

House Bill 1215

By: Representative Gardner of the 57th

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 supporting research and education on amyotrophic lateral
4 sclerosis (ALS); to provide for a portion of the revenue to go to the ALS Association of
5 Georgia; to provide for issuance, renewal, fees, licensing agreements, applications, and
6 transfers relative to such special license plates; to provide for related matters; to provide for
7 a contingent effective date; to provide for automatic repeal under certain circumstances; to
8 repeal conflicting laws; and for other 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 40-2-86.18 to read as follows:

14 "40-2-86.18.

15 (a) There shall be issued beginning July 1, 2007, special license plates to support research
16 and education on amyotrophic lateral sclerosis (ALS), also known as 'Lou Gehrig's
17 disease,' subject to the conditions set forth in this Code section.

18 (b) The commissioner, in cooperation with supporters of this license plate, shall design
19 special distinctive license plates appropriate to support research and education on
20 amyotrophic lateral sclerosis (ALS). The license plates must be of the same size as general
21 issue motor vehicle license plates and shall include a unique design and identifying
22 number, whereby the total number of characters does not exceed six. No two recipients
23 shall receive identically numbered plates. The graphic on the special license plate shall be
24 placed to the left of the alphanumeric characters and shall be no larger than three inches by
25 three inches. The ALS Association of Georgia may request the assignment of the first of

1 100 in a series of license plates upon payment of an additional initial registration fee of
2 \$25.00 for each license plate requested.

3 (c) Notwithstanding the provisions of subsection (b) of this Code section, this Code section
4 shall not be implemented until such time as the State of Georgia has, through a licensing
5 agreement or otherwise, received such licenses or other permissions as may be required to
6 implement this Code section. The design of the initial edition of the license plates to
7 support research and education on amyotrophic lateral sclerosis (ALS), as well as the
8 design of subsequent editions and excepting only any part or parts of the designs owned
9 by others and licensed to the state, shall be owned solely by the State of Georgia for its
10 exclusive use and control, except as authorized by the commissioner. The commissioner
11 may take such steps as may be necessary to give notice of and protect such right, including
12 the copyright or copyrights. However, such steps shall be cumulative of the ownership and
13 exclusive use and control established by this subsection as a matter of law, and no person
14 shall reproduce or otherwise use such design or designs, except as authorized by the
15 commissioner.

16 (d) Beginning on July 1, 2007, any Georgia resident who is the owner of a motor vehicle,
17 except a vehicle registered under the International Registration Plan, upon complying with
18 the motor vehicle laws relating to registration and licensing of motor vehicles and upon the
19 payment of a manufacturing fee of \$25.00 in addition to the regular motor vehicle
20 registration fee shall be issued a license plate supporting research and education on
21 amyotrophic lateral sclerosis (ALS). Revalidation decals shall be issued for license plates
22 supporting research and education on amyotrophic lateral sclerosis (ALS), in the same
23 manner as provided for general issue license plates.

24 (e) The manufacturing fee derived from the sale of license plates supporting research and
25 education on amyotrophic lateral sclerosis (ALS) shall be apportioned as follows: \$2.00
26 to the department, \$13.00 to be deposited into the general fund, and \$10.00 to be dedicated
27 to the ALS Association of Georgia.

28 (f) Before the department disburses to the ALS Association of Georgia funds from the sale
29 of special license plates, the ALS Association of Georgia must provide a written statement
30 stating the manner in which such funds shall be utilized. The purposes for which the funds
31 shall be utilized must be the same as those specified in this Code section authorizing the
32 dedication to the ALS Association of Georgia of revenue from the sale of special license
33 plates. The ALS Association of Georgia shall periodically provide to the commissioner an
34 audit of the use of the funds or other evidence of use of the funds satisfactory to the
35 commissioner. If it is demonstrated that the funds are not being used for the purposes set
36 forth in the statement provided by the ALS Association of Georgia, the department shall
37 withhold payment of such funds until such noncompliance issues are resolved.

1 (g) An applicant may request a license plate supporting research and education on
2 amyotrophic lateral sclerosis (ALS) at any time during the applicant's registration period.
3 If such a license plate is to replace a current valid license plate, the license plate supporting
4 research and education on amyotrophic lateral sclerosis (ALS) shall be issued with
5 appropriate decals attached.

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

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

25 (j) License plates supporting research and education on amyotrophic lateral sclerosis
26 (ALS) shall be transferred from one vehicle to another vehicle in accordance with the
27 provisions of Code Section 40-2-80.

28 (k) License plates supporting research and education on amyotrophic lateral sclerosis
29 (ALS) shall be issued within 30 days of application once the requirements of this Code
30 section have been met."

31 SECTION 2.

32 (a) This Act shall become effective on January 1, 2007, except as otherwise provided in
33 subsection (b) of this section.

34 (b) If an amendment to the Constitution of the State of Georgia authorizing the donation of
35 revenue from sales of special license plates to specified organizations is not ratified at the

1 general election in 2006, this Act shall be repealed in its entirety on January 1, 2007, and no
2 such motor vehicle license plates shall be issued pursuant to this Act.

3 **SECTION 3.**

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