

Senate Bill 97

By: Senators Bowen of the 13<sup>th</sup> and Meyer von Bremen of the 12<sup>th</sup>

**AS PASSED**

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

25 "32-6-75.2.

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

## 24 SECTION 2.

25 Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to  
 26 registration and licensing of motor vehicles generally, is amended by striking subsections (a)  
 27 and (b) Code Section 40-2-41.1, relating to authentic historical Georgia license plates, and  
 28 inserting in their place the following:

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

34 (b) The owner of any antique motor vehicle manufactured in ~~1942~~ 1957 or earlier ~~and~~  
 35 ~~equipped with an engine manufactured in 1942 or earlier or manufactured to the~~  
 36 ~~specifications of the original engine~~ shall be authorized to display in lieu of and in the same

1 manner as the license plate otherwise required under Code Section 40-2-41 an authentic  
 2 historical Georgia license plate which clearly represents the model year of any such antique  
 3 motor vehicle, provided that the owner has properly registered such antique motor vehicle  
 4 for the current year as otherwise required under this chapter and has obtained a current  
 5 Georgia license plate or revalidation decal for such antique motor vehicle. Such currently  
 6 valid Georgia license plate shall be kept in such antique motor vehicle at all times but need  
 7 not be displayed in a manner to be visible from outside of the vehicle.

### 8 SECTION 3.

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

11 "40-2-49.2.

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

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

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

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

1 required by law and collected by the county tag agent and remitted to the state as provided  
2 in Code Section 40-2-34, be issued for wildflower fund license plates in the same manner  
3 as provided for general issue license plates.

4 (e) The funds derived from the sale of wildflower motor vehicle license plates, less a \$1.00  
5 processing fee which shall be granted to county tag offices per plate sold and less the actual  
6 manufacturing cost of the plates, shall be transferred to the Department of Transportation  
7 to be deposited in the Roadside Enhancement and Beautification Fund established by Code  
8 Section 32-6-75.2 and shall be expended only for the purposes enumerated in Code Section  
9 32-6-75.2.

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

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

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

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

21 **SECTION 4.**

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

23 **SECTION 5.**

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