

The House Committee on Motor Vehicles offers the following substitute to HB 428:

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 Special Olympics Georgia and related activities;
4 to provide for issuance, renewal, fees, licensing agreements, applications, transfers, and
5 disposition of funds relative to such license plates; to provide for related matters; to provide
6 for a contingent effective date; to provide for automatic repeal under certain circumstances;
7 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 sports training and athletic competition in a variety of Olympic
15 type sports for persons with mental retardation and activities directly in support thereof,
16 there shall be issued beginning January 1, 2005, special license plates promoting Special
17 Olympics Georgia, subject to the conditions set forth in this Code section.

18 (b) The commissioner shall design special distinctive license plates appropriate to promote
19 Special Olympics Georgia. The license plates shall be of the same size as general issue
20 motor vehicle license plates and shall include a unique design and identifying number,
21 whereby the total number of characters does not exceed six. No two recipients shall
22 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. Special Olympics Georgia may request the assignment of the first of 100 in
25 a series of license plates upon payment of an additional initial registration fee of \$25.00 for
26 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 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 a license plate promoting Special Olympics
18 Georgia. Revalidation decals shall be issued for such license plates in the same manner as
19 provided for general issue license plates.

20 (e)(1) From the additional \$25.00 fee charged for the issuance and renewal of the license
21 plates authorized under this Code section, \$2.00 shall be used by the department for
22 manufacturing and purchase costs, \$13.00 shall be paid to the general fund of the state
23 treasury, and \$10.00 shall be exclusively dedicated for the purpose of assisting programs
24 that promote sports training and athletic competition in a variety of Olympic type sports
25 for persons with mental retardation, pursuant to Article III, Section IX, Paragraph VI(n)
26 of the Constitution. Such dedicated funds shall be appropriated for such purpose to the
27 Department of Human Resources or such other public agency as may be specified in the
28 general or amended general appropriations Act. The agency or organization ultimately
29 making use of such funds shall periodically provide to the commissioner an audit of the
30 use of the funds or other evidence of use of the funds satisfactory to the commissioner.
31 Any audit performed under Chapter 6 of Title 50 shall meet this auditing requirement. If
32 an audit demonstrates that the funds are not being used for the purposes set forth in this
33 Code section or if the required audit or evidence is not provided to the commissioner,
34 then the commissioner shall so notify the House and Senate Appropriations Committees.
35 Any funds appropriated pursuant to this Code section shall not lapse.

36 (2) Subject to the general appropriations process, it is the intent of the General Assembly
37 in the enactment of this Code section that the funds dedicated by this subsection be made

1 available for the ultimate use of a nonprofit organization. Subject to the general
2 appropriations process and the audit requirements of this Code section, it is contemplated
3 that such dedicated funds will be for the ultimate use of Special Olympics Georgia, if the
4 General Assembly finds that the license plate program and appropriation authorized by
5 this Code section will benefit both the state and the nonprofit organization having the
6 ultimate use of the dedicated funds.

7 (f) An applicant may request a Special Olympics Georgia license plate any time during the
8 applicant's registration period. If such a license plate is to replace a current valid license
9 plate, the Special Olympics Georgia license plate shall be issued with appropriate decals
10 attached.

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

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

29 (i) Special Olympics Georgia license plates shall be transferred from one vehicle to
30 another vehicle in accordance with the provisions of Code Section 40-2-80.

31 (j) Special Olympics Georgia license plates shall be issued within 30 days of application
32 once the requirements of this Code section have been met."

33 SECTION 2.

34 This Act shall become effective on January 1, 2005; provided, however, that this Act shall
35 only become effective on January 1, 2005, upon the ratification of a resolution at the
36 November, 2004, state-wide general election, which resolution amends the Constitution of

1 the State of Georgia so as to authorize the dedication of revenue from the sales of license
2 plates to a general purpose relating to the nature of the special license plate. If such
3 resolution is not ratified, this Act shall not become effective and shall stand repealed in its
4 entirety on January 1, 2005, and no such motor vehicle license plates shall be issued pursuant
5 to this Act.

6 **SECTION 3.**

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