

**MARTIN LUTHER KING, JR. SPECIAL GROUP LICENSE**

**PLATE**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca Chavez-Houck**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill authorizes a Martin Luther King, Jr. Civil Rights Support special group license plate.

**Highlighted Provisions:**

This bill:

- ▶ creates a Martin Luther King, Jr. Civil Rights Support special group license plate for programs that create or support civil rights awareness and education programs;
- ▶ requires applicants for a new plate to make a \$35 annual donation to the Martin Luther King, Jr. Civil Rights Support Restricted Account;
- ▶ creates the Martin Luther King, Jr. Civil Rights Support Restricted Account;
- ▶ requires the Department of Community and Culture to distribute funds in the Martin Luther King, Jr. Civil Rights Support Restricted Account to certain organizations that provide programs that create or support civil rights awareness and education programs; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on October 1, 2012.



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **41-1a-418**, as last amended by Laws of Utah 2011, Chapters 264, 264, 394, 394, 438,  
31 440, and 440

32 **41-1a-422**, as last amended by Laws of Utah 2011, Chapters 342, 342, 438, 440, and  
33 440

34 **63J-1-602.1**, as last amended by Laws of Utah 2011, Chapters 303 and 440

35 ENACTS:

36 **9-18-101**, Utah Code Annotated 1953

37 **9-18-102**, Utah Code Annotated 1953



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

40 Section 1. Section **9-18-101** is enacted to read:

41 **CHAPTER 18. MARTIN LUTHER KING, JR. CIVIL RIGHTS SUPPORT**  
42 **RESTRICTED ACCOUNT ACT**

43 **9-18-101. Title.**

44 This chapter is known as the "Martin Luther King, Jr. Civil Rights Support Restricted  
45 Account Act."

46 Section 2. Section **9-18-102** is enacted to read:

47 **9-18-102. Martin Luther King, Jr. Civil Rights Support Restricted Account.**

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

50 (2) The account shall be funded by:

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

52 (b) private contributions; and

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

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

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

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

58 (c) create or support programs that promote awareness and education of human civil

59 rights;

60 (d) provide education and training in human rights;

61 (e) partner with educational institutions to administer underrepresented or underserved  
62 scholarships; and

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

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

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

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

71 (ii) create or support programs that promote awareness and education of human civil  
72 rights;

73 (iii) provide education and training in human rights;

74 (iv) partner with educational institutions to administer underrepresented or underserved  
75 scholarships;

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

78 (vi) pay the costs of issuing or reordering Martin Luther King, Jr. Civil Rights Support  
79 special group license plate decals.

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

83 (5) In accordance with Section 63J-1-6021, appropriations from the account are  
84 nonlapsing.

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

86 **41-1a-418. Authorized special group license plates.**

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

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

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

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

93 (ii) former prisoner of war;

94 (iii) recipient of a Purple Heart;

95 (iv) disabled veteran; or

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

97 (c) unique vehicle type special group license plates, as for historical, collectors value,

98 or other unique vehicle type, which plates are issued for:

99 (i) a special interest vehicle;

100 (ii) a vintage vehicle;

101 (iii) a farm truck; or

102 (iv) (A) until Subsection (1)(c)(iv)(B) or (5) applies, a vehicle powered by clean fuel as  
103 defined in Section 59-13-102; or

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

108 (d) recognition special group license plates, as in a public official or an emergency  
109 service giver, which plates are issued for a:

110 (i) current member of the Legislature;

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

112 (iii) current member of the National Guard;

113 (iv) licensed amateur radio operator;

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

115 (vi) emergency medical technician;

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

117 (viii) current honorary consulate designated by the United States Department of State;

118 and

119 (e) support special group license plates, as for a contributor to an institution or cause,

120 which plates are issued for a contributor to:

- 121 (i) an institution's scholastic scholarship fund;
- 122 (ii) the Division of Wildlife Resources;
- 123 (iii) the Department of Veterans' Affairs;
- 124 (iv) the Division of Parks and Recreation;
- 125 (v) the Department of Agriculture and Food;
- 126 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 127 (vii) the Boy Scouts of America;
- 128 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 129 (ix) the Boys and Girls Clubs of America;
- 130 (x) Utah public education;
- 131 (xi) programs that provide support to organizations that create affordable housing for  
132 those in severe need through the Division of Real Estate;
- 133 (xii) the Department of Public Safety;
- 134 (xiii) programs that support Zion National Park;
- 135 (xiv) beginning on July 1, 2009, programs that provide support to firefighter  
136 organizations;
- 137 (xv) programs that promote bicycle operation and safety awareness;
- 138 (xvi) programs that conduct or support cancer research;
- 139 (xvii) programs that create or support autism awareness;
- 140 (xviii) programs that create or support humanitarian service and educational and  
141 cultural exchanges;
- 142 (xix) programs that conduct or support prostate cancer awareness, screening, detection,  
143 or prevention; [or]
- 144 (xx) programs that support and promote adoptions[-]; or
- 145 (xxi) programs that create or support civil rights education and awareness.
- 146 (2) (a) The division may not issue a new type of special group license plate unless the  
147 division receives:
  - 148 (i) (A) a start-up fee established under Section 63J-1-504 for production and  
149 administrative costs for providing the new special group license plates; or
  - 150 (B) a legislative appropriation for the start-up fee provided under Subsection  
151 (2)(a)(i)(A); and

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

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

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

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

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

169 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle  
170 registration of a motor vehicle that has been issued a firefighter recognition special group  
171 license plate unless the applicant is a contributor as defined in Subsection  
172 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

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

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

180 (3) (a) Beginning on July 1, 2011, if a support special group license plate type  
181 authorized in Section 41-1a-422 and issued prior to January 1, 2012, has less than 500 license  
182 plates issued each year for a three consecutive year time period that begins on July 1, the

183 division may not issue that type of support special group license plate to a new applicant  
184 beginning on January 1 of the following calendar year after the three consecutive year period  
185 for which that type of support special group license plate has less than 500 license plates issued  
186 each year.

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

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

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

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

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

207 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**  
208 **contribution collection procedures.**

209 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

237 (O) the Share the Road Bicycle Support Restricted Account created in Section  
238 72-2-127 to support bicycle operation and safety awareness programs;

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

241 (Q) Autism Awareness Restricted Account created in Section 53A-1-304 to support  
242 autism awareness programs;

243 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account  
244 created in Section 9-17-102 to support humanitarian service and educational and cultural



245 programs;

246 (S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for  
247 programs that conduct or support prostate cancer awareness, screening, detection, or  
248 prevention; [or]

249 (T) the Choose Life Adoption Support Restricted Account created in Section  
250 62A-4a-608 to support programs that promote adoption[-]; or

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

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

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

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

260 (II) is a member of a trade organization for real estate licensees that has more than  
261 15,000 Utah members.

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

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

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

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

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

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

276 (b) "Institution" means a state institution of higher education as defined under Section  
277 53B-3-102 or a private institution of higher education in the state accredited by a regional or  
278 national accrediting agency recognized by the United States Department of Education.

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

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

- 285 (i) the name of the contributor;
- 286 (ii) the institution to which a donation was made;
- 287 (iii) the date of the donation; and
- 288 (iv) an attestation that the donation was for a scholastic scholarship.

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

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

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

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

300 (b) This contribution shall be:

- 301 (i) unless collected by the named institution under Subsection (2), collected by the  
302 division;
- 303 (ii) considered a voluntary contribution for the funding of the activities specified under  
304 this section and not a motor vehicle registration fee;
- 305 (iii) deposited into the appropriate account less actual administrative costs associated  
306 with issuing the license plates; and

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

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

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

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

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

316 (i) snowmobile license plates; or

317 (ii) conservation license plates.

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

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

321 **63J-1-602.1. List of nonlapsing accounts and funds -- General authority and Title**  
322 **1 through Title 30.**

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

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

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

327 [~~3~~] (4) The LeRay McAllister Critical Land Conservation Program created in Section  
328 11-38-301.

329 [~~4~~] (5) An appropriation made to the Division of Wildlife Resources for the appraisal  
330 and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

331 [~~5~~] (6) Award money under the Crime Reduction Assistance Program, as provided  
332 under Section 24-1-19.

333 [~~6~~] (7) Funds collected from the emergency medical services grant program, as  
334 provided in Section 26-8a-207.

335 [~~7~~] (8) The Prostate Cancer Support Restricted Account created in Section  
336 26-21a-303.

337 [~~8~~] (9) State funds appropriated for matching federal funds in the Children's Health

338 Insurance Program as provided in Section 26-40-108.

339 [~~9~~] (10) The Utah Health Care Workforce Financial Assistance Program created in

340 Section 26-46-102.

341 Section 6. **Effective date.**

342 This bill takes effect on October 1, 2012.

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**Legislative Review Note**

as of 2-20-12 11:49 AM

**Office of Legislative Research and General Counsel**