

House Bill 205

By: Representatives Borders of the 142<sup>nd</sup>, Black of the 144<sup>th</sup>, Shaw of the 143<sup>rd</sup> and Boggs of the 145<sup>th</sup>

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 honoring the Boy Scouts of America; 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 40-2-86.9 to read as follows:

11 "40-2-86.9.

12 (a) There shall be issued beginning in 2004 special license plates honoring the Boy Scouts  
13 of America.

14 (b) The commissioner shall prepare a special distinctive license plate of a design which  
15 shall include the insignia of the Boy Scouts of America. Such special license plate shall  
16 be of the same size and general design as general issue motor vehicle license plates. Such  
17 plates shall include a unique identifying number not exceeding seven characters, provided  
18 that no two recipients receive identical plates. It shall not be a requirement that a county  
19 name decal be affixed and displayed on license plates issued under this Code section.

20 (c) Subject to subsection (d) of this Code section, any motor vehicle owner who is a  
21 resident of Georgia, other than one registering under the International Registration Plan,  
22 upon complying with the state motor vehicle laws relating to registration and licensing of  
23 motor vehicles and payment of a manufacturing fee of \$25.00 in addition to the regular  
24 motor vehicle registration fee, shall be issued such a special license plate upon application  
25 therefor. Special license plates issued under this Code section shall be renewed annually  
26 with a revalidation decal as provided in Code Section 40-2-31 upon payment of an

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

4 (d)(1) Notwithstanding the foregoing provisions of this Code section, this Code section  
5 shall not be implemented until such time as the State of Georgia has, through a licensing  
6 agreement or otherwise, received such licenses or other permissions as may be required  
7 for the use of the insignia of the Boy Scouts of America or as may otherwise be necessary  
8 or appropriate to implement this Code section. The commissioner is authorized, on  
9 behalf of the state, to accept and execute the licensing agreements with the Boy Scouts  
10 of America allowing the Boy Scouts of America to be the beneficiary of and receive  
11 \$25.00 of each such manufacturing fee as consideration for permission to use such  
12 insignia, provided that the Boy Scouts of America agrees to distribute such funds to its  
13 local area councils within this state, apportioned in accordance with the origin of sale of  
14 each such plate; and provided, further, that the state shall bear the cost of the manufacture  
15 of each such license plate. The commissioner may charge fees, take other actions, and  
16 agree to or impose terms and conditions which might normally be envisioned in licensing  
17 and cross-licensing agreements for the use of designs and similar intellectual property.  
18 Without limitation, the commissioner may agree to allow to others the exclusive or  
19 nonexclusive use of the design of the special license plate. The design of the special  
20 license plate, excepting only the insignia of the Boy Scouts of America and any other part  
21 of the design owned by others and licensed to the state, shall be owned solely by the State  
22 of Georgia for its exclusive use and control, except as authorized by the commissioner.  
23 The commissioner may take such steps as may be necessary to give notice of and protect  
24 such right, including the copyright. However, such steps shall be cumulative of the  
25 ownership and exclusive use and control established by this subsection as a matter of law  
26 and no person shall reproduce or otherwise use such design, except as authorized by the  
27 commissioner.

28 (2) The commissioner shall retain all applications for such special license plates until a  
29 minimum of 500 applications has been received. If the commissioner does not receive the  
30 required minimum of 500 applications no later than July 31 of the year preceding the year  
31 of issuance of such plates, no such special plates shall be issued, and all fees shall be  
32 refunded to applicants. Such license plates shall be issued in compliance with the state  
33 motor vehicle laws relating to registration and licensing of motor vehicles.

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

1 **SECTION 2.**

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