

Senate Bill 370

By: Senators Goggans of the 7th, Kemp of the 46th, Bulloch of the 11th, Tolleson of the 20th, Unterman of the 45th 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 a special license plate promoting agriculture in Georgia; to provide for issuance,
4 renewal, fees, licensing agreements, applications, donation of revenue, and transfers relative
5 to such special license plates; to provide for related matters; to provide for a contingent
6 effective date; to provide for automatic repeal under certain circumstances; to repeal
7 conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
11 prestige license plates and special plates for certain persons and vehicles, is amended by
12 adding a new Code Section 40-2-86.18 to read as follows:

13 "40-2-86.18.

14 (a) There shall be issued beginning July 1, 2007, special license plates promoting
15 agriculture in Georgia and recognizing the tremendous impact agriculture has on the
16 economy and culture of the State of Georgia, subject to the conditions set forth in this Code
17 section.

18 (b) The commissioner, in cooperation with representatives from the agriculture community
19 in Georgia, shall design special distinctive license plates appropriate to promote agriculture
20 in Georgia. The license plates must be of the same size as general issue motor vehicle
21 license plates and shall include a unique design and identifying number, whereby the total
22 number of characters does not exceed six. No two recipients shall receive identically
23 numbered 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.

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

13 (d) Beginning in July, 2007, any Georgia resident who is the owner of a motor vehicle,
14 except a vehicle registered under the International Registration Plan, upon complying with
15 the motor vehicle laws relating to registration and licensing of motor vehicles and upon the
16 payment of a manufacturing fee of \$25.00 in addition to the regular motor vehicle
17 registration fee shall be issued an agriculture license plate. Revalidation decals shall be
18 issued for the agriculture license plates in the same manner as provided for general issue
19 license plates.

20 (e) The manufacturing fee derived from the sale of agriculture license plates shall be
21 apportioned as follows: \$2.00 to the department, \$13.00 to be deposited into the general
22 fund, and \$10.00 to be split between the 4-H Club and the Future Farmers of America
23 (FFA) as provided by Article III, Section IX, Paragraph VI(n) of the Constitution. The
24 private recipients of these funds shall use the funds as grants to fund projects promoting
25 agriculture in Georgia.

26 (f) Before the department disburses to the 4-H Club or FFA funds from the sale of special
27 license plates, the recipients must provide a written statement stating the manner in which
28 such funds shall be utilized. The purposes for which the funds shall be utilized must be the
29 same as those specified in the constitutional amendment authorizing the dedication to the
30 recipients of revenue from the sale of special license plates. The recipients shall
31 periodically provide to the commissioner an audit of the use of the funds or other evidence
32 of use of the funds satisfactory to the commissioner. If it is demonstrated that the funds are
33 not being used for the purposes set forth in the statement provided by the recipients, the
34 department shall withhold payment of such funds until such noncompliance issues are
35 resolved.

1 (g) An applicant may request an agriculture license plate any time during the applicant's
2 registration period. If such a license plate is to replace a current valid license plate, the
3 agriculture license plate shall be issued with appropriate decals attached.

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

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

22 (j) Agriculture license plates shall be transferred from one vehicle to another vehicle in
23 accordance with the provisions of Code Section 40-2-80.

24 (k) Agriculture license plates shall be issued within 30 days of application once the
25 requirements of this Code section have been met."

26 SECTION 2.

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

29 (b) If an amendment to the Constitution of the State of Georgia authorizing the donation
30 of revenue from sales of special license plates to the 4-H Club and Future Farmers of
31 America is not ratified at the general election in 2006, this Act shall be repealed in its
32 entirety on January 1, 2007, and no such motor vehicle license plates shall be issued
33 pursuant to this Act.

34 SECTION 3.

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