

Women's Health: Breast Cancer Diagnosis & Treatment Grants

Statutory Language

Title 40: Motor Vehicle and Traffic § 40-2-86.8. Special license plates supporting breast cancer related programs for the medically indigent.

(a) Because breast cancer affects a number of Georgians and no cure has been found for such disease, it is appropriate that, subject to the provisions of this Code section, there shall be issued beginning in 2003 special license plates to support breast cancer related programs for the medically indigent.

(b) The commissioner shall prepare a special distinctive license plate of a design which shall include a logo the same as the United States postal stamp supporting breast cancer research and bearing the slogan "Fund the Fight. Find A Cure." over the sketch of a woman and the breast cancer awareness pink ribbon symbol. Such special license plate shall be of the same size and general design as general issue motor vehicle license plates. Such plates shall include a unique identifying number not exceeding seven characters, provided that no two recipients receive identical plates. It shall not be a requirement that a county name decal be affixed and displayed on license plates issued under this Code section.

(c) Subject to subsection (d) of this Code section, any motor vehicle owner who is a resident of Georgia, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and payment of a fee of \$25.00 in addition to the regular motor vehicle registration fee, shall be issued such a special license plate upon application therefore.

(d) 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 the breast cancer logo depicted on the

- a) United States postal stamp 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 is authorized, on behalf of the state, to accept and execute such licensing agreements with the United States Postal Service or its licensor. 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 the breast cancer stamp logo and slogan and any other 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.

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

Chapter 2: Registration and Licensing of Motor Vehicles- License plates issued pursuant to this Code section shall be transferred between vehicles as provided in Code Section 40-2-80.

(f) (1) The funds derived from the sale of the special license plates provided by this Code section, including funds derived from the annual renewal registration fee received by the department on or after January 1, 2005, less a \$1.00 processing fee which shall be granted to county tag offices per plate sold and less the actual cost of manufacturing such plates, shall be deposited in the Indigent Care Trust Fund created by Code Section 31-8-152 to fund cancer screening and treatment related programs for those persons who are medically indigent and may have breast cancer. To the extent consistent with Article III, Section IX, Paragraph VI (i) of the Constitution and Article 6 of Chapter 8 of Title 31, such programs may include education, breast cancer screening, grants-in-aid to breast cancer victims, pharmacy assistance programs for breast cancer victims, and other projects to encourage public support for the special license plate and the activities which it funds.

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

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