

House Bill 48 (AS PASSED HOUSE AND SENATE)

By: Representatives Coleman of the 97th, Rice of the 95th, and Jones of the 53rd

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 provide for a special and
13 distinctive motor vehicle license plate for members of the Georgia State Defense Force; to
14 amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad
15 valorem taxation of property, so as to provide for a definition of "disabled veteran" for
16 homestead exemption purposes; to provide for an exemption to motor vehicle ad valorem
17 taxes for disabled veterans; to provide for related matters; to repeal conflicting laws; and for
18 other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 style="text-align:center">**SECTION 1.**

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

24 "40-2-63.1.

25 (a) Any law enforcement officer, firefighter, emergency medical services personnel,
26 ambulance driver, or other similarly employed public safety first responder who has

27 sustained a major injury through no fault of his or her own during the competent
 28 performance of his or her official duties shall, upon application therefor, be issued a special
 29 and distinctive motor vehicle license plate upon presentation of proof that such individual
 30 is entitled to receive such special license plate. Application for such license plates shall
 31 include payment of a manufacturing fee of \$25.00. For purposes of this Code section, a
 32 major injury shall be one that was of sufficient seriousness as to require hospitalization or
 33 comparable medical treatment and which resulted in permanent disability or disfigurement
 34 of the body.

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

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

47 SECTION 2.

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

50 "40-2-69.

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

- 63 (1) Loss or permanent loss of use of one or both feet;
- 64 (2) Loss or permanent loss of use of one or both hands;
- 65 (3) Loss of sight in one or both eyes; or
- 66 (4) Permanent impairment of vision of both eyes of the following status: central visual
67 acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity
68 of more than 20/200 if there is a field defect in which the peripheral field has contracted
69 to such an extent that the widest diameter of visual field subtends on angular distance no
70 greater than 20 degrees in the better eye.
- 71 (b) Any disabled veteran ~~who was discharged under honorable conditions and who has~~
72 ~~been adjudicated by the United States Department of Veterans Affairs as being 100 percent~~
73 ~~totally disabled and entitled to receive service connected benefits~~ shall, upon application
74 therefor, be issued a free motor vehicle license plate upon presentation of proof that he or
75 she is receiving or that he or she is entitled to receive benefits for a 100 percent service
76 ~~connected disability, as long as he or she is 100 percent disabled~~ qualifies as a disabled
77 veteran. A disabled veteran who claims that ~~such 100 percent total~~ his or her disability is
78 permanent shall furnish proof of such permanent disability through a letter from the United
79 States Department of Veterans Affairs.
- 80 (c)(1) Once a disabled veteran has established his or her eligibility to receive free motor
81 vehicle license plates as a result of being permanently disabled, he or she shall be entitled
82 to receive free plates or free revalidation decals in succeeding years on any automobile,
83 private passenger pickup truck, motorcycle, station wagon, or van type vehicle of
84 three-quarter tons or less that he or she may own or jointly with his or her spouse or
85 minor child own or acquire in the future.
- 86 (2) Once a disabled veteran has established his or her eligibility to receive free motor
87 vehicle license plates ~~as a result of having a 100 percent total disability which~~ but his or
88 her disability has not been determined to be a permanent disability, he or she shall be
89 entitled to receive free plates or free revalidation decals in succeeding years upon
90 furnishing, on an annual basis, proof of ~~such 100 percent disability~~ his or her status as a
91 disabled veteran through a letter from the United States Department of Veterans Affairs.
92 Such free plates or free revalidation decals shall apply to any automobile, private
93 passenger pickup truck, motorcycle, station wagon, or van type vehicle of three-quarter
94 tons or less that he or she may own or jointly with his or her spouse or minor child own
95 or acquire in the future.
- 96 (3)(A) Two license plates or revalidation decals each year shall be furnished for
97 vehicles other than motorcycles to disabled veterans qualifying under this Code section
98 unless the originals are lost. Such plates shall be fastened to both the front and the rear
99 of the vehicle.

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

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

109 SECTION 2.1.

110 Said article is further amended by revising Code Section 40-2-81, which was previously
 111 reserved, as follows:

112 "40-2-81.

113 (a) For purposes of this Code section, the term 'Georgia State Defense Force' means that
 114 organization established pursuant to Part 3 of Article 1 of Chapter 2 of Title 38.

115 (b)(1) Motor vehicle and trailer owners who are members of the Georgia State Defense
 116 Force shall be eligible to receive special and distinctive vehicle license plates for private
 117 passenger cars, trucks, motorcycles, or recreational vehicles used for personal
 118 transportation. Such license plates shall be issued in compliance with the state motor
 119 vehicle laws relating to registration and licensing of motor vehicles as prescribed in
 120 Article 2 of this chapter.

121 (2)(A) Motor vehicle and trailer owners who are members of the Georgia State
 122 Defense Force shall be issued upon application for and upon compliance with the state
 123 motor vehicle laws relating to registration and licensing of motor vehicles a Georgia
 124 State Defense Force member license plate. One such license plate shall be issued
 125 without the requisite registration fee, manufacturing fee, or annual registration fee.

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

133 (c) The commissioner shall design a Georgia State Defense Force member license plate.
 134 The commissioner shall promulgate such rules and regulations as may be necessary to
 135 enforce compliance with all state license laws relating to the use and operation of private

136 passenger cars, trucks, motorcycles, and trailers before issuing these license plates in lieu
 137 of the regular Georgia license plates. The manufacturing fee for such special and
 138 distinctive license plates shall be \$25.00. The commissioner is specifically authorized to
 139 promulgate all rules and regulations necessary to ensure compliance in instances where
 140 such vehicles have been transferred or sold. Such plates shall be nontransferable.

141 (d) The special and distinctive vehicle license plates shall be as prescribed in Article 2 of
 142 this chapter for private passenger cars, trucks, motorcycles, and trailers used for personal
 143 transportation. Such plates shall contain such words or symbols, in addition to the numbers
 144 and letters prescribed by law, so as to identify distinctively the owners as members of the
 145 Georgia State Defense Force.

146 (e) The license plate issued pursuant to this Code section may be transferred between
 147 vehicles as provided in Code Section 40-2-80.

148 (f) Special license plates issued under this Code section, except as provided in
 149 subparagraph (b)(2)(A) of this Code section, shall be renewed annually with a revalidation
 150 decal as provided in Code Section 40-2-31 without payment of an additional \$25.00 annual
 151 registration fee.

152 (g) Should a member of the Georgia State Defense Force who has been issued a license
 153 plate or license plates be discharged or otherwise separated from the Georgia State Defense
 154 Force, the member shall forward his or her Georgia State Defense Force member license
 155 plate or plates to the commissioner along with a certificate to the effect that such person
 156 has been discharged or otherwise separated from the Georgia State Defense Force, and
 157 thereupon the commissioner shall issue a regular license plate, at no additional charge, to
 158 such former member of the Georgia State Defense Force to replace the Georgia State
 159 Defense Force member plate or plates.

160 **SECTION 3.**

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

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

170 (2)(A) Motor vehicle and trailer owners who are veterans or have received a military
 171 medal award or served during active military combat shall be issued upon application

172 for and upon compliance with the state motor vehicle laws relating to registration and
 173 licensing of motor vehicles a veteran's license plate, military medal award recipient
 174 license plate, or commemorative service license plate for service during active military
 175 combat. One such license plate shall be issued without the requisite registration fee,
 176 manufacturing fee, or annual registration fee.

177 (B) Each member or former member of the armed forces listed in this subsection shall
 178 be entitled to no more than one such free license plate at a time; provided, however, that
 179 upon payment of a manufacturing fee of \$25.00, a member shall be entitled to one
 180 additional such license plate. For each additional license plate for which a \$25.00
 181 manufacturing fee is required, there shall be an additional annual registration fee of
 182 \$25.00 which fee shall be collected by the county tag agent at the time of collection of
 183 other registration fees and shall be remitted to the state as provided in Code Section
 184 40-2-34.

185 (c) The commissioner shall design a veteran's license plate, a military medal award
 186 recipient license plate, and a license plate to commemorate service with the United States
 187 armed forces during active military combat. The commissioner shall promulgate such rules
 188 and regulations as may be necessary to enforce compliance with all state license laws
 189 relating to the use and operation of private passenger cars, motorcycles, trucks, and trailers
 190 before issuing these license plates in lieu of the regular Georgia license plates. The
 191 manufacturing fee for such special and distinctive license plates shall be \$25.00. The
 192 commissioner is specifically authorized to promulgate all rules and regulations necessary
 193 to ensure compliance in instances where such vehicles have been transferred or sold.
 194 Except as provided in subsection (e) of this Code section, such plates shall be
 195 nontransferable.

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

204 **SECTION 4.**

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

208 "(d) Any motor vehicle owner who is a resident of Georgia, other than one registering
 209 under the International Registration Plan, upon complying with state laws relating to
 210 registration and licensing of motor vehicles shall be issued such a special license plate upon
 211 application therefor. Special license plates issued under this Code section shall be renewed
 212 annually with a revalidation decal as provided in Code Section 40-2-31. Upon payment
 213 of all ad valorem taxes and other fees due at registration of a motor vehicle an eligible
 214 family member may apply for a Gold Star license plate. In order to qualify as an eligible
 215 family member for purposes of this Code section, the person must be ~~directly~~ related to the
 216 fallen service member as a spouse, mother, father, sibling, child, ~~or step-parent, or~~
 217 surviving spouse of such service member's sibling. One free license plate shall be allowed
 218 for the spouse, mother, and father, and they may purchase additional license plates for each
 219 motor vehicle they register in this state. Siblings, children, ~~or step-parents, or surviving~~
 220 spouses of siblings of service members may purchase Gold Star license plates for motor
 221 vehicles registered in this state. The cost of a Gold Star license plate shall be established
 222 by the department, but shall not exceed the cost of other specialty license plates. If a Gold
 223 Star license plate is lost, damaged, or stolen, the eligible family member must pay the
 224 reasonable cost, to be established by the department, but not to exceed the cost of other
 225 specialty license plates, to replace the Gold Star license plate."

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

232 **SECTION 5.**

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

236 "(g) On or after July 1, 2010, no special license plate authorized pursuant to subsections
 237 (l), (m), and (n) of this Code section shall be issued except upon the receipt by the
 238 department of at least 1,000 prepaid applications along with the manufacturing fees. The
 239 special license plate shall have an application period of two years after the date on which
 240 the application period becomes effective for payment of the manufacturing fee. After such
 241 time if the minimum number of applications is not met, the department shall not continue
 242 to accept the manufacturing fees, and all fees shall be refunded to applicants; provided,

243 however, that once the department has received 1,000 prepaid applications along with the
244 manufacturing fees, the sponsor shall not be entitled to a refund."

245 **SECTION 6.**

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

250 ~~"(1) A wartime veteran who was discharged under honorable conditions and who has~~
251 ~~been adjudicated by the Department of Veterans Affairs of the United States as being~~
252 ~~totally and permanently disabled and entitled to receive service-connected benefits so~~
253 ~~long as he or she is 100 percent disabled and receiving or entitled to receive benefits for~~
254 ~~a 100 percent service-connected disability~~ Any veteran who was discharged under
255 honorable conditions and who has been adjudicated by the United States Department of
256 Veterans Affairs as being 100 percent totally disabled or as being less than 100 percent
257 totally disabled but is compensated at the 100 percent level due to individual
258 unemployability and is entitled to receive a statutory award from the United States
259 Department of Veterans Affairs for:

260 (A) Loss or permanent loss of use of one or both feet;

261 (B) Loss or permanent loss of use of one or both hands;

262 (C) Loss of sight in one or both eyes; or

263 (D) Permanent impairment of vision of both eyes of the following status: central visual
264 acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity
265 of more than 20/200 if there is a field defect in which the peripheral field has contracted
266 to such an extent that the widest diameter of visual field subtends on angular distance
267 no greater than 20 degrees in the better eye;"

268 **SECTION 7.**

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

271 "48-5-478.

272 (a) A motor vehicle owned by or leased to a disabled veteran who is a citizen and resident
273 of Georgia this state and on which such disabled veteran actually places the free disabled
274 veteran motor vehicle license plate he or she receives from the State of Georgia pursuant
275 to Code Section 40-2-69 is hereby exempted from all ad valorem taxes for state, county,
276 municipal, and school purposes. The As used in this Code section, the term 'disabled
277 veteran,' as used in this Code section, means any wartime veteran who was discharged

278 under honorable conditions and who has been adjudicated by the United States Department
 279 of Veterans Affairs as being 100 percent totally ~~and permanently~~ disabled or as being less
 280 than 100 percent totally disabled but is being compensated at the 100 percent level due to
 281 individual unemployability and is entitled to receive ~~service-connected~~ service connected
 282 benefits and any veteran who is receiving or who is entitled to receive a statutory award
 283 from the United States Department of Veterans Affairs for:

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

292 (b) Once a disabled veteran has established his or her eligibility for such ad valorem tax
 293 exemption by being 100 percent totally disabled, he or she shall be entitled to receive such
 294 ad valorem tax exemption in succeeding years thereafter. A disabled veteran who claims
 295 100 percent total disability shall furnish proof of such disability through a letter from the
 296 United States Department of Veterans Affairs.

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

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

306 **SECTION 8.**

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