

Senate Bill 523

By: Senators Grant of the 25th, Seabaugh of the 28th, Douglas of the 17th, Schaefer of the 50th, Harp of the 29th and others

AS PASSED SENATE

**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 prestige license plates and special plates for certain persons and vehicles, so as to
3 provide for a special license plate honoring the family members of service members who
4 have been killed in action; to provide for issuance, renewal, fees, licensing agreements,
5 applications, and transfers relative to such special license plates; to provide for an effective
6 date; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
10 prestige license plates and special plates for certain persons and vehicles, is amended by
11 adding a new Code Section 40-2-86.18 to read as follows:

12 "40-2-86.18.

13 (a) There shall be issued beginning July 1, 2007, special license plates honoring the family
14 members of service members who have been killed in action while serving in the armed
15 forces of the United States. The license plate shall be officially designated as the Gold Star
16 license plate.

17 (b) The commissioner, in cooperation with supporters of this license plate, shall design a
18 special license plate for the family members of service members who have been killed in
19 action while serving in the armed forces of the United States. The license plates must be
20 of the same size as general issue motor vehicle license plates and shall include a unique
21 design and identifying number, whereby the total number of characters does not exceed six.
22 The license plate shall bear in a conspicuous place a gold star with blue fringe on a white
23 background with a red border. This is the symbol for a fallen service member. In the
24 indented area normally used for the county of residence decal the words 'Gold Star Family'
25 shall be displayed. The graphic on the special license plate shall be placed to the left of the
26 alphanumeric characters and shall be no larger than three inches by three inches.

1 (c) Notwithstanding the provisions of subsections (a) and (b) of this Code section, this
2 Code section shall not be implemented until such time as the State of Georgia has, through
3 a licensing agreement or otherwise, received such license or other permission as may be
4 required to implement this Code section. The design of the initial edition of such special
5 license plate, as well as the design of subsequent editions and excepting only any part or
6 parts of the designs owned by others and licensed to the state, shall be owned solely by the
7 State of Georgia for its exclusive use and control, except as authorized by the
8 commissioner. The commissioner may take such steps as may be necessary to give notice
9 of and protect such right, including the copyright or copyrights. However, such steps shall
10 be cumulative of the ownership and exclusive use and control established by this
11 subsection as a matter of law, and no person shall reproduce or otherwise use such design
12 or designs, except as authorized by the commissioner.

13 (d) On and after January 1, 2007, any motor vehicle owner who is a resident of Georgia,
14 other than one registering under the International Registration Plan, upon complying with
15 state laws relating to registration and licensing of motor vehicles shall be issued such a
16 special license plate upon application therefor. Special license plates issued under this
17 Code section shall be renewed annually with a revalidation decal as provided in Code
18 Section 40-2-31. One Gold Star license plate per eligible family member is free, after
19 payment of all ad valorem taxes and other fees due at registration of a motor vehicle. In
20 order to qualify as a family member, the person must be directly related to the fallen
21 service member as their spouse, legal mother or father, sibling related by blood or legal
22 adoption, or stepparent who is currently married to the mother or father of the fallen service
23 member. In the event an eligible family member is less than 21 years of age, one additional
24 license plate may be issued to the parent of the family member, if the family member less
25 than 21 years of age is operating a motor vehicle titled in the name of the parent. If a Gold
26 Star license plate is lost, damaged, or stolen, the eligible family member must pay the
27 reasonable cost, to be established by the department, but not to exceed the cost of other
28 specialty license plates, to replace the Gold Star license plate.

29 (e) Whether a service member is deemed to have been killed in action shall be determined
30 by the classification of death as listed by the United States Department of Defense and may
31 be verified from documentation directly from the Department of Defense or from its
32 subordinate agencies such as the Coast Guard, Reserve, or National Guard. A
33 classification of killed in action by the Department of Defense shall be prima facie
34 evidence that the service member was killed in action. Documentation of the fact that the
35 service member was killed in action and proof of relationship to the service member shall
36 be required by the county tag agent before issuing a Gold Star license plate. The county

- 1 tag agent may waive the documentation if he or she has actual knowledge of the family
2 relationship and that the service member was killed in action.
- 3 (f) The Gold Star license plate shall be issued only to family members of service members
4 that resided in Georgia at the time of the death of the service member.
- 5 (g) Renewal decals shall be issued at no cost to the eligible family member upon the
6 payment of ad valorem taxes and other registration fees, provided that the renewal is
7 applied for on or within 30 days prior to the renewal date of the eligible family member.
8 If the eligible family member fails to renew within the foregoing time, he or she shall pay
9 a standard renewal fee and be subject to the standard penalties for late payment of ad
10 valorem taxes due on the motor vehicle.
- 11 (h) An eligible family member may request a Gold Star license plate at any time during
12 his or her registration period. If such a license plate is to replace a current valid license
13 plate, the license plate shall be issued with appropriate renewal decals attached.
- 14 (i) License plates issued pursuant to this Code section shall not be transferred between
15 vehicles as provided in Code Section 40-2-42, unless the transfer is to another motor
16 vehicle owned by the eligible family member.
- 17 (j) Gold Star license plates shall be issued within 30 days of application."

18 **SECTION 2.**

19 This Act shall become effective on January 1, 2007.

20 **SECTION 3.**

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