

House Bill 710

By: Representatives Jenkins of the 8th, Bridges of the 10th, Ralston of the 7th, Roberts of the 154th, Bearden of the 68th, and others

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 identifying persons with diabetes; to provide for issuance, renewal, fees, licensing
4 agreements, applications, and transfers relative to such license plates; to provide for related
5 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "40-2-86.10.

12 (a) There shall be issued beginning in 2006 special and distinctive vehicle license plates
13 identifying persons with diabetes subject to the conditions set forth in this Code section.
14 The General Assembly finds that the main benefit of the special license plates is that law
15 enforcement officers and emergency personnel can be alerted to the potential for special
16 needs before they approach the driver of a vehicle, especially if the vehicle has been
17 involved in an accident.

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

25 (c) Notwithstanding the foregoing provisions of this Code section, this Code section shall
26 not be implemented until such time as the State of Georgia has, through a licensing

1 agreement or otherwise and at no cost to the state, received such licenses or other
2 permissions as may be required for the use of any logo or as may otherwise be necessary
3 or appropriate to implement this Code section. No royalty, license fee, or other moneys
4 shall be paid to any organization or its licensor for the use by the state of such logo or
5 design on license plates authorized by this Code section. The commissioner may charge
6 fees, take other actions, and agree to or impose terms and conditions which might normally
7 be envisioned in licensing and cross-licensing agreements for the use of designs and similar
8 intellectual property. Without limitation, the commissioner may agree to allow to others
9 the exclusive or nonexclusive use of the design of the special license plate. The design of
10 the special license plate, excepting only any part of the design owned by others and
11 licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and
12 control, except as authorized by the commissioner. The commissioner may take such steps
13 as may be necessary to give notice of and protect such right, including the copyright.
14 However, such steps shall be cumulative of the ownership and exclusive use and control
15 established by this subsection as a matter of law and no person shall reproduce or otherwise
16 use such design, except as authorized by the commissioner.

17 (d) Beginning in calendar year 2006, any qualified Georgia resident who is the owner of
18 a motor vehicle, except a vehicle registered under the International Registration Plan, upon
19 complying with the motor vehicle laws relating to registration and licensing of motor
20 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular
21 motor vehicle registration fee shall be issued a license plate identifying him or her as a
22 diabetic. Revalidation decals shall be issued for such license plates in the same manner as
23 provided for general issue license plates.

24 (e) An applicant may request a license plate identifying him or her as a diabetic at any time
25 during the applicant's registration period. If such a license plate is to replace a current valid
26 license plate, such license plate shall be issued with appropriate decals attached.

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

33 (g) The department shall not be required to continue to manufacture the special license
34 plate if the number of active registrations falls below 500 registrations at any time during
35 the five-year period as provided in subsection (b) of Code Section 40-2-31. A current
36 registrant may continue to renew such special license plate during his or her annual
37 registration period upon payment of an additional \$25.00 annual special tag fee which fee

1 shall be collected by the county tag agent at the time of collection of other registration fees
2 and shall be remitted to the state as provided in Code Section 40-2-34. The department may
3 continue to issue such special license plates that it has in its inventory to assist in achieving
4 the minimum number of registrations. If the special license plate falls below 500 active
5 registrations at any time during the five-year period as provided in subsection (b) of Code
6 Section 40-2-31, the department must receive 1,000 applications accompanied by the
7 manufacturing fee to continue to manufacture the license plate.

8 (h) License plates identifying persons with diabetes shall be transferred from one vehicle
9 to another vehicle in accordance with the provisions of Code Section 40-2-80.

10 (i) License plates identifying persons with diabetes shall be issued within 30 days of
11 application once the requirements of this Code section have been met."

12 **SECTION 2.**

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

14 **SECTION 3.**

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