**South Carolina General Assembly**

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**H. 3908**

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General Bill

Sponsors: Reps. Willis, Owens, Daning, Brannon, Rivers, King, Rutherford, Mitchell, Wells and Wood

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Currently residing in the House Committee on **Education and Public Works**

Summary: Department of Motor Vehicles

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/9/2013 House Introduced and read first time ([House Journal‑page 54](file:///h:\HJ%20Archive\2013\04-09-13.docx))

4/9/2013 House Referred to Committee on **Education and Public Works** ([House Journal‑page 54](file:///h:\HJ%20Archive\2013\04-09-13.docx))

**VERSIONS OF THIS BILL**

[4/9/2013](file:///p:\pprever\2013-14\3908_20130409.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 132 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE SPECIAL PERSONALIZED MOTOR VEHICLE LICENSE PLATES; TO AMEND SECTION 56‑3‑2250, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ISSUANCE OF SAMPLE LICENSE PLATES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THE DEPARTMENT MAY RETAIN THE FEE CHARGED FOR THE ISSUANCE OF THIS LICENSE PLATE, TO PROVIDE THAT THE DEPARTMENT MAY ISSUE SOUVENIR LICENSE PLATES, PROVIDE A FEE FOR THIS LICENSE PLATE, AND HOW THE LICENSE PLATE MUST BE DISPLAYED, AND TO PROVIDE A PENALTY FOR VIOLATIONS OF THIS SECTION; AND TO AMEND SECTIONS 56‑3‑8000 AND 56‑3‑8100, BOTH AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL MOTOR VEHICLE LICENSE PLATES, GUIDELINES FOR PRODUCTION AND DISTRIBUTION OF THESE LICENSE PLATES, AND THE FEES ASSOCIATED WITH THE SALE OF THESE LICENSE PLATES, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THE DEPARTMENT MUST DEVELOP A BASIC LICENSE PLATE DESIGN FOR ALL SPECIAL ORGANIZATIONAL LICENSE PLATES WHICH MUST BE ISSUED FOR ALL ORGANIZATIONAL LICENSE PLATES REQUESTED AFTER JULY 1, 2013.

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 132

Special Personalized Motor Vehicle License Plates

Section 56‑3‑13210. (A) The department may issue special personalized motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56‑3‑630, and motorcycles as defined in Section 56‑3‑20, registered in their names for any special organizational plate authorized pursuant to Section 56‑3‑8000, Section 56‑3‑8100, or any other organizational plate authorized by law. In order for a specialized license plate to be personalized, the sponsoring organization, if there is one, must agree to make the license plate available for personalization. The person requesting the special personalized license plate must meet all of the requirements to obtain the specialty license plate.

(B) The fee for all special personalized organizational license plates created pursuant to this section is the regular biennial registration fee set forth in Article 5, Chapter 3 of this title plus an additional biennial personalization fee of thirty dollars, in addition to any special fee associated with the selected plate design, The Comptroller General shall place twenty dollars of the special personalized organizational license plate fee in a special restricted account to be used by the department to defray the costs of its vehicle license plate programs. The remaining ten dollars of the personalization fee must be distributed to the sponsoring organization. The department may not refund the fee once the personalized license plate has been manufactured.

(C) The license plate design must be identical to the design approved by the department for the organizational license plate, but the license plate will bear the requested number or letter combination subject to approval by the department. There may be no duplication of registration license plate letter or number combinations. The department, in its discretion, may refuse the issue of letter or number combinations which may carry connotations offensive to good taste and decency.”

SECTION 2. Section 56‑3‑2250 of the 1976 Code is amended to read:

“Section 56‑3‑2250. The Department of Motor Vehicles may provide, upon request, a sample motor vehicle license plate which ~~shall not be displayed on any vehicle registered or required to be registered in this State. Any person displaying such plate is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or be imprisoned for not more than thirty days.~~ The license plate shall be of the same size and general design of regular motor vehicle license plates. ~~and the~~ The fee for issuance of such license plate shall be ten dollars. ~~Provided, that the word "sample" shall be imprinted on the license plate.~~ The department may retain the ten dollar fee to recoup its cost for producing the license plate.

(B)(1) The department is authorized to produce, upon request, souvenir license plates for any special organizational license plate produced pursuant to Section 56‑3‑8000 or Section 56‑3‑8100 or any other special organizational license plate authorized by law. In order for a special organizational license plate to be available as a souvenir license plate, the sponsoring organization, if there is one, must agree to make the license plate available as a souvenir license plate.

(2) The fee for the special organizational souvenir license plate is twenty dollars; ten dollars shall be retained by the department as specified in subsection (A), the additional ten dollars shall be distributed to the sponsoring organization.

(C) The word ‘SAMPLE’ or the characters ‘SAM123’ shall be imprinted on the license plates described in subsections (A) and (B).

(D)(1) An individual may apply for a personalized special organizational souvenir license plate, with a license plate text to be selected by the applicant in a letter and numeral plate text format the department prescribes. The department, in its discretion, may refuse the issue of a license plate text that may carry connotations offensive to good taste.

(2) In order for a special organizational license plate to be available as a personalized souvenir license plate, the sponsoring organization, if there is one, must agree to make the license plate available as a souvenir license plate.

(3) The fee for the license plate contained in this subsection is thirty dollars; ten dollars shall be retained by the department as specified in subsection (A), ten dollars shall be distributed to the organization as described in subsection (B), plus an additional personalized fee of ten dollars, also shall be retained by the department to design and maintain new online transactions allowing for electronic processing of vehicle transactions.

(E) These sample or souvenir license plates may be displayed only on the front of private passenger motor vehicles as defined in Section 56‑3‑630 or as otherwise allowed by law in the owner’s home state and shall not be displayed on the back of any vehicle registered or required to be registered in this State or as otherwise allowed by law in the owner’s home state.

(F) Any person displaying a license plate in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or be imprisoned for not more than thirty days for each violation.”

SECTION 3. Section 56‑3‑8000 of the 1976 Code, as last amended by Act 272 of 2012, is further amended to read:

“Section 56‑3‑8000. (A) 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 may apply to the Department of Motor Vehicles for a special license plate. The ~~Department of Motor Vehicles~~ department may issue special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56‑3‑630, and motorcycles as defined in Section 56‑3‑20, 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~~.

(B) The department must develop a basic license plate design that will be used for all special organizational license plates. The plate must be the same size and general design of regular motor vehicle license plates but may be imprinted on the plate in an area specified by the Department an emblem, seal, insignia, or other identifying symbol of the sponsoring organization that the department considers appropriate. No text or slogans may be added to the plate design unless they are part of the approved emblem, seal, insignia, or other identifying symbol. The name of the organization may be imprinted across the top of the plate. The standard plate design must be issued for all organizational license plates newly requested after July 1, 2013. Organizational license plate designs in production as of that date must be changed when the plate, or plate class, is replaced.

(C) 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 license plate. The initial fee amount requested may be changed only every five years from the first year the license 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~~)(D) 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)~~(E) Of the additional fee collected pursuant to subsections (A) and ~~(B)~~(D), 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)~~(F) Any of the remaining additional fee collected pursuant to subsection ~~(B)~~(D) 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)~~(G) Before the department produces and distributes a plate pursuant to this section, it must receive:

(1) six thousand eight 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 six thousand eight 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.~~

(H) The Comptroller General shall place the six thousand eight hundred dollar application fee pursuant to subsection (G)(1) above into a restricted account to be used by the department to defray the initial cost of producing the special license plate.

~~(F)~~(I) 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 license plates of that series until the existing inventory is exhausted.

~~(G)~~(J) 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.

~~(H)~~(K) 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.

~~(I)~~(L) 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~~ 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 subsection ~~(E)~~(G) 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.

~~(J)~~(M) Each new classification of special vehicle license plates 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.

~~(K)~~(N) The fee required in subsection ~~(E)~~(G)(1) must be reviewed by the General Assembly during the 2013 legislative session, and every two years thereafter. The department must provide a detailed, comprehensive justification to increase the fee. Any fee increase must be introduced in a separate bill separate and apart from any other matter.”

SECTION 4. Section 56‑3‑8100 of the 1976 Code, as last amended by Act 272 of 2012, 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) six thousand eight 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~~; 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. If the individual or organization seeking issuance of the plate submits six thousand eight 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 Comptroller General shall place the six thousand eight hundred dollar application fee pursuant to subsection (A)(1) into a restricted account to be used by the department to defray the initial cost of producing the special license plate.

(C) The department must develop a basic plate design that will be used for all special license plates authorized by the General Assembly. The license plate must be the same size and general design of regular motor vehicle license plates but may be imprinted on the license plate in an area specified by an emblem, seal, insignia, or other identifying symbol of the sponsoring organization that the department considers appropriate. No text or slogans may be added to the license plate design unless they are part of the approved emblem, seal, insignia, or other identifying symbol. The name of the organization may be imprinted across the top of the license plate. The standard license plate design must be issued for all organizational license plates newly requested after July 1, 2013. License plate designs in production as of that date must be changed when the license plate, or license plate class, is replaced.

~~(B)~~(D) 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)~~(E) 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)~~(F) Of the additional fee collected pursuant to subsections ~~(B)~~(D) and ~~(C)~~(E), 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)~~(G) Any of the remaining additional fee collected pursuant to subsections ~~(B)~~(D) and ~~(C)~~(E) 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.

~~(F)~~(H) 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.

~~(G)~~(I) 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.

~~(H)~~(J) 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.

~~(I)~~(K) 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.

~~(J)~~(L) The fee required in subsection (A)(1) must be reviewed by the General Assembly during the 2013 legislative session, and every two years thereafter. The department must provide a detailed, comprehensive justification to increase the fee. Any fee increase must be introduced in a separate bill separate and apart from any other matter.”

SECTION 5. This act takes effect upon approval by the Governor.

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