

Senate Bill 542

By: Senators Jackson of the 50th, Thomas of the 54th, Price of the 56th, Thomas of the 10th and Starr of the 44th

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 registration and licensing of motor vehicles generally, so as to provide for special
3 license plates promoting organ and tissue donation organizations; to provide for issuance,
4 renewal, fees, licensing agreements, applications, transfers, and disposition of funds relative
5 to such license plates; to provide for related matters; to provide an effective date; to provide
6 for contingent repeal; to repeal conflicting laws; and for other purposes.

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

8 **SECTION 1.**

9 Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
10 registration and licensing of motor vehicles generally, is amended by adding a new Code
11 Section 40-2-49.4 to read as follows:

12 "40-2-49.4.

13 (a) In order to promote organ and tissue donation organizations and to encourage people
14 to choose to become organ and tissue donors, there shall be issued beginning January 1,
15 2005, special license plates promoting organ and tissue donation organizations, subject to
16 the conditions set forth in this Code section.

17 (b) The commissioner shall design special distinctive license plates appropriate to promote
18 organ and tissue donation organizations. The license plates must be of the same size as
19 general issue motor vehicle license plates and shall include a unique design and identifying
20 number, whereby the total number of characters does not exceed six. No two recipients
21 shall receive identically numbered plates. The graphic on the special license plate shall be
22 placed to the left of the alphanumeric characters and shall be no larger than three inches by
23 three inches. Such design shall not provide space in which to indicate the name of the
24 county of issuance. Any person may request the assignment of the first of 100 in a series
25 of license plates upon payment of an additional initial registration fee of \$25.00 for each
26 license plate requested.

1 (c) Notwithstanding the provisions of subsection (b) of this Code section, this Code section
2 shall not be implemented until such time as the State of Georgia has, through a licensing
3 agreement or otherwise, received such licenses or other permissions as may be required to
4 implement this Code section. The design of the initial edition of the organ and tissue
5 donation organization license plates, as well as the design of subsequent editions and
6 excepting only any part or parts of the designs owned by others and licensed to the state,
7 shall be owned solely by the State of Georgia for its exclusive use and control, except as
8 authorized by the commissioner. The commissioner may take such steps as may be
9 necessary to give notice of and protect such right, including the copyright or copyrights.
10 However, such steps shall be cumulative of the ownership and exclusive use and control
11 established by this subsection as a matter of law, and no person shall reproduce or
12 otherwise use such design or designs, except as authorized by the commissioner.

13 (d) Beginning in calendar year 2005, any Georgia resident who is the owner of a motor
14 vehicle, except a vehicle registered under the International Registration Plan, upon
15 complying with the motor vehicle laws relating to registration and licensing of motor
16 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular
17 motor vehicle registration fee shall be issued an organ and tissue donation organization
18 license plate. Revalidation decals shall be issued for organ and tissue donation
19 organization license plates in the same manner as provided for general issue license plates.

20 (e) The manufacturing fee derived from the sale of organ and tissue donation organization
21 license plates shall be apportioned as follows: \$2.00 to the department, \$13.00 to be
22 deposited into the general treasury, \$5.00 to be donated to the Georgia Coalition on
23 Donation for state-wide organ donation awareness, and \$5.00 to the Georgia Transplant
24 Foundation for direct financial assistance for Georgia families unable to provide the funds
25 necessary for the ongoing medical and prescription costs of maintaining an organ
26 transplant.

27 (f) Before the department disburses to any organ and tissue donation organization funds
28 from the sale of special license plates, the organization must provide a written statement
29 stating the manner in which such funds shall be utilized. The purposes for which the funds
30 shall be utilized must be the same as those specified in the constitutional amendment
31 authorizing the dedication of revenue from the sale of special license plates to organ and
32 tissue donation organizations. Each organization shall further be required to provide a
33 certified audit by a certified public accountant who is certified under Chapter 3 of Title 43
34 by the end of each calendar year in which it receives funds from the sale of special license
35 plates. If the audit demonstrates that the funds are not being used for the purposes set forth
36 in the statement provided by the agency, the department shall withhold payment of such
37 funds until such noncompliance issues are resolved.

1 (g) An applicant may request an organ and tissue donation organization license plate at any
2 time during the applicant's registration period. If such a license plate is to replace a current
3 valid license plate, the organ and tissue donation organization license plate shall be issued
4 with appropriate decals attached.

5 (h) No special license plate authorized pursuant to this Code section shall be issued except
6 upon the receipt by the department of at least 1,000 applications. The special license plate
7 shall have an application period of two years after January 1, 2005, for payment of the
8 manufacturing fee. After such time if the minimum number of applications is not met, the
9 department shall not continue to accept the manufacturing fee, and all fees shall be
10 refunded to applicants.

11 (i) The department shall not be required to continue to manufacture the special license
12 plate if the number of active registrations falls below 500 registrations at any time during
13 the five-year period as provided in subsection (b) of Code Section 40-2-31. A current
14 registrant may continue to renew such special license plate during his or her annual
15 registration period upon payment of an additional \$25.00 annual special tag fee which fee
16 shall be collected by the county tag agent at the time of collection of other registration fees
17 and shall be remitted to the state as provided in Code Section 40-2-34. The department
18 may continue to issue such special license plates that it has in its inventory to assist in
19 achieving the minimum number of registrations. If the special license plate falls below 500
20 active registrations at any time during the five-year period as provided in subsection (b) of
21 Code Section 40-2-31, the commission must again receive 1,000 applications accompanied
22 by the manufacturing fee to continue to manufacture the license plate.

23 (j) Organ and tissue donation organization license plates shall be transferred from one
24 vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

25 (k) Organ and tissue donation organization license plates shall be issued within 30 days
26 of application once the requirements of this Code section have been met."

27 SECTION 2.

28 (a) This Act shall become effective on January 1, 2005, except as otherwise provided in
29 subsection (b) of this section.

30 (b) If an amendment to the Constitution of the State of Georgia authorizing the creation of
31 a special fund for support of an organ and tissue donation organization license plate is not
32 ratified at the general election in 2004, this Act shall be repealed in its entirety on January
33 1, 2005, and no such motor vehicle license plates shall be issued pursuant to this Act.

34 SECTION 3.

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