

House Bill 504

By: Representatives Warren of the 122nd, Barnes of the 78th, and Sims of the 169th

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 a special license plate promoting the Georgia Automobile Racing Hall of Fame
4 Association; to provide for issuance, renewal, fees, licensing agreements, applications, and
5 transfers relative to such special license plates; to provide for a conditional effective date; to
6 repeal conflicting laws; and for 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 and special plates for certain persons and vehicles, is amended by
11 adding a new Code Section 40-2-86.10 to read as follows:

12 "40-2-86.10.

13 (a) There shall be issued beginning January 1, 2006, special license plates promoting the
14 Georgia Automobile Racing Hall of Fame Association, subject to the conditions set forth
15 in this Code section.

16 (b) The commissioner shall design, in cooperation with the Georgia Automobile Racing
17 Hall of Fame Association, special distinctive license plates appropriate to promote the
18 Georgia Automobile Racing Hall of Fame Association, which is devoted to preserving the
19 history of automobile racing in Georgia. The license plates shall be of the same size as
20 general issue motor vehicle license plates and shall include a unique design and identifying
21 number, whereby the total number of characters does not exceed six. No two recipients
22 shall 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. The Georgia Automobile Racing Hall of Fame Association may request the
25 assignment of the first of 100 in a series of license plates upon payment of an additional
26 initial registration fee of \$25.00 for 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 the
10 ownership and exclusive use and control established by this subsection as a matter of law,
11 and no person shall reproduce or otherwise use such design or designs, except as authorized
12 by the commissioner.

13 (d) Beginning in calendar year 2006, 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 Georgia
18 Automobile Racing Hall of Fame Association. Revalidation decals shall be issued for such
19 license plates in the same manner as 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 promoting the
24 Georgia Automobile Racing Hall of Fame Association, pursuant to Article III, Section
25 IX, Paragraph VI(n) of the Constitution. The Georgia Automobile Racing Hall of Fame
26 Association shall periodically provide to the commissioner an audit of the use of the
27 funds or other evidence of the use of the funds satisfactory to the commissioner. Any
28 audit performed under Chapter 6 of Title 50 shall meet this auditing requirement. If an
29 audit demonstrates that the funds are not being used for the purposes set forth in this
30 Code section or if the required audit or evidence is not provided to the commissioner,
31 then the commissioner shall so notify the House and Senate Appropriations Committees.
32 Any funds appropriated pursuant to this Code section shall not lapse.

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

1 Hall of Fame Association, if the General Assembly finds that the license plate program
2 and appropriation authorized by this Code section will benefit both the state and the
3 nonprofit organization having the ultimate use of the dedicated funds.

4 (f) An applicant may request a license plate promoting the Georgia Automobile Racing
5 Hall of Fame Association any time during the applicant's registration period. If such a
6 license plate is to replace a current valid license plate, the license plate shall be issued with
7 appropriate decals attached.

8 (g) No special license plate authorized pursuant to this Code section shall be issued until
9 a minimum of 1,000 applications has been received by the department. The special license
10 plate shall have an application period of two years after January 1, 2006, for payment of
11 the manufacturing fee. After such time if the minimum number of applications is not met,
12 the department shall not continue to accept the manufacturing fee, and all fees shall be
13 refunded to 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 may
21 continue to issue such special license plates that it has in its inventory to assist in achieving
22 the minimum number of registrations. If the special license plate falls below 500 active
23 registrations at any time during the five-year period as provided in subsection (b) of Code
24 Section 40-2-31, manufacture of the license plates shall not be continued until the
25 commissioner receives 1,000 applications.

26 (i) License plates promoting the Georgia Automobile Racing Hall of Fame Association
27 shall be transferred from one vehicle to another vehicle in accordance with the provisions
28 of Code Section 40-2-80.

29 (j) License plates promoting the Georgia Automobile Racing Hall of Fame Association
30 shall be issued within 30 days of application once the requirements of this Code section
31 have been met."

32 SECTION 2.

33 This Act shall become effective on January 1, 2006, for purposes of subscribing to the
34 license plate and paying the manufacturing fee; provided, however, that this Act shall only
35 be implemented fully upon the ratification of a resolution at the November, 2006, state-wide
36 general election, which resolution amends the Constitution of the State of Georgia so as to

1 authorize the dedication of revenue from the sales of license plates to a general purpose
2 relating to the nature of the special license plate. If such resolution is not ratified, this Act
3 shall not become effective and shall stand repealed in its entirety on January 1, 2007, and no
4 such motor vehicle license plates shall be issued pursuant to this Act.

5 **SECTION 3.**

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