

SENATE SUBSTITUTE TO HB1053

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

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

SECTION 1.

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

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
 27 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular

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

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

14 SECTION 2.

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

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

20 SECTION 3.

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

23 SECTION 4.

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

27 SECTION 5.

28 Said chapter is further amended by repealing and reserving Code Section 40-2-49.1, relating
 29 to special license plates promoting the Bobwhite Quail Restoration Initiative.

SECTION 6.

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

SECTION 7.

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 8.

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 9.

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 10.

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 11.

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

SECTION 12.

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

"40-2-86.18.

(a)(1) As used in this Code section, the term:

(A) 'Manufacturing fee' means a \$25.00 fee paid at the time a metal special license plate is issued.

(B) 'Special tag renewal fee' means a \$25.00 fee paid at the time a revalidation decal is issued for a special license plate.

(2) 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.

1 Therefore, the special license plates listed in subsection (n) of this Code section shall
2 be issued by the department beginning on July 1, 2007, if all of the requirements of
3 subsections (b) through (k) of this Code section have been satisfied. The license plates
4 listed in subsection (m) of this Code section shall continue to be issued as long as they
5 continue to meet the requirements of subsections (b), (c), (f), (g), (i), (j), and (k) of this
6 Code section.

7 (b) The agency, fund, or nonprofit corporation sponsoring the special license plate, in
8 cooperation with the commissioner, shall design special distinctive license plates
9 appropriate to promote the program benefited by the sale of the special license plate. The
10 special license plates must be of the same size as general issue motor vehicle license plates
11 and shall include a unique design and identifying number, whereby the total number of
12 characters does not exceed six. No two recipients shall receive identically numbered
13 plates. The graphic on the special license plate shall be placed to the left of the
14 alphanumeric characters and shall be no larger than three inches by three inches. The
15 agency, fund, or nonprofit corporation sponsoring the license plate may request the
16 assignment of the first of 100 in a series of license plates upon payment of an additional
17 initial registration fee of \$25.00 for each license plate requested.

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

30 (d) Beginning on January 1, 2007, any Georgia resident who is the owner of a motor
31 vehicle, except a vehicle registered under the International Registration Plan, upon
32 complying with the motor vehicle laws relating to registration and licensing of motor
33 vehicles and upon the payment of the manufacturing fee and the special tag renewal fee in
34 addition to the regular motor vehicle registration fee shall be able to apply for a special
35 license plate listed in subsection (n) of this Code section. Revalidation decals shall be
36 issued for special license plates in the same manner as provided for general issue license
37 plates.

1 (e) The manufacturing fee and the special tag renewal fee derived from the sale of special
2 license plates listed in subsection (n) of this Code section shall be apportioned as follows:
3 \$1.00 to the county tag agent, \$2.00 to the department, \$12.00 to be deposited into the
4 general fund, and \$10.00 to be dedicated to the sponsoring agency, fund, or nonprofit
5 corporation as permitted by Article III, Section IX, Paragraph VI(n) of the Constitution.

6 (f) Before the department disburses to the agency, fund, or nonprofit corporation funds
7 from the sale of special license plates, the agency, fund, or nonprofit corporation must
8 provide a written statement stating the manner in which such funds shall be utilized. In
9 addition, a nonprofit corporation must provide the department with documentation of its
10 nonprofit status under Section 501(c)(3) of Title 26 of the Internal Revenue Code. The
11 purposes for which the funds shall be utilized must be the same as those specified in
12 subsections (m) and (n) of this Code section authorizing the dedication to the agency, fund,
13 or nonprofit corporation of revenue from the sale of special license plates. The agency,
14 fund, or nonprofit corporation shall periodically provide to the commissioner an audit of
15 the use of the funds or other evidence of use of the funds satisfactory to the commissioner.
16 If it is determined that the funds are not being used for the purposes set forth in the
17 statement provided by the agency, fund, or nonprofit corporation, the department shall
18 withhold payment of such funds until such noncompliance issues are resolved.

19 (g) An applicant may request a special license plate any time during the applicant's
20 registration period. If such a license plate is to replace a current valid license plate, the
21 special license plate if issued under subsection (m) of this Code section shall be issued with
22 appropriate decals attached upon payment of the manufacturing fee but without payment
23 of the special tag renewal fee. However, special license plates issued under subsection (n)
24 of this Code section shall be issued with appropriate decals attached upon payment of the
25 manufacturing fee and the special tag renewal fee.

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

32 (i) The department shall not be required to continue to manufacture the special license
33 plate if the number of active registrations falls below 500 registrations at any time during
34 the period provided for in subsection (b) of Code Section 40-2-31. A current registrant
35 may continue to renew such special license plate during his or her annual registration
36 period upon payment of the special tag renewal fee, which fee shall be collected by the
37 county tag agent at the time of collection of other registration fees and shall be remitted to

1 the state as provided in Code Section 40-2-34. The department may continue to issue such
2 special license plates that it has in its inventory to assist in achieving the minimum number
3 of registrations. If the special license plate falls below 500 active registrations at any time
4 during the period provided for in subsection (b) of Code Section 40-2-31, the sponsoring
5 agency, fund, or nonprofit corporation shall be required again to obtain 1,000 applications
6 accompanied by the manufacturing fee to continue to manufacture the special license plate.

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

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

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

13 (m)(1) The General Assembly has determined that the existing special license plates
14 supporting the agencies, funds, or nonprofit corporations listed in this subsection shall
15 continue to be issued for the purposes indicated and that all of the funds raised from the
16 manufacturing fee and the special tag renewal fee, less a \$1.00 fee to be paid to the
17 county tag agent and a \$2.00 manufacturing or special tag renewal fee to be paid to the
18 department, shall be disbursed to the agency, fund, or nonprofit corporation indicated in
19 this subsection.

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

23 (3) Special license plates promoting the Nongame-Endangered Wildlife Program of the
24 Georgia Department of Natural Resources. The funds raised by the sale of these special
25 license plates shall be disbursed to the Nongame Wildlife Conservation and Wildlife
26 Habitat Acquisition Fund of the Georgia Department of Natural Resources for the
27 purposes enumerated in subsection (b) of Code Section 12-3-602. Such license plates
28 shall not include a space for a county name decal but shall instead bear the legend 'Give
29 Wildlife a Chance' in lieu of the name of the county of issuance.

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

35 (5) A special license plate promoting conservation and enhancement of trout populations.
36 The funds raised by the sale of this special license plate shall be disbursed to the Wildlife

1 Resources Division of the Department of Natural Resources to supplement trout
2 restoration and management programs.

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

8 (7) A special license plate promoting bicycle safety. The funds raised by the sale of this
9 special license plate shall be disbursed to the Governor's Highway Safety Program
10 administered by the Office of Highway Safety in the Department of Public Safety.

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

16 (9) A special license plate promoting 'Support Georgia Troops.' The funds raised by the
17 sale of this special license plate shall be disbursed to the Department of Veterans Service
18 for use by the National Guard Foundation in carrying out such programs and purposes as
19 may be contractually agreed upon by the department and the foundation.

20 (10) A special license plate promoting NASCAR. The provisions of paragraph (1) of
21 this subsection notwithstanding, from the additional \$25.00 fee charged for the issuance
22 and renewal of the NASCAR license plates authorized under this paragraph, \$10.25 shall
23 be used by the department for purchasing plates from the supplier of the plates, as
24 designated by NASCAR, and royalty costs, and \$14.75 shall be disbursed to the
25 Governor's Highway Safety Program administered by the Office of Highway Safety in
26 the Department of Public Safety.

27 (11) A special license plate supporting the Bobwhite Quail Restoration Initiative. The
28 funds raised by the sale of this special license plate shall be disbursed to the Wildlife
29 Resources Division of the Department of Natural Resources to conduct programs
30 designed to enhance the bobwhite quail population in this state. Such programs may
31 include the creation of habitat demonstration areas on state managed wildlife lands,
32 education programs, technical assistance to private landowners in the creation and
33 maintenance of bobwhite quail habitats on their lands, and projects to encourage public
34 support for the license plate and the activities it funds. The Department of Natural
35 Resources may enter into such contractual agreements as may be appropriate to further
36 the objectives of the Bobwhite Quail Restoration Initiative, including entering into
37 contractual agreements whereby private landowners, public agencies, or corporate entities

1 create, preserve, or enhance habitat for bobwhite quail in return for the payment of
2 incentives. Such license plate shall not include a space for a county decal but shall
3 instead bear the legend 'Support Wildlife' in lieu of the name of the county of issuance.

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

10 (2) A special license plate to display 'Support Our Public Libraries' to support the
11 purchase of books and literary programming for public libraries in Georgia. The funds
12 raised by the sale of this special license plate shall be disbursed to the Georgia Center for
13 the Book.

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

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

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

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

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

34 (8) A special license plate for stroke awareness, treatment, and prevention to support
35 programs aiding stroke victims in Georgia. Such license plate shall not include a space
36 for a county name decal but shall instead bear the legend 'Stroke Awareness' in lieu of the

1 name of the county of issuance. The funds raised by the sale of this special license plate
2 shall be disbursed to the Center for Telehealth of the Medical College of Georgia.

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

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

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

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

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

33 (14) A special license plate for the Thanks Mom and Dad Fund. The funds raised by the
34 sale of this special license plate shall be disbursed to the Department of Human
35 Resources to address the key needs of the state's older population or a nonprofit
36 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

1 shall be disbursed to Choose Life of Georgia, Inc., to be distributed among nonprofit
2 corporations in Georgia that counsel women to consider adoption.

3 (26) A special license plate supporting education on the maritime history of Georgia's
4 coast. The funds raised by the sale of this special license plate shall be disbursed to The
5 Georgia Maritime Foundation, Inc., for use in programs supporting education on the
6 maritime history of Georgia.

7 (27) A special license plate supporting programs for persons with brain-related disorders
8 and disabilities. The funds raised by the sale of this special license plate shall be
9 disbursed to Pilot International, for support of programs for persons with brain-related
10 disorders in Georgia.

11 (28) A special license plate supporting agriculture in Georgia. The funds raised by the
12 sale of this special license plate shall be evenly split between Georgia 4-H and the
13 Georgia Association of Future Farmers of America to fund projects promoting agriculture
14 in Georgia.

15 (29) A special license plate promoting the Georgia equine industry. The funds raised by
16 the sale of this special license plate shall be disbursed to the Agricultural Commodity
17 Commission for Equines. A special license plate promoting African American History
18 and Tourism in Georgia.

19 (30) A special license plate for supporting "Bronze Star" for war veterans. The fund
20 raised by the sale shall be disbursed to the National Guard Family Foundation."

21 22 **SECTION 13.**

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

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

30 **SECTION 14.**

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