Senate Bill 255

By: Senators Douglas of the 17th, Staton of the 18th, Johnson of the 1st, Shafer of the 48th, Balfour of the 9th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates for motor vehicles, so as to provide for special license plates for families with a member serving in the military; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such license plates; to state legislative intent with respect to use of fees; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates for motor vehicles, is amended by adding a new Code Section 40-2-86.10 to read as follows:

"40-2-86.10.

(a) There shall be issued beginning in 2006 special and distinctive vehicle license plates honoring families with a member serving in the military, subject to the conditions set forth in this Code section.

(b) The commissioner shall design special distinctive license plates to honor families with a member serving in the military. The 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. The license plate will contain the words 'Family Member Serving' in the space normally containing the county of issuance. Such design shall not provide space in which to indicate the name of the county of issuance. The graphic on the special license plate shall be placed to the left of the alphanumeric characters and shall be no larger than three inches by three inches.

(c) Notwithstanding the foregoing provisions 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 and at no cost to the state, received such licenses or other permissions as may be required for the use of any logo or as may otherwise be necessary or appropriate to implement this Code section. No royalty, license fee, or other moneys shall be paid to any organization or its licensor for the use by the state of such logo or design on license plates authorized by this Code section. The commissioner may charge fees, take other actions, and agree to or impose terms and conditions which might normally be envisioned in licensing and cross-licensing agreements for the use of designs and similar intellectual property. Without limitation, the commissioner may agree to allow to others the exclusive or nonexclusive use of the design of the special license plate. The design of the special license plate, excepting only any part of the design 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. The commissioner may take such steps as may be necessary to give notice of and protect such right, including the copyright. 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, except as authorized by the commissioner.

(d) Beginning in calendar year 2006, any qualified 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 manufacturing fee of $25.00 in addition to the regular motor vehicle registration fee shall be issued a license plate honoring families with a member serving in the military. Revalidation decals shall be issued for such license plates in the same manner as provided for general issue license plates.

(e) An applicant may request a license plate identifying him or her as a person who has a family member serving in the military at any time during the applicant´s registration period. If such a license plate is to replace a current valid license plate, such license plate shall be issued with appropriate decals attached.

(f) No special license plate authorized pursuant to this Code section shall be issued except upon the receipt by the department of at least 1,000 applications. The special license plate shall have an application period of two years after July 1, 2005, for payment of the manufacturing fee. After such time if the minimum number of applications is not met, the department shall not continue to accept the manufacturing fee, and all fees shall be refunded to applicants.

(g) The department shall not be required to continue to manufacture the special license plate if the number of active registrations falls below 500 registrations at any time during the five-year period as provided in subsection (b) of Code Section 40-2-31. A current registrant may continue to renew such special license plate during his or her annual

registration period upon payment of an additional $25.00 annual special tag fee which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the five-year period as provided in subsection (b) of Code Section 40-2-31, the department must receive 1,000 applications accompanied by the manufacturing fee to continue to manufacture the license plate.

(h) License plates honoring families with a member serving in the military shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

(i) License plates honoring families with a member serving in the military shall be issued within 30 days of application once the requirements of this Code section have been met.

(j) The funds derived from the sale of license plates honoring families with a member serving in the military, 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 general fund of the state treasury. As soon as practicable after December 31 of each year, the commissioner shall report the net amount derived from the sale of such license plates to the Office of Planning and Budget and the Department of Veterans Service. It is the intent of the General Assembly that the General Assembly appropriate an amount equal to the net proceeds from the sale of such license plates to the Department of Veterans Service for use by the National Guard Foundation in carrying out such programs and purposes as may be contractually agreed upon by the department and the foundation.″

SECTION 2.

This Act shall become effective on July 1, 2005.

SECTION 3.

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