

HB0368S04 compared with HB0368S03

~~deleted text~~ shows text that was in HB0368S03 but was deleted in HB0368S04.

inserted text shows text that was not in HB0368S03 but was inserted into HB0368S04.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator ~~Wayne A. Harper~~Luz Escamilla proposes the following substitute bill:

VEHICLE LICENSE PLATE AND REGISTRATION

AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill modifies provisions related to license plates and vehicle emissions testing.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions regarding standard license plates;
- ▶ creates a two-year moratorium on the personalized license plate program;
- ▶ creates the sponsored special group license plate program;
- ▶ establishes eligibility criteria for different categories of sponsored special group license plates;

HB0368S04 compared with HB0368S03

- ▶ allows a county to exempt a motor vehicle from an emissions inspection under certain circumstances;
- ▶ repeals certain restricted accounts; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 4-42-102**, as enacted by Laws of Utah 2017, Chapter 194
- 9-8-207**, as last amended by Laws of Utah 2018, Chapter 260
- 9-17-102**, as last amended by Laws of Utah 2011, Chapter 303
- 9-19-102**, as enacted by Laws of Utah 2016, Chapter 70
- 13-1-16**, as enacted by Laws of Utah 2020, Chapter 405
- 19-1-109**, as enacted by Laws of Utah 2020, Chapter 322
- 23-14-13.5**, as enacted by Laws of Utah 2017, Chapter 383
- 26-18b-101**, as last amended by Laws of Utah 2021, Chapter 378
- 26-21a-302**, as last amended by Laws of Utah 2011, Chapter 303
- 41-1a-102**, as last amended by Laws of Utah 2019, Chapters 373, 428, 459, and 479
- 41-1a-222**, as last amended by Laws of Utah 2017, Chapter 24
- 41-1a-401**, as last amended by Laws of Utah 2018, Chapters 260, 260, and 454
- 41-1a-410**, as last amended by Laws of Utah 1993, Chapter 222
- 41-1a-411**, as last amended by Laws of Utah 2020, Chapter 259
- 41-1a-416**, as last amended by Laws of Utah 2008, Chapter 382
- 41-1a-419**, as last amended by Laws of Utah 2018, Chapter 260
- 41-1a-1201**, as last amended by Laws of Utah 2018, Chapter 424
- 41-1a-1204**, as last amended by Laws of Utah 2012, Chapter 397
- 41-1a-1206**, as last amended by Laws of Utah 2020, Chapter 377
- 41-1a-1211**, as last amended by Laws of Utah 2015, Chapter 119
- 41-1a-1212**, as last amended by Laws of Utah 2014, Chapters 61, 237, and 237

HB0368S04 compared with HB0368S03

- 41-1a-1218**, as last amended by Laws of Utah 2012, Chapter 397
- 41-1a-1222**, as last amended by Laws of Utah 2021, Chapter 420
- 41-1a-1305**, as last amended by Laws of Utah 2020, Chapter 74
- 41-6a-1642**, as last amended by Laws of Utah 2021, Chapter 322
- 53-1-118**, as last amended by Laws of Utah 2011, Chapter 303
- 53-1-120**, as enacted by Laws of Utah 2016, Chapter 52
- 53-7-109**, as enacted by Laws of Utah 2009, Chapter 348
- 53F-9-401**, as last amended by Laws of Utah 2020, Chapter 408
- 53F-9-403**, as enacted by Laws of Utah 2021, Chapter 219
- 59-10-1319**, as last amended by Laws of Utah 2020, Chapter 322
- 61-2-204**, as last amended by Laws of Utah 2011, Chapter 303
- 62A-1-202**, as last amended by Laws of Utah 2021, Chapter 356
- 62A-4a-608**, as enacted by Laws of Utah 2011, Chapter 438
- 63G-26-103**, as enacted by Laws of Utah 2020, Chapter 393
- 63I-1-263**, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196, 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 382
- 63J-1-602.1**, as last amended by Laws of Utah 2021, Chapters 280, 382, 401, and 438
- 71-8-2**, as last amended by Laws of Utah 2020, Chapter 409
- 71-8-4**, as last amended by Laws of Utah 2018, Chapter 39
- 71-14-102**, as enacted by Laws of Utah 2019, Chapter 213
- 72-2-127**, as enacted by Laws of Utah 2009, Chapter 380
- 72-2-130**, as enacted by Laws of Utah 2019, Chapter 38
- 79-4-203**, as last amended by Laws of Utah 2021, Chapter 280
- 79-4-404**, as renumbered and amended by Laws of Utah 2009, Chapter 344

ENACTS:

- 41-1a-1601**, Utah Code Annotated 1953
- 41-1a-1602**, Utah Code Annotated 1953
- 41-1a-1603**, Utah Code Annotated 1953
- 41-1a-1604**, Utah Code Annotated 1953
- 41-1a-1605**, Utah Code Annotated 1953

HB0368S04 compared with HB0368S03

41-1a-1606, Utah Code Annotated 1953

41-1a-1607, Utah Code Annotated 1953

41-1a-1608, Utah Code Annotated 1953

41-1a-1609, Utah Code Annotated 1953

41-1a-1610, Utah Code Annotated 1953

REPEALS:

26-21a-304, as enacted by Laws of Utah 2016, Chapter 46

26-58-102, as enacted by Laws of Utah 2016, Chapter 71

41-1a-421, as last amended by Laws of Utah 2018, Chapter 39

41-1a-422, as last amended by Laws of Utah 2021, Chapters 219, 280, and 378

78A-2-804, as renumbered and amended by Laws of Utah 2021, Chapter 261

REPEALS AND REENACTS:

41-1a-402, as last amended by Laws of Utah 2018, Chapters 20 and 262

41-1a-418, as last amended by Laws of Utah 2021, Chapters 219, 280, and 378

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

Section 1. Section 4-42-102 is amended to read:

4-42-102. Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account.

(1) There is created in the General Fund a restricted account known as the "Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account."

(2) The account shall be funded by:

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

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

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

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

(a) are statewide agricultural education and leadership organizations; and

(b) promote leadership and career development through agricultural education.

(4) (a) An organization described in Subsection (3) may apply to the department to

HB0368S04 compared with HB0368S03

receive a distribution in accordance with Subsection (3).

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

- (i) create or support programs that focus on issues described in Subsection (3);
- (ii) create or sponsor programs that will benefit residents within the state; and
- (iii) pay the costs of issuing or reordering Utah Intracurricular Student Organization Support for Agricultural Education and Leadership special group license plate decals.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules providing procedures for an organization to apply to the department to receive a distribution under this Subsection (4).

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

Section 2. Section **9-8-207** is amended to read:

9-8-207. Historical society -- Donations -- Accounting.

(1) (a) There is created the Utah State Historical Society.

(b) The society may:

(i) solicit memberships from persons interested in the work of the society and charge dues for memberships commensurate with the advantages of membership and the needs of the society; and

(ii) receive gifts, donations, bequests, devises, and endowments of money or property, which shall then become the property of the state of Utah.

(2) ~~[(a)]~~ If the donor directs that money or property donated under Subsection (1)(b)(ii) be used in a specified manner, then the division shall use it in accordance with these directions. Otherwise, all donated money and the proceeds from donated property, together with the charges realized from society memberships, shall be deposited in the General Fund as restricted revenue of the society.

~~[(b) Funds received from donations to the society under Section 41-1a-422 shall be deposited into the General Fund as a dedicated credit to achieve the mission and purpose of the society.]~~

(3) The division shall keep a correct account of funds and property received, held, or disbursed by the society, and shall make reports to the governor as in the case of other state

HB0368S04 compared with HB0368S03

institutions.

Section 3. Section **9-17-102** is amended to read:

9-17-102. Humanitarian Service and Educational and Cultural Exchange

Restricted Account.

(1) There is created in the General Fund a restricted account known as the "Humanitarian Service and Educational and Cultural Exchange Restricted Account."

(2) The account shall be funded by:

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

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

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

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

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

(b) have a national parent organization which:

(i) provides international humanitarian service projects; and

(ii) has youth programs including programs to foster leadership in high school students, humanitarian service in high school and college, and conducts and promotes community service projects;

(c) have a non-profit youth exchange program that does not compensate those who administer the program within the state;

(d) have an annual leadership conference, which does not compensate those who administer the program within the state;

(e) have high school service clubs, which promote humanitarian services on a state level, a national level, and an international level; and

(f) have college service clubs, which promote humanitarian service on a state level, a national level, and an international level.

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

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

(i) pay the costs of supporting the following programs within the state:

HB0368S04 compared with HB0368S03

(A) youth programs including programs to foster leadership in high school students and humanitarian service in high school and college;

(B) community service projects;

(C) a non-profit youth exchange program;

(D) an annual leadership conference;

(E) high school service clubs, which promote humanitarian service on a state level, a national level, and an international level; and

(F) college service clubs, which promote humanitarian service on a state level, a national level, and an international level; and

(ii) pay the costs of issuing or reordering Humanitarian Service and Educational and Cultural Exchange support special group license plate decals.

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

Section 4. Section **9-19-102** is amended to read:

9-19-102. National Professional Men's Soccer Team Support of Building Communities Restricted Account.

(1) There is created in the General Fund a restricted account known as the "National Professional Men's Soccer Team Support of Building Communities Restricted Account."

(2) The account shall be funded by:

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

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

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

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

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

(b) have a board that is appointed by the owners that, either on an individual or joint basis, own a controlling interest in a legal entity that is a franchised member of the internationally recognized national governing body for professional men's soccer in the United States;

(c) are headquartered within the state;

HB0368S04 compared with HB0368S03

- (d) create or support programs that focus on:
 - (i) strengthening communities through youth soccer by:
 - (A) using soccer to teach life skills;
 - (B) combating gang activity through youth involvement; and
 - (C) providing youth in underserved areas with opportunities to play soccer and become certified referees;
 - (ii) building communities through professional player initiatives, tournaments, and community gathering areas; and
 - (iii) promoting environmental sustainability; and
 - (e) have a board of directors that disperses all funds of the organization.
- (4) (a) An organization described in Subsection (3) may apply to the department to receive a distribution in accordance with Subsection (3).
- (b) An organization that receives a distribution from the department in accordance with Subsection (3) shall expend the distribution only to:
- (i) create or support programs that focus on issues described in Subsection (3);
 - (ii) create or sponsor programs that will benefit residents within the state; and
 - (iii) pay the costs of issuing or reordering National Professional Men's Soccer Team Support of Building Communities support special group license plate decals.
- (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules providing procedures for an organization to apply to the department to receive a distribution under this Subsection (4).
- (5) In accordance with Section 63J-1-602.1, appropriations from the account are nonlapsing.

Section 5. Section **13-1-16** is amended to read:

13-1-16. Latino Community Support Restricted Account.

- (1) There is created in the General Fund a restricted account known as the "Latino Community Support Restricted Account."
- (2) The account shall be funded by:
 - ~~[(a) contributions deposited into the account in accordance with Section 41-1a-422;]~~
 - ~~[(b)]~~ (a) private contributions; and
 - ~~[(c)]~~ (b) donations or grants from public or private entities.

HB0368S04 compared with HB0368S03

(3) (a) The state treasurer shall invest money in the account according to Title 51, Chapter 7, State Money Management Act.

(b) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.

(4) Subject to appropriation, the department shall distribute the money in the account to one or more charitable organizations that:

(a) are tax exempt under Section 501(c)(3), Internal Revenue Code; and

(b) have as a primary part of the organization's mission to strengthen the state's Latino community by:

(i) creating strong leaders through education and mentoring;

(ii) providing scholarships and educational financial support; and

(iii) recognizing academic and vocational achievement, and school and community leadership.

(5) The department may also expend funds in the account to pay the costs of issuing or reordering Latino Community support special group license plate decals.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules providing procedures for an organization to apply to receive money under this section.

Section 6. Section **19-1-109** is amended to read:

19-1-109. Clean Air Support Restricted Account.

(1) There is created in the General Fund a restricted account known as the "Clean Air Support Restricted Account."

(2) The account shall be funded by:

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

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

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

(3) (a) The state treasurer shall invest money in the account according to Title 51, Chapter 7, State Money Management Act.

(b) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the account.

(4) Subject to appropriation, the department shall distribute the money in the account

HB0368S04 compared with HB0368S03

to one or more organizations that:

(a) are tax exempt under Section 501(c)(3), Internal Revenue Code; and

(b) have as part of the organization's mission:

(i) to encourage and educate the public about simple changes to improve air quality in the state;

(ii) to provide grants to organizations or individuals with innovative ideas to reduce emissions; and

(iii) to partner with other organizations to strengthen efforts to improve air quality.

(5) The department may also expend funds in the account to pay the costs of issuing or reordering Clean Air Support special group license plate decals.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules providing procedures for an organization to apply to receive money under this section.

Section 7. Section **23-14-13.5** is amended to read:

23-14-13.5. Support for State-Owned Shooting Ranges Restricted Account.

(1) There is created in the General Fund a restricted account known as the "Support for State-Owned Shooting Ranges Restricted Account."

(2) The account shall be funded by:

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

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

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

(3) Upon appropriation by the Legislature, the division shall distribute funds in the account to facilitate construction of new firearm shooting ranges, and operation and maintenance of existing ranges, that are:

(a) built on land owned or leased by the state;

(b) owned by the division; and

(c) operated by the division or the division's contractors.

(4) The division shall only expend the funds to:

(a) construct, operate, and maintain firearm shooting ranges described in Subsection (3); and

(b) pay the costs of issuing or reordering Support the 2nd Amendment and

HB0368S04 compared with HB0368S03

State-Owned Shooting Ranges support special group license plate decals.

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

Section 8. Section **26-18b-101** is amended to read:

26-18b-101. Allyson Gamble Organ Donation Contribution Fund created.

(1) (a) There is created an expendable special revenue fund known as the Allyson Gamble Organ Donation Contribution Fund.

(b) The Allyson Gamble Organ Donation Contribution Fund shall consist of:

(i) private contributions;

(ii) donations or grants from public or private entities;

(iii) voluntary donations collected under Sections 41-1a-230.5 and 53-3-214.7; and

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

~~[(v)]~~ (iv) interest and earnings on fund money.

(c) The cost of administering the Allyson Gamble Organ Donation Contribution Fund shall be paid from money in the fund.

(2) The Department of Health shall:

(a) administer the funds deposited in the Allyson Gamble Organ Donation Contribution Fund; and

(b) select qualified organizations and distribute the funds in the Allyson Gamble Organ Donation Contribution Fund in accordance with Subsection (3).

(3) (a) The funds in the Allyson Gamble Organ Donation Contribution Fund may be distributed to a selected organization that:

(i) promotes and supports organ donation;

(ii) assists in maintaining and operating a statewide organ donation registry; and

(iii) provides donor awareness education.

(b) An organization that meets the criteria of Subsections (3)(a)(i) through (iii) may apply to the Department of Health, in a manner prescribed by the department, to receive a portion of the money contained in the Allyson Gamble Organ Donation Contribution Fund.

(4) The Department of Health may expend funds in the account to pay the costs of administering the fund and issuing or reordering the Donate Life support special group license

HB0368S04 compared with HB0368S03

plate and decals.

Section 9. Section **26-21a-302** is amended to read:

26-21a-302. Cancer Research Restricted Account.

(1) As used in this section, "account" means the Cancer Research Restricted Account created by this section.

(2) There is created in the General Fund a restricted account known as the "Cancer Research Restricted Account."

(3) The account shall be funded by:

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

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

~~[(c)]~~ (b) donations or grants from public or private entities; and

~~[(d)]~~ (c) interest and earnings on fund money.

(4) The department shall distribute funds in the account to one or more charitable organizations that:

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

(b) have been designated as an official cancer center of the state;

(c) is a National Cancer Institute designated cancer center; and

(d) have as part of ~~[its]~~ the charitable organization's primary mission:

(i) cancer research programs in basic science, translational science, population science, and clinical research to understand cancer from its beginnings; and

(ii) the dissemination and use of knowledge developed by the research described in Subsection (4)(d)(i) for the creation and improvement of cancer detection, treatments, prevention, and outreach programs.

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

(b) An organization that receives a distribution from the department in accordance with Subsection (4) shall expend the distribution only to conduct cancer research for the purpose of making improvements in cancer treatments, cures, detection, and prevention of cancer at the molecular and genetic levels.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules providing procedures for an organization to apply to the

HB0368S04 compared with HB0368S03

department to receive a distribution under Subsection (4).

Section 10. Section **41-1a-102** is amended to read:

41-1a-102. Definitions.

As used in this chapter:

- (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
- (2) "Actual weight" means the actual unladen weight of a vehicle or combination of vehicles as operated and certified to by a weighmaster.
- (3) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- (4) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- (5) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- (6) "Alternative fuel vehicle" means:
 - (a) an electric motor vehicle;
 - (b) a hybrid electric motor vehicle;
 - (c) a plug-in hybrid electric motor vehicle; or
 - (d) a motor vehicle powered exclusively by a fuel other than:
 - (i) motor fuel;
 - (ii) diesel fuel;
 - (iii) natural gas; or
 - (iv) propane.
- (7) "Amateur radio operator" means a person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation on the amateur band radio frequencies.
- (8) "Autocycle" means the same as that term is defined in Section 53-3-102.
- (9) "Automated driving system" means the same as that term is defined in Section 41-26-102.1.
- (10) "Branded title" means a title certificate that is labeled:
 - (a) rebuilt and restored to operation;
 - (b) flooded and restored to operation; or

HB0368S04 compared with HB0368S03

(c) not restored to operation.

(11) "Camper" means a structure designed, used, and maintained primarily to be mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for camping.

(12) "Certificate of title" means a document issued by a jurisdiction to establish a record of ownership between an identified owner and the described vehicle, vessel, or outboard motor.

(13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a weighmaster.

(14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the transportation of persons or property that operates:

(a) as a carrier for hire, compensation, or profit; or

(b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

(15) "Commission" means the State Tax Commission.

(16) "Consumer price index" means the same as that term is defined in Section 59-13-102.

(17) "Dealer" means a person engaged or licensed to engage in the business of buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

(18) "Diesel fuel" means the same as that term is defined in Section 59-13-102.

(19) "Division" means the Motor Vehicle Division of the commission, created in Section 41-1a-106.

(20) "Dynamic driving task" means the same as that term is defined in Section 41-26-102.1.

(21) "Electric motor vehicle" means a motor vehicle that is powered solely by an electric motor drawing current from a rechargeable energy storage system.

(22) "Essential parts" means the integral and body parts of a vehicle of a type required to be registered in this state, the removal, alteration, or substitution of which would tend to

HB0368S04 compared with HB0368S03

conceal the identity of the vehicle or substantially alter the vehicle's appearance, model, type, or mode of operation.

(23) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(24) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for the owner's or operator's own use in the transportation of:

(i) farm products, including livestock and its products, poultry and its products, floricultural and horticultural products;

(ii) farm supplies, including tile, fence, and any other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production; and

(iii) livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of a farm.

(b) "Farm truck" does not include the operation of trucks by commercial processors of agricultural products.

(25) "Fleet" means one or more commercial vehicles.

(26) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state.

(27) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles, equipped for operation, to which shall be added the maximum load to be carried.

(28) "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.

(29) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both:

(a) an internal combustion engine or heat engine using consumable fuel; and

(b) a rechargeable energy storage system where energy for the storage system comes solely from sources onboard the vehicle.

(30) (a) "Identification number" means the identifying number assigned by the manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard motor.

HB0368S04 compared with HB0368S03

(b) "Identification number" includes a vehicle identification number, state assigned identification number, hull identification number, and motor serial number.

(31) "Implement of husbandry" means a vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.

(32) (a) "In-state miles" means the total number of miles operated in this state during the preceding year by fleet power units.

(b) If a fleet is composed entirely of trailers or semitrailers, "in-state miles" means the total number of miles that those vehicles were towed on Utah highways during the preceding year.

(33) "Interstate vehicle" means a commercial vehicle operated in more than one state, province, territory, or possession of the United States or foreign country.

(34) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.

(35) "Lienholder" means a person with a security interest in particular property.

(36) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(37) "Manufacturer" means a person engaged in the business of constructing, manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or outboard motors for the purpose of sale or trade.

(38) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

(39) "Motor fuel" means the same as that term is defined in Section 59-13-102.

(40) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.

HB0368S04 compared with HB0368S03

(b) "Motor vehicle" does not include:

(i) an off-highway vehicle; or

(ii) a motor assisted scooter as defined in Section 41-6a-102.

(41) "Motorboat" means the same as that term is defined in Section 73-18-2.

(42) "Motorcycle" means:

(a) a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; or

(b) an auticycle.

(43) "Natural gas" means a fuel of which the primary constituent is methane.

(44) (a) "Nonresident" means a person who is not a resident of this state as defined by Section 41-1a-202, and who does not engage in intrastate business within this state and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.

(b) A person who engages in intrastate business within this state and operates in that business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in interstate commerce, maintains a vehicle in this state as the home station of that vehicle is considered a resident of this state, insofar as that vehicle is concerned in administering this chapter.

(45) "Odometer" means a device for measuring and recording the actual distance a vehicle travels while in operation, but does not include any auxiliary odometer designed to be periodically reset.

(46) "Off-highway implement of husbandry" means the same as that term is defined in Section 41-22-2.

(47) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.

(48) (a) "Operate" means:

(i) to navigate a vessel; or

(ii) collectively, the activities performed in order to perform the entire dynamic driving task for a given motor vehicle by:

(A) a human driver as defined in Section 41-26-102.1; or

(B) an engaged automated driving system.

(b) "Operate" includes testing of an automated driving system.

(49) "Original issue license plate" means a license plate that is of a format and type

HB0368S04 compared with HB0368S03

issued by the state in the same year as the model year of a vehicle that is a model year 1973 or older.

~~[(49)]~~ (50) "Outboard motor" means a detachable self-contained propulsion unit, excluding fuel supply, used to propel a vessel.

~~[(50)]~~ (51) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a security interest.

(b) If a vehicle is the subject of an agreement for the conditional sale or installment sale or mortgage of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this chapter.

(c) If a vehicle is the subject of an agreement to lease, the lessor is considered the owner until the lessee exercises the lessee's option to purchase the vehicle.

~~[(51)]~~ (52) "Park model recreational vehicle" means a unit that:

(a) is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use;

(b) is not permanently affixed to real property for use as a permanent dwelling;

(c) requires a special highway movement permit for transit; and

(d) is built on a single chassis mounted on wheels with a gross trailer area not exceeding 400 square feet in the setup mode.

~~[(52)]~~ (53) "Personalized license plate" means a license plate that has displayed on it a combination of letters, numbers, or both as requested by the owner of the vehicle and assigned to the vehicle by the division.

~~[(53)]~~ (54) (a) "Pickup truck" means a two-axle motor vehicle with motive power manufactured, remanufactured, or materially altered to provide an open cargo area.

(b) "Pickup truck" includes a motor vehicle with the open cargo area covered with a camper, camper shell, tarp, removable top, or similar structure.

~~[(54)]~~ (55) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that has the capability to charge the battery or batteries used for vehicle propulsion

HB0368S04 compared with HB0368S03

from an off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle while the vehicle is in motion.

~~[(55)]~~ (56) "Pneumatic tire" means a tire in which compressed air is designed to support the load.

~~[(56)]~~ (57) "Preceding year" means a period of 12 consecutive months fixed by the division that is within 16 months immediately preceding the commencement of the registration or license year in which proportional registration is sought. The division in fixing the period shall conform it to the terms, conditions, and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

~~[(57)]~~ (58) "Public garage" means a building or other place where vehicles or vessels are kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.

~~[(58)]~~ (59) "Receipt of surrender of ownership documents" means the receipt of surrender of ownership documents described in Section 41-1a-503.

~~[(59)]~~ (60) "Reconstructed vehicle" means a vehicle of a type required to be registered in this state that is materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

~~[(60)]~~ (61) "Recreational vehicle" means the same as that term is defined in Section 13-14-102.

~~[(61)]~~ (62) "Registration" means a document issued by a jurisdiction that allows operation of a vehicle or vessel on the highways or waters of this state for the time period for which the registration is valid and that is evidence of compliance with the registration requirements of the jurisdiction.

(63) "Registration decal" means the decal issued by the division that is evidence of compliance with the division's registration requirements.

~~[(62)]~~ (64) (a) "Registration year" means a 12 consecutive month period commencing with the completion of the applicable registration criteria.

(b) For administration of a multistate agreement for proportional registration the division may prescribe a different 12-month period.

~~[(63)]~~ (65) "Repair or replacement" means the restoration of vehicles, vessels, or outboard motors to a sound working condition by substituting any inoperative part of the

HB0368S04 compared with HB0368S03

vehicle, vessel, or outboard motor, or by correcting the inoperative part.

~~[(64)]~~ (66) "Replica vehicle" means:

(a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or

(b) a custom vehicle that meets the requirements under Subsection

41-6a-1507(1)(a)(i)(B).

~~[(65)]~~ (67) "Road tractor" means a motor vehicle designed and used for drawing other vehicles and constructed so it does not carry any load either independently or any part of the weight of a vehicle or load that is drawn.

~~[(66)]~~ (68) "Sailboat" means the same as that term is defined in Section 73-18-2.

~~[(67)]~~ (69) "Security interest" means an interest that is reserved or created by a security agreement to secure the payment or performance of an obligation and that is valid against third parties.

~~[(68)]~~ (70) "Semitrailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and its load rests or is carried by another vehicle.

~~[(69)]~~ (71) "Special group license plate" means a type of license plate designed for a particular group of people or a license plate authorized and issued by the division in accordance with Section 41-1a-418 or Part 16, Sponsored Special Group License Plates.

~~[(70)]~~ (72) (a) "Special interest vehicle" means a vehicle used for general transportation purposes and that is:

(i) 20 years or older from the current year; or

(ii) a make or model of motor vehicle recognized by the division director as having unique interest or historic value.

(b) In making a determination under Subsection ~~[(70)]~~ (72)(a), the division director shall give special consideration to:

(i) a make of motor vehicle that is no longer manufactured;

(ii) a make or model of motor vehicle produced in limited or token quantities;

(iii) a make or model of motor vehicle produced as an experimental vehicle or one designed exclusively for educational purposes or museum display; or

(iv) a motor vehicle of any age or make that has not been substantially altered or modified from original specifications of the manufacturer and because of its significance is

HB0368S04 compared with HB0368S03

being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.

~~[(71)]~~ (73) (a) "Special mobile equipment" means a vehicle:

- (i) not designed or used primarily for the transportation of persons or property;
- (ii) not designed to operate in traffic; and
- (iii) only incidentally operated or moved over the highways.

(b) "Special mobile equipment" includes:

- (i) farm tractors;
- (ii) off-road motorized construction or maintenance equipment including backhoes, bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
- (iii) ditch-digging apparatus.

(c) "Special mobile equipment" does not include a commercial vehicle as defined under Section 72-9-102.

~~[(72)]~~ (74) "Specially constructed vehicle" means a vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles, and not materially altered from its original construction.

(75) (a) "Standard license plate" means a license plate for general issue described in Subsection 41-1a-402(1).

(b) "Standard license plate" includes a license plate for general issue that the division issues before January 1, 2023.

~~[(73)]~~ (76) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard motor that meets the requirements of rules made by the commission pursuant to Subsection 41-1a-1101(5).

(77) "Symbol decal" means the decal that is designed to represent a special group and displayed on a special group license plate.

~~[(74)]~~ (78) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

~~[(75)]~~ (79) (a) "Total fleet miles" means the total number of miles operated in all jurisdictions during the preceding year by power units.

(b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means

HB0368S04 compared with HB0368S03

the number of miles that those vehicles were towed on the highways of all jurisdictions during the preceding year.

~~[(76)]~~ (80) "Trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

~~[(77)]~~ (81) "Transferee" means a person to whom the ownership of property is conveyed by sale, gift, or any other means except by the creation of a security interest.

~~[(78)]~~ (82) "Transferor" means a person who transfers the person's ownership in property by sale, gift, or any other means except by creation of a security interest.

~~[(79)]~~ (83) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

~~[(80)]~~ (84) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn.

~~[(81)]~~ (85) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle, camper, park model recreational vehicle, manufactured home, and mobile home.

~~[(82)]~~ (86) "Vessel" means the same as that term is defined in Section 73-18-2.

~~[(83)]~~ (87) "Vintage vehicle" means the same as that term is defined in Section 41-21-1.

~~[(84)]~~ (88) "Waters of this state" means the same as that term is defined in Section 73-18-2.

~~[(85)]~~ (89) "Weighmaster" means a person, association of persons, or corporation permitted to weigh vehicles under this chapter.

Section 11. Section **41-1a-222** is amended to read:

41-1a-222. Application for multiyear registration -- Payment of taxes -- Penalties.

(1) The owner of any intrastate fleet of commercial vehicles which is based in the state may apply to the commission for registration in accordance with this section.

(a) The application shall be made on a form prescribed by the commission.

(b) Upon payment of required fees and meeting other requirements prescribed by the

HB0368S04 compared with HB0368S03

commission, the division shall issue, to each vehicle for which application has been made, a multiyear license plate and registration card.

(i) The [~~license plate~~] registration decal and the registration card shall bear an expiration date fixed by the division and are valid until ownership of the vehicle to which they are issued is transferred by the applicant or until the expiration date, whichever comes first.

(ii) An annual renewal application must be made by the owner if registration identification has been issued on an annual installment fee basis and the required fees must be paid on an annual basis.

(iii) License plates and registration cards issued pursuant to this section are valid for an eight-year period, commencing with the year of initial application in this state.

(c) When application for registration or renewal is made on an installment payment basis, the applicant shall submit acceptable evidence of a surety bond in a form, and with a surety, approved by the commission and in an amount equal to the total annual fees required for all vehicles registered to the applicant in accordance with this section.

(2) Each vehicle registered as part of a fleet of commercial vehicles must be titled in the name of the fleet.

(3) Each owner who registers fleets pursuant to this section shall pay the taxes or in lieu fees otherwise due pursuant to:

- (a) Section 41-1a-206;
- (b) Section 41-1a-207;
- (c) Subsection 41-1a-301(12);
- (d) Section 59-2-405.1;
- (e) Section 59-2-405.2; or
- (f) Section 59-2-405.3.

(4) An owner who fails to comply with the provisions of this section is subject to the penalties in Section 41-1a-1301 and, if the commission so determines, will result in the loss of the privileges granted in this section.

Section 12. Section **41-1a-401** is amended to read:

41-1a-401. License plates -- Number of plates -- Reflectorization -- Indicia of registration in lieu of or used with plates.

(1) (a) Except as provided in Subsection (1)(c), the division upon registering a vehicle

HB0368S04 compared with HB0368S03

shall issue to the owner:

- (i) one license plate for a motorcycle, trailer, or semitrailer;
- (ii) one registration decal for a park model recreational vehicle, in lieu of a license plate, which shall be attached in plain sight to the rear of the park model recreational vehicle;
- (iii) one registration decal for a camper, in lieu of a license plate, which shall be attached in plain sight to the rear of the camper; and
- (iv) two identical license plates for every other vehicle.

(b) The license plate or registration decal issued under Subsection (1)(a) is for the particular vehicle registered and may not be removed during the term for which the license plate or registration decal is issued or used upon any other vehicle than the registered vehicle.

(c) (i) Notwithstanding Subsections (1)(a) and (b) and except as provided in Subsection (1)(c)(ii), the division, upon registering a motor vehicle that has been sold, traded, or the ownership of which has been otherwise released, shall transfer the license plate issued to the person applying to register the vehicle if:

(A) the previous registered owner has included the license plate as part of the sale, trade, or ownership release; and

(B) the person applying to register the vehicle applies to transfer the license plate to the new registered owner of the vehicle.

(ii) The division may not transfer a personalized or special group license plate to a new registered owner under this Subsection (1)(c) if the new registered owner does not meet the qualification or eligibility requirements for that personalized or special group license plate under [~~Sections 41-1a-410 through 41-1a-422~~] this part or Part 16, Sponsored Special Group License Plates.

(2) The division may receive applications for registration renewal, renew registration, and issue new license plates or registration decals at any time prior to the expiration of registration.

(3) (a) (i) All license plates to be manufactured and issued by the division shall be treated with a fully reflective material on the plate face that provides effective and dependable reflective brightness during the service period of the license plate.

(ii) For a historical support special group license plate created under this part, the division shall procure reflective material to satisfy the requirement under Subsection (3)(a)(i)

HB0368S04 compared with HB0368S03

as soon as such material is available at a reasonable cost.

(b) The division shall prescribe all license plate material specifications and establish and implement procedures for conforming to the specifications.

(c) The specifications for the materials used such as the aluminum plate substrate, the reflective sheeting, and glue shall be drawn in a manner so that at least two manufacturers may qualify as suppliers.

(d) The granting of contracts for the materials shall be by public bid.

(4) (a) The commission may issue, adopt, and require the use of indicia of registration it considers advisable in lieu of or in conjunction with license plates as provided in this part.

(b) All provisions of this part relative to license plates apply to these indicia of registration, so far as the provisions are applicable.

(5) A violation of this section is an infraction.

Section 13. Section **41-1a-402** is repealed and reenacted to read:

41-1a-402. Standard license plates -- Required colors, numerals, and letters --

Expiration.

(1) (a) Upon registering a vehicle, the division shall issue to the owner a standard license plate described in Subsection (1)(b) unless the division issues to the owner:

(i) a special group license plate in accordance with Section 41-1a-418 or Part 16, Sponsored Special Group License Plates; or

(ii) an apportioned vehicle license plate in accordance with Section 41-1a-301.

(b) The division may offer up to four standard license plate options at one time, each with a different design as follows:

(i) two designs that incorporate one or more elements that represent the state's economy or geography;

(ii) one design that represents the state's values or culture; and

(iii) one design that commemorates a current event relevant to the state or a significant anniversary of a historic event relevant to the state.

(c) The division shall offer:

(i) each design described in Subsection (1)(b)(i) or (ii) for at least a 10-year period; and

(ii) each design described in Subsection (1)(b)(iii) for no more than a five-year period.

(d) The division may not offer more than four standard license plate designs at any one

HB0368S04 compared with HB0368S03

time.

~~(2) {Before the division offers a design described in Subsection (1)(b), the governor's office shall:~~

~~—— (a) consult with the Utah Department of Cultural and Community Engagement regarding the proposed design;~~

~~—— (b) identify which current standard license plate design will be replaced by the proposed design; and~~

~~—— (c) submit to the Transportation Interim Committee a request for the Legislature to approve the proposed design by concurrent resolution.~~

~~—— (3) }The division may issue a new standard license plate design only if:~~

~~(a) the Legislature has by concurrent resolution approved the standard license plate design; and~~

~~(b) sufficient funds are appropriated for the initial costs of production.~~

(3) The governor's office may propose a new design described in Subsection (1)(b) by:

(a) consulting with the Utah Department of Cultural and Community Engagement regarding the proposed design;

(b) if applicable, identifying which current standard license plate design the governor's office recommends the Legislature discontinue and replace with the proposed design; and

(c) submitting to the Transportation Interim Committee for recommendation a request for the Legislature to approve the proposed design by concurrent resolution.

(4) (a) Except as provided in Subsection (4)(b), the division may not order or produce a standard license plate that is discontinued under this section.

(b) The division may issue a discontinued standard license plate until the division exhausts the discontinued standard license plate's remaining stock.

(5) Each license plate shall have displayed on it:

(a) the registration number assigned to the vehicle for which the license plate is issued;

(b) the name of the state; and

(c) unless exempted by Section 41-1a-301 or 41-1a-407, a registration decal showing the date of expiration displayed in accordance with Subsection (8).

(6) If registration is extended by affixing a registration decal to the license plate, the expiration date of the registration decal governs the expiration date of the license plate.

HB0368S04 compared with HB0368S03

(7) (a) Except as provided under Subsection 41-1a-215(2) and Section 41-1a-216, license plates shall be renewed annually.

(b) (i) The division shall issue the vehicle owner a month registration decal and a year registration decal upon the vehicle's first registration with the division.

(ii) The division shall issue the vehicle owner only a year registration decal upon subsequent renewals of registration to validate registration renewal.

(8) Except as otherwise provided by rule:

(a) the month registration decal issued in accordance with Subsection (7) shall be displayed on the license plate in the left position; and

(b) the year registration decal issued in accordance with Subsection (7) shall be displayed on the license plate in the right position.

(9) The current year registration decal issued in accordance with Subsection (7) shall be placed over or in place of the previous year registration decal.

(10) If a license plate, month registration decal, or year registration decal is lost or destroyed, the division shall issue a replacement upon application and payment of the fees required under Section 41-1a-1211 or 41-1a-1212.

(11) (a) A violation of this section is an infraction.

(b) A court shall waive a fine for a violation under this section if:

(i) the registration for the vehicle was current at the time of the citation; and

(ii) the person to whom the citation was issued provides, within 21 business days, evidence that the license plate and registration decals are properly displayed in compliance with this section.

(12) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules regarding the placement and positioning of registration decals on license plates issued by the division.

Section 14. Section **41-1a-410** is amended to read:

41-1a-410. Eligibility for personalized plates.

(1) [A] Subject to Subsection 41-1a-411(4)(a), a person who is the registered owner of a vehicle not subject to registration under Section 41-1a-301, registered with the division, or who applies for an original registration of a vehicle not subject to registration under Section 41-1a-301, may upon payment of the fee prescribed in Section 41-1a-1211 apply to the division

HB0368S04 compared with HB0368S03

for personalized license plates.

(2) Application shall be made in accordance with Section 41-1a-411.

(3) The personalized plates shall be affixed to the vehicle for which registration is sought in lieu of the regular license plates.

(4) Personalized license plates shall be issued only to the registered owner of the vehicle on which they are to be displayed.

Section 15. Section **41-1a-411** is amended to read:

41-1a-411. Application for personalized plates -- Refusal authorized.

(1) [~~An~~] Subject to Subsection (4)(a), an applicant for personalized license plates or renewal of the plates shall file an application for the plates in the form and by the date the division requires, indicating the combination of letters, numbers, or both requested as a registration number.

(2) (a) Except as provided in Subsection (3) and subject to Subsection (4)(a), the division may refuse to issue any combination of letters, numbers, or both that:

(i) may carry connotations offensive to good taste and decency or that would be misleading; or

(ii) disparages a group based on:

(A) race;

(B) color;

(C) national origin;

(D) religion;

(E) age;

(F) sex;

(G) gender identity;

(H) sexual orientation;

(I) citizenship status; or

(J) physical or mental disability.

(b) [~~The~~] Subject to Subsection (4)(a), the division may refuse to issue a combination of letters, numbers, or both as a registration number if that same combination is already in use as a registration number on an existing license plate.

(3) (a) Except as provided in Subsection (2) or (3)(b), and subject to Subsection (4)(a),

HB0368S04 compared with HB0368S03

the division may not refuse a combination of letters, numbers, or both as a registration number if:

(i) the license plate is [~~an honor~~] a state agency recognition special group license plate [as described in Section 41-1a-421] as defined in Section 41-1a-1601 for a military veteran, and the combination of letters, numbers, or both refers to:

(A) a year related to military service;

(B) a military branch; or

(C) an official achievement, badge, or honor received for military service; or

(ii) the combination of letters, numbers, or both as a registration number refers to an official state symbol described in Section 63G-1-601.

(b) [~~H~~] Subject to Subsection (4)(a), if an applicant requests a combination containing only numbers, the division may refuse the combination if the combination includes less than four numerical digits.

(4) (a) Beginning July 1, 2022, and ending July 1, 2024, the division may not accept an application for a personalized plate under this section.

(b) On or before October 1 of each year, the Transportation Interim Committee shall study personalized license plate programs in other states including:

(i) information on relevant court cases and rulings involving other state's personalized license plate programs;

(ii) if available, other state responses to legal challenges to that state's personalized license plate program; and

(iii) recommendations regarding Utah's personalized license plate program, including:

(A) reinstating the personalized license plate program;

(B) continuing the moratorium; or

(C) modifying or repealing the personalized license plate program.

Section 16. Section ~~41-1a-416~~ is amended to read:

41-1a-416. Original issue license plates -- Alternative stickers -- Rulemaking.

(1) The owner of a motor vehicle that is a model year 1973 or older may apply to the division for permission to display an original issue license plate [~~of a format and type issued by the state in the same year as the model year of the vehicle~~].

~~[(2) The owner of a motor vehicle who desires to display original issue license plates~~

HB0368S04 compared with HB0368S03

~~instead of license plates issued under Section 41-1a-401 shall:]~~

(2) An owner described in Subsection (1) shall:

(a) complete an application on a form provided by the division;

~~[(b) supply and submit the original license plates that the owner desires to display to the division for approval; and]~~

(b) supply and submit to the division for approval the original issue license plate that the owner intends to display on the motor vehicle; and

(c) pay the fees prescribed in Sections 41-1a-1206 and 41-1a-1211.

~~(3) [The division, prior to approval of an application under this section,]~~ Before approving an application under this section, the division shall determine that the original issue license [plates] plate:

(a) ~~[are]~~ is of a format and type issued by the state for use on a motor vehicle ~~[in this state];~~

(b) ~~[have]~~ has numbers and characters that are unique and do not conflict with existing license plate series in this state;

(c) ~~[are]~~ is legible, durable, and otherwise in a condition that serves the purposes of this chapter~~[-, except that original issue license plates are exempt from the provision of Section 41-1a-401 regarding reflectorization and Section 41-1a-403 regarding legibility from 100 feet];~~ and

(d) ~~[are]~~ is from the same year of issue as the model year of the motor vehicle on which ~~[they are]~~ the original issue license plate is to be displayed.

(4) (a) ~~[An]~~ Except as provided in this section, the owner of a motor vehicle displaying an original issue license ~~[plates]~~ plate approved under this section is not exempt from any ~~[other requirement of]~~ requirement described in this chapter ~~[except as specified under this section].~~

(b) An original issue license plate approved under this section is exempt from:

(i) the provisions of Section 41-1a-401 regarding reflectorization; and

(ii) Section 41-1a-403.

(5) (a) ~~[An owner of a motor vehicle currently registered in this state whose original issue license plates are not approved by the division because of the requirement in Subsection (3)(b)]~~ A registered owner whose original issue license plate does not meet the requirement

HB0368S04 compared with HB0368S03

described in Subsection (3)(b) may apply to the division for a sticker to allow the temporary display of the original issue license ~~[plates]~~ plate if:

- (i) the ~~[plates otherwise comply]~~ license plate otherwise complies with this section;
- (ii) the ~~[plates are]~~ license plate is only displayed when the motor vehicle is used for participating in motor vehicle club activities, exhibitions, tours, parades, and similar activities ~~[and are not used for general daily transportation]~~;
- (iii) the license ~~[plates]~~ plate and registration issued under this chapter for normal use of the motor vehicle for general daily transportation on the highways of this state are kept in the motor vehicle and shown to a peace officer on request; and
- (iv) the sticker issued by the division under this subsection is properly affixed to the face of the original issue license plate.

(b) The sticker issued under this section shall be the size and form customarily furnished by the division.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules for the implementation of this section.

Section 17. Section ~~41-1a-418~~ is repealed and reenacted to read:

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

(1) In accordance with this chapter, the division shall issue to an eligible applicant a special group license plate in one of the following categories:

- (a) a disability special group license plate issued in accordance with Section 41-1a-420;
- (b) a special group license plate issued for:
 - (i) a vintage vehicle; or
 - (ii) a farm truck; or
- (c) a sponsored special group license plate as defined in Section 41-1a-1601.

(2) The division may not issue a new type of special group license plate or symbol decal unless the division receives:

(a) a private donation for the start-up fee established under Section 63J-1-504 for the production and administrative costs of providing the new special group license plate or symbol decal; or

(b) a legislative appropriation for the start-up fee described in Subsection (2)(a).

(3) Notwithstanding other provisions of this chapter, the division may not require a

HB0368S04 compared with HB0368S03

required contribution as defined in Section 41-1a-1601 for a special group license plate described in Subsection (1)(a) or (b).

Section 18. Section **41-1a-419** is amended to read:

41-1a-419. Plate design -- Personalized special group license plates --

Rulemaking.

~~[(1)(a) The design and maximum number of numerals or characters on special group license plates shall be determined by the division in accordance with the requirements under Subsection (1)(b).]~~

(1) (a) In accordance with Subsection (1)(b), the division shall determine the design and number of numerals or characters on a special group license plate.

(b) (i) Except as provided in Subsection (1)(b)(ii), each special group license plate shall display:

(A) the word Utah;

(B) the name or identifying slogan of the special group;

(C) a symbol decal not exceeding two positions in size representing the special group;

and

(D) the combination of letters, numbers, or both uniquely identifying the registered vehicle.

(ii) The division, in consultation with the Utah State Historical Society, shall design the historical support special group license plate, which shall:

(A) have a black background;

(B) have white characters; and

(C) display the word Utah.

(2) (a) The division shall, after consultation with a representative designated by the ~~[special group]~~ sponsoring organization as defined in Section 41-1a-1601, specify the word or words comprising the special group name and the symbol decal to be displayed upon the special group license ~~[plates]~~ plate.

(b) A special group license plate symbol decal may not be redesigned:

(i) unless the division receives a redesign fee established by the division under Section 63J-1-504; and

(ii) more frequently than every five years.

HB0368S04 compared with HB0368S03

(c) ~~[(i) Except as provided in Subsection (2)(c)(ii), a]~~ A special group license plate symbol decal may not be reordered unless the division receives a symbol decal reorder fee established by the division ~~[under]~~ in accordance with Section 63J-1-504.

~~[(ii) A recognition special group license plate symbol decal for a currently employed, volunteer, or retired firefighter issued in accordance with Subsection 41-1a-418(1)(d)(v) that is reordered on or after July 1, 2007, but on or before June 30, 2008, is exempt from the symbol decal reorder fee authorized under Subsection (2)(c)(i).]~~

(3) The license plates issued for horseless carriages prior to July 1, 1992, are valid without renewal as long as the vehicle is owned by the registered owner and the license plates may not be recalled by the division.

~~[(4) A person who meets the criteria established under Sections 41-1a-418 through 41-1a-422 for issuance of special group license plates may make application in the same manner provided in Sections 41-1a-410 and 41-1a-411 for personalized special group license plates.]~~

(4) Subject to Subsection 41-1a-411(4)(a), a person who meets the requirements described in this part or Part 16, Sponsored Special Group License Plates, for a special group license plate may, in accordance with Sections 41-1a-410 and 41-1a-411, apply for a personalized special group license plate.

(5) ~~[The]~~ Subject to the provisions of this chapter, the commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(a) establish qualifying criteria for persons to receive, renew, or surrender special group license plates; and

(b) establish the ~~[maximum]~~ number of numerals or characters for special group license plates.

Section 19. Section **41-1a-1201** is amended to read:

41-1a-1201. Disposition of fees.

(1) All fees received and collected under this part shall be transmitted daily to the state treasurer.

(2) Except as provided in Subsections (3), (6), (7), (8), and (9) and Sections ~~[41-1a-422,]~~ 41-1a-1220, 41-1a-1221, ~~[and]~~ 41-1a-1223, and 41-1a-1603, all fees collected under this part shall be deposited ~~[in]~~ into the Transportation Fund.

HB0368S04 compared with HB0368S03

(3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), and (7) and Section 41-1a-1212 may be used by the commission to cover the costs incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

(4) In accordance with Section 63J-1-602.2, all funds available to the commission for the purchase and distribution of license plates and decals are nonlapsing.

(5) (a) Except as provided in Subsections (3) and (5)(b) and Section 41-1a-1205, the expenses of the commission in enforcing and administering this part shall be provided for by legislative appropriation from the revenues of the Transportation Fund.

(b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and administering this part.

(6) (a) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the Transportation Investment Fund of 2005 created under Section 72-2-124:

(i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (1)(f), (4), and (7);

(ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and (1)(c)(ii);

(iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

(iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);

(v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i); and

(vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii).

(b) The following portions of the registration fees collected for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited in the Transportation Investment Fund of 2005 created by Section 72-2-124:

(i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and

(ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).

(7) (a) Ninety-four cents of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited in the Public Safety Restricted Account created in Section 53-3-106.

HB0368S04 compared with HB0368S03

(b) Seventy-one cents of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited in the Public Safety Restricted Account created in Section 53-3-106.

(8) (a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.

(b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.

(9) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for each motorcycle shall be deposited ~~[in]~~ into the Spinal Cord and Brain Injury Rehabilitation Fund created in Section 26-54-102.

Section 20. Section **41-1a-1204** is amended to read:

41-1a-1204. Automobile driver education fee -- Amount -- When paid --

Exception.

(1) Each year there is levied and shall be paid to the commission the automobile driver education fee.

(2) (a) Except as provided in Subsections (2)(b) and (c), the fee is \$2.50 upon each motor vehicle to be registered for a one-year registration period.

(b) The fee is \$2.00 upon each motor vehicle to be registered under Section 41-1a-215.5 for a six-month registration period.

(c) The following registrations are exempt from the fee in Subsection (2)(a) or (b):

(i) a motorcycle registration; and

(ii) a registration of a vehicle with a Purple Heart special group license plate issued ~~[in accordance with Section 41-1a-421.];~~

(A) on or before December 31, 2022; or

(B) in accordance with Part 16, Sponsored Special Group License Plates.

Section 21. Section **41-1a-1206** is amended to read:

41-1a-1206. Registration fees -- Fees by gross laden weight.

HB0368S04 compared with HB0368S03

(1) Except as provided in Subsections (2) and (3), at the time application is made for registration or renewal of registration of a vehicle or combination of vehicles under this chapter, a registration fee shall be paid to the division as follows:

(a) \$46.00 for each motorcycle;

(b) \$44 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles;

(c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:

(i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or

(ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;

(d) (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

(ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;

(e) (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

(ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;

(f) (i) \$69.50 for each park model recreational vehicle over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

(ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;

(g) \$45 for each vintage vehicle that is less than 40 years old; and

(h) in addition to the fee described in Subsection (1)(b):

(i) for each electric motor vehicle:

(A) \$90 during calendar year 2020; and

(B) \$120 beginning January 1, 2021, and thereafter;

(ii) for each hybrid electric motor vehicle:

(A) \$15 during calendar year 2020; and

(B) \$20 beginning January 1, 2021, and thereafter;

(iii) for each plug-in hybrid electric motor vehicle:

(A) \$39 during calendar year 2020; and

(B) \$52 beginning January 1, 2021, and thereafter; and

HB0368S04 compared with HB0368S03

(iv) for any motor vehicle not described in Subsections (1)(h)(i) through (iii) that is fueled exclusively by a source other than motor fuel, diesel fuel, natural gas, or propane:

- (A) \$90 during calendar year 2020; and
- (B) \$120 beginning January 1, 2021, and thereafter.

(2) (a) At the time application is made for registration or renewal of registration of a vehicle under this chapter for a six-month registration period under Section 41-1a-215.5, a registration fee shall be paid to the division as follows:

- (i) \$34.50 for each motorcycle; and
- (ii) \$33.50 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles.

(b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal of registration of a vehicle under this chapter for a six-month registration period under Section 41-1a-215.5 a registration fee shall be paid to the division as follows:

- (i) for each electric motor vehicle:
 - (A) \$69.75 during calendar year 2020; and
 - (B) \$93 beginning January 1, 2021, and thereafter;
- (ii) for each hybrid electric motor vehicle:
 - (A) \$11.25 during calendar year 2020; and
 - (B) \$15 beginning January 1, 2021, and thereafter;
- (iii) for each plug-in hybrid electric motor vehicle:
 - (A) \$30 during calendar year 2020; and
 - (B) \$40 beginning January 1, 2021, and thereafter; and
- (iv) for each motor vehicle not described in Subsections (2)(b)(i) through (iii) that is fueled by a source other than motor fuel, diesel fuel, natural gas, or propane:
 - (A) \$69.75 during calendar year 2020; and
 - (B) \$93 beginning January 1, 2021, and thereafter.

(3) (a) (i) Beginning on January 1, 2019, the commission shall, on January 1, annually adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i), (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (2)(a), (4)(a), and (7), by taking the registration fee rate for the previous year and adding an amount equal to the greater of:

- (A) an amount calculated by multiplying the registration fee of the previous year by the

HB0368S04 compared with HB0368S03

actual percentage change during the previous fiscal year in the Consumer Price Index; and

(B) 0.

(ii) Beginning on January 1, 2022, the commission shall, on January 1, annually adjust the registration fees described in Subsections (1)(h)(i)(B), (1)(h)(ii)(B), (1)(h)(iii)(B), (1)(h)(iv)(B), (2)(b)(i)(B), (2)(b)(ii)(B), (2)(b)(iii)(B), and (2)(b)(iv)(B) by taking the registration fee rate for the previous year and adding an amount equal to the greater of:

(A) an amount calculated by multiplying the registration fee of the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and

(B) 0.

(b) The amounts calculated as described in Subsection (3)(a) shall be rounded up to the nearest 25 cents.

(4) (a) The initial registration fee for a vintage vehicle that is 40 years old or older is \$40.

(b) A vintage vehicle that is 40 years old or older is exempt from the renewal of registration fees under Subsection (1).

(c) A vehicle with a Purple Heart special group license plate issued [~~in accordance with Section 41-1a-421~~] on or before December 31, 2022, or issued in accordance with Part 16, Sponsored Special Group License Plates, is exempt from the registration fees under Subsection (1).

(d) A camper is exempt from the registration fees under Subsection (1).

(5) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor vehicle shall register for the total gross laden weight of all units of the combination if the total gross laden weight of the combination exceeds 12,000 pounds.

(6) (a) Registration fee categories under this section are based on the gross laden weight declared in the licensee's application for registration.

(b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of 2,000 pounds is a full unit.

(7) The owner of a commercial trailer or commercial semitrailer may, as an alternative to registering under Subsection (1)(c), apply for and obtain a special registration and license plate for a fee of \$130.

(8) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm

HB0368S04 compared with HB0368S03

truck unless:

(a) the truck meets the definition of a farm truck under Section 41-1a-102; and
(b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or
(ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner submits to the division a certificate of emissions inspection or a waiver in compliance with Section 41-6a-1642.

(9) A violation of Subsection (8) is an infraction that shall be punished by a fine of not less than \$200.

(10) Trucks used exclusively to pump cement, bore wells, or perform crane services with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees required for those vehicles under this section.

Section 22. Section **41-1a-1211** is amended to read:

41-1a-1211. License plate fees -- Application fees for issuance and renewal of personalized and special group license plates -- Replacement fee for license plates -- Postage fees.

(1) (a) Except as provided in Subsections (11), (12), (13), and (14), a license plate fee established in accordance with Section 63J-1-504 shall be paid to the division for the issuance of any new license plate under Part 4, License Plates and Registration Indicia.

(b) The license plate fee shall be deposited as follows:

(i) \$1 in the Transportation Fund; and
(ii) the remainder of the fee charged under Subsection (1)(a), as provided in Section 41-1a-1201.

(2) An applicant for original issuance of personalized license plates issued under Section 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee required in Subsection (1).

(3) Beginning July 1, 2003, a person who applies for a special group license plate shall pay a \$5 fee for the original set of license plates in addition to the fee required under Subsection (1).

(4) An applicant for original issuance of personalized special group license plates shall pay the license plate application fees required in Subsection (2) in addition to the license plate fees and license plate application fees established under Subsections (1) and (3).

HB0368S04 compared with HB0368S03

(5) An applicant for renewal of personalized license plates issued under Section 41-1a-410 shall pay a \$10 per set application fee.

(6) (a) The division may charge a fee established under Section 63J-1-504 to recover the costs for the replacement of any license plate issued under Part 4, License Plates and Registration Indicia.

(b) The license plate fee shall be deposited as follows:

(i) \$1 in the Transportation Fund; and

(ii) the remainder of the fee charged under Subsection (6)(a), as provided in Section 41-1a-1201.

(7) The division may charge a fee established under Section 63J-1-504 to recover ~~[its]~~ the division's costs for the replacement of ~~[decals]~~ a symbol decal issued under Section 41-1a-418.

(8) The division may charge a fee established under Section 63J-1-504 to recover the cost of issuing stickers under Section 41-1a-416.

(9) In addition to any other fees required by this section, the division shall assess a fee established under Section 63J-1-504 to cover postage expenses if new or replacement license plates are mailed to the applicant.

(10) The fees required under this section are separate from and in addition to registration fees required under Section 41-1a-1206.

(11) (a) An applicant for a license plate issued under Section 41-1a-407 is not subject to the license plate fee under Subsection (1).

(b) An applicant for a Purple Heart special group license plate issued ~~[in accordance with Section 41-1a-421]~~ on or before December 31, 2022, or issued in accordance with Part 16, Sponsored Special Group License Plates, is exempt from the fees under Subsections (1), (3), and (7).

(12) A person is exempt from the fee under Subsection (1) or (6) if the person:

(a) was issued a clean fuel special group license plate in accordance with Section 41-1a-418 prior to the effective date of rules made by the Department of Transportation under Subsection 41-6a-702(5)(b);

(b) beginning on the effective date of rules made by the Department of Transportation authorized under Subsection 41-6a-702(5)(b), is no longer eligible for a clean fuel special

HB0368S04 compared with HB0368S03

group license plate under the rules made by the Department of Transportation; and

(c) upon renewal or reissuance, is required to replace the clean fuel special group license plate with a new license plate.

~~[(13) Until June 30, 2011, a person is exempt from the license plate fee under Subsection (1) or (6) if the person:]~~

~~[(a) was issued a firefighter recognition special group license plate in accordance with Section 41-1a-418 prior to July 1, 2009;]~~

~~[(b) upon renewal of the person's vehicle registration on or after July 1, 2009, is not a contributor to the Firefighter Support Restricted Account as required under Section 41-1a-418; and]~~

~~[(c) is required to replace the firefighter special group license plate with a new license plate in accordance with Section 41-1a-418.]~~

~~[(14) A person is not subject to the license plate fee under Subsection (1) if the person presents official documentation that the person is a recipient of the Purple Heart Award issued:]~~

~~[(a) by a recognized association representing peace officers who:]~~

~~[(i) receives a salary from a federal, state, county, or municipal government or any subdivision of the state; and]~~

~~[(ii) works in the state; or]~~

~~[(b) in accordance with Subsection 41-1a-421(2).]~~

(13) An individual is exempt from the license plate fee under Subsection (1) if the individual presents official documentation that the individual is a recipient of the Purple Heart Award in one of the following forms:

(a) official documentation issued by a recognized association representing peace officers who:

(i) receive a salary from a federal, state, county, or municipal government or any other subdivision of the state; and

(ii) work in the state;

(b) a membership card in the Military Order of the Purple Heart; or

(c) an original or certificate in lieu of the applicant's military discharge form, DD-214, issued by the National Personnel Records Center.

HB0368S04 compared with HB0368S03

Section 23. Section **41-1a-1212** is amended to read:

41-1a-1212. Fee for replacement of license plate decals.

A fee established in accordance with Section 63J-1-504 shall be paid to the division for the replacement of a license plate registration decal required by Section 41-1a-402 or a registration decal required by Section 41-1a-401.

Section 24. Section **41-1a-1218** is amended to read:

41-1a-1218. Uninsured motorist identification fee for tracking motor vehicle insurance -- Exemption -- Deposit.

(1) (a) Except as provided in Subsections (1)(b) and (c), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay an uninsured motorist identification fee of \$1 on each motor vehicle.

(b) Except as provided in Subsection (1)(c), at the time application is made for registration or renewal of registration of a motor vehicle for a six-month registration period under Section 41-1a-215.5, the applicant shall pay an uninsured motorist identification fee of 75 cents on each motor vehicle.

(c) The following are exempt from the fee required under Subsection (1)(a) or (b):

(i) a commercial vehicle registered as part of a fleet under Section 41-1a-222 or Section 41-1a-301;

(ii) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3); and

(iii) a motor vehicle with a Purple Heart special group license plate issued [~~in accordance with Section 41-1a-421.~~];

(A) on or before December 31, 2022; or

(B) in accordance with Part 16, Sponsored Special Group License Plates.

(2) The revenue generated under this section shall be deposited in the Uninsured Motorist Identification Restricted Account created in Section 41-12a-806.

Section 25. Section **41-1a-1222** is amended to read:

41-1a-1222. Local option highway construction and transportation corridor preservation fee -- Exemptions -- Deposit -- Transfer -- County ordinance -- Notice.

(1) As used in this section:

(a) "Metro township" means the same as that term is defined in Section 10-2a-403.

HB0368S04 compared with HB0368S03

(b) "Unincorporated" means the same as that term is defined in Section 10-1-104.

(2) (a) (i) Except as provided in Subsection (2)(a)(ii), a county legislative body may impose a local option highway construction and transportation corridor preservation fee of up to \$10 on each motor vehicle registration within the county.

(ii) A county legislative body may impose a local option highway construction and transportation corridor preservation fee of up to \$7.75 on each motor vehicle registration for a six-month registration period under Section 41-1a-215.5 within the county.

(iii) A fee imposed under Subsection (2)(a)(i) or (ii) shall be set in whole dollar increments.

(b) If imposed under Subsection (2)(a), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local option highway construction and transportation corridor preservation fee established by the county legislative body.

(c) The following are exempt from the fee required under Subsection (2)(a):

(i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3);

(ii) a commercial vehicle with an apportioned registration under Section 41-1a-301; and

(iii) a motor vehicle with a Purple Heart special group license plate issued ~~in accordance with Section 41-1a-421.~~];

(A) on or before December 31, 2022; or

(B) in accordance with Part 16, Sponsored Special Group License Plates.

(3) (a) Except as provided in Subsection (3)(b), the revenue generated under this section shall be:

(i) deposited in the Local Highway and Transportation Corridor Preservation Fund created in Section 72-2-117.5;

(ii) credited to the county from which it is generated; and

(iii) used and distributed in accordance with Section 72-2-117.5.

(b) The revenue generated by a fee imposed under this section in a county of the first class shall be deposited or transferred as follows:

(i) 50% of the revenue shall be:

HB0368S04 compared with HB0368S03

(A) deposited in the County of the First Class Highway Projects Fund created in Section 72-2-121; and

(B) used in accordance with Section 72-2-121;

(ii) 30% of the revenue shall be deposited, credited, and used as provided in Subsection (3)(a); and

(iii) 20% of the revenue shall be transferred to the legislative body of a county of the first class.

(4) Beginning in a fiscal year beginning on or after July 1, 2023, and for 15 years thereafter, the legislative body of the county of the first class shall annually transfer, from the revenue transferred to the legislative body of a county of the first class as described in Subsection (3)(b)(iii):

(a) \$300,000 to Kearns township; and

(b) \$225,000 to Magna township.

(5) To impose or change the amount of a fee under this section, the county legislative body shall pass an ordinance:

(a) approving the fee;

(b) setting the amount of the fee; and

(c) providing an effective date for the fee as provided in Subsection (6).

(6) (a) If a county legislative body enacts, changes, or repeals a fee under this section, the enactment, change, or repeal shall take effect on July 1 if the commission receives notice meeting the requirements of Subsection (6)(b) from the county prior to April 1.

(b) The notice described in Subsection (6)(a) shall:

(i) state that the county will enact, change, or repeal a fee under this part;

(ii) include a copy of the ordinance imposing the fee; and

(iii) if the county enacts or changes the fee under this section, state the amount of the fee.

Section 26. Section **41-1a-1305** is amended to read:

41-1a-1305. License plate and registration card violations -- Class C misdemeanor.

It is a class C misdemeanor:

(1) to break, injure, interfere with, or remove from any vehicle any seal, lock, or device

HB0368S04 compared with HB0368S03

on it for holding or displaying any license plate or registration card attached for denoting registration and identity of the vehicle;

(2) to remove from any registered vehicle the license plate or registration card issued or attached to it for its registration;

(3) to place or display any license plate or registration card upon any other vehicle than the one for which it was issued by the division;

(4) to use or permit the use or display of any license plate, registration card, or permit upon or in the operation of any vehicle other than that for which it was issued;

(5) to operate upon any highway of this state any vehicle required by law to be registered without having the license plate or plates securely attached, except that the registration card issued by the division to all trailers and semitrailers shall be carried in the towing vehicle;

(6) for any weighmaster to knowingly make any false entry in his record of weights of vehicles subject to registration or to knowingly report to the commission or division any false information regarding the weights;

(7) for any inspector, officer, agent, employee, or other person performing any of the functions required for the registration or operation of vehicles subject to registration, to do, permit, cause, connive at, or permit to be done any act with the intent, or knowledge that the probable effect of the act would be to injure any person, deprive him of his property, or to injure or defraud the state with respect to its revenues relating to title or registration of vehicles;

(8) for any person to combine or conspire with another to do, attempt to do, or cause or allow any of the acts in this chapter classified as a misdemeanor;

(9) to operate any motor vehicle with a camper mounted on it upon any highway without displaying a current registration decal in clear sight upon the rear of the camper, issued by the county assessor of the county in which the camper has situs for taxation;

(10) to manufacture, use, display, or sell any facsimile or reproduction of any license plate issued by the division or any article that would appear to be a substitute for a license plate; or

(11) to fail to return to the division any registration card, license plate or plates, registration decal, permit, or title that has been canceled, suspended, voided, or revoked.

HB0368S04 compared with HB0368S03

Section 27. Section **41-1a-1601** is enacted to read:

Part 16. Sponsored Special Group License Plates

41-1a-1601. Definitions.

As used in this part:

(1) "Applicant" means a registered owner who submits an application to obtain or renew a sponsored special group license plate in accordance with this part.

(2) (a) "Charitable purpose" means:

(i) relief of the poor, the distressed, or the underprivileged;

(ii) advancement of religion;

(iii) advancement of education or science;

(iv) erecting or maintaining a public building, monument, or work;

(v) reducing the burdens of government;

(vi) reducing neighborhood tensions;

(vii) eliminating prejudice and discrimination;

(viii) defending human rights and civil rights secured by law; or

(ix) combating community deterioration and juvenile delinquency.

(b) "Charitable purpose" does not include providing abortion or abortion-related services.

(3) "Collegiate special group license plate" means a sponsored special group license plate issued to a contributor to an institution.

(4) "Contributor" means an applicant who contributes the required contribution to a sponsoring organization for a sponsored special group license plate.

(5) (a) "Existing special group license plate" means a special group license plate that the division issues before January 1, 2023.

(b) "Existing special group license plate" does not include a special group license plate described in Subsection 41-1a-418(1)(a) or (b).

(6) "Existing state agency recognition special group license plate" means an existing special group license plate issued to a registered owner who:

(a) has one of the following that is related to a government purpose:

(i) a special license;

(ii) an accomplishment; or

HB0368S04 compared with HB0368S03

(iii) an honor; or

(b) holds an elected office.

(7) "Institution" means:

(a) a state institution of higher education as defined in Section 53B-3-102; or

(b) a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United State Department of Education.

(8) "Private nonprofit organization" means a private nonprofit organization that:

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

(b) has a charitable purpose.

(9) "Private nonprofit special group license plate" means a sponsored special group license plate issued to a contributor to a private nonprofit organization.

(10) "Required contribution" means:

(a) the minimum annual contribution amount established under Subsection 41-1a-1603(4)(a)(iii); or

(b) if the sponsoring organization establishes a minimum annual contribution amount in accordance with Subsection 41-1a-1603(4)(b) that is greater than the minimum required contribution amount established under Subsection 41-1a-1603(4)(a)(iii), the amount the sponsoring organization establishes.

(11) "Sponsored special group license plate" means a license plate:

(a) designed for and associated with a sponsoring organization; and

(b) issued to an applicant in accordance with this part.

(12) "Sponsoring organization" means an institution, a private nonprofit organization, or a state agency that is or seeks to be associated with a sponsored special group license plate created under this part.

(13) "State agency recognition special group license plate" means a sponsored special group license plate issued to an applicant who:

(a) has one of the following that is related to a government purpose:

(i) a special license;

(ii) an accomplishment; or

(iii) an honor; or

HB0368S04 compared with HB0368S03

(b) holds an elected office.

(14) "State agency support special group license plate" means:

(a) a sponsored special group license plate issued to a contributor to a state agency to support a specific state agency program; or

(b) an existing special group license plate issued for a special interest vehicle.

Section 28. Section **41-1a-1602** is enacted to read:

41-1a-1602. Sponsored special group license plate program.

(1) The division shall establish and administer a sponsored special group license plate program as described in this part.

(2) The division shall issue to an applicant who satisfies the requirements of this part one of the following:

(a) a collegiate special group license plate;

(b) a private nonprofit special group license plate;

(c) a state agency support special group license plate; or

(d) a state agency recognition special group license plate.

Section 29. Section **41-1a-1603** is enacted to read:

41-1a-1603. Application Requirements -- Fees -- Contributions -- Rulemaking.

(1) An applicant for a sponsored special group license plate shall submit to the division:

(a) in a form and manner that the division prescribes, a complete application;

(b) payment of the fee for the issuance of the sponsored special group license plate established under Subsection (4)(a)(i);

(c) the required contribution for the sponsored special group license plate, unless the applicant previously paid the required contribution as part of a preorder application described in Subsection (4); and

(d) if the sponsoring organization elects to require verification as described in Section 41-1a-1604, a verification form obtained from the sponsoring organization.

(2) An applicant who owns a vehicle with the sponsoring organization's sponsored special group license plate shall submit to the division the required contribution to renew the sponsored special group license plate.

(3) (a) An applicant who wishes to obtain a new type of sponsored special group

HB0368S04 compared with HB0368S03

license plate may preorder the new type of sponsored special group license plate by:

(i) submitting to the sponsoring organization associated with the new type of sponsored special group license plate a complete preorder form created by the division; and

(ii) making the required contribution to the sponsoring organization.

(b) After the division approves the sponsoring organization's request for the new type of sponsored special group license plate under Section 41-1a-1604, an applicant who submitted a preorder in accordance with Subsection (3)(a) may apply for the sponsored special group license plate in accordance with Subsection (1).

(4) (a) The division shall, in accordance with Section 63J-1-504, establish:

(i) the fee to charge an applicant for the division's costs of issuing or renewing a sponsored special group license plate or symbol decal;

(ii) the fee to charge a sponsoring organization for the division's costs of designing and administering a new type of sponsored special group license plate; and

(iii) subject to Subsection (4)(b), in an amount equal to at least \$25, the minimum annual contribution amount an applicant is required to make to obtain or renew the sponsoring organization's sponsored special group license plate.

(b) A sponsoring organization may establish a required contribution amount for the sponsoring organization's sponsored special group license plate that is greater than the amount established by the division under Subsection (4)(a)(iii).

(5) An applicant's contribution is a voluntary contribution for funding the sponsoring organization's activities and not a motor vehicle registration fee.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules to establish and administer the sponsored special group license plate program.

Section 30. Section **41-1a-1604** is enacted to read:

41-1a-1604. New sponsored special group license plates -- Eligibility criteria.

(1) If a sponsoring organization satisfies the requirements of this part, the division shall approve an application for a new type of sponsored special group license plate and issue the sponsored special group license plate in accordance with this part.

(2) Subject to the other provisions of this part, a sponsoring organization requesting a new type of sponsored special group license plate shall submit to the division, in a form and

HB0368S04 compared with HB0368S03

manner the division prescribes:

(a) a complete application requesting the new type of sponsored special group license plate that includes:

(i) information about the sponsoring organization the division needs to process the request;

(ii) contact information for an individual representing the sponsoring organization;

(iii) if the sponsoring organization establishes a required contribution amount under Subsection 41-1a-1603(4)(b) that is greater than the minimum required contribution amount established under Subsection 41-1a-1603(4)(a)(iii), the amount of the required contribution;

(iv) account information to allow the division to disburse funds from required contributions the division collects through the sponsored special group license plate program to the sponsoring organization;

(v) a link to a functional website described in Subsection (7); and

(vi) if the sponsoring organization requires an applicant to submit a verification form described in Subsection (8)(b)(i), a statement indicating that a verification form is required;

(b) at least 500 complete preorder applications for the new type of sponsored special group license plate, including verification that each preorder application included the required contribution;

(c) the fee for the cost of designing and administering the new type of sponsored special group license plate established under Subsection 41-1a-1603(4)(a)(ii); and

(d) if the new type of sponsored special group license plate is a private nonprofit special group license plate:

(i) a copy of the Internal Revenue Service letter approving the sponsoring organization's Section 501(c)(3) status;

(ii) an affidavit signed under penalty of perjury declaring that the sponsoring organization has a charitable purpose; and

(iii) an indication of the private nonprofit organization's charitable purpose.

(3) If an application under Subsection (2) is for a special group license plate that was discontinued in accordance with this part, each registered vehicle with the discontinued special group license plate is considered a complete preorder application for the purposes of Subsection (2)(b).

HB0368S04 compared with HB0368S03

(4) The division:

(a) may share data collected under Subsection (2)(d)(iii) with the Legislature and the state auditor;

(b) may not use the information in Subsection (2)(d)(iii) in deciding whether to approve the sponsoring organization's application; and

(c) is not required to evaluate the accuracy or veracity of information the private nonprofit organization provides under Subsection (2)(d).

(5) Except as otherwise provided in this part, the division may not begin design work on or issue a new type of sponsored special group license plate unless the sponsoring organization satisfies the requirements of Subsection (2).

(6) A sponsoring organization that is a state agency may request a state agency recognition special group license plate without meeting the minimum preorder requirements of Subsection (2)(b) if:

(a) the governor certifies that there is a legitimate government operations purpose for issuing the state agency recognition special group license plate; and

(b) through appropriation or any other source, funds are available to cover the startup and administrative costs of the state agency recognition special group license plate.

(7) A sponsoring organization of a sponsored special group license plate issued in accordance with this part shall maintain a functional website that:

(a) explains how the sponsoring organization will use the required contributions in accordance with this part;

(b) if applicable, makes available the sponsoring organization's most recent Internal Revenue Service Form 990; and

(c) provides instructions for how to obtain a verification form if the sponsoring organization elects to require verification in accordance with Subsection (8).

(8) (a) A sponsoring organization may establish eligibility requirements for the sponsoring organization's sponsored special group license plate.

(b) If a sponsoring organization establishes eligibility requirements under this subsection, the sponsoring organization shall:

(i) inform the division that a verification form is required as part of an application for the sponsoring organization's sponsored special group license plate;

HB0368S04 compared with HB0368S03

(ii) establish a process for providing a verification form to an applicant; and

(iii) provide a verification form prescribed by the division to an applicant who satisfies the sponsoring organization's eligibility requirements.

(9) The division shall begin issuing the new type of sponsored special group license plate no later than six months after the day on which the division receives the items described in Subsection (2).

(10) The division may:

(a) consider a request for a sponsored special group license plate for two or more military branches as a request for a single type of sponsored special group license plate for the purposes of meeting the eligibility criteria described in this section; and

(b) charge an appropriate fee for ordering multiple symbol decals for each military branch.

Section 31. Section **41-1a-1605** is enacted to read:

41-1a-1605. Collegiate special group license plates.

(1) A sponsoring organization that is an institution shall only use funds received through the sponsored special group license plate program for the institution's scholastic scholarships.

(2) The state auditor may audit each institution to verify that the money an institution collects from contributors is used only for scholastic scholarships.

Section 32. Section **41-1a-1606** is enacted to read:

41-1a-1606. Private nonprofit special group license plates.

(1) A sponsoring organization that is a private nonprofit organization shall:

(a) only use funds received through the sponsored special group license plate program for the charitable purpose described in the private nonprofit organization's application submitted to the division under Section 41-1a-1603; and

(b) may not use funds received through the sponsored special group license plate program to pay the private nonprofit organization's employee salaries or benefits, administrative costs, or fundraising expenses.

(2) A private nonprofit organization may collect a contributor's personal information for the purposes of future fundraising and any required reporting, if the private nonprofit organization requires a verification form described in Section 41-1a-1604.

HB0368S04 compared with HB0368S03

(3) The state auditor may audit each private nonprofit organization to verify that the money the private nonprofit organization collects from contributors is used for the private nonprofit organization's charitable purpose in accordance with this part.

Section 33. Section **41-1a-1607** is enacted to read:

41-1a-1607. State agency special group license plates.

A sponsoring organization that is a state agency:

(1) shall only use funds received through the sponsored special group license plate program for the implementation or administration of the state agency's designated program; and

(2) may not direct funds received through the sponsored special group license plate program to a nongovernmental entity.

Section 34. Section **41-1a-1608** is enacted to read:

41-1a-1608. Review -- Discontinuance.

(1) The division shall annually review each sponsored special group license plate to determine the number of registered vehicles with each type of sponsored special group license plate during the preceding calendar year.

(2) (a) The division shall discontinue a type of sponsored special group license plate if for two consecutive calendar years, the division's annual review shows that fewer than 500 registered vehicles have that type of sponsored special group license plate.

(b) The division shall discontinue a sponsored special group license plate under Subsection (2)(a) beginning January 1 of the calendar year following the year of the second annual review.

(3) If the division discontinues a type of sponsored special group license plate in accordance with this section, the division may not reinstate the sponsored special group license plate unless the sponsoring organization submits a request for the discontinued sponsored special group license plate in the same manner as a request for a new type of sponsored special group license plate under Section 41-1a-1604.

(4) (a) A registered owner to whom the division issued an existing special group license plate or a sponsored special group license plate that the division discontinues in accordance with this section or Section 41-1a-1609 may continue to display the license plate upon renewing the motor vehicle's registration.

(b) A registered owner described in Subsection (4)(a) is not required to pay a required

HB0368S04 compared with HB0368S03

contribution to the sponsoring organization associated with the sponsored special group license plate.

(5) The division may not transfer to a new registered owner a special group license plate that is discontinued under this part.

(6) Subsection (2) does not apply to a state agency recognition special group license plate that is an existing special group license plate.

Section 35. Section **41-1a-1609** is enacted to read:

41-1a-1609. Transition of existing special group license plates.

(1) (a) Except as provided in this section, on March 31, 2023, the division shall discontinue each existing special group license plate.

(b) The division may not issue an existing special group license plate that the division discontinues in accordance with this Subsection (1).

(2) (a) Subject to the other provisions of this part, the division may issue an existing special group license plate on or after March 31, 2023, if:

(i) before March 31, 2023, the sponsoring organization submits to the division a request for the existing special group license plate in the same manner as a request for a new type of sponsored special group license plate under Section 41-1a-1604; and

(ii) except for an existing state agency recognition special group license plate described in Subsection (6) or (8), there are at least 500 registered vehicles with the existing special group license plate on December 31, 2022.

(b) For an application described in Subsection (2)(a), the requirements described in Subsection 41-1a-1604(2)(b) do not apply.

(3) (a) A private nonprofit organization may be a sponsoring organization of an existing special group license plate only if the sponsoring organization received contributions related to the existing special group license plate on or after January 1, 2021.

(b) Subsection (3)(a) does not apply to an existing special group license plate described in Subsection (7).

(4) If a sponsoring organization that is a state agency submits a request described in Subsection (2)(a), upon notice to the division and with the private nonprofit organization's agreement, the sponsoring organization may transfer the existing special group license plate to a private nonprofit organization to sponsor the special group license plate as a private nonprofit

HB0368S04 compared with HB0368S03

special group license plate.

(5) After the division discontinues an existing special group license plate in accordance with this section, the division may not reinstate the special group license plate unless the sponsoring organization submits a request for the existing special group license plate in the same manner as a request for a new type of sponsored special group license plate under Section 41-1a-1604.

(6) If a state agency submits a request under this section or Section 41-1a-1604 for one of the following existing special group license plates and meets the requirements of this part, the division shall reinstate the existing special group license plate as a state agency recognition special group license plate:

(a) a veteran special group license plate issued to:

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

(ii) a former prisoner of war;

(iii) a Purple Heart recipient;

(iv) a disabled veteran; or

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

(b) a recognition special group license plate issued for:

(i) a current member of the Legislature;

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

(iii) a current honorary consul designated by the United States Department of State;

(iv) a current member of the National Guard;

(v) an individual supporting the Utah Wing of the Civil Air Patrol;

(vi) a licensed amateur radio operator;

(vii) an emergency medical technician;

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

or

(ix) an individual supporting the recognition and continuation of the work and life of Dr. Martin Luther King, Jr.

(7) If a private nonprofit organization submits a request under this section or Section 41-1a-1604 for one of the following existing special group license plates and meets the requirements of this part, the division shall reinstate the existing special group license plate as a

HB0368S04 compared with HB0368S03

private nonprofit special group license plate to:

(a) a current member of a search and rescue team; or

(b) a fraternal initiatic order recognition.

(8) If a state agency submits a request under this section or Section 41-1a-1604 for an existing special group license plate issued to a campaign or combat theater award recipient and meets the requirements of this part, the division shall reinstate the existing special group license plate as a state agency recognition special group license plate.

(9) The requirements of this part related to a required contribution do not apply to a special group license plate described in Subsection (6) or (7) unless the sponsoring organization informs the division in the sponsoring organization's request under this section or Section 41-1a-1604 that the sponsoring organization requires a required contribution.

Section 36. Section **41-1a-1610** is enacted to read:

41-1a-1610. Sponsored Special Group License Plate Fund.

(1) As used in this section, "fund" means the Sponsored Special Group License Plate Fund created in Subsection (2).

(2) There is created an expendable special revenue fund known as the "Sponsored Special Group License Plate Fund."

(3) The fund consists of all required contributions the division collects under this part.

(4) The division shall, at least annually, disburse to each sponsoring organization any money, less any fees or actual administrative costs associated with issuing a sponsoring organization's sponsored special group license plate, from the fund.

Section 37. Section **41-6a-1642** is amended to read:

41-6a-1642. Emissions inspection -- County program.

(1) The legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard shall require:

(a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is exempt from emissions inspection and maintenance program requirements be presented:

(i) as a condition of registration or renewal of registration; and

(ii) at other times as the county legislative body may require to enforce inspection

HB0368S04 compared with HB0368S03

requirements for individual motor vehicles, except that the county legislative body may not routinely require a certificate of emissions inspection, or waiver of the certificate, more often than required under Subsection (9); and

(b) compliance with this section for a motor vehicle registered or principally operated in the county and owned by or being used by a department, division, instrumentality, agency, or employee of:

- (i) the federal government;
- (ii) the state and any of its agencies; or
- (iii) a political subdivision of the state, including school districts.

(2) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions inspection and maintenance program certificate of emissions inspection as described in Subsection (1), but the program may not deny vehicle registration based solely on the presence of a defeat device covered in the Volkswagen partial consent decrees or a United States Environmental Protection Agency-approved vehicle modification in the following vehicles:

(a) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state pursuant to a partial consent decree, including:

- (i) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
- (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and 2014;
- (iii) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
- (iv) Volkswagen Golf Sportwagen, model year 2015;
- (v) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
- (vi) Volkswagen Beetle, model years 2013, 2014, and 2015;
- (vii) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
- (viii) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and

(b) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state to a settlement, including:

- (i) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
- (ii) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
- (iii) Audi A6 Quattro, model years 2014, 2015, and 2016;

HB0368S04 compared with HB0368S03

- (iv) Audi A7 Quattro, model years 2014, 2015, and 2016;
- (v) Audi A8, model years 2014, 2015, and 2016;
- (vi) Audi A8L, model years 2014, 2015, and 2016;
- (vii) Audi Q5, model years 2014, 2015, and 2016; and
- (viii) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.

(3) (a) The legislative body of a county identified in Subsection (1), in consultation with the Air Quality Board created under Section 19-1-106, shall make regulations or ordinances regarding:

- (i) emissions standards;
- (ii) test procedures;
- (iii) inspections stations;
- (iv) repair requirements and dollar limits for correction of deficiencies; and
- (v) certificates of emissions inspections.

(b) In accordance with Subsection (3)(a), a county legislative body:

(i) shall make regulations or ordinances to attain or maintain ambient air quality standards in the county, consistent with the state implementation plan and federal requirements;

(ii) may allow for a phase-in of the program by geographical area; and

(iii) shall comply with the analyzer design and certification requirements contained in the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.

(c) The county legislative body and the Air Quality Board shall give preference to an inspection and maintenance program that:

(i) is decentralized, to the extent the decentralized program will attain and maintain ambient air quality standards and meet federal requirements;

(ii) is the most cost effective means to achieve and maintain the maximum benefit with regard to ambient air quality standards and to meet federal air quality requirements as related to vehicle emissions; and

(iii) provides a reasonable phase-out period for replacement of air pollution emission testing equipment made obsolete by the program.

(d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:

(i) may be accomplished in accordance with applicable federal requirements; and

HB0368S04 compared with HB0368S03

(ii) does not otherwise interfere with the attainment and maintenance of ambient air quality standards.

(4) The following vehicles are exempt from an emissions inspection program and the provisions of this section:

(a) an implement of husbandry as defined in Section 41-1a-102;

(b) a motor vehicle that:

(i) meets the definition of a farm truck under Section 41-1a-102; and

(ii) has a gross vehicle weight rating of 12,001 pounds or more;

(c) a vintage vehicle as defined in Section 41-21-1;

(d) a custom vehicle as defined in Section 41-6a-1507;

(e) to the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor vehicle that is less than two years old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacturer;

(f) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed statement to the legislative body stating the truck is used:

(i) by the owner or operator of a farm located on property that qualifies as land in agricultural use under Sections 59-2-502 and 59-2-503; and

(ii) exclusively for the following purposes in operating the farm:

(A) for the transportation of farm products, including livestock and its products, poultry and its products, floricultural and horticultural products; and

(B) in the transportation of farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and maintenance;

(g) a motorcycle as defined in Section 41-1a-102;

(h) an electric motor vehicle as defined in Section 41-1a-102; and

(i) a motor vehicle with a model year of 1967 or older.

(5) The county shall issue to the registered owner who signs and submits a signed statement under Subsection (4)(f) a certificate of exemption from emissions inspection requirements for purposes of registering the exempt vehicle.

HB0368S04 compared with HB0368S03

(6) A legislative body of a county described in Subsection (1) may exempt from an emissions inspection program a diesel-powered motor vehicle with a:

- (a) gross vehicle weight rating of more than 14,000 pounds; or
- (b) model year of 1997 or older.

(7) The legislative body of a county required under federal law to utilize a motor vehicle emissions inspection program shall require:

- (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:
 - (i) a model year of 2007 or newer;
 - (ii) a gross vehicle weight rating of 14,000 pounds or less; and
 - (iii) a model year that is five years old or older;
- (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
 - (i) with a gross vehicle weight rating of 14,000 pounds or less;
 - (ii) that has a model year of 1998 or newer; and
 - (iii) that has a model year that is five years old or older.

(8) (a) Subject to Subsection (8)(c), the legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard may require each college or university located in a county subject to this section to require its students and employees who park a motor vehicle not registered in a county subject to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body if the motor vehicle is parked on the college or university campus or property.

(b) College or university parking areas that are metered or for which payment is required per use are not subject to the requirements of this Subsection (8).

(c) The legislative body of a county shall make the reasons for implementing the provisions of this Subsection (8) part of the record at the time that the county legislative body takes its official action to implement the provisions of this Subsection (8).

(9) (a) An emissions inspection station shall issue a certificate of emissions inspection for each motor vehicle that meets the inspection and maintenance program requirements established in rules made under Subsection (3).

(b) The frequency of the emissions inspection shall be determined based on the age of

HB0368S04 compared with HB0368S03

the vehicle as determined by model year and shall be required annually subject to the provisions of Subsection (9)(c).

(c) (i) To the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative body of a county identified in Subsection (1) shall only require the emissions inspection every two years for each vehicle.

(ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six years old on January 1.

(iii) For a county required to implement a new vehicle emissions inspection and maintenance program on or after December 1, 2012, under Subsection (1), but for which no current federally approved state implementation plan exists, a vehicle shall be tested at a frequency determined by the county legislative body, in consultation with the Air Quality Board created under Section 19-1-106, that is necessary to comply with federal law or attain or maintain any national ambient air quality standard.

(iv) If a county legislative body establishes or changes the frequency of a vehicle emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment or change shall take effect on January 1 if the State Tax Commission receives notice meeting the requirements of Subsection (9)(c)(v) from the county before October 1.

(v) The notice described in Subsection (9)(c)(iv) shall:

(A) state that the county will establish or change the frequency of the vehicle emissions inspection and maintenance program under this section;

(B) include a copy of the ordinance establishing or changing the frequency; and

(C) if the county establishes or changes the frequency under this section, state how frequently the emissions testing will be required.

(d) If an emissions inspection is only required every two years for a vehicle under Subsection (9)(c), the inspection shall be required for the vehicle in:

(i) odd-numbered years for vehicles with odd-numbered model years; or

(ii) in even-numbered years for vehicles with even-numbered model years.

(10) (a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection required under this section may be made no more than two months before the renewal of registration.

HB0368S04 compared with HB0368S03

(b) (i) If the title of a used motor vehicle is being transferred, the owner may use an emissions inspection certificate issued for the motor vehicle during the previous 11 months to satisfy the requirement under this section.

(ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle dealer's name during the previous 11 months to satisfy the requirement under this section.

(c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the lessee may use an emissions inspection certificate issued during the previous 11 months to satisfy the requirement under this section.

(d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not use an emissions inspection made more than 11 months before the renewal of registration to satisfy the requirement under this section.

(e) If the application for renewal of registration is for a six-month registration period under Section 41-1a-215.5, the owner may use an emissions inspection certificate issued during the previous eight months to satisfy the requirement under this section.

(11) (a) A county identified in Subsection (1) shall collect information about and monitor the program.

(b) A county identified in Subsection (1) shall supply this information to an appropriate legislative committee, as designated by the Legislative Management Committee, at times determined by the designated committee to identify program needs, including funding needs.

(12) If approved by the county legislative body, a county that had an established emissions inspection fee as of January 1, 2002, may increase the established fee that an emissions inspection station may charge by \$2.50 for each year that is exempted from emissions inspections under Subsection (9)(c) up to a \$7.50 increase.

(13) (a) Except as provided in Subsection 41-1a-1223(1)(c), a county identified in Subsection (1) may impose a local emissions compliance fee on each motor vehicle registration within the county in accordance with the procedures and requirements of Section 41-1a-1223.

(b) A county that imposes a local emissions compliance fee may use revenues generated from the fee for the establishment and enforcement of an emissions inspection and maintenance program in accordance with the requirements of this section.

HB0368S04 compared with HB0368S03

(c) A county that imposes a local emissions compliance fee may use revenues generated from the fee to promote programs to maintain a local, state, or national ambient air quality standard.

(14) A county legislative body described in Subsection (1) may exempt a motor vehicle from an emissions inspection if:

(a) the motor vehicle is 30 years old or older;

(b) the county determines that the motor vehicle was driven less than 1,500 miles during the preceding 12-month period; and

(c) the owner provides to the county legislative body a statement signed by the owner that states the motor vehicle:

(i) is primarily a collector's item used for:

(A) participation in club activities;

(B) exhibitions;

(C) tours; or

(D) parades; or

(ii) is only used for occasional transportation.

Section 38. Section **53-1-118** is amended to read:

53-1-118. Public Safety Honoring Heroes Restricted Account -- Creation -- Funding -- Distribution of funds by the commissioner.

(1) There is created in the General Fund a restricted account known as the Public Safety Honoring Heroes Restricted Account.

(2) The account shall be funded by:

~~[(a) contributions deposited into the Public Safety Honoring Heroes Restricted Account in accordance with Section 41-1a-422;]~~

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

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

(3) The Legislature shall appropriate money in the account to the commissioner.

(4) The commissioner shall distribute the funds to one or more charitable organizations that:

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

and

HB0368S04 compared with HB0368S03

(b) have as a primary part of their mission to support the families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees.

(5) The commissioner may only consider proposals that are:

(a) proposed by a charitable organization under Subsection (4); and

(b) designed to support families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees.

(6) (a) An organization described in Subsection (4) may apply to the commissioner to receive a distribution in accordance with Subsection (4).

(b) An organization that receives a distribution from the commissioner in accordance with Subsection (4) shall expend the distribution only to support the families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules providing procedures for an organization to apply to receive funds under this section.

Section 39. Section **53-1-120** is amended to read:

**53-1-120. Utah Law Enforcement Memorial Support Restricted Account --
Creation -- Funding -- Distribution of funds by the commissioner.**

(1) There is created in the General Fund a restricted account known as the Utah Law Enforcement Memorial Support Restricted Account.

(2) The account shall be funded by:

~~[(a) contributions deposited into the Utah Law Enforcement Memorial Support Restricted Account in accordance with Section 41-1a-422;]~~

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

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

(3) Subject to appropriations by the Legislature, money in the account may only be used by the commissioner for purposes described in this section.

(4) Upon appropriation, the commissioner shall distribute the funds to one or more charitable organizations that:

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

(b) have as a primary part of their mission to support the operation and maintenance of

HB0368S04 compared with HB0368S03

the Utah Law Enforcement Memorial.

(5) The commissioner may only consider proposals that are:

(a) proposed by a charitable organization described in Subsection (4); and

(b) designed to support the operation and maintenance of the Utah Law Enforcement Memorial.

(6) (a) An organization described in Subsection (4) may apply to the commissioner to receive a distribution in accordance with Subsection (4).

(b) An organization that receives a distribution from the commissioner in accordance with Subsection (4) shall expend the distribution only to support the operation and maintenance of the Utah Law Enforcement Memorial.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules providing procedures for an organization to apply to receive funds under this section.

Section 40. Section **53-7-109** is amended to read:

53-7-109. Firefighter Support Restricted Account.

(1) There is created in the General Fund the Firefighter Support Restricted Account.

(2) The account shall be funded by ~~[(a) contributions deposited into the account in accordance with Section 41-1a-422, and (b)]~~ donations or grants from public or private entities.

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

(4) The division shall distribute funds in the account to one or more charitable organizations that:

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

(b) provide firefighter education and training programs;

(c) initiate and maintain active participation in all aspects of fire service;

(d) maintain a fire history museum; and

(e) represent over 2,000 active, inactive, retired, volunteer, or career firefighters throughout the state.

(5) (a) An organization described in Subsection (4) may apply to the division to receive a distribution in accordance with Subsection (4).

(b) An organization that receives a distribution from the division in accordance with Subsection (4) shall expend the distribution only to:

HB0368S04 compared with HB0368S03

- (i) pay for firefighter education or training programs;
 - (ii) pay for firefighter scholarship programs;
 - (iii) pay the costs of maintaining a fire history museum;
 - (iv) pay the costs of representing firefighter interests on a national and local level; and
 - (v) pay for assistance with purchasing equipment or apparatuses used in firefighting.
- (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

division may make rules providing procedures for an organization to apply to the division to receive a distribution under Subsection (4).

Section 41. Section **53F-9-401** is amended to read:

53F-9-401. Autism Awareness Restricted Account.

(1) There is created in the General Fund a restricted account known as the "Autism Awareness Restricted Account."

(2) The account shall be funded by:

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

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

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

(3) Upon appropriation by the Legislature, the state superintendent shall:

(a) (i) ensure the inventory of Autism Awareness Support special group license plate decals are in stock; and

(ii) transfer money to the State Tax Commission to pay for the group license plate as needed;

(b) distribute funds in the account to one or more charitable organizations that:

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

(ii) has as the organization's sole mission to promote access to resources and responsible information for individuals of all ages who have, or are affected by, autism or autism spectrum related conditions;

(iii) is an independent organization that has representation from state agencies and private providers serving individuals with autism spectrum disorder and their families in the state;

(iv) includes representation of:

(A) national and local autism advocacy groups, as available; and

HB0368S04 compared with HB0368S03

(B) interested parents and professionals; and

(v) does not endorse any specific treatment, therapy, or intervention used for autism.

(4) (a) An organization described in Subsection (3) may apply to the state superintendent to receive a distribution in accordance with Subsection (3).

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

(i) pay for autism education and public awareness of programs and related services in the state;

(ii) enhance programs designed to serve individuals with autism;

(iii) provide support to caregivers providing services for individuals with autism;

(iv) pay administrative costs of the organization; and

(v) pay for academic scholarships and research efforts in the area of autism spectrum disorder.

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

Section 42. Section **53F-9-403** is amended to read:

53F-9-403. Kiwanis Education Support Fund.

(1) There is created an expendable special revenue fund known as the "Kiwanis Education Support Fund."

(2) The fund consists of:

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

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

~~[(c)]~~ (b) donations or grants from public or private entities; and

~~[(d)]~~ (c) money appropriated to the fund by the Legislature.

(3) Subject to Subsection 41-1a-418(2), the State Tax Commission:

(a) shall expend money in the fund to pay the initial costs of ordering and issuing Kiwanis special group license plates; and

(b) as needed, may expend money in the fund to pay the costs of reordering Kiwanis special group license plates and decals.

~~[(4) On an annual basis, the State Tax Commission shall:]~~

HB0368S04 compared with HB0368S03

~~[(a) evaluate the fund's ability to cover the costs described in Subsection (3); and]
[(b) based on the evaluation described in Subsection (4)(a), adjust the allocation of contributions described in Subsection (2)(a) deposited into the fund.]~~

Section 43. Section **59-10-1319** is amended to read:

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

(1) (a) There is created an expendable special revenue fund known as the "Clean Air Fund."

(b) The fund shall consist of all amounts deposited into the fund in accordance with Subsection (2).

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

(i) deposited into the Clean Air Fund; and

(ii) expended as provided in Subsection (3).

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

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

~~[(ii)]~~ (i) private contributions; and

~~[(iii)]~~ (ii) donations or grants from public or private entities.

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

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

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

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

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

Section 44. Section **61-2-204** is amended to read:

61-2-204. Utah Housing Opportunity Restricted Account.

HB0368S04 compared with HB0368S03

(1) For purposes of this section, "account" means the Utah Housing Opportunity Restricted Account created by this section.

(2) There is created in the General Fund a restricted account known as the "Utah Housing Opportunity Restricted Account."

(3) The account shall be funded by:

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

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

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

(4) (a) The state treasurer shall invest money in the account according to Title 51, Chapter 7, State Money Management Act.

(b) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.

(5) The Legislature shall appropriate money in the account to the division.

(6) The division shall distribute the money in the account to one or more charitable organizations that:

(a) are tax exempt under Section 501(c)(3), Internal Revenue Code; and

(b) have as a primary part of their mission to provide support to organizations that create affordable housing for those in severe need.

(7) The division may consider a proposal only if it is:

(a) proposed by an organization described in Subsection (6); and

(b) designed to provide support to organizations that create affordable housing for those in severe need.

(8) (a) An organization described in Subsection (6) may apply to the division to receive a distribution in accordance with Subsection (6).

(b) An organization that receives a distribution from the division in accordance with Subsection (6) shall expend the distribution only to provide support to organizations that create affordable housing for those in severe need.

(9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules providing procedures for an organization to apply to receive money under this section.

Section 45. Section **62A-1-202** is amended to read:

HB0368S04 compared with HB0368S03

62A-1-202. National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account.

(1) There is created in the General Fund a restricted account known as the "National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account."

(2) The account shall be funded by:

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

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

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

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

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

(b) are selected by the owners that, either on an individual or joint basis, own a controlling interest in a legal entity that is a franchised member of the internationally recognized national governing body for professional men's basketball in the United States;

(c) are headquartered within the state;

(d) create or support programs that focus on issues affecting women and children within the state, with an emphasis on health and education; and

(e) have a board of directors that disperses all funds of the organization.

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

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

(i) create or support programs that focus on issues affecting women and children, with an emphasis on health and education;

(ii) create or sponsor programs that will benefit residents within the state; and

(iii) pay the costs of issuing or reordering National Professional Men's Basketball Team Support of Women and Children Issues support special group license plate decals.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules providing procedures for an organization to apply to the department to receive a distribution under this Subsection (4).

HB0368S04 compared with HB0368S03

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

Section 46. Section **62A-4a-608** is amended to read:

62A-4a-608. Choose Life Adoption Support Restricted Account.

(1) There is created in the General Fund the "Choose Life Adoption Support Restricted Account."

(2) The account shall be funded by:

~~[(a) contributions deposited into the Choose Life Adoption Support Restricted Account in accordance with Section 41-1a-422;]~~

~~[(b)]~~ (a) appropriations to the account by the Legislature;

~~[(c)]~~ (b) private contributions; and

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

(3) The Legislature shall appropriate money in the account to the division.

(4) The division shall distribute the funds in the account to one or more charitable organizations that:

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

(b) have as part of their primary mission the support, promotion, and education of adoption programs; and

(c) are licensed or registered to do business within the state in accordance with state law.

(5) (a) An organization described in Subsection (4) may apply to the division to receive a distribution in accordance with Subsection (4).

(b) An organization that receives a distribution from the division in accordance with Subsection (4) shall expend the distribution only to:

(i) produce and distribute educational and promotional materials on adoption;

(ii) conduct educational courses on adoption; and

(iii) provide other programs that support adoption.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules providing procedures and requirements for an organization to apply to the division to receive a distribution under Subsection (4).

Section 47. Section **63G-26-103** is amended to read:

HB0368S04 compared with HB0368S03

63G-26-103. Protection of personal information.

(1) Except as provided in Subsections (2), (3), and (5), a public agency may not:

(a) require an individual to provide the public agency with personal information or otherwise compel the release of personal information;

(b) require an entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code to provide the public agency with personal information or compel the entity to release personal information;

(c) release, publicize, or otherwise publicly disclose personal information in possession of a public agency; or

(d) request or require a current or prospective contractor or grantee of the public agency to provide the public agency with a list of entities exempt from federal income tax under Section 501(c) of the Internal Revenue Code to which the contractor or grantee has provided financial or nonfinancial support.

(2) Subsection (1) does not apply to:

(a) a disclosure of personal information required under Title 20A, Election Code, Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act, or any other legal requirement relating to reporting campaign contributions, campaign expenditures, lobbying disclosures, or lobbying expenditures;

(b) a disclosure of personal information expressly required by law;

(c) a disclosure of personal information voluntarily made:

(i) as part of public comment or in a public meeting; or

(ii) in another manner that is publicly accessible;

(d) a disclosure of personal information pursuant to a warrant or court order issued by a court of competent jurisdiction;

(e) a lawful request for discovery of personal information in litigation or a criminal proceeding;

(f) the use of personal information in a legal proceeding;

(g) a public agency sharing personal information with another public agency in accordance with the requirements of law; or

(h) a nonprofit created under Title 11, Chapter 13a, Governmental Nonprofit Corporations Act.

HB0368S04 compared with HB0368S03

(3) Subsections (1)(a), (b), and (d) do not apply to:

(a) administration or enforcement of Title 13, Chapter 11, Utah Consumer Sales Practices Act, or Title 13, Chapter 22, Charitable Solicitations Act;

(b) the request or use of personal information necessary to the State Tax Commission's administration of tax or motor vehicle laws; or

(c) access to personal information by the Office of the Legislative Auditor General or the state auditor's office to conduct an audit.

(4) A court shall consider whether to:

(a) limit a request for discovery of personal information; or

(b) issue a protective order in relation to the disclosure of personal information obtained or used in relation to a legal proceeding.

(5) Subsection (1) does not apply to disclosure of a contributor [~~as defined in Section 41-1a-422;~~] to a sponsoring organization [~~described in Subsection 41-1a-422(3)~~], as those terms are defined in Section 41-1a-1601.

Section 48. Section **63I-1-263** is amended to read:

63I-1-263. Repeal dates, Titles 63A to 63N.

(1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

(a) Section 63A-16-102 is repealed;

(b) Section 63A-16-201 is repealed; and

(c) Section 63A-16-202 is repealed.

(2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital improvement funding, is repealed July 1, 2024.

(3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

(4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review Committee, are repealed July 1, 2023.

(5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.

(6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

(7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,

HB0368S04 compared with HB0368S03

2024.

(8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2023.

(9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed July 1, 2023.

(10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is repealed July 1, 2026.

(11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed July 1, 2025.

(12) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities Advisory Board, is repealed July 1, 2026.

(13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2025.

(14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2024.

(15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

(16) Subsection 63J-1-602.1~~[(17)]~~(15), Nurse Home Visiting Restricted Account is repealed July 1, 2026.

(17) (a) Subsection 63J-1-602.1~~[(61)]~~(59), relating to the Utah Statewide Radio System Restricted Account, is repealed July 1, 2022.

(b) When repealing Subsection 63J-1-602.1~~[(61)]~~(59), the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(18) Subsection 63J-1-602.2(5), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.

(19) Subsection 63J-1-602.2(6), referring to the Trip Reduction Program, is repealed July 1, 2022.

(20) Subsection 63J-1-602.2(24), related to the Utah Seismic Safety Commission, is repealed January 1, 2025.

~~[(21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is repealed July 1, 2027.]~~

HB0368S04 compared with HB0368S03

~~[(22)]~~ (21) In relation to the advisory committee created in Subsection 63L-11-305(3), on July 1, 2022:

- (a) Subsection 63L-11-305(1)(a), which defines "advisory committee," is repealed; and
- (b) Subsection 63L-11-305(3), which creates the advisory committee, is repealed.

~~[(23)]~~ (22) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2023:

(a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are repealed;

(b) Section 63M-7-305, the language that states "council" is replaced with "commission";

(c) Subsection 63M-7-305(1) is repealed and replaced with:

"(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

(d) Subsection 63M-7-305(2) is repealed and replaced with:

"(2) The commission shall:

(a) provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act; and

(b) coordinate the implementation of Section 77-18-104 and related provisions in Subsections 77-18-103(2)(c) and (d)."

~~[(24)]~~ (23) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2027.

~~[(25)]~~ (24) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July 1, 2022.

~~[(26)]~~ (25) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.

~~[(27)]~~ (26) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating Council, is repealed July 1, 2024.]

~~[(28)]~~ (26) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

~~[(29)]~~ (27) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed July 1, 2028.

~~[(30)]~~ (28) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed January 1, 2021.

HB0368S04 compared with HB0368S03

(b) Section 59-9-107 regarding tax credits against premium taxes is repealed for calendar years beginning on or after January 1, 2021.

(c) Notwithstanding Subsection [~~(30)~~] (28)(b), an entity may carry forward a tax credit in accordance with Section 59-9-107 if:

(i) the person is entitled to a tax credit under Section 59-9-107 on or before December 31, 2020; and

(ii) the qualified equity investment that is the basis of the tax credit is certified under Section 63N-2-603 on or before December 31, 2023.

[~~(31)~~] (29) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2023.

[~~(32)~~] (30) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1, 2025.

[~~(33)~~] (31) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, 2028.

Section 49. Section **63J-1-602.1** is amended to read:

63J-1-602.1. List of nonlapsing appropriations from accounts and funds.

Appropriations made from the following accounts or funds are nonlapsing:

(1) The Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account created in Section 4-42-102.

(2) The Native American Repatriation Restricted Account created in Section 9-9-407.

(3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102.

(4) The National Professional Men's Soccer Team Support of Building Communities Restricted Account created in Section 9-19-102.

(5) Funds collected for directing and administering the C-PACE district created in Section 11-42a-106.

(6) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.

(7) The "Latino Community Support Restricted Account" created in Section 13-1-16.

(8) The Clean Air Support Restricted Account created in Section 19-1-109.

(9) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in

HB0368S04 compared with HB0368S03

Section 19-2a-106.

(10) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in Section 19-5-126.

(11) The "Support for State-Owned Shooting Ranges Restricted Account" created in Section 23-14-13.5.

(12) Award money under the State Asset Forfeiture Grant Program, as provided under Section 24-4-117.

(13) Funds collected from the program fund for local health department expenses incurred in responding to a local health emergency under Section 26-1-38.

~~[(14) The Children with Cancer Support Restricted Account created in Section 26-21a-304.]~~

[(15)] (14) State funds for matching federal funds in the Children's Health Insurance Program as provided in Section 26-40-108.

~~[(16) The Children with Heart Disease Support Restricted Account created in Section 26-58-102.]~~

[(17)] (15) The Nurse Home Visiting Restricted Account created in Section 26-63-601.

[(18)] (16) The Technology Development Restricted Account created in Section 31A-3-104.

[(19)] (17) The Criminal Background Check Restricted Account created in Section 31A-3-105.

[(20)] (18) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.

[(21)] (19) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.

[(22)] (20) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.

[(23)] (21) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.

[(24)] (22) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.

HB0368S04 compared with HB0368S03

~~[(25)]~~ (23) The School Readiness Restricted Account created in Section 35A-15-203.

~~[(26)]~~ (24) Money received by the Utah State Office of Rehabilitation for the sale of certain products or services, as provided in Section 35A-13-202.

~~[(27)]~~ (25) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.

~~[(28)]~~ (26) The Oil and Gas Conservation Account created in Section 40-6-14.5.

~~[(29)]~~ (27) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.

~~[(30)]~~ (28) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the Motor Vehicle Division.

~~[(31)]~~ (29) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the State Tax Commission.

~~[(32)]~~ (30) The Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120.

~~[(33)]~~ (31) The State Disaster Recovery Restricted Account to the Division of Emergency Management, as provided in Section 53-2a-603.

~~[(34)]~~ (32) The Department of Public Safety Restricted Account to the Department of Public Safety, as provided in Section 53-3-106.

~~[(35)]~~ (33) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

~~[(36)]~~ (34) The DNA Specimen Restricted Account created in Section 53-10-407.

~~[(37)]~~ (35) The Canine Body Armor Restricted Account created in Section 53-16-201.

~~[(38)]~~ (36) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

~~[(39)]~~ (37) The Higher Education Capital Projects Fund created in Section 53B-22-202.

~~[(40)]~~ (38) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

~~[(41)]~~ (39) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).

~~[(42)]~~ (40) Funds collected from a surcharge fee to provide certain licensees with

HB0368S04 compared with HB0368S03

access to an electronic reference library, as provided in Section 58-3a-105.

~~[(43)]~~ (41) Certain fines collected by the Division of Occupational and Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.

~~[(44)]~~ (42) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-22-104.

~~[(45)]~~ (43) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-55-106.

~~[(46)]~~ (44) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-56-3.5.

~~[(47)]~~ (45) Certain fines collected by the Division of Occupational and Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.

~~[(48)]~~ (46) The Relative Value Study Restricted Account created in Section 59-9-105.

~~[(49)]~~ (47) The Cigarette Tax Restricted Account created in Section 59-14-204.

~~[(50)]~~ (48) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.

~~[(51)]~~ (49) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.

~~[(52)]~~ (50) Certain funds donated to the Department of Human Services, as provided in Section 62A-1-111.

~~[(53)]~~ (51) The National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202.

~~[(54)]~~ (52) Certain funds donated to the Division of Child and Family Services, as provided in Section 62A-4a-110.

~~[(55)]~~ (53) The Choose Life Adoption Support Restricted Account created in Section 62A-4a-608.

~~[(56)]~~ (54) Funds collected by the Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

~~[(57)]~~ (55) The Immigration Act Restricted Account created in Section 63G-12-103.

HB0368S04 compared with HB0368S03

~~[(58)]~~ (56) Money received by the military installation development authority, as provided in Section 63H-1-504.

~~[(59)]~~ (57) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.

~~[(60)]~~ (58) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.

~~[(61)]~~ (59) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.

~~[(62)]~~ (60) The Utah Capital Investment Restricted Account created in Section 63N-6-204.

~~[(63)]~~ (61) The Motion Picture Incentive Account created in Section 63N-8-103.

~~[(64)]~~ (62) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as provided under Section 63N-10-301.

~~[(65)]~~ (63) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).

~~[(66)]~~ (64) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.

~~[(67)]~~ (65) The Transportation of Veterans to Memorials Support Restricted Account created in Section 71-14-102.

~~[(68)]~~ (66) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.

~~[(69)]~~ (67) Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as provided in Section 73-3-25.

~~[(70)]~~ (68) The Water Resources Conservation and Development Fund, as provided in Section 73-23-2.

~~[(71)]~~ (69) Funds donated or paid to a juvenile court by private sources, as provided in Subsection 78A-6-203(1)(c).

~~[(72)]~~ (70) Fees for certificate of admission created under Section 78A-9-102.

~~[(73)]~~ (71) Funds collected for adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

~~[(74)]~~ (72) Funds collected for indigent defense as provided in Title 78B, Chapter 22,

HB0368S04 compared with HB0368S03

Part 4, Utah Indigent Defense Commission.

~~[(75)]~~ (73) The Utah Geological Survey Oil, Gas, and Mining Restricted Account created in Section 79-3-403.

~~[(76)]~~ (74) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, and Green River State Park, as provided under Section 79-4-403.

~~[(77)]~~ (75) Certain funds received by the Division of State Parks from the sale or disposal of buffalo, as provided under Section 79-4-1001.

~~[(78)]~~ (76) The Drinking While Pregnant Prevention Media and Education Campaign Restricted Account created in Section 32B-2-308.

Section 50. Section 71-8-2 is amended to read:

71-8-2. Department of Veterans and Military Affairs created -- Appointment of executive director -- Department responsibilities.

(1) There is created the Department of Veterans and Military Affairs.

(2) The governor shall appoint an executive director for the department, after consultation with the Veterans Advisory Council, who is subject to Senate confirmation.

(a) The executive director shall be an individual who:

(i) has served on active duty in the armed forces for more than 180 consecutive days;

(ii) was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized; or

(iii) incurred an actual service-related injury or disability in the line of duty, whether or not that person completed 180 consecutive days of active duty; and

(iv) was separated or retired under honorable conditions.

(b) Any veteran or veterans group may submit names to the council for consideration.

(3) The department shall:

(a) conduct and supervise all veteran activities as provided in this title;

~~[(b) determine which campaign or combat theater awards are eligible for a special group license plate in accordance with Section 41-1a-418;]~~

~~[(c) verify that an applicant for a campaign or combat theater award special group license plate is qualified to receive it;]~~

~~[(d) provide an applicant that qualifies a form indicating the campaign or combat theater award special group license plate for which the applicant qualifies;]~~

HB0368S04 compared with HB0368S03

~~[(e)]~~ (b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this title; and

~~[(f)]~~ (c) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:

- (i) under this title;
- (ii) by the department; or
- (iii) by an agency or division within the department.

(4) (a) The department may award grants for the purpose of supporting veteran and military outreach, employment, education, healthcare, homelessness prevention, and recognition events.

(b) The department may award a grant described in Subsection (4)(a) to:

- (i) an institution of higher education listed in Section 53B-1-102;
- (ii) a nonprofit organization involved in veterans or military-related activities; or
- (iii) a political subdivision of the state.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the administration of grants, including establishing:

- (i) the form and process for submitting an application to the department;
- (ii) the method and criteria for selecting a grant recipient;
- (iii) the method and formula for determining a grant amount; and
- (iv) the reporting requirements of a grant recipient.

(d) A grant may be awarded by the department only after consultation with the Veterans Advisory Council.

(5) Nothing in this chapter shall be construed as altering or preempting the provisions of Title 39, Militia and Armories, as specifically related to the Utah National Guard.

Section 51. Section **71-8-4** is amended to read:

71-8-4. Veterans Advisory Council -- Membership -- Duties and responsibilities -- Per diem and travel expenses.

(1) There is created a Veterans Advisory Council whose purpose is to advise the executive director of the Department of Veterans and Military Affairs on issues relating to veterans.

HB0368S04 compared with HB0368S03

(2) The council shall consist of the following 14 members:

(a) 11 voting members to serve four-year terms:

(i) seven veterans at large appointed by the governor;

(ii) the commander or the commander's designee, whose terms shall last for as long as they hold that office, from each of the following organizations:

(A) Veterans of Foreign Wars;

(B) American Legion; and

(C) Disabled American Veterans; and

(iii) a representative from the Office of the Governor; and

(b) three nonvoting members:

(i) the executive director of the Department of Veterans and Military Affairs;

(ii) the director of the VA Health Care System or his designee; and

(iii) the director of the VA Benefits Administration Regional Office in Salt Lake City, or his designee.

(3) (a) Except as required by Subsection (3)(b), as terms of current council members expire, the governor shall appoint each new or reappointed member to a four-year term commencing on July 1.

(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the members appointed by the governor are appointed every two years.

(4) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement for the unexpired term within 60 days of receiving notice.

(5) Members appointed by the governor may not serve more than three consecutive terms.

(6) (a) Any veterans group or veteran may provide the executive director with a list of recommendations for members on the council.

(b) The executive director shall provide the governor with the list of recommendations for members to be appointed to the council.

(c) The governor shall make final appointments to the council by June 30 of any year in which appointments are to be made under this chapter.

HB0368S04 compared with HB0368S03

(7) The council shall elect a chair and vice chair from among the council members every two years. The chair and vice chair shall each be an individual who:

(a) has served on active duty in the armed forces for more than 180 consecutive days;

(b) was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized; or

(c) incurred an actual service-related injury or disability in the line of duty, whether or not that person completed 180 consecutive days of active duty; and

(d) was separated or retired under honorable conditions.

(8) (a) The council shall meet at least once every quarter.

(b) The executive director of the Department of Veterans and Military Affairs may convene additional meetings, as necessary.

(9) The department shall provide staff to the council.

(10) Six voting members are a quorum for the transaction of business.

(11) The council shall:

(a) solicit input concerning veterans issues from veterans' groups throughout the state;

(b) report issues received to the executive director of the Department of Veterans and Military Affairs and make recommendations concerning them;

(c) keep abreast of federal developments that affect veterans locally and advise the executive director of them;

(d) approve, by a majority vote, the use of money generated from veterans license plates under Section [~~41-1a-422~~] 41-1a-1603 for veterans programs; and

(e) assist the director in developing guidelines and qualifications for:

(i) participation by donors and recipients in the Veterans Assistance Registry created in Section 71-12-101; and

(ii) developing a process for providing contact information between qualified donors and recipients.

(12) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

HB0368S04 compared with HB0368S03

63A-3-107.

Section 52. Section **71-14-102** is amended to read:

71-14-102. Transportation of Veterans to Memorials Support Restricted Account.

(1) As used in this section, "department" means the Department of Veterans and Military Affairs created in Section 71-8-2.

(2) There is created in the General Fund a restricted account known as the "Transportation of Veterans to Memorials Support Restricted Account."

~~[(3) The account shall be funded by contributions deposited into the account in accordance with Section 41-1a-422.]~~

~~[(4)]~~ (3) Upon appropriation by the Legislature, the department shall distribute funds in the account to one or more charitable organizations that:

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

(b) have as a primary mission the transportation of veterans to Washington D.C. to visit memorials dedicated to honor the service and sacrifice of veterans.

~~[(5)]~~ (4) (a) An organization described in Subsection ~~[(4)]~~ (3) may apply to the department to receive a distribution in accordance with Subsection ~~[(4)]~~ (3).

(b) An organization that receives a distribution from the department in accordance with Subsection ~~[(4)]~~ (3) shall expend the distribution only:

(i) to facilitate, coordinate, and cover costs of travel to visit veterans memorials in Washington D.C.; and

(ii) pay the costs of issuing or reordering Transportation of Veterans to Memorials Support special group license plate decals.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules providing procedures for an organization to apply to the department to receive a distribution as provided in this section.

~~[(6)]~~ (5) In accordance with Section 63J-1-602.1, appropriations from the account are nonlapsing.

Section 53. Section **72-2-127** is amended to read:

72-2-127. Share the Road Bicycle Support Restricted Account.

HB0368S04 compared with HB0368S03

(1) There is created in the General Fund the Share the Road Bicycle Support Restricted Account.

(2) The account shall be funded by:

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

~~[(b)]~~ (a) appropriations to the account by the Legislature;

~~[(c)]~~ (b) private contributions; and

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

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

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

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

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

(b) have as part of their primary mission the promotion and education of:

(i) safe bicycle operation;

(ii) safe motor vehicle operation around bicycles; and

(iii) healthy lifestyles; and

(c) contribute to the start-up fee for the production and administrative costs for providing a Share the Road Bicycle Support special group license plate in accordance with Subsection 41-1a-418(2)~~[(a)]~~.

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

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

(i) pay the costs of reordering Share the Road Bicycle Support special group license plate decals;

(ii) produce and distribute materials to educate:

(A) bicyclists and motorists about safe bicycling, sharing the road, and obeying the law in Utah; and

(B) the public on healthy lifestyles;

HB0368S04 compared with HB0368S03

(iii) participate in transportation planning that provides accommodations for safe bicycling;

(iv) promote a network of safe bicycling routes throughout the state; and

(v) provide other programs that promote bicycle safety.

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

Section 54. Section **72-2-130** is amended to read:

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

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

(2) The account shall be funded by:

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

~~[(b)]~~ (a) appropriations to the account by the Legislature;

~~[(c)]~~ (b) private contributions; and

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

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

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

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

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

(b) have as part of their primary mission:

(i) the promotion of motorcycle safety and awareness;

(ii) safe motor vehicle operation around motorcycles; and

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

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

HB0368S04 compared with HB0368S03

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

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

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

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

(iii) promote education on motorcycle safety;

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

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

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

Section 55. Section **79-4-203** is amended to read:

79-4-203. Powers and duties of division.

(1) As used in this section, "real property" includes land under water, upland, and all other property commonly or legally defined as real property.

(2) The Division of Wildlife Resources shall retain the power and jurisdiction conferred upon the Division of Wildlife Resources by law within state parks and on property controlled by the Division of State Parks with reference to fish and game.

(3) The division shall permit multiple use of state parks and property controlled by the division for purposes such as grazing, fishing, hunting, camping, mining, and the development and utilization of water and other natural resources.

(4) (a) The division may acquire real and personal property in the name of the state by all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or otherwise, subject to the approval of the executive director and the governor.

(b) In acquiring any real or personal property, the credit of the state may not be pledged without the consent of the Legislature.

(5) (a) Before acquiring any real property, the division shall notify the county

HB0368S04 compared with HB0368S03

legislative body of the county where the property is situated of its intention to acquire the property.

(b) If the county legislative body requests a hearing within 10 days of receipt of the notice, the division shall hold a public hearing in the county concerning the matter.

(6) Acceptance of gifts or devises of land or other property is at the discretion of the division, subject to the approval of the executive director and the governor.

(7) The division shall acquire property by eminent domain in the manner authorized by Title 78B, Chapter 6, Part 5, Eminent Domain.

(8) (a) The division may make charges for special services and use of facilities, the income from which is available for park purposes.

(b) The division may conduct and operate those services necessary for the comfort and convenience of the public.

(9) (a) The division may lease or rent concessions of all lawful kinds and nature in state parks and property to persons, partnerships, and corporations for a valuable consideration upon the recommendation of the board.

(b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in selecting concessionaires.

(10) The division shall proceed without delay to negotiate with the federal government concerning the Weber Basin and other recreation and reclamation projects.

~~[(11) The division shall receive and distribute voluntary contributions collected under Section 41-1a-422 in accordance with Section 79-4-404.]~~

Section 56. Section ~~79-4-404~~ is amended to read:

79-4-404. Zion National Park Support Programs Restricted Account -- Creation -- Funding -- Distribution of funds.

(1) There is created within the General Fund the Zion National Park Support Programs Restricted Account.

(2) The account shall be funded by:

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

~~[(b)]~~ (a) private contributions; or

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

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

HB0368S04 compared with HB0368S03

(4) The board may expend up to 10% of the money appropriated under Subsection (3) to administer account distributions in accordance with Subsections (5) and (6).

(5) The division shall distribute contributions to one or more organizations that:

(a) are exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;

(b) operate under a written agreement with the National Park Service to provide interpretive, educational, and research activities for the benefit of Zion National Park;

(c) produce and distribute educational and promotional materials on Zion National Park;

(d) conduct educational courses on the history and ecosystem of the greater Zion Canyon area; and

(e) provide other programs that enhance visitor appreciation and enjoyment of Zion National Park.

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

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

(i) produce and distribute educational and promotional materials on Zion National Park;

(ii) conduct educational courses on the history and ecosystem of the greater Zion Canyon area; and

(iii) provide other programs that enhance visitor appreciation and enjoyment of Zion National Park.

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

Section 57. **Repealer.**

This bill repeals:

Section **26-21a-304, Children with Cancer Support Restricted Account.**

Section **26-58-102, Children with Heart Disease Support Restricted Account.**

Section **41-1a-421, Honor special group license plates -- Personal identity**

HB0368S04 compared with HB0368S03

requirements.

Section 41-1a-422, Support special group license plates -- Contributor -- Voluntary contribution collection procedures.

Section 78A-2-804, Guardian Ad Litem Services Account established -- Funding.

Section 58. Effective date.

(1) Except as provided in Subsection (2), this bill takes effect on January 1, 2023.

(2) The changes to Sections 41-1a-410 and 41-1a-411 take effect on May 4, 2022.