

House Bill 506

By: Representatives Burkhalter of the 50th and Coleman of the 144th

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 special license plates for certain persons and vehicles, so as to provide for special
3 license plates promoting and benefiting the arts in Georgia; to provide for licensing and other
4 agreements; to provide for design and rights; to provide for conditions for issuance,
5 revalidation, and transfer; to provide for fees and the usage thereof; to provide for
6 accounting, contracts, and advisory bodies; to provide for an effective date; to repeal
7 conflicting laws; and for other purposes.

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

9 **SECTION 1.**

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

13 "40-2-86.10.

14 (a) In order to assist counties in promoting the arts and the accompanying educational and
15 economic development fostered in such counties by such promotion, there shall be issued
16 beginning January 1, 2006, special license plates promoting the arts in Georgia.

17 (b) The department shall design Arts in Georgia license plates according to standards set
18 by the department. All special license plates must be of the same size and general design
19 of general issue motor vehicle license plates. The plates shall include a unique identifying
20 number of six alphanumeric characters, provided that no two recipients receive identical
21 plates. Any organization described in subsection (i) of this Code section desiring to request
22 the assignment of the first of 100 in a series of license plates may do so upon payment of
23 an additional initial registration fee of \$25.00 for each license plate requested.

24 (c) The graphic on the Arts in Georgia license plate shall be designed in cooperation with
25 the department and be placed to the left of the alphanumeric characters and shall be no
26 larger than three inches by three inches.

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

10 (e) The production and issuing of Arts in Georgia license plates shall be subject to the
11 following conditions:

12 (1) The department shall receive a minimum of 1,000 applications prior to the
13 manufacture of any Arts in Georgia license plates and such application shall be
14 accompanied by the manufacturing fee;

15 (2) The Arts in Georgia license plate shall have an application period of two years after
16 July 1, 2005, for the payment of the manufacturing fee, after which time if the minimum
17 number of applications is not met, the department shall not be required to continue to
18 accept the manufacturing fee for the Arts in Georgia license plate and all previously
19 collected fees shall be returned by the department; and

20 (3) The department shall not be required to continue to manufacture the Arts in Georgia
21 license plate when the number of active registrations falls below 500 registrations at any
22 time during the five-year period as provided in subsection (b) of Code Section 40-2-31.
23 Current registrants may continue to renew the Arts in Georgia license plate during the
24 annual registration period. The department may continue to issue such special license
25 plates that it has in its inventory to assist in achieving the minimum number of
26 registrations. If the Arts in Georgia license plate falls below 500 active registrations at
27 any time during the five-year period as provided in subsection (b) of Code Section
28 40-2-31, the counties shall be required again to obtain 1,000 applications accompanied
29 by the manufacturing fee.

30 (f) Beginning on January 1, 2006, any Georgia resident who is the owner of a motor
31 vehicle, except a vehicle registered under the International Registration Plan, upon
32 complying with the motor vehicle laws relating to registration and licensing of motor
33 vehicles and upon the payment of a manufacturing fee of \$25.00 (or an annual renewal fee
34 of \$25.00) in addition to the regular motor vehicle registration fee, shall be issued an Arts
35 in Georgia license plate to replace a current valid license plate.

36 (g) License plates issued under this Code section shall be issued within 30 days of
37 application.

1 (h) Manufacturing fees and annual renewal fees for the Arts in Georgia license plates shall
2 be apportioned as follows: \$2.00 to the department for the administrative cost and cost of
3 manufacture, \$13.00 to the state, and \$10.00 to be transmitted by the county tag agent to
4 the county where the Arts in Georgia license plate was sold and be deposited in a separate
5 account within that county's general fund.

6 (i) The governing authority or designated administrator of such county shall make
7 appropriations from that separate account exclusively for contracts with organizations
8 which:

9 (1) Qualify as exempt from federal taxation under Section 501(c)(3) of the Internal
10 Revenue Code, as such code is defined in Code Section 48-1-2;

11 (2) Are primarily engaged in the performing or visual arts, including but not limited to
12 theater, film, photography, music, opera, dance, painting, drawing, or sculpture, the
13 performance or exhibition of which occurs within the county executing such contracts
14 and which is open to the general public, whether or not for an admission fee; and

15 (3) Agree, pursuant to such contracts, to provide to such county certain artistic
16 performances or exhibitions for educational, cultural, and economic development
17 purposes.

18 (j) The county ultimately receiving such funds shall periodically provide to the
19 commissioner an audit of the use of the funds or other evidence of use of the funds
20 satisfactory to the commissioner. If the audit demonstrates that the funds are not being used
21 for the purposes set forth herein, the department shall instruct the county tag agent to
22 withhold payment of such funds until such noncompliance issues are resolved by the
23 county.

24 (k) As soon as practicable after June 30 of each year, the commissioner shall report the
25 amount remitted to the state, less the designated administrative cost and cost of
26 manufacture, from the sale of Arts in Georgia license plates during such fiscal year to the
27 Office of Planning and Budget.

28 (l) The director of the Office of Planning and Budget shall submit a report to the
29 chairpersons of the Senate and House Appropriations Committees detailing the receipt and
30 expenditure of all funds received from the sale of special license plates to promote the arts
31 in Georgia. Such report shall be made not later than the second Monday of January of each
32 year.

33 (m) In connection with the appropriation of money for the execution of any contracts
34 under this Code section, the governing authority of any county within this state may
35 establish such boards or councils as it may determine necessary to establish the procedures
36 under which such contracts are made and to advise such governing authority generally with
37 respect to such contracts."

1 **SECTION 2.**

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

3 **SECTION 3.**

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