

The House Committee on Motor Vehicles offers the following substitute to HB 48:

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 and distinctive motor vehicle license plate for public safety first
4 responders who have received a major injury in the line of duty; to provide for standards for
5 the issuance of such license plates; to provide for applicable fees; to provide for authority to
6 establish rules and regulations; to provide for a definition of "disabled veteran"; to provide
7 for issuance of free motor vehicle license plates to disabled veterans; to provide for
8 eligibility; to provide for revalidation of such license plates; to provide for the transfer of
9 such license plates upon death; to provide for issuance of special and distinctive license
10 plates for use on motorcycles; to extend eligibility to apply for such license plates to include
11 a surviving spouse of a sibling of the service member; to provide for a minimum number of
12 applicants prior to issuance of a new special license plate; to amend Chapter 5 of Title 48 of
13 the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as
14 to provide for a definition of "disabled veteran" for homestead exemption purposes; to
15 provide for an exemption to motor vehicle ad valorem taxes for disabled veterans; to provide
16 for related matters; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
20 prestige license plates and special plates for certain persons and vehicles, is amended by
21 adding a new Code section to read as follows:

22 "40-2-63.1.

23 (a) Any law enforcement officer, firefighter, emergency medical services personnel,
24 ambulance driver, or other similarly employed public safety first responder who has
25 sustained a major injury through no fault of his or her own during the competent
26 performance of his or her official duties shall, upon application therefor, be issued a special

27 and distinctive motor vehicle license plate upon presentation of proof that such individual
 28 is entitled to receive such special license plate. Application for such license plates shall
 29 include payment of a manufacturing fee of \$25.00. For purposes of this Code section, a
 30 major injury shall be one that was of sufficient seriousness as to require hospitalization or
 31 comparable medical treatment and which resulted in permanent disability or disfigurement
 32 of the body.

33 (b) License plates issued pursuant to this Code section need not contain a place for the
 34 county name decal, and a county name decal need not be affixed to a license plate issued
 35 pursuant to this Code section. Special and distinctive license plates issued pursuant to this
 36 Code section shall be renewed annually, and revalidation decals shall be issued upon
 37 compliance with the laws relating to registration and licensing and upon payment of an
 38 additional registration fee of \$35.00 which shall be collected by the county tag agent at the
 39 time for collection of other registration fees and shall be remitted to the state as provided
 40 in Code Section 40-2-34. The special license plates issued pursuant to this Code section
 41 shall be transferred to another vehicle as provided in Code Section 40-2-80.

42 (c) The commissioner is authorized and directed to design the license plate, establish
 43 procedures, establish standards for proof of eligibility, and promulgate rules and
 44 regulations to effectuate the purposes of this Code section."

45 **SECTION 2.**

46 Said article is further amended by revising Code Section 40-2-69, relating to free license
 47 plates and revalidation decals for certain disabled veterans, as follows:

48 "40-2-69.

49 (a) Any disabled ~~veteran who was discharged under honorable conditions and who served~~
 50 ~~on active duty in the armed forces of the United States or on active duty in a reserve~~
 51 ~~component of the United States, including the National Guard, who is a citizen and resident~~
 52 of this state shall, upon application therefor, be issued a free motor vehicle license plate,
 53 ~~upon presentation of proof that such veteran is receiving or that he or she is entitled to~~
 54 ~~receive a statutory award from the United States Department of Veterans Affairs for~~ As
 55 used in this Code section, the term 'disabled veteran' means any veteran who was
 56 discharged under honorable conditions and who has been adjudicated by the United States
 57 Department of Veterans Affairs as being 100 percent totally disabled or as being less than
 58 100 percent totally disabled but is compensated at the 100 percent level due to individual
 59 unemployability and is entitled to receive a statutory award from the United States
 60 Department of Veterans Affairs for:

- 61 (1) Loss or permanent loss of use of one or both feet;
 62 (2) Loss or permanent loss of use of one or both hands;

63 (3) Loss of sight in one or both eyes; or

64 (4) Permanent impairment of vision of both eyes of the following status: central visual
65 acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity
66 of more than 20/200 if there is a field defect in which the peripheral field has contracted
67 to such an extent that the widest diameter of visual field subtends on angular distance no
68 greater than 20 degrees in the better eye.

69 (b) Any disabled veteran ~~who was discharged under honorable conditions and who has~~
70 ~~been adjudicated by the United States Department of Veterans Affairs as being 100 percent~~
71 ~~totally disabled and entitled to receive service connected benefits~~ shall, upon application
72 therefor, be issued a free motor vehicle license plate upon presentation of proof that he or
73 she is ~~receiving or that he or she is entitled to receive benefits for a 100 percent service~~
74 ~~connected disability, as long as he or she is 100 percent disabled~~ qualifies as a disabled
75 veteran. A disabled veteran who claims that ~~such 100 percent total~~ his or her disability is
76 permanent shall furnish proof of such permanent disability through a letter from the United
77 States Department of Veterans Affairs.

78 (c)(1) Once a disabled veteran has established his or her eligibility to receive free motor
79 vehicle license plates as a result of being permanently disabled, he or she shall be entitled
80 to receive free plates or free revalidation decals in succeeding years on any automobile,
81 private passenger pickup truck, motorcycle, station wagon, or van type vehicle of
82 three-quarter tons or less that he or she may own or jointly with his or her spouse or
83 minor child own or acquire in the future.

84 (2) Once a disabled veteran has established his or her eligibility to receive free motor
85 vehicle license plates ~~as a result of having a 100 percent total disability which~~ but his or
86 her disability has not been determined to be a permanent disability, he or she shall be
87 entitled to receive free plates or free revalidation decals in succeeding years upon
88 furnishing, on an annual basis, proof of ~~such 100 percent disability~~ his or her status as a
89 disabled veteran through a letter from the United States Department of Veterans Affairs.
90 Such free plates or free revalidation decals shall apply to any automobile, private
91 passenger pickup truck, motorcycle, station wagon, or van type vehicle of three-quarter
92 tons or less that he or she may own or jointly with his or her spouse or minor child own
93 or acquire in the future.

94 (3)(A) Two license plates or revalidation decals each year shall be furnished for
95 vehicles other than motorcycles to disabled veterans qualifying under this Code section
96 unless the originals are lost. Such plates shall be fastened to both the front and the rear
97 of the vehicle.

98 (B) One license plate or revalidation decal each year shall be furnished for motorcycles
 99 to disabled veterans qualifying under this Code section unless the original is lost. Such
 100 plate shall be fastened to the rear of the vehicle.

101 (4) In the event of the death of the person who received the special license plates
 102 pursuant to this Code section, upon complying with the motor vehicle laws relating to
 103 registration and licensing of motor vehicles, his or her unremarried surviving spouse or
 104 minor child may continue to receive the free special license plates and revalidation decals
 105 until the remarriage of the surviving spouse or death of the surviving spouse or minor
 106 child."

107 SECTION 3.

108 Said article is further amended in Code Section 40-2-85.1, relating to special and distinctive
 109 license plates for veterans, by revising subsections (b), (c), and (d) as follows:

110 "(b)(1) Motor vehicle and trailer owners who are veterans of the armed forces of the
 111 United States, or who have received a military medal award, or persons who served
 112 during active military combat shall be eligible to receive special and distinctive vehicle
 113 license plates for private passenger cars, motorcycles, trucks, or recreational vehicles
 114 used for personal transportation. Such license plates shall be issued in compliance with
 115 the state motor vehicle laws relating to registration and licensing of motor vehicles as
 116 prescribed in Article 2 of this chapter.

117 (2)(A) Motor vehicle and trailer owners who are veterans or have received a military
 118 medal award or served during active military combat shall be issued upon application
 119 for and upon compliance with the state motor vehicle laws relating to registration and
 120 licensing of motor vehicles a veteran's license plate, military medal award recipient
 121 license plate, or commemorative service license plate for service during active military
 122 combat. One such license plate shall be issued without the requisite registration fee,
 123 manufacturing fee, or annual registration fee.

124 (B) Each member or former member of the armed forces listed in this subsection shall
 125 be entitled to no more than one such free license plate at a time; provided, however, that
 126 upon payment of a manufacturing fee of \$25.00, a member shall be entitled to one
 127 additional such license plate. For each additional license plate for which a \$25.00
 128 manufacturing fee is required, there shall be an additional annual registration fee of
 129 \$25.00 which fee shall be collected by the county tag agent at the time of collection of
 130 other registration fees and shall be remitted to the state as provided in Code Section
 131 40-2-34.

132 (c) The commissioner shall design a veteran's license plate, a military medal award
 133 recipient license plate, and a license plate to commemorate service with the United States

134 armed forces during active military combat. The commissioner shall promulgate such rules
 135 and regulations as may be necessary to enforce compliance with all state license laws
 136 relating to the use and operation of private passenger cars, motorcycles, trucks, and trailers
 137 before issuing these license plates in lieu of the regular Georgia license plates. The
 138 manufacturing fee for such special and distinctive license plates shall be \$25.00. The
 139 commissioner is specifically authorized to promulgate all rules and regulations necessary
 140 to ensure compliance in instances where such vehicles have been transferred or sold.
 141 Except as provided in subsection (e) of this Code section, such plates shall be
 142 nontransferable.

143 (d) The special and distinctive vehicle license plates shall be as prescribed in Article 2 of
 144 this chapter for private passenger cars, motorcycles, trucks, and trailers used for personal
 145 transportation. Such plates shall contain such words or symbols, in addition to the numbers
 146 and letters prescribed by law, so as to identify distinctively the owners as veterans of the
 147 armed forces of the United States, recipients of a military medal award, or persons who
 148 served during active military combat and shall additionally identify distinctly the owner as
 149 a veteran of one of the following branches of the armed forces: Army, Navy, Marines, Air
 150 Force, or Coast Guard."

151 **SECTION 4.**

152 Said article is further amended in Code Section 40-2-85.3, relating to special license plates
 153 honoring family members of service members killed in action, by revising subsections (d)
 154 and (f) as follows:

155 "(d) Any motor vehicle owner who is a resident of Georgia, other than one registering
 156 under the International Registration Plan, upon complying with state laws relating to
 157 registration and licensing of motor vehicles shall be issued such a special license plate upon
 158 application therefor. Special license plates issued under this Code section shall be renewed
 159 annually with a revalidation decal as provided in Code Section 40-2-31. Upon payment
 160 of all ad valorem taxes and other fees due at registration of a motor vehicle an eligible
 161 family member may apply for a Gold Star license plate. In order to qualify as an eligible
 162 family member for purposes of this Code section, the person must be directly related to the
 163 fallen service member as a spouse, mother, father, sibling, child, or step-parent, or
 164 surviving spouse of such service member's sibling. One free license plate shall be allowed
 165 for the spouse, mother, and father, and they may purchase additional license plates for each
 166 motor vehicle they register in this state. Siblings, children, or step-parents, or surviving
 167 spouses of siblings of service members may purchase Gold Star license plates for motor
 168 vehicles registered in this state. The cost of a Gold Star license plate shall be established
 169 by the department, but shall not exceed the cost of other specialty license plates. If a Gold

170 Star license plate is lost, damaged, or stolen, the eligible family member must pay the
 171 reasonable cost, to be established by the department, but not to exceed the cost of other
 172 specialty license plates, to replace the Gold Star license plate."

173 "(f) A free Gold Star license plate shall be issued only to the spouse, mother, and father of
 174 service members who resided in Georgia at the time of the death of the service member.
 175 However, an eligible family member, except for nonresident siblings or surviving spouses
 176 of such nonresident siblings, who was not a resident of Georgia at the time of the death of
 177 the service member may purchase a Gold Star license plate, at a cost to be established by
 178 the department, not to exceed the cost of other specialty license plates."

179 SECTION 5.

180 Said article is further amended in Code Section 40-2-86, relating to special license plates
 181 promoting certain beneficial projects and supporting certain worthy agencies, funds, or
 182 nonprofit corporations, by revising subsection (g) as follows:

183 "(g) On or after July 1, 2010, no special license plate authorized pursuant to subsections
 184 (l), (m), and (n) of this Code section shall be issued except upon the receipt by the
 185 department of at least 1,000 prepaid applications along with the manufacturing fees. The
 186 special license plate shall have an application period of two years after the date on which
 187 the application period becomes effective for payment of the manufacturing fee. After such
 188 time if the minimum number of applications is not met, the department shall not continue
 189 to accept the manufacturing fees, and all fees shall be refunded to applicants; provided,
 190 however, that once the department has received 1,000 prepaid applications along with the
 191 manufacturing fees, the sponsor shall not be entitled to a refund."

192 SECTION 6.

193 Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem
 194 taxation of property, is amended in Code Section 48-5-48, relating to eligibility and filing
 195 requirements for homestead extension for a qualified disabled veteran, by revising paragraph
 196 (1) of subsection (a) as follows:

197 "~~(1) A wartime veteran who was discharged under honorable conditions and who has~~
 198 ~~been adjudicated by the Department of Veterans Affairs of the United States as being~~
 199 ~~totally and permanently disabled and entitled to receive service connected benefits so~~
 200 ~~long as he or she is 100 percent disabled and receiving or entitled to receive benefits for~~
 201 ~~a 100 percent service connected disability~~ Any veteran who was discharged under
 202 honorable conditions and who has been adjudicated by the United States Department of
 203 Veterans Affairs as being 100 percent totally disabled or as being less than 100 percent
 204 totally disabled but is compensated at the 100 percent level due to individual

205 unemployability and is entitled to receive a statutory award from the United States
 206 Department of Veterans Affairs for:
 207 (A) Loss or permanent loss of use of one or both feet;
 208 (B) Loss or permanent loss of use of one or both hands;
 209 (C) Loss of sight in one or both eyes; or
 210 (D) Permanent impairment of vision of both eyes of the following status: central visual
 211 acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity
 212 of more than 20/200 if there is a field defect in which the peripheral field has contracted
 213 to such an extent that the widest diameter of visual field subtends on angular distance
 214 no greater than 20 degrees in the better eye;"

215 **SECTION 7.**

216 Said chapter is further amended by revising Code Section 48-5-478, relating to constitutional
 217 exemption from ad valorem taxation for disabled veterans, as follows:

218 "48-5-478.

219 (a) A motor vehicle owned by or leased to a disabled veteran who is a citizen and resident
 220 of Georgia this state and on which such disabled veteran actually places the free disabled
 221 veteran motor vehicle license plate he or she receives from the State of Georgia pursuant
 222 to Code Section 40-2-69 is hereby exempted from all ad valorem taxes for state, county,
 223 municipal, and school purposes. ~~The~~ As used in this Code section, the term 'disabled
 224 veteran;' ~~as used in this Code section,~~ means any wartime veteran who was discharged
 225 under honorable conditions and who has been adjudicated by the United States Department
 226 of Veterans Affairs as being 100 percent totally and permanently disabled or as being less
 227 than 100 percent totally disabled but is being compensated at the 100 percent level due to
 228 individual unemployability and is entitled to receive ~~service-connected~~ service connected
 229 benefits and any veteran who is receiving or who is entitled to receive a statutory award
 230 from the United States Department of Veterans Affairs for:

231 (1) Loss or permanent loss of use of one or both feet;
 232 (2) Loss or permanent loss of use of one or both hands;
 233 (3) Loss of sight in one or both eyes; or
 234 (4) Permanent impairment of vision of both eyes of the following status: ~~Central~~ central
 235 visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual
 236 acuity of more than 20/200 if there is a field defect in which the peripheral field has
 237 contracted to such an extent that the widest diameter of visual field subtends on angular
 238 distance no greater than 20 degrees in the better eye.

239 (b) Once a disabled veteran has established his or her eligibility for such ad valorem tax
 240 exemption by being 100 percent totally disabled, he or she shall be entitled to receive such

241 ad valorem tax exemption in succeeding years thereafter. A disabled veteran who claims
242 100 percent total disability shall furnish proof of such disability through a letter from the
243 United States Department of Veterans Affairs.

244 (c) Once a disabled veteran has established his or her eligibility for such ad valorem tax
245 exemption but his or her disability has not been adjudicated a 100 percent total disability,
246 he or she shall be entitled to such ad valorem tax exemption in succeeding years upon
247 furnishing, on an annual basis, proof of his or her status as a disabled veteran through a
248 letter from the United States Department of Veterans Affairs.

249 (d) In the event of the death of the disabled veteran who received such ad valorem tax
250 exemption pursuant to this Code section, upon complying with the motor vehicle laws
251 relating to registration and licensing of motor vehicles, his or her unmarried surviving
252 spouse or minor child may continue to receive the exemption."

253

SECTION 8.

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