

House Bill 457

By: Representative Rice of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-2-60.1 of the Official Code of Georgia Annotated, relating to the
2 administrative process for the issuance of special license plates, so as to provide for the
3 Department of Revenue to process all applications for special license plates requested after
4 July 1, 2007; to provide for minimum requirements; to provide for the commissioner of
5 revenue to promulgate rules and regulations; to provide for related matters; to provide an
6 effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 40-2-60.1 of the Official Code of Georgia Annotated, relating to the
10 administrative process for the issuance of special license plates, is amended by revising it in
11 its entirety to read as follows:

12 "40-2-60.1.

13 (a) The General Assembly finds that in recent years numerous laws were enacted
14 providing for the issuance of special license plates for certain persons and vehicles. The
15 General Assembly finds that there exists a need for a standardized administrative process
16 to provide for the authorization of issuance of such special license plates and that the public
17 interest will be best served by such a standardized administrative process. While
18 recognizing that the legislature may not abridge or delegate its powers, the General
19 Assembly declares that it is in the public interest of this state for future proposals for
20 special license plates to be governed by the administrative process established by this Code
21 section rather than by the legislative process.

22 (b) The General Assembly determines that the issuance of special license plates to support
23 an agency, fund, or program beneficial to the people of this state that is administered by a
24 nonprofit corporation organized under Section 501(c)(3) of Title 26 of the Internal Revenue
25 Code and the dedication of a portion of the funds raised from the issuance of these special

1 license plates is in the best interests of the people of this state and is authorized by Article
2 III, Section IX, Paragraph VI(n) of the Constitution.

3 (c) As used in this Code section, the term:

4 (1) 'Manufacturing fee' means a \$25.00 fee paid at the time an application is submitted
5 or upon the issuance of a special license plate.

6 (2) 'Registration fee' means the fees as set forth in Code Section 40-2-151.

7 (3) 'Special license plate' means a metal license plate that is authorized under this Code
8 section that commemorates an event or supports an agency, fund, or program beneficial
9 to the people of this state or is specifically authorized by the General Assembly for
10 certain persons or vehicles.

11 (4) 'Special license plate fee' means a \$25.00 fee paid at the time a special license plate
12 is issued.

13 (5) 'Special license plate renewal fee' means a \$25.00 fee paid at the time a special
14 license plate is renewed and a revalidation decal is issued.

15 (d) The agency, fund, or nonprofit corporation sponsoring a special license plate, in
16 cooperation with the commissioner, shall design a special distinctive license plate
17 appropriate to promote the program benefited by the issuance of the special license plate.
18 The special license plate must be of the same size as general issue motor vehicle license
19 plates and shall include a unique design and identifying number, whereby the total number
20 of characters does not exceed six. No two recipients shall receive identically numbered
21 plates. The graphic on the special license plate shall be placed to the left of the
22 alphanumeric characters and shall be no larger than three inches by three inches. Spaces
23 for county name labels are required for license plates authorized under this Code section
24 unless expressly eliminated by the request of the agency, fund, or nonprofit corporation
25 sponsoring a special license plate at the time the license plate is designed.

26 (e) Before the department disburses to the agency, fund, or nonprofit corporation funds
27 from the issuance of special license plates, the agency, fund, or nonprofit corporation must
28 provide a written statement stating the manner in which such funds will be utilized. In
29 addition, a nonprofit corporation must provide the department with documentation of its
30 nonprofit status under Section 501(c)(3) of Title 26 of the Internal Revenue Code. The
31 agency, fund, or nonprofit corporation shall periodically provide to the commissioner an
32 audit of the use of the funds or other evidence of use of the funds satisfactory to the
33 commissioner. If it is determined that the funds are not being used for the purposes set
34 forth in the statement provided by the agency, fund, or nonprofit corporation, the
35 department shall withhold payment of such funds until such noncompliance issues are
36 resolved.

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

13 (g) Any Georgia resident who is the owner of a motor vehicle, except a commercial
14 vehicle as defined in 49 C.F.R. Section 390.5, upon complying with the motor vehicle laws
15 relating to registration and licensing of motor vehicles and payment of the appropriate fees
16 as set forth in this Code section in addition to the required motor vehicle registration fee,
17 shall be able to apply for a special license plate as provided in this Code section.

18 (h) After July 1, 2007, any party requesting a special license plate not previously
19 authorized by this chapter shall make application with the department. The application
20 shall include a design of the proposed license plate and a bond of \$50,000.00 to serve as
21 surety for moneys collected from applicants by the sponsor. The commissioner shall
22 review and approve or disapprove all applications within 30 days of receipt by the
23 department. Upon approval of the design by the commissioner, the special license plate
24 authorized pursuant to this subsection shall not be issued except upon the receipt by the
25 department of at least 1,000 applications together with the manufacturing fees within two
26 years after the date of approval by the commissioner. After such time if the minimum
27 number of applications is not met, the department shall not continue to accept the
28 manufacturing fee, and all fees held by the department and the sponsor shall be refunded
29 to applicants.

30 (i) Upon the receipt of 1,000 applications together with manufacturing fees, the
31 commissioner shall provide a letter of certification to the sponsor verifying that the sponsor
32 has satisfied the requirements of the provisions of this Code section. Upon receipt of the
33 letter of certification, the sponsor, if necessary, shall seek enactment of the appropriate
34 legislation required to authorize manufacture of the special license plate.

35 (j) The department shall not be required to continue to manufacture a special license plate
36 or accept renewals and applications if the number of active registrations falls below 500
37 registrations at any time during a calendar year. A current registrant may continue to

1 renew such special license plate during his or her annual registration period. The
2 department may continue to issue such special license plates that it has in its inventory to
3 assist in achieving the minimum number of registrations. If the number of active
4 registrations for the special license plate falls below 500 at any time during a calendar year,
5 the sponsoring agency, fund, or nonprofit corporation shall be required to obtain 1,000
6 applications accompanied by the manufacturing fee to continue to manufacture the special
7 license plate.

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

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

12 (m) The commissioner is authorized and directed to establish procedures and promulgate
13 rules and regulations to effectuate the purposes of this Code section. The rules and
14 regulations to be promulgated by the commissioner may provide for exceptions whereby
15 a special license plate will not be issued if the issuance of the plate would adversely affect
16 public safety."

17 **SECTION 2.**

18 This Act shall become effective on July 1, 2007.

19 **SECTION 3.**

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