

House Bill 714

By: Representative Dollar of the 45<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to special license plates for certain persons and vehicles, so as to revise the  
3 provisions regarding issuance of special license plates for persons with disabilities; to  
4 provide for a special decal to be placed on the window of cars driven by persons with  
5 disabilities; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to  
9 special license plates for certain persons and vehicles, is amended by striking Code Section  
10 40-2-74, relating to special license plates for persons with disabilities, and inserting in its  
11 place the following:

12 "40-2-74.

13 (a) ~~Prior to July 1, 1999, any motor vehicle owner who is a resident of Georgia, upon~~  
14 ~~complying with the motor vehicle laws relating to registration, licensing, and payment of~~  
15 ~~fees and upon submitting satisfactory proof to the commissioner or one of his or her agents~~  
16 ~~that he or she has permanently lost the use of a leg or both legs, or an arm or both arms, or~~  
17 ~~any combination thereof, or is so severely disabled as to be unable to move without the aid~~  
18 ~~of crutches or a wheelchair, shall be issued a specially designated disabled person's license~~  
19 ~~plate from the commissioner. For purposes of this subsection, presentation of an~~  
20 ~~identification card for persons with disabilities issued pursuant to Article 8 of Chapter 5 of~~  
21 ~~this title shall constitute proof of disability.~~

22 (a.1) ~~On and after July 1, 1999, any~~ Any owner of a private passenger motor vehicle with  
23 ~~a gross vehicle weight rating of less than 14,000 pounds~~ who is a resident of Georgia, upon  
24 complying with the motor vehicle laws relating to registration, licensing, and payment of  
25 fees and upon submitting an affidavit of a practitioner of the healing arts stating that the  
26 owner or his or her spouse, child, or ward is a person with disabilities, as defined in

1 paragraph (5) of Code Section 40-6-221, whose disability or incapacity can be expected to  
2 last for more than 180 days and stating the specific disability that limits or impairs the  
3 ability to walk, shall be issued a specially designated disabled person's license plate from  
4 the commissioner. As used in this Code section, the term 'practitioner of the healing arts'  
5 means a person holding a license to practice medicine, podiatric medicine, or chiropractic  
6 issued pursuant to Article 2 of Chapter 34 of Title 43, Chapter 35 of Title 43, or Chapter  
7 9 of Title 43, respectively.

8 (b) A hearing impaired person otherwise qualified under this subsection shall be eligible  
9 to have issued to him or her a specially designated disabled person's license plate in  
10 accordance with this Code section. As used in this Code section, 'hearing impaired person'  
11 shall have the same meaning as defined in Code Section 24-9-101, except that the term  
12 'hearing impaired person' shall not include any person who is not qualified for a driver's  
13 license pursuant to Code Section 40-5-35, relating to reports by physicians and vision  
14 specialists in connection with the issuance or revocation of drivers' licenses, as now or  
15 hereafter amended. For purposes of this subsection, presentation of an identification card  
16 for persons with disabilities issued pursuant to Article 8 of Chapter 5 of this title shall  
17 constitute proof of hearing impairment.

18 (c) Upon complying with the motor vehicle laws relating to registration, licensing, and  
19 payment of fees and upon submission of proof of disability as provided in subsection (a)  
20 ~~or (a.1)~~ of this Code section, as applicable:

21 (1) Any resident person who is the joint owner of a motor vehicle with a disabled person  
22 as prescribed in this Code section shall be authorized to obtain such specialized plates for  
23 such jointly owned vehicle; and

24 (2) Any resident motor vehicle owner who is the spouse, parent, or legal guardian of a  
25 person who is disabled as prescribed in this Code section shall be authorized to obtain  
26 such specialized plates for such vehicle.

27 Upon the death of the disabled person or if the joint ownership of such vehicle ceases for  
28 any reason, the specialized license plate shall be canceled and the owner of such motor  
29 vehicle shall be issued a regular license plate for such vehicle.

30 (d) The commissioner is directed to furnish such license plates as provided for in this Code  
31 section, which shall bear the official international wheelchair symbol or a reasonable  
32 facsimile thereof, or such other symbols as the commissioner may deem appropriate.

33 ~~(e) The commissioner may begin issuing disabled persons' license plates with the year~~  
34 ~~1976.~~ Any license plate issued pursuant to the provisions of this Code section shall be  
35 transferred to another vehicle as provided in Code Section 40-2-80.

36 (f) Any person who is not a disabled person as prescribed in this Code section or a person  
37 otherwise entitled to obtain such special license plates and who willfully and falsely

1 represents himself or herself as having the qualifications to obtain the special plates  
 2 prescribed by this Code section shall be guilty of a misdemeanor.  
 3 ~~(f.1)~~(g) Any practitioner of the healing arts who knowingly and willfully makes a false or  
 4 misleading statement in his or her affidavit stating that an applicant is a disabled person as  
 5 prescribed in this Code section shall be guilty of a misdemeanor.  
 6 ~~(g)~~(h) Any person owning a vehicle bearing the special plates and not entitled to do so  
 7 under this Code section shall be guilty of a misdemeanor."

8 **SECTION 2.**

9 Said article is further amended by inserting a new Code Section 40-2-74.1 immediately  
 10 following Code Section 40-2-74, relating to special license plates for persons with  
 11 disabilities, to read as follows:

12 "40-2-74.1.

13 (a) Any person meeting the requirements for a disabled person's license plate as provided  
 14 for in Code Section 40-2-74 may obtain a special decal to be placed on any vehicle owned  
 15 by such person in lieu of a disabled person's license plate. The cost of the decal shall be  
 16 \$5.00 and the county tag agent is authorized to retain a \$1.00 processing fee.

17 (b)(1) The commissioner shall design a special disabled person's decal to be placed on  
 18 the rear windshield of a private passenger vehicle.

19 (2) The special disabled person's decal shall be so constructed that it will adhere to the  
 20 inside of the rear window of the vehicle and when removed will self-destruct.

21 (3) The special disabled person's decal shall have a place to write the month and year of  
 22 expiration and shall expire at the end of the month in the fourth year from the date of  
 23 issue.

24 (4) The decal shall be placed in the bottom left of the rear window so not to obscure the  
 25 view of the driver to indicate that the owner has met the requirements to park in a parking  
 26 space designated for a disabled person as provided for in Part 2 of Article 10 of Chapter  
 27 6 of this title.

28 (c) Any person who is not a disabled person as prescribed in Code Section 40-2-74 and  
 29 who willfully and falsely represents himself or herself as having the qualifications to obtain  
 30 a special disabled person's decal shall be guilty of a misdemeanor.

31 (d) Any person who acquires a special disabled person's decal who is not entitled to do so  
 32 under this Code section shall be guilty of a misdemeanor."

33 **SECTION 3.**

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