

Senate Bill 142

By: Senators Mullis of the 53rd, Reed of the 35th, Smith of the 52nd and Zamarripa of the 36th

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 501(c)(3) foundation of the Atlanta Braves
4 professional sports team in Georgia; to provide for issuance, renewal, fees, licensing
5 agreements, applications, transfers, and disposition of funds relative to such special license
6 plates; to provide for related matters; to provide for a contingent effective date; to provide
7 for automatic repeal under certain circumstances; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

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

14 "40-2-86.10.

15 (a) Beginning January 1, 2007, there shall be issued special license plates promoting the
16 501(c)(3) foundation of the Atlanta Braves professional sports team in Georgia, subject to
17 the conditions set forth in this Code section.

18 (b) The commissioner shall design a special distinctive license plate appropriate to
19 promote the 501(c)(3) foundation of the Atlanta Braves professional sports team in
20 Georgia. The license plate shall be of the same size as general issue motor vehicle license
21 plates and shall include a unique design and identifying number, whereby the total number
22 of characters does not exceed six. No two recipients shall receive identically numbered
23 plates. The graphic on the special license plate shall be placed to the left of the
24 alphanumeric characters and shall be no larger than three inches by three inches.

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

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

11 (d) Beginning in calendar year 2007, any Georgia resident who is the owner of a motor
12 vehicle, except a vehicle registered under the International Registration Plan, upon
13 complying with the motor vehicle laws relating to registration and licensing of motor
14 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular
15 motor vehicle registration fee shall be issued a license plate promoting the 501(c)(3)
16 foundation of the Atlanta Braves professional sports team in Georgia. Revalidation decals
17 shall be issued for such license plates in the same manner as provided for general issue
18 license plates.

19 (e)(1) From the additional \$25.00 fee charged for the issuance and renewal of the license
20 plates authorized under this Code section, \$2.00 shall be used by the department for
21 manufacturing and purchase costs, \$13.00 shall be paid to the general fund of the state
22 treasury, and \$10.00 shall be exclusively dedicated for the purpose of assisting charities
23 that are supported by the Atlanta Braves professional sports team in Georgia, pursuant
24 to Article III, Section IX, Paragraph VI(n) of the Constitution. Such dedicated funds
25 shall be appropriated for such purpose to the Department of Community Affairs or such
26 other public agency as may be specified in the general or amended general appropriations
27 Act. The agency or organization ultimately making use of such funds shall periodically
28 provide to the commissioner an audit of the use of the funds or other evidence of use of
29 the funds satisfactory to the commissioner. Any audit performed under Chapter 6 of Title
30 50 shall meet this auditing requirement. If an audit demonstrates that the funds are not
31 being used for the purposes set forth in this Code section or if the required audit or
32 evidence is not provided to the commissioner, then the commissioner shall so notify the
33 House and Senate appropriations committees. Any funds appropriated pursuant to this
34 Code section shall not lapse.

35 (2) Subject to the general appropriations process, it is the intent of the General Assembly
36 in the enactment of this Code section that the funds dedicated by this subsection be made
37 available for the ultimate use of a nonprofit organization. Subject to the general

1 appropriations process and the audit requirements of this Code section, it is contemplated
2 that such dedicated funds will be for the ultimate use of the 501(c)(3) foundation of the
3 Atlanta Braves professional sports team in Georgia, and the General Assembly finds that
4 the license plate program and appropriation authorized by this Code section will benefit
5 both the state and the nonprofit organization having the ultimate use of the dedicated
6 funds.

7 (f) An applicant may request a license plate promoting the 501(c)(3) foundation of the
8 Atlanta Braves professional sports team in Georgia at any time during the applicant's
9 registration period. If such a license plate is to replace a current valid license plate, the
10 license plate shall be issued with appropriate decals attached.

11 (g) No special license plate authorized pursuant to this Code section shall be issued except
12 upon receipt by the commissioner of at least 1,000 applications. The special license plate
13 shall have an application period of two years after January 1, 2007, for the payment of the
14 manufacturing fee. After such time, if the minimum number of applications is not met, the
15 department shall not continue to accept the manufacturing fee and all fees shall be refunded
16 to the applicants.

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

29 (i) License plates promoting the 501(c)(3) foundation of the Atlanta Braves professional
30 sports team in Georgia shall be transferred from one vehicle to another vehicle in
31 accordance with the provisions of Code Section 40-2-80.

32 (j) License plates promoting the 501(c)(3) foundation of the Atlanta Braves professional
33 sports team in Georgia shall be issued within 30 days of application once the requirements
34 of this Code section have been met."

1

SECTION 2.

2 This Act shall become effective on January 1, 2007; provided, however, that this Act shall
 3 only become effective on January 1, 2007, upon the ratification of an amendment to the
 4 Constitution of Georgia to authorize the dedication of revenue from the sales of license plates
 5 to a general purpose relating to the nature of the special license plate. If such amendment is
 6 not ratified, this Act shall not become effective and shall stand repealed in its entirety on
 7 January 1, 2007, and no such motor vehicle license plates shall be issued pursuant to this Act.

8

SECTION 3.

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