

The House Committee on Motor Vehicles offers the following substitute to HB 911:

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
3 to provide for special license plates promoting the Georgia War Veterans Nursing Home and
4 related activities; 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 enhance the provision of care of the residents of the state's veterans nursing
15 homes and activities directly in support thereof, there shall be issued beginning January 1,
16 2005, special license plates promoting the Georgia War Veterans Nursing Home, subject
17 to the conditions set forth in this Code section.

18 (b) The commissioner shall design special distinctive license plates appropriate to promote
19 the Georgia War Veterans Nursing Home. The license plates must be of the same size as
20 general issue motor vehicle license plates and shall include a unique design and identifying
21 number, whereby the total number of characters does not exceed six. No two recipients
22 shall receive identically numbered plates. The graphic on the special license plate shall be
23 placed to the left of the alphanumeric characters and shall be no larger than three inches by
24 three inches. The Georgia War Veterans Nursing Home may request the assignment of
25 the first of 100 in a series of license plates upon payment of an additional initial registration
26 fee of \$25.00 for each 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 any licenses or other permissions that may be required
4 to implement this Code section. The design of the initial edition of the license plates, as
5 well as the design of subsequent editions and excepting only any part or parts of the
6 designs owned by others and licensed to the state, shall be owned solely by the State of
7 Georgia for its exclusive use and control, except as authorized by the commissioner. The
8 commissioner may take such steps as may be necessary to give notice of and protect such
9 right, including the copyright or copyrights. However, such steps shall be cumulative of
10 the ownership and exclusive use and control established by this subsection as a matter of
11 law, and no person shall reproduce or otherwise use such design or designs, except as
12 authorized by the commissioner.

13 (d) Beginning in calendar year 2005, any Georgia resident who is a veteran of the armed
14 forces, national guard, or any reserve component of the United States or the spouse or
15 surviving spouse of such veteran and who is the owner of a motor vehicle, except a vehicle
16 registered under the International Registration Plan, upon complying with the motor
17 vehicle laws relating to registration and licensing of motor vehicles and upon the payment
18 of a manufacturing fee of \$25.00 in addition to the regular motor vehicle registration fee
19 shall be issued a license plate promoting the Georgia War Veterans Nursing Home.
20 Revalidation decals shall be issued for such license plates in the same manner as provided
21 for general issue license plates.

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

1 (f) An applicant may request a Georgia War Veterans Nursing Home license plate any
2 time during the applicant's registration period. If such a license plate is to replace a current
3 valid license plate, the Georgia War Veterans Nursing Home license plate shall be issued
4 with appropriate decals attached.

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

11 (h) 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, manufacture of the license plates shall not be continued until the
22 commissioner receives 1,000 applications.

23 (i) Georgia War Veterans Nursing Home license plates shall be transferred from one
24 vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

25 (j) Georgia War Veterans Nursing Home license plates shall be issued within 30 days of
26 application once the requirements of this Code section have been met."

27 **SECTION 2.**

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

1

SECTION 3.

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