

House Bill 736 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Atwood of the 179th, Jones of the 167th, Petrea of the 166th, Stephens of the 164th, Wilkinson of the 52nd, and others

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
3 to provide for a special and distinctive license plates for women veterans; to provide for
4 definitions; to provide for the issuance of a special license plate to the spouse of an eligible
5 person under certain circumstances; to establish special and distinctive license plates for the
6 Omega Psi Phi Fraternity, Inc., and Hampton University; to provide for a special license
7 plate promoting marine habitat conservation; to provide for related matters; to provide for
8 an effective date; to require a two-thirds' majority vote for passage of certain provisions in
9 accordance with constitutional requirements; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
14 prestige license plates and special plates for certain persons and vehicles, is amended by
15 revising Code Section 40-2-85.1, relating to special and distinctive license plates for
16 veterans, as follows:

17 "40-2-85.1.

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

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

21 (A) Medal of Honor;

22 (B) Bronze Star Medal;

23 (C) Silver Star Medal;

24 (D) Distinguished Service Cross;

25 (E) Navy Cross;

26 (F) Air Force Cross;

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- 27 (G) Defense Distinguished Service Medal;
 28 (H) Homeland Security Distinguished Service Medal;
 29 (I) Distinguished Service Medal;
 30 (J) Navy Distinguished Service Medal;
 31 (K) Air Force Distinguished Service Medal;
 32 (L) Coast Guard Distinguished Service Medal;
 33 (M) Defense Superior Service Medal;
 34 (N) Legion of Merit;
 35 (O) Distinguished Flying Cross;
 36 (P) Purple Heart; and
 37 (Q) Air Medal.

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

43 (3) 'Veteran' means a former member of the armed forces of the United States who is
 44 discharged from the armed forces under conditions other than dishonorable.

45 (4) 'Woman veteran' and 'women veterans' means former members of the armed forces
 46 of the United States who are female and discharged from the armed forces under
 47 conditions other than dishonorable.

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

55 (2)(A) Motor vehicle and trailer owners who are veterans or women veterans, who ~~or~~
 56 have received a military medal award, or who served during active military combat
 57 shall be issued upon application for and upon compliance with the state motor vehicle
 58 laws relating to registration and licensing of motor vehicles a veteran's license plate, a
 59 woman veteran's license plate, a military medal award recipient license plate, or a
 60 commemorative service license plate for service during active military combat. One
 61 such license plate shall be issued without the requisite registration fee, manufacturing
 62 fee, or annual registration fee.

63 (B) Each member or former member of the armed forces of the United States listed in
 64 this subsection shall be entitled to no more than one such free license plate at a time;
 65 provided, however, that upon payment of a manufacturing fee of \$25.00, a member
 66 shall be entitled to one additional such license plate. For each additional license plate
 67 for which a \$25.00 manufacturing fee is required, there shall be an additional annual
 68 registration fee of \$25.00, and such ~~which~~ fee shall be collected by the county tag agent
 69 at the time of collection of other registration fees and shall be remitted to the state as
 70 provided in Code Section 40-2-34.

71 (c) The commissioner shall design a veteran's license plate, a woman veteran's license
 72 plate, a military medal award recipient license plate, and a license plate to commemorate
 73 service with the United States armed forces during active military combat. The
 74 commissioner shall promulgate such rules and regulations as may be necessary to enforce
 75 compliance with all state license laws relating to the use and operation of private passenger
 76 cars, motorcycles, trucks, and trailers before issuing ~~these~~ such license plates in lieu of the
 77 regular Georgia license plates. The manufacturing fee for such special and distinctive
 78 license plates shall be \$25.00. The commissioner is specifically authorized to promulgate
 79 all rules and regulations necessary to ensure compliance in instances where such vehicles
 80 have been transferred or sold. Except as provided in subsection (e) of this Code section,
 81 such plates shall be nontransferable.

82 (d) The special and distinctive vehicle license plates shall be as prescribed in Article 2 of
 83 this chapter for private passenger cars, motorcycles, trucks, recreational vehicles, and
 84 trailers used for personal transportation. Such plates shall contain such words or symbols,
 85 in addition to the numbers and letters prescribed by law, so as to identify distinctively the
 86 owners as who are veterans, ~~of the armed forces of the United States~~, who are recipients
 87 of a military medal award, or ~~persons~~ who served during active military combat and shall
 88 additionally identify distinctly the owner as a ~~veteran~~ current or former member of one of
 89 the following branches of the armed forces of the United States: Army, Navy, Marines, Air
 90 Force, or Coast Guard.

91 (e) The license plate issued pursuant to this Code section shall be transferred between
 92 vehicles as provided in Code Section 40-2-80. The spouse of a deceased veteran ~~of the~~
 93 ~~armed forces of the United States~~ or of a deceased person who received a military medal
 94 award or who served during active military combat shall continue to be eligible to be issued
 95 a distinctive personalized license plate as provided in this Code section for any vehicle
 96 owned by such ~~veteran person~~, ownership of which is transferred to the surviving spouse
 97 or for any other vehicle owned by such surviving spouse either at the time of the qualifying
 98 ~~veteran's person's~~ death or acquired thereafter, so long as such ~~person~~ surviving spouse
 99 does not remarry.

100 (e.1) The spouse of any person eligible to be issued a special license plate under this Code
 101 section shall also be eligible for such license plate, provided that no motor vehicle is
 102 registered in the name of the eligible person and all other requirements relating to
 103 registration and licensing relative to motor vehicles as prescribed in Article 2 of this
 104 chapter have been satisfied.

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

109 **SECTION 2.**

110 Said article is further amended in Code Section 40-2-86 of the Official Code of Georgia
 111 Annotated, relating to special license plates promoting certain beneficial projects and
 112 supporting certain worthy agencies, funds, or nonprofit corporations with proceeds disbursed
 113 to the general fund and the agency, fund, or nonprofit corporation, by adding a new
 114 paragraph to subsection (l) and revising subsection (n) to read as follows:

115 "(52) A special license plate honoring the Omega Psi Phi Fraternity, Inc. The funds
 116 raised by the sale of this special license plate shall be disbursed to the Georgia State
 117 Omega Psi Phi Foundation.

118 (53) A special license plate honoring Hampton University. The funds raised by the sale
 119 of this special license plate shall be disbursed to the Hampton University Scholarship
 120 Fund."

121 "(n)(1) The General Assembly recognizes that Code Section 12-3-600 mandates that the
 122 best interests of the state are served by providing for the conservation of nongame species
 123 of wildlife and has determined that the following special license plates supporting the
 124 agencies, funds, or nonprofit corporations listed in this subsection shall be issued for the
 125 purposes indicated. The special license plates listed in this subsection shall be subject to
 126 a special license plate fee and a special license plate renewal fee. The revenue
 127 disbursement for the special license plates listed in this subsection shall be as follows:

128 (A) Special license plate fee – \$25.00 of which \$5.00 is to be deposited into the general
 129 fund, \$1.00 is to be paid to the local county tag agent, and \$19.00 is to be dedicated to
 130 the sponsoring agency, fund, or nonprofit corporation; and

131 (B) Special license plate renewal fee – \$25.00 of which \$5.00 is to be deposited into
 132 the general fund and \$20.00 is to be dedicated to the sponsoring agency, fund, or
 133 nonprofit corporation.

134 (2) ~~Special license plates~~ A special license plate promoting the Nongame-Endangered
 135 Wildlife Program of the Department of Natural Resources. The funds raised by the sale

136 of ~~these~~ this special license ~~plates~~ plate shall be disbursed to the Nongame Wildlife
 137 Conservation and Wildlife Habitat Acquisition Fund of the Department of Natural
 138 Resources for the purposes enumerated in subsection (b) of Code Section 12-3-602. Such
 139 license ~~plates~~ plate shall not include a space for a county name decal but shall instead
 140 bear the legend 'Give Wildlife a Chance' in lieu of the name of the county of issuance.

141 (3) A special license plate promoting conservation and enhancement of trout populations.
 142 The funds raised by the sale of this special license plate shall be disbursed to the Wildlife
 143 Resources Division of the Department of Natural Resources to supplement trout
 144 restoration and management programs.

145 (4) A special license plate supporting the Bobwhite Quail Restoration Initiative. The
 146 funds raised by the sale of this special license plate shall be disbursed to the Wildlife
 147 Resources Division of the Department of Natural Resources to conduct programs
 148 designed to enhance the bobwhite quail population in this state. Such programs may
 149 include the creation of habitat demonstration areas on state managed wildlife lands,
 150 education programs, technical assistance to private landowners in the creation and
 151 maintenance of bobwhite quail habitats on their lands, and projects to encourage public
 152 support for the license plate and the activities it funds. The Department of Natural
 153 Resources may enter into such contractual agreements as may be appropriate to further
 154 the objectives of the Bobwhite Quail Restoration Initiative, including entering into
 155 contractual agreements whereby private landowners, public agencies, or corporate entities
 156 create, preserve, or enhance habitat for bobwhite quail in return for the payment of
 157 incentives. Such license plate shall not include a space for a county decal but shall
 158 instead bear the legend 'Support Wildlife' in lieu of the name of the county of issuance.

159 (5)(A) A special license plate promoting marine habitat conservation, restoration, and
 160 enhancement. The funds raised by the sale of this special license plate shall be
 161 disbursed to the Coastal Resources Division of the Department of Natural Resources
 162 to supplement marine habitat conservation, restoration, and enhancement projects
 163 undertaken to increase the abundance of marine fish and invertebrate species.

164 (B) The Marine Fisheries Advisory Council of the Department of Natural Resources
 165 shall provide recommendations to the Coastal Resources Division regarding
 166 expenditure of funds raised by the sale of such license plate."

167 **SECTION 3.**

168 (a) This Act shall become effective upon its approval by the Governor or upon its becoming
 169 law without such approval, except as otherwise provided in subsection (b) of this section.

170 (b) In accordance with the requirements of Article III, Section IX, Paragraph VI(n) of the
 171 Constitution of the State of Georgia, Section 2 of this Act amending subsections (l) and (n)

172 of Code Section 40-2-86 of the Official Code of Georgia Annotated shall not become law
173 unless it receives the requisite two-thirds' majority vote in both the Senate and the House of
174 Representatives.

175

SECTION 4.

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