

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

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

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

25 "32-6-75.2.

26 There is established a special fund to be known as the 'Roadside Enhancement and
27 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 striking subsections (a)
 25 and (b) Code Section 40-2-41.1, relating to authentic historical Georgia license plates, and
 26 inserting in their place the following:

27 (a) As used in this Code section, the term "authentic historical Georgia license plate"
 28 means a license plate originally issued in the year ~~1942~~ 1957 or earlier and originally
 29 required to be displayed on motor vehicles operated upon the streets and highways of this
 30 state in the year ~~1942~~ 1957 or earlier pursuant to former motor vehicle registration laws of
 31 this state.

32 (b) The owner of any antique motor vehicle manufactured in ~~1942~~ 1957 or earlier ~~and~~
 33 ~~equipped with an engine manufactured in 1942 or earlier or manufactured to the~~
 34 ~~specifications of the original engine~~ shall be authorized to display in lieu of and in the same
 35 manner as the license plate otherwise required under Code Section 40-2-41 an authentic
 36 historical Georgia license plate which clearly represents the model year of any such antique

1 motor vehicle, provided that the owner has properly registered such antique motor vehicle
 2 for the current year as otherwise required under this chapter and has obtained a current
 3 Georgia license plate or revalidation decal for such antique motor vehicle. Such currently
 4 valid Georgia license plate shall be kept in such antique motor vehicle at all times but need
 5 not be displayed in a manner to be visible from outside of the vehicle.

6 SECTION 3.

7 Said article is further amended by adding at the end thereof a new Code Section 40-2-49.2
 8 to read as follows: thereof a new Code Section 40-2-49.2 to read as follows:

9 "40-2-49.2.

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

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

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

30 (d) Any Georgia resident who is the owner of a motor vehicle, except a vehicle registered
 31 under the International Registration Plan, upon complying with the motor vehicle laws
 32 relating to registration and licensing of motor vehicles and upon the payment of a fee of not
 33 more than \$25.00 in addition to the regular motor vehicle registration fee, shall be issued
 34 a wildflower motor vehicle license plate. Revalidation decals shall, upon payment of fees
 35 required by law and collected by the county tag agent and remitted to the state as provided

1 in Code Section 40-2-34, be issued for wildflower fund license plates in the same manner
2 as provided for general issue license plates.

3 (e) The funds derived from the sale of wildflower motor vehicle license plates, less a \$1.00
4 processing fee which shall be granted to county tag offices per plate sold and less the actual
5 manufacturing cost of the plates, shall be transferred to the Department of Transportation
6 to be deposited in the Roadside Enhancement and Beautification Fund established by Code
7 Section 32-6-75.2 and shall be expended only for the purposes enumerated in Code Section
8 32-6-75.2.

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

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

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

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

20 **SECTION 4.**

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

22 **SECTION 5.**

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