

Senate Bill 168

By: Senators Rogers of the 21st, Johnson of the 1st, Stephens of the 27th, Seabaugh of the 28th, Pearson of the 51st and others

AS PASSED SENATE

**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 provide for
5 special license plates to promote 'Share the Road' messages for motorists and bicyclists and
6 to benefit programs related to such motorists and bicyclists; to support the Governor's
7 Highway Safety Program; to provide for issuance, renewal, fees, licensing agreements,
8 applications, transfers, and disposition of funds relative to such license plates; to provide for
9 related matters; to provide for an effective date; to repeal conflicting laws; and for other
10 purposes.

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

12 **SECTION 1.**

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

16 "40-2-86.10.

17 (a) In order to promote the Governor's Highway Safety Program, there shall be issued
18 beginning January 1, 2006, special license plates bearing the NASCAR logo with a specific
19 driver or general motorsports theme, subject to the conditions set forth in this Code section.
20 Also, in order to promote and provide for motorist and bicyclist safety and interaction
21 education and awareness programs and media campaigns; adult and child bicycling safety
22 training, workshops, and educational materials; assistance in forming local bicycle advisory
23 committees; law enforcement education and implementation programs for policing by
24 bicycle and policing to improve bicycling conditions; and 'share the road/yield to
25 bicycles/bicyclists may use full lane' sign installations through the Governor's Highway
26 Safety Program, there shall be issued beginning January 1, 2006, special license plates

1 promoting and benefitting such efforts, which shall be known as the 'Share the Road'
2 Motorists and Bicyclists special license plate.

3 (b) For the NASCAR plates, the supplier of the plates, as designated by NASCAR, in
4 consultation with the commissioner shall design special distinctive license plates bearing
5 the NASCAR logo with a specific driver or general motorsports theme. For the 'Share the
6 Road' plates, the commissioner shall design a special distinctive license plate in
7 conjunction with the Southern Bicycle League and Bicycle Ride Across Georgia
8 appropriate to promote the message of motorists and bicyclists safely and courteously
9 sharing the roadway. The license plates shall be of the same size as general issue motor
10 vehicle license plates and shall include a unique design and identifying number, whereby
11 the total number of characters does not exceed six. No two recipients shall receive
12 identically numbered plates. The graphic on the special license plate shall be placed to the
13 left of the alphanumeric characters and shall be no larger than three inches by three inches.
14 Such design shall not provide space in which to indicate the name of the county of
15 issuance.

16 (c) Notwithstanding the provisions of subsection (b) of this Code section, this Code section
17 shall not be implemented until such time as the State of Georgia has, through a licensing
18 agreement or otherwise, received any licenses or other permissions that may be required
19 to implement this Code section. The design of the initial edition of the license plates, as
20 well as the design of subsequent editions and excepting only any part or parts of the
21 designs owned by others and licensed to the state, shall be owned solely by the State of
22 Georgia for its exclusive use and control, except as authorized by the commissioner. The
23 commissioner may take such steps as may be necessary to give notice of and protect such
24 right, including the copyright or copyrights. However, such steps shall be cumulative of
25 the ownership and exclusive use and control established by this subsection as a matter of
26 law, and no person shall reproduce or otherwise use such design or designs, except as
27 authorized by the commissioner.

28 (d) Beginning in calendar year 2006, any Georgia resident who is the owner of a motor
29 vehicle, except a vehicle registered under the International Registration Plan, upon
30 complying with the motor vehicle laws relating to registration and licensing of motor
31 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular
32 motor vehicle registration fee shall be issued a license plate promoting NASCAR.
33 Revalidation decals shall be issued for such license plates in the same manner as provided
34 for general issue license plates.

35 (e)(1) From the additional \$25.00 fee charged for the issuance and renewal of the license
36 plates authorized under this Code section, \$10.25 shall be used by the department for
37 purchasing plates from the supplier of the plates, as designated by NASCAR, and royalty

1 costs, and \$14.75 shall be paid to the general fund of the state treasury with the intent of
2 supporting the Governor's Highway Safety Program. Subject to the general
3 appropriations process, it is the intent of the General Assembly that funds derived from
4 the sale of 'Share the Road' license plates shall be utilized by the Governor's Highway
5 Safety Program to provide for motorist and bicyclist safety and interaction education and
6 awareness programs and media campaigns; adult and child bicycling safety training,
7 workshops, and educational materials; assistance in forming local bicycle advisory
8 committees; law enforcement education and implementation programs for policing by
9 bicycle and policing to improve bicycling conditions; and 'share the road/yield to
10 bicycles/bicyclists may use full lane' sign installations. The Office of Highway Safety
11 may enter into contractual agreements, as may be appropriate, to further such objectives.
12 The Office of Highway Safety may provide said funds for use as local or minimum
13 matching funds. The agency or organization ultimately making use of such funds shall
14 periodically provide to the commissioner an audit of the use of the funds or other
15 evidence of use of the funds satisfactory to the commissioner. Any audit performed
16 under Chapter 6 of Title 50 shall meet this auditing requirement. If an audit demonstrates
17 that the funds are not being used for the purposes set forth in this Code section or if the
18 required audit or evidence is not provided to the commissioner, then the commissioner
19 shall so notify the appropriations committees of the Senate and the House of
20 Representatives. Any funds appropriated pursuant to this Code section shall not lapse.
21 (2) Subject to the general appropriations process, it is the intent of the General Assembly
22 in the enactment of this Code section that the funds dedicated by this subsection be made
23 available for the ultimate use of the Governor's Highway Safety Program administered
24 by the Office of Highway Safety in the Department of Public Safety.

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

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

33 (h) The department shall not be required to continue to provide the special license plate
34 if the number of active registrations falls below 500 registrations at any time during the
35 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
3 may continue to issue such special license plates that it has in its inventory to assist in
4 achieving the minimum number of registrations. If the special license plate falls below 500
5 active registrations at any time during the five-year period as provided in subsection (b) of
6 Code Section 40-2-31, production of the license plates shall not be continued until the
7 commissioner receives 1,000 applications.

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

10 (j) NASCAR license plates shall be issued within 30 days of application once the
11 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.