

Senate Bill 97

By: Senators Bowen of the 13th and Meyer von Bremen of the 12th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia
2 Annotated, relating to the state highway system, so as to provide that with respect to the
3 Roadside Enhancement and Beautification Fund, the Department of Transportation may,
4 without limitation, promote and solicit voluntary contributions, promote the sale of motor
5 vehicle license tags authorized under Code Section 40-2-49.2, and develop any fund raising
6 or other promotional techniques deemed appropriate by such department; to amend Article
7 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration
8 and licensing of motor vehicles generally, so as to provide for a special and distinctive
9 wildflower license plate to promote the conservation of wildflowers within the state and to
10 promote and financially benefit the Roadside Enhancement and Beautification Fund; to
11 provide for the issuance of wildflower motor vehicle license plates; to provide that funds
12 derived from the sale of wildflower motor vehicle license plates shall be transferred to the
13 Department of Transportation to be deposited in the Roadside Enhancement and
14 Beautification Fund; to provide that wildflower motor vehicle license plates may be
15 transferred from one vehicle to another vehicle in accordance with certain provisions of law;
16 to provide procedures; to provide for rules and regulations; to provide an effective date; to
17 repeal conflicting laws; and for other purposes.

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

19 **SECTION 1.**

20 Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated,
21 relating to the state highway system, is amended by striking in its entirety Code Section
22 32-6-75.2, relating to the Roadside Enhancement and Beautification Fund, and inserting in
23 lieu thereof a new Code Section 32-6-75.2 to read as follows:

24 "32-6-75.2.

25 There is established a special fund to be known as the 'Roadside Enhancement and
26 Beautification Fund.' This fund shall consist of all moneys collected under Code Section

1 32-6-75.3, any appropriations by the General Assembly to the fund, revenues derived from
 2 the sale of any special and distinctive wildflower motor vehicle license plates issued as
 3 ~~may be otherwise provided by law~~ pursuant to Code Section 40-2-49.2, any contributions
 4 to the fund from any other source, and all interest thereon. All moneys collected under
 5 Code Section 32-6-75.3 and manufacturing fees for any special and distinctive wildflower
 6 motor vehicle license plates shall be paid into the fund. All balances in the fund shall be
 7 deposited in an interest-bearing account identifying the fund and shall be carried forward
 8 each year so that no part thereof may be deposited in the general treasury. The department
 9 shall administer the fund and expend moneys held in the fund in furtherance of roadside
 10 enhancement and beautification projects along public roads in this state and administration
 11 of the tree and vegetation trimming permit program under Code Section 32-6-75.3. In
 12 addition to the foregoing, the department may, without limitation, promote and solicit
 13 voluntary contributions, promote the sale of motor vehicle license tags authorized under
 14 Code Section 40-2-49.2, and develop any fund raising or other promotional techniques
 15 deemed appropriate by the department. Contributions to the fund shall be deemed
 16 supplemental to and shall in no way supplant funding that would otherwise be appropriated
 17 for these purposes. The department shall prepare, by February 1 of each year, an
 18 accounting of the funds received and expended from the fund. The report shall be made
 19 available to the members of the State Transportation Board, the Senate Transportation
 20 Committee, the Transportation Committee of the House of Representatives, and to
 21 members of the public on request."

22 SECTION 2.

23 Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
 24 registration and licensing of motor vehicles generally, is amended by adding at the end
 25 thereof a new Code Section 40-2-49.2 to read as follows:

26 "40-2-49.2.

27 (a) In order to promote and financially benefit the Roadside Enhancement and
 28 Beautification Fund established pursuant to Code Section 32-6-75.2, there shall be issued
 29 special and distinctive wildflower license plates to promote roadside enhancement and
 30 beautification projects and programs.

31 (b) The Department of Transportation shall design special distinctive license plates
 32 appropriate to promote conservation of wildflowers within the state. The wildflower motor
 33 vehicle license plate must be of the same size and general design of general issue motor
 34 vehicle license plates; such plates shall include a unique identifying number, whereby the
 35 total characters do not exceed the sum of six, provided that no two recipients receive

1 identical plates. Such design shall not provide space in which to indicate the name of the
2 county of issuance.

3 (c) The design of the initial edition of the wildflower motor vehicle license plate, as well
4 as the design of subsequent editions and excepting only any part or parts of the designs
5 owned by others and licensed to the state, shall be owned solely by the State of Georgia for
6 its exclusive use and control, except as authorized by the commissioner. The commissioner
7 may take such steps as may be necessary to give notice of and protect such right, including
8 the copyright or copyrights. However, such steps shall be cumulative of the ownership and
9 exclusive use and control established by this subsection as a matter of law, and no person
10 shall reproduce or otherwise use such design or designs, except as authorized by the
11 commissioner.

12 (d) Any Georgia resident who is the owner of a motor vehicle, except a vehicle registered
13 under the International Registration Plan, upon complying with the motor vehicle laws
14 relating to registration and licensing of motor vehicles and upon the payment of a fee of not
15 more than \$25.00 in addition to the regular motor vehicle registration fee, shall be issued
16 a wildflower motor vehicle license plate. Revalidation decals shall, upon payment of fees
17 required by law and collected by the county tag agent and remitted to the state as provided
18 in Code Section 40-2-34, be issued for wildlife conservation fund license plates in the same
19 manner as provided for general issue license plates.

20 (e) The funds derived from the sale of wildflower motor vehicle license plates, less a \$1.00
21 processing fee which shall be granted to county tag offices per plate sold, shall be
22 transferred to the Department of Transportation to be deposited in the Roadside
23 Enhancement and Beautification Fund established by Code Section 32-6-75.2 and shall be
24 expended only for the purposes enumerated in Code Section 32-6-75.2.

25 (f) An applicant may request a wildflower motor vehicle license plate any time during the
26 applicant's registration period. If a wildflower motor vehicle license plate is to replace a
27 current valid license plate, the department shall issue the wildflower motor vehicle license
28 plate with appropriate decals attached. When an applicant requests a wildflower motor
29 vehicle license plate at the beginning of the registration period, the applicant shall pay the
30 tax together with all applicable fees.

31 (g) Wildflower motor vehicle license plates shall be transferred from one vehicle to
32 another vehicle in accordance with the provisions of Code Section 40-2-42.

33 (h) Wildflower motor vehicle license plates shall be issued within 30 days of application.

34 (g) The commissioner is authorized to establish procedures and promulgate rules and
35 regulations necessary to carry out the provisions of this Code section."

1 **SECTION 3.**

2 This Act shall become effective on July 1, 2001.

3 **SECTION 4.**

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