), appropriations from the account are
69 nonlapsing.

70 Section 2. Section **41-1a-418** is amended to read:

71 **41-1a-418. Authorized special group license plates.**

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

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

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

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

78 (ii) former prisoner of war;

79 (iii) recipient of a Purple Heart;

80 (iv) disabled veteran;

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

82 (vi) recipient of a campaign or combat theater award determined by the Department of

83 Veterans and Military Affairs;

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

86 (i) a special interest vehicle;

87 (ii) a vintage vehicle;

88 (iii) a farm truck; or

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

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

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

96 (i) a current member of the Legislature;

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

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

99 (iv) a licensed amateur radio operator;

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

101 (vi) an emergency medical technician;

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

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

105 (ix) an individual supporting commemoration and recognition of women's suffrage;

106 (x) an individual supporting a fraternal, initiatic order for those sharing moral and
107 metaphysical ideals, and designed to teach ethical and philosophical matters of brotherly love,
108 relief, and truth; [or]

109 (xi) an individual supporting the Utah Wing of the Civil Air Patrol; or

110 (xii) an individual supporting the recognition and continuation of the work and life of
111 Dr. Martin Luther King, Jr.; or

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

- 114 (i) an institution's scholastic scholarship fund;
- 115 (ii) the Division of Wildlife Resources;
- 116 (iii) the Department of Veterans and Military Affairs;
- 117 (iv) the Division of Parks and Recreation;
- 118 (v) the Department of Agriculture and Food;
- 119 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 120 (vii) the Boy Scouts of America;
- 121 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 122 (ix) the Boys and Girls Clubs of America;
- 123 (x) Utah public education;
- 124 (xi) programs that provide support to organizations that create affordable housing for
125 those in severe need through the Division of Real Estate;
- 126 (xii) the Department of Public Safety;
- 127 (xiii) programs that support Zion National Park;
- 128 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
129 organizations;
- 130 (xv) programs that promote bicycle operation and safety awareness;
- 131 (xvi) programs that conduct or support cancer research;
- 132 (xvii) programs that create or support autism awareness;
- 133 (xviii) programs that create or support humanitarian service and educational and
134 cultural exchanges;
- 135 (xix) until September 30, 2017, programs that conduct or support prostate cancer
136 awareness, screening, detection, or prevention;

137 (xx) programs that support and promote adoptions;
138 [~~(xxi) programs that create or support civil rights education and awareness;~~]
139 [~~(xxii)~~ (xxi) programs that support issues affecting women and children through an
140 organization affiliated with a national professional men's basketball organization;
141 [~~(xxiii)~~ (xxii) programs that strengthen youth soccer, build communities, and promote
142 environmental sustainability through an organization affiliated with a professional men's soccer
143 organization;
144 [~~(xxiv)~~ (xxiii) programs that support children with heart disease;
145 [~~(xxv)~~ (xxiv) programs that support the operation and maintenance of the Utah Law
146 Enforcement Memorial;
147 [~~(xxvi)~~ (xxv) programs that provide assistance to children with cancer;
148 [~~(xxvii)~~ (xxvi) programs that promote leadership and career development through
149 agricultural education;
150 [~~(xxviii)~~ (xxvii) the Utah State Historical Society;
151 [~~(xxix)~~ (xxviii) programs to transport veterans to visit memorials honoring the service
152 and sacrifices of veterans; or
153 [~~(xxx)~~ (xxix) programs that promote motorcycle safety awareness.
154 (2) (a) The division may not issue a new type of special group license plate or decal
155 unless the division receives:
156 (i) (A) a private donation for the start-up fee established under Section [63J-1-504](#) for
157 the production and administrative costs of providing the new special group license plates or
158 decals; or
159 (B) a legislative appropriation for the start-up fee provided under Subsection
160 (2)(a)(i)(A); and
161 (ii) beginning on January 1, 2012, and for the issuance of a support special group
162 license plate authorized in Section [41-1a-422](#), at least 500 completed applications for the new
163 type of support special group license plate or decal to be issued with all fees required under this

164 part for the support special group license plate or decal issuance paid by each applicant.

165 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and
166 hold applications for support special group license plates or decals authorized in Section
167 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

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

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

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

178 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
179 registration of a motor vehicle that has been issued a firefighter recognition special group
180 license plate unless the applicant is a contributor as defined in Subsection
181 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

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

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

189 (3) Beginning on July 1, 2011, if a support special group license plate or decal type
190 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500

191 license plates issued each year for a three consecutive year time period that begins on July 1,
192 the division may not issue that type of support special group license plate or decal to a new
193 applicant beginning on January 1 of the following calendar year after the three consecutive year
194 time period for which that type of support special group license plate or decal has fewer than
195 500 license plates issued each year.

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

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

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

203 Section 3. Section **41-1a-422** is amended to read:

204 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
205 **contribution collection procedures.**

206 (1) As used in this section:

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

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

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

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

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

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

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

- 218 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
219 council as specified by the contributor;
- 220 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
221 that provide spay and neuter programs that subsidize the sterilization of domestic animals;
- 222 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
223 development programs;
- 224 (J) the Utah Association of Public School Foundations to support public education;
- 225 (K) the Utah Housing Opportunity Restricted Account created in Section [61-2-204](#) to
226 assist people who have severe housing needs;
- 227 (L) the Public Safety Honoring Heroes Restricted Account created in Section [53-1-118](#)
228 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
229 Safety employees;
- 230 (M) the Division of Parks and Recreation for distribution to organizations that provide
231 support for Zion National Park;
- 232 (N) the Firefighter Support Restricted Account created in Section [53-7-109](#) to support
233 firefighter organizations;
- 234 (O) the Share the Road Bicycle Support Restricted Account created in Section
235 [72-2-127](#) to support bicycle operation and safety awareness programs;
- 236 (P) the Cancer Research Restricted Account created in Section [26-21a-302](#) to support
237 cancer research programs;
- 238 (Q) Autism Awareness Restricted Account created in Section [53F-9-401](#) to support
239 autism awareness programs;
- 240 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
241 created in Section [9-17-102](#) to support humanitarian service and educational and cultural
242 programs;
- 243 (S) Prostate Cancer Support Restricted Account created in Section [26-21a-303](#) for
244 programs that conduct or support prostate cancer awareness, screening, detection, or prevention

245 until September 30, 2017, and beginning on October 1, 2017, upon renewal of a prostate cancer
246 support special group license plate, to the Cancer Research Restricted Account created in
247 Section [26-21a-302](#) to support cancer research programs;

248 (T) the Choose Life Adoption Support Restricted Account created in Section
249 [62A-4a-608](#) to support programs that promote adoption;

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

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

254 [~~(W)~~] (V) the Utah Law Enforcement Memorial Support Restricted Account created in
255 Section [53-1-120](#);

256 [~~(X)~~] (W) the Children with Cancer Support Restricted Account created in Section
257 [26-21a-304](#) for programs that provide assistance to children with cancer;

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

260 [~~(Z)~~] (Y) the Children with Heart Disease Support Restricted Account created in
261 Section [26-58-102](#);

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

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

267 [~~(CC)~~] (BB) the Utah State Historical Society to further the mission and purpose of the
268 Utah State Historical Society;

269 [~~(DD)~~] (CC) the Motorcycle Safety Awareness Support Restricted Account created in
270 Section [72-2-130](#); or

271 [~~(EE)~~] (DD) the Transportation of Veterans to Memorials Support Restricted Account

272 created in Section 71-14-102.

273 (ii) (A) For a veterans special group license plate described in Subsection
274 41-1a-421(1)(a)(v) or 41-1a-422(4), "contributor" means a person who has donated or in whose
275 name at least a \$25 donation at the time of application and \$10 annual donation thereafter has
276 been made.

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

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

281 (II) is a member of a trade organization for real estate licensees that has more than
282 15,000 Utah members.

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

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

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

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

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

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

297 [(G)] (F) For a Utah Law Enforcement Memorial Support special group license plate,
298 "contributor" means a person who has donated or in whose name at least \$35 has been donated

299 at the time of application and annually thereafter.

300 (b) "Institution" means a state institution of higher education as defined under Section
301 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or
302 national accrediting agency recognized by the United States Department of Education.

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

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

- 309 (i) the name of the contributor;
- 310 (ii) the institution to which a donation was made;
- 311 (iii) the date of the donation; and
- 312 (iv) an attestation that the donation was for a scholastic scholarship.

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

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

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

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

324 (b) This contribution shall be:

- 325 (i) unless collected by the named institution under Subsection (2), collected by the

326 division;

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

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

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

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

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

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

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

340 (i) snowmobile license plates; or

341 (ii) conservation license plates.

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

344 **Section 4. Effective date.**

345 This bill takes effect on October 15, 2020.