

House Bill 506

By: Representatives Burkhalter of the 50<sup>th</sup> and Coleman of the 144<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 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 style="text-align:center">**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.