

Senate Bill 126

By: Senators Chance of the 16th, Seay of the 34th, Williams of the 19th, Staton of the 18th, Carter of the 13th and others

A BILL TO BE ENTITLED

AN ACT

To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special license plate promoting the Georgia Center for the Book; to provide for issuance, renewal, fees, licensing agreements, applications, donation of revenue, and transfers relative to such special license plates; to provide for related matters; to provide for a contingent effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, is amended by adding a new Code Section 40-2-86.10 to read as follows:

"40-2-86.10.

(a) There shall be issued beginning January 1, 2006, special license plates promoting the Georgia Center for the Book, subject to the conditions set forth in this Code section.

(b) The commissioner, in cooperation with the Georgia Center for the Book, shall design special distinctive license plates appropriate to promote the Georgia Center for the Book.

The license plates must be of the same size as general issue motor vehicle license plates and shall include a unique design and identifying number, whereby the total number of characters does not exceed six. No two recipients shall receive identically numbered plates. The graphic on the special license plate shall be placed to the left of the alphanumeric characters and shall be no larger than three inches by three inches. The Georgia Center for the Book may request the assignment of the first of 100 in a series of license plates upon payment of an additional initial registration fee of \$25.00 for each license plate requested.

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

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

11 (d) Beginning in calendar year 2006, 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 an Georgia Center for the Book license plate.
16 Revalidation decals shall be issued for Georgia Center for the Book license plates in the
17 same manner as provided for general issue license plates.

18 (e) The manufacturing fee derived from the sale of Georgia Center for the Book license
19 plates shall be apportioned as follows: \$2.00 to the department, \$13.00 to be deposited into
20 the general fund, and \$10.00 to be donated to the Georgia Center for the Book as provided
21 by Article III, Section IX, Paragraph VI(n) of the Constitution.

22 (f) Before the department disburses to the Georgia Center for the Book funds from the sale
23 of special license plates, the Georgia Center for the Book must provide a written statement
24 stating the manner in which such funds shall be utilized. The purposes for which the funds
25 shall be utilized must be the same as those specified in the constitutional amendment
26 authorizing the dedication to the Georgia Center for the Book of revenue from the sale of
27 special license plates. The Georgia Center for the Book shall periodically provide to the
28 commissioner an audit of the use of the funds or other evidence of use of the funds
29 satisfactory to the commissioner. If it is demonstrated that the funds are not being used for
30 the purposes set forth in the statement provided by the Georgia Center for the Book, the
31 department shall withhold payment of such funds until such noncompliance issues are
32 resolved.

33 (g) An applicant may request a Georgia Center for the Book license plate any time during
34 the applicant's registration period. If such a license plate is to replace a current valid
35 license plate, the Georgia Center for the Book license plate shall be issued with appropriate
36 decals attached.

1 (h) No special license plate authorized pursuant to this Code section shall be issued except
2 upon the receipt by the department of at least 1,000 applications. The special license plate
3 shall have an application period of two years after January 1, 2006, for payment of the
4 manufacturing fee. After such time if the minimum number of applications is not met, the
5 department shall not continue to accept the manufacturing fee, and all fees shall be
6 refunded to applicants.

7 (i) The department shall not be required to continue to manufacture the special license
8 plate if the number of active registrations falls below 500 registrations at any time during
9 the five-year period as provided in subsection (b) of Code Section 40-2-31. A current
10 registrant may continue to renew such special license plate during his or her annual
11 registration period upon payment of an additional \$25.00 annual special tag fee, which fee
12 shall be collected by the county tag agent at the time of collection of other registration fees
13 and shall be remitted to the state as provided in Code Section 40-2-34. The department
14 may continue to issue such special license plates that it has in its inventory to assist in
15 achieving the minimum number of registrations. If the special license plate falls below 500
16 active registrations at any time during the five-year period as provided in subsection (b) of
17 Code Section 40-2-31, the Georgia Center for the Book shall be required again to obtain
18 1,000 applications accompanied by the manufacturing fee to continue to manufacture the
19 special license plate.

20 (j) Georgia Center for the Book license plates shall be transferred from one vehicle to
21 another vehicle in accordance with the provisions of Code Section 40-2-80.

22 (k) Georgia Center for the Book license plates shall be issued within 30 days of application
23 once the requirements of this Code section have been met."

24 **SECTION 2.**

25 (a) This Act shall become effective on January 1, 2006, except as otherwise provided in
26 subsection (b) of this section.

27 (b) If an amendment to the Constitution of the State of Georgia authorizing the donation of
28 revenue from sales of special license plates to the Georgia Center for the Book is not ratified
29 at the general election in 2005, this Act shall be repealed in its entirety on January 1, 2006,
30 and no such motor vehicle license plates shall be issued pursuant to this Act.

31 **SECTION 3.**

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