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Addendum to Memorandum Opinion On Plaintiffs' Motion for Preliminary Injunction

History of S.C. Code Ann. § 56-3-8000
Non-profit Organization Special Plates

1999 S.C. Acts 63 (original code section)¹

SECTION 56-3-8000. Non-profit organization license plates.

(A) The department may issue special motor vehicle license plates to owners of private passenger-carrying motor vehicles or light pickups having an empty weight of six thousand pounds or less and a gross weight of nine thousand pounds or less registered in their names which may have imprinted on the plate the emblem, a seal, or other symbol the department considers appropriate of an organization which has obtained certification pursuant to either Section 501(C)(3) or 501(C)(7) of the Federal Internal Revenue Code. The fee for this special license plate is the fee contained in Section 56-3-2020.

The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) Before the department produces and distributes a plate authorized under this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the 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 must retain the deposit.

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

(C) 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) Only certified members of organizations, as set forth by the organization, may be issued a special license plate pursuant to this section. Each certified member may only apply for one special license plate for each vehicle registered in his name.

(E) 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.

(F) Notwithstanding any other provision of law, all funds collected pursuant to this section must be deposited into an account in the Office of the Treasurer and called the "Special License Plate Fund". Monies credited to the fund may only be expended to defray the costs of this section.

¹ This is the first version of § 56-3-8000. In this version, the General Assembly set the fee for non-profit organizational plates the same as the standard issue plate and restricted the organizational license plates to members of the organization.

(G) Before a design is approved, the organization must submit to the department written authorization for the use of any copyrighted or registered logo, trademark, or design.

(H) 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, 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 also must be met.

2000 S.C. Acts 286²

SECTION 56-3-8000. Non-profit organization license plates.

(A) The department may issue special motor vehicle license plates to owners of private passenger-carrying motor vehicles or light pickups having an empty weight of six thousand pounds or less and a gross weight of nine thousand pounds or less registered in their names which may have imprinted on the plate the emblem, a seal, or other symbol the department considers appropriate of an organization which has obtained certification pursuant to either Section 501(C)(3) or 501(C)(7) of the Federal Internal Revenue Code. The fee for this special license plate is the fee contained in Section 56-3-2020.

The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) Before the department produces and distributes a plate authorized under this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the 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 must retain the deposit.

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

(C) 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) Only certified members of organizations, as set forth by the organization, may be issued a special license plate pursuant to this section. Each certified member may only apply for one special

² The General Assembly added that the DMV could approve plates for social clubs with 501(c)(7) status.

license plate for each vehicle registered in his name.

(E) 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.

(F) Notwithstanding any other provision of law, all funds collected pursuant to this section must be deposited into an account in the Office of the Treasurer and called the "Special License Plate Fund". Monies credited to the fund may only be expended to defray the costs of this section.

(G) Before a design is approved, the organization must submit to the department written authorization for the use of any copyrighted or registered logo, trademark, or design.

(H) 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, 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 also must be met.

2002 S.C. Acts 194³

SECTION 56-3-8000. Non-profit organization license plates.

(A) The department may issue special motor vehicle license plates to owners of private passenger-carrying motor vehicles or light pickups having an empty weight of seven thousand pounds or less and a gross weight of nine thousand pounds or less registered in their names which may have imprinted on the plate the 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)(7), or 501(C)(8) of the Federal Internal Revenue Code. The fee for this special license plate is the fee contained in Section 56-3-2020.

The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) Before the department produces and distributes a plate authorized under this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the 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

³ The General Assembly added that the DMV could approve plates for 501(c)(8) fraternal organizations.

years of the first issuance of the license plate, then the department must retain the deposit.

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

(C) 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) Only certified members of organizations, as set forth by the organization, may be issued a special license plate pursuant to this section. Each certified member may only apply for one special license plate for each vehicle registered in his name.

(E) 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.

(F) Notwithstanding any other provision of law, all funds collected pursuant to this section must be deposited into an account in the Office of the Treasurer and called the "Special License Plate Fund". Monies credited to the fund may only be expended to defray the costs of this section.

(G) Before a design is approved, the organization must submit to the department written authorization for the use of any copyrighted or registered logo, trademark, or design.

(H) 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, 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 also must be met.

2006 SC Acts 398⁴

SECTION 56-3-8000. Non-profit organization license plates.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger motor vehicles registered in their names which may have imprinted on the plate the 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)(7), or 501(C)(8) of the Federal Internal Revenue Code and maintained this certification for a period of five years. The biennial fee for this special license plate is the regular registration fee set forth in

⁴ The General Assembly deleted the membership requirement (giving organizations the option of making their special plates available to public), gave the legislative review committee authority to review all DMV-approved plates (even those not appealed), and gave the legislative review committee authority to tell the DMV to stop producing any plates it "deems offensive or that fails to meet community standards."

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. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

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

(1) four hundred or more prepaid applications for the special license plate or four thousand 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 thousand 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) 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) 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) Before a design is approved, the organization must submit to the department written authorization for the use of any copyrighted or registered logo, trademark, or design.

(F) 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, 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 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.