

The House Committee on Motor Vehicles offers the following substitute to HB 440:

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 promoting the Georgia State Chapter of the National Wild  
4 Turkey Federation; to provide for issuance, renewal, fees, licensing agreements, applications,  
5 transfers, and disposition of funds relative to such license plates; to provide for related  
6 matters; to provide for a contingent effective date; to provide for automatic repeal under  
7 certain circumstances; to repeal conflicting laws; and for other purposes.

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

9 **SECTION 1.**

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

13 "40-2-86.9.

14 (a) In order to promote the Georgia State Chapter of the National Wild Turkey Federation,  
15 there shall be issued beginning January 1, 2005, special license plates promoting the  
16 Georgia State Chapter of the National Wild Turkey Federation, subject to the conditions  
17 set forth in this Code section.

18 (b) The commissioner shall design special distinctive license plates appropriate to promote  
19 the Georgia State Chapter of the National Wild Turkey Federation. The license plates shall  
20 be of the same size as general issue motor vehicle license plates and shall include a unique  
21 design and identifying number, whereby the total number of characters does not exceed six.  
22 No two recipients shall receive identically numbered plates. The graphic on the special  
23 license plate shall be placed to the left of the alphanumeric characters and shall be no larger  
24 than three inches by three inches. Such design shall not provide space in which to indicate  
25 the name of the county of issuance but shall instead bear the legend 'Working for the Wild  
26 Turkey' in lieu of the name of the county of issuance. The Georgia State Chapter of the

1 National Wild Turkey Federation may request the assignment of the first of 100 in a series  
2 of license plates upon payment of an additional initial registration fee of \$25.00 for each  
3 license plate requested.

4 (c) Notwithstanding the provisions of subsection (b) 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 any licenses or other permissions that may be required  
7 to implement this Code section. The design of the initial edition of the license plates, as  
8 well as the design of subsequent editions and excepting only any part or parts of the  
9 designs owned by others and licensed to the state, shall be owned solely by the State of  
10 Georgia for its exclusive use and control, except as authorized by the commissioner. The  
11 commissioner may take such steps as may be necessary to give notice of and protect such  
12 right, including the copyright or copyrights. However, such steps shall be cumulative of  
13 the ownership and exclusive use and control established by this subsection as a matter of  
14 law, and no person shall reproduce or otherwise use such design or designs, except as  
15 authorized by the commissioner.

16 (d) Beginning in calendar year 2005, any Georgia resident who is the owner of a motor  
17 vehicle, except a vehicle registered under the International Registration Plan, upon  
18 complying with the motor vehicle laws relating to registration and licensing of motor  
19 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular  
20 motor vehicle registration fee shall be issued a license plate promoting the Georgia State  
21 Chapter of the National Wild Turkey Federation. Revalidation decals shall be issued for  
22 such license plates in the same manner as provided for general issue license plates.

23 (e)(1) From the additional \$25.00 fee charged for the issuance and renewal of the license  
24 plates authorized under this Code section, \$2.00 shall be used by the department for  
25 manufacturing and purchase costs, \$13.00 shall be paid to the general fund of the state  
26 treasury, and \$10.00 shall be exclusively dedicated for the purpose of assisting  
27 organizations that are dedicated to the conservation of the American wild turkey and the  
28 preservation of the turkey hunting tradition, pursuant to Article III, Section IX, Paragraph  
29 VI(n) of the Constitution. Such dedicated funds shall be appropriated for such purpose  
30 to the Department of Natural Resources or such other public agency as may be specified  
31 in the general or amended general appropriations Act. The agency or organization  
32 ultimately making use of such funds shall periodically provide to the commissioner an  
33 audit of the use of the funds or other evidence of use of the funds satisfactory to the  
34 commissioner. Any audit performed under Chapter 6 of Title 50 shall meet this auditing  
35 requirement. If an audit demonstrates that the funds are not being used for the purposes  
36 set forth in this Code section or if the required audit or evidence is not provided to the  
37 commissioner, then the commissioner shall so notify the House and Senate

1 Appropriations Committees. Any funds appropriated pursuant to this Code section shall  
2 not lapse.

3 (2) Subject to the general appropriations process, it is the intent of the General Assembly  
4 in the enactment of this Code section that the funds dedicated by this subsection be made  
5 available for the ultimate use of a nonprofit organization. Subject to the general  
6 appropriations process and the audit requirements of this Code section, it is contemplated  
7 that such dedicated funds will be for the ultimate use of the Georgia State Chapter of the  
8 National Wild Turkey Federation, if the General Assembly finds that the license plate  
9 program and appropriation authorized by this Code section will benefit both the state and  
10 the nonprofit organization having the ultimate use of the dedicated funds.

11 (f) An applicant may request a Georgia State Chapter of the National Wild Turkey  
12 Federation license plate any time during the applicant's registration period. If such a  
13 license plate is to replace a current valid license plate, the Georgia State Chapter of the  
14 National Wild Turkey Federation license plate shall be issued with appropriate decals  
15 attached.

16 (g) No special license plate authorized pursuant to this Code section shall be issued except  
17 upon the application of at least 1,000 applications. The special license plate shall have an  
18 application period of two years after January 1, 2005, for payment of the manufacturing  
19 fee. After such time if the minimum number of applications is not met, the department  
20 shall not continue to accept the manufacturing fee, and all fees shall be refunded to  
21 applicants.

22 (h) The department shall not be required to continue to manufacture the special license  
23 plate if the number of active registrations falls below 500 registrations at any time during  
24 the five-year period as provided in subsection (b) of Code Section 40-2-31. A current  
25 registrant may continue to renew such special license plate during his or her annual  
26 registration period upon payment of an additional \$25.00 annual special tag fee, which fee  
27 shall be collected by the county tag agent at the time of collection of other registration fees  
28 and shall be remitted to the state as provided in Code Section 40-2-34. The department  
29 may continue to issue such special license plates that it has in its inventory to assist in  
30 achieving the minimum number of registrations. If the special license plate falls below 500  
31 active registrations at any time during the five-year period as provided in subsection (b) of  
32 Code Section 40-2-31, manufacture of the license plates shall not be continued until the  
33 commissioner receives 1,000 applications.

34 (i) The Georgia State Chapter of the National Wild Turkey Federation license plates shall  
35 be transferred from one vehicle to another vehicle in accordance with the provisions of  
36 Code Section 40-2-80.

1 (j) The Georgia State Chapter of the National Wild Turkey Federation license plates shall  
2 be issued within 30 days of application once the requirements of this Code section have  
3 been met."

4 **SECTION 2.**

5 This Act shall become effective on January 1, 2005; provided, however, that this Act shall  
6 only become effective on January 1, 2005, upon the ratification of a resolution at the  
7 November, 2004, state-wide general election, which resolution amends the Constitution of  
8 the State of Georgia so as to authorize the dedication of revenue from the sales of license  
9 plates to a general purpose relating to the nature of the special license plate. If such  
10 resolution is not ratified, this Act shall not become effective and shall stand repealed in its  
11 entirety on January 1, 2005, and no such motor vehicle license plates shall be issued pursuant  
12 to this Act.

13 **SECTION 3.**

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