



SPONSOR: Rep. Morrison & Sen. Hoffner & Rep. Neal & Rep. Bush
Reps. Osienski, Baumbach, Griffith, K. Johnson; Sen.
Hansen

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 19

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend Chapter 21, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2140Q. United Way of Delaware Pride Council special license plate.

(a) The owner of any vehicle described in subsection (b) of this section may apply to the Division of Motor Vehicles ("Division") for a special United Way of Delaware Pride Council license plate. The Division shall issue the plate only if the Division receives at least 200 applications for the plate.

(b) This section only applies to the following:

(1) A private passenger vehicle.

(2) Subject to paragraph (b)(2)b. of this section, a motor vehicle or trailer with a manufacturer's gross vehicle weight rating ("GVWR") of 26,000 pounds or less.

a. The motor vehicle or trailer described in this paragraph (b)(2) may be owned by an individual or an artificial entity, including a corporation, company, association, firm, partnership, society, or joint-stock company.

b. A motor vehicle that qualifies to register for the International Registration Plan ("IRP"), individually, or as part of a combination of vehicles, may not be issued a special plate under this section.

(c)(1) On the initial application for a plate to be issued under this section, a 1-time fee of \$50, which includes an administrative fee of \$15, is required in addition to the annual registration fee required by this title.

(2) The initial application fee under paragraph (c)(1) of this section is required for any person applying for the plate, including a member of a non-profit organization, even if the member is exempt from registration fees under § 2159 of this title.

(3) A replacement plate may be obtained on payment of a fee to be set by the Division, which must cover the cost of the plate.

(d) The Division shall deposit the 1-time administrative fee collected under subsection (c) of this section into a special fund and use the fund for the purpose of promoting the sale of the plate and administering this section. Proceeds remaining after the Division has covered the costs of promoting the sale of the plate and administering this section must be applied under subsection (e) of this section.

(e) The funds derived by the State from the portion of the 1-time fee of \$50 under subsection (c) of this section other than the funds spent by the Division under subsection (d) of this section must be deposited by the Division with the State Treasurer and must be specifically set aside in the United Way of Delaware Pride Council's Fund for use by the United Way of Delaware Pride Council to support its mission to organize community resources to improve the lives of lesbian, gay, bisexual, transgender, and questioning youth and adults in Delaware.

(f) The design for all plates issued under this section must be submitted by the United Way of Delaware Pride Council for final color and design approval by the Division, and are subject to the following:

(1) The wording, "The First State", may be dropped and substituted with the wording "LGBTQ+ Pride".

(2) A plate may not be solely black and white in color.

(3) The Division may refuse any design that it believes would cause a public safety enforcement problem.

(g) The numbers, letters, or both, assigned will be the same as the license plate assigned to the owner's vehicle at the time of the application for the plate.

(h) The Division may promulgate regulations as required to administer this section.

SYNOPSIS

This Act creates a background special license plate for the United Way of Delaware Pride Council.

A background special license plate supports a cause and is available for purchase by the public at large, including members of the organization. The numbers, letters, or both, assigned will be the same as the license plate assigned to the owner's vehicle at the time of the application for the plate.

This Act requires a greater-than-majority vote for passage because Article VIII, § 11 of the Delaware Constitution requires the affirmative vote of 3/5 of the members elected to each house of the General Assembly when a new tax or license fee is imposed.