~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 29, 2013

**H. 3033**

Introduced by Rep. G.M. Smith

S. Printed 5/29/13--S. [SEC 5/30/13 5:17 PM]

Read the first time February 6, 2013.

**THE COMMITTEE ON TRANSPORTATION**

To whom was referred a Bill (H. 3033) to amend the Code of Laws of South Carolina, 1976, by adding Article 132 to Chapter 3 of Title 56 so as to provide that the Department of Motor Vehicles, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 2, by striking SECTION 2 and inserting:

/ SECTION 2. (A) Section 56‑3‑1810 of the 1976 Code is amended to read:

“Section 56‑3‑1810. The number of plates that may be issued to members of the National Guard by the Department of Motor Vehicles shall equal the number of private passenger motor vehicles, as defined in Section 56‑3‑630, or motorcycles, as defined in Section 56‑3‑20, registered in such person’s name in this State; provided, however, that the total number of such plates issued to any one person shall not exceed three. The department shall issue such plates for a particular private passenger motor vehicle or motorcycle registered in that person’s name and such plates may only be transferred to another vehicle upon compliance with the provisions of Section 56‑3‑1830.”

(B) Section 56‑3‑1815 of the 1976 Code is amended to read:

“Section 56‑3‑1815. The Department of Motor Vehicles may issue a special motor vehicle license plate to a retired member of the South Carolina National Guard and may issue a special motor vehicle license plate to a member of the South Carolina State Guard who is a resident of the State for a private passenger motor vehicle, as defined in Section 56‑3‑630, or motorcycles, as defined in Section 56‑3‑20, owned or leased by a member or a retiree only after the current stock of South Carolina Guard, National Guard, and South Carolina National Guard Retired license plates is exhausted. An application for a special motor vehicle license plate must include a copy of the applicant’s military identification card or other evidence that shows the applicant is either a retired or active member of the South Carolina National Guard or the South Carolina State Guard.”

(C) Section 56‑3‑1820 of the 1976 Code is amended to read:

“Section 56‑3‑1820. The special license plates must be of the same size and general design of regular motor vehicle license plates upon which must be imprinted the figure of the Minute Man~~”~~ with numbers, or letters, or both, as determined by the Department of Motor Vehicles. The license plate must provide a space on the top of the plate to affix a decal indicating National Guard~~”~~, Retired National Guard~~”~~, Air National Guard~~”~~, or State Guard~~”~~. This license plate must be issued only after the current stock of South Carolina State Guard, National Guard, and South Carolina National Guard Retired license plates is exhausted. The biennial fee for the special license plate is the regular motor vehicle registration fee prescribed by Article 5 of this chapter. The plates must be issued for biennial periods ~~November first to October thirty‑first~~.”

SECTION 3. Section 56‑3‑10410(A) of the 1976 Code, as last amended by Act 272 of 2012, is further amended to read:

“Section 56‑3‑10410. (A) The department may issue a ‘Veteran’ special motor vehicle license plate for use on a private passenger motor vehicle, as defined in Section 56‑3‑630, or motorcycle as defined in Section 56‑3‑20, registered in a person’s name in this State who served in the United States Armed Forces, active or reserve components, and who was honorably discharged from service. An application for this special motor vehicle license plate must include official military documentation showing the applicant was honorably discharged from service. Only ~~two~~ four plates may be issued to a person.”

SECTION 4. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 132

Motorcycle Awareness Alliance Special License Plates

Section 56‑3‑13210. (A) The Department of Motor Vehicles may issue ‘Motorcycle Awareness Alliance’ special motor vehicle license plates to owners of private passenger motor vehicle, as defined in Section 56‑3‑630, or motorcycles, as defined in Section 56‑3‑20, registered in their names which may have imprinted on the plate the Motorcycle Awareness Alliance emblem. The Motorcycle Awareness Alliance shall submit to the department for its approval the proposed design it desires to be used for this special license plate. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of thirty dollars. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty‑four months from the month the special license plate is issued.

(B) Notwithstanding any other provision of law, from the fees 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 the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be distributed to the Motorcycle Awareness Alliance for the promotion of motorcycle safety, education and awareness programs and deposited into an appropriate nonprofit account designated by the Motorcycle Awareness Alliance.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56‑3‑8100.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, 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.”

SECTION 5. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 133

S.C. Riverkeepers Special License Plates

Section 56‑3‑13310. (A) The Department of Motor Vehicles may issue S.C. Riverkeepers special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles, as defined in Section 56‑3‑20, registered in their names which shall have a blue background and imprinted on them in white ‘SC Riverkeepers’, ‘Keep Our Rivers Clean’, a crescent, and a palmetto tree. The fee for this special license plate is thirty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design 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 additional fees collected pursuant to this section above the cost of production must be distributed equally to the Congaree Riverkeeper, Charleston Waterkeeper, Waccamaw Riverkeeper, Savannah Riverkeeper, Catawba Riverkeeper, and Santee Riverkeeper organizations.

(C) The guidelines for the production, collection, and distribution of fees for a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 6. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 134

Autism Awareness Special License Plates

Section 56‑3‑13410. This article may be cited as the ‘Savannah Lee Monroe Autism Awareness Special License Plates Act’.

Section 56‑3‑13420. (A) The Department of Motor Vehicles may issue ‘Autism Awareness’ special motor vehicle license plates to owners of private passenger motor vehicles, as defined in Section 56‑3‑630, or motorcycles, as defined in Section 56‑3‑20, registered in their names. This special license plate must be of the same size and general design 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 requirements for production, collection, and distribution of fees for this license plate are those set forth in Section 56‑3‑8100. The fees collected pursuant to this section above the cost of producing the license plates must be distributed to the South Carolina Autism Society.”

SECTION 7. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Section 56‑3‑8110. Unless otherwise provided for by law, motorcycle special license plates may be issued by the Department of Motor Vehicles for any special license plate under the requirements set forth in Section 56‑3‑8100.”

SECTION 8. (A) 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 with 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 license 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 license plate, or license 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.”

(B) 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 the department with 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 9. SECTION 1 takes effect three months after its approval by the Governor. SECTION 5 takes effect six months after its approval by the Governor. All other SECTIONS take effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

LAWRENCE K. GROOMS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**REVENUE IMPACT 1/**

This bill would have minimal impact on state general fund revenue. This bill is expected to raise earmarked funds of the Department of Motor Vehicles by $453 and increase general fund revenue by $896 in FY 2013-14.

**Explanation**

This bill authorizes the Department of Motor Vehicles to issue a Distinguished Flying Cross special license plate to recipients of the Distinguished Flying Cross. The Department of Motor Vehicles will absorb the start-up cost of $6,800 for the specialty plate. A special plate fee of $30 applies to each plate and is in addition to the regular biennial registration fee under Article 5, Chapter 3 of Title 56. Per the Distinguished Flying Cross Society, there are 45 active members in South Carolina. This number applies to the Society members and does not include all recipients of the Distinguished Flying Cross in South Carolina. Based on 45 members, the Department of Motor Vehicles would recoup $10.08 per plate for production costs, or $453 in FY 2013-14 and $19.92 per plate, or $896 would be allocated to the general fund in FY 2013-14.

This act takes effect three months after its approval by the Governor.

*Approved By:*

Frank A. Rainwater

Board of Economic Advisors

1/ This statement meets the requirement of Section 2-7-71 for a state revenue impact by the BEA, or Section 2-7-76 for a local revenue impact or Section 6-1-85(B) for an estimate of the shift in local property tax incidence by the Office of Economic Research.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 132 TO CHAPTER 3 OF TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE SPECIAL LICENSE PLATES TO RECIPIENTS OF THE DISTINGUISHED FLYING CROSS.

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 License Plates for Recipients of the Distinguished Flying Cross

Section 56‑3‑13210. (A) The Department of Motor Vehicles may issue a special motor vehicle license plate to a recipient of the Distinguished Flying Cross. The biennial fee for the special license plate is the same as the fee provided for in Section 56‑3‑2020 plus the regular registration fee contained in Article 5, Chapter 3, and only one plate may be issued to a person. The application for a special plate must include proof that the applicant is a recipient of the Distinguished Flying Cross.

(B) The special license plates must be of the same size as regular motor vehicle license plates, upon which must be imprinted on the left side of the plates the distinctive Distinguished Flying Cross insignia with numbers and designs determined by the department. The license plate must be issued for a biannual period which shall expire twenty‑four months from the month in which the special license plate is issued.

(C) A license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made and approved by the department. It is unlawful for a person to whom the special plate has been issued to knowingly permit it to be displayed on any vehicle except the one authorized by the department.

(D) This special license plate is exempt from the provisions contained in Section 56-3-8100, except that the department may retain its cost for the license plate from the special license plate fee authorized in subsection (A). The department also may require, if necessary, that written authorization be provided to the department to use a logo, trademark, or design that is a copyrighted or registered emblem, seal, or other symbol to be used to appear on the license plate.

(E) The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative to them. A person who violates the provisions of this article or who:

(1) fraudulently gives false or fictitious information in an application for a special license plate authorized in this article;

(2) conceals a material fact; or

(3) otherwise commits a fraud in an application or in the use of a special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.”

SECTION 2. This act takes effect three months after its approval by the Governor.

‑‑‑‑XX‑‑‑‑