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THIS SUPPLEMENT CONTAINS

Statutes:

All laws specifically codified by the General Assembly of the State of Georgia through the 2025 Regular Session of the General Assembly.

Annotations of Judicial Decisions:

Case annotations reflecting decisions posted to LexisNexis® through May 12, 2025. These annotations will appear in the following traditional reporter sources: Georgia Reports; Georgia Appeals Reports; Southeastern Reporter; Supreme Court Reporter; Federal Reporter; Federal Supplement; Federal Rules Decisions; Lawyers' Edition; United States Reports; and Bankruptcy Reporter.

Annotations of Attorney General Opinions:

Constructions of the Official Code of Georgia Annotated, prior Codes of Georgia, Georgia Laws, the Constitution of Georgia, and the Constitution of the United States by the Attorney General of the State of Georgia posted to LexisNexis® through May 12, 2025.

Other Annotations:

References to:

Emory Bankruptcy Developments Journal.
Emory International Law Review.
Emory Law Journal.
Georgia Journal of International and Comparative Law.
Georgia Law Review.
Georgia State University Law Review.
John Marshall Law Review.
Mercer Law Review.
Georgia State Bar Journal.
Georgia Journal of Intellectual Property Law.
American Jurisprudence, Second Edition.
American Jurisprudence, Pleading and Practice Forms Annotated.
American Jurisprudence, Proof of Facts.
American Jurisprudence, Trials.
Corpus Juris Secundum.
Uniform Laws Annotated.
American Law Reports, First through Seventh Series.
American Law Reports, Federal.

Tables:

In Volume 41, a Table Eleven-A comparing provisions of the 1976 Constitution of Georgia to the 1983 Constitution of Georgia and a Table Eleven-B comparing provisions of the 1983 Constitution of Georgia to the 1976 Constitution of Georgia.

An updated version of Table Fifteen which reflects legislation through the 2025 Regular Session of the General Assembly.

Indices:

A cumulative replacement index to laws codified in the 2025 supplement pamphlets and in the bound volumes of the Code.

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TITLE 40
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 - 2. Registration and Licensing of Motor Vehicles, 40-2-1 through 40-2-168.
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ARTICLE 1
GENERAL PROVISIONS

40-1-1. Definitions.

As used in this title, the term:

- (1) “Alcohol concentration” means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.
- (2) “Alley” means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.
- (3) “All-terrain vehicle” means a motorized vehicle originally manufactured for off-highway use which is equipped with three or more nonhighway tires, is 80 inches or less in width with a dry weight of 3,500 pounds or less, and is designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swamp-land, or other natural terrain.
- (4) “Arterial street” means any U.S. or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.
- (5) “Authorized emergency vehicle” means a motor vehicle belonging to a public utility corporation or operated by the Department of Transportation and designated as an emergency vehicle by the Department of Public Safety; a motor vehicle belonging to a fire department or a certified private vehicle belonging to a volunteer firefighter or a fire-fighting association, partnership, or corporation; an emergency organ transplant vehicle as such term is defined in Code Section 31-11-2; an ambulance; or a motor vehicle belonging to a federal, state, or local law enforcement agency, provided such vehicle is in use as an emergency vehicle by one authorized to use it for that purpose.

(5.1) “Automated driving system” means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain.

(6) “Bicycle” means every device propelled by human power upon which any person may ride, having only two wheels which are in tandem and either of which is more than 13 inches in diameter.

(6.1) “Bicycle lane” means a portion of the roadway that has been designated by striping, pavement markings, or signage for the exclusive or preferential use of persons operating bicycles and electric assisted bicycles or for travel by a personal delivery device. Bicycle lanes shall at a minimum, unless impracticable, be required to meet accepted guidelines, recommendations, and criteria with respect to planning, design, operation, and maintenance as set forth by the American Association of State Highway and Transportation Officials.

(6.2) “Bicycle path” means a right of way under the jurisdiction and control of this state or a local political subdivision thereof designated for use by bicycle and electric assisted bicycle riders or for travel by a personal delivery device.

(6.3) “Bicycle trailer” means every device pulled by a bicycle and designed by the manufacturer of such device to carry human passengers.

(7) “Bus” means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(8) “Business district” means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

(8.1) “Commercial motor vehicle” means any self-propelled or towed motor vehicle used on a highway in intrastate or interstate commerce or both to transport passengers or property when the vehicle:

(A) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 lbs.) or more;

(B) Is designed or used to transport more than eight passengers, including the driver, for compensation;

(C) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

(D) Is used to transport material determined to be hazardous by the secretary of the United States Department of Transportation under 49 U.S.C. Section 5103 and transported in a quantity that requires placards under regulations prescribed under 49 C.F.R., Subtitle B, Chapter I, Subchapter C.

(9) “Controlled-access highway” means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except only at such points and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

(10) “Crosswalk” means:

(A) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway; or

(B) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(11) “Dealer” means a person engaged in the business of buying, selling, or exchanging vehicles who has an established place of business in this state.

(12) “Demonstrator” means any motor vehicle which has not been the subject of a sale at retail to the general public but which has been operated on the roads of this state in the course of a motor vehicle dealer’s business.

(13) “Divided highway” means a highway divided into two or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

(14) “Driver” means every person who drives or is in actual physical control of a vehicle.

(15) “Driver’s license” means any license to operate a motor vehicle issued in either a physical or electronic format under the laws of this state.

(15.1) “DUI Alcohol or Drug Use Risk Reduction Program” means a program certified by the Department of Driver Services in accordance with subsection (e) of Code Section 40-5-83.

(15.2) “Dynamic driving task” means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints, including without limitation:

- (A) Lateral vehicle motion control via steering;
- (B) Longitudinal motion control via acceleration and deceleration;
- (C) Monitoring the driving environment via object and event detection, recognition, classification, and response preparation;
- (D) Object and event response execution;
- (E) Maneuver planning; and
- (F) Enhancing conspicuity via lighting, signaling, and gesturing.

(15.3) “Electric assisted bicycle” means a device with two or three wheels which has a saddle and fully operative pedals for human propulsion and also has an electric motor having a power output of not more than 750 watts.

(15.4) “Electric personal assistive mobility device” or “EPAMD” means a self-balancing, two nontandem wheeled device designed to transport only one person and having an electric propulsion system with average power of 750 watts (1 horsepower) and a maximum speed of less than 20 miles per hour on a paved level surface when powered solely by such propulsion system and ridden by an operator who weighs 170 pounds.

(16) “Explosives” means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

(17) “Flammable liquid” means any liquid which has a flash point of 141 degrees Fahrenheit or less.

(17.1) “Former military motor vehicle” means a motor vehicle which operates on the ground, including a trailer, that was manufactured for use in any country’s military forces and is maintained to represent its military design, regardless of the vehicle’s size, weight, or year of manufacture. Such term shall not include motor vehicles armed for combat or vehicles owned or operated by this state, the United States, or any foreign government.

(17.2) “Fully autonomous vehicle” means a motor vehicle equipped with an automated driving system that has the capability to perform all aspects of the dynamic driving task without a human driver within a limited or unlimited operational design domain and will not at any time request that a driver assume any portion of the dynamic driving task when the automated driving system is operating within its operational design domain.

(17.3) “Golf car” or “golf cart” means any motorized vehicle designed for the purpose and exclusive use of conveying one or more persons and equipment to play the game of golf in an area designated as a golf course. For such a vehicle to be considered a golf car or golf cart, its average speed shall be less than 15 miles per hour (24 kilometers per hour) on a level road surface with a 0.5 percent grade (0.3 degree) comprising a straight course composed of a concrete or asphalt surface that is dry and free from loose material or surface contamination with a minimum coefficient of friction of 0.8 between tire and surface.

(18) “Gross weight” means the weight of a vehicle without load plus the weight of any load thereon.

(18.1) “Hazardous material” means a substance or material as designated pursuant to the Federal Hazardous Materials Law, 49 U.S.C. Section 5103(a).

(19) “Highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(20) “House trailer” means:

(A) A trailer or semitrailer which is designed, constructed, and equipped as a dwelling place or living abode (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or

(B) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subparagraph (A) of this paragraph, but which is used instead permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(20.1) “Identification card” means any document in either a physical or electronic format issued by the Department of Driver Services under the laws of this state for purposes of proving identity of the holder.

(21) “Implement of husbandry” means a vehicle designed and

adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(21.1) “Infant sling” means every device which is designed by the manufacturer to be worn by a person for the purpose of carrying an infant either on the chest or back of the wearer.

(22)(A) “Intersection” means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(B) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(C) The junction of an alley with a street or highway shall not constitute an intersection.

(23) “Laned roadway” means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

(24) “License” or “license to operate a motor vehicle” means any driver’s license or any other license or permit to operate a motor vehicle issued in either a physical or electronic format under, or granted by, the laws of this state, including:

(A) Any temporary license or instruction permit;

(B) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

(C) Any nonresident’s operating privilege as defined in this Code section.

(24.1) “Lightweight commercial vehicle” means a motor vehicle which does not meet the definition of a commercial motor vehicle and which, in the furtherance of a commercial enterprise:

(A) Is used to transport hazardous materials in a type and quantity for which placards are not required in accordance with the Hazardous Materials Regulations prescribed by the United States Department of Transportation, Title 49 C.F.R. Part 172, Subpart F,

or compatible rules prescribed by the commissioner of public safety;

(B) Is used to transport property for compensation;

(C) Is used to transport passengers for compensation, other than a taxicab; or

(D) Is a wrecker or tow truck.

(24.2) “Limousine” has the same meaning as provided in paragraph (4) of Code Section 40-1-151.

(25) “Local authorities” means every county, municipal, and other local board or body having authority to enact laws relating to traffic under the Constitution and laws of this state.

(25.1) “Low-speed vehicle” means any four-wheeled vehicle whose top speed attainable in one mile is greater than 20 miles per hour but not greater than 25 miles per hour on a paved level surface and which is manufactured or converted to comply with standards based upon those federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. Section 571.500, as amended.

(25.2) “Managed lane” means a designated lane or series of designated lanes which utilize tolls payable to the State Road and Tollway Authority and which may use other lane management strategies in order to manage the flow of traffic. Such additional lane management strategies may include, but are not limited to, value pricing, vehicle occupancy requirements, or vehicle type restrictions, or any combination thereof.

(26) “Manufacturer” means a person engaged in the manufacture of vehicles and who has an established place of business in this state. Pertaining to PTVs only, the term “manufacturer” also means any person engaged in the manufacture of vehicles who does business in this state, including but not limited to any person who makes modifications to a vehicle that are not approved by the original equipment manufacturer and which may adversely affect the safe operation and performance of the vehicle.

(26.1) “Manufacturer headquarters” means the headquarters operation of:

(A) A manufacturer as defined in paragraph (26) of this Code section; or

(B) An affiliate of a person engaged in the manufacture of vehicles in this or any other state and which operation is conducted primarily at an established place of business in this state.

(27) “Metal tire” means every tire of which the surface in contact with the highway is wholly or partly of metal or other hard,

nonresilient material. A vehicle shall be considered equipped with metal tires when metal tires are used on two or more wheels.

(27.1) “Minimal risk condition” means a low-risk operating mode in which a fully autonomous vehicle operating without a human driver achieves a reasonably safe state, such as bringing the vehicle to a complete stop, upon experiencing a failure of the vehicle’s automated driving system that renders the vehicle unable to perform the entire dynamic driving task.

(28) “Moped” means a motor driven cycle equipped with two or three wheels, with or without foot pedals to permit muscular propulsion, and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement shall be 3.05 cubic inches (50 cubic centimeters) regardless of the number of chambers in such power source. The power source shall be capable of propelling the vehicle, unassisted, at a speed not to exceed 30 miles per hour (48.28 kilometers per hour) on level road surface and shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

(28.1) “Motor carrier” shall have the same meaning as provided for in Code Section 40-2-1, and the terms “carrier” and “motor carrier” are synonymous.

(29) “Motorcycle” means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, all-terrain vehicle, and moped.

(30) “Motor driven cycle” means every motorcycle, with a motor which produces not to exceed five brake horsepower, and every moped.

(31) “Motor home” means every motor vehicle designed, used, or maintained primarily as a mobile dwelling, office, or commercial space.

(32) Reserved.

(33) “Motor vehicle” means every vehicle which is self-propelled other than a personal delivery device, an electric assisted bicycle, or an electric personal assistive mobility device (EPAMD).

(33.1) “Multipurpose off-highway vehicle” means any motorized vehicle having features specifically intended for utility use and having the following characteristics:

(A) Has the capability to transport persons or cargo or both;

(B) Operates between 25 miles per hour (40.2 kilometers per hour) and 65 miles per hour (104.6 kilometers per hour);

(C) Has an overall width of 80 inches (2,030 millimeters) or less, exclusive of accessories or attachments;

(D) Is designed to travel on four or more wheels;

(E) Uses a steering wheel for steering control;

(F) Contains a nonstraddle seat;

(G) Has a gross vehicle weight rating of less than 4,000 pounds (1,814 kilograms); and

(H) Has a minimum cargo capacity of 350 pounds (159 kilograms).

(34) “New motor vehicle” means any motor vehicle which is not a demonstrator and has never been the subject of a sale at retail to the general public.

(35) “Nonresident” means every person who is not a resident of this state.

(36) “Nonresident’s operating privilege” means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle or the use of a vehicle owned by such person in this state.

(37) “Official traffic-control devices” means all signs, signals, markings, and devices not inconsistent with this title which are placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

(37.1) “Operational design domain” means a description of the specific operating domains in which an automated driving system is designed to effectively operate, including but not limited to geographic limitations, roadway types, speed range, and environmental conditions such as weather and limited visibility.

(38) “Operator” means any person who drives or is in actual physical control of a motor vehicle or who causes a fully autonomous vehicle to move or travel with the automated driving system engaged.

(39) “Owner” means a person, other than a lienholder or security interest holder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in or lien by another person but excludes a lessee under a lease not intended as security except as otherwise specifically provided in this title.

(40) “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and

while actually engaged in loading or unloading property or passengers.

(41) “Passenger car” means every motor vehicle, except all-terrain vehicles, motorcycles, motor driven cycles, multipurpose off-highway vehicles, personal transportation vehicles, and low-speed vehicles, designed for carrying ten passengers or less and used for the transportation of persons.

(42) “Pedestrian” means any person afoot.

(42.1) “Pedestrian hybrid beacon” means a special type of hybrid beacon used to warn and control traffic at locations without a traffic-control signal to assist pedestrians in crossing a street or highway at a marked crosswalk.

(43) “Person” means every natural person, firm, partnership, association, corporation, or trust.

(43.1) “Personal delivery device” means a powered vehicle that utilizes an automated driving system to transport cargo, is not designed to transport passengers, and has a maximum unladen weight of 500 pounds or a maximum weight of 600 pounds when carrying any cargo.

(43.2) “Personal delivery device operator” means a person or an agent of a person that exercises control or monitoring over the operation of a personal delivery device; provided, however, that a person or an agent of a person shall not be considered a personal delivery operator solely because such person or agent:

(A) Requests or receives the delivery or services of a personal delivery device;

(B) Arranges for or dispatches the requested services of a personal delivery device; or

(C) Stores, charges, or maintains a personal delivery device.

(43.3) “Personal delivery device owner” means a person, individual, firm, company, association, corporation, or other business entity who owns a personal delivery device or, in the event that the personal delivery device is leased, the lessee and may include a personal delivery device operator.

(43.4) “Personal transportation vehicle” or “PTV” means:

(A) Any motor vehicle having no fewer than three wheels and an unladen weight of 1,300 pounds or less and which cannot operate at more than 20 miles per hour if such vehicle was authorized to operate on local roads by a local authority prior to January 1, 2012.

Such vehicles may also be referred to as “motorized carts” in such local ordinances; and

(B) Any motor vehicle:

- (i) With a minimum of four wheels;
- (ii) Capable of a maximum level ground speed of less than 20 miles per hour;
- (iii) With a maximum gross vehicle unladen or empty weight of 1,375 pounds; and
- (iv) Capable of transporting not more than eight persons.

The term does not include mobility aids, including electric personal assistive mobility devices, power wheelchairs, and scooters, that can be used indoors and outdoors for the express purpose of enabling mobility for a person with a disability. The term also does not include any all-terrain vehicle or multipurpose off-highway vehicle.

(43.5) “Personal transportation vehicle path” or “PTV path” means a right of way under the jurisdiction and control of this state or a local political subdivision thereof designated for use by personal transportation vehicle drivers.

(44) “Pneumatic tire” means every tire in which compressed air is designed to support the load. A vehicle shall be considered equipped with pneumatic tires when pneumatic tires are used on all wheels.

(45) “Pole trailer” means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(46) “Police officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(47) “Private road or driveway” means every way or place in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner, but not by other persons.

(48) “Railroad” means a carrier of persons or property upon cars operated upon stationary rails.

(49) “Railroad sign or signal” means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(50) "Railroad train" means a steam engine or electric engine or other motor, with or without cars coupled thereto, operated upon rails.

(50.01) "Recreational off-highway vehicle" means a motorized vehicle designed for off-road use which is equipped with four or more nonhighway tires and which is 65 inches or less in width.

(50.1) "Regulatory compliance inspection" means the examination of facilities, property, buildings, vehicles, drivers, employees, cargo, packages, records, books, or supporting documentation kept or required to be kept in the normal course of business or enterprise operations.

(51) "Residential district" means the territory contiguous to and including a highway not comprising a business district, when the property on such highway for a distance of 300 feet or more is improved with residences or residences and buildings in use for business.

(52) "Right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

(53) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" shall refer to any such roadway separately, but not to all such roadways collectively.

(54) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(55) "School bus" means:

(A) A motor vehicle operated for the transportation of school children to and from school or school activities or for the transportation of children to and from church or church activities. Such term shall not include a motor vehicle with a capacity of 15 persons or less operated for the transportation of school children to and from school activities or for the transportation of children to and from church or church activities if such motor vehicle is not being used for the transportation of school children to and from school or any vehicle used for the transport of students to and from school and school related activities pursuant to Code Section 20-2-1076; or

(B) A motor vehicle operated by a local transit system which

meets the equipment and identification requirements of Code Section 40-8-115; provided, however, that such vehicle shall be a school bus only while transporting school children and no other passengers to or from school.

(56) “Semitrailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(56.1) “Shared use path” means a pathway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right of way or within an independent right of way and used by bicycles, pedestrians, manual and motorized wheelchairs, and other authorized motorized and nonmotorized users.

(57) “Sidewalk” means that portion of a street between the curb lines, or the lateral lines of a railway, and the adjacent property lines, primarily intended for use by pedestrians.

(58) “Solid tires” means tires of rubber or similarly elastic material that do not depend on confined air for the support of the load. A vehicle shall be considered equipped with solid tires when solid tires are used on two or more wheels.

(59) “Special mobile equipment” means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch-digging apparatus, well-boring apparatus, and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and drag lines, and self-propelled cranes and earth-moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(60) “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

(61) “State” means a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of Canada.

(62) “Stop” or “stopping”:

(A) When required, means complete cessation from movement;
or

(B) When prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(63) “Street” means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(63.1) “Taxicab” means a motor vehicle for hire which conveys passengers between locations of their choice and is a mode of public transportation for a single passenger or small group for a fee. Such term shall also mean taxi or cab, but not a bus or school bus, limousine, passenger car, or commercial motor vehicle.

(64) “Through highway” means every highway or portion thereof on which vehicular traffic is given preferential right of way and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right of way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic-control device, when such signs or devices are erected as provided in this title.

(65) “Tractor” means any self-propelled vehicle designed for use as a traveling power plant or for drawing other vehicles but having no provision for carrying loads independently.

(66) “Traffic” means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

(67) “Traffic-control signal” means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(68) “Trailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(69) “Tripper service” means regularly scheduled mass transportation service which is open to the fare-paying public but which is also designed or modified to accommodate the needs of elementary or secondary school students and school personnel.

(70) “Truck” means every motor vehicle designed, used, or maintained primarily for the transportation of property.

(71) “Truck camper” means any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space.

(72) “Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(73) “Urban district” means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

(74) “Used motor vehicle” means any motor vehicle which has been the subject of a sale at retail to the general public.

(75) “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(76) “Wrecker” means a vehicle designed, equipped, or used to tow or carry other motor vehicles by means of a hoist, crane, sling, lift, or roll-back or slide back platform, by a mechanism of a like or similar character, or by any combination thereof, and the terms “tow truck” and “wrecker” are synonymous.

History.

Ga. L. 1927, p. 226, § 2; Code 1933, § 68-101; Ga. L. 1953, Nov.-Dec. Sess., p. 556, §§ 1-9, 11, 13-21; Ga. L. 1966, p. 183, § 1; Ga. L. 1970, p. 586, § 1; Ga. L. 1973, p. 595, § 1; Ga. L. 1973, p. 598, § 1; Code 1933, § 68A-101, enacted by Ga. L. 1974, p. 633, § 1; Ga. L. 1978, p. 1483, § 1; Ga. L. 1978, p. 2241, §§ 1, 3, 4; Ga. L. 1982, p. 3, § 40; Ga. L. 1983, p. 633, § 1; Ga. L. 1988, p. 691, §§ 1, 2; Ga. L. 1988, p. 1893, § 1; Ga. L. 1989, p. 1792, § 1; Ga. L. 1990, p. 2048, § 1; Ga. L. 1993, p. 518, § 1; Ga. L. 1994, p. 97, § 40; Ga. L. 1996, p. 236, § 1; Ga. L. 1997, p. 419, § 1; Ga. L. 1999, p. 334, § 1; Ga. L. 2001, p. 4, § 40; Ga. L. 2002, p. 506, § 2; Ga. L. 2002, p. 512, §§ 2, 3; Ga. L. 2002, p. 660, § 4; Ga. L. 2002, p. 1259, § 11; Ga. L. 2002, p. 1378, § 1; Ga. L. 2003, p. 308, §§ 1, 2, 3; Ga. L. 2004, p. 67, § 1; Ga. L. 2004, p. 746, § 1; Ga. L. 2006, p. 428, § 1/HB 654; Ga. L. 2007, p. 652, § 1/HB 518; Ga. L. 2010, p. 143, § 1/HB 1005; Ga. L. 2010, p. 442, § 4/HB 1174; Ga. L. 2011, p. 247, § 1/SB

240; Ga. L. 2011, p. 426, § 1/HB 101; Ga. L. 2011, p. 479, §§ 6, 7, 8/HB 112; Ga. L. 2012, p. 726, §§ 1, 2, 3/HB 795; Ga. L. 2013, p. 141, § 40/HB 79; Ga. L. 2014, p. 409, § 1/SB 392; Ga. L. 2014, p. 710, § 1-5/SB 298; Ga. L. 2014, p. 745, § 1/HB 877; Ga. L. 2015, p. 5, § 40/HB 90; Ga. L. 2015, p. 60, § 4-1/SB 100; Ga. L. 2015, p. 1058, § 4/SB 125; Ga. L. 2015, p. 1219, § 1/HB 202; Ga. L. 2017, p. 549, § 1/SB 219; Ga. L. 2019, p. 264, § 2/HB 454; Ga. L. 2019, p. 277, § 1/HB 101; Ga. L. 2020, p. 19, § 1/HB 861; Ga. L. 2020, p. 199, § 3-1/HB 463; Ga. L. 2020, p. 349, § 1/HB 877; Ga. L. 2021, p. 241, § 3/SB 159; Ga. L. 2022, p. 286, § 1/HB 1055; Ga. L. 2022, p. 543, § 1/HB 1009; Ga. L. 2023, p. 352, § 2-1/HB 121, effective July 1, 2023; Ga. L. 2024, p. 1052, § 4(1)/SB 448, effective July 1, 2024; Ga. L. 2025, p. 286, § 9/SB 58, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, inserted “an emergency organ transplant vehicle as such term is defined in Code Section 31-11-2;” in paragraph (5).

Editor's notes.

Ga. L. 2025, p. 286, § 1/SB 58, not codified by the General Assembly,

provides: "This Act shall be known and may be cited as the 'Georgia Transporting Life-Saving Organs and Personnel Act.'"

JUDICIAL DECISIONS**General Consideration**

Insurer's of ride share services. — Ride share network services fell within the definition of a motor carrier under the Georgia Motor Carrier Act, O.C.G.A. § 40-1-100(12)(A), and, therefore, their liability insurers can be directly named as

defendants in lawsuits against them as the definition was broad enough to include ride share services that transported passengers for hire on public highways. *Barnes v. State Farm Fire & Casualty Company*, 373 Ga. App. 331, 907 S.E.2d 305, 2024 Ga. App. LEXIS 469 (2024).

40-1-8. Safe operations of motor carriers, commercial motor vehicles, and drivers; safe transportation of hazardous materials.

(a) As used in this Code section, the term:

(1) "Commissioner" means the commissioner of public safety.

(2) "Department" means the Department of Public Safety.

(3) "Present regulations" means the regulations promulgated under 49 C.F.R. in force and effect on January 1, 2025.

(b) The commissioner shall have the authority to promulgate rules and regulations for the safe operation of motor carriers, the safe operation of commercial motor vehicles and drivers, and the safe transportation of hazardous materials. Any such rules and regulations promulgated or deemed necessary by the commissioner shall include, but are not limited to, the following:

(1) Every commercial motor vehicle and all parts thereof shall be maintained in a safe condition at all times; and the lights, brakes, equipment, and all other parts or accessories shall meet such safety requirements designated by present regulations under Parts 393 and 396;

(2) Every driver employed to operate a motor vehicle for a motor carrier shall:

(A) Be at least 18 years of age to operate a motor vehicle for a motor carrier intrastate and at least 21 years of age to operate a motor vehicle for a motor carrier interstate;

(B) Meet the qualification requirements the commissioner shall from time to time promulgate;

(C) Be of temperate habits and good moral character;

(D) Possess a valid driver's license;

(E) Not use or possess prohibited drugs or alcohol while on duty; and

(F) Be fully competent and sufficiently rested to operate the motor vehicle under his or her charge;

(3) Accidents arising from or in connection with the operation of commercial motor vehicles shall be reported to the commissioner of transportation in such detail and in such manner as the commissioner of transportation may require;

(4) The commissioner shall require each commercial motor vehicle to have attached such distinctive markings as shall be adopted by the commissioner. Such identification requirements shall comply with the applicable provisions of the federal Unified Carrier Registration Act of 2005; and

(5) The commissioner shall provide distinctive rules for the transportation of unmanufactured forest products in intrastate commerce to be designated the “Georgia Forest Products Trucking Rules.”

(c)(1) Regulations governing the safe operations of motor carriers, commercial motor vehicles and drivers, and the safe transportation of hazardous materials may be adopted by administrative order, including, but not limited to, by referencing compatible federal regulations or standards without compliance with the procedural requirements of Chapter 13 of Title 50, the “Georgia Administrative Procedure Act,” provided that such federal regulations or standards shall be maintained on file by the department and made available for inspection and copying by the public, by means including, but not limited to, posting on the department’s website. The commissioner may comply with the filing requirements of Chapter 13 of Title 50 by filing with the office of the Secretary of State the name and designation of such rules, regulations, standards, and orders. The courts shall take judicial notice of rules, regulations, standards, or orders so adopted or published.

(2) Rules, regulations, or orders previously adopted, issued, or promulgated pursuant to the provisions of Chapter 7 or 11 of Title 46 in effect on June 30, 2011, shall remain in full force and effect until such time as the commissioner of public safety adopts, issues, or promulgates new rules, regulations, or orders pursuant to the provisions of this Code section.

(d)(1) The commissioner may, pursuant to rule or regulation, specify and impose civil monetary penalties for violations of laws, rules, and regulations relating to driver and motor carrier safety and transportation of hazardous materials. Except as may be hereafter authorized by law, the maximum amount of any such monetary penalty shall not

exceed the maximum penalty authorized by law or rule or regulation for the same violation immediately prior to July 1, 2005.

(2) A cause of action for the collection of a penalty imposed pursuant to this subsection may be brought in the superior court of the county where the principal place of business of the penalized company is located or in the superior court of the county where the action giving rise to the penalty occurred.

(e) The commissioner is authorized to adopt such rules and orders as he or she may deem necessary in the enforcement of this Code section. Such rules and orders shall have the same dignity and standing as if such rules and orders were specifically provided in this Code section. The commissioner is authorized to establish such exceptions or exemptions from the requirements of this Code section, as he or she shall deem appropriate, consistent with any federal program requirements, and consistent with the protection of the public health, safety, and welfare.

(f)(1) The commissioner may designate members of the department, pursuant to Article 5 of Chapter 2 of Title 35, to perform regulatory compliance inspections. Members of county, municipal, campus, and other state agencies may be designated by the commissioner to perform regulatory compliance inspections only of vehicles, drivers, and cargo in operation, and may only enforce the provisions of rules and regulations promulgated under this Code section or Article 2 of this chapter subject to the provisions of a valid agreement between the commissioner and the county, municipal, campus, or other state agency.

(2) Unless designated and authorized by the commissioner, no members of county, municipal, campus, and other state agencies may perform regulatory compliance inspections.

(g) No person shall drive or operate, or cause the operation of, a vehicle in violation of an out-of-service order. As used in this subsection, the term "out-of-service order" means a temporary prohibition against operating as a motor carrier or driving or moving a vehicle, freight container or any cargo thereon, or any package containing a hazardous material.

(h) Unless otherwise provided by law, a motor carrier or operator of a commercial motor vehicle shall comply with present regulations as follows:

(1) Motor carrier safety standards found in 49 C.F.R. Part 391;

(2) Motor carrier safety standards found in 49 C.F.R. Part 392, including but not limited to the seatbelt usage requirements in 49 C.F.R. Section 392.16; and

(3) Hours of service and record of duty status requirements of 49 C.F.R. Part 395.

(i) A person failing to comply with the requirements of paragraph (2) of subsection (h) of this Code section shall be guilty of the misdemeanor offense of failure to wear a seat safety belt while operating a commercial motor vehicle and, upon conviction thereof, shall be fined not more than \$50.00 but shall not be subject to imprisonment. The costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or surcharge to a fine for such offense be assessed against a person for conviction thereof. No points shall be added pursuant to Code Section 40-5-57 and no additional fines or penalties shall be imposed.

(j) Every officer, agent, or employee of any corporation and every person who violates or fails to comply with this Code section or any order, rule, or regulation adopted pursuant to this Code section, or who procures, aids, or abets a violation of this Code section or such rule or regulation, shall be guilty of a misdemeanor. Misdemeanor violations of this Code section may be prosecuted, handled, and disposed of in the manner provided for by Chapter 13 of this title.

History.

Code 1981, § 40-1-8, enacted by Ga. L. 2011, p. 479, § 9/HB 112; Ga. L. 2013, p. 838, § 1/HB 323; Ga. L. 2014, p. 807, § 2/HB 753; Ga. L. 2015, p. 60, § 4-2/SB 100; Ga. L. 2016, p. 374, § 1/HB 747; Ga. L. 2017, p. 141, § 1/HB 58; Ga. L. 2018, p. 206, § 1/HB 714; Ga. L. 2019, p. 865, § 1/HB 225; Ga. L. 2020, p. 19, § 2/HB 861; Ga. L. 2021, p. 509, § 1/HB 174; Ga. L. 2021, p. 922, § 40/HB 497; Ga. L. 2022,

p. 300, § 1/HB 1194; Ga. L. 2023, p. 285, § 1/SB 120, effective July 1, 2023; Ga. L. 2024, p. 517, § 1/HB 1058, effective July 1, 2024; Ga. L. 2025, p. 220, § 1/HB 114, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted “January 1, 2025” for “January 1, 2024” at the end of paragraph (a)(3).

ARTICLE 3
MOTOR CARRIERS

PART 1
REGULATION OF MOTOR CARRIERS

40-1-52. Establishment of Commercial Vehicle Enforcement Division.

There is created and established a division within the Department of Public Safety to be known as Commercial Vehicle Enforcement which shall include a section designated the Regulatory Compliance Section. Except as provided in Chapter 2 of Title 35, the sworn members of Commercial Vehicle Enforcement shall be known and designated as law enforcement officers. The Regulatory Compliance Section shall be responsible for the regulation of the operation of motor carriers and

limousine carriers in accordance with this article, Code Section 40-1-8, and Article 2 of this chapter.

History.

Code 1981, § 40-1-52, enacted by Ga. L. 2012, p. 580, § 1/HB 865; Ga. L. 2013, p. 838, § 2/HB 323; Ga. L. 2025, p. 221, § 4/HB 116, effective July 1, 2025.

Enforcement” for “the Motor Carrier Compliance Division” in the first and second sentences and inserted “sworn” in the second sentence.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted “Commercial Vehicle

PART 2**CERTIFICATION OF MOTOR CARRIERS****40-1-100. Definitions.**

As used in this part, the term:

- (1) “Carrier” means a person who undertakes the transporting of goods or passengers for compensation.
- (2) “Certificate” or “motor carrier certificate” means a certificate of public convenience and necessity issued pursuant to this part or under the “Motor Carrier Act of 1929,” under the “Motor Carrier Act of 1931,” or under prior law.
- (3) “Commissioner” means the commissioner of public safety.
- (4) “Company” shall include a corporation, a firm, a partnership, an association, or an individual.
- (5) “Corporate sponsored vanpool” means a rideshare program sponsored by an employer in which the employer pays all or some of the costs associated with the transportation of its employees to a single work reporting location and all the vehicles used in the program have a manufacturer’s gross vehicle weight rating of not more than 10,000 pounds and are designed to carry not more than 15 passengers including the driver.
- (6) “Elderly or disabled passenger” means an individual over the age of 60 years or who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable to utilize mass transportation facilities as effectively as an individual who is not so affected.
- (7) “Exempt rideshare” means:
 - (A) Government endorsed rideshare programs;
 - (B) Rideshare programs in which a rideshare driver seeks reimbursement for, or the rideshare participants pool or otherwise share, rideshare costs such as fuel; or

(C) The leasing or rental of a vehicle, in the ordinary course of the lessor's or rentor's business, for rideshare purposes as part of a government endorsed rideshare program, or for rideshare under a contract requiring compliance with subparagraph (B) of this paragraph.

(8) "For compensation" or "for hire" means an activity relating to a person engaged in the transportation of goods or passengers for compensation.

(9) "Government endorsed rideshare program" means a vanpool, carpool, or similar rideshare operation conducted by or under the auspices of a state or local governmental transit instrumentality, such as GRTA, a transportation management association, or a community improvement district, or conducted under the auspices of such transit agencies, including through any form of contract between such transit instrumentality and private persons or businesses.

(10) "GRTA" means the Georgia Regional Transportation Authority, which is itself exempt from regulation as a carrier under Code Section 50-32-71.

(11) "Household goods" means any personal effects and property used or to be used in a dwelling when a part of the equipment or supplies of such dwelling and such other similar property as the commissioner may provide for by regulation; provided, however, that such term shall not include property being moved from a factory or store except when such property has been purchased by a householder with the intent to use such property in a dwelling and such property is transported at the request of, and with transportation charges paid by, the householder.

(12) "Motor carrier" means:

(A) Every person owning, controlling, operating, or managing any motor vehicle, including the lessees, receivers, or trustees of such persons or receivers appointed by any court, used in the business of transporting for hire persons, household goods, or property or engaged in the activity of nonconsensual towing pursuant to Code Section 44-1-13 for hire over any public highway in this state.

(B) Except as otherwise provided in this subparagraph, such term shall not include:

(i) Motor vehicles engaged solely in transporting school children and teachers to and from public schools and private schools;

(ii) Taxicabs which operate within the corporate limits of municipalities and are subject to regulation by the governing

authorities of such municipalities; the provisions of this division notwithstanding, vehicles and the drivers thereof operating within the corporate limits of any city shall be subject to the safety regulations adopted by the commissioner of public safety pursuant to Code Section 40-1-8;

(iii) Limousine carriers as provided for in Part 3 of this article;

(iv) Hotel passenger or baggage motor vehicles when used exclusively for patrons and employees of such hotel;

(v) Motor vehicles operated not for profit with a capacity of 15 persons or less when they are used exclusively to transport elderly or disabled passengers or employees under a corporate sponsored vanpool program, except that a vehicle owned by the driver may be operated for profit when such driver is traveling to and from his or her place of work, provided each such vehicle carrying more than nine passengers maintains liability insurance in an amount of not less than \$100,000.00 per person and \$300,000.00 per accident and \$50,000.00 property damage;

(vi) Motor vehicles owned and operated exclusively by the United States government or by this state or any subdivision thereof;

(vii) Vehicles, owned or operated by the federal or state government or by any agency, instrumentality, or political subdivision of the federal or state government, or privately owned and operated for profit or not for profit, capable of transporting not more than ten persons for hire when such vehicles are used exclusively to transport elderly or disabled passengers en route to receive medical care or prescription medication or returning after receiving medical care or prescription medication; or

(viii) Ambulances.

(13) "Passenger" means a person who travels in a public conveyance by virtue of a contract, either express or implied, with the carrier as to the payment of the fare or that which is accepted as an equivalent therefor. The prepayment of fare is not necessary to establish the relationship of passenger and carrier, although a carrier may demand prepayment of fare if persons enter his or her vehicle by his or her permission with the intention of being carried; in the absence of such a demand, an obligation to pay fare is implied on the part of the passenger, and the reciprocal obligation of carriage of the carrier arises upon the entry of the passenger.

(14) "Permit" means a written or electronic authorization issued by the department to motor carriers of passengers and nonconsensual towing companies for the purpose of providing services in accordance with the rules and guidelines of the department.

- (15) “Person” means any individual, partnership, trust, private or public corporation, municipality, county, political subdivision, public authority, cooperative, association, or public or private organization of any character.
- (16) “Public highway” means every public street, road, highway, or thoroughfare of any kind in this state.
- (17) “Vehicle” or “motor vehicle” means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof, determined by the commissioner.

History.

Code 1981, § 40-1-100, enacted by Ga. L. 2012, p. 580, § 1/HB 865; Ga. L. 2013, p. 141, § 40/HB 79; Ga. L. 2013, p. 838, § 6/HB 323; Ga. L. 2025, p. 630, § 1/HB 339, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, rewrote paragraph (6), which read: “Department’ means the Department of Public Safety”.; in subparagraph (12)(B), substituted “such term” for “the term ‘motor carrier’”; in division (12)(B)(v), substituted “or disabled” for “and disabled” near the beginning, revised punctuation at the end, and deleted the former second sentence, which read: “For

the purposes of this part, elderly and disabled passengers are defined as individuals over the age of 60 years or who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable to utilize mass transportation facilities as effectively as persons who are not so affected”; and, in division (12)(B)(vii), substituted “elderly or disabled passengers” for “persons who are elderly, disabled,”, revised punctuation at the end, and deleted the former second sentence, which read: “For the purpose of this part, elderly and disabled persons shall have the same meaning as in division (v) of this subparagraph”.

JUDICIAL DECISIONS

Insurer’s of ride share services. — Ride share network services fell within the definition of a motor carrier under the Georgia Motor Carrier Act, O.C.G.A. § 40-1-100(12)(A), and, therefore, their liability insurers can be directly named as defendants in lawsuits against them as

the definition was broad enough to include ride share services that transported passengers for hire on public highways. *Barnes v. State Farm Fire & Casualty Company*, 373 Ga. App. 331, 907 S.E.2d 305, 2024 Ga. App. LEXIS 469 (2024).

40-1-112. Insurance requirements; joinder.

JUDICIAL DECISIONS

ANALYSIS

- PLEADINGS AND PRACTICE
- 1. IN GENERAL
 - 3. JOINDER ISSUES

Pleadings and Practice

1. In General

Insurer's of ride share services. — Ride share network services fell within the definition of a motor carrier under the Georgia Motor Carrier Act, O.C.G.A. § 40-1-100(12)(A), and, therefore, their liability insurers can be directly named as defendants in lawsuits against them as the definition was broad enough to include ride share services that transported passengers for hire on public highways. *Barnes v. State Farm Fire & Casualty Company*, 373 Ga. App. 331, 907 S.E.2d 305, 2024 Ga. App. LEXIS 469 (2024).

against ride share company. — Because the insurer failed to meet its burden of proving that the ride share company was exempt from the Georgia Motor Carrier Act's, O.C.G.A. § 40-1-50 et seq., definition of motor carrier, it was proper for plaintiff to directly name the insurer, as the ride share company's liability insurance provider in her lawsuit under the version of O.C.G.A. § 40-1-112(c) applicable both when the incident occurred and when suit was filed. *Barnes v. State Farm Fire & Casualty Company*, 373 Ga. App. 331, 907 S.E.2d 305, 2024 Ga. App. LEXIS 469 (2024).

3. Joinder Issues

Joinder of insurer proper in action

PART 4

RIDE SHARE NETWORK SERVICES AND TRANSPORTATION REFERRAL SERVICES

40-1-190. Definitions.

JUDICIAL DECISIONS

Ride share network services fall within motor carrier definition. — Ride share network services fell within the definition of a motor carrier under the Georgia Motor Carrier Act, O.C.G.A. § 40-1-100(12)(A), and therefore their liability insurers can be directly named as

defendants in lawsuits against them as the definition was broad enough to include ride share services that transported passengers for hire on public highways. *Barnes v. State Farm Fire & Casualty Company*, 373 Ga. App. 331, 907 S.E.2d 305, 2024 Ga. App. LEXIS 469 (2024).

40-1-201. Liability of ride share network service.

(a) No ride share network service shall be liable under any theory of liability, including, but not limited to, vicarious or product liability, for any injury to persons or damage to property from the operation of a personal passenger car by a ride share driver by reason of owning, operating, or maintaining a digital network or internet network to connect passengers to ride share drivers for the purpose of prearranged transportation for hire or for donation, provided that:

(1) There has been no negligence or criminal misconduct by the ride share network service;

(2) The ride share network service is in compliance with the requirements of this part relating to obligations to a ride share driver and any other provision otherwise required by law; and

- (3) The ride share network service conducts or causes to conducted a criminal background check or obtains a private background check certification as described in Code Section 40-5-39 for each ride share driver at least once every two years.
- (b) Any digital network or internet network used by a ride share network service shall be considered a service and shall not qualify as a product.

History.
Code 1981, § 40-1-201, enacted by Ga. L. 2025, p. 630, § 2/HB 339, effective July 1, 2025.

Effective date.
This Code section became effective July 1, 2025.

PART 5

PEER-TO-PEER CAR-SHARING PROGRAM

40-1-221. Assumption of liability; insurance.

- (a)(1) A peer-to-peer car-sharing program shall assume liability, except as provided in paragraph (2) of this subsection, of a shared vehicle owner for any bodily injury or property damage to third parties or an uninsured and underinsured motorist or personal injury protection losses during the car-sharing period in an amount stated in the car-sharing program agreement, which amount may not be less than those set forth in paragraph (1) of subsection (a) of Code Section 33-7-11.
- (2) The assumption of liability under paragraph (1) of this subsection shall not apply if a shared vehicle owner:
- (A) Made an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car-sharing program before the car-sharing period in which the loss occurred; or
 - (B) Acted or acts in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car-sharing program agreement.
- (3) The assumption of liability under paragraph (1) of this subsection applies to bodily injury, property damage, and uninsured and underinsured motorist or personal injury protection losses by damaged third parties as required under subsection (a) of Code Section 33-7-11.
- (b) A peer-to-peer car-sharing program shall ensure that, during each car-sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that:

(1) Either:

(A) Recognizes that the vehicle insured under the policy is made available and used through a peer-to-peer car-sharing program; or

(B) Does not exclude the use of a shared vehicle by a shared vehicle driver;

(2) Provides insurance coverage in amounts no less than the minimum amounts set forth in subparagraph (a)(1)(A) of Code Section 33-7-11; and

(3) Provides that in the event an accident occurs outside of this state in a jurisdiction that has a financial responsibility law or similar law specifying limits of liability higher than those required in this state, such motor vehicle liability insurance policy will provide the higher specified limits.

(c) The insurance requirement described under subsection (b) of this Code section may be satisfied by motor vehicle liability insurance maintained by:

(1) A shared vehicle owner;

(2) A shared vehicle driver;

(3) A peer-to-peer car-sharing program; or

(4) Any combination of a shared vehicle owner, a shared vehicle driver, and a peer-to-peer car-sharing program.

(d) The insurance described in subsection (c) of this Code section that is satisfying the insurance requirement of subsection (b) of this Code section shall be primary during each car-sharing period.

(e) The peer-to-peer car-sharing program shall assume primary liability for a claim when:

(1) Such program is in whole or in part providing the insurance required under subsections (b) and (c) of this Code section;

(2) A dispute exists as to who was in control of the shared vehicle at the time of the loss; and

(3) Such program does not have available, did not retain, or fails to provide the information required by Code Section 40-1-224.

(f) The shared vehicle's insurer shall indemnify the peer-to-peer car-sharing program to the extent of its obligation under, if any, the applicable insurance policy, if it is determined that the shared vehicle's owner was in control of the shared vehicle at the time of the loss.

(g) If insurance maintained by a shared vehicle owner or shared vehicle driver in accordance with subsection (c) of this Code section has

lapsed or does not provide the required coverage, insurance maintained by a peer-to-peer car-sharing program shall provide the coverage required by subsection (b) of this Code section beginning with the first dollar of a claim and shall have the duty to defend such claim except under the circumstances set forth in paragraph (2) of subsection (a) of this Code section.

(h) Coverage under an automobile insurance policy maintained by the peer-to-peer car-sharing program shall not be dependent on another automobile insurer first denying a claim nor shall another automobile insurance policy be required to first deny a claim.

(i) If the insurance described in subsection (b) of this Code section is maintained by a peer-to-peer car-sharing program, it must be placed with an insurer admitted to do business in this state for the purpose of writing insurance and licensed under Title 33, or with a surplus lines insurer who is a nonadmitted insurer and eligible under Chapter 5 of Title 33, that has a credit rating from a rating agency in the highest rating category as approved by the department.

(j) A shared vehicle driver must at all times during the car-sharing period carry proof of coverage satisfying subsection (b) of this Code section. In the event of an accident, a shared vehicle driver shall disclose that he or she was driving a shared vehicle at the time of such accident and shall, pursuant to Code Section 40-6-10, provide the insurance coverage information satisfying subsection (b) of this Code section to the directly interested parties, automobile insurers, and law enforcement officers.

(k) Nothing in this chapter:

(1) Limits the liability of the peer-to-peer car-sharing program for any act or omission of the peer-to-peer car-sharing program itself that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer car-sharing program; or

(2) Limits the ability of the peer-to-peer car-sharing program to, by contract, seek indemnification from a shared vehicle owner or shared vehicle driver for economic loss sustained by the peer-to-peer car-sharing program resulting from a breach of the terms and conditions of the car-sharing program agreement.

History.

Code 1981, § 40-1-221, enacted by Ga. L. 2020, p. 310, § 2/HB 337; Ga. L. 2024, p. 1052, § 4(14)/SB 448, effective July 1, 2024; Ga. L. 2025, p. 1029, § 40(1)/SB 153, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modern-

ize, and correct the Code, substituted “car-sharing” for “car sharing” in paragraph (c)(4) and substituted “peer-to-peer car-sharing” for “car-sharing” in subsection (f).

CHAPTER 2

REGISTRATION AND LICENSING OF MOTOR VEHICLES

Article 1

Sec.

General Provisions

Sec.

- 40-2-8. (Effective until January 1, 2026.) Operation of unregistered vehicle or vehicle without current license plate, revalidation decal, or county decal; temporary operating permit issued by dealers of new or used motor vehicles.
- 40-2-8. (Effective January 1, 2026.) Operation of unregistered vehicle or vehicle without current license plate, revalidation decal, or county decal.
- 40-2-8.1. (Effective until January 1, 2026.) Operation of vehicle without revalidation decal on license plate.
- 40-2-8.1. (Effective January 1, 2026.) Issuance of temporary operating permits; electronic temporary operating permit issuance system; system access; suspension from system.

40-2-38.

40-2-38.

40-2-39.

Issuance of license plates and decals; transfer of registration to a digital license plate; compensation of tag agents; required identification.

(Effective until January 1, 2026.) Registration and licensing of manufacturers, distributors, and dealers; issuance of manufacturer, manufacturer headquarters, distributor, and dealer license plates.

(Effective January 1, 2026.) Registration and licensing of manufacturers, distributors, and dealers; issuance of manufacturer, manufacturer headquarters, distributor, and dealer license plates.

Registration and licensing of new motor vehicle dealers; temporary site permits; administrative fines; penalty.

Article 3

Prestige License Plates and Special Plates for Certain Persons and Vehicles

40-2-69.

40-2-69.

40-2-70.

40-2-70.

(Effective until January 1, 2026.) License plates for disabled veterans qualifying as totally disabled.

(Effective January 1, 2026.) License plates for disabled veterans qualifying as totally disabled.

(Effective until January 1, 2026.) License plates for veterans not qualifying as totally disabled.

(Effective January 1, 2026.) License plates for veterans not qualifying as totally disabled.

Article 2

Registration and Licensing Generally

- 40-2-20. Registration and license requirements; certificate of registration and temporary operating permit; two-year registration option for new motor vehicles.
- 40-2-33. (Effective until January 1, 2026.) Issuance of license plates and decals; transfer of registration to a digital license plate; compensation of tag agents; required identification.
- 40-2-33. (Effective January 1, 2026.)

Sec.		Sec.	
40-2-71.	(Effective until January 1, 2026.) Design of disabled veteran license plates; restrictions on issuance and transfer.	40-2-86.1.	and the agency, fund, or nonprofit corporation. (Effective until January 1, 2026.) License plates promoting or supporting certain agencies, funds, or nonprofit corporations or issued to qualified motor vehicles or owners with proceeds deposited in the general fund.
40-2-71.	(Effective January 1, 2026.) Design of disabled veteran license plates; restrictions on issuance.		
40-2-82.	License plates for Department of Public Safety vehicles operated by Georgia State Patrol or Commercial Vehicle Enforcement.	40-2-86.1.	(Effective January 1, 2026.) License plates promoting or supporting certain agencies, funds, or nonprofit corporations or issued to qualified motor vehicles or owners with proceeds deposited in the general fund.
40-2-86.	(Effective until January 1, 2026.) License plates promoting or supporting certain agencies, funds, or nonprofit corporations with proceeds disbursed to the general fund and the agency, fund, or nonprofit corporation.		
40-2-86.	(Effective January 1, 2026.) License plates promoting or supporting certain agencies, funds, or nonprofit corporations with proceeds disbursed to the general fund	40-2-130.	(Effective until January 1, 2026.) Records of certificates of registration.
		40-2-130.	(Effective January 1, 2026.) Records of certificates of registration.

Article 6

Administration and Enforcement of Chapter

ARTICLE 1

GENERAL PROVISIONS

40-2-8. (Effective until January 1, 2026.) Operation of unregistered vehicle or vehicle without current license plate, revalidation decal, or county decal; temporary operating permit issued by dealers of new or used motor vehicles.

(a) Any person owning or operating any vehicle described in Code Section 40-2-20 on any public highway or street without complying with that Code section shall be guilty of a misdemeanor, provided that a person shall register his or her motor vehicle within 30 days after becoming a resident of this state. Any person renting, leasing, or loaning any vehicle described in Code Section 40-2-20 which is being used on any public highway or street without complying with that Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of \$100.00 for each violation; and each day that such vehicle is operated in violation of Code Section 40-2-20 shall be deemed to be a separate and distinct offense.

(b)(1) It shall be a misdemeanor to operate any vehicle required to be registered in this state without a valid numbered license plate properly validated, unless such operation is otherwise permitted under this chapter; and provided, further, that the purchaser of a new vehicle or a used vehicle from a dealer of new or used motor vehicles who displays a temporary operating permit issued as provided by paragraph (2) of this subsection may operate such vehicle on the public highways and streets of this state without a current valid license plate during the period within which the purchaser is required by Code Section 40-2-20. An owner acquiring a motor vehicle from an entity that is not a new or used vehicle dealer shall register such vehicle as provided for in Code Section 40-2-29 unless such vehicle is to be registered under the International Registration Plan pursuant to Article 3A of this chapter.

(2)(A) Any dealer of new or used motor vehicles shall issue to the purchaser of a vehicle at the time of sale thereof, unless such vehicle is to be registered under the International Registration Plan, a temporary operating permit as provided for by department rules or regulations which may bear the dealer's name and location and shall bear an expiration date 45 days from the date of purchase. The expiration date of such a temporary operating permit may be revised and extended by the county tag agent upon application by the dealer, the purchaser, or the transferee if an extension of the purchaser's initial registration period has been granted as provided by Code Section 40-2-20. Such temporary operating permit shall not resemble a license plate issued by this state and shall be issued without charge or fee. The requirements of this paragraph shall not apply to a dealer whose primary business is the sale of salvage motor vehicles and other vehicles on which total loss claims have been paid by insurers.

(B) All temporary operating permits issued by dealers to purchasers of vehicles shall be of a standard design prescribed by regulation promulgated by the department. The department may provide by rule or regulation for the sale and distribution of such temporary operating permits by third parties in accordance with paragraph (3) of this subsection.

(3) All sellers and distributors of temporary operating permits shall maintain an inventory record of temporary operating permits by number and name of the dealer.

(4) The purchaser and operator of a vehicle shall not be subject to the penalties set forth in this Code section during the period allowed for the registration of such vehicle. If the owner of such vehicle presents evidence that such owner has properly applied for the registration of such vehicle, but that the license plate or revalidation

decal has not been delivered to such owner, then the owner shall not be subject to the penalties enumerated in this subsection.

(c) It shall be unlawful and punishable as for a misdemeanor to operate any vehicle required to be registered in the State of Georgia without a valid county decal designating the county where the vehicle was last registered, unless such operation is otherwise permitted under this chapter. Any person convicted of such offense shall be punished by a fine of \$25.00 for a first offense and \$100.00 for a second or subsequent such offense. However, a county name decal shall not be required if there is no space provided for a county name decal on the current license plate.

History.

Ga. L. 1927, p. 226, § 8; Ga. L. 1931, p. 7, § 84; Ga. L. 1931, p. 213, § 2; Code 1933, §§ 68-214, 68-9901; Ga. L. 1943, p. 341, § 4; Ga. L. 1953, Nov.-Dec. Sess., p. 343, Part 1, § 1; Ga. L. 1969, p. 266, § 3; Ga. L. 1977, p. 1039, § 1; Ga. L. 1980, p. 746, § 1; Ga. L. 1981, p. 714, § 4; Ga. L. 1982, p. 1584, §§ 2, 5; Ga. L. 1986, p. 1053, § 1; Ga. L. 1990, p. 2048, § 2; Ga. L. 1992, p. 2785, § 1.3; Ga. L. 1993, p. 1260, § 1; Ga. L. 1995, p. 809, § 1; Ga. L. 1996, p. 1118, § 1; Ga. L. 1997, p. 419, § 3; Ga. L. 1998, p. 1179, § 3; Ga. L. 2000, p. 523, § 1; Ga. L. 2001, p. 1173, § 1-1; Ga. L.

2002, p. 415, § 40; Ga. L. 2004, p. 631, § 40; Ga. L. 2005, p. 321, § 1/HB 455; Ga. L. 2005, p. 334, § 14-2/HB 501; Ga. L. 2010, p. 143, § 2/HB 1005; Ga. L. 2011, p. 479, § 10.1/HB 112; Ga. L. 2012, p. 804, § 1/HB 985; Ga. L. 2013, p. 141, § 40/HB 79; Ga. L. 2018, p. 287, § 2/HB 329; Ga. L. 2020, p. 669, § 1/HB 819; Ga. L. 2023, p. 554, § 2/HB 183, effective July 1, 2023.

Delayed effective date.

Code Section 40-2-8 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

40-2-8. (Effective January 1, 2026.) Operation of unregistered vehicle or vehicle without current license plate, revalidation decal, or county decal.

(a) No person shall own, rent, lease, or operate any vehicle required to be registered pursuant to Code Section 40-2-20 upon a highway in this state without registering such vehicle. Any person who becomes a resident of this state shall register his or her vehicle within 30 days of becoming a resident. Any person who fails to comply with this subsection shall be guilty of a misdemeanor and punished by a fine of \$100.00 for each day in which the vehicle is in violation.

(b)(1) It shall be unlawful and punishable as for a misdemeanor to operate any vehicle required to be registered in this state pursuant to Code Section 40-2-20 without a valid numbered license plate properly validated with a current revalidation decal, unless such operation is otherwise permitted under this chapter; and provided, further, that the purchaser of a new vehicle or a used vehicle from a dealer of new or used motor vehicles who displays a temporary operating permit issued as provided by Code Section 40-2-8.1 may operate such vehicle on the highways of this state without a current valid license plate

during the period authorized by Code Sections 40-2-8.1 and 40-2-20. An owner acquiring a motor vehicle from an entity that is not a new or used vehicle dealer shall register such vehicle as provided for in Code Section 40-2-29 unless such vehicle is to be registered under the International Registration Plan pursuant to Article 3A of this chapter.

(2) The purchaser and operator of a vehicle shall not be subject to the penalties set forth in this Code section during the period allowed for the registration of such vehicle.

(c) It shall be unlawful and punishable as for a misdemeanor to operate any vehicle required to be registered in this state without a valid county decal designating the county where the vehicle was last registered, unless such operation is otherwise permitted under this chapter. A county name decal shall not be required if there is no space provided for a county name decal on the current license plate. Any person convicted of a violation of this subsection shall be subject to a fine not to exceed \$25.00 if that person shows to the court having jurisdiction of the offense that the proper revalidation decal had been obtained prior to the time of the offense.

(d) No violation of this Code section shall have occurred upon presentation of evidence that the owner had properly applied for the registration of such vehicle, but that the license plate or revalidation decal had not been delivered to such owner at the time the uniform traffic citation was issued.

(e) The commissioner is authorized to promulgate rules and regulations necessary to effectuate the provisions of this Code section.

History.

Ga. L. 1927, p. 226, § 8; Ga. L. 1931, p. 7, § 84; Ga. L. 1931, p. 213, § 2; Code 1933, §§ 68-214, 68-9901; Ga. L. 1943, p. 341, § 4; Ga. L. 1953, Nov.-Dec. Sess., p. 343, Part 1, § 1; Ga. L. 1969, p. 266, § 3; Ga. L. 1977, p. 1039, § 1; Ga. L. 1980, p. 746, § 1; Ga. L. 1981, p. 714, § 4; Ga. L. 1982, p. 1584, §§ 2, 5; Ga. L. 1986, p. 1053, § 1; Ga. L. 1990, p. 2048, § 2; Ga. L. 1992, p. 2785, § 1.3; Ga. L. 1993, p. 1260, § 1; Ga. L. 1995, p. 809, § 1; Ga. L. 1996, p. 1118, § 1; Ga. L. 1997, p. 419, § 3; Ga. L. 1998, p. 1179, § 3; Ga. L. 2000, p. 523, § 1; Ga. L. 2001, p. 1173, § 1-1; Ga. L. 2002, p. 415, § 40; Ga. L. 2004, p. 631, § 40; Ga. L. 2005, p. 321, § 1/HB 455; Ga. L. 2005, p. 334, § 14-2/HB 501; Ga. L. 2010, p. 143, § 2/HB 1005; Ga. L. 2011, p.

479, § 10.1/HB 112; Ga. L. 2012, p. 804, § 1/HB 985; Ga. L. 2013, p. 141, § 40/HB 79; Ga. L. 2018, p. 287, § 2/HB 329; Ga. L. 2020, p. 669, § 1/HB 819; Ga. L. 2023, p. 554, § 2/HB 183, effective July 1, 2023; Ga. L. 2025, p. 672, § 1/HB 551, effective January 1, 2026.

Delayed effective date.

Code Section 40-2-8 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, rewrote subsections (a) through (c) and added subsections (d) and (e).

40-2-8.1. (Effective until January 1, 2026.) Operation of vehicle without revalidation decal on license plate.

Notwithstanding Code Section 40-2-8 or any other provision of law, a person who operates a vehicle which is required to be registered in this state and which has attached to the rear thereof a valid numbered license plate without having the required revalidation decal affixed upon that plate, which person is otherwise guilty of a misdemeanor for not having such decal affixed to the plate, shall be subject for that offense only to a fine not to exceed \$25.00 if that person shows to the court having jurisdiction of the offense that the proper revalidation decal had been obtained prior to the time of the offense.

History.

Code 1981, § 40-2-8.1, enacted by Ga. L. 1993, p. 698, § 1.

January 1, 2026. For version effective January 1, 2026, see the following version.

Delayed effective date.

Code Section 40-2-8.1 is set out twice in this Code. This version is effective until

40-2-8.1. (Effective January 1, 2026.) Issuance of temporary operating permits; electronic temporary operating permit issuance system; system access; suspension from system.

(a) As used in this Code section, the term “dealer” means any person who is engaged, in whole or in part, in the business of selling, exchanging, renting with an option to purchase, or offering an interest in motor vehicles for commission or with intent to make a profit or gain of money or other thing of value, whether or not such motor vehicles are owned by such person, and demonstrates an annual motor vehicle sales history of at least five motor vehicle sales as identified by department records or documentation approved by the department.

(b) Any dealer of new or used motor vehicles shall issue a temporary operating permit without charge or fee to the purchaser of a vehicle at the time of sale thereof, unless such vehicle is to be registered under the International Registration Plan or such dealer is one whose primary business is the sale of salvage motor vehicles and other vehicles on which total loss claims have been paid by insurers. Such temporary operating permit shall be of a standard design prescribed the department; provided, however, that such permit shall not resemble a license plate issued by this state. A temporary operating permit may bear the name of the dealer and location and shall include an expiration date which shall be 45 days from the date of purchase. The expiration date of a temporary operating permit may be revised and extended by the county tag agent upon application by the dealer, purchaser, or transferee if an extension of the purchaser’s initial registration period has been granted as provided by Code Section 40-2-20.

(c)(1) The department may provide by rule or regulation for the sale and distribution of temporary operating permits to dealers by third parties through the development and maintenance of an electronic temporary operating permit issuance system and establish standards for distribution and issuance of such permits. The department may further provide by rule or regulation for standards for authorized access to an electronic temporary operating permit issuance system, which may include, but shall not be limited to, required criminal background checks for any user of the system. Any third party authorized to sell and distribute temporary operating permits shall maintain an inventory record of such permits by number and name of the dealer.

(2)(A) The department shall be authorized to suspend access to the electronic temporary operating permit issuance system established pursuant to this Code section for any dealer found to have issued temporary operating permits for a vehicle which has not been sold or intended to be registered or otherwise violated requirements for issuance of such permits established by rule or regulation of the department after issuance of notice of such violation by electronic means and opportunity for informal review as set forth in this subparagraph. Any dealer who has received notice pursuant to this subsection of an alleged violation and for whom the department intends to suspend access to the electronic temporary operating permit issuance system may request an informal review of the allegations with the department. The method for making such request shall be developed by the department and may be by electronic means. Upon receipt of such request for informal review, the department shall, within ten business days, schedule an informal conference with such dealer to review the suspected violations. Proceedings under this subparagraph shall not be governed by any formal procedural requirements and may be conducted in such manner as the department may establish by rule or regulation. The department shall consider the historical use of the electronic temporary operating permit issuance system by the dealer under consideration for access suspension, together with other pertinent information which may be available, and shall render a decision regarding access to the electronic temporary operating permit issuance system within seven business days of the informal conference. Upon a finding that such dealer violated the requirements of this Code section or rules and regulations of the department, the department shall be authorized to impose fines or fees as provided by law. The department shall not be authorized to suspend access to the temporary operating permit system unless the department finds a dealer to be substantially out of compliance with the requirements of this Code section or the rules and

regulations of the department and such dealer has failed to produce satisfactory evidence of extenuating circumstances to justify such noncompliance.

(B) If the department suspends a dealer's access to the electronic temporary operating permit issuance system established pursuant to this Code section after an informal review held pursuant to subparagraph (A) of this paragraph, the suspended dealer shall have the right to a formal hearing to review the suspension pursuant to Code Section 40-3-6. Such hearing shall be held within 30 days of the department's decision to suspend the dealer's access to the electronic temporary operating permit issuance system and shall be conducted in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." At such hearing, the department may present evidence of any instances in which the suspended dealer unlawfully issued temporary operating permits or issued fraudulent temporary operating permits. Upon a finding that the suspended dealer is in compliance with the requirements of this Code section and has issued temporary operating permits predominantly for bona fide motor vehicle sales, the department shall provide for the immediate restoration of access to the electronic temporary operating permit issuance system for such dealer but shall be authorized to impose fines or fees as provided by law for failure to comply with the requirements of this chapter. Upon a finding that the suspended dealer violated the requirements of this Code section or rules and regulations of the department, the department shall be authorized to extend the term of suspension for a period of up to 24 months. Upon a finding that a dealer has unlawfully issued temporary operating permits in violation of this chapter or rules and regulations of the department, the department shall further be authorized to issue a civil monetary penalty in an amount no greater than \$100.00 per violation, suspend or revoke the registration issued to a dealer pursuant to Code Section 40-2-39, and suspend, confiscate, or limit issuance of any dealer plates issued pursuant to Code Section 40-2-38 for a period of up to 24 months. The department shall comply with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," in relation to the expedited review provided for in this subparagraph and the suspended dealer shall have the right to appeal any decision of the department in accordance with such chapter.

(d) The commissioner is authorized to promulgate rules and regulations necessary to effectuate the provisions of this Code section.

History. 1993, p. 698, § 1; Ga. L. 2025, p. 672, §
Code 1981, § 40-2-8.1, enacted by Ga. L. 2/2026, effective January 1, 2026.

Delayed effective date.

Code Section 40-2-8.1 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, rewrote this Code section.

ARTICLE 2**REGISTRATION AND LICENSING GENERALLY****40-2-20. Registration and license requirements; certificate of registration and temporary operating permit; two-year registration option for new motor vehicles.**

(a)(1)(A) Except as provided in subsections (b) and (d) of this Code section and subsection (a) of Code Section 40-2-47, every owner of a motor vehicle, including a tractor or motorcycle, and every owner of a trailer shall, during the owner's registration period in each year, register such vehicle as provided in this chapter and obtain a license plate or revalidation decal to operate it for the 12 month period until such person's next registration period.

(B)(i) The purchaser or other transferee owner of every new or used motor vehicle, including tractors and motorcycles, or trailer shall register such vehicle as provided in Code Section 40-2-8 and obtain or transfer as provided in this chapter a license to operate it for the period remaining until such person's next registration period which immediately follows such initial registration period, without regard to whether such next registration period occurs in the same calendar year as the initial registration period or how soon such next registration period follows the initial registration period; provided, however, that this registration and licensing requirement does not apply to a dealer which acquires a new or used motor vehicle and holds it for resale. The commissioner may provide by rule or regulation for one 30 day extension of such initial registration period which may be granted by the county tag agent if the transferor has not provided such purchaser or other transferee owner with a title to the motor vehicle more than five business days prior to the expiration of such initial registration period. The county tag agent shall grant an extension of the initial registration period when the transferor, purchaser, or transferee can demonstrate by affidavit in a form provided by the commissioner that title has not been provided to the purchaser or transferee due to the failure of a security interest or lienholder to timely release a security interest or lien in accordance with Code Section 40-3-56.

(ii) No person, company, or corporation, including, but not

limited to, used motor vehicle dealers and auto auctions, shall sell or transfer a motor vehicle without providing to the purchaser or transferee of such motor vehicle the last certificate of registration on such vehicle at the time of such sale or transfer; provided, however, that, in the case of a salvage motor vehicle or a motor vehicle which is stolen but subsequently recovered by the insurance company after payment of a total loss claim, the salvage dealer or insurer, respectively, shall not be required to provide the certificate of registration for such vehicle; and provided, further, that in the case of a repossessed motor vehicle or a court ordered sale or other involuntary transfer, the lienholder or the transferor shall not be required to provide the certificate of registration for such vehicle but shall, prior to the sale of such vehicle, surrender the license plate of such vehicle to the commissioner or the county tag agent by personal delivery or by certified mail or statutory overnight delivery for cancellation.

(C) Upon application for renewal of a vehicle registration, the county tag agent may issue a temporary operating permit for any vehicle that fails to comply with applicable federal emission standards, provided that the owner of such vehicle has provided verification of the existence of minimum motor vehicle liability insurance coverage and paid all applicable taxes, penalties, insurance lapse fees, and fees other than the registration fee. Such temporary operating permit shall be valid for 30 days and shall not be renewable.

(2) An application for the registration of a motor vehicle may not be submitted separately from the application for a certificate of title for such motor vehicle, unless a certificate of title has been issued in the owner's name, has been applied for in the owner's name, or the motor vehicle is not required to be titled. An application for a certificate of title for a motor vehicle may be submitted separately from the application for the registration of such motor vehicle.

(b) Subsection (a) of this Code section shall not apply:

(1) To any motor vehicle or trailer owned by the state or any municipality or other political subdivision of this state except to the extent provided by Code Section 40-2-37;

(2) To any tractor or three-wheeled motorcycle used only for agricultural purposes;

(2.1) To any vehicle or equipment used for transporting cargo or containers between and within wharves, storage areas, or terminals within the facilities of any port under the jurisdiction of the Georgia Ports Authority when such vehicle or equipment is being operated upon any public road not part of The Dwight D. Eisenhower System

of Interstate and Defense Highways by the owner thereof or his or her agent within a radius of ten miles of the port facility of origin and accompanied by an escort vehicle equipped with one or more operating amber flashing lights that are visible from a distance of 500 feet;

(3) To any trailer which has no springs and which is being employed in hauling unprocessed farm products to their first market destination;

(4) To any trailer which has no springs, which is pulled from a tongue, and which is used primarily to transport fertilizer to a farm;

(5) To any electric powered personal transportation vehicle;

(6) To any moped; or

(7) To any golf car.

(c) Any person who fails to register a new or used motor vehicle as required in subsection (a) of this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$100.00.

(d) Upon the payment of the requisite fee, the purchaser of a new motor vehicle which is a passenger car, for which such purchaser has paid state and local title ad valorem taxes, may choose to register such passenger car for an initial period of two years instead of the annual registration provided for in this Code section, provided that the motor vehicle owner does not elect a prestige or special license plate. Thereafter, such passenger car shall be subject to the annual registration requirements of this Code section.

History.

Ga. L. 1927, p. 226, § 3; Ga. L. 1931, p. 7, § 84; Ga. L. 1931, p. 213, § 1; Code 1933, § 68-201; Ga. L. 1943, p. 341, § 2; Ga. L. 1953, Jan.-Feb. Sess., p. 392, § 2; Ga. L. 1957, p. 590, § 1; Ga. L. 1960, p. 777, § 1; Ga. L. 1966, p. 252, § 1; Ga. L. 1969, p. 266, § 1; Ga. L. 1973, p. 595, § 2; Ga. L. 1973, p. 781, § 1; Ga. L. 1974, p. 414, § 1; Ga. L. 1974, p. 451, § 1; Ga. L. 1978, p. 2241, § 2; Ga. L. 1984, p. 603, § 1; Ga. L. 1984, p. 1329, § 1; Ga. L. 1985, p. 149, § 40; Ga. L. 1986, p. 1053, § 2; Ga. L. 1987, p. 949, § 1; Ga. L. 1990, p. 1657, § 3; Ga. L. 1990, p. 2048, § 2; Ga. L. 1993, p. 1260, § 2; Ga. L. 1994, p. 352, § 1; Ga. L. 1995, p. 809, § 2; Ga. L. 1996, p. 1118, § 2; Ga. L. 1997, p. 419, § 4; Ga. L. 1998, p. 1179, § 4; Ga. L. 1999, p. 81, § 40; Ga. L. 1999, p. 784, § 1; Ga. L. 2000, p. 136,

§ 40; Ga. L. 2000, p. 1589, § 3; Ga. L. 2001, p. 1173, § 1-2; Ga. L. 2002, p. 506, § 3; Ga. L. 2002, p. 512, § 4; Ga. L. 2009, p. 449, § 1/SB 128; Ga. L. 2010, p. 143, § 3/HB 1005; Ga. L. 2012, p. 804, § 2/HB 985; Ga. L. 2014, p. 745, § 2/HB 877; Ga. L. 2015, p. 60, § 4-4/SB 100; Ga. L. 2015, p. 836, § 1/HB 147; Ga. L. 2016, p. 864, § 40/HB 737; Ga. L. 2023, p. 554, § 3/HB 183, effective July 1, 2023; Ga. L. 2024, p. 147, § 2/HB 1100, effective April 22, 2024; Ga. L. 2024, p. 1052, § 4(16)/SB 448, effective July 1, 2024; Ga. L. 2025, p. 1029, § 40(2)/SB 153, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, inserted a comma following “taxes” in subsection (d).

40-2-33. (Effective until January 1, 2026.) Issuance of license plates and decals; transfer of registration to a digital license plate; compensation of tag agents; required identification.

(a)(1) Upon compliance with the provisions of this chapter and the payment of the license fee required by law, the tag agent shall accept the application for registration and, except as otherwise provided for in this chapter, if the license plate or revalidation decal applied for is in such tag agent's inventory, he or she shall issue the appropriate plate or revalidation decal.

(2) If the metal license plate applied for is not in inventory, the application shall be approved and forwarded to the commissioner, who, upon receipt of a proper and approved application, shall issue the license plate applied for by mailing or delivering the plate to the applicant. Until the license plate is received by the applicant from the commissioner, the applicant may operate the vehicle without a license plate therefor upon the receipt issued to him or her by the tag agent.

(2.1) The commissioner may provide for the issuance of a temporary operating permit for any multipurpose off-highway vehicle, to be displayed until such time as a license plate of the design required by Code Section 40-2-31 has been issued to the registrant as a replacement for such temporary operating permit; provided, however, that any such temporary operating permit shall designate the multipurpose off-highway vehicle as such; and provided, further, that the commissioner shall make available for issuance multipurpose off-highway vehicle license plates of the design required by Code Section 40-2-31 not later than January 1, 2024.

(3) At the time of initial application for registration or at any time during the registration period, a vehicle owner may file with the county tag agent, on a form or electronic form prescribed by the commissioner, a request to have a vehicle license plate duplicated on a digital license plate purchased from a digital license plate provider. Such request to the county tag agent shall include all applicable registration fees. Upon approving the application provided in this paragraph, the commissioner or county tag agent shall furnish the digital license plate provider with the appropriate licensing information to be displayed upon the digital license plate. In accordance with Code Section 40-2-8, a 45 day temporary operating permit shall be issued by the commissioner or county tag agent to an applicant for a digital license plate until such license plate is received by the applicant.

(b) Except as provided for in Code Section 40-2-22, the amount of commission permitted as compensation to tag agents under this Code

section shall be \$1.00 per license plate or revalidation decal issued during any calendar year. Twenty-five cents for each license plate or revalidation decal sold in excess of 4,000 during any one calendar year shall become the property of the county and shall be turned over to the fiscal authorities of the county by the tag agent. The remaining portion of such commissions shall be disposed of as provided in Code Section 40-2-34.

(c)(1) Any other provisions of any law of this state, whether general, special, or local, to the contrary notwithstanding, and except as provided in subsection (b) of this Code section and paragraph (2) of this subsection, the fees prescribed in subsection (b) of this Code section shall be retained by the tag agent appointed by the commissioner under this chapter and shall be his or her own personal compensation for the services rendered in the administration of this chapter, regardless of whether such agent may otherwise be an elected or appointed official of the county, and regardless of whether as such county officer he or she is compensated for the performance of the duties of such office on a fee basis or salary basis, or combination thereof. It shall be his or her duty, however, as agent for the commissioner in the administration of the purposes of this chapter, to compensate any additional personnel which may be necessary to enable said agent to effectuate the provisions of this chapter and the rules and regulations promulgated under this chapter by the commissioner.

(2) If such tag agent shall be a salaried employee of the county and at a salary in excess of \$7,999.00 per annum, the amount of such fees so collected shall go into the general treasury of the county. In such cases, it shall be the duty of the governing authorities of the county to furnish to the tag agent such additional clerical help as is necessary to carry out the provisions of this chapter.

(d) The initial issuance of any tag, on or after July 1, 2007, shall not be made unless the applicant presents at the time of application a valid driver's license or identification card. This subsection shall not apply to those applicants expressly exempted in Code Section 40-5-21.

History.

Ga. L. 1955, p. 659, § 3; Ga. L. 1957, p. 197, § 2; Ga. L. 1966, p. 508, § 3; Ga. L. 1970, p. 728, § 1; Code 1981, § 40-2-30; Ga. L. 1982, p. 3, § 40; Ga. L. 1985, p. 149, § 40; Ga. L. 1988, p. 377, § 1; Ga. L. 1989, p. 857, § 1; Ga. L. 1990, p. 159, § 1; Code 1981, § 40-2-33, as redesignated by Ga. L. 1990, p. 2048, § 2; Ga. L. 1992, p. 779, § 2; Ga. L. 1997, p. 419, § 8; Ga. L. 2000, p. 951, § 3-6; Ga. L. 2002, p. 512, § 7; Ga. L. 2007, p. 531, § 1/SB 38; Ga. L. 2010, p.

9, § 1-68/HB 1055; Ga. L. 2021, p. 124, § 5/SB 210; Ga. L. 2023, p. 352, § 2-4/HB 121, effective July 1, 2023; Ga. L. 2023, p. 554, § 5/HB 183, effective July 1, 2023; Ga. L. 2024, p. 1052, § 4(20)/SB 448, effective July 1, 2024.

Delayed effective date.

Code Section 40-2-33 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

40-2-33. (Effective January 1, 2026.) Issuance of license plates and decals; transfer of registration to a digital license plate; compensation of tag agents; required identification.

(a)(1) Upon compliance with the provisions of this chapter and the payment of the license fee required by law, the tag agent shall accept the application for registration and, except as otherwise provided for in this chapter, if the license plate or revalidation decal applied for is in such tag agent's inventory, he or she shall issue the appropriate plate or revalidation decal.

(2) If the metal license plate applied for is not in inventory, the application shall be approved and forwarded to the commissioner, who, upon receipt of a proper and approved application, shall issue the license plate applied for by mailing or delivering the plate to the applicant. Until the license plate is received by the applicant from the commissioner, the applicant may operate the vehicle without a license plate therefor upon the receipt issued to him or her by the tag agent.

(2.1) The commissioner may provide for the issuance of a temporary operating permit for any multipurpose off-highway vehicle, to be displayed until such time as a license plate of the design required by Code Section 40-2-31 has been issued to the registrant as a replacement for such temporary operating permit; provided, however, that any such temporary operating permit shall designate the multipurpose off-highway vehicle as such; and provided, further, that the commissioner shall make available for issuance multipurpose off-highway vehicle license plates of the design required by Code Section 40-2-31 not later than January 1, 2024.

(3) At the time of initial application for registration or at any time during the registration period, a vehicle owner may file with the county tag agent, on a form or electronic form prescribed by the commissioner, a request to have a vehicle license plate duplicated on a digital license plate purchased from a digital license plate provider. Such request to the county tag agent shall include all applicable registration fees. Upon approving the application provided in this paragraph, the commissioner or county tag agent shall furnish the digital license plate provider with the appropriate licensing information to be displayed upon the digital license plate. In accordance with Code Section 40-2-8.1, a 45 day temporary operating permit shall be issued by the commissioner or county tag agent to an applicant for a digital license plate until such license plate is received by the applicant.

(b) Except as provided for in Code Section 40-2-22, the amount of commission permitted as compensation to tag agents under this Code

section shall be \$1.00 per license plate or revalidation decal issued during any calendar year. Twenty-five cents for each license plate or revalidation decal sold in excess of 4,000 during any one calendar year shall become the property of the county and shall be turned over to the fiscal authorities of the county by the tag agent. The remaining portion of such commissions shall be disposed of as provided in Code Section 40-2-34.

(c)(1) Any other provisions of any law of this state, whether general, special, or local, to the contrary notwithstanding, and except as provided in subsection (b) of this Code section and paragraph (2) of this subsection, the fees prescribed in subsection (b) of this Code section shall be retained by the tag agent appointed by the commissioner under this chapter and shall be his or her own personal compensation for the services rendered in the administration of this chapter, regardless of whether such agent may otherwise be an elected or appointed official of the county, and regardless of whether as such county officer he or she is compensated for the performance of the duties of such office on a fee basis or salary basis, or combination thereof. It shall be his or her duty, however, as agent for the commissioner in the administration of the purposes of this chapter, to compensate any additional personnel which may be necessary to enable said agent to effectuate the provisions of this chapter and the rules and regulations promulgated under this chapter by the commissioner.

(2) If such tag agent shall be a salaried employee of the county and at a salary in excess of \$7,999.00 per annum, the amount of such fees so collected shall go into the general treasury of the county. In such cases, it shall be the duty of the governing authorities of the county to furnish to the tag agent such additional clerical help as is necessary to carry out the provisions of this chapter.

(d) The initial issuance of any tag, on or after July 1, 2007, shall not be made unless the applicant presents at the time of application a valid driver's license or identification card. This subsection shall not apply to those applicants expressly exempted in Code Section 40-5-21.

History.

Ga. L. 1955, p. 659, § 3; Ga. L. 1957, p. 197, § 2; Ga. L. 1966, p. 508, § 3; Ga. L. 1970, p. 728, § 1; Code 1981, § 40-2-30; Ga. L. 1982, p. 3, § 40; Ga. L. 1985, p. 149, § 40; Ga. L. 1988, p. 377, § 1; Ga. L. 1989, p. 857, § 1; Ga. L. 1990, p. 159, § 1; Code 1981, § 40-2-33, as redesignated by Ga. L. 1990, p. 2048, § 2; Ga. L. 1992, p. 779, § 2; Ga. L. 1997, p. 419, § 8; Ga. L. 2000, p. 951, § 3-6; Ga. L. 2002, p. 512, § 7; Ga.

L. 2007, p. 531, § 1/SB 38; Ga. L. 2010, p. 9, § 1-68/HB 1055; Ga. L. 2021, p. 124, § 5/SB 210; Ga. L. 2023, p. 352, § 2-4/HB 121, effective July 1, 2023; Ga. L. 2023, p. 554, § 5/HB 183, effective July 1, 2023; Ga. L. 2024, p. 1052, § 4(20)/SB 448, effective July 1, 2024; Ga. L. 2025, p. 672, § 3/HB 551, effective January 1, 2026.

Delayed effective date.

Code Section 40-2-33 is set out twice in this Code. This version is effective

January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective Janu-

ary 1, 2026, substituted “Code Section 40-2-8.1” for “Code Section 40-2-8” in the last sentence of paragraph (a)(3).

40-2-38. (Effective until January 1, 2026.) Registration and licensing of manufacturers, distributors, and dealers; issuance of manufacturer, manufacturer headquarters, distributor, and dealer license plates.

(a)(1) Manufacturers, distributors, and dealers engaged in the manufacture, sale, or leasing of vehicles required to be registered under Code Section 40-2-20 shall register by electronic means with the commissioner, making application for a distinguishing dealer’s number, specifying the name and make of motor vehicle, tractor, or trailer manufactured, sold, or leased by them, upon forms prepared by the commissioner for such purposes, and pay therefor a fee of \$62.00, which shall accompany such application. Upon payment of such fee by a dealer, the commissioner shall furnish to the dealer one master number plate to expire each year in accordance with subsection (f) of this Code section, to be known as a dealer’s number and to be distinguished from the number plates provided for in this chapter by different and distinguishing colors to be determined by the commissioner. The dealer plate for a franchise motor vehicle dealer shall be distinguishable from the dealer plate for a used car dealer and from the dealer plate for a motor vehicle wholesaler. A dealer’s number plate is for the purpose of demonstrating or transporting the dealer’s vehicles or trailers for sale or lease. Persons engaged in the business of transporting vehicles for a dealer under a vehicle’s own power shall be permitted to use such dealer’s plate for the purpose of transporting a vehicle.

(2) No dealer may use or permit to be used a dealer’s number for private use, on cars for hire or lease, or in any other manner not provided for in this Code section. A dealer may use or permit to be used a dealer’s number for private use on vehicles owned by the dealership, regardless of whether such vehicle has been issued a certificate of title or registered, when such vehicles are operated by an employee or corporate officer of the dealer which has been issued such number. A distinguishing dealer’s number used by an employee or officer for private use shall authorize such person to operate the vehicle to which the number is attached on the public highways and streets. For purposes of this paragraph, “employee” means a person who works a minimum of 36 hours per week at the dealership.

(3) The manufacturer’s or distributor’s license plate is limited to no longer than six months’ use per vehicle. Upon payment of such a

fee by a manufacturer or distributor, the commissioner shall issue to manufacturers and distributors number plates with the word “Manufacturer” or “Distributor” on such plates. Nothing in this subsection shall preclude a manufacturer or distributor from using a “Manufacturer” or “Distributor” number plate on motor vehicles it owns when such vehicles are used for evaluation or demonstration purposes, notwithstanding incidental personal use by a manufacturer or distributor. A dealer may apply for one or more distinguishing dealer’s numbers. In the event the dealers, distributors, or manufacturers desire more than one tag, they shall so state on the application, and, in addition to the fee of \$62.00 provided in this Code section, shall pay \$12.00 for each and every additional number plate furnished.

(4)(A) Upon application and payment of the required fee, the commissioner shall issue to manufacturer headquarters or its affiliate number license plates with the words “Manufacturer HQ” on such plates. The manufacturer headquarters’ license plates must be used exclusively on motor vehicles owned or in possession of a manufacturer headquarters or its affiliate. Such manufacturer headquarters’ license plates are limited to no longer than 24 months’ use per vehicle.

(B) A manufacturer headquarters or its affiliate shall apply on a form prescribed by the commissioner and shall provide proof that the applicant:

(i) Is a bona fide manufacturer headquarters; and

(ii) Maintains a system of records regarding use of such license plates. The manufacturer headquarters shall state in each application the number of manufacturer headquarters’ license plates requested.

(C) The manufacturer headquarters or its affiliate shall pay an application fee of \$62.00 per application as provided in this Code section and shall pay \$12.00 for each and every plate furnished. With respect to any manufacturer headquarters’ license plate issued to a manufacturer headquarters or its affiliate, notwithstanding anything to the contrary in this title or Code Section 48-5C-1, such manufacturer headquarters or its affiliate, and any person operating or possessing a motor vehicle using a manufacturer headquarters’ license plate pursuant to this paragraph, shall not be subject to state or local title ad valorem tax fees with respect to such vehicle or manufacturer headquarters’ license plate.

(D) The manufacturer headquarters or its affiliate shall maintain a system of records regarding the motor vehicle to which the manufacturer headquarters’ license plate will be attached. Such record shall, at a minimum, contain the:

(i) Vehicle Identification Number (VIN);

(ii) Name and address of the primary individual operating the vehicle; and

(iii) Manner of use of the vehicle selected from the alternative uses referenced in subparagraph (E) of this paragraph.

(E) Vehicles with manufacturer headquarters' license plates may be operated by persons authorized by the manufacturer headquarters or its affiliate on vehicles of its brand for the following manners of use:

(i) Evaluation, marketing, or demonstration purposes, notwithstanding incidental personal use by a manufacturer headquarters' authorized employee or other authorized person designated by such manufacturer headquarters or its affiliate; or

(ii) As part of a vehicle leasing program operated by such manufacturer headquarters or its affiliate for the benefit of employees. Any operation of a motor vehicle by a person for an approved use pursuant to this subparagraph shall be deemed to be a demonstration of the motor vehicle for purposes of Code Section 48-8-39.

(5) The commissioner shall include a distinctive logo or emblem for any manufacturer's, distributor's, or manufacturer headquarters' license plate to be attached to an alternative fueled vehicle, as such term is defined in paragraph (7) of subsection (l) of Code Section 40-2-86.1. Alternative fuel vehicles bearing a special license plate pursuant to this subsection shall be subject to the alternative fuel vehicle fees as set forth in paragraph (19) of subsection (a) of Code Section 40-2-151 at the time of initial issuance and annually thereafter in a manner prescribed by the commissioner. Display of a special license plate issued pursuant to this paragraph shall authorize travel by such alternative fueled vehicle in lanes for exclusive or preferential use designated pursuant to Code Section 32-9-4.

(b)(1) Dealer plates shall be issued in the following manner:

(A) Dealers shall be issued a master plate and two additional plates, for a total of three initial plates; and

(B) In addition to the three dealer plates issued in accordance with subparagraph (A) of this paragraph, each dealer may also be issued one additional dealer plate for every 20 units sold in a calendar year.

(2) In order to determine the additional number and classification of plates to be issued to a dealer, a dealer shall be required to certify

by affidavit to the department the number of retail and wholesale units sold in the prior calendar year using the past motor vehicle sales history of the dealer as identified by department records or documentation approved by the department. If no sales history is available, the department shall issue a number of plates based on an estimated number of sales for the coming calendar year. The department may, in its discretion, request documentation supporting sales history and may increase or decrease the number and classification of plates issued based on actual sales.

(c) This Code section shall not apply in any manner to mopeds.

(d) The license plates issued pursuant to this Code section shall be revoked and confiscated upon a determination after a hearing that such dealer, distributor, manufacturer, or manufacturer headquarters has unlawfully used such license plates in violation of this Code section.

(e) If a license plate issued pursuant to this Code section is lost or stolen, the dealer, manufacturer, distributor, manufacturer headquarters, or other party to whom the license plate was issued must immediately report the lost or stolen plate to local law enforcement agencies. If a replacement license plate is sought, the dealer, manufacturer, distributor, manufacturer headquarters, or other party to whom the license plate was issued shall file a notarized affidavit with the department requesting a replacement plate. Such affidavit shall certify under penalty of perjury that the license plate has been lost or stolen and that the loss has been reported to a local law enforcement agency.

(f)(1) The expiration of a license plate issued pursuant to this Code section shall be the last day of the registration period as provided in division (a)(1)(A)(ii) of Code Section 40-2-21, except that for the purposes of this subsection, the registration period shall be determined by the first letter of the legal name of the business listed on the application for registration or renewal of registration. An application for renewal of registration shall not be submitted earlier than 90 days prior to the last day of the registration period. A penalty of 25 percent of the total registration fees due shall be assessed any person registering pursuant to this Code section who, prior to the expiration of such person's registration period, fails to apply for renewal or if having applied fails to pay the required fees.

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

(g) The commissioner shall adopt rules and regulations for the implementation of this Code section.

History.

Ga. L. 1927, p. 226, § 7; Ga. L. 1931, p. 7, § 84; Code 1933, § 68-213; Ga. L. 1963, p. 529, § 1; Ga. L. 1977, p. 591, § 1; Ga. L. 1978, p. 2241, § 2A; Code 1981, § 40-2-36; Ga. L. 1982, p. 3, § 40; Ga. L. 1985, p. 149, § 40; Code 1981, § 40-2-38, as redesignated by Ga. L. 1990, p. 2048, § 2; Ga. L. 1992, p. 2978, § 1; Ga. L. 1993, p. 296, § 1; Ga. L. 1997, p. 1559, § 1; Ga. L. 2004, p. 631, § 40; Ga. L. 2005, p. 321, § 2/HB 455; Ga. L. 2006, p. 465, § 1/HB 1052; Ga. L. 2007, p. 652, §§ 3, 4/HB 518; Ga. L.

2015, p. 1219, § 2/HB 202; Ga. L. 2017, p. 774, § 40/HB 323; Ga. L. 2019, p. 486, § 2/SB 227; Ga. L. 2021, p. 358, § 1/HB 207; Ga. L. 2021, p. 922, § 40/HB 497; Ga. L. 2022, p. 658, § 1/HB 1481; Ga. L. 2024, p. 1052, § 4(22)/SB 448, effective July 1, 2024.

Delayed effective date.

Code Section 40-2-38 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

40-2-38. (Effective January 1, 2026.) Registration and licensing of manufacturers, distributors, and dealers; issuance of manufacturer, manufacturer headquarters, distributor, and dealer license plates.

(a)(1) As used in this Code section, the term “dealer” shall have the same meaning as set forth in Code Section 40-2-8.1.

(1) Manufacturers, manufacturer headquarters, distributors, and dealers engaged in the manufacture, sale, or leasing of vehicles required to be registered under Code Section 40-2-20 shall register by electronic means with the commissioner, making application for a distinguishing number, upon forms prepared by the commissioner for such purposes, and pay therefor a fee of \$62.00, which shall accompany such application. Upon payment of such fee by an applicant, the commissioner shall furnish one master number plate to expire each year in accordance with this Code section based upon the type of master number plate issued. Each additional plate issued pursuant to this Code section shall require payment of a \$12.00 fee. Each master number plate and any additional plates issued pursuant to this Code section shall be distinguished from the license plates provided for in this chapter by different and distinguishing colors to be determined by the commissioner. The dealer plate for a franchise motor vehicle dealer shall be distinguishable from the dealer plate for a used car dealer and from the dealer plate for a motor vehicle wholesaler. Except as otherwise authorized by this Code section, a dealer’s master number plate or additional plates issued pursuant to this Code section shall be for the purpose of demonstrating or transporting vehicles or trailers for sale or lease. Persons engaged in the business of transporting vehicles for a dealer under a vehicle’s own power shall be permitted to use such dealer’s plate for the purpose of transporting a vehicle.

(2) No dealer may use or permit to be used a dealer’s number for private use, on cars for hire or lease, or in any other manner not provided for in this Code section. A dealer may use or permit to be

used a dealer's number for private use on vehicles owned by the dealership, regardless of whether such vehicle has been issued a certificate of title or registered, when such vehicles are operated by an employee or corporate officer of the dealer which has been issued such number. A distinguishing dealer's number used by an employee or officer for private use shall authorize such person to operate the vehicle to which the number is attached on the public highways and streets. For purposes of this paragraph, "employee" means a person who works a minimum of 36 hours per week at the dealership.

(3) The manufacturer's or distributor's license plate is limited to no longer than six months' use per vehicle. Upon payment of such a fee by a manufacturer or distributor, the commissioner shall issue to manufacturers and distributors number plates with the word "Manufacturer" or "Distributor" on such plates. Nothing in this subsection shall preclude a manufacturer or distributor from using a "Manufacturer" or "Distributor" number plate on motor vehicles it owns when such vehicles are used for evaluation or demonstration purposes, notwithstanding incidental personal use by a manufacturer or distributor. A dealer may apply for one or more distinguishing dealer's numbers. In the event the dealers, distributors, or manufacturers desire more than one tag, they shall so state on the application, and, in addition to the fee of \$62.00 provided in this Code section, shall pay \$12.00 for each and every additional number plate furnished.

(4)(A) Upon application and payment of the required fee, the commissioner shall issue to manufacturer headquarters or its affiliate number license plates with the words "Manufacturer HQ" on such plates. The manufacturer headquarters' license plates must be used exclusively on motor vehicles owned or in possession of a manufacturer headquarters or its affiliate. Such manufacturer headquarters' license plates are limited to no longer than 24 months' use per vehicle.

(B) A manufacturer headquarters or its affiliate shall apply on a form prescribed by the commissioner and shall provide proof that the applicant:

(i) Is a bona fide manufacturer headquarters; and

(ii) Maintains a system of records regarding use of such license plates. The manufacturer headquarters shall state in each application the number of manufacturer headquarters' license plates requested.

(C) The manufacturer headquarters or its affiliate shall pay an application fee of \$62.00 per application as provided in this Code section and shall pay \$12.00 for each and every plate furnished. With respect to any manufacturer headquarters' license plate

issued to a manufacturer headquarters or its affiliate, notwithstanding anything to the contrary in this title or Code Section 48-5C-1, such manufacturer headquarters or its affiliate, and any person operating or possessing a motor vehicle using a manufacturer headquarters' license plate pursuant to this paragraph, shall not be subject to state or local title ad valorem tax fees with respect to such vehicle or manufacturer headquarters' license plate.

(D) The manufacturer headquarters or its affiliate shall maintain a system of records regarding the motor vehicle to which the manufacturer headquarters' license plate will be attached. Such record shall, at a minimum, contain the:

(i) Vehicle Identification Number (VIN);

(ii) Name and address of the primary individual operating the vehicle; and

(iii) Manner of use of the vehicle selected from the alternative uses referenced in subparagraph (E) of this paragraph.

(E) Vehicles with manufacturer headquarters' license plates may be operated by persons authorized by the manufacturer headquarters or its affiliate on vehicles of its brand for the following manners of use:

(i) Evaluation, marketing, or demonstration purposes, notwithstanding incidental personal use by a manufacturer headquarters' authorized employee or other authorized person designated by such manufacturer headquarters or its affiliate; or

(ii) As part of a vehicle leasing program operated by such manufacturer headquarters or its affiliate for the benefit of employees. Any operation of a motor vehicle by a person for an approved use pursuant to this subparagraph shall be deemed to be a demonstration of the motor vehicle for purposes of Code Section 48-8-39.

(5) The commissioner shall include a distinctive logo or emblem for any manufacturer's, distributor's, or manufacturer headquarters' license plate to be attached to an alternative fueled vehicle, as such term is defined in paragraph (7) of subsection (1) of Code Section 40-2-86.1. Alternative fuel vehicles bearing a special license plate pursuant to this subsection shall be subject to the alternative fuel vehicle fees as set forth in paragraph (19) of subsection (a) of Code Section 40-2-151 at the time of initial issuance and annually thereafter in a manner prescribed by the commissioner. Display of a special license plate issued pursuant to this paragraph shall authorize travel by such alternative fueled vehicle in lanes for

exclusive or preferential use designated pursuant to Code Section 32-9-4.

(b)(1) Dealer plates shall be issued in the following manner:

(A) Dealers shall be issued a master plate and two additional plates, for a total of three initial plates; and

(B) In addition to the three dealer plates issued in accordance with subparagraph (A) of this paragraph, each dealer may also be issued one additional dealer plate for every 20 units sold in a calendar year.

(2) In order to determine the additional number and classification of plates to be issued to a dealer, a dealer shall be required to certify by affidavit to the department the number of retail and wholesale units sold in the prior calendar year using the past motor vehicle sales history of the dealer as identified by department records or documentation approved by the department. If no sales history is available, the department shall issue a number of plates based on an estimated number of sales for the coming calendar year. The department may, in its discretion, request documentation supporting sales history and may increase or decrease the number and classification of plates issued based on actual sales.

(c) The license plates issued pursuant to this Code section shall be revoked and confiscated upon a determination after a hearing that such dealer, distributor, manufacturer, or manufacturer headquarters has unlawfully used such license plates in violation of this Code section.

(d) If a license plate issued pursuant to this Code section is lost or stolen, the dealer, manufacturer, distributor, manufacturer headquarters, or other party to whom the license plate was issued shall immediately report the lost or stolen plate to local law enforcement agencies. If a replacement license plate is sought, the dealer, manufacturer, distributor, manufacturer headquarters, or other party to whom the license plate was issued shall file a notarized affidavit with the department requesting a replacement plate. Such affidavit shall certify under penalty of perjury that the license plate has been lost or stolen and that the loss has been reported to a local law enforcement agency.

(e) Except as otherwise provided for in this Code section, the expiration of a license plate issued pursuant to this Code section shall be the last day of the registration period as provided in division (a)(1)(A)(ii) of Code Section 40-2-21, except that for the purposes of this subsection, the registration period shall be determined by the first letter of the legal name of the business listed on the application for registration or renewal of registration. An application for renewal of registration shall not be submitted earlier than 90 days prior to the last day of the

registration period. A penalty of 25 percent of the total registration fees due shall be assessed any person registering pursuant to this Code section who, prior to the expiration of such person's registration period, fails to apply for renewal or if having applied fails to pay the required fees.

(f) The commissioner shall adopt rules and regulations for the implementation of this Code section.

History.

Ga. L. 1927, p. 226, § 7; Ga. L. 1931, p. 7, § 84; Code 1933, § 68-213; Ga. L. 1963, p. 529, § 1; Ga. L. 1977, p. 591, § 1; Ga. L. 1978, p. 2241, § 2A; Code 1981, § 40-2-36; Ga. L. 1982, p. 3, § 40; Ga. L. 1985, p. 149, § 40; Code 1981, § 40-2-38, as redesignated by Ga. L. 1990, p. 2048, § 2; Ga. L. 1992, p. 2978, § 1; Ga. L. 1993, p. 296, § 1; Ga. L. 1997, p. 1559, § 1; Ga. L. 2004, p. 631, § 40; Ga. L. 2005, p. 321, § 2/HB 455; Ga. L. 2006, p. 465, § 1/HB 1052; Ga. L. 2007, p. 652, §§ 3, 4/HB 518; Ga. L. 2015, p. 1219, § 2/HB 202; Ga. L. 2017, p. 774, § 40/HB 323; Ga. L. 2019, p. 486, § 2/SB 227; Ga. L. 2021, p. 358, § 1/HB 207; Ga. L. 2021, p. 922, § 40/HB 497; Ga. L. 2022, p. 658, § 1/HB 1481; Ga. L. 2024, p. 1052, § 4(22)/SB 448, effective July 1, 2024; Ga. L. 2025, p. 672, § 4/HB 551, effective January 1, 2026.

Delayed effective date.

Code Section 40-2-38 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective Janu-

ary 1, 2026, added paragraph (a)(1); rewrote paragraph (a)(1); deleted former subsection (c), which read: "This Code section shall not apply in any manner to mopeds."; redesignated former subsections (d) and (e) as present subsections (c) and (d), respectively; substituted "shall immediately" for "must immediately" in subsection (d); redesignated former paragraph (f)(1) as present subsection (e); substituted "Except as otherwise provided for in this Code section, the" for "The" at the beginning of subsection (e); and deleted former paragraph (f)(2), which read: "A transition period shall commence on October 1, 2007, and conclude on December 31, 2007, for all existing registrations and any new registration applications presented prior to January 1, 2008. On or after January 1, 2008, new applications for registration shall be submitted and remain valid until the expiration of such registration as specified in paragraph (1) of this subsection."

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2025, subsection (g) was redesignated as subsection (f).

40-2-39. Registration and licensing of new motor vehicle dealers; temporary site permits; administrative fines; penalty.

(a) As used in this Code section, the term:

(1) "Dealer" means any person engaged in the business of selling or leasing or offering to sell or lease new motor vehicles and who is licensed or otherwise authorized to utilize trademarks or service marks associated with one or more makes of motor vehicles in connection with such sales or leases. The term "dealer" shall not mean any person engaged solely in the business of selling used motor vehicles and shall not mean any person engaged in the solicitation, advertising, or financing of the sale of new motor vehicles and shall

not mean any person engaged solely in activities as a manufacturer or distributor of new motor vehicles.

(2) “Distributor” means any person who, pursuant to a contract with a manufacturer, sells or offers to sell new motor vehicles to new motor vehicle dealers.

(3) “Established place of business” means a permanent salesroom or sales office of a new motor vehicle dealer, which permanent salesroom or sales office is located in a permanent building on an open lot and which is marked by an appropriate sign and at which a permanent business of bartering, trading, or selling of new motor vehicles is carried on in good faith.

(4) “Manufacturer” means any person who makes or assembles new motor vehicles.

(5) “Motor vehicle” means every self-propelled vehicle intended primarily for use and operation on the public highways, except farm tractors and other machines and tools used in the production, harvesting, and care of farm products and except construction equipment.

(6) “New motor vehicle” means a motor vehicle which has been sold to a dealer and on which the original motor vehicle title has not been issued.

(7) “Person” means every natural person, partnership, corporation, association, trust, estate, or any other legal entity.

(8) “Temporary site” means a location at which new or used motor vehicles are sold or offered for sale for which a temporary site permit has been issued by the department in accordance with paragraph (4) of subsection (b) of this Code section and which location is:

(A) Used for a period not to exceed 96 hours in any 30 day period of time;

(B) Used not more than three times in any calendar year; and

(C) Located in the county in which the established place of business of the new motor vehicle dealer using the temporary site is located or an adjoining county.

(9) “Trade shows” means the display or solicitation for sale of new motor vehicles at a location other than the established place of business at which the sales transaction is accomplished or at which delivery of the new motor vehicle is completed.

(b)(1) It shall be unlawful for any person to engage in any activity as a new motor vehicle dealer unless and until such person has registered with the commissioner and obtained a dealer’s number

license plate under Code Section 40-2-38 for each established place of business at which the person engages in such activity. The commissioner shall not accept such application for registration and shall not issue a dealer's number license plate unless and until the applicant establishes to the satisfaction of the commissioner, under criteria established by rules or regulations promulgated by the commissioner, that the applicant shall not engage in any activity of a new motor vehicle dealer except at an established place of business, a temporary site, or a properly licensed auto auction or licensed facility. This paragraph shall not be construed to prohibit a new motor vehicle dealer from delivering a vehicle off site if the transaction is initiated at an established place of business under this chapter.

(2)(A) It shall be unlawful for any person to engage in any activity as a new motor vehicle dealer except at an established place of business which has been registered as such under this Code section and Code Section 40-2-38 or at a temporary site.

(B) For purposes of this Code section, activity as a new motor vehicle dealer shall include:

(i) Selling, leasing, offering to sell or lease, or negotiating binding terms with a retail consumer for the purchase or lease of a new motor vehicle;

(ii) Soliciting, accepting, or receiving a deposit or other payment for the retail purchase or lease of a new motor vehicle;

(iii) Soliciting, accepting, or processing a reservation from a retail consumer for a specific motor vehicle; or

(iv) Soliciting, accepting, offering, or negotiating with a retail consumer a binding value for a motor vehicle being traded in as part of the purchase or lease of a new motor vehicle.

(C) For purposes of this Code section, activity as a new motor vehicle dealer shall not include:

(i) Facilitating the receipt of a deposit or a payment under a retail installment sale contract or lease on behalf of a dealer;

(ii) The disclosure of a manufacturer's suggested retail price;

(iii) The display of new motor vehicles for information or demonstration purposes only;

(iv) The operation of a public website or other means of electronic communication that identifies to a consumer any conditional prices or financing rates, available financing sources, add-on product prices, or conditional trade-in values that are not binding on a dealer;

(v) Sales, leasing, marketing, or advertising activities of manufacturers, franchisors, and distributors by or through their line-make dealers in accordance with Article 22 of Chapter 1 of Title 10;

(vi) Facilitating a vehicle reservation system that allows a retail consumer to request the opportunity to purchase or lease a new vehicle, when the vehicle becomes available for sale to the public, through a franchised new motor vehicle dealer, provided that the final terms of sale are negotiated between the retail consumer and franchised new motor vehicle dealer; or

(vii) Processing a new vehicle sold order for a specific new motor vehicle entered by a franchised new motor vehicle dealer on behalf of a specific consumer, provided that all final terms of sale are negotiated between the franchised new motor vehicle dealer and the consumer.

(3) This subsection shall not apply to new motor vehicle trade shows and shall not be construed to prohibit new motor vehicle trade shows or properly licensed auctions.

(4)(A) At least 60 days prior to the opening of a sale at a temporary site, a new motor vehicle dealer must make application to the department for a temporary site permit.

(B) To be eligible for a temporary site permit, a new motor vehicle dealer must be registered with the department as required by Code Section 40-2-38. In order to obtain a temporary site permit, a new motor vehicle dealer must provide, on a form promulgated by the department, the following:

(i) The address, including county, of the new motor vehicle dealer's established place of business;

(ii) The address, including county, of the temporary site location;

(iii) The dates and hours of the temporary site sale;

(iv) The number of temporary site sales already conducted by the new motor vehicle dealer during the calendar year in which the requested temporary site sale is to occur; and

(v) The name, address, and contact person of any sponsors, promoters, and lending institutions involved in or to be represented at the temporary site sale.

(C) As part of the application, a new motor vehicle dealer must submit written documentation demonstrating that the new motor vehicle dealer has complied with any licensing requirements appli-

cable in the local jurisdiction in which the temporary site sale will occur and a copy of a written agreement with the owner of the real property where the sale is to occur.

(D) A temporary site permit issued pursuant to this paragraph shall be valid only for the dates and hours of the sale as indicated in the application submitted to the department and must be prominently displayed at the temporary site at all times during the sale. No new motor vehicle dealer may purchase more than three temporary site permits within a calendar year. A temporary site permit is not transferable to any other dealer or location.

(E) The filing fee for each application for a temporary site permit shall be \$100.00.

(c) As an alternative to criminal or other civil enforcement, the commissioner, in order to enforce this Code section or any orders, rules, and regulations promulgated pursuant thereto, may issue an administrative fine not to exceed \$1,000.00 for each violation, whenever the commissioner, after a hearing, determines that any person has violated any provisions of this Code section or any regulations or orders promulgated thereunder. If, after a hearing, the commissioner determines that any person has violated this Code section more than once, the commissioner may suspend a dealer's registration for a period not to exceed ten days. Any hearing and any administrative review held pursuant to this Code section shall be conducted in accordance with the procedure for contested cases under Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Any person who has exhausted all administrative remedies available and who is aggrieved or adversely affected by a final order or action of the commissioner shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50. All fines recovered under this subsection shall be paid into the state treasury. The commissioner may file, in the superior court (1) wherein the person under order resides; (2) if such person is a corporation, in the county wherein the corporation maintains its established place of business; or (3) in the county wherein the violation occurred, a certified copy of a final order of the commissioner, whether unappealed from or affirmed upon appeal, whereupon the court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect and proceedings in relation thereto shall thereafter be the same as though the judgment had been rendered in an action duly heard and determined by the court. The penalty prescribed in this Code section shall be concurrent, alternative, and cumulative with any and all other civil, criminal, or alternative rights, remedies, forfeitures, or penalties provided, allowed, or available to the commissioner with respect to any violation of this Code section or any order, rules, or regulations promulgated pursuant thereto. For purposes of this subsec-

tion, the sale of each motor vehicle while not in compliance with temporary site permit requirements shall constitute a separate violation.

(d) Any person who violates any provision of this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed \$1,000.00 or imprisonment for a period not to exceed 12 months, or both.

History.

Code 1981, § 40-2-36.1, enacted by Ga. L. 1988, p. 854, § 1; Code 1981, § 40-2-39, as redesignated by Ga. L. 1990, p. 2048, § 2; Ga. L. 1998, p. 1179, § 6; Ga. L. 2005, p. 321, § 3/HB 455; Ga. L. 2006, p. 72, § 40/SB 465; Ga. L. 2025, p. 703, § 6/SB 81, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, in paragraph (b)(2), designated the existing language as subparagraph (b)(2)(A), and added subparagraphs (b)(2)(B) and (b)(2)(C).

ARTICLE 3**PRESTIGE LICENSE PLATES AND SPECIAL PLATES FOR CERTAIN PERSONS AND VEHICLES****40-2-69. (Effective until January 1, 2026.) License plates for disabled veterans qualifying as totally disabled.**

(a) Any disabled veteran who is a citizen and resident of this state shall, upon application therefor, be issued a free motor vehicle license plate. As used in this Code section, the term “disabled veteran” shall have the same meaning as that term is defined in paragraph (1) of subsection (a) of Code Section 48-5-48.

(b) Any disabled veteran shall, upon application therefor, be issued a free motor vehicle license plate upon presentation of proof that he or she qualifies as a disabled veteran. A disabled veteran who claims that his or her disability is permanent shall furnish proof of such permanent disability through a letter from the United States Department of Veterans Affairs.

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

(2) Once a disabled veteran has established his or her eligibility to receive free motor vehicle license plates but his or her disability has

not been determined to be a permanent disability, he or she shall be entitled to receive free plates or free revalidation decals in succeeding years upon furnishing, on an annual basis, proof of his or her status as a disabled veteran through a letter from the United States Department of Veterans Affairs. Such free plates or free revalidation decals shall apply to any automobile, private passenger pickup truck, motorcycle, station wagon, or van type vehicle of three-quarter tons or less that he or she may own or jointly with his or her spouse or minor child own or acquire in the future.

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

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

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

History.

Ga. L. 1956, p. 336, § 1; Ga. L. 1957, p. 69, § 1; Ga. L. 1959, p. 349, § 1; Ga. L. 1961, p. 554, § 1; Ga. L. 1965, p. 325, § 1; Ga. L. 1968, p. 1211, § 1; Ga. L. 1970, p. 315, § 1; Ga. L. 1970, p. 316, § 1; Ga. L. 1975, p. 720, § 1; Code 1981, § 40-2-68; Ga. L. 1985, p. 149, § 40; Ga. L. 1990, p. 45, § 1; Code 1981, § 40-2-69, as redesignated by Ga. L. 1990, p. 2048, § 2; Ga. L. 1992, p. 1498, § 1; Ga. L. 1994, p. 393,

§§ 1, 2; Ga. L. 1997, p. 1559, § 3; Ga. L. 2007, p. 668, § 1/SB 81; Ga. L. 2015, p. 816, § 2/HB 48; Ga. L. 2016, p. 166, § 2/SB 258; Ga. L. 2016, p. 770, § 1/HB 862.

Delayed effective date.

Code Section 40-2-69 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

40-2-69. (Effective January 1, 2026.) License plates for disabled veterans qualifying as totally disabled.

(a) As used in this Code section, the term “totally disabled veteran” means an individual who qualifies as a disabled veteran pursuant to paragraph (1) of subsection (a) of Code Section 48-5-48.

(b) Any totally disabled veteran shall, upon proper application therefor, be issued free motor vehicle license plates for up to two motorcycles

or passenger cars for personal use registered pursuant to this chapter in his or her name upon presentation of proof that he or she qualifies as a totally disabled veteran. A totally disabled veteran applying for license plates pursuant to this Code section shall furnish proof of such disability through a letter from the United States Department of Veterans Affairs.

(c)(1) Once a totally disabled veteran has established his or her eligibility to receive free motor vehicle license plates pursuant to this Code section, he or she shall be entitled to receive free license plates or free revalidation decals in succeeding years for up to two motorcycles or passenger cars for personal use registered pursuant to this chapter that he or she may own or jointly with his or her spouse or minor child own or acquire in the future.

(2)(A) Up to two license plates or revalidation decals each year shall be furnished for motor vehicles other than motorcycles to totally disabled veterans qualifying under this Code section unless the originals are lost. Such license plate shall be fastened to the rear of the motor vehicle.

(B) Up to two license plates or revalidation decals each year shall be furnished for motorcycles to totally disabled veterans qualifying under this Code section unless the original is lost. Such license plate shall be fastened to the rear of the motor vehicle.

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

History.

Ga. L. 1956, p. 336, § 1; Ga. L. 1957, p. 69, § 1; Ga. L. 1959, p. 349, § 1; Ga. L. 1961, p. 554, § 1; Ga. L. 1965, p. 325, § 1; Ga. L. 1968, p. 1211, § 1; Ga. L. 1970, p. 315, § 1; Ga. L. 1970, p. 316, § 1; Ga. L. 1975, p. 720, § 1; Code 1981, § 40-2-68; Ga. L. 1985, p. 149, § 40; Ga. L. 1990, p. 45, § 1; Code 1981, § 40-2-69, as redesignated by Ga. L. 1990, p. 2048, § 2; Ga. L. 1992, p. 1498, § 1; Ga. L. 1994, p. 393, §§ 1, 2; Ga. L. 1997, p. 1559, § 3; Ga. L. 2007, p. 668, § 1/SB 81; Ga. L. 2015, p. 816, § 2/HB 48; Ga. L. 2016, p. 166, § 2/SB 258; Ga. L. 2016, p. 770, § 1/HB 862; Ga. L. 2025, p. 559, § 1/HB 208, effective January 1, 2026.

Delayed effective date.

Code Section 40-2-69 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, rewrote this Code section.

Editor's notes.

Ga. L. 2025, p. 559, § 6/HB 208, not codified by the General Assembly, provides: "In accordance with the requirements of Article III, Section IX, Paragraph VI(n) of the Constitution of the State of Georgia, this Act shall not become law unless it receives the requisite

two-thirds' majority vote in both the Representatives." The legislation received Senate and the House of the requisite two-thirds' majority vote.

40-2-70. (Effective until January 1, 2026.) License plates for veterans not qualifying as totally disabled.

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

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

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

History.

Ga. L. 1967, p. 539, § 1; Code 1981, § 40-2-69; Ga. L. 1985, p. 149, § 40; Code 1981, § 40-2-70, as redesignated by Ga. L. 1990, p. 2048, § 2; Ga. L. 1993, p. 467, § 1; Ga. L. 1996, p. 1118, § 10; Ga. L. 1997, p. 419, § 20; Ga. L. 1998, p. 1179, § 15; Ga. L. 2000, p. 951, § 3-11; Ga. L.

2002, p. 1074, § 6; Ga. L. 2005, p. 334, § 14-5/HB 501; Ga. L. 2012, p. 155, § 2/HB 732.

Delayed effective date.

Code Section 40-2-70 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

40-2-70. (Effective January 1, 2026.) License plates for veterans not qualifying as totally disabled.

(a) Any citizen and resident of this state who has been discharged from the armed forces under conditions other than dishonorable or who is currently serving in the armed forces, who is disabled but does not qualify as totally disabled pursuant to paragraph (1) of subsection (a) of Code Section 48-5-48 for purposes of qualification for a license plate issued pursuant to Code Section 40-2-69, shall be entitled to special and distinctive license plates for up to two motorcycles or passenger cars for personal use registered pursuant to this chapter in his or her name. Such license plates shall be transferred to another vehicle acquired by such veteran or jointly by such veteran and his or her spouse as provided in Code Section 40-2-80. Such veteran shall be entitled to license plates issued pursuant to this Code section regardless of whether he or she is suffering from a service connected or nonservice connected disability.

(b) Upon proper application and compliance with the state motor vehicle laws for licensing of motor vehicles and without payment of the regular license fee for plates as prescribed under Article 7 of this chapter, a disabled veteran who does not qualify for license plates pursuant to Code Section 40-2-69 shall be issued similar license plates as prescribed in Code Section 40-2-71 for up to two motorcycles or passenger cars for personal use. There shall be no charge for revalidation decals for license plates issued pursuant to this Code section.

(c) For purposes of applying for license plates issued pursuant to this Code section, a veteran who has not been certified as disabled by the United States Department of Veterans Affairs may submit to the Department of Veterans Service such veteran's discharge papers and a certified statement from a physician, licensed under Chapter 34 of Title 43, certifying that, in the opinion of such physician, such veteran is disabled. If the certificate from the physician indicates the qualifying disabilities meet the standards of the United States Department of Veterans Affairs, the commissioner of veterans service shall submit a letter to the state revenue commissioner indicating that the veteran meets the requirements of this Code section and qualifies for special license plates as provided in this Code section.

(d) Once a disabled veteran has established his or her eligibility to receive free motor vehicle license plates pursuant to this Code section but his or her disability has not been determined to be a permanent disability, he or she shall be entitled to receive free license plates or free revalidation decals in succeeding years upon furnishing, on an annual basis, proof of his or her status as a disabled veteran through a letter

from the United States Department of Veterans Affairs. Such free license plates or free revalidation decals shall be for up to two motorcycles or passenger cars for personal use registered pursuant to this chapter that he or she may own or jointly with his or her spouse or minor child own or acquire in the future.

History.

Ga. L. 1967, p. 539, § 1; Code 1981, § 40-2-69; Ga. L. 1985, p. 149, § 40; Code 1981, § 40-2-70, as redesignated by Ga. L. 1990, p. 2048, § 2; Ga. L. 1993, p. 467, § 1; Ga. L. 1996, p. 1118, § 10; Ga. L. 1997, p. 419, § 20; Ga. L. 1998, p. 1179, § 15; Ga. L. 2000, p. 951, § 3-11; Ga. L. 2002, p. 1074, § 6; Ga. L. 2005, p. 334, § 14-5/HB 501; Ga. L. 2012, p. 155, § 2/HB 732; Ga. L. 2025, p. 559, § 2/HB 208, effective January 1, 2026.

Delayed effective date.

Code Section 40-2-70 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, rewrote subsections (a) and (b); in subsection (c), in the first sentence, substituted “For purposes of applying for

license plates issued pursuant to this Code section, a veteran who” for “If a veteran”, deleted “, such veteran” following “United States Department of Veterans Affairs”, and deleted “to a degree enumerated in Code Section 40-2-69” at the end, and, in the second sentence, deleted “which” preceding “meet” and substituted “special license plates” for “a special license plate”; and added subsection (d).

Editor’s notes.

Ga. L. 2025, p. 559, § 6/HB 208, not codified by the General Assembly, provides: “In accordance with the requirements of Article III, Section IX, Paragraph VI(n) of the Constitution of the State of Georgia, this Act shall not become law unless it receives the requisite two-thirds’ majority vote in both the Senate and the House of Representatives.” The legislation received the requisite two-thirds’ majority vote.

40-2-71. (Effective until January 1, 2026.) Design of disabled veteran license plates; restrictions on issuance and transfer.

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

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

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

History.

Ga. L. 1956, p. 336, §§ 2, 3, 5; Ga. L. 1957, p. 69, § 2; Ga. L. 1959, p. 349, § 2; Code 1981, § 40-2-70; Ga. L. 1990, p. 1476, § 1; Code 1981, § 40-2-71, as redesignated by Ga. L. 1990, p. 2048, § 2; Ga. L. 1996, p. 6, § 40; Ga. L. 1996, p. 1118, § 11; Ga. L. 1997, p. 419, § 21; Ga. L.

1998, p. 1179, § 16; Ga. L. 2012, p. 155, § 3/HB 732.

Delayed effective date.

Code Section 40-2-71 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

40-2-71. (Effective January 1, 2026.) Design of disabled veteran license plates; restrictions on issuance.

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

(b) No disabled veteran shall be entitled to own or operate more than two vehicles with the free license plates provided by Code Sections 40-2-69, 40-2-70, and this Code section.

History.

Ga. L. 1956, p. 336, §§ 2, 3, 5; Ga. L. 1957, p. 69, § 2; Ga. L. 1959, p. 349, § 2; Code 1981, § 40-2-70; Ga. L. 1990, p. 1476, § 1; Code 1981, § 40-2-71, as redesignated by Ga. L. 1990, p. 2048, § 2; Ga. L. 1996, p. 6, § 40; Ga. L. 1996, p. 1118, § 11; Ga. L. 1997, p. 419, § 21; Ga. L. 1998, p. 1179, § 16; Ga. L. 2012, p. 155, § 3/HB 732; Ga. L. 2025, p. 559, § 3/HB 208, effective January 1, 2026.

Delayed effective date.

Code Section 40-2-71 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, inserted “license” in the last

sentence of subsection (a); deleted former subsection (b), which read: “Such license plates so issued shall be transferred to another vehicle as provided in Code Section 40-2-80.”; redesignated former subsection (c) as present subsection (b); and substituted “two vehicles” for “one vehicle” in subsection (b).

Editor’s notes.

Ga. L. 2025, p. 559, § 6/HB 208, not codified by the General Assembly, provides: “In accordance with the requirements of Article III, Section IX, Paragraph VI(n) of the Constitution of the State of Georgia, this Act shall not become law unless it receives the requisite two-thirds’ majority vote in both the Senate and the House of Representatives.” The legislation received the requisite two-thirds’ majority vote.

40-2-82. License plates for Department of Public Safety vehicles operated by Georgia State Patrol or Commercial Vehicle Enforcement.

The commissioner of public safety shall be issued distinctive license

plates to be used on motor vehicles assigned to the Department of Public Safety and operated by troopers of the Georgia State Patrol or law enforcement officers of Commercial Vehicle Enforcement. The distinctive plates shall be issued free of charge in accordance with procedures agreed upon by the commissioner of public safety and the state revenue commissioner. License plates issued pursuant to this Code section need not contain a place for the county name decal and no county name decal need be affixed to a license plate issued pursuant to this Code section.

History.

Code 1981, § 40-2-78, enacted by Ga. L. 1989, p. 1186, § 5; Code 1981, § 40-2-82, as redesignated by Ga. L. 1990, p. 2048, § 2; Ga. L. 2000, p. 951, § 3-13; Ga. L. 2005, p. 334, § 14-6/HB 501; Ga. L. 2025, p. 221, § 5/HB 116, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted “Commercial Vehicle Enforcement” for “the Motor Carrier Compliance Division” in the first sentence.

40-2-86. (Effective until January 1, 2026.) License plates promoting or supporting certain agencies, funds, or non-profit corporations with proceeds disbursed to the general fund and the agency, fund, or nonprofit corporation.

(a)(1) As used in this Code section, except as otherwise provided in subsection (n) of this Code section, the term:

(A) “Manufacturing fee” means a \$25.00 fee paid at the time a special license plate is issued.

(B) “Special license plate fee” means a \$35.00 fee paid at the time a special license plate is issued.

(C) “Special license plate renewal fee” means a \$35.00 fee paid at the time a revalidation decal is issued for a special license plate.

(2) In accordance with Article III, Section IX, Paragraph VI(n) of the Constitution, the General Assembly has determined that the issuance of special license plates to support an agency or fund or a program beneficial to the people of this state that is administered by a nonprofit corporation organized under Section 501(c)(3) of Title 26 of the Internal Revenue Code and dedicating a portion of the funds raised from the sale of these special license plates is in the best interests of the people of this state.

(b) The agency, fund, or nonprofit corporation sponsoring the special license plate, in cooperation with the commissioner, shall design special distinctive license plates appropriate to promote the program benefited by the sale of the special license plate. The special license plates shall include a design to be of the same size as general issue motor vehicle

license plates and a design to be of the same size as motorcycle license plates. Such special license plates shall also include a unique design and identifying number, whereby the total number of characters does not exceed an amount to be determined by the commissioner. If so specified in the design description contained in this Code section for any special license plate, such license plate need not contain a place for the county name decal as required by Code Section 40-2-9. No two recipients shall receive identically numbered plates. The agency, fund, or nonprofit corporation sponsoring the license plate may request the assignment of the first of 100 in a series of license plates upon payment of an additional initial registration fee of \$25.00 for each license plate requested.

(c) Notwithstanding the provisions of subsection (b) of this Code section, no special license plate shall be produced until such time as the State of Georgia has, through a licensing agreement or otherwise, received such licenses or other permissions as may be required to produce the special license plate. The design of the initial edition of any special license plate, as well as the design of subsequent editions and excepting only any part or parts of the designs owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The commissioner may take such steps as may be necessary to give notice of and protect such right, including the copyright or copyrights. However, such steps shall be cumulative of the ownership and exclusive use and control established by this subsection as a matter of law, and no person shall reproduce or otherwise use such design or designs, except as authorized by the commissioner.

(d) Any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of the appropriate fees in addition to the regular motor vehicle registration fee shall be able to apply for a special license plate listed in this Code section. Revalidation decals shall be issued for special license plates in the same manner as provided for general issue license plates.

(e) Before the department disburses to the agency, fund, or nonprofit corporation funds from the sale of special license plates, the agency, fund, or nonprofit corporation must provide a written statement stating the manner in which such funds shall be utilized. In addition, a nonprofit corporation shall provide the department with documentation of its nonprofit status under Section 501(c)(3) of Title 26 of the Internal Revenue Code. The purposes for which the funds shall be utilized shall be the same as those specified in this Code section authorizing the dedication to the agency, fund, or nonprofit corporation of revenue from

the sale of special license plates. The agency, fund, or nonprofit corporation shall periodically provide to the commissioner an audit of the use of the funds or other evidence of use of the funds satisfactory to the commissioner. Any agency, fund, or nonprofit corporation which receives funds under subsection (n) of this Code section shall submit annually to the members of the Senate Natural Resources and the Environment Committee, the House Committee on Game, Fish, and Parks, the House Committee on Appropriations, and the Senate Appropriations Committee, and to the commissioner of natural resources a detailed audit containing the disposition and expenditure of all funds received pursuant to such subsection. If it is determined that the funds are not being used for the purposes set forth in the statement provided by the agency, fund, or nonprofit corporation, the department shall withhold payment of such funds until such noncompliance issues are resolved.

(f) An applicant may request a special license plate any time during the applicant's registration period. If such a license plate is to replace a current valid license plate, the special license plate shall be issued with appropriate decals attached upon payment of the manufacturing fee and the special license plate renewal fee.

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

(h) The department shall not be required to continue to manufacture the special license plate if the number of active registrations falls below 500 registrations at any time during the period provided for in subsection (b) of Code Section 40-2-31. A current registrant may continue to renew such special license plate during his or her annual registration period upon payment of the special license plate renewal fee which shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the period provided

for in subsection (b) of Code Section 40-2-31, the sponsoring agency, fund, or nonprofit corporation shall be required again to obtain 1,000 prepaid applications accompanied by the manufacturing fees to continue to manufacture the special license plate.

(i) Special license plates shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

(j) Special license plates shall be issued within 30 days of application once the requirements of this Code section have been met.

(k) The commissioner is authorized and directed to establish procedures and promulgate rules and regulations to effectuate the purposes of this Code section.

(l)(1) The General Assembly has determined that special license plates supporting the agencies, funds, or nonprofit corporations listed in this subsection shall be issued for the purposes indicated. The special license plates listed in this subsection shall be subject to a manufacturing fee, a special license plate fee, and a special license plate renewal fee. The revenue disbursement for the special license plates listed in this subsection shall be as follows:

(A) Manufacturing fee — \$25.00 of which \$24.00 is to be deposited into the general fund and \$1.00 to be paid to the local county tag agent;

(B) Special license plate fee — \$35.00 of which \$25.00 is to be deposited into the general fund and \$10.00 is to be dedicated to the sponsoring agency, fund, or nonprofit corporation as permitted by Article III, Section IX, Paragraph VI(n) of the Constitution; and

(C) Special license plate renewal fee — \$35.00 of which \$25.00 is to be deposited into the general fund and \$10.00 is to be dedicated to the sponsoring agency, fund, or nonprofit corporation as permitted by Article III, Section IX, Paragraph VI(n) of the Constitution.

(2) Reserved.

(3) Reserved.

(4) Reserved.

(5) Special license plates promoting the conservation of wildflowers within this state. The funds raised by the sale of these special license plates shall be disbursed to the Department of Transportation to be deposited in the Roadside Enhancement and Beautification Fund established by Code Section 32-6-75.2 and shall be expended only for the purposes enumerated in Code Section 32-6-75.2 and Article III, Section IX, Paragraph VI(l) of the Constitution of the State of Georgia.

(6) Reserved.

(7) Special license plates to honor Georgia educators. The funds raised by the sale of these special license plates shall be disbursed to a charitable foundation designated by the State School Superintendent and used to fund educational programs, grants to teachers, and scholarships. The license plates shall display the phrase “Georgia Educators Make A Difference” and a ripe Red Delicious apple shall be depicted to the left of the identifying number of each plate.

(8)(A) The commissioner in cooperation with a college or university may design a special license plate to be issued commemorating that college or university, which license plate shall be similar in design to the license plate issued to all other residents of the state except that the logo or emblem of the college or university shall be placed on the license plate along with the letters and numbers on the license plate. The name of the college or university shall be imprinted on such special license plate in lieu of the county name decal.

(B) Any college or university that enters into an agreement with the commissioner pursuant to this paragraph shall waive any royalty fees to which it might otherwise be entitled for use of its seal, symbol, emblem, or logotype as provided in this paragraph.

(C) Each college or university located in Georgia that enters into an agreement with the commissioner pursuant to this paragraph shall designate a charitable foundation which shall annually receive an allocation from the special license plate and special license plate renewal fees collected as provided in paragraph (1) of this subsection. Special license plates issued under this paragraph shall be transferred between vehicles as provided in Code Section 40-2-42.

(D) The funds allocated for colleges and universities located in Georgia shall be delivered by the department to the charitable foundation designated by the particular college or university to support needs based, academic, financial aid scholarships for eligible undergraduate students enrolled in the college or university. The funds otherwise allocated for colleges and universities located outside the State of Georgia shall be placed into the general fund.

(E) Each college or university shall review and approve plans for the implementation of these scholarship programs by the applicable charitable foundation. These plans shall include, but need not be limited to, criteria for the awarding of the scholarships and procedures for determining the recipients.

(9) A special license plate for the Georgia Center for the Book to

support the purchase of books for public libraries in Georgia. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Center for the Book.

(10) A special license plate for Children's Healthcare of Atlanta to support the work this pediatric hospital system does in the State of Georgia. The funds raised by the sale of this special license plate shall be disbursed to Children's Healthcare of Atlanta.

(11) A special license plate for the Georgia War Veterans Nursing Home to support the implementation and operation of the Georgia War Veterans Nursing Home. The funds raised by the sale of this special license plate shall be disbursed to the Department of Veterans Service for use in operating the Georgia War Veterans Nursing Home.

(12) A special license plate for the Georgia Automobile Racing Hall of Fame Association to promote the Georgia Automobile Racing Hall of Fame Association, which is devoted to preserving the history of automobile racing in Georgia. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Automobile Racing Hall of Fame Association.

(13) A special license plate for the Alzheimer's Association, Georgia Chapter, to help eliminate Alzheimer's disease through the advancement of research and to enhance care and support for individuals, their families, and caregivers. The funds raised by the sale of this special license plate shall be disbursed to the Alzheimer's Association, Georgia Chapter.

(14) A special license plate for the school health and physical education program to help fund school health and physical education programs. The funds raised by the sale of this special license plate shall be disbursed to the Department of Education.

(15) A special license plate for stroke awareness, treatment, and prevention to support programs aiding stroke victims in Georgia. Such license plate shall not include a space for a county name decal but shall instead bear the legend "Stroke Awareness" in lieu of the name of the county of issuance. The funds raised by the sale of this special license plate shall be disbursed to the Center for Telehealth of the Georgia Health Sciences University.

(16) A special license plate for Project Lifesaver promoting the establishment of a Project Lifesaver or similar type of program by local law enforcement agencies. Project Lifesaver's mission is to use state of the art technology in assisting those who care for victims of Alzheimer's disease and other related mental dysfunction disorders and victims who become lost. The funds raised by the sale of this special license plate shall be disbursed to the Department of Public

Safety or a nonprofit corporation organized exclusively for the purpose of establishing a Project Lifesaver or similar type of program by local law enforcement agencies.

(17) A special license plate for pediatric cancer to raise funds to support the treatment of pediatric cancer. Such license plate shall not include a space for a county name decal but shall instead bear the legend “Cure Kids’ Cancer” in lieu of the name of the county of issuance. The funds raised by the sale of this special license plate shall be disbursed to the Department of Community Health to be deposited in the Indigent Care Trust Fund created by Code Section 31-8-152 to fund pediatric cancer screening and treatment related programs for those children who are medically indigent and may have cancer.

(18) A special license plate for the child care industry to promote the child care industry by encouraging higher educational standards and providing for professional camaraderie for child care providers. Such license plate shall not include a space for a county name decal but shall instead bear the legend “Support Improved Child Care” in lieu of the name of the county of issuance. The funds raised by the sale of this special license plate shall be disbursed to the Minority Alliance for Child Care Development Advocates, Inc., for the development of programs to help improve child care.

(19) A special license plate to display the motto, “In God We Trust.” The funds raised by the sale of this special license plate shall be disbursed to the Boy Scouts of America for the development of scouting programs.

(20) A special license plate for child abuse prevention. Such license plate shall not include a space for a county name decal but shall instead bear the legend “Prevent Child Abuse” in lieu of the name of the county of issuance. The funds raised by the sale of this special license plate shall be disbursed to the Foster Family Foundation of Georgia for the development of programs to help victims of child abuse.

(21) A special license plate for the Thanks Mom and Dad Fund. The funds raised by the sale of this special license plate shall be disbursed to the Department of Human Services to address the key needs of the state’s older population or a nonprofit corporation organized to serve the needs of the state’s older population.

(22) A special license plate for pediatric cancer research. The funds raised by the sale of this special license plate shall be disbursed to the Joanna McAfee Childhood Cancer Foundation for support of pediatric cancer research. The design of the special license plate provided for in this paragraph shall include the words “Joanna McAfee Childhood

Cancer Foundation” horizontally across the bottom of the plate in lieu of the county name.

(23) A special license plate for supporting beautification projects in Cobb County. The funds raised by the sale of this special license plate shall be disbursed to Keep Cobb Beautiful, Inc., for support of beautification projects in Cobb County.

(24) A special license plate for AID Atlanta. The funds raised by the sale of this special license plate shall be disbursed to AID Atlanta which is committed to providing people living with HIV the information and support they need to live healthy and productive lives.

(25) A special license endorsing “Support Our Troops.” The funds raised by the sale of this special license plate shall be disbursed to the Georgia National Guard Family Support Foundation, Incorporated.

(26) A special license plate for the Sons of Confederate Veterans. The funds raised by the sale of this special license plate shall be disbursed to Georgia Sons of Confederate Veterans.

(27) A special license plate for amyotrophic lateral sclerosis (ALS), also known as “Lou Gehrig’s disease,” to support research and education on amyotrophic lateral sclerosis. The funds raised by the sale of this special license plate shall be disbursed to the ALS Association of Georgia.

(28) A special license plate for foster parents to support programs for foster parents in Georgia. The funds raised by the sale of this special license plate shall be disbursed to The Adoptive and Foster Parent Association of Georgia, Inc., for support of foster parents in Georgia.

(29) A special license plate for the Atlanta Braves Foundation to assist the charities supported by the foundation. The funds raised by the sale of this special license plate shall be disbursed to the Department of Community Affairs or such other public agency or nonprofit corporation as may be designated.

(30) A special license plate for the Atlanta Falcons Youth Foundation to assist the charities supported by the foundation. The funds raised by the sale of this special license plate shall be disbursed to the Atlanta Falcons Youth Foundation. Such license plate shall not include a space for a county name decal but shall instead bear the legend “Atlanta Falcons” in lieu of the name of the county of issuance.

(31) A special license plate for supporting beautification projects in Georgia. The funds raised by the sale of this special license plate shall be disbursed to Keep Georgia Beautiful Foundation, Inc., for support of beautification projects in Georgia.

(32) A special license plate displaying the logo of Choose Life, Inc. The words “Choose Life” must appear at the bottom. The funds raised by the sale of this special license plate shall be disbursed to Choose Life of Georgia, Inc., to be distributed among nonprofit corporations in Georgia that counsel women to consider adoption.

(33) A special license plate supporting education on the maritime history of Georgia’s coast. The funds raised by the sale of this special license plate shall be disbursed to The Georgia Maritime Foundation, Inc., for use in programs supporting education on the maritime history of Georgia.

(34) A special license plate supporting programs for persons with brain related disorders and disabilities. The funds raised by the sale of this special license plate shall be disbursed to Pilot International for support of programs for persons with brain related disorders in Georgia.

(35) A special license plate supporting agriculture in Georgia. The funds raised by the sale of this special license plate shall be evenly split between Georgia 4-H and the Georgia Association of Future Farmers of America to fund projects promoting agriculture in Georgia.

(36) A special license plate promoting the Georgia equine industry. The funds raised by the sale of this special license plate shall be disbursed to the Agricultural Commodity Commission for Equines.

(37) A special license plate promoting African American history and tourism in Georgia. The funds raised by the sale of this special license plate shall be disbursed to organizations dedicated to the preservation of African American history in Georgia.

(38) A special license plate honoring veterans who have been awarded the Bronze Star. The funds raised by the sale of this special license plate shall be disbursed to the National Guard Family Foundation.

(39) A special license plate promoting the arts in Georgia. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Council for the Arts.

(40) A special license plate supporting programs for the treatment of autism. The funds raised by the sale of this special license plate shall be disbursed to the Department of Behavioral Health and Developmental Disabilities for the support of programs for the treatment of autism in Georgia.

(41) A special license plate honoring the work of The Garden Club of Georgia, Inc. The funds raised by the sale of this special license

plate shall be disbursed to The Garden Club of Georgia, Inc., and used to fund scholarships that are awarded by the club.

(42) A special license plate promoting the Georgia Junior Golf Foundation. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Junior Golf Foundation.

(43) A special license plate commemorating 100 years of scouting in the United States. The funds raised by the sale of this special license plate shall be disbursed to the Boy Scouts of America for the development of scouting programs.

(44) A special license plate supporting Cobb County Public Schools. The funds raised by the sale of this special license plate shall be disbursed to the Cobb County Public Schools Educational Foundation and used to fund educational programs, grants to teachers, and scholarships in the Cobb County Public School System.

(45) A special license plate supporting the Georgia Sea Turtle Center. The funds raised by the sale of this special license plate shall be charged and disbursed to the Nongame Wildlife Conservation and Wildlife Habitat Acquisition Fund and used to fund nongame wildlife conservation and education programs. The design of the license plate provided for in this paragraph shall include the words “Jekyll Island — Georgia’s Jewel” horizontally across the bottom of the plate in lieu of the county name, with a diamond jewel symbol in place of the dash.

(46) A special license plate commemorating and supporting the sport of soccer in Georgia. The funds raised by the sale of this special license plate shall be disbursed to the Georgia State Soccer Association, Inc., for the development and promotion of soccer programs in the State of Georgia. Such license plate shall not include a space for a county decal but shall instead bear the legend “gasoccer.org”.

(47) Reserved.

(48) A special license plate for Zoo Atlanta to support its mission to inspire the citizens of Atlanta and Georgia and all visitors to the zoo to value wildlife on Earth; to help safeguard existing species through conservation by providing for an informative, educational, and engaging experience to all visitors; to carry out the responsible stewardship of the animals and the zoo facility; and to engage in related conservation activities and research. The funds raised by the sale of this special plate shall be disbursed to the Atlanta-Fulton County Zoo, Inc. Such license plate shall not include a space for a county name decal but shall instead bear the legend “Protect Wildlife” in lieu of the name of the county of issuance.

(49) A special license plate supporting the Appalachian Trail. The funds raised by the sale of this special license plate shall be disbursed

to the Appalachian Trail Conservancy and used to protect, maintain, and conserve the Georgia portion of the Appalachian Trail and connecting trails, and to promote awareness of wilderness, hiking, and back country recreation. Such license plate shall not include a space for a county name decal but shall instead bear the legend “www.appalachiantrail.org”.

(50) A special license plate supporting the Atlanta Braves Foundation. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Atlanta Braves Foundation and used in the foundation’s philanthropic activities and charitable sponsorships. Such license plate shall not include a space for a county name decal but shall instead bear the legend “Go Braves.”

(51) A special license plate for the Grady Health Foundation to support and improve the quality of healthcare services. The funds raised by the sale of this special license plate shall be disbursed to the Grady Health Foundation.

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

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

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

(55) A special license plate honoring Georgia law enforcement officers, with the words “Back the Badge” to be displayed across the bottom. The funds raised by the sale of this special license plate shall be disbursed to the Peace Officers’ Annuity and Benefit Fund.

(56) A special license plate honoring the Georgia electric utility linemen, with the words “Thank a Lineman” to be displayed across the bottom. The funds raised by the sale of this special license plate shall be disbursed to the Southeastern Firefighters Burn Foundation.

(57) A special license plate honoring Georgia Masonic Charities Foundation. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Masonic Charities Foundation, Inc.

(58) A special license plate supporting the Georgia Alliance of Boys & Girls Clubs, Inc. The funds raised by the sale of this special license plate shall be disbursed as provided for in paragraph (1) of this subsection to the Georgia Alliance of Boys & Girls Clubs, Inc.

(59) A special license plate promoting autism awareness. The funds raised by the sale of this special license plate shall be disbursed to the Autism Alliance of Georgia. Such special license plate shall include the phrase “Autism Awareness” in lieu of the name of the county of issuance.

(60) A special license plate supporting the Atlanta United Foundation. The funds raised by the sale of this special license plate shall be disbursed as provided for in paragraph (1) of this subsection to the Atlanta United Foundation and used for the foundation’s philanthropic activities. Such special license plate shall not include a space for the county name decal but shall instead bear the phrase “Unite & Conquer”.

(61) A special license plate honoring Alabama A&M University. The funds raised by the sale of this special license plate shall be disbursed to the Alabama A&M University Alumni Association, Inc., and used to provide scholarships and financial assistance to Georgia residents attending the university. Such special license plate shall include the phrase “Go Bulldogs” in lieu of the county of issuance.

(62) A special license plate honoring Alpha Kappa Alpha Sorority, Inc. The funds raised by the sale of this special license plate shall be disbursed to the Ivy Community Foundation, Inc., of Alpha Kappa Alpha Sorority, Inc.

(63) A special license plate honoring Tuskegee University. The funds raised by the sale of this special license plate shall be disbursed to the Atlanta Tuskegee Alumni Club, Inc.

(64) A special license plate honoring the Georgia Tennis Foundation, with the words “Play Tennis!” to be displayed across the bottom. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Tennis Foundation.

(65) A special license plate honoring the Georgia Council on Substance Abuse, Inc., and the Georgia Mental Health Consumer Network, Inc. The funds raised by the sale of this special license plate shall be disbursed equally to the Georgia Council on Substance Abuse, Inc., and the Georgia Mental Health Consumer Network, Inc. Such license plate shall not include a space for a county name decal but shall instead bear the legend “Georgia Recovers” in lieu of the name of the county of issuance.

(66) A special license plate supporting members of the United States Army Rangers. The funds raised by the sale of this special license plate shall be disbursed to the National Ranger Memorial Foundation, Inc.

(67) A special license plate to support members of the United

States armed forces. The funds raised by the sale of this special license plate shall be disbursed to Support Our Troops, Inc.

(68) A special license plate supporting the Tybee Island Historical Society. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Tybee Island Historical Society.

(69) A special license plate to support members of the Kappa Alpha Psi Fraternity, Inc. The funds raised by the sale of this special license plate shall be disbursed to Southeastern Education & Leadership Foundation (SELF).

(70) A special license plate honoring Alpha Phi Alpha Fraternity, Inc. The funds raised by the sale of this special license plate shall be disbursed to the Alpha Georgia Education Foundation, Inc.

(71) A special license plate honoring the Shepherd Center. The funds raised by the sale of this special license plate shall be disbursed to Shepherd Center, Inc.

(m)(1) The General Assembly has determined that the following special license plates supporting the agencies, funds, or nonprofit corporations listed in this subsection shall be issued for the purposes indicated. The special license plates listed in this subsection shall be subject to a manufacturing fee, a special license plate fee, and a special license plate renewal fee. The revenue disbursement for the special license plates listed in this subsection shall be as follows:

(A) Manufacturing fee — \$25.00 of which \$24.00 is to be deposited into the general fund and \$1.00 to be paid to the local county tag agent;

(B) Special license plate fee — \$35.00 of which \$13.00 is to be deposited into the general fund and \$22.00 is to be dedicated to the sponsoring agency, fund, or nonprofit corporation; and

(C) Special license plate renewal fee — \$35.00 of which \$13.00 is to be deposited into the general fund and \$22.00 is to be dedicated to the sponsoring agency, fund, or nonprofit corporation.

(2) A special license plate promoting the United States Disabled Athletes Fund, for the support of disabled athletes. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the United States Disabled Athletes Fund.

(3) A special license plate commemorating Civil War battlefields and historic sites. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Civil War Commission for the acquisition of Civil War

battlefields and associated Civil War historic sites in this state and for the maintenance, protection, and interpretation of the same as provided by Article 5 of Chapter 7 of Title 50.

(4) A special license plate promoting historic preservation efforts. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Department of Community Affairs to fund historic preservation programs in the state through the Georgia historic preservation grant program as otherwise authorized by law.

(5) A special license plate promoting bicycle safety. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Governor's Highway Safety Program administered by the Office of Highway Safety in the Department of Public Safety.

(6) A special license plate honoring families with a member serving in the military. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Department of Veterans Service for use by the National Guard Foundation in carrying out such programs and purposes as may be contractually agreed upon by the department and the foundation.

(7) A special license plate promoting "Support Georgia Troops." The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Department of Veterans Service for use by the National Guard Foundation in carrying out such programs and purposes as may be contractually agreed upon by the department and the foundation.

(8) A special license plate promoting NASCAR. The provisions of paragraph (1) of this subsection notwithstanding, from the additional \$35.00 special license plate renewal fee charged for the issuance and renewal of the NASCAR license plates authorized under this paragraph, \$10.25 shall be used by the department for purchasing plates from the supplier of the plates, as designated by NASCAR, and royalty costs, \$10.00 shall be deposited in the general fund, and \$14.75 shall be disbursed to the Governor's Highway Safety Program administered by the Office of Highway Safety in the Department of Public Safety.

(9) A special license plate to support breast cancer related programs for the medically indigent. The provisions of paragraph (1) of this subsection notwithstanding, from the additional \$35.00 special license plate fee or special license plate renewal fee charged for the issuance and renewal of breast cancer license plates authorized under this paragraph, \$12.95 shall be deposited in the general fund

and \$22.05 shall be deposited in the Indigent Care Trust Fund created by Code Section 31-8-152 to fund cancer screening and treatment related to programs for those persons who are medically indigent and may have breast cancer. To the extent consistent with Article III, Section IX, Paragraph VI(i) of the Constitution and Article 6 of Chapter 8 of Title 31, such programs may include education, breast cancer screening, grants-in-aid to breast cancer victims, pharmacy assistance programs for breast cancer victims, and other projects to encourage public support for the special license plate and the activities which it funds. Any such special license plate issued for the first time on or before June 30, 2021, shall include a logo the same as the United States postal stamp supporting breast cancer research and bearing the slogan "Fund the Fight. Find A Cure." over the sketch of a woman and the breast cancer awareness pink ribbon symbol. Any special license plate featuring such postal stamp design may be renewed after June 30, 2021, as otherwise provided for by this chapter. On and after July 1, 2021, any special license plate issued for the first time pursuant to this paragraph shall include the pink ribbon symbol which designates the fight against breast cancer and such other design as may be approved by the commissioner without the slogan "Fund the Fight. Find a Cure."

(10) A special license plate to support prostate cancer related awareness and research programs. The provisions of paragraph (1) of this subsection notwithstanding, from the additional \$35.00 special license plate fee or special license plate renewal fee charged for the issuance and renewal of prostate cancer license plates authorized under this paragraph, \$13.00 shall be deposited in the general fund and \$22.00 shall be disbursed to the Georgia Prostate Cancer Coalition to fund prostate cancer awareness, research, screening, and treatment related programs.

(11) A special license plate to support lung cancer related awareness and research programs. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Joan Gaeta Lung Cancer Fund to fund lung cancer awareness, screening, research, and treatment related programs.

(12) A special license plate to support Georgia nurses and charitable and philanthropic efforts to support, advance, and promote the nursing profession. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Georgia Nurses Foundation of the Georgia Nurses Association for carrying out such programs and purposes.

(13) A special license plate to support the law enforcement division of the Department of Natural Resources in its protection of wildlife

and natural and cultural resources of this state, enforcement of boating, litter, and waste laws, teaching of hunter and boater education classes, and provision of other public safety services to the citizens of this state. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Department of Natural Resources for use by the law enforcement division for the purposes provided for in this paragraph.

(14) A special license plate promoting the conservation and protection of the official insect of this state, the honey bee. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Beekeepers Association and shall be used to increase public awareness of the importance of the conservation of the honey bee and for funding and supporting numerous association programs, including but not limited to the training and education of both new and experienced beekeepers, prison beekeeper programs, grants to beekeeping related nonprofit corporations, beekeeping research facilities in this state, and projects that encourage public support for the license plate and the activities it funds. Such special license plate shall include the phrase "Save the Honey Bee" in lieu of the county of issuance.

(15) A special license plate honoring Georgia's working forests and the benefits they provide to Georgians, with the words "#1 in Forestry" to be displayed across the bottom. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Georgia Forestry Foundation.

(16) A special license plate to support the Sickle Cell Foundation of Georgia, Inc. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Sickle Cell Foundation of Georgia, Inc.

(17) A special license plate to support the fight against cancer. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Center for Oncology Research and Education, Inc.

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

(A) Special license plate fee — \$25.00 of which \$5.00 is to be deposited into the general fund, \$1.00 is to be paid to the local

county tag agent, and \$19.00 is to be dedicated to the sponsoring agency, fund, or nonprofit corporation; and

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

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

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

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

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

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

(7) A special license plate promoting the conservation and enhancement of waterfowl populations and their habitats. The funds raised by the sale of this special license plate shall be disbursed to the Wildlife Resources Division of the Department of Natural Resources for the purposes of waterfowl habitat restoration, waterfowl research, and waterfowl management programs.

(8) A special license plate promoting the dog and cat reproductive sterilization support program of the Department of Agriculture. The funds raised by the sale of this special license plate shall be disbursed to the Department of Agriculture and shall be deposited in the special fund for support of the dog and cat reproductive sterilization support program created by Code Section 4-15-1 and Article III, Section IX, Paragraph VI(m) of the Constitution of the State of Georgia.

(9) A special license plate for the Georgia Aquarium to support its mission as an entertaining, educational, and scientific institution and to promote the conservation of aquatic biodiversity throughout the world. The funds raised by the sale of this special plate shall be disbursed to Georgia Aquarium, Inc. Such license plate shall not include a space for a county name decal but shall instead bear the legend “Georgia Aquarium” in lieu of the name of the county of issuance.

History.

Code 1981, § 40-2-86.21, enacted by Ga. L. 2006, p. 1094, § 12/HB 1053; Ga. L. 2007, p. 47, § 40/SB 103; Ga. L. 2007, p. 668, §§ 4-6/SB 81; Ga. L. 2008, p. 832, §§ 2, 3/HB 1220; Ga. L. 2008, p. 1191, § 1/HB 963; Ga. L. 2009, p. 453, § 2-18/HB 228; Ga. L. 2009, p. 833, § 1/HB 639; Code 1981, § 40-2-86, as redesignated by Ga. L. 2010, p. 9, § 1-77/HB 1055; Ga. L. 2010, p. 143, § 4.1/HB 1005; Ga. L. 2011, p. 752, § 40/HB 142; Ga. L. 2012, p. 155, § 6/HB 732; Ga. L. 2013, p. 265, § 3/SB 121; Ga. L. 2014, p. 74, §§ 1-3/HB 881; Ga. L. 2015, p. 816, § 5/HB 48; Ga. L. 2016, p. 79, § 2/HB 736; Ga. L. 2016, p. 864, § 40/HB 737; Ga. L. 2017, p. 681, § 1/SB 169; Ga. L. 2017, p. 696, § 1/HB 260; Ga. L. 2018, p. 305, § 2/HB 671; Ga. L. 2018, p. 311, § 1/HB 784; Ga. L. 2018, p. 715, § 1/HB 815; Ga. L. 2018, p. 908, §§ 2-4/HB 695; Ga. L. 2019, p. 486,

§ 3/SB 227; Ga. L. 2019, p. 647, § 1/SB 8; Ga. L. 2019, p. 891, § 1/HB 339; Ga. L. 2019, p. 908, § 2/SB 138; Ga. L. 2019, p. 911, § 1/SB 137; Ga. L. 2020, p. 38, § 6/SB 473; Ga. L. 2020, p. 639, § 3/SB 336; Ga. L. 2021, p. 471, § 1/SB 237; Ga. L. 2021, p. 539, § 1/HB 179; Ga. L. 2022, p. 184, § 1/HB 203; Ga. L. 2023, p. 61, § 4/HB 175, effective January 1, 2024; Ga. L. 2024, p. 1052, § 4(29)/SB 448, effective July 1, 2024; Ga. L. 2025, p. 559, § 4/HB 208, effective July 1, 2025.

Delayed effective date.

Code Section 40-2-86 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

Amendments.

The 2025 amendment, effective July 1, 2025, added paragraph (l)(71).

Editor’s notes.

Ga. L. 2025, p. 559, § 6/HB 208, not

codified by the General Assembly, provides: "In accordance with the requirements of Article III, Section IX, Paragraph VI(n) of the Constitution of the State of Georgia, this Act shall not become

law unless it receives the requisite two-thirds' majority vote in both the Senate and the House of Representatives." The legislation received the requisite two-thirds' majority vote.

40-2-86. (Effective January 1, 2026.) License plates promoting or supporting certain agencies, funds, or nonprofit corporations with proceeds disbursed to the general fund and the agency, fund, or nonprofit corporation.

(a)(1) As used in this Code section, except as otherwise provided in subsection (n) of this Code section, the term:

(A) "Manufacturing fee" means a \$25.00 fee paid at the time a special license plate is issued.

(B) "Special license plate fee" means a \$35.00 fee paid at the time a special license plate is issued.

(C) "Special license plate renewal fee" means a \$35.00 fee paid at the time a revalidation decal is issued for a special license plate.

(2) In accordance with Article III, Section IX, Paragraph VI(n) of the Constitution, the General Assembly has determined that the issuance of special license plates to support an agency or fund or a program beneficial to the people of this state that is administered by a nonprofit corporation organized under Section 501(c)(3) of Title 26 of the Internal Revenue Code and dedicating a portion of the funds raised from the sale of these special license plates is in the best interests of the people of this state.

(b) The agency, fund, or nonprofit corporation sponsoring the special license plate, in cooperation with the commissioner, shall design special distinctive license plates appropriate to promote the program benefited by the sale of the special license plate. The special license plates shall include a design to be of the same size as general issue motor vehicle license plates and a design to be of the same size as motorcycle license plates. Such special license plates shall also include a unique design and identifying number, whereby the total number of characters does not exceed an amount to be determined by the commissioner. If so specified in the design description contained in this Code section for any special license plate, such license plate need not contain a place for the county name decal as required by Code Section 40-2-9. No two recipients shall receive identically numbered plates. The agency, fund, or nonprofit corporation sponsoring the license plate may request the assignment of the first of 100 in a series of license plates upon payment of an additional initial registration fee of \$25.00 for each license plate requested.

(c) Notwithstanding the provisions of subsection (b) of this Code section, no special license plate shall be produced until such time as the State of Georgia has, through a licensing agreement or otherwise, received such licenses or other permissions as may be required to produce the special license plate. The design of the initial edition of any special license plate, as well as the design of subsequent editions and excepting only any part or parts of the designs owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The commissioner may take such steps as may be necessary to give notice of and protect such right, including the copyright or copyrights. However, such steps shall be cumulative of the ownership and exclusive use and control established by this subsection as a matter of law, and no person shall reproduce or otherwise use such design or designs, except as authorized by the commissioner.

(d) Any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of the appropriate fees in addition to the regular motor vehicle registration fee shall be able to apply for a special license plate listed in this Code section. Revalidation decals shall be issued for special license plates in the same manner as provided for general issue license plates.

(e) Before the department disburses to the agency, fund, or nonprofit corporation funds from the sale of special license plates, the agency, fund, or nonprofit corporation must provide a written statement stating the manner in which such funds shall be utilized. In addition, a nonprofit corporation shall provide the department with documentation of its nonprofit status under Section 501(c)(3) of Title 26 of the Internal Revenue Code. The purposes for which the funds shall be utilized shall be the same as those specified in this Code section authorizing the dedication to the agency, fund, or nonprofit corporation of revenue from the sale of special license plates. The agency, fund, or nonprofit corporation shall periodically provide to the commissioner an audit of the use of the funds or other evidence of use of the funds satisfactory to the commissioner. Any agency, fund, or nonprofit corporation which receives funds under subsection (n) of this Code section shall submit annually to the members of the Senate Natural Resources and the Environment Committee, the House Committee on Game, Fish, and Parks, the House Committee on Appropriations, and the Senate Appropriations Committee, and to the commissioner of natural resources a detailed audit containing the disposition and expenditure of all funds received pursuant to such subsection. If it is determined that the funds are not being used for the purposes set forth in the statement provided by the agency, fund, or nonprofit corporation, the department

shall withhold payment of such funds until such noncompliance issues are resolved.

(f) An applicant may request a special license plate any time during the applicant's registration period. If such a license plate is to replace a current valid license plate, the special license plate shall be issued with appropriate decals attached upon payment of the manufacturing fee and the special license plate renewal fee.

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

(h) The department shall not be required to continue to manufacture the special license plate if the number of active registrations falls below 500 registrations at any time during the period provided for in subsection (b) of Code Section 40-2-31. A current registrant may continue to renew such special license plate during his or her annual registration period upon payment of the special license plate renewal fee which shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the period provided for in subsection (b) of Code Section 40-2-31, the sponsoring agency, fund, or nonprofit corporation shall be required again to obtain 1,000 prepaid applications accompanied by the manufacturing fees to continue to manufacture the special license plate.

(i) Special license plates shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

(j) Special license plates shall be issued within 30 days of application once the requirements of this Code section have been met.

(k) The commissioner is authorized and directed to establish procedures and promulgate rules and regulations to effectuate the purposes of this Code section.

(l)(1) The General Assembly has determined that special license plates supporting the agencies, funds, or nonprofit corporations listed in this subsection shall be issued for the purposes indicated. The special license plates listed in this subsection shall be subject to a manufacturing fee, a special license plate fee, and a special license plate renewal fee. The revenue disbursement for the special license plates listed in this subsection shall be as follows:

(A) Manufacturing fee — \$25.00 of which \$24.00 is to be deposited into the general fund and \$1.00 to be paid to the local county tag agent;

(B) Special license plate fee — \$35.00 of which \$25.00 is to be deposited into the general fund and \$10.00 is to be dedicated to the sponsoring agency, fund, or nonprofit corporation as permitted by Article III, Section IX, Paragraph VI(n) of the Constitution; and

(C) Special license plate renewal fee — \$35.00 of which \$25.00 is to be deposited into the general fund and \$10.00 is to be dedicated to the sponsoring agency, fund, or nonprofit corporation as permitted by Article III, Section IX, Paragraph VI(n) of the Constitution.

(2) Reserved.

(3) Reserved.

(4) Reserved.

(5) Special license plates promoting the conservation of wildflowers within this state. The funds raised by the sale of these special license plates shall be disbursed to the Department of Transportation to be deposited in the Roadside Enhancement and Beautification Fund established by Code Section 32-6-75.2 and shall be expended only for the purposes enumerated in Code Section 32-6-75.2 and Article III, Section IX, Paragraph VI(l) of the Constitution of the State of Georgia.

(6) Reserved.

(7) Special license plates to honor Georgia educators. The funds raised by the sale of these special license plates shall be disbursed to a charitable foundation designated by the State School Superintendent and used to fund educational programs, grants to teachers, and scholarships. The license plates shall display the phrase “Georgia Educators Make A Difference” and a ripe Red Delicious apple shall be depicted to the left of the identifying number of each plate.

(8)(A) The commissioner in cooperation with a college or university may design a special license plate to be issued commemorating that college or university, which license plate shall be similar in design to the license plate issued to all other residents of the state except

that the logo or emblem of the college or university shall be placed on the license plate along with the letters and numbers on the license plate. The name of the college or university shall be imprinted on such special license plate in lieu of the county name decal.

(B) Any college or university that enters into an agreement with the commissioner pursuant to this paragraph shall waive any royalty fees to which it might otherwise be entitled for use of its seal, symbol, emblem, or logotype as provided in this paragraph.

(C) Each college or university located in Georgia that enters into an agreement with the commissioner pursuant to this paragraph shall designate a charitable foundation which shall annually receive an allocation from the special license plate and special license plate renewal fees collected as provided in paragraph (1) of this subsection. Special license plates issued under this paragraph shall be transferred between vehicles as provided in Code Section 40-2-42.

(D) The funds allocated for colleges and universities located in Georgia shall be delivered by the department to the charitable foundation designated by the particular college or university to support needs based, academic, financial aid scholarships for eligible undergraduate students enrolled in the college or university. The funds otherwise allocated for colleges and universities located outside the State of Georgia shall be placed into the general fund.

(E) Each college or university shall review and approve plans for the implementation of these scholarship programs by the applicable charitable foundation. These plans shall include, but need not be limited to, criteria for the awarding of the scholarships and procedures for determining the recipients.

(9) A special license plate for the Georgia Center for the Book to support the purchase of books for public libraries in Georgia. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Center for the Book.

(10) A special license plate for Children's Healthcare of Atlanta to support the work this pediatric hospital system does in the State of Georgia. The funds raised by the sale of this special license plate shall be disbursed to Children's Healthcare of Atlanta.

(11) A special license plate for the Georgia War Veterans Nursing Home to support the implementation and operation of the Georgia War Veterans Nursing Home. The funds raised by the sale of this special license plate shall be disbursed to the Department of Veterans Service for use in operating the Georgia War Veterans Nursing Home.

(12) A special license plate for the Georgia Automobile Racing Hall of Fame Association to promote the Georgia Automobile Racing Hall of Fame Association, which is devoted to preserving the history of automobile racing in Georgia. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Automobile Racing Hall of Fame Association.

(13) A special license plate for the Alzheimer's Association, Georgia Chapter, to help eliminate Alzheimer's disease through the advancement of research and to enhance care and support for individuals, their families, and caregivers. The funds raised by the sale of this special license plate shall be disbursed to the Alzheimer's Association, Georgia Chapter.

(14) A special license plate for the school health and physical education program to help fund school health and physical education programs. The funds raised by the sale of this special license plate shall be disbursed to the Department of Education.

(15) A special license plate for stroke awareness, treatment, and prevention to support programs aiding stroke victims in Georgia. Such license plate shall not include a space for a county name decal but shall instead bear the legend "Stroke Awareness" in lieu of the name of the county of issuance. The funds raised by the sale of this special license plate shall be disbursed to the Center for Telehealth of the Georgia Health Sciences University.

(16) A special license plate for Project Lifesaver promoting the establishment of a Project Lifesaver or similar type of program by local law enforcement agencies. Project Lifesaver's mission is to use state of the art technology in assisting those who care for victims of Alzheimer's disease and other related mental dysfunction disorders and victims who become lost. The funds raised by the sale of this special license plate shall be disbursed to the Department of Public Safety or a nonprofit corporation organized exclusively for the purpose of establishing a Project Lifesaver or similar type of program by local law enforcement agencies.

(17) A special license plate for pediatric cancer to raise funds to support the treatment of pediatric cancer. Such license plate shall not include a space for a county name decal but shall instead bear the legend "Cure Kids' Cancer" in lieu of the name of the county of issuance. The funds raised by the sale of this special license plate shall be disbursed to the Department of Community Health to be deposited in the Indigent Care Trust Fund created by Code Section 31-8-152 to fund pediatric cancer screening and treatment related programs for those children who are medically indigent and may have cancer.

(18) A special license plate for the child care industry to promote the child care industry by encouraging higher educational standards and providing for professional camaraderie for child care providers. Such license plate shall not include a space for a county name decal but shall instead bear the legend "Support Improved Child Care" in lieu of the name of the county of issuance. The funds raised by the sale of this special license plate shall be disbursed to the Minority Alliance for Child Care Development Advocates, Inc., for the development of programs to help improve child care.

(19) A special license plate to display the motto, "In God We Trust." The funds raised by the sale of this special license plate shall be disbursed to the Boy Scouts of America for the development of scouting programs.

(20) A special license plate for child abuse prevention. Such license plate shall not include a space for a county name decal but shall instead bear the legend "Prevent Child Abuse" in lieu of the name of the county of issuance. The funds raised by the sale of this special license plate shall be disbursed to the Foster Family Foundation of Georgia for the development of programs to help victims of child abuse.

(21) A special license plate for the Thanks Mom and Dad Fund. The funds raised by the sale of this special license plate shall be disbursed to the Department of Human Services to address the key needs of the state's older population or a nonprofit corporation organized to serve the needs of the state's older population.

(22) A special license plate for pediatric cancer research. The funds raised by the sale of this special license plate shall be disbursed to the Joanna McAfee Childhood Cancer Foundation for support of pediatric cancer research. The design of the special license plate provided for in this paragraph shall include the words "Joanna McAfee Childhood Cancer Foundation" horizontally across the bottom of the plate in lieu of the county name.

(23) A special license plate for supporting beautification projects in Cobb County. The funds raised by the sale of this special license plate shall be disbursed to Keep Cobb Beautiful, Inc., for support of beautification projects in Cobb County.

(24) A special license plate for AID Atlanta. The funds raised by the sale of this special license plate shall be disbursed to AID Atlanta which is committed to providing people living with HIV the information and support they need to live healthy and productive lives.

(25) A special license endorsing "Support Our Troops." The funds raised by the sale of this special license plate shall be disbursed to the Georgia National Guard Family Support Foundation, Incorporated.

(26) A special license plate for the Sons of Confederate Veterans. The funds raised by the sale of this special license plate shall be disbursed to Georgia Sons of Confederate Veterans.

(27) A special license plate for amyotrophic lateral sclerosis (ALS), also known as “Lou Gehrig’s disease,” to support research and education on amyotrophic lateral sclerosis. The funds raised by the sale of this special license plate shall be disbursed to the ALS Association of Georgia.

(28) A special license plate for foster parents to support programs for foster parents in Georgia. The funds raised by the sale of this special license plate shall be disbursed to The Adoptive and Foster Parent Association of Georgia, Inc., for support of foster parents in Georgia.

(29) A special license plate for the Atlanta Braves Foundation to assist the charities supported by the foundation. The funds raised by the sale of this special license plate shall be disbursed to the Department of Community Affairs or such other public agency or nonprofit corporation as may be designated.

(30) A special license plate for the Atlanta Falcons Youth Foundation to assist the charities supported by the foundation. The funds raised by the sale of this special license plate shall be disbursed to the Atlanta Falcons Youth Foundation. Such license plate shall not include a space for a county name decal but shall instead bear the legend “Atlanta Falcons” in lieu of the name of the county of issuance.

(31) A special license plate for supporting beautification projects in Georgia. The funds raised by the sale of this special license plate shall be disbursed to Keep Georgia Beautiful Foundation, Inc., for support of beautification projects in Georgia.

(32) A special license plate displaying the logo of Choose Life, Inc. The words “Choose Life” must appear at the bottom. The funds raised by the sale of this special license plate shall be disbursed to Choose Life of Georgia, Inc., to be distributed among nonprofit corporations in Georgia that counsel women to consider adoption.

(33) A special license plate supporting education on the maritime history of Georgia’s coast. The funds raised by the sale of this special license plate shall be disbursed to The Georgia Maritime Foundation, Inc., for use in programs supporting education on the maritime history of Georgia.

(34) A special license plate supporting programs for persons with brain related disorders and disabilities. The funds raised by the sale of this special license plate shall be disbursed to Pilot International for support of programs for persons with brain related disorders in Georgia.

(35) A special license plate supporting agriculture in Georgia. The funds raised by the sale of this special license plate shall be evenly split between Georgia 4-H and the Georgia Association of Future Farmers of America to fund projects promoting agriculture in Georgia.

(36) A special license plate promoting the Georgia equine industry. The funds raised by the sale of this special license plate shall be disbursed to the Agricultural Commodity Commission for Equines.

(37) A special license plate promoting African American history and tourism in Georgia. The funds raised by the sale of this special license plate shall be disbursed to organizations dedicated to the preservation of African American history in Georgia.

(38) A special license plate honoring veterans who have been awarded the Bronze Star. The funds raised by the sale of this special license plate shall be disbursed to the National Guard Family Foundation.

(39) A special license plate promoting the arts in Georgia. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Council for the Arts.

(40) A special license plate supporting programs for the treatment of autism. The funds raised by the sale of this special license plate shall be disbursed to the Department of Behavioral Health and Developmental Disabilities for the support of programs for the treatment of autism in Georgia.

(41) A special license plate honoring the work of The Garden Club of Georgia, Inc. The funds raised by the sale of this special license plate shall be disbursed to The Garden Club of Georgia, Inc., and used to fund scholarships that are awarded by the club.

(42) A special license plate promoting the Georgia Junior Golf Foundation. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Junior Golf Foundation.

(43) A special license plate commemorating 100 years of scouting in the United States. The funds raised by the sale of this special license plate shall be disbursed to the Boy Scouts of America for the development of scouting programs.

(44) A special license plate supporting Cobb County Public Schools. The funds raised by the sale of this special license plate shall be disbursed to the Cobb County Public Schools Educational Foundation and used to fund educational programs, grants to teachers, and scholarships in the Cobb County Public School System.

(45) A special license plate supporting the Georgia Sea Turtle Center. The funds raised by the sale of this special license plate shall

be charged and disbursed to the Nongame Wildlife Conservation and Wildlife Habitat Acquisition Fund and used to fund nongame wildlife conservation and education programs. The design of the license plate provided for in this paragraph shall include the words “Jekyll Island — Georgia’s Jewel” horizontally across the bottom of the plate in lieu of the county name, with a diamond jewel symbol in place of the dash.

(46) A special license plate commemorating and supporting the sport of soccer in Georgia. The funds raised by the sale of this special license plate shall be disbursed to the Georgia State Soccer Association, Inc., for the development and promotion of soccer programs in the State of Georgia. Such license plate shall not include a space for a county decal but shall instead bear the legend “gasoccer.org”.

(47) Reserved.

(48) A special license plate for Zoo Atlanta to support its mission to inspire the citizens of Atlanta and Georgia and all visitors to the zoo to value wildlife on Earth; to help safeguard existing species through conservation by providing for an informative, educational, and engaging experience to all visitors; to carry out the responsible stewardship of the animals and the zoo facility; and to engage in related conservation activities and research. The funds raised by the sale of this special plate shall be disbursed to the Atlanta-Fulton County Zoo, Inc. Such license plate shall not include a space for a county name decal but shall instead bear the legend “Protect Wildlife” in lieu of the name of the county of issuance.

(49) A special license plate supporting the Appalachian Trail. The funds raised by the sale of this special license plate shall be disbursed to the Appalachian Trail Conservancy and used to protect, maintain, and conserve the Georgia portion of the Appalachian Trail and connecting trails, and to promote awareness of wilderness, hiking, and back country recreation. Such license plate shall not include a space for a county name decal but shall instead bear the legend “www.appalachiantrail.org”.

(50) A special license plate supporting the Atlanta Braves Foundation. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Atlanta Braves Foundation and used in the foundation’s philanthropic activities and charitable sponsorships. Such license plate shall not include a space for a county name decal but shall instead bear the legend “Go Braves.”

(51) A special license plate for the Grady Health Foundation to support and improve the quality of healthcare services. The funds raised by the sale of this special license plate shall be disbursed to the Grady Health Foundation.

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

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

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

(55) A special license plate honoring Georgia law enforcement officers, with the words “Back the Badge” to be displayed across the bottom. The funds raised by the sale of this special license plate shall be disbursed to the Peace Officers’ Annuity and Benefit Fund.

(56) A special license plate honoring the Georgia electric utility linemen, with the words “Thank a Lineman” to be displayed across the bottom. The funds raised by the sale of this special license plate shall be disbursed to the Southeastern Firefighters Burn Foundation.

(57) A special license plate honoring Georgia Masonic Charities Foundation. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Masonic Charities Foundation, Inc.

(58) A special license plate supporting the Georgia Alliance of Boys & Girls Clubs, Inc. The funds raised by the sale of this special license plate shall be disbursed as provided for in paragraph (1) of this subsection to the Georgia Alliance of Boys & Girls Clubs, Inc.

(59) A special license plate promoting autism awareness. The funds raised by the sale of this special license plate shall be disbursed to the Autism Alliance of Georgia. Such special license plate shall include the phrase “Autism Awareness” in lieu of the name of the county of issuance.

(60) A special license plate supporting the Atlanta United Foundation. The funds raised by the sale of this special license plate shall be disbursed as provided for in paragraph (1) of this subsection to the Atlanta United Foundation and used for the foundation’s philanthropic activities. Such special license plate shall not include a space for the county name decal but shall instead bear the phrase “Unite & Conquer”.

(61) A special license plate honoring Alabama A&M University. The funds raised by the sale of this special license plate shall be disbursed to the Alabama A&M University Alumni Association, Inc., and used to provide scholarships and financial assistance to Georgia residents attending the university. Such special license plate shall include the phrase “Go Bulldogs” in lieu of the county of issuance.

(62) A special license plate honoring Alpha Kappa Alpha Sorority, Inc. The funds raised by the sale of this special license plate shall be disbursed to the Ivy Community Foundation, Inc., of Alpha Kappa Alpha Sorority, Inc.

(63) A special license plate honoring Tuskegee University. The funds raised by the sale of this special license plate shall be disbursed to the Atlanta Tuskegee Alumni Club, Inc.

(64) A special license plate honoring the Georgia Tennis Foundation, with the words "Play Tennis!" to be displayed across the bottom. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Tennis Foundation.

(65) A special license plate honoring the Georgia Council on Substance Abuse, Inc., and the Georgia Mental Health Consumer Network, Inc. The funds raised by the sale of this special license plate shall be disbursed equally to the Georgia Council on Substance Abuse, Inc., and the Georgia Mental Health Consumer Network, Inc. Such license plate shall not include a space for a county name decal but shall instead bear the legend "Georgia Recovers" in lieu of the name of the county of issuance.

(66) A special license plate supporting members of the United States Army Rangers. The funds raised by the sale of this special license plate shall be disbursed to the National Ranger Memorial Foundation, Inc.

(67) A special license plate to support members of the United States armed forces. The funds raised by the sale of this special license plate shall be disbursed to Support Our Troops, Inc.

(68) A special license plate supporting the Tybee Island Historical Society. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Tybee Island Historical Society.

(69) A special license plate to support members of the Kappa Alpha Psi Fraternity, Inc. The funds raised by the sale of this special license plate shall be disbursed to Southeastern Education & Leadership Foundation (SELF).

(70) A special license plate honoring Alpha Phi Alpha Fraternity, Inc. The funds raised by the sale of this special license plate shall be disbursed to the Alpha Georgia Education Foundation, Inc.

(71) A special license plate honoring the Shepherd Center. The funds raised by the sale of this special license plate shall be disbursed to Shepherd Center, Inc.

(72) A special license plate honoring Georgia veterans and their

families. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Veterans Service Foundation.

(73) A special license plate honoring Southern University Alumni. The funds raised by the sale of this special license plate shall be disbursed to the Atlanta Metropolitan Chapter of Southern University Alumni Federation of Georgia, Inc.

(74) A special license plate honoring Delta Sigma Theta Sorority, Inc. The funds raised by the sale of this special license plate shall be disbursed to the Delta Life Development Center.

(75) A special license plate honoring alumni of Alabama State University. The funds raised by the sale of this special license plate shall be disbursed to the Alabama State University Metro Atlanta Alumni Chapter.

(m)(1) The General Assembly has determined that the following special license plates supporting the agencies, funds, or nonprofit corporations listed in this subsection shall be issued for the purposes indicated. The special license plates listed in this subsection shall be subject to a manufacturing fee, a special license plate fee, and a special license plate renewal fee. The revenue disbursement for the special license plates listed in this subsection shall be as follows:

(A) Manufacturing fee — \$25.00 of which \$24.00 is to be deposited into the general fund and \$1.00 to be paid to the local county tag agent;

(B) Special license plate fee — \$35.00 of which \$13.00 is to be deposited into the general fund and \$22.00 is to be dedicated to the sponsoring agency, fund, or nonprofit corporation; and

(C) Special license plate renewal fee — \$35.00 of which \$13.00 is to be deposited into the general fund and \$22.00 is to be dedicated to the sponsoring agency, fund, or nonprofit corporation.

(2) A special license plate promoting the United States Disabled Athletes Fund, for the support of disabled athletes. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the United States Disabled Athletes Fund.

(3) A special license plate commemorating Civil War battlefields and historic sites. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Civil War Commission for the acquisition of Civil War battlefields and associated Civil War historic sites in this state and for the maintenance, protection, and interpretation of the same as provided by Article 5 of Chapter 7 of Title 50.

(4) A special license plate promoting historic preservation efforts. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Department of Community Affairs to fund historic preservation programs in the state through the Georgia historic preservation grant program as otherwise authorized by law.

(5) A special license plate promoting bicycle safety. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Governor's Highway Safety Program administered by the Office of Highway Safety in the Department of Public Safety.

(6) A special license plate honoring families with a member serving in the military. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Department of Veterans Service for use by the National Guard Foundation in carrying out such programs and purposes as may be contractually agreed upon by the department and the foundation.

(7) A special license plate promoting "Support Georgia Troops." The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Department of Veterans Service for use by the National Guard Foundation in carrying out such programs and purposes as may be contractually agreed upon by the department and the foundation.

(8) A special license plate promoting NASCAR. The provisions of paragraph (1) of this subsection notwithstanding, from the additional \$35.00 special license plate renewal fee charged for the issuance and renewal of the NASCAR license plates authorized under this paragraph, \$10.25 shall be used by the department for purchasing plates from the supplier of the plates, as designated by NASCAR, and royalty costs, \$10.00 shall be deposited in the general fund, and \$14.75 shall be disbursed to the Governor's Highway Safety Program administered by the Office of Highway Safety in the Department of Public Safety.

(9) A special license plate to support breast cancer related programs for the medically indigent. The provisions of paragraph (1) of this subsection notwithstanding, from the additional \$35.00 special license plate fee or special license plate renewal fee charged for the issuance and renewal of breast cancer license plates authorized under this paragraph, \$12.95 shall be deposited in the general fund and \$22.05 shall be deposited in the Indigent Care Trust Fund created by Code Section 31-8-152 to fund cancer screening and treatment related to programs for those persons who are medically

indigent and may have breast cancer. To the extent consistent with Article III, Section IX, Paragraph VI(i) of the Constitution and Article 6 of Chapter 8 of Title 31, such programs may include education, breast cancer screening, grants-in-aid to breast cancer victims, pharmacy assistance programs for breast cancer victims, and other projects to encourage public support for the special license plate and the activities which it funds. Any such special license plate issued for the first time on or before June 30, 2021, shall include a logo the same as the United States postal stamp supporting breast cancer research and bearing the slogan "Fund the Fight. Find A Cure." over the sketch of a woman and the breast cancer awareness pink ribbon symbol. Any special license plate featuring such postal stamp design may be renewed after June 30, 2021, as otherwise provided for by this chapter. On and after July 1, 2021, any special license plate issued for the first time pursuant to this paragraph shall include the pink ribbon symbol which designates the fight against breast cancer and such other design as may be approved by the commissioner without the slogan "Fund the Fight. Find a Cure."

(10) A special license plate to support prostate cancer related awareness and research programs. The provisions of paragraph (1) of this subsection notwithstanding, from the additional \$35.00 special license plate fee or special license plate renewal fee charged for the issuance and renewal of prostate cancer license plates authorized under this paragraph, \$13.00 shall be deposited in the general fund and \$22.00 shall be disbursed to the Georgia Prostate Cancer Coalition to fund prostate cancer awareness, research, screening, and treatment related programs.

(11) A special license plate to support lung cancer related awareness and research programs. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Joan Gaeta Lung Cancer Fund to fund lung cancer awareness, screening, research, and treatment related programs.

(12) A special license plate to support Georgia nurses and charitable and philanthropic efforts to support, advance, and promote the nursing profession. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Georgia Nurses Foundation of the Georgia Nurses Association for carrying out such programs and purposes.

(13) A special license plate to support the law enforcement division of the Department of Natural Resources in its protection of wildlife and natural and cultural resources of this state, enforcement of boating, litter, and waste laws, teaching of hunter and boater education classes, and provision of other public safety services to the

citizens of this state. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Department of Natural Resources for use by the law enforcement division for the purposes provided for in this paragraph.

(14) A special license plate promoting the conservation and protection of the official insect of this state, the honey bee. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Beekeepers Association and shall be used to increase public awareness of the importance of the conservation of the honey bee and for funding and supporting numerous association programs, including but not limited to the training and education of both new and experienced beekeepers, prison beekeeper programs, grants to beekeeping related nonprofit corporations, beekeeping research facilities in this state, and projects that encourage public support for the license plate and the activities it funds. Such special license plate shall include the phrase "Save the Honey Bee" in lieu of the county of issuance.

(15) A special license plate honoring Georgia's working forests and the benefits they provide to Georgians, with the words "#1 in Forestry" to be displayed across the bottom. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Georgia Forestry Foundation.

(16) A special license plate to support the Sickel Cell Foundation of Georgia, Inc. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Sickel Cell Foundation of Georgia, Inc.

(17) A special license plate to support the fight against cancer. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Center for Oncology Research and Education, Inc.

(18) A special license plate to support the state parks and historic sites division of the Department of Natural Resources in its protection, management, and maintenance of this state's natural, historical, and cultural resources while providing opportunities for public enjoyment and education. The funds raised by the sale of this special license plate shall be disbursed to the Department of Natural Resources for use by the state parks and historic sites division for the purposes provided for in this paragraph. Such license plate shall not include a space for a county name decal but shall instead bear the legend "Georgia State Parks" in lieu of the name of the county of issuance.

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

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

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

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

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

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

(4) A special license plate supporting the Bobwhite Quail Restoration Initiative. The funds raised by the sale of this special license plate shall be disbursed to the Wildlife Resources Division of the Department of Natural Resources to conduct programs designed to enhance the bobwhite quail population in this state. Such programs may include the creation of habitat demonstration areas on state managed wildlife lands, education programs, technical assistance to private landowners in the creation and maintenance of bobwhite quail habitats on their lands, and projects to encourage public support for the license plate and the activities it funds. The Department of Natural Resources may enter into such contractual agreements as may be appropriate to further the objectives of the Bobwhite Quail Restoration Initiative, including entering into contractual agreements whereby private landowners, public agencies, or corporate entities create, preserve, or enhance habitat for bobwhite quail in return for the payment of incentives. Such license plate shall not

include a space for a county decal but shall instead bear the legend "Support Wildlife" in lieu of the name of the county of issuance.

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

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

(7) A special license plate promoting the conservation and enhancement of waterfowl populations and their habitats. The funds raised by the sale of this special license plate shall be disbursed to the Wildlife Resources Division of the Department of Natural Resources for the purposes of waterfowl habitat restoration, waterfowl research, and waterfowl management programs.

(8) A special license plate promoting the dog and cat reproductive sterilization support program of the Department of Agriculture. The funds raised by the sale of this special license plate shall be disbursed to the Department of Agriculture and shall be deposited in the special fund for support of the dog and cat reproductive sterilization support program created by Code Section 4-15-1 and Article III, Section IX, Paragraph VI(m) of the Constitution of the State of Georgia.

(9) A special license plate for the Georgia Aquarium to support its mission as an entertaining, educational, and scientific institution and to promote the conservation of aquatic biodiversity throughout the world. The funds raised by the sale of this special plate shall be disbursed to Georgia Aquarium, Inc. Such license plate shall not include a space for a county name decal but shall instead bear the legend "Georgia Aquarium" in lieu of the name of the county of issuance.

(10) A special license plate promoting conservation and enhancement of black bass populations. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Natural Resources Foundation to supplement black bass research, restoration, habitat improvement, stocking, and other management programs.

History.

Code 1981, § 40-2-86.21, enacted by Ga. L. 2006, p. 1094, § 12/HB 1053; Ga. L. 2007, p. 47, § 40/SB 103; Ga. L. 2007, p. 668, §§ 4-6/SB 81; Ga. L. 2008, p. 832, §§ 2, 3/HB 1220; Ga. L. 2008, p. 1191, § 1/HB 963; Ga. L. 2009, p. 453, § 2-18/HB 228; Ga. L. 2009, p. 833, § 1/HB 639; Code 1981, § 40-2-86, as redesignated by Ga. L. 2010, p. 9, § 1-77/HB 1055; Ga. L. 2010, p. 143, § 4.1/HB 1005; Ga. L. 2011, p. 752, § 40/HB 142; Ga. L. 2012, p. 155, § 6/HB 732; Ga. L. 2013, p. 265, § 3/SB 121; Ga. L. 2014, p. 74, §§ 1-3/HB 881; Ga. L. 2015, p. 816, § 5/HB 48; Ga. L. 2016, p. 79, § 2/HB 736; Ga. L. 2016, p. 864, § 40/HB 737; Ga. L. 2017, p. 681, § 1/SB 169; Ga. L. 2017, p. 696, § 1/HB 260; Ga. L. 2018, p. 305, § 2/HB 671; Ga. L. 2018, p. 311, § 1/HB 784; Ga. L. 2018, p. 715, § 1/HB 815; Ga. L. 2018, p. 908, §§ 2-4/HB 695; Ga. L. 2019, p. 486, § 3/SB 227; Ga. L. 2019, p. 647, § 1/SB 8; Ga. L. 2019, p. 891, § 1/HB 339; Ga. L. 2019, p. 908, § 2/SB 138; Ga. L. 2019, p. 911, § 1/SB 137; Ga. L. 2020, p. 38, § 6/SB 473; Ga. L. 2020, p. 639, § 3/SB 336; Ga. L. 2021, p. 471, § 1/SB 237; Ga. L. 2021, p. 539, § 1/HB 179; Ga. L. 2022, p. 184, § 1/HB 203; Ga. L. 2023, p. 61, § 4/HB

175, effective January 1, 2024; Ga. L. 2024, p. 1052, § 4(29)/SB 448, effective July 1, 2024; Ga. L. 2025, p. 559, § 4/HB 208, effective July 1, 2025; Ga. L. 2025, p. 559, § 5/HB 208, effective January 1, 2026.

Delayed effective date.

Code Section 40-2-86 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The first 2025 amendment, effective July 1, 2025, added paragraph (l)(71).

The second 2025 amendment, effective January 1, 2026, added paragraphs (l)(72) through (l)(75), (m)(18), and (n)(10).

Editor's notes.

Ga. L. 2025, p. 559, § 6/HB 208, not codified by the General Assembly, provides: "In accordance with the requirements of Article III, Section IX, Paragraph VI(n) of the Constitution of the State of Georgia, this Act shall not become law unless it receives the requisite two-thirds' majority vote in both the Senate and the House of Representatives." The legislation received the requisite two-thirds' majority vote.

40-2-86.1. (Effective until January 1, 2026.) License plates promoting or supporting certain agencies, funds, or non-profit corporations or issued to qualified motor vehicles or owners with proceeds deposited in the general fund.

(a) The General Assembly has determined that the issuance of special license plates to support an agency or fund or a program beneficial to the people of this state that is administered by a nonprofit corporation organized under Section 501(c)(3) of Title 26 of the Internal Revenue Code and, subject to the appropriation process of the General Assembly, appropriating a portion of the funds raised from the sale of these special license plates is in the best interests of the people of this state. Therefore, the license plates listed in subsection (l) of this Code section shall be issued by the department if all of the requirements of subsections (b) through (k) of this Code section have been satisfied.

(b) The commissioner, in cooperation with the agency, fund, or nonprofit corporation sponsoring the special license plate, shall design special distinctive license plates intended to promote the program benefited by the sale of the special license plate. The special license

plates shall include a design to be of the same size as general issue motor vehicle license plates and a design to be of the same size as motorcycle license plates. Such special license plates shall also include a unique design and identifying number, whereby the total number of characters does not exceed an amount to be determined by the commissioner. If so specified in the design description contained in this Code section for any special license plate, such license plate need not contain a place for the county name decal as required by Code Section 40-2-9. No two recipients shall receive identically numbered plates. The agency, fund, or nonprofit corporation sponsoring the license plate may request the assignment of the first of 100 in a series of license plates upon payment of an additional initial registration fee of \$25.00 for each license plate requested.

(c) Notwithstanding the provisions of subsection (b) of this Code section, no special license plate shall be produced until such time as the State of Georgia has, through a licensing agreement or otherwise, received such licenses or other permissions as may be required to produce the special license plate. The design of the initial edition of any special license plate, as well as the design of subsequent editions and excepting only any part or parts of the designs owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The commissioner may take such steps as may be necessary to give notice of and protect such right, including the copyright or copyrights. However, such steps shall be cumulative of the ownership and exclusive use and control established by this subsection as a matter of law, and no person shall reproduce or otherwise use such design or designs, except as authorized by the commissioner.

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

(e) The manufacturing fee, special license plate fee, and special license plate renewal fee derived from the sale of special license plates contained in subsection (l) of this Code section shall be deposited into the general fund. The sponsoring agency, fund, or nonprofit corporation,

subject to the appropriation process of the General Assembly, may request that the funds derived from the sale of special license plates be appropriated to the department for disbursement to such agency, fund, or nonprofit corporation.

(f) Before the department disburses to the agency, fund, or nonprofit corporation funds from the sale of special license plates, the agency, fund, or nonprofit corporation must provide a written statement stating the manner in which such funds shall be utilized. In addition, a nonprofit corporation must provide the department with documentation of its nonprofit status under Section 501(c)(3) of Title 26 of the Internal Revenue Code. The purposes for which the funds shall be utilized must be the same as those specified in subsection (l) of this Code section authorizing the potential appropriation to the agency, fund, or nonprofit corporation of revenue from the sale of special license plates. The agency, fund, or nonprofit corporation shall periodically provide to the commissioner an audit of the use of the funds or other evidence of use of the funds satisfactory to the commissioner. If it is determined that the funds are not being used for the purposes set forth in the statement provided by the agency, fund, or nonprofit corporation, the department shall withhold payment of such funds until such noncompliance issues are resolved.

(g) An applicant may request a special license plate any time during the applicant's registration period. If such a license plate is to replace a current valid license plate, the special license plate shall be issued with appropriate decals attached, upon the payment of any applicable registration fees, the manufacturing fee, and the special license plate fee.

(h) No special license plate authorized pursuant to subsection (l) of this Code section shall be issued except upon the receipt by the department of at least 1,000 prepaid applications along with the manufacturing fee. The special license plate shall have an application period of two years from the date of authorization for payment of the manufacturing fee. After such time if the minimum number of applications is not met, the department shall not continue to accept the manufacturing fee, and all fees shall be refunded to applicants; provided, however, that, once the department has received 1,000 prepaid applications along with the manufacturing fee, the sponsor shall not be entitled to a refund.

(i) The department shall not be required to continue to manufacture the special license plate if the number of active registrations falls below 500 registrations at any time during the period provided for in subsection (b) of Code Section 40-2-31. A current registrant may continue to renew such special license plate during his or her annual registration period upon payment of an additional \$35.00 special license plate

renewal fee, which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the period provided for in subsection (b) of Code Section 40-2-31, the sponsoring agency, fund, or nonprofit corporation shall be required again to obtain 1,000 prepaid applications accompanied by the manufacturing fee to continue to manufacture the special license plate.

(j) Special license plates shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

(k) Special license plates shall be issued within 30 days of application once the requirements of this Code section have been met.

(l)(1) The General Assembly has determined that license plates promoting the agencies, funds, or nonprofit corporations listed in this subsection shall be issued for the purposes indicated and the revenue shall be deposited in the general fund, subject to the appropriation process of the General Assembly.

(2) A special license plate identifying persons with diabetes. The main purpose of the special license plate is that law enforcement officers and emergency personnel will be alerted to the potential for special needs before they approach the driver of a vehicle, especially if the vehicle has been involved in an accident. The funds raised by the sale of this special license plate shall be deposited in the general fund.

(3) A special license plate honoring all veterans who have served in the armed services of the United States. All of these men and women have sacrificed a portion of their lives in order to serve their country and protect our freedom. The funds raised by the sale of this special license plate shall be deposited in the general fund.

(4) A special license plate honoring the Georgia Association of Realtors. The Association is being honored for its long-standing support of housing opportunities for all citizens of this state, private property rights, and all organizations that assist people in achieving the American dream of home ownership. The funds raised by the sale of this special license plate shall be deposited in the general fund.

(5) A special license plate honoring Georgia municipal clerks. The municipal clerk's office provides the professional link connecting citizens with their local governing bodies and agencies of government at other levels. The funds raised by the sale of this license plate shall be deposited in the general fund.

(6) A special license plate identifying residents of the State of Georgia who hold an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission. The special license plate shall be inscribed with the official amateur radio call letters of such applicant as assigned by the Federal Communications Commission. The funds raised by the sale of this license plate shall be deposited in the general fund.

(7)(A) A special license plate to be issued for alternative fueled vehicles, which license plate shall be similar in design to the license plate issued to all other residents of this state except that the commissioner shall place a distinctive logo or emblem on the license plate which shall distinguish the vehicle as an alternative fueled vehicle eligible to travel in travel lanes designated for such vehicles under paragraph (4) of subsection (a) of Code Section 32-9-4. The words “alternative fueled vehicle” shall be imprinted on such special license plate in lieu of the county name decal. The funds raised by the sale of this license plate shall be deposited in the general fund.

(B) As used in this paragraph, the term:

(i) “Alternative fuel” means electricity, natural gas, and propane.

(ii) “Alternative fueled vehicle” means any vehicle fueled solely by alternative fuel as defined in division (i) of this subparagraph, bi-fuel, or dual fuel.

(C) Pursuant to paragraph (19) of subsection (a) of Code Section 40-2-151, the applicant for a special license plate for any alternative fueled vehicle shall provide proof that he or she has paid the registration fee prescribed therein prior to the issuance of any special license plate under this paragraph.

(8) A special license plate for antique or hobby or special interest vehicles. As used in this paragraph, the term “antique or hobby or special interest vehicle” means any motor vehicle or motor cycle or a motor vehicle which has been designed and manufactured to resemble an antique or historical vehicle and which is owned as a collector’s item and for participation in club activities, exhibitions, tours, parades and similar uses but which may be used for general transportation. No owner of such antique vehicle or hobby or special interest vehicle shall be required to obtain any special permits for its operation on the roads of this state. The funds raised by the sale of this license plate shall be deposited in the general fund.

(9)(A) A special license plate for owners of a private passenger car or truck used for transportation purposes unrelated to their role as

a firefighter, who are firefighters certified pursuant to Chapter 4 of Title 25 and who are members of fire departments certified pursuant to Article 2 of Chapter 3 of Title 25 and motor vehicle owners who are firefighters of legally organized volunteer fire departments which have been certified pursuant to Article 2 of Chapter 3 of Title 25. Such license plate shall be inscribed with such letters, numbers, words, symbols, or a combination thereof as determined by the commissioner to identify the owner as a firefighter. The chiefs of the various fire departments shall furnish to the commissioner a list of the certified firefighters and volunteer firefighters of their fire departments who reside in Georgia, which list shall be updated as necessary. Such list shall be made available to county tag agents and shall be the means by which eligibility of an applicant shall be determined; provided, however, that an applicant not appearing on the list may prove qualification by presenting proof of retirement or current certification from his or her chief. The funds raised by the sale of this license plate shall be deposited in the general fund.

(B) Should a certified firefighter or volunteer firefighter who has been issued a special and distinctive license plate be separated from such firefighter's department for any reason other than retirement from employment, the separated firefighter shall, within 14 days of such separation, return such special and distinctive license plate to the issuing county tag agent. Upon receipt of such special and distinctive license plate, a county tag agent shall reissue a regular license plate and the appropriate revalidation decal for the applicable registration period, at no additional charge, to such former firefighter to replace the special and distinctive license plate. Should a firefighter return to service with the same or another fire department, the chief of the fire department employing such firefighter shall secure the regular license plate of such person and return same to the commissioner, along with a certificate to the effect that such person has become a member of the fire department, and the effective date thereof, whereupon the commissioner shall, upon application and upon the payment of a \$35.00 manufacturing fee and all other applicable registration and licensing fees at the time of registration, reissue a special and distinctive license plate to such new member to replace the returned regular license plate.

(C) Motor vehicle owners who were firefighters certified pursuant to Chapter 4 of Title 25 or were members of fire departments certified pursuant to Article 2 of Chapter 3 of Title 25 and who retired from employment as such shall continue to be eligible for the firefighter license plates issued under this paragraph the same as if they continued to be certified and employed as firefighters. Whenever such a certified firefighter who has been issued a special

and distinctive license plate is retired from employment with such firefighter's department, the chief of such fire department shall forward to the commissioner a certificate to the effect that such person has been retired. The name of such retired firefighter shall be added to the list described in subparagraph (A) of this paragraph and made available to county tag agents.

(D) The spouse of a deceased firefighter shall continue to be eligible to be issued a distinctive special firefighter's license plate as provided in this paragraph so long as such person does not remarry.

(10) A special license plate supporting Rotary International. The design of the special license plate, excepting only the Rotary International logo and motto "Service Above Self" and the years 1905-2005 and any other part of the design owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The funds raised by the sale of this license plate shall be deposited in the general fund.

(11) A special license plate for any Georgia resident who is the owner of a private passenger motor vehicle and provides proof of certification or licensure by the State of Georgia as an emergency medical technician, paramedic, or owner of a licensed ambulance service in the State of Georgia promoting the EMS Star of Life Symbol. Such license plate shall display the National Highway Traffic Safety Administration's EMS Star of Life Symbol and the initials "EMS." The funds raised by the sale of this license plate shall be deposited in the general fund.

History.

Code 1981, § 40-2-86.22, enacted by Ga. L. 2006, p. 421, § 1/HB 710; Ga. L. 2007, p. 668, § 7/SB 81; Code 1981, § 40-2-86.1, as redesignated by Ga. L. 2010, p. 9, § 1-77/HB 1055; Ga. L. 2012, p. 155, § 7/HB 732; Ga. L. 2013, p. 141, § 40/HB 79; Ga. L. 2015, p. 236, § 3-1/HB 170; Ga. L. 2018, p. 677, § 2/HB 898; Ga. L. 2020,

p. 639, § 4/SB 336; Ga. L. 2021, p. 400, § 1/HB 453; Ga. L. 2024, p. 1052, § 4(30)/SB 448, effective July 1, 2024.

Delayed effective date.

Code Section 40-2-86.1 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

40-2-86.1. (Effective January 1, 2026.) License plates promoting or supporting certain agencies, funds, or nonprofit corporations or issued to qualified motor vehicles or owners with proceeds deposited in the general fund.

(a) The General Assembly has determined that the issuance of special license plates to support an agency or fund or a program beneficial to the people of this state that is administered by a nonprofit

corporation organized under Section 501(c)(3) of Title 26 of the Internal Revenue Code and, subject to the appropriation process of the General Assembly, appropriating a portion of the funds raised from the sale of these special license plates is in the best interests of the people of this state. Therefore, the license plates listed in subsection (l) of this Code section shall be issued by the department if all of the requirements of subsections (b) through (k) of this Code section have been satisfied.

(b) The commissioner, in cooperation with the agency, fund, or nonprofit corporation sponsoring the special license plate, shall design special distinctive license plates intended to promote the program benefited by the sale of the special license plate. The special license plates shall include a design to be of the same size as general issue motor vehicle license plates and a design to be of the same size as motorcycle license plates. Such special license plates shall also include a unique design and identifying number, whereby the total number of characters does not exceed an amount to be determined by the commissioner. If so specified in the design description contained in this Code section for any special license plate, such license plate need not contain a place for the county name decal as required by Code Section 40-2-9. No two recipients shall receive identically numbered plates. The agency, fund, or nonprofit corporation sponsoring the license plate may request the assignment of the first of 100 in a series of license plates upon payment of an additional initial registration fee of \$25.00 for each license plate requested.

(c) Notwithstanding the provisions of subsection (b) of this Code section, no special license plate shall be produced until such time as the State of Georgia has, through a licensing agreement or otherwise, received such licenses or other permissions as may be required to produce the special license plate. The design of the initial edition of any special license plate, as well as the design of subsequent editions and excepting only any part or parts of the designs owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The commissioner may take such steps as may be necessary to give notice of and protect such right, including the copyright or copyrights. However, such steps shall be cumulative of the ownership and exclusive use and control established by this subsection as a matter of law, and no person shall reproduce or otherwise use such design or designs, except as authorized by the commissioner.

(d) Any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of a manufacturing fee of \$25.00 and a special license plate fee of \$35.00, in addition to the

regular motor vehicle registration fee, shall be able to apply for a special license plate listed in subsection (l) of this Code section. Revalidation decals shall be issued for special license plates in the same manner as provided for general issue license plates, with the addition of a \$35.00 special license plate renewal fee, provided that special license plates issued pursuant to paragraph (9) of subsection (l) of this Code section shall be exempt from such special license plate renewal fee.

(e) The manufacturing fee, special license plate fee, and special license plate renewal fee derived from the sale of special license plates contained in subsection (l) of this Code section shall be deposited into the general fund. The sponsoring agency, fund, or nonprofit corporation, subject to the appropriation process of the General Assembly, may request that the funds derived from the sale of special license plates be appropriated to the department for disbursement to such agency, fund, or nonprofit corporation.

(f) Before the department disburses to the agency, fund, or nonprofit corporation funds from the sale of special license plates, the agency, fund, or nonprofit corporation must provide a written statement stating the manner in which such funds shall be utilized. In addition, a nonprofit corporation must provide the department with documentation of its nonprofit status under Section 501(c)(3) of Title 26 of the Internal Revenue Code. The purposes for which the funds shall be utilized must be the same as those specified in subsection (l) of this Code section authorizing the potential appropriation to the agency, fund, or nonprofit corporation of revenue from the sale of special license plates. The agency, fund, or nonprofit corporation shall periodically provide to the commissioner an audit of the use of the funds or other evidence of use of the funds satisfactory to the commissioner. If it is determined that the funds are not being used for the purposes set forth in the statement provided by the agency, fund, or nonprofit corporation, the department shall withhold payment of such funds until such noncompliance issues are resolved.

(g) An applicant may request a special license plate any time during the applicant's registration period. If such a license plate is to replace a current valid license plate, the special license plate shall be issued with appropriate decals attached, upon the payment of any applicable registration fees, the manufacturing fee, and the special license plate fee.

(h) No special license plate authorized pursuant to subsection (l) of this Code section shall be issued except upon the receipt by the department of at least 1,000 prepaid applications along with the manufacturing fee. The special license plate shall have an application period of two years from the date of authorization for payment of the manufacturing fee. After such time if the minimum number of applica-

tions is not met, the department shall not continue to accept the manufacturing fee, and all fees shall be refunded to applicants; provided, however, that, once the department has received 1,000 prepaid applications along with the manufacturing fee, the sponsor shall not be entitled to a refund.

(i) The department shall not be required to continue to manufacture the special license plate if the number of active registrations falls below 500 registrations at any time during the period provided for in subsection (b) of Code Section 40-2-31. A current registrant may continue to renew such special license plate during his or her annual registration period upon payment of an additional \$35.00 special license plate renewal fee, which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the period provided for in subsection (b) of Code Section 40-2-31, the sponsoring agency, fund, or nonprofit corporation shall be required again to obtain 1,000 prepaid applications accompanied by the manufacturing fee to continue to manufacture the special license plate.

(j) Special license plates shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

(k) Special license plates shall be issued within 30 days of application once the requirements of this Code section have been met.

(l)(1) The General Assembly has determined that license plates promoting the agencies, funds, or nonprofit corporations listed in this subsection shall be issued for the purposes indicated and the revenue shall be deposited in the general fund, subject to the appropriation process of the General Assembly.

(2) A special license plate identifying persons with diabetes. The main purpose of the special license plate is that law enforcement officers and emergency personnel will be alerted to the potential for special needs before they approach the driver of a vehicle, especially if the vehicle has been involved in an accident. The funds raised by the sale of this special license plate shall be deposited in the general fund.

(3) A special license plate honoring all veterans who have served in the armed services of the United States. All of these men and women have sacrificed a portion of their lives in order to serve their country and protect our freedom. The funds raised by the sale of this special license plate shall be deposited in the general fund.

(4) A special license plate honoring the Georgia Association of Realtors. The Association is being honored for its long-standing support of housing opportunities for all citizens of this state, private property rights, and all organizations that assist people in achieving the American dream of home ownership. The funds raised by the sale of this special license plate shall be deposited in the general fund.

(5) A special license plate honoring Georgia municipal clerks. The municipal clerk's office provides the professional link connecting citizens with their local governing bodies and agencies of government at other levels. The funds raised by the sale of this license plate shall be deposited in the general fund.

(6) A special license plate identifying residents of the State of Georgia who hold an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission. The special license plate shall be inscribed with the official amateur radio call letters of such applicant as assigned by the Federal Communications Commission. The funds raised by the sale of this license plate shall be deposited in the general fund.

(7)(A) A special license plate to be issued for alternative fueled vehicles, which license plate shall be similar in design to the license plate issued to all other residents of this state except that the commissioner shall place a distinctive logo or emblem on the license plate which shall distinguish the vehicle as an alternative fueled vehicle eligible to travel in travel lanes designated for such vehicles under paragraph (4) of subsection (a) of Code Section 32-9-4. The words "alternative fueled vehicle" shall be imprinted on such special license plate in lieu of the county name decal. The funds raised by the sale of this license plate shall be deposited in the general fund.

(B) As used in this paragraph, the term:

(i) "Alternative fuel" means electricity, natural gas, and propane.

(ii) "Alternative fueled vehicle" means any vehicle fueled solely by alternative fuel as defined in division (i) of this subparagraph, bi-fuel, or dual fuel.

(C) Pursuant to paragraph (19) of subsection (a) of Code Section 40-2-151, the applicant for a special license plate for any alternative fueled vehicle shall provide proof that he or she has paid the registration fee prescribed therein prior to the issuance of any special license plate under this paragraph.

(8) A special license plate for antique or hobby or special interest vehicles. As used in this paragraph, the term "antique or hobby or

special interest vehicle” means any motor vehicle or motor cycle or a motor vehicle which has been designed and manufactured to resemble an antique or historical vehicle and which is owned as a collector’s item and for participation in club activities, exhibitions, tours, parades and similar uses but which may be used for general transportation. No owner of such antique vehicle or hobby or special interest vehicle shall be required to obtain any special permits for its operation on the roads of this state. The funds raised by the sale of this license plate shall be deposited in the general fund.

(9)(A) A special license plate for owners of a private passenger car or truck used for transportation purposes unrelated to their role as a firefighter, who are firefighters certified pursuant to Chapter 4 of Title 25 and who are members of fire departments certified pursuant to Article 2 of Chapter 3 of Title 25 and motor vehicle owners who are firefighters of legally organized volunteer fire departments which have been certified pursuant to Article 2 of Chapter 3 of Title 25. Such license plate shall be inscribed with such letters, numbers, words, symbols, or a combination thereof as determined by the commissioner to identify the owner as a firefighter. The chiefs of the various fire departments shall furnish to the commissioner a list of the certified firefighters and volunteer firefighters of their fire departments who reside in Georgia, which list shall be updated as necessary. Such list shall be made available to county tag agents and shall be the means by which eligibility of an applicant shall be determined; provided, however, that an applicant not appearing on the list may prove qualification by presenting proof of retirement or current certification from his or her chief. The funds raised by the sale of this license plate shall be deposited in the general fund.

(B) Should a certified firefighter or volunteer firefighter who has been issued a special and distinctive license plate be separated from such firefighter’s department for any reason other than retirement from employment, the separated firefighter shall, within 14 days of such separation, return such special and distinctive license plate to the issuing county tag agent. Upon receipt of such special and distinctive license plate, a county tag agent shall reissue a regular license plate and the appropriate revalidation decal for the applicable registration period, at no additional charge, to such former firefighter to replace the special and distinctive license plate. Should a firefighter return to service with the same or another fire department, the chief of the fire department employing such firefighter shall secure the regular license plate of such person and return same to the commissioner, along with a certificate to the effect that such person has become a member of the fire department, and the effective date thereof, whereupon the commissioner shall, upon application and upon the payment of a \$35.00 manu-

facturing fee and all other applicable registration and licensing fees at the time of registration, reissue a special and distinctive license plate to such new member to replace the returned regular license plate.

(C) Motor vehicle owners who were firefighters certified pursuant to Chapter 4 of Title 25 or were members of fire departments certified pursuant to Article 2 of Chapter 3 of Title 25 and who retired from employment as such shall continue to be eligible for the firefighter license plates issued under this paragraph the same as if they continued to be certified and employed as firefighters. Whenever such a certified firefighter who has been issued a special and distinctive license plate is retired from employment with such firefighter's department, the chief of such fire department shall forward to the commissioner a certificate to the effect that such person has been retired. The name of such retired firefighter shall be added to the list described in subparagraph (A) of this paragraph and made available to county tag agents.

(D) The spouse of a deceased firefighter shall continue to be eligible to be issued a distinctive special firefighter's license plate as provided in this paragraph so long as such person does not remarry.

(10) A special license plate supporting Rotary International. The design of the special license plate, excepting only the Rotary International logo and motto "Service Above Self" and the years 1905-2005 and any other part of the design owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The funds raised by the sale of this license plate shall be deposited in the general fund.

(11) A special license plate for any Georgia resident who is the owner of a private passenger motor vehicle and provides proof of certification or licensure by the State of Georgia as an emergency medical technician, paramedic, or owner of a licensed ambulance service in the State of Georgia promoting the EMS Star of Life Symbol. Such license plate shall display the National Highway Traffic Safety Administration's EMS Star of Life Symbol and the initials "EMS." The funds raised by the sale of this license plate shall be deposited in the general fund.

(12) A special license plate displaying an image of the American flag, and the words "America First" to represent patriotism, a commitment to prioritize the interests of this nation above all else, and to reinforce a sense of national pride and unity. Notwithstanding subsection (h) of this Code section, the department shall be autho-

rized to issue such license plate prior to receipt of 1,000 prepaid applications; provided, however, that, if 1,000 applications have not been submitted prior to January 1, 2028, the department shall not continue to manufacture such license plate. The funds raised by the sale of this special license plate shall be deposited in the general fund.

History.

Code 1981, § 40-2-86.22, enacted by Ga. L. 2006, p. 421, § 1/HB 710; Ga. L. 2007, p. 668, § 7/SB 81; Code 1981, § 40-2-86.1, as redesignated by Ga. L. 2010, p. 9, § 1-77/HB 1055; Ga. L. 2012, p. 155, § 7/HB 732; Ga. L. 2013, p. 141, § 40/HB 79; Ga. L. 2015, p. 236, § 3-1/HB 170; Ga. L. 2018, p. 677, § 2/HB 898; Ga. L. 2020, p. 639, § 4/SB 336; Ga. L. 2021, p. 400, § 1/HB 453; Ga. L. 2024, p. 1052, § 4(30)/SB 448, effective July 1, 2024; Ga. L.

2025, p. 779, § 1/SB 291, effective January 1, 2026.

Delayed effective date.

Code Section 40-2-86.1 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, added paragraph (1)(12).

ARTICLE 6

ADMINISTRATION AND ENFORCEMENT OF CHAPTER

40-2-130. (Effective until January 1, 2026.) Records of certificates of registration.

(a) A record of certificates of registration shall be maintained by the commissioner or the commissioner's duly authorized county tag agent. All certificates of registration shall be issued:

- (1) Under a distinctive tag registration number assigned to the vehicle;
- (2) Under the identifying number of the vehicle;
- (3) Alphabetically, under the name of the owner;
- (4) Under the vehicle title number; and
- (5) In the discretion of the commissioner, in any other method the commissioner determines.

(b) The commissioner is authorized and empowered to provide for photographic and photostatic recording of certificate of registration records in such manner as he may deem expedient. The photographic or photostatic copies authorized in this subsection shall be admitted in evidence in all actions and proceedings to the same extent that the originals would have been admitted.

(c) The motor vehicle registration records which the commissioner is required to maintain under this Code section or any other provision are exempt from the provisions of any law of this state requiring that such

records be open for public inspection; provided, however, that, subject to subsection (d) of this Code section, the records may be disclosed for use as provided in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and by the following:

(1) Any licensed dealer of new or used motor vehicles;

(2) Any tax collector, tax receiver, or tax commissioner;

(3) The director of the Environmental Protection Division of the Department of Natural Resources or his or her designee;

(4) Any private person who has met the requirements of Code Section 40-2-25, provided that the information shall be used for the sole purpose of effectuating the registration or renewal of motor vehicles by electronic or similar means and that the private person requesting the information has entered into an agreement to provide electronic services to the commissioner or a county tag agent; provided, further, that the information made available pursuant to this paragraph for such purpose shall be limited to the vehicle identification number, the license tag number, the date of expiration of registration, and the amount of tax owed; and

(5) A person or entity authorized by the commissioner for use in providing notice to the owners of towed or impounded vehicles.

(d) Except as otherwise required in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, personal information furnished under subsection (c) of this Code section shall be limited to the natural person's name, address, and driver identification number. The personal information obtained by a business under this Code section shall not be resold or redisclosed for any purposes other than those permitted under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, without the written consent of the individual. Furnishing of information to a business under this Code section shall be pursuant to a contract entered into by such business and the state which specifies the consideration to be paid by such business to the state for such information and the frequency of updates.

History.

Code 1981, § 40-2-130, enacted by Ga. L. 1990, p. 2048, § 2; Ga. L. 1996, p. 336, § 13; Ga. L. 1997, p. 739, § 3; Ga. L. 1999, p. 334, § 2; Ga. L. 2000, p. 136, § 40; Ga. L. 2000, p. 951, § 3-16; Ga. L. 2003, p. 484, § 1; Ga. L. 2003, p. 597, § 1; Ga. L. 2004, p. 471, § 8; Ga. L. 2008, p. 803,

§ 1/HB 945;Ga. L. 2024, p. 1052, § 4(31)/SB 448, effective July 1, 2024.

Delayed effective date.

Code Section 40-2-130 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

40-2-130. (Effective January 1, 2026.) Records of certificates of registration.

(a) A record of certificates of registration shall be maintained by the commissioner or the commissioner's duly authorized county tag agent. All certificates of registration shall be issued:

- (1) Under a distinctive tag registration number assigned to the vehicle;
- (2) Under the identifying number of the vehicle;
- (3) Alphabetically, under the name of the owner;
- (4) Under the vehicle title number; and
- (5) In the discretion of the commissioner, in any other method the commissioner determines.

(b) The commissioner is authorized and empowered to provide for photographic and photostatic recording of certificate of registration records in such manner as he may deem expedient. The photographic or photostatic copies authorized in this subsection shall be admitted in evidence in all actions and proceedings to the same extent that the originals would have been admitted.

(c) The motor vehicle registration records which the commissioner is required to maintain under this Code section or any other provision are exempt from the provisions of any law of this state requiring that such records be open for public inspection; provided, however, that, subject to subsection (d) of this Code section, the records may be disclosed for use as provided in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and by:

- (1) Any licensed dealer of new or used motor vehicles;
- (2) Any tax collector, tax receiver, or tax commissioner;
- (3) The director of the Environmental Protection Division of the Department of Natural Resources or his or her designee;
- (4) Any private person who has met the requirements of Code Section 40-2-25, provided that the information shall be used for the sole purpose of effectuating the registration or renewal of motor vehicles by electronic or similar means and that the private person requesting the information has entered into an agreement to provide electronic services to the commissioner or a county tag agent; provided, further, that the information made available pursuant to this paragraph for such purpose shall be limited to the vehicle identification number, the license tag number, the date of expiration of registration, and the amount of tax owed;

- (5) A person or entity authorized by the commissioner for use in providing notice to the owners of towed or impounded vehicles; and
- (6) The board established pursuant to Chapter 47 of Title 43 for use in carrying out its functions.

(d) Except as otherwise required in the federal Driver’s Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, personal information furnished under subsection (c) of this Code section shall be limited to the natural person’s name, address, and driver identification number. The personal information obtained by a business under this Code section shall not be resold or redisclosed for any purposes other than those permitted under the federal Driver’s Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, without the written consent of the individual. Furnishing of information to a business under this Code section shall be pursuant to a contract entered into by such business and the state which specifies the consideration to be paid by such business to the state for such information and the frequency of updates.

History.

Code 1981, § 40-2-130, enacted by Ga. L. 1990, p. 2048, § 2; Ga. L. 1996, p. 336, § 13; Ga. L. 1997, p. 739, § 3; Ga. L. 1999, p. 334, § 2; Ga. L. 2000, p. 136, § 40; Ga. L. 2000, p. 951, § 3-16; Ga. L. 2003, p. 484, § 1; Ga. L. 2003, p. 597, § 1; Ga. L. 2004, p. 471, § 8; Ga. L. 2008, p. 803, § 1/HB 945;Ga. L. 2024, p. 1052, § 4(31)/SB 448, effective July 1, 2024;Ga. L. 2025, p. 672, § 5/HB 551, effective January 1, 2026.

Delayed effective date.

Code Section 40-2-130 is set out twice in this Code. This version is effective

January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, deleted “the following” at the end of subsection (c); deleted “and” at the end of paragraph (c)(4); substituted “; and” for a period at the end of paragraph (c)(5); and added paragraph (c)(6).

ARTICLE 7

MOTOR VEHICLE LICENSE FEES AND CLASSES

40-2-151.1. Highway impact fees for heavy vehicles; use of funds.

Editor’s notes.

Ga. L. 2015, p. 236, § 9-1(b)/HB 170, not codified by the General Assembly, provides that: “Tax, penalty, and interest liabilities and refund eligibility for prior taxable years shall not be affected by the passage of this Act and shall continue to be governed by the provisions of Title 48 of

the Official Code of Georgia Annotated as it existed immediately prior to the effective date of this Act.” This Act became effective July 1, 2015. Continued funding was appropriated by the General Assembly in 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2025.

CHAPTER 3

CERTIFICATES OF TITLE, SECURITY INTERESTS, AND LIENS

Article 2		Sec.	
Certificates of Title			
Sec.			inspection; furnishing records for fee; electronic format.
40-3-23.	(Effective until January 1, 2026.) Issuance of certificate of title; maintenance of record of certificates issued; public inspection; furnishing records for fee; electronic format.	40-3-33.	(Effective until January 1, 2026.) Transfer of vehicle to or from dealer; records; application for certificate of title by dealer.
		40-3-33.	(Effective January 1, 2026.) Transfer of vehicle to or from dealer; records; application for certificate of title by dealer.
40-3-23.	(Effective January 1, 2026.) Issuance of certificate of title; maintenance of record of certificates issued; public		

ARTICLE 2

CERTIFICATES OF TITLE

40-3-23. (Effective until January 1, 2026.) Issuance of certificate of title; maintenance of record of certificates issued; public inspection; furnishing records for fee; electronic format.

(a) The commissioner or the commissioner’s duly authorized county tag agent shall file each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle.

(b) The commissioner or the commissioner’s duly authorized county tag agent shall maintain a record of all certificates of title issued:

- (1) Under a distinctive title number assigned to the vehicle;
- (2) Under the identifying number of the vehicle;
- (3) Alphabetically, under the name of the owner;
- (4) Under the vehicle tag registration number; and
- (5) In the discretion of the commissioner, in any other method the commissioner determines.

(c) The commissioner or the commissioner’s duly authorized county tag agent is authorized and empowered to provide for photographic and

photostatic recording of certificate of title records in such manner as the commissioner or the commissioner's duly authorized county tag agent may deem expedient. The photographic or photostatic copies authorized in this subsection shall be sufficient as evidence in tracing of titles of the motor vehicles designated therein and shall also be admitted in evidence in all actions and proceedings to the same extent that the originals would have been admitted.

(d) The motor vehicle records which the commissioner or the commissioner's duly authorized county tag agent is required to maintain under this Code section or any other provision are exempt from the provisions of any law of this state requiring that such records be open for public inspection; provided, however, that, subject to subsection (f) of this Code section, the records may be disclosed for use as provided in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and by the following:

- (1) Any licensed dealer of new or used motor vehicles;
- (2) Any tax collector, tax receiver, or tax commissioner; and

(3) A person or entity authorized by the commissioner for use in providing notice to the owners of towed or impounded vehicles.

(e) In addition to any public inspection of records authorized under subsection (d) of this Code section, motor vehicle records consisting of vehicle description, title status, title brands, last recorded mileage, recorded liens, or recorded security interests which the commissioner or the commissioner's duly authorized county tag agent is required to maintain under this Code section shall, in such manner and under such conditions as prescribed by the commissioner, be furnished individually or in bulk to any person upon payment of a reasonable fee, for any purpose not otherwise prohibited by law, including without limitation for the purpose of providing information to allow for informed motor vehicle purchase and safety decisions. Records furnished in accordance with this subsection may be subsequently transferred to third parties. Personal information of any registrant, including name, address, date of birth, or driver's license or social security number, shall not be furnished or transferred by or to any person pursuant to this subsection.

(f) Except as otherwise required in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, personal information furnished under paragraphs (1), (2), and (3) of subsection (d) of this Code section shall be limited to the natural person's name, address, and driver identification number. The personal information obtained by a business under this Code section shall not be resold or redisclosed for any purposes other than those permitted under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, without the

written consent of the individual. Furnishing of information to a business under this Code section shall be pursuant to a contract entered into by such business and the state which specifies the consideration to be paid by such business to the state for such information and the frequency of updates.

(g) The commissioner may provide by rule or regulation for the maintenance of certificate of title records in electronic format and in a system accessible by authorized users. Electronic evidence of a certificate of title maintained in such system shall serve as an accurate and true depiction of the state issued certificate of title for a vehicle. The commissioner may further provide by rule or regulation for the transfer of certificates of title or grant of security interests therein in electronic format through such system between authorized users. Any such electronic certificates of title or electronic transfers or grants of security interests shall be valid for all lawful purposes.

History.

Ga. L. 1961, p. 68, § 10; Ga. L. 1962, p. 79, § 7; Ga. L. 1969, p. 92, § 1; Ga. L. 1981, p. 473, § 1; Code 1981, § 40-3-24; Ga. L. 1982, p. 1784, §§ 1, 2; Code 1981, § 40-3-23, as redesignated by Ga. L. 1990, p. 2048, § 3; Ga. L. 1997, p. 739, § 7; Ga. L. 2000, p. 951, § 4-4; Ga. L. 2001, p. 1173, § 1-6; Ga. L. 2003, p. 484, § 2; Ga.

L. 2004, p. 471, § 9; Ga. L. 2008, p. 803, § 2/HB 945; Ga. L. 2024, p. 147, § 6/HB 1100, effective April 22, 2024.

Delayed effective date.

Code Section 40-3-23 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

40-3-23. (Effective January 1, 2026.) Issuance of certificate of title; maintenance of record of certificates issued; public inspection; furnishing records for fee; electronic format.

(a) The commissioner or the commissioner's duly authorized county tag agent shall file each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle.

(b) The commissioner or the commissioner's duly authorized county tag agent shall maintain a record of all certificates of title issued:

- (1) Under a distinctive title number assigned to the vehicle;
- (2) Under the identifying number of the vehicle;
- (3) Alphabetically, under the name of the owner;
- (4) Under the vehicle tag registration number; and
- (5) In the discretion of the commissioner, in any other method the commissioner determines.

(c) The commissioner or the commissioner's duly authorized county tag agent is authorized and empowered to provide for photographic and photostatic recording of certificate of title records in such manner as the commissioner or the commissioner's duly authorized county tag agent may deem expedient. The photographic or photostatic copies authorized in this subsection shall be sufficient as evidence in tracing of titles of the motor vehicles designated therein and shall also be admitted in evidence in all actions and proceedings to the same extent that the originals would have been admitted.

(d) The motor vehicle records which the commissioner or the commissioner's duly authorized county tag agent is required to maintain under this Code section or any other provision are exempt from the provisions of any law of this state requiring that such records be open for public inspection; provided, however, that, subject to subsection (f) of this Code section, the records may be disclosed for use as provided in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and by:

(1) Any licensed dealer of new or used motor vehicles;

(2) Any tax collector, tax receiver, or tax commissioner;

(3) A person or entity authorized by the commissioner for use in providing notice to the owners of towed or impounded vehicles; and

(4) The board established pursuant to Chapter 47 of Title 43 for carrying out its functions.

(e) In addition to any public inspection of records authorized under subsection (d) of this Code section, motor vehicle records consisting of vehicle description, title status, title brands, last recorded mileage, recorded liens, or recorded security interests which the commissioner or the commissioner's duly authorized county tag agent is required to maintain under this Code section shall, in such manner and under such conditions as prescribed by the commissioner, be furnished individually or in bulk to any person upon payment of a reasonable fee, for any purpose not otherwise prohibited by law, including without limitation for the purpose of providing information to allow for informed motor vehicle purchase and safety decisions. Records furnished in accordance with this subsection may be subsequently transferred to third parties. Personal information of any registrant, including name, address, date of birth, or driver's license or social security number, shall not be furnished or transferred by or to any person pursuant to this subsection.

(f) Except as otherwise required in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, personal information furnished under paragraphs (1), (2), and (3) of subsection (d) of this

Code section shall be limited to the natural person's name, address, and driver identification number. The personal information obtained by a business under this Code section shall not be resold or redisclosed for any purposes other than those permitted under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, without the written consent of the individual. Furnishing of information to a business under this Code section shall be pursuant to a contract entered into by such business and the state which specifies the consideration to be paid by such business to the state for such information and the frequency of updates.

(g) The commissioner may provide by rule or regulation for the maintenance of certificate of title records in electronic format and in a system accessible by authorized users. Electronic evidence of a certificate of title maintained in such system shall serve as an accurate and true depiction of the state issued certificate of title for a vehicle. The commissioner may further provide by rule or regulation for the transfer of certificates of title or grant of security interests therein in electronic format through such system between authorized users. Any such electronic certificates of title or electronic transfers or grants of security interests shall be valid for all lawful purposes.

History.

Ga. L. 1961, p. 68, § 10; Ga. L. 1962, p. 79, § 7; Ga. L. 1969, p. 92, § 1; Ga. L. 1981, p. 473, § 1; Code 1981, § 40-3-24; Ga. L. 1982, p. 1784, §§ 1, 2; Code 1981, § 40-3-23, as redesignated by Ga. L. 1990, p. 2048, § 3; Ga. L. 1997, p. 739, § 7; Ga. L. 2000, p. 951, § 4-4; Ga. L. 2001, p. 1173, § 1-6; Ga. L. 2003, p. 484, § 2; Ga. L. 2004, p. 471, § 9; Ga. L. 2008, p. 803, § 2/HB 945; Ga. L. 2024, p. 147, § 6/HB 1100, effective April 22, 2024; Ga. L. 2025, p. 672, § 6/HB 551, effective January 1, 2026.

Delayed effective date.

Code Section 40-3-23 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, deleted "the following" at the of the end of subsection (d); deleted "and" at the end of paragraph (d)(2); substituted "; and" for a period at the end of paragraph (d)(3); and added paragraph (d)(4).

40-3-33. (Effective until January 1, 2026.) Transfer of vehicle to or from dealer; records; application for certificate of title by dealer.

(a)(1) Except as provided in paragraph (2) of this subsection, a dealer who buys a vehicle and holds it for resale need not apply to the commissioner for a new certificate of title but may retain the certificate delivered to him. Upon transferring the vehicle to another person other than by the creation of a security interest, such dealer shall promptly execute the assignment and warranty of title by a dealer. Such assignment and warranty shall show the names and addresses of the transferee and any holder of a security interest created or reserved at the time of the resale and the date of his

security agreement, in the spaces provided therefor on the certificate or as the commissioner prescribes. Transfers of vehicles under this Code section shall otherwise conform with Code Section 40-3-32. A dealer selling a previously registered vehicle which under this chapter need not have a certificate of title need not furnish a purchaser of such a vehicle a certificate of title. After a previously registered vehicle has been brought under the terms of this chapter, a dealer, when selling that vehicle, shall conform to all provisions of this chapter.

(2)(A) As used in this paragraph, the term “franchise dealer” means a dealer who under a contract or franchise agreement with a manufacturer, distributor, wholesaler, or importer is authorized to sell new motor vehicles of or for such manufacturer, distributor, wholesaler, or importer and who is authorized to use trademarks or service marks associated with one or more makes of motor vehicles in connection with such sales.

(B) A dealer who is not a franchise dealer who acquires a vehicle for which the original certificate of title has not been issued and who holds such vehicle for resale shall not be exempt from the requirement to obtain a certificate of title in such dealer’s name as provided in paragraph (1) of this subsection. Such dealer shall, as provided in Code Section 40-3-32, obtain a certificate of title in such dealer’s name prior to selling or otherwise transferring said vehicle to any other person or dealer.

(b) Every dealer shall maintain a record, in the form the commissioner prescribes, of every vehicle bought, sold, or exchanged by him, or received by him for sale or exchange. Such record shall be kept for three years and shall be open to inspection by a representative of the commissioner during reasonable business hours.

(c) Except as otherwise provided for in subsection (c) of Code Section 40-3-32, the dealer shall submit a properly completed certificate of title application and proper supporting documents to the commissioner or to the appropriate authorized county tag agent so that the application and supporting documents shall be submitted to the commissioner or the appropriate authorized county tag agent within 30 days from the date of the transfer of the vehicle. If the application and supporting documents are not submitted within that time, the dealer shall be required to pay a penalty of \$10.00 in addition to the ordinary title fee as provided by this chapter. If the documents submitted in support of the title application are rejected, the dealer submitting the documents shall have 60 days from the date of initial rejection to resubmit the documents required by the commissioner for the issuance of title. If the documents are not properly resubmitted within 60 days, there shall be an additional penalty of \$10.00 assessed against the dealer. The willful

failure of a dealer to obtain a certificate of title for a purchaser shall be grounds for suspension or revocation of the dealer's state issued license and registration for the sale of motor vehicles.

(d) All applications for a certificate of title by a motor vehicle dealer shall be submitted to the department electronically. Any motor vehicle dealer who sells no more than ten motor vehicles per month on average as certified by the commissioner may apply on a form prescribed by the commissioner for a waiver from mandatory electronic filing of title applications as required by this subsection. The department shall adopt rules and regulations to administer this subsection.

(e) Any dealer which sells a motor vehicle to a person who is not a resident of the county in which the dealer is located may file an application for title for such motor vehicle with the county tag agent in the county in which the dealer is located.

History.

Ga. L. 1961, p. 68, § 16; Ga. L. 1965, p. 304, § 4; Ga. L. 1981, p. 883, § 6; Code 1981, § 40-3-32; Ga. L. 1985, p. 149, § 40; Ga. L. 1986, p. 438, § 5; Code 1981, § 40-3-33, as redesignated by Ga. L. 1990, p. 2048, § 3; Ga. L. 1992, p. 2785, § 2; Ga. L. 2007, p. 652, § 10/HB 518; Ga. L. 2017, p.

742, § 5/HB 412; Ga. L. 2018, p. 1069, § 1/HB 761.

Delayed effective date.

Code Section 40-3-33 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

40-3-33. (Effective January 1, 2026.) Transfer of vehicle to or from dealer; records; application for certificate of title by dealer.

(a)(1) Except as provided in paragraph (2) of this subsection, a dealer who buys a vehicle and holds it for resale need not apply to the commissioner for a new certificate of title but may retain the delivered certificate. Upon transferring the vehicle to another person other than by the creation of a security interest, such dealer shall promptly execute the assignment and warranty of title by a dealer. Such assignment and warranty shall show the names and addresses of the transferee and any holder of a security interest created or reserved at the time of the resale and the date of the security agreement, in the spaces provided therefor on the certificate or as the commissioner prescribes. Transfers of vehicles under this Code section shall otherwise conform with Code Section 40-3-32. A dealer selling a previously registered vehicle for which a certificate of title is not required under this chapter need not furnish a purchaser of such a vehicle a certificate of title. After a previously registered vehicle has been brought under the terms of this chapter, a dealer, when selling that vehicle, shall conform to all provisions of this chapter.

(2)(A) As used in this paragraph, the term “franchise dealer”

means a dealer who under a contract or franchise agreement with a manufacturer, distributor, wholesaler, or importer is authorized to sell new motor vehicles of or for such manufacturer, distributor, wholesaler, or importer and who is authorized to use trademarks or service marks associated with one or more makes of motor vehicles in connection with such sales.

(B) A dealer who is not a franchise dealer who acquires a vehicle for which the original certificate of title has not been issued and who holds such vehicle for resale shall not be exempt from the requirement to obtain a certificate of title in such dealer's name as provided in paragraph (1) of this subsection. Such dealer shall, as provided in Code Section 40-3-32, obtain a certificate of title in such dealer's name prior to selling or otherwise transferring said vehicle to any other person or dealer.

(b) Every dealer shall maintain a record, in the form the commissioner prescribes, of every vehicle bought, sold, or exchanged or received for sale or exchange. Such record shall be kept for three years and shall be open to inspection by a representative of the commissioner during reasonable business hours. The information contained in records maintained by a dealer pursuant to this subsection shall be an accurate representation of the transaction, and no alternative versions of records shall be produced for a purchaser with information which differs from that contained in records maintained for inspection by the department.

(c) Except as otherwise provided for in subsection (c) of Code Section 40-3-32, the dealer shall submit a properly completed certificate of title application and proper supporting documents to the commissioner or to the appropriate authorized county tag agent so that the application and supporting documents shall be submitted to the commissioner or the appropriate authorized county tag agent within 30 days from the date of the transfer of the vehicle. If the application and supporting documents are not submitted within that time, the dealer shall be required to pay a penalty of \$10.00 in addition to the ordinary title fee as provided by this chapter. If the documents submitted in support of the title application are rejected, the dealer submitting the documents shall have 60 days from the date of initial rejection to resubmit the documents required by the commissioner for the issuance of title. If the documents are not properly resubmitted within 60 days, there shall be an additional penalty of \$10.00 assessed against the dealer. The willful failure of a dealer to obtain a certificate of title for a purchaser shall be grounds for suspension or revocation of the dealer's state issued license and registration for the sale of motor vehicles.

(d) All applications for a certificate of title by a motor vehicle dealer shall be submitted to the department electronically. Any motor vehicle

dealer who sells no more than ten motor vehicles per month on average as certified by the commissioner may apply on a form prescribed by the commissioner for a waiver from mandatory electronic filing of title applications as required by this subsection. The department shall adopt rules and regulations to administer this subsection.

(e) Any dealer which sells a motor vehicle to a person who is not a resident of the county in which the dealer is located may file an application for title for such motor vehicle with the county tag agent in the county in which the dealer is located.

(f) The department shall be authorized to assess a civil penalty against a dealer of up to \$500.00 for each sales transaction conducted in violation of subsection (b) of this Code section.

(g) The department is authorized to promulgate rules and regulations necessary to effectuate the provisions of this Code section.

History.

Ga. L. 1961, p. 68, § 16; Ga. L. 1965, p. 304, § 4; Ga. L. 1981, p. 883, § 6; Code 1981, § 40-3-32; Ga. L. 1985, p. 149, § 40; Ga. L. 1986, p. 438, § 5; Code 1981, § 40-3-33, as redesignated by Ga. L. 1990, p. 2048, § 3; Ga. L. 1992, p. 2785, § 2; Ga. L. 2007, p. 652, § 10/HB 518; Ga. L. 2017, p. 742, § 5/HB 412; Ga. L. 2018, p. 1069, § 1/HB 761; Ga. L. 2025, p. 672, § 7/HB 551, effective January 1, 2026.

Delayed effective date.

Code Section 40-3-33 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, in paragraph (a)(1), substituted “delivered certificate” for “certificate delivered to him” in the first sentence, substituted “the security” for “his security” in the third sentence, and substituted “for which a certificate of title is not required under this chapter” for “which under this chapter need not have a certificate of title” in the fifth sentence; in subsection (b), substituted “exchanged or received” for “exchanged by him, or received by him” in the first sentence and added the last sentence; and added subsections (f) and (g).

CHAPTER 5

DRIVERS' LICENSES

Article 2

Issuance, Expiration, and Renewal of Licenses

Sec.

40-5-29. License to be carried and exhibited on demand.

Article 5

Identification Cards

40-5-100. Application; contents of

Sec.

card; prohibition on possession of more than one card; optional contributions to and participation in voluntary programs.

ARTICLE 1
GENERAL PROVISIONS

40-5-1. Definitions.

JUDICIAL DECISIONS

Definition of “conviction.” Trial court did not err by suspending defendant’s driver’s license after she pled guilty as a first offender to homicide by vehicle because defendant’s guilty plea	constituted a “conviction” as defined in O.C.G.A. § 40-5-1. <i>Smith v. State</i> , 372 Ga. App. 535, 905 S.E.2d 189, 2024 Ga. App. LEXIS 323 (2024).
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ARTICLE 2
ISSUANCE, EXPIRATION, AND RENEWAL OF LICENSES

RESEARCH REFERENCES

ALR.
Change of gender or sex on government id, records, or forms, 77 A.L.R.7th 2.

40-5-22. Issuance of instruction permit or driver’s license to person under 18 years of age; persons not to be licensed.

Cross references.
Support for students chronically absent, § 20-2-690.3.

40-5-29. License to be carried and exhibited on demand.

(a) Every licensee shall have his or her driver’s license in his or her immediate possession at all times when operating a motor vehicle. Any person who has a receipt issued by the department reflecting issuance, renewal, replacement, or reinstatement of his or her driver’s license in his or her immediate possession shall be considered to have such license in his or her immediate possession if such is confirmed to be valid by the department or through the Georgia Crime Information Center. The department may establish by rule and regulation the term of such receipt. Notwithstanding the foregoing, no receipt issued by the department shall be accepted as proof of such person’s identity for any other purpose, including but not limited to proof of voter identification or proof of age for purposes of purchasing alcoholic beverages.

(b)(1) Every licensee required pursuant to subsection (a) of this Code section to possess his or her license shall display his or her license upon the demand of a law enforcement officer. When records of the department indicate that the department has issued a licensee a

license in an electronic format and a law enforcement officer possesses the proper equipment, such law enforcement officer shall accept such license upon a wireless telecommunications device as satisfactory proof of compliance with the requirements of this Code section. A licensee issued a license in an electronic format shall not be compelled to display an electronic format of his or her license when such licensee displays the physical format of his or her license upon the demand of a law enforcement officer.

(2) Any person utilizing a wireless telecommunications device to display his or her license in electronic format in order to comply with subsection (a) of this Code section shall not be considered to have consented to a search of such device by a law enforcement officer. No person shall be compelled to release his or her wireless telecommunications device to a law enforcement officer pursuant to this Code section.

(3) As used in this subsection, the term “wireless telecommunications device” shall have the same meaning as set forth in Code Section 40-6-241.

(4) By July 1, 2027, all law enforcement officers shall acquire equipment capable of verifying a license issued in an electronic format.

(c) A person convicted of a violation of subsection (a) of this Code section shall be fined no more than \$10.00 if he or she produces in court a license theretofore issued to him or her and valid at the time of his or her arrest.

History.

Ga. L. 1937, p. 322, art. 4, § 7; Ga. L. 1951, p. 598, § 4; Code 1933, § 68B-210, enacted by Ga. L. 1975, p. 1008, § 1; Ga. L. 1990, p. 2048, § 4; Ga. L. 2014, p. 710, § 2-2/SB 298; Ga. L. 2020, p. 199, § 3-3/HB 463; Ga. L. 2025, p. 627, § 4/HB 296, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, rewrote paragraph (b)(1); added the second sentence of paragraph (b)(2); in paragraph (b)(3), substituted “As used in” for “For purposes of” and “set forth” for “provided”; and added paragraph (b)(4).

RESEARCH REFERENCES**ALR.**

Automobiles: necessity or emergency as defense in prosecution for driving without

operator’s license or while license is suspended, 7 A.L.R.5th 73.

ARTICLE 3
CANCELLATION, SUSPENSION, AND REVOCATION OF
LICENSES

40-5-54. **Mandatory suspension of license; notice of suspension.**

JUDICIAL DECISIONS

Defendant’s driver’s license was properly suspended, etc.
Trial court did not err by suspending defendant’s driver’s license after she pled guilty as a first offender to homicide by

vehicle because defendant’s guilty plea constituted a “conviction” as defined in O.C.G.A. § 40-5-1. *Smith v. State*, 372 Ga. App. 535, 905 S.E.2d 189, 2024 Ga. App. LEXIS 323 (2024).

40-5-67.1. **Chemical tests; implied consent notices; rights of motorists; test results; refusal to submit; suspension or disqualification; administrative license suspension hearing and review; inspection and certification of breath-testing instruments.**

JUDICIAL DECISIONS

ANALYSIS

GENERAL CONSIDERATION
ADVISEMENT TO DRIVER OF RIGHTS

General Consideration

Constitutionality of implied consent notice. — Implied consent warning did not unconstitutionally coerce the defendant into consenting to a blood test, as it clearly informed the defendant of the right to refuse testing and of the consequences thereof. *La Anyane v. State*, 321 Ga. 312, 913 S.E.2d 635, 2025 Ga. LEXIS 41 (2025).

Advisement to Driver of Rights

Implied consent warning was not rendered defective, etc. While the implied consent notice contained misleading information, it did not render the notice unconstitutionally coercive on its face. *Losurdo v. State*, 374 Ga. App. 308, 912 S.E.2d 332, 2025 Ga. App. LEXIS 43 (2025).

ARTICLE 5
IDENTIFICATION CARDS

40-5-100. **Application; contents of card; prohibition on possession of more than one card; optional contributions to and participation in voluntary programs.**

(a) The department shall issue identification cards to any resident, as such term is defined in Code Section 40-5-1, who makes an application to the department in accordance with rules and regulations prescribed by the commissioner. Cards issued to applicants under 21

years of age shall contain the distinctive characteristics of drivers' licenses issued pursuant to Code Section 40-5-26. The identification card shall be similar in form but distinguishable in color from motor vehicle drivers' licenses, shall be in physical format and, upon election of the applicant, in an electronic format, and may contain a recent photograph of the applicant and include the following information:

- (1) Full legal name;
- (2) Address of residence;
- (3) Birth date;
- (4) Date identification card was issued;
- (5) Sex;
- (6) Height;
- (7) Weight;
- (8) Eye color;
- (9) Signature of person identified or facsimile thereof;

(10) Designation of participation in an anatomical gift donation program when such person is eligible to make such gift pursuant to Code Section 44-5-142; and

(11) Such other information or identification as required by the department; provided, however, that the department shall not require an applicant to submit or otherwise obtain from an applicant any fingerprints or any other biological characteristic or information which uniquely identifies an individual, including without limitation deoxyribonucleic acid (DNA) and retinal scan identification characteristics but not including a photograph, by any means upon application.

(b) An identification card issued pursuant to this Code section shall be valid for a period of eight years, shall bear the signatures of the commissioner and the Governor, and shall bear an identification card number which shall not be the same as the social security number.

(c)(1) No person may possess more than one identification card issued pursuant to this Code section; provided, however, that this subsection shall not be construed to prevent a person issued a driver's license, instruction permit, or limited driving permit pursuant to this title from also possessing an identification card issued under this article.

(2)(A) Any person who applies for an identification card shall indicate on such application whether he or she is in possession of any other valid identification card, driver's license, instruction

permit, or limited driving permit issued pursuant to this title or by any other jurisdiction.

(B) Except as provided in paragraph (3) of this subsection, each applicant for an identification card shall surrender to the department any valid identification card, driver's license, instruction permit, or limited driving permit previously issued pursuant to this title or by any other jurisdiction. The department shall physically mark any surrendered identification card, driver's license, instruction permit, or limited driving permit in a manner which makes it apparent that such card, license, or permit is no longer valid and return the card, license, or permit to such person.

(C) The department shall issue a receipt to a person eligible to be issued an identification card pursuant to the requirements of this title. Such receipt may be used as proof of issuance until the person has received his or her permanent identification card.

(D) If a surrendered identification card, driver's license, instruction permit, or limited driving permit was issued by another jurisdiction, the department shall forward the surrendered card, license, or permit information to the previous jurisdiction.

(3)(A) Any noncitizen who is eligible for issuance of an identification card pursuant to the requirements of this title and is in possession of an identification card or driver's license issued by a foreign jurisdiction may be issued an identification card without surrendering the foreign driver's license or identification card. This exemption shall not apply to a person who is required to terminate any previously issued identification card pursuant to federal law.

(B) The department shall make a notation on the driving record of any person who retains a foreign identification card or driver's license, and this information shall be made available to law enforcement officers and agencies on such person's driving record through the Georgia Crime Information Center.

(d) An application for identification card renewal may be submitted by:

(1) Personal appearance before the department; or

(2) Subject to rules or regulations of the department which shall be consistent with considerations of public safety and efficiency of service to customers, means other than such personal appearance which may include without limitation by mail or electronically. The department may by such rules or regulations exempt persons renewing identification cards under this paragraph from the surrender requirement in this Code section.

(e)(1) The General Assembly finds that it is in the best interest of this

state to encourage improved public education and awareness regarding anatomical gifts of human organs and tissues and to address the ever increasing need for donations of anatomical gifts for the benefit of the citizens of Georgia.

(2) The department shall make available to procurement organizations or secure data centers maintained and managed at the direction of a procurement organization information provided for in Article 6 of Chapter 5 of Title 44, the "Georgia Revised Uniform Anatomical Gift Act," including the name, identification card number, date of birth, gender, and most recent address of any person who obtains an organ donor identification card; provided, however, that the gender information shall be made available only to a procurement organization or secure data center if such organization or center has sufficient funds to cover the associated costs of providing such information. Information so obtained by such organizations and centers shall be used for a state-wide organ donor registry accessible to organ tissue and eye banks authorized to function as such in this state and shall not be further disseminated.

(f)(1) The General Assembly finds that it is in the best interest of this state to encourage improved public education and awareness regarding blindness and to address the need for blindness prevention screenings, treatments, and rehabilitation for the benefit of the citizens of Georgia.

(2) Each application form for issuance, reissuance, or renewal of an identification card under this Code section shall include language permitting the applicant to make a voluntary contribution of \$1.00 to be used for purposes of preventing blindness and preserving the sight of residents of this state. Any such voluntary contribution shall be made at the discretion of the applicant at the time of application in addition to payment of the identification card fee prescribed by the commissioner.

(3) Voluntary contributions made pursuant to this subsection shall be transmitted to the Department of Public Health for use thereby in providing the blindness education, screening, and treatment program provided by Code Section 31-1-23.

(g) Any eligible applicant child or youth 14 to 17 years of age who does not have an address of residence or is in the legal custody of the Division of Family and Children Services of the Department of Human Services shall not be required to have a parent, guardian, or responsible adult sign or verify the application for an identification card.

History.

Ga. L. 1973, p. 807, § 1; Ga. L. 1976, p. 1421, § 2; Ga. L. 1984, p. 1674, § 1; Ga. L. 1986, p. 395, § 1; Ga. L. 1988, p. 897, § 4; Ga. L. 1990, p. 1913, § 2; Ga. L. 1990, p. 2048, § 4; Ga. L. 1992, p. 2785, § 20; Ga.

L. 1995, p. 920, § 4; Ga. L. 1996, p. 1250, § 7; Ga. L. 1997, p. 1443, § 2; Ga. L. 2000, p. 951, §§ 5-45, 5-46; Ga. L. 2004, p. 631, § 40; Ga. L. 2005, p. 334, § 17-23/HB 501; Ga. L. 2005, p. 1122, § 4/HB 577; Ga. L. 2008, p. 1154, § 5/SB 488; Ga. L. 2010, p. 932, § 18/HB 396; Ga. L. 2014, p. 710, § 7-1/SB 298; Ga. L. 2015, p. 60, § 4-20/SB 100; Ga. L. 2016, p. 385, § 9/HB 806; Ga. L. 2017, p. 184, § 5/HB 136; Ga. L. 2020, p. 199, § 3-4/HB 463; Ga. L. 2024,

p. 323, § 1/SB 387, effective July 1, 2024; Ga. L. 2024, p. 1052, § 4(56)/SB 448, effective July 1, 2024; Ga. L. 2025, p. 1029, § 40(3)/SB 153, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted “an identification card” for “a identification card” in paragraph (f)(2).

ARTICLE 6

MISCELLANEOUS OFFENSES AND JURISDICTION OF OFFENSES

40-5-120. Unlawful use of license or identification card; penalties for violations of chapter generally.

RESEARCH REFERENCES

ALR.

Automobiles: necessity or emergency as defense in prosecution for driving without

operator’s license or while license is suspended, 7 A.L.R.5th 73.

40-5-122. Permitting unlicensed person to drive.

RESEARCH REFERENCES

ALR.

Automobiles: necessity or emergency as defense in prosecution for driving without

operator’s license or while license is suspended, 7 A.L.R.5th 73.