

House Bill 1549 (AS PASSED HOUSE AND SENATE)

By: Representatives Bridges of the 7th, O'Neal of the 117th, Purcell of the 122nd, Burkhalter of the 36th, Buck of the 112th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
2 registration and licensing of motor vehicles, so as to provide for special license plates
3 supporting Rotary International; to provide for special license plates promoting Girl Scouts
4 U.S.A; to provide for issuance, renewal, fees, licensing agreements, applications, transfers,
5 and disposition of funds relative to such license plates; to provide for related matters; to
6 provide for a contingent effective date; to provide for automatic repeal under certain
7 circumstances; to repeal conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and
11 licensing of motor vehicles, is amended by adding a new Code Section 40-2-86.9 to read as
12 follows:

13 "40-2-86.9.

14 (a) There shall be issued beginning in 2005 special and distinctive vehicle license plates
15 supporting Rotary International, subject to the conditions set forth in this Code section.

16 (b) The commissioner, in cooperation with Rotary International, shall design special
17 distinctive license plates to support Rotary International. The license plates must be of the
18 same size as general issue motor vehicle license plates and shall include a unique design
19 and identifying number, whereby the total number of characters does not exceed six. No
20 two recipients shall receive identically numbered plates. The graphic on the special license
21 plate shall be placed to the left of the alphanumeric characters and shall be no larger than
22 three inches by three inches. The license plate shall display the phrase 'Service Above Self'
23 above and the numbers '1905-2005' below the logo of Rotary International. Such design
24 shall not provide space in which to indicate the name of the county of issuance. The
25 organization may request the assignment of the first of 100 in a series of license plates

1 upon payment of an additional initial registration fee of \$25.00 for each license plate
2 requested.

3 (c) Notwithstanding the foregoing provisions of this Code section, this Code section shall
4 not be implemented until such time as the State of Georgia has, through a licensing
5 agreement or otherwise and at no cost to the state, received such licenses or other
6 permissions as may be required for the use of the Rotary International logo or as may
7 otherwise be necessary or appropriate to implement this Code section. No royalty, license
8 fee, or other moneys shall be paid to any organization or its licensor for the use by the state
9 of such logo or design on license plates authorized by this Code section. The
10 commissioner may charge fees, take other actions, and agree to or impose terms and
11 conditions which might normally be envisioned in licensing and cross-licensing agreements
12 for the use of designs and similar intellectual property. Without limitation, the
13 commissioner may agree to allow to others the exclusive or nonexclusive use of the design
14 of the special license plate. The design of the special license plate, excepting only the
15 Rotary International logo and motto 'Service Above Self' and the years 1905-2005 and any
16 other part of the design owned by others and licensed to the state, shall be owned solely by
17 the State of Georgia for its exclusive use and control, except as authorized by the
18 commissioner. The commissioner may take such steps as may be necessary to give notice
19 of and protect such right, including the copyright. However, such steps shall be cumulative
20 of the ownership and exclusive use and control established by this subsection as a matter
21 of law and no person shall reproduce or otherwise use such design, except as authorized
22 by the commissioner.

23 (d) Beginning in calendar year 2005, any Georgia resident who is the owner of a motor
24 vehicle, except a vehicle registered under the International Registration Plan, upon
25 complying with the motor vehicle laws relating to registration and licensing of motor
26 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular
27 motor vehicle registration fee shall be issued a license plate supporting Rotary
28 International. Revalidation decals shall be issued for such license plates in the same
29 manner as provided for general issue license plates.

30 (e) An applicant may request a license plate supporting Rotary International at any time
31 during the applicant's registration period. If such a license plate is to replace a current
32 valid license plate, such license plate shall be issued with appropriate decals attached.

33 (f) No special license plate authorized pursuant to this Code section shall be issued except
34 upon the receipt by the department of at least 1,000 applications. The special license plate
35 shall have an application period of two years after the effective date of this Code section,
36 for payment of the manufacturing fee. After such time if the minimum number of

1 applications is not met, the department shall not continue to accept the manufacturing fee,
2 and all fees shall be refunded to applicants.

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

15 (h) Rotary International license plates shall be transferred from one vehicle to another
16 vehicle in accordance with the provisions of Code Section 40-2-80.

17 (i) Rotary International license plates shall be issued within 30 days of application once
18 the requirements of this Code section have been met."

19 SECTION 2.

20 Said chapter is further amended by adding a new Code Section 40-2-86.9 to read as follows:
21 "40-2-86.9.

22 (a) In order to promote youth organizations that promote character development and
23 leadership training and activities directly in support thereof, there shall be issued beginning
24 January 1, 2005, special license plates promoting the Girl Scouts U.S.A., subject to the
25 conditions set forth in this Code section.

26 (b) The commissioner shall design special distinctive license plates appropriate to promote
27 the Girl Scouts U.S.A. The license plates shall be of the same size as general issue motor
28 vehicle license plates and shall include a unique design and identifying number, whereby
29 the total number of characters does not exceed six. No two recipients shall receive
30 identically numbered plates. The graphic on the special license plate shall be placed to the
31 left of the alphanumeric characters and shall be no larger than three inches by three inches.
32 The Girl Scouts U.S.A. may request the assignment of the first 100 in a series of license
33 plates upon payment of an additional initial registration fee of \$25.00 for each license plate
34 requested.

35 (c) Notwithstanding the provisions of subsection (b) of this Code section, this Code section
36 shall not be implemented until such time as the State of Georgia has, through a licensing

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

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

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

34 (2) Subject to the general appropriations process, it is the intent of the General Assembly
35 in the enactment of this Code section that the funds dedicated by this subsection be made
36 available for the ultimate use of a nonprofit organization. Subject to the general
37 appropriations process and the audit requirements of this Code section, it is contemplated

1 that such dedicated funds will be for the ultimate use of the Girl Scouts U.S.A., if the
2 General Assembly finds that the license plate program and appropriation authorized by
3 this Code section will benefit both the state and the nonprofit organization having the
4 ultimate use of the dedicated funds.

5 (f) An applicant may request a Girl Scouts U.S.A. license plate any time during the
6 applicant's registration period. If such a license plate is to replace a current valid license
7 plate, the Girl Scouts U.S.A. license plate shall be issued with appropriate decals attached.

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

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

26 (i) Girl Scouts U.S.A. license plates shall be transferred from one vehicle to another
27 vehicle in accordance with the provisions of Code Section 40-2-80.

28 (j) Girl Scouts U.S.A. license plates shall be issued within 30 days of application once the
29 requirements of this Code section have been met."

30 SECTION 3.

31 Section 2 of this Act shall become effective on January 1, 2005; provided, however, that
32 Section 2 of this Act shall only become effective on January 1, 2005, upon the ratification
33 of a resolution at the November, 2004, state-wide general election, which resolution amends
34 the Constitution of the State of Georgia so as to authorize the dedication of revenue from the
35 sales of license plates to a general purpose relating to the nature of the special license plate.
36 If such resolution is not ratified, Section 2 of this Act shall not become effective and shall

1 stand repealed in its entirety on January 1, 2005, and no such motor vehicle license plates
2 shall be issued pursuant to Section 2 of this Act.

3 **SECTION 4.**

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