

SPECIAL GROUP LICENSE PLATE AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: Todd Weiler

LONG TITLE

Committee Note:

The Transportation Interim Committee recommended this bill.

General Description:

This bill authorizes an In God We Trust freedom celebration support special group license plate.

Highlighted Provisions:

This bill:

- ▶ authorizes an In God We Trust freedom celebration support special group license plate for programs that create or support educational and community events within the state that celebrate, teach, or honor families, freedom, God, and country;
- ▶ requires applicants for a new plate to make a \$25 annual donation to the In God We Trust Freedom Celebration Support Restricted Account;
- ▶ creates the In God We Trust Freedom Celebration Support Restricted Account;
- ▶ requires the Department of Heritage and Arts to distribute funds in the In God We Trust Freedom Celebration Support Restricted Account to certain organizations that provide programs that create or support educational and community events within the state that celebrate, teach, or honor families, freedom, God, and country; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None



Other Special Clauses:

This bill takes effect on October 1, 2013.

Utah Code Sections Affected:

AMENDS:

41-1a-418, as last amended by Laws of Utah 2012, Chapter 332

41-1a-422, as last amended by Laws of Utah 2012, Chapter 332

63J-1-602.1, as last amended by Laws of Utah 2012, Chapter 332

ENACTS:

9-19-101, Utah Code Annotated 1953

9-19-102, Utah Code Annotated 1953

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

Section 1. Section **9-19-101** is enacted to read:

**CHAPTER 19. IN GOD WE TRUST FREEDOM CELEBRATION SUPPORT
RESTRICTED ACCOUNT ACT**

9-19-101. Title.

This chapter is known as the "In God We Trust Freedom Celebration Support
Restricted Account Act."

Section 2. Section **9-19-102** is enacted to read:

9-19-102. In God We Trust Freedom Celebration Support Restricted Account.

(1) There is created in the General Fund a restricted account known as the "In God We
Trust Freedom Celebration Support Restricted Account."

(2) The account shall be funded by:

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

(b) private contributions; and

(c) 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 located within the state and are not affiliated with a parent organization;

(c) create or support a minimum of 20 educational programs and community events

59 within the state that celebrate, teach, or honor families, freedom, God, and country;

60 (d) celebrate, teach, honor, and strengthen the traditional American values of family,
61 freedom, God, and country; and

62 (e) focus primarily on sponsoring community events surrounding the July 4
63 Independence Day holiday.

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

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

68 (i) create or support educational programs and community events within the state that
69 celebrate, teach, or honor families, freedom, God, and country;

70 (ii) advertise to promote the educational and community events described in
71 Subsection (4)(b)(i);

72 (iii) sponsor youth speech, multimedia, and essay contests that encourage youth to
73 honor families, freedom, God, and country; and

74 (iv) pay the costs of issuing or reordering In God We Trust freedom celebration
75 support special group license plate decals.

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

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

81 Section 3. Section **41-1a-418** is amended to read:

82 **41-1a-418. Authorized special group license plates.**

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

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

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

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

89 (ii) former prisoner of war;

90 (iii) recipient of a Purple Heart;
91 (iv) disabled veteran; or
92 (v) recipient of a gold star award issued by the United States Secretary of Defense;
93 (c) unique vehicle type special group license plates, as for historical, collectors value,
94 or other unique vehicle type, which plates are issued for:
95 (i) a special interest vehicle;
96 (ii) a vintage vehicle;
97 (iii) a farm truck; or
98 (iv) (A) until Subsection (1)(c)(iv)(B) or (5) applies, a vehicle powered by clean fuel as
99 defined in Section 59-13-102; or
100 (B) beginning on the effective date of rules made by the Department of Transportation
101 authorized under Subsection 41-6a-702(5)(b) and until Subsection (5) applies, a vehicle
102 powered by clean fuel that meets the standards established by the Department of Transportation
103 in rules authorized under Subsection 41-6a-702(5)(b);
104 (d) recognition special group license plates, as in a public official or an emergency
105 service giver, which plates are issued for a:
106 (i) current member of the Legislature;
107 (ii) current member of the United States Congress;
108 (iii) current member of the National Guard;
109 (iv) licensed amateur radio operator;
110 (v) currently employed, volunteer, or retired firefighter until June 30, 2009;
111 (vi) emergency medical technician;
112 (vii) current member of a search and rescue team; or
113 (viii) current honorary consulate designated by the United States Department of State;
114 and
115 (e) support special group license plates, as for a contributor to an institution or cause,
116 which plates are issued for a contributor to:
117 (i) an institution's scholastic scholarship fund;
118 (ii) the Division of Wildlife Resources;
119 (iii) the Department of Veterans' Affairs;
120 (iv) the Division of Parks and Recreation;

(v) the Department of Agriculture and Food;

(vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;

(vii) the Boy Scouts of America;

(viii) spay and neuter programs through No More Homeless Pets in Utah;

(ix) the Boys and Girls Clubs of America;

(x) Utah public education;

(xi) programs that provide support to organizations that create affordable housing for those in severe need through the Division of Real Estate;

(xii) the Department of Public Safety;

(xiii) programs that support Zion National Park;

(xiv) beginning on July 1, 2009, programs that provide support to firefighter organizations;

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

(xvi) programs that conduct or support cancer research;

(xvii) programs that create or support autism awareness;

(xviii) programs that create or support humanitarian service and educational and cultural exchanges;

(xix) programs that conduct or support prostate cancer awareness, screening, detection, or prevention;

(xx) programs that support and promote adoptions; ~~or~~

(xxi) programs that create or support civil rights education and awareness~~[-]; or~~

(xxii) programs that create or support educational and community events within the state that celebrate, teach, or honor families, freedom, God, and country.

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

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

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

(ii) beginning on January 1, 2012, and for the issuance of a support special group license plate authorized in Section 41-1a-422, at least 500 completed applications for the new

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

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

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

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

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

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

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

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

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

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

for which that type of support special group license plate has less than 500 license plates issued each year.

(b) If the division is required to stop the issuance of a type of support special group license plate authorized in Section 41-1a-422 under this Subsection (3), the division shall report to the Transportation Interim Committee that the division will stop the issuance on or before the November interim meeting of the year in which the commission determines to stop the issuance of that type of support special group license plate.

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

(b) If the division is required to stop the issuance of a type of support special group license plate authorized in Section 41-1a-422 under this Subsection (4), the division shall report to the Transportation Interim Committee that the division will stop the issuance on or before the November interim meeting of the year in which the commission determines to stop the issuance of that type of support special group license plate.

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

Section 4. Section **41-1a-422** is amended to read:

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

(1) As used in this section:

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

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

(B) the Department of Veterans' Affairs for veterans' programs;

(C) the Division of Wildlife Resources for the Wildlife Resources Account created in Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,

214 access, and management of wildlife habitat;

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

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

217 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with

218 the donation evenly divided between the two;

219 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America

220 council as specified by the contributor;

221 (H) No More Homeless Pets in Utah for distribution to organizations or individuals

222 that provide spay and neuter programs that subsidize the sterilization of domestic animals;

223 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth

224 development programs;

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

226 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to

227 assist people who have severe housing needs;

228 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118

229 to support the families of fallen Utah Highway Patrol troopers and other Department of Public

230 Safety employees;

231 (M) the Division of Parks and Recreation for distribution to organizations that provide

232 support for Zion National Park;

233 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support

234 firefighter organizations;

235 (O) the Share the Road Bicycle Support Restricted Account created in Section

236 72-2-127 to support bicycle operation and safety awareness programs;

237 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support

238 cancer research programs;

239 (Q) Autism Awareness Restricted Account created in Section 53A-1-304 to support

240 autism awareness programs;

241 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account

242 created in Section 9-17-102 to support humanitarian service and educational and cultural

243 programs;

244 (S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for

programs that conduct or support prostate cancer awareness, screening, detection, or prevention;

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

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

(V) the In God We Trust Freedom Celebration Support Restricted Account created in Section 9-19-102.

(ii) (A) For a veterans' special group license plate, "contributor" means a person who has donated or in whose name at least a \$25 donation at the time of application and \$10 annual donation thereafter has been made.

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

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

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

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

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

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

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

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

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

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

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

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

(i) the name of the contributor;

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

(iii) the date of the donation; and

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

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

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

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

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

(b) This contribution shall be:

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

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

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

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

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

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

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

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

(i) snowmobile license plates; or

(ii) conservation license plates.

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

Section 5. Section **63J-1-602.1** is amended to read:

63J-1-602.1. List of nonlapsing accounts and funds -- General authority and Title 1 through Title 30.

(1) Appropriations made to the Legislature and its committees.

(2) The Percent-for-Art Program created in Section 9-6-404.

(3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102.

(4) The In God We Trust Freedom Celebration Support Restricted Account created in Section 9-19-102.

~~[(4)]~~ (5) The LeRay McAllister Critical Land Conservation Program created in Section 11-38-301.

~~[(5)]~~ (6) An appropriation made to the Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

~~[(6)]~~ (7) Award money under the Crime Reduction Assistance Program, as provided under Section 24-1-19.

~~[(7)]~~ (8) Funds collected from the emergency medical services grant program, as provided in Section 26-8a-207.

~~[(8)]~~ (9) The Prostate Cancer Support Restricted Account created in Section

338 26-21a-303.
339 ~~[(9)]~~ (10) State funds appropriated for matching federal funds in the Children's Health
340 Insurance Program as provided in Section 26-40-108.
341 ~~[(10)]~~ (11) The Utah Health Care Workforce Financial Assistance Program created in
342 Section 26-46-102.
343 Section 6. **Effective date.**
344 This bill takes effect on October 1, 2013.

Legislative Review Note
as of 11-14-12 1:19 PM

Office of Legislative Research and General Counsel