

The Senate Public Safety and Homeland Security Committee offered the following substitute to SB 168:

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 special license plates bearing the National Association for Stock Car Auto Racing
4 (NASCAR) logo and promoting specific drivers or general motorsports; to support the
5 Governor's Highway Safety Program; to provide for issuance, renewal, fees, licensing
6 agreements, applications, transfers, and disposition of funds relative to such license plates;
7 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
11 prestige license plates and special plates for certain persons and vehicles, is amended by
12 adding a new Code Section 40-2-86.10, to read as follows:
13

14 "40-2-86.10.

15 (a) In order to promote the Governor's Highway Safety Program, there shall be issued
16 beginning January 1, 2006, special license plates bearing the NASCAR logo with a specific
17 driver or general motorsports theme, subject to the conditions set forth in this Code section.

18 (b) The supplier of the plates, as designated by NASCAR, in consultation with the
19 commissioner shall design special distinctive license plates bearing the NASCAR logo with
20 a specific driver or general motorsports theme. The license plates shall be of the same size
21 as general issue motor vehicle license plates and shall include a unique design and
22 identifying number, whereby the total number of characters does not exceed six. No two
23 recipients shall receive identically numbered plates. The graphic on the special license
24 plate shall be placed to the left of the alphanumeric characters and shall be no larger than
25 three inches by three inches. Such design shall not provide space in which to indicate the
26 name of the county of issuance.

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
10 the ownership and exclusive use and control established by this subsection as a matter of
11 law, and no person shall reproduce or otherwise use such design or designs, except as
12 authorized 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 NASCAR.
18 Revalidation decals shall be issued for such license plates in the same manner as provided
19 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, \$10.25 shall be used by the department for
22 purchasing plates from the supplier of the plates, as designated by NASCAR, and royalty
23 costs, and \$14.75 shall be paid to the general fund of the state treasury with the intent of
24 supporting the Governor's Highway Safety Program. The agency or organization
25 ultimately making use of such funds shall periodically provide to the commissioner an
26 audit of the use of the funds or other evidence of use of the funds satisfactory to the
27 commissioner. Any audit performed under Chapter 6 of Title 50 shall meet this auditing
28 requirement. If an audit demonstrates that the funds are not being used for the purposes
29 set forth in this Code section or if the required audit or evidence is not provided to the
30 commissioner, then the commissioner shall so notify the appropriations committees of
31 the Senate and the House of Representatives. Any funds appropriated pursuant to this
32 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 the Governor's Highway Safety Program administered
36 by the Office of Highway Safety in the Department of Public Safety.

1 (f) An applicant may request a NASCAR license plate any time during the applicant's
2 registration period. If such a license plate is to replace a current valid license plate, the
3 NASCAR license plate shall be issued with appropriate decals attached.

4 (g) No special license plate authorized pursuant to this Code section shall be issued except
5 upon the receipt of at least 1,000 applications. The special license plate shall have an
6 application period of two years after July 1, 2005, for payment of the manufacturing fee.
7 After such time if the minimum number of applications is not met, the department shall not
8 continue to accept the manufacturing fee, and all fees shall be refunded to applicants.

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

21 (i) NASCAR license plates shall be transferred from one vehicle to another vehicle in
22 accordance with the provisions of Code Section 40-2-80.

23 (j) NASCAR license plates shall be issued within 30 days of application once the
24 requirements of this Code section have been met."

25 SECTION 2.

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

27 SECTION 3.

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