

House Bill 1402

By: Representatives Smith of the 175<sup>th</sup>, Turnquest of the 73<sup>rd</sup>, Dukes of the 161<sup>st</sup> and Ashe of the 46<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to prestige license plates and special plates for certain persons and vehicles, so as to  
3 provide for a special license plate supporting certain breast cancer related programs for the  
4 medically indigent; to dedicate revenue derived from the sale of such special license plates  
5 to the Indigent Care Trust Fund as authorized by Article III, Section IX, Paragraph VI(i) of  
6 the Constitution; to provide an effective date; to repeal conflicting laws; and for other  
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to  
11 prestige license plates and special plates for certain persons and vehicles, is amended by  
12 adding a new Code Section 40-2-86.7 to read as follows:

13 "40-2-86.7.

14 (a) Because breast cancer affects a number of Georgians and no cure has been found for  
15 such disease, it is appropriate that, subject to the provisions of this Code section, there shall  
16 be issued beginning in 2003 special license plates to support breast cancer related programs  
17 for the medically indigent.

18 (b) The commissioner shall prepare a special distinctive license plate of a design which  
19 shall include a logo the same as the United States postal stamp supporting breast cancer  
20 research and bearing the slogan 'Fund the Fight. Find A Cure.' over the sketch of a woman  
21 and the breast cancer awareness pink ribbon symbol. Such special license plate shall be  
22 of the same size and general design as general issue motor vehicle license plates. Such  
23 plates shall include a unique identifying number not exceeding seven characters, provided  
24 that no two recipients receive identical plates. It shall not be a requirement that a county  
25 name decal be affixed and displayed on license plates issued under this Code section.

1 (c) Subject to subsection (d) of this Code section, any motor vehicle owner who is a  
2 resident of Georgia, upon complying with the motor vehicle laws relating to registration  
3 and licensing of motor vehicles and payment of a fee of \$25.00 in addition to the regular  
4 motor vehicle registration fee, shall be issued such a special license plate upon application  
5 therefor.

6 (d) Notwithstanding the foregoing provisions of this Code section, this Code section shall  
7 not be implemented until such time as the State of Georgia has, through a licensing  
8 agreement or otherwise and at no cost to the state, received such licenses or other  
9 permissions as may be required for the use of the breast cancer logo depicted on the United  
10 States postal stamp or as may otherwise be necessary or appropriate to implement this  
11 Code section. No royalty, license fee, or other moneys shall be paid to any organization  
12 or its licensor for the use by the state of such logo or design on license plates authorized  
13 by this Code section. The commissioner is authorized, on behalf of the state, to accept and  
14 execute such licensing agreements with the United States Postal Service or its licensor.  
15 The commissioner may charge fees, take other actions, and agree to or impose terms and  
16 conditions which might normally be envisioned in licensing and cross-licensing agreements  
17 for the use of designs and similar intellectual property. Without limitation, the  
18 commissioner may agree to allow to others the exclusive or nonexclusive use of the design  
19 of the special license plate. The design of the special license plate, excepting only the  
20 breast cancer stamp logo and slogan and any other part of the design owned by others and  
21 licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and  
22 control, except as authorized by the commissioner. The commissioner may take such steps  
23 as may be necessary to give notice of and protect such right, including the copyright.  
24 However, such steps shall be cumulative of the ownership and exclusive use and control  
25 established by this subsection as a matter of law and no person shall reproduce or otherwise  
26 use such design, except as authorized by the commissioner.

27 (e)(1) Special license plates issued under this Code section shall be renewed annually  
28 with a revalidation decal as provided in Code Section 40-2-31 upon payment of an  
29 additional \$25.00 annual registration fee, which fee shall be collected by the county tag  
30 agent at the time of collection of other registration fees and remitted to the state as  
31 provided in Code Section 40-2-34.

32 (2) License plates issued pursuant to this Code section shall be transferred between  
33 vehicles as provided in Code Section 40-2-80.

34 (f)(1) The funds derived from the sale of the special license plates provided by this Code  
35 section, less a \$1.00 processing fee which shall be granted to county tag offices per plate  
36 sold and less the actual cost of manufacturing such plates, shall be deposited in the  
37 Indigent Care Trust Fund created by Code Section 31-8-152 to fund cancer screening and

1 treatment related programs for those persons who are medically indigent and may have  
2 breast cancer. To the extent consistent with Article III, Section IX, Paragraph VI(i) of  
3 the Constitution and Article 6 of Chapter 8 of Title 31, such programs may include  
4 education, breast cancer screening, grants-in-aid to breast cancer victims, pharmacy  
5 assistance programs for breast cancer victims, and other projects to encourage public  
6 support for the special license plate and the activities which it funds.

7 (2) As soon as practicable after the end of each month, the commissioner shall report the  
8 net amount derived from the sale of such license plates, not including actual  
9 manufacturing costs, to the Office of Planning and Budget and the Department of  
10 Community Health.

11 (3) The Department of Community Health shall monitor the response of such breast  
12 cancer programs to determine their effectiveness."

13 **SECTION 2.**

14 This Act shall become effective upon its approval by the Governor or upon its becoming law  
15 without such approval.

16 **SECTION 3.**

17 All laws and parts of laws in conflict with this Act are repealed.