

House Bill 342

By: Representatives Yates of the 73<sup>rd</sup>, Crawford of the 127<sup>th</sup>, Lunsford of the 110<sup>th</sup>, and Knight of the 126<sup>th</sup>

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 for motor vehicles, so as to provide for special license  
3 plates commemorating the Benevolent and Protective Order of Elks; to provide for issuance,  
4 renewal, fees, licensing agreements, applications, and transfers relative to such license plates;  
5 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to  
10 prestige license plates for motor vehicles, is amended by adding a new Code Section  
11 40-2-86.10 to read as follows:

12 "40-2-86.10.

13 (a) There shall be issued beginning in 2006 special and distinctive vehicle license plates  
14 commemorating the Benevolent and Protective Order of Elks for its contributions to  
15 Georgians through programs dedicated to our youth such as 'Hoop Shoot,' 'Soccer Shoot,'  
16 'Drug Awareness and Prevention,' and youth scholarship contests; our veterans in local VA  
17 hospitals; the Elks major state project, 'Elks Aidmore Children's Center,' a home for  
18 disadvantaged youth of Georgia; and the many contributions made by local Elks lodges  
19 across the state, subject to the conditions set forth in this Code section.

20 (b) The commissioner, in cooperation with the Benevolent and Protective Order of Elks,  
21 shall design special distinctive license plates to commemorate the Benevolent and  
22 Protective Order of Elks. The license plates must be of the same size as general issue  
23 motor vehicle license plates and shall include a unique design and identifying number,  
24 whereby the total number of characters does not exceed six. No two recipients shall  
25 receive identically numbered plates. The graphic on the special license plate shall be  
26 placed to the left of the alphanumeric characters and shall be no larger than three inches by

1 three inches. Such design shall not provide space in which to indicate the name of the  
2 county of issuance. The organization may request the assignment of the first of 100 in a  
3 series of license plates upon payment of an additional initial registration fee of \$25.00 for  
4 each license plate requested.

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

24 (d) Beginning in calendar year 2006, any Georgia resident who is the owner of a motor  
25 vehicle, except a vehicle registered under the International Registration Plan, upon  
26 complying with the motor vehicle laws relating to registration and licensing of motor  
27 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular  
28 motor vehicle registration fee shall be issued a license plate commemorating the  
29 Benevolent and Protective Order of Elks. Revalidation decals shall be issued for such  
30 license plates in the same manner as provided for general issue license plates.

31 (e) An applicant may request a license plate commemorating the Benevolent and  
32 Protective Order of Elks at any time during the applicant's registration period. If such a  
33 license plate is to replace a current valid license plate, such license plate shall be issued  
34 with appropriate decals attached.

35 (f) No special license plate authorized pursuant to this Code section shall be issued except  
36 upon the receipt by the department of at least 1,000 applications. The special license plate  
37 shall have an application period of two years after July 1, 2005, for payment of the

1 manufacturing fee. After such time if the minimum number of applications is not met, the  
2 department shall not continue to accept the manufacturing fee, and all fees shall be  
3 refunded to applicants.

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

16 (h) Benevolent and Protective Order of Elks license plates shall be transferred from one  
17 vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

18 (i) Benevolent and Protective Order of Elks license plates shall be issued within 30 days  
19 of application once the requirements of this Code section have been met."

## 20 SECTION 2.

21 This Act shall become effective on July 1, 2005.

## 22 SECTION 3.

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