

**Senator Michael K. McKell** proposes the following substitute bill:

**KIWANIS SPECIAL GROUP LICENSE PLATE**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

House Sponsor: Jefferson S. Burton

**LONG TITLE**

**General Description:**

This bill creates a support special group license plate.

**Highlighted Provisions:**

This bill:

- ▶ creates a support special group license plate to support the mission and purpose of the Kiwanis International clubs within the state;
  - ▶ directs donations of license plate recipients to be distributed to the Education Fund;
- and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**41-1a-418**, as last amended by Laws of Utah 2020, Chapters 120, 322, and 405

**41-1a-422**, as last amended by Laws of Utah 2020, Chapters 120, 322, 354, and 405

**ENACTS:**



26 [53F-9-403](#), Utah Code Annotated 1953

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

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

30 **41-1a-418. Authorized special group license plates.**

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

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

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

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

37 (ii) former prisoner of war;

38 (iii) recipient of a Purple Heart;

39 (iv) disabled veteran;

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

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

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

45 (i) a special interest vehicle;

46 (ii) a vintage vehicle;

47 (iii) a farm truck; or

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

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

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

55 (i) a current member of the Legislature;

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

- 57 (iii) a current member of the National Guard;
- 58 (iv) a licensed amateur radio operator;
- 59 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
- 60 (vi) an emergency medical technician;
- 61 (vii) a current member of a search and rescue team;
- 62 (viii) a current honorary consulate designated by the United States Department of
- 63 State;
- 64 (ix) an individual supporting commemoration and recognition of women's suffrage;
- 65 (x) an individual supporting a fraternal, initiatic order for those sharing moral and
- 66 metaphysical ideals, and designed to teach ethical and philosophical matters of brotherly love,
- 67 relief, and truth;
- 68 (xi) an individual supporting the Utah Wing of the Civil Air Patrol; or
- 69 (xii) an individual supporting the recognition and continuation of the work and life of
- 70 Dr. Martin Luther King, Jr.; or
- 71 (e) support special group license plates, as for a contributor to an institution or cause,
- 72 which plates are issued for a contributor to:
- 73 (i) an institution's scholastic scholarship fund;
- 74 (ii) the Division of Wildlife Resources;
- 75 (iii) the Department of Veterans and Military Affairs;
- 76 (iv) the Division of Parks and Recreation;
- 77 (v) the Department of Agriculture and Food;
- 78 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 79 (vii) the Boy Scouts of America;
- 80 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 81 (ix) the Boys and Girls Clubs of America;
- 82 (x) Utah public education;
- 83 (xi) programs that provide support to organizations that create affordable housing for
- 84 those in severe need through the Division of Real Estate;
- 85 (xii) the Department of Public Safety;
- 86 (xiii) programs that support Zion National Park;
- 87 (xiv) beginning on July 1, 2009, programs that provide support to firefighter

88 organizations;

89 (xv) programs that promote bicycle operation and safety awareness;

90 (xvi) programs that conduct or support cancer research;

91 (xvii) programs that create or support autism awareness;

92 (xviii) programs that create or support humanitarian service and educational and

93 cultural exchanges;

94 (xix) until September 30, 2017, programs that conduct or support prostate cancer

95 awareness, screening, detection, or prevention;

96 (xx) programs that support and promote adoptions;

97 (xxi) programs that support issues affecting women and children through an

98 organization affiliated with a national professional men's basketball organization;

99 (xxii) programs that strengthen youth soccer, build communities, and promote

100 environmental sustainability through an organization affiliated with a professional men's soccer

101 organization;

102 (xxiii) programs that support children with heart disease;

103 (xxiv) programs that support the operation and maintenance of the Utah Law

104 Enforcement Memorial;

105 (xxv) programs that provide assistance to children with cancer;

106 (xxvi) programs that promote leadership and career development through agricultural

107 education;

108 (xxvii) the Utah State Historical Society;

109 (xxviii) programs to transport veterans to visit memorials honoring the service and

110 sacrifices of veterans;

111 (xxix) programs that promote motorcycle safety awareness;

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

113 awareness; [or]

114 (xxxi) programs dedicated to strengthening the state's Latino community through

115 education, mentoring, and leadership opportunities[-]; or

116 (xxxii) public education on behalf of the Kiwanis International.

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

118 unless the division receives:

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

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

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

128 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and  
129 hold applications for support special group license plates or decals authorized in Section  
130 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

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

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

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

141 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle  
142 registration of a motor vehicle that has been issued a firefighter recognition special group  
143 license plate unless the applicant is a contributor as defined in Subsection  
144 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

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

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

152 (3) Beginning on July 1, 2011, if a support special group license plate or decal type  
153 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500  
154 license plates issued each year for a three consecutive year time period that begins on July 1,  
155 the division may not issue that type of support special group license plate or decal to a new  
156 applicant beginning on January 1 of the following calendar year after the three consecutive year  
157 time period for which that type of support special group license plate or decal has fewer than  
158 500 license plates issued each year.

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

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

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

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

167 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**  
168 **contribution collection procedures.**

169 (1) As used in this section:

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

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

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

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

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

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

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

- 181 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America  
182 council as specified by the contributor;
- 183 (H) No More Homeless Pets in Utah for distribution to organizations or individuals  
184 that provide spay and neuter programs that subsidize the sterilization of domestic animals;
- 185 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth  
186 development programs;
- 187 (J) the Utah Association of Public School Foundations to support public education;
- 188 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to  
189 assist people who have severe housing needs;
- 190 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118  
191 to support the families of fallen Utah Highway Patrol troopers and other Department of Public  
192 Safety employees;
- 193 (M) the Division of Parks and Recreation for distribution to organizations that provide  
194 support for Zion National Park;
- 195 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support  
196 firefighter organizations;
- 197 (O) the Share the Road Bicycle Support Restricted Account created in Section  
198 72-2-127 to support bicycle operation and safety awareness programs;
- 199 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support  
200 cancer research programs;
- 201 (Q) Autism Awareness Restricted Account created in Section 53F-9-401 to support  
202 autism awareness programs;
- 203 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account  
204 created in Section 9-17-102 to support humanitarian service and educational and cultural  
205 programs;
- 206 (S) Upon renewal of a prostate cancer support special group license plate, to the Cancer  
207 Research Restricted Account created in Section 26-21a-302 to support cancer research  
208 programs;
- 209 (T) the Choose Life Adoption Support Restricted Account created in Section  
210 62A-4a-608 to support programs that promote adoption;
- 211 (U) the National Professional Men's Basketball Team Support of Women and Children

212 Issues Restricted Account created in Section [62A-1-202](#);

213 (V) the Utah Law Enforcement Memorial Support Restricted Account created in

214 Section [53-1-120](#);

215 (W) the Children with Cancer Support Restricted Account created in Section

216 [26-21a-304](#) for programs that provide assistance to children with cancer;

217 (X) the National Professional Men's Soccer Team Support of Building Communities

218 Restricted Account created in Section [9-19-102](#);

219 (Y) the Children with Heart Disease Support Restricted Account created in Section

220 [26-58-102](#);

221 (Z) the Utah Intracurricular Student Organization Support for Agricultural Education

222 and Leadership Restricted Account created in Section [4-42-102](#);

223 (AA) the Division of Wildlife Resources for the Support for State-Owned Shooting

224 Ranges Restricted Account created in Section [23-14-13.5](#), for the creation of new, and

225 operation and maintenance of existing, state-owned firearm shooting ranges;

226 (BB) the Utah State Historical Society to further the mission and purpose of the Utah

227 State Historical Society;

228 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section

229 [72-2-130](#); [or]

230 (DD) the Transportation of Veterans to Memorials Support Restricted Account created

231 in Section [71-14-102](#);

232 (EE) clean air support causes, with half of the donation deposited into the Clean Air

233 Support Restricted Account created in Section [19-1-109](#), and half of the donation deposited

234 into the Clean Air Fund created in Section [59-10-1319](#); [or]

235 (FF) the Latino Community Support Restricted Account created in Section [13-1-16](#)[:];

236 or

237 (GG) the Kiwanis Education Support Restricted Account created in Section [53F-9-403](#).

238 (ii) (A) For a veterans special group license plate described in Subsection

239 [41-1a-421\(1\)\(a\)\(v\)](#) or [41-1a-422\(4\)](#), "contributor" means a person who has donated or in whose

240 name at least a \$25 donation at the time of application and \$10 annual donation thereafter has

241 been made.

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



243 person who:

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

246 (II) is a member of a trade organization for real estate licensees that has more than  
247 15,000 Utah members.

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

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

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

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

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

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

262 (b) "Institution" means a state institution of higher education as defined under Section  
263 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or  
264 national accrediting agency recognized by the United States Department of Education.

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

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

271 (i) the name of the contributor;

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

273 (iii) the date of the donation; and

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

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

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

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

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

286 (b) This contribution shall be:

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

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

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

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

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

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

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

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

302 (i) snowmobile license plates; or

303 (ii) conservation license plates.

304 (4) Veterans license plates shall display one of the symbols representing the Army,

305 Navy, Air Force, Marines, Coast Guard, or American Legion.

306 Section 3. Section **53F-9-403** is enacted to read:

307 **53F-9-403. Kiwanis Education Support Restricted Account.**

308 (1) There is created in the General Fund a restricted account known as the "Kiwanis  
309 Education Support Restricted Account."

310 (2) The account shall be funded by:

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

312 (b) private contributions; and

313 (c) donations or grants from public or private entities.

314 (3) (a) Upon appropriation by the Legislature, the Tax Commission shall expend funds  
315 to pay the initial costs of ordering and issuing Kiwanis special group license plates.

316 (b) As needed, the Tax Commission may expend funds in the account to pay the costs  
317 of reordering Kiwanis special group license plates and decals.

318 (4) After expending the funds needed to pay the costs described in Subsection (3)(b)  
319 and at the end of each fiscal year, the Tax Commission shall distribute to the Education Fund  
320 any remaining money in the account.