

IN THE SENATE

SENATE BILL NO. 1105

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO DON'T TREAD ON ME LICENSE PLATES AND FIREARMS SAFETY EDUCATION;
2 AMENDING SECTION 49-420S, IDAHO CODE, TO REVISE PROVISIONS REGARDING
3 DON'T TREAD ON ME LICENSE PLATES; AMENDING SECTION 49-402D, IDAHO CODE,
4 TO PROVIDE FOR SPECIAL LICENSE PLATES FOR THE BENEFIT OF FIREARMS SAFETY
5 EDUCATION PROGRAMS; AMENDING SECTION 33-1628, IDAHO CODE, TO REVISE
6 PROVISIONS REGARDING FIREARMS SAFETY EDUCATION AND TO ESTABLISH THE
7 IDAHO FIREARMS SAFETY EDUCATION COMMITTEE; AND DECLARING AN EMERGENCY
8 AND PROVIDING RETROACTIVE APPLICATION.
9

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

11 SECTION 1. That Section 49-420S, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 49-420S. DON'T TREAD ON ME LICENSE PLATES. (1) Effective January 1,
14 ~~2025~~ 2026, any person who is the owner of a vehicle registered under the pro-
15 visions of section 49-402, Idaho Code, or registered under any other section
16 of law for which the purchase of special plates is allowed, may apply for and,
17 upon department approval, receive don't tread on me license plates in lieu
18 of regular license plates. ~~The provisions of this section shall not apply to~~
19 ~~any vehicle with a registered maximum gross weight over twenty-six thousand~~
20 ~~(26,000) pounds.~~ Availability of don't tread on me license plates ~~for other~~
21 ~~vehicles~~ shall be subject to the ~~rules,~~ policies, and procedures of the de-
22 partment.

23 (2) In addition to the regular registration fee required in this chap-
24 ter, the applicant shall be charged a fee of thirty-five dollars (\$35.00)
25 for the initial issuance of plates, and twenty-five dollars (\$25.00) upon
26 each succeeding annual registration. Thirteen dollars (\$13.00) of the ini-
27 tial fee and thirteen dollars (\$13.00) of the renewal fee shall be deposited
28 in the state highway account and shall be used to fund the cost of adminis-
29 tration of this special license plate program, including the initial plate
30 design for the plate provided for in this section. Except for the reimburse-
31 ment of initial plate design costs as provided for in subsection (4) of this
32 section, twenty-two dollars (\$22.00) of each initial fee and twelve dollars
33 (\$12.00) of each renewal fee shall be transferred by the state treasurer to
34 the firearms safety grant fund established in section 33-1628, Idaho Code.

35 (3) Whenever title or interest in a vehicle registered under the pro-
36 visions of this section is transferred or assigned, the owner may transfer
37 the special plates to another vehicle upon payment of the required transfer
38 fees. The owner may display the plates on another vehicle only upon receipt
39 of the new registration from the department.

40 (4) ~~The don't tread on me license plate shall be of a color and design~~
41 ~~in accordance with~~ Notwithstanding the provisions of section 49-402C, Idaho
42 Code, and shall include the Gadsden flag on a bright yellow background the

1 don't tread on me license plate shall be bright yellow and shall consist of a
 2 likeness of the Gadsden flag with the image of a rattlesnake in the center and
 3 the words "don't tread on me-" centered on the bottom. The design shall be
 4 approved by the Idaho transportation department utilizing a numbering sys-
 5 tem as determined by the department. Initial costs of the plate program, in-
 6 cluding costs of plate design, shall be paid by the state board of education
 7 and shall be reimbursed from the initial moneys distributed to the firearms
 8 safety grant fund established in section 33-1628, Idaho Code.

9 (5) Sample don't tread on me license plates may be purchased for a fee
 10 of thirty dollars (\$30.00), thirteen dollars (\$13.00) of which shall be de-
 11 posited in the state highway account and seventeen dollars (\$17.00) of which
 12 shall be transferred to the firearms safety grant fund established in sec-
 13 tion 33-1628, Idaho Code, to be used for the purpose stated in that section.

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

16 49-402D. SPECIAL LICENSE PLATE PREQUALIFICATION PROCESS.

17 (1) (a) For any new special license plate program approved by the legis-
 18 lature, the program sponsor shall, before issuance of any such special
 19 license plate, meet the prequalification process outlined in this sec-
 20 tion. The program sponsor for any special plate program shall:

21 (i) Submit a financial plan for the use of the proceeds from the
 22 special license plate sales and certify that all such proceeds
 23 shall be deposited in the highway distribution account, except
 24 with respect to any new special plate that may be established for
 25 the benefit of an Idaho college or university pursuant to section
 26 49-418A, Idaho Code, a license plate for the benefit of firearms
 27 safety education programs pursuant to section 49-420S, Idaho
 28 Code, or a military license plate, or a license plate for the ben-
 29 efit of the Idaho state board of education or specific education
 30 programs, grant funds, or initiatives administered by the Idaho
 31 state board of education; and

32 (ii) Designate an individual who shall be deemed responsible by
 33 the agency for certifying compliance with the requirements of this
 34 section and working with the department.

35 (b) The department is authorized and shall adopt and promulgate rules
 36 to carry out the provisions of this section.

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

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

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

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

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

10 (4) On an annual basis, by December 1 of each calendar year, the spon-
11 sor of a special license plate program shall prepare an annual report, which
12 shall be made available on request and shall be forwarded to the department.
13 Such report shall include an accounting of revenues and expenditures asso-
14 ciated with the funds collected for the special license plate program. The
15 department shall compile and forward such reports to the chairmen of the sen-
16 ate transportation committee and the house of representatives transporta-
17 tion and defense committee by January 15 of each year. Failure of the agency
18 to provide such report by the due date shall result in the discontinuation of
19 the special license plate program sales on January 1. The provisions of this
20 section shall exclude special plates established for the highway distribu-
21 tion account, an Idaho college or university pursuant to section 49-418A,
22 Idaho Code, a license plate for the benefit of firearms safety education pro-
23 grams pursuant to section 49-420S, Idaho Code, and military license plate
24 programs.

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

32 SECTION 3. That Section 33-1628, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 33-1628. FIREARMS SAFETY EDUCATION IN PRIMARY AND SECONDARY
35 SCHOOLS. (1) The board of trustees of a school district is encouraged to
36 establish and maintain a an in-person firearms safety education course for
37 primary and secondary school students. The trustees ~~may~~ shall adopt an elec-
38 tive course of instruction developed by the department of fish and game, a
39 law enforcement agency, or a national firearms association as its firearms
40 safety education course. Instructors from the department of fish and game,
41 a law enforcement agency or a national firearms association, ~~or a person~~
42 ~~recognized by the trustees as having expertise in firearms safety education~~
43 may provide the course instruction.

44 (2) There is hereby created in the state treasury the firearms safety
45 grant fund, to which shall be credited all moneys both public and private
46 that may be appropriated, allocated, donated, distributed to, or other-
47 wise provided for by law, including moneys distributed pursuant to section
48 49-420S, Idaho Code. Moneys in the fund shall be used exclusively for edu-
49 cational program grants as provided for in this section. Moneys in the fund

1 shall be continuously appropriated for the purposes of this program. All
2 idle moneys in the fund shall be invested by the state treasurer in a like
3 manner as provided for in section 67-1210, Idaho Code, with respect to other
4 surplus or idle moneys in the state treasury. Interest earned on the invest-
5 ments shall be returned to the fund.

6 ~~(3) The state board of education shall administer a grant program for~~
7 ~~firearms safety pursuant to this section. The state board of education shall~~
8 ~~adopt rules to implement and sustain the grant program established by this~~
9 ~~subsection. Such rules shall provide for moneys in the firearms safety grant~~
10 ~~fund to be awarded in the form of grants to school districts that apply for~~
11 ~~the use of such funds to establish or maintain firearms safety education~~
12 ~~courses pursuant to subsection (1) of this section.~~

13 (3) There is hereby created the Idaho firearms safety education commit-
14 tee. The purpose of the committee shall be to administer the firearms safety
15 grant fund. The committee shall consist of seven (7) members who shall be
16 appointed by the attorney general. The composition of the committee shall
17 include one (1) of each of the following: a member of the Idaho house of
18 representatives, a member of the Idaho senate, a county sheriff, a hunters
19 education instructor, a certified firearms instructor, a certified member
20 of a national firearms association, and a citizen who possesses an enhanced
21 concealed carry permit and who is a parent of an enrolled Idaho public school
22 student. Initial appointments to the committee shall occur on or before
23 October 1, 2025, and the initial terms of the first committee members shall
24 commence on January 1, 2026. Terms of committee members shall be four (4)
25 years. A member may be re-appointed upon the expiration of the member's
26 term. In the event of a vacancy, the attorney general is authorized to ap-
27 point a new committee member to fill such vacancy pursuant to the membership
28 requirements provided for in this subsection. A committee member who is
29 appointed to fill a vacancy shall serve for the duration of the vacant term.
30 Committee members shall serve on a voluntary basis. There shall be no leg-
31 islative appropriation of funds for the committee.

32 (4) The Idaho firearms safety education committee shall meet no less
33 than two (2) times per year. At its first meeting, the committee shall ap-
34 point a chair. Thereafter the committee shall establish a process for the
35 orderly transaction of its business and for the timely administration of
36 grants. The committee shall organize itself and be ready to process grant
37 applications and to award grants by July 1, 2026.

38 (5) The state board of education shall cooperate with the committee to
39 promote the firearms safety grant program. In addition, the state board of
40 education shall establish a process for the receipt of firearms safety grant
41 applications and delivery of such applications to the Idaho firearms safety
42 education committee for consideration.

43 SECTION 4. An emergency existing therefor, which emergency is hereby
44 declared to exist, this act shall be in full force and effect on and after its
45 passage and approval, and retroactively to January 1, 2025.