**A** **BILL**

TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, BY ADDING ARTICLE 109, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE GADSDEN FLAG SPECIAL LICENSE PLATES.

Whereas, Christopher Gadsden led the Sons of Liberty in South Carolina; and

Whereas, Christopher Gadsden was made a Colonel in the Continental Army during the Revolutionary War; and

Whereas, in 1775, Colonel Gadsden was representing South Carolina in the Continental Congress; and

Whereas, Colonel Gadsden and Congress appointed Esek Hopkins to serve as Commander in Chief of the Navy; and

Whereas, Colonel Gadsden presented Commodore Hopkins with a distinctive personal standard that is now recognized as the Gadsden Flag; and

Whereas, Colonel Gadsden presented a copy of the flag to the South Carolina legislature which identified the flag as “an elegant standard, such as it is to be used by the commander-in-chief of the American navy; being a yellow field, with a lively representation of a rattle-snake in the middle, in the attitude of going to strike, and these words underneath, ‘Don’t Tread on Me’”; and

Whereas, the Gadsden Flag has long been recognized as a symbol of American independence, freedom, and liberty. Now, therefore,

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 109

Gadsden Flag License Plates

Section 56‑3‑10910. (A) The Department of Motor Vehicles may issue special state flag motor vehicle license plates to owners of private passenger carrying motor vehicles as defined in Section 56‑3‑630 and motorcycles as defined in 56-3-20 registered in their names. The fee for this special license plate is twenty dollars every two years in addition to the regular motor vehicle registration fee contained in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and shape of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The design of the license plate must replicate the color, layout, and design of the Gadsden flag and contain the words ‘Don’t Tread on Me’ below a coiled rattlesnake.

(C) The fees collected pursuant to this section above the cost of producing the license plates must be distributed to the State Museum. The State Museum must use the fees only to help fund programs and exhibits dedicated to the Revolutionary War and our State’s role in the Revolutionary War.

(D) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive four hundred prepaid applications for the special license plate or a deposit of four thousand dollars from an individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization’s license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department shall retain the deposit.

(E) If the department receives fewer than three hundred biennial applications and renewals for this special license plate, it may not produce additional special license plates in this series. The department shall continue to issue special license plates of this series until the existing inventory is exhausted.”

SECTION 2. This act takes effect upon approval by the Governor.

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