

Senate Bill 407

By: Senators Johnson of the 1st, Kemp of the 46th, Hall of the 22nd and Collins of the 6th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,
2 relating to licensing and registration of motor vehicles in general, so as to provide for the
3 issuance of special historic preservation license plates to promote and financially provide for
4 historic preservation efforts in Georgia; to provide for the design of such plates; to provide
5 for the issuance and revalidation of such plates upon application and the payment of certain
6 fees; to provide for the disposition of such fees and the intent of the General Assembly with
7 respect to appropriations; to provide for the use of appropriated funds and reports with
8 respect to such use; to provide for related matters; to provide for effective dates; to repeal
9 conflicting laws; and for other purposes.

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

11 **SECTION 1.**

12 Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
13 licensing and registration of motor vehicles in general, is amended by adding at its end a new
14 Code Section 40-2-49.4 to read as follows:

15 "40-2-49.4.

16 (a) In order to promote and financially provide for historic preservation efforts in Georgia,
17 there shall be issued beginning January 1, 2005, special license plates promoting such
18 efforts.

19 (b) The Division of Historic Preservation of the Department of Natural Resources shall
20 design special distinctive license plates appropriate to promote historic preservation efforts
21 in Georgia. Such license plates must be of the same size as general issue motor vehicle
22 license plates and shall include a unique design and identifying number, whereby the total
23 characters do not exceed the sum of six. No two recipients shall receive identically
24 numbered plates. Such design shall not provide space in which to indicate the name of the
25 county of issuance.

1 (c) The design of the initial edition of the special historic preservation license plate, as well
2 as the design of subsequent editions and excepting only any part or parts of the designs
3 which may be owned by others and licensed to the state, shall be owned solely by the State
4 of Georgia for its exclusive use and control, except as authorized by the commissioner. The
5 commissioner may take such steps as may be necessary to give notice of and protect such
6 right, including the copyright or copyrights. However, such steps shall be cumulative of the
7 ownership and exclusive use and control established by this subsection as a matter of law,
8 and no person shall reproduce or otherwise use such design or designs, except as authorized
9 by the commissioner.

10 (d)(1) Beginning on January 1, 2005, any Georgia resident who is the owner of a motor
11 vehicle, except a vehicle registered under the International Registration Plan, upon
12 complying with the motor vehicle laws relating to registration and licensing of motor
13 vehicles and upon the payment of a fee of not more than \$25.00 in addition to the regular
14 motor vehicle registration fee, may be issued a historic preservation license plate.
15 Revalidation decals shall be issued for historic preservation license plates in the same
16 manner as provided for general issue license plates upon complying with the motor vehicle
17 laws relating to registration and licensing of motor vehicles and upon the payment of a fee
18 of not more than \$25.00 in addition to the regular motor vehicle registration fee.

19 (2) The commissioner shall retain all applications received for such special license plates
20 until a minimum of 1,000 applications has been received. After receipt of 1,000
21 applications for such special license plates, the commissioner will then design the special
22 license plate. If the commissioner does not receive the required minimum of 1,000
23 applications no later than July 31 of the year preceding the year of issuance of such plates,
24 the commissioner shall not accept any applications for such special license plates and all
25 fees shall be refunded to applicants.

26 (e) The funds derived from the sale and revalidation of historic preservation license plates,
27 less a \$1.00 processing fee, which shall be granted to county tag offices per plate sold, and
28 less the actual manufacturing cost of the plates, shall be deposited in the general fund of
29 the state treasury. As soon as practicable after December 31 of each year, the commissioner
30 shall report the net amount derived from the sale of historic preservation license plates to
31 the Office of Planning and Budget and the Division of Historic Preservation of the
32 Department of Natural Resources. It is the intent of the General Assembly that the General
33 Assembly appropriate an amount equal to the net proceeds from the sale of such license
34 plates to the Department of Natural Resources for use by the Historic Preservation Division
35 to fund historic preservation programs in the state through the Georgia Heritage grant
36 program as otherwise authorized by law.

1 (f) An applicant may request a historic preservation license plate any time during the
2 applicant's registration period. If a historic preservation license plate is to replace a current
3 valid license plate, the department shall issue the historic preservation license plate with
4 appropriate decals attached. When an applicant requests a historic preservation license
5 plate at the beginning of the registration period, the applicant shall pay the tax together
6 with all applicable fees.

7 (g) Historic preservation license plates shall be transferred from one vehicle to another
8 vehicle in accordance with the provisions of Code Section 40-2-42.

9 (h) Historic preservation license plates shall be issued within 30 days of application.

10 (i) The Department of Natural Resources shall submit a report to the chairpersons of the
11 Senate Natural Resources and the Environment Committee and the House Committee on
12 Natural Resources and Environment detailing the receipt and expenditure of all
13 appropriated funds and all funds received from the sale of historic preservation license
14 plates as provided by this Code section to promote historic preservation. Such report shall
15 be made not later than the second Monday of January of each year."

16 **SECTION 2.**

17 This Act shall become effective upon its approval by the Governor or upon its becoming law
18 without such approval for purposes of administrative actions necessary to carry out this Act
19 and shall be effective for all purposes January 1, 2005.

20 **SECTION 3.**

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