

Amendment No. 1 to SB2973

Henry
Signature of Sponsor

AMEND Senate Bill No. 2973

House Bill No. 2805*

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-201, is amended by adding a new subsection thereto, as follows:

(k) Notwithstanding any provision of this part to the contrary, any cultural or new specialty earmarked license plate authorized by this part on or after January 1, 2005, shall be subject to a minimum order of at least one thousand (1,000) plates prior to initial issuance. The provisions of this subdivision shall apply equally to the renewal of any cultural or new specialty earmarked plate initially issued on or after January 1, 2005. Any such plate that does not meet the minimum order requirements of this subdivision or does not meet the renewal requirements for any two (2) successive renewal periods, shall not be administratively issued, reissued, or renewed by the department and shall be deemed obsolete and invalid.

SECTION 2. Tennessee Code Annotated, Section 55-4-209, is amended by deleting item (2)(A) in its entirety and by substituting instead the following:

(2)

(A) "Cultural plate" means:

(i) A special or cultural motor vehicle registration plate authorized by statute prior to July 1, 1998, and enumerated in § 55-4-202(c)(5);

(ii) An honorary motor vehicle registration plate authorized by statute on or after July 1, 1998, which statute does not specifically earmark the funds produced from the sale of such plate; or

(iii) An honorary motor vehicle registration plate administratively issued on or after January 1, 2005, which application does not specifically earmark the funds produced from the sale of such plate;

SECTION 3. Tennessee Code Annotated, Section 55-4-209, is amended by deleting item (4) in its entirety and by substituting instead the following:

(4) "New specialty earmarked plate" means:

(A) A motor vehicle registration plate authorized by statute on or after July 1, 1998, which statute earmarks the funds produced from the sale of such plate to be allocated to a specific nonprofit organization or state agency or fund to fulfill a specific purpose or to accomplish a specific goal; or

(B) A motor vehicle registration plate administratively issued on or after January 1, 2005, which application earmarks the funds produced from the sale of such plate to be allocated to a state agency or fund to fulfill a specific purpose or to accomplish a specific goal;

SECTION 4. Tennessee Code Annotated, Section 55-4-210, is amended by adding a new subsection thereto, as follows:

(f)

(1) Effective January 1, 2005, and for all subsequent fiscal years, cultural and new specialty earmarked plates shall be administratively issued by the department. Applications for the issuance of cultural or new specialty earmarked plates shall be made to the department of safety. The commissioner shall compile all such requests and shall issue new cultural and new specialty earmarked plates to qualified applicants; provided, that the minimum issuance requirements of § 55-4-201(k) and all other requirements of this chapter are met.

(2) No cultural, specialty earmarked, or new specialty earmarked plates shall be issued that are determined by the commissioner to be obscene, duplicative, or to interfere with motor vehicle enforcement.

(3) Any cultural, specialty earmarked, or new specialty earmarked plates that have been issued prior to the effective date of this act shall continue to be renewed in accordance with the applicable provisions of this chapter.

(4) Any cultural or new specialty earmarked plates that have been authorized for issuance by the general assembly prior to the effective date of this act, have qualified for issuance prior to the effective date of this act but have not been issued by the department prior to the effective date shall be issued and renewed in accordance with § 55-4-201(h) and all other applicable provisions of this chapter.

(5) The provisions of this subsection shall not be construed to affect the administrative issuance, or renewal, of cultural plates administratively issued and renewed prior to the effective date of this act that shall continue to be administratively issued and renewed in accordance with the applicable provisions of this chapter.

(6) Applications for the administrative issuance of cultural or new specialty earmarked plates that are denied by the department of safety shall be subject to appeal as contested case hearings pursuant to title 4, chapter 5, part 3. The agency, organization or entity that is being honored or recognized by the issuance of the plate shall be a qualified party to a contested case hearing under this section.

SECTION 5. Tennessee Code Annotated, Section 55-4-215(a), is amended by designating subdivision (1) as subdivision (1)(A) and by adding the following new subdivision thereto:

(1)

(B) Effective January 1, 2005, and for all subsequent fiscal years, for all new specialty earmarked plates that were not eligible for issuance prior to July 1, 2004, but become eligible for issuance and renewal and are issued and renewed administratively subsequent to January 1, 2005, pursuant to § 55-4-210(f), fifty

percent (50%) of such funds shall be allocated to the state agency or fund earmarked to receive such funds in the application for the issuance of such plate. Such funds shall be used solely to fulfill the purpose or to accomplish the goal specified in the application for the issuance of such plate. Funds shall go to one (1) of the following:

(i) An agency, board, commission, or other entity established or operated by the state of Tennessee;

(ii) A political subdivision of the state of Tennessee; or

(iii) An institution of higher education located in Tennessee.

SECTION 6. Tennessee Code Annotated, Section 55-4-215(a)(1), is amended by adding the following language to the beginning of subdivision (A):

For new specialty earmarked motor registration plates eligible for issuance before January 1, 2005,

SECTION 7. Tennessee Code Annotated, Section 55-4-220, is amended by adding the following new subsections thereto:

(c) Proposed designs of cultural or new specialty earmarked plates that are denied by the department of safety are subject to appeal as contested case hearings pursuant to title 4, chapter 5, part 3. The agency, organization or entity that is being honored or recognized by the issuance of the plate shall be a qualified party to a contested case hearing under this section.

(d) The department of safety is authorized to promulgate rules and regulations pursuant to title 4, chapter 5, to prescribe the approval process for applications for cultural or new specialty earmarked plates.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. For the purpose of promulgating rules and regulations this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect January 1, 2005, the public welfare requiring it.