

House Bill 1295 (AS PASSED HOUSE AND SENATE)

By: Representatives Morris of the 155th, Lane of the 146th, Amerson of the 7th, Coleman of the 142nd, Scheid of the 17th and others

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 the National Rifle Association; to provide for
4 issuance, renewal, fees, licensing agreements, applications, and transfers relative to such
5 special license plates, to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "40-2-86.7.

12 (a) There shall be issued beginning in 2003 special license plates supporting the National
13 Rifle Association.

14 (b) License plates issued under this Code section shall include a unique identifying
15 number, whereby the total number of characters does not exceed six, provided that no two
16 recipients receive identical plates. The license plates shall display the phrase 'The Right
17 to Keep and Bear Arms' followed by the italicized phrase 'Shall Not Be Infringed' and the
18 insignia of the National Rifle Association shall be depicted to the left of the identifying
19 number of each plate. Such license plates must be of the same size as general issue motor
20 vehicle license plates. Such design shall not provide space in which to indicate the name
21 of the county of issuance.

22 (c) Subject to subsection (d) of this Code section, any motor vehicle owner who is a
23 resident of Georgia, upon complying with the motor vehicle laws relating to registration
24 and licensing of motor vehicles and payment of a fee of \$25.00 in addition to the regular
25 motor vehicle registration fee, shall be issued such a special license plate upon application
26 therefor. Special license plates issued under this Code section shall be renewed annually

1 with a revalidation decal as provided in Code Section 40-2-31 upon payment of an
2 additional \$25.00 annual registration fee, which fee shall be collected by the county tag
3 agent at the time of collection of other registration fees and remitted to the state as provided
4 in Code Section 40-2-34.

5 (d)(1) Notwithstanding the foregoing provisions of this Code section, this Code section
6 shall not be implemented until such time as the State of Georgia has, through a licensing
7 agreement or otherwise and at no cost to the state, received such licenses or other
8 permissions as may be required for the use of the National Rifle Association logo or as
9 may otherwise be necessary or appropriate to implement this Code section. No royalty,
10 license fee, or other moneys shall be paid to any organization or its licensor for the use
11 by the state of such logo or design on license plates authorized by this Code section. The
12 commissioner may charge fees, take other actions, and agree to or impose terms and
13 conditions which might normally be envisioned in licensing and cross-licensing
14 agreements for the use of designs and similar intellectual property. Without limitation,
15 the commissioner may agree to allow to others the exclusive or nonexclusive use of the
16 design of the special license plate. The design of the special license plate, excepting only
17 the National Rifle Association logo and slogan and any other part of the design owned
18 by others and licensed to the state, shall be owned solely by the State of Georgia for its
19 exclusive use and control, except as authorized by the commissioner. The commissioner
20 may take such steps as may be necessary to give notice of and protect such right,
21 including the copyright. However, such steps shall be cumulative of the ownership and
22 exclusive use and control established by this subsection as a matter of law and no person
23 shall reproduce or otherwise use such design, except as authorized by the commissioner.

24 (2) The commissioner shall retain all applications received for such special license plates
25 until a minimum of 1,000 applications has been received. After the receipt of 1,000
26 applications for such special license plates, the commissioner will then design the special
27 license plate. If the commissioner does not receive the required minimum of 1,000
28 applications for special license plates under this Code section no later than July 31 of the
29 year preceding the year of issuance of such plates, no such special plates shall be issued
30 and all fees shall be refunded no later than 30 days thereafter to applicants. All license
31 plates issued pursuant to this Code section shall be issued in compliance with the state
32 motor vehicle laws relating to registration and licensing of motor vehicles.

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

35 SECTION 2.

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