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AMENDED

April 28, 2010

**S. 1392**

Introduced by Transportation Committee

S. Printed 4/28/10--S.

Read the first time April 27, 2010.

**A** **BILL**

TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, TO PROVIDE FOR CERTAIN SPECIALTY LICENSE PLATES; TO AMEND SECTION 56-3-10810, RELATING TO ‘BOY SCOUTS OF AMERICA’ SPECIAL LICENSE PLATES, TO PROVIDE FOR ‘EAGLE SCOUT’ SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑2150, RELATING TO SPECIAL LICENSE PLATES FOR CERTAIN ELECTED OFFICIALS, TO PROVIDE THAT CORONERS MAY BE PROVIDED WITH TWO LICENSE PLATES; TO AMEND SECTION 56‑3‑1240, RELATING TO THE LOCATION ON VEHICLES WHERE LICENSE PLATES MUST BE ATTACHED, TO PROVIDE THAT A FRAME MAY BE PLACED AROUND A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 56‑3‑10410, RELATING TO A SPECIAL MOTOR VEHICLE LICENSE PLATE FOR VETERANS, TO PROVIDE FOR A DISABLED VETERAN SPECIAL LICENSE PLATE.

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 an appropriately numbered new article to read:

“Article \_\_\_

‘Distinguished Service Medal’ Special License Plates

Section 56‑3‑\_\_\_. (A) The Department of Motor Vehicles may issue ‘Distinguished Service Medal’ special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names who have been awarded the Distinguished Service Medal. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title. The license plates issued pursuant to this section must contain an illustration of the Distinguished Service Medal. The application for this special license plate must include proof that the applicant is a recipient of the Distinguished Service Medal. Not more than two license plates may be issued to a person.

(B) The production and issuance of this special license plate is exempt from the provisions contained in Section 56‑3‑8100.”

SECTION 2. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Second Amendment’ Special License Plates

Section 56‑3‑\_\_\_\_. (A) The Department of Motor Vehicles may issue ‘Second Amendment’ special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles 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 fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the Criminal Justice Academy.

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

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

“Section 56‑3‑2240. The Department of Motor Vehicles may issue a ‘Historic’ automobile special motor vehicle license plate for use on a private passenger‑carrying motor vehicle or a motorcycle that is twenty‑five years of age or older at the time of applying for the special plate. The applicant for a ‘Historic’ automobile license plate must be the owner of the motor vehicle or motorcycle and must be a resident of this State.

Section 56‑3‑2241. The special license plate must be of the same size and general design as a regular motor vehicle or motorcycle license plate. The Department of Motor Vehicles shall imprint the special license plates with the word ‘Historic’, with numbers the department may determine. The license plate must be for a biennial period that expires twenty‑four months from the month it is issued.

Section 56‑3‑2242. A license plate issued pursuant to this article may be transferred to another vehicle or motorcycle that meets the requirements of Section 56‑3‑2240 and is owned by the same person upon application being made and being approved by the Department of Motor Vehicles. It is unlawful for any person to whom the plate has been issued to knowingly permit it to be displayed on any vehicle or motorcycle except the one authorized by the department.

Section 56‑3‑2243. The provisions of this article do not affect the registration and licensing of motor vehicles or motorcycles as required by other provisions of this chapter, but are cumulative to those other provisions. Any person violating the provisions of this article or any person who (a) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (b) conceals a material fact, or (c) otherwise commits fraud in the application or in the use of any 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, or both.

Section56‑3‑2244. The fee for the 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‑five dollars. 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 in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state’s general fund.

Section 56‑3‑2245. The guidelines for the production of a ‘Historic’ automobile special license plate must meet the requirements of Section 56‑3‑8100.”

B. This SECTION takes effect six months after approval by the Governor.

SECTION 4. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Distinguished Service Cross’ Special License Plates

Section 56‑3‑\_\_\_\_. (A) The Department of Motor Vehicles may issue ‘Distinguished Service Cross’ special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names who have been awarded the Distinguished Service Cross. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title. The license plates issued pursuant to this section must contain an illustration of the Distinguished Service Cross. The application for this special license plate must include proof that the applicant is a recipient of the Distinguished Service Cross. Not more than two license plates may be issued to a person.

(B) The production and issuance of this special license plate is exempt from the provisions contained in Section 56‑3‑8100.”

SECTION 5. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Department of the Navy’ Special License Plates

Section 56‑3‑\_\_\_\_. (A) The Department of Motor Vehicles may issue ‘Department of the Navy’ special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles 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 fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the general fund.

(C) The guidelines for the production of 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 an appropriately numbered new article to read:

“Article \_\_\_

‘Parents and Spouses of Active Duty Overseas Veterans’

Special License Plates

Section 56‑3‑\_\_\_\_. (A) The Department of Motor Vehicles may issue ‘Parents and Spouses of Active Duty Overseas Veterans’ special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles 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 fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the general fund.

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

SECTION 7. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘State Flag’ Special License Plates

Section 56‑3‑\_\_\_\_. (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, or motorcycles 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 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 design of the license plate must replicate the color, layout, and design of the state flag. The blue used for the license plate must be the official state color as established in Section 1‑1‑710.

(C) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the general fund.

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

SECTION 8. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘South Carolina Highway Patrol‑Retired’

Special License Plates

Section 56‑3‑\_\_\_\_. (A) The Department of Motor Vehicles may issue a ‘South Carolina Highway Patrol‑Retired’ special motor vehicle license plate for use on a private passenger motor vehicle or motorcycle registered in a person’s name in this State who are retired members of the South Carolina Highway Patrol. The Department of Motor Vehicles shall imprint on the special license plates ‘SCHP‑Retired’ the South Carolina Highway Patrol emblem, and the letters ‘HP’ along with numbers the department may determine. An application for this special motor vehicle license plate must include official documentation showing the applicant is a retired South Carolina Highway Patrol Trooper. 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 fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the general fund.

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

(D) A person who fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, conceals a material fact, or otherwise commits fraud in the 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, or both.”

SECTION 9. Section 56‑3‑10810 of the 1976 Code is amended to read:

“Article 108

‘Boy Scouts of America’

Special License Plates

Section 56‑3‑10810. (A) The Department of Motor Vehicles may issue ‘Boy Scouts of America’ special license plates to owners of private passenger motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names. The requirements for production and distribution of the plate are those set forth in Section 56‑3‑8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of thirty dollars. Any portion of the additional thirty‑dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to the South Carolina Indian Waters Council, Boy Scouts of America, to then be distributed to the other five Boy Scout councils serving counties in South Carolina.

(B)(1) The Department of Motor Vehicles may issue ‘Eagle Scouts of America’ special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names who have been awarded the Eagle Scout Award from the Boy Scouts of America. The motor vehicle owner must present the department with official documentation that states that he was awarded the Eagle Scout Award, along with his application for this special license plate. 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. The special license plate must be imprinted with an emblem, seal, symbol, or design agreed to by all of the Boy Scout councils serving counties in South Carolina.

(2) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the South Carolina Indian Waters Council, Boy Scouts of America, to then be distributed to the other five Boy Scout councils serving counties in South Carolina.

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

SECTION 10. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘I Support Libraries’ Special License Plates

Section 56‑3‑\_\_\_\_. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names which must have imprinted on the plate ‘I Support Libraries’. 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 fees collected pursuant to this section above the cost of producing the license plates must be equally distributed between the South Carolina Association of School Librarians and the South Carolina Library Association.

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

SECTION 11. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘South Carolina Educator’ Special License Plates

Section 56‑3‑\_\_\_. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names which must have imprinted on the plate ‘South Carolina Educator’. This application for this special license plate must include proof that the applicant is a public or private kindergarten through twelfth grade school teacher. 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 fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the general fund.

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

SECTION 12. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Raccoon Hunters’ License Plates

Section 56‑3‑\_\_\_. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names which must have imprinted on the plate ‘Raccoon Hunters’. 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 fees collected pursuant to this section above the cost of producing the license plates must be distributed to the South Carolina State Coon Hunters Association Youth Fund.

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

SECTION 13. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Beach Music’ Special License Plates

Section 56‑3‑\_\_\_\_. (A) The Department of Motor Vehicles may issue ‘Beach Music’ 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 chosen by the department in consultation with the South Carolina Arts Commission reflecting the status of beach music as the official state popular music pursuant to Section 1‑1‑689. License plate number ‘one’ for the beach music license plate is reserved for the president of the Beach Music Association International or its successor organization if that individual is otherwise eligible to register a qualifying motor vehicle in this State. License plate number ‘two’ for the beach music license plate is reserved for the chairman of the board of trustees of Coastal Carolina University if that individual is otherwise eligible to register a motor vehicle in this State. The special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued. 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 twenty dollars.

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the general fund.

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

SECTION 14. Chapter 3, Title 56 of the 1976 code is amended by adding:

“Article \_\_\_

Citadel Alumni Association ‘Big Red’ Special License Plate

Section 56‑3‑\_\_\_\_. (A) The Department of Motor Vehicles may issue Citadel Alumni Association ‘Big Red’ special license plates to owners of private passenger‑carrying motor vehicles as defined in Section 56‑3‑630, and motorcycles as defined in Section 56‑3‑20, registered in their names. The fee for each special license plate is seventy‑five dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5. 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.

(B) The fees collected pursuant to this section above the cost of producing the license plates must be distributed to the Citadel Alumni Association.

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

SECTION 15. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Large Mouth Bass’ Special License Plates

Section 56‑3‑\_\_\_\_. (A) The Department of Motor Vehicles may issue ‘Large Mouth Bass’ special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names. The license plate shall have the image of a large mouth bass imprinted on it. The design of the plate and the large mouth bass image utilized must be selected through a public process conducted by the Department of Parks, Recreation and Tourism. 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 they are issued.

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the Department of Parks, Recreation and Tourism, which shall only use the funds to promote bass fishing throughout the State.

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

SECTION 16. Section 56‑3‑2150 of the 1976 Code is amended to read:

“Section 56‑3‑2150. The Department of Motor Vehicles may issue special motor vehicle license plates to former members of the South Carolina Delegation of the United States Congress, retired judicial officers elected by the General Assembly or confirmed by the United States Senate respectively, members of municipal and county councils, county coroners, and mayors of this State for private passenger motor vehicles owned by them. The department also may issue special motor vehicle license plates to former members of the General Assembly who are eligible to receive retirement benefits under the General Assembly Retirement System for private passenger motor vehicles and vehicles classified as private passenger motor vehicles in Section 56‑3‑630 owned by them. The biennial fee for these special license plates is the same as the fee provided in Section 56‑3‑2020, and only one plate may be issued to former members of the South Carolina Delegation of the United States Congress, retired judicial officers elected by the General Assembly or confirmed by the United States Senate respectively, a councilman, ~~coroner,~~ a mayor, or a member of the General Assembly who is receiving retirement benefits. A coroner may be issued two license plates. ~~The plate~~ These license plates must be issued or revalidated biennially for the regular registration and licensing period.”

SECTION 17. Section 56‑3‑1240 of the 1976 Code is amended to read:

“Section 56‑3‑1240. License plates issued for motor vehicles must be attached to the outside rear of the vehicle, open to view. However, on truck tractors and road tractors the plates must be attached to the outside front of the vehicle provided that single unit commercial motor vehicles with a gross vehicle weight rating in excess of twenty‑six thousand pounds may have the license plate on either the outside front or rear of the vehicle. Every license plate, at all times, must be fastened securely in a horizontal and upright position to the vehicle for which it was issued so as to prevent the plate from swinging. However, if a motorcycle is equipped with vertically mounted license plate brackets, its license plate must be mounted vertically with its top fastened along the right vertical edge. The bottom of the plate must be at a height of not less than twelve inches from the ground in a place and position clearly visible as provided in Section 56‑5‑4530, and it must be maintained free from foreign materials and in a clearly legible condition. No other license plate, lighting equipment, except as permitted in Section 56‑5‑4530, tag, sign, monogram, tinted cover, or inscription of metal or other material may be displayed above, ~~around,~~ or upon the plate other than that which is authorized and issued by the Department of Motor Vehicles for the purpose of validating the plate. It is not unlawful to place a decal or a frame on the license plate if it does not obscure any letters or numbers. A motor vehicle owner may attach a trailer hitch to a motor vehicle provided the hitch does not obscure more than two inches of the license plate issued to the motor vehicle. It is unlawful to operate or drive a motor vehicle with the license plate missing and a person who is convicted for violating this section must be punished as provided by Section 56‑3‑2520.”

SECTION 18. Section 56‑3‑10410 of the 1976 Code as added by Act 297 is 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 or motorcycle 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 plates may be issued to a person.

(B) The requirements for production and distribution of the plate are those set forth in Section 56‑3‑8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title. The Department of Motor Vehicles shall imprint the special license plates with the word ‘Veteran’, with numbers the department may determine.

(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 being approved by the Department of Motor Vehicles. It is unlawful for a person to whom the plate has been issued to knowingly permit it to be displayed on any vehicle except the one authorized by the department.

(D) 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 those other provisions. A person violating the provisions of this article or a person who (1) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (2) conceals a material fact, or (3) otherwise commits fraud in the 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, or both.

(E) If a person who qualifies for the special license plate issued under this section also meets all requirements for the handicapped license plate issued pursuant to Section 56‑3‑1910(B), then the license plate issued pursuant to this section shall also include the distinguishing wheelchair symbol used on license plates issued pursuant to Section 56‑3‑1910(B).

(F) If a person who qualifies for a special license plate issued under this section also is certified by the Veterans’ Administration or County Veterans’ Affairs office with a service related disability, then the license plate issued under this section shall also include the word ‘disabled’.”

SECTION 19. The provisions of this act are severable. If any section, subsection, paragraph, item, subitem, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 12. This act takes effect upon approval by the Governor.

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