

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

2 **PLATE**

3 2012 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Rebecca Chavez-Houck**

6 Senate Sponsor: Howard A. Stephenson

7

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 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 ~~H~~→ [human]

58a constitutional and ~~H~~ civil

59 rights;

60 (d) provide education and training in ~~H~~→ [human-rights] inalienable rights as set forth in
 60a the Declaration of Independence ~~H~~ ;

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 ~~H~~→ [human]
 71a constitutional and ~~H~~ civil
 72 rights;

73 (iii) provide education and training in ~~H~~→ [human-rights] inalienable rights as set forth in
 73a the Declaration of Independence ~~H~~ ;

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.

Legislative Review Note

as of 2-20-12 11:49 AM

Office of Legislative Research and General Counsel