

Senate Bill 228

By: Senators Lee of the 29th and Reed of the 35th

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 special license plates to be issued benefitting the 501(c)(3) foundations of the
4 professional sports teams in Georgia; to provide for issuance, renewal, fees, licensing
5 agreements, applications, and transfers relative to such special license plates; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
10 prestige license plates and special plates for certain persons and vehicles, is amended by
11 adding a new Code Section 40-2-86.9 to read as follows:

12 "40-2-86.9.

13 (a) There shall be issued beginning in 2004 special license plates to promote the 501(c)(3)
14 foundations of the professional sports teams in Georgia.

15 (b) The commissioner shall prepare special distinctive license plates of a design which
16 shall include the distinctive emblem or logo for each of the professional sports teams in
17 Georgia. The special license plate must be of the same size and general design of general
18 issue motor vehicle license plates. Such plates shall include a unique identifying number,
19 whereby the total characters do not exceed the sum of six, provided that no two recipients
20 receive identical plates. The logo or emblem of the sports team shall be placed
21 immediately to the left of the letters and numbers on the license plate. It shall be a
22 requirement that a county name decal be affixed and displayed on license plates issued
23 under this Code section.

24 (c) Beginning in calendar year 2004, any motor vehicle owner who is a resident of
25 Georgia, upon complying with the motor vehicle laws relating to registration and licensing
26 of motor vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the

1 regular motor vehicle registration fee, shall be issued such a special license plate within 30
2 days of application for such special license plate. Special license plates issued under this
3 Code section shall be renewed annually with a revalidation decal as provided in Code
4 Section 40-2-31 upon payment of an additional \$25.00 annual registration fee, which fee
5 shall be collected by the county tag agent at the time of collection of other registration fees
6 and remitted to the state as provided in Code Section 40-2-34.

7 (d) The commissioner shall retain all applications for such special license plates until a
8 minimum of 1,000 applications has been received. If the commissioner does not receive
9 the required minimum of 1,000 applications no later than July 31 of the year preceding the
10 year of issuance of such plates, no such special plates shall be issued, and all fees shall be
11 refunded to applicants. Such license plates shall be issued in compliance with the state
12 motor vehicle laws relating to registration and licensing of motor vehicles as prescribed in
13 this article.

14 (e) Notwithstanding the foregoing provisions of this Code section, this Code section shall
15 not be implemented until such time as the State of Georgia has, through a licensing
16 agreement or otherwise, received such licenses or other permissions as may be required for
17 the use of the professional sports teams emblems or logos or as may otherwise be necessary
18 or appropriate to implement this Code section. The commissioner is authorized, on behalf
19 of the state, to accept and execute the licensing agreements with the 501(c)(3) foundations
20 of the professional sports teams in Georgia allowing such foundations to be the beneficiary
21 of and receive the manufacturing fee for each license plate sold, less a \$1.00 processing fee
22 which shall be granted to county tag offices per plate sold and less the actual cost of the
23 manufacture of each such license plate. The commissioner may charge fees, make
24 payments, take other actions, and agree to or impose terms and conditions which might
25 normally be envisioned in licensing and cross-licensing agreements for the use of designs
26 and similar intellectual property. Without limitation, the commissioner may agree to allow
27 to others the exclusive or nonexclusive use of the design of the special license plate. The
28 design of the special license plate, excepting only any part of the design owned by others
29 and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use
30 and control, except as authorized by the commissioner. The commissioner may take such
31 steps as may be necessary to give notice of and protect such right, including the copyright.
32 However, such steps shall be cumulative of the ownership and exclusive use and control
33 established by this subsection as a matter of law and no person shall reproduce or otherwise
34 use such design, except as authorized by the commissioner.

35 (f) The license plate issued pursuant to this Code section shall be transferred between
36 vehicles as provided in Code Section 40-2-80."

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SECTION 2.

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