

House Bill 1053 (COMMITTEE SUBSTITUTE)

By: Representatives Mills of the 25th, Rice of the 51st, Ehrhart of the 36th, Keen of the 179th, Fleming of the 117th, 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.