

The Senate Transportation Committee offered the following substitute to SB 97:

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:

**SECTION 1.**

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

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  
27 32-6-75.3, any appropriations by the General Assembly to the fund, revenues derived from

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

## 21 SECTION 2.

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

25 "40-2-49.2.

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

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

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

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

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

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

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

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

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

### 35 SECTION 3.

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

**SECTION 4.**

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