

House Bill 1232

By: Representatives Shaw of the 176th, Roberts of the 154th, Rice of the 51st, Parham of the 141st, and Rogers of the 26th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
2 registration and licensing of motor vehicles, so as to change certain provisions relating to
3 commemorative license plates for Georgia organizations, promotional agreements, and fees;
4 to provide for deposit of certain funds into the general fund of the state treasury; to change
5 certain provisions relating to special license plates promoting the United States Disabled
6 Athletes Fund; to change certain provisions relating to special license plates promoting the
7 Nongame-Endangered Wildlife Program of the Georgia Department of Natural Resources;
8 to change certain provisions relating to special license plates commemorating Civil War
9 battlefields and historic sites; to change certain provisions relating to special license plates
10 promoting conservation and enhancement of trout populations; to change certain provisions
11 relating to special license plates promoting historic preservation efforts; to change certain
12 provisions relating to special license plates promoting NASCAR or promoting bicycle safety;
13 to change certain provisions relating to special license plates honoring families with a
14 member serving in the military; to change certain provisions relating to "Support Georgia
15 Troops" special license plates; to provide for related matters; to provide for an effective date;
16 to repeal conflicting laws; and for other purposes.

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

18 **SECTION 1.**

19 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and
20 licensing of motor vehicles, is amended by striking Code Section 40-2-32.1, relating to
21 commemorative license plates for Georgia organizations, promotional agreements, and fees,
22 and inserting in lieu thereof the following:

23 "40-2-32.1.

24 (a) In the event the General Assembly enacts any law approving the sale of
25 commemorative license plates recognizing Georgia organizations or institutions, including
26 educational institutions, civic associations, and social organizations, the commissioner shall

1 approve the form of any such license plates and shall be authorized to enter into any
2 agreements with private parties for the purpose of promoting the sale of any such license
3 plates.

4 (b) Beginning in calendar year 1998, any Georgia resident who is the owner of a motor
5 vehicle, except a vehicle registered under the International Registration Plan, upon
6 complying with the motor vehicle laws relating to registration and licensing of motor
7 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular
8 motor vehicle registration fee shall be issued a commemorative license plate pursuant to
9 the enactment of a law by the General Assembly and approval by the commissioner in
10 accordance with subsection (a) of this Code section. Revalidation decals, upon payment
11 of fees required by law and collected by the county tag agent and remitted to the state as
12 provided in Code Section 40-2-34, shall be issued for any such commemorative license
13 plates in the same manner as provided for general issue license plates.

14 ~~(c) Any such agreements for the purpose of promoting the sale of commemorative license~~
15 ~~plates may authorize the manufacturing fee to be apportioned, as determined by the~~
16 ~~commissioner, between the organization commemorated by the license plates, the vendor~~
17 ~~administering the sale and promotion of the license plates, and the State of Georgia All~~
18 ~~funds derived from the sale of license plates pursuant to this Code section, less a \$1.00~~
19 ~~processing fee which shall be granted to county tag offices per plate sold, shall be remitted~~
20 ~~to the state as provided by Code Section 40-2-34.~~"

21 SECTION 2.

22 Said chapter is further amended in Code Section 40-2-34, relating to reports and remittances
23 by tag agents, by adding a new subsection to read as follows:

24 "(f) All funds derived from motor vehicle registrations or the sale of any license plates and
25 remitted to the state shall be deposited in the general fund of the state treasury unless
26 otherwise specifically authorized by the Constitution and provided for in this chapter."

27 SECTION 3.

28 Said chapter is further amended by striking subsection (e) of Code Section 40-2-48, relating
29 to special license plates promoting the United States Disabled Athletes Fund, and inserting
30 in lieu thereof the following:

31 "(e) Notwithstanding the foregoing provisions of this Code section, this Code section shall
32 not be implemented until such time as the State of Georgia has, through a licensing
33 agreement or otherwise, received such licenses or other permissions as may be required for
34 the use of the Blaze image or as may otherwise be necessary or appropriate to implement
35 this Code section. ~~The commissioner is authorized, on behalf of the state, to accept and~~

1 ~~execute the licensing agreements with the United States Disabled Athletes Fund allowing~~
 2 ~~the United States Disabled Athletes Fund to be the beneficiary of and receive \$25.00 of~~
 3 ~~each such manufacturing fee, provided that the state shall bear the cost of the manufacture~~
 4 ~~of each such license plate. The commissioner may charge fees, make payments, take other~~
 5 ~~actions, and agree to or impose terms and conditions which might normally be envisioned~~
 6 ~~in licensing and cross-licensing agreements for the use of designs and similar intellectual~~
 7 ~~property. Without limitation, the commissioner may agree to allow to others the exclusive~~
 8 ~~or nonexclusive use of the design of the special license plate. The design of the special~~
 9 ~~license plate, excepting only any part of the design owned by others and licensed to the~~
 10 ~~state, shall be owned solely by the State of Georgia for its exclusive use and control, except~~
 11 ~~as authorized by the commissioner. The commissioner may take such steps as may be~~
 12 ~~necessary to give notice of and protect such right, including the copyright. However, such~~
 13 ~~steps shall be cumulative of the ownership and exclusive use and control established by this~~
 14 ~~subsection as a matter of law and no person shall reproduce or otherwise use such design,~~
 15 ~~except as authorized by the commissioner. All funds derived from the sale of license plates~~
 16 ~~pursuant to this Code section, less a \$1.00 processing fee which shall be granted to county~~
 17 ~~tag offices per plate sold, shall be remitted to the state as provided by Code Section~~
 18 ~~40-2-34.~~"

19 SECTION 4.

20 Said chapter is further amended by striking subsection (e) of Code Section 40-2-49, relating
 21 to special license plates promoting the Nongame-Endangered Wildlife Program of the
 22 Georgia Department of Natural Resources, and inserting in lieu thereof the following:

23 ~~"(e) The Nongame Wildlife Conservation and Wildlife Habitat Acquisition Fund shall bear~~
 24 ~~the cost of the manufacture of each such license plate. The funds derived from the sale of~~
 25 ~~wildlife conservation fund license plates, less a \$1.00 processing fee which shall be granted~~
 26 ~~to county tag offices per plate sold, shall be deposited in the Nongame Wildlife~~
 27 ~~Conservation and Wildlife Habitat Acquisition Fund established by Code Section 12-3-602~~
 28 ~~and shall be expended only for the purposes enumerated in subsection (b) of Code Section~~
 29 ~~12-3-602 remitted to the state as provided by Code Section 40-2-34.~~"

30 SECTION 5.

31 Said chapter is further amended by striking subsection (e) of Code Section 40-2-86.3,
 32 relating to special license plates commemorating Civil War battlefields and historic sites, and
 33 inserting in lieu thereof the following:

34 ~~"(e) The provisions of subsection (d) of this Code section notwithstanding, the Civil War~~
 35 ~~Commission may impose a nonrefundable surcharge to be paid directly to the Civil War~~

1 ~~Commission by an applicant at the time of application which shall not exceed \$20.00 per~~
 2 ~~application; provided, however, that funds generated by any such surcharges shall be~~
 3 ~~expended by the Civil War Commission only for the acquisition of Civil War battlefields~~
 4 ~~in this state and associated Civil War historic sites in this state and for the maintenance,~~
 5 ~~protection, and interpretation of the same as provided by Ga. L. 1993, p. 1952 All funds~~
 6 ~~derived from the sale of license plates pursuant to this Code section, less a \$1.00 processing~~
 7 ~~fee which shall be granted to county tag offices per plate sold, shall be remitted to the state~~
 8 ~~as provided by Code Section 40-2-34.~~"

9 **SECTION 6.**

10 Said chapter is further amended by striking subsection (e) of Code Section 40-2-86.6,
 11 relating to special license plates promoting conservation and enhancement of trout
 12 populations, and inserting in lieu thereof the following:

13 ~~"(e) The funds derived from the sale of such special license plates, less a \$1.00 processing~~
 14 ~~fee which shall be granted to county tag offices per plate sold, shall be deposited in the~~
 15 ~~general fund of the state treasury. As soon as practicable after the end of each fiscal year,~~
 16 ~~the commissioner shall report the net amount derived from the sale of such special license~~
 17 ~~plates, not including actual manufacturing costs, to the Office of Planning and Budget and~~
 18 ~~the Department of Natural Resources. It is the intent of the General Assembly that, subject~~
 19 ~~to appropriation, an amount equal to such net proceeds derived from the sale of such~~
 20 ~~license plates in any fiscal year shall be made available during the following fiscal year to~~
 21 ~~supplement trout restoration and management programs of the Wildlife Resources Division~~
 22 ~~of the Department of Natural Resources. Such programs may include trout hatchery~~
 23 ~~operations, stocking or restocking of trout in waters of the state, rehabilitation of trout~~
 24 ~~habitat areas on state managed wildlife lands, education programs, technical assistance to~~
 25 ~~private landowners in the rehabilitation and maintenance of trout habitats on their lands,~~
 26 ~~and projects to encourage public support for the license plate and the activities it funds. The~~
 27 ~~Department of Natural Resources shall monitor the response of the trout populations to any~~
 28 ~~such habitat conservation activities to determine their effectiveness. All funds derived~~
 29 ~~from the sale of license plates pursuant to this Code section, less a \$1.00 processing fee~~
 30 ~~which shall be granted to county tag offices per plate sold, shall be remitted to the state as~~
 31 ~~provided by Code Section 40-2-34.~~"

32 **SECTION 7.**

33 Said chapter is further amended by striking subsections (e) and (k) of Code Section
 34 40-2-86.13, relating to special license plates promoting historic preservation efforts, and
 35 inserting in lieu thereof the following:

1 ~~enter into contractual agreements, as may be appropriate, to further such objectives. The~~
 2 ~~Office of Highway Safety may provide said funds for use as local or minimum matching~~
 3 ~~funds. The agency or organization ultimately making use of such funds shall periodically~~
 4 ~~provide to the commissioner an audit of the use of the funds or other evidence of use of the~~
 5 ~~funds satisfactory to the commissioner. Any audit performed under Chapter 6 of Title 50~~
 6 ~~shall meet this auditing requirement. If an audit demonstrates that the funds are not being~~
 7 ~~used for the purposes set forth in this Code section or if the required audit or evidence is~~
 8 ~~not provided to the commissioner, then the commissioner shall so notify the appropriations~~
 9 ~~committees of the Senate and the House of Representatives. Any funds appropriated~~
 10 ~~pursuant to this Code section shall not lapse.~~

11 (2) ~~Subject to the general appropriations process, it is the intent of the General Assembly~~
 12 ~~in the enactment of this Code section that the funds dedicated by this subsection be made~~
 13 ~~available for the ultimate use of the Governor's Highway Safety Program administered~~
 14 ~~by the Office of Highway Safety in the Department of Public Safety. All funds derived~~
 15 ~~from the sale of license plates pursuant to this Code section, less a \$1.00 processing fee~~
 16 ~~which shall be granted to county tag offices per plate sold, shall be remitted to the state~~
 17 ~~as provided by Code Section 40-2-34.~~

18 SECTION 9.

19 Said chapter is further amended by striking subsection (j) of Code Section 40-2-86.16,
 20 relating to special license plates honoring families with a member serving in the military, and
 21 inserting in lieu thereof the following:

22 "(j) The funds derived from the sale of license plates honoring families with a member
 23 serving in the military, less a \$1.00 processing fee; which shall be granted to county tag
 24 offices per plate sold, and ~~less the actual manufacturing cost of the plates, shall be~~
 25 ~~deposited in the general fund of the state treasury. As soon as practicable after December~~
 26 ~~31 of each year, the commissioner shall report the net amount derived from the sale of such~~
 27 ~~license plates to the Office of Planning and Budget and the Department of Veterans~~
 28 ~~Service. It is the intent of the General Assembly that the General Assembly appropriate~~
 29 ~~an amount equal to the net proceeds from the sale of such license plates to the Department~~
 30 ~~of Veterans Service for use by the National Guard Foundation in carrying out such~~
 31 ~~programs and purposes as may be contractually agreed upon by the department and the~~
 32 ~~foundation. shall be remitted to the state as provided by Code Section 40-2-34.~~

SECTION 10.

Said chapter is further amended by striking subsection (j) of Code Section 40-2-86.17, relating to "Support Georgia Troops" special license plates, and inserting in lieu thereof the following:

"(j) The funds derived from the sale of license plates identifying persons supporting Georgia troops, less a \$1.00 processing fee; which shall be granted to county tag offices per plate sold, ~~and less the actual manufacturing cost of the plates, shall be deposited in the general fund of the state treasury. As soon as practicable after December 31 of each year, the commissioner shall report the net amount derived from the sale of such license plates to the Office of Planning and Budget and the Department of Veterans Service. It is the intent of the General Assembly that the General Assembly appropriate an amount equal to the net proceeds from the sale of such license plates to the Department of Veterans Service for use by the National Guard Foundation in carrying out such programs and purposes as may be contractually agreed upon by the department and the foundation.~~ shall be remitted to the state as provided by Code Section 40-2-34."

SECTION 11.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 12.

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