

The House Committee on Motor Vehicles offers the following substitute to SB 228:

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 501(c)(3) foundations of the Atlanta Braves,
4 Atlanta Falcons, Atlanta Hawks, and Atlanta Thrashers professional sports teams in Georgia;
5 to provide for issuance, renewal, fees, licensing agreements, applications, transfers, and
6 disposition of funds relative to such license plates; to provide for related matters; to provide
7 for a contingent effective date; to provide for automatic repeal under certain circumstances;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

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

14 "40-2-86.9.

15 (a) There shall be issued beginning January 1, 2005, special license plates promoting the
16 501(c)(3) foundations of the Atlanta Braves, Atlanta Falcons, Atlanta Hawks, and Atlanta
17 Thrashers professional sports teams in Georgia, subject to the conditions set forth in this
18 Code section.

19 (b) The commissioner shall design special distinctive license plates appropriate to promote
20 the 501(c)(3) foundations of the Atlanta Braves, Atlanta Falcons, Atlanta Hawks, and
21 Atlanta Thrashers professional sports teams in Georgia. The license plates shall be of the
22 same size as general issue motor vehicle license plates and shall include a unique design
23 and identifying number, whereby the total number of characters does not exceed six. No
24 two recipients shall receive identically numbered plates. The graphic on the special license
25 plate shall be placed to the left of the alphanumeric characters and shall be no larger than
26 three inches by three inches.

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 the 501(c)(3)
18 foundations of the Atlanta Braves, Atlanta Falcons, Atlanta Hawks, and Atlanta Thrashers
19 professional sports teams in Georgia. Revalidation decals shall be issued for such license
20 plates in the same manner as provided for general issue license plates.

21 (e)(1) From the additional \$25.00 fee charged for the issuance and renewal of the license
22 plates authorized under this Code section, \$2.00 shall be used by the department for
23 manufacturing and purchase costs, \$13.00 shall be paid to the general fund of the state
24 treasury, and \$10.00 shall be exclusively dedicated for the purpose of assisting charities
25 that are supported by the Atlanta Braves, Atlanta Falcons, Atlanta Hawks, and Atlanta
26 Thrashers professional sports teams in Georgia, pursuant to Article III, Section IX,
27 Paragraph VI(n) of the Constitution. Such dedicated funds shall be appropriated for such
28 purpose to the Department of Community Affairs or such other public agency as may be
29 specified in the general or amended general appropriations Act. The agency or
30 organization ultimately making use of such funds shall periodically provide to the
31 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
36 Senate Appropriations Committees. Any funds appropriated pursuant to this Code section
37 shall not lapse.

1 (2) Subject to the general appropriations process, it is the intent of the General Assembly
2 in the enactment of this Code section that the funds dedicated by this subsection be made
3 available for the ultimate use of a nonprofit organization. Subject to the general
4 appropriations process and the audit requirements of this Code section, it is contemplated
5 that such dedicated funds will be for the ultimate use of the 501(c)(3) foundations of the
6 Atlanta Braves, Atlanta Falcons, Atlanta Hawks, and Atlanta Thrashers professional
7 sports teams in Georgia, and the General Assembly finds that the license plate program
8 and appropriation authorized by this Code section will benefit both the state and the
9 nonprofit organization having the ultimate use of the dedicated funds.

10 (f) An applicant may request a license plate promoting the 501(c)(3) foundations of the
11 Atlanta Braves, Atlanta Falcons, Atlanta Hawks, and Atlanta Thrashers professional sports
12 teams in Georgia at any time during the applicant's registration period. If such a license
13 plate is to replace a current valid license plate, the license plate shall be issued with
14 appropriate decals attached.

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

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

33 (i) License plates promoting the 501(c)(3) foundations of the Atlanta Braves, Atlanta
34 Falcons, Atlanta Hawks, and Atlanta Thrashers professional sports teams in Georgia shall
35 be transferred from one vehicle to another vehicle in accordance with the provisions of
36 Code Section 40-2-80.

1 (j) License plates promoting the 501(c)(3) foundations of the Atlanta Braves, Atlanta
2 Falcons, Atlanta Hawks, and Atlanta Thrashers professional sports teams in Georgia shall
3 be issued within 30 days of application once the requirements of this Code section have
4 been met."

5 **SECTION 2.**

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

14 **SECTION 3.**

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