House Bill 945 (AS PASSED HOUSE AND SENATE)

By: Representative James of the 140th

A BILL TO BE ENTITLED

AN ACT

To amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to provide for a dog and cat reproductive sterilization support program and related educational activities; to provide for funds, rules, and reports related thereto; to amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles generally, so as to provide for special license plates promoting such program and related activities; to provide for issuance, renewal, fees, licensing agreements, applications, transfers, and disposition of funds relative to such license plates; to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to change the minimum number of applications which are necessary for the issuance of special license plates; to provide an effective date; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 4 of the Official Code of Georgia Annotated, relating to animals, is amended by adding at the end thereof a new Chapter 15 to read as follows:

"CHAPTER 15

4-15-1.

(a) The Commissioner shall establish a dog and cat reproductive sterilization support program and educational activities in support thereof. The department shall utilize moneys placed in a special fund for such program as derived from special license plate sales, any funds appropriated to the department for such purposes, and any voluntary contributions or other funds made available to the department for such purposes for the implementation, operation, and support of such reproductive sterilization program. The Commissioner is authorized to promulgate rules to direct and administer the dog and cat reproductive sterilization support program and to carry out this Code section.

(b) The Commissioner shall submit a report to the Senate Agriculture Committee and the House Committee on Agriculture and Consumer Affairs detailing the receipts of and expenditures from the dog and cat reproductive sterilization support program fund. Such report shall be made not later than the last day of August each year."

SECTION 2.

Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles generally, is amended by adding, following Code Section 40-2-49.2, a new Code Section 40-2-49.3 to read as follows:

"40-2-49.3.

(a) In order to promote and financially provide for dog and cat reproductive sterilization support programs and educational activities directly in support thereof, there shall be issued beginning January 1, 2003, special license plates promoting the dog and cat reproductive sterilization support program provided for in Code Section 4-15-1.

(b) The Department of Agriculture, in cooperation with the commissioner, shall design special distinctive license plates appropriate to promote dog and cat reproductive sterilization support programs. The dog and cat reproductive sterilization support program license plates must be of the same size as general issue motor vehicle license plates and shall include a unique design and identifying number, whereby the total number of characters does not exceed six. No two recipients shall receive identically numbered plates. Such design shall provide space in which to indicate the name of the county of issuance.

(c) Notwithstanding the provisions of subsection (b) of this Code section, this Code section shall not be implemented until such time as the State of Georgia has, through a licensing agreement or otherwise, received such licenses or other permissions as may be required to implement this Code section. The design of the initial edition of the dog and cat reproductive sterilization support program license plates, as well as the design of subsequent editions and excepting only any part or parts of the designs owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the Commissioner of Agriculture. The Commissioner of Agriculture may take such steps as may be necessary to give notice of and protect such right, including the copyright or copyrights. However, such steps shall be cumulative of the ownership and exclusive use and control established by this subsection as a matter of law, and no person shall reproduce or otherwise use such design or designs, except as authorized by the Commissioner of Agriculture.

(d) Beginning in calendar year 2003, any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor

vehicles and upon the payment of a fee of $25.00 in addition to the regular motor vehicle registration fee, shall be issued a dog and cat reproductive sterilization support program license plate. Revalidation decals shall be issued for dog and cat reproductive sterilization support program license plates in the same manner as provided for general issue license plates.

(e) The funds derived from the sale of dog and cat reproductive sterilization support program license plates, less a $1.00 processing fee which shall be granted to county tag offices per plate sold and less the actual manufacturing cost of the plates shall be deposited in the special fund for support of the dog and cat reproductive sterilization support program created by Article III, Section IX, Paragraph VI(m) of the Constitution of the State of Georgia. As soon as practicable after December 31 of each year, the commissioner shall report the net amount derived from the sale of dog and cat reproductive sterilization support program license plates to the Department of Agriculture.

(f) An applicant may request a dog and cat reproductive sterilization support program license plate any time during the applicant´s registration period. If such a license plate is to replace a current valid license plate, the dog and cat reproductive sterilization support program license plate shall be issued with appropriate decals attached.

(g) Dog and cat reproductive sterilization support program license plates shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-42.

(h) Dog and cat reproductive sterilization support program license plates shall be issued within 30 days of application.″

SECTION 3.

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, is amended by striking subsection (b) of Code Section 40-2-60.1, relating to the administrative process for issuance of additional special license plates, and inserting in its place the following:

″(b) The commissioner is authorized to adopt rules and regulations for the issuance of special license plates for groups of individuals and vehicles. Such rules and regulations shall provide that no such special license plate shall be issued except upon the application of at least ~~500~~ 1,000 persons. The rules and regulations shall provide for the manner of such applications. The rules and regulations shall provide that upon receipt of the requisite number of applications, a special license plate may be issued as provided in this Code section. The rules and regulations may provide for exceptions whereby a special plate will not be issued if the issuance of the plate would adversely affect public safety. The rules and regulations shall provide for the design and manufacture of such special

license plates and shall provide that such plates shall be readily recognizable as Georgia license plates through the adoption of a standard design containing a smaller space for the insertion of an appropriate logo or graphic identifying the special nature of the license plate. Subject to the foregoing provisions of this subsection, the design of each special license plate shall be in the discretion of the commissioner."

SECTION 4.

(a) This Act shall become effective on January 1, 2003, except as otherwise provided by subsection (b) of this section.

(b) If an amendment to the Constitution of the State of Georgia authorizing the creation of a special fund for support of the dog and cat reproductive sterilization support program is not ratified at the general election in 2002, Sections 1 and 2 of this Act shall be repealed in their entirety on January 1, 2003, and no such motor vehicle license plates as contemplated in Sections 1 and 2 of this Act shall be issued pursuant to this Act.

SECTION 5.

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