

House Bill 540

By: Representatives Scott of the 76th, Davis of the 87th, Hopson of the 153rd, Jackson of the 64th, and Williams of the 168th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 2 of Title 40 and Part 2 of Article 10 of Chapter 5 of Title 48
2 of the Official Code of Georgia Annotated, relating to prestige license plates and special
3 plates for certain persons and vehicles and ad valorem taxation of motor vehicles,
4 respectively, so as to provide for two types of special and distinctive license plates for
5 disabled veterans; to authorize parking in specially designated parking areas upon display of
6 certain special and distinctive license plates for disabled veterans; to provide for a motor
7 vehicle ad valorem tax exemption; to provide for related matters; to provide for an effective
8 date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
12 prestige license plates and special plates for certain persons and vehicles, is amended by
13 repealing and designating as reserved, Code Section 40-2-70, relating to special license plates
14 for disabled veterans not qualifying under Code Section 40-2-69.

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15 **SECTION 2.**

16 Said article is further amended by revising Section 40-2-71, relating to design of disabled
17 veteran plates and restrictions on issuance and transfer, as follows:

18 "40-2-71.

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

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

28 (c) No disabled veteran shall be entitled to own or operate more than one vehicle with the
29 free license plates provided by Code Sections 40-2-69, ~~40-2-70~~, and ~~this Code section~~ and
30 40-2-85.1."

31 **SECTION 3.**

32 Said article is further amended in Code Section 40-2-74.1, relating to temporary, permanent,
33 and special permanent parking permits for persons with disabilities, by revising subsection
34 (d) as follows:

35 "(d) Any individual to whom a specially designated disabled veteran's license plate has
36 been issued pursuant to ~~Code Sections 40-2-69 through 40-2-72~~ Code Section 40-2-69 and
37 any individual to whom a specially designated disabled person's license plate has been
38 issued pursuant to Code Section 40-2-74 shall be authorized to park the passenger motor
39 vehicle on which the specially designated license plate is attached in a parking place for

40 persons with disabilities without the necessity of obtaining a parking permit for persons
41 with disabilities pursuant to this Code section."

42 **SECTION 4.**

43 Said article is further amended by revising Code Section 40-2-85.1, relating to special and
44 distinctive license plates for certain veterans, as follows:

45 "40-2-85.1.

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

47 (1) 'Disabled veteran' means a former member of the armed forces of the United States
48 who is discharged from the armed forces under conditions other than dishonorable who
49 is disabled but who cannot qualify for a special license plate under Code Section 40-2-69
50 or elects not to obtain a special license plate pursuant to such Code section.

51 ~~(1)~~(2) 'Military medal award' means the following medals, decorations, or other
52 recognition of honor for military service awarded by a branch of the United States
53 military:

- 54 (A) Medal of Honor;
- 55 (B) Bronze Star Medal;
- 56 (C) Silver Star Medal;
- 57 (D) Distinguished Service Cross;
- 58 (E) Navy Cross;
- 59 (F) Air Force Cross;
- 60 (G) Defense Distinguished Service Medal;
- 61 (H) Homeland Security Distinguished Service Medal;
- 62 (I) Distinguished Service Medal;
- 63 (J) Navy Distinguished Service Medal;
- 64 (K) Air Force Distinguished Service Medal;
- 65 (L) Coast Guard Distinguished Service Medal;

- 66 (M) Defense Superior Service Medal;
 67 (N) Legion of Merit;
 68 (O) Distinguished Flying Cross;
 69 (P) Purple Heart;
 70 (Q) Air Medal;
 71 (R) Soldier's Medal; and
 72 (S) Meritorious Service Medal.

73 ~~(2)~~(3) 'Served during active military combat' means active duty service in World War I;
 74 World War II;
 75 the Korean War;
 76 the Vietnam War;
 77 Operation Desert Storm;
 78 the Global War on Terrorism as defined by Presidential Executive Order 13289, Section 2;
 79 the war in Afghanistan;
 80 or the war in Iraq, which includes either Operation Iraqi Freedom or
 81 Operation Enduring Freedom.

82 ~~(3)~~(4) 'Veteran' means a former member of the armed forces of the United States who
 83 is discharged from the armed forces under conditions other than dishonorable.

84 (5) 'Woman disabled veteran' means a former member of the armed forces of the United
 85 States who is female and discharged from the armed forces under conditions other than
 86 dishonorable who is disabled but who cannot qualify for a special license plate under
 87 Code Section 40-2-69 or elects not to obtain a special license plate pursuant to such Code
 88 section.

89 ~~(4)~~(6) 'Woman veteran' and 'women veterans' ~~means former members~~ means a former
 90 member of the armed forces of the United States who ~~are~~ is female and discharged from
 91 the armed forces under conditions other than dishonorable.

92 (b)(1) Motor vehicle and trailer owners who are veterans, women veterans, disabled
 93 veterans, or women disabled veterans;
 94 who have received a military medal award;
 95 or who served during active military combat shall be eligible to receive special and
 96 distinctive vehicle license plates for private passenger cars, motorcycles, trucks, ~~or~~
 97 recreational vehicles used for personal transportation, and trailers. Such license plates

93 shall be issued in compliance with the state motor vehicle laws relating to registration and
94 licensing of motor vehicles as prescribed in Article 2 of this chapter.

95 (2)(A) Motor vehicle and trailer owners who are veterans, women veterans, disabled
96 veterans, or women disabled veterans; who have received a military medal award; or
97 who served during active military combat shall be issued upon application for and upon
98 compliance with the state motor vehicle laws relating to registration and licensing of
99 motor vehicles a veteran's license plate, a woman veteran's license plate, a disabled
100 veteran's license plate, a woman disabled veteran's license plate, a military medal award
101 recipient license plate, or a commemorative service license plate for service during
102 active military combat. One such license plate shall be issued without the requisite
103 registration fee, manufacturing fee, or annual registration fee.

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

112 (c) The commissioner shall design a veteran's license plate, a woman veteran's license
113 plate, a disabled veteran's license plate, a woman disabled veteran's license plate, a military
114 medal award recipient license plate, and a license plate to commemorate service with the
115 United States armed forces during active military combat. The commissioner shall
116 promulgate such rules and regulations as may be necessary to enforce compliance with all
117 state license laws relating to the use and operation of private passenger cars, motorcycles,
118 trucks, recreational vehicles used for personal transportation, and trailers before issuing
119 such license plates in lieu of the regular Georgia license plates. ~~The manufacturing fee for~~

120 ~~such special and distinctive license plates shall be \$25.00.~~ The commissioner is
121 specifically authorized to promulgate all rules and regulations necessary to ensure
122 compliance in instances where such vehicles have been transferred or sold. Except as
123 provided in subsection (e) of this Code section, such plates shall be nontransferable.

124 (d) The special and distinctive vehicle license plates shall be as prescribed in Article 2 of
125 this chapter for private passenger cars, motorcycles, trucks, recreational vehicles, ~~and~~
126 ~~trailers~~ used for personal transportation, and trailers. Such plates shall contain such words
127 or symbols, in addition to the numbers and letters prescribed by law, so as to identify
128 distinctively the owners who are veterans, woman veterans, disabled veterans, or woman
129 disabled veterans; who are recipients of a military medal award; or who served during
130 active military combat and shall additionally identify distinctly the owner as a current or
131 former member of one of the following branches of the armed forces of the United States:
132 Army, Navy, Marines, Air Force, or Coast Guard.

133 (e) The license plate issued pursuant to this Code section shall be transferred between
134 vehicles as provided in Code Section 40-2-80. The spouse of a deceased veteran or of a
135 deceased person who received a military medal award or who served during active military
136 combat shall continue to be eligible to be issued a distinctive personalized license plate as
137 provided in this Code section for any vehicle owned by such person, ownership of which
138 is transferred to the surviving spouse or for any other vehicle owned by such surviving
139 spouse either at the time of the qualifying person's death or acquired thereafter, so long as
140 such surviving spouse does not remarry.

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

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

150

SECTION 5.

151 Part 2 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
152 relating to ad valorem taxation of motor vehicles, is amended by revising Code Section
153 48-5-478, relating to constitutional exemption from ad valorem taxation for disabled
154 veterans, as follows:

155 "48-5-478.

156 (a) A motor vehicle owned by or leased to a disabled veteran who is a citizen and resident
157 of this state ~~and on which such disabled veteran actually places the free disabled veteran~~
158 ~~motor vehicle license plate he or she receives pursuant to Code Section 40-2-69~~ is hereby
159 exempted from all ad valorem taxes for state, county, municipal, and school purposes. As
160 used in this Code section, the term 'disabled veteran' shall have the same meaning as that
161 term is defined in paragraph (1) of subsection (a) of Code Section 48-5-48.

162 (b) Once a disabled veteran has established his or her eligibility for such ad valorem tax
163 exemption by being 100 percent totally disabled, he or she shall be entitled to receive such
164 ad valorem tax exemption in succeeding years thereafter. A disabled veteran who claims
165 100 percent total disability shall furnish proof of such disability through a letter from the
166 United States Department of Veterans Affairs.

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

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

176 (e) The ad valorem tax exemption provided for in this Code section shall be limited to one
177 motor vehicle owned or leased by a disabled veteran."

178 **SECTION 6**

179 This Act shall become effective upon its approval by the Governor or upon its becoming law
180 without such approval.

181 **SECTION 7.**

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