

Senate Bill 463

By: Senators Harbison of the 15th 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 a special license plate recognizing and honoring current dues-paid members of
4 Omega Psi Phi Fraternity, Inc.; to provide for issuance, renewal, fees, licensing agreements,
5 applications, and transfers relative to such special license plates; to provide for related
6 matters; to provide an effective date; 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 special license plates recognizing and honoring current dues-paid
14 members of Omega Psi Phi Fraternity, Inc., subject to the conditions set forth in this Code
15 section.

16 (b) The commissioner, in cooperation with Omega Psi Phi Fraternity, Inc., shall design
17 special distinctive license plates appropriate for purposes of this Code section. The license
18 plates must be of the same size as general issue motor vehicle license plates and shall
19 include a unique design and identifying number, whereby the total number of characters
20 does not exceed six. No two recipients shall receive identically numbered plates. The
21 graphic on the special license plate shall be placed to the left of the alphanumeric
22 characters and shall be no larger than three inches by three inches. Any person may request
23 the assignment of the first of 100 in a series of license plates upon payment of an additional
24 initial registration fee of \$25.00 for each license plate requested.

25 (c) Notwithstanding the provisions of subsection (b) of this Code section, this Code section
26 shall not be implemented until such time as the State of Georgia has, through a licensing
27 agreement or otherwise, received such licenses or other permissions as may be required to

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

10 (d) Beginning in calendar year 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, presenting satisfactory proof of current dues-paid membership in Omega Psi Phi
14 Fraternity, Inc., and payment of a manufacturing fee of \$25.00 in addition to the regular
15 motor vehicle registration fee shall be issued an Omega Psi Phi Fraternity, Inc., license
16 plate. Revalidation decals shall be issued for Omega Psi Phi Fraternity, Inc., license plates
17 in the same manner as provided for general issue license plates with the additional
18 requirement that satisfactory proof of current dues-paid membership in Omega Psi Phi
19 Fraternity, Inc., must be provided at time of renewal in order to remain eligible to display
20 such license plate.

21 (e) An applicant may request an Omega Psi Phi Fraternity, Inc., license plate at any time
22 during the applicant's registration period. If such a license plate is to replace a current
23 valid license plate, the Omega Psi Phi Fraternity, Inc., license plate shall be issued with
24 appropriate decals attached.

25 (f) No special license plate authorized pursuant to this Code section shall be issued except
26 upon the receipt by the department of at least 1,000 applications. The special license plate
27 shall have an application period of two years after the effective date of this Code section
28 for payment of the manufacturing fee. After such time if the minimum number of
29 applications is not met, the department shall not continue to accept the manufacturing fee,
30 and all fees shall be refunded to applicants.

31 (g) The department shall not be required to continue to manufacture the special license
32 plate if the number of active registrations falls below 500 registrations at any time during
33 the five-year period as provided in subsection (b) of Code Section 40-2-31. A current
34 registrant and dues-paid member of Omega Psi Phi Fraternity, Inc., may continue to renew
35 such special license plate during such person's annual registration period upon payment of
36 an additional \$25.00 annual special license plate fee which fee shall be collected by the
37 county tag agent at the time of collection of other registration fees and shall be remitted to

1 the state as provided in Code Section 40-2-34. The department may continue to issue such
2 special license plates that it has in its inventory to assist in achieving the minimum number
3 of registrations. If the special license plate falls below 500 active registrations at any time
4 during the five-year period as provided in subsection (b) of Code Section 40-2-31, the
5 Omega Psi Phi Fraternity, Inc., shall be required again to obtain 1,000 applications
6 accompanied by the manufacturing fee for the department to continue to manufacture the
7 license plate.

8 (h) License plates issued under this Code section shall be transferred from one vehicle to
9 another vehicle in accordance with the provisions of Code Section 40-2-80.

10 (i) License plates under this Code section shall be issued within 30 days of application once
11 the requirements of this Code section have been met."

12 **SECTION 2.**

13 This Act shall become effective on January 1, 2005.

14 **SECTION 3.**

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