

House Bill 736 (AS PASSED HOUSE AND SENATE)

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 to
3 provide for a special license plate for women veterans; to provide for definitions; to provide
4 for the issuance of a special license plate to the spouse of an eligible person under certain
5 circumstances; to provide for special license plates for the Omega Psi Phi Fraternity, Inc.;
6 and Hampton University; to provide for special license plates for Zeta Phi Beta Sorority, Inc.,
7 to provide for a special license plate to support the law enforcement division of the
8 Department of Natural Resources; to provide for a special license plate promoting marine
9 habitat conservation; to provide for a special license plate for the Georgia Pet Foundation;
10 to provide for related matters; to provide for an effective date; to require a two-thirds'
11 majority vote for passage of certain provisions in accordance with constitutional
12 requirements; to repeal conflicting laws; and for other purposes.

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

14 **SECTION 1.**

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

19 "40-2-85.1.

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

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

23 (A) Medal of Honor;

24 (B) Bronze Star Medal;

25 (C) Silver Star Medal;

26 (D) Distinguished Service Cross;

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

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

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

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

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

58 (2)(A) Motor vehicle and trailer owners who are veterans or women veterans, who
 59 have received a military medal award, or who served during active military combat
 60 shall be issued upon application for and upon compliance with the state motor vehicle
 61 laws relating to registration and licensing of motor vehicles a veteran's license plate, a
 62 woman veteran's license plate, a military medal award recipient license plate, or a
 63 commemorative service license plate for service during active military combat. One

64 such license plate shall be issued without the requisite registration fee, manufacturing
65 fee, or annual registration fee.

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

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

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

94 (e) The license plate issued pursuant to this Code section shall be transferred between
95 vehicles as provided in Code Section 40-2-80. The spouse of a deceased veteran ~~of the~~
96 ~~armed forces of the United States~~ or of a deceased person who received a military medal
97 award or who served during active military combat shall continue to be eligible to be issued
98 a distinctive personalized license plate as provided in this Code section for any vehicle
99 owned by such ~~veteran~~ person, ownership of which is transferred to the surviving spouse
100 or for any other vehicle owned by such surviving spouse either at the time of the qualifying

101 ~~veteran's person's~~ death or acquired thereafter, so long as such ~~person~~ surviving spouse
 102 does not remarry.

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

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

112 SECTION 2.

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

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

122 (53) A special license plate honoring Hampton University. The funds raised by the sale
 123 of this special license plate shall be disbursed to the Hampton University Atlanta Chapter
 124 Alumni Association.

125 (54) A special license plate honoring Zeta Phi Beta Sorority, Inc. The funds raised by
 126 the sale of this special license plate shall be disbursed to the Zeta National Education
 127 Foundation, Inc."

128 (13) A special license plate to support the law enforcement division of the Department
 129 of Natural Resources in its protection of wildlife and natural and cultural resources of
 130 this state, enforcement of boating, litter, and waste laws, teaching of hunter and boater
 131 education classes, and provision of other public safety services to the citizens of this state.
 132 The funds raised by the sale of this special license plate shall be disbursed as provided
 133 in paragraph (1) of this subsection to the Department of Natural Resources for use by the
 134 law enforcement division for the purposes provided for in this paragraph."

135 "(n)(1) The General Assembly recognizes that Code Section 12-3-600 mandates that the
 136 best interests of the state are served by providing for the conservation of nongame species

137 of wildlife and has determined that the following special license plates supporting the
 138 agencies, funds, or nonprofit corporations listed in this subsection shall be issued for the
 139 purposes indicated. The special license plates listed in this subsection shall be subject to
 140 a special license plate fee and a special license plate renewal fee. The revenue
 141 disbursement for the special license plates listed in this subsection shall be as follows:

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

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

148 (2) ~~Special license plates~~ A special license plate promoting the Nongame-Endangered
 149 Wildlife Program of the Department of Natural Resources. The funds raised by the sale
 150 of ~~these~~ this special license ~~plates~~ plate shall be disbursed to the Nongame Wildlife
 151 Conservation and Wildlife Habitat Acquisition Fund of the Department of Natural
 152 Resources for the purposes enumerated in subsection (b) of Code Section 12-3-602. Such
 153 license ~~plates~~ plate shall not include a space for a county name decal but shall instead
 154 bear the legend 'Give Wildlife a Chance' in lieu of the name of the county of issuance.

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

159 (4) A special license plate supporting the Bobwhite Quail Restoration Initiative. The
 160 funds raised by the sale of this special license plate shall be disbursed to the Wildlife
 161 Resources Division of the Department of Natural Resources to conduct programs
 162 designed to enhance the bobwhite quail population in this state. Such programs may
 163 include the creation of habitat demonstration areas on state managed wildlife lands,
 164 education programs, technical assistance to private landowners in the creation and
 165 maintenance of bobwhite quail habitats on their lands, and projects to encourage public
 166 support for the license plate and the activities it funds. The Department of Natural
 167 Resources may enter into such contractual agreements as may be appropriate to further
 168 the objectives of the Bobwhite Quail Restoration Initiative, including entering into
 169 contractual agreements whereby private landowners, public agencies, or corporate entities
 170 create, preserve, or enhance habitat for bobwhite quail in return for the payment of
 171 incentives. Such license plate shall not include a space for a county decal but shall
 172 instead bear the legend 'Support Wildlife' in lieu of the name of the county of issuance.

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

178 (6) A special license plate promoting a dog and cat reproductive sterilization program
179 for a nonprofit corporation. The funds raised by the sale of this special license plate shall
180 be disbursed to the Georgia Pet Foundation to be used for dog and cat reproductive
181 sterilization, including, but not limited to, grants to nonprofit corporations and vouchers
182 for discounted veterinary sterilization services."

183

SECTION 3.

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

186 (b) In accordance with the requirements of Article III, Section IX, Paragraph VI(n) of the
187 Constitution of the State of Georgia, Section 2 of this Act amending subsections (l), (m), and
188 (n) of Code Section 40-2-86 of the Official Code of Georgia Annotated shall not become law
189 unless it receives the requisite two-thirds' majority vote in both the Senate and the House of
190 Representatives.

191

SECTION 4.

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