

House Bill 1053 (COMMITTEE SUBSTITUTE)

By: Representatives Mills of the 25<sup>th</sup>, Rice of the 51<sup>st</sup>, Ehrhart of the 36<sup>th</sup>, Keen of the 179<sup>th</sup>, Fleming of the 117<sup>th</sup>, and others

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 repeal and reserve certain provisions regarding special license plates; to provide for special  
5 license plates promoting beneficial projects and supporting worthy agencies, funds, or  
6 nonprofit corporations, as determined by the General Assembly; to provide for issuance,  
7 renewal, fees, licensing agreements, applications, dedication of revenue, audits, and transfers  
8 relative to such special license plates; to provide for related matters; to provide for a  
9 contingent effective date; to provide for automatic repeal under certain circumstances; to  
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

17 "40-2-32.1.

18 (a) In the event the General Assembly enacts any law approving the sale of  
19 commemorative license plates recognizing Georgia organizations or institutions, including  
20 educational institutions, civic associations, and social organizations, the commissioner shall  
21 approve the form of any such license plates and shall be authorized to enter into any  
22 agreements with private parties for the purpose of promoting the sale of any such license  
23 plates.

24 (b) Beginning in calendar year 1998, any Georgia resident who is the owner of a motor  
25 vehicle, except a vehicle registered under the International Registration Plan, upon  
26 complying with the motor vehicle laws relating to registration and licensing of motor

1 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular  
 2 motor vehicle registration fee shall be issued a commemorative license plate pursuant to  
 3 the enactment of a law by the General Assembly and approval by the commissioner in  
 4 accordance with subsection (a) of this Code section. Revalidation decals, upon payment  
 5 of fees required by law and collected by the county tag agent and remitted to the state as  
 6 provided in Code Section 40-2-34, shall be issued for any such commemorative license  
 7 plates in the same manner as provided for general issue license plates.

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

#### 15 SECTION 2.

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

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

#### 21 SECTION 3.

22 Said chapter is further amended by repealing and reserving Code Section 40-2-48, relating  
 23 to special license plates promoting the United States Disabled Athletes Fund.

#### 24 SECTION 4.

25 Said chapter is further amended by repealing and reserving Code Section 40-2-49, relating  
 26 to special license plates promoting the Nongame-Endangered Wildlife Program of the  
 27 Georgia Department of Natural Resources.

#### 28 SECTION 5.

29 Said chapter is further amended by repealing and reserving Code Section 40-2-86.3, relating  
 30 to special license plates commemorating Civil War battlefields and historic sites.

**SECTION 6.**

Said chapter is further amended by repealing and reserving Code Section 40-2-86.6, relating to special license plates promoting conservation and enhancement of trout populations.

**SECTION 7.**

Said chapter is further amended by repealing and reserving Code Section 40-2-86.13, relating to special license plates promoting historic preservation efforts.

**SECTION 8.**

Said chapter is further amended by repealing and reserving Code Section 40-2-86.15, relating to special license plates promoting NASCAR or promoting bicycle safety.

**SECTION 9.**

Said chapter is further amended by repealing and reserving Code Section 40-2-86.16, relating to special license plates honoring families with a member serving in the military.

**SECTION 10.**

Said chapter is further amended by repealing and reserving Code Section 40-2-86.17, relating to "Support Georgia Troops" special license plates.

**SECTION 11.**

Said chapter is further amended by adding a new Code section to read as follows:

"40-2-86.18.

(a) The General Assembly has determined that the issuance of special license plates to support an agency or fund or a program beneficial to the people of this state that is administered by a nonprofit corporation organized under Section 501(c)(3) of Title 26 of the Internal Revenue Code and dedicating a portion of the funds raised from the sale of these special license plates is in the best interests of the people of this state. Therefore, the special license plates listed in subsection (n) of this Code section shall be issued by the department beginning on July 1, 2007, if all of the requirements of subsections (b) through (k) of this Code section have been satisfied. The license plates listed in subsection (m) of this Code section shall continue to be issued as long as they continue to meet the requirements of subsections (b) through (k) of this Code section.

(b) The commissioner, in cooperation with the agency, fund, or nonprofit corporation sponsoring the special license plate, shall design special distinctive license plates appropriate to promote the program benefitted by the sale of the special license plate. The special license plates must be of the same size as general issue motor vehicle license plates

1 and shall include a unique design and identifying number, whereby the total number of  
2 characters does not exceed six. No two recipients shall receive identically numbered  
3 plates. The graphic on the special license plate shall be placed to the left of the  
4 alphanumeric characters and shall be no larger than three inches by three inches. The  
5 agency, fund, or nonprofit corporation sponsoring the license plate may request the  
6 assignment of the first of 100 in a series of license plates upon payment of an additional  
7 initial registration fee of \$25.00 for each license plate requested.

8 (c) Notwithstanding the provisions of subsection (b) of this Code section, no special  
9 license plate shall be produced until such time as the State of Georgia has, through a  
10 licensing agreement or otherwise, received such licenses or other permissions as may be  
11 required to produce the special license plate. The design of the initial edition of any special  
12 license plate, as well as the design of subsequent editions and excepting only any part or  
13 parts of the designs owned by others and licensed to the state, shall be owned solely by the  
14 State of Georgia for its exclusive use and control, except as authorized by the  
15 commissioner. The commissioner may take such steps as may be necessary to give notice  
16 of and protect such right, including the copyright or copyrights. However, such steps shall  
17 be cumulative of the ownership and exclusive use and control established by this  
18 subsection as a matter of law, and no person shall reproduce or otherwise use such design  
19 or designs, except as authorized by the commissioner.

20 (d) Beginning on January 1, 2007, any Georgia resident who is the owner of a motor  
21 vehicle, except a vehicle registered under the International Registration Plan, upon  
22 complying with the motor vehicle laws relating to registration and licensing of motor  
23 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular  
24 motor vehicle registration fee shall be able to apply for a special license plate listed in  
25 subsection (n) of this Code section. Revalidation decals shall be issued for special license  
26 plates in the same manner as provided for general issue license plates.

27 (e) The manufacturing fee and the annual special tag fee derived from the sale of special  
28 license plates listed in subsection (n) of this Code section shall be apportioned as follows:  
29 \$1.00 to the county tag agent, \$2.00 to the department, \$12.00 to be deposited into the  
30 general fund, and \$10.00 to be dedicated to the sponsoring agency, fund, or nonprofit  
31 corporation as permitted by Article III, Section IX, Paragraph VI(n) of the Constitution.

32 (f) Before the department disburses to the agency, fund, or nonprofit corporation funds  
33 from the sale of special license plates, the agency, fund, or nonprofit corporation must  
34 provide a written statement stating the manner in which such funds shall be utilized. In  
35 addition, a nonprofit corporation must provide the department with documentation of its  
36 nonprofit status under Section 501(c)(3) of Title 26 of the Internal Revenue Code. The  
37 purposes for which the funds shall be utilized must be the same as those specified in

1 subsections (m) and (n) of this Code section authorizing the dedication to the agency, fund,  
2 or nonprofit corporation of revenue from the sale of special license plates. The agency,  
3 fund, or nonprofit corporation shall periodically provide to the commissioner an audit of  
4 the use of the funds or other evidence of use of the funds satisfactory to the commissioner.  
5 If it is determined that the funds are not being used for the purposes set forth in the  
6 statement provided by the agency, fund, or nonprofit corporation, the department shall  
7 withhold payment of such funds until such noncompliance issues are resolved.

8 (g) An applicant may request a special license plate any time during the applicant's  
9 registration period. If such a license plate is to replace a current valid license plate, the  
10 special license plate shall be issued with appropriate decals attached.

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

17 (i) 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 provided for in subsection (b) of Code Section 40-2-31. A current registrant may  
20 continue to renew such special license plate during his or her annual registration period  
21 upon payment of an additional \$25.00 annual special tag fee, which fee shall be collected  
22 by the county tag agent at the time of collection of other registration fees and shall be  
23 remitted to the state as provided in Code Section 40-2-34. The department may continue  
24 to issue such special license plates that it has in its inventory to assist in achieving the  
25 minimum number of registrations. If the special license plate falls below 500 active  
26 registrations at any time during the period provided for in subsection (b) of Code Section  
27 40-2-31, the sponsoring agency, fund, or nonprofit corporation shall be required again to  
28 obtain 1,000 applications accompanied by the manufacturing fee to continue to  
29 manufacture the special license plate.

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

32 (k) Special license plates shall be issued within 30 days of application once the  
33 requirements of this Code section have been met.

34 (l) The commissioner is authorized and directed to establish procedures and promulgate  
35 rules and regulations to effectuate the purposes of this Code section.

36 (m)(1) The General Assembly has determined that the existing license plates supporting  
37 the agencies, funds, or nonprofit corporations listed in this subsection shall continue to

1 be issued for the purposes indicated and that all of the revenue raised from the sale of  
2 these license plates, less a \$1.00 fee to be paid to the county tag agent and a \$2.00  
3 manufacturing or special tag renewal fee to the department, shall be disbursed to the  
4 agency, fund, or nonprofit corporation indicated in this subsection.

5 (2) A special license plate promoting the United States Disabled Athletes Fund, for the  
6 support of disabled athletes. The funds raised by the sale of this special license plate  
7 shall be disbursed to the United States Disabled Athletes Fund.

8 (3) A special license plate promoting the Nongame-Endangered Wildlife Program of the  
9 Georgia Department of Natural Resources. The funds raised by the sale of this special  
10 license plate shall be disbursed to the Nongame-Endangered Wildlife Program of the  
11 Georgia Department of Natural Resources for the purposes enumerated in subsection (b)  
12 of Code Section 12-3-602.

13 (4) A special license plate commemorating Civil War battlefields and historic sites. The  
14 funds raised by the sale of this special license plate shall be disbursed to the Civil War  
15 Commission for the acquisition of Civil War battlefields and associated Civil War  
16 historic sites in this state and for the maintenance, protection, and interpretation of the  
17 same as provided by Ga. L. 1993, p. 1952.

18 (5) A special license plate promoting conservation and enhancement of trout populations.  
19 The funds raised by the sale of this special license plate shall be disbursed to the Wildlife  
20 Resources Division of the Department of Natural Resources to supplement trout  
21 restoration and management programs.

22 (6) A special license plate promoting historic preservation efforts. The funds raised by  
23 the sale of this special license plate shall be disbursed to the Department of Natural  
24 Resources for use by the Historic Preservation Division to fund historic preservation  
25 programs in the state through the Georgia historic preservation grant program as  
26 otherwise authorized by law.

27 (7) Special license plates promoting NASCAR or promoting bicycle safety. The funds  
28 raised by the sale of this special license plate shall be disbursed to the Governor's  
29 Highway Safety Program administered by the Office of Highway Safety in the  
30 Department of Public Safety.

31 (8) A special license plate honoring families with a member serving in the military. The  
32 funds raised by the sale of this special license plate shall be disbursed to the Department  
33 of Veterans Service for use by the National Guard Foundation in carrying out such  
34 programs and purposes as may be contractually agreed upon by the department and the  
35 foundation.

36 (9) A special license plate promoting 'Support Georgia Troops.' The funds raised by the  
37 sale of this special license plate shall be disbursed to the Department of Veterans Service

1 for use by the National Guard Foundation in carrying out such programs and purposes as  
2 may be contractually agreed upon by the department and the foundation.

3 (n)(1) The General Assembly has determined that license plates supporting the agencies,  
4 funds, or nonprofit corporations listed in this subsection shall be issued for the purposes  
5 indicated and with a portion of the revenue being disbursed to the agency, fund, or  
6 nonprofit corporation indicated in this subsection. The revenue disbursement for the  
7 special license plates in this subsection shall be as described in subsection (e) of this  
8 Code section.

9 (2) A special license plate for the Georgia Center for the Book to support the purchase  
10 of books for public libraries in Georgia. The funds raised by the sale of this special  
11 license plate shall be disbursed to the Georgia Center for the Book.

12 (3) A special license plate for Children's Healthcare of Atlanta to support the work this  
13 pediatric hospital system does in the State of Georgia. The funds raised by the sale of this  
14 special license plate shall be disbursed to Children's Healthcare of Atlanta.

15 (4) A special license plate for the Georgia War Veterans Nursing Home to support the  
16 implementation and operation of the Georgia War Veterans Nursing Home. The funds  
17 raised by the sale of this special license plate shall be disbursed to the Department of  
18 Veterans Service for use in operating the Georgia War Veterans Nursing Home.

19 (5) A special license plate for the Georgia Automobile Racing Hall of Fame Association  
20 to promote the Georgia Automobile Racing Hall of Fame Association, which is devoted  
21 to preserving the history of automobile racing in Georgia. The funds raised by the sale  
22 of this special license plate shall be disbursed to the Georgia Automobile Racing Hall of  
23 Fame Association.

24 (6) A special license plate for the Alzheimer's Association, Georgia Chapter, to help  
25 eliminate Alzheimer's disease through the advancement of research and to enhance care  
26 and support for individuals, their families, and caregivers. The funds raised by the sale  
27 of this special license plate shall be disbursed to the Alzheimer's Association, Georgia  
28 Chapter.

29 (7) A special license plate for the school health and physical education program to help  
30 fund school health and physical education programs. The funds raised by the sale of this  
31 special license plate shall be disbursed to the Department of Education.

32 (8) A special license plate for stroke awareness, treatment, and prevention to support  
33 programs aiding stroke victims in Georgia. Such license plate shall not include a space  
34 for a county name decal but shall instead bear the legend 'Stroke Awareness' in lieu of the  
35 name of the county of issuance. The funds raised by the sale of this special license plate  
36 shall be disbursed to the Center for Telehealth of the Medical College of Georgia.

1 (9) A special license plate for Project Lifesaver promoting the establishment of a Project  
2 Lifesaver or similar type of program by local law enforcement agencies. Project  
3 Lifesaver's mission is to use state of the art technology in assisting those who care for  
4 victims of Alzheimer's disease and other related mental dysfunction disorders and  
5 victims who become lost. The funds raised by the sale of this special license plate shall  
6 be disbursed to the Department of Public Safety or a nonprofit corporation organized  
7 exclusively for the purpose of establishing a Project Lifesaver or similar type of program  
8 by local law enforcement agencies.

9 (10) A special license plate for pediatric cancer to raise funds to support the treatment  
10 of pediatric cancer. Such license plate shall not include a space for a county name decal  
11 but shall instead bear the legend 'Cure Kids' Cancer' in lieu of the name of the county of  
12 issuance. The funds raised by the sale of this special license plate shall be disbursed to  
13 the Department of Community Health to be deposited in the Indigent Care Trust Fund  
14 created by Code Section 31-8-152 to fund pediatric cancer screening and treatment  
15 related programs for those children who are medically indigent and may have cancer.

16 (11) A special license plate for the minority child care industry to promote the minority  
17 child care industry by encouraging higher educational standards and providing for  
18 professional camaraderie for child care providers. Such license plate shall not include a  
19 space for a county name decal but shall instead bear the legend 'Support Improved Child  
20 Care' in lieu of the name of the county of issuance. The funds raised by the sale of this  
21 special license plate shall be disbursed to the Minority Alliance for Child Care  
22 Development Advocates, Inc., for the development of programs to help improve minority  
23 child care.

24 (12) A special license plate to display the motto, 'In God We Trust.' The funds raised by  
25 the sale of this special license plate shall be disbursed to the Boy Scouts of America for  
26 the development of scouting programs.

27 (13) A special license plate for child abuse prevention. Such license plate shall not  
28 include a space for a county name decal but shall instead bear the legend 'Prevent Child  
29 Abuse' in lieu of the name of the county of issuance. The funds raised by the sale of this  
30 special license plate shall be disbursed to the Foster Family Foundation of Georgia for  
31 the development of programs to help victims of child abuse.

32 (14) A special license plate for the Thanks Mom and Dad Fund. The funds raised by the  
33 sale of this special license plate shall be disbursed to the Department of Human  
34 Resources to address the key needs of the state's older population or a nonprofit  
35 corporation organized to serve the needs of the state's older population.

1 (15) A special license plate for pediatric cancer research. The funds raised by the sale  
2 of this special license plate shall be disbursed to the Joanna McAfee Childhood Cancer  
3 Foundation for support of pediatric cancer research.

4 (16) A special license plate for supporting beautification projects in Cobb County. The  
5 funds raised by the sale of this special license plate shall be disbursed to Keep Cobb  
6 Beautiful, Inc., for support of beautification projects in Cobb County.

7 (17) A special license plate for the AIDS Survival Project. The funds raised by the sale  
8 of this special license plate shall be disbursed to the AIDS Survival Project which is  
9 committed to providing people living with HIV the information and support they need  
10 to live healthy and productive lives.

11 (18) A special license endorsing 'Support Our Troops.' The funds raised by the sale of  
12 this special license plate shall be disbursed to Georgia Support Our Troops, Inc.

13 (19) A special license plate for the Sons of Confederate Veterans. The funds raised by  
14 the sale of this special license plate shall be disbursed to Georgia Sons of Confederate  
15 Veterans.

16 (20) A special license plate for amyotrophic lateral sclerosis (ALS), also known as 'Lou  
17 Gehrig's disease,' to support research and education on amyotrophic lateral sclerosis. The  
18 funds raised by the sale of this special license plate shall be disbursed to the ALS  
19 Association of Georgia.

20 (21) A special license plate for foster parents to support programs for foster parents in  
21 Georgia. The funds raised by the sale of this special license plate shall be disbursed to  
22 The Adoptive and Foster Parent Association of Georgia, Inc., for support of foster parents  
23 in Georgia.

24 (22) A special license plate for the Atlanta Braves Foundation to assist the charities  
25 supported by the foundation. The funds raised by the sale of this special license plate  
26 shall be disbursed to the Department of Community Affairs or such other public agency  
27 or nonprofit corporation as may be designated.

28 (23) A special license plate for the Atlanta Falcons Foundation to assist the charities  
29 supported by the foundation. The funds raised by the sale of this special license plate  
30 shall be disbursed to the Department of Community Affairs or such other public agency  
31 or nonprofit corporation as may be designated.

32 (24) A special license plate for supporting beautification projects in Georgia. The funds  
33 raised by the sale of this special license plate shall be disbursed to Keep Georgia  
34 Beautiful Foundation, Inc., for support of beautification projects in Georgia.

35 (25) A special license plate displaying the logo of Choose Life, Inc. The words 'Choose  
36 Life' must appear at the bottom. The funds raised by the sale of this special license plate  
37 shall be disbursed to Choose Life of Georgia, Inc., to be distributed among nonprofit

1 corporations in Georgia that counsel women to consider adoption. The requirements of  
2 this Code section shall also apply to a special license plate to be designed to read: 'Adopt  
3 A Child.'"

4 **SECTION 12.**

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

7 (b) If an amendment to the Constitution of the State of Georgia authorizing the dedication  
8 of revenue from sales of special license plates to agencies, funds, or nonprofit corporations  
9 designated by the General Assembly is not ratified at the general election in 2006, this Act  
10 shall be repealed in its entirety on January 1, 2007, and no such motor vehicle license plates  
11 shall be issued pursuant to this Act.

12 **SECTION 13.**

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