

IN THE SENATE

SENATE BILL NO. 1349

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-402C, IDAHO
2 CODE, TO PROVIDE THAT NO NEW SPECIAL LICENSE PLATE PROGRAMS FOR THE
3 BENEFIT OF NONPROFIT ENTITIES SHALL BE ESTABLISHED AFTER JULY 1, 2020,
4 AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 49-402D, IDAHO
5 CODE, TO REMOVE REFERENCES TO NONPROFIT AGENCIES AND TO REQUIRE THAT
6 PROCEEDS FROM ALL NEW SPECIAL PLATE PROGRAMS SHALL GO TO CERTAIN FUNDS
7 OF THE STATE OF IDAHO, AND TO MAKE TECHNICAL CORRECTIONS.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 49-402C, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 49-402C. SPECIAL LICENSE PLATE PROGRAMS -- STANDARDIZED PLATE COLOR
13 AND DESIGN. (1) It is the intent of the legislature that special license
14 plates issued by the department be readily recognizable as plates from the
15 state of Idaho without losing the uniqueness for which the special plate was
16 designed and purchased. In addition, the legislature finds that the depart-
17 ment can operate in a more efficient, cost-effective manner by conforming
18 special plates to a basic color and design.

19 (2) No special license plates and no special license plate programs in
20 existence on or before June 30, 1998, shall be affected by the provisions
21 of subsections (2) through (5) of this section. On and after July 1, 1998,
22 any new special license plate program authorized or any redesign of an exist-
23 ing special license plate, shall use the same red, white and blue background
24 as the standard issue of license plates described in section 49-443, Idaho
25 Code, except that:

26 (a) The identification of county shall be omitted;

27 (b) The word "Idaho" shall appear on every plate;

28 (c) The inscription "Scenic Idaho" may be omitted without legislative
29 consideration and approval; and

30 (d) No slogan shall be used that infringes upon, dilutes or compro-
31 mises, or could be perceived to infringe upon, dilute or compromise, the
32 trademarks of the state of Idaho, including, but not limited to, "Idaho
33 Potatoes®," "Grown in Idaho™," "Famous Idaho Potatoes™" or "Famous
34 Potatoes®."

35 The provisions of this section shall not apply to the plate designs issued
36 pursuant to the provisions of section 49-417, Idaho Code.

37 (3) Any redesign required for a special plate to conform with legisla-
38 tive intent and the provisions of this section may be done in a manner similar
39 to that used to produce the original design.

40 (4) The special plates shall conform in all other respects with the pro-
41 visions of section 49-443, Idaho Code, relating to visibility requirements,

1 display of registration number, time period for validity of plates, and
2 reservation of plate numbers.

3 (5) Unless otherwise specifically provided, no special license plates
4 shall be issued to motor vehicles with a registered maximum gross weight in
5 excess of twenty-six thousand (26,000) pounds, or any motor vehicle regis-
6 tered under section 49-434(5), Idaho Code, or section 49-435, Idaho Code.

7 (6) ~~Following an introductory period of three (3) years during which~~
8 ~~the provisions of this subsection shall not apply, if, during both years of~~
9 ~~any following two (2) consecutive years, Notwithstanding any other provi-~~
10 ~~sion of law to the contrary, on and after July 1, 2020, no new special license~~
11 ~~plate or special license plate program shall be established for the bene-~~
12 ~~fit of any entity that is not the state of Idaho or an agency of the state~~
13 ~~of Idaho. With respect to any special license plate program that is in ex-~~
14 ~~istence on July 1, 2020, that has a nonprofit agency as a recipient of the~~
15 ~~proceeds from the sales of such plate, if fewer than one thousand (1,000)~~
16 ~~plates are issued in each of those two (2) consecutive years the first year of~~
17 ~~the special plate program's existence, fewer than one thousand five hundred~~
18 ~~(1,500) plates are issued in the second year of the special plate program's~~
19 ~~existence, or fewer than two thousand (2,000) plates in the third or any sub-~~
20 ~~sequent year of such special plate program's existence, the department shall~~
21 ~~discontinue that special license plate program.~~

22 (7) With respect to a special license plate that has been discontin-
23 ued prior to July 1, 2020, or is discontinued after that date for any reason,
24 aAny existing plates may be renewed upon its their expiration until the phys-
25 ical license plates must be replaced pursuant to section 49-443(2), Idaho
26 Code. No duplicate or replacement plates will be produced if such plates are
27 lost or damaged prior to the seven (7) year replacement. The provisions of
28 this subsection shall apply to sections 49-416, 49-417, 49-417A, 49-417B,
29 49-417C, 49-418A, 49-418B, 49-418C, 49-419, 49-419A, 49-420, 49-420B, Idaho
30 Code, and any other special license plate programs created on and after July
31 1, 2002.

32 SECTION 2. That Section 49-402D, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 49-402D. SPECIAL LICENSE PLATE PREQUALIFICATION PROCESS. (1) For any
35 new special license plate program approved by the legislature, the program
36 sponsor shall, before issuance of any such special license plate, meet the
37 prequalification process outlined in this section. The program sponsor for
38 any special plate program shall:

39 (a) Submit a financial plan for the use of the proceeds from the spe-
40 cial license plate sales and certify that all such proceeds shall be de-
41 posited in the highway distribution account, except with respect to any
42 new special plate that may be established for the benefit of an Idaho
43 public college or university pursuant to section 49-418A, Idaho Code,
44 or a military license plate; and

45 (b) Designate an individual who shall be deemed responsible by the
46 agency for certifying compliance with the requirements of this section
47 and working with the department; and

1 ~~(c) If the applicant is a nonprofit agency, submit evidence to the de-~~
2 ~~partment that the applicant has 501(c) (3) federal income tax status~~
3 ~~that has been in existence for at least two (2) years.~~

4 (d) The department is authorized and shall adopt and promulgate rules
5 to carry out the provisions of this section.

6 (2) If the request for a special license plate is approved by the de-
7 partment, the following requirements, in addition to those set out in sub-
8 section (1) of this section, shall be met by September 1 prior to the next
9 legislative session and prior to the issuance of any special license plates
10 approved by the legislature.

11 (a) The applicant shall deposit estimated programming and administra-
12 tive costs with the department to be utilized for programming costs of
13 the specialty plate. Administrative costs in the amount of one thousand
14 dollars (\$1,000) shall be nonrefundable.

15 (b) In addition to the requirements provided for in section 49-402C,
16 Idaho Code, the applicant requesting a special license plate program
17 shall provide to the department an acceptable plate design.

18 (c) The applicant shall transmit to the department a list of two hundred
19 fifty (250) applicants, whose vehicles are currently registered in the
20 state of Idaho, who intend to purchase the specialty plate when avail-
21 able, as evidenced by completing forms provided by the department.

22 (3) The department shall submit the completed applications for special
23 license plate programs that meet the requirements of this section to the
24 chairmen of the senate transportation committee and the house of representa-
25 tives transportation and defense committee each year on behalf of the agency
26 to be included for consideration in the next legislative session.

27 (4) On an annual basis, by December 1 of each calendar year, the sponsor
28 of a special license plate program, shall prepare an annual report, which
29 shall be made available on request, and shall be forwarded to the depart-
30 ment. Such report shall include an accounting of revenues and expenditures
31 associated with the funds collected for the special license plate program.
32 The department shall compile and forward such reports to the chairmen of the
33 senate transportation committee and the house of representatives trans-
34 portation and defense committee by January 15 of each year. Failure of the
35 agency to provide such report by the due date shall result in the ~~suspension~~
36 discontinuation of the special license plate program sales on January 1
37 until such report is provided. The provisions of this section shall apply
38 ~~to all special plate programs generating revenue outside of the department~~
39 ~~excluding~~ exclude special plates established for the highway distribution
40 account, an Idaho public college or university pursuant to section 49-418A,
41 Idaho Code, and military license plate programs.

42 (5) Any decision by the department that the special license plate pro-
43 gram application does not meet the provisions of this section may be appealed
44 to the director of the department. Such notice of appeal shall be made in
45 writing within twenty (20) days of the notice of denial. For all denied ap-
46 plications, the department shall, at the next legislative session, report
47 to the senate and house of representatives transportation committees on such
48 denied applications and the reason for the denials.