

Senator Mullis of the 53rd offered the following substitute to HB 1253:

**WITHDRAWN**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to  
2 registration and licensing of motor vehicles, so as to provide for special license plates  
3 prominently displaying an image of the flag of the United States; to provide for issuance,  
4 renewal, fees, licensing agreements, applications, and transfers relative to such license plates;  
5 to provide that the surviving spouse of a person who has been issued Medal of Honor special  
6 license plates may retain and continue to display the plates; to provide for related matters;  
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and  
11 licensing of motor vehicles, is amended by striking subsection (a) of Code Section 40-2-68,  
12 relating to special license plates for Medal of Honor winners, and inserting in its place a new  
13 subsection (a) to read as follows:

14 "(a) Motor vehicle owners who have been awarded the Medal of Honor and who are  
15 residents of this state, upon complying with the motor vehicle laws relating to registration  
16 and licensing of motor vehicles, shall be issued two distinctive personalized license plates  
17 free of charge. Such license plates shall be fastened to both the front and the rear of the  
18 vehicle. Such license plates shall be transferred to another vehicle as provided in Code  
19 Section 40-2-80. In the event of the death of the person who received the special license  
20 plates pursuant to this Code section, upon complying with the motor vehicle laws relating  
21 to registration and licensing of motor vehicles, his or her surviving spouse may retain the  
22 special license plates and continue to display such plates on the vehicle."

23 **SECTION 2.**

24 Said chapter is further amended by adding a new Code section immediately following Code  
25 Section 40-2-86.8, to be designated Code Section 40-2-86.9, to read as follows:

1 "40-2-86.9.

2 (a) There shall be issued beginning in 2005 special and distinctive vehicle license plates  
3 prominently displaying an image of the flag of the United States, subject to the conditions  
4 set forth in this Code section.

5 (b) The commissioner shall design special and distinctive license plates prominently  
6 displaying an image of the flag of the United States. The license plates must be of the same  
7 size as general issue motor vehicle license plates and shall include a unique design and  
8 identifying number, whereby the total number of characters does not exceed six. No two  
9 recipients shall receive identically numbered plates. The graphic on the special license  
10 plate shall be placed to the left of the alphanumeric characters and shall be no larger than  
11 three inches by three inches. Such design shall not provide space in which to indicate the  
12 name of the county of issuance but shall instead display the phrase 'Proud To Be An  
13 American.'

14 (c) The commissioner shall provide for the design of the special license plates, which  
15 design, excepting only the image of the United States flag and the slogan, shall be owned  
16 solely by the State of Georgia for its exclusive use and control, except as authorized by the  
17 commissioner. The commissioner may take such steps as may be necessary to give notice  
18 of and protect such right, including the copyright. However, such steps shall be cumulative  
19 of the ownership and exclusive use and control established by this subsection as a matter  
20 of law and no person shall reproduce or otherwise use such design, except as authorized  
21 by the commissioner.

22 (d) Beginning in calendar year 2005, any Georgia resident who is the owner of a motor  
23 vehicle, except a vehicle registered under the International Registration Plan, upon  
24 complying with the motor vehicle laws relating to registration and licensing of motor  
25 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular  
26 motor vehicle registration fee shall be issued a license plate prominently displaying an  
27 image of the flag of the United States. Revalidation decals shall be issued for such license  
28 plates in the same manner as provided for general issue license plates.

29 (e) An applicant may request a license plate prominently displaying an image of the flag  
30 of the United States at any time during the applicant's registration period. If such a license  
31 plate is to replace a current valid license plate, such license plate shall be issued with  
32 appropriate decals attached.

33 (f) No special license plate authorized pursuant to this Code section shall be issued except  
34 upon the receipt by the department of at least 1,000 applications. The special license plate  
35 shall have an application period of two years after the effective date of this Code section,  
36 for payment of the manufacturing fee. After such time if the minimum number of

1 applications is not met, the department shall not continue to accept the manufacturing fee,  
2 and all fees shall be refunded to applicants.

3 (g) The department shall not be required to continue to manufacture the special license  
4 plate if the number of active registrations falls below 500 registrations at any time during  
5 the five-year period as provided in subsection (b) of Code Section 40-2-31. A current  
6 registrant may continue to renew such special license plate during his or her annual  
7 registration period upon payment of an additional \$25.00 annual special tag fee which fee  
8 shall be collected by the county tag agent at the time of collection of other registration fees  
9 and shall be remitted to the state as provided in Code Section 40-2-34. The department  
10 may continue to issue such special license plates that it has in its inventory to assist in  
11 achieving the minimum number of registrations. If the special license plate falls below 500  
12 active registrations at any time during the five-year period as provided in subsection (b) of  
13 Code Section 40-2-31, the department must receive 1,000 applications accompanied by the  
14 manufacturing fee to continue to manufacture the license plate.

15 (h) United States flag license plates shall be transferred from one vehicle to another  
16 vehicle in accordance with the provisions of Code Section 40-2-80.

17 (i) United States flag license plates shall be issued within 30 days of application once the  
18 requirements of this Code section have been met."

### 19 SECTION 3.

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