

House Bill 732 (COMMITTEE SUBSTITUTE)

By: Representatives McBrayer of the 153rd, Yates of the 73rd, Collins of the 27th, Rice of the 51st, Setzler of the 35th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,
2 relating to registration and licensing of motor vehicles generally, so as to provide that
3 temporary plates or "drive-out tags" may be issued for trailers; to provide that temporary
4 transporter plates issued to motor vehicles may also be issued for the temporary transport of
5 trailers; to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia
6 Annotated, relating to prestige license plates and special plates for certain persons and
7 vehicles, so as to allow for veterans deemed partially disabled to qualify for a free license
8 plate and annual revalidation decal; to include persons still serving in the armed services; to
9 provide for images to disabled veterans license plates; to add veterans who served in certain
10 wars; to provide for special license plates for veterans and service members awarded certain
11 distinguished service medals; to provide for license plates to promote prostate cancer
12 awareness; to provide for procedures; to provide that persons issued special license plates as
13 certified firefighters shall be exempt from paying an annual special license plate renewal fee;
14 to provide for related matters; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 SECTION 1.

17 Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
18 registration and licensing of motor vehicles generally, is amended by revising Code Section
19 40-2-38.1, relating to transporter license plate, as follows:

20 "40-2-38.1.

21 (a) A person engaged in the business of the limited operation of a motor vehicle or trailer
22 for any of the following purposes may obtain a transporter plate authorizing the movement
23 of the vehicle for the specific purpose:

24 (1) To facilitate the delivery of new or used motor vehicles, trucks, trailers, or buses
25 between manufacturers, distributors, dealers, sellers, or purchasers;

- 26 (2) To move a mobile office, a mobile classroom, a mobile or manufactured home, or a
27 house trailer;
- 28 (3) To drive a motor vehicle or pull a trailer that is part of the inventory of a dealer to
29 and from a motor vehicle or trailer trade show or exhibition or to, during, and from a
30 parade in which the motor vehicle or trailer is used; or
- 31 (4) To drive special mobile equipment in any of the following circumstances:
- 32 (A) From the manufacturer of the equipment to a facility of a dealer; or
- 33 (B) From one facility of a dealer to another facility of a dealer.
- 34 (b) This Code section shall not be construed to require a motor vehicle or trailer dealer to
35 obtain transporter plates in order to transport vehicles for sale or lease.
- 36 (c) A person may obtain a transporter plate by filing an application with the Department
37 of Revenue and paying the required fee. The fee for an initial transporter plate shall be
38 \$62.00 and the fee for all additional plates shall be \$12.00. An application for a transporter
39 plate must be on a form provided by the department and must contain the information
40 required by the department. The department is authorized to promulgate regulations
41 consistent with this Code section.
- 42 (d) Transporter plates issued under this Code section shall be distinguishable from dealer,
43 wholesaler, manufacturer, or distributor plates, as provided for in Code Section 40-2-38.
- 44 (e) During the year for which it is issued, a person may transfer a transporter plate from
45 one vehicle to another so long as the vehicle is driven or pulled only for a purpose
46 authorized by subsection (a) of this Code section. In order to obtain a transporter plate, an
47 applicant must demonstrate to the department compliance with all applicable federal and
48 state laws.
- 49 (f) The license plates issued pursuant to this Code section shall be revoked and confiscated
50 upon a determination after a hearing that an applicant has unlawfully used such license
51 plates for purposes other than those expressly permitted by this Code section.
- 52 (g) If a license plate issued pursuant to this Code section is lost or stolen, the dealer,
53 manufacturer, distributor, or other party to whom the license plate was issued must
54 immediately report the lost or stolen plate to local law enforcement agencies. If a
55 replacement license plate is sought, the dealer, manufacturer, distributor, or other party to
56 whom the license plate was issued shall file a notarized affidavit with the department
57 requesting a replacement plate. Such affidavit shall certify under penalty of perjury that
58 the license plate has been lost or stolen and that the loss has been reported to a local law
59 enforcement agency.
- 60 (h) This Code section shall not in any way apply to farm tractors.
- 61 (i)(1) The expiration of a license plate issued pursuant to this Code section shall be the
62 last day of the registration period as provided in division (a)(1)(A)(ii) of Code Section

63 40-2-21, except that for the purposes of this subsection, the registration period shall be
 64 determined by the first letter of the legal name of the business listed on the application
 65 for registration or renewal of registration. An application for renewal of registration shall
 66 not be submitted earlier than 90 days prior to the last day of the registration period. A
 67 penalty of 25 percent of the total registration fees due shall be assessed any person
 68 registering pursuant to this Code section who, prior to the expiration of such person's
 69 registration period, fails to apply for renewal or if having applied fails to pay the required
 70 fees.

71 (2) A transition period shall commence on October 1, 2007, and conclude on December
 72 31, 2007, for all existing registrations and any new registration applications presented
 73 prior to January 1, 2008. On or after January 1, 2008, new applications for registration
 74 shall be submitted and remain valid until the expiration of such registration as specified
 75 in paragraph (1) of this subsection.

76 (j) The commissioner shall adopt rules and regulations for the implementation of this Code
 77 section."

78 SECTION 2.

79 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
 80 prestige license plates and special plates for certain persons and vehicles, is amended by
 81 revising Code Section 40-2-70, relating to free license plates and revalidation decals for
 82 disabled veterans, as follows:

83 "40-2-70.

84 (a) Any citizen and resident of the State of Georgia who has been discharged from the
 85 armed forces under conditions other than dishonorable or who is currently serving in the
 86 armed forces, who is disabled to any degree specified and enumerated in Code Section
 87 40-2-69, and who is the owner of a private passenger motor vehicle, but who cannot qualify
 88 under Code Section 40-2-69, shall be entitled to a special and distinctive automobile
 89 license plate. Such license plate shall be transferred to another vehicle acquired by such
 90 veteran or jointly by such veteran and his or her spouse as provided in Code Section
 91 40-2-80. Such veteran shall be entitled to such plate regardless of whether he or she is
 92 suffering from a service connected or nonservice connected disability.

93 (b) Such veteran must apply for such license plate and, upon compliance with the state
 94 motor vehicle laws for licensing of motor vehicles and without payment of the regular
 95 license fee for plates as prescribed under Article 7 of this chapter, such veteran shall be
 96 issued similar license plates as prescribed in Code Section 40-2-71 for private passenger
 97 cars. There shall be no charge for the additional plate issued such veteran under this Code
 98 section. There shall be no charge for revalidation decals for such plates.

99 (c) If a veteran has not been certified as disabled by the United States Department of
 100 Veterans Affairs, such veteran may submit to the Department of Veterans Service such
 101 veteran's discharge papers and a certified statement from a physician, licensed under
 102 Chapter 34 of Title 43, certifying that in the opinion of such physician such veteran is
 103 disabled to a degree enumerated in Code Section 40-2-69. If the certificate from the
 104 physician indicates the qualifying disabilities which meet the standards of the United States
 105 Department of Veterans Affairs, the commissioner of veterans service shall submit a letter
 106 to the state revenue commissioner indicating that the veteran meets the requirements of this
 107 Code section and qualifies for a special license plate as provided in this Code section."

108

SECTION 3.

109 Said article is further amended by revising Code Section 40-2-71, relating to design of
 110 disabled veteran plates and restrictions on issuance and transfer, as follows:

111 "40-2-71.

112 (a) The commissioner is directed to furnish the license plates provided for in Code
 113 Sections 40-2-69 and 40-2-70. Such plates shall be printed in three colors: red, white, and
 114 blue. The commissioner is authorized and directed to design the license plate. Each plate
 115 shall contain, in bold characters, the name of the state, or abbreviation thereof, the year, the
 116 serial number, ~~and~~ either the words 'Disabled Veteran' or 'Disabled Vet.' Vet,' and an image
 117 of the International Symbol of Access which is at least one inch in height and is white on
 118 a blue background.

119 (b) Such license plates so issued shall be transferred to another vehicle as provided in
 120 Code Section 40-2-80.

121 (c) No disabled veteran shall be entitled to own or operate more than one vehicle with the
 122 free license plates provided by Code Sections 40-2-69, 40-2-70, and this Code section."

123

SECTION 4.

124 Said article is further amended by revising subsection (a) of Code Section 40-2-84, relating
 125 to the issuance of license plates to veterans awarded Purple Hearts, as follows:

126 "(a)(1) Motor vehicle or motorcycle owners who are veterans of the armed forces of the
 127 United States who have been awarded the Purple Heart citation shall be eligible to receive
 128 a special and distinctive vehicle license plate for a private passenger car, motorcycle,
 129 trailer, or truck used for personal transportation, provided that the requisite number of
 130 applications ~~are~~ is received by the commissioner as provided in subsection (b) of this
 131 Code section. Such license plate shall be issued in compliance with the state motor
 132 vehicle laws relating to registration and licensing of motor vehicles as prescribed in
 133 Article 2 of this chapter.

134 (2) For purposes of this Code section, the term 'veteran' shall include a member of the
 135 armed forces or reserves who is still serving on active duty after being awarded the
 136 Purple Heart citation."

137 **SECTION 5.**

138 Said article is further amended by revising Code Section 40-2-85.1, relating to special and
 139 distinctive license plates for veterans, as follows:

140 "40-2-85.1.

141 (a) For purposes of this Code section, the term:

142 (1) 'Military medal award' means the following medals, decorations, or other recognition
 143 of honor for military service awarded by a branch of the United States military:

144 (A) Medal of Honor;

145 (B) Bronze Star Medal;

146 (C) Silver Star Medal;

147 (D) Distinguished Service Cross;

148 (E) Navy Cross;

149 (F) Air Force Cross;

150 (G) Defense Distinguished Service Medal;

151 (H) Homeland Security Distinguished Service Medal;

152 (I) Distinguished Service Medal;

153 (J) Navy Distinguished Service Medal;

154 (K) Air Force Distinguished Service Medal;

155 (L) Coast Guard Distinguished Service Medal;

156 (M) Defense Superior Service Medal;

157 (N) Legion of Merit;

158 (O) Distinguished Flying Cross;

159 (P) Purple Heart; and

160 (Q) Air Medal.

161 (2) 'Served during active military combat' means active duty service in World War I,
 162 World War II, the Korean War, the Vietnam War, Operation Desert Storm, the Global
 163 War on Terrorism as defined by Presidential Executive Order 13289, Section 2, the war
 164 in Afghanistan, or the war in Iraq, which includes either Operation Iraqi Freedom or
 165 Operation Enduring Freedom.

166 (b)(1) Motor vehicle and trailer owners who are retired veterans of the armed forces of
 167 the United States, or who have received a military medal award, or persons who served
 168 during active military combat ~~World War I, World War II, the Korean War, the Vietnam~~
 169 War, or Operation Desert Storm shall be eligible to receive special and distinctive vehicle

170 license plates for private passenger cars, trucks, or recreational vehicles used for personal
 171 transportation. Eligibility to receive a special and distinctive vehicle license plate for
 172 persons who are no longer serving in the United States military shall be conditioned on
 173 such person having been discharged from military service under honorable conditions.
 174 Such license plates shall be issued in compliance with the state motor vehicle laws
 175 relating to registration and licensing of motor vehicles as prescribed in Article 2 of this
 176 chapter.

177 (2)(A) Motor vehicle and trailer owners who retired from active duty with the armed
 178 forces of the United States or have received a military medal award or served during
 179 active military combat shall be issued upon application for and upon compliance with
 180 the state motor vehicle laws relating to registration and licensing of motor vehicles a
 181 retired veteran's license plate, military medal award recipient license plate, or
 182 commemorative service license plate for service during active military combat. One
 183 such ~~retired veteran's~~ license plate shall be issued without the requisite registration fee,
 184 manufacturing fee, or annual registration fee.

185 (B) Each ~~retired~~ member or former member of the armed forces listed in subsection (b)
 186 of this Code section shall be entitled to no more than one such free license plate at a
 187 time; provided, however, that upon payment of a manufacturing fee of \$25.00, a
 188 member shall be entitled to one additional such license plate. For each additional
 189 license plate for which a \$25.00 manufacturing fee is required, there shall be an
 190 additional annual registration fee of \$25.00 which fee shall be collected by the county
 191 tag agent at the time of collection of other registration fees and shall be remitted to the
 192 state as provided in Code Section 40-2-34.

193 ~~(b)(c)~~ The commissioner shall design a retired veteran's license plate, a military medal
 194 award recipient license plate, and ~~or a distinctive~~ license plate to commemorate service ~~by~~
 195 with the United States armed forces in wars during active military combat listed in
 196 ~~subsection (a) of this Code section.~~ The commissioner shall promulgate such rules and
 197 regulations as may be necessary to enforce compliance with all state license laws relating
 198 to the use and operation of private passenger cars, ~~and trucks, and trailers~~ before issuing
 199 these license plates in lieu of the regular Georgia license plates. The manufacturing fee for
 200 such special and distinctive license plates shall be \$25.00. The commissioner is
 201 specifically authorized to promulgate all rules and regulations necessary to ensure
 202 compliance in instances where such vehicles have been transferred or sold. Except as
 203 provided in subsection (d) of this Code section, such plates shall be nontransferable.

204 ~~(c)(d)~~ The special and distinctive vehicle license plates shall be as prescribed in Article 2
 205 of this chapter for private passenger cars, ~~and trucks, and trailers~~ used for personal
 206 transportation. Such plates shall contain such words or symbols, in addition to the numbers

207 and letters prescribed by law, so as to identify distinctively the owners as retired veterans
 208 of the armed forces of the United States, or recipients of a military medal award, or persons
 209 who served during active military combat ~~World War I, World War II, the Korean War, the~~
 210 ~~Vietnam War, or Operation Desert Storm~~ and shall additionally, for such plates
 211 manufactured after July 1, 2001, identify distinctly the owner as a veteran of one of the
 212 following branches of the armed forces: Army, Navy, Marines, Air Force, or Coast Guard.
 213 ~~(d)~~(e) The license plate issued pursuant to this Code section shall be transferred between
 214 vehicles as provided in Code Section 40-2-80. The spouse of a deceased ~~retired~~ veteran
 215 of the armed forces of the United States or of a deceased person who received a military
 216 medal award or who served during active military combat ~~World War I, World War II, the~~
 217 ~~Korean War, the Vietnam War, or Operation Desert Storm~~ shall continue to be eligible to
 218 be issued a distinctive personalized license plate as provided in this Code section for any
 219 vehicle owned by such veteran ownership of which is transferred to the surviving spouse
 220 or for any other vehicle owned by such surviving spouse either at the time of the qualifying
 221 veteran's death or acquired thereafter, so long as such person does not remarry.
 222 ~~(e)~~(f) Special license plates issued under this Code section, except as provided in
 223 subparagraph (a)(2)(A) of this Code section, shall be renewed annually with a revalidation
 224 decal as provided in Code Section 40-2-31 without payment of an additional \$25.00 annual
 225 registration fee. It shall be a requirement that a county name decal shall be affixed and
 226 displayed on license plates issued under this Code section."

227 **SECTION 6.**

228 Said article is further amended by revising paragraph (2) of subsection (a) and by adding a
 229 new paragraph to subsection (m) of Code Section 40-2-86, relating to special license plates
 230 promoting certain beneficial projects and supporting certain worthy agencies, funds, or
 231 nonprofit corporations, to read as follows:

232 "(2) In accordance with Article III, Section IX, Paragraph VI(n) of the Constitution, the
 233 General Assembly has determined that the issuance of special license plates to support
 234 an agency or fund or a program beneficial to the people of this state that is administered
 235 by a nonprofit corporation organized under Section 501(c)(3) of Title 26 of the Internal
 236 Revenue Code and dedicating a portion of the funds raised from the sale of these special
 237 license plates is in the best interests of the people of this state. ~~Any new special license~~
 238 ~~plates adopted on or after July 1, 2010, that share a portion of the revenue raised with any~~
 239 ~~agency, fund, nonprofit organization, or other similar entity shall allocate the revenue in~~
 240 ~~accordance with the formula contained in subsection (l) of this Code section."~~

241 "(10) A special license plate to support prostate cancer related awareness and research
 242 programs. The provisions of paragraph (1) of this subsection notwithstanding, from the

243 additional \$35.00 special license plate fee or special license plate renewal fee charged for
244 the issuance and renewal of prostate cancer license plates authorized under this
245 paragraph, \$13.00 shall be deposited in the general fund and \$22.00 shall be disbursed
246 to the Georgia Prostate Cancer Coalition to fund prostate cancer awareness, research,
247 screening, and treatment related programs."

248 **SECTION 7.**

249 Said article is further amended by revising subsection (d) of Code Section 40-2-86.1, relating
250 to special license plates promoting certain beneficial projects and supporting certain worthy
251 agencies, funds, or nonprofit corporations, as follows:

252 "(d) Any Georgia resident who is the owner of a motor vehicle, except a vehicle registered
253 under the International Registration Plan, upon complying with the motor vehicle laws
254 relating to registration and licensing of motor vehicles and upon the payment of a
255 manufacturing fee of \$25.00 and a special license plate fee of \$35.00, in addition to the
256 regular motor vehicle registration fee, shall be able to apply for a special license plate listed
257 in subsection (l) of this Code section. Revalidation decals shall be issued for special
258 license plates in the same manner as provided for general issue license plates, with the
259 addition of a \$35.00 special license plate renewal fee, provided that special license plates
260 issued pursuant to paragraph (9) of subsection (l) of this Code section shall be exempt from
261 such special license plate renewal fee."

262 **SECTION 8.**

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