AMENDED

May 12, 2010

**H. 4280**

Introduced by Reps. M.A. Pitts, Toole, Parks, Vick, Pinson, Huggins, Duncan, Jennings, Rice, Hiott, Agnew, J.E. Smith, J.R. Smith, Millwood, Anthony, Simrill, Nanney, Hardwick, Govan, Bingham, Littlejohn, Bannister, Harrell, Hearn, G.R. Smith, Clemmons, Anderson, Limehouse, D.C. Moss, V.S. Moss, Parker, Howard, Gambrell, Allison, Horne, Sottile, Bedingfield, Long, Spires, Hamilton, T.R. Young, Delleney, J.M. Neal, Williams, Kennedy, Lowe, Stavrinakis, Knight, Crawford, Daning, Bowen, Thompson, G.A. Brown, King, Lucas, Herbkersman, Wylie, Stewart, Branham, Ott, Hayes, Battle, Miller, Harvin, H.B. Brown, Hosey, Chalk, McEachern, Hodges, Gunn, J.H. Neal, Cobb‑Hunter, Jefferson, Cato and Hart

S. Printed 5/12/10--H.

Read the first time January 12, 2010.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 108 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE SOUTH CAROLINA HIGHWAY PATROL‑RETIRED LICENSE PLATES.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 108

South Carolina Highway Patrol‑Retired License Plates

Section 56‑3‑10810. (A) The Department of Motor Vehicles may issue ‘SCHP‑Retired’ license plates for use on private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles registered in a person’s name in this State who served as a South Carolina Highway Patrolman or State Trooper and who honorably retired. An application for this special motor vehicle license plate must include certification from the South Carolina Highway Patrol that the applicant honorably retired.

(B) The requirements for production and distribution of the license plate are those set forth in Section 56-3-8100. The Department of Motor Vehicles shall imprint the special license plates with the insignia of the South Carolina Highway Patrol and the words ‘SCHP‑Retired’ with numbers the department may determine.

(C) Only one special license plate authorized by this section may be issued to a person. A license plate issued pursuant to this section may be transferred to another vehicle of the same weight class owned by the same person upon application being made and being approved by the Department of Motor Vehicles.

(D) Any person issued a special license plate pursuant to this section who is convicted of a crime involving dishonesty or moral turpitude shall surrender the special license plate to the Department of Motor Vehicles within three days of the date of the conviction.

(E) The provisions of this section do not affect the registration and licensing of motor vehicles required by other provisions of this chapter, but are cumulative to those other provisions.

(F) A person violating the provisions of this section or a person who:

(1) fraudulently gives false or fictitious information in any application for a special license plate authorized by this section;

(2) conceals a material fact or otherwise commits fraud in the application for a special license plate issued pursuant to this section;

(3) permits the special license plate to be displayed on any vehicle except the one authorized by the Department of Motor Vehicles; or

(4) who fails to surrender the special license plate as required by this section, is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days, or both.”

SECTION 2. Section 56‑3‑8000 of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“Section 56‑3‑8000. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56‑3‑630 and motorcycles registered in their names which may have imprinted on the plate an emblem, a seal, or other symbol the department considers appropriate of an organization which has obtained certification pursuant to either Section 501(C)(3), 501(C)(6), 501(C)(7), or 501(C)(8) of the Federal Internal Revenue Code and maintained this certification for a period of five years. The special license plate must be the same size and general design of regular motor vehicle license plates and must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued. The biennial fee for this special license plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee to be requested by the individual or organization seeking issuance of the plate. The initial fee amount requested may be changed only every five years from the first year the plate is issued. Of the additional fee collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of producing and administering special license plates. Any of the remaining fee not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate.

(B) If the organization seeking issuance of the plate does not request an additional fee above the regular registration fee, the department may collect an additional fee of ten dollars.

(C) Of the additional fee collected pursuant to subsections (A) and (B), the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of producing and administering special license plates.

(D) Any of the remaining additional fee collected pursuant to subsection (B) not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate, or to the general fund, if no additional fee is requested by the organization.

(E) Before the department produces and distributes a plate pursuant to this section, it must receive:

(1) ~~four~~ six hundred or more prepaid applications for the special license plate, collected and provided by the sponsoring organization, or ~~four~~ seven thousand five hundred dollars from the ~~individual or~~ organization ~~seeking issuance of the license plate~~; and

(2) a plan to market the sale of the special license plate which must be approved by the department. If the individual or organization seeking issuance of the plate submits ~~four~~ seven thousand five hundred dollars, the Comptroller General shall place that money into a restricted account to be used by the department to defray the initial cost of producing the special license plate.

~~(C)~~(F) If the department receives less than three hundred biennial applications and renewals for a particular plate authorized under this section, it shall not produce additional plates in that series. The department shall continue to issue plates of that series until the existing inventory is exhausted.

~~(D)~~(G) License plates issued pursuant to this section shall not contain a reference to a private or public college or university in this State or use symbols, designs, or logos of these institutions without the institution’s written authorization.

~~(E)~~(H) Before a design is approved, the organization must submit to the department written authorization of legal authority for the use of any copyrighted or registered logo, trademark, or design, and the organization’s acceptance of legal responsibility for the use.

~~(F)~~(I) The department may alter, modify, or refuse to produce any special license plate that it deems offensive or fails to meet community standards. If the department alters, modifies, or refuses to produce a special license plate, the organization or individual applying for the license plate may appeal the department’s decision to a special joint legislative committee. This committee shall be comprised of two members from the House Education and Public Works Committee and two members from the Senate Transportation Committee.

Appointments to the joint legislative committee shall be made by the chairmen of the House Education and Public Works Committee and the Senate Transportation Committee. The department’s decision may be reversed by a majority of the joint legislative committee. If the committee reverses the department’s decision, the department must issue the license plate pursuant to the committee’s decision. However, the provision contained in ~~subitem (B) of this section~~ subsection (E) also must be met. The joint legislative committee may also review all license plates issued by the department and instruct the department to cease issuing or renewing a plate it deems offensive or fails to meet community standards.

~~(G)~~(J) For each new classification of special vehicle license plate including, but not limited to, motorcycle license plates, created pursuant to this section must meet the requirements of Articles 81 and 82, Chapter 3, Title 56 as appropriate.”

SECTION 3. Section 56‑3‑8100 of the 1976 Code, as last amended by Act 347 of 2008, is further amended to read:

“Section 56‑3‑8100. (A) Before the Department of Motor Vehicles produces and distributes a special license plate created by the General Assembly after January 1, 2006, it must receive:

(1) ~~four~~ six hundred prepaid applications for the special license plate, collected and provided by the sponsoring individual or organization, or ~~four~~ seven thousand five hundred dollars from the sponsoring individual or organization ~~seeking issuance of the license plate~~;

(2) a plan to market the sale of the special license plate which must be approved by the department; and

(3) the emblem, a seal, or other symbol to be used for the plate and, if necessary, written authorization for the department to use a logo, trademark, or design that is copyrighted or registered and acceptance of legal responsibility for the use. If the individual or organization seeking issuance of the plate submits ~~four~~ seven thousand five hundred dollars, the Comptroller General shall place that money into a restricted account to be used by the department to defray the initial cost of producing the special license plate.

(B) The fee for all special license plates created by the General Assembly after January 1, 2006, is the regular biennial registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee to be requested by the individual or organization seeking issuance of the plate, as authorized by law. The initial fee amount requested can only be changed every five years from the first year the plate is issued. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month the special license plate is issued.

(C) If the individual or organization seeking issuance of the plate does not request an additional fee above the regular registration fee, and no other additional fee is prescribed by law, the department may collect an additional fee of ten dollars.

(D) Of the additional fee collected pursuant to ~~this~~ ~~section~~ subsections (B) and (C), the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of producing and administering special license plates.

(E) Any of the remaining additional fee collected pursuant to subsections (B) and (C) not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate, or to the general fund, if no additional fee is requested by the organization.

~~(D)~~(F) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

~~(E)~~(G) If the department receives less than three hundred biennial applications and renewals for plates created pursuant to Article 12, Chapter 3, Title 56; Article 14, Chapter 3, Title 56; Article 31, Chapter 3, Title 56; Article 39, Chapter 3, Title 56; Article 40, Chapter 3, Title 56; Article 43, Chapter 3, Title 56; Article 45, Chapter 3, Title 56; Article 49, Chapter 3, Title 56; Article 50, Chapter 3, Title 56; Article 60, Chapter 3, Title 56; Article 70, Chapter 3, Title 56; Article 72, Chapter 3, Title 56; and Article 76, Chapter 3, Title 56, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

~~(F)~~(H) The provisions contained in subsection (A)(1) and (2) do not apply to the production and distribution of the Korean War Veterans Special License Plates contained in Article 68, Chapter 3, Title 56.

~~(G)~~(I) For each new classification of special vehicle license plate, including, but not limited to, motorcycle license plates, created pursuant to this section, must meet the requirements of Articles 81 and 82, Chapter 3, Title 56 as appropriate.”

SECTION 4. This act takes effect upon approval by the Governor.

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