

Senate Bill 261

By: Senators Ramsey, Sr. of the 43rd, Tippins of the 37th, Davis of the 22nd and Stone of the 23rd

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 supporting certain prostate cancer related programs for the
4 medically indigent; to dedicate revenue derived from the sale of such special license plates
5 to the Indigent Care Trust Fund as authorized by Article III, Section IX, Paragraph VI(i) of
6 the Constitution; to provide for related matters; to provide for an effective date; 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 40-2-75, which is reserved, to read as follows:

13 "40-2-75.

14 (a) The General Assembly finds that prostate cancer affects a number of Georgians and
15 no cure has been found for such disease, and it is appropriate that, subject to the provisions
16 of this Code section, there shall be issued beginning in 2012 special license plates to
17 support prostate cancer related programs for the medically indigent.

18 (b) The commissioner shall design a special distinctive license plate appropriate for the
19 purposes provided by this Code section. Such special license plate shall be of the same size
20 as general issue motor vehicle license plates and shall include a unique design and an
21 identifying number not exceeding seven characters, provided that no two recipients receive
22 identical plates. It shall not be a requirement that a county name decal be affixed and
23 displayed on license plates issued under this Code section.

24 (c) Subject to subsection (d) of this Code section, any motor vehicle owner who is a
25 resident of Georgia, upon complying with the motor vehicle laws relating to registration
26 and licensing of motor vehicles and payment of a fee of \$25.00 in addition to the regular

27 motor vehicle registration fee, shall be issued such special license plate upon application
28 therefor.

29 (d) Notwithstanding the foregoing provisions of this Code section, this Code section shall
30 not be implemented until such time as the State of Georgia has, through a licensing
31 agreement or otherwise, received such license or other permission as may be required to
32 implement this Code section. No royalty, license fee, or other moneys shall be paid to any
33 organization or its licensor for the use by the state of such logo or design on license plates
34 authorized by this Code section. The design of the initial edition of such special license
35 plate, as well as the design of subsequent editions and excepting only any part or parts of
36 the designs owned by others and licensed to the state, shall be owned solely by the State
37 of Georgia for its exclusive use and control, except as authorized by the commissioner. The
38 commissioner may charge fees, take other actions, and agree to or impose terms and
39 conditions which might normally be envisioned in licensing and cross-licensing agreements
40 for the use of designs and similar intellectual property. Without limitation, the
41 commissioner may agree to allow to others the exclusive or nonexclusive use of the design
42 of the special license plate. The commissioner may take such steps as may be necessary to
43 give notice of and protect such right, including the copyright. However, such steps shall
44 be cumulative of the ownership and exclusive use and control established by this
45 subsection as a matter of law and no person shall reproduce or otherwise use such design,
46 except as authorized by the commissioner.

47 (e)(1) Special license plates issued under this Code section shall be renewed annually
48 with a revalidation decal as provided in Code Section 40-2-31 upon payment of an
49 additional \$25.00 annual registration fee, which fee shall be collected by the county tag
50 agent at the time of collection of other registration fees and remitted to the state as
51 provided in Code Section 40-2-34.

52 (2) License plates issued pursuant to this Code section shall be transferred between
53 vehicles as provided in Code Section 40-2-80.

54 (f)(1) The funds derived from the sale of the special license plates provided by this Code
55 section, less a \$1.00 processing fee which shall be granted to county tag offices per plate
56 sold and less the actual cost of manufacturing such plates, shall be deposited in the
57 Indigent Care Trust Fund created by Code Section 31-8-152 to fund cancer screening and
58 treatment related programs for those persons who are medically indigent and may have
59 prostate cancer. To the extent consistent with Article III, Section IX, Paragraph VI(i) of
60 the Constitution and Article 6 of Chapter 8 of Title 31, such programs may include
61 education, prostate cancer screening, grants-in-aid to prostate cancer victims, pharmacy
62 assistance programs for prostate cancer victims, and other projects to encourage public
63 support for the special license plate and the activities which it funds.

64 (2) As soon as practicable after the end of each month, the commissioner shall report the
65 net amount derived from the sale of such license plates, not including actual
66 manufacturing costs, to the Office of Planning and Budget and the Department of
67 Community Health.

68 (3) The Department of Community Health shall monitor the response of such prostate
69 cancer programs to determine their effectiveness."

70 **SECTION 2.**

71 This Act shall become effective upon its approval by the Governor or upon its becoming law
72 without such approval.

73 **SECTION 3.**

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