

House Bill 593

By: Representatives Drenner of the 57th, Thomas of the 43rd, Post 1, Henson of the 55th and Benfield of the 56th, Post 1

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 AIDS Survival Project; 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 AIDS
13 Survival Project.

14 (b) The commissioner shall prepare a special distinctive license plate of a design which
15 shall include the insignia of the AIDS Survival Project. Such special license plate shall be
16 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 state laws relating to registration and licensing of motor vehicles and
23 payment of a manufacturing fee of \$25.00 in addition to the regular motor vehicle
24 registration fee, shall be issued such a special license plate upon application therefor.
25 Special license plates issued under this Code section shall be renewed annually with a
26 revalidation decal as provided in Code Section 40-2-31 upon payment of an additional

1 \$25.00 annual registration fee, which fee shall be collected by the county tag agent at the
2 time of collection of other registration fees and remitted to the state as provided in Code
3 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 AIDS Survival Project 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 agreement with the AIDS Survival
10 Project allowing the AIDS Survival Project to be the beneficiary of and receive \$25.00
11 of each such manufacturing fee as consideration for permission to use such insignia,
12 provided that the AIDS Survival Project agrees to use such funds consistent with its
13 charitable mission; and provided, further, that the state shall bear the cost of the
14 manufacture of each such license plate. The commissioner may charge fees, take other
15 actions, and agree to or impose terms and conditions which might normally be envisioned
16 in licensing and cross-licensing agreements for the use of designs and similar intellectual
17 property. Without limitation, the commissioner may agree to allow to others the
18 exclusive or nonexclusive use of the design of the special license plate. The design of the
19 special license plate, excepting only the insignia of the AIDS Survival Project and any
20 other part of the design owned by others and licensed to the state, shall be owned solely
21 by the State of Georgia for its exclusive use and control, except as authorized by the
22 commissioner. The commissioner may take such steps as may be necessary to give
23 notice of and protect such right, including the copyright. However, such steps shall be
24 cumulative of the ownership and exclusive use and control established by this subsection
25 as a matter of law and no person shall reproduce or otherwise use such design, except as
26 authorized by the commissioner.

27 (2) The commissioner shall retain all applications for such special license plates until a
28 minimum of 100 applications has been received. If the commissioner does not receive
29 the required minimum of 100 applications no later than July 31 of the year preceding the
30 year of issuance of such plates, no such special plates shall be issued, and all fees shall
31 be refunded to applicants. Such license plates shall be issued in compliance with state
32 laws relating to registration and licensing of motor vehicles.

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

35 SECTION 2.

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